

Say Their Dossier Could Make Him Party to Case

Scientologists Ask Judge Hart to Withdraw

By Allan Frank
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Nine Church of Scientology members accused of conspiring to steal government documents have asked U.S. District Judge George L. Hart Jr. to step down from presiding in their pending trial because one of the defendants may have used illegal means in compiling a dossier on the judge.

According to documents filed by attorneys for the Scientologists on Monday, one Scientologist who acted at the direction of others apparently compiled a dossier on Hart for possible use in getting the judge removed from the case.

The defense attorneys said in the papers that the dossier collection may have involved "methods violative of the judge's privacy and other rights and possibly violative of the criminal laws."

An index of Scientology documents filed by prosecutors after FBI agents seized thousands of files in raids on Scientology's West Coast and Washington headquarters in July 1977 indicates that Hart was one of a number of federal district and appeals court judges about whom the religious group sought to compile information.

OTHER JUDGES whose names have surfaced in Scientology files include: U.S. District Chief Judge William B. Bryant, District Judge Howard F. Corcoran, Thomas A. Flannery, June L. Green, John H. Pratt, Charles R. Richey, Aubrey E. Robinson Jr., John Lewis Smith Jr. and Associate Circuit Court Judge Carl McGowan.

Eleven Scientologists are charged with participation in at least one of two conspiracies and with a variety of related counts. Two of those defendants are in England awaiting an extradition hearing in London in May.

The other nine, including Mary Sue Hubbard, wife of the group's founder, L. Ron Hubbard, surrendered before a magistrate here Aug. 17 after having been indicted two days earlier.

Most of the defendants face charges of theft of government property, conspiracy to steal government documents, burglarize government offices, intercept oral communications, forge government passes, obstruct justice, obstruct an investigation, harbor a fugitive and make false statements to a grand jury.

THE FIRST conspiracy involved a plan from

November 1973 to May 1977 by Scientologists to steal documents from various government agencies, including the Internal Revenue Service, the Justice Department and the U.S. Attorney's Office here, the indictments charged.

Other charges covered efforts by Scientologists to derail a federal investigation begun after two Scientologists were discovered in June 1976 to have used false IRS employee security passes to gain access to the U.S. Courthouse after business hours.

According to the defense filings Monday, one document that the prosecutors have indicated will be used in the case contains an April 27, 1976, order to begin immediately collecting information on Hart.

Hart at the time had suggested to Assistant U.S. Attorney Nathan Dodel, who was involved in processing in Scientology Freedom of Information Act requests, that perhaps the government should consider taking the deposition of L. Ron Hubbard.

THAT ORDER to begin collecting both overt and covert information was issued by Richard P. Weigand, the officer in charge of the Scientologists' bureau that collects information on people, to another top-ranking Scientologist, Mitchell Hermann.

Both Weigand and Hermann are among the defendants.

The defense papers filed Monday said that "while the defendants make no concession that the covert collection of data is illegal, that clearly is the position of the government. . . . Thus if various forms of CDC (covert data collection) include various unlawful acts, then the 'complete' CDC ordered to be taken against Judge Hart, by definition, must have included similar unlawful acts of intrusion and surveillance."

In a Nov. 30, 1978, letter to Hart from Mary Sue Hubbard's attorney, Leonard B. Doudin, the Scientologists said the judge could not avoid having at least the appearance of a conflict of interest as a result of the possible illegal actions against him.