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Litigation keeps sect on defense

By ^{Scient.}GEORGE-WAYNE SHELOR
Sun staff writer

The Church of Scientology is mounting legal pressure in courts worldwide to explain its actions, policies, beliefs and inner workings.

In the United States, Canada and Europe, Scientology is under ever-increasing scrutiny by law enforcement agencies, courts and even governments.

And a ruling handed down last week by a Los Angeles Superior Court judge may complicate the legal proceedings involving the Clearwater-based sect.

Judge Paul G. Breckenridge stated in an intended ruling Thursday that Scientology founder L. Ron Hubbard is the sect's "alter ego," a ruling which some lawyers say makes the reclusive Hubbard directly responsible for all sect actions.

If that is true, Hubbard—last seen publicly in 1979 and now in "self-imposed seclusion"—may soon have to appear in court, or face having much of his assets stripped from him by default, Boston Lawyer Michael Flynn said.

Breckenridge made the ruling in a civil trial in which the sect and Hubbard's wife, Mary Sue, sued former Scientology archivist Gerald Armstrong for the return of thousands of documents he took when he fled the sect's Los Angeles branch.

Although Breckenridge found Armstrong had invaded the Hubbards' privacy, he said the invasion was slight, and exonerated the 37-year-old man of any wrongdoing. Sect attorneys Friday appealed Breckenridge's decision.

Immediately after the ruling, Armstrong flew to London to testify in another trial involving the sect.

In Munich, Germany, last month, law enforcement officials raided sect buildings and homes of sect members during an investigation into the sect's status as a non-profit organization. According to

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* Court

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German newspaper reports, documents were seized in the raid involving about 100 police officers.

German authorities are investigating the sect for suspected fraud, blackmail and for possibly practicing "holistic medicine illegally," according to *Suddeutsche Zeitung Muenchen*, a Munich newspaper.

The paper said the investigation was prompted by complaints from former members who contend they were promised "salvation of one's soul" by taking courses that cost 7,000 German marks for 12 hours of counseling.

Maria Stoffel, spokeswoman for the sect in Munich, was quoted as saying of the raid and seizures: "We are outraged by this arbitrary action. None of the accusations are truthful (and) this is religious persecution modern-style."

However, Munich District Attorney Oberstaatsanwalt Emmrich told the *Clearwater Sun* that authorities pay little heed to sect claims of religious persecution because Scientology is not recognized as such in Germany.

He said German authorities are investigating Scientology as a profit-making organization because no one gets anything "for the love of God" (for free).

In Canada, the Ontario Provincial Police executed a search warrant last year and seized about 200,000 sect documents and other materials as part of a continuing investigation into alleged illegal activities of the sect.

Although the 158-page search warrant named a number of individuals suspected of criminal activity, no charges have been filed.

The sect subsequently filed suit in Ontario Supreme Court asking that the warrant be quashed, however that ruling may not be made until late this year. Before the legality of the warrant could be argued in court earlier this month, Justice John Osler asked sect attorneys to prove certain religious privileges exist under law.

The sect was unsuccessful in that endeavor, and Osler ruled Friday that priest/parishioner communications are not secret. The hearing was adjourned until October.

Numerous other court actions involving the sect are slated for trial in coming months:

□ Gerald Armstrong has filed a multi-million dollar counter-suit against the sect in California, claiming, among other things, fraud and civil rights violations.

□ In Boston, former Scientologist La-

vanda Van Schaick, who served in Clearwater, is suing the sect in U.S. District Court for invasion of privacy and emotional distress, among other things. Her trial, in which she is seeking a \$200 million judgment, is set for July.

□ There are several cases pending in Tampa federal court, including that of Tonja C. Burden. Miss Burden is suing for \$16 million to compensate her for alleged mental abuse, brainwashing, imprisonment and fraud committed against her while she was a member of the sect, according to records.

□ The IRS is expected to hand down a ruling soon on the non-profit status of the Church of Scientology. That case has been argued in courts for years.

□ In Portland, Oregon, former Scientology franchise holder Martin Samuels is charging that the "mother church" illegally took from him his \$10 million empire of sect-related missions. He is seeking more than \$54 million in damages from Hubbard and the attachment of Hubbard's numerous copyrights.

The suit is awaiting a court decision as to whether the sect may intervene and defend Hubbard, thus allowing the reclusive 73-year-old to stay in seclusion. But attorney Flynn said Judge Breckenridge's ruling that Hubbard is the "alter ego" of Scientology may make that re-

quest moot.

"With Hubbard being ruled the church's alter ego, that would be a good reason to deny the intervention (by Scientology or Hubbard's wife, Mary Sue)," Flynn said. "If Hubbard doesn't appear, Samuels can attach his copyrights and Hubbard will have to default in a multi-million dollar lawsuit."

But sect attorney John Peterson said Breckenridge's intended ruling, which he doubts carries any legal weight, may actually help Hubbard.

"In the Martin Samuels case ... the statement by the judge will be helpful to us," Peterson said Monday. "(But) I would imagine that it has little or no legal effect at all.

"(Judge Breckenridge's ruling) was a gratuitous statement made by the judge which is not binding legally. It wasn't an issue in the case. It was just an ill-advised statement that came off the top the judge's head.

"At this point, Hubbard is the only defendant although we're seeking to intervene. That statement isn't going to hurt us."

There are also cases pending in Las Vegas, Daytona Beach, California and several in Canada.

Locally, a number law enforcement agencies are involved in probes into the

activities of the sect, which in late 1975 made Clearwater its international "Flagship," or headquarters.

Most of the Tampa Bay area investigations have been in litigation for years.

Pinellas-Pasco State Attorney James T. Russell said his office has "for some time" investigated the activities of the Scientologists in the Clearwater area.

"I'd have to say we are (currently investigating the sect) and we have several matters we are presently looking at," Russell said last week. He said his office has been sued "several times," but he has won the suits.

And although he said matters arising out of the litigation prompted further investigations, Russell declined to elaborate on the current investigations.

A spokesman for U.S. Attorney Robert Merkle in Tampa cited Department of Justice guidelines in declining to confirm or deny whether any investigation is under way. A spokesman for the Florida Department of Law Enforcement was also unable to confirm or deny whether it is investigating the sect.

However, Clearwater Police Chief Sid Klein said Monday, "We are, at the present time, conducting an ongoing criminal investigation" of the Church of Scientology.