

Law aimed at cult is upheld by U.S. judge

By TIM NICKENS
Clearwater Times Staff Writer

TAMPA — In a major victory for the city of Clearwater, a federal judge Friday ruled that the city's revised charitable solicitation ordinance is constitutional.

But U.S. District Judge Elizabeth Kovachevich tied some strings to her decision, and Clearwater may still be months from enforcing the law that was aimed at the Church of Scientology but will affect nonprofit groups of all types. The law seeks to regulate the way religious organizations and other nonprofit groups raise money.

Predicting that the U.S. Supreme Court may eventually decide the case, Kovachevich said the ordinance needs to be ruled upon by the 11th U.S. Circuit Court of Appeals in Atlanta "as soon as possible."

TO SPEED up the appellate process, she told attorneys representing the city to decide by Wednesday whether they would agree to let other issues in the case go unresolved until the appeals court can affirm or reverse her opinion that the law itself is constitutional.

"It's in the best interests of everyone to learn where they stand on an issue that I believe is becoming a trend," Kovachevich said, referring to this type of law. She added that the ordinance has "far-reaching implications."

Kovachevich said an existing court order prohibiting the city from enforcing

the ordinance will remain in effect until next week, but she also recommended that enforcement be delayed further until the appeals court rules. A hearing will have to be held later if Clearwater officials decide they do not want to voluntarily postpone using the law.

AN EARLIER version of the solicitation law was struck down by Kovachevich in March. The Church of Scientology and a half-dozen religious groups that had challenged that original ordinance filed new lawsuits charging that the new version is still unconstitutional.

John Blakley, a Clearwater lawyer who represented the city at Friday's hearing, said he had hoped for the decision that Kovachevich made.

"We're delighted," he said. "Basically, Judge Kovachevich and I were on the same wave length today. It's kind of like being the lucky batter who figures out what the pitcher is going to throw before he throws it."

Clearwater officials have said for weeks that they are confident that the ordinance is constitutional.

"IT'S GOOD that we got that decision out of the way," said City Commissioner Bill Justice. "It makes us that much closer so that we can use it."

But Paul Johnson, a Tampa lawyer who represents the Church of Scientology, said Friday's ruling is just the "first

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step in a long process to see if this ordinance can be enforced." He said the church's primary concern is that the law is illegally aimed at forcing the Scientologists out of Clearwater, one of the issues that remains to be addressed in court.

The solicitation ordinance was one of four city laws proposed by a Boston lawyer to curb activities of the Church of Scientology after Clearwater held hearings on the church in 1982. The church established its national headquarters in Clearwater in 1975.

ATTORNEYS FOR the church and 13 national religious organizations argued at Friday's hearing that the law is still unconstitutional and that its scope and investigative powers are far broader than any similar ordinances.

"No previous attempt can be pointed to in the history of this country where a city tried to do something like this," said Eric Lieberman, a New York lawyer representing the Scientologists.

Lee Boothby, a Michigan lawyer representing the other religious groups, said Clearwater's law would affect "every church that passes a collection plate on Sunday mornings."

"IN THEIR attempt to stamp out Scientology in Clearwater, the city is trampling on every church in Clearwater," he said.

The ordinance requires most nonprofit groups that raise more than \$10,000 in Clearwater to register with the city clerk and file financial reports with the city. It also says the city attorney will investigate groups that have at least 10 complaints filed against them.

Lieberman and Boothby said at the hearing that the city attorney's powers are too broad and discretionary and that additions to the ordinance allow Clearwater to illegally meddle in the internal affairs of religious organizations. The law allows groups to avoid filing financial reports with the city if they make them available to all of their members.

Among the groups contesting the ordinance are Americans United for Separation of Church and State, American Baptist Churches in the U.S.A., American Jewish Committee, the Florida Council of Churches, the National Council of Churches and several Seventh-day Adventist Church organizations.