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Ruling to Let Prosecutors Use Scientology Files Seized in Raid

The 9th Circuit Court of Appeals in California has ruled that prosecutors here may use materials seized in a 1977 FBI raid on Church of Scientology headquarters in Los Angeles in the criminal trial of 11 church members accused of conspiring to steal from the government.

The prosecutors had sought the ruling to clarify an Oct. 30 9th Circuit opinion that left some doubt whether the documents could be used only before grand juries, or at trials as well, because the appellate court said that the documents could not be made public.

Lawyers for the church argued that the documents would obviously become public when the criminal trial is held here, probably early next year.

But Judges Benjamin C. Duniway, Gus J. Solomon and Herbert Y. C. Choy ruled Dec. 13 that the prosecutors "may use the materials in preparation and at resulting criminal proceedings." However, the appellate ruling continued the ban on the government's distribution of any documents seized in the raid to other government agencies or the public.

A district judge in Los Angeles ruled earlier this year that the FBI raid was legal, a question the Ninth Circuit now has under appeal.

The 11 church members are accused in a 28-count indictment of conspiring to plant spies in government agencies, break into offices, steal official documents and bug government meetings.