

Scientologists Ask Judge

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Two high-ranking members of the Church of Scientology, in a last minute legal maneuver before their July 7 criminal trial, have asked U.S. District Court Judge Charles R. Richey to remove himself from the case, charging that he is biased against them.

One of the defendants, Morrison J. Budlong, said in a sworn statement that he had reviewed tape recorded statements from a deputy U.S. marshal and from Richey's former court reporter, that the church contends, supports their claim that Richey is biased.

The Scientologists based those claims on alleged statements made by the marshal and the court re-

porter indicating that Richey was afraid of the Scientologists and thought they were trying to discredit him. The judge wanted to handle the case, they contend, because it would attract considerable publicity.

The deputy marshal, James Perry, who accompanied Richey to Los Angeles last year during Scientology court hearings there, has been on sick leave from his job since November and cannot be located, sources said. The court reporter, Thomas Dourian, had worked for Richey for almost nine years.

Court reporters and deputy marshals who work with judges in the federal courthouse often develop a close, confidential relationship with their bosses. In a sworn statement filed with the court yesterday, Dourian

denied that he had made statements indicating that Richey was biased.

In court papers filed yesterday, the U.S. attorney's office characterized the Scientologists' allegations as part of "another malicious attack" on the court that began when Richey was first assigned to the case in March 1979.

Dourian's affidavit was attached to the government's filing yesterday. In addition, a second deputy U.S. marshal statement denying his fellow marshals' comments about Richey's attitude toward the case.

The government prosecution team, led by Assistant U.S. Attorney Raymond Banoun, said in court papers that the Scientologists' charges against Richey were unfounded and part of the church's overall strategy to create an atmosphere that would

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Richey to Disqualify Himself

force Richey to remove him from the case.

"... the defendant's organization has used the most vulgar, ruthless and insidious methods to smear a federal judge who has done everything in his power to give [the defendants] in this case the fairest possible trial," the government said.

This recent exchange of court papers between the prosecution and attorneys for the church members is the latest episode in the government's ongoing prosecution of members of the church.

Last October, Richey found nine members of the church guilty of participating in a wide criminal conspiracy to plant church spies in government agencies, break into government offices and electronically bug at least one Internal Revenue Service meeting. All those defendants have

received various sentences and are now on bond pending appeal.

Budlong and codefendant Jane Kember are the last two church officials to stand trial in connection with the case. The two defendants, both of whom are charged with burglary of an IRS office, are represented by R. Kenneth Mundy and John A. Shorter Jr., both of who are well-known local defense lawyers.

The Scientologists have consistently maintained that their actions were solely intended to protect themselves against a government campaign to discredit them.

Primarily, the Scientologists contend that Richey has repeatedly denied that he sought protection from the U.S. Marshal Service because he feared that members of the church might take some action against him.

Richey's desire to get protection shows that he is prejudiced against the church, the defendants said in court papers.

The prosecution team contends in its court filings that a federal judge has no obligation to explain to the defendants or their lawyers any reason for various security precautions. The government has repeatedly contended that Richey had protection from the marshal service because he had received threats in cases unrelated to the Scientologists.

Richey, by federal law, must now consider the Scientologists' request that he disqualify himself and the government's urging that he remain on the case. If Richey decides to preside over the trial, any allegations that he was prejudiced against the defendants would have to be raised later in the U.S. Court of Appeals.