

Showdown in Cyberspace

Scientists stymied in bid to stifle Internet exchange

BY BRIAN ALCORN

"We believe that all men have inalienable rights to think freely, to talk freely, to write freely their own opinions and to counter or utter or write upon the opinions of others."

— From "The Creed of the Church of Scientology"

IT WAS A GLORIOUS DAY FOR A PICNIC, WARM, CLEAR and bright. Even that old cynic, Sunset Boulevard, looked young and innocent under the sun's radiant benevolence.

All around the parking lot of the Church of Scientology's "Big Blue" headquarters, smiling picnickers milled about, feasting on barbecued chicken and lemonade, enjoying the 41st anniversary and open house of the worldwide church's oldest mission. Children played with rabbits and goats in a makeshift petting zoo.

The genial atmosphere, more Amway convention than revival meeting, was broken by a commanding voice booming over the sound system. "All auditors report to the front of the church!"

The voice belonged to a small, thin, deeply tanned man in a crisp uniform that at first glance could have passed for Navy dress blues: It was the uniform of an officer in the "Sea Org," a quasi-military branch of the church that functions as a sort of quality-control unit. As the man repeated his command, the milling bodies obediently coagulated into a tightly packed mass. Time for the group photo.

While the sound system blared an inspirational theme, the hundreds of faithful smiled, waved and shouted on cue at a red-haired photographer on a two-story platform. Behind them, white-and-blue placards spelled out "L.A. Auditors Association." The little man in the dress blues barked out orders to the placard holders: "That first 'A' needs to come down two inches. That 'D' needs to go up four inches. Make it as straight as you can." Surveying the scene, he worked his mouth into a tight, satisfied smile. It was an efficient operation.

THE REAL WORLD SHOULD BE SO MANAGEABLE.

If opposites attract, then it was only a matter of time before the Church of Scientology, which thrives on internal discipline and an almost fanatical fealty to the teachings of founder L. Ron Hubbard, would lock horns with its alter ego — the unruly cyberworld of the Internet.

The collision between control and chaos has led to a court battle that some First Amendment groups see as the most serious challenge yet to unbridled free speech on the global computer network.

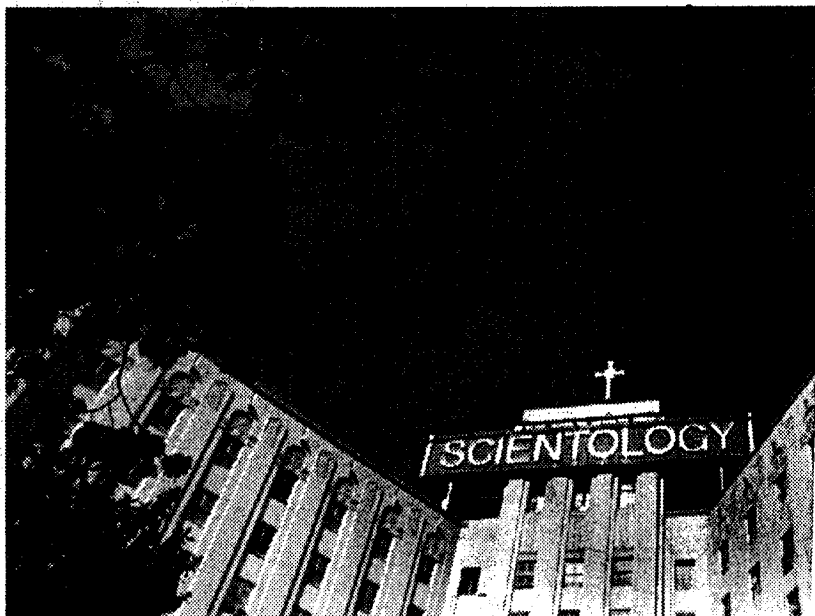
But if a showdown in a San Jose courtroom last week is any indication, the notoriously litigious church may find taming the Internet more difficult than roping the wind.

The Scientologists went to court seeking to silence a disaffected minister who was using an Internet "bulletin board" to post detailed attacks on the church — often including Hubbard texts — that were available to between 30,000 and 50,000 church members and critics around the world.

Last Tuesday, three days after the Los Angeles open house, a federal judge dismissed temporary restraining orders the church sought against the bulletin board operator and the Internet provider, San Jose-based Netcom On-Line Communication Services.

However, U.S. District Court Judge Ronald Whyte upheld, albeit temporarily, a similar order against former Scientologist Dennis Erlich, setting the stage for a full-blown First Amendment tangle.

Erlich says the suit against him is a clear-cut case of censorship and harassment. The church says it is a clear-cut



Scientology's headquarters on Sunset Blvd.

case of copyright infringement.

"The laws of the land apply to those who use the Internet," says church attorney Tom Small. "This valuable resource should be used for free discussion and information exchange, and not to violate the rights of others."

Church attorneys have already indicated that they will appeal in their bid to restrict the kinds of material transmitted by Netcom and the bulletin board run by North Hollywood resident Tom Klemestrud — Erlich's gateway onto the information superhighway.

Meanwhile, the judge has asked the church to provide more details on exactly what copyrights it believes Erlich has violated before making a final ruling. Whyte made it clear that he would protect Erlich's right to fair comment, satire and criticism, the same rights enjoyed by any other publisher.

The case has attracted the attention of civil-rights groups because of its free-speech overtones. And, naturally, it is a hot topic of conversation on the Internet, which has burgeoned to more than 30 million users and is growing by 250,000 users a month.

Shari Steele, director of legal affairs for the Washington, D.C. based Electronic Frontier Foundation, says her group is most concerned with the church's attack on Netcom and Klemestrud.

"We're very concerned about providers being sued for the content of messages that they didn't post," Steele says. "We're concerned about the whole idea of limiting access through threatening legal tactics. We don't want [news groups] to stop carrying speech that they think might be controversial."

The church insists that it is not trying to limit anyone's rights, it is merely trying to protect its own by putting an end to a criminal act. In a press release issued after the San Jose hearing, the church compared its case against Erlich with the FBI's recent arrest of infamous computer hacker Kevin Mitnick.

"The Internet is too valuable a resource for us to allow criminality to flourish on it," says attorney Small. "Individuals like Erlich cannot be allowed to violate the law and threaten the freedom of all lawful net users."

However, recent actions by the church suggest that the threat to Internet freedom isn't from Erlich. In one case, attorney Helena Kobrin attempted to delete the entire alt.religion.scientology news group. And in another, according to an internal memo that eventually found its way onto the Net, officers of the church proposed flooding the bulletin board with "positive messages." "We'll just run the Suppressive Persons right off the system," the jargon-laden memo read.

Church officials also recently worked with police in Finland to ferret out the identity of an anonymous Net user they claim stole church documents. The action appalled many in the Internet community who believe the police were duped into helping expose an effective church critic to harassment and intimidation.

Small himself stood up in the San Jose hearing and told Judge Whyte and the astonished courtroom that the

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church had developed software Netcom could use to identify and monitor particular users such as Erlich, and remove postings that may contain copyrighted material. The suggestion got lost in the debate, but its implication was not lost on the defendants.

"My warning to people has always been that Scientology is a totalitarian system," says Erlich, a Scientology minister who left the church in 1982. "It is all about control, and now people can see what I've been talking about. They are so used to not having any rights themselves that they cannot imagine why anyone would object to something like this."

THE CHURCH MAY YET HAVE TO ANSWER IN COURT FOR A raid on Erlich's home two weeks ago in which Scientology agents armed with a writ of seizure copied and deleted files from Erlich's home computer and carted away boxes of disks, books and other materials. Whyte said he was concerned that the seizure went beyond the bounds of the court order that he issued. He asked for a complete inventory of all the items taken.

Seizures like the one at Erlich's home are not uncommon, particularly in the recording and entertainment industries. For example, if the Walt Disney Co. suspects someone of selling bootleg videos of *The Lion King* out of their home, the company has the right to raid the home and take back what is legally its property.

This gets exponentially more difficult in cyberspace, however, where it only takes 30 seconds to send a message to the entire planet. Erlich insists that the church documents he is accused of pirating were already posted on the Internet by an anonymous user, and, in fact, the very next day after the raid on Erlich's home, the seized materials were back in the alt.religion.scientology news group, posted anonymously.

"We are like a newsstand," Klemestrud says. "There are more than 800 magazines in the rack. If someone puts something in one of the magazines that violates a copyright, you cannot close down the newsstand."

Even if the church's sole interest in Erlich is to protect its copyright and not to silence a critic, its activities online and in court are going to be closely watched by those who see this case as the glittering leading edge of a dangerous weapon.

"We've got this really great opportunity with the Internet for individuals to express themselves in a completely free forum," says the Electronic Frontier Foundation's Steele. "The network has been self-policing in a very positive way, and we don't want that changed by too much litigation."

"This could screw up the whole next century," Erlich says. "I feel that the Internet is equal to the printing press in terms of historical impact. With all due apologies to the print media, there is no freer form of communication. Everyone is equal on that monitor. All it is is words, and the words have the power, not the masthead, not the advertisers, not the publishers."

"There are problems with this that are being brought to the fore and will have to be resolved," he says. "The church's solution is obvious: 'Let's have everybody line up and do what we say.'" **LA**

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