

Scientology compared to Catholicism

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TORONTO—A lawyer representing the Church of Scientology likened the 34-year-old sect to the Roman Catholic Church during a hearing Wednesday in Ontario Supreme Court.

Arguing that the Ontario Provincial Police had no right to seize Scientology files during a raid on the sect's Toronto mission last year, Clayton Ruby told the

court that Scientology should be given the same respect and protection afforded established religions.

"Should a new church be (treated differently) because its doctrines are not as well-known?" Ruby asked Justice John Osler. He said if the case involved the Catholic Church it would not have been brought to court.

However, Osler said the comparison was not valid.

Ruby represents the Church of Scientology of Toronto in a motion to invalidate a search warrant executed March 4, 1983, when 100 policemen raided the local mission and seized 250,000 documents. The Ontario government charged in a 158-page warrant that Scientology and its founder, L. Ron Hubbard, defrauded the Canadian government by misrepresenting itself as a non-profit (Please see * SECT, next page)

* Sect

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organization.

In fact, the document states, Scientology paid "profits raised by the church ... to the personal use" of Hubbard and others.

The warrant further names individuals suspected of fraud, conspiracy, theft and breaking and entering "to protect the interests of Scientology."

Ruby, in questioning the legality of the search warrant, read from one of its charges, replacing

all mentions of "the Church of Scientology" with "the Roman Catholic Church."

The attorney wondered aloud how sect practices and artifacts, such as auditing, the purification rundown and the E-meter, differ from the conventions of the Catholic Church, such as Mass, confession and the sale of prayer candles.

However, Justice Osler told Ruby he felt the analogy had "failed."

"The very nature of Mass—of confession—is reasonably well un-

derstood," Osler said. "Clearly, no one makes secrets of them and I certainly don't know what the purification rundown is (or) what an E-meter is."

The judge said it is reasonable to assume that "one might wonder if there's anything to what they (Scientologists) say."

Ruby also pointed out that the warrant served on the sect differs in content from the one the government has given to the court. "At the very least, that's some indication of fraud upon the court" by the investigators, he

charged.

In discussion of the contested documents, called "clear," and "pre-clear" files, co-counsel Mike Code argued that such papers are protected from legal scrutiny by parishioner/pastoral privilege.

Although Justice Osler seemed reluctant to agree with him, Code cited a number of decisions he said indicate the privilege does exist, although there has never been a court ruling to that effect.

"There has never been a ruling because no one ever pressed the point," Code said. "That is, until

now ... and the OPP (Ontario Provincial Police) wants to look into these files."

Osler will hear the government's arguments today.

In another case before the Ontario Supreme Court, the sect claims it is the victim of religious discrimination by the Ontario government which, for five years, has delayed a decision on granting Scientologists power to perform legally recognized marriages. The province of Ontario does not recognize Scientology as a religion.

Under Ontario's Marriage Act, the government can register ministers from various religious denominations. However, there are no criteria on what constitutes a religion.

The Scientologists say they have met all requirements in their application for registration. But the Ministry of Consumer and Commercial Relations, in its latest reply, said it is suspicious that the organization may be a commercial enterprise masquerading as a religion.