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10  
11 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **FOR THE COUNTY OF RIVERSIDE**  
13 **(Southwest)**

14 THE PEOPLE OF THE STATE OF  
15 CALIFORNIA,  
16 Plaintiff,  
17  
18 v.  
19 FRANCOIS GEORGES CHOQUETTE  
20 DOB:09/14/1956,  
21 Defendant.

22 ) Case No: SWM080760

23 ) **DEFENDANT'S NOTICE OF MOTION**  
24 ) **AND MOTION TO REDUCE BAIL,**  
25 ) **REQUEST FOR EXPUNGMENT,**  
26 ) **SUGGESTION OF DISMISSAL;**  
27 ) **DECLARATIONS OF GRAHAM E.**  
28 ) **BERRY AND FARNCOIS CHOQUETTE IN**  
 ) **SUPPORT THEREOF, EXHIBITS**  
 ) **THERETO.**

) **Trial Date:** October 30, 2009

) DATE: September 25, 2009  
 ) TIME: 9: A.M.  
 ) DEPT: S104

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

2 **PLEASE TAKE NOTICE** that on Friday the 25th day of September, 2009, at 9:00  
3 A.M., or as soon thereafter as counsel may be heard in Department S104 of the Riverside  
4 Superior Court, South West Division, at 30755 Auld Road, Murrieta, CA 92563, Defendant  
5 Francois Choquette through and by his counsel of record herein will and hereby does: (1) move  
6 this Honorable Court for an order reducing, canceling and refunding the amount of bail  
7 heretofore set in the above-captioned action from \$2,500.00 to release upon his own  
8 recognizance [again]; (2) Request the recorded bail violation and arrest be expunged; (3) Suggest  
9 that the Court dismiss this entire matter on its own motion and in the interests of justice.  
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12 **THIS MOTION** will be made pursuant to the Eighth Amendment to the United States  
13 Constitution and Article 1, § 12 of the California Constitution and upon the grounds, *inter alia*:  
14 (1) that the bail set herein is excessive and unnecessary; (2) that this Court has an inherent  
15 discretion to control the proceedings before it; (3) that in the circumstances the alleged bail  
16 violation and subsequent arrest should be expunged from the official records; and (4) that  
17 Defense counsel “suggests” that it would be in the interests of justice that this Court dismiss this  
18 case upon its own motion.  
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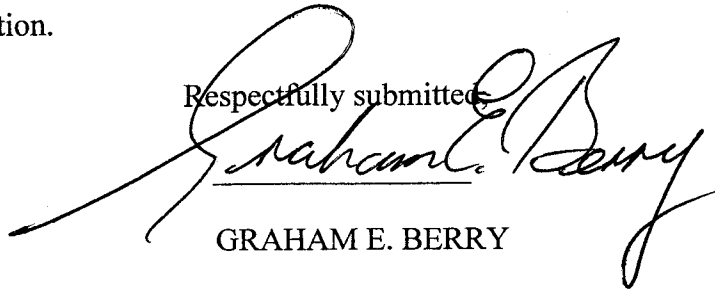
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1           **THIS MOTION** will be based on this notice of motion, on the attached declaration and  
2 memorandum of points and authorities served and filed herewith, on such reply or supplemental  
3 memoranda of points and authorities as may hereafter be filed with the court, on all the papers  
4 and records on file in this action, and on such oral and documentary evidence as may be  
5 presented at the hearing of the motion.  
6

7 Dated: September 16, 2009

Respectfully submitted,

  
GRAHAM E. BERRY

Attorney for Defendant Francois Choquette

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 This is a motion to cancel and refund the Defendant's bail herein, and to release the  
4 Defendant upon his own recognizance again. This is the Defendant's first request for such relief.  
5 In addition, the Defendant requests that the related records relating to the alleged breach of O/R  
6 and subsequent arrest be expunged. Finally, in all of the various circumstances herein, Defense  
7 counsel "suggests" to the Court that in the interests of justice this case be dismissed *sua sponte*.  
8

9 **II. APPLICABLE FACTS**

10 The international headquarters of the tax-exempt Church of Scientology is located on  
11 approximately 550 acres of land at Gilman Hot Springs outside of Hemet, California. Although  
12 it masquerades as the Golden Era Film Studios the property also houses [and unlawfully  
13 imprisons] some of Scientology's top management and escape risks from the Church of Spiritual  
14 Technology (the overall owner of the Scientology enterprises), the Religious Technology Center  
15 (which owns the Scientology trademarks and trade secrets), the Church of Scientology  
16 International (which manages the various Scientology enterprises) and Building Management  
17 Services (which owns many of the Scientology properties in California [which are ultimately  
18 owned by the Church of Spiritual Technology which is solely controlled by Scientology's  
19 totalitarian ruler David Miscavige]). The accused is one of the over nine thousand people who,  
20 since late January 2008, have been engaging in monthly and other global protests against  
21 Scientology crime and abuse in over 110 cities in over 42 countries around the planet. On a  
22 number of occasions the accused herein has been part of a smaller group protesting Scientology  
23 forced labor, human trafficking, violence, unlawful imprisonment, forced abortions, federal and  
24 state election/voting violations, and other human rights abuses at Scientology's Gilman Hot  
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1 Springs compound. This high security compound is compared by many former high level  
2 Scientologists to a dangerous gulag where there is a tyranny of violence and other abuses.  
3 Outside of the highly secured, guarded and electronically monitored Scientology compound is  
4 about 1.3 acres of unfenced unused property. Up until and including October 26, 2008, this  
5 relevant approx. 1.3 acre of unfenced vacant land was not properly posted with either the proper  
6 number, nature or positioned “no trespassing” signs as required by applicable law (Penal Code  
7 §§ 553, 554, 554.1, (But see, Penal Code §552.2 as applicable to “picketing” as herein occurred  
8 and Penal Code § 556.3). However, before, on and after October 26, 2008, Scientology altered  
9 the signage landscape and now, through recently submitted survey plans, appears to be  
10 attempting to commit a fraud upon the court in connection with the “no trespassing” signage that  
11 was improperly located on the property before and during the events in question on October 26,  
12 2009. Scientology’s shenanigans with the number, size and location of “no trespassing signs”  
13 raises the affirmative defenses of Mistake of Law and Mistake of Fact herein.  
14  
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16

17 On October 26, 2008 the accused was one of about five people protesting the criminal  
18 conduct and human rights abuses of the Church of Scientology at the Gilman Hot Springs  
19 location. They were there from about 11-30 P.M. until about 3-00 P.M. The protestors parked  
20 their vehicles beside the road on an area frequently used for public parking. They then proceeded  
21 to walk both sides of Highway 79 with their picket signs. Meanwhile, the Scientologists turned  
22 the road side water sprinklers on in order to soak them with water. Similarly, the Scientologists  
23 blared a “tri-note” pipe organ, intended to be extremely annoying and unbearably loud at a  
24 measured 110-115 decibels from seven huge outdoor concert speakers note of dirge at excessive  
25 decibel levels from huge outdoor concert speakers situated up and down the side of Highway 79.  
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1 The Scientologists summoned the Riverside Sheriffs and the California Highway Patrol. The  
2 deputy sheriffs spent most of their afternoon closeted with the Scientologists upon their property.  
3 At one point Deputy Sheriffs spoke with the protestors and urged them, at the express request of  
4 the Scientologists, to move their protest down the road to the exact location where the accused  
5 was later subjected to an unlawful citizen's arrest. This raises the additional affirmative defenses  
6 of implied consent, estoppel and/or entrapment.  
7

8 At about 2-45 P.M. on October 26, 2008 the protestors decided to cease their picket and  
9 to leave. As they prepared to leave the Riverside Sheriff's deputies departed the scientology  
10 compound and scene. The evidence will establish that the Scientology security guards who  
11 attacked and arrested the accused had been repeatedly lurking around and behind his parked  
12 vehicle throughout the entire picket. Just after the Riverside Sheriffs departed the scene, and as  
13 the accused was walking towards his car, one of the three Scientology security guards appeared  
14 again at the accused's car and set a roadside flare right behind it despite a county flare ban.  
15 Alarmed by the disappearance of the Scientology security guard behind his parked vehicle, and  
16 the burning flare that was endangering both his car and the tinder dry land and adjacent mountain  
17 (as any reasonable person would be), the accused ran over to investigate about the grey Honda  
18 Accord parked about ¼ mile down Highway 79, to speak with Scientology security guard Matt  
19 Butler about his messing with the accused's car, and to demand information as to why the flare  
20 was lit and positioned so dangerously behind the gas tank of the accused's vehicle. This raises  
21 the affirmative defense of provocation and justification. At all times the accused reasonably  
22 believed that he was on public property because off his knowledge of where the sign was located  
23 (at least as of days previously). He did not have any intention to trespass upon private property at  
24 all for any reason at all. If it turns out that he did make a *de minimis* intrusion upon unfenced  
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1 improperly posted land then he acted accidentally without any criminal intent or negligence  
2 (Penal Code §195). In addition, in all of the circumstances the accused was acting out of  
3 necessity with justification. While the accused was, or reasonably believed he was, on public  
4 access property the two other Scientology security guards drove up in front of him leapt out,  
5 shouted “you are under arrest for trespassing” and, without giving him reasonable notice that he  
6 was trespassing, and a reasonable opportunity to leave the location [as mandated by Penal Code  
7 §602 (I) (1)], recklessly tackled the accused to the ground, dangerously wedged and pressured  
8 their knees into his back and neck while forcing his face and mouth into the desert sand, causing  
9 the accused great pain, panic, the fear of suffocation and death. Acting reflexively, without  
10 conscious thought or intent, the accused must have bitten the hand that was causing him severe  
11 pain, injury and the fear of death. This raises affirmative defenses of justification/self-defense.  
12

13  
14       Eventually, after the other protestors intervened, the three Scientology security guards  
15 released the accused’s head and face from the desert dirt while they hog tied him with plastic  
16 handcuffs and detained him pending the return of the Deputy Sheriffs who had departed the  
17 scene just before the brutal attack. The accused now has serious permanent injuries, has spent  
18 two nights in jail, and he has spent about \$6,000 to date in consequential costs [damages].  
19

20  
21       For many days and weeks after the brutal and unlawful attack upon the accused, the  
22 Riverside Sheriff’s Department refused to accept a complaint or incident report from him as to  
23 the assault, battery, false imprisonment and other criminal conduct directed by the Scientology  
24 security guards and their superior officers at the accused herein. Eventually, after KESQ TV  
25 reporter Nathan Baca filmed Mr. Choquette attempting to deliver the criminal complaint, a  
26 Riverside Sheriff’s detective agreed to meet with the accused and his attorney and accept a  
27 criminal complaint. However it was not treated as a separate complaint but wrongly included  
28

1 within this matter as a Supplemental Report and consequently ignored despite its unequivocal  
2 analysis, conclusions and recommendation. See Berry Declaration, Exhibit D. To date not only  
3 has the Riverside District Attorney's office refused to do so, instead continuing with a  
4 prosecution of the accused and real victim, but the evidence presented by the accused has been  
5 destroyed. Notwithstanding, some of the missing or "destroyed" evidence has now been  
6 replaced with further copies having been provided by the Defense but Investigator Judge's 1.5  
7 hour audio recording of the meeting is still missing.  
8

9         The Defendant herein also submitted a human trafficking/forced labor complaint against  
10 the Church of Scientology facility at Gilman Hot Springs. There is voluminous evidence to  
11 support such a complaint, related information is all over the Internet and at least three California  
12 civil law suits are litigating the issue and evaluating the evidence. However, the complaint and  
13 supporting evidence that the Defendant herein delivered to the Riverside Sheriff's Office has  
14 also been destroyed instead of being acted upon.  
15

16         However outrageous the foregoing facts may appear there is much more. For example,  
17 the Scientology International Headquarters was the subject of what appears to be a fraudulently  
18 obtained permit to occupy flood plain land that is subject to all sorts of geological, earthquake  
19 and flood plain reservations and restrictions. Indeed, the relevant FEMA map indicates that the  
20 accused was attacked, arrested and imprisoned within an area that is part of a designated flood  
21 plain for the purpose of minimizing public and private losses due to flood conditions. In other  
22 words, the Scientology enterprise did not set aside this land as required by law. Instead, they  
23 disregarded F.E.M.A. maps and regulations and built upon portions of it. Many human lives are  
24 now recklessly at risk. To comply with flood plain conditions the Scientology enterprise would  
25 have had to satisfy various stringent building and land use requirements as to building  
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1 construction materials and practices, utility equipment materials and locations, and the removal  
2 of fill material. Even if the Scientology enterprise could have satisfied the multitude of stringent  
3 building and safety requirements and restrictions, it would have cost the organization many  
4 millions of dollars to do so. Instead, the available documentation indicates a potential fraud and  
5 hoax being perpetrated upon the public and (by extension) this court. Incredibly, the Scientology  
6 enterprise has appears to have used the building located at 265510 Chestnut Drive, Hemet to  
7 represent to the authorities that there are no expensive flood plain building and property  
8 requirements that would otherwise be required on the giant Scientology base located a number of  
9 miles away. If this incredible *prima facie* fraud upon the government and the courts is indeed  
10 true, Scientology would not have been a lawful occupier as specifically required by Penal Code  
11 §602 (m) under which the accused has been charged, or under Penal Code §602 (l) under which  
12 the prosecutor has stated the accused may later be charged. Significantly, at no time did the  
13 accused willfully occupy any part of the relevant land continuously as required by Penal Code  
14 §602 (m) (2) and *People v. Wilkinson* (1967) 248 Cal.App. 2d Supp. 915, 917-919.

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18 Finally, the prosecution has indicated that it may now contend that a lawful citizen's  
19 arrest was made for an alleged Penal Code §602 (l) violation that occurred much earlier in the  
20 day (before or during the Sheriff's long presence) and on property directly beside the highway  
21 where an allegedly posted no trespassing sign had been turned sideways and thus was "a public  
22 nuisance" by the Scientology enterprise in violation of Penal Code §556.3. This prosecutorial  
23 shifty shoe shuffling is wrong. Dismissal upon the Court's own motion in the interests of justice  
24 would be appropriate in these circumstances alone.  
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1 **III. ARGUMENT**

2 **A. The January 29, 2009 order setting bail should be reversed.**

3 Penal Code Section 1275 (a) provides four factors the court must consider in connection  
4 with bail applications: (1) the protection of the public; (2) the seriousness of the offense charged;  
5 (3) the previous criminal record of the defendant; and (4) the probability of the defendant  
6 appearing at hearing (s) or trial. In the case at bar the defendant Francis Choquette has never  
7 been charged with any conduct that requires the protection of the public, he is charged with  
8 trespass and battery, he has no prior arrest or criminal record, and he has appeared early at  
9 numerous hearings herein. The defendant herein was arrested on October 26, 2008 and, after  
10 over twelve hours in custody and jail, he was released upon his own recognizance on a Notice to  
11 Appear on December 3, 2008 when he made his first appearance in this proceeding. On that date  
12 Defendant, his counsel and a number of others associated with them did not hear or recall any  
13 Order that the Defendant stay away from, and not even photograph, any particular Scientologists.  
14 In fact, the court renewed Defendant's release upon his own recognizance and the official court  
15 record does not contain any restriction upon the Defendant's otherwise lawful activities, as  
16 shown by Exhibit A to the supporting declaration of Graham E. Berry (the "Berry declaration").  
17

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21 On January 29, 2009 the Defendant made another appearance herein. At that time  
22 Scientology in-house attorney Elliot Abelson addressed the court and contended that there had  
23 been a stay-away from victims order and that after the December 3, 2008 hearing the Defendant  
24 had violated that order by taking a photograph, outside this courthouse, of the person who had  
25 brutally attacked and injured him without any warning whatsoever and a senior Scientology  
26 executive (who had made the other two dismissed improper citizen's arrests) and who was not a  
27 victim herein by any definition. However, upon attorney Abelson's material [mis]  
28

1 representations the Court revoked Defendant's O/R bail at about 9 A.M. on January 29, 2009.  
2 See Berry Dec., Exhibit B. In the ordinary course the Defendant should be have been released  
3 upon the bail bond within an hour and not another day, particularly in the circumstances herein.  
4 However, the Defendant was held for another day and night in custody before authorities would  
5 process the necessary paper work and release him. The outrageous consequences of Scientology  
6 attorney Abelson's misrepresentations to this Court are described in paragraphs 3-5, 9-15 of the  
7 declaration by the defendant attached hereto ("the Choquette declaration"). Dismissal upon the  
8 Court's own motion in the interests of justice would be appropriate in these circumstances alone.  
9

10  
11 On August 21, 2009 this Court heard and ruled upon the Defendant's motion for an order  
12 that the court clerk provide a copy of the audio tape of the December 3, 2008 hearing because the  
13 Court's written minute order was totally silent as to any restrictions upon the otherwise lawful  
14 activity of the Defendant. This court denied the motion saying, according to the minute order,  
15 that "the audio recording is an unofficial record of proceedings ... and is not admissible as  
16 evidence for any purpose." See Berry Decl., Exhibit C. The official court record is therefore the  
17 definitive statement as to what occurred herein when the Defendant made his first appearance on  
18 December 3, 2008. See Berry Declaration, Exhibit A.  
19

20 Accordingly, there is now a record of misrepresentation, mistreatment and injustice that  
21 must now be corrected in accordance with the maxim of jurisprudence that "for every wrong  
22 there is a remedy." In the case at bar the remedy is provided by Penal Code Section 1289 which  
23 provides, among other things, that "[a]fter a defendant has been admitted to bail ... the Court in  
24 which the charge is pending may, upon good cause shown, either increase or reduce the amount  
25 of bail." Penal Code Section 1289 has been made applicable to misdemeanor cases by Penal  
26 Code Section 1458.  
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1 First, it is clear that on December 3, 2008 this Court did make any order, official or  
2 otherwise, that the Defendant stay away from Scientology security guard Danny Dunigan and  
3 Scientology public relations officer Catherine Fraser. All that the Defendant did after the hearing  
4 was to take a photograph of the Danny Dunigan and Catherine Fraser as they walked out of the  
5 court house and down the steps to the public car park. Such conduct is not unlawful in and of  
6 itself. Accordingly, as required by Penal Code Section 1318, the Defendant was complying with  
7 all reasonable conditions of his O/R.  
8

9 Second, history is also clear that the Defendant has a totally clean record to date, that he  
10 has appeared at all hearings herein, that in the context of the Penal Code the charges herein are  
11 not serious, and that the public need no protection from the Defendant. The Defendant is not  
12 charged with any of the serious crimes set forth in Penal Code Section 1271.1. See also, Penal  
13 Code Sections 243, 262, 273.5, 646.9, 1192.7 (c), 1269 (c), 1270 (a), 1270 (c) and 1270.1 (a).  
14 Indeed, this Court has NOT made any finding on the record in accordance with Penal Code  
15 Section 1275 that an own recognizance release will compromise public safety or will not  
16 reasonably assure the appearance of the Defendant as required. Furthermore, the prosecution has  
17 made no showing whatever of any past record of non-appearance, any severe sentence faced or  
18 any likelihood of future non-appearance. See generally, *Van Atta v. Scott* (1980) 27 Cal. 3d 424,  
19 444, *In re Christie* (2001) 92 Cal.App. 4<sup>th</sup> 1105, *Gray v. Superior Court* (2005) 125 Cal.App. 4<sup>th</sup>  
20 629, *In re McSherry* (2003) 112 Cal.App. 4<sup>th</sup> 856.  
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24 Third, it is clear that the Scientology enterprise has engaged in conduct here that shocks  
25 the conscience. Such conduct is not accidental. It is part of a series of copyrighted official  
26 Scientology Policy Letters which mandate the conduct of Scientologists when confronted with  
27  
28

1 those, like the Defendant, who oppose or impede Scientology's goal of global takeover and  
2 theocracy.

3 **B. Scientology policies and practices for handling Suppressive Persons.**

4 The Church of Scientology shameless engages in what certain European governments  
5 have labeled psycho-terrorism. This Scientology related psycho-terrorism has been discussed in  
6 various foreign government reports such as the "Final Report of the Enquete Commission on  
7 "So-called Sects and Pyschogroups" in the Federal Republic of Germany, and before which the  
8 Defendant's counsel herein was called to testify. The roots of Scientology psycho-terrorism lie in  
9 its policies and procedures for "shattering suppression" and handling suppressive persons. These  
10 policies are described and summarized in the supporting Berry Declaration, paragraphs 4-65.  
11 Copies of the copyrighted policy letters are not included with this particular filing because they  
12 would create at least a twelve inch stack of documents for the court to review.

13 According to Suppressive Person policies the defendant herein is an "enemy" who may  
14 be harassed and destroyed by any conduct by any Scientologist with utter impunity (Berry Decl.,  
15 paras. 4 & 5). Scientology has misrepresented to numerous courts that it cancelled Fair Game in  
16 1968. However, Scientology's Fair Game Policy has been subsequently recognized and discussed  
17 in a number of California and other appellate decisions including: *Church of Scientology v.*  
18 *Armstrong*, 232 Cal.App.3d 1060, 1067 (1991); *Wollersheim v. Church of Scientology*, 212  
19 Cal.App.3d 872, 888-89 (1989); *Allard v. Church of Scientology*, 58 Cal.App.3d 439, 443 n.1  
20 (1976); *United States v. Kattar*, 840 F.2d 118, 125 (1st Cir. 1988); *Van Schaick v. Church of*  
21 *Scientology*, 535 F.Supp. 1125, 1131 n.4 (U.S.D.C. Mass. 1982); *Christofferson v. Church of*  
22 *Scientology*, 57 Ore.App.203 (1982). In each of these cases, at the trial court level, evidence of  
23 Fair Game had been introduced, the judge and jury had found Fair Game to have been  
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1 conducted, the courts of appeal upheld, in effect, the Fair Game rulings, evidence and judgments  
2 and, in effect, found that Fair Game was alive, well and being re-copyrighted despite deceptive  
3 Scientology claims to have cancelled the policy and practice in 1968, except as to the “handling  
4 of Suppressive Persons” such as the Defendant herein.  
5

6 These appellate decisions notwithstanding, in the *People v. Henson* picketing case the  
7 Riverside County District Attorney’s office filed a motion, prepared by Scientology lawyers, that  
8 any mention of fair game be precluded as part of a ruling precluding any mention of Scientology  
9 beliefs. Similar misrepresentations, that Fair Game was irrelevant because it was cancelled in  
10 1968, were also made by Scientology counsel to a Federal court in the *RTC [Scientology] v.*  
11 *Henson* breach of copyright case. Such misrepresentations are frauds upon the court and cause  
12 miscarriages of justice. Furthermore, they should be barred by principles of judicial estoppel as a  
13 result of the Church of Scientology contentions in 1991, during the appeal in the Wollersheim  
14 case, that “Fair Game” [the intentional and utter destruction of critics by any means possible-  
15 Berry Decl., ¶8] was a “core practice of scientology” and therefore protected by religious  
16 expression. In writing on Church of Scientology “ethics,” Scientology’s “spiritual” founder L.  
17 Ron Hubbard stated:  
18  
19

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

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

25 Similarly, Scientology leader L. Ron Hubbard wrote:

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

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

3 In the case at bar, evidence would be expected to show that the citizen's arrest of the  
4 defendant herein was not a spontaneous event but rather the culmination of a pre-planned project  
5 involving many people within the Office of Special Affairs in Los Angles and at the Gilman Hot  
6 Springs base. The Defendant has been one of Scientology's most visible critics over the past  
7 eighteen months since the emergence of the Anonymous global protest group's Project  
8 Chanology against the abuses and crimes of Scientology. Scientology's pre-determined goal, in  
9 accordance with Scientology policies and practices for handling it's enemies (a/k/a Suppressive  
10 Persons or SPs), would have been to "put a head upon a pike" by provoking the Defendant; to  
11 investigate, intimidate, harass and utterly destroy him by any means possible without any  
12 punishment of the Scientologists who actually silence and punish the Defendant for opposing  
13 Scientology plans for global takeover and theocratic rule. See generally, Berry Decl., paragraphs  
14 4-65. Scientology policy mandates the misuse of public law enforcement by misusing lawsuits.  
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16

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

23 L. Ron Hubbard, The Scientologist, A Manual of Dissemination of Material (1955). Berry  
24 Decl., paragraph 10.

25 That is one reason so many criminal and civil lawsuits initiated by Scientology  
26 representatives are dismissed before trial, and often by the Church of Scientology itself.

27 **C. The Scientology enterprise has been engaging in harassment, stalking, etc.**

28 If the Riverside County District Attorney's Office and/or the Riverside County Sheriffs  
Department engaged in the sort of extra-judicial stalking and harassment of the defendant that

1 those who ordered and made the citizen's arrest herein (Captain David Miscavige, Scientology's  
2 Office of Special Affairs and the three Scientology security guards involved) there would be  
3 public outrage, career consequences and a dismissal of the case. However, that is exactly what is  
4 happening here as explained in the attached declarations of Graham Berry & Francois Choquette.  
5

6 **D. The private prosecutors believe the Accused has no civil rights.**

7 "Scientology's judicially recognized "Fair Game" Policies and Practices provide, among  
8 other things, that anyone impeding Scientology can be, "... tricked, sued, or lied to or destroyed."  
9 Elsewhere secret Church of Scientology scripture states that, "... **when we want someone**  
10 **'haunted' we investigate.**" Scientology OSA NW Order 15 defines "**Black Propaganda**" as,  
11 "... a covert communication of false data intended to injure, impede or destroy the life of another  
12 person...usually issued from a false or removed source from the actual instigator." Indeed, in PR  
13 Series 18 Church of Scientology staffers are directed to **invent** whatever they wish to allege.  
14 Significantly, as recently as **October 9, 2001**, the Moxon & Kobrin law office wrote to a  
15 Netherlands resident threatening to enforce the Church of Scientology's copyrights in connection  
16 with the very terms "**Dead Agenting**" and "**Targets Defense**" activities used by the Scientology  
17 in-house lawyers Moxon & Kobrin in their "investigations" and "handling" of critics such as the  
18 Defendant herein. To a Scientologists such as the employees who planned, monitored and  
19 conducted the attack on the Defendant herein, he is a Suppressive Person without any civil rights  
20 whatsoever who may be destroyed by any means possible with total immunity for those involved  
21 in what would otherwise be criminal conduct punished in the public courts. See generally, Berry  
22 declaration.  
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1                                   **E. Anti-social Scientology policies are being employed against Defendant.**

2           The Defendant's supporting declaration herein demonstrates, for example, his  
3 constitutional right to protest anonymously was violated by the Los Angeles Police Department  
4 which gave his personal information to Scientology. Choquette decl., ¶6. For over twelve months  
5 he has been stalked and harassed by Scientology staff, shills and their private investigators.  
6 Choquette decl., ¶¶ 5-8. The January 29, 2009 misrepresentations to the Court by Scientology in-  
7 house attorney Elliot Abelson were also consistent with Scientology's policies and practices for  
8 the handling of Suppressive Persons. Choquette decl., ¶4-15, Berry decl., ¶¶12, 17, 29-32, 39, 41-  
9 47, 51, 53, 59, 61-62.  
10

11                                   **F. The bad faith herein is shown by recent conduct in a related case.**

12           In the related case of Donald J. Meyers the Court ordered Mr. Myers to stay 50 feet away  
13 from Golden Era Productions. Berry Decl., ¶66. On September 3, 2009 Defense counsel,  
14 defendant and his surveyors were conducting an "inspection" at the Golden Era Productions  
15 location. During the "inspection" Scientology in-house attorney Elliot Abelson arrived and spoke  
16 with Defense counsel Graham Berry. Attorney Abelson showed Defense Counsel Berry a copy  
17 of a Minute Order stating that related Defendant Donald J. Myers was to stay away from all  
18 Scientologists. Abelson informed Berry that Mr. Myers had signaled his intention to attend a  
19 meeting of the San Jacinto City Council that evening. The City Council was debating (and  
20 passed) a resolution opposing the plans of Scientology and Riverside County Supervisor Jeff  
21 Stone to shield the public and police from what really goes down at Gilman Hot Springs by re-  
22 routing Highway 79 around instead of through the Scientology base (where there are two  
23 adequate pedestrian tunnels under Highway 79). Abelson informed Berry that Myers would be  
24 arrested if he attended the San Jancinto City Council meeting.  
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1                                   **G. This case should be dismissed upon the Court's own motion.**

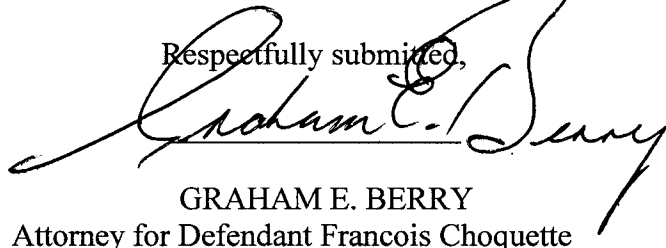
2                   Obviously, some of the matters addressed herein are within the jurisdiction of the United  
3 States Department of Justice Civil Rights and R.I.C.O. Divisions, and the Internal Affairs  
4 Departments of the relevant local agencies. However, dismissal upon the Court's own motion in  
5 the interests of justice would be appropriate in these circumstances alone. The events described  
6 in the foregoing factual discussion are deplorable: ignoring F.E.M.A. and other life, health and  
7 safety regulations, unlawfully spraying protestors with water, deafening them with hours of  
8 unlawfully loud noise, interfering with their vehicles, setting road side flares in dangerous  
9 conditions, moving the location of no-trespassing signs from one day to the next and failing to  
10 properly post no trespassing signs, lying about the true width of the Highway 79 easement,  
11 failing to properly warn the Defendant that he was allegedly trespassing and to give him a  
12 reasonable opportunity to leave the unfenced roadside property, unlawfully piling on the  
13 Defendant causing him to fear suffocation, suffer serious injuries and to be unlawfully and  
14 improperly arrested in a purported citizens arrest. In addition, the accused has spent two nights in  
15 jail already, posted \$1,250 in cash for bail of which he loses over \$250.00, major medical  
16 expenses that exceed \$5,000 to date, has continuing permanent physical injuries requiring daily  
17 pain medication, and major defense costs such as survey fees.

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21                   **IV.           CONCLUSION**

22                   In all of the egregious circumstances herein the relief requested should be granted.

23  
24                   Dated: September 16, 2009

25                   Respectfully submitted,

26                     
27                   GRAHAM E. BERRY  
28                   Attorney for Defendant Francois Choquette

**DECLARATION OF GRAHAM E. BERRY**

I, **GRAHAM E. BERRY**, declare and state as follows:

1. I am an attorney duly admitted to practice before all of the courts of the State of California. I have personal knowledge of the matters set forth herein and, if called upon to do so, I believe that I could and would competently testify thereto.

2. I am attorney of record for the accused/defendant Francois Choquette herein. I have also appeared in at least fifteen other Scientology related cases over the past nineteen years and I am considered by many (excluding current Scientologists in good standing) to be an expert on Scientology, at least in connection with Fair Game litigation, intimidation and corruption.

3. This declaration is filed in support of the defendant's motion for an order modifying his bail herein by canceling the current bail and reinstating his release upon his own recognizance.

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

1 the knowledge that only rarely will witnesses dare to come forward and testify against the  
2 Church of Scientology.

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

11           6.       Scientology has misrepresented to numerous courts that it cancelled Fair Game in  
12 1968. However, Scientology's Fair Game Policy has been subsequently recognized and discussed  
13 in a number of California and other appellate decisions including: *Church of Scientology v.*  
14 *Armstrong*, 232 Cal.App.3d 1060, 1067 (1991); *Wollersheim v. Church of Scientology*, 212  
15 Cal.App.3d 872, 888-89 (1989); *Allard v. Church of Scientology*, 58 Cal.App.3d 439, 443 n.1  
16 (1976); *United States v. Kattar*, 840 F.2d 118, 125 (1st Cir. 1988); *Van Schaick v. Church of*  
17 *Scientology*, 535 F.Supp. 1125, 1131 n.4 (U.S.D.C. Mass. 1982); *Christofferson v. Church of*  
18 *Scientology*, 57 Ore.App.203 (1982). In each of these cases, at the trial court level, evidence of  
19 Fair Game had been introduced, the judge and jury had found Fair Game to have been  
20 conducted, the courts of appeal upheld, in effect, the Fair Game rulings, evidence and judgments  
21 and, in effect, found that Fair Game was alive, well and being re-copyrighted despite deceptive  
22 Scientology claims to have cancelled the policy and practice in 1968, except as to the "handling  
23 of Suppressive Persons" such as the Defendant herein.

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

9  
10  
11           8.       In mid-March 1955, Commodore Hubbard wrote, "I call to your attention a  
12 situation of any besieged fortress. If that fortress does not make sallies, it does not send forth the  
13 trolls to attack and harass . . . that for fortress may, and most often does, fall.

14                   **The DEFENSE of anything is UNTENABLE. The only way to**  
15                   **defend anything is to attack . . . it is an entirely moral**  
16                   **duty to be punitive against strangers and outsiders who would**  
17                   **stop the progress of this [Scientology] civilization." (Emphasis**  
18                   **added)**

19  
20           9.       Scientology's "utter destruction" of persons such as the Defendant herein is set  
21 forth in various of the Scientology Defendants' written policies. Some of these written policies  
22 are set forth in Commodore Hubbard's MANUAL OF JUSTICE where he states "**people attack**  
23 **Scientology: I never forget it, always even the score.**" Commodore Hubbard subdivides the  
24 administration of justice into four phases: (a) intelligence activities; (b) investigation of  
25 evidence; (c) judgment or punishment; and (d) rehabilitation. In the Manual of Justice,  
26 intelligence is defined as "that activity which collects data and keeps it adding up so that we  
27  
28



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

15  
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17  
18 **10.** The Scientologists also have a pattern and practice, of abusing the non-  
19 Scientology or "wog" legal system to utterly destroy persons such as Plaintiff. Part of this policy  
20 is set forth in a 1955 Hubbard publication The Scientologist, a Manual of Dissemination of  
21 Material. This directive of the Scientology enterprise makes it clear that they have a policy and  
22 practice to use the courts to harass and ruin people rather than to win.  
23

24 **"The purpose of the suit is to harass and discourage rather**  
25 **than to win. The law can be used very easily to harass, and**  
26 **enough harassment on somebody who is simply on the thin**  
27 **edge anyway, well knowing that he is not authorized, would**  
28

1                   **generally be sufficient to cause his professional decease. If**  
2                   **possible, of course, ruin utterly."**

3           **11.**       Scientology also runs what is known as Black Dianetics on persons as explained  
4 in the Research and Discovery Series on 17 December 1951. "A person can drive himself mad  
5 without any trouble . . . there is much data on how to make people insane, uncomfortable, sick or  
6 dead as there is on how to make them well . . . once in a while, in order to learn something, it is  
7 necessary to look at it. With Black Dianetics you could tailor-make any kind of insanity you  
8 wanted to. Similarly, in the same series on 28 June 1951, it is proscribed that "dianetics  
9 contain(s) the answers to the riddle of insanity. It also contains perforce the answer to the riddle  
10 of insanity. "Anyone of us can take a human being and with malice aforethought drive him  
11 stark" staring crazy with greater efficiency than even psychiatry does.

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

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

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

20                   Unexpected attacks in the rear of the enemies front ranks work  
21                   best." (emphasis added.)

22           **13.**       The Scientology enterprise also has a policy and practice which, when it was first  
23 instituted, was called "**Fair Game**", and which is still in existence today. It exists for the  
24  
25  
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27  
28

1 "handling" of Suppressive Persons, despite the claims of the Scientology organization to the  
2 contrary. On March 7, 1965, Commodore Hubbard wrote Hubbard Communications Office  
3 Policy Letter (HCOPL) of March 7, 1965, titled "Ethics: Suppressive Acts: Suppression of  
4 Scientology and Scientologists: the Fair Game Law." This Scientology policy document provides  
5 the official definition of "Fair Game." By **Fair Game** is meant, without rights for self,  
6 possessions, or position, and no Scientologist may be brought before a Committee of Evidence or  
7 punished for any action taken against a Suppressive Person or Group during the period that  
8 person is 'fair game.'" (A revision of December 23, 1965, changed it to read, "by FAIR GAME is  
9 meant, may not be further protected by the codes and disciplines of Scientology or the rights of a  
10 Scientologist.") The Scientology policy statement also defines a "suppressive person" as  
11 follows:  
12

13  
14 **A SUPPRESSIVE PERSON OR GROUP** is one that actively seeks to suppress  
15 or damage Scientology or a Scientologist by suppressive acts. **SUPPRESSIVE**  
16 **ACTS** are acts calculated to impede or destroy Scientology or a Scientologist and  
17 which are listed at length in this policy  
18

19 **14.** The same Scientology policy letter also lists some of the suppressive acts to  
20 include "public statements against Scientology; proposing, advising or voting for legislation . . .  
21 or laws directed toward the suppression of Scientology; testifying hostilely before state or public  
22 inquiries into Scientology to suppress it; **bringing civil suit against any Scientology**  
23 **organization or Scientologist . . .**; demanding the return of any or all fees paid for standard  
24 training or processing actually received in part and still available but undelivered only because  
25 the departure of the person demanding; **testifying as a hostile witness against Scientology in**  
26 **public**; being at the hire of anti-Scientology groups or persons; delivering up the person of a  
27  
28

1 Scientologist without defense or protest to the demands of civil or criminal law; receiving  
2 money, favors or encouragement to suppress Scientology or Scientologists, etc., etc., etc.  
3 (emphasis added)  
4

5 15. The Scientology enterprise has a further policy and practice of harassing critics  
6 as set forth in HCO Executive Letter 27 September, 1965, referring to how a certain group of  
7 critics were to be destroyed: "**They are each fair game, can be sued or harassed . . . harass**  
8 **these persons in any possible way.**" (emphasis added]  
9

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

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

19 17. Elsewhere in this issue Commodore Hubbard writes "there is no overt in bringing  
20 good order." An "overt" in the Scientology lexicon is a "transgression" or "wrong." **In other**  
21 **words, the Scientologists have a policy and practice of the end justifying the means.**  
22

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

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

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

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

24       **21.** The false and fraudulent claims of the Scientology enterprise in this regard are  
25 further evidenced to the publication of the March 7, 1965 policy letter, under the "Fair Game  
26 Law" title, as late as 1980 in Volume I of the Organization Executive Course: "An Encyclopedia  
27 of Scientology Policy" by L. Ron Hubbard. The issue "Suppressive Acts: Suppression of  
28

1 Scientology and Scientologists: the Fair Game Law" appears on page 552 *et seq.* Scientology's  
2 false and fraudulent conduct in this regard is further evidenced by subsequent reprints of these  
3 volumes laundering out certain phrases and issues of Commodore Hubbard, without telling  
4 Scientology members, and contrary to an issue called "The Integrity of Source" which prohibits  
5 anyone other than Commodore Hubbard from making changes to his writings.  
6

7       **22.** The Scientology enterprise also has a policy and practice, directed to persons such  
8 as the Defendant, which was instituted on February 16, 1969 entitled "Confidential: Battle  
9 Tactics" where Scientologists are ordered to use military tactics and strategy in dealing with the  
10 "enemy" such as the Defendant herein. The policy and practice letter of 16 February 1969 orders  
11 the Scientologists to conduct **"wars of attrition on a basis of total attrition of the enemy. So  
12 never get reasonable about them. Just go all the way in and obliterate them. One cuts off  
13 enemy communications, funds, connections. He raids and harasses. Seeing it as a battle  
14 one can apply battle tactics to thought actions. Intelligence identifies targets and finds out  
15 enemy plans and purposes, enemy connections, dispositions, etc. Never treat a war like a  
16 skirmish. Treat all skirmishes like war"**. (emphasis added) The same policy and  
17 practice issue also orders the Scientologists to use intelligence to get the "who, when, where,  
18 what."  
19  
20  
21

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

24       **24.** Scientology's policies and practices as to the destruction of persons such as  
25 Plaintiff, were also set forth in Hubbard Communications Office Policy letter of 17 February,  
26 1966 which created the Public Investigation Section. In pertinent part, the policy letter states as  
27 follows:  
28

1                   a.       The purpose of this Section is:

2                   To help LRH investigate public matters and individuals who seem  
3                   to impede human liberty so that such matters may be exposed and  
4                   to furnish intelligence required in guiding the progress of  
5                   Scientology;  
6

7                   b.       It is comprised wholly of professional investigators.

8                   c.       The statistics of the section is dual consisting of the  
9                   number of cases successfully investigated on specific projects and  
10                  the number of derogatory news stories appearing that week related  
11                  to enemies of Scientology related to a specific project. The  
12                  statistic of each individual investigator is the number of cases  
13                  personally investigated through a completed useful report. . .  
14                  production of the section is the number of cases in a project  
15                  processed.  
16  
17

18                  d.       **It will be seen that the section has all the usual**  
19                  **functions of an intelligence and propaganda agency.** It finds the  
20                  data and sees that it gets action. The section investigates the  
21                  attacking group's individual members and sees that the results of  
22                  the investigation get adequate legal action and publicity. The  
23                  mechanism employed is very straightforward. We never use the  
24                  data to threaten to expose. We simply collect it and expose.  
25                  Standard intelligence procedures are used. The usual precautions  
26                  against libel, slander, and false arrest are taken.  
27  
28

1 Projects must be studied for legal liabilities by the legal  
2 section before being commenced upon. But no project may be  
3 stopped by the legal section - their whole function is to find out  
4 how to make it safe.  
5

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

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

25 **Section investigators would do well to study the**  
26 **technology on suppressive persons.** Such attacking groups  
27 with which the section would deal derive their power from  
28



1 pretense and secrecy. It will be seen the power vanishes under  
2 calm investigation, particularly when it is well known to them  
3 that we are investigating. . . in that way we then get rid of  
4 suppressive groups by investigation and disclosure."  
5

6 **25.** As set forth in the immediately preceding paragraphs, Scientology policies and  
7 practices in connection with the investigation, harassment and total destruction of critics and  
8 others impeding their objectives are conducted through what, on February 17, 1966, was the  
9 Public Investigation Section of the Guardian's Office and which is now the Office of Special  
10 Affairs of the Church of Scientology International and its legal unit which includes the law firm  
11 of "Moxon & Kobrin."  
12

13 **26.** Scientology also has a policy and practice, as set forth in Hubbard  
14 Communications Office Policy Letter of 18 February, 1966, entitled "Attacks on Scientology  
15 (continued)" Scientology's policies "stopping attacks" are required to include "**investigating**  
16 **noisily the attackers. . . these people who attack have secrets ... and hidden crimes.**"  
17 (Emphasis added) They are afraid. The purpose of the Scientologist's investigation policy and  
18 practice is to cause the suppressor to "withdraw" and "collapse."  
19

20 **27.** Scientology also has a further policy and practice set forth in Hubbard  
21 Communications Office Policy Letter of 25 February, 1996 entitled "Attacks on Scientology  
22 (Additional Pol. Ltr.>"). In this policy statement, Scientologists are instructed as to the correct  
23 procedure for handling persons such as the Defendant herein:  
24

25 "This is correct procedure:

- 26 (1) Spot who is attacking us.  
27  
28 (2) Start investigating them promptly for FELONIES

1 or worse using our own professionals, not outside agencies.

2 (3) Double curve our reply by saying we welcome an investigation of them.

3 (4) **Start feeding lurid, blood sex crime actual evidence**  
4 **on the attackers to the press.**

5 (5) **Make it rough, rough on attackers all the way."**

6  
7 Emphasis added)

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

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

11 (2) Investigate it;

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

13 We investigate and expose - the attack ceases."  
14

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

18 (Emphasis added)

19 30. Responsibility for conducting the Scientology enterprises policies and practices  
20 for destroying persons such as the defendant herein was transferred from the Public Investigation  
21 Section to the Guardian's office on March 1, 1966 in a Hubbard Communications Policy Letter  
22 entitled "The Guardian". The Guardian's office, Division 20 on the Scientology organization  
23 board, has been renamed and is now the Office of Special Affairs of the Church of Scientology  
24 International in which the fictitious law firm of Moxon & Kobrin is part of the unit. Instructions  
25 to Guardian's Office members were and are set forth in the B1-B2 hat pack, part of which was  
26  
27  
28

1 utilized as recently as 1988 as the job description for the President of the Church of Scientology  
2 International and includes instructions as to infiltration, bribery, buying information, robbery and  
3 blackmail. The first Guardian appointed was Commodore Hubbard's third wife Mary Sue  
4 Hubbard.

5  
6 31. Elsewhere Commodore Hubbard writes "there is no overt in bringing good  
7 order." An "overt" in the Scientology lexicon is a transgression or wrong. **In other words, the**  
8 **Scientologists have a policy and practice of the ends justifying the means.**

9  
10 32. Scientology's "Fair Game" policies and practices, directed at persons such as the  
11 Defendant herein and allegedly cancelled on 21 October, 1966, were further set forth in a  
12 Hubbard Communications policy letter of 18 October, 1967 entitled "Penalties for Lower  
13 Conditions" and instructed Fair Game to be automatically issued on anyone (including staff  
14 members) who was an **"Enemy or Suppressive . . . SP order. Fair Game. May be deprived**  
15 **of property or injured by any means by any Scientologist without any discipline of the**  
16 **Scientologist. May be tricked, sued or lied to or destroyed."**

17  
18 33. Following the alleged cancellation of Fair Game on 21 October, 1966,  
19 Scientology instituted a new Hubbard Communications Office Policy Letter on 16 February  
20 1969 entitled "Confidential: Targets, Defense" in which are listed vital targets in which the  
21 Scientologists must invest most of their time:  
22

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

24 **T2** Taking over the control or allegiance of the heads or the proprietors of all news  
25 media.

26 **T3** Taking over the control or allegiance of key political figures.  
27  
28



1           36.     Scientology's policies and practices on "utterly destroying" persons such as the  
2 Defendant herein are also set forth in Hubbard Communications Office Policy Letter of 15  
3 August, 1967 titled "Discipline: SP's and Admin: How Statistics Crash." In that policy letter, **the**  
4 **Scientologists** are told that the head of the Scientology Organization, then and now, **will stop at**  
5 **nothing to destroy persons such as [the Defendant herein].**

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

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

25           38.     The policies and practices of the Scientologists, towards persons such as the  
26 Defendant herein, are also set forth in a Hubbard Communications Office Bulletin of 5  
27 November, 1967 entitled "Critics of Scientology." Now, get this as a technical fact, not a hopeful  
28

1 idea. Every time we have investigated the background of a critic of Scientology, we have  
2 found crimes for which that person or group could be imprisoned under existing law. We  
3 do not find critics of Scientology who do not have criminal pasts. Over and over we prove this.  
4  
5 **Politician A stands up on his hind legs in a Parliament and brays for a condemnation of**  
6 **Scientology. When we look him over we find crimes - embezzled funds, moral lapses, a**  
7 **thirst for young boys - sordid stuff.** Wife B howls at her husband for attending a Scientology  
8 group. We look her up and find that she had a baby he didn't know about. . . We are slowly and  
9 carefully teaching the unholy a lesson. It is as follows: 'we are not a law enforcement agency but  
10  
11 **WE WILL BECOME INTERESTED IN THE CRIMES OF PEOPLE WHO SEEK TO**  
12 **STOP US. IF YOU OPPOSE SCIENTOLOGY WE PROMPTLY LOOK UP - AND**  
13 **WILL FIND AND EXPOSE - YOUR CRIMES. IF YOU LEAVE US ALONE WE WILL**  
14 **LEAVE YOU ALONE. IT'S VERY SIMPLE. EVEN A FOOL CAN GRASP THAT.**  
15 **AND DON'T UNDERRATE OUR ABILITY TO CARRY IT OUT. . . THOSE WHO TRY**  
16 **TO MAKE LIFE HARD FOR US ARE AT ONCE AT RISK.** (Emphasis added)

17  
18 39. The Scientologists also have a practice and policy, set forth in a Bulletin  
19 Commodore Hubbard wrote on October 23, 1983, called "SEC Checking: Note, where he writes,  
20 in effect, **that actions committed against Scientology's "enemies" are not of moral or ethical**  
21 **interest. Only those committed against Scientology.**

22  
23 40. The policy and practice of the Scientology enterprise, in investigating and  
24 destroying persons such as the Defendant herein, also extends to international spying. On 7  
25 May, 1971 a Hubbard CEO [Guardian Order] 070571 entitled "Secret: Notes on SMERSH"  
26 states, under "CHARACTER ATTACKS", that "the Nazi brought personal character destruction  
27 up to a fine art in its propaganda activities" and under "PENETRATION" states that:  
28

1 "penetration is always a win. We have made it in finding WHO attacks Scientology from where  
2 by doing that. This gives us ever further penetration. We have found as well the X intelligence  
3 officer mouth pieces [sic] in the UK that influenced that government and pushed Nazi aims. We  
4 are getting ever further penetration now into who is keeping this planet upset."  
5

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

18 (Emphasis added)

19       42.     The false and fraudulent statements of the Scientology enterprise, that Fair Game  
20 no longer is practiced against persons such as Defendant, is further evidenced by the 280-page  
21 (plus exhibits) "Stipulation of Evidence" executed by the United States Department of Justice,  
22 Mary Sue Hubbard and eight other senior Scientology executives detailing Scientology's Snow  
23 White Project, or Operation Snow White, where assistant U.S. attorney Raymond Banoyun gives  
24 a succinct stipulated description of how Fair Game was conducted after 1968, and an admission  
25 by the Scientology enterprise therein that Fair Game continued even beyond the conviction of  
26 Mary Sue Hubbard in a statement by the U.S. Government questioning "whether these illegal  
27  
28

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

14       43.       The false and fraudulent statements of the Scientology enterprise, that Fair Game  
15 no longer is practiced against persons such as Defendant, is further evidenced by the 280-page  
16 (plus exhibits) "Stipulation of Evidence" executed by the United States Department of Justice,  
17 Mary Sue Hubbard and eight other senior Scientology executives detailing Scientology's Snow  
18 White Project, or Operation Snow White, where assistant U.S. attorney Raymond Banoyun gives  
19 a succinct stipulated description of how Fair Game was conducted after 1968, and an admission  
20 by the Scientology enterprise therein that Fair Game continued even beyond the conviction of  
21 Mary Sue Hubbard in a statement by the U.S. Government questioning "whether these illegal  
22 activities were ever terminated by these defendants." These illegal activities" included: the  
23 **infiltration and theft of documents from a number of prominent private, national world**  
24 **organizations, law firms, newspapers and private citizens; the execution of smear**  
25 **campaigns and baseless lawsuits for the sole purpose of destroying private individuals who**  
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1 **had attempted to exercise their First Amendment Rights to freedom of expression; the**  
2 **framing of private citizens who had been critical of Scientology, including the forging of the**  
3 **documents which led to the indictment of at least one innocent person; and the violation of**  
4 **the civil rights of prominent citizens and public officials."** (Emphasis added) The stipulation  
5 by representatives of the organization also notes how Mary Sue Hubbard had said on the witness  
6 stand that she and her co-defendants "felt they could do to others what ever they perceived,  
7 however erroneously, others were doing to them."  
8

9           **44.** The Scientologists have consistently but fraudulently claimed that their activities  
10 directed against persons such as the Defendant herein are to protect their church from  
11 harassment. However, the Scientologists know, or ought to have known, that this defense was  
12 rejected in *Allard v. Church of Scientology of California*, 68 Cal. App. 3d 439, 129 Cal. Rptr.  
13 797 (CT at 1976) cert. denied, 97 S. Court 1101 (1977) where it was held as follows:  
14

15           The defendant's contention that they committed the crimes of  
16 which they stand convicted in order to protect their church from  
17 government harassment collapses when one reviews a sample of  
18 the remaining documents seized by the FBI during the execution of  
19 the two Los Angeles search warrants. If anything, these  
20 documents establish beyond question that the defendants, their  
21 convicted codefendants, and their unindicted co-conspirators  
22 [which included Commodore Hubbard and current Scientology  
23 counsel Kendrick L. Moxon. Esq.], as well as their organization,  
24 considered themselves above the law. **They believe they had**  
25 **carte blanche to violate the rights of others, frame critics in**  
26  
27  
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1           **order to destroy them, burglarize private and public offices**  
2           **and steal documents outlining the strategy of individuals and**  
3           **organizations that the church had sued.** These suits were filed  
4           by the church for the sole purpose of financially bankrupting its  
5           critics and in order to create an atmosphere of fear so that critics  
6           would shy away from the First Amendment Rights secured them  
7           by the Constitution. **The defendants and their cohorts launched**  
8           **vicious smear campaigns, spreading falsehoods against those**  
9           **they perceive to be enemies of Scientology in order to discredit**  
10           **them and, in some instances, to cause them to lose their**  
11           **employment. . . . To these defendants and their associates,**  
12           **however, anyone who did not agree with them was considered**  
13           **to be an enemy against whom the so-called "Fair Game"**  
14           **doctrine could be invoked. . . . (Emphasis added)**

15           It is interesting to note that the founder of their organization, unindicted "co-  
16           conspirator, L. Ron Hubbard," wrote in his MODERN MANAGEMENT TECHNOLOGY  
17           defined that "truth is what is true for you," and "illegal" is that which is "contrary to Scientology  
18           policy" and not pursuant to Scientology's "approved program." Thus with the Commodore's  
19           blessing they could wantonly commit crimes as long as it was in the interests of Scientology.  
20           These defendants rewarded criminal activities that ended in success and sternly rebuked those  
21           that failed. **In view of this, it defies the imagination that these defendants have the**  
22           **unmitigated audacity to seek to defend their actions in the name of religion."**

1           **45.**    In addition to the Defendant herein, the thousands of persons around the world  
2 who have been subjected to the Church of Scientology Fair Game policies and practices, even  
3 since its alleged cancellation in 1967, include Michael J. Flynn, Esq., Bruce Bunch, Esq., Charlie  
4 B. O'Reilly, Esq., Barry Van Sickle, Esq., Joseph A. Yanny Esq., Toby Plevin, Esq., Ford  
5 Greene, Esq., Federal District Court Judges Charles Richey and James Ideman; Vaughn Young,  
6 Stacy Young, Robert Minton, Hanna Whitfield, Jerry Whitfield, Uwe Geertz, Richard Behar,  
7 Paulette Cooper, Cynthia Kissler, Garry Scarff, Dennis Erlich, William Jordan, Lawrence  
8 Wollersheim, Arnaldo Lerma, Bent Corydon, David Mayo, Judge Swearinger, Bill Swearinger,  
9 hundreds of participants within the Anonymous protest group and thousands of officials of the  
10 United States Internal Revenue Service, the Federal Bureau of Investigation and the United  
11 States Department of Justice.

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

16 Here's what you do. Soon as one of these threats starts you get a Scientologist or  
17                                Scientologists to investigate noisily. You find out where he or she  
18                                works or worked, doctor, dentist, friends, neighbors, anyone and  
19                                'phone em up and say. I am investigating Mr./Mrs. . . . for criminal  
20                                activities as he/she has been trying to prevent man's freedom and is  
21                                restricting my religious freedom and that of my friends and  
22                                children, etc. . . ." You say now, "I have already got some  
23                                astounding facts", etc., etc. (Use a generality) . . . It doesn't matter

1 if you don't get much info. Just be NOISY -- it's very odd at first  
2 but makes fantastic sense and WORKS. . . . Scientologists are  
3 really terribly ethical.  
4

5 47. The Scientologists also have policies and practices designed and intended to cause  
6 and permit them to lie under oath as to the existence and application of the policies and practices  
7 intended to destroy persons such as the Defendant herein. These policies and practices include  
8 TR-L (Training Routine - Lying), Hatting the Witness, and Addendum to Hatting the Witness,  
9 How to Tell an Acceptable Truth. The Scientologists also have Board policy letter revised 8  
10 May 1975 titled Religion which provides that "what is true for you is what you have observed for  
11 yourself. Nothing in Dianetics and Scientology is true for you unless you have observed it. And  
12 it is true according to your observation, that is all." Because Scientology is a totalitarian, closed  
13 compartmentalized organization, and because Scientology staff and members only operate in  
14 discreet closed sectors, they are able to plausibly claim that anything they have not personally  
15 observed is untrue.  
16  
17

18 48. The Scientologists have a practice and policy of utterly destroying a person such  
19 as the Defendant herein as set forth in Hubbard Communications Office Policy Letter of 27  
20 October 1964 titled "Policies on Handling Physical Healing, Insanity and Potential Trouble  
21 Sources". In that policy letter, Potential Trouble Sources (PTS's) are defined so as to include:  
22

23 "persons intimately connected with persons (such as marital or  
24 familial ties) of non-antagonism to mental or spiritual treatment or  
25 scientology, persons who have ever threatened to sue or embarrass  
26 or attack or have publicly attacked Scientology or been a party  
27 to an attack and all their immediate families, persons attempting to  
28

1 sit in judgment on Scientology in the hearings including judges,  
2 newspaper reporters and magazine writers. Such persons are to be  
3 "handled by firm legal stands."  
4

5 49. The Scientology staff members (including any who are lawyers or investigators),  
6 are subject to harsh punishment for failing to apply Scientology policies and bulletins such as  
7 those set forth above. Such punishments have included being locked in a room and screamed at  
8 by several persons until a staff member "breaks" or confesses; being locked up chain lockers on  
9 Hubbard's boat on his orders; being thrown overboard with hands and feet tied; being put on  
10 diets of rice and beans; being kept awake for day-after-day without sleep; being made to sleep on  
11 floors, in closets or in "pig's berthing", spending years at hard labor at the notorious (and secret)  
12 gulags known as the Rehabilitation Project Force (RPF), being physically assaulted and beaten  
13 (sometimes by Captain Miscavige himself) for refusing to comply with orders and being made to  
14 run in the desert sun until dropping from exhaustion and then being made to run some more, etc.  
15  
16 Although such abuses are well known by Scientology staff members it is a crime against  
17 Scientology, subject to harsh punishments, to make them known to the non-Scientology world,  
18 which might then intrude. To prevent that from happening, Scientologist are subjected to  
19 Scientology's own justice system which includes Committees of Evidence and the procedures set  
20 forth in Hubbard's original "MANUAL OF JUSTICE" which divides the whole subject of  
21 justice for a Scientologist into four phases: (1) intelligence activities; (2) Investigation of  
22 Evidence; Judgment or Punishment; and Rehabilitation. The practice of the Scientology  
23 enterprise of punishing persons such as the Defendant herein, for failing to effectively carry out  
24 the policies and practices set forth above include deprivation of liberty, freedom, human rights,  
25 civil rights and even the final vestiges of any human dignity.  
26  
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1           **50.**     The Scientologists also have a Board policy letter issued 30 May 1974 entitled PR  
2 Series 24, handling hostile contacts/dead agenting which Commodore Hubbard described as the  
3 technique of proving utterances false and attributes it to the "First Book of Chinese Espionage."  
4 It consists of disproving utterly the false statement with documents or demonstration or display.  
5 One has to have a kit (a collection of documents) or the ability to demonstrate or something to  
6 display." In addition, if there will be a long term threat you are to immediately evaluate and  
7 originate a black PR campaign to destroy the person's repute and to discredit them so thoroughly  
8 that they will be ostracized. In other words, handle the hell out of it. (LRH)"  
9

10  
11           **51.**     The Scientologists also have a policy and practice as set forth in an issue 27  
12 March 1972 titled Counter Attack Tactics stating that "those who attack Scientology ... are  
13 provenly suppressive. Part of this policy involves destroying critic's careers. "These persons can  
14 always lose their jobs. These jobs, permitting them power to destroy, are valuable to them. This  
15 is A POINT OF VULNERABILITY. If the person's job is also not valuable to him or if he  
16 cannot be cost his job, something can be found which he is seeking to protect and it can be  
17 threatened."  
18

19           **52.**     The Scientologists also have a policy and practice reissued 10 January 1991 titled  
20 OFFENSES AND PENALTIES where crimes are described as the second most serious offense  
21 in Scientology and include "placing Scientologists at risk", being a knowing accessory to a  
22 suppressive act." High Crimes are defined to include "committing suppressive acts."  
23

24           **53.**     The Scientologists have a further policy and practice reissued on January 30, 1991  
25 entitled SUPPRESSIVE ACTS, SUPPRESSION OF SCIENTOLOGY AND  
26 SCIENTOLOGISTS. This policy letter reissues the definitions of suppressive persons and  
27 suppressive acts as set forth in the FAIR GAME first issued March 7, 1965 and claimed by the  
28

1 Defendants to have been cancelled on 21 October 1966. A suppressive person or group "is one  
2 that actively seeks to suppress or damage Scientology or a Scientologist by suppressive acts".

3 Suppressive acts are acts calculated to impede or destroy Scientology or a Scientologist." They  
4 include:  
5

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

8 **B.** Disavowal of Scientology or Scientologist in good standing with  
9 Scientology organizations;

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

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

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

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

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

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

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

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

3           **54.** The Scientologists policies and practices in connection with the policy formerly  
4 known as Fair Game were further set out in a Scientology policy directive issued 13 August 1982  
5 titled SUPPRESSIVE ACT DEALING WITH A DECLARED SUPPRESSIVE PERSON.  
6

7           **55.** Notwithstanding Scientology's alleged claimed cancellation of Fair Game on 21  
8 October 1966, on 8 June 1979 the Sea Organization issued a Flag conditions order declaring a  
9 person "having blown [or left] the Sea Organization as a DECLARED SUPPRESSIVE PERSON  
10 and that the person was not permitted any auditing or training in any Church of Scientology at all  
11 until he has fully done the requirements of steps A to E of HCO PO that SUPPRESSIVE ACTS,  
12 SUPPRESSION OF SCIENTOLOGY AND SCIENTOLOGISTS THE FAIR GAME LAW 23  
13 DEC 65."  
14

15           **56.** The Scientology Fair Game policy was further set forth in a HCO POLICY  
16 LETTER of 16 MAY 1980 TITLED ETHICS, SUPPRESSIVE ACTS, SUPPRESSION OF  
17 SCIENTOLOGY AND SCIENTOLOGISTS WHICH SPECIFICALLY REVISES THE FAIR  
18 GAME ISSUE OF 23 DECEMBER 1965 ARE AS REVISED ON 31 DECEMBER 1979. In  
19 part Commodore Hubbard writes that "in 1965 [he] issued policy letters to help create a calmer  
20 environment in which Scientologists could pursue their religion. These were our ethics policy  
21 letters." This reissue by Commodore Hubbard was made notwithstanding his March 22, 1976  
22 affidavit stating there was never any attempt or intent on my part by the writing of these [ethics  
23 policies] or any others for that fact to authenticate legal or harassment type acts against anyone."  
24  
25

26           **57.** The post 1968 Fair Game policy of the Scientologists was further discussed by  
27 Commodore Hubbard in 1969 on a tape entitled "About Rhodesia": but now of course where we  
28



1 have heard is getting ethics too heavily on scientologists and too lightly on the surrounding  
2 environment. That is fatal to do it. Reverse that way. That is fatal. What we ought to do is  
3 reverse that. ... You should upgrade your idea of an SP man. Meet one sometime. A real one is  
4 a monster. A real SP is not just a difficult person. He is only about two and a half cent of the  
5 human race and he is utterly nuts." By this, Hubbard meant that the fair gaming of non-  
6 scientologists in the environment should be increased and suppressive person as two and a half  
7 percent of the human race, could be eliminated when Scientology took control over the entire  
8 human race.  
9

10  
11 **58.** The Scientology policies and practices towards critics was further explained in  
12 a newsletter by L. Ron Hubbard titled INVADING PRIVACY issued May 13, 1959 where he  
13 rights, [b] you have to be willing to invade Privacy very definitely. Well, when you realize that  
14 the highest point of aberration on the third dynamic was the first time you decided not to invade  
15 somebody's privacy and that nearly everything you have suffered from since was a determination  
16 not to invade somebody's privacy, you will see at once where these connect on an 8-C'ing  
17 somebody into a service urn.  
18

19 **59.** The Scientology policy and practices on handling suppressive persons was  
20 further set forth in a book published by Commodore Hubbard titled the creation of human ability  
21 (a handbook for scientologists which was reprinted as late as 1976 and where Commodore  
22 Hubbard sets forth various ways of processing people including "R2-45: AN ENORMOUSLY  
23 EFFECTIVE PROCESS FOR EXTERIORIZATION BUT ITS USE IS FROWNED UPON BY  
24 THE SOCIETY AT THIS TIME." Similarly, in Technique 88 On Control and Lying, he wrote  
25 THE ONLY WAY YOU CAN CONTROL PEOPLE IS TO LIE TO THEM.  
26  
27  
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1           **60.** The Scientology defendants also have a practice and policy set forth, an HCO  
2 policy letter of 25 April 1968 titled INTELLIGENCE ACTIONS. . The stated actions of  
3 intelligence are: 2. Investigate for crimes the individuals who are creating trouble. ... This is  
4 standard 1, 2, 3 action and should not be deviated from. The maxim is ... when under attack ...  
5 attack. The point is .. even if you don't have enough data to win the case ...STILL ATTACK;  
6 LOUDLY. The reason is, it is only those people who have crimes that will attack us and they  
7 will soon back off for fear of being found out when attacked back."  
8

9           **61.** The Scientologists also have a policy and practice set forth in HCO  
10 BULLETIN OF 15 SEPTEMBER 1981 TITLED THE CRIMINAL MIND. Ironically,  
11 Commodore L. Ron Hubbard sets forth the policy that "the criminal accuses others of things  
12 which he himself is doing ... the criminal mind relentlessly seeks to destroy anyone it imagines  
13 might expose it. The criminal only sees others as he himself is." In other words, through this  
14 Official Scientology Policy Letter, Commodore Hubbard established a Scientology policy and  
15 practice of the pot calling the kettle black.  
16  
17

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

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

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

The last two are of course illegal.

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

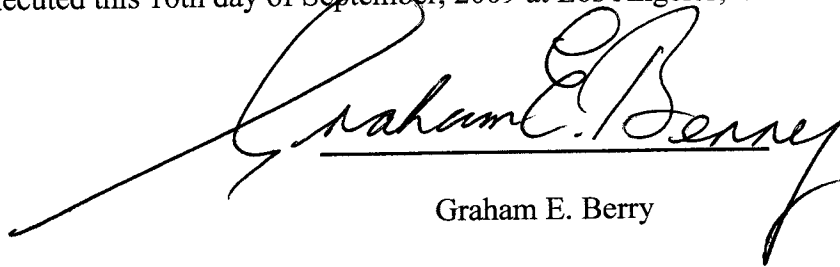
11  
12           **66. (a)** On September 3, 2009, and pursuant to authorization by this Court, I was  
13 present at the location of the alleged crime along with the Defendant and his surveyors. At about  
14 1-30 P.M., shortly before we finished our two hour inspection, Scientology in-house attorney  
15 Elliot Abelson, Esq. drove up, exited his vehicle and spoke with me. Mr. Abelson told me that he  
16 had become aware (from the Internet) that related Defendant Donald J. Myers (who I also  
17 represent in Riverside County Superior Court Case Number SWM084862) was going to attend a  
18 meeting of the San Jacinto City Council that evening. The San Jacinto City Council was to  
19 consider a resolution of to oppose the re-routing of Highway 79 around Scientology's "Gold  
20 Base."  
21

22  
23           **(b)** I believe, along with many others, that the wishes of Scientology (supported  
24 by County Commissioner Jeff Stone) to re-route Highway 79 are motivated by a desire to avoid  
25 their staff being exposed to possible de-programming of their brainwashed mental states by the  
26 presence, chants and signs of protestors and to minimize escapes from the compound and the  
27 exposure of crime and abuse thereat.  
28

1 (c) Mr. Abelson showed me a copy of a purported court minute order barring Mr.  
2 Myers from any contact with any Scientologist. He told me that Scientologists (including  
3 Catherine Fraser) would be at the San Jacinto City Council meeting and that my client Mr.  
4 Myers would be arrested and charged with contempt if he attended the City Council. I expressed  
5 my astonishment at the existence of such an unenforceable order and its use to suppress Mr.  
6 Myers' constitutional right of petition, assembly and speech. In order to avoid an even unlawful  
7 arrest Mr. Myers reluctantly agreed not to attend that meeting of the City Council which  
8 proceeded to ignore the Scientologist's submissions and oppose any re-routing of Highway 79.  
9 Attached hereto as Exhibit F is a copy of the latest minute order in Mr. Myers case which shows  
10 no such restriction as claimed by Scientology attorney Abelson.  
11

12  
13 I declare under penalty of perjury according to the laws of the State of California that the  
14 foregoing is true and correct.

15 Executed this 16th day of September, 2009 at Los Angeles, California.

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Graham E. Berry

**DECLARATION OF FRANCOIS CHOQUETTE**

I, **Francois Choquette**, declare and state as follows:

1. I am the defendant herein. I have personal knowledge of the matters set forth herein and, if called upon to do so, I believe that I could and would competently testify thereto.

2. This declaration is filed in support of my motion for an order modifying my bail herein by canceling the current bail and reinstating my release upon my own recognizance.

3. On December 3, 2008, I was present in court regarding case **SWM080760**, the postponement of my arraignment to January 29, 2009. After the judge had heard submissions from Scientology's attorney (Elliott Abelson) and my attorney (Graham Berry) he granted a continuance for the arraignment to January 29, 2009. I was released on my own recognizance, with the only (verbal) stipulation that I was to stay away from "Gold Base, only Gold Base", for purposes of protesting scientology. Although the scientology attorney (Mr. Abelson) had attempted to bar me from protesting outside ALL scientology properties wherever located, I was allowed to continue protesting at other scientology locations, with Gold Base in Hemet, CA, the only exception. At least four other people present are available to corroborate my memory.

4. At the December 3, 2008 hearing in this case, I did not hear any mention that I had to stay away from *any* scientologists, or that there would be any issue with taking pictures of individual scientologists, something that I often *had to do* for documentation and safety reasons. Accordingly, when I took several photographs of the Scientologist who had attacked me, his handler and their attorney, I had no intention of breaching any court order. I was not aware that there was an order barring me from taking photographs of my attacker, his Scientology handler and their Scientology staff attorney on the courthouse steps. Indeed, the minutes of the December 3, 2008 arraignment also reflect the fact that there were no written orders on record not to take

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1 pictures of scientologists and there was also no mention of any stay away order from Gold Base  
2 in Hemet.

3 5. The Church of Scientology has assigned very intimidating Private Investigators (PIs) to  
4 follow me and harass me ever since I started protesting against Scientology crimes and abuses  
5 approximately 18 months ago. This is standard church practice and has occurred to many other  
6 protestors. Some of Scientology's PI's have even tried to run me over with their vehicles (which  
7 has been reported by others too, including my counsel herein). Scientology representatives have  
8 come to my place of residence (or near my place) in Lake Elsinore, a city with no Church  
9 property. These visits, sometimes in the form of harassment, have even come in the middle of the  
10 night and at dawn. Accordingly, safety is an issue for me and I have to protect myself with a  
11 camera.  
12

13  
14 6. Originally I was protesting anonymously against Scientology crime and abuse. A Los  
15 Angeles Police Department Officer demanded my driver's license and then gave the information  
16 to a Scientology representative. The Church of Scientology used a bogus television media  
17 interview as a ruse to lure me into public without my Anonymity. They then followed me in my  
18 rental vehicle for eleven hours before I returned to my residence in the early hours of one  
19 morning.  
20

21 7. On other occasions I have been stalked and harassed by a total of at least twelve  
22 Scientology private investigators (or members/employees) including the driver of a black Toyota  
23 Tacoma pick up truck who attempted to run me over.  
24

25 8. More recently Scientologist Oliver Schaffer has been stalking and harassing me using his  
26 automobile, telephone and computer.  
27  
28



1           **9.** At my arraignment herein on January 29, 2009, Scientology lawyer Elliot Abelson  
2 claimed that I had violated a court order by taking pictures of scientologists, Danny Dunagin and  
3 Catherine Fraser who were on the court house steps outside and on their way to the parking lot.  
4 Although my counsel objected and argued, the judge ordered I be arrested.  
5

6           **10.** After I was arrested, I was hand cuffed, chained, in front of the gallery and my close  
7 friends. I was completely searched, including my briefcase, and I was questioned about  
8 unrelated matters. I was then taken to processing, which I assumed was simply to post bail and  
9 get released. Instead, I could see the officers and guards having lengthy discussion about my  
10 case, seemingly being secretive about it. I was asked if I could post bail and I replied that I could  
11 immediately. I simply needed to access my checking account/ATM card but that was refused by  
12 the officers. I was sent to a jail cell, where I was able to contact a bail bondsman.  
13

14           **11.** The bail bond agency responded quickly after checking my credentials. They had the  
15 bond ready approximately one hour later, when the time was approximately 11:30 AM. (My  
16 watch was taken from me so times may be somewhat off). I assumed that I was going to be  
17 released soon. However, several hours went by. I spoke to the bail bond people who said that  
18 they had posted the bail. By around 4:00 PM, the bond had not been processed by the jail, and I  
19 felt that it was inordinately slow.  
20

21           **12.** At approximately 5:00 PM, the guards gave me a "night kit", with items necessary for an  
22 overnight stay. I was quite shocked that I would have to stay overnight. I was put in a pen with  
23 some 70 other inmates for the evening. I went to bed at around 11:00 PM.  
24

25           **13.** At around 1:00 AM, I was called by the guards to tell me that bond had been processed  
26 and was put into a holding cell. My paperwork was processed, I got my clothes back and I was  
27 allowed to leave to go home.  
28



**EXHIBIT A**

# Minutes

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## Case SWM080760 Defendant 1786995 CHOQUETTE, FRANCOIS GEORGES

Defendant 1 of 1

Action: Arraignment - 12/03/2008

## Case SWM080760 Defendant 1786995 CHOQUETTE, FRANCOIS GEORGES

Action: Arraignment      Date: 12/03/2008      Time: 7:30 AM  
Division: S104      Hearing Status: DISPOSED

HONORABLE JOHN W. VINEYARD PRESIDING.  
COURTROOM ASSISTANT: KD-K. DEMPS  
COUNSEL/PARTIES STIPULATE THE JUDGE PRO TEM/COMMISSIONER, AS INDICATED ABOVE, MAY HEAR THIS MATTER.  
PEOPLE REPRESENTED BY DEPUTY DISTRICT ATTORNEY S. OSWILL.  
DEFENDANT REPRESENTED BY PVT. G. BERRY.  
DEFENSE COUNSEL APPEARS FOR THE DEFENDANT 977 PC.  
ORAL MOTION BY DEFENSE REGARDING CONTINUANCE ARRAIGNMENT IS CALLED FOR HEARING.  
MOTION GRANTED  
DEFENSE MOTION TO CONTINUE PURS.TO 1050PC GRANTED. MOTION IS NOT OPPOSED BY THE PEOPLE.  
HEARING IS CONTINUED TO 01/29/2009 @ 7:30 IN DEPT. S104  
PURSUANT TO 1050(D) PC, THE COURT FINDS GOOD CAUSE HAS BEEN SHOWN TO GRANT THE CONTINUANCE.  
DEFENDANT WAIVES TIME FOR ARRAIGNMENT TO 01/29/09 PLUS 45 DAYS.  
RELEASED ON O.R.  
COPY OF DISCOVERY FURNISHED TO DA  
DEFENDANT ORDERED TO RETURN ON ANY AND ALL FUTURE HEARING DATES.  
SAVE MINUTE ORDER TO CASE.

**EXHIBIT B**

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## Case SWM080760 Defendant 1786995 CHOQUETTE, FRANCOIS GEORGES

Defendant 1 of 1

**Action:** Arraignment - 01/29/2009

## Case SWM080760 Defendant 1786995 CHOQUETTE, FRANCOIS GEORGES

*Action:* Arraignment      *Date:* 01/29/2009      *Time:* 7:30 AM  
*Division:* S104      *Hearing Status:* DISPOSED

HONORABLE JOHN W. VINEYARD PRESIDING.  
 COURTROOM ASSISTANT: VS-V. SALHANI  
 COUNSEL/PARTIES STIPULATE THE JUDGE PRO TEM/COMMISSIONER, AS INDICATED ABOVE, MAY HEAR THIS MATTER.  
 PEOPLE REPRESENTED BY DEPUTY DISTRICT ATTORNEY MARCUS GARRETT.  
 DEFENDANT REPRESENTED BY PVT. GRAHAM E. BERRY.  
 DEFENDANT PRESENT.  
 PVT. ELLIOT ABELSON REPRESENTING VICTIM & CHURCH PRESENT IN COURT.  
 DEFENDANT ACKNOWLEDGES THE COMPLAINT REFLECTS HIS/HER TRUE NAME AND DATE OF BIRTH.  
 DEFENDANT ARRAIGNED  
 DEFENDANT ADVISED OF CONSTITUTIONAL RIGHTS.

59

PLEADS NOT GUILTY TO COUNT(S) 01 02.  
TRIAL READINESS CONFERENCE SET FOR 02/11/2009 AT 9:00 IN DEPT.  
S104. (CONF)  
LAST DAY FOR TRIAL TO COMMENCE IS 03/16/2009  
COPY OF COMPLAINT/DISCOVERY FURNISHED TO PEOPLE  
PVT. ABELSON ADDRESSES THE COURT REGARDING THE  
CONDUCT OF DEFENDANT AFTER COURT HEARING 12/3/08  
PVT. BERRY ADDRESSES THE COURT  
COURT FINDS DEFENDANT HAS VIOLATED COURT ORDER  
FROM THE CONDITION OF BEING RELEASED ON OWN  
RECOGNIZANCE ORDERING DEFENDANT TO NOT HAVE ANY  
CONTACT WITH ALLEGED VICTIM IN THIS CASE  
COPY OF PICTURES PROVIDED FROM PVT. ABELSON FURNISHED TO  
COURT/PEOPLE  
COURT ORDERS PICTURES FILED.  
COURT FINDS GOOD CAUSE EXISTS TO REVOKE OWN RECOGNIZANCE  
O.R. REVOKED  
COURT ORDERS DEFENDANT TO BE PRESENT AT NEXT HEARING DATE.  
REMANDED TO CUSTODY OF RIVERSIDE SHERIFF.  
BAIL SET IN AMOUNT OF \$2500.00.  
JAIL COMMITMENT ISSUED. (HAND PROCESSED)  
SAVE MINUTE ORDER TO CASE.  
\*\*MINUTE ORDER OF COURT PROCEEDING\*\*

**EXHIBIT C**



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**EXHIBIT D**

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## Case SWM080760 Defendant 1786995 CHOQUETTE, FRANCOIS GEORGES

Defendant 1 of 1

**Action:** Hearing on Motion Re: ORDER THAT THE COURT CLERK P - 08/21/2009

## Case SWM080760 Defendant 1786995 CHOQUETTE, FRANCOIS GEORGES

*Action:* Hearing on Motion Re: ORDER THAT THE COURT CLERK PROVIDE DEF TRANSCRIPT

*Date:*  
08/21/2009

*Time:* 9:00 AM

*Division:*  
S104

*Hearing Status:*  
DISPOSED

HONORABLE JOHN W. VINEYARD PRESIDING.  
COUNSEL/PARTIES STIPULATE THE JUDGE PRO TEM/COMMISSIONER,  
AS INDICATED ABOVE, MAY HEAR THIS MATTER.  
COURTROOM ASSISTANT: DJG-D. GRAY  
COURT REPORTER: TF-T. FRAZIER  
PEOPLE REPRESENTED BY DEPUTY DISTRICT ATTORNEY M SUNSHINE.  
DEFENDANT REPRESENTED BY PVT. GRAHAM E. BERRY.  
DEFENDANT PRESENT.  
MOTION BY DEFENSE REGARDING ORDER COURT CLERK PROVIDE  
TRANSCRIPT IS CALLED FOR HEARING.  
COURT HAS READ AND CONSIDERED MOTION.

THE AUDIO RECORDING IN THIS DEPARTMENT IS AN UNOFFICIAL RECORD OF PROCEEDINGS FOR THE INTERNAL ADMINISTRATION OF THE COURT. IT IS NOT AN OFFICIAL RECORD OF THE PROCEEDINGS IN COMPLIANCE WITH THE APPLICABLE STATUTES RULES OF COURT AND LOCAL RULES OF THIS COURT INCLUDING CCP\$273 RULES 2.952 AND 2.954 AND LOCAL RULE 1.0073. THE UNOFFICIAL RECORD IS NOT ADMISSIBLE AS EVIDENCE FOR ANY PURPOSE.

MOTION DENIED.

CURRENT BAIL BOND CONTINUED.

**\*\*MINUTE ORDER OF COURT PROCEEDING\*\***

63

**EXHIBIT E**

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            Status      Info  
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## Case SWM084862 Defendant 1862097 MYERS, DONALD JAMES

Defendant 1 of 1

**Action:** Arraignment - 07/06/2009

## Case SWM084862 Defendant 1862097 MYERS, DONALD JAMES

*Action:* Arraignment      *Date:* 07/06/2009      *Time:* 7:30 AM  
*Division:* S104      *Hearing Status:* DISPOSED

HONORABLE ANTHONY C. FILOSA PRESIDING.  
COUNSEL/PARTIES STIPULATE THE JUDGE PRO TEM/COMMISSIONER,  
AS INDICATED ABOVE, MAY HEAR THIS MATTER.  
COURTROOM ASSISTANT: KDW-K. WOODCOCK  
PEOPLE REPRESENTED BY DEPUTY DISTRICT ATTORNEY T. NASIF.  
DEFENDANT REPRESENTED BY PVT GRAHAM E. BERRY.  
DEFENDANT PRESENT.  
AT 8:58, THE FOLLOWING PROCEEDINGS WERE HELD:  
DEFENDANT ACKNOWLEDGES THE COMPLAINT REFLECTS HIS/HER  
TRUE NAME AND DATE OF BIRTH.  
DEFENDANT ARRAIGNED  
DEFENDANT ADVISED OF CONSTITUTIONAL RIGHTS.  
PLEADS NOT GUILTY TO COUNT(S) 01.  
TRIAL READINESS CONFERENCE SET FOR 10/20/2009 AT 9:00 IN DEPT.  
S104. (CONF)

64

LAST DAY FOR TRIAL TO COMMENCE IS 10/30/2009  
DEFENDANT WAIVES TIME FOR TRIAL TO 10/20/2009 PLUS 45 DAYS.  
ORAL MOTION BY PEOPLE REGARDING DEFENDANT TO REMAIN  
RELEASED ON CONDITIONAL IS CALLED FOR HEARING.

O.R.

MOTION GRANTED

DEFENDANT ORDERED TO RETURN ON ANY AND ALL FUTURE HEARING  
DATES.

REMAINS RELEASED ON CONDITIONAL O.R. ON THE FOLLOWING TERMS  
STAY 50FT AWAY FROM GOLDEN ERA PRODUCTIONS.

SAVE MINUTE ORDER TO CASE.

1  
2  
3 **PROOF OF SERVICE**  
4

5 STATE OF CALIFORNIA)  
6 ) ss.  
7 COUNTY OF RIVERSIDE)

8 I reside in the County of Riverside, State of California. I am over the age of 18.

9 **On September 16, 2009 I served** the foregoing document described as:

10 **DEFENDANT'S NOTICE OF MOTION AND MOTION TO REDUCE BAIL, REQUEST**  
11 **FOR EXPUNGMENT, SUGGESTION OF DISMISSAL; DECLARATIONS OF**  
12 **GRAHAM E. BERRY AND FARNCOIS CHOQUETTE IN SUPPORT THEREOF,**  
13 **EXHIBITS THERETO.**

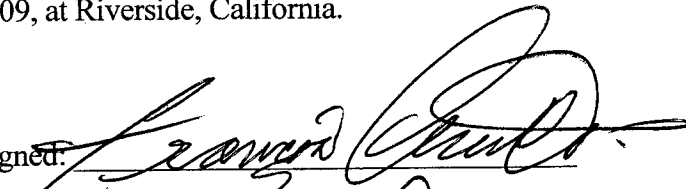
14 **By Personal Delivery** to a person in control of the reception area, in an envelope addressed as follows:

15 The District Attorney's Office,  
16 County of Riverside,  
17 30755 Auld Road, Third Floor  
18 Murrieta, California 92563

19 Attention: DDA Rami Haddad, Esq.

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

22 Executed this 16th day of September, 2009, at Riverside, California.

23  
24 Signed: 

25 Print Name: FRANCIS CHOQUETTE

26 Address: 31226 RIVERSIDE DR #0298  
27 LANE ELSINORE, CA 92530  
28