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Clearwater Sun

## Clearwater law could have national IMPACT

*Scientology*  
A new Clearwater law, declared constitutional July 13 by the U.S. District Court in Tampa, could eventually have an impact on the money-raising practices of nearly all churches and other religious groups in the nation.

Judge Elizabeth Kovachevich implied as much in issuing her opinion that the city's revised charitable solicitation ordinance does not violate constitutional guarantees of religious freedom. She described the law as "an issue that I believe is becoming a trend" and noted that it has "far-reaching implications." But she urged the city not to begin enforcing the law until it is reviewed by the 11th U.S. Circuit Court of Appeals in Atlanta, and she predicted that the measure may ultimately be decided by the U.S. Supreme Court.

Her decision did not address additional charges that the law is directed specifically at the Church of Scientology, which set up its international headquarters in Clearwater nearly nine years ago and now occupies more than \$10-million worth of prime property in the downtown area — much to the dismay of some city officials and religious groups that believe it is not a legitimate religious organization.



E. KOVACHEVICH

... 'far-reaching.'

**THE SCIENTOLOGISTS** contend that the ordinance is discriminatory because it was initiated as a result of an attempt by the City Commission to investigate the activities of the church in Clearwater.

But, in its effort to avoid such charges, the City Commission has come up with an ordinance guaranteed to tread on the toes of virtually every nonprofit group operating within the city. The ordinance requires all nonprofit religious, fraternal, civic, educational, social and charitable organizations that raise more than \$10,000 annually to register with the city clerk and require most of them to file financial reports with the city. It permits the city to deny permission to solicit funds to any group that fails to file such reports or whose reports are seen as unsatisfactory or incomplete. And it mandates that the city attorney investigate any group that is the subject of at least 10 complaints, with power to subpoena records and initiate prosecution.

An earlier version of the law, ruled unconstitutional by Kovachevich last March, did not contain an added provision that nonprofit groups can avoid filing financial reports with the city if they make such information available to all their members.

**THAT PROVISION**, however, is not going to satisfy a number of religious organizations that do not routinely bare their financial skeletons to the public or even to their own members — particularly when it involves the amounts of individual contributions or the use of funds for quiet benevolences. And its cumbersome record-keeping requirements are certain to annoy even the most open-minded of religious groups.

The law could become a major burden on the many religious groups that raise money by selling books, candy, T-shirts or other items or run carnivals and bazaars open to the public. And the entire premise of the law is abhorrent to numerous religious bodies that consider any intrusion of the government into their financial affairs as a violation of

their religious rights.

While the Church of Scientology remains in the forefront of the opposition to the ordinance, it has acquired an impressive list of 13 co-litigants. Among them are the National Council of Churches, Florida Council of Churches, American Baptist Churches in the U.S.A. and Suncoast American Baptist Church of Clearwater, American Jewish Committee, several local, state and national affiliates of the Seventh-day Adventist Church and Americans United for Separation of Church and State, now headed by Dr. Robert Maddox, a Southern Baptist pastor and former religious adviser to President Jimmy Carter.

**IN ADDITION**, the city has received letters objecting to the law from the Roman Catholic Diocese of St. Petersburg and a number of national religious leaders.

Although no formal objections have yet been filed by the group, the Jehovah's Witnesses are sure to be another organization that will fight compliance with the law. Local spokesman Charles Wolfersberger said months ago that the Witnesses, after nearly half a century of struggle in and out of the courts, have won the right to conduct their house-to-house solicitations without interference from local authorities. He added that he has little doubt that local congregations of Witnesses will not register with the city or file financial reports.

Attorneys representing the groups contesting the law still contend that it is unconstitutional and that it gives the city attorney powers that are "too broad and discretionary." The Michigan lawyer representing the non-Scientologists told *St. Petersburg Times* reporter Tim Nickens that it would affect "every church that passes a collection plate on Sunday morning."

**THIS APPEARS** to be true, since the annual budgets of most churches, synagogues and other religious institutions exceed \$10,000, and nearly all of these funds would come within the strictures of the ordinance. At the very least, the law could force conventional churches and other groups to change dramatically the way they solicit financial support from their members.

An obvious loophole in the wording of the ordinance is a provision that "any offer of membership in any charitable organization" is "expressly excluded" from the meaning of "solicitation of funds." Conceivably, that would open the door to calling each member's annual pledge of contributions "membership dues," a procedure already common among Jewish synagogues.

But, to many religious groups, such subterfuge would seem to be a demeaning way to circumvent a law that they consider on its face to be governmental meddling in their affairs. Sadly — and it was ever thus — laws such as this one are often deemed necessary to protect the public from the machinations of a few transgressors.

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