

# Journal-American

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## Viewpoints

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editorial page

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### 'Expert' turns bad trial into bad verdict

Why do I have to spend so much time defending religions I don't belong to? I didn't really want a scrapbook of columns sticking up for persecuted Jews, Evangelical Christians, Muslims, Taoists, Native American Shamanists, Moonies and Scientologists, among others. The question that troubles me most, though, is why do I have to defend them from our own government?

The reason, of course, is that I don't want the First Amendment repealed. And a Los Angeles jury did just that July 22, 1986. It awarded \$30 million to one Larry Wollersheim, a 37-year-old former member of the Church of Scientology of California who claimed the church failed to give him promised supernatural powers and further charged that the church had harassed him and ruined his business.

**THIS SEEMS** like *deja vu*, but it is not a one-time occurrence. Last year a Portland, Ore., jury awarded \$39 million to a woman who sued the Church of Scientology for failing to raise her IQ and improve her eyesight as she allegedly had been promised. The judge overturned that award in a rare show of constitutional courage.

But in Los Angeles County Superior Court, Judge Ronald Swearinger did not overturn the jury's verdict, even though it contained serious technical and constitutional flaws. Among the most unacceptable technical flaws were 10 weeks of testimony attempting to show the religion of Scientology to be a fraud, despite pre-trial rulings that the "benefits, nature, or efficacy" of Scientology practice would not be subject to inquiry.

Judge Swearinger threw out the testimony — after the jury heard it — and then turned only to the harassment charges. But, as an *Atlanta Journal* editorial on the case said, "It's not entirely clear that the jurors were able to make that fine a distinction;

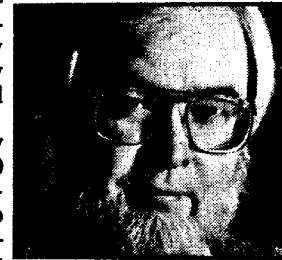
it may well be that their decision was colored by negative feelings toward a 'kooky' religion." Post-trial jury comments positively demonstrate they had been prejudiced.

To let stand a jury verdict prejudiced by 10 weeks of constitutionally forbidden inquiry into the authenticity and effectiveness of a church's religious doctrines is a most serious threat to freedom of religion. I doubt that Christ's vicarious atonement could survive a court test, or Moses' conversation with the burning bush, or the Prophet's ascension to Allah.

But the problem in this case does not seem to lie in a careless or weak judge. From what I can gather in legal circles, Swearinger is a good judge, but relied on expert testimony which now appears tainted.

**THE FACTS** of the case are these: Wollersheim entered Scientology a drug abuser, came clean by Scientology counseling, stayed in the church 11 years, then decided it wasn't delivering on its promises. In 1979 he filed suit against the church. In 1985 a professional religion-basher entered the picture and encouraged Wollersheim to press his attack on Scientology. The religion-basher became his star "expert witness."

The religion-basher is clinical psychologist Margaret Thaler Singer, professor, Department of Psychiatry, University of California-San Francisco, and professor, Department of Psychology, U.C.-Berkeley. Her testimony, among others, prejudiced



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the jury against Scientology religious doctrine. Her background is intriguing. She makes a lucrative specialty of running from one courtroom to another testifying against religions and lecturing to such anti-religious "deprogramming" organizations as "Citizens Freedom Foundation" — whose founder Ted Patrick is in prison for kidnapping.

Most curious, "expert" Singer is not an M.D., is not a psychiatrist, and is not board certified. She admitted under oath during the Wollersheim trial, "I am not a specialist in religion." She wouldn't know hermeneutics from eschatology, yet seems to have a profound personal need to destroy religions.

**AN OBJECTIVE** study of Singer's career published by the Hoover Institution at Stanford University notes that she "is interested in the new churches and has provided psychological guidance for former members of so-called cults," but goes on to note that her work suffers from a variety of disabilities.

These include "an inadequate knowledge of comparative theology necessary for a researcher concerned with the subject of religion," and "a seeming unwillingness to consider adherence to unorthodox — or even bizarre — religions as a legitimate form of behavior guaranteed under the Constitution."

Psychiatrist Thomas Szasz, who is an M.D. and the leading authority on encroachments on civil liberties by the psychiatric profession, discredited Singer's testimony as being without scientific foundation.

Singer's personal need to destroy religious freedom taints her testimony. Judge Swearinger, it is to be hoped, will see that his jury had been prejudiced and order a retrial of the case.

The whole world is watching.

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