

Clearwater Sun

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Court told sect raid should have been restricted

From Sun reports

TORONTO—A 158-page search warrant Ontario Provincial Police used to raid the headquarters of the Church of Scientology in Toronto last year should have been restricted to prevent a massive search and seizure of church records and artifacts, a lawyer for the Clearwater-based church says.

Marlys Edwardh, a lawyer representing the Church of Scientolo-

gy of Toronto, told Ontario Supreme Court Justice John Osler that a higher standard must be applied by police when they search a church, even if the church is the target of an investigation.

More than 100 policemen raided the Church of Scientology on March 4, 1983. They remained on the premises for 24 hours and confiscated more than 200,000 documents, including about 750 re-

ords the sect claims are of a "confessional" nature.

Ms. Edwardh, noting Canada's Charter of Rights and Freedoms guarantees freedom of religion, asked the judge: "Is the target of an investigation a second class citizen under the charter?"

A warrant issued for searching a church should have restrictions placed on it by the issuing justice of the peace so that the rights of both clergy and parishioners can

be respected, particularly if the church practices confession, she said.

But at issue is whether Scientology is, indeed, a recognizable religion in Ontario and whether there exists under Canadian law a priest/parishoner privilege of confidential communication.

The sect is asking Osler to quash the search warrant and or-

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* Sect

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der the seized documents returned.

The contested records have been sealed by court order while Osler hears arguments to have the warrant

quashed. Although the warrant named a number of individuals suspected of criminal activity, no charges have been filed against the Church of Scientology or any of its members.