

Scientology Search Troubles Judge

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U.S. District Court Chief Judge William B. Bryant indicated yesterday that he had deep concern about the legality of a search warrant executed against the Church of Scientology here and in Los Angeles, but said he would not rule on its legality until at least next week.

Bryant's concern was expressed over a provision in the warrant that allowed FBI agents to search for "any and all . . . evidence (at this time unknown) of the crimes of conspiracy, obstruction of justice and theft of government property . . ."

Although acknowledging that the language had been sanctioned by the U.S. Supreme Court in another search case, Bryant indicated that it troubled him that it was used in a search as wide-ranging as one at the Scientology church.

Phillip Hirschkop, who is represent-

ing the Scientologists said the warrant amounted to a "general warrant" because it gave agents conducting the raid the discretion to decide whether or not they thought something was legitimate evidence of a crime.

Assistant U.S. Attorney Brian Shaughnessy defended the warrant, pointing out that it was detailed in that it was supported by an affidavit totaling nearly 40 pages and listed 160 specific items to be seized.

He said agents had been careful in executing the warrant, seizing only two boxes of documents from the 30 file cabinets in the offices that were searched.

In addition, Shaughnessy said that half of the documents seized are being returned to the Church because they have been examined and found to contain no evidence relating to the government's investigation of the sect. Scientologists seized upon the vol-

untary return of those documents as an admission by the government that the search was too broad in scope. Shaughnessy said the government was not conceding that the documents were improperly seized, but merely that the government had decided they were not relevant to the investigation.

Among the documents returned to the church are files on the personal lives of judges, prosecutors and others who become involved in the Scientologists' litigation, according to sources.

The sources also said the files returned to the Scientologists included files and comments about reporters with whom the Scientologists become involved.

One such extensive file concerned Mark Sableman, a Washington Post summer reporter intern who has reported in the past on the church's activities in the Clearwater, Fla., area. The sources said the files included details on Sableman's personal life as

well as his conversations with Scientologists.

Although refusing to disclose the contents of the files, the sources made it clear that some of the material contained in files on judges and prosecutors indicated that it came from discarded garbage from their homes.

The government alleged in its affidavit for the search warrant that the Scientologists carried out a massive plot to infiltrate, break into and bug government offices.

Scientologists said in response that the search is an escalation of what they view as a government attempt to harass the sect in retaliation for the large number of civil suits the religion has brought against the government.

Bryant indicated yesterday that he would hold further hearings next week on the manner in which the search was carried out if he upholds the legality of the warrant itself.