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Scientology Suit Against Ex-Archivist Waits for Courtroom

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City News Service

The trial of a Church of Scientology suit against a former member and archivist needs a judge and a courtroom to get the battle under way over custody of 10,000 pages of sensitive documents, most of which belong to church founder L. Ron Hubbard.

The church's attorney says he is trying to protect Hubbard's right to privacy by keeping the documents, which are currently under court seal, secret. But the defendant, Gerald Armstrong, contends that the public has a right to see them because they reveal alleged fraud committed by Hubbard and the church, charges the church denies.

Because of a Los Angeles Superior Court case backlog, the trial, known officially as *Church of Scientology and Mary Sue Hubbard v. Gerald Armstrong*, has been trailed on a day-to-day basis until a courtroom and judge can be secured. Mary Sue Hubbard is the wife of L. Ron Hubbard.

Hubbard's four-year seclusion is expected to be the subject of an unusual element in the trial of the suit, which was filed nearly two years ago.

The church founder has not made himself available during the pretrial proceedings and is not expected to emerge during the trial. Therefore, the authenticity of a letter purportedly written by Hubbard, and whether it can be used as evidence, is expected to come into play.

In the letter, dated Feb. 3, 1983, Hubbard asks that the boxes of personal journals and letters be turned over to the church. A sworn affidavit accompanying the letter quotes a

handwriting and fingerprint expert as saying that Hubbard had, indeed, written the letter.

The attorney for Armstrong is expected to challenge the letter during the trial, while it is anticipated that the lawyer for the church will seek to use it in proving the Scientologists' case.

Church officials are trying to retrieve the thousands of pages of documents which were allegedly taken by the 37-year-old Armstrong, who was a member of the church

documents and records that have been hitherto unknown to the public," court papers said.

"It appears," the court documents allege, "that Armstrong may have given thousands of documents to Mr. Garrison on Dec. 12, 1981, in the belief that by subsequently obtaining the same documents from Mr. Garrison he would not be guilty of theft or conversion."

The 10,000 pages of documents are sealed and in the custody of the court, pending the

suits against the Scientologists.

In addition to seeking unspecified damages against Armstrong, Litt is hoping to convince the court to give the church custody of the documents and to grant an injunction prohibiting Armstrong from revealing their contents.

But to some extent, the information allegedly contained in the church papers already have been made public through allegations in court documents.

In court papers filed by Armstrong, the former church archivist alleged that "materials and documents collected by him... in many respects reveal a consistent pattern of fraud perpetrated by Hubbard through his agent, the plaintiff, upon members of the Church of Scientology and the public at large."

And in a countersuit he filed against the church for infliction of emotional distress and harassment, which will be heard at a later trial, he detailed the alleged fraud.

"It was falsely and fraudulently represented to (Armstrong) through biographical publications written by cross-defendant Hubbard and distributed by cross-defendant Church of Scientology... that... Hubbard had served four years in actual combat... and was crippled and blinded in World War II but healed himself completely through Dianetic auditing."

The Armstrong suit goes on to allege that Hubbard did not suffer any combat wounds in World War II and did not cure blindness resulting from war wounds through Dianetics, a form of spiritual counseling practiced in Scientology.

The church aims to show that Armstrong invaded the privacy of the Hubbards and breached a trust when he allegedly kept documents and then released them to attorneys representing former church members and others who had filed suits against the Scientologists.

from 1969 to 1981 and served as its archivist the last two years of that period.

Armstrong was compiling information for an author, Omar Garrison, who was planning to write a biography of Hubbard that was authorized by the church. According to court documents, Armstrong supplied many of Hubbard's personal letters to Garrison and kept many of them after leaving the church in 1981.

To assist Garrison, the church gave him "the entire archives' collection, including

outcome of the trial which attorneys say could last for weeks.

In large part, however, the length of the trial will depend on its scope.

Church attorney Barry Litt said he wants to keep the issues narrow. His main objective is to show that Armstrong invaded the privacy of the Hubbards and breached the trust placed in him by the church when he allegedly kept documents and then released them to attorneys representing former church members and others who had filed