

### Sect ends protests

PORTLAND, Ore. — The Church of Scientology on Wednesday ended four weeks of mass rallies protesting a \$39 million court award to a former member who claimed the organization defrauded her with false promises.

However, Scientology President Heber Jentzch said a small contingent of followers would remain in Portland to monitor an appeal of the verdict.



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Monday, June 17, 1965

Santa Monica, California

## Scientology protest moves to Southland

United Press International

More than 300 Church of Scientology members and sympathizers, fresh from a month-long protest in Portland, Ore., staged a march along Sunset Boulevard to draw attention to "religion on trial."

Busloads of Scientologists arrived at the church's Hollywood headquarters Sunday afternoon for the evening rally, carrying a large banner that read "Religious Freedom Crusade" as they marched along Sunset Boulevard 1½ miles to the church's Celebrity Center International.

The demonstrators also carried individual signs and sang "When The Crusade Comes Marching In," an altered version of *When The Saints Come Marching In*, during the 40-minute march.

Church spokesman Tim Skog said Scientology members were carrying the message of the Portland court's "threat to religious liberty" to the rest of the country.

"The message is that you cannot put religion on trial," Skog said. "You cannot put it in a courtroom and expect any jury to do anything

but rule against it.

"If you scrutinize beliefs from a secular viewpoint, you could come to the same conclusion about what a Catholic priest might promise a parishioner."

The \$39 million decision was in favor of former Scientology member Julie C. Tichbourne, who claimed in a civil suit that the church promised her eyesight and her intelligence would improve by following church tenets.

The May ruling prompted thousands of Scientologists to flock to Portland, launching what they called "A Crusade for Religious Freedom."

They marched around the Portland courthouse, held concerts and demonstrations in a downtown park, and brought in celebrity members John Travolta and Chick Corea.

The church has asked for a mistrial. A ruling is pending.

The church also planned further demonstrations today outside the Internal Revenue Service building in downtown Los Angeles in further protest of the Portland decision. He claimed the IRS planned to place false documents in church files.

# Los Angeles Times

Thursday, June 27, 1985

## **Scientists Picket Court**

About 400 members of the Church of Scientology's Crusade for Religious Freedom picketed outside the Los Angeles County Courthouse today and stood in a silent hallway vigil during a court hearing on former member Gerald Armstrong's \$60-million fraud suit against them.

Los Angeles Superior Court Judge Paul G. Breckenridge Jr., who last year absolved Armstrong of stealing documents from the church, said he would rule later on Armstrong's request to see statements he made to an "auditor" when he joined the church. Scientologists claim that the statements are privileged and that the First Amendment guarantee of religious freedom precludes their use in court.

## Scientologists Picket Court Over Freedom Issue

By MYRNA OLIVER, *Times Staff Writer*

About 400 members of the Church of Scientology's Crusade for Religious Freedom picketed the Los Angeles County Courthouse on Thursday, protesting what they consider to be court infringement on their constitutional right to religious freedom.

In a unique courthouse scene, more than half the group lined a hallway five deep on each side outside the courtroom of Judge Paul G. Breckenridge Jr. during a hearing on former Scientologist Gerald Armstrong's \$60-million fraud suit against the church.

The disparate group, which included babies in strollers draped in American flags and adults wearing clerical collars and religious crosses, stood silently in the sweltering corridor for two hours, politely obeying instructions from sheriff's deputies and their own monitors to permit access to various courtrooms.

The crusade began last month in Portland, Ore., when 15,000 Scientologists peacefully protested a jury's award of \$39 million to former member Julie Christofferson Titchbourne in her civil fraud case against the church.

"We are here," the Rev. Ken Hoden, president of the Church of Scientology of Los Angeles, said Thursday, "to let the people of Los Angeles know that we are not going to put up with having our religion dragged into court. The First Amendment says what is occurring is unconstitutional."

### Court Scrutiny

Hoden and Jeff Pomerantz, spokesman for the crusade, said the Portland and Los Angeles cases have wrongly subjected religious practices and policy to court scrutiny.

In the local civil litigation, Breckenridge absolved Armstrong last year of stealing from the church documents concerning controversial church founder L. Ron Hubbard. Armstrong's countersuit, claiming that the church defrauded him by making false promises about what it could do for him and caused him

emotional distress by harassing him, is pending.

Before Breckenridge on Thursday were motions by Armstrong's attorney, Julia Dragojevic, to obtain what Scientology calls a "pre-clear" file on Armstrong, containing statements he made to a church auditor when he joined. She also is seeking files from the church's "guardian" office, which she said she believes prove that the church uses personal pre-clear or auditing files to harass former members.

Church attorney John Peterson argued that the pre-clear files are similar to the confession of a Roman Catholic to a priest and therefore are protected from disclosure by the First Amendment. Donald Randolph, also representing the church, said the other files involve attorney notes and work products that also are privileged.

### Later Ruling

Breckenridge formally submitted the motions for later ruling but indicated that he will allow Armstrong to have his own statements from the pre-clear file but not the conclusions or comments of the church auditor-minister.

Demonstrators who remained outside the courthouse sang "We Shall Overcome." They wore T-shirts saying "Crusade for Religious Freedom Portland 1985" and carried signs saying "Your Church Could Be Next," "Religious Freedom Now" and "Never Again."

One person fainted because of the extreme heat while church attorneys addressed the group outside the courthouse after the hearing.

Also contributing to this story was Times staff writer Dorothy Townsend.

## Insights

**On the Waterfront** A 26-year-old longshoreman named Steve Surgan was the fifth worker to die while working the L.A. Long Beach Harbor in the last year, and his union says he died because people were trying to do things too fast. To make the point completely clear, the union won't be working at all on Thursday, June 27.

Surgan died June 22 unloading a containership, an example of the state-of-the-art shipping technique that bundles cargo into 20- to 40-foot-long steel boxes, which are unloaded as units with special equipment. In Surgan's case, the union says that the ship's crew unlash the cargo while the vessel was still at sea, to lessen the time spent unloading in port. The resulting unshipshape pile of loose tielines fouled a crane hoist beam. The crane operator freed the beam — which swung and killed Surgan with a single blow to the head.

David Arian, president of Local 13 of the International Longshoremen's and Warehousemen's Union, says the union will wait until the Monday following their 24-hour walkout for an "appropriate" response to the safety issue from L.A. shippers. If none is forthcoming, the strike will go on for real, until the issue of safety gets taken seriously.

Metropolitan Stevedore Operators, in charge of unloading, had "no comment at this time." Evergreen Marine, owner of the Taiwanese ship that Surgan was unloading when he was killed, would only say, "There's really no one present who's allowed to give any information regarding this matter."

**Train of Thought?** Hard on the heels of a \$39 million damage award in Portland against the Church of Scientology comes a Los Angeles case that may create even more waves.

Larry Wollersheim is suing the religion/corporation for more than \$25 million in damages, claiming he was sold more than \$100,000 worth of Scientology training on the basis of bogus promises that the training would raise his I.Q., make him "well" and give him "supernatural powers."

On Monday, July 1, Wollersheim's case is scheduled to be assigned a judge for its day in court.

The decision last month in Oregon sent hundreds of Scientologists marching in the streets of Portland to protest the award.

Testimony in the case included accounts of "hard T.R.s" (training routines) in which subjects were made to sit absolutely still for up to 15 hours a day, seven days a week, for weeks at a time.

"I expect," says attorney Leta Schlosser, who is representing Wollersheim, "to present some interesting testimony."

**The Church of Scientology** filed a petition with the California Supreme Court seeking to halt a \$25-million damage suit against the church by a former member. About 800 church supporters rallied outside the state court building in downtown San Francisco after marching nine miles from the Golden Gate Bridge. Rev. Ken Hoden, president of the Church of Scientology in Los Angeles and the church's attorney, filed the petition with the Supreme Court for an "immediate stay of trial" in the Los Angeles suit by Larry Wollersheim, who was a member of the church for 11 years. Wollersheim contends that counseling he received from the church was "fraudulent and outrageous."

**Editor:**

This is in response to Arthur Krowitz' suggestion I obtain a copy of L. Ron Hubbard's book, "Dianetics."

In 1950, I was presented for review a copy of the book. Steeped in neo-Freudian theory at that time, I considered it a mechanistic technique, uninfluenced by the mind and emotions, which claimed incredibly unscientific results. Several years later, I was informed that L. Ron Hubbard was trained as an electronics engineer. It occurred to me at that time that if this were fact, it could account for the development of a counseling theory that appeared to treat the human brain as an electronic device. I recoiled.

Charlie Chaplain's satirical film, "Modern Times," presents us with a nuts and bolts society. I must confess that "Dianetics" also struck me as nuts and bolts, without the satire.

C.C. CHRISTIE  
Clearwater

*Clearwater Inn*

WEDNESDAY, July 17, 1985

A Hearst newspaper

# Scientology case declared mistrial

From Sun reports  
PORTLAND, Ore. — A judge, saying courts must pay closer attention to religious freedom, declared a mistrial Tuesday in a lawsuit that ended with a jury's \$39 million fraud judgment against the Church of Scientology, and ordered a new trial.

Multnomah County Circuit Judge Donald Londer said he based the ruling on improper and prejudicial arguments made by the attorney for plaintiff Julie Christofferson Titchbourne during the 11-week trial that ended in May.

More than a thousand Scientologists converged on Portland for protests for about a month after the jury's May 17 ruling, claiming the verdict represented an assault on freedom of religion.

Daily rallies, concerts and news conferences were held, sometimes featuring celebrity Scientologists, including actor John Travolta and jazz pianist Chick Corea.

Ms. Titchbourne, 27, said she was defrauded when the group claimed it could improve her intelligence, eyesight and creativity when she joined it in 1975. She also said the Church of Scientology lied about the background of founder L. Ron Hubbard. She quit the group in 1976.

Ms. Titchbourne's attorney, Garry McMurry, had said fraud was the only issue in the case, not religious persecution.

But Londer said the jury was told improperly that information on the Scientologists' beliefs and practices could be used as a basis for punishing the group.

He also said the jury was prejudiced by abusive language used during McMurry's closing arguments, when the attorney called the Church of Scientology a terrorist group and Hubbard a sociopath.

"We're ecstatic over the decision," said the Rev. Ken Hoden, president of the Church of Scientology of Los Angeles.

Hoden and other Church of Scientology officials were preparing to return to Los Angeles Tuesday afternoon to celebrate the victory.

"We've blocked off a whole Los Angeles city block, and there's going to be a giant celebration," Hoden said Tuesday from Portland, Ore.

(Please see \* SECT, next page)

## \* Sect

(from page 1A)

Ms. Titchbourne's attorneys still can file for a retrial, Hoden said, but he believes criteria

Londer has established for conducting further hearings on this

case will protect the sect's religious beliefs from taking the stand.

"I can guarantee you that if there is a retrial, Julie Christof-



# New Scientology Trial Ordered

## Judge Stops \$39-Million Payment to Ex-Member

By EDWIN CHEN,  
Times Legal Affairs Writer

Declaring a mistrial, an Oregon trial judge on Tuesday threw out a \$39-million fraud judgment against the Church of Scientology that a jury had awarded in May to a former church member.

In ordering a new trial, Multnomah County Circuit judge Donald Londer said he based his decision on improper, prejudicial and "abusive" statements made during the trial by the lawyer for Julie Christofferson Titchbourne, 27, who contended that she had been defrauded by the church.

Last May, after the jury awarded the \$39 million—nearly all of it in punitive damages—to Titchbourne, about 10,000 church members and supporters rallied in Portland to protest, and a handful has continued a vigil there while awaiting post-trial motions pending before the judge.

After Londer issued his 45-minute oral ruling from the bench, about 150 church members in the courtroom, including the Rev. Herbert Jentzsch, president of Scientology International, burst into applause.

Jentzsch later said the ruling not only vindicates the church but also should be construed as a judicial warning that "... such denigration, such animosity designed to taint the minds of juries cannot be

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Los Angeles Times

# SCIENTOLOGY: Judge Declares Mistrial

Continued from Page 1

accepted."

During closing arguments at the end of the 11-week trial, Garry McMurry, Titchbourne's attorney, called the church a terrorist group and its founder, L. Ron Hubbard, a sociopath.

Titchbourne's suit alleged that the church had cheated her out of \$3,253 by saying it would improve her eyesight, communications skills, intelligence and creativity. Titchbourne joined the church in July, 1975, and left the following April.

Tuesday's ruling was the second time Titchbourne's case had fallen victim to a legal practice that dates back to English law known as *remittitur*. It allows trial and appellate judges to reduce civil jury awards when they feel the damages are excessive, or to order new trials.

In 1979, the Oregon Court of Appeals overturned a jury award of \$2 million for Titchbourne and ordered a second trial.

### Subject of Speculation

Whether remittitur is a practice on the wane is the subject of scholarly speculation in legal circles, but that debate gained new

momentum in late June when the Missouri Supreme Court abolished the practice altogether in a pair of rulings growing out of the 1981 collapse of a Hyatt Regency Hotel skywalk in Kansas City.

In both those cases, Missouri's highest court restored the full, multimillion dollar jury awards that had been substantially reduced by the trial judges.

McMurry and his client refused to comment Tuesday, as did Judge Londer.

The Church of Scientology claims a membership of 6 million in 35 countries, including 4 million in the United States.

### Judge Assumed Blame

During the trial, Londer had ruled that, as a matter of law, Scientology indeed is a religion; but McMurry insisted that that was a question for the jury to decide. The judge Tuesday morning blamed himself for letting that erroneous jury instruction stand.

"I will take the responsibility for that," he said. Londer went on to add: "I think the courts must pay particular attention, closer attention, where issues involving religion and the First Amendment are concerned."

McMurry had maintained that the case was merely one of "common law fraud" and "deceit" and had nothing to do with religious persecution.

Boston attorney Earle Cooley, a member of the defense team, praised Londer's ruling. "It took great courage on his part. We are confident there will be a different decision the next time," Jentzsch was more exuberant. Celebrating in a hotel suite in Portland, he shouted into the telephone receiver, "I don't know whether they (Titchbourne and McMurry) want to try again. They've lost twice, and three strikes you're out."

### Millions of Sterile Fruit Flies Released in Miami

MIAMI (AP)—About 6 million sterile Mediterranean fruit flies were dispersed over the city Tuesday, the last scheduled release of the insects in Florida's battle against the dangerous citrus pest, officials said. If inspectors find only sterile flies during the next month of checks, the \$2.5-million program will be declared a success, they said.

# Los Angeles Times

Tuesday, July 16, 1985

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## Judge Upsets \$39-Million Award Against Scientology

### Lawsuit by Ex-Member Cited Fraud

PORTLAND, Ore. (AP)—A circuit judge declared a mistrial today in a lawsuit that had ended in May with a jury's recommendation for a \$39-million fraud judgment against the Church of Scientology.

The jury's decision had prompted more than a week of protests by Scientologists and supporters who alleged religious persecution.

Multnomah County Judge Donald Londer, saying he based his ruling on improper and prejudicial arguments made by the lawyer for Julie Christofferson Titchbourne, ordered a new trial.

About 150 Scientologists burst into applause when the ruling was announced.

Titchbourne, 27, of Portland alleged the group defrauded her by claiming it could raise her intelligence, correct her weak eyesight and improve her creativity when she joined it in 1975. She also charged that it misrepresented the background of its reclusive founder, L. Ron Hubbard.

#### Persecution Denied

Her attorney, Garry McMurry, said it was "a case of common-law fraud, of deceit," and not one of religious persecution.

Londer, who had delayed signing the judgment pending his decision on a motion for mistrial, said that issues dealing with the beliefs and practices of Scientologists were admitted for limited use, but that the jury was improperly told those issues could be used as a basis for punishing the group.

The judge also cited "abusive language" used in closing arguments by McMurry, who said the Church of Scientology was a terrorist group and that Hubbard was a sociopath.

"I will take the responsibility for that," Londer said. "Although (defense) counsel did not ask for a limiting jury instruction, I should have given it."

Londer noted that the courts have determined Scientology is a religion, and that the Constitution prevents prosecution for one's religious beliefs.

Defense lawyer Earle Cooley praised Londer as "a judge sensitive to our rights under the Constitution. It took great courage on his part. We're confident there will be a different decision the next time."

McMurry had no comment on the mistrial ruling, the latest chapter in the 8-year-old case. Titchbourne was not present at the hearing.

#### 'She's Laughing at Us'

In seeking a mistrial, Scientology attorneys said Monday that Titchbourne's statements in magazine and newspaper articles differed from her testimony about how she joined the group and how she was "deprogrammed" after she left it in 1976.

"She has misused and abused the judicial system," Cooley said. "With the \$39-million verdict, she's out there laughing at us all."

McMurry dismissed Cooley's contention that Titchbourne had contradicted herself in the news media. "What goes on in the courtroom is all that matters," he said.

Cooley also said Titchbourne's attorneys ridiculed Scientologists' beliefs during the 11-week trial, prejudicing jurors and convincing them they should punish the group with a large verdict.

Monday's hearing was the second held on the mistrial motion since the verdict was returned May 17.

# Clearwater Sun

SUNDAY, July 21, 1985

A Hearst newspaper

Volume 72, Number 81 50 cents

## Oregon decision has bearing on city, sect says

By LESLEY COLLINS  
Sun staff writer

**CLEARWATER** — A ruling that erased a \$39 million fraud judgment against the Church of Scientology in Oregon "directly affects Clearwater," the sect's international president asserted Saturday.

Scientology President Heber Jentzsch's statement Saturday came at a press conference that included a verbal onslaught against "deprogrammers" and Boston attorney Michael Flynn.

Flynn, a longtime Scientology foe, was paid by the city to conduct hearings in 1982 on Scientology activities in Clearwater. He recommended that the city adopt a charitable solicitation ordinance and three other laws following those hearings. Flynn also has represented former Scientologists who have filed lawsuits against the sect.

The city went on to adopt a charitable solicitation ordinance that Flynn recommended, a measure that gives the city attorney power to inspect the financial records of charitable organi-

zations suspected of misusing funds. The ordinance, however, has been on hold until a federal appeals court rules on its constitutionality. A hearing is set Aug. 5.

On Saturday, Jentzsch reiterated the sect's charges against Flynn and said Flynn's previous recommendations to the city should still be questioned. And Jentzsch repeated Scientology accusations that Flynn has been involved in "criminal activity" to thwart the group.

"If he goes to jail in the next six

months ... the laws he (recommended) in Clearwater come into question," Jentzsch said.

The sect has accused Flynn of conspiring to pass a counterfeit \$2 million check drawn on the account of Scientology founder L. Ron Hubbard. Sect officials contend that Flynn did the forging and then blamed it on Scientologists.

Flynn, however, has vehemently denied the sect's accusations. No criminal charges have been filed.

Jentzsch was flanked at Saturday's

press conference by Earle Cooley, who represented the sect in the Oregon trial.

In that case, Multnomah County Circuit Judge Donald Londer this past Tuesday declared a mistrial in a lawsuit that had ended in a jury's \$39 million fraud judgment against the sect. A new trial has not been set.

Julie Christofferson Titchbourne, 27, had contended that the sect defrauded her, claiming it could improve her intelligence, eyesight and creativity when she joined it in 1975.

# READER

LOS ANGELES'S FREE WEEKLY

AUGUST & NOVEMBER 1985

## Personals

### READER

August 9, 1985 Vol. 7, No. 42

August 9, 1985 READER 27

DEAR RON: I loved your "Flagpole" bulletin. It seemed uncharacteristically frank of you. What happened? Blow some circuits? Some BT's, get loose? Love, Xemu.

ASKING L. RON Hubbard and the Church of Scientology to stop lying is like telling a man with a drop of honey on his tongue not to swallow. They can't resist.

YOU WOULD THINK that L. Ron Hubbard would be content with the millions he has stolen from his church, but noooo! Now he has to inflict on the world those long, boring sci-fi novels that make the label on a catsup bottle look like literature. Give us a break, Xemu, find another planet to supress!

### READER

November 15, 1985 Vol. 8, No. 5

## Personals

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RUMOROLOGIST: The issue isn't persecution of the individual by society, its persecution of society by the individual: Charlie Starkweather! L. Ron Hubbard! Jim Jones! You! Cheers, —Gurgie

TO WHOM IT MAY Concern: He who knows not and knows not that he knows not, he is a fool, shun him. —Obnois

Friday, November 1, 1985

I AM SICK and tired of people taking cheap shots at me. The crude electronics that exist on this planet prevent me from doing the job right, even the suppressives that I use are strictly third rate. They are not like that old gang of mine. So give me a break. I am doing the best I can. Love, Ron.

I WAS CASUALLY hanging around with my pal Jim at UCLA when we spotted this guy on a diving board just outside the sculpture gardens. He was clad in swim trunks, hooked up to this huge machine and bouncing up and down on this diving board. He stops, people applaud, and then he pulls out a pair of scissors and proceeds to chop off his hair. For the grand finale, he rubs black dirt all over his body—then he just walks off. Was this a mid-term or an act of insanity? (You think you've got problems Xemu?) —Alli

YOU CAN EXPLAIN not own, control, copywrite, or exploit spiritual freedom. Those who try will end in confusion and madness. This is the road to hell. Ask L. Ron Hubbard.

November 15, 1985 READER 35

DIARY OF A MAD PERSON. Part Two—"Corn Cob in the Sky." Overpopulation. You think it's bad now? Imagine trying to live on a planet with 250 billion fucked-up people. That's a real scary thought. Don't dwell on it too long or you'll go crazy. But just think of all the money you could make selling oxygen to humans.

75 million years ago I figured out the perfect solution to overpopulation on the 90 planets of this Galactic Confederation. I rounded up hundreds of billions of humans, froze them in an alcohol/glycol solution, and shipped them to Earth/Teegeeach, where I blew them up with H-bombs on all the major volcanos. A real wall of fire! The sky was burning! Then I captured all their souls with electronics and stuck thousands of them together in Clusters and brainwashed them with Christianity, God, the Devil, sexual perversion, Western Civilization, etc.

So if you ever suspect that your actions and motivations are pre-determined, that your life is following someone else's program and the controls are beyond your reach, just blame me, because I designed your Operating System. And if you ever get weird ideas in your mind which don't seem like you own, it's because they're not—you have thousands of other beings stuck to you.

So in one fell swoop I solved both overpopulation and loneliness in this sector of the galaxy. Yet all I get is slander and smear campaigns—not a word of thanks from anyone. And some of you ungrateful swine are trying to screw things up. You selfish bastards want to have one human meat-body all to yourselves, instead of being civilized and sharing it with other disembodied spirits. If you morons keep exorcising all those other beings, they'll just go and create more meat-bodies and soon there'll be 250 billion humans on this planet again, and it'll be Teegeeach all over again. The New Improved Wall of Fire. This time I'll do it right. I'll make sure you scumbags never get out of this Universe alive.

Some of you may be wondering why there aren't hundreds of billions of 75-million-year-old fossils lying around all over this planet. Good question. After I was captured and imprisoned in a wire cage with an eternal battery (I hope you guys didn't lose the Guarantee Certificate) inside a mountain top, my agents sent a clean-up crew to this planet to destroy all the human remains and replace them with dinosaur skeletons and T-Rex skeletons, etc. This was part of a clever scheme to confuse future generations of humans so they wouldn't be able to remember what happened on this planet, and anyone who accidentally stumbled upon the truth would be called a paranoid schizophrenic or a science-fiction cult leader, or perhaps just a common thief with a good angle to sucker the marks. So I hope this clarifies things for you, because it's not just another "Shore Story." Love, Xemu

WHEW! —E.Z.

# City, sect clash in federal appeals court

1st page

## From Sun reports

ATLANTA — A coalition of religious groups took its fight against Clearwater's charitable solicitation ordinance to a federal appeals court Monday, calling the law the first attempt in American history to require churches to have licenses to pass the collection plate.

But lawyers for Clearwater told the 11th U.S. Circuit Court of Appeals in Atlanta that the ordinance does not discriminate against churches and "doesn't stop anybody from doing anything that is legitimate."

The law, passed in 1983 after five days of hearings into activities of the Church of Scientology, requires many churches and ministers in Clearwater to register with the city under penalty of imprisonment or fine.

The law requires groups to file with the city clerk a registration statement detailing such things as how they intend to raise money and how much they estimate fund-raising will cost.

It also mandates internal financial auditing procedures of churches and allows the city attorney to investigate charges of fraud or misrepre-

sentation in fund-raising by non-profit or religious groups if accusations are made by 10 or more people.

Although it was adopted by the City Commission in October 1983, the enforcement of the ordinance has been stymied until a federal appeals court rules on its constitutionality.

A federal judge in Tampa upheld the ordinance in August 1984, but urged the coalition of church groups challenging the law to appeal.

Plaintiffs in the suit include the Church of Scientology, the American Baptist Churches in

## \* Scientology

(from page 1A)

the Rev. Ken Hoden of the Church of Scientology in Los Angeles characterized as the law's attempt "not only to restrict churches ... but to gag ministers."

They also paraded outside the building temporarily housing the appeals court.

Lee Boothby, an attorney representing the Seventh-Day Adventists, told the court the ordinance clearly discriminates against churches and non-profit organizations.

"Passing the plate inside church is regulated, but not panhandling outside," he said. "A fund-raising concert by the church choir is covered, but not a rock concert that brings in druggies."

Eric Lieberman, an attorney for the Church of Scientology, called the measure "a clear violation of First Amendment rights" and described it as "the first time in American history that a government has said a church must obtain a license to pass the plate."

Washington lawyer Lawrence R. Velvel, hired to represent the city, said the ordinance "pertains to all groups that are charitable. It does

not discriminate. It applies to everybody."

Velvel, who specializes in constitutional and antitrust laws, said the measure was needed because hearings in the city demonstrated evidence of misconduct and fraud in fund-raising activities by some groups.

The court took the issue under consideration without saying when it would rule, but one of the three panel members, Judge Gerald Tjoflat, indicated that the decision could turn on procedural matters rather than on issues.

Tjoflat repeatedly criticized the Tampa court's handling of the case, declaring at one point, "The court handled this in a very bizarre way."

He said U.S. District Court Judge Elizabeth Kovachevich's ruling that the statute was valid was based solely on the language of the ordinance. The judge's decision against hearing arguments of fact left no record for a higher court to review, Tjoflat complained.

"We only have the authority to act on a record established in a district court, and this district court didn't establish a record. This case doesn't have any facts because the district judge didn't find any," he said.

the USA, the American Jewish Committee and the General Conference of Seventh-Day Adventists.

Representatives of those groups, calling themselves the "Religious Freedom Crusade," marched about two miles through the streets of downtown Atlanta en route to the courtroom Monday.

They held a brief rally at the state Capitol, where they donned black gags to symbolize what

(Please see \* SCIENTOLOGY, next page)