

FBI Quizzes Deputy Whose Remarks Touch on Judge in Scientology Case

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FBI agents yesterday questioned a deputy U.S. marshal who allegedly made tape-recorded statements that are now being used by two members of the Church of Scientology to get U.S. District Judge Charles R. Richey to disqualify himself from presiding over their criminal case.

The deputy, James Perry, who has been on leave without pay from his job since November, had been sought by the U.S. marshal's service since June 23 after the Scientologists filed court papers, contending that Perry's alleged statements supported their contention that Judge Richey is biased against them.

Perry was located at his Southeast Washington residence Monday after-

noon. Early yesterday, he voluntarily went to the federal courthouse where he turned over his service weapon, government identification and badge, according to U.S. Marshal J. Jerome Bullock.

In a related development, Richey yesterday postponed indefinitely the July 7 trial of the two Church members, Morrison J. Budlong and Jane Kember, both of whom are charged with burglary of an IRS office. They are represented by lawyers R. Kenneth Mundy and John A. Shorter Jr. of Washington.

In a brief order, Richey said the court needed time to study filings by both the church and the government prosecution team that focus on the Scientologists' allegation that Richey is prejudiced against them and therefore must disqualify himself.

In support of their allegation that Richey is biased, the Scientologists said in court papers that they have tape-recorded statements made by Perry and by Thomas T. Dourian, who until recently had been Richey's court reporter for more than nine years.

Dourian, who recently transferred to assignments with other judges, worked with Richey during the trial of nine Scientologists last year. Richey convicted all those defendants for their participation in a conspiracy to infiltrate and burglarize government offices.

Meanwhile yesterday, private investigator Richard Bast said that he was hired by a lawyer employed by the Scientologists to investigate possible violations of their constitutional rights and that in the course of a six-

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month investigation, he compiled those tape recordings.

Those tapes, plus records of interviews with numerous other persons are now in the hands of a lawyer whom Bast refused to identify.

The government said in court papers yesterday that even if the statements made by Dourian and Perry were true, they were not enough to legally require Richey to leave the case. Among other things, the government contends that the statements do not show that Richey has a personal bias against Budlong and Kember in particular, and that the statements themselves are based principally on rumor, hearsay and personal opinion.

Richey must decide whether the

allegations warrant a decision to disqualify himself from the case. If he stays on, the issue could be raised in the U.S. Court of Appeals.

In court papers Budlong said under oath that deputy Perry said in a recorded statement that Richey "compared Jim Jones and the Jonestown massacre with the Scientologists and said they were all the same."

Perry and a second deputy, Charles Blandford, had accompanied Richey to Los Angeles last summer for a court hearing there in connection with another Scientology trial. Blandford, in a separate sworn statement, asserted that he had never heard Richey make such a comparison.

On Monday, the exchange of

charges intensified when the Scientologists filed court papers that set out statements allegedly made by court reporter Dourian and tape recorded by the investigators.

The Scientologists quote Dourian in court papers as saying that Richey "actually was prejudiced" and saying: "He's not reasonable, Judge Richey. He just is not reasonable." The government has responded that those comments are simply Dourian's opinion.

Dourian's sworn statement, filed along with government papers last Friday, acknowledges that he met in May with Perry, Bast and former District police detective Frederick Cain, who works for Bast.