

# The Scientology Money Project

## DAVID MISCAVIGE AFFIDAVIT

Copyright (C) 1994 David Miscavige  
Redistribution rights granted for non commercial purposes.

---

William T. Drescher  
23679 Calabasas Road, Suite 338  
Calabasas, California 91302  
(818) 591-0039

Michael Lee Hertzberg  
740 Broadway  
New York, New York 10003  
(212) 982-9870

Attorneys for Non-Party

DAVID MISCAVIGE

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

CHURCH OF SCIENTOLOGY  
INTERNATIONAL, a California Non-  
Profit Religious Organization,

vs.

Plaintiff,

STEVEN FISHMAN and UWE GEERTZ,

Defendants.

CASE NO. CV 91-6426 HLH(Tx)

## DECLARATION OF DAVID MISCAVIGE

I, DAVID MISCAVIGE, declare and say:

1. I am over 18 years of age and a resident of the State of California. I have personal knowledge of the matters set forth in this declaration and, if called upon as a witness I could and would competently testify thereto.
2. I am not a party in the above-referenced case. nor am I affiliated in any corporate capacity with the plaintiff, Church of Scientology International ("CSI"). I make this declaration for several reasons. First, until January 4, 1994, the date on which I was informed that my deposition had been ordered in this case by Magistrate Judge Tassopoulos, I had no idea that I would be required to testify in this case. I was never served with any subpoena for such testimony, I have never had any contact whatsoever with either defendant, and I had nothing whatsoever to do with this case until now. In fact,

it was not until January 6, 1994, after my deposition had been ordered, that I first read the outrageous papers filed by Geertz's counsel when he sought to have my deposition ordered. Second, upon reading those papers, I discovered that Geertz's counsel made arguments to the Magistrate Judge that gave her the absolutely false impression that I was evading service of subpoena. It caused me great concern to learn that the Magistrate Judge had asked, "Why has Mr. Miscavige avoided service?" I did no such thing, and were it not for the baseless allegations which Geertz's counsel proffered, I believe the Magistrate Judge would instead have asked Geertz's counsel, "Has Mr. Miscavige been served?" The truthful answer to that question is "No." Third, my lawyers' efforts to arrange for my deposition to be taken have been rebuffed by Geertz's counsel, who, at the same time, is threatening to move for a contempt citation against me for not appearing at a deposition he has refused to schedule. It is inconceivable to me that Geertz's counsel can seriously contend that I am to blame for a deposition not going forward when he has refused to depose me. Finally, in the course of these proceedings, Geertz's Counsel, Robert Vaughn Young and Stacy Young have made a number of allegations about me and about the Scientology religion which require a response, so there can be no doubt that those allegations are false.

3. I have read the vile declarations filed by Vaughn and Stacy Young in this case. It is clear to me that the false allegations they have filed have been offered solely for the purpose of making me the centerpiece of this litigation, and that their motivation is to forward a litigation tactic of harassment to the point of a hoped-for default by the only plaintiff to this action, CSI. The foregoing is based on the falsity of the claims they have made, my personal knowledge that both of these individuals are not qualified to testify to the matters they have addressed by declaration, and because I have seen the same litigation tactics used before in instances where Vaughn Young would have learned this "technique." Therefore, this declaration is submitted to demonstrate that I have no knowledge of the defendants in this case, to set the record straight concerning the false allegations of Vaughn and Stacy Young, and to comply as fully with the court order concerning my deposition as Geertz's counsel's actions permit, since Geertz's counsel has declined all opportunities to do so. I also submit this declaration because I feel the Court has been poisoned into believing that I have had some role in this litigation by the statements of the Youngs and counsel for Geertz, to which I have neither responded nor even had the opportunity to respond.

## **BACKGROUND**

4. I have been a practicing member of the Scientology religion since 1971. In 1976, I joined staff of the Church of Scientology of California (and the Sea Organization -- the Scientology religious order). During my tenure in this corporation, I held many positions. In 1977, I had the opportunity to work directly with L. Ron Hubbard in many different capacities. In 1978, Mr. Hubbard was engaged in the production of Scientology films which had the purpose of training Scientology counselors (called "auditors") in the practice of Scientology. During this time I was the Chief Cameraman. Later, I worked directly with Mr. Hubbard as a member of the Commodore's Messenger Organization ("CMO"), which duties consisted of assisting Mr. Hubbard in whatever activities he was engaged in. The functions are best described as an assistant. Later, when Mr. Hubbard went into seclusion to continue his researches on Dianetics and Scientology, and to engage in his own writings, I became part of a newly formed CMO organization, CMO International.

5. CMO International's role was to see that the management of the Church operated in accordance with Scientology policy and technology. The title of my position was Action Chief. In short, this post was responsible for missionary activities of the Church, where personnel from the Mother Church would travel to different parts of the world to see to the proper operation of various Church activities and to take corrective action where necessary. The types of missions I generally supervised were those that saw to the correct functioning of the Church management and the correction thereof.

6. From the beginning of 1982 until March of 1987, I was Chief Executive Officer and later Chairman of the Board of Author Services, Inc. ("ASI"), a California corporation which managed the personal, business, and literary affairs of L. Ron Hubbard. Later in this declaration, I describe how I came to that position.

7. Since March of 1987, I have been Chairman of the Board of Religious Technology Center ("RTC"), a California non-profit religious corporation recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code. RTC

is not part of Church management, nor is it involved in the daily affairs of various Church of Scientology organizations or missions. RTC ensures that the trademarks of Dianetics and Scientology, and the technology they represent, are properly used around the world. It exists to see that Dianetics and Scientology technology is safeguarded, is in good hands, and is properly used.

8. RTC was formed with the specific purpose of seeing that the religion of Scientology was kept pure and true to the source materials of the religion. In fact, a major reason for its formation was to have such a Church organization that performed these functions in a capacity entirely separate from the actual management of the various Churches and Missions of Scientology. Not only is RTC not involved in the management of the international hierarchy of Scientology churches, but its very existence and performance of its true functions depends on the fact that it is NOT part of Church management. The authority of the Religious Technology Center stems from the ownership of the trademarks of Dianetics and Scientology. In brief, RTC's maintenance of these trademarks is threefold:

A) ensuring that when something is represented as Dianetics or Scientology, that it actually is;

B) seeing that any organization representing itself as Dianetics or Scientology (and using those names), while actually being something entirely different, is prevented from doing so; and

C) seeing that anyone offering Scientology, but calling it something else (a name other than Dianetics or Scientology) is prevented from doing so.

I could give various such examples where actions listed in B) and C) have actually occurred, although it is not necessary here. Suffice it to say that when such has occurred, RTC has acted, with litigation when necessary, and has been able to uphold the proper use of the marks in every instance.

9. As Chairman of the Board, the most senior position in RTC, I am uniquely interested in the standard application of the Scripture of Scientology as detailed in Hubbard Communications Office Policy Letters (HCO PLs) and Hubbard Communications Office Bulletins (HCOBs) and the spoken words of Mr. Hubbard on the subjects of Dianetics and Scientology as recorded on audio tape, video, film and, in some cases, written transcriptions of these materials. I inspect and correct departures from the standard application of the Scripture of the religion. I also ensure that any attempted perversion of the technology of Dianetics and Scientology is rapidly dealt with, to keep the religion pure so that all people may benefit from the application of Mr. Hubbard's breakthroughs in the fields of the mind, the spirit and life.

10. In the course of my duties I travel widely. I often appear at Church events and briefings which serve to keep Scientologists around the world aware of the widespread application of Mr. Hubbard's writings. In all such appearances, my position as Chairman of the Board of RTC is known, as is its distinction from actual Church management officials of CSI. I also oversee the affairs of the Religious Technology Center in its function of verifying that the source writings of the religion are kept pure. This specifically includes the verification that the materials representing themselves as being Dianetics and Scientology are in fact that, and that they honestly reflect the source writings of the religion by L. Ron Hubbard. I also oversee RTC's function of assuring that the trademarks of Dianetics and Scientology are legally registered and kept current in over 190 countries around the world.

11. Neither RTC nor I has any corporate authority over any Scientology church, including CSI. CSI is the Mother Church of the Scientology religion and has been since its inception in 1981. As such, CSI is responsible for the activities commensurate with such a role, including the ecclesiastical management of Churches, dissemination and propagation of the faith and defense of its activities, including external and legal affairs. All of the foregoing facts were submitted to and thoroughly reviewed by the Internal Revenue Service prior to the recent recognition of the tax-exempt status of CSI, RTC and a host of other Church corporations and entities.

## **FAILURE TO SERVE SUBPOENA**

12. Apparently Geertz's counsel made some attempts to serve me with a deposition subpoena in Los Angeles in December of 1993, when I was away from California on business in the United Kingdom and Washington, D.C. I keep

a busy schedule that requires extensive travel in the course of handling a wide range of ecclesiastical duties, and my schedule has nothing to do with the presence or absence of process servers. In January, I was away on business in Clearwater, Florida and Washington, D.C. In Washington, I met with the head of Interpol, Raymond Kendall, on one of the days that Geertz's counsel unilaterally set for my deposition. This meeting had been arranged for more than a month and since this individual was traveling all the way from Interpol headquarters in Europe, it was hardly something I could cancel. During that same week, and on another day arbitrarily set for my deposition, I met with IRS officials in a similarly pre-arranged meeting. In fact, I was only home for approximately 25 days in all of 1993. I was simply not in the State of California during the entire time in which service attempts on me were apparently being made. I understand this fact was made known to the Magistrate Judge in this case and later to the Court. To this day, I have never received a subpoena in this case.

13. Any suggestion that I try to avoid giving testimony is just false. In May of 1992, I testified at a legal proceeding in Toronto, Canada, although there was no legal means to compel my testimony. I testified for four full days in the summer of 1993 in Church of Scientology International v. Eli Lilly. et al., a case pending in federal court in Washington, D.C. There are over 1100 pages of deposition transcript that comprise that deposition, with very little in the way of objections or colloquy. I did so because I knew my testimony was needed and relevant. In 1990, I was deposed for two full days in Bent Corydon v. Church of Scientology International. In that instance, I was "rewarded" for appearing by having plaintiff's counsel serve me with various subpoenas in other disrelated matters. In both Lilly and Corydon, the opposition first attempted to notice my deposition while concurrently arguing that I would "refuse to appear." In each instance I was forced to refute such nonsense and in fact did appear. To claim that I evade service or avoid being deposed or otherwise avoid giving testimony is nonsense on its face.

14. I want the Court to be aware that upon learning that my deposition had been ordered by the Magistrate Judge on January 4, 1994 and upon reading the allegations that apparently led to that order, which I first read on January 6, 1994, I consulted with my counsel in this matter, who advised that I seek the Court's review of the Magistrate Judge's order concerning my deposition. At the same time, I also instructed my counsel that in spite of the fact that I had no knowledge of the issues raised in this case, and in spite of the lack of any service of a subpoena on me, and in spite of the fact, as noted above, I was to be out of town for much of January, counsel should try to make arrangements for my deposition to be taken, should the Court not reverse the Magistrate Judge's order. Efforts to make such arrangements commenced on January 10, 1994 and continued through February 4, 1994. I am informed that Geertz's counsel was not willing to discuss a mutually acceptable date for my testimony, particularly at the end of that period, when Geertz's counsel declined even to propose a date for my deposition. In the meantime, while refusing to depose me, he threatens me with contempt for not having been deposed. I am convinced that this entire tactic of attempting to bring me into a case where my only involvement stems from this pursuit of my testimony, is for the purpose of harassment and to forward a litigation tactic of avoiding litigation of the actual case by use of abusive and irrelevant discovery tactics.

15. As a result, I feel I should make whatever effort I can to set the record straight on many of the false and inflammatory allegations that have been injected into this case. Therefore, I am using this written declaration to inform the Court of what my testimony would have been. I also am making my testimony available, because of my great concern that my name has been attacked in such a way that the Court has made rulings regarding my appearance based entirely on falsehoods presented by Geertz's counsel and Vaughn and Stacy Young.

## **NO KNOWLEDGE OF DEFENDANTS**

16. I first heard the name Steven Fishman in the summer of 1990, when it was brought to my attention that someone by that name had been sentenced to prison for mail fraud and obstruction of justice and that in the course of being sentenced, he had referred to me by name and it had been alleged that illegal acts he had committed were as a result of Fishman being "implanted" and caused pain by inserting BIC pens in his penis and forcing him to smell human feces. As I had never heard of Fishman and because the allegations were such tabloid rot, I assumed this was some new form of "insanity defense" and that Fishman had picked my name out of the press or something. I never thought about the matter again, until 1991, when I read the 8 page cover story in Time Magazine concerning CSI in the May 6, 1991 edition. At no time, either before or since I read their names in that magazine, have I met with, spoken to, communicated with or otherwise had any contact or communication of any kind with either Geertz or Fishman. It was

when I read that article that I first heard the name Uwe Geertz.

17. Geertz has submitted copies of purported correspondence from defendant Steven Fishman to Church members making reference to me as a participant in Fishman's mail fraud crimes. These references to me are pure fiction. Indeed, I have been informed that CSI has filed with the Court an un rebutted declaration of a typewriter expert who concluded that these letters could not have been created on the dates claimed by Fishman.

18. Other than the falsified documents of a convicted felon, the defendants have identified no other "evidence" that I even knew Fishman, much less ordered or condoned crimes for which he was imprisoned. Instead, Geertz has submitted two vicious declarations, from Vaughn and Stacy Young, which attack and vilify me personally without reference to any issue in this case. Most significantly, neither of the Young's ever suggests that they ever heard me or any other senior official in the Scientology religion mention Steven Fishman or Uwe Geertz in their presence. At no time does either one even suggest that they know anything that connects me to any issue in this case. The reason they have failed to do so is clear: they have no such evidence of my involvement with Fishman or Geertz because no such evidence exists.

19. Exemplifying the unsupportable, irrelevant and malicious nature of Vaughn Young's personal assault on me is his false and repugnant insinuation that I was involved with the death of my mother-in-law, Mary Florence Barnett. Not only is there no evidence to support this claim by Young, but there is clear evidence to the contrary. With the reports of the coroner and the medical examiner's investigator, and with the deposition of the medical examiner taken by Geertz's counsel at hand -- all to the unanimous, unequivocal conclusion that Ms. Barnett died from self-inflicted gunshots -- Young has the temerity to suggest that I should be investigated to determine what he calls my role in that tragic suicide. With complete disdain for the facts and no regard whatsoever for any sense of decency, Young has taken a personal tragedy in my family's life, the suicide of my mother-in-law, and attempted to make this an issue in this lawsuit by twisting it to imply non-existent wrongdoing on my part. I not only had nothing to do with this tragic incident, but Vaughn Young's gratuitous embellishment that I ordered the matter "hushed up" is equally false. My only association with this tragedy was to console my wife who was understandably emotionally traumatized and grief stricken. Vaughn Young's effort to exploit this tragedy is malicious in and of itself, but his innuendo and attempts to recast the incident, despite the uncontroverted evidence as to the true cause of Ms. Barnett's death, show the depths to which he is willing to sink.

20. At this point, I have stated all I know of Steve Fishman and Uwe Geertz and anything that could possibly be relevant to this case. However, Vaughn and Stacy Young have taken it upon themselves to introduce into this case their version of my history with the Church. I cannot understand the relevance of this under any circumstances, but since counsel has now refused to take my deposition while concurrently leveling threats, I feel I am forced to give a brief history of what actually occurred to be in compliance with the Court's order if such is considered relevant, and to show in proper context how Vaughn and Stacy Young are simply incapable of competently testifying to events they have "described" in their declarations.

## **HISTORY OF FALSE ALLEGATIONS**

21. False allegations leveled against me in the context of litigation or in the media are nothing new. I raise this point only so that the Court will understand that the sort of scurrilous personal attack on me launched by Geertz's counsel and Vaughn Young is the latest in a pattern of such attacks in litigation over the years. I recognize that it is not uncommon for leaders of organizations and movements to be subjected to such attacks. I can only assume that I am attacked because I am visible as the ecclesiastical leader of the Scientology religion. I note that I am the ecclesiastical leader of the religion, not the Church. The mischaracterization of my role made by the editors of Premiere magazine in an editorial note cannot convert me from the leader of the religion to the head of the Church. Neither can the imprecise use of language by Ted Koppel on ABC's Nightline Show. Both of those erroneous designations are examples of the media not understanding the nature of what I do or the nature of my relationship to the Church. In the case of Premiere, the same article that contained the erroneous statement by the editors, also contained a photo caption which I did compose and which did correctly identify my position as "David Miscavige, Chairman of the Board of Religious Technology Center, Holder of the Trademarks of Dianetics and Scientology." On "Nightline," I was sitting on live, nationwide TV,

engaged in rebutting a set up video for the show, containing 15 minutes of false and outrageous charges about Scientology and did not deem it important to pause from correcting those false charges so I could educate Mr. Koppel on matters of corporate structure.

22. My name has now been dragged through the mud in this litigation, not only by means of a mean-spirited personal attack, but also as part of what appears to be a tactic of hurling false and irrelevant allegations against Church of Scientology International, the Scientology religion and its Founder. It is unfortunate that I am now put in the position of defending my reputation and refuting lies about my religion that have become part of the record in this case. In that regard, I must note that in reviewing the sordid and outrageous allegations made about me by Geertz's counsel and Mr. Young, I was struck by their technique of using vague, innuendo-filled vignettes and unsubstantiated rumors in an effort to sound authoritative. I was also struck by the way that their declarations attempt to portray normal things as abnormal. I can only submit that trying to make the usual seem strange and trying to color events by innuendo are the tools by which bigotry is crafted and prejudice is spread.

23. The personal attacks on me, as well as many other irrelevant and malicious falsehoods that have been brought in this case, have largely been introduced through declarations of Robert Vaughn Young and Stacy Young and forwarded by Geertz's lawyer, Graham Berry. The Youngs left Scientology almost five years ago, have no personal knowledge of the current activities of RTC, CSI, or any other part of Scientology and, by their own admission, have no personal knowledge of the defendants in this case. Neither Vaughn nor Stacy Young ever worked with me or even near me during the entire time I have been employed by RTC. They couldn't possibly testify to any of my activities as RTC's Chairman of the Board since 1987 because they simply were in no position even to observe such activities. They are not experts on anything relating to Scientology, but have apparently been hired to file inflammatory declarations on non-issues in this suit. The Youngs are, however, generally aware of the fact that, through the years, attempts to malign me personally and create a false picture of the Church with sensational allegations have been the stock-in-trade of litigants opposing the Church and the former Scientologists upon whom counsel rely to swear to matters they do not know and to make false allegations for which they have no basis. I believe that the Youngs' awareness of that litigation ploy explains their involvement in this case and defines the role they are playing.

24. For example, part of Vaughn Young's attack is his complete mischaracterization of my role in the dismantling and permanent disbanding of the Guardian's Office ("GO"). The Guardian's Office and the fallout that resulted from it is particularly significant as it is the linchpin of a litigation tactic that has been employed for years against me and the Church. Vaughn Young is simply revisiting the same path trod by others before, but as this has now been injected into the case I feel it important to address this matter, even if necessarily briefly.

25. Young would have the Court believe that I was an opportunist, using the jailing of Mary Sue Hubbard as a means of taking control of the GO, while leaving its criminally tainted substance unchanged and operating under a different name. This is a complete perversion of the true events, as set forth below. I would not have expected Young to know all of the details of how I directed the disbanding of the GO and the permanent expulsion of its leaders and other wrongdoers, as he was in a low level position in the GO at the time. However, he knows that when the staff of other Church units completely took over the GO offices and put an end to it as an organization, literally hundreds of his fellow GO staff members were dismissed, expelled from the religion, and forever barred from ever holding any position in any Church organization again.

## **DISBAND OF THE GUARDIAN OFFICE**

26. To understand the magnitude of this upheaval, a description of the history, power and authority of the GO is vital. The GO was established in March of 1966 because legal and other external facing matters were consuming the time and resources of Churches of Scientology. In particular, Church leaders were being distracted from their primary functions of ministering to the spiritual needs of their expanding religious communities and building their organizations. During the 1970s the GO operated as an entirely autonomous organization unchecked and unsupervised by the ecclesiastical management of the Church. The power of the GO was absolute. Unless a member of the GO, one could not even enter their locked offices. They held all corporate directorships. They and they alone dealt with legal affairs of the Church. The GO operated in complete secrecy, and conducted its affairs independently of the Church and its management and

personnel. Any attempt to find out their affairs, by Church ecclesiastical staff or any Scientologist, was met with the same "treatment" they handed out to others. For instance, GO staff carried out illegal programs, such as the infiltration of government offices for which eleven members of the GO were prosecuted and convicted. There were also instances in which GO staff used unscrupulous means to deal with people they perceived as enemies of the Church -- means that were completely against Scientology tenets and policy, not to mention the law.

27. In 1981, a Church investigation was begun into the activities of the GO. That investigation was prompted by the existence of a number of civil law suits which had been filed at that time against Church of Scientology of California and Mr. Hubbard, and which the GO was supposed to be responsible for handling. Not only was the GO not handling these suits, the GO, and particularly Mary Sue Hubbard, even refused to answer our questions about the suits because they viewed themselves answerable only to persons within the GO. My involvement in the purge of the GO arose from my position at the time, Action Chief CMO International. My duties included directing Church missionaries conducting the investigation of the GO to determine the reasons for the GO's ineffectiveness and why the GO had departed from its original purpose.

28. Our attempts to get information were thwarted by Mary Sue Hubbard. She informed us that she did not appreciate our investigation of the GO and that if one were needed she would do it. In March 1981 she cut all of our communication lines to the GO, except through herself. It must be noted that Mary Sue Hubbard believed her position as Controller and as the "Founder's wife" to be unassailable and beyond reproach by anyone but Mr. Hubbard -- who was not around at the time, a fact that she was well aware of. This, plus her absolute control of the GO, made it difficult for the Church missionaries to get anything done.

29. In April 1981, in an unprecedented move and without Mary Sue Hubbard's knowledge, I sent a mission to the headquarters of the GO in England -- GO World Wide ("GOWW") -- to inspect the Legal Bureau under the guise that it had been authorized by Mary Sue Hubbard. What the mission found confirmed our worst suspicions.

30. We discovered that the GO had grossly mismanaged the legal affairs with which it had been entrusted, and displayed a disdain for the basic policies by which a Scientology organization is supposed to be guided. Whatever else the GO was, it was not Scientology, and it was not adhering to Scientology policy. Moreover, the GO continued to withhold from Church management the darkest of its secrets -- the criminal acts committed by GO staff against the United States government and others. We only learned of these crimes when we read copies of GO documents attached as exhibits to court papers filed by litigation adversaries. These documents had been removed by the GO from its own files in order to continue to hide their criminality from the Church. While the FBI had seized these documents in their 1977 raid of the Church, the GO had obtained an order sealing these materials from the public, including the Church. During a short period, the Court had lifted its sealing order and litigation adversaries obtained copies. And that is why we were only able to start discovering these acts when filed by the opposition in civil litigation.

31. When further investigation proved the documents to be authentic, it was made clear that we had no choice but to overthrow the GO and dismiss everyone who had violated Church policy or the law. These activities ultimately led to a complete disband of the GO. I gathered a couple of dozen of the most proven Church executives from around the world and briefed them on the criminal and other unethical conduct of the GO. Together, we planned a series of missions to take over the GO, investigate it and reform it thoroughly. On July 13, 1981, a matter of weeks after we had uncovered what was going on, and with no advance warning to the GO, a coordinated series of CMO missions were sent out concurrently to take over the GO.

32. However, there were a number of obstacles to overcome before the termination of the GO could be accomplished. Mary Sue Hubbard was still asserting her authority over the GO from her position as Controller. Contrary to Young's statements, she was not in jail, but was still very much in control of the GO. At the same time, Mary Sue Hubbard was covertly attempting to expand her power through her friendship with and influence over Laurel Sullivan, a Church staff member who was in charge of a project she referred to as the "MCCS project" -- the purpose of which was to "sort out" the corporate structure of Church of Scientology of California.

33. Instead of addressing a sensible reorganization of that Church, Sullivan and her GO supporters were making their own plans to establish trusts and for-profit entities which would have placed even greater corporate control of the

Church in the hands of Mary Sue Hubbard and other GO executives in a fashion that would have assured the permanency of GO dominance and power.

34. Shortly before the purge of the Guardian's Office, I discussed with Laurel Sullivan various illicit GO activities we had already uncovered. Sullivan was aware of these activities. Sullivan did not agree that the acts the GO had committed were atrocious and that Mary Sue Hubbard and the rest of her criminal group needed to be removed. She insisted that Mary Sue Hubbard remain in power and that at all costs she and the Guardian's Office should maintain total control of the organization regardless of the criminal acts exposed by the government and others, in which Sullivan felt the GO was completely justified in committing.

35. Upon learning of Laurel Sullivan's alliance with the GO and the plans to reorganize the Church under Mary Sue Hubbard and her GO allies, I removed Sullivan from her position and disbanded the MCCS project altogether. In fact, recently released documents reveal that Laurel Sullivan -- who would later become an adverse witness against the church and me -- long ago admitted to law enforcement officials that the corporate restructuring of the Church actually implemented, differed entirely from that envisioned in her MCCS project.

36. Contrary to Young's claims, Mary Sue Hubbard was removed from her post before she went to jail. I know, because I personally met with her and obtained her resignation. Vaughn Young was not present at that meeting nor was he present at any of the events described here. He does not and cannot know what occurred. I do. At first, Mary Sue Hubbard was not willing to resign. Eventually she did so. Mary Sue Hubbard and the GO, however, did not simply capitulate.

37. Within a day of Mary Sue Hubbard's resignation, senior GO officials secretly met with Mary Sue Hubbard and conspired to regain control of the GO. Mary Sue Hubbard signed a letter revoking her resignation and condemning the actions of the CMO. Scores of GO staff responded, locking the missionaries out of their premises and were intending to hire armed guards to bar access by me and the other Church officials who had ousted them. I then confronted the mutineers, and persuaded Mary Sue Hubbard to again resign, which ended the last vestige of GO resistance.

38. When it was decided that cleaning up and maintaining the Guardian's Office in any form was not workable and that it needed to be disbanded altogether, this was accomplished by a new series of CMO Int missions sent to GO offices around the world. The pattern of the missions was to remove all GO staff from their positions and put them on estates work and physical labor around the church. Before being disbanded the GO's Finance Bureau had monitored some aspects of the Church's finances, including the production of and maintenance of accounts and financial records. With the disbanding of the GO, this function was taken over by the International Finance Network, where it remains. Public relations activities were put under the direction and supervision of the L. Ron Hubbard Personal Public Relations Officer International and his staff. All GO social betterment functions - drug rehabilitation, criminal rehabilitation and educational reform, were taken over by a new organization known as Social Coordination. Later this function was assumed by Association for Better Living and Education ("ABLE"), recognized as a tax-exempt organization by the IRS. To administer legal affairs, the Office of Special Affairs ("OSA") was formed from a mixture of Sea Org staff who had been on one or more of the missions that had disbanded the GO, new staff recruited to work in the area and some former GO staff who had survived investigation and scrutiny and had undergone ethics clean-ups relating to their former affiliation in the GO. Completely unlike the GO, the Office of Special Affairs is not an autonomous group. OSA International is part of the Flag Command Bureau and the highest OSA management position is that of CO OSA Int. The Watchdog Committee has a WDC member, WDC OSA, whose sole job is to see that OSA Int effectively performs its functions and operates according to Church policy. Local OSA representatives, called Directors of Special Affairs, are staff at their local church subject to the supervision of the church's Executive Council.

39. To further ensure that the old GO influence was completely terminated, all "Guardian Orders," the non-standard issues which GO staff followed instead of Mr. Hubbard's policies, were canceled. These numbered in the thousands. Today, none of the individuals involved in the criminal activities of the Guardian's Office are serving on the staff of any organization within the Church hierarchy. During the years 1981 through 1983, the Church kept a record of the names of individuals we found to have been involved in illegal activities, who condoned them, or who were in a position where they should have known and done something to stop them. Any individuals who were found at that time to be on staff were dismissed and informed never to apply for reemployment. A list of names of ex-GO members either involved

in, condoning, or being in a position to stop criminal acts is maintained by the International Justice Chief (IJC) at Flag Bureaux. Church organizations are required to check with IJC prior to hiring any ex-Guardian's Office staff member; that means anybody who was ever employed by the GO, whether he was involved in or cognizant of any criminal acts or not. The IJC then checks the names against the list of those banned from staff and informs the local Church organization whether it can hire the individual or not. The Church has thus ensured that no individuals involved in the criminal activities of the GO ever serve on staff. Ironically, the lone exception, discussed below, was created by Vicki Aznaran.

40. Vaughn Young displays his ignorance of the actual facts concerning the dissolution of the GO, for this was no mere "cosmetic alteration," as he so ridiculously asserts. In a police interview, Laurel Sullivan, the GO ally and architect of the stillborn MCCS project, characterized the purge of the GO as a "blitzkrieg," in marked contrast to Vaughn Young's vastly understated description. It was, in fact, a major, dramatic, and permanent overhaul, with over 800 GO staff dismissed as unqualified or because of their disagreements with Church policies or because of their complicity in criminal conduct. It required approximately 50 separate missions to purge the GO. The posts of Guardian and Controller were abolished.

41. As a direct result of the GO corruption and its ultimate overthrow, the Church embarked on a complete corporate reorganization, in part to prevent such criminality from ever occurring again and to make sure a "new GO" could never come about. This is where CSI and RTC came into existence and the reasons for their place in the Church hierarchy are clearly stated in the Church of Scientology International reference book *What is Scientology?*

## **NOVEMBER 1, 1981**

The Church of Scientology International was founded, signaling a new era of Scientology management. A strong standardized corporate structure was required to facilitate the rapid expansion of Scientology and maintain high ethical standards in a widespread international network of churches. This followed a series of Sea Org inspections that discovered that the Guardian's Office (which had been established in 1966 to protect the Church from external attacks and care for its legal matters) had become entirely autonomous and corrupt. The Guardian's Office had been infiltrated by individuals antithetical to Scientology and had become an organization that operated completely apart from the day-to-day activities of the Church. Their secret actions in violation of Church policy had resulted in eleven members being jailed for obstruction of justice. Sea Organization executives overthrew the Guardian's Office and disbanded it. Part of the measures taken to ensure a similar situation could never recur was the formation of the Religious Technology Center on 1 January 1982. L. Ron Hubbard bestowed the trademarks of Scientology to RTC, whose purpose is to safeguard the proper use of the marks and ensure they remain in good hands and are properly used.

42. Vaughn Young calling the dismantling of the GO "cosmetic" is the functional equivalent of someone referring to World War II as a "tiff." He wasn't where the dismantling occurred, he doesn't know what happened, and he has no clue.

43. It is important to point out how far from the actual practice of Scientology the GO had departed and to point out the reason that Young is attempting to trivialize the purge of the GO. Unless Young characterizes the GO dismantling as "cosmetic," he cannot argue that his allegations of what he calls "Fair Game" continued to be committed after the GO was eradicated. It is a standard ploy for opposing litigants to point to the GO and allege "Fair Game" being practiced today on the basis of what the GO did thirteen or more years ago. In Young's "Fair Game" accusations, he is merely trying to stigmatize the Church today by dredging up the type of illicit activity in which the GO indulged and falsely ascribing it to the people who are responsible for ridding Scientology of the GO. What the GO did in the 1970's was not pursuant to "Fair Game." One should call their actions by the precise term that describes them: illegal. But which side was Vaughn Young on during the early 1980s when all of this criminal conduct came to light? I was cleaning out the GO; Young was in the GO. We became aware of the acts of the Guardian's Office and were more horrified by the GO and its crimes than law enforcement officials and others outside the Church. Eleven people were indicted by the authorities; we discharged 800 GO staff. There isn't one iota of evidence concerning my involvement in any GO activities, or that of any other current Church executive. None of us had any involvement in the GO other than to

obliterate it forever. Moreover, there isn't one iota of evidence that any current Church staff or executive ever engaged in any conduct reminiscent of the GO.

44. Once the Guardian's Office was disbanded there was much that needed to be done to deal with the legal and public relations matters that had been mishandled by that office for so many years. The years of neglect and the GO's destructive acts had put the Church in a position where it was repeatedly being attacked in civil cases, and even the Founder of the religion was being pulled into these suits, despite the fact that he had no connection with any of the claims or acts alleged by civil litigants.

## **FORMULATION OF AUTHOR SERVICES**

45. Mr. Hubbard took no part in the disbanding of the GO or removal of Mary Sue Hubbard. In fact, the first he heard of it was five months after the initial purge, in July of 1981. While he had been out of communication and uninvolved in Church activities for the previous two years, he had engaged in further researches on Dianetics and Scientology. More relevant, however, was that he had also, for the first time since the release of Dianetics in 1950, resumed his writing of fiction. Mr. Hubbard understood that the representation of these works and their publication could not be handled within the Church. Accordingly, in 1982, Author Services was formed to manage the personal affairs of L. Ron Hubbard including his literary, financial and legal matters. As I was held in some regard by Mr. Hubbard, I was given the opportunity to be part of this new endeavor. Beginning in 1982, I devoted my full time and attention to Mr. Hubbard's personal affairs from my position as Chief Executive Officer of Author Services. Youngs's contention that I was somehow managing all Scientology Churches internationally at the same time that I was supervising Mr. Hubbard's affairs is preposterous.

## **FALSE ALLEGATIONS AS A LITIGATION TACTIC**

46. Since the purge of the GO, I have been repeatedly forced to deal with the points of false allegations that Mr. Young has made here, as well as other lies circulated by a handful of the very individuals I had kicked out. I have become the target of attack for the activities of the very individuals I purged from the Church. In this litigation, Fishman has made numerous allegations about my "involvement" in his criminal enterprise. These allegations are not only false, but resulted in his criminal conviction. Vaughn and Stacy Young have littered the record of this matter further by giving "expert" testimony to support Fishman's allegations by stating, "they might have occurred" based on the acts of the old GO. This is not the first time this tactic has been used as a litigation ploy to harass me and divert the Court's attention from the actual facts in litigation. Each time similar allegations have been raised in the past, however, I have been completely vindicated.

47. The first bizarre episode -- of which Mr. Young is aware, but of which he makes no mention -- illustrates Mr. Young's knowledge of the tactic of generating false allegations as a litigation ploy. This particular episode led to an FBI investigation and a bogus lawsuit, but ultimately led to complete exoneration of me. Shortly after I became Chief Executive Officer of ASI, a call came in to ASI from a New England-based bank. The phone caller was calling to verify that a check supposedly signed by Mr. Hubbard should be cleared. After ascertaining that the check was not valid, I stopped payment on it in my capacity as the Chief Executive Officer of Mr. Hubbard's personal, business and literary agency. The matter of this forged check, however, assumed even greater proportions when a so-called "probate" action was commenced against the "estate" of L. Ron Hubbard.

48. The probate action was filed by a Boston-based personal injury attorney who induced Ron DeWolfe (L. Ron Hubbard's estranged son who had long since been written out of his will), to claim that Mr. Hubbard's estate was being looted and that DeWolfe should be appointed to "protect it." This Boston attorney was the same one who had pending literally dozens of damage suits naming Mr. Hubbard and which portrayed the Church and the religion's Founder in the most outrageous and prejudicial manner imaginable. Yet, suddenly, in the probate action, that lawyer was suing to "protect" Mr. Hubbard's estate.

49. To buttress the false claim that Mr. Hubbard's estate was being looted, DeWolfe and his lawyer made reference to the forged check mentioned above. I had no idea how they were aware there had been an attempt to pass a forged check

on Mr. Hubbard's account. Upon examining the facts we were able to develop, we learned that the bank had informed the FBI about the forged check, and that the first and only person the FBI contacted for information was this same Boston attorney, who told the FBI that I, one of Mr. Hubbard's closest and trusted friends, was the most likely candidate to have committed the forgery! As a result, I became the target of an FBI investigation, even though I had been the one who stopped payment on it when I was alerted to the check's existence. Eventually, the entire probate case was dismissed and I was cleared of any involvement with the forgery. Nonetheless, I had been unjustly subjected to negative press in all manner of media publications literally all over the world. Furthermore, this incident of the forged check and the probate case marked the emergence of a new litigation tactic, one that Vaughn Young and Geertz's counsel are trying to exploit here.

50. Upon the dismissal of the probate action, DeWolfe's attorney announced that his "real" purpose in bringing the probate action had been to force Mr. Hubbard out of seclusion so he could be served in the civil damages cases filed by DeWolfe's lawyer. The idea was simple. Aware that Mr. Hubbard wanted to maintain his privacy and seclusion, the lawyer would notice Mr. Hubbard's deposition as both an individual and as a "managing agent" of the Church. Default or settlement then would follow a managing agent finding and non-appearance. This ploy was particularly effective since Mr. Hubbard went completely out of touch with any and all Church entities from May of 1984, until he passed away in January of 1986. Even if they had so desired, the Church was literally incapable of presenting Mr. Hubbard for deposition to give testimony to end this ruse. Vaughn Young knew that Mr. Hubbard was not in communication with the Church during the time that ploy was being pursued. Vaughn Young also knew this litigation tactic, and his knowledge of it is evident in this case. It is precisely what is happening here, except Young's false claims of managing agent of the Church status are directed at me.

51. I am not L. Ron Hubbard, nor am I in seclusion. I am visible and I testify. Most of all, as set forth in detail above, I am not CSI's managing agent, and Vaughn Young's attempt to characterize me as such collapses from the weight of his ignorance of the corporate, tax, legal and financial structures of RTC, CSI, and every other Church- related organization. Ironically, this tired litigation tactic was finally put to rest with respect to L. Ron Hubbard hours before his death on January 24, 1986, when Judge Mariana R. Pfaelzer definitively ruled that L. Ron Hubbard was not the managing agent of any church. A copy of that order is annexed as Exhibit A.

52. Next, I was subjected to a two and a half year criminal investigation by the Internal Revenue Service. Ironically, the very people I had kicked out of the GO exploited the government's concern over acts the GO had committed to make me the target of an investigation based on the very acts they had committed. Of course they didn't make their previous associations with the GO known. In fact, the IRS's Criminal Investigation Division ("CID") was based on specious allegations filed in civil litigation and spread in the media. The thrust of the investigation was an alleged criminal conspiracy begun in 1966 to impede the Internal Revenue Service. I was the primary target of this investigation even though I was only six years old when I began the "conspiracy."

53. The CID's massive investigation was ultimately rejected outright by the Justice Department. However, the IRS dossier on me, an accumulation of over 100,000 pages of documents -- the largest in the Service's history -- was filled with falsehoods from a handful of bitter former Scientologists and ex-GO like Mr. Young. It contained the same allegations that have been repeatedly disproved, but which are nevertheless being made again in this case.

54. For example, Mr. Young repeats the allegations made by Gerry Armstrong that the Church practices "Fair Game" and that Gerry Armstrong was in "fear of his life." To bolster the validity of this allegation, Vaughn Young refers to the Breckenridge decision. What Mr. Young fails to disclose, however, is the fact that following that opinion, Armstrong was proven a liar. In a police-sanctioned investigation, Gerry Armstrong was captured on video tape acknowledging his real motives, namely a plot to overthrow the Church leadership and gain control of the Church. On those very video tapes, Armstrong acknowledges he not only isn't "afraid," but that he "will bring the Church to its knees." While plotting his overthrow attempt he gives advice that the Church should be accused of various criminal acts. When told no evidence exists to support such "charges," he responds, "just allege it." It should be noted that while Gerry Armstrong had been an "informant" during the IRS criminal investigation, based on these tapes and statements, the IRS dropped him as a witness, thereby repudiating his credibility. Vaughn and Stacy Young were fully aware of these facts as Stacy wrote the cover story in Freedom Magazine that exposed Armstrong's plot.

55. The steady barrage of such falsehoods poisoned the IRS with respect to the Church generally and me personally. Years later, IRS Internal Security agent Keith Kuhn filed a declaration in several cases, falsely accusing me of threatening another IRS agent with whom I had never spoken in my life. That declaration was stricken as unsupported and scurrilous, and the IRS was ordered by Judge Keller of this Court to pay sanctions for having filed it at all. [Ex. 8, Order and transcript, Church of Scientology of California v. IRS, No. CV 90-5638 WDK (C.D.Cal.)]

56. The attempts to harass me in litigation have extended to creating not just false allegations, but false documents as well. In 1984, a former staff member, who was employed by a splinter group that was seeking to pull Scientologists away from the Church for the splinter group's profit, created a forged document entitled SMASH THE SQUIRRELS which was allegedly written by me and which purported to show that I intended some form of harassment towards apostates of Scientology. One would normally ignore such wild incidents, except this document was continuously used against me in litigation, most particularly to prevent me from gaining access to government files on me. I have had to fight this issue for years and only last year was this matter put to rest. This document was recently examined in a Freedom of Information Act case, Miscavige v. IRS, No. CV 88-7341 TJH (C.D.Cal.) by Special Master Jack Tenner, who found that it was, in fact, a forgery and could not be used in court. That decision was affirmed by Judge Hatter of this Court. [Ex. D, Order of Judge Hatter.] Even though this document has been ruled to be a forgery, Geertz's attorneys have now referred to it and seek to use it in this case as if it were real.

57. Perhaps the most telling indication that the allegations made by Mr. Young and other apostates regarding corporate and financial affairs of various Church entities are false, is the recent recognition of the tax exempt status of all Scientology Churches in the United States by the IRS. This recognition of exemption followed the most exhaustive review of financial records and corporate structure of any exemption application ever filed. That process is described in detail in the accompanying declaration of Monique E. Yingling. [Ex. C.] As part of the exemption process, the IRS also considered and rejected virtually all of the same allegations that are now being made against me in this case. These discredited and untrue charges should not have to be dealt with time and time again. After the most extensive review in IRS history, to have uninformed apostates second-guessing the IRS's determination, and regurgitating false claims that the IRS and Courts have rejected again and again, putting me in the position of defending against the same old allegations, is ludicrous! This has to end somewhere, as it is not just wasting my time, but the Court's time as well. All the while further false accusations are made that the Church likes litigation. Magistrate Tassopulos stated on January 4, 1994, "You know you people enjoy the fight..." To the degree this statement is directed at me, she is just wrong. I despise litigation and in fact know of no Scientologist who enjoys it. However, we have been forced to defend ourselves because of unfounded allegations the courts seem too willing to accept or which they are incapable of preventing.

## **THE YOUNGS' LACK OF KNOWLEDGE OF SCIENTOLOGY CORPORATE MATTERS**

58. Putting aside Mr. Young's familiarity with the tactic of maligning the Church and me as a litigation weapon, I simply do not understand from where Mr. Young purports to derive his self-proclaimed "expertise" about Scientology as a religion, or about the corporate, legal, or financial affairs of RTC, CSI, or any other Scientology organization. I know Mr. Young, having worked with him briefly on specific projects in 1981 and 1983, and once held him in some personal regard. He never occupied any position of corporate or ecclesiastical authority in any Church or in ASI, and certainly did not have any significant personal exposure to how the corporate or ecclesiastical structure of Scientology is established or how it works. He cannot claim any personal knowledge in that regard since July of 1989. At no time did he occupy any "inner circle" in Scientology leadership and, in candor, he was never in any position to have any knowledge of what I do or how I do it. To that I must add that despite his outrageous claim to the contrary, I never in my life laid a finger on Vaughn Young, let alone beat him unconscious or otherwise, as he claims. Indeed, this allegation only surfaced once he attempted to enmesh me in this case. It is absurd on its face for Mr. Young to have omitted this alleged incident from his earlier affidavits which purportedly cited the reasons "why he left the church." In my mind, his need to invent complete lies such as this reveal that his motives are personal, his character is spiteful, his aim is money, and his means to those ends know virtually no limits.

59. Vaughn Young completely misstates my relationship to the plaintiff Church of Scientology International. Young

claims that I somehow direct, manage and control every facet of CSI's operations and activities. This also is ludicrous. CSI has well over a thousand staff members who deal with international promotion and dissemination efforts, evaluate situations in Scientology churches around the world, and provide plans and programs that give guidance to these churches. This is the activity of international and middle management of CSI, which has an entirely different purpose and sphere of activity than RTC. My job as Chairman of the Board involves many functions, but does not include management of CSI or any other Scientology church. I do not create corporate strategy nor do I direct or manage the personnel of CSI. I do not remove CSI's directors or officers. I do not run CSI or its executives. Anyone who would testify to the contrary is either uninformed or untrustworthy.

60. The Youngs have chosen not only to malign me personally, but also to attack the very religious beliefs and practices which they once professed to follow. Although the religious nature of Scientology has been recognized by courts and administrative bodies throughout the world for decades, the defendants and their witnesses are attempting to enter the constitutionally forbidden area of judicial evaluations of religious tenets by placing the meaning and efficacy of religious beliefs and practices of Scientology on trial. Deliberately distorted interpretations of Scientology religious doctrine have been filed in this Court concerning Scientology concepts such as PTS Type 3 and Black Dianetics. At the same time, defendant Steven Fishman has also invented entirely fictitious terms such as "EOC," and claimed that they are part of Scientology. They are not. His claim that there is anything in the Scientology religion that even resembles a directive to commit murder or suicide is as outrageous as it is ridiculous. These are all total misrepresentations of religious doctrine made by people who are not in the least qualified to make doctrinal judgments. I can say categorically that "EOC" does not exist in Scientology, and the concept ascribes to it in this case by the defendants is false and scandalous.

61. Young tries to gain credibility by stating he was one of maybe ten people summoned to Mr. Hubbard's ranch when he passed away. He was not the first to be called, but arrived with a cook, a carpenter, gardeners, and a guard. More importantly, the press on LRH's passing away was not handled from the ranch. Vaughn Young was at the ranch to deal with any local inquiries and with the neighbors and farmhands who had been friends of Mr. Hubbard, and he worked under the guidance of another ASI staff member.

62. Young also mentions Pat Broeker, and attempts to position Broeker as someone who had power and legitimacy within the Church structure. Young, who never held a senior management position during the entirety of his time in the Church, falsely claims that there was a power struggle between Broeker and me after the death of L. Ron Hubbard. This assertion demonstrates Young's lack of knowledge of the actual corporate structure of the Church. Pat Broeker was neither an officer nor a director nor a trustee of Religious Technology Center, CSI or any other Church corporation. It was only an ignorant and destructive few, such as Vaughn Young and Vicki Aznaran, who ever believed or supported Broeker's claims to authority. No removal of Pat Broeker occurred or was necessary. He simply did not hold any position in any Church corporation. Vicki Aznaran, on the other hand, was removed from her position as President and Inspector General of RTC. She herself has testified to the reasons for her removal -- employing an ex-GO staff member involved in criminal acts and allowing false Church scriptures to be presented as authentic writings of Mr. Hubbard, when she knew they were not.

63. All of the foregoing should be viewed in the context of Scientology being a new, evolving religion. Although unfortunate, all emerging religions in history have gone through a period of turmoil, especially following the death of its Founder. Scientology is no exception. However, we have entered into an extended period of calm and expansion since these upheavals in the 1980s. The resolution of the long-standing conflict with the IRS is perhaps the best indicator of this.

## **"OF AND CONCERNING" CSI**

64. The only issue mentioned by the defendants in connection with taking my deposition which is even arguably relevant to this case is the so-called "of and concerning" issue. That can be disposed of in a few sentences. When a person makes a statement about "Scientology" or the "Church of Scientology," the most reasonable conclusion is that the reference is to CSI. CSI is the Church corporation that is viewed as "Scientology" by the public at large. Major Scientology publications found in public bookstores regularly contain introductory remarks from CSI. For example, the

book *What is Scientology?*, which has just recently been distributed in paperback around the country, has an introduction from CSI. Freedom Magazine, which Stacy Young tried to sever from the Church, proudly states that it is published by CSI. Likewise, when a Scientology spokesman is wanted by the media for virtually anything about "Scientology" or the "Church," they routinely contact CSI. When the IRS recognized CSI as tax exempt and established a group exemption so that new churches could immediately become tax exempt on the authority of the Mother Church, it was CSI to whom the group exemption authority was given. It certainly is reasonable for the public to understand statements about "Scientology" and the "Church" as referring to CSI.

## CONCLUSION

65. The thrust of the declarations filed by Vaughn and Stacy Young is that the allegations made by Fishman should be believed. This is remarkable in itself since the Youngs have apparently never met him and never knew him. They appear completely willing to accept this convicted felon at face value, although he served a prison sentence for obstructing an FBI investigation of his financial scam, by telling the same lies about the Church that he is telling this Court. The Youngs devote pages to descriptions of a "Fair Game" policy that no longer exists. Yet they are silent as to their own experiences between the time they left the Church in 1989 and the time they began their careers as paid for hire witnesses. What did happen after they left the Church? There was no harassment. They were free to leave, which they did. We got on with our lives and paid them no attention. Now, nearly five years later, they have resurfaced, making outrageous accusations and participating in an effort to resurrect in this case the tactics of the GO of which Vaughn Young was once a part. The conclusion that necessarily flows from those facts is that the only reason that the Youngs feel safe enough to make their outrageously false allegations of bad conduct and harassment against the Church and me is because they know there will be no "Fair Game" retaliation, thanks to my kicking out the GO and putting a permanent end to their abuses.

66. Since 1981, I have heard this allegation of Fair Game literally thousands of times. Yet, I had never even heard the term until I saw it used in civil litigation, and to this day have never once heard the term used within the Church. Nor have I ever heard, even from civil litigants anything actually done to them. Its use is strictly as a smear tactic when one has no act to point to. Vaughn and Stacy Young know the trick and since they know the truth about the use of this tactic against Scientology, I find their declarations particularly disingenuous.

67. The foregoing represents what testimony I believe I had to give in this case had Geertz's counsel not refused to take the deposition of me that he persuaded the Magistrate Judge to order. The essence of the matter is this -- I do not know Fishman and I do not know Geertz, and as to my knowledge of either of them, either before or after the Time magazine article, it is nil. Having no basis to seek my testimony in this case, Geertz's counsel resurrected the same tactics that adversaries have employed for years in litigation involving the Church, namely the employment of hired guns like Vaughn and Stacy Young, to make allegations about matters of which they know nothing. Unlike the Youngs, I know the facts about the matters they address. Unlike the Youngs, I was there. Their self-proclaimed and completely non-existent "expertise" is a disingenuous litigation tactic in pursuit of harassment, and that "expertise" is shown to be fiction crafted for hire and evidence of nothing. The GO was disbanded with finality and the criminals within were forever banished. The IRS attacks were brought to a conclusion with finality. I did those things; the Youngs did not. I know those facts; the Youngs do not. The Youngs present nothing but dusted-off, discredited allegations that cannot withstand scrutiny. I have provided the Court with an accurate, first-hand account of the facts. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 17th day of February 1994, at Riverside County, California

---

DAVID MISCAVIGE