

Judge removes himself from Scientology case

By STEPHEN KOFF
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A Pinellas judge presiding over a Scientology tax dispute has removed himself from the case because of a newspaper report that cited a real estate transaction between the judge and the Church of Scientology.

The *St. Petersburg Times* reported in December that Circuit Judge Howard P. Rives, who was presiding over a lawsuit concerning taxes on Scientology properties, sold one of those properties to the church in 1979.

Rives said in December that there was no conflict in his role because he had ruled only on tech-

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nical legal points in the case. But he acknowledged a potential for an appearance of conflict of interest, and said he would remove himself before he was asked to rule on the case's merits.

None of the parties asked for Rives' removal. Nevertheless, on Wednesday the judge signed an order removing himself so that no one would have to worry over his impartiality, Rives' office said. Rives' order cited "newspaper publicity that may reasonably be interpreted to be prejudicial."

The case now will be rotated to another judge as yet unnamed.

Rives' action comes at a time when a motion from Assistant Pinellas County Attorney Howard Bernstein is pending before the court. Acting on behalf of Jim Smith, the Pinellas property appraiser, Bernstein asked Rives last month to dissolve a 4-year-old gag order.

The order prevents officials from talking publicly about the case. At a hearing last year, Rives said he prefers to keep court proceedings and records public, but Scientology lawyer Paul B. Johnson said he favors the gag order.

Rives had scheduled a hearing

in September to review the request. That date will now probably be changed, Bernstein said. A trial date has not been set.

The gag order was part of a 1984 judicial order that spelled out terms of pretrial proceedings in a series of lawsuits between the county and the church. Pinellas County wants the church to pay \$3.4-million in taxes accruing since 1982. The Church of Scientology, with its spiritual headquarters in Clearwater, owns 12 properties in Pinellas worth more than \$21-million in assessed value. Church officials have asked for, but have been refused, exemption from taxes on Scientology properties.

One of the buildings the church wants declared tax-exempt is the old West Coast Building at 118 N Fort Harrison Ave. Rives and former law partner A.T. Cooper Jr. paid \$265,000 for the building in 1973, according to property records. They got two separate loans totaling \$513,333 to buy the building and pay for extensive renovations, public records show.

Six years later, they sold the building to the Church of Scientology for \$765,000. It was the fourth downtown property the Scientologists had bought, and the transaction prompted outcry from some Clearwater citizens. Scientologists had targeted Clearwater officials and others in blackmail and harassment campaigns, according to FBI records.

The Church of Scientology is based on the teachings of the late L. Ron Hubbard, author of *Dianetics*. Scientology has often been involved in controversy, including criminal charges against its officials and allegations of harassment from former members and critics. Scientology leaders counter that the church is a victim of religious persecution.

In a separate matter, U.S. Magistrate Paul Game Jr. has scheduled a June 14 hearing for arguments over whether four other Scientology cases should be made public. The church in 1986 settled four lawsuits in U.S. District Court in Tampa and got a judge to seal all the files. Lawyers for the plaintiffs, who claimed invasion of privacy and fraud by Scientology, objected, and the *St. Petersburg Times* last year filed a motion to make the records open to public disclosure.