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Background Papers

Scientology and Germany

Understanding the German View of Scientology

The German government considers the Scientology organization a commercial enterprise with a history of taking advantage of vulnerable individuals and an extreme dislike of any criticism. The government is also concerned that the organization's totalitarian structure and methods may pose a risk to Germany's democratic society. Several kinds of evidence have influenced this view of Scientology, including the organization's activities in the United States.

There are three notable American court cases involving Scientology that illustrate why Germany's concerns about this organization are justified. In the early 1980s, American courts convicted 11 top Scientologists for plotting to plant spies in federal agencies, break into government offices and bug at least one IRS meeting. In 1994, in a case involving Lawrence Wollersheim, the U.S. Supreme Court upheld a California court's finding of substantial evidence that Scientology practices took place in a coercive environment and rejected Scientology's claims that the practices were protected under religious freedom guaranties. In September 1997, the Illinois Supreme Court found there was evidence enough to allege that Scientology had driven the Cult Awareness Network into bankruptcy by filing 21 lawsuits in a 17-month period. The court stated that "such a sustained onslaught of litigation can hardly be deemed 'ordinary', if [the Network] can prove that the actions were brought without probable cause and with malice."

In addition, a New York Times article on March 9, 1997, outlined "an extraordinary campaign orchestrated by Scientology against the [IRS] and people who work there. Among the findings were these: Scientology's lawyers hired private investigators to dig into the private lives of IRS officials and to conduct surveillance operations to uncover potential vulnerabilities." A related New York Times article on December 1, 1997, added that earlier IRS refusals to grant tax exemption "had been upheld by every court." (On December 30, 1997, a Wall Street Journal article outlined details of the \$12.5 million tax settlement between the IRS and Scientology, including the Scientology agreement to drop thousands of lawsuits against the IRS.)

On December 1, 1997, a New York Times article described Scientology records seized in an FBI raid on church offices that prove "that Scientology had come to Clearwater with a written plan to take control of the city. Government and community organizations were infiltrated by Scientology members. Plans were undertaken to discredit and silence critics. A fake hit-and-run accident was staged in 1976 to try to ruin the political career of the mayor. A Scientologist infiltrated the local newspaper and reported on the paper's plans to her handlers." A related Times article also on Dec. 1, 1997, reported on a criminal investigation into Scientology's role in a member's death in Clearwater, Florida. In November 1998, the responsible State Attorney charged Scientology's Flag Service Organization with abuse or neglect of a disabled adult and practicing medicine without a license.

Given this background, Germany, as well as Belgium, France, Great Britain, Ireland, Italy, Luxembourg, Spain, Israel and Mexico, remain unconvinced that Scientology is a religion.

Scientology has never disputed the neutrality of Germany's

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independent judicial system. In German courts, the Scientologists' cases often deal with the organization's desire for tax exemptions. The Federal Labor Court (Bundesarbeitsgericht) ruled on March 22, 1995, that the Scientology branch in Hamburg was not a religious congregation, but clearly a commercial enterprise. In its decision, the court quotes one of L. Ron Hubbard's instructions "make money, make more money -- make other people produce so as to make money" and concludes that Scientology purports to be a "church" merely as a cover to pursue its economic interests. In a November 6, 1997, decision, the Federal Administrative Court (Bundesverwaltungsgericht) sent a case back to a lower court saying it was irrelevant whether Scientology was a religion. The court stated that the Scientology organization's legal status must be judged by its level of commercial activity.

In response to numerous petitions, including those from relatives and former members and one signed by over 40,000 concerned citizens, the German Parliament (Bundestag) established a study commission to gather factual information on the goals, activities and practices of "so-called sects and psychological groups." The commission, which was not focused exclusively on Scientology, neither examined religious and ideological views nor prepared a list of groups active in Germany. Following two years of study, in June 1998 the commission issued a final report which included a recommendation that the Office for the Protection of the Constitution keep Scientology under observation (see Fact Sheet).

The Federal Government has also conducted thorough studies on the Scientology organization. Expert reports and testimony by former members confirm again and again that membership can lead to psychological and physical dependency, financial ruin and even suicide.

Because of its experiences during the Nazi regime, Germany has a special responsibility to monitor the development of any extreme group within its borders -- even when the group's members are small in number. Given the indisputable evidence that the Scientology organization has repeatedly attempted to interfere with the American government and has harmed individuals within Germany, the German federal government has responded in a very measured legal fashion to the Scientology organization. On June 6, 1997, Federal and State Ministers of the Interior asked the Office for the Protection of the Constitution (Verfassungsschutz) to formally investigate several activities of the Scientology organization and make a report. The published report presented October 12, 1998, found that while "the Scientology organization agenda and activities are marked by objectives that are fundamentally and permanently directed at abolishing the free democratic basic order," additional time is needed to conclusively evaluate the Scientology organization. The ministers approved this request for more time.

FACT SHEET ON SCIENTOLOGY

Should Scientology Be Considered a Religion?

In its ads and writings, the Scientology organization claims it is internationally recognized as a religion, except in Germany. This is false.

Among the countries that do not consider Scientology a religion are Belgium, France, Germany, Great Britain, Ireland, Italy, Luxembourg, and Spain, as well as Israel and Mexico.

In the United States, the Scientology organization did in fact receive tax-exempt status as a religious congregation in 1993 -- after a decades-long, contentious battle with the IRS. Referring to this battle, The New York Times in a front-page article published March 9, 1997, "found that the (tax) exemption followed a series of unusual internal IRS actions that came after an extraordinary campaign orchestrated by Scientology against the agency and people who work there. Among the findings were these: Scientology's lawyers hired private investigators to dig into the private lives of IRS officials and to conduct surveillance operations to uncover potential vulnerabilities." A related New York Times article on December 1, 1997, added that earlier IRS refusals to grant tax exemption "had been upheld by every court." (On December 30, 1997, a Wall Street Journal article outlined details of the \$12.5 million tax settlement between the IRS and Scientology, including the Scientology agreement to drop thousands of lawsuits against the IRS.)

In Germany, there is no process by which the government officially recognizes a religion. However tax authorities grant tax-

exempt status to organizations that act in the public interest and are non-profit. Some 10,000 groups have requested and received tax free status, but to date, the Scientology organization has repeatedly failed to establish its qualifications. Among the groups that are tax free are the Jehovah's Witnesses and the Mormons.

Two of the highest German courts recently dealt with cases involving the Scientology organization. On March 22, 1995, the Federal Labor Court (Bundesarbeitsgericht) ruled that the Scientology branch in Hamburg was not a religious congregation, but clearly a commercial enterprise. In its decision, the court quotes one of L. Ron Hubbard's instructions "make money, make more money -- make other people produce so as to make money" and concludes that Scientology purports to be a "church" merely as a cover to pursue its economic interests.

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Also in France, the Scientology organization is neither a religion nor a non-profit institution. The organization's Paris head office was closed in early 1996 for not paying back taxes.

In Great Britain, the Scientology organization has been rebuffed repeatedly by the Charity Commission which insisted as recently as 1995 that the organization could not be considered a religion under British law and could, therefore, not enjoy any tax-exempt status.

Is Scientology a Threat?

In its March 22, 1995, the Federal Labor Court also found that Scientology utilizes "inhuman and totalitarian practices." Often members are separated from their families and friends. The organization is structured so as to make the individual psychologically and financially dependent on a Scientology system.

In response to numerous petitions, including those from relatives and former members and one signed by over 40,000 concerned citizens, the German Parliament (Bundestag) established a study commission in 1996 to gather factual information on the goals, activities and practices of "so-called sects and psychological groups." The commission included 12 experts from the fields of justice, sociology, psychology, education, religious studies and theology. The commission, which was not focused exclusively on Scientology, neither examined religious and ideological views nor is it preparing a list of groups active in Germany. Following two years of study, in June 1998 the commission issued a final report which included a recommendation that the Office for the Protection of the Constitution keep Scientology under observation. (see below Federal and Regional Action)

In the United States, there are three notable court cases involving Scientology that illustrate why Germany's concerns about this organization are justified. In the early 1980s, American courts convicted 11 top Scientologists for plotting to plant spies in federal agencies, break into government offices and bug at least one IRS meeting. In 1994, in a case involving Lawrence Wollersheim, the U.S. Supreme Court upheld a California court's finding of substantial evidence that Scientology practices took place in a coercive environment and rejected Scientology's claims that the practices were protected under religious freedom guaranties. In September 1997, the Illinois Supreme Court found there was evidence enough to allege that Scientology had driven the Cult Awareness Network into bankruptcy by filing 21 lawsuits in a 17-month period. The court stated that "such a sustained onslaught of litigation can hardly be deemed 'ordinary', if [the Network] can prove that the actions were brought without probable cause and with malice."

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In November 1998, the responsible State Attorney charged Scientology's Flag Service Organization with abuse or neglect of a disabled adult and practicing medicine without a license.

Other countries, too, view the Scientology organization with great concern. In France, a government commission led by then-Prime Minister Juppé, and charged with monitoring the activities of sects, first convened in mid-November 1996. On November 22, 1996, French courts in Lyon judged several leading Scientologists guilty of involuntary manslaughter and fraud in a case where methods taught by Scientology were found to have driven a person to suicide.

In Greece, a judge declared in January 1997 that an Athens Scientology group was illegal after ruling that the group had used false pretenses to obtain an operating license.

Federal and Regional Action Taken Against the Scientologists in Germany

On June 6, 1997, Federal and State Ministers of the Interior asked the Office for the Protection of the Constitution (Verfassungsschutz) to formally investigate several activities of the Scientology organization and make a report. The published report presented October 12, 1998, found that while "the Scientology organization agenda and activities are marked by objectives that are fundamentally and permanently directed at abolishing the free democratic basic order," additional time is needed to conclusively evaluate the Scientology organization. The ministers approved this request for more time.

Some of the German states have also responded to Scientology. Bavaria requires all applicants for admission to Bavarian public service to indicate any connections to the Scientology organization. Applications acknowledging a tie are reviewed on a case-by-case basis. To date, Bavaria has not rejected any such applications.

What is the Truth about the Scientologists' Claims?

In its campaign to discredit Germany, Scientology uses the tactic of supplying only incomplete information to back up its claims, making it extremely difficult for the German government to research and respond to charges. However, the German government continues its attempts to investigate Scientologists' allegations, as it would any citizen's.

The Scientologists' repeated allegations that artists belonging to Scientology cannot perform in Germany are false. Freedom of artistic expression is guaranteed in Article 5 (3) of the German Basic Law (Germany's Constitution), thus artists are free to perform or exhibit in Germany anywhere they please.

Jazz pianist Chick Corea performed in Germany on March 24, 1996, during the 27th International Jazz Week held in Burghausen, an event which received approximately \$10,000 in funding from the Bavarian Ministry of Culture.

"Mission Impossible," starring Tom Cruise, was a hit in Germany, grossing \$23.6 million.

Likewise, the Scientologists' claim that a teacher who taught near the city of Hannover was fired for her beliefs is untrue. The woman was not fired, though she repeatedly violated school regulations by using the classroom to recruit students and their parents to Scientology. After multiple warnings, the woman was transferred from classroom to administrative duties to prevent further violations.

Contrary to Scientology's allegations, no child can be prevented from attending public school in Germany. In fact, like all children in the country, Scientologists' children must be enrolled in either public or private institutions.

The Scientology Public Relations Campaign Against Germany

The Church of Scientology has waged an aggressive campaign against Germany. Using full-page ads in the New York Times and the Washington Post that began in October 1996, the Scientology organization has compared the treatment of Scientologists in present-day Germany with that of the Jews under the Nazi regime. This is not only a distortion of the facts, but also an insult to the victims of the Holocaust. Officials in Germany and the U.S. have repeatedly spoken out against this blatant misuse of the Holocaust. Ignatz Bubis, the recently deceased chairman

of the Council of Jews in Germany who was Germany's top Jewish leader, denounced the comparison as "false." On June 6, 1997, the State Department's spokesman again defended Germany, saying :

"Germany needs to be protected, the German Government and the German leadership need to be protected from this wild charge made by the Church of Scientology in the U.S. that somehow the treatment of Scientologists in Germany can or should be compared to the treatment of Jews who had to live, and who ultimately perished, under Nazi rule in the 1930s. This wildly inaccurate comparison is most unfair to Chancellor Kohl and to his government and to regional governments and city governments throughout Germany. It has been made consistently by supporters of Scientology here in the United States, and by Scientologists themselves. I do want to disassociate the U.S. Government from this campaign. We reject this campaign. It is most unfair to Germany and to Germans in general".

The Scientology organization has also distributed pamphlets such as "The Rise of Hatred and Violence in Germany," reiterating its allegations.

An open letter to Chancellor Kohl, written by a Hollywood lawyer with famous Scientology clients, appeared in early 1997 in the International Herald Tribune. The letter repeated Scientology organization assertions against Germany and was signed by 34 American celebrities. "Disgraceful and irresponsible" is how Michel Friedman, a member of the Central Council of Jews in Germany, described the letter. He added: "It's totally off the mark. Today, we have a democracy and a state based on the rule of law."

Following the letter, the U.S. State Department also criticized the Scientologists' public relations campaign, saying, "we have advised the Scientology community not to run those ads because the German government is a democratic government and it governs a free people. And it is simply outrageous to compare the current German leadership to the Nazi-era leadership. We've told the Scientologists this, and in this sense we share the outrage of many Germans to see their government compared to the Nazis."

American Media Reports on Scientology

ABC 20/20 Sunday

"A Misunderstood Religion or a Predatory Cult?" (December 20, 1998)

A&E Investigative Reports

"Inside Scientology" (December 14, 1998)

NBC Dateline

"Bob Minton; One Man's Battle Against Scientology" (June 6, 1998)

CBS Public Eye

"The Sad End of Lisa McPherson" (January 8, 1998)

CBS 60 Minutes

"The Cult Awareness Network" (December 28, 1997)

Time Magazine

"Scientology: The Cult of Greed" (May 6, 1991) by Richard Behar

New York Times

"\$12.5 Million Deal With I.R.S. Lifted Cloud Over Scientologists" (December 31, 1997)

"Boston Man in Costly Fight with Scientology" (December 21, 1997)

"Scientology Faces Glare of Scrutiny After Florida Parishioner's Death" (December 1, 1997)

"In Clearwater, Fla., Grudges Against Scientology Are Slow to Die" (December 1, 1997)

"Scientology Denies an Account of an Impromptu I.R.S. Meeting" (March 19, 1997)

"Scientology's Puzzling Journey From Tax Rebel to Tax Exempt" (March 9, 1997)

"An Ultra-Aggressive Use of Investigators and the Courts" (March 9, 1997)

Douglas Frantz authored the above articles

"Who Can Stand Up?" (March 16, 1997) in Journal by Frank Rich

Wall Street Journal

"The Secrets of the Universe" (February 24, 1998) in Review and Outlook

"Scientists and IRS Settled for \$12.5 Million" (December 30, 1997) by Elizabeth MacDonald
"The Scientology Problem" (March 25, 1997) in Review and Outlook

Boston Herald

Series March 1-5, 1998, by Joseph Mallia

"Judge found Hubbard lied about achievements" (March 1)

"Inside the Church of Scientology; Powerful church targets fortunes, souls of recruits" (March 1)

"Church keys programs to recruit blacks" (March 2)

"Milton school shades ties to Scientology" (March 2)

"Scientology reaches into schools through Narconon" (March 3)

"Church, enemies wage war on Internet battlefield; Copyright laws used to silence online foes"(Mar. 4)

"Sacred teachings not secret anymore" (March 4)

"Battle sites in the Web war" (March 4)

"Scientology group reaches kids through PBS videos" (March 5)

"Church wields celebrity clout" (March 5)

Providence Journal-Bulletin

"The Germans Have a Word for It" (February 5, 1997) by Philip Terzian

Associated Press

"U.N. investigator rejects as 'puerile' Scientology's Nazi claim" (March 3, 1998) in Worldstream, International News