

# THE SANTA FE NEW MEXICAN

Founded 1849

Sunday, January 28, 1990



Larry Beckner/The New Mexican

## Scientologists' tunnel project raises doubts

By SALLY OOMS  
For The New Mexican

More than 45 miles from Las Vegas, N.M., members of the Church of Scientology have dug a 350-foot dirt tunnel into a mesa and kicked up a dust storm of mystery and rumor.

Church members working on the project say the tunnel will be used to store steel plates and gold-plated chrome-and-glass compact discs preserving Scientology writings and lectures.

But neighbors of the project and residents of nearby Las Vegas, while publicly saying the project has been a small economic boon, privately speculate that the tunnel and three houses, being constructed near it will be used for something other than their stated purpose.

The site's isolation — a 3,600-acre ranch in the juniper- and pinon-studded plains of eastern San Miguel County — and the secrecy of church members surrounding the four-year project have contributed to the rumors.

Other than church members and a handful of visitors, only about 100 construction workers have been allowed on the site. Visitors are not encouraged.

Church members say they simply are seeking privacy.

"Contrary to any rumors that might have started, there's no mystery about what we are doing," said Jane McNairn, administrator for the Church of Spiritual Technology, a Los Angeles-based organization of Scientologists formed to preserve church teachings and materials from other key religions.

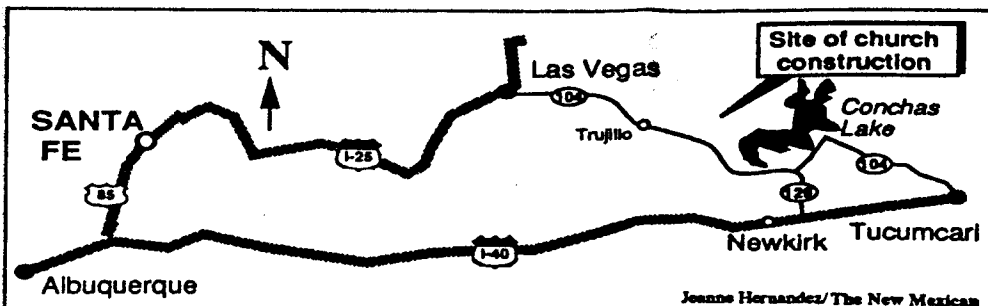
Eastern San Miguel County was chosen for the tunnel project because "it is away from the pollution of a major city and it is an area that is not likely to be a nuclear target," she said.

McNairn is quick to point out that although the Church of Spiritual Technology is associated with the Church of Scientology, the Church of Spiritual Technology has an entirely different mission.

Church members will not hold church services or meetings at the site, project



Scientologists have tunneled into a mesa in San Miguel County to store church writings. The tunnel is entered through a 5,700-square-foot house, at top, built on the side of the mesa; that house is reached via a road from a 12,000-square-foot house, above, one of three built for caretakers.



Jeanne Hernandez/The New Mexican

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## Scientologists unearth doubts by burying data

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manager Chuck Dunagin said.

"The intention is that once the initial phase of construction and renovations is over, our religious materials will remain quietly undisturbed for years to come," he said.

The tunnel and two of three caretaker houses have been completed. A third 12,000-square-foot house and a storage vault inside the tunnel are scheduled for completion in mid-March.

□□□

The Church of Scientology was founded by L. Ron Hubbard, whose 1950 book *Dianetics* became a best seller.

Hubbard described dianetics as a "modern science of mental health" that allows one to resolve problems by tracing problem behavior back to earlier causes.

Scientology, Hubbard said, is "an organized body of scientific research knowledge concerning life, life sources and the mind."

It "is designed to make individuals better able to communicate, to study and to deal with life's problems successfully," McNairn said.

The church, now with 5 million members, has many missions worldwide, she said.

"But our mission (in San Miguel County) is more narrow," she said. "It is concerned strictly with the preservation of valuable religious materials and scripture."

The Scientologists got the idea of a tunnel from the Mormon Church, which has a similar storage center in Utah.

Church of Spiritual Technology representatives declined to disclose the cost of the project. They dwell on the archival-research aspect of their task.

McNairn said about 45 church employees in Los Angeles are transferring the religious writings of Hubbard and other Scientologists onto long-lasting paper and etching them onto thin sheets of stainless steel capable of lasting 1,000 years.

The church is using only the highest-quality archival-grade papers, cloths and threads made from pure cotton and linen fibers, she said.

Staff members also are using digital recording techniques to preserve recorded Scientology lectures. Once they are digitally recorded, McNairn said, they will be put onto special compact discs made of gold-plated chrome and glass. The special discs are superior to the commercially produced discs, which decay within about 10 years.

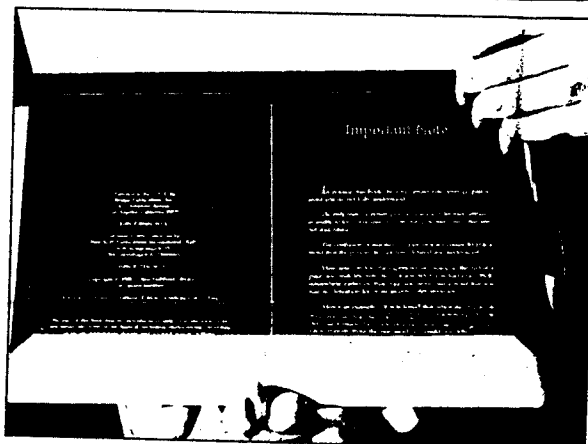
The archival work is the culmination of seven years of extensive research on preservation of documents, and the Church of Spiritual Technology has consulted other preservation-minded institutions, including the U.S. Library of Congress, the National Archives and the Smithsonian Conservation Library.

The land for the church ranch was purchased in 1983, but harsh weather and the task of building a road over rugged terrain delayed construction, Dunagin said.

John Pye, lead engineer with Underground Support Assistance of Santa Fe, describes the tunnel as Y-shaped — 200 feet long before branching in two 150-foot legs, which will be used for storage.



AP photo



The writings of L. Ron Hubbard, above, are being engraved onto thin steel plates like the one at left for preservation, according to the Church of Spiritual Technology.

Laura Shubert/For The New Mexican

At the end of one tunnel is a horseshoe section about 11 feet high by 10 feet wide and designed for storage of archives of particular value.

The floor of the tunnel is concrete, the walls stuccoed and painted. The underground structure was designed for easy maintenance and to be deep enough to ensure it will hold up for the 1,000-year period the church hopes to preserve its records, Pye said.

A strip of cleared land on top of the mesa resembles an airstrip.

Three houses designed by Mazria Associates, an architectural and planning firm based in Santa Fe, will be used to house five to six caretakers, church officials said.

A metal house at the lowest elevation is 1,500 square feet. The 12,000-square-foot house still under construction is a half-mile closer to the mesa. The third house on the side of the mesa is 5,700 square feet and covers the tunnel entrance. Access to the tunnel is through the third floor, said Ed Mazria, owner of Mazria Associates.

Only a few people other than construction workers and Church of Spiritual Technology members have seen the construction and the inside of the tunnel.

Perfecto Padilla of Las Vegas, who owns land adjacent to the church property, is one of those few visitors. He granted the group an easement on his road.

"I sincerely hope that (the tunnel) is what they are saying it's for," he said.

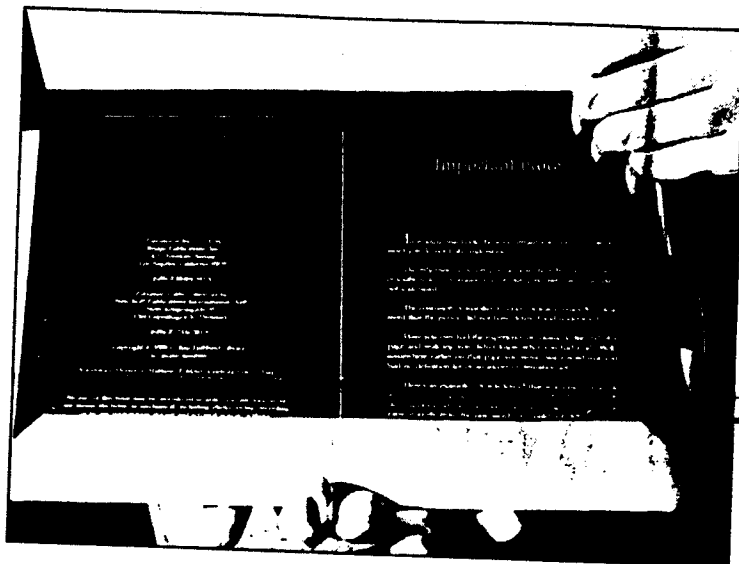
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He has no quibbles with church members, whom he dubs "polite and congenial," but he is disgruntled about construction workers who have been careless about leaving gates open. Padilla owns cattle and said he has had to round them up because they wandered off when gates were not shut.

He also said he resents the traffic and dust created by the project and having people come into what was once a secluded area.

"If I had known there would be this much traffic when they started, I probably wouldn't have given them an easement," Padilla said.

He has had sewage dumped on his stretch of the road and believes it came from trucks that were supposed to be hauling the sewage from the church land to Tucumcari for disposal.

McNairn said the church took responsibility for the dumping and cleaned up the sewage.

In late December, a propane tank was stolen from his property.

"Now we're too public," he said. "There are too many people nosing around."

Robert Gutierrez, a Las Vegas schoolteacher who owns property near the church ranch, said he has never been asked to visit and can't help but wonder what is going on.

"It's not really accessible," he said. "Communication with them is not that great."

Furthermore, he is worried about the impact the construction will have on the environment. He maintains that heavy construction equipment has worn down the county access road to the property, and he worries that new wells will put a strain on an already-low water table.

However, Charlie Vigil, a San Miguel County commissioner when the church brought plans to commission meetings in 1985, said the organization has helped maintain a county access road. Vigil has visited the property and said the church was instrumental in installing needed culverts and cattle guards.

Officials responsible for ensuring that state regulations are followed report cooperation from the Church of Spiritual Technology.

A representative of the state Engineer's Office said the ranch area is not in a ground-water basin, therefore no permits drilling permits were required.

Anita Roy, an environmentalist with the Las Vegas office of the state Environmental

Improvement Division, said the church has complied with state environmental regulations. Roy has inspected the water supply, the field kitchen for construction workers and the liquid waste-disposal system.

The church drilled several wells before finding adequate water but now has two producing wells, she said.

The church also complied with state laws governing excavation of a tunnel, said Luke Quinones, an inspector for the New Mexico Bureau of Mines. His office reviewed construction plans and trained church employees in safety and emergency first aid.

Construction Industries in Santa Fe said all permits for the houses were applied for and granted. Construction Industries representatives have inspected the plumbing, electricity and buildings and found the workmanship to be good-quality construction, a representative said.

Some Las Vegas note the project has been as a source of revenue for area businesses.

Mayor Tony Martinez said he is not very familiar with the project.

"But when they first started out, they were pretty good customers," he said.

Gordon Hays, owner of Hays Plumbing and Heating in Las Vegas, has done plumbing work for the church.

"They seem like pretty good people to me," he said.

The Las Vegas-San Miguel Chamber of Commerce lists Chuck Dunagin as a member, and chamber Director Martin Leger said Dunagin has donated time to help with chamber functions.

Law-enforcement officials in Las Vegas said they are not privy to much information about the project. Although the ranch is in the jurisdiction of the Las Vegas office of the New Mexico State Police, Capt. David Bibiano said he does not remember a state police officer ever going on the property.

"It's private property," he said.

Joe Urban, a San Miguel County sheriff's deputy, said he doesn't believe anyone from his office has been on the land, either.

"All I've heard is that they are making archives for books," he said. "At least they are supposed to be. That's the story we have."

JANUARY 30, 1990

UPn 01/30 2042 Judge bars unauthorized biography L. Ron Hubbard  
NEW YORK (UPI) -- A federal judge Tuesday blocked publication of an unauthorized, critical biography of the late L. Ron Hubbard, the controversial author and founder of the Church of Scientology unless certain copyright-protected passages are deleted.

U.S District Court Judge Louis Stanton granted both preliminary and permanent injunctions in favor of New Era Publications International, a Danish corporation related to the church, which is the exclusive licensee of Hubbard's works.

New Era was authorized to publish a biography of Hubbard, who died in 1986, that will draw on his published and unpublished writings, the judge said.

Jonathan Caven-Atack wrote "A Piece of Blue Sky," the contested, unauthorized Hubbard biography that was to be published by Carol Publishing Group.

New Era filed suit because it believed the book would contain copyright materials and to protect its interests in relation to Hubbard in Australia, Canada and the United Kingdom.

New Era lost a 1988 attempt in the same court to prevent publication of Russell Miller's "Bare Faced Messiah: The True Story of L. Ron Hubbard" on a technicality.

The judge said the book was still in its early stages so the decision would have little effect, but a lawyer for the publisher disagreed.

"The book is still in manuscript form, so deletion of the infringing passages will be relatively simple and inexpensive," Stanton said. "The only apparent hardships resulting from an injunction are some delay in publication and a more stringent editing process."

"It's an abysmal decision," said Melvin Wulf, a lawyer for Carol. "It shows an abysmal understanding of the First Amendment, copyright and the fair use doctrine. It actually threatens the integrity of the process of scholarship and biography."

"It prohibits the use of materials from the published works of public figures," he said. "This opinion can't survive."

Caven-Atack belonged to the church for almost nine years, according to Stanton's 24-page opinion. During that period he spent time studying church teachings and "pursuing its ideals."

"Atack became disillusioned with the church after discovering what he perceived to be abusive practices against dissident church members," Stanton said. "Atack came to believe that Scientology is a dangerous cult and that Mr. Hubbard, far from being the gentle prophet portrayed in church literature, was a paranoid, vindictive and profoundly disturbed man."

"He wrote the book to expose what he believes to be the pernicious nature of the church and the deceit that is the foundation of its teachings," Stanton said.

Stanton based his ruling on how Caven-Atack used both copyright and other material, not on the contents of the manuscript, which the author turned over to New Era following a judge's order.

"There is a difference between published and unpublished works, even if it is no more than that the use of an unpublished writing misappropriates not only the expression itself but also the author's decision whether to publish it," said Stanton, pointing to earlier similar cases that "should be read with that difference in mind."

"In this case there is too often republication without that criticism or illumination which comprises fair use rather than infringement," Stanton said.

The judge found the fair use argument fell in favor of New Era.

Another argument, the effect on the market for New Era's planned book, was "speculative" and inapplicable, the judge said.

While the amount of Hubbard material used by Caven-Atack was relatively small, "many of the passages lack any allowable fair use purpose," Stanton said. "They often are only used as topic headings, as signals in Mr. Hubbard's words of the subject Mr. Atack will next address. That is not fair use but an appropriation."

JANUARY 30, 1990

APn 01/31 0856 Hubbard Biography

By VERA HALLER

Associated Press Writer

NEW YORK (AP) -- A judge's decision blocking a book critical of Church of Scientology founder L. Ron Hubbard is a "dagger in the heart of the First Amendment," the publisher's lawyer says.

"It really threatens to impair the right of biographers and scholars to study the works of other people who are of great public interest," Melvin Wulf said Tuesday after the ruling by U.S. District Judge Louis L. Stanton.

Stanton said parts of the book, which is still in manuscript form, violated the copyrights of Hubbard's authorized biographer.

The judge said "A Piece of Blue Sky" could be published after infringing passages were deleted, something he said could easily be done because much of the material was set off at the beginning of chapters.

Wulf, an attorney for the publisher, Carol Publishing Group, said the judge showed a "total misunderstanding" of the fair use law, which says copyrighted works can be used for criticism, news reporting, teaching or research.

The ruling stemmed from a lawsuit by New Era Publications International, which holds copyrights to Hubbard's private papers for the writing of his authorized biography. The company also is the publisher of Scientology books.

New Era lawyer Jonathan Rubell said his client had never intended to stop the book's publication.

"It was the use of expression rather than factual presentation that we were complaining about," he said.

Hubbard, who died in 1986, wrote dozens of books about Scientology and his philosophy. He taught that spiritual competence is achieved by "erasing" mental images in the unconscious mind that cause irrational behavior.

"A Piece of Blue Sky" was written by Jonathan Caven-Atack, who became disillusioned with Hubbard's teachings after following them for nine years.

According to Stanton's decision, Atack "came to believe that Scientology is a dangerous cult and that Mr. Hubbard, far from being the gentle prophet portrayed in Church literature, was a paranoid, vindictive and profoundly disturbed man."

After receiving permission from Stanton to review the manuscript, New Era said 121 passages, less than 3 percent of the book, were from copyrighted sources.

# D.A. Won't File Charges Against Man Who Kept Wife Locked Up

By JOHN H. LEE  
TIMES STAFF WRITER

The Los Angeles County district attorney's office has decided not to file criminal charges against the husband of a mentally distraught woman who was kept isolated in a cell-like bedroom for two months, a prosecutor in Pomona said Tuesday.

Deputy Dist. Atty. John Hayes said the case was being "kicked back to police detectives for further investigation."

Detective Carolyn Lundstrum said Coenan has refused to discuss the case with police. She added that the wife's father and stepmother, Floyd and Audrey Twede, who live at the house, also refused to answer police questions. The Twedes were not arrested.

Attorneys for the husband and the Twedes told investigators that Marianne Coenan, 31, was isolated so she could safely re-

cover from a mental breakdown suffered in October. When police and Los Angeles County mental health workers found Coenan, she was locked behind a door into which a small, square window was cut and steel bars had been inserted.

"Generally speaking, the family was not under obligation to report [the confinement]," Hayes said. "Our decision not to file charges was based on insufficient information to support the case. From what I read between the lines, these people actually thought they were benefiting this

woman."

The family, which belongs to the Church of Scientology, apparently adhered to beliefs espoused by the church's late founder, L. Ron Hubbard—particularly, a disdain for psychiatric treatment.

Coenan's confinement was consistent with the method of treating mental breakdowns described in Scientology literature that police requested and reviewed while investigating the case, Lundstrum said.

"Based on the report we submitted, the [district attorney's]

office was not convinced that any criminal activity took place," the detective said.

Prosecutor Hayes said the investigation will continue until additional relatives and friends of the woman are questioned.

"We want the police to conduct a few more interviews," Hayes said.

"I don't think the wife has been questioned yet," he said. "I believe her condition has improved greatly, though. The detectives will talk to her when she is able to handle an interview."

L.A. Times A4: 1/31/90

## Copyright Dispute Blocks Biography of Scientology Founder

NEW YORK—A federal judge Tuesday blocked publication of an unauthorized, critical biography of the late L. Ron Hubbard, the controversial author and founder of the Church of Scientology, unless certain copyright-protected passages are deleted.

U.S. District Court Judge Louis Stanton granted both preliminary and permanent injunctions in favor of New Era Publications International, a Danish corporation related to the church which is the exclusive licensee of Hubbard's works.

New Era was authorized to publish a biography of Hubbard, who died in 1986, that will draw on his published and unpublished writings, the judge said.

Jonathan Caven-Atack wrote "A Piece of Blue Sky," the contested, unauthorized Hubbard biography that was to be published by Carol Publishing Group. New Era filed suit because it says the book would contain copyright materials.

—United Press International

B12 THE WALL STREET JOURNAL WEDNESDAY, JANUARY 31, 1990

## LAW

**FEDERAL JUDGE BARS** publication of unauthorized biography of Scientology founder.

Judge Louis Stanton in Manhattan ruled that the unpublished manuscript infringed on copyrights held by New Era Publications International, which publishes books about Scientology and owns the rights to much of the work of the late L. Ron Hubbard, founder of the Church of Scientology.

Carol Publishing Group, publisher of the planned biography, argued that it had a right to include quotations from Mr. Hubbard's published works as part of its criticism of Scientology and to show falsehoods allegedly made by Mr. Hubbard.

Judge Stanton said that roughly 2.9% of the Carol Publishing biography is material directly quoted from Mr. Hubbard's writings. He said that while the so-called fair-use doctrine allows the use of copyrighted materials without the consent of the owner for reporting and commentary, for in-

stance, the material quoted in the Carol book doesn't qualify.

The judge said that rather than quoting directly from the Hubbard writings, the Carol manuscript should have restated or summarized the material. Jonathan Lubell, an attorney for New Era, said use of the direct quotations was like "taking a piece of New Era's assets."

*Melvin Wulf, an attorney for Carol, said the decision "is a dangerous narrowing of the fair-use doctrine." He said critics, biographers and scholars "need to be able to draw on the specific words used by their subjects." He said Carol will appeal.*

## Judge Bars Hubbard Biography; Cites Use of Copyrighted Works

BY DEBORAH SQUIERS

AN UNFLATTERING, unauthorized biography of the late L. Ron Hubbard was blocked yesterday by a Manhattan federal judge because of its use of copyrighted works by the founder of the Church of Scientology.

Judge Louis L. Stanton ruled that the biography, "A Piece of Blue Sky," merely republished portions of previously published works by Mr. Hubbard without sufficient critical commentary necessary to override copyright infringement claims. (*New Era Publications International, ApS, v. Carol Publishing Group*, 89-3845).

The book was written by a former church member, Jonathan Caven-Atack who became disillusioned with the church after discovering allegedly abusive practices against dissident church members. Mr. Hubbard, who died in 1986, was portrayed in the book as a profoundly disturbed leader.

Judge Stanton's decision comes in the wake of several federal court rulings that have caused concern in the publishing industry. Although a federal appeals court last year refused to block a different Hubbard biography, "Bare Faced Messiah: The True Story of L. Ron Hubbard," based on a technicality, it issued an opinion that questioned whether the First Amendment should be considered in deciding whether publication of a book may

be barred under the Copyright Act of 1976.

In 1987, the Supreme Court let stand without comment a Second Circuit decision barring the publication of a biography of J.D. Salinger that contained quotations and paraphrases of Mr. Salinger's letters.

Judge Stanton's decision is "a dagger in the heart of the First Amendment," said Melvin L. Wulf of Beldock Levine & Hoffman, who represented the publisher of the most recent biography. He said the decision is part of the feared "fallout" of recent federal decisions in New York that are trampling on the Copyright Act's fair use doctrine.

The doctrine permits republication of copyrighted materials in certain circumstances without consent of the owner. Fair use would include using the work for criticism, comment, news reporting, teaching, scholarship or research.

New Era, a Danish corporation closely affiliated with the church, sued Carol Publishing Group, which was to publish the biography this spring, alleging that the book infringed its copyrights to Mr. Hubbard's works. New Era said it plans to issue an authorized biography of Mr. Hubbard.

Judge Stanton noted in his decision that the recent book differed from the earlier Hubbard and Salinger biogra-

Continued on page 6, column 6

## Hubbard Biography

Continued from page 1, column 2

phies because it did not quote from any unpublished works. But he added that the republication of Mr. Hubbard's published works nevertheless was "without that criticism or illumination which comprises fair use rather than infringement."

Judge Stanton said the biography's use of the Hubbard passages, which he said comprised 2.9 percent of the book, were often set off by themselves at the beginning of a part or chapter.

"The evident purpose of this device, which is carried out with some effect, is to use passages from Mr. Hubbard's work to set the tone for the sections they precede," Judge Stanton wrote. "In essence, these passages use copyrighted materials as a literary device rather than as a basis for a critical study of Mr. Hubbard."

Jonathan Lubell of Morrison, Cohen, Singer & Weinstein represented New Era.