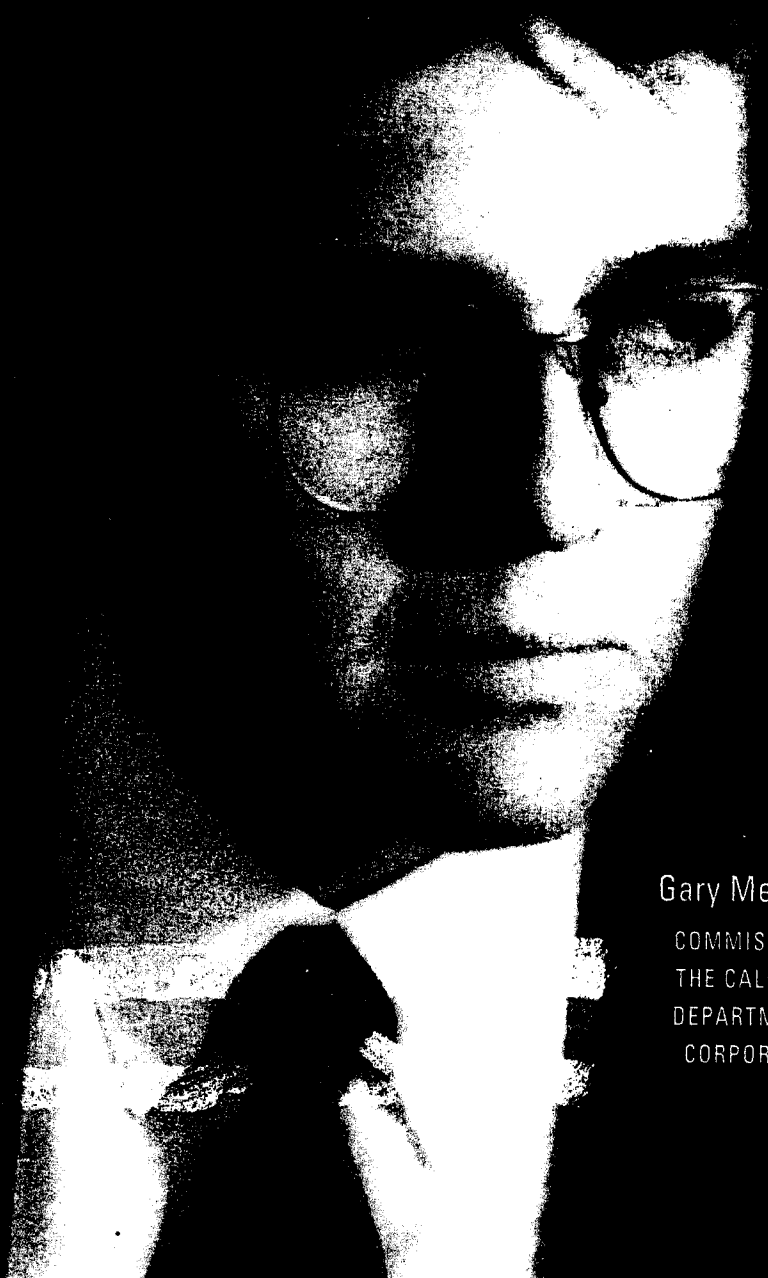


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# Health Care Hero

The man who  
made Blue Cross  
pay its dues



Gary Mendoza  
COMMISSIONER,  
THE CALIFORNIA  
DEPARTMENT OF  
CORPORATIONS

# CALIFORNIA LAWYER

December 1994



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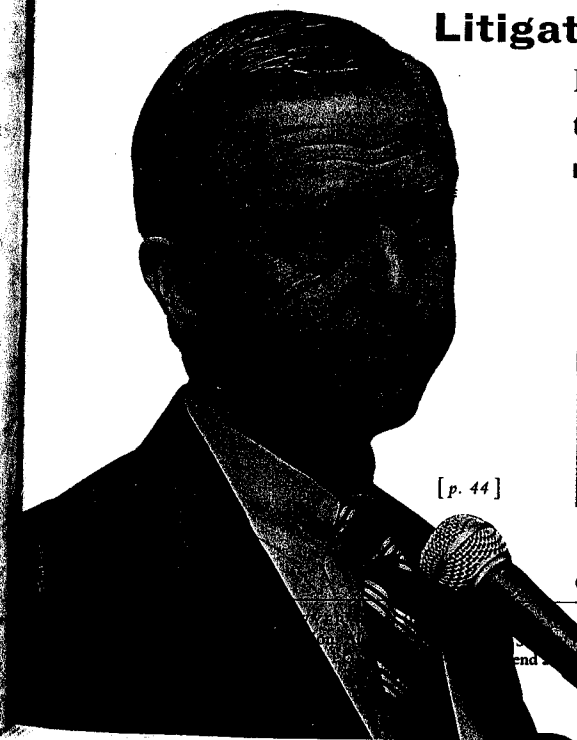


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### Litigation Noir/38

Ford Greene has discovered that litigation against the Church of Scientology can be a nightmare.

**BY STEVEN PRESSMAN**



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### Good-bye to 1994/44

It was the worst of times, it was the worst of times. CALIFORNIA LAWYER says so long to a year of Simpson, celebrity silliness, and other stupid law tricks.

Cover photograph by William Duke

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Ford Greene thought he knew  
all about hardball litigation.  
Then he sued the  
Church of Scientology.

# LITIGATION NOIR

It was a strange way to describe an aspect of a theology. But L. Ron Hubbard, the highly successful science-fiction writer who founded the Church of Scientology in the 1950s, had little tolerance for those who challenged his beliefs. And so it was, at one time, that Scientology scripture came to include an unusual litigation clause:

"The only way to defend anything is to attack, and if you ever forget that, then you will lose every battle you are ever engaged in, whether it is in terms of personal conversation, public debate or a court of law.... The law can be used very easily to harass, and enough harassment on somebody who is simply on the thin edge anyway ... will generally be sufficient to cause his professional decease. If possible, of course, ruin him utterly. If you ever forget that then you will lose every battle you are ever engaged in."

In the Scientology belief system, humans have immortal souls, or "thetans." The group's practices center on methods to clean the thetan mind and body by eliminating "engrams"—painful or traumatic episodes that are implanted in humans even before their births. Despite Hubbard's death in 1986, Scientology has thrived and has attracted such well-known followers as Tom Cruise, John Travolta, and Nancy Cartwright, the voice of cartoon superstar Bart Simpson. Critics, however, say Scientology is simply a cult and ersatz religion, whose primary purpose is to make money.



BY STEVEN PRESSMAN

Former Moonie, former  
cult deprogrammer,  
and Scientology foe  
Ford Greene

Photograph by Cristina Taccone

They point out that Hubbard's edict regarding detractors seems to be carried out routinely. Scientology litigation is, in fact, conducted well beyond the hardball tactics that have come to define modern legal warfare. "The church uses litigation as a weapon," says Jerold Fagelbaum, a Century City attorney who has faced the Church of Scientology in court. "They target the judges and the litigants. And they target the attorneys representing the litigants."

No one has been more of a target than Marin County lawyer Ford Greene. For the past five years, Greene has been representing former Scientologists in assorted disputes with the church. Though Greene barely manages to keep his head above water as a sole practitioner, Scientology officials consider him part of a conspiracy aimed against the church. They have fought him by dredging up criminal records, filing State Bar complaints, conducting surveillance outside his law office, and hiring private investigators to dig up his past and report on his current activities. A former Scientology follower swore in a deposition that Scientology church officials once discussed a plan to tamper with Greene's car brakes. Scientology officials emphatically deny the claim, but Greene remains convinced that he's a marked man.

**F**ord Greene's father and grandfather were both partners at San Francisco's venerable McCutchen, Doyle, Brown & Enersen. But there's no clue to that legacy in Greene's current situation. At 42, Greene looks remarkably boyish, and his customary work attire is sweatpants and a T-shirt. His dusty office in San Anselmo looks like a storage room: casebooks and legal files piled everywhere, competing for available legroom. When his sole employee is out of the office, Greene is left to answer phones, make photocopies, and keep the coffee going.

Greene earns a living by handling personal-injury and criminal-defense cases. But he prefers litigating against cults—Scientology, the Unification Church, and a handful of smaller organizations. One of his file cabinet drawers is even filled with a pile of "cultbuster" T-shirts he designed himself.

Greene knows firsthand about cults. In the early 1970s, he fell under the spell of the Reverend Sun Myung Moon's Unification Church, after trying unsuccessfully to pry his younger sister away from the group. Although she is still with the sect, Greene left after about a year to embark on a career as an anti-cult deprogrammer. A botched attempt to force a young man away from Moon's group in Colorado led to Greene's arrest on felony kidnapping charges, which were later dismissed.

By the late '70s, Greene decided he could better attack cults as an attorney. He obtained a law degree from San Francisco's New College of Law and was admitted to the bar in 1982.

"Ford has had a violent hatred for what cults have done to him and his family," says Carl Shapiro, a Marin County attorney with whom Greene apprenticed during and immediately

after law school. While working with Shapiro, Greene became involved in a case that led to a landmark ruling broadening the right to sue religious groups. In 1979, two former Moon followers who claimed they had been coerced and brainwashed sued the Unification Church. Lower-court rulings said constitutional guarantees of religious freedom barred such suits.

Greene prevailed in the state Supreme Court. In an opinion written by Justice Stanley Mosk in 1988, the court said that imposing liability on the church for deceptive recruitment practices did create a marginal burden on the free exercise of religion. But it was a burden "justified by the compelling state interest in protecting individuals and families from the substantial threat to public safety, peace and order posed by the fraudulent induction of unconsenting individuals into an atmosphere of coercive persuasion." *Molko v Holy Spirit Ass'n*, 46 C3d 1092, 1117.

A few months later Greene agreed to represent Vicki and Richard Aznaran, two formerly high-level Scientologists who had left the church in 1987. Seeking \$10 million in damages, the Aznarans filed a lawsuit in federal court in Los Angeles accusing the group of fraud, false imprisonment, infliction of emotional distress, conspiracy, and invasion of privacy. *Aznaran v Church of Scientology*, No. CV-88-1786-JMI. *Aznaran* became the first big Scientology case that Greene accepted. Since then, he has had only a handful of Scientology cases, but they are enough to thoroughly acquaint Greene with the Scientology "fair-game" policy.

In the 1960s, Hubbard came up with an edict holding that anyone interfering with Scientology was "fair game" and, hence, could be "deprived of property or injured by any means by any Scientologist without any discipline of the Scientologist." In addition, Hubbard wrote, fair-game targets could be "tricked, sued, lied to or destroyed."

Scientology officials now insist that Hubbard withdrew the edict a few years later because it had been misinterpreted. What Hubbard meant, they say, was that Scientology would not protect ex-followers from outsiders who tried to trick or destroy them after they had left the church.

**S**enior Scientology executive Kurt Weiland asserts, "There is no way we tolerate improper conduct. We don't react kindly to attempts to extort money from the church, especially if it's done through lies and allegations without substance by people like Ford Greene." From the group's international headquarters in Los Angeles, Weiland heads Scientology's Office of Special Affairs, which oversees the church's legal operations and security.

Weiland's unit used to be called the Guardian Office, which ran a massive operation during the 1970s aimed at stealing documents from federal agencies that were looking into suspect Scientology activities. Ultimately, 11 Scientology officials, including Hubbard's wife, served prison terms for their role in the operation.

Weiland says Scientology cleaned house several years ago, firing hundreds of employees who were involved in the church's questionable activities. Today, Weiland's office works

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*Steven Pressman, a former editor at CALIFORNIA LAWYER, is the author of Outrageous Betrayal: The Dark Journey of Werner Erhard from est to Exile.*

"You find out that [Greene's] got a criminal record .... It helps to explain the motivation of [his] outrageous falsehoods."

—SCIENTOLOGY LAWYER  
KENDRICK MOXON

closely with Bowles & Moxon, a Los Angeles law firm located inside one of Scientology's buildings on Sunset Boulevard. Although partner Kendrick Moxon worked as a paralegal in the Guardian Office in the 1970s, he denies having known about the illegal activities that were going on around him.

Over the years, Scientology has gained a reputation for relentless litigation, a characteristic criticized by judges. In 1989, a state Court of Appeal justice wrote that Scientology leaders made a "deliberate decision to ruin" financially, and possibly psychologically, a disaffected member who sued Scientology. *Wollersheim v Church of Scientology*, 212 CA3d 872. Five years earlier, Los Angeles Superior Court Judge Paul Breckinridge Jr. said that Scientology, "[i]n addition to violating and abusing its own members' civil rights, the organization over the years, with its 'fair game' doctrine, has harassed and abused those persons not in the church whom it perceives as enemies."

In Washington, D.C., in 1980, U.S. District Judge Charles Richey—who was hearing the criminal-conspiracy trial that grew out of the Scientology plot to infiltrate government agencies—accused church lawyers of a "groundless and relentless" campaign to have him recused. According to a 1980 article in *American Lawyer*, a Scientology-hired investigator leaked an allegation that Judge Richey had paid for a prostitute while staying at a Los Angeles motel. The pressures of the case eventually prompted Richey to step down.

More recently, U.S. District Judge James Ideman in Los Angeles removed himself from a long-standing case in which Scientology was suing a former member. Ideman said he was stepping down because of his "state of mind" after years of "misconduct" by Scientology counsel and because a former law clerk was being harassed by the church. In a June 1993 declaration, Ideman claimed the church had tried to evade discovery for eight years, and he accused its lawyers of "misrepresentations, broken promises and lies, but ultimately with refusal."

Moxon denies the misconduct and any harassment, saying he tried to subpoena the clerk as part of an effort to demonstrate Ideman's bias in the case.



**A** call to Weiland's office is all it takes to receive a dossier on Ford Greene. The packet contains little about his dealings with Scientology, but it includes materials related to two charges of battery against Greene. One is a criminal complaint for battery of a police officer in 1976. According to court documents, Greene pleaded no contest to a reduced misdemeanor charge of resisting arrest and received a sentence to community service. Greene says the arrest resulted from an overzealous reaction to being stopped for speeding.

The dossier also contains a police citation for alleged misdemeanor battery against a man standing outside a rally for the Reverend Moon at the Oakland Convention Center last year. The man told police he wanted to press charges after Greene hit him in the chest with an envelope. Greene says he was at the convention center to serve papers in a suit against Moon and tapped the man with the envelope after recognizing him. No charges were brought against Greene, a fact not mentioned in the Scientology packet.

Why has Scientology gathered such information about Ford Greene? Moxon says the Greene file is the result of a "simple, standard check" that any responsible lawyer would conduct. "You find out the guy's got a criminal record. He is a criminal," Moxon says of Greene. "It helps to explain what's going on. It helps to explain the motivation of these outrageous falsehoods that he's given to the court."

Weiland's reasoning for burrowing into Greene's past echoes something L. Ron Hubbard wrote in 1967: "We do not find critics of Scientology who do not have criminal pasts. Over and over we prove this."

"People who try to extort the church, whether they're lawyers or anybody else," Weiland says in measured tones, "usually have hidden or stored away some kind of criminality. And that sort of compels them to act the way they do."

Ford Greene believes he became a fair-game target of Scientology soon after he began representing the Aznarans. For evidence, he points to a former Scientologist, Gary Scarff, whom he met in the fall of 1987. Scarff said he befriended Greene as part of a Scientology directive to "exercise an operation" against him. In a letter sent last year to a lawyer representing Greene before the State Bar, Scarff said he infiltrated Greene's office and looked through "confidential legal records, legal files of his clients, [and] a [R]olodex of his contacts...."

In a 1992 deposition taken in a Scientology lawsuit against two former Scientologists—a suit Greene isn't involved in—Scarff said he began the friendship after posing as a member of the Chicago-based Cult Awareness Network, a nationwide confederation of local anti-cult groups. Scarff claimed Scientology lawyers and others directed him to produce an affidavit aimed in part at smearing Greene's reputation. In his declaration, Scarff alleged Greene grew and smoked marijuana.

Scarff swore that more extreme measures were also discussed during a meeting with Scientology officials. Among the matters allegedly discussed was the possibility of having Greene arrested on drug charges, spreading false rumors that he had AIDS, or tampering with the brakes on his car. Scientology officials vehemently reject Scarff's allegations. "I'm not even going to talk about it," says Weiland. "There's not a scrap of evidence to support anything he says." Moxon says flatly that such a meeting never took place: "It's an outright, vicious lie. It's just outrageous."

Another former Scientologist filed an affidavit accusing Greene of making improper sexual advances while representing her in a Florida case against Scientology. Greene accuses church officials of duping the woman—whom he says was suffering from mental problems—into making the accusations. Scientology lawyers deny the charge.

In 1991, Greene began to represent Gerald Armstrong, another former high-level Scientologist. A wiry man with a mane of brown hair often tied back in a foot-long ponytail, Armstrong eventually became Greene's only employee, doing everything from coffee making to paralegal work. Armstrong has been locked in litigation with Scientology almost from the day he left in the early 1980s. In 1986, he received an \$800,000 settlement in exchange for not speaking publicly about the church or helping others bring lawsuits against it.

Armstrong insists the settlement provisions are unlawful and has been challenging them in court with Greene's help.

Not long after Greene began representing Armstrong, two investigators hired by Bowles & Moxon staked out his office by parking across the street and training their video cameras on his front door. The purpose of the stakeout was to show that Armstrong was linked to Greene and thus engaged in anti-Scientology activities, which would have violated both his settlement agreement and an injunction. The investigation reveals something of Scientology's litigation overkill—Armstrong made no secret of his association with Greene.

In 1991, Eugene Ingram, a former L.A. police sergeant who now acts as Scientology's lead private investigator, wrote to the State Bar accusing Greene of committing perjury in declarations filed in two court cases. Ingram claimed that Greene's declarations falsely led the courts to believe he had been incapacitated by a back injury at a time the lawyer was making speaking appearances and engaging in other activities. Ingram's complaint also noted that Greene may have been improperly practicing law as "Ford Greene" since his legal name is Aylsworth Crawford Greene III.

The State Bar eventually gave Greene a private reproof for the declarations, which Moxon says is evidence that Greene has been "sanctioned and punished" by the bar.

According to Greene, Scientology investigators failed to convince the district attorney's office and U.S. attorney's office in Los Angeles to bring perjury charges against Greene because of the back-injury declarations.

Greene says Scientology investigators also contacted his friends and associates. In a report to Greene, one friend wrote that Ingram and another investigator, who said they were working for Bowles & Moxon, came to her Berkeley home in July 1992 to ask about Greene. When pressed, the investigators acknowledged their research would end up in Scientology's files. After the friend asked them to leave, Ingram told her he knew she was a graduate student. "He also knew my parents had me forcibly deprogrammed from the Sri Chinmoy cult," she said in the report to Greene, "that I was aligned with the Cult Awareness Network, that my mother ran the Cult Awareness hotline in Northern California, and that I was obviously sympathetic to the goals of the organization."

Scientology officials and outside counsel for the church deny that any of their actions amount to misconduct. San Francisco attorney Andrew Wilson—a partner in Wilson, Ryan & Campilongo who represents the church in a lawsuit against Greene's assistant, Armstrong—calls Greene "totally paranoid." Wilson explains that Scientology tactics are part of the group's "pretty aggressive" approach toward litigation. But he rails against Greene and other lawyers for trying to "poison" the courts against the group with "falsehoods and distortions" in court pleadings, declarations, and other documents.

Ford Greene's own litigation tactics can be inflammatory. Once, during a deposition in the *Aznaran* case, Greene showed up wearing one of his cultbuster T-shirts, which feature caricatures of Hubbard and Jonestown leader Reverend Jim Jones, among others. The shirt—as well as Greene's bracelet and pin bearing Scientology insignia—prompted the other

"There is no way we tolerate improper conduct. We don't react kindly to attempts to extort money from the church, especially if it's done through lies and allegations."

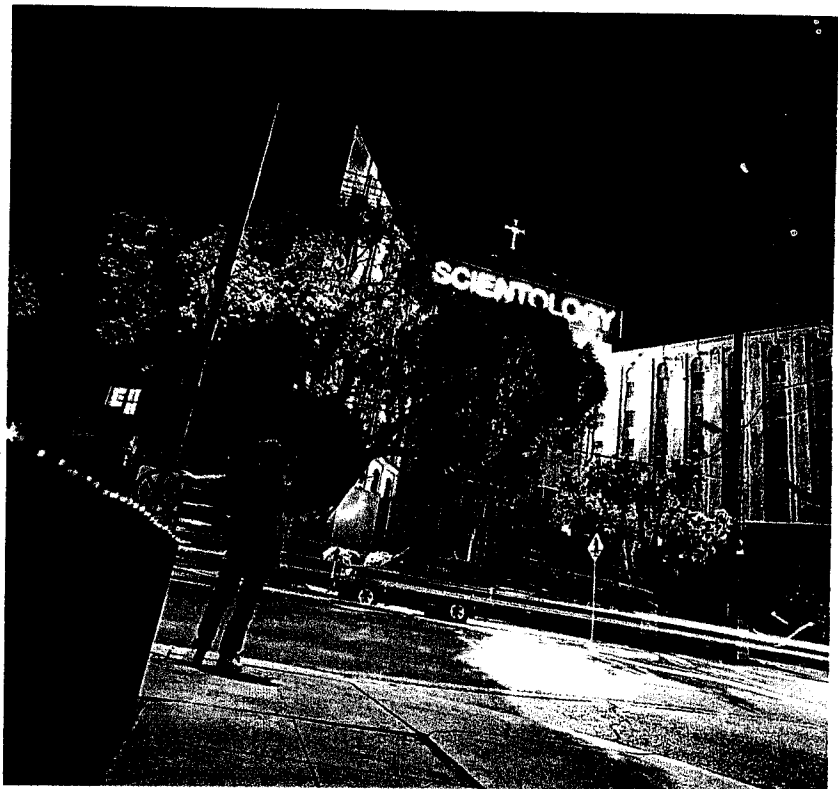
—KURT WEILAND, HEAD OF SCIENTOLOGY'S  
OFFICE OF SPECIAL AFFAIRS

lawyer to accuse him of "provocative and insulting conduct." Another time, when he was representing Armstrong, he suddenly interrupted a deposition with a series of martial arts movements. Greene makes no apologies for his unconventional behavior, saying anything he does pales in comparison to the brand of litigation practiced by Scientology's lawyers.

Greene claims that Scientology eventually pushed him out of the *Aznaran* case. According to the Aznarans, Greene's dismissal was a condition for a settlement offer made to the couple in June 1991. Newport Beach lawyer Barry Van Sickle, the Aznarans' original lawyer, relayed the offer to the couple.

Claiming to be acting on Van Sickle's advice, the Aznarans agreed to discharge Greene, until they discovered the offer was insufficient. In subsequent declarations, Van Sickle denied that Greene's discharge had been a condition of the offer. The Aznarans returned to Greene—who was joined by John Elstead, a sole practitioner in Pleasanton—and in August 1992, the case was transferred at Scientology's request from the federal court in Los Angeles to Dallas. Earlier this year, after agreeing to a confidential settlement, the Aznarans withdrew their allegations and asked the court to dismiss their suit. Greene and Elstead say they were never consulted, and they are now considering suing the Aznarans for breach of contract and filing a motion for sanctions against their Dallas lawyer.

**G**reene now has just two active Scientology cases. One client is Larry Wollersheim, who said he was psychologically and economically ruined by the Church of Scientology. He won a \$30 million judgment that was reduced to \$2.5 million. The case has already been appealed twice to the U.S. Supreme Court and shows no signs of ending. The other client is his assistant, Gerald Armstrong. Greene is preparing an appeal of a



Scientology headquarters in Los Angeles

Los Angeles Superior Court ruling that enjoined some of Armstrong's anti-Scientology efforts. Another Scientology suit, which claims Armstrong has fraudulently conveyed assets to a third party to insulate him from any adverse judgments, has a May 1995 trial date.

Yet another State Bar complaint against Greene has been filed by Scientology, this one alleging Greene had a conflict of interest in the *Aznaran* case. And Greene and Armstrong are convinced that their San Anselmo storefront continues to be watched regularly by Scientology operatives.

"I consider all this crap to be an occupational hazard of anti-cult litigation," Greene says. "And I'm getting fed up. I'm getting tired of dealing with all those lying Scientology lawyers and private investigators." For a brief moment, Greene seems weary, defeated. But the moment passes, and the gleam quickly returns to his eye. "There's going to be some more R&D in the cultbusting department. And I'm not going to go away."