

DAILY NEWS

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APPLE SAUCE

BY ANNE L. ADAMS

ON THE RON

A brutal bio of L. Ron Hubbard, founder of the Church of Scientology, will get to see the light. Again.

The News' Alex Micheline reports that New Era Publications, a

Danish corporation related to the church, tried to enjoin the distribution of Russell Miller's "Bare-Faced: The True Story of L. Ron Hubbard."

New Era charged that the book and its publisher, Henry Holt & Co., infringed on certain copyrighted material.

Maybe it does, just a little, said Federal Judge Pierre Leval. But not enough to keep Holt from putting the second printing of 10,000 in as many stores as it wants to.

Leval's ruling stated that the book's central theme was that "Hubbard was dishonest, pretentious, boastful, paranoid, cowardly, cruel, disloyal, aggressive, bizarre and finally even insane in his pseudo-scientific fantasies and obsessions."

And he upheld Miller's use of published and unpublished materials to make his point. Yes, there were small instances of where Miller overstepped the boundaries on some of Hubbard's unpublished material.

But, Leval said, "This is one of those special circumstances in which the interests of free speech overwhelmingly exceed the plaintiff's interest."

New Era attorney Michael Lee Hertzberg plans an appeal.

Judge Won't Halt Book On Scientology Leader

A Federal judge has refused to halt the publication of "Bare-Faced Messiah," by Russell Miller, a biography critical of L. Ron Hubbard, the founder of the Church of Scientology.

Henry Holt & Company had shipped some 12,500 copies of the book last April. The next month New Era Publications International, a corporation in Denmark, obtained a temporary restraining order prohibiting Holt from distributing additional copies. The plaintiff contended that the Holt book infringes its copyright by including published and unpublished works of Mr. Hubbard, who died in 1986.

In an 86-page decision signed Aug. 9, Judge Pierre N. Leval of Federal District Court in Manhattan wrote that "an injunction would kill this informative book." Notwithstanding "some small degree of infringement," he wrote, "no significant copyright interest would be served by an injunction."

Mal Rintoul, Holt's general counsel, said yesterday that the company probably had a right to ship the remaining books, but that it would wait a few days to give the plaintiff time to appeal, should it decide to do so.