

Clearwater to keep battling Scientology

■ At issue is an ordinance on solicitations. At stake is residents' security — or religious freedom.

By NED SEATON
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CLEARWATER — The city is still fighting the Church of Scientology.

Despite a strongly worded recent court decision in favor of Scientology, city commissioners have decided to continue the decade-long legal battle over a rule that would let the city police the organization's financial records.

The commissioners reached their decision at a closed-door meeting Tuesday, Alan Zimmet, a lawyer who attended the meeting, said Wednesday.

"They took a very strong stance to fight," said Zimmet, a private attorney whom the city is paying to work on the case.

Zimmet asked an appeals court in Atlanta to review the decision in favor of Scientology, which called the city's rule unconstitutional. His petition was filed Wednesday with the 11th U.S. Circuit Court of Appeals.

Commissioners refused to comment on the case, referring all questions to Zimmet.

But Commissioner Fred Thomas said he was annoyed by the scores of letters sent by Scientologists to lobby him before the Tuesday meeting. He called one letter "threatening" and said it amounted to a "declaration of war" against the city.

Scientology, in a written statement Wednesday, said the commission's decision amounted to a waste of public money. The organization's statement also referred to

a recent IRS decision to classify Scientology as a tax-exempt institution, the same as other churches and charitable organizations across the country. That decision is unrelated to the Clearwater case.

"What the commission has decided to fight for is not for some 10-year-old ordinance," said the statement, written by spokesman Richard Haworth. "They have decided to fight the U.S. Constitution, the 11th Circuit Court of Appeals, the Internal Revenue Service, a coalition of national religious groups and all the churches who raise funds or have their homes in Clearwater."

Some religious leaders also expressed disappointment with the city's decision to continue the fight. The city's proposed ordinance applies to other churches as well as Scientology.

"The city of Clearwater is treading a dangerous line if it is trying to ask churches to open their books to public scrutiny," said the Rev. David Charles Smith of Faith United Christian Church in Clearwater.

Smith's church is allied with a coalition of religious and civil-rights groups that joined Scientology in suing to block the city's proposed rule. Smith, who is also president of the 20-member Upper Pinellas Ministerial Association, emphasized that he does not support Scientology but disagrees on principle with the city's decision.

The legal battle began in 1983 when commissioners approved what is called the charitable solicitation ordinance. That ordinance, which never has been enforced, would require charitable organizations to keep records of where they spend the money that they receive by donations. City attor-

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organization could ask for as much as \$400,000 from the city to cover costs — if Scientology eventually wins the case.

The cost of pursuing the case further depends on how long the battle lasts. If the city eventually wins the case, it could recover some costs, Zimmet said.

But if there are extensive hearings — and the city's next level of appeal would be the U.S. Supreme Court — then the cost could jump.

Mayor Rita Garvey, who could not be reached for comment Wednesday, has said she was more concerned with fighting for the principle of protecting residents from unscrupulous charities than with the potential cost of the lawsuit.

appeals court, Zimmet said.

Zimmet said the city has argued that the ordinance was not intended to boot Scientology out of Clearwater. Rather, he said, hearings in the early 1980s about Scientology brought to light a problem dealing with the use of charitable solicitations — and the commission created an ordinance to deal with that problem. That is a basic function of government, he said.

"The ordinance addresses the actions of Scientology, not anybody's beliefs," Zimmet said.

The legal battle has cost the city about \$230,000 in fees, mostly to attorneys, according to a *Times* calculation of invoices. Lawyers for Scientology have said the

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neys would be required to investigate those records if enough people complain.

A three-judge panel of the federal appeals court sided with Scientology in a Sept. 30 ruling, saying the ordinance involved "excessive (government) entanglement with religion."

The ruling also said there was evidence that the city's adoption of the ordinance was intended to kick Scientology out of town. That would be an impermissible motive, the court said.

The city asked for a rehearing by a panel of all 13 judges of the