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Canadian court told religion protects cult

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From Sun reports

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TORONTO—A search warrant used to raid the Church of Scientology's headquarters here should be quashed because sect members could not commit a fraud while practicing their faith, the Clearwater-based organization's lawyer told the Ontario Supreme Court.

Clayton Ruby said the Church of Scientology is protected by the guarantee of freedom of religion under the Canadian Charter of Rights and Freedoms.

The Ontario Provincial Police used the search warrant to seize more than 200,000 documents from the group's Toronto headquarters in March 1983, including about 750 folders—called PC and ethics files—the organization claims are its equivalent to confessions.

About 6,000 other files the sect claims are of a lawyer/client privilege nature are also being argued over and the sect is seeking return of all the files.

The contested documents have been sealed by court order and no charges have been filed against the group or any of its members.

The warrant said the raid, which culminated a two-year in-

□ Church wants legal costs from ex-Mayor Gabe Cazares, 2B

vestigation, was conducted in hopes of providing police with evidence the group was involved in tax and consumer fraud.

Police alleged that L. Ron Hubbard, founder of Scientology, his wife Mary Sue, the organization's Toronto branch and several employees defrauded the public by making fraudulent representations about several of the group's courses and a device called the E-Meter.

But Ruby told Mr. Justice John Oslar that the courses are spiritual and the E-Meter is a device used during auditing, the group's confessional. He has said he fears investigators will use information contained in the confessional files to bring criminal charges against sect members.

Ruby said Chief Provincial Court Judge Frederick Hayes should not have issued the warrant because the judge knew police information showed group members believed in the spiritual value of the courses and the E-



L. RON HUBBARD

Meter.

A search warrant must state an offense known to law or it is invalid, Ruby said.

If a member of a church sells a book that says baptism is necessary for salvation, the statement may not be true, "but nobody can charge you with fraud for selling that book," he said.

"You cannot have freedom of religion if you know that to promulgate your beliefs by selling tracts, books, artifacts means you can be charged with fraud."

The provincial police told Hayes the E-Meter is a galvanometer with aluminum cans held by an
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* Sect

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individual during confession. The group sold the device to members at "costly prices in no way related to the real value of such things," police said.

Ruby said a rosary "is just a bunch of beads on a piece of string, purchasable for two cents.

It is the purpose to which a religious artifact is put, not how it is made."

Crown Counsel Bonnie Wein countered that although human sacrifice and smoking marijuana are considered by some religions to be valid parts of their faith, Canadian courts have ruled them criminal offenses.

Before Justice Oslar will allow the sect to argue the legality of the search warrant, Ruby must prove that priest/parishoner privilege exists under Canadian law and then further must prove that Scientology is, indeed, a religion. Ruby said, if the proceedings get that far, he will call experts from across North America to testify to the religious nature of the sect.