

1 GRAHAM E. BERRY, Bar No.128503
Attorney at Law
2 3384 McLaughlin Avenue
Los Angeles, California 90066-2005
3 Telephone: (310) 745-3771
Facsimile: (310) 745-3771
4 Email: grahamberry@ca.rr.com

5 Attorney for Defendant
6 Donald James Myers

7 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF RIVERSIDE**
9 **(Southwest)**

11) Case No: **SWM084862**
12 THE PEOPLE OF THE STATE OF)
CALIFORNIA,)

13 Plaintiff,)

14 v.)

15 DONALD JAMES MYERS)
16 DOB:07/31/1965,)

17 Defendant.)

) **DEFENDANT’S NOTICE OF MOTIONS**
) **AND MOTIONS IN LIMINE RE**
) **“SUGGESTION” OF DISMISSAL AND/OR**
) **JURY INSTRUCTION RE CERTAIN**
) **SCIENTOLOGY ADMINISTRATIVE**
) **POLICIES; DECLARATION OF GRAHAM**
) **E. BERRY IN SUPPORT THEREOF,**
) **EXHIBITS THERETO.**

18) **Trial Date:** January 5, 2010
19)
20)

21) **TIME:** 9: A.M.
22) **DEPT:**
23)
24)
25)
26)
27)
28)

1 **TO THE DISTRICT ATTORNEY OF RIVERSIDE COUNTY:**

2
3 **PLEASE TAKE NOTICE** that on Tuesday the 5th day of January, 2010, at 9:A.M., or
4 as soon thereafter as counsel may be heard in Department ___ of the Riverside Superior Court,
5 South West Division, at 30755 Auld Road, Murrieta, CA 92563, Defendant through and by his
6 counsel of record herein will and hereby does:

- 7
- 8 1. "Suggest" that this Honorable Court consider a dismissal of charges against him
9 in this action according to the provisions of Penal C §1385; and/or
 - 10 2. Move this Honorable Court for a jury instruction (and pre-instruction) as to the
11 Scientology mandatory administrative policies, practices and punishments of
12 staff members and members of the public in connection with lying to the courts
13 and the punishment of suppression and suppressive persons who may testify in
14 court against the interests of Scientology; and/or
 - 15 3. Request the Court and the parties fashion an appropriate prophylactic remedy for
16 the truthful testimony, fair trial, level playing field and other issues raised herein.
 - 17 4. Request such further or other related relief as may deemed appropriate.

18 **THIS MOTION** will be made pursuant to Penal C. §§1385 and, *inter alia*, upon the
19 grounds that this requested relief is: (1) "in furtherance of justice;" and (2) within this Court's
20 inherent discretion to control its proceedings.

21 **THIS MOTION** will be based on this notice of motion, on the attached memorandum of
22 points and authorities, declaration and exhibits served and filed herewith, and on such Reply and
23 Rebuttal memoranda and declarations as may hereafter be filed with the court or stated orally at
24 the hearing on the motion (s).

25 Dated: January 5, 2009

26 Respectfully submitted,

27
28 _____
GRAHAM E. BERRY

Attorney for Defendant Donald James Myers

TABLE OF CONTENTS

1

2 MEMORANDUM OF POINTS AND AUTHORITIES..... 4

3 I. INTRODUCTION..... 4

4 II. ARGUMENT..... 4

5 A. This Case Should Be Dismissed In Furtherance Of Justice..... 4

6 B. The Oath To Testify Truthfully Cannot Be Compromised By Permissible Perjury..... 5

7 C. The Relevant Scientology Policies And Practices Are “Administrative” only..... 5

8 D. The Relevant Scientology Policies And Practices Are Not And Cannot Be Scripture... 6

9 E. Scientology Has Mandatory Secular Policies And Practices On Lying..... 11

10 F. The Relevant Administrative Policies & Practices Are “Psycho-Terrorism”..... 13

11 G. The Suppressive Person and Punishment Policies Are Inherently Coercive..... 15

12 H. The Scientology System Of Weekly Statistics Is Similarly Admissible..... 16

13 I. The “Gruesome” Scientology Punishment of Staffers Is Also Relevant..... 16

14 III. CONCLUSION..... 18

15 DECLARATION OF GRAHAM E. BERRY..... 19

16 **EXHIBITS:**

17 A. Keeping Scientology Working Series 1 (“KSW 1”)..... 40A

18 B. On Control And Lying..... 42

19 C. How to outflow false data (“lies”) effectively..... 43

20 D. This Missing Ingredient (telling an “acceptable truth”)..... 44

21 E. The Criminal Mind..... 47

22 F. Suppressive Acts (1965)..... 48

23 G. Suppressive Acts (1980)..... 54

24 H. Suppressive Acts (1983)..... 62

25 I. Suppressive Acts (1991)..... 66

26 J. Suppressive Acts Main Characteristics of..... 72

27 K. Handling The Suppressive Person The Basis of Insanity..... 76

28 L. The Antisocial Personality The Anti-Scientologist..... 77

M. Targeting of Divisional Statistics And Quotas..... 78

N. Discipline SPs and Admin How Statistics Crash..... 80

O. Critics and Criticism in Scientology, Gerry Armstrong (Hamburg, December ’09)..83

P. How Scientology Deals With External Criticism, Graham Berry (Hamburg, Dec., ’09).87

Q. Washington Post (June 21, ’09), Violence Common Among Scientology Managers....97

R. St. Petersburg Times, The Truth Rundown (June 21, 2009).....100

S. St. Petersburg Times, Ecclesiastical Justice (June 21, 2009).....118

T. St. Petersburg Times, Allegations out there; all else is normal (June 21, 2009).....129

U. Scientology from inside out, Robert Vaughn Young (Quill, November/December ’93).133

V. Blown for Good, by Marc Morgan Headley (Extracts).....137

W. Gold Base Security.....181-184

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 This “suggestion of dismissal” and/or motion *in limine* presents the court with a possible
4 constitutional conundrum of Supreme Court importance; what is the appropriate prophylactic
5 remedy where the integrity of a court’s truth-seeking process is compromised by one parties
6 administrative policies and practices requiring it’s witnesses to lie in their testimony to protect
7 the group and punishing them severely if they do not do so? Unless the conundrum is addressed
8 and properly resolved it will be impossible for the accused to have a fair trial either in fact or in
9 perception. The dilemma requires either dismissal, appropriate jury instruction or other remedy.

10 **II. ARGUMENT**

11 **A. This Case Should Be Dismissed In Furtherance Of Justice**

12 Justice, and the appearance of justice, is impossible in this case because of the matters
13 presented herein. Accordingly, this Court should exercise its discretion to dismiss this case in
14 “furtherance of justice” pursuant to Penal C. §1385 which provides in pertinent part: “(a) The
15 judge may, either of his own motion or upon the application of the prosecuting attorney, and in
16 furtherance of justice, order an action to be dismissed.” Although the Accused does not have a
17 statutory right to make his own §1385 motion it is well settled that he may “informally suggest”
18 that the Court and/or the People consider dismissal upon their own motions. *Rockwell v. Superior*
19 *Court* 18 Cal.3d 420, 441-442 (1976), *People v. Superior Court* (Flores) 214 Cal.App. 3d 127,
20 137 (1989), *People v. Smith* 53 Cal.App. 3d 655, 657 (1975).

21 In the alternative, this motion requests a jury instruction (and jury pre-instruction), or
22 some other satisfactory remedy, to protect the constitutional rights of the Accused to a fair trial
23 being compromised by Scientology’s administrative policies on lying to advance and protect
24 Scientology and it’s policies requiring punishment as a Suppressive Person of any Scientologist
25 who testifies against the interests of Scientology or a Scientologist during the proceedings to be
26 held herein. As a matter of justice, judicial discretion, a level playing field and fair play this case
27 should be dismissed *sua sponte*. The Accused has already learned any lessons that these
28 proceedings may seek.

//

1 **B. The Oath To Testify Truthfully Cannot Be Compromised By Permissible Perjury**

2 It is self evident, Black Letter Law, that a witness must have the capacity to tell he truth
3 by accepting that his/her first and foremost duty is to tell the whole truth (and not an “acceptable
4 truth”) in the particular court, not to have a superior duty to another organization to lie for it, and
5 not to fear or suffer punishment by that organization for not lying before the particular court.
6 This, in a nutshell, summarizes the issues of law being presented to the Court herein.

7 **C. The Relevant Scientology Policies And Practices Are “Administrative” only**

8 The Scientology enterprise has a number of administrative policies requiring its members
9 to lie or do whatever else is necessary to advance or protect Scientology’s interests, to lie before
10 courts of law and mandating “gruesome” punishments for those Scientologists who fail to lie or
11 otherwise act in the “greater good of Scientology.” Although various California appellate courts
12 have affirmed the introduction of these administrative policies and practices into judicial
13 proceedings the Scientology enterprise argues to the contrary herein. See generally, *Church of*
14 *Scientology v. Armstrong*, 232 Cal.App.3d 1060, 1067 (1991); *Wollersheim v. Church of*
15 *Scientology*, 212 Cal.App.3d 872, 888-89 (1989); *Allard v. Church of Scientology*, 58
16 Cal.App.3d 439, 443 n.1 (1976); *United States v. Kattar*, 840 F.2d 118, 125 (1st Cir. 1988); *Van*
17 *Schaick v. Church of Scientology*, 535 F.Supp. 1125, 1131 n.4 (U.S.D.C. Mass. 1982);
18 *Christofferson v. Church of Scientology*, 57 Ore.App.203 (1982).

19 The Scientology organization has written and copyrighted policies for both administrative
20 matters and for religious matters, such as mental processing (thought modification/control) with
21 the Upper Levels and the evil inter-galactic overlord Xenu (see OT III). The so-called religious
22 policies regarding the “technical” handling of mental “processing” matters are set forth in the so
23 called “red volumes.” The administrative policies are set forth in the so-called “green volumes.”
24 These “green volume” policies, which are the subject of this motion *in limine*, are purely secular
25 and form part of the Organization Executive Course. Most of the administrative policies letters
26 were issued by the Hubbard Communications Office (“HCOPLs”). Scientologists understand
27 these to be administrative policies. See Berry Decl., Exh. V, p. 174. Most of the documents
28 referenced herein are from the “green volumes.” The exceptions are Exhibits B and C which
were seized by the F.B.I. during its 1977-1980 investigations into the largest ever known
infiltration of the United States government-by the Church of Scientology. Exhibits B and C are

1 not within the “red volumes.” Scientology’s lead attorney Kendrick Moxon was named an un-
2 indicted co-conspirator in a 261 page joint stipulation of evidence in the related federal criminal
3 cases-for supplying false handwriting exemplars to the FBI.

4 Because the policies and practices relevant to the issues herein are contained in the
5 “green” volumes, or involve lying/perjury, there would be no entanglement in matters of
6 ecclesiastical doctrine. Scientology enterprise itself classifies the contents of the “green”
7 volumes as being “administrative” and staff members understand this [See Exhibit V, p. 174
8 (“HCOB” and “HCO PL”), has represented the same to the I.R.S., and should be estopped from
9 suggesting otherwise herein. Because these administrative policies are by nature secular the
10 relevant policies and practices (e.g. lying, Suppressive Person Declares, Lower Conditions)
11 should be admissible herein as they have been in other California civil and criminal cases. *Infra*,
12 p. 12:14-27.

13 **D. The Relevant Scientology Policies And Practices Are Not And Cannot Be Scripture**

14 When an organization's religious status is of legal significance, courts may make an
15 objective inquiry into whether the organization's beliefs are entitled to First Amendment
16 religious liberty protections. See, *Wisconsin v. Yoder*, 406 U.S. 205, 209-13, 92 S.Ct. 1526, 32
17 L.Ed. 15 (1972); *Cantwell v. Connecticut*, 310 U.S. 296, 604 S.Ct. 900, 84 L.Ed. 1148 (1940).
18 While it is axiomatic that courts may not determine whether a given belief is or is not religion
19 (*U.S. v. Ballard*, 322 U.S. 78, 86-88, 64 S.Ct. 882, 88 L.Ed. 1148 (1944)), the trier of fact may
20 determine whether a belief is truly held without violating the First Amendment. *United States v.*
21 *Seeger*, 380 U.S. 163, 184 13 L.Ed.2d 733 (1965).¹ Similarly, in *Founding Church of*
22 *Scientology v. United States*, 409 F.2d 1146 (D.C. Cir. 1962), the court noted that, “. . .
23 [I]itigation of the question whether a given group or set of beliefs is religious is a delicate
24 business, but our legal system sometimes requires it so that secular enterprises may not unjustly
25 enjoy the immunities granted to the sacred.” (*Id.* 409 F.2d at 1160.) The court concluded that a
26 purported religion would not be entitled to protection under the First Amendment upon a
27 showing that “. . . the beliefs asserted to be religious are not held in good faith by those asserting

28 ¹ *United States v Kuch*, 288 F.Supp. 439, 443 (D.D.C. 1968) (“Those who seek the constitutional protections for
their participation in an establishment of religion and freedom to practice its beliefs must not be permitted the
special freedoms this sanctuary may provide merely by adopting religious nomenclature and cynically using it as a
shield to protect them when participating in antisocial conduct that otherwise stands condemned.”); *Van Schaick v.*
Church of Scientology of California, 535 F.Supp. 1125 (D. Mass. 1982); *Founding Church of Scientology v. United*
State, 409 F.2d 212 (D.C. Cir 1969), *cert. Denied*, 396 U.S. 963, 90 S.Ct. 434, L.Ed. 2d 427 (1969).

1 them, and that forms of religious organizations were created for the sole purpose of cloaking a
2 secular enterprise with the legal protection of a religion.” (*Id.* at 1162.)

3 Simply because an organization calls itself a religion does not necessarily mean that it
4 is such. Indeed, whether or not the organization is a religion, when contested, is a trial question.
5 *Wollersheim v. Church of Scientology*, 212 Cal.App.3d 872, 887, 260 Cal.Rptr. 331 (1989)
6 (whether or not Scientology is a religion “remains a very live and interesting question.”).
7 Indeed, in 1976, the California Court of Appeal upheld a civil verdict based upon Scientology's
8 criminal framing of an individual in its implementation of the "Fair Game" policy. *Allard v.*
9 *Church of Scientology of California*, *supra*, 58 Cal.App.3d 439, 129 Cal.Rptr. 797, (1976) *cert.*
10 *denied*, 429 U.S. 1091, 97 S.Ct. 1101, 51 L.Ed.2d 537 (1977). Similarly, in 1984, California
11 Superior Court Judge Paul G. Breckenridge, Jr. filed an extensive Memorandum of Intended
12 Decision.² He stated: ". . . [T]he Scientology organization, is on one hand pathetic, and on the
13 other, outrageous. . . . [Scientology] or its minions is fully capable of intimidation or other
14 physical or psychological abuse if it suits their ends. The record is replete with evidence of such
15 abuse.” On July 29, 1991, the California Court of Appeal affirmed the decision of Judge
16 Breckenridge. It also upheld the affirmative defense of “justification” in self-defense against the
17 Scientology Suppressive Person and Fair Game policies and practices. *Church of Scientology of*
18 *California v. Armstrong*, 232 Cal.App.3d 1060, 283 Cal.Rptr. 917 (1991). The same reasoning
19 should be applied analogously in the present case.

20 *Armstrong* was also the subject of the Supreme Court decision in *United States v.*
21 *Zolin*, 491 U.S. 554, 109 S.Ct. 2619, 105 L.Ed.2d 469 (1989), in which the court addressed
22 whether the attorney-client privilege between Scientology and some of its attorneys should be
23 abrogated on the basis "that the legal service was sought or obtained in order to enable or aid the
24 client [the Scientology enterprise] to commit or plan to commit a crime or tort." *Id.* at 2630. In
25 *Zolin*, the Supreme Court reversed the Ninth Circuit's ruling in *United States v. Zolin* , 809 F.2d
26 1411 (9th Cir. 1987), that the Government had not made a sufficient showing that there had been
27 "illegal advice . . . given by [Scientology] attorneys to [Scientology] officials" to invoke the
28 crime-fraud exception to the attorney-client privilege. Upon reversing and remanding, the
Supreme Court ordered the Ninth Circuit to review partial transcripts of the tape recording

² See *Church of Scientology v. Armstrong*, 232 Cal.App.3d 1060, 283 Cal.Rptr. 917 (1991).

1 sought by the IRS in a criminal investigation of Scientology to determine whether the crime-
2 fraud exception to the privilege applied. On remand, the Ninth Circuit held:

3 The partial transcripts demonstrate that the purpose of the [Mission
4 Corporate Category Sort Out] project was to cover up past criminal
5 wrongdoing. The MCCS project involved the discussion and planning
6 for future frauds against the IRS, in violation of 18 U.S.C. ¶ 371. [citation.]
7 The figures involved in MCCS admit on the tapes that they are attempting
8 to confuse and defraud the U.S. Government. The purpose of the crime-
9 fraud exception is to exclude such transactions from the protection of the
10 attorney-client privilege.

11 *United States v. Zolin*, 905 F.2d 1344, 1345 (9th Cir. 1987).

12 In 1989, another California Court of Appeal characterized the conduct of
13 Scientology as similar to "a full-scale modern day 'inquisition' "that is "not worthy of
14 constitutional protection." *Wollersheim, supra*, 212 Cal.App.3d 872 at 888. The Court of Appeal
15 stated:

16 To illustrate, centuries ago the inquisition was one of the core
17 religious practices of the Christian religion in Europe. This religious
18 practice involved torture and execution of heretics and miscreants.
19 Yet should any church seek to resurrect the inquisition in this country
20 under a claim of free religious expression, can anyone doubt the
21 constitutional authority of an American government to halt the torture
22 and executions? And can anyone seriously question the right of
23 the victims of our hypothetical modern day inquisition to sue
24 their tormentors for any injuries - physical or psychological –
25 they sustained? We do not mean to suggest Scientology's
26 retributive program . . . represented a full-scale modern day
27 'inquisition.' Nevertheless, there are some parallels in purpose and
28 effect. 'Fair game' like the 'inquisition' targeted 'heretics' who threatened
the dogma and institutional integrity of the mother church. One 'proven'
to be a 'heretic,' an individual was to be neutralized. In medieval times
neutralization often meant incarceration, torture and death. As des-
cribed in the evidence at this trial the 'fair game' policy neutralized
the 'heretic' by stripping this person of his or her economic, political and
psychological power.

Id.

 Indeed, in 1982, the District Court for Massachusetts, after a review of the legal
precedent discussing Scientology's status under the First Amendment, flatly refused to accord
Scientology status as a religion. *Van Schaick v. Church of Scientology of California, Inc.*, 535
F.Supp. 1125 (D. Mass. 1982). Significantly, the *Van Schaick* plaintiff actively contested
Scientology's status as a bona fide religion. The *Van Schaick* court concluded:

1 The determination in Founding Church, *supra*, that Scientology
2 had made a prima facie case for religious status is obviously relevant
3 to, but not conclusive for, our purposes. As Judge Wright pointed out,
4 the government did not contest the issue. Moreover, the determination
5 was made 12 years ago; at the least, Scientology should have to satisfy
6 this court that the factors Judge Wright found to persuasive still exist . . .
7 Scientology thus might be entitled to recognition as a religion, but that
8 entitlement is not clear.

9 While religiously motivated *beliefs* enjoy unqualified First-Amendment protection,
10 California's Supreme Court has made crystal clear that *conduct*, even when "religiously
11 motivated" does not enjoy that same protection. *Molko v. Holy Spirit Association for the*
12 *Unification of World Christianity*, 46 Cal.App.3d 1092, 252 Cal.Rptr. 122 (1988), *cert. denied*,
13 490 U.S. 1084, 109 S.Ct. 2110, 104 L.Ed.2d 670 (1989). As such, it is constitutionally
14 permissible, based on religious doctrine or faith, to *believe* in murder, but not to *practice* it.³ *U.S.*
15 *v. Beasley*, 72 F. 3d 1518 (11th Cir. 1996), *cert. denied*, *James v. United States*, 518 U.S. 1027,
16 *subseq. appeal*, *United States v. Yahweh*, 1996 U.S. App. LEXIS 24977 (11th Cir.), and *cert.*
17 *denied*, *Yahweh v. United States*, 519 U.S. 866 (1996). Significantly, the *Beasley* court ruled that
18 the *Yahweh* religion members were involved in murders and that their religious beliefs were
19 critical in establishing the motives for the murders and this decision was subsequently upheld. So
20 even religious beliefs can be admissible for the limited purpose of motivation, etc. Similarly in
21 the case at bar, the Scientology administrative practices as to lying, protecting the enterprise,
22 punishing suppressive persons and the disregard of civil rights should be accorded limited
23 admissibility to demonstrate witness motivation, undue influence and duress.

24 In *Molko, supra*, members of a religious organization solicited plaintiffs.⁴ Rather than
25 disclosing their true identities and affiliation, the members, or "witnesses," misrepresented to
26 one plaintiff that they were part of an "international community of socially conscious people."
27 The court noted that the "witnesses'" misrepresentations were not "entirely secular" -- finding
28 that Unification Church members engaged in a practice called "Heavenly Deception" ⁵ in

³ E.g.: *Snyder v. Evangelical Orthodox Church*, 216 Cal.App.3d 297, 264 Cal.Rptr. 640 App. 6th Dist. 1989). *See also Reynolds v. United States*, 98 U.S. 145, 166 (1878) ("Suppose one believed that human sacrifices were a necessary part of religious worship, would it be seriously contended that the civil government under which he lived could not interfere to prevent a sacrifice?")

⁴ The religious organization happened to be the Unification Church headed by Rev. Sun Myung Moon.

⁵ This doctrine provides that it is acceptable and desirable to lie to third parties in order to afford them the opportunity to hear the Reverend Moon's teachings. The same or similar practice is referred to by the Scientology enterprise as an "Acceptable Truth" (defined as a statement tailored to meet the specific needs of a target audience).

1 accordance with the Church's religious precepts. In *Molko*, the court highlighted the distinction
2 between *practice* and *belief*. The court held that the plaintiffs challenged the Church's *practice*
3 of deceiving third parties, *not* its spiritual *belief* that it was acceptable to lie in order to lure
4 unsuspecting third parties into its highly controlled and rigorous program of indoctrination. By
5 sanctioning its members' misrepresentations, and the concealment of their true religious
6 affiliation, albeit based on "spiritual doctrine," the court held that the Church exposed itself to
7 liability for fraud. *Id.* at 1119-20, 137. In doing so it found that regardless of the Unification
8 Church's spiritual *beliefs*, its *practices* of deception (cloaked under the "Heavenly Deception"
9 doctrine) were *conduct*. As conduct, it remained "subject to regulation for the protection of
10 society." *Id.* at 1117, 135 (citing *Cantwell v. Connecticut*, 310 U.S. 304). In other words
11 *conduct*, whether motivated by, approved of, or even validated or sanctioned by religious or
12 spiritual doctrine or beliefs, *is not protected by the Free Exercise Clause of the First
Amendment.*⁶

13 Accordingly, it should be permissible at the trial herein to simply and briefly enquire of
14 the Scientology staff witnesses whether they have a sincere belief in the Scientology
15 administrative technology and whether they try to adhere to its written policies and practices,
16 such as those that deal with lying, and whether they fear the consequences of a Suppressive
17 Person Declare, or a Rehabilitation Project Force (or gulag) incarceration. From those answers
18 the potential coercive effect of the actual mandatory policies and practices, as to lying "for the
19 greater good of Scientology," on their actions and testimony can be argued in closing. After all,
20 the relevant policies and practices have nothing to do with spirituality, spiritual beings, supreme
21 beings, deities or even "ethics," as it is generally understood in this non-Scientology court-
22 room.

23 Significantly at the time of his arrest herein, the Scientology enterprise had been
24 engaged in a campaign against the Accused for many months, subjecting him to stops, arrests,
25 deafening and harassing noise, water sprinkler attacks and other dirty tricks. This conduct before
26 and on the day in issue is all part and parcel of that mandated by the Suppressive Person and
27 other policies and is admissible at trial, at the very least for the limited purpose of the
affirmative defenses of justification and necessity as specifically affirmed in *Church of*

28 ⁶ To do otherwise would effectively extend the potential protection of the Free Exercise Clause to the belief-based bombings of abortion clinics, the murders of doctors who perform abortions, the torching and defacing of synagogues, the bombing of gay bars, or the murders of persons such as Matthew Shepard; a preposterous notion.

1 *Scientology v. Armstrong*, 232 Cal.App.3d 1060, 1067 (1991). See generally, *Wollersheim v.*
2 *Church of Scientology*, 212 Cal.App.3d 872, 888-89 (1989); *Allard v. Church of Scientology*, 58
3 Cal.App.3d 439, 443 n.1 (1976); *United States v. Kattar*, 840 F.2d 118, 125 (1st Cir. 1988); *Van*
4 *Schaick v. Church of Scientology*, 535 F.Supp. 1125, 1131 n.4 (U.S.D.C. Mass. 1982);
5 *Christofferson v. Church of Scientology*, 57 Ore.App.203 (1982).

6 **E. Scientology Has Mandatory Secular Policies And Practices On Lying**

7 Scientology evolved from science fiction writer L. Ron Hubbard's 1950 book
8 "Dianetics, The Modern Science of Mental Health." Scientology claims to be a bona fide
9 religion and that the writings and recordings of L. Ron Hubbard are its scriptures. Hubbard is
10 considered the "Source" in Scientology. He died in 1986 and thereafter none of the Hubbard
11 writings may be altered. This is called the Doctrine of Source. One of Scientology's expressly
12 administrative policies and practices is lying.

13 "THE ONLY WAY YOU CAN CONTROL SOMEONE IS TO
14 LIE TO THEM. You can write that down in your book in great big
15 letters. The only way to control someone is to lie to them. ... He's
16 got to tell you lies in order to continue control, because the second
17 you start telling anyone close to the truth, you start releasing him
18 and he gets tougher and tougher to control. So you can't control
19 anyone without telling them a bunch of lies."

20 L. Ron Hubbard, Technique 88, On Control and Lying. See Berry Decl., ¶10.

21 Similarly, in PR Series 18, Church of Scientology staffers are directed to **invent**
22 whatever they wish to allege. Elsewhere, in the policy called Intelligence Specialist Training
23 Routine-Lying (TR-L), Hubbard states the objective of his policies on lying:

24 "Purpose: To train the student to give a false statement with good
25 TR-1. To train the student to outflow false data effectively ... The
26 student should be coached on a gradient until he/she can lie
27 facilely." See Exh. C, p. 43.

28 The Scientology policies and practices are further refined in connection with the telling
of an "acceptable truth" which, to the non-scientologist, can be best compared to telling a half
truth that omits very material information. Hubbard defines an "Acceptable Truth" as one
tailored to meet the needs of a particular audience. In his HCO [Hubbard Communications
Office] Policy Letter of 13 August 1970, The Missing Ingredient, Hubbard states that
"Handling truth is a touchy business also. You don't have to tell everything you know-that
would jam the comm. line too. Tell an *acceptable truth*." Berry Decl., Exh. D, p. 45. Curiously,

1 Hubbard also writes that “The criminal accuses others of things he himself is doing.” Berry
2 Decl., Exh. E, p. 47. In order to ensure that these policies and practices are correctly followed
3 when testimony is given in legal proceedings such as these, Hubbard wrote policies called
4 “Hatting the Witness” and “Addendum to Hatting the Witness.” In other Scientology cases
5 there has even been testimony as to Scientology “witness schools.” The Scientology enterprise
6 internally calls its lies “shore stories” [Exhibit V, p.179].

7 Hubbard even mocked those of us who believe in telling the truth. “Now you say you
8 have to be absolutely truthful. Sincerity is the main thing, and truthfulness is the main thing,
9 and don’t lie to anybody ... and you’ll get ahead. Brother you sure will. You’ll get ahead right
10 on that cycle of action, right toward zero! It’s a trap not being able to prevaricate ... This makes
11 life more colorful!” L. Ron Hubbard, Philadelphia Doctorate Course, lecture “How to Talk to
12 Friends about Scientology.” Scientology copyrighted policy and practice also involves the use
13 of litigation to harass and destroy people rather than to win. “The purpose of the [law] suit is to
14 harass and discourage rather than to win,” wrote L. Ron Hubbard.⁷ Berry Decl., ¶10.

15 The Scientology enterprise has consistently but fraudulently claimed that its activities
16 directed against persons such as the Accused herein are to protect their church from harassment.
17 However, the Scientology enterprise knows that this defense was rejected in *Allard v. Church of*
18 *Scientology of California*, 68 Cal. App. 3d 439, 129 Cal. Rptr. 797 (CT at 1976) cert. denied, 97
19 S. Court 1101 (1977) where it was held as follows:

20 The [Scientologist’s] contention that they committed the crimes of
21 which they stand convicted in order to protect their church from
22 government harassment collapses when one reviews a sample of
23 the remaining documents seized by the FBI during the execution of
24 the two Los Angeles search warrants. If anything, these
25 documents establish beyond question that the defendants, their
26 convicted codefendants, and their indicted co-conspirators [which
27 included Commodore Hubbard and current Scientology counsel
28 Kendrick L. Moxon, Esq.], as well as their organization,
considered themselves above the law. **They believe they had
carte blanche to violate the rights of others, frame critics in
order to destroy them, burglarize private and public offices
and steal documents outlining the strategy of individuals and
organizations that the church had sued.** These suits were filed
by the church for the sole purpose of financially bankrupting its
critics and in order to create an atmosphere of fear so that critics

⁷ L. Ron Hubbard, “The Scientologist, a Manual of Dissemination of Material,” 1955.

1 would shy away from the First Amendment Rights secured them
2 by the Constitution. The defendants and their cohorts launched
3 vicious smear campaigns, spreading falsehoods against those they
4 perceive to be enemies of Scientology in order to discredit them
5 and, in some instances, to cause them to lose their employment. . . .
6 To these defendants and their associates, however, anyone who did
7 not agree with them was considered to be an enemy against whom
8 the so-called "Fair Game" doctrine could be invoked. . . .
9 It is interesting to note that the founder of their organization,
10 unindicted "co-conspirator, L. Ron Hubbard," wrote in his
11 MODERN MANAGEMENT TECHNOLOGY defined that "truth
12 is what is true for you," and "illegal" is that which is "contrary to
13 Scientology policy" and not pursuant to Scientology's "approved
14 program." Thus with the Commodore's blessing they could
15 wantonly commit crimes as long as it was in the interests of
16 Scientology. These defendants rewarded criminal activities that
17 ended in success and sternly rebuked those that failed. In view of
18 this, it defies the imagination that these defendants have the
19 unmitigated audacity to seek to defend their actions in the name of
20 religion."

21 **F. The Relevant Administrative Policies & Practices Are “Psycho-Terrorism”**

22 The Church of Scientology shamelessly engages in what certain European governments
23 have labeled psycho-terrorism. This Scientology related psycho-terrorism has been discussed in
24 various foreign government reports such as the “Final Report of the Enquete Commission on
25 “So-called Sects and Psycho-groups” in the Federal Republic of Germany, and before which the
26 Accused’s counsel herein was called to testify. The roots of Scientology psycho-terrorism lie in
27 its policies and procedures for “shattering suppression” and handling “Suppressive Persons.”
28 These policies are described and summarized in the supporting Berry Declaration and Exhibits
29 F-L, O-P. According to the “Suppressive Person” policies the Accused herein is an “enemy” who
30 may be harassed and destroyed by any conduct by any Scientologist with utter impunity.

31 Scientology has misrepresented to numerous courts that it cancelled Fair Game in 1968.
32 However, Scientology's Fair Game Policy has been subsequently recognized, admitted and
33 discussed in a number of California and other appellate decisions including: *Church of*
34 *Scientology v. Armstrong*, 232 Cal.App.3d 1060, 1067 (1991); *Wollersheim v. Church of*
35 *Scientology*, 212 Cal.App.3d 872, 888-89 (1989); *Allard v. Church of Scientology*, 58
36 Cal.App.3d 439, 443 n.1 (1976); *United States v. Kattar*, 840 F.2d 118, 125 (1st Cir. 1988); *Van*
37 *Schaick v. Church of Scientology*, 535 F.Supp. 1125, 1131 n.4 (U.S.D.C. Mass. 1982);

1 *Christofferson v. Church of Scientology*, 57 Ore.App.203 (1982). In each of these cases, at the
2 trial court level, evidence of Fair Game had been introduced, the judge and jury had found Fair
3 Game to have been conducted, the courts of appeal upheld, in effect, the Fair Game rulings,
4 evidence and judgments and, in effect, found that Fair Game was alive, well and being re-
5 copyrighted despite deceptive Scientology claims to have cancelled the policy and practice in
6 1968, except as to the “handling of Suppressive Persons” such as the Defendant herein. On the
7 basis of these California appellate decisions there can be no basis for excluding the Suppressive
8 Person (“Fair Game”) and Lying policies and practices from this particular case at bar.

9 These appellate decisions notwithstanding, in the *People v. Henson* picketing case the
10 Riverside County District Attorney’s office filed a motion, prepared by Scientology lawyers, that
11 any mention of fair game be precluded as part of a ruling precluding any mention of Scientology
12 beliefs. Similar misrepresentations, that Fair Game was irrelevant because it was cancelled in
13 1968, were also made by Scientology counsel to a Federal court in the *RTC [Scientology] v.*
14 *Henson* breach of copyright case. Such misrepresentations are frauds upon the court and cause
15 miscarriages of justice. Furthermore, they should be barred by principles of judicial estoppel as a
16 result of the Church of Scientology unsuccessful contentions in 1991, during the appeal in the
17 Wollersheim case, that “Fair Game” [the intentional and utter destruction of critics by any means
18 possible-Berry Decl., ¶13 *et. seq.*] was a “core practice of scientology” and therefore protected
19 by religious expression. In writing on Church of Scientology “ethics,” Scientology’s “spiritual”
20 founder L. Ron Hubbard stated:

21 “...in any command of mine, you can wear horns and
22 grow a tail if you do your job. If you don’t do your job,
23 you can’t even think sideways without getting disciplined,
24 transferred or demoted.”

25 Flag Order 4, 13 August 1967, by L. Ron Hubbard.

26 Similarly, Scientology leader L. Ron Hubbard wrote:

27 “In short, **a staff member can get away with murder** so
28 long as his statistic is up and can’t sneeze without a chop
if it’s down. To do otherwise is to permit some
suppressive person to simply Ethics chit every producer in
the org out of existence.” Emphasis added

Hubbard Communications Office Policy Letter, 1 September 1965, Ethics Protection.

The Scientology witnesses to be called at trial herein live their lives according to statistics or
“Stats.” Everything in Scientology, even the results of legal proceedings such as these, result in a

1 weekly statistic for those involved. Statistics for “cycles of action” must always increase. If a
2 staff member does not produce “more money” or more “wins” than the previous week they are
3 punished. Berry Decl., Exhs. M-N. Scientology engages in “gruesome” punishment of both staff
4 members such as the witnesses who may testify herein and the Accused who is now being
5 subjected to that “punishment” as part of a plan to eliminate all protests outside the Scientology
6 International Base outside Hemet. They even wish to eliminate Highway 79 itself. Berry Decl.,
7 Exh.V, pp. 165-169. Recently Riverside County President Jeff Stone has supported this.

8 **G. The Suppressive Person and Punishment Policies Are Inherently Coercive**

9 The Scientology Suppressive Person Policies, practices and punishments are clearly
10 coercive and a form of undue influence and duress compelling the commission of perjury in
11 proceedings intended to punish a person such as the Accused for exercising his First
12 Amendment rights to protest Scientology crime and abuses outside its supposedly secret
13 International Headquarters near Hemet, CA. A Scientologist is punished for thinking outside of
14 the Scientology matrix and written policies. In fact, the Scientology Technical Dictionary
15 defines “Critical Thought” as “a symptom of an overt act having being committed.” An “Overt
16 Act” is defined as “an act of omission or commission which does the least good for the greatest
17 number of dynamics [Scientologists].” In other words, an overt is a wrong against the interests
18 of Scientology or scientologists. Accordingly, the ends are permitted to justify the means;
19 including the “gruesome punishment,” expulsion and “disconnection” of those who do not
20 commit perjury for the greater good of Scientology. Expulsion would deny the Scientologist his
21 eternity (immortality) and this is the most terrifying fate that a committed Scientologist could
22 suffer. The “Wog court” penalties for detected perjury are insignificant by comparison and to be
23 endured for “greater good.”

24 Furthermore, these expressly administrative policies and practices explain the
25 motivation and intent behind the Scientologist’s conduct in “handling” of the Accused on the
26 day in question and on previous days or protest; private investigators, harassment, deafening and
27 unlawful noise levels, attacks with water, the encroachment and restriction of public rights of
28 way, previous arrests, etc. all culminating to support affirmative defenses such as justification,
necessity, choice of evils, self defense and others that may be asserted at trial herein. *Church of
Scientology v. Armstrong*, 232 Cal.App.3d 1060, 1067 (1991).

1 **H. The Scientology System Of Weekly Statistics Is Similarly Admissible**

2 The Scientology reward and punishment (carrot and stick) system of weekly statistics for
3 staff, such as those involved herein, are also purely administrative and secular policies and
4 therefore as admissible as any other policies and practices employed by law enforcement,
5 business organizations or other entities in connection with claims of excessive force,
6 discrimination, abuse, etc. These policies reward those who execute the mandated Suppressive
7 Person and other policies and punish those who do not. These administrative policies regarding
8 weekly statistics are therefore admissible if only to show motivation, intent, duress and coercion
9 in connection with the conduct at issue herein during the previous twelve months and on the day
10 in issue. See generally, Berry Dec., Exhs. M-N (pp. 78-81).

11 **I. The “Gruesome” Scientology Punishment of Staffers Is Also Relevant**

12 The Accused’s express motivation for joining other participants in Anonymous pickets
13 outside Scientology facilities is to protest Scientology crime and abuse against both external
14 critics and internal dissidents. See Exhibits O-P. The Suppressive Person policies are relevant
15 to both what the Scientologists had been doing to the Accused and what the Scientology
16 management would have done, and will do, to those testifying staff who engaged in the conduct
17 and fail to engage in perjury to advance or protect the interests of Scientology and
18 Scientologists. See Exhibits I, p. 70, J, p.75, L, p. 77. Hubbard wrote that the punishment of
19 suppression and suppressives is “gruesome to see and this is equally true of the treatment of
20 Scientology staff being confined at the International Base outside Hemet. Its location is secret
21 to Scientologists and it publicly masquerades as Golden Era Studios. See Exh. U, p. 136. The
22 general mental and operating environment at Int. Base (aka Gold Base) is described in Exhs. U.
23 p. 135, V. pp-141-143. Security Checks and interrogations with a form of lie detector are
24 common [Exh. V, p. 179]. The staffer may be subjected to Scientology internal kangaroo court
25 “justice” called a “Comm Ev” or Committee of Evidence [Exh. V, p. 173]. Escape is difficult
26 for most and impossible for some. See Exh. V, pp. 144, 146-147, 149-150, 176 (“Perimeter
27 Council”), 175 (“MAA”), W, pp.181-184. Staffers whose weekly “statistics” are down are
28 assigned “lower conditions” [Exh. V, p. 145] and may be sent to a form of “gulag” called the
Rehabilitation Project Force or “RPF.” [Exh. V, pp. 149, 178]. They may have to spend 12
hours a day month after month doing the “Running Program” under the hot desert sun [Exh.V,

1 p. 189]. Their “liberties” might be cancelled [Exh. V, pp. 150, 153] and they may lose their
2 sleeping accommodations or even have to sleep under the stars [Exh. V. p. 150]. Punishments
3 “too gruesome” to contemplate even include days of unprotected wading and digging in the
4 sewerage sludge ponds that the cult maintains on the Golden Era property. This criminal abuse
5 caused former Scientologist Marc Headley continuing health problems [Exh. V, pp. 162-164.
6 Their assignments/punishments may even result in a ghastly death as happened to Stacy
7 Moxon, the daughter of Scientology attorney Kendrick Moxon [Exh. V, p. 152].

8 The Church of Scientology itself has conceded that there is a “tyranny of violence” at its
9 Hemet Int. Base and Clearwater “mecca.” See Exhibits Q-T. This “tyranny of violence” within
10 Riverside County has recently been receiving extensive nationwide and worldwide coverage;
11 but not within California where the Scientology enterprise is widely perceived to have
12 intimidated the news media into silence [Exhibit U] and co-opted either the active assistance or
13 deliberate blind-eye of local government, law enforcement and prosecutors. Most of the reports
14 of horrific violence and human rights abuses concern conduct at the Scientology Int. Base
15 outside of Hemet. See Exhibits Q-T. Marc Headley describes several serious criminal instances
16 in his recent book [Exhibit V, p. 138, **152-161, 170-172**. There are over ten former Scientology
17 INT. Base staffers who are willing to testify publicly about all this violence and “psycho-terror”
18 but the authorities will not listen because it involves an organization which calls itself a
19 religion. Then there are about forty senior Scientology executives at the Int. Base outside
20 Hemet who have been confined to “SP Hall” for years, sleeping under their desks and being
21 held behind doors said to have no inside door handles to enable exit or escape. The architects of
22 all this terror, crime and abuse against Scientology staffers who do not lie and destroy
23 Suppression and Suppressives are Commodore L. Ron Hubbard and his successor Captain
24 David Miscavige. The potential punishment of Scientology witnesses who do not lie and testify
25 according to the “greatest good for the greatest number of Scientologists” is clearly relevant to
26 their potential duress, coercion and motivation to either lie to shade testimony and therefore
27 should also be either admissible or the subject of a specially tailored cautionary jury instruction.

28 The late Rev. Jim Jones of the People’s Temple would also tell lies to his followers and
protagonists. Even after Jones knew his whole charade was over, and just before the murder of
Congressman Leo Ryan, he said, “People are free to leave Jonestown whenever they wish.”
Several hours later the poison laced Kool-aid was forced down the throats of over 800 people

1 while Jone's attorneys were still there. The rest of the world is watching another Jonestown and
2 WACO slowly unfold outside of Hemet while the Riverside County media, law enforcement
3 and authorities are blinded into impotent inactivity by Scientology "fair game" propaganda,
4 lies, and "shore stories."

5 **III. CONCLUSION**

6 Ironically the Accused herein was protesting the very same Suppressive Person and
7 related policies and practices, and their use to coerce abuse and exploit the very same
8 Scientology Sea Organization members and staffers who may be testifying herein. Our system of
9 justice will surely fail if one side is permitted a policy of mandatory lying unless found out in an
10 actual courtroom under cross-examination! The requested jury instruction is not discriminatory
11 and it is constitutional because it is directed at a group of people who follow a policy and
12 practice of lying to advance, defend and protect the interests of the collective group and each
13 other. The requested jury instruction, to be agreed by the Court and the parties, would merely
14 modify an existing approved instruction as to the impact of lying upon credibility and the group
15 does has a prospective remedy; to adopt alternative secular and administrative policies and
16 practices that are consistent with traditional American secular notions of fair play, honesty,
17 truthfulness, ethics, evidence and justice. Of course, dismissal would be most appropriate.

18 For the foregoing reasons the relief requested herein should be granted.

19 Dated: January 5, 2010

20 Respectfully submitted,

21 _____

22 GRAHAM E. BERRY
23 Attorney for Defendant Donald James Myers
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- 1 S. St. Petersburg Times, Ecclesiastical Justice (June 21, 2009);
- 2 T. St. Petersburg Times, Allegations out there; all else is normal (June 21, 2009);
- 3 U. Scientology from inside out, Robert Vaughn Young (Quill, November/December 1993);
- 4 V. Blown for Good, by Marc Morgan Headley (see page 138 for ordering information);
- 5 W. Gold Base Security.

6 4. At various times herein, the Scientology enterprise, as part of a conspiracy to
7 obstruct justice or otherwise control and silence dissenters and opponents such as the Defendant
8 herein, practiced what came to be known as the "Fair Game" policy. Pursuant to this practice, an
9 enemy of Scientology "may be deprived of property or injured by any means, by any
10 Scientologist, without any discipline of a Scientologist. He may be tricked, sued or lied to, or
11 destroyed." Despite public disavowal of the term "Fair Game" (for conceded public relations
12 purposes), Scientology retains the policy itself in force and practice. Accordingly, Scientology,
13 in concert with others, continues to engage in illegal, outrageous, oppressive, tortious and
14 harassing activities against those who they deem to be "enemies" of Scientology. One result of
15 the ruthless and sometimes illegal acts engaged in by Scientology is that the enterprise is able to
16 carry out its pattern of illegal, racketeering activity against the Defendant herein and others, with
17 the knowledge that only rarely will witnesses dare to come forward and testify against the
18 Church of Scientology.

19 5. The "Fair Game" policy directs that any individual or employee who expresses a
20 lack of loyalty to Scientology is open to any form of harassment, economic ruin, or subject to
21 any covert plan designed to cause economic ruin, or subject to any covert plan designed to cause
22 emotional or physical harm and/or financial ruin. The plans include the destruction of a person's
23 business, reputation, and/or framing of false charges of criminal acts. Numerous people have
24 been psychologically tormented with threats of becoming "Fair Game" within the context of the
25 specialized meaning given the term by Scientology. Among these people are Federal and State
26 Judges and other officers of the courts.

27 6. Scientology has misrepresented to numerous courts that it cancelled Fair Game in
28 1968. However, Scientology's Fair Game Policy has been subsequently recognized and discussed
in a number of California and other appellate decisions including: *Church of Scientology v.*
Armstrong, 232 Cal.App.3d 1060, 1067 (1991); *Wollersheim v. Church of Scientology*, 212
Cal.App.3d 872, 888-89 (1989); *Allard v. Church of Scientology*, 58 Cal.App.3d 439, 443 n.1

1 (1976); *United States v. Kattar*, 840 F.2d 118, 125 (1st Cir. 1988); *Van Schaick v. Church of*
2 *Scientology*, 535 F.Supp. 1125, 1131 n.4 (U.S.D.C. Mass. 1982); *Christofferson v. Church of*
3 *Scientology*, 57 Ore.App.203 (1982). In each of these cases, at the trial court level, evidence of
4 Fair Game had been introduced, the judge and jury had found Fair Game to have been
5 conducted, the courts of appeal upheld, in effect, the Fair Game rulings, evidence and judgments
6 and, in effect, found that Fair Game was alive, well and being re-copyrighted despite deceptive
7 Scientology claims to have cancelled the policy and practice in 1968, except as to the "handling
8 of Suppressive Persons" such as the Defendant herein.

9 **7.** Scientology's Fair Game policies and practices are intended to "utterly destroy",
10 professionally, financially and personally, any person who actively seeks to suppress or damage
11 Scientology or a Scientologist by "Suppressive Acts" which are defined as "actions or omissions
12 undertaken knowingly to suppress, reduce or impede Scientology or Scientologists." The
13 handling of Suppressives is set forth in Scientology Ethics Issues which consist, to a large
14 degree, in the protection of Scientology from external threats. "The Purpose of Ethics is TO
15 REMOVE COUNTER-INTENTIONS FROM ENVIRONMENT" (HCOPL 18.6.68 Ethics; caps
16 in original).

17 **8.** In mid-March 1955, Commodore Hubbard wrote, "I call to your attention a
18 situation of any besieged fortress. If that fortress does not make sallies, it does not send forth the
19 trolls to attack and harass . . . that for fortress may, and most often does, fall.

20 **The DEFENSE of anything is UNTENABLE. The only way to**
21 **defend anything is to attack . . . it is an entirely moral**
22 **duty to be punitive against strangers and outsiders who would**
23 **stop the progress of this [Scientology] civilization." (Emphasis**
24 **added)**

25 **9.** Scientology's "utter destruction" of persons such as the Defendant herein is set
26 forth in several of the Scientology Defendants' written policies. Some of these written policies
27 are set forth in Commodore Hubbard's MANUAL OF JUSTICE where he states "**people attack**
28 **Scientology: I never forget it, always even the score."** Commodore Hubbard subdivides the
administration of justice into four phases: (a) intelligence activities; (b) investigation of
evidence; (c) judgment or punishment; and (d) rehabilitation. In the Manual of Justice,
intelligence is defined as "that activity which collects data and keeps it adding up so that we

1 know our foes from our friends and so that we can act to separate out the sources of trouble in
2 any given situation." Investigation is defined as the "careful discovery and sorting of facts. . .
3 **overt investigation of someone or something attacking us by an outside detective agency**
4 **should be done more often and hang the expense Hire them and damn the costs when**
5 **you need to."** (Emphasis added) Commodore Hubbard also writes herein that the critic will sure
6 shudder into silence." The policy continues, "tell the detective we don't care if they know you're
7 investigating them for us. In fact, the louder the better." This policy letter also states that
8 Scientology "punishment" is "gruesome to see sometimes and in this instance there are men
9 hiding in terror on Earth because they found out what they were attacking. **There are men dead**
10 **because they attacked us** - for instance Dr. Joe Winter. **There are men bankrupt because**
11 **they attacked us** - Purcell, Ridgeway, Seppos." (emphasis added) In the same policy and
12 practice manual, Commodore Hubbard also writes "remember that - **by investigation alone we**
13 **can curb pushes and crush wildcat people and unethical 'Dianetics and Scientology'**
14 **organizations.** [emphasis added]

14 **10.** The Scientologists also have a pattern and practice, of abusing the non-
15 Scientology or "wog" legal system to utterly destroy persons such as Plaintiff. Part of this policy
16 is set forth in a 1955 Hubbard publication The Scientologist, a Manual of Dissemination of
17 Material. This directive of the Scientology enterprise makes it clear that they have a policy and
18 practice to use the courts to harass and ruin people rather than to win.

19 **"The purpose of the suit is to harass and discourage rather**
20 **than to win. The law can be used very easily to harass, and**
21 **enough harassment on somebody who is simply on the thin**
22 **edge anyway, well knowing that he is not authorized, would**
23 **generally be sufficient to cause his professional decease. If**
24 **possible, of course, ruin utterly."**

24 **11.** Scientology also runs what is known as Black Dianetics on persons as explained
25 in the Research and Discovery Series on 17 December 1951. "A person can drive himself mad
26 without any trouble . . . there is much date on how to make people insane, uncomfortable, sick or
27 dead as there is on how to make them well . . . once in a while, in order to learn something, it is
28 necessary to look at it. With Black Dianetics you could tailor-make any kind of insanity you
wanted to. Similarly, in the same series on 28 June 1951, it is proscribed that "dianetics

1 contain(s) the answers to the riddle of insanity. It also contains perforce the answer to the riddle
2 of insanity. "Anyone of us can take a human being and with malice aforethought drive him
3 stark" staring crazy with greater efficiency than even psychiatry does.

4 **12.** Scientology also has a written policy and practice of using "**manufactured**"
5 **allegations** as a threat. On August 15, 1960, the "Department of Government Affairs" was
6 established with a policy written by Commodore Hubbard. In that issue, Hubbard ordered:

7 If attacked on some vulnerable point by anyone or anything or any
8 organization, always find or manufacture enough threat against
9 them to cause them to sue for peace. Peace is bought with an
10 exchange of advantage, so make the advantage and then settle.

11 **Don't ever defend. Always attack.** Don't ever do nothing.

12 Unexpected attacks in the rear of the enemies front ranks work
13 best." (Emphasis added.)

14 **13.** The Scientology enterprise also has a policy and practice which, when it was first
15 instituted, was called "**Fair Game**", and which is still in existence today. It exists for the
16 "handling" of Suppressive Persons, despite the claims of the Scientology organization to the
17 contrary. On March 7, 1965, Commodore Hubbard wrote Hubbard Communications Office
18 Policy Letter (HCOPL) of March 7, 1965, titled "Ethics: Suppressive Acts: Suppression of
19 Scientology and Scientologists: the Fair Game Law." This Scientology policy document provides
20 the official definition of "Fair Game." By **Fair Game** is meant, without rights for self,
21 possessions, or position, and no Scientologist may be brought before a Committee of Evidence or
22 punished for any action taken against a Suppressive Person or Group during the period that
23 person is 'fair game.'" (A revision of December 23, 1965, changed it to read, "by **FAIR GAME** is
24 meant, may not be further protected by the codes and disciplines of Scientology or the rights of a
25 Scientologist.") The Scientology policy statement also defines a "suppressive person" as
26 follows:

27 **A SUPPRESSIVE PERSON OR GROUP** is one that actively seeks to suppress
28 or damage Scientology or a Scientologist by suppressive acts. **SUPPRESSIVE**
ACTS are acts calculated to impede or destroy Scientology or a Scientologist and
which are listed at length in this policy

1 **14.** The same Scientology policy letter also lists some of the suppressive acts to
2 include "public statements against Scientology; proposing, advising or voting for legislation . . .
3 or laws directed toward the suppression of Scientology; testifying hostilely before state or public
4 inquiries into Scientology to suppress it; **bringing civil suit against any Scientology**
5 **organization or Scientologist** . . .; demanding the return of any or all fees paid for standard
6 training or processing actually received in part and still available but undelivered only because
7 the departure of the person demanding; **testifying as a hostile witness against Scientology in**
8 **public**; being at the hire of anti-Scientology groups or persons; delivering up the person of a
9 Scientologist without defense or protest to the demands of civil or criminal law; receiving
10 money, favors or encouragement to suppress Scientology or Scientologists, etc., etc., etc.
(emphasis added)

11 **15.** The Scientology enterprise has a further policy and practice of harassing critics
12 as set forth in HCO Executive Letter 27 September, 1965, referring to how a certain group of
13 critics were to be destroyed: "**They are each fair game, can be sued or harassed . . . harass**
14 **these persons in any possible way.**" (emphasis added]

15 **16.** The policies and practices of the Scientology enterprise in utterly destroying
16 persons such as the Defendant herein are further set forth in an L. Ron Hubbard Executive
17 Directive of 2 December, 1966 entitled "Confidential: Ranch 5 Project: Project Squirrel". In that
18 policy order the Guardian's Intelligence Office for the Western United States is ordered to take
19 certain steps in order to "successfully bring the following facts into public consciousness:

- 20 **a.** People who attack Scientology are criminals;
- 21 **b.** That one attacks Scientology he gets investigated for crimes;
- 22 **c.** If one does not attack Scientology then despite not being with it, one is safe.

23 **17.** Elsewhere in this issue Commodore Hubbard writes "there is no overt in bringing
24 good order." An "overt" in the Scientology lexicon is a "transgression" or "wrong." **In other**
25 **words, the Scientologists have a policy and practice of the end justifying the means.**

26 **18.** The Scientologists have claimed that they no longer have a policy and practice of
27 Fair Game being directed at persons such as the Defendant herein as a result of Public
28 Communications Office Policy Letter of 21 October, 1966 entitled "Cancellation of Fair Game."
The policy letter (P/L) states that "the practice of declaring people FAIR GAME will cease.

1 FAIR GAME may not appear on any Ethics Order. It causes bad public relations. **The P/L does**
2 **not cancel any policy on the treatment or handling of an SP."** (Emphasis added).

3 **19.** In fact, it has become apparent that "Fair Game" has evolved as the underlying,
4 often unspoken, "theme" or modus vivendi which motivates the behavior of the Church of
5 Scientology. Thus, even though nothing may be specifically said regarding the "policy" of "Fair
6 Game" and its direct application regarding a particular individual, it is so pervasive as a gestalt
7 that the Scientology staff and knowledgeable members come to unconsciously apply the policy
8 in the conduct of their daily lives, defining friends, colleagues and family members as "enemies",
9 should they in **any** way oppose Scientology, and thence subjecting these "enemies" to personal
10 versions of the institutional policy of "Fair Game".

11 **20.** The claims of Scientology that the Fair Game policy has been cancelled are false
12 and fraudulent. The words "Fair Game" were banned, for public policy reasons, from
13 Scientology documents authorizing Scientologists to trick, sue, lie or destroy Suppressive
14 Persons. The policy letter did not change the treatment of such persons as the Defendant and
15 expressly states that this "policy letter does not cancel any policy on the handling of an SP." As
16 alleged herein, suppressive persons, such as the Defendant, were to be attacked, tricked, sued,
17 lied to or destroyed. Accordingly, the Scientologists fraudulently claim that this policy did not
18 change despite their knowledge that the policy letter does not cancel the orders that suppressives
19 are to be "tricked, sued or lied to or destroyed."

20 **21.** The false and fraudulent claims of the Scientology enterprise in this regard are
21 further evidenced to the publication of the March 7, 1965 policy letter, under the "Fair Game
22 Law" title, as late as 1980 in Volume I of the Organization Executive Course: "An Encyclopedia
23 of Scientology Policy" by L. Ron Hubbard. The issue "Suppressive Acts: Suppression of
24 Scientology and Scientologists: the Fair Game Law" appears on page 552 *et seq.* Scientology's
25 false and fraudulent conduct in this regard is further evidenced by subsequent reprints of these
26 volumes laundering out certain phrases and issues of Commodore Hubbard, without telling
27 Scientology members, and contrary to an issue called "The Integrity of Source" which prohibits
28 anyone other than Commodore Hubbard from making changes to his writings.

22. The Scientology enterprise also has a policy and practice, directed to persons such
as the Defendant, which was instituted on February 16, 1969 entitled "Confidential: Battle
Tactics" where Scientologists are ordered to use military tactics and strategy in dealing with the

1 "enemy" such as the Defendant herein. The policy and practice letter of 16 February 1969 orders
2 the Scientologists **to conduct "wars of attrition on a basis of total attrition of the enemy. So**
3 **never get reasonable about them. Just go all the way in and obliterate them. One cuts off**
4 **enemy communications, funds, connections. He raids and harasses. Seeing it as a battle**
5 **one can apply battle tactics to thought actions. Intelligence identifies targets and finds out**
6 **enemy plans and purposes, enemy connections, dispositions, etc. Never treat a war like a**
7 **skirmish. Treat all skirmishes like war".** (emphasis added) The same policy and
8 practice issue also orders the Scientologists to use intelligence to get the "who, when, where,
9 what."

10 **23.** On January 8, 1991, The Fair Game Law was, in essence, reissued under the
11 title "Suppressive Acts Suppression of Scientology and Scientologists".

12 **24.** Scientology's policies and practices as to the destruction of persons such as
13 Plaintiff, were also set forth in Hubbard Communications Office Policy letter of 17 February,
14 1966 which created the Public Investigation Section. In pertinent part, the policy letter states as
15 follows:

16 **a.** The purpose of this Section is:

17 To help LRH investigate public matters and individuals who seem
18 to impede human liberty so that such matters may be exposed and
19 to furnish intelligence required in guiding the progress of
20 Scientology;

21 **b.** It is comprised wholly of professional investigators.

22 **c.** The statistics of the section is dual consisting of the
23 number of cases successfully investigated on specific projects and
24 the number of derogatory news stories appearing that week related
25 to enemies of Scientology related to a specific project. The
26 statistic of each individual investigator is the number of cases
27 personally investigated through a completed useful report. . .
28 production of the section is the number of cases in a project
processed.

d. **It will be seen that the section has all the usual**
functions of an intelligence and propaganda agency. It finds the

1 data and sees that it gets action. The section investigates the
2 attacking group's individual members and sees that the results of
3 the investigation get adequate legal action and publicity. The
4 mechanism employed is very straightforward. We never use the
5 data to threaten to expose. We simply collect it and expose.
6 Standard intelligence procedures are used. The usual precautions
7 against libel, slander, and false arrest are taken.

8 Projects must be studied for legal liabilities by the legal
9 section before being commenced upon. But no project may be
10 stopped by the legal section - their whole function is to find out
11 how to make it safe.

12 **The section should note that press and the**
13 **public are interested in murder, assault, destruction,**
14 **violence, sex and dishonesty in that order. Investigations**
15 **which can uncover these factors and the activities of**
16 **individuals of a group attacking Scientology are valuable in**
17 **the degree that they may contain a number of these factors.**
18 **The more factors a case contains the more important the**
19 **case is. The idea is that the press feeds on these factors and**
20 **we feed them someone else's. (Emphasis added)**

21 Associating the attacking group's activities with
22 reprehensible groups in the past by using familiar descriptive
23 words will be found very effective. For example, if the word
24 "white" has been made hateful to the public by some past
25 criminal group we use "white" in our descriptive terminology
26 concerning the group that is attacking us and whom we are
27 investigating.

28 **Section investigators would do well to study the**
technology on suppressive persons. Such attacking groups
with which the section would deal derive their power from
pretense and secrecy. It will be seen the power vanishes under

1 calm investigation, particularly when it is well known to them
2 that we are investigating. . . in that way we then get rid of
3 suppressive groups by investigation and disclosure."

4 **25.** As set forth in the immediately preceding paragraphs, Scientology policies and
5 practices in connection with the investigation, harassment and total destruction of critics and
6 others impeding their objectives are conducted through what, on February 17, 1966, was the
7 Public Investigation Section of the Guardian's Office and which is now the Office of Special
8 Affairs of the Church of Scientology International and its legal unit which includes the law firm
9 of "Moxon & Kobrin."

10 **26.** Scientology also has a policy and practice, as set forth in Hubbard
11 Communications Office Policy Letter of 18 February, 1966, entitled "Attacks on Scientology
12 (continued)" Scientology's policies "stopping attacks" are required to include "**investigating
13 noisily the attackers. ... these people who attack have secrets ... and hidden crimes.**"
14 (Emphasis added) They are afraid. The purpose of the Scientologist's investigation policy and
15 practice is to cause the suppressor to "withdraw" and "collapse."

16 **27.** Scientology also has a further policy and practice set forth in Hubbard
17 Communications Office Policy Letter of 25 February, 1996 entitled "Attacks on Scientology
18 (Additional Pol. Ltr.>". In this policy statement, Scientologists are instructed as to the correct
19 procedure for handling persons such as the Defendant herein:

"This is correct procedure:

- 19 (1) Spot who is attacking us.
- 20 (2) Start investigating them promptly for FELONIES
21 or worse using our own professionals, not outside agencies.
- 22 (3) Double curve our reply by saying we welcome an investigation of them.
- 23 (4) **Start feeding lurid, blood sex crime actual evidence
24 on the attackers to the press.**
- 25 (5) **Make it rough, rough on attackers all the way."**

26 (Emphasis added)

27 **28.** The same policy letter of the Scientology enterprise states that "the way we will
28 eventually stop all attacks from there on out is by processing the society as follows:

- (1) Locate a source of attack on us;

1 (2) Investigate it;

2 (3) Expose it with wide, lurid publicity.

3 We investigate and expose - the attack ceases."

4 **29.** In addition, the same policy statement of Scientology provides "**don't worry**
5 **about libel if our facts indicate rottenness. The last thing that target will do is sue as then**
6 **we would have a chance to prove it in court, which they are terrified of our doing."**

7 (Emphasis added)

8 **30.** Responsibility for conducting the Scientology enterprises policies and practices
9 for destroying persons such as the defendant herein was transferred from the Public Investigation
10 Section to the Guardian's office on March 1, 1966 in a Hubbard Communications Policy Letter
11 entitled "The Guardian". The Guardian's office, Division 20 on the Scientology organization
12 board, has been renamed and is now the Office of Special Affairs of the Church of Scientology
13 International in which the fictitious law firm of Moxon & Kobrin is part of the unit. Instructions
14 to Guardian's Office members were and are set forth in the B1-B2 hat pack, part of which was
15 utilized as recently as 1988 as the job description for the President of the Church of Scientology
16 International and includes instructions as to infiltration, bribery, buying information, robbery and
17 blackmail. The first Guardian appointed was Commodore Hubbard's third wife Mary Sue
18 Hubbard.

19 **31.** Elsewhere Commodore Hubbard writes "there is no overt in bringing good
20 order." An "overt" in the Scientology lexicon is a transgression or wrong. **In other words, the**
21 **Scientologists have a policy and practice of the ends justifying the means.**

22 **32.** Scientology's "Fair Game" policies and practices, directed at persons such as the
23 Defendant herein and allegedly cancelled on 21 October, 1966, were further set forth in a
24 Hubbard Communications policy letter of 18 October, 1967 entitled "Penalties for Lower
25 Conditions" and instructed Fair Game to be automatically issued on anyone (including staff
26 members) who was an "**Enemy or Suppressive . . . SP order. Fair Game. May be deprived**
27 **of property or injured by any means by any Scientologist without any discipline of the**
28 **Scientologist. May be tricked, sued or lied to or destroyed."**

29 **33.** Following the alleged cancellation of Fair Game on 21 October, 1966,
30 Scientology instituted a new Hubbard Communications Office Policy Letter on 16 February

1 1969 entitled "Confidential: Targets, Defense" in which are listed vital targets in which the
2 Scientologists must invest most of their time:

3 **T1** Depopularizing the enemy to a point of total obliteration.

4 **T2** Taking over the control or allegiance of the heads or the proprietors of all news
5 media.

6 **T3** Taking over the control or allegiance of key political figures.

7 **T4** Taking over the control or allegiance of those who monitor international finance
8 and shifting them to a less precarious finance standard.

9 **34.** Scientology's policies and practices directed at totally destroying persons such as
10 the Defendant herein are further set forth in a Hubbard Communications Office Policy Letter of
11 December 2, 1969 entitled "Confidential: Intelligence - Actions: Covert Intelligence: Data
12 Collection." Scientology's policy and practice, in this regard, is to assign a target, such as the
13 Defendant herein, to a "case officer" who functions as an "intelligence officer." The written
14 policy states "the case officer may 'run' several agents."

15 **35. Scientology's written policy statement further provides that "essentially a**
16 **covert operation is intended to embarrass, discredit or overthrow or remove an actual or**
17 **possible opponent. It is a small war carried on without its true source being disclosed. It**
18 **follows all the rules of war but uses propaganda, psychological effect, surprise, shock, etc.,**
19 **to achieve its ends.** Covert operations are weak in that they fade out on exposure. "Thus a
20 covert operation has to lead to an overt operation to succeed. Our tactics of offense and defense
21 are based on data. We need dates to predict his offensives and counter them and data to use in
22 our attacks on him. We remove his agents and vanquish his troops and directly attack his central
23 group. That is sound tactics. By demonstrating his falsity about us we rehab our own repute (a
24 long road back). By showing his sources to be false we get them expended. **By showing him to**
25 **be brutal, venal, and plotting, we get him discarded.** Our direct assault will come when they
26 start to arrest his principals and troops of crimes (already begun). Our total victory will come
27 when we run his organizations, perform his functions and obtain his financing and
28 appropriations". (Emphasis added)

29 **36.** Scientology's policies and practices on "utterly destroying" persons such as the
30 Defendant herein are also set forth in Hubbard Communications Office Policy Letter of 15
31 August, 1967 titled "Discipline: SP's and Admin: How Statistics Crash." In that policy letter, **the**

1 **Scientologists** are told that the head of the Scientology Organization, then and now, **will stop at**
2 **nothing to destroy persons such as [the Defendant herein].**

3 However, if anyone is getting industrious trying to enturbulate or
4 stop Scientology or its activities, I can make Captain Bligh look
5 like a Sunday School teacher. There is probably no limit on which
6 I would do to safeguard man's only road to freedom against
7 persons who, disdaining processing, seek to stop Scientology or hurt
8 Scientologists.

9 **37.** The Scientology policies and practices in totally destroying persons such as the
10 Defendant herein are further set forth in Hubbard Communications Office Policy Letter of 16
11 February, 1969 titled "Confidential: Enemy Hands." Among other things, it provides that:
12 **persons hostile to Scientology usually have criminal backgrounds even when in public life.**
13 **One doesn't always find these even when they exist but one at least finds connections which**
14 **are useful. Therefore, do exposes of such people in the area of their subjects or interests,**
15 **not bringing us or any real ally into it.** Use "counter opinion" names as investigation subjects,
16 find their terrain, find the crimes on it and attack on that terrain and the enemy not ourselves will
17 be in trouble.

18 **38.** The policies and practices of the Scientologists, towards persons such as the
19 Defendant herein, are also set forth in a Hubbard Communications Office Bulletin of 5
20 November, 1967 entitled "Critics of Scientology." Now, get this as a technical fact, not a hopeful
21 idea. **Every time we have investigated the background of a critic of Scientology, we have**
22 **found crimes for which that person or group could be imprisoned under existing law.** We
23 do not find critics of Scientology who do not have criminal pasts. Over and over we prove this.
24 **Politician A stands up on his hind legs in a Parliament and brays for a condemnation of**
25 **Scientology. When we look him over we find crimes - embezzled funds, moral lapses, a**
26 **thirst for young boys - sordid stuff.** Wife B howls at her husband for attending a Scientology
27 group. We look her up and find that she had a baby he didn't know about. . . We are slowly and
28 carefully teaching the unholy a lesson. It is as follows: 'we are not a law enforcement agency but
WE WILL BECOME INTERESTED IN THE CRIMES OF PEOPLE WHO SEEK TO
STOP US. IF YOU OPPOSE SCIENTOLOGY WE PROMPTLY LOOK UP - AND
WILL FIND AND EXPOSE - YOUR CRIMES. IF YOU LEAVE US ALONE WE WILL
LEAVE YOU ALONE. IT'S VERY SIMPLE. EVEN A FOOL CAN GRASP THAT.

1 **AND DON'T UNDERRATE OUR ABILITY TO CARRY IT OUT. . . THOSE WHO TRY**
2 **TO MAKE LIFE HARD FOR US ARE AT ONCE AT RISK.** (Emphasis added)

3 **39.** The Scientologists also have a practice and policy, set forth in a Bulletin
4 Commodore Hubbard wrote on October 23, 1983, called "SEC Checking: Note, where he writes,
5 in effect, **that actions committed against Scientology's "enemies" are not of moral or ethical**
6 **interest. Only those committed against Scientology.**

7 **40.** The policy and practice of the Scientology enterprise, in investigating and
8 destroying persons such as the Defendant herein, also extends to international spying. On 7
9 May, 1971 a Hubbard CEO [Guardian Order] 070571 entitled "Secret: Notes on SMERSH"
10 states, under "CHARACTER ATTACKS", that "the Nazi brought personal character destruction
11 up to a fine art in its propaganda activities" and under "PENETRATION" states that:
12 "penetration is always a win. We have made it in finding WHO attacks Scientology from where
13 by doing that. This gives us ever further penetration. We have found as well the X intelligence
14 officer mouth pieces [sic] in the UK that influenced that government and pushed Nazi aims. We
15 are getting ever further penetration now into who is keeping this planet upset."

16 **41.** The policy and practice of the Scientology enterprise, in utterly destroying
17 persons such as the Defendant, is further set forth in a Guardian order (CEO 011272 LRH) titled
18 "Confidential: BLACK PROPAGANDA" also known as "Black PR," short for "Black
19 Propaganda." In that order, the Scientologists are instructed that "**Black Propaganda is a covert**
20 **communication of false info intended to injure, impede, or destroy the activity or life of**
21 **another person, group or nation, usually issued from a false or removed source from the**
22 **actual instigator."** (emphasis added) Black Propaganda is used heavily in 'psychological
23 warfare.'" The policy and practice order continues to state "our propaganda is dirty but it is not
24 black because it is true. Black propaganda is essentially false. You can do this trick (as in the
25 new operating plans I wrote) by survey and attack. **We just run propaganda campaigns.**
26 (Emphasis added)

27 **42.** The false and fraudulent statements of the Scientology enterprise, that Fair Game
28 no longer is practiced against persons such as Defendant, is further evidenced by the 280-page
(plus exhibits) "Stipulation of Evidence" executed by the United States Department of Justice,
Mary Sue Hubbard and eight other senior Scientology executives detailing Scientology's Snow
White Project, or Operation Snow White, where assistant U.S. attorney Raymond Banoyun gives

1 a succinct stipulated description of how Fair Game was conducted after 1968, and an admission
2 by the Scientology enterprise therein that Fair Game continued even beyond the conviction of
3 Mary Sue Hubbard in a statement by the U.S. Government questioning "whether these illegal
4 activities were ever terminated by these defendants." **These illegal activities" included: the**
5 **infiltration and theft of documents from a number of prominent private, national world**
6 **organizations, law firms, newspapers and private citizens; the execution of smear**
7 **campaigns and baseless lawsuits for the sole purpose of destroying private individuals who**
8 **had attempted to exercise their First Amendment Rights to freedom of expression; the**
9 **framing of private citizens who had been critical of Scientology, including the forging of the**
10 **documents which led to the indictment of at least one innocent person; and the violation of**
11 **the civil rights of prominent citizens and public officials." (Emphasis added) The stipulation**
12 by representatives of the organization also notes how Mary Sue Hubbard had said on the witness
13 stand that she and her co-defendants "felt they could do to others what ever they perceived,
however erroneously, others were doing to them."

14 **43.** The Scientology Fair Game policies and practices on "utterly destroying" persons
15 such as the Defendant herein are also set forth in "Hubbard Communications Office HCO
16 Executive Letter of 5 September 1966.To: Scientologists from Ron, titled Subject: How to do a
17 NOISY Investigation, which states in pertinent part:

18 Here's what you do. Soon as one of these threats starts you get a Scientologist or
19 Scientologists to investigate noisily. You find out where he or she
20 works or worked, doctor, dentist, friends, neighbors, anyone and
21 'phone em up and say. I am investigating Mr./Mrs. . . . for criminal
22 activities as he/she has been trying to prevent man's freedom and is
23 restricting my religious freedom and that of my friends and
24 children, etc. . . ." You say now, "I have already got some
astounding facts", etc., etc. (Use a generality) . . . It doesn't matter
if you don't get much info. Just be NOISY -- it's very odd at first
but makes fantastic sense and WORKS. . . . Scientologists are
really terribly ethical.

25 **44.** The Scientologists also have policies and practices designed and intended to cause
26 and permit them to lie under oath as to the existence and application of the policies and practices
27 intended to destroy persons such as the Defendant herein. These policies and practices include
28 TR-L (Training Routine - Lying), Hatting the Witness, and Addendum to Hatting the Witness,
How to Tell an Acceptable Truth. The Scientologists also have Board policy letter revised 8
May 1975 titled Religion which provides that "what is true for you is what you have observed for

1 yourself. Nothing in Dianetics and Scientology is true for you unless you have observed it. And
2 it is true according to your observation, that is all." Because Scientology is a totalitarian, closed
3 compartmentalized organization, and because Scientology staff and members only operate in
4 discreet closed sectors, they are able to plausibly claim that anything they have not personally
5 observed is untrue.

6 **45.** The Scientologists have a practice and policy of utterly destroying a person such
7 as the Defendant herein as set forth in Hubbard Communications Office Policy Letter of 27
8 October 1964 titled "Policies on Handling Physical Healing, Insanity and Potential Trouble
9 Sources". In that policy letter, Potential Trouble Sources (PTS's) are defined so as to include:

10 "persons intimately connected with persons (such as marital or
11 familial ties) of non-antagonism to mental or spiritual treatment or
12 scientology, persons who have ever threatened to sue or embarrass
13 or attack or have publicly attacked Scientology or been a party
14 to an attack and all their immediate families, persons attempting to
15 sit in judgment on Scientology in the hearings including judges,
16 newspaper reporters and magazine writers. Such persons are to be
17 "handled by firm legal stands."

18 **46.** The Scientology staff members (including any who are lawyers or investigators),
19 are subject to harsh punishment for failing to apply Scientology policies and bulletins such as
20 those set forth above. Such punishments have included being locked in a room and screamed at
21 by several persons until a staff member "breaks" or confesses; being locked up chain lockers on
22 Hubbard's boat on his orders; being thrown overboard with hands and feet tied; being put on
23 diets of rice and beans; being kept awake for day-after-day without sleep; being made to sleep on
24 floors, in closets or in "pig's berthing", spending years at hard labor at the notorious (and secret)
25 gulags known as the Rehabilitation Project Force (RPF), being physically assaulted and beaten
26 (sometimes by Captain Miscavige himself) for refusing to comply with orders and being made to
27 run in the desert sun until dropping from exhaustion and then being made to run some more, etc.
28 Although such abuses are well known by Scientology staff members it is a crime against
Scientology, subject to harsh punishments, to make them known to the non-Scientology world,
which might then intrude. To prevent that from happening, Scientologist are subjected to
Scientology's own justice system which includes Committees of Evidence and the procedures set
forth in Hubbard's original "MANUAL OF JUSTICE" which divides the whole subject of
justice for a Scientologist into four phases: (1) intelligence activities; (2) Investigation of
Evidence; Judgment or Punishment; and Rehabilitation. The practice of the Scientology

1 enterprise of punishing persons such as the Defendant herein, for failing to effectively carry out
2 the policies and practices set forth above include deprivation of liberty, freedom, human rights,
3 civil rights and even the final vestiges of any human dignity.

4 **47.** The Scientologists also have a Board policy letter issued 30 May 1974 entitled PR
5 Series 24, handling hostile contacts/dead agenting which Commodore Hubbard described as the
6 technique of proving utterances false and attributes it to the "First Book of Chinese Espionage."
7 It consists of disproving utterly the false statement with documents or demonstration or display.
8 One has to have a kit (a collection of documents) or the ability to demonstrate or something to
9 display." In addition, if there will be a long term threat you are to immediately evaluate and
10 originate a black PR campaign to destroy the person's repute and to discredit them so thoroughly
11 that they will be ostracized. In other words, handle the hell out of it. (LRH)"

12 **48.** The Scientologists also have a policy and practice as set forth in an issue 27
13 March 1972 titled Counter Attack Tactics stating that "those who attack Scientology ... are
14 provenly suppressive. Part of this policy involves destroying critic's careers. "These persons can
15 always lose their jobs. These jobs, permitting them power to destroy, are valuable to them. This
16 is A POINT OF VULNERABILITY. If the person's job is also not valuable to him or if he
17 cannot be cost his job, something can be found which he is seeking to protect and it can be
18 threatened."

19 **49.** The Scientologists also have a policy and practice reissued 10 January 1991 titled
20 OFFENSES AND PENALTIES where crimes are described as the second most serious offense
21 in Scientology and include "placing Scientologists at risk", being a knowing accessory to a
22 suppressive act." High Crimes are defined to include "committing suppressive acts."

23 **50.** The Scientologists have a further policy and practice reissued on January 30, 1991
24 entitled SUPPRESSIVE ACTS, SUPPRESSION OF SCIENTOLOGY AND
25 SCIENTOLOGISTS. This policy letter reissues the definitions of suppressive persons and
26 suppressive acts as set forth in the FAIR GAME first issued March 7, 1965 and claimed by the
27 Defendants to have been cancelled on 21 October 1966. A suppressive person or group "is one
28 that actively seeks to suppress or damage Scientology or a Scientologist by suppressive acts".
Suppressive acts are acts calculated to impede or destroy Scientology or a Scientologist." They
include:

1 **A.** Testifying or giving data against Scientology falsely or in generalities or
2 without personal knowledge of the matters to which one testifies;

3 **B.** Disavowal of Scientology or Scientologist in good standing with
4 Scientology organizations;

5 **C.** Public statements against Scientology or Scientologists.

6 **D.** Proposing, advising or voting for legislation or ordinances, rules or laws
7 directed toward the suppression of Scientology;

8 **E.** Testifying hostilely before state or public inquiries into Scientology to
9 suppress it;

10 **F.** Bringing civil suit against any Scientology organization or scientologist;

11 **G.** Writing anti-Scientology letters to the press or giving anti Scientology or
12 anti Scientologist data to the press;

13 **H.** Being at the hire of anti-Scientology groups of persons;

14 **I.** Delivering up the person of a Scientologist without justifiable defense or
15 lawful protest to the demands of civil or criminal law.

16 **J.** Moreover, "the greatest good for the greatest number of dynamics" requires
17 that actions destructive of the advance of the many, overtly or covertly, undertaken with the
18 direct target of destroying Scientology as a whole or a scientologist in particular, be summarily
19 handled due to the character of the reactive mind and the consequent impulses of the insane or
20 near insane to ruin every chance of mankind via Scientology.

21 **51.** The Scientologists policies and practices in connection with the policy formerly
22 known as Fair Game were further set out in a Scientology policy directive issued 13 August 1982
23 titled SUPPRESSIVE ACT DEALING WITH A DECLARED SUPPRESSIVE PERSON.

24 **52.** Notwithstanding Scientology's alleged claimed cancellation of Fair Game on 21
25 October 1966, on 8 June 1979 the Sea Organization issued a Flag conditions order declaring a
26 person "having blown [or left] the Sea Organization as a DECLARED SUPPRESSIVE PERSON
27 and that the person was not permitted any auditing or training in any Church of Scientology at all
28 until he has fully done the requirements of steps A to E of HCO PO that SUPPRESSIVE ACTS,
SUPPRESSION OF SCIENTOLOGY AND SCIENTOLOGISTS THE FAIR GAME LAW 23
DEC 65."

1 **53.** The Scientology Fair Game policy was further set forth in a HCO POLICY
2 LETTER of 16 MAY 1980 TITLED ETHICS, SUPPRESSIVE ACTS, SUPPRESSION OF
3 SCIENTOLOGY AND SCIENTOLOGISTS WHICH SPECIFICALLY REVISES THE FAIR
4 GAME ISSUE OF 23 DECEMBER 1965 ARE AS REVISED ON 31 DECEMBER 1979. In
5 part Commodore Hubbard writes that "in 1965 [he] issued policy letters to help create a calmer
6 environment in which Scientologists could pursue their religion. These were our ethics policy
7 letters." This reissue by Commodore Hubbard was made notwithstanding his March 22, 1976
8 affidavit stating there was never any attempt or intent on my part by the writing of these [ethics
9 policies] or any others for that fact to authenticate legal or harassment type acts against anyone."

10 **54.** The post 1968 Fair Game policy of the Scientologists was further discussed by
11 Commodore Hubbard in 1969 on a tape entitled "About Rhodesia": but now of course where we
12 have heard is getting ethics too heavily on scientologists and too lightly on the surrounding
13 environment. That is fatal to do it. Reverse that way. That is fatal. What we ought to do is
14 reverse that. ... You should upgrade your idea of an SP man. Meet one sometime. A real one is
15 a monster. A real SP is not just a difficult person. He is only about two and a half cent of the
16 human race and he is utterly nuts." By this, Hubbard meant that the fair gaming of non-
17 scientologists in the environment should be increased and suppressive person as two and a half
18 percent of the human race, could be eliminated when Scientology took control over the entire
19 human race.

20 **55.** The Scientology policies and practices towards critics was further explained in
21 a newsletter by L. Ron Hubbard titled INVADING PRIVACY issued May 13, 1959 where he
22 rights, [b] you have to be willing to invade Privacy very definitely. Well, when you realize that
23 the highest point of aberration on the third dynamic was the first time you decided not to invade
24 somebody's privacy and that nearly everything you have suffered from since was a determination
25 not to invade somebody's privacy, you will see at once where these connect on an 8-C'ing
26 somebody into a service urn.

27 **56.** The Scientology policy and practices on handling suppressive persons was
28 further set forth in a book published by Commodore Hubbard titled the creation of human ability
(a handbook for scientologists which was reprinted as late as 1976 and where Commodore
Hubbard sets forth various ways of processing people including "R2-45: AN ENORMOUSLY
EFFECTIVE PROCESS FOR EXTERIORIZATION BUT ITS USE IS FROWNED UPON BY

1 THE SOCIETY AT THIS TIME." Similarly, in Technique 88 On Control and Lying, he wrote
2 THE ONLY WAY YOU CAN CONTROL PEOPLE IS TO LIE TO THEM.

3 **57.** The Scientology defendants also have a practice and policy set forth, an HCO
4 policy letter of 25 April 1968 titled INTELLIGENCE ACTIONS. . The stated actions of
5 intelligence are: 2. Investigate for crimes the individuals who are creating trouble. ... This is
6 standard 1, 2, 3 action and should not be deviated from. The maxim is ... when under attack ...
7 attack. The point is .. even if you don't have enough data to win the case ...STILL ATTACK;
8 LOUDLY. The reason is, it is only those people who have crimes that will attack us and they
9 will soon back off for fear of being found out when attacked back."

10 **58.** The Scientologists also have a policy and practice set forth in HCO
11 BULLETIN OF 15 SEPTEMBER 1981 TITLED THE CRIMINAL MIND. Ironically,
12 Commodore L. Ron Hubbard sets forth the policy that "the criminal accuses others of things
13 which he himself is doing ... the criminal mind relentlessly seeks to destroy anyone it imagines
14 might expose it. The criminal only sees others as he himself is." In other words, through this
15 Official Scientology Policy Letter, Commodore Hubbard established a Scientology policy and
16 practice of the pot calling the kettle black.

17 **59.** The Scientology Fair Game policy, allegedly cancelled on 21 October 1966,
18 was also referred to in a 1968 publication by L. Ron Hubbard under the title Scientology Basic
19 Staff Hat Book No. 1 which deals among other things with "ethics (conditions and other ethics
20 policies)," Under "other ethics policies," the FAIR GAME LAW of 1 March 1965 is republished
21 on page 40(despite its purported earlier cancellation. Also published on page 26 is the HCO
22 Policy Letter of 18 October 1967 setting forth penalties for lower conditions including
23 "ENEMY-SP ORDER FAIR GAME. MAY BE DEPRIVED OF PROPERTY OR INJURED BY
24 ANY MEANS BY ANY SCIENTOLOGIST WITHOUT ANY DISCIPLINE OF THE
25 SCIENTOLOGIST, MAY BE TRICKED, SUED OR LIED TO OR DESTROYED.

26 **60.** The Scientology Fair Game policies and practices include declaring its own
27 members, or non-members opposing scientology, suppressive persons by way of Suppressive
28 Person declares and stating that they are subject to "Fair Game".

61. The Scientology enterprise also has a policy and practice set forth in a
December 1968 order re: INTELLIGENCE where it is stated "the following are possibilities for
collecting data.

- 1 1. Infiltration.
- 2 2. Bribery
- 3 3. Buying information.
- 4 4. Robbery
- 5 5. Blackmail.

6 The last two are of course illegal.

7 **62.** The Scientology enterprise also has an Executive Directive from the Office of
8 Special Affairs International issued in 1991 titled Confidential, Department of Special Affairs,
9 Investigations Office Full Hat Check Sheet. In accordance with HCO PL 17 Feb 1966, Public
10 Investigation Section, the Investigations Officer is "to help LRH investigate public matters and
11 individuals which seem to impede human liberty so that such matters may be exposed and to
12 furnish intelligence required in guarding the progress of Scientology. The materials to be studied
13 include the Department of Special Affairs Investigations Office full hat pack, the Art of War by
14 Sun Su Tzu and War by Clausewitz. It includes the study of HCO EXEC LTR 5 SEPT 66,
15 HOW TO DO A NOISY INVESTIGATION.

16 **63.** On May 26, 2001, a *St. Petersburg Times* editorial expressed its views upon
17 such "fully tax-exempt" religious policies and practices:

18 "An attorney for the Church of Scientology defended the
19 practice of using private investigators to protect the
20 organization from people who 'harass it'. Interestingly,
21 Scientology doesn't want to be criticized or harassed, but it
22 does not hesitate to harass and intimidate others. Again and
23 again in recent years, Scientology has claimed that it has
24 reformed, that it no longer engages in the kind of
25 underhanded or illegal behavior and smear tactics that have
26 earned it a sorry reputation around the globe. Again and
27 again, Scientology has argued that
28 it is a religion and should be treated like any other
29 church. But again and again, stories surface that set
30 Scientology apart. Not only does it have a penchant
31 for secrecy, it will spend virtually unlimited time and
32 money on pursuing setting up and bringing down its critics.
33 **That's not like any church we know."** emphasis added

34 I declare under penalty of perjury according to the laws of the State of California that
35 the foregoing is true and correct.

36 Executed this 5th day of January, 2010 at Los Angeles, California.

1
2 **DEFENDANT’S NOTICE OF MOTIONS AND MOTIONS IN LIMINE RE**
3 **“SUGGESTION” OF DISMISSAL AND/OR JURY INSTRUCTION RE CERTAIN**
4 **SCIENTOLOGY ADMINISTRATIVE POLICIES; DECLARATION OF GRAHAM E.**
5 **BERRY IN SUPPORT THEREOF, EXHIBITS THERETO.**

6 **By Personal Delivery to** Deputy District Attorney Steve Allan, Esq., in an envelope addressed
7 as follows:

8 The District Attorney’s Office,
9 County of Riverside,
10 30755 Auld Road, Third Floor
11 Murrieta, California 92563

12 Attention: DDA Steve Allan, Esq.

13 I declare under penalty of perjury under the laws of the State of California that the foregoing is
14 true and correct.

15 Executed this 5th day of January 2010, at Riverside, California.

16 Signed: _____

17 Print Name: _____

18 Address: _____

19 _____