

Scientologists Reveal Transcript To Show That Judge Is Prejudiced

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Two high ranking officials of the Church of Scientology, who want U.S. District Judge Charles R. Richey to disqualify himself from their "incoming criminal trial, yesterday disclosed in court papers tape-recorded statements allegedly made by a court reporter about Richey's attitude toward the church.

The disclosure was the latest episode in an escalating campaign by the Scientologists to demonstrate that Richey is personally biased against them and therefore should not preside at their July 7 trial on burglary charges.

Meanwhile, an attorney for court reporter Thomas Dourian said yesterday that his client stands by his sworn statement filed with the court Friday in which he denies he made statements to investigators which the church claims support their charge that Richey is prejudiced against them.

"The bottom line is that he stands by his affidavit," attorney Lawrence H. Schwartz said in a telephone interview yesterday.

"He (Dourian) did not make the statements," Schwartz said.

In court papers yesterday, attorneys for the two church members said there are audio tape recordings of "direct person-to-person contacts" between Dourian and a private investigator, and that statements attributed to Dourian were made in the presence of one or two witnesses.

Essentially, the defendants claim that Richey is afraid of Scientologists and that he has sought protection through the U.S. Marshal Service. They also contend in papers filed with the court that Richey wants to remain on the case for publicity and that he has made derogatory remarks about church members.

In a 31-page filing with the court yesterday, attorneys for the Scientologist set out what they said were recorded statements by Dourian in which he allegedly expressed his opinion that Richey had mistreated the church members and that "he actually was prejudiced." The attorneys for the church members are R. Kenneth Mundy and John A. Shorter, Jr.

The church members also allege in court papers that they have a transcript of Dourian statements in which he states that Richey was seen leaving

the office of one of the federal prosecutors assigned to the Scientology case.

The court papers also recite other statements in which Dourian allegedly said he overheard part of a telephone conversation Richey had with another judge in which he said he thought the church had a plot to discredit him.

The Scientologists contend that all these factors demonstrate that Richey is biased against them and that therefore he should not remain on the case. Richey must decide whether to disqualify himself. If he stays with the case, the defendants can argue the point afterward at the U.S. Court of Appeals.

Federal prosecutors have not formally responded to the church's latest court filing. Last Friday, however, the government said in court papers that the church's request that Richey get off the case was part of their alleged ongoing effort to "smear" the judge and create an atmosphere that would force Richey to disqualify himself.

When the church made its charge that Richey is biased against them, it filed with the court a sworn statement from defendant Morrison Budlong, who said he had reviewed tape statements from court reporter Dourian and one of the two deputy marshals who had accompanied Richey to a hearing involving the Scientologists in Los Angeles last summer.

The church contends that those statements support their allegations that Richey is biased against them. The government responded that the charge was unfounded and attached to its court papers the sworn statements from Dourian in which he denied having made the statements.

In that sworn statement, Dourian admitted that he met in May with Frederick Cain, a retired District police detective; Richard Bast, a local private investigator, and James Perry, one of the deputy marshals who went with Richey to California.

Perry has been on leave without pay from his job since November. Recent attempts by the U.S. Marshal's Office to reach Perry have been unsuccessful.

Dourian said in his sworn statement that Perry initiated contact with Cain and that Cain told him he was working for a wealthy European industrialist whose daughter had been a Scientologist.