

C. SCIENTOLOGY AND THE COURTS

Beginning in the late 1960's, Scientology became heavily involved in litigation around the world and particularly in the United States. The litigation fell into three general categories: 1) lawsuits brought by the Scientologists against private citizens who criticized them; 2) lawsuits brought by private citizens against the Scientologists seeking damages for tortious and criminal activity, and 3) litigation between the Scientologists and various government agencies involving the enforcement of criminal and tax laws. In all three categories, all around the world, the Scientologists have lost virtually every case. There is a growing body of written judicial opinion which castigates the Scientologists in blistering language for their obstructive and unconscionable courtroom tactics, which include the raising of frivolous defenses, various means of obstruction of justice, and general abuse of the judicial process. See Appendix VII and X.

The following is a more detailed discussion of the three categories of litigation which the Scientologists have been involved in.

1. Lawsuits by the Scientologists against private citizens

In the early 1960's Scientology became the subject of public discussion and criticism. Hubbard and his henchmen realized that they would not be able to continue to attract victims if it became known on a widespread basis how Scientology treats its "members", and what the content of

Hubbard's teachings actually was. Accordingly, they conceived a plan to silence public discussion of Scientology and to force defectors into remaining silent about their experiences. This plan included aggressive criminal action, including extortion through use of confidential auditing information" which is described elsewhere in this Report. The plan also involved resort to the courts. Hubbard realized that many people cannot afford the financial burden of defending themselves in litigation. As his own financial resources grew, he was able to afford lawyers in cities all over the world to do his bidding. He launched a campaign of legal terrorism against all who dared to say anything about Scientology. His own writings set forth this policy very clearly: At one point he wrote:

"The purpose of a lawsuit is to harass and discourage rather than to win."

At another point Hubbard wrote:

"Don't ever defend. Always attack. Find or manufacture enough threat against them to cause them to sue for peace. Originate a black PR campaign to destroy the person's repute and to discredit them so thoroughly they will be ostracized. Be alert to sue for slander at the slightest chance so as to discourage the public presses from mentioning Scientology."

In one of his books, Hubbard gives even more explicit instructions about how lawsuits should be filed against people even against the advice of counsel. He wrote:

"The law can be used very easily to harass, and enough harassment on somebody who is simply on the thin edge anyway, well knowing that he is not authorized, will generally be sufficient to cause his professional decease. If possible, of course, ruin him utterly....."

"Should you ever be arrested for practising Scientology, treating people, make very sure, long before the time comes, that you have never used drugs or surgery, and that you have never prescribed a diet, or vitamins, and when that time might come, make very sure that you immediately and instantly, within two or three hours after your receipt of the warrant, have signed upon the server of that warrant, a personal civil suit for \$100,000.00 damages for having caused the arrest of a Man of God going about his business in his proper profession, and for having brought about embarrassing publicity and molestation...."
"And if you are foolish enough to have an attorney who tells you not to sue, immediately dismiss him and get an attorney who will sue. Or, if no attorney will sue, simply have an HASI suit form filled out and present yourself to the court clerk in the court of the area in which your case has come up..."
(Emphasis supplied).

Pursuant to these policies, which are carried out by Guardians' Office "Legal Officers", at each local org, Scientology organizations have, over the years, filed hundreds of lawsuits against private citizens and organizations. Most of them are absurdly frivolous. Most have been dismissed. Generally, the Scientologists have won cases only where they have so exhausted their victims' resources that the victims were unable to defend themselves. For example, in many instances the Scientologists have sued the same person or publisher simultaneously in many different states and countries, making it impossible for the person to defend himself. One of their favorite tactics is to sue a person in a far away place, in hopes that he will not go to the trouble to defend himself. For example, they sued the Reader's Digest in Perth, Australia. They sued Paulette Cooper, a resident of New York, in many parts of Canada. They sued Michael J. Flynn, a resident of Boston, in Nevada and California, as well as in Boston itself. They sued the St. Louis Post Dispatch in California. Fortunately, the courts have become more and

more aware of these terrorist tactics. See Founding Church of Scientology v. Verlag 536 F 2d. 429 (1976).

The following are illustrative examples of lawsuits by the Scientologists against private citizens. They are given by illustration only. The total number of cases is too lengthy to be included in this report.

- (i) Hubbard v. Vosper (1972) 1 All Eng. Rep.
(decided by the highest judicial court in England).

L. Ron Hubbard sued Vosper, attempting to enjoin him from revealing the contents of certain Scientology writings which he had taken with him when he left Scientology. The Court held that Hubbard was not entitled to relief because

- 1) the courses of the Church of Scientology contained such dangerous material that it was in the public interest that it should be made known, and
- 2) Hubbard had protected his secrets by such deplorable means that he came into court with "unclean hands" and therefore could not seek equitable relief.

- (ii) Church of Scientology v. Kaufman (1973)

R.P.C. 627, A lower court decision involving a similar effort by the Scientologists to enjoin publication of certain of its writings. The court followed the Hubbard v. Vosper opinion, after closely examining Scientology practises, including its habit of viciously attacking its critics.

- (iii) Church of Scientology v. Department of Health and Social Security (1979) 3 All Eng. Rep. 97.

In this case the Scientologists tried to get the names of people who had written to the Department with complaints against Scientology. The Court severely restricted their access to the names, after finding that there was a "real risk" that the documents requested would be used for "threats and blackmail". The Court referred to "the strong arm of Mr. Hubbard" which could harass and intimidate people in distant lands .

- (iv) Church of Scientology v. Cazares
638 F.2d 1272 (1981)

The Scientologists sued former Mayor of Clearwater for defamation and civil rights violations. The Federal District Court dismissed all the counts, and held further that the suit was so frivolous that Cazares was entitled to be paid \$38,000 for the amount he had expended to defend himself. This very extraordinary award was upheld by the Fifth Circuit Court of Appeals.

- (v) Church of Scientology of California et al v. James Siegelman et al
475 F. Supp. 950 (1979)

Church filed suit for defamation against publisher and authors. The District Court judge ruled that various statements of several of the defendants would not sustain a cause of action for defamation and the case was properly dismissed. The Court left standing a cause of action against one defendant.

- (vi) Founding Church of Scientology, Etc. v. Verlag, 536 F.2d 429 (1976)

A German magazine article described the terrorization of two women by West German Scientologists and noted an investigation into the activities of Scientologists by the West German Federal Criminal Affairs Bureau. The Scientologists sued for libel. The Court noted that this was one of many lawsuits which the Scientologists had filed against the same publisher.

- (vii) Church of Scientology of California v. James E. Adams
584 F.2d 893 (1978)

The Scientology organization sued a Missouri newspaper publisher for libel in California. The Court of Appeals upheld the District Court's dismissal of suit based upon lack of personal jurisdiction.

- (viii) Founding Church of Scientology of Washington v. American Medical Assoc.,

The American Medical Association's monthly magazine, Today's Health, contained an article, "Scientology - Menace to Mental Health." The

Scientologists sued for libel and defamation. The trial judge dismissed the complaint with prejudice. The Court of Appeals affirmed the dismissal and ruled that third count, interference with contractual relations failed to state a cause of action.

(vii) Lawsuits against Michael J. Flynn and Associates

Beginning in early 1980, the Scientologists have continually attempted to disrupt Michael J. Flynn's law practice by filing frivolous lawsuits against him and his associates. They began by filing a lawsuit in Federal Court in Las Vegas, Nevada, against Kevin Flynn and Attorney Thomas Hoffman alleging civil rights violations. The suit was dismissed within three months. They then filed a nearly identical lawsuit against Kevin Flynn in State Court in Las Vegas. That suit was dismissed earlier this year. They also filed a nearly identical suit against Michael J. Flynn in January of this year. It is expected that the suit will be dismissed shortly. They sued Michael J. Flynn in Massachusetts Superior Court in early 1980, alleging that he was a bailee of certain documents. Recently, after learning that Michael J. Flynn had been retained by the City of Clearwater, they filed a new suit against him in Federal Court in Los Angeles, and Complaints against him in Washington. They have also filed four bar Complaints against Michael J. Flynn, and one against Attorneys Thomas Greene and Thomas Hoffman, all of which have been dismissed. After learning of the Clearwater situation, they filed another bar Complaint against Mr. Flynn. All of these suits and complaints are entirely frivolous.

(viii) Canadian Litigation.

The Scientologists sued Lorna Levett and several other people in Canada for libel. After the case had gone on for some time, the judge ordered the Scientologists to post bond for defendant's attorney's fees in the amount of \$60,000, after concluding that the action was probably frivolous. They also sued Levett and others in California, where they could not afford to defend themselves.

(ix) Ernest and Adelle Hartwell

These two people are outspoken critics of Scientology in Las Vegas, Nevada. After the Hartwells contacted Michael J. Flynn, the Scientologists sued them for alleged civil rights violations. The Hartwells counter sued. The court denied the Scientologists Motion to Dismiss.

(x) Paulette Cooper

The Scientologists, over the years, have filed nearly twenty lawsuits against Ms. Cooper, including three in the last few weeks prior to the presentation of this report.

(xi) Boston Litigation

After learning that four defecting members had contacted Michael J. Flynn, the Scientologists attempted to get criminal complaints against them in the Boston Municipal Court. Failing in this, they sued them in Superior Court.

(xii) Readers Digest

The Scientologists sued the Readers Digest in connection with an article 18 months ago and in connection with the article in the present issue. The first suit was brought in Perth, Australia, for the sum of \$15,000, apparently in hopes that it would be ignored or settled. The suit has not been successful.

(xiii) St. Louis Post

The Scientologists sued the St. Louis Post in several places in connection with a series it did on Scientology. The suits were not successful.

(Xiv) Divorce Actions.

The Scientologists have often financed or provided legal counsel for members seeking divorces or awards in divorce actions, consistent with the policy of "disconnect" which encourages divorce.