

Scientology Snags a Dissident

Church obtains order to confiscate records after critic posts contested info on the Internet

BY BRIAN ALCORN

Monday morning, 7:30 a.m. Two carloads of well-dressed agents pull up outside Dennis Erlich's hillside home in Glendale. Accompanied by a uniformed police officer, they enter his house and begin a thorough search of his closets and drawers. A photographer shoots every room. As armed escorts stand watch over Erlich, a computer expert sits down at the terminal in his office and begins to systematically copy and then delete files from his hard drive. Boxes of computer disks, texts and other papers are carted out in the rain and taken away.

THE RAID TOOK SIX HOURS. THE AGENTS WHO CONDUCTED the search and seizure were not with the FBI or any other law-enforcement agency. They were from the Church of Scientology.

Erlich, a former minister with the church who has spent most of the past decade crusading against the organization, could only stand by and watch as all his research into what he now calls "a dangerous cult" was destroyed or seized.

The church claims that Erlich's "research" is actually copyrighted religious scripture that Erlich had been posting on the Internet in violation of U.S. copyright laws. Church officials obtained a writ of seizure from a federal judge, and separately slapped Erlich with a lawsuit for publishing the materials, which include speeches and lectures by the church's founder, the late L. Ron Hubbard.

Erlich, 48, runs his own photo business in Glendale. He says he joined the Church of Scientology when he was 19 to save his troubled marriage. Though the marriage failed, he stuck with the church for 14 years, working his way along the church's regimented "bridge" of well-being. Eventually, he became a minister and was appointed by Hubbard himself to be the organization's "chief cramming officer" at its headquarters in Clearwater, Florida.

"Basically, I was the quality-control officer of the brain-washing factory," Erlich says.

After falling out with Scientology in 1982, Erlich says he began using his knowledge of the inner workings of the church hierarchy to discredit it. Before discovering the Internet, Erlich periodically published a vitriolic newsletter called *The Informer*, in which he referred to the church as "Slimentology" and to Hubbard as "El Tubbo."

Browsing on the Internet, Erlich says, he came across transcripts of Hubbard speeches and internal church documents that were never meant for public view. According to Erlich, the documents, which included rambling lectures by Hubbard to subordinates in which he explained the bizarre cosmology behind his religion, were posted anonymously on the "alt.religion.scientology" news group.

"All I did was re-post it, with my comments, to verify that as a former minister, to the best of my knowledge, the documents were authentic," Erlich says.

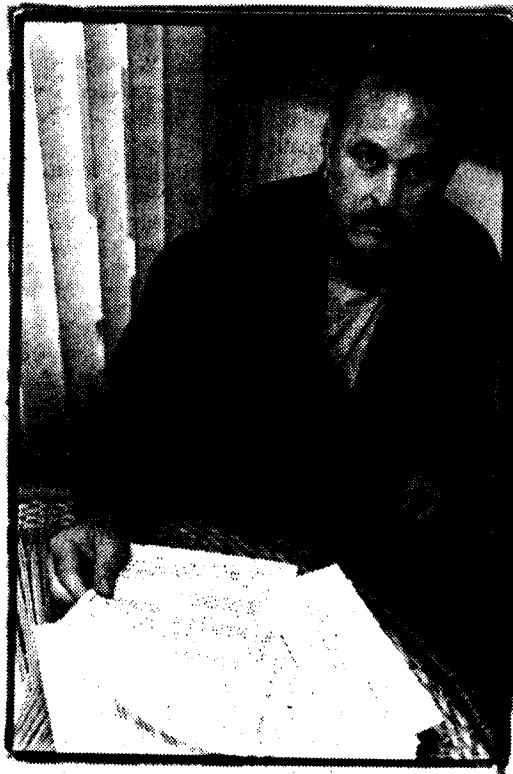
As for his latest brush with the church, Erlich says, "It's a dangerous cult, and obviously they have no regard for civil rights."

"He brought this seizure on himself," says Helena Kobrin, an attorney representing Scientology. "He was asked to stop repeatedly. His response to everything has been, 'You can't tell me what to do.'"

Kobrin says Erlich's actions are a clear-cut case of someone making unauthorized reproductions of copyrighted works. She downplays the raid as "something that happens in every jurisdiction in the country hundreds of times a day."

According to Kobrin, it doesn't matter if Erlich posted the documents and transcripts himself or if he simply copied them and passed them on.

"Either way, he has posted it," she says. "Any copyright owner has the right to those copyrights."



JOE BLISSINK

David Erlich: A minister takes on his church.

Erlich was back on the Internet Tuesday morning distributing his own account of the raid on his home.

News of the search and seizure had reached the "alt.religion.scientology" news group while agents were still at Erlich's home, and more than 5,000 messages had been posted to the bulletin board by mid-morning, most of them anxious, angry or both.

"Do we need to start a defense fund?" one user asked.

"People all over the world are watching this," another assured Erlich.

Erlich says the church confiscated more than 300 floppy disks and deleted files on his hard drive at will. "Potentially, they copied all my personal correspondence, mailing lists, financial records and personal notes," he wrote in an Internet message. "Anyone who has sent me anything in confidence must assume that it has been compromised."

The civil lawsuit against Erlich also names as co-defendants Thomas Klemesrud, a North Hollywood video editor who created the bulletin board, and Netcom, the service Erlich used to access the Internet.

The case brings up interesting questions about enforcement of copyright laws in cyberspace, because, theoretically, every person on the globe could now possess unauthorized copies of the church documents. Presumably, anyone retaining a copy of those documents could be subject to the same search and seizure that took place at Erlich's home this week.

The lawsuit asks for a restraining order and \$120,000 from each of the defendants for every copyright violation. Erlich and his co-defendants have been ordered to appear in a San Jose courtroom next week to answer the claim.

Erlich says he does not have an attorney. "I don't have the resources to defend myself against a multimillion-dollar [corporation]," he says.

Erlich, who identifies himself as "Rev. Dennis Erlich" on the Internet, says he still sees himself as a minister, albeit an excommunicated one.

"My pulpit is the Internet, and this is my sermon. My sermon is about the danger of cults, and until this matter is settled in court, I'm going to keep on preaching. **LA**

Scientology Critic Loses Court Bid

■ Religion: Judge declines to lift order barring ex-member from transmitting copyrighted church texts via the Internet.

By ALAN ABRAHAMSON
TIMES STAFF WRITER

SAN JOSE—A Glendale critic of the Church of Scientology lost a round in federal court Tuesday as a judge declined to lift an order barring him from transmitting copyrighted religious texts onto the Internet.

The order remains in effect against Dennis L. Erlich, a former church member.

But U.S. District Judge Ronald M. Whyte rejected arguments by church lawyers and lifted restraining orders against a North Hollywood computer bulletin board operator and a San Jose-based Internet access supplier, who provide the electronic paths onto the global computer network for Erlich.

In the potentially precedent-setting case, Whyte agreed it would be a "practical impossibility" for either Netcom On-Line Communication Services Inc. or Tom Klemestrud to "do any kind of censoring or checking of what's put through their services." Each had been briefly ordered to ensure that no data they circulated infringed on the church's copyright—a task that their lawyers said would be virtually impossible.

Erlich, Whyte stressed in court, is not restrained from commenting on or even criticizing the church on the Internet. The order applies only to copyrighted materials.

"I would be careful," Whyte advised Erlich. Left unclear, however, are the issues that prompted both

Please see CRITIC, B7

CRITIC: Ex-Scientology Member Loses Court Bid

Continued from B1

the court case and an unusual search and seizure last week by Scientology officials at Erlich's home—whether Erlich did, indeed, transmit religious texts onto the Internet, and why those materials are so sensitive.

Erlich, a former Scientology minister who split from the church in 1982, stressed Tuesday that he believed he had done nothing wrong. "I'm not going to back down," he vowed in court.

Warren L. McShane, president of Religious Technology Center, holder of the "Dianetics" and "Scientology" trademarks, insisted after the hearing that Erlich had transmitted, or "posted," files onto the Internet "out of spite."

McShane said the church had every right to aggressively protect its texts. And, he said, certain advanced texts could "do . . . harm" if studied by people not yet deemed ready for them by church officials.

"It's like jumping in an 18-wheeler and not knowing how to drive," McShane said, adding, "Spiritually, a person has to be ready for it."

On Feb. 13, McShane and others searched Erlich's house and seized hundreds of computer files and discs. Such a search is authorized by federal copyright laws.

At the same time, lawyers served court papers disclosing that the church was suing Erlich, Klemestrud and Netcom for copyright infringement. The suit asked for a permanent injunction and \$120,000 in damages per infringement.

According to court documents, Erlich, 48, had been transmitting, or "posting," church material onto the Internet's "alreligion.scientology" news group since August.

From his computer, it went to Klemestrud's BBS, or bulletin board system. From there, it went onto the Internet via computer facilities run by Netcom.

Erlich freely concedes that he posted materials about the church on the Internet. But he contends he violated no copyright. He also claims he ministers to his own spiritual flock via an electronic pulpit—and is guaranteed the freedom to practice his own religion.

In court documents filed Tuesday, church lawyers countered with a list of about 200 items—from computer discs to books—taken from Erlich that represented alleged copyright infringement.

Whyte said it was unclear which of the 200 items represented unpublished church secrets, and which were published, but copyrighted, church materials. It was also not evident, he said, whether Erlich had posted documents word-for-word or had posted only portions.

Lawyers for Klemestrud and Netcom said the list illustrated the burden that would result if their clients had to monitor Internet postings in a search for church texts.

Church officials had a week to sift through what was taken from Erlich and had not yet adequately categorized it, said Randy Rice, a Netcom lawyer. The church, however, was asking operators untrained in church doctrine to identify and block copyrighted church doctrine "in the blink of an eye," as it hurtled toward the Internet, Richard Hornung, Klemestrud's attorney, said.

Whyte he will decide after March 3 whether to make the order against Erlich, issued Feb. 10, permanent.

Church Critic Loses Round

A judge has declined to lift an order barring a Glendale critic of the Church of Scientology from transmitting copyrighted religious texts onto the Internet. But the jurist stressed that ex-church member Dennis L. Erlich is not restrained from commenting on or even criticizing the church on the computer network, with the order being applied only to copyrighted materials. B1

Los Angeles Times

WEDNESDAY, FEBRUARY 22, 1995

THE CUTTING EDGE

POSTCARD FROM CYBERSPACE / DANIEL AKST

The Helsinki Incident and the Right to Anonymity

Something happened recently on the Internet that no doubt sent chills down an awful lot of spines. A government used its power to breach **anon.penet.fi**.

Before you write this off as another of the arcane tempests that generate so much ire among the get-a-life set, take heed. This one goes to the heart of what the electronic frontier is like, how it is changing and what the future holds for this new medium.

Anon.penet.fi is basically a computer in Helsinki, Finland, whose purpose is to allow e-mail users all over the world to send anonymous messages, both to individuals as private e-mail and to Internet newsgroups, as the Net's 10,000-plus discussion forums are known. You message **anon.penet.fi** and it strips off your identity, substituting a code number. Responses at your **anon.penet.fi** address get routed back to you.

There are many "anonymous remailers" like **anon.penet.fi**, but probably none is as stable or widely used. Its operator, a selfless computer networking specialist named Johan (Julf) Helmingius, supports the server to the tune of

\$1,000 a month and has developed a reputation for integrity.

Helmingius has rules: He won't disclose the name behind an anonymous ID, but every message explains how to send him complaints. Abuse **anon.penet.fi** and you'll probably find yourself locked out of the system.

During previous incidents in which he was pressured to disclose the identity of a user, Helmingius stood firm. Then the inevitable happened: He was faced with a search warrant served by Finnish police.

According to Helmingius, authorities in his country were investigating an allegation by the Church of Scientology that **anon.penet.fi** had been used to make public private information taken from a church computer. You'll recall that the controversial Los Angeles-based church provoked anger on the Internet not long ago when a church attorney attempted to obliterate the newsgroup **alt.religion.scientology**, a well-known gathering place for church critics in which anonymous postings are common. Armed with a court order, church officials also seized computer disks

from the Glendale home of a church critic whom they accused of violating copyright law by posting church materials on the Net.

Helmingius refused at first to knuckle to the church's demands, but he says the search warrant gave Finnish authorities the right to seize his computer, which contains the identity of all 200,000 people who have sent messages through **anon.penet.fi** during its 2½ years of existence. Faced with a potentially catastrophic loss of confidentiality—**anon.penet.fi** processes more than 7,000 messages daily, mostly for Americans—Helmingius and his attorney negotiated a compromise: On Feb. 8, he gave police the single identity in question.

Within the hour, Helmingius reports, a church representative told him the church had the name. (A church spokeswoman contacted would say only that "we took actions to handle illegal posting," insisting that her organization was simply defending its rights. As for anonymous posting, the spokeswoman added, "People

Please see **POSTCARD, D6**

Los Angeles Times

WEDNESDAY, FEBRUARY 22, 1995 * *

The Cutting Edge
COMPUTING/TECHNOLOGY/INNOVATION

POSTCARD: Anonymity Rights and the Helsinki Incident

Continued from D1
should be responsible for what they do.")

Hackers have obtained anonymous net.fi user IDs before—when users failed to protect themselves with passwords—but according to some of those who follow such matters, this was the first time a government had made a successful frontal assault.

OK, so you check sports scores on America Online, or use CompuServe to research companies, or mostly send e-mail to your kids in college. Why should any of this matter to you?

First of all, I suspect there is more to you than that. If you're a gay cleric, an adult victim of child abuse, a recovering alcoholic, a bondage fancier with a strait-laced employer, or a computer engineer who wants to tell people what's really going on at your company, you might want to post your thoughts and feelings on the Internet or elsewhere in cyberspace without giving away your real name.

Or maybe you're a little lonely and want to meet somebody in **la-personals**. The personal ads in this newspaper don't include names, after all. Maybe you're having marital troubles. Or maybe you simply need to get out of your own skin for a little while.

"I consider myself to be a fairly

Anonymous Mail

Probably no anonymous remailer is absolutely secure. People who really care about anonymity and have the technical skills will route messages through several remailers, making their identity that much harder to trace.

The best way to find out more about anonymous remailers is at Raph Levien's excellent World Wide Web page, <http://www.cs.berkeley.edu/~raph/remailer-list.html>. If you just want Levien's list of remailers, finger.remailer-list@kwiwi.cs.berkeley.edu.

To learn more about Johan Helsingius' well-known server, send e-mail to help@anon.penet.fi. And for a good introduction to the topic generally, visit the newsgroups alt.privacy or alt.privacy.anon-server for Andre Baccard's FAQ (Frequently Asked Questions) on the subject.

good example of why anonymous remailers are needed on the Net," wrote one defender of anon.penet.fi in the newsgroup alt.privacy.anon-server, one of many in which users have expressed impassioned support. "To be blunt, I am bisexual, a pervert and a witch. I also live in Alabama, where at least two of the three are illegal. In a worst-case scenario, I could lose my job, have my career ruined, face prosecution and possibly even have to deal with violence."

I lead a more prosaic life, in a place where you can probably find witches in the Yellow Pages, so I haven't yet felt the need to post anonymously.

I also know that anonymity is a two-edged sword. You might feel the need for it, after all, if you're

bent on harassment or clogging up the Internet with loony rantings about some *idee fixe*.

The recent breach of anon.penet.fi, in fact, came amid an Internet pornography scandal started by a Swedish newspaper report of kiddie-porn photographs being posted through Helsingius' server. (The report was wrong; anon.penet.fi bans postings to picture newsgroups and limits message sizes—pictures contain a lot of data—to control volume.)

Yet defenders of anonymity make a strong case for its preservation. They note that kill files, complaints and more speech are readily available for those who feel offended by something said behind the veil of an assumed user ID. And the timorous can stick to commer-

cial on-line services or BBSes, where system operators can (and usually do) intervene when problems arise.

It's obvious that what happened in Finland is only the beginning. Clearly, there are circumstances—kidnappings, threats, massive fraud—in which the right of anonymity is lost. But if we're not careful to provide more stringent safeguards than those that failed to protect anon.penet.fi, we'll soon face a mask of anonymity that it will be impossible to lift under any circumstances.

Just wait until digital cash becomes commonplace. As incidents like the one in Finland become more routine, little countries with a hankering for foreign exchange will step up to provide Internet secrecy, just as certain Caribbean islands now provide banking secrecy, for a fee.

All it takes is sovereignty and a cheap computer.

When that day comes, we'll look back on today's eleemosynary providers of anonymity with nostalgia, and marvel that the Internet ever could have been so innocent.

Daniel Alst, a Los Angeles writer, is a former assistant business editor for technology at The Times. He welcomes messages at akstd@news.ia-times.com but regrets that he cannot reply to them all.