



U.S. File on Church Legal, Judge Says Scientology Suit Against State Department Dismissed

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The U.S. State Department's maintenance of a file on the Church of Scientology is not a violation of First Amendment guarantees to freedom of religion, a federal judge ruled here Monday.

In dismissing a suit filed by the church against Secretary of State Henry Kissinger, U.S. Dist. Judge Warren J. Ferguson said he has no jurisdiction to instruct Kissinger on how to conduct foreign affairs or how to collect intelligence data.

The church, which claims 3 million followers worldwide, had sought a court order seeking to halt the State Department from "compiling, maintaining, disseminating and constructing independent determinations regarding the religious tenets" of Scientology, which describes itself as an applied religious philosophy.

The suit filed by the controversial church claimed the State Department

has circulated false and damaging information about Scientology. The suit sought \$10 million in punitive damages.

The action also sought to compel the State Department to remove from its files any false information about the church and make that action known to any foreign countries with whom the government discussed Scientology.

Asst. U.S. Atty. James R. Dooley argued that the federal court has no jurisdiction to grant such relief and further that such an order would "impose intolerable burdens on the operation of government."

Further, Dooley said, the church has no right to bring suit under the Privacy Act of 1974 because that statute was intended to open up government files to individuals and not organizations.

Agreeing with the government's position, the judge said individual

members of the church could file requests for information under the Privacy Act and thereafter seek correction of inaccurate data.

But he dismissed the overall action against Kissinger and said church members would have to file new suits rather than continue under the existing complaint.

A church spokesman said such an action will be filed shortly on behalf of at least one member.

The church has dozens of suits pending in federal courts around the country aimed at opening up government files kept on the church's activities.

Nearly two months ago, the church unsuccessfully attempted to force the U.S. Drug Enforcement Administration to disclose to them documents in the agency's files that had been sent by domestic and foreign police forces.

Ferguson also had that case and denied that request, too. That case is being appealed.