

This is a response to the article:

The French and German versus American Debate over 'New Religions', Scientology, and Human Rights

Stephen A. Kent, Edmonton (Canada)

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A Letter from the Church of Scientology

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A person who wears the label of "professor" assumes certain responsibilities. Foremost is that his work will be thorough, fair and honest, and free from preconceptions offered as conclusions. One can hardly imagine a scholar writing about Judaism, but not speaking to any Jews. Or doing a dissertation on the Lutherans, but never attending one of their services. What would you think of someone who claimed a close knowledge of Catholicism based on his conversations with excommunicates? And if he insisted that his lack of first-hand information was an asset, not a liability, and yet he had only negative things to say, you would probably label him biased, at least. Certainly, you would doubt his being the disinterested seeker after truth that is traditionally the mark of the scholar.

Stephen Kent writes about the Church of Scientology. Yet he has never been inside one of our churches, and he refuses to consider Scientologists' views. He has no first-hand experience. His descriptions of the Church of Scientology and its members are remote, unreal and untrue. His role in writing about Scientology is not that of a researcher seeking greater understanding, but a propagandist advocating a cause. His function is evidently to legitimise a governmental policy and practice of religious discrimination against Scientologists in Germany that has been criticised in more than 35 reports by international human rights agencies. Therefore, German officials responsible for the abuses have been eager to seek out Kent, ignoring genuine scholarship and expertise on Scientology.

Kent's bias is betrayed by his refusal to differentiate. Specifics are buried under generalities. For example, he consistently uses the single term "Scientology" to denote thousands of different Church organisations and their parishioners, as if they were all one entity. It's a tactic intended to obscure a fact crucial to understanding the discrimination in Germany: The vast majority of Scientologists are not staff members of the Church, but working people with bread to earn and families to support. It is they who suffer most from the intolerance of government officials in Germany and France.

I will begin by correcting the record concerning Kent's version of events in the United States. In common with its former executive director Cynthia Kissler, Kent attributes the demise of the Cult

Awareness Network (CAN) to the Church of Scientology. It's nice to be given credit for the downfall of a kidnapers' referral agency, but the truth is different. CAN's bankruptcy came about in an effort to avoid paying a \$1 million punitive damages judgment awarded by a jury to Pentecostal Christian Jason Scott, who had been the target of a brutal faith-breaking attempt by deprogrammer Rick Ross. Scott was represented in the trial by attorney Rick Moxon, a Scientologist. Judge John C. Coughenour, in rejecting CAN's and Ross's appeal for a new trial in November 1995, dismantled CAN's defense, echoed by Kent, with these words:

"The Court notes each of the defendants' seeming incapability of appreciating the maliciousness of their conduct towards Mr. Scott. Rather, throughout the entire course of this litigation they have attempted to portray themselves as victims of Mr. Scott's counsel's alleged agenda. Thus, the large award given by the jury against both CAN and Mr. Ross seems reasonably necessary to enforce the jury's determination on the oppressiveness of the defendant's actions and deter similar conduct in the future....The Court notes that the reprehensibility of CAN's conduct goes far to justify the amount of the award. The continued use of euphemisms such as 'involuntary deprogramming' does not alleviate the fact that the actions in furtherance of the conspiracy involved the forceful abduction and retention of an adult against his will."

CAN was a criminal organisation that referred enquirers to violent deprogrammers to conduct kidnappings-for-profit. In upholding the jury verdict, the Ninth Circuit Court of Appeals stated: "The evidence also showed that it was CAN's practice to refer people to deprogrammers like Ross, and that Ross was known to engage in involuntary deprogramming. Tonkin [Scott's mother] said Landa [CAN's contact person] had described Ross as a 'very successful' deprogrammer. A CAN employee testified that he referred hundreds of people to deprogrammers, including Ross, whom he had seen on '48 Hours' conducting an involuntary deprogramming." The U.S. Supreme Court declined CAN's appeal, making the judgment final.

Kent's remaining claims regarding CAN are simply old-CAN propaganda. CAN today is in the charge of a multi-faith board, including a Baptist, a Buddhist, and a Scientologist. Volunteers man its telephone hotline, among them a Buddhist, the pastor of a predominantly black Christian congregation, two professors of religion, a prison chaplain, and a Catholic. Whereas the former CAN used that hotline to sow division and disseminate what Judge Coughenour called, "materials on 'cults' [that is] negative and highly inflammatory by definition", the new CAN has answered more than 7,000 calls and brought together hundreds of families. Advocating tolerance and dialogue to resolve religious differences, CAN has prevented more than 600 deprogrammings, the most recent a student at a Baptist seminary whose misled parents were about to pay \$15,000 to deprogrammers to have him coerced back into their fundamentalist faith.

Wrong Facts

Kent shows his prejudice in his account of the Internal Revenue Service's decision to grant full tax exemption to the Church of Scientology and more than 150 related churches, missions and social betterment organisations in October 1993. Following and because of exemption, Kent writes, the U.S. government began criticism of German officials' intolerance towards Scientologists. He has his facts wrong. The first U.S. government criticism of discrimination against Scientologists in Germany was not, as he claims, the U.S. State Department's Human Rights report released in January 1994, but a report by the Commission for Security and Cooperation in Europe, published in September 1993. What precipitated American concerns about the situation in Germany was the Baden-Wuerttemberg government's refusal to permit Chick Corea, an American citizen and world famous musician, to perform at a state-sponsored concert, solely because he is a Scientologist. Several U.S. congressmen and artists protested to German officials over this incident in June and July 1993.

Kent's commentary shows wilful ignorance, for the record is clear. The U.S. State Department recognised the Church of Scientology as a bona fide religious organisation as early as 1974. Based on that recognition, the U.S. Immigration and Naturalization Service recognised Scientology as a religion three years later. About a dozen churches of Scientology in the United States had already received tax exemption from the IRS in the 1970s, and the IRS further stipulated in 1980 that Scientology is a religion. In other words, well before 1993, a substantial body of law, consisting of numerous decisions by administrative and judicial bodies, had firmly established the religious bona fides of Scientology.

The Freedom of Information litigation Kent refers to began after it became increasingly apparent in the 1980s and 1990s that certain IRS officials were targeting Scientologists for discriminatory treatment. To find out why, churches of Scientology and parishioners applied under the Freedom of Information Act to obtain IRS files on them. When the agency balked at releasing the information, they filed suit. As a result of the successful litigation, Scientologists created legislation which has benefited all taxpayers in the United States.

When the IRS finally began the examination of the Church of Scientology that led to full exemption, IRS officials spared no effort. An average exemption application consists of approximately ten pages of narrative and a review by the local IRS office, usually lasting a few hours. By comparison, the Churches of Scientology were subjected to a review resulting in thousands of questions, requiring thousands of pages of narrative and foot upon foot of financial records. By the time the churches received their decisions, the largest administrative record ever for any exempt organisation -- more than twelve linear feet -- had been compiled. Further, the Church was subjected to hundreds of hours of gruelling meetings where information had to be provided, over a period of two years, and under three different IRS commissioners. The Church's application was examined not by low-level bureaucrats at the IRS district office in Los Angeles, home of Church headquarters, but by the most senior officials over exempt organisations at the IRS national office in Washington, D.C. In summary, the Church's application received especially vigorous treatment, unprecedented in IRS history, and the Church passed the test.

Kent's Sources

The IRS investigated sensationalised stories about Scientology by self-serving former members prior to granting exemption. The agency found these people unreliable, their stories baseless and their motives discreditable. Such people, however, are Kent's sources.

Take his remarks about the Rehabilitation Project Force (RPF), a voluntary programme undertaken only by members of the Sea Organisation. The Sea Organisation is a fraternal religious order within the Church of Scientology, and its name derives from its founding days aboard a fleet of ships, although today most Sea Organisations units are based on land. The RPF programme is based upon one of the oldest and most fundamental concepts in religion -- that of withdrawing to a cloister for prayer and/or intensive spiritual studies. This practice is common to many different faiths, including Buddhism, Hinduism, Jainism and the monastic orders of the Roman Catholic Church.

Kent has *never* seen an RPF programme in action. His statements are based upon accounts a few disgruntled ex-members made in the early 1980s as part of a failed get-rich-quick litigation scheme. One of his main sources filed a suit against the Church in the 1980s seeking \$1 billion. The Los Angeles County Court dismissed the suit because of the plaintiffs' repeated failure to document their allegations. The California Court of Appeal upheld the dismissal in May 1990.

Frank Flinn, a U.S. scholar and former member of the Franciscan order, who, unlike Kent, has interviewed individuals who are doing the programme, describes it as "characteristic of religion itself when compared with religious practices around the world." Lorne L. Dawson, Chair of the Department of Religious Studies at the University of Waterloo, Canada, said that "Professor Kent's exclusive reliance on the comments of ex-members of the Church of Scientology to support his recent criticisms of the RPF fail to meet the standards of objectivity and fairness that sociologists expect of their colleagues. His evidence is skewed and very incomplete." Kent, unlike the courts, does not require his sources to document what they say, but repeats their lies because they forward the agenda of certain German officials seeking a rationale for their discriminatory practices.

One of those officials is Ursula Caberta of the Hamburg Interior Ministry, who has initiated some of the most egregious violations of the rights of Scientologists in Germany, among them so-called "sect filters" -- documents which require applicants for employment or contractual relations to declare that they are not Scientologists before their application will be considered. Caberta, despite ten years of propagandizing at taxpayer expense, has been unable to find anything wrong with Scientologists and their Church. In a desperate attempt to justify her human rights abuses, she has brought in artillery from overseas -- not only Kent, but an American named Robert Minton, who has financed, unsuccessfully, anti-Church litigation in the United States. But in presenting Kent and Minton as credible sources on Scientology, Caberta exposed her intolerance and ignorance. Minton, like Kent, has no first-hand information; he has never been inside a Church of Scientology. He claims he made his fortune as an investment banker, but the London *Sunday Times*, *Business Age* and other media have revealed that in the 1980s he collaborated with at least one of Nigeria's most evil dictators who plundered billions from his own country, according to international studies. Minton has admitted making millions from his cooperation with this ex-dictator, and the new, democratic Nigerian government has filed a criminal complaint against him.

Religious Discrimination in Germany

Kent questions the reality of religious discrimination in Germany. How would he even know? He has never interviewed a German Scientologist and his bias precludes him from obtaining first-hand information.

In 1997, the United Nations Special Rapporteur on Religious Intolerance visited Germany to interview Scientologists, members of other minority faiths, and German government officials. In his report, published in December that year, he reported that Jehovah's Witnesses, Baha'is, the Unification Church, Mormons, and members of the Hare Krishna movement all complained of a climate of religious intolerance. And he added that "the representatives of Scientology provided very detailed documentation" of discrimination against Scientologists. In March 1998, the Special Rapporteur told the United Nations Human Rights Commission that "what that group [Scientologists] faces [in Germany] can be described as a climate of suspicious, or latent, intolerance."

The Special Rapporteur recommended in his report on Germany that "the State, beyond day-to-day management, must implement a strategy to prevent intolerance in the field of religion and belief. [The Rapporteur] believes that sustained efforts are required to promote and develop a culture of tolerance and human rights."

1,500 Cases of Discrimination

The Church has documented more than 1,500 cases of discrimination against its parishioners in Germany. The U.S. State Department has criticised the German government for abusing the rights of Scientologists in its last eight annual human rights reports and its last two religious freedom reports. In its most recent human rights report, released on February 26, 2001, the State Department warns that publications from the Hamburg government and state-run offices in Lower Saxony, Thuringia and Schleswig-Holstein are also targeting "theologically conservative or minority Christian groups." In April 2000, the U.S. Trade Representative condemned the German government's use of "sect filters" to discriminate against American companies because of a Scientology affiliation by their executives. The Trade Representative placed Germany on the "watch list" of countries engaged in discriminatory trading practices.

The unfortunate fact remains that Scientologists in Germany are routinely dismissed and screened from public and private employment, screened from political parties, denied the right to contract with the government, denied the right to perform their art, denied the right to use public facilities and face boycotts and discrimination, solely due to their religious affiliation.

German officials have attempted to boycott Microsoft's Windows 2000 because one of its components is produced by Executive Software, whose founder and CEO, Craig Jensen, is a Scientologist. In its recent report, the U.S. State Department cited the German government's own findings about Windows 2000. A reading of those findings confirms what the State Department found: that the call for a boycott is based solely on Mr. Jensen's religious affiliation.

In the face of the German government's own statement, Kent's forwarding of a false rumor circulated by Ursula Caberta again shows that he prefers innuendo to scholarship. And, while he

obviously read Craig Jensen's testimony to the International Relations Committee of the U.S. House of Representatives in June 2000, he makes no reference to this passage:

"Through hard work and ingenuity, my company has grown to be one of the top 200 software companies in the world, earning a great deal of success in the marketplace and numerous awards for the finest products and services in the computer software industry. Our products have been extremely thoroughly tested for safety and effectiveness by the National Software Testing Laboratories and by Veritest, the independent testing company responsible for granting certification of compatibility with Microsoft's Windows operating system... these insinuations are completely false and easily shown to be so. It is patently incredible that even a semi-competent software engineer could believe such things. But, of course, the software itself was not the real reason for the attack. It was being targeted solely because of my religious affiliation."

Next, Kent tries to justify German discrimination by citing a Federal Labor Court opinion on Scientology of 1995. While Kent may like to quote this opinion, German courts ignore it. Why? Because it was not a binding judgment but merely an interim decision which set no precedent, based upon a defective lower tax court decision since overturned by the Supreme Tax Court. The standard German courts cite today when ruling on cases involving the Church of Scientology was set by the Federal Administrative Court in *Mission Neue Bruecke Stuttgart vs State of Baden-Wuerttemberg* in November 1997. The Court held that the services of Scientology are spiritual in character and rejected an attempt by the government of Baden-Wuerttemberg to classify them as commercial. The government withdrew its case and paid costs. The Hamburg Superior Court, citing this ruling, confirmed the religious character of Scientology on January 5, 1998, as did the Administrative Court in Stuttgart and the Social Court in Nuremberg in decisions in 1999 and 2000. There are now more than 40 decisions from German courts finding that Scientology is a religious community.

France

Kent does not treat the matter of minority faiths in France with any more scholastic integrity than he does in Germany. He hastens to the defense of the French "Interministerial Mission to Fight Against Sects (MILS)", targeting the Church of Scientology based upon an affidavit signed by a dismissed ex-member. The affidavit made ludicrous and outrageous claims about a Church facility in California. An American attorney, who U.S. courts have since sanctioned approximately \$100,000 and declared a "vexatious litigant" for filing frivolous suits, paid the former member \$17,000 to attach his signature to that false affidavit. The legal firm for which this attorney worked, after reviewing evidence of the ex-member's lack of credibility, stopped using the affidavit. Kent, because fabrications fit his agenda and that of the French officials whose human rights abuses he is intent on sanctifying, chooses to ignore these facts.

Next, Kent tells us that the Council of Europe's Parliamentary Assembly has recommended the establishment or support of government-funded "information centers" similar to what exists in France. Just how deceptive is this declaration becomes clear when you read what the Parliamentary Assembly actually said in its June 1999 report:

"Under Article 9 of the European Convention on Human Rights, states are prohibited from distinguishing between different beliefs and from creating a scale of beliefs which is, in our view, unacceptable. Merely making such a distinction would constitute a disproportionate violation of the freedom guaranteed by Article 9 of the European Convention of Human Rights because the very basis of this freedom is the absence of distinction between beliefs, which explains the state's duty to maintain neutrality."

The International Helsinki Federation for Human Rights concluded that the independent information centers the Assembly recommended meant that "the Assembly substantially condemned the state-dependent Sect Observatories set up by France and Belgium...." How can Kent claim that the Assembly recommended a government unit similar to that in France? No wonder the American Anson Shupe, professor at Indiana University-Purdue University in Fort Wayne, wrote that "anyone who is a professional in the sociology of religion and aware of Stephen A. Kent knows that he does not have clean hands in the cult-anticult debate."

The Parliamentary Assembly's position is more consistent with a 1998 Swedish government commission which found that "in France the state has on the whole made common cause with the anti-cult movement" and with a University of Derby report commissioned by the British Home Office, which found that, "... in dealing with religions there are those who wish to separate out the 'acceptable' world religious traditions from those religious groups known popularly as 'sects' and 'cults', or in less prejudicial academic terminology, as 'New Religious Movements.' However, the rights which the [European] Convention [on Human Rights] and the [UK Human Rights] Act convey apply equally to the beliefs of those within the so-called New Religious Movements...."

What is Scientology?

What, then, is the religious movement of Scientology? The word itself comes from the Latin *scio* , which means "knowing in the fullest sense of the word," and the Greek word *logos* , meaning "study of." Scientology literally means "knowing how to know." Scientology holds that man is a spiritual being, that his basic nature is good and constructive, and that he is capable of bettering his own life. The religion was founded by the philosopher and humanitarian L. Ron Hubbard.

To Scientologists, their religion is not theoretical, not a "Sundays only" faith, but a *practical* religion to improve life and help others every day of their lives. Scientologists are involved, visible and effective in the communities in which they live. They work in all walks of life. They are businessmen, engineers, nurses, construction workers, marketing and administrative personnel, secretaries, civil servants, actors, students, musicians, housewives, directors and carpenters. Many are also found in the fields of education, drug rehabilitation and criminal reform, where they use the breakthrough technologies that L. Ron Hubbard developed. For example, he researched the causes and effects of drug addiction and drug use and developed procedures which remove the harmful effects of these substances. Mr. Hubbard's technology frees a person from the harmful effects of drugs, but rids him of any desire to take them. And his discoveries in education isolated the actual causes of an inability to learn, providing a method which millions have used to study effectively.

The Church and its members are also committed to social betterment -- in the neighborhood, the

nation or the world as a whole. The Church sponsors anti-drug campaigns, raises funds for youth groups, creates neighborhood crime watch programmes, leads recycling projects and park cleanups, and provides practical help to those traumatised by earthquakes and floods. And while the awards are incidental to the deeds, Scientologists have received thousands of commendations for their community work.

Inevitably, Scientology has suffered controversy. All great movements that sought to bring man wisdom and a greater freedom have faced often vicious and virulent attacks. But if even a fraction of what has been said about Scientology were true, it would long ago have ceased to exist. Instead, today we find churches of Scientology ministering to congregations in 148 countries of the world. As Scientology grows, governments, scholars and courts increasingly acknowledge it as an original scriptural voice. In 2000, the governments of Sweden and South Africa fully recognised Scientology as a bona fide religion, and the Church gained exemption from value added tax in the United Kingdom. There are hundreds of recognitions from governments, administrative or legal entities which confirm the bona fides of the religion. More than two dozen studies from expert scholars set forth the basis of its religious character. And yes, the aims and activities of Scientology do have much in common with older religions. It is a religion for the 21st century, one that contains workable methods that enable men and women to improve their lives, and reach new spiritual heights.

Scholarship is a discipline which carries the responsibility to provide objective and accurate information in the service of the truth. It is not a channel to be exploited in an effort to coat human rights violations with a veneer of legitimacy. A real expert in the field of religion who approaches Scientology with an open mind will discover the culmination of a religious quest that man has engaged on for thousands of years.

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