

## Open Letter To Kay County Residents About Narconon

HOUSE OF REPRESENTATIVES  
STATE OF OKLAHOMA

August 25, 1989

OPEN LETTER TO  
CITIZENS OF NEWKIRK  
AND KAY COUNTY:

In response to your packet and the numerous letters of protest concerning the Narconon Drug treatment facility to be located at the Chilocco Indian School complex, I want you to know that I, too, am extremely concerned and am doing everything I know to stop this development.

I have contacted and expressed my concerns to every individual and entity in state government that I felt might be of assistance in this matter and the process is continuing.

At my request, all notice of applications for certification, staff reports and board agendas concerning drug rehabilitation centers in North Central Oklahoma will be forwarded to certain community leaders. Before licensing or certification will take place, the citizens of Newkirk will have the opportunity to air their concerns at public hearings. I have been assured that certification does include a thorough review of rehabilitation methods.

The article in Friday's Oklahoman would be humorous if this situation weren't so serious. The Narconon group has hired a private investigator to identify those opposing "effective drug rehabilitation programs". I believe everyone in Kay County realizes this opposition has nothing to do with drug rehabilitation and everything to do with Scientology. From the responses I have received, I believe Narconon could much more quickly get a list of those opposing them by xeroxing a Newkirk phone book and marking off those few that might be employed by them or are otherwise connected.

For those who may be reading about this for the first time, the Church of Scientology was founded by L. Ron Hubbard. L. Ron Hubbard originally was a science fiction writer before starting his Church of Scientology. A quote later attributed to him was "Why write science fiction for a penny a word? If you want a million dollars, start a religion."

A former Scientologist, who has since escaped the church, has given some insight into the secret "O.T. Levels of Scientology". "O.T." stands for "operating thetan". A "thetan" is supposedly a spirit or being that controls behavior. The "O.T. Levels of Scientology" are based on the story of "Xenu", ruler of the 90-planet Galactic Confederation about 75-million years ago. According to closely guarded Scientology materials, "Xenu" trapped selected beings in volcanoes on Earth, then dropped powerful H-bombs, thus killing their physical bodies. He then implanted their "remaining spirits", so they would produce abnormal conduct in all future generations of the Human Race. According to the story, only Scientology can remove the "thetans" and end aberrant behavior.

I believe the primary objective of Narconon is Scientology recruitment. Newkirk City officials sent information concerning the treatments at Narconon to a Professor of Chemistry and Biochemistry at the University of Oklahoma and to a Medical Doctor, specializing in Internal Medicine and practicing in Ponca City, Oklahoma. One called the program "pure unadulterated cow pies", while the other said the program was "without merit".

What we must do is start a public awareness campaign to educate everyone about the Narconon Drug Treatment facility and what appears to be their suspect activities. The methods used in Newkirk closely parallel their methods used in every city they have entered. Just reading ahead to the next chapter, I envision those in Newkirk, who are leading the charge in "uncovering" them, being set up and accused of some sort of criminal activity which will be uncovered by the Narconon's private investigators. Hopefully, by disclosing what has happened in other cities, we can take the air out of their sails in advance.

I encourage everyone to become aware of these people and spread the word. If you would like to know more or receive a packet of information concerning this organization, you may contact me.

While the people of Newkirk are relatively aware of this situation, this letter is being sent to all Kay County media to assist you in your efforts.

Sincerely,  
/s/ Jim Reese  
State Representative  
District 38  
State Capitol Bldg.  
1 (800) 522-8502  
or (405) 447-7332

# Narconon Researches Opposition Scientology Group Hires Investigator, Buys Ad

According to a story by Michael McNitt in the August 25th edition of The Daily Oklahoman, an alleged Scientology group operating as Narconon near Newkirk has hired a private investigator to find the extent of illegal drug use in Kay County and the identity of those opposing "effective drug rehabilitation programs."

Actually, the private investigator was hired over a month ago. Newkirk Mayor Garry Bilger says that he was visited by Woody Bastemeyer, owner of Western Investigating, 4423 N. Greenvale Circle, Stillwater, about July 20th.

Bilger said Bastemeyer told him he had been hired by Narconon to find out who had been supplying information about Scientology and Narconon, and was particularly interested in the source of a British Broadcasting Company documentary program on Scientology that has been circulating in the area.

Several other area residents have also reported being contacted by Mr. Bastemeyer.

Bastemeyer resurfaced around the first of August, according to Bilger, and wanted, but didn't receive, copies of letters the mayor had received from dissident Scientologists from across the country. He also visited with some local law enforcement people at that time.

On Tuesday, August 22, an advertisement appeared in the Ponca City News. It was placed by Western Investigating, and asked people to give the names, addresses, place of employment, and type of vehicle driven by anyone known to be selling drugs or opposed to "effective drug rehabilitation programs."

On Thursday, August 24, Kay

County Sheriff Glenn Guinn was contacted by Bastemeyer who was requesting information about Newkirk Herald Journal Publisher Bob Lobsinger's wife and children. The Western Investigating ad reappeared the next day in the Ponca City News.

According to the story in the Oklahoman, Narconon plans to use the information to convince opponents in the area that a need exists for their drug treatment facility.

The North Central Major Crimes Task Force ran a similar ad in June, asking readers to identify who is selling drugs and where the suspect lives and works. The Western Investigating ad, however, also asks readers to list "anyone who may be opposed to effective drug rehabilitation programs."

Narconon's Gary Smith is quoted in the Oklahoman article as saying, "That's in there from past experiences that we've had in other areas.... It's something that we're investigating."

The Oklahoman says Smith told them they only intend to send those people informational brochures, "We're not trying to hurt anybody or do any kind of blackmail thing." Smith is quoted as saying, but added that information about suspected criminal activity will be "turned over to the proper authorities."

**THE NEWKIRK HERALD JOURNAL**  
**VOLUME 95, NUMBER 49**  
**Thursday, August 31, 1989**  
**Newkirk, Oklahoma 74647**  
**(USPS 384-180) 50 Cents**  
**Hometown Of Robert Fitzpatrick**

Tuesday - Sept. 5, 1989  
Wisc. State Journal

Features editor:  
Genie Campbell, 252-6180

# Her time to speak has come

It is not so unusual to buy silence.  
It's what you have to pay that is  
sometimes unusual.  
Sometimes, it is simply a threat of harm.  
Sometimes, it is money.  
And, sometimes, it is both.

In 1981, when Marjery Wakefield was working as a waitress in Madison, three people showed up at her apartment to dissuade her from filing a lawsuit against the Church of Scientology.



GEORGE  
HESSELBERG

They stayed for three days and gave her \$16,000, which she used to pay back her parents for the money she spent on Scientology counseling sessions. She was also forced to sign an agreement promising not to sue the church.

At the time, the church bought a lot for \$16,000. Wakefield was once a true believer, had traveled the country in pursuit of her religion, living alternately in slums and nice apartments, working for little and then a lot, always for the church.

She ended up mentally abused, she claimed, by her church, a controversial organization founded by the late science fiction writer L. Ron Hubbard.

Despite the payment, Wakefield returned in 1982 to Clearwater, Fla., the church's headquarters, and sued the Scientologists anyway. She claimed the church fraudulently promised to cure her mental illness and, instead, mentally abused her. She had paid them \$20,000 for counseling sessions.

A musician and computer programmer, she had been recruited to Scientology at the University of Michigan in Ann Arbor in 1968 and worked as a waitress in Madison in the 1980s.

I have talked with Wakefield several times, most recently in 1986 when she settled her lawsuit for a reported \$200,000 and an agreement, once again, not to speak against the church.

Even then, she called the settlement a "hollow victory" because of the gag agreement.

"The real facts are that what Scientology presents on the outside, when you first get into it, is a long way from the really bizarre practices you end up with," she said in 1986.

"I really wanted the lawsuit to be brought through the legal system and (have the church) exposed, to have the system consider what was going on and make a decision on that," she said.

"OK, so I have my money back," she said then. "But they are still doing what they were doing. I think I could have done more to let other people know that this thing is a really big danger to mental health."

News came recently that Wakefield's silence has been broken again.

The Washington Post reported that Wakefield is being taken to court by the Scientologists, who want her to keep her mouth shut.

"I'm prepared to go to jail," she told the Orlando Sentinel.

"In fact, it may not be the worst thing. It would be an act that would get a lot of attention, and my purpose is to raise the awareness of people in this area about the church," she said.

Despite that gag order, Wakefield broke the agreement in 1987 (and, actually, in 1986 when she talked to me about her settlement) when she gave a television interview about cults. The church asked for a gag order, which the court granted last May.

Now, Scientology wants the court to find her guilty of 10 counts of criminal contempt and to punish her for each offense with six months in jail or a \$500 fine. They also want her to be held in contempt and fined \$240,000 for "damages against the church."

You can put it into a court order, you can threaten all you want. You might be able to guarantee silence for a short time.

Wakefield was silent for 12 years while she was in the church.

Now, she can't keep quiet.

She's paid for the right to talk about her years of silence.

9-7-89

## Bellmon Advised Against Signing Narconon Support Document

OKLAHOMA CITY (AP) — Gov. Henry Bellmon is being advised not to

get involved in a dispute over a proposed drug treatment center in Newkirk, an aide says.

"It would be inappropriate for the governor to sign any document endorsing a drug treatment center prior to completion of the Department of Mental Health's review of the facility for certification," Andrew Tevington, Bellmon's aide, said Wednesday.

A group of Native Americans asked Bellmon to sign a proclamation about drug abuse that mentions the Narconon Chilocco New Life Treatment Center.

A few members of the group made speeches on the south steps of the Capitol Wednesday, saying five Indian nations in Oklahoma have banded together to address the problem of drug abuse.

But some critics feel the group is simply trying to promote the Narconon center because the company wants to use 165 acres of the 96-year-old Chilocco Indian School, which closed in 1980.

The Chilocco Development Authority has representatives from the Ponca, Kaw, Pawnee, Otoe-Missouria and Tonkawa tribes. The authority leased Chilocco to Narconon for 25 years in

an arrangement that could bring in up to \$16 million.

The Native American group's proclamation says the Indian nations were showing their dedication to the war against drug abuse by helping establish the Narconon center.

The Narconon proposal has generated opposition in Newkirk because of Narconon's reported link to the Church of Scientology, which some consider a religious cult.

Narconon plans to open a 75-bed center this fall, and buildings are being renovated.

The Oklahoma Health Planning Commission approved Narconon's application in January, granting the organization approval for an initial 75 beds.

Organizers said the Narconon center will draw on the group's six outpatient clinics in the United States and Canada. Some beds will be available for local drug abusers as well, officials said.

The state Department of Mental Health will assess the Narconon drug treatment program when it is in place and rate it according to accepted standards in the field, state officials said.

# State Worker Linked To Narconon Promoter

## Mental Health Staffer's Activities Probed

By Randy Ellis and Michael McNutt Staff Writers

As an employee of the Oklahoma Department of Mental Health, Leroy Bridges "actively lobbied" his colleagues in support of Narconon International's proposed drug treatment center near Newkirk, a memo states.

Meanwhile, Bridges had ties to a consulting firm hired by Narconon International to help that controversial drug treatment organization in its application for a certificate of need from the Oklahoma Health Planning Commission.

Bridges denies any wrongdoing, but his activities are being probed by federal investigators.

Records on file in the Oklahoma Secretary of State's office show that Bridges filed a document June 6, 1988, in which he applied to reserve the name Treatment Development Corporation.

Treatment Development Corp. was hired by Narconon International to help the Los Angeles-based firm with its certificate of need application, according to both Bridges and Sherry Barry, a Norman woman who heads Treatment Development Corp.

The proposed treatment center has been controversial because of Narconon's links to the Church of Scientology, which some people consider a cult.

Bridges acknowledged reserving the name Treatment Development Corporation, but said he did not have any direct connection with the consulting firm.

"If you'll look at the documents, you'll see that the corporation and everything was set up for Sherry," Bridges said. "She set it up. Since I'm

at the Capitol Building, I've done this for several people — check a name. I just reserved the name until she could set it up."

Barry also denied that Bridges, whom she described as a friend, has any role with the company which is operated out of her Norman apartment.

However, attorney Richard Mildren, who is listed as service agent for Treatment Development Corporation, said he agreed to serve in that capacity at the request of Bridges, whom he described as a friend.

Mildren said Bridges also apparently signed him up to serve as service agent for Narconon International.

Mildren said he knew almost nothing about either corporation and didn't even know he was listed as the service agent for Narconon International until he received a notice from the Oklahoma Tax Commission.

Mildren said a senior partner in his law firm has asked him to withdraw as Narconon's registered agent and he is trying to take that action.

Mildren said he did not know if Bridges received money for his actions in behalf of Narconon or Treatment Development Corporation. Bridges said he was not paid.

Both Barry and Bridges attended a ceremony in April at the old Chilocco Indian School with Narconon and tribal officials associated with the Chilocco Development Authority.

Bridges was listed as vice chairman of the Oklahoma Cultural Diversity and Economic Development Task Force and a member of the founding board of Red Earth Inc., while Barry was listed as being with Treatment Development Corporation.



Leroy Bridges

Opposition to the facility began a month later when a Newkirk newspaper editor published articles linking Narconon to the Church of Scientology.

During a public hearing held in May by Newkirk city officials, Bridges, along with Howard Miles, a member of the Health Planning Commission, tried to calm residents' fears about the Narconon facility.

Bridges said Narconon's drug treatment plan was based on philosophies of Church of Scientology founder L. Ron Hubbard, but said he found the plan to be acceptable and added it would have to be certified by the state Department of Mental Health before Narconon could open.

Although Bridges presented for Newkirk residents a positive view of Narconon, such views were not universal within the Mental Health Department.

Steve West, director of the alcohol and drug abuse division of the Department of Mental Health, had expressed strong opposition to Narconon's proposed treatment center in an Oct. 18, 1988, memo to J. Frank James, who was

then mental health commissioner.

West cited Narconon's relationship with the Church of Scientology and stated, "As I understand it, Narconon will allow indigent clients to work off their bill. The Indians they are supposed to be helping could become indentured servants."

"I have heard they want to start with 150 beds and eventually go to 1,000. This is a factory, not a center."

"Narconon has never been certified as a treatment program in California where they currently operate," he said.

"Although Leroy Bridges has been favorably impressed with this program and actively lobbied for its existence, I cannot agree," West wrote. "I think from what I have heard, there is little substance to the program and we could regret ever getting it started in Oklahoma."

Bridges, in an interview last week, said he no longer is involved in state Department of Mental Health dealings with Narconon's proposed facility.

Bridges, who had served as legislative liaison for the Mental Health Department, was reassigned earlier this year by interim Commissioner Don Anderson and is now coordinator of special projects.

Mental Health administrators sent out a memo last week reminding employees to remain impartial concerning Narconon's proposed treatment center.

Barry said she "sometimes" still does consulting work for Narconon, which is now seeking certification from the state Department of Mental Health to open its 75-bed facility.

Staff writer Ed Godfrey contributed this report.

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# The Judges of History Rule

By ARTHUR SCHLESINGER JR.

Two recent decisions by federal courts cast judges in the odd role of telling authors how they should write history and biography. These decisions deserve more attention than they have received from scholars, and from journalists as well.

Russell Miller's "Bare-Faced Messiah: The True Story of L. Ron Hubbard" is a biography of the founder of the Church of Scientology. Mr. Hubbard, who died in 1986, bequeathed the copyrights on his writings to his church, which licensed them to New Era Publications, a Danish corporation. In 1988 New Era sought a permanent injunction to restrain Henry Holt & Co. from publishing "Bare-Faced Messiah" on the ground that Mr. Miller's quotations from Mr. Hubbard infringed the copyrights. The publisher argued in response that the "fair use" statute permits quotation "for purposes such as criticism, comment, news reporting, teaching, . . . scholarship, or research."

District Court Judge Pierre Leval denied the injunction on the ground that New Era had failed to make its claim within a reasonable time—the doctrine lawyers call "laches." As for the merits, Judge Leval said that Mr. Miller had written "a serious book of responsible historical criticism." Verbatim quotation, the judge believed, was justified in order to prove points the author had asserted about Mr. Hubbard—mendacity, bigotry, paranoia and other unlovely traits that could not be persuasively demonstrated without use of Mr. Hubbard's own words. "The biographer/critic," Judge Leval wrote, "should not be required simply to express . . . conclusions without defending them by example." In such circumstances, free-speech interests outweighed the interests of the copyright owner.

## Personal Letters

But Judge Leval felt constrained by an earlier decision of the Second Circuit Court forbidding a biographer of J.D. Salinger to quote from Mr. Salinger's personal letters. He distinguished the two cases: In *Salinger*, Judge Leval noted, the quotations were for the purpose of enlivening the biography rather than of proving points about the subject. Still the *Salinger* decision created a strong presumption against fair use of unpublished materials. Judge Leval reluctantly concluded that a few of Mr. Miller's quotations from Mr. Hubbard's unpublished writings, because they were not necessary to prove historical points, failed the fair-use test and therefore infringed copyright. But the proper remedy, Judge Leval said, lay in a suit for damages, not in an injunction.

The case went on appeal to the Second Circuit. In a decision in April of this year, Judge Roger Miner, joined by Judge Frank

Altamari, agreed on denying the injunction and did not doubt that "Bare-Faced Messiah" was a serious work but rejected Judge Leval's argument that the public interest in scholarship could outweigh the sanctity of copyright. "We conclude," the two judges wrote, "that laches is the sole bar to the issuance of an injunction." Had the suit been filed in time, they said, "Bare-Faced Messiah" would have been suppressed.

This was too much for James Oakes, the court's chief judge. In a powerful separate opinion, Judge Oakes further distinguished the *Salinger* case by pointing out that a living person, like Mr. Salinger, had

Judges Miner and Altamari do not appear to have a clue. Yet at the moment they are the judges who are making the law. As matters stand, the *Salinger* ruling, torn from context and broadly construed, is controlling. If an author quotes "more than minimal amounts" of unpublished copyrighted materials, as the *Salinger* decision had it, "he deserves to be enjoined." The courts have not defined "minimal amounts," but publishers, I understand, take it to mean about 50 words. The "Bare-Faced Messiah" decision strikes a blow against the whole historical enterprise.

A second decision, handed down in August by the Court of Appeals for the Ninth

## Board of Contributors

*When scholars gain legitimate access to unpublished materials, copyright should not be permitted to deny them use of quotations that help to establish historical points.*

privacy rights that did not apply to a dead man, like Mr. Hubbard. "I thought that *Salinger* might by being taken in another factual context come back to haunt us. This case realizes that concern."

Decisions by the Second Circuit itself, Judge Oakes continued, had recognized that public interest in the subject matter and the indispensability in particular cases of verbatim quotations are vital components of fair use. And the injunction Judges Miner and Altamari would so readily have granted had New Era sued in time? Suppression of the book, Judge Oakes observed, would operate as a prior restraint and thus involve the First Amendment.

Moreover, and here Judge Oakes went to the heart of the question, "Responsible biographers and historians constantly use primary sources, letters, diaries, and memoranda. Indeed, it would be irresponsible to ignore such sources of information."

Now, scholars in fulfilling their responsibility do not claim the right to invade every collection of papers that bears upon their topics of investigation. And of course they agree that people can impose restrictions on the use of their papers, whether in their own possession or as donated or sold to libraries. But in the "Bare-Faced Messiah" case the author found most of his material in court records or via the Freedom of Information Act. And when responsible scholars gain legitimate access to unpublished materials, copyright should not be permitted to deny them use of quotations that help to establish historical points.

Judges Oakes and Leval understand the requirements of historical scholarship.

Circuit, is another blow against scholarship. Janet Malcolm, a professional writer on psychiatric matters, wrote a series of articles for the *New Yorker*, later published in book form by Knopf under the title "In the Freud Archives." The articles were largely based on interviews Ms. Malcolm had taped with Jeffrey Masson, a psychoanalyst who had served as projects director of the Freud Archives.

Mr. Masson then brought a libel suit against Ms. Malcolm, the *New Yorker* and Knopf. As a public figure, Mr. Masson had to prove malice and, as proof of malice, Mr. Masson contended that defamatory quotations ascribed to him by Ms. Malcolm were in fact fabricated. The quotes could not be found on the tapes, and the two judges who decided the case for Ms. Malcolm and her publishers conceded that, for the purpose of their decision, "we assume the quotations were deliberately altered."

For all historians and most journalists, this admission would have been sufficient to condemn the Malcolm articles. But Judge Arthur Alarcon, joined by Judge Cynthia Holcomb Hall, took the astonishing position that it is perfectly OK to fabricate quotations so long as a judge finds that the fabrications do not alter substantive content or are rational interpretations of ambiguous remarks.

In his eloquent dissent, Judge Alex Kozinski observed that when a writer uses quotation marks in reporting what someone has said, the reader assumes that these are the speaker's precise words or at least his words purged of "uh" and "you know" and grammatical error. While judges have an obligation under the First Amendment to safeguard freedom of the press, "the right to deliberately alter quo-

tations is not, in my view, a concomitant of a free press."

Ms. Malcolm, for example, wrote that Mr. Masson described himself as "the greatest analyst who ever lived." No such statement appears on the tapes. The majority cited Mr. Masson's remark "It's me alone . . . against the rest of the analytic world" as warrant for the Malcolm fabrication. But, as Judge Kozinski noted, the context shows that Mr. Masson's "me alone" remark referred not to his alleged pre-eminence in his profession but to the fact that his position on a particular issue was not shared by anyone else.

Ms. Malcolm had Mr. Masson describing himself as "an intellectual gigolo." Again, no such statement appears on the tapes. The majority decision contended that the phrase was a rational interpretation of Mr. Masson's description of himself as a "private asset but a public liability" to Anna Freud and that in any case it was not defamatory. Judge Kozinski found the derivation entirely strained and writes that "for an academic to refer to himself as an intellectual gigolo is . . . a devastating admission of professional dishonesty."

#### The Cumulative Effect

These were only two of a series of fabrications that had, in Judge Kozinski's words, the cumulative effect of making Mr. Masson "appear more arrogant, less sensitive, shallower, more self-aggrandizing, and less in touch with reality than he appears from his own statements." As Robert Coles wrote in a review of Ms. Malcolm's book, Mr. Masson emerges "as a grandiose egotist . . . and, in the end, a self-destructive fool. But it is not Janet Malcolm who calls him such: his own words reveal this psychological profile." We now know that the words were not always his own.

"There is one sacred rule of journalism," John Hersey has said. "The writer must not invent." Should the green light Judges Alarcon and Hall have given to the fabrication of quotations become standard practice, it will notably reduce the value of journalism for historians—and for citizens. As Judge Kozinski put it: "To invoke the right to deliberately distort what someone else has said is to assert the right to lie in print. . . . Masson has lost his case, but the defendants, and the profession to which they belong, have lost far more."

The historical profession will survive these decisions. Perhaps in time the Supreme Court will correct them. But writing history is tough enough without judges gratuitously throwing obstacles in the scholar's path.

*Mr. Schlesinger is Albert Schweitzer professor of the humanities at the City University of New York and a winner of Pulitzer Prizes in history and biography.*

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★ ★ WESTERN EDITION

THURSDAY, OCTOBER 26, 1989

RIVERSIDE, CALIFORNIA

## California

IN BRIEF

# Court Rejects Challenges to Award in Scientology Case

■ **Lawsuit:** State justices let stand an appellate ruling that a 'preposterous' \$30 million in damages for a former church member be reduced to \$2.5 million.

By PHILIP HAGER  
TIMES STAFF WRITER

SAN FRANCISCO—The state Supreme Court on Thursday rejected challenges to a ruling that dramatically reduced a jury award of \$30 million against the Church of Scientology for coercive practices that drove a former member to the edge of insanity and bankruptcy.

The high court let stand a decision by the state Court of Appeal last July in the widely watched, nine-year legal battle between the Hollywood-based church and ex-Scientologist Larry Wollersheim. The appeals court upheld a jury finding that the church wrongly caused emotional injury but said the jurors' huge damage award was "preposterous" and must be slashed to \$2.5 million.

Thursday's action came in a brief order denying petitions for review that had been filed by both sides in the dispute. None of the seven justices voted for review.

Attorneys for Wollersheim had argued that the reduced award was inadequate because of the "manifestly outrageous" actions by the church. Lawyers for Scientology had contended that allowing punitive damages for religious practices violated the Constitution and had urged that the high court order a new trial.

August Murphy, a spokesman for the church in San Francisco, welcomed the state high court's decision. Nonetheless, he said, the church will appeal to the U.S. Supreme Court, contending that the award infringes on the organization's religious freedom.

"We feel very confident the U.S. Supreme Court will review the case," he said. "Any decision will have ramifications for all religions. We want the court to send a message to people who are trying to get rich filing malpractice suits against religious organizations."

Lawyers for Wollersheim could not be reached for comment.

Wollersheim filed suit in 1980, charging fraud and infliction of emotional injury. He contended that Scientology's practices—which he likened to brainwashing performed on American prisoners during the Korean War—aggravated an existing mental condition, driving him deeper into manic depression.

In one such practice, Wollersheim said he was subjected to psychological manipulation in a process called auditing, a sort of confessional in which individuals are asked intimate questions and their responses are monitored on a device similar to a lie detector. He participated in the practice only under verbal threats and psychological pressure, he said.

When he broke with the group after 11 years, he said, Scientology invoked a doctrine of retribution, called "fair game," in an effort to force his photography business into insolvency. At church direction,

members left his employ and urged others to boycott his products and to refuse to pay bills, he said.

The church denied Wollersheim's allegations of coercion, saying that its practices were religious in nature and thus protected by the Constitution. Any actions taken against his business were lawful, the church said. Church attorneys characterized the case as amounting to a "heresy trial" infringing on religious freedoms.

A trial judge dismissed Wollersheim's allegation of fraud but allowed the other charges to stand, and in July, 1986, a Los Angeles Superior Court jury awarded a whopping \$30 million in damages—\$5 million in compensatory damages and \$25 million in punitive damages.

The state Court of Appeal in Los Angeles upheld the jury's finding of wrongdoing by the church, finding there was substantial evidence to support Wollersheim's claim of emotional distress.

The panel, in an opinion by Appellate Justice Earl Johnson Jr. that was joined by Justices Mildred L. Lillie and Fred Woods, agreed that Scientology was a religion but rejected the church's contention that the lawsuit violated its right to religious freedom. The evidence indicated that the church practices were coercive, not voluntary, and thus were not shielded from civil liability, the panel said.

### 'Too Outrageous'

"Such conduct is too outrageous to be protected under the Constitution and too unworthy to be privileged under the law," Johnson wrote.

But the panel went on to find that the \$5 million in compensatory damages was "grossly disproportionate" and that the \$25 million in punitive damages was "preposterous" under the circumstances.

The court observed that the jury's total award would amount to nearly double the church's reported net worth of \$16 million at the time of the trial.

In other action Thursday, the justices agreed to decide whether West Hollywood can require 30 apartment owners to obtain conditional-use permits to convert their apartments into condominiums.

The apartment owners had acquired approval for their plans from Los Angeles County before the city was incorporated in 1984. The city quickly enacted an ordinance requiring its own permits in an effort to halt a wave of conversions that it said threatened the supply of rental units.

A Los Angeles Superior Court judge rejected a bid by the city to block the planned conversions. But last July, a state appeals court reversed that ruling, finding that the landlords could not convert to condos until they complied with city regulations.



# THE NATIONAL RECORD

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NOVEMBER CIRC 21,000

ONE DOLLAR

VOL. 45 No. 6



US Olympic gymnast, Charles Lakes, draws an admiring crowd on 5th Ave. in New York City. What's he proving? That he can bounce high on the trampoline without losing his place in L. Ron Hubbard's "Dianetics" the owner's manual for the human mind. It was the high point of the "New York is Book Country Fair" where 100s of publishers display their wares to the book worms of the "Big Apple".