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Scientology church offers to aid poor if charges dropped

BY PETER MOON
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In what may be an unprecedented legal manoeuvre, the Church of Scientology of Toronto has offered to make substantial cash donations to community agencies working with the elderly and the poor if criminal charges against it are dropped.

The offer was made yesterday in a letter written by the church's lawyer, Clayton Ruby, and delivered to Ontario Attorney-General Ian Scott's office.

The church is charged with several counts of theft by church members of photocopies of confidential documents from Ontario Government offices while some of them were working for Government agencies. The documents all referred to the Church of Scientology.

The charges resulted from the largest police raid in Canadian history. One hundred police officers seized about two million documents in a 20-hour raid on the organization's headquarters on Yonge Street, near Bloor Street, in 1983. The raid

followed a long investigation by the Ontario Provincial Police into the church's activities, a probe that included the use of undercover officers within the church.

In addition to the church, 15 of its members were subsequently charged with offences alleging the theft of photocopied documents. Four have pleaded guilty and received absolute or conditional discharges. The others are awaiting trial. The church's offer does not insist that the charges against its members be dropped.

The church waged a long, complicated

challenge to the validity of the OPP search warrant until last year, when the Supreme Court of Canada refused to hear an appeal seeking to quash the warrant.

A preliminary hearing into the charges against the church, begun in March, is to resume for two weeks in November and to continue next February.

Cathia Riley, director of the office of special affairs for the Church of Scientology in Canada, said in an interview that the church has already spent \$3-million chal-

lenging the warrant and fighting the charges.

She said it faces at least another \$1-million in legal costs if the province insists on pursuing the charges against the church and its members.

Mr. Ruby said in an interview that he believes the province has spent at least \$15-million in legal and investigative costs.

Mrs. Riley said the church's offer to make charitable donations if charges are

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dropped "is not a case of trying to buy off" the prosecution, but an acknowledgment of the church's moral and ethical responsibility to the community because of the actions of some of its members.

"The church feels it has made amends," Mrs. Riley said. "We've done good works in the community.

It's time now that somebody takes a look at what this church is doing."

Mrs. Riley said the church has been working with drug addicts, mental patients, the elderly, children and others with special needs. She said it has donated both money and the time of its members to community projects.

In his letter to Mr. Scott, Mr. Ruby said a church has never been prosecuted on criminal charges in Canada or the United States.

"The prosecution of this church pits your Government against a particular religion," Mr. Ruby wrote. "This is constitutionally impermissible.

"In the United States, similarly, there has never been a criminal prosecution of a church. No doubt this is deliberate. The American Constitution's guarantee of freedom of religion is similar in scope and purpose to our own. In that respect, the development of religious freedom in both countries has similar roots."

Mr. Ruby said in an interview that his letter to Mr. Scott is an attempt to head off what would ultimately be a constitutional dilemma for the Attorney-General, who is pursuing a prosecution begun by former attorney-general Roy McMurtry.

"I think it's inappropriate for the state to be criminally prosecuting a church, as opposed to individuals who committed criminal acts," he said. "I have no difficulty with that, constitutionally, whether they are members of a church or executives of a church or the Pope.

"But when you start taking on the institution of a church directly, I think you raise problems of a constitutional dimension that are very troubling.

"So I'm trying to find a way around that by putting together an over-all accommodation that brings into it consideration of the needs of the Crown . . . and the needs of the public and the needs of this church, and the constitutional needs of the country.

"It is inappropriate for this kind of constitutional clash to take place. If it does, the courts will resolve it, but it is inappropriate for it to take place."

In the letter to Mr. Scott, Mr. Ruby wrote that "the charges against the church arise out of what is, practically speaking, ancient history. These acts are alleged to have occurred 12 to 15 years ago and the last illegal act allegedly to have taken place occurred as long ago as 1976. . . .

"Moreover, when the prosecution began, the principal focus of the then attorney-general's concern was the theft of confidential information by the Guardian's Office of the church. (The Guardians were a secretive division of the church supposed to be responsible for public and other external relations.) In the interval, the Supreme Court of Canada has ruled . . . that the theft of confidential information is no longer a criminal offence.

"Thus the main thrust of the Crown's concern was directed to a problem that . . . now forms no part of the criminal law and should no longer be the subject matter of a criminal prosecution.

"This change in the law in itself warrants careful consideration by you in determining whether continuation of this prosecution is now justified. . . .

"The (church) will make substantial contributions to worthy community agencies, unconnected with it, who work to assist the needy and the homeless. We would like to have your views on what would be the appropriate amounts; those views will be given great weight.

"The (church), though it has broken no criminal law, does not seek refuge in any legal vacuum. We seek to rely on no technicality.

"But the constitutional dilemma created by this prosecution cries out for steps which will avoid a confrontation between your government and religion. We think these steps meet that need and thus serve the best interest for the administration

of justice."

The Church of Scientology was founded in the 1960s by U.S. science fiction writer L. Ron Hubbard, who died in 1986. It now claims seven million members in several countries. In Canada, there are 22,000 members with 8,000 of them in the Toronto area, Mrs. Riley said.

For many years, the Guardian's Office was a key group within the worldwide church. The office was headed by Mr. Hubbard's wife, Mary Sue. In 1983, she was sentenced to four years in jail after pleading guilty to directing a conspiracy to steal U.S. Government documents about the church.

The conspiracy involved stealing documents from the Internal Revenue Service, the Justice Department and the U.S. Attorney's office, bugging an IRS meeting at which the church's tax-exempt status was discussed, and planting spies in the IRS and Justice Department.

Mrs. Riley said the Guardian's Office was a secretive group that operated without any control from the main church. But she said the church accepts moral and ethical responsibility for the excesses of members of the Guardian's Office, which has since been disbanded.

She also said there is no precedent for charging a church in Canada with a criminal offence.

She said the Unitarian Church has counselled its members to break the Immigration Act to help refugees, but neither its members nor the church have been charged.

And if a Jehovah's Witness member is charged with failing to provide medical care for a child, she said, the church itself is not charged.

"It is not fair to continue prosecuting the Church of Scientology. What the Crown wants is the church found guilty for the actions of some individuals. That would only serve to harm the present-day practitioners and the religion itself. We question what the motives are of the Crown in pursuing this."

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