

Publisher Victorious on Hubbard Biography

A Federal appeals court has ruled that a publisher is not required to delete material from a coming biography of L. Ron Hubbard, founder of the Church of Scientology.

The ruling, issued Thursday, overturned a lower court's decision, and barring the unlikely chance of a rehearing or a quick reversal by the Supreme Court, the biography will be published in its original form next month. Michael Lee Hertzberg, who argued the case against the publisher, said the plaintiff had not decided whether to appeal.

The book is "A Piece of Blue Sky:

Scientology, Dianetics and L. Ron Hubbard Exposed," by Jon Atack. The author was a longtime member of the Church of Scientology. But he later turned against the church, contending that it was a dangerous cult, and his book is critical of Mr. Hubbard, a prolific author who died in 1986.

New Era Publications International, the exclusive licensee of the works of Mr. Hubbard, argued that the manuscript by Mr. Atack infringed on its copyright of Mr. Hubbard's works. Last February, Louis L. Stanton, a Federal district judge in Manhattan, sided with New Era against Lyle Stuart Inc., Mr. Atack's publisher.

The Carol Publishing Group, which purchased Lyle Stuart in January 1989, appealed to the United States Court of Appeals for the Second Circuit. The court held Thursday that the book's quotations from Mr. Hubbard's published works constituted fair use. The quotations amounted to about 3 percent of the total book.

"A Piece of Blue Sky" appears in the Carol Publishing Group's spring catalogue, with a notation that it will be shipped in June. Steven Schragis, the owner of Carol Communications, said that to adhere to that schedule, the company had prepared two versions of the book for the printer.