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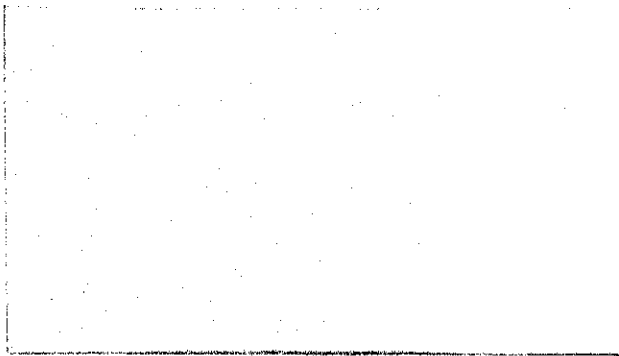
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Ein internationaler Vergleich

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Scientology in Canada

Stephen A. Kent

Scientology in Canada is remarkably quiet, despite a current civil lawsuit against one of its organizations for \$ 2 million (CDN), against at least one Scientology school, and apparently on-going attempts to recruit indigenous or native Canadians into the organization's reputed drug rehabilitation and radiation cleansing program, Narconon. Most interesting, however, is the history of Scientology in Canada, because it includes official government investigations of it, one precedent setting civil court decision against a so-called mission, and a criminal conviction against one of its branches and several of its former members.

A. Status in the country

Canada has opportunities for organizations to register as non-profit entities on both a provincial and a federal level, with each registry providing tax advantages on either provincial or national levels. While the federal government does not release lists of non-profit organizations, the provinces do, and it appears that various Scientology missions are registered provincially across the country (see Harvey, 1994; Kent, 1990: 398). This status, however, is not a seal of approval for the group's activities, nor does it confirm the power to marry to its so-called 'ministers'.

Nevertheless, in 1966, which was a year before Toronto's Scientology organization received non-profit status (see Kent, 1990: 398), a provincially appointed committee began investigating medicine and healing in Ontario. Aspects of that study involved the examination of hypnosis and various groups that use it, as well as a number of sectarian groups, including Scientology (Lee, 1970). Scientology had been very hostile about its inclusion in the investigation, and in the committee's final report it stated that „with no other group in the healing arts did the Committee encounter the uncooperative attitude evinced by the Church of Scientology“ (Committee on the Healing Arts 2, 1970: 504). It added that:

„Although the Scientologists refer to their organization as a ‚church‘, and although we will use that designation to describe it, this Committee views with scepticism the claims of Scientology to be a

„religion‘. Such claims seem to us somewhat disingenuous, concealing more that they reveal concerning the real nature and beliefs of the organization“ (Committee on the Healing Arts 2, 1970: 504-505).

On two occasions, the Committee on the Healing Arts felt compelled to issue subpoenas that required Scientologists to produce certain material. After the second subpoena:

„Again they refused to answer questions or to produce the information requested. They said that they refused to answer on the grounds that

1) they were a religious group, and

2) they were not engaged in the healing arts.

The Committee, however, is satisfied that the Church of Scientology does in fact attempt to engage in healing, and makes explicit claims to heal“ (Committee on the Healing Arts 2, 1970: 507).

In light of what we now know occurred involving Scientology activities in Toronto later in the 1970s, the Committee’s warning to Ontario authorities was insightful:

„We wish to make it very clear, however, that we believe that the Church of Scientology should not be excluded from the proscriptions of the practice of medicine under the Medical Act on the grounds of being a religion, and that the public authorities in Ontario should be aware of the history of this organization in other jurisdictions and should keep the activities of Scientology under constant scrutiny“ (Committee on the Healing Arts 2, 1970: 510).

Within a few years of this warning, members of the Toronto Scientology organization undertook „Snow White“ operations against numerous public agencies around the city.

In 1978, the Ontario government commissioned a study of „mind development groups, sects, and cults“ in the province, and Scientology was one of fourteen groups examined. When the study issued its findings in 1980, it concluded that „some groups do indulge in questionable financial practices“ (Hill, 1980: 572) that involve „deceptive recruitment and fraudulent financial dealings“ (Hill, 1980: 571). Readers, however, had to guess the specific identities of the groups that the study’s author had

in mind when stating these and other criticisms, because Hill did not use group names in the body of his text (see Kent, 1990: 407).

B. Legal

A number of significant legal decisions have been handed down across the country, but no one knows the full extent of Scientology litigation over the years. For example, between 1968 and 1980, various Scientology organizations had launched over fifty lawsuits without ever having brought one to trial (Kent, 1990: 406). A clear pattern existed of Scientology not proceeding with the lawsuits that it launched. In reaction of this tactic in 1980, a judge in the province of Alberta became so disturbed at Scientology’s delaying tactics in a case that he awarded the defendants, whom Scientology had sued, their lawyers’ costs. In handing down his decision the judge stated that „the proceedings and the action of the Plaintiffs [i. e., three Alberta Scientology missions] amounted to a clear abuse of [judicial] process“ (Alberta Court of Queen’s Bench, 1980: 2).

More important in the legal arena was a series of criminal convictions against former Scientology spies along with the Church of Scientology of Toronto. Seven Scientologists were convicted on various charges related to their covert activities against the Ontario Medical Association, the Ontario government, and three police forces (Claridge, 1992a; Edmonton Journal, 1985; Moon, 1988). The conviction against the organization on two criminal counts of breach of trust came in late June, 1992, which led to the court imposing a fine of \$ 250,000 (CDN) (Globe and Mail, 1992). These convictions indicated that Scientology’s „Snow White“ program, designed to remove negative material about the organization from government offices, was operating in Canada as well as in the United States.

One dramatic consequence of the breach of trust investigation was that Scientology and one of its lawyers libelled Crown attorney Casey Hill, who had worked with police on the case. On September 17, 1984, Scientology held a press conference and announced that it was preparing a motion of contempt of court against Hill. Television and newspapers ran the story locally and nationally (Court of Appeal of Ontario, 1994: 22-27). After a judge dismissed the charges, Hill sued for damages for libel (Court of Appeal of Ontario, 1994: 28). The case resulted in Hill receiving the largest libel award in Canadian history – \$ 1.6 million (CDN). Although Canada is not known for high libel payments in successful defamation

cases, a professional lawyers' newspaper concluded that this amount „probably represents the third-to-fourth highest libel award affirmed by an appellate court in North America“ (Onyshko, 1994: 1). In sustaining the verdict, the court of appeal decided that:

1. *The libel was a most serious defamation.*
2. *The libel was published in circumstances designed to cause the most serious damage to Casey Hill's reputation and to ensure the widest circulation possible.*
3. *The libel caused serious injury to Casey Hill's feelings and that injury was not alleviated by any public apology* (Court of Appeal of Ontario, 1994: 89; see Downey, 1994).

The initial jury „found that Scientology was motivated by express malice towards Casey Hill when it libelled him and that it found that much of its conduct not only aggravated the injury which it caused him but was calculated to do so“ (Court of Appeal of Ontario, 1994: 93). Moreover, the Court of Appeal of Ontario, which reviewed and upheld the initial decision, noted that Scientology had labelled Hill as an „Enemy Canada“ (Court of Appeal of Ontario, 1994: 94). It also acknowledged that the jury had sufficient evidence „to find malice and egregious conduct on the part of Scientology ...“ (Court of Appeal of Ontario, 1994: 122).

While these court cases present solid evidence about Scientology's activities in the country, other evidence is harder to interpret. For example, American author on stock investments, George Chelekis, is a Scientologist operating out of Clearwater, Florida who frequently comments on Canadian penny stocks that trade on the notorious Vancouver Stock Exchange and elsewhere. In February, 1997, he agreed to pay \$ 162,727 (US) to settle allegations made against him by the American Security Exchange Commission „that he failed to adequately disclose payments from more than 150 companies to tout their shares“ (Bloomberg News, 1997; Securities and Exchange Commission, 1997). In addition, the Security Exchange Commission alleged that Chelekis knowingly made false statements about six companies (including at least one Canadian company) in his financial publication. Currently he is a defendant in a Vancouver case in which he fabricated and disseminated a story that a local business reporter and a stock investigator conspired to benefit financially by short-selling stocks that the reporter critically discussed in his newspaper articles (Stockwatch Business Reporter, 1997). No one ever

has related these questionable if not illegal activities, however, to his membership in Scientology (Church of Scientology Celebrity Center International, 1991: 12), nor has anyone proven that Scientology has illegal dealings on the exchange (Telegraph-Journal, 1991).

Scientology runs at least one independent school (in Edmonton, Alberta, called The Progressive Academy), that uses L. Ron Hubbard's perspectives and techniques about education (Edmonton Examiner, 1996). Moreover, Scientology in the province of Alberta has attempted to recruit native (Indian) people into its Narconon program – a program that claims to free people from the residues from both drugs and radiation (Beaty, 1994). Likewise, Canadian dentists have signed up for Scientology-connected „practice management“ or „business management“ programs that are based out of the United States (Hall, 1996). Of particular interest is a lawsuit filed by an Edmonton, Alberta police officer against a prominent Scientologist along with the Church of Scientology of Alberta. The officer is seeking \$ 1 million (CDN) for general and aggravated damages and another \$ 1 million (CDN) for punitive and exemplary damages from court action and comments that the Scientologist made about alleged improper conduct, negligence of duty, „discriminatory remarks regarding the religion of Scientology, and harassing investigative procedure“ (Court of Queen's Bench of Alberta, 1991; 1997). These and other activities go on outside of public attention, so very little controversy exists at this moment about them. Unless something dramatic happens involving Scientology in the near future, I predict that the organization will continue to operate in Canada, and will not be subject to government sanctions.

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