

1 Bring in the jury.

2 (Whereupon, the jury was brought in.)

3 THE COURT: Good morning ladies and
4 gentlemen of the jury. As you recall we ended last night
5 with the State resting. This is the time in the trial
6 where the Defendant has an opportunity to make a
7 presentation should the Defendant choose to do so. You
8 will recall that the Defendant has no obligation to do
9 anything. Okay?

10 Mr. de Vlaming, how would you like to
11 proceed?

12 MS. RIVELLINI: Judge, the defense would
13 call Mr. Frank Oliver.

14 (Whereupon, the witness was sworn.)

15 Whereupon,

16 FRANK OLIVER,
17 a witness, was called for examination by counsel for the
18 Defendant, and having been duly sworn, and was examined
19 and testified as follows:

20 DIRECT EXAMINATION

21 BY MS. RIVELLINI:

22 Q Good morning, would you tell us your name
23 please?

24 A My name is Frank Oliver.

25 Q And what city do you live in?

1 A I live in Miami, Florida.

2 Q How long have you lived there?

3 A I lived there since 1979.

4 Q What do you do for a living?

5 A I am a graphic designer.

6 Q How long have you been doing that?

7 A About ten years.

8 Q At one point were you also a member of the
9 Church of Scientology?

10 A Yes, I was.

11 Q What years were you a member of the Church of
12 Scientology?

13 A I joined Scientology in June of 1986. I was a
14 member until 1992.

15 Q Were you also a graphic designer artist while
16 you were a member?

17 A Yes, I did that part-time as well.

18 Q Did you also do some graphic art design for
19 them while you were a member?

20 A In 1989 I was doing some graphic for the Office
21 of Special Affairs.

22 Q You mentioned the Office of Special Affairs, do
23 you call that OSA?

24 A Yes, we do.

25 Q All right, and you were particularly a member

1 of OSA?

2 A I was recruited for OSA in late 1989 and I
3 worked as an investigations officer in OSA until I left
4 in 1992.

5 Q When you were a member were you actually member
6 down in Miami?

7 A Yes, I was, and in California as well.

8 Q So you did some traveling for the church?

9 A Yes.

10 Q Was that for some training?

11 A Yes, it was for upper level training as an
12 investigations officer.

13 Q Can just anybody become a member of OSA or do
14 you have to go through any particular courses?

15 A No, they recruit specific individuals for the
16 Office of Special Affairs, it's not something that you
17 join within the organization. They have to select you
18 and qualify you in order to become a member of the Office
19 of Special Affairs.

20 Q Is it a way of working your way up the ranks?

21 A Yes, it is.

22 Q What kind of things do you learn when you
23 become a member of OSA?

24 A I learned that organization perceives that it
25 has a great number of enemies in the world. When I went

1 out to Los Angeles I also learned that many of the things
2 that are done by the Office of Special Affairs are not
3 known to the general membership of the Scientology. A lot
4 of the activities are kept in secret.

5 Q What exactly is the purpose of the Office of
6 Special Affairs?

7 A That is a little bit of a difficult question
8 because there is a stated purpose and then there is an
9 actual purpose.

10 Q What is the stated purpose?

11 A The stated purpose is to handle the legal and
12 public relations of the Church of Scientology as it
13 perceived by the public.

14 Q What is the actual purpose?

15 A The actual purpose is to investigate and to
16 impede the forward progress of any tries to stop
17 Scientology or to criticize Scientology.

18 Q That's the actual purpose?

19 A That's the actual policy of the investigation
20 division of the Office of Special Affairs, yes.

21 Q Does that policy have a name, or did it have
22 name that you learned?

23 A It's actually the stated, it's like the product
24 of the Office of Special Affairs. It's like, what it
25 does. Every single department in Scientology has like,

1 it's product or what it does, it's description. That
2 would be the description of the Office of Special
3 Affairs.

4 Q Was there -- not a code name, but a special
5 name that you understood codified those policies?

6 A There were different policies that we operated
7 under Scientology. And when you are doing a specific
8 thing then that has -- then that is referred to as
9 something. A lot of the activities that we were involved
10 in, confidential operations, operations against
11 individuals that we targeted, that came under a policy
12 that was called "Fair Game".

13 Q "Fair Game", is that actually a written policy?

14 A Yes, it was.

15 Q And was something that you relied upon when you
16 were a member of Church of Scientology?

17 A That is just something that you had to do. I
18 mean that's what you are assigned to do.

19 MS. RIVELLINI: Your Honor, may I approach
20 the witness please?

21 THE COURT: You may.

22 BY MS. RIVELLINI:

23 Q Mr. Oliver, I'm going to show you two documents
24 that have previously been marked as Defense Exhibit for
25 identification, numbers and 5 and 6. I am going to ask

1 you to take a look at them and tell me if you recognize
2 what they are?

3 A This is --

4 Q Just tell me first if you recognize what both
5 documents are?

6 A Yes, I recognize both documents.

7 Q Now, could you tell me what the documents are?

8 A Okay. This one here that says, "Penalty for
9 Lower Conditions." If someone is --

10 Q Before describing the contents, can you tell me
11 if you know what it is?

12 A Yes, I do know what it is.

13 Q What would you call this?

14 A That's a policy letter on penalties for lower
15 conditions, it's "Fair Game". It talks about how to
16 treat someone that has been classified as an enemy of the
17 organization. They are subject to the "Fair Game
18 Doctrine".

19 Q This is actually a written policy of "Fair
20 Game"?

21 A Yes, it is an excerpt of "Fair Game" is in that
22 section there.

23 (The documents hereinafter
24 referred to were marked as
25 Defendant's Exhibits Nos. 5

1 and 6 for identification.)

2 BY MS. RIVELLINI:

3 Q Is this something that you have had a chance to
4 review and highlight?

5 A Yes.

6 Q And who wrote this "Fair Game Policy"?

7 A L. Ron Hubbard.

8 Q Were you required to read this during your
9 tenure at OSA?

10 A Yes, you are required to read it and know the
11 policy, not just read it. You have to have an
12 understanding of it and be able to apply anything that
13 you read.

14 MS. RIVELLINI: Judge, at this time I
15 would like to introduce what has previously marked for
16 identification Defendant's Exhibit Number 5, and go over
17 the portion described by the witness with the jury.

18 MR. TYSON: Judge, I would have a standing
19 objection.

20 THE COURT: It will be admitted and so
21 marked.

22 (The document heretofore
23 marked as Defendant's
24 Exhibit No. 5 for
25 identification was received

1 into evidence.)

2 MS. RIVELLINI:

3 Q First tell me, Mr. Oliver, who is "Fair Game"
4 applied to?

5 A It's applied to anyone who is considered an
6 enemy of the organization or identified as a suppressive
7 person of the organization.

8 Q Is suppressive person synonymous with enemy
9 then?

10 A Yes.

11 Q Can you describe exactly what the "Fair Game
12 Policy" is and how it is used?

13 A Basically, if someone is categorized as being
14 suppressive person and they are subject to "Fair Game"
15 the gloves are off so to speak, just about anything can
16 be done to the individual because they are viewed by the
17 organization as being a person who is trying to impede
18 the goals and purpose of Scientology.

19 Q And if you can read the screen can you tell us
20 exactly "Fair Game Policy" order is?

21 A Well, it says here an "SP Order" which is a
22 Suppressive Person Order on someone is "Fair Game". That
23 person is now subject to "Fair Game". It says there,
24 they may be deprived property, or injure by any means, by
25 any Scientologists without any discipline of the

1 Scientologists. If for example, someone in the
2 organization has been decreed to be "Fair Game" or
3 someone outside of the organization --

4 Q I am going to ask you speak a little bit
5 louder.

6 A Okay. If someone within the organization or
7 outside the organization has been categorized as a
8 suppressive person and they are subject to "Fair Game"
9 just about anything done to them without any fear of
10 retribution by the organization to the person doing that
11 to them.

12 Q Okay.

13 A For example if they were cheated in some way,
14 then you are not subject to any of the ethics of the
15 organization as having done anything wrong, because that
16 person has been classified as "Fair Game".

17 Q What else does it tell you that you can do to a
18 suppressive person?

19 A They can be tricked, sued, lied to, or
20 destroyed. That pretty much opens the door, you can do
21 just about anything to the person.

22 Q Okay, there is a line in there that says a
23 Scientologist can do anything to any of these individuals
24 without any discipline of that Scientologist. Is
25 discipline something that is common?

1 A Throughout different levels of the
2 organization, discipline varies from someone losing a
3 position maybe, even something much more severe.

4 Q Is there a place where people who are
5 disciplined go to?

6 A Yes. If you are a member of the Sea
7 Organization, which is an internal organization within
8 Scientology, it's like a fraternal organization that runs
9 Scientology.

10 Q Is that the organization that is down in
11 Clearwater?

12 A Yes, Flag Land Base. Those people can be sent
13 to what is called the RPF, which stands for
14 Rehabilitations Project Force. It is basically a gulag,
15 or boot camp where they send dissidents or people that
16 have failed at something, too. They send them there to
17 pretty much anything they want them to do. You are
18 subjected to harsh treatment, corporal punishment, manual
19 labor.

20 Q Is Scientology essentially based upon rewards
21 and punishments?

22 A Yes, it is.

23 Q So when it says, "Not to be subject to any
24 discipline." That is understood by the members?

25 A Correct.

1 Q All right. You actually were a member of OSA
2 and you actually followed this policy?

3 A Yes, we did.

4 Q It specifically says, "May be tricked, sued, or
5 lied to, or destroyed." Were you taught certain skills
6 on how to trick, sue, lie, or destroy individuals?

7 A Within the Office of Special Affairs some of
8 the training that we received, that we drilled, were
9 things that an ordinary member of the organization
10 wouldn't know about, however anyone within the Office of
11 Special Affairs would know about what we were taught.

12 Q When you say drilled, what do you mean by
13 drilled?

14 A When you drill it means that you receptively go
15 over something with someone else, maybe a twin that they
16 hook you up with, so that you have two people.

17 Q A twin?

18 A A twin is let's say for example, if you and I
19 were in the Office of Special Affairs and we were going
20 to have to do this project, you and I would twin, we
21 would get together and I would practice on you and you
22 would practice on me until we both had a full
23 understanding of what we going to do.

24 Q Would these practice drills go on for big
25 complex points to carry out, or for a variety of events?

1 A It could be something small, it could be
2 something within in group of individuals. It wouldn't
3 necessarily be a -- we wouldn't have fifty people
4 drilling on something. Normally, it is something that
5 would happen within an academy, a teaching setting, if
6 you will. It would be for smaller groups.

7 Q Was this constantly going on?

8 A Yes.

9 Q So you learned specifically from the directors
10 in OSA how to trick?

11 A We learned several different techniques. They
12 teach you things, and they have names for them. For
13 example, if they wanted me to go in somewhere and
14 impersonate someone, or say that I was someone that I
15 wasn't, that's called a suitable guise. And they
16 actually showed you how to do a suitable guise. How to
17 go in and say that you are somebody else. Or how to ask
18 a question without them thinking that you are really
19 digging for information on someone.

20 Q You also mentioned that one of your duties
21 while you were in OSA is to carry out investigations.
22 Would you tell us a little bit about that?

23 A Anyone identified by the organization as an
24 enemy the first action that is taken is intelligence
25 gathering. That's used -- there are different methods

1 that they teach you gather intelligence on an individual.
2 Some are legal, some are not.

3 Q What would be an example of something that you
4 would want to find out about a critic?

5 A If for example there was someone that was
6 identified as a critic that was saying something against
7 Scientology the first thing that would be done would be a
8 complete check on the person, what they called an ODC,
9 which stands for Overt Data Collection. What that is,
10 you would get all the information on the individual,
11 name, address, you would obtain their social security
12 number. You would check all court records. Any kind of
13 information that would be publically available would be
14 in ODC.

15 Q And that would be something that you would
16 actually go after?

17 A Yes, I did many of these. There was something
18 also called a CDC, which is Covert Data Collection. CDC
19 were obtained by other individuals that had access to
20 private information on individuals. We would obtain
21 credit card information, all your credit information,
22 copies of your phone bills, private investigators would
23 be hired, and they would go through your garbage. They
24 would talk to your neighbors. They would talk to your
25 friends. They would previous employers.

1 Q What about travel arrangements?

2 A We would try and obtain any information there
3 was on the individual and if they were put on, if we were
4 running a surveillance operation where we were actually
5 watching the individual, we would try and find out
6 exactly what they were doing and when they were doing it.
7 There was even a document that was sent down from senior
8 management to us that listed all the airlines on it, and
9 showed us how to obtain information on an individual by
10 using the frequent flyer miles programs of major
11 airlines. You would pretend that you would be that
12 individual, you would call up and give the name and
13 social security number and the airlines would provide you
14 with all that person's travel, itinerary, anything that
15 they might currently have on the record. You would just
16 pretend that you are that person and say, "Yeah, I want
17 to know how many frequent flier miles I have." And they
18 would say, "You just got an extra thousand for your trip
19 you are taking next week." "Oh, yeah, can I confirm that
20 with you." They would give you all the information and
21 we would have the intelligence information in the subject
22 that we were trying to get the information on.

23 Q So you learned how to obtain itinerary
24 information for travel?

25 A Absolutely.

1 Q For example, when someone was going to arrive
2 in an airport?

3 A Yes.

4 Q You mentioned that you sometimes hire outside
5 personnel, what kind of people would you hire?

6 A The actual hiring of private investigators was
7 done by the senior management of the Office of Special
8 Affairs in conjunction with the attorneys at the church.

9 Q Were you actually taught how to use them as an
10 in-between from Scientology?

11 A Well, the way that it works is this, the
12 private investigator should, in essence, work for an
13 attorney, however, within the Scientology organization
14 that was not the way it was done. They were paid by the
15 attorneys but the actual people running the operations
16 and giving the marching orders to the investigators were
17 the people in the Office of Special Affairs. Some of the
18 training I received when I went to Los Angeles was on how
19 to run a PI, or private investigator. We were actually
20 given a check sheet, if you will, of the project that we
21 were going to do. It delineates on there exactly which
22 things we want the private investigator to do. The
23 private investigator is given a description of what his
24 targets are and he reports back to me, and I would write
25 reports, send them up to senior management, and there

1 were different people in my capacity doing this with
2 different private investigators.

3 Q Why are these outside sources used, and why are
4 the lawyers used as shields?

5 A The organization itself, it would be deemed
6 inappropriate in any other setting, that an organization
7 like a church, if you will, would be doing an
8 investigation on someone. So a shield needs to be
9 created in order to justify the investigation of a
10 private individual. So they bring in the attorneys and
11 say we need so many PI's, we need some investigators from
12 inside the organization to obtain intelligence
13 information on a private individual. How can we do this?
14 Well, this is one way we can do it.

15 Q Is that more for public relations?

16 A Completely.

17 Q Who is really in charge?

18 A The Office of Special Affairs, actually the Sea
19 Org. senior management is in charge.

20 Q How long did you actually practice in the
21 Office of Special Affairs?

22 A Two years.

23 Q During those two years was there ever any
24 discretion on your part about what you might do and carry
25 out?

1 A No, you can come up with an idea, but you have
2 to go up the chain of command to make sure that they want
3 you to do, your idea may be great, or your idea cannot be
4 so great. So everything has to get cleared with whoever
5 your senior is, or whoever is right above you. And maybe
6 even several steps above that.

7 Q So while you were in the Office of Special
8 Affairs if you wanted to go check out where someone was,
9 could you just leave the building and go check it out, or
10 would you have to clear it first?

11 A No, I would have to be given instructions,
12 check this person out, and then I would check them out.
13 If I discovered that someone was saying something about
14 the organization I would have to write a report, send it
15 up the line, and they would tell me what to do next.

16 Q Why work under that strict of a policy, was
17 there some benefit of doing that, did you actually get
18 some rewards?

19 A Well, if you do what you are told, naturally
20 you move up. Your statistics, you are measured in the
21 organization by statistics, just like you would anywhere
22 else. You do good, your statistics go up, you are
23 regarded better. If your statistics are up you are
24 rewarded with more time for study, maybe more time for
25 spiritual counseling that they call. If you are in the

1 Sea Organization, which is their internal fraternal
2 organization, it's run like a military organization, you
3 may be, if your statistics are going up, then maybe you
4 are given liberty that weekend and you can actually go
5 out, or do something outside of the organization.

6 Q Okay, at one point I take it that these rewards
7 were extremely important to you?

8 A Yes, they were.

9 Q You took it to heart, you found it very
10 important?

11 A Yes, I did.

12 Q Now, for example in a workplace your rewards
13 might be based on money?

14 A Yes.

15 Q Is that fair?

16 A Yes.

17 Q Maybe if you do well for a year, you get a
18 raise at the end of the year?

19 A Correct.

20 Q Is that how it was in Scientology?

21 MR. TYSON: Judge, I am going to object to
22 this continual line of leading questions here. I'd ask -
23 - it has gone on for quite awhile now.

24 THE COURT: Sustained.

25 BY MS. RIVELLINI:

1 Q In Scientology is the reward system more on an
2 annual long-term basis, or is based on something more
3 quickly?

4 A Yeah, it's sporadic and it's pretty much, what
5 have you done today kind of thing. What have you done
6 this week kind of a thing. If you do something that is
7 instantly then you are rewarded pretty much at the same
8 time. Cumulatively it may help you ultimately move up in
9 the organization.

10 Q How are these point systems or these statistics
11 charted?

12 A It's different for each different department.
13 If for example --

14 Q How is for OSA, for example?

15 A Okay, if the Office of Special Affairs there
16 are about a dozen statistics that measure our performance
17 when you are in the Office of Special Affairs, they could
18 be identifying threats to the organization, could be one
19 statistic. Number of threats against the organization
20 that we do a successful operation against. Number of
21 inches of positive writing in the newspaper. A negative
22 statistic would be number of inches of negative writing
23 in the newspaper about the organization. Number of
24 operations carried out successfully. Number of national
25 -- let's say there are different categories for our

1 enemies of Scientology, they could be local, regional, or
2 national. If someone that is nationally attacking the
3 organization gets downgraded to someone who is not doing
4 it nationally any longer, maybe they are just identified
5 as a local, then those statistics go down. Your personal
6 statistics go up. This person is being neutralized in
7 some way.

8 Q Is that something that you continuously worried
9 about?

10 A That was how my performance was measured.

11 MR. TYSON: Judge, may we approach?

12 THE COURT: You may.

13 (Whereupon, a bench conference was held
14 outside the hearing of the jury.)

15 MR. TYSON: Judge, based on your prior
16 ruling you said that you were going to let him say that
17 he was a member Scientology, the "Fair Game Policy" say
18 what it is, the penalties and violations. You said that
19 you were not going to let them put the religion on trial.
20 He said everything that he needs to say. From here on
21 out it is cumulative, and they are putting the religion
22 on trial. He has already said that they can be lied on,
23 trick, cheated, sued. It's all cumulative from here on
24 out.

25 MS. RIVELLINI: Judge, the "Fair Game

1 Policy" and I didn't read it. We are just talking about
2 specifically the words punishment and points. I thought
3 that was one of the things that could get into.

4 MR. TYSON: Judge, there is a limit to it.
5 You said that it was very limited. I sat there, let them
6 put it all out there according to your ruling. I am
7 suggesting that they should be done by now.

8 THE COURT: I have a strong tendency to
9 agree with Mr. Tyson. You are well into this, and well
10 beyond, frankly, what I envisioned.

11 MS. RIVELLINI: Judge, that is where I
12 don't understand where you are drawing the line, and why
13 I tried to clarify. If you are saying the line is drawn
14 then I will move on.

15 THE COURT: I am saying that you are close
16 to the line. And you need to move through this and get
17 to something that's more directly relevant.

18 MS. RIVELLINI: Okay. May I approach the
19 witness, Judge?

20 THE COURT: Yes.

21 BY MS. RIVELLINI:

22 Q Mr. Oliver, you testified that this is a policy
23 that you practiced while you were in OSA organization?

24 A Yes.

25 Q And you have also said that you recognized a

1 second document here.

2 A Yes.

3 Q Can you take a look at it and tell me what the
4 document is called?

5 A It's called the "Cancellation of Fair Game."

6 Q This is something that you also read and
7 practiced and understood while you were in Scientology?

8 A Yes.

9 MS. RIVELLINI: Judge, at this time I
10 would move the second document, what has previously been
11 marked for identification as Exhibit Number 6 for the
12 Defense and ask that it be entered into evidence.

13 THE COURT: Mr. Tyson?

14 MR. TYSON: I have an outstanding
15 objection.

16 THE COURT: It will be admitted and so
17 marked.

18 (The document heretofore
19 marked as Defendant's
20 Exhibit No. 6 for
21 identification was received
22 into evidence.)

23 MS. RIVELLINI:

24 Q This document, Mr. Oliver, is called
25 "Cancellation of Fair Game"?

1 A Correct.

2 Q Could you go ahead and read that to me?

3 A It says, "This PL" which means policy letter --

4 Q Well, actually the practice of --

5 A Oh. "The practice of declaring people "Fair
6 Game" will cease. "Fair Game" may not appear on any
7 ethic order, it causes bad public relations. This PL,
8 which stands for policy letter, does not cancel any
9 policy on the treatment or the handling of an "SP".

10 Q Who wrote this?

11 A That was also written by L. Ron Hubbard.

12 Q And that done obviously before he died?

13 A Yes.

14 Q And he has since died?

15 A Yes.

16 Q Do you remember about what year that was?

17 A 1986, I believe.

18 Q Tell me how it is if that says it cancels "Fair
19 Game" that you actually practiced "Fair Game" while you
20 were in the Office of Special Affairs?

21 A The way that it is actually written, if you
22 take a good look at it, says that it doesn't cancel any
23 policy on the treatment or handling of a suppressive
24 person, all it basically does is eliminate the badge of
25 "Fair Game". So we are not to call it "Fair Game" any

1 longer. Nor is it supposed to appear on any document
2 as "Fair Game". However, there are still policies in
3 place how someone that is declared a suppressive person
4 is treated, and that is basically "Fair Game". We just
5 can't call it that any longer.

6 Q It is still practiced then?

7 A Of course.

8 Q Even well after that was issued?

9 A All that says is to stop calling it "Fair Game"
10 and that they can't -- that "Fair Game" cannot appear on
11 an ethics order, but the things that you can do someone,
12 it says it does not cancel any policy on the treatment or
13 the handling of an SP. The treatment of an SP --

14 Q Suppressive person?

15 A Yeah, a suppressive person, as defined in "Fair
16 Game" is not canceled, just the name "Fair Game".

17 Q Who can actually change a policy in
18 Scientology?

19 A L. Ron Hubbard.

20 Q How about once he has passed on, can any policy
21 be changed?

22 A There are policies written, the first policy
23 that is in every single document, every single course in
24 Scientology is called keeping Scientology working. It
25 appears on the front of every single course that you do

1 in Scientology. In there it delineates that no one has
2 the authority to change policy, but L. Ron Hubbard.

3 Q So if a written document were to come out in
4 the '90's after he has passed on, which would rule?

5 A It couldn't come out. No one can rewrite the
6 bible today. So no -- according to the dogma of
7 Scientology, unless L. Ron Hubbard comes back to life
8 again, no one can rewrite the policy of the Church of
9 Scientology, but L. Ron Hubbard.

10 Q Okay, if a written document were to be sent
11 around it would not have the effect that this --

12 A No, they would investigate who was issuing an
13 illegal order, or creating a policy letter without issue
14 authority.

15 MS. RIVELLINI: Judge, if I may have a
16 moment?

17 THE COURT: You may.

18 BY MS. RIVELLINI:

19 Q Now the terms suppressive person and enemy are
20 used as being synonymous?

21 A Yes.

22 Q What exactly makes somebody a suppressive
23 person?

24 A Anyone that has committed an act that is
25 contrary to or against the beliefs of the Scientology

1 organization.

2 Q So if I didn't believe in Scientology that
3 would SP necessarily?

4 A No, not unless you actually shared that view
5 with someone, or made it public, or did something to the
6 organization.

7 Q Would Mr. Minton be considered a suppressive
8 person?

9 A According Scientology, he would.

10 Q Are the practices and beliefs of Scientologists
11 supposed to be kept in --

12 MR. TYSON: Judge, objection, a continuing
13 objection. And I would ask if we can approach?

14 THE COURT: Please approach.

15 (Whereupon, a bench conference was held
16 outside the hearing of the jury.)

17 MR. TYSON: Judge, are we over the line
18 yet?

19 MR. DENIS DE VLAMING: Judge, in the
20 proffer she asked him, and I think she is doing a pre-
21 emptive question. He asked him whether not he signed a
22 non-disclosure form and cross examined on that.

23 MR. TYSON: I am not getting into that.

24 MR. DENIS DE VLAMING: Oh, you are not.

25 MR. TYSON: Not unless she does. I only

1 got into because you did.

2 MS. RIVELLINI: Judge, you did tell us
3 that we could go towards Mr. Howd's reasons to be
4 completely honest in his testimony. I was going to ask
5 him if he signed a non-disclosure form when he was a
6 member of the Office of Special Affairs.

7 MR. TYSON: Judge, the reason why I
8 crossed examined him is because they brought all that up.
9 My initial position was that they were going to put the
10 religion on trial, and it's relevant, and I think we are
11 way past that now.

12 THE COURT: I agree with everything you
13 said, but what Ms. Rivellini said that she wants to do is
14 get testimony and demonstrate a basis as to why Mr.
15 Howd's testimony would be less than truthful. I cannot
16 prohibit her from doing that.

17 MR. TYSON: I don't think it is allowable
18 to have one witness to testify on another witness'
19 truthfulness. I think that is exactly what she is going.

20 THE COURT: I don't think she is going to
21 do that.

22 MS. RIVELLINI: No.

23 THE COURT: I think she is going to
24 demonstrate that there may be policies that would
25 motivate him to do that, and I do not believe that she

1 will go beyond that. Am I correct?

2 MS. RIVELLINI: That's correct. My next
3 question was going to be, did you sign a non-disclosure
4 form, and would you have been able to come out and say
5 anything against Scientology that was not prescribed to
6 you, and is there a penalty for doing so.

7 MR. TYSON: I am just wondering how far,
8 because we just keeping further and further.

9 THE COURT: Your points are very well
10 taken. But I am going overrule the objection on this
11 point.

12 BY MS. RIVELLINI:

13 Q Mr. Oliver, are most of the policies of
14 Scientology supposed to remain internal?

15 A Yes, there is a great deal of information,
16 according to the organization, maintained confidential.

17 Q Did you actually have to sign a form stating
18 that you would keep everything a secret, a non-disclosure
19 form?

20 A When I joined the Office of Special Affairs, a
21 non-disclosure form, and a complete life history on my
22 part was required.

23 Q And tell me what that form required of you?

24 A The non-disclosure required that I not divulge
25 any of the secret information that I would be privy to

1 the Office of Special Affairs under penalty of, I
2 believe, it is a million dollars per infraction.

3 Q Were there also penalties from the organization
4 itself about your rank?

5 A You would be -- if you violated those policies
6 you would be subjected to the internal ethics of the
7 ethics practices of the organization. You are subject to
8 lose any ranking that you had, any position, your
9 certificates, and the organization felt that your
10 spiritual freedom was at stake as well, if didn't have
11 access or availability Scientology practices.

12 Q If you were still a member of the Office of
13 Special Affairs or when you were still a member of the
14 Office of Special Affairs, if you were called in to
15 testify would you be free to testify?

16 MR. TYSON: Objection, your Honor.

17 THE COURT: Sustained.

18 BY MS. RIVELLINI:

19 Q Mr. Oliver, would there have been a penalty --

20 MR. TYSON: Objection, your Honor.

21 THE COURT: Let her finish her question.

22 BY MS. RIVELLINI:

23 Q Based upon the non-disclosure form that you
24 signed if you had come into court, or any arena and
25 testified contrary to what Scientology wanted you to,

1 based on that form would there be a penalty for doing so
2 freely?

3 A Yes.

4 MR. TYSON: Objection, your Honor.

5 THE COURT: Overruled.

6 THE WITNESS: Yes.

7 MS. RIVELLINI: Judge, may I have a
8 moment.

9 THE COURT: You may.

10 MS. RIVELLINI: Judge, may we approach?

11 THE COURT: Yes.

12 (Whereupon, a bench conference was held
13 outside the hearing of the jury.)

14 MR. DENIS DE VLAMING: We are about
15 through. The only other area that I wanted Ms. Rivellini
16 to ask is as to what happened on the tape. There is a
17 policy of "Fair Game" that they want to have them labeled
18 as criminals. I think that you heard that in the
19 proffer. I think it goes right to the defense of
20 allowing the touching so that he could be arrested and
21 declared a criminal. She wasn't sure whether you would
22 permit that area of inquiry. It would be brief, but I
23 think it goes to the heart of the defense.

24 MR. TYSON: That is his opinion, and that
25 is going straight to what is in the province of the jury.

1 MS. RIVELLINI: It's not an opinion, it's
2 a fact.

3 THE COURT: It sounds to me like it is
4 part and parcel of the "Fair Game Policy", and to the
5 extent that it is I will overrule, but let's make sure we
6 understand what we are doing. You are merely going to
7 elicit information from him that the "Fair Game Policy"
8 includes efforts to have someone as a criminal.

9 MR. DENIS DE VLAMING: That's fine.

10 MS. RIVELLINI: Correct. The only other
11 question that I had planned on asking him, because they
12 made a point during Mr. Howd's testimony that "Fair Game"
13 is not currently in place, and not being used, is if he
14 knows -- how recently he knows "Fair Game" has been used.
15 And if he has personal knowledge about it. And that goes
16 to them contacting his family as recently as within a
17 week ago. Because it goes to impeach Mr. Howd's
18 testimony.

19 MR. TYSON: Judge, it is prejudicial.
20 That's hearsay as the contacting his family.

21 MS. RIVELLINI: The fact that he knows a
22 call was made goes to his knowledge that "Fair Game" is
23 still being implemented and it contradicts what Mr. Howd
24 testified.

25 MR. TYSON: Judge, that is highly

1 inflammatory to the jury.

2 THE COURT: I agree with Mr. Tyson. You
3 are not going to go there for the reasons that he just
4 stated.

5 BY MS. RIVELLINI:

6 Q Mr. Oliver, in line with the "Fair Game
7 Policy" and the labeling of someone as an enemy,
8 suppressive person, or a critic, telling about the
9 understanding that you have about criminality comes into
10 place, and why it is important that someone is labeled a
11 criminal?

12 A There is different policies within the
13 organization where "Fair Game" and the practices "Fair
14 Game" are delineated, it's not just limited to this one
15 particular policy letters. There are other policies
16 within the organization.

17 Q Tell me what it means to be labeled by
18 Scientology, not what it means out common knowledge?

19 A Any one who attacks Scientology is a criminal
20 according to Scientology.

21 Q Is that a word that is used over and over
22 again?

23 A Yes, if a minister were to speak out against
24 Scientology he would be labeled a criminal, and if he
25 didn't have a crime they would dig into his past and find

1 one. No matter who.

2 Q It is important for Scientology to expose a
3 critics crimes?

4 A Absolutely.

5 Q Were you taught to do this?

6 A Yes.

7 Q How would you go about it?

8 A Using investigative technique. We would obtain
9 any kind of information that would be on an individual,
10 his background. We would talk to neighbors, we would
11 have private investigators sent out. We would obtain any
12 kind of information that would either prove that the
13 person had been a criminal, link them to criminal
14 activity, or if that failed then to try and create
15 criminal activity.

16 Q Would you stop until you had created that
17 criminal activity?

18 A I saw things done when I was in the Office of
19 Special Affairs, which I personally didn't participate
20 in, however, I did see them done, I did hear of them when
21 I was in the Office of Special Affairs, and the higher
22 the threat level of the individual, the subject was, the
23 more efforts that would be expended on proving that that
24 person was a criminal.

25 Q If you were told to manufacture a crime, to

1 make that critic a criminal, okay if that was your job
2 that day --

3 MR. TYSON: Objection, your Honor.

4 THE COURT: Overruled.

5 BY MS. RIVELLINI:

6 Q If that was your job that day and the event
7 were about to end and you had not completed that task,
8 would there be sanctions?

9 A There would sanctions on anyone who accepts
10 that task and not complete it successfully. I was
11 fortunate that I was never placed in a position of having
12 had to do it. I felt bad for anyone that was in that
13 position, people that I saw that were subjected to having
14 to do that.

15 Q Is that why you left the church?

16 A That was one of many pivotal reasons why I left
17 the organization.

18 Q Okay, when you left were you handed a document?

19 A I tried to leave the organization the right way
20 through using their own policy, however, in the end I was
21 handed a document by Scientology, it was as Suppressive
22 Person Declare.

23 Q What does that mean?

24 A I was declared an enemy of Scientology because
25 I wanted to leave the organization for that reason.

1 MS. RIVELLINI: Judge, if I may have just
2 a moment.

3 THE COURT: Okay.

4 MS. RIVELLINI: Judge, that's all I have.

5 THE COURT: Mr. Tyson, cross examination?

6 MR. TYSON: Judge, if I could have a
7 moment.

8 CROSS EXAMINATION

9 BY MR. TYSON:

10 Q How are you doing, Mr. Oliver?

11 A Very good, sir.

12 Q Now, you left there in 1992, right?

13 A Correct, sir.

14 Q Does this book look familiar to you?

15 A Yes, I have seen that book before.

16 MR. TYSON: Judge, may I approach?

17 THE COURT: You may.

18 BY MR. TYSON:

19 Q You have seen this book before?

20 A Yes, sir.

21 Q What is that chapter on?

22 A That says, "Suppressive Acts, Suppression of
23 Scientology, and Scientologists."

24 Q That's what we are talking about here, right?

25 A Yes, sir.

1 Q I want you to look into the chapter and tell me
2 what the last thing it says in there is, starting with
3 "nothing"?

4 A It says, "Nothing in this policy letter shall
5 ever or under any circumstances justify any violation of
6 the laws of the land or --"

7 MS. RIVELLINI: Judge, I am going to
8 object to him reading it without it being entered into
9 evidence first, and then being published to the jury.

10 MR. TYSON: Judge, I can enter a copy it.
11 I have a copy. That's not my book.

12 THE COURT: Okay.

13 MS. RIVELLINI: We would ask that he go
14 ahead and do it.

15 MR. TYSON: I will go ahead and do it now.

16 THE COURT: Okay.

17 MS. RIVELLINI: Judge, under the rule of
18 completeness we would ask that the entire section be
19 entered, not the entire book.

20 MR. TYSON: Judge, I am offering it only
21 to impeach him as to whether that policy does still
22 exist, that's all I am offering it for.

23 THE COURT: Okay. I am going to accept
24 what has selected from that book to use for feature. So
25 your objection is overruled.

1 BY MR. TYSON:

2 Q Mr. Oliver, I want you to look at this, this is
3 a same thing as that photocopy? Can you give me the book
4 back?

5 THE COURT: Mr. Tyson, that is Exhibit
6 Number?

7 MR. TYSON: Number 7.

8 THE COURT: Okay, State's Exhibit Number
9 seven is admitted into evidence.

10 (The document hereinafter
11 referred to was marked and
12 State's Exhibit No. 7 for
13 identification and was
14 received into evidence.)

15 BY MR. TYSON:

16 Q Mr. Oliver, please look at 7, that is in
17 evidence. Read that please to the jury?

18 A It says, "Nothing in this policy letter shall
19 ever, or under any circumstances justify any violation of
20 the laws of land, or intentional illegal wrongs. Any
21 such offenses shall subject the offender to penalties
22 prescribed by law, as well as ethics injustice actions."

23 Q Now, that says that you can't do anything
24 illegal, right?

25 A Yes.

1 Q Were you aware of that?

2 A I see this document, and I see what it says.

3 Q When was the last time you have seen that
4 document -- you have never seen that document, have you?

5 A I don't recall ever seeing this particular
6 document.

7 MR. TYSON: Judge, may I approach the
8 witness?

9 BY MR. TYSON:

10 Q Mr. Oliver, you don't know Richard Howd, do
11 you?

12 A No, sir, I don't.

13 Q And you have never been in the Clearwater
14 office, have you?

15 A Yes, I have.

16 Q Were you stationed there?

17 A No.

18 Q When were you there?

19 A In Clearwater?

20 Q Uh-huh.

21 A The last time I was inside Flag, the Flag Land
22 Base was in 1990, I believe. It may have been '91.

23 Q Is it fair to say that you no longer
24 Scientologists?

25 A No, that is not fair to say.

1 Q Could you tell me why on February 6th of this
2 year you were shining a laser light pen, similar to this
3 one, with a laser dot in their face when you were across
4 the street from them in Clearwater?

5 MS. RIVELLINI: I am going to object to
6 him testifying. The facts are not in evidence. I think
7 he first has to ask him if, in fact, he was doing so, and
8 then ask him why?

9 THE COURT: Objection overruled.

10 BY MR. TYSON:

11 Q I'll repeat it, why are you showing the laser
12 light pen -- you do admit that you did that, right?

13 A No, I don't recall shining it anyone's eyes,
14 sir.

15 Q Shining it around their face and their camera?

16 A No, I remember shining it specifically into
17 someone's camera, who was videotaping.

18 Q With their eye right behind, which means that's
19 right where their face is, doesn't it?

20 A No, they were holding it down around their
21 waist.

22 Q If I showed you a video, would that maybe help
23 you?

24 A It might, it's been some time.

25 Q Let me ask you this, Mr. Oliver, have you ever

1 given them the finger?

2 A Sure.

3 Q What does that mean?

4 A That means that I don't like them.

5 Q Does it mean, fuck you?

6 A It might.

7 Q Is it fair to say that the average person that
8 when you give somebody the finger it means fuck you, is
9 that fair to say?

10 A Yeah, if someone did it to me, I would know
11 what it would mean, and I would probably do it right
12 back.

13 Q That would be a provocative act, wouldn't you
14 agree, something that would provoke people?

15 A If somebody did that to me I would consider it
16 provocative.

17 Q Also a laser light pen in their face would be
18 provocative, too, wouldn't it?

19 A It might.

20 MR. TYSON: Judge, I can mark this State's,
21 Exhibit Number 8 for identification.

22 THE COURT: Okay.

23 (The video hereinafter
24 referred to marked as
25 State's Exhibit No. 8 for

1 identification.)

2 MR. TYSON: Judge, if I can publish it to
3 the jury?

4 THE COURT: Are you admitting that into
5 evidence.

6 MR. TYSON: Yes, Judge.

7 THE COURT: Any objection?

8 MS. RIVELLINI: No, sir.

9 THE COURT: Okay, it will be admitted and
10 you can publish it.

11 (The video heretofore
12 marked as State's Exhibit
13 No. 8 for identification
14 was received into
15 evidence.)

16 MS. RIVELLINI: Judge, I am going to
17 assume that there are no other contents other than what I
18 have viewed.

19 MR. TYSON: Judge, may we approach on
20 that?

21 THE COURT: Approach.

22 (Whereupon, a bench conference was held
23 out of the hearing of the jury.)

24 MR. TYSON: There is a little bit of him
25 picketing, but if the jury wants to see that tape we can

1 bring them back and let them look just at the portion.

2 MS. RIVELLINI: I couldn't remember what
3 else was on there. We looked about five videos.

4 MR. DENIS DE VLAMING: Judge, I have never
5 seen this.

6 MR. TYSON: He gave them the finger.

7 MS. RIVELLINI: Right, and then shining
8 the light.

9 MR. TYSON: The laser light in the face.

10 MS. RIVELLINI: Right.

11 MR. TYSON: And then he just walking
12 around picketing. I will stop it, and I will stop at the
13 laser light, and then if they want to see the video again
14 we can bring them into court and play that relevant
15 section. I just can't edit it this quick.

16 MS. RIVELLINI: Is there anything else on
17 the video besides him even picketing?

18 MR. TYSON: No.

19 MS. RIVELLINI: The whole video is only a
20 couple of minutes?

21 MR. TYSON: It's not even that long, about
22 thirty seconds.

23 THE COURT: Are you okay with that?

24 MS. RIVELLINI: Yes. I just didn't know
25 if there was any second part to the video.

1 (Whereupon, the video was played for
2 jury.)

3 BY MR. TYSON:

4 Q You are giving them the finger, aren't you?

5 A Yes, I am.

6 Q That's you with a laser pen, isn't it?

7 A Yes, I believe so.

8 Q Is Mr. Minton with you?

9 A Yes.

10 Q You are across the street from the
11 Scientologists?

12 A Yes.

13 Q They are not up in your face with the video,
14 are they?

15 A No, they aren't.

16 Q It is going right in the camera, isn't it, Mr.
17 Oliver?

18 A Yes, it is.

19 Q And your testimony is that the camera is down
20 to their side?

21 A I believe he had it down by his waist.

22 Q You are flashing it all around, wouldn't it be
23 fair to assume that you got it in his face?

24 A No, sir.

25 Q I didn't see the Scientologists picking on

1 anybody there, were they?

2 A Not at that particular moment, no, sir.

3 Q You're messing with them though, aren't you?

4 A If that is how you choose characterize it, sir.

5 Q Laser light in somebody's face, that's not a
6 good thing, right?

7 A No.

8 Q If I put it in the Judge's face I am going out
9 of here in handcuffs. Would you agree?

10 A Yeah, but I haven't shined it anyone's face.

11 Q You just shined it at them?

12 A I didn't shine it in anyone's face. I was very
13 clear when I was doing it in anyone's eyes. I wouldn't
14 want that done to me.

15 Q Would it be safe to assume that the average
16 person may be provoked with somebody doing that?

17 A They may be.

18 Q Okay. Your intention was to provoke them,
19 wasn't it?

20 A No, it wasn't. I objected to being videotaped.

21 Q Let's talk about that. Wait a second. If I
22 play it back, Mr. Bunker, part of your group is holding a
23 videotape on them, isn't he?

24 A Uh-huh.

25 Q Do you want to see it again?

1 A No, I don't need to see it again.

2 Q Okay, but you object to them videotaping you,
3 but it's okay for your group to videotape them? Is that
4 what you are telling this jury?

5 A The technique of videotaping is someone that --
6 from my understanding you can do freely in this country,
7 however, I don't need my life chronicled.

8 Q So is it fair to say that when you do it, you
9 are doing it freely, but when they do it they are
10 chronicling your life?

11 A No, not particularly in that, no, not at all.

12 Q Nobody forced you to be in Clearwater? It's a
13 free country, but you don't have to be here, do you?

14 A I can if choose to be.

15 Q Absolutely. You can be on any street you want.
16 Okay, can you provoke people when you are doing that
17 though?

18 A Define provoke.

19 Q Messing with them, stirring them up, egging
20 them on, looking for a fight. Did you do that?

21 A No, I don't go around looking for a fight, sir.

22 Q Is it fair to say that you went to them when
23 you gave them the finger, didn't you?

24 A No, I was responding what had been done to me
25 just before that, which wasn't shown.

1 Q Okay. Much like we all have clips of videos,
2 right. We will get into that later. You were shining
3 the laser light at them though, right?

4 A I was shining it into the camera of the person
5 recording me.

6 Q Now, have you ever received any money either
7 directly, or indirectly from Mr. Minton?

8 A I believe we went out to dinner and Mr. Minton
9 bought everybody in the restaurant dinner that night. I
10 think that would be direct.

11 Q You are involved in the Lisa McPherson civil
12 suit, aren't you?

13 A Yes, I am.

14 Q And you plan on testifying for the Lisa
15 McPherson family, I guess is the best way to describe
16 that?

17 A Actually, no.

18 Q What do you plan on doing there?

19 A I am a legal consultant on that case.

20 Q Are you being paid for that?

21 A No, I am not.

22 Q Okay. But the case is being funded by Mr.
23 Minton, isn't it?

24 A I believe so.

25 Q Mr. Minton is paying for a third party to sue

1 the Church of Scientology, isn't he?

2 MS. RIVELLINI: Judge, I am going to object
3 if the answer calls for hearsay.

4 MR. TYSON: He has already basically
5 answered it, Judge.

6 THE COURT: Objection overruled.

7 BY MR. TYSON:

8 Q Mr. Minton is funding a third party to sue the
9 Scientologists, isn't he?

10 A I believe so.

11 Q Okay. The Lisa McPherson Trust, do you have
12 any knowledge about that at all?

13 A Yes, I am on the advisory board.

14 Q You are on the advisory board. That Trust is
15 funded by Mr. Minton, isn't it?

16 A Yes, it is.

17 Q And that Trust in turn is funding the civil
18 suit, isn't it?

19 A I don't know that to be a fact.

20 Q Well, you are on the board, where is the money
21 going?

22 A Sir, I don't know that for a fact.

23 Q I don't quite understand your answer.

24 A I haven't --

25 Q You said that you don't know for a fact, is

1 this working --

2 A No, not at all, I haven't seen any
3 documentation of that sort, so I can't honestly answer
4 the question. My capacity is an advisory capacity.

5 Q I am not talking about documentation. I am
6 talking about day-to-day talk around the Lisa McPherson
7 Trust as to where that money is going. How many people
8 are involved in that?

9 A There may be a dozen or so. I am not there
10 everyday. I live in Miami.

11 Q I understand that, you understand the gist of
12 my question though?

13 A You are asking me to speculate on something
14 that I have no first-hand knowledge of.

15 Q Let's leave at that then. Basically, you have
16 told this jury that you are trained in dirty tricks.
17 That is basically what you are telling them, right?

18 A I was trained in specific investigative
19 technique.

20 Q You can call it that if you want. You don't
21 mind if I call them dirty tricks, do you?

22 A I don't know, would you categorize what I did
23 as a dirty trick?

24 Q Putting a laser light on somebody.

25 A Is that a dirty trick?

1 Q If you are trying to provoke them it is.

2 A You are assuming that I was trying to provoke
3 them.

4 Q Have you ever met Richard Howd before?

5 A I don't believe I know Mr. Howd.

6 Q You don't know anything about Mr. Howd?

7 A Only what I have heard thus far.

8 Q Hearsay, right, all you have heard is from
9 other people talking about him?

10 A In the courtroom here, too.

11 MR. TYSON: Judge, if I could have a
12 moment please.

13 THE COURT: Yes.

14 BY MR. TYSON:

15 Q You say the church brings in attorneys to mess
16 with people, is that what you said?

17 A No, I didn't say that.

18 Q What do they bring them in for?

19 A The attorneys that I worked with for the Church
20 of Scientology are in-house counsel. Moxon, Kobrin.

21 Q When you were involved in these activities, or
22 alleged activities that you testified to, you chose to be
23 involved in those, didn't you?

24 A It was what I was required to do as a member of
25 the Office of Special Affairs.

1 Q Well, I am required to be here in court today,
2 but you know what, I can turn around and walk right out
3 the door.

4 A True.

5 Q I can quit my job the same as you can quit your
6 job, right?

7 A I --

8 Q But you made a choice, didn't you? If that is
9 even true and this stuff even happened, that would have
10 been your choice to that kind of stuff, wouldn't it?

11 A Yes.

12 Q And as far as illegal activities, you are
13 saying that you were never involved in any. Is that what
14 you are telling this jury?

15 A Yes.

16 Q Okay. You are not going to dime yourself out,
17 are you?

18 A Nope.

19 Q Of course not, of course not. So any illegal
20 activities that you are telling this jury about is stuff
21 that other people may have told you?

22 A No, not exactly right, sir.

23 MR. TYSON: That's all I have, Judge.

24 THE COURT: Redirect?

25 MS. RIVELLINI: Yes, sir, but we need to

1 approach before we do that.

2 THE COURT: Okay.

3 (Whereupon, a bench conference was held
4 outside the hearing of the jury.)

5 MS. RIVELLINI: Judge, I believe Mr. Tyson
6 clearly opened the door for me to get out the point that
7 there have been ramifications for him leaving the church,
8 and that, in fact, he has been followed and harassed. He
9 asked him, "Well, they didn't go around provoking you,
10 did they? They didn't do anything to you, did they?"
11 And, in fact, he asked, "If you didn't like it, you could
12 just leave and walk out?" Like there would be no
13 repercussions, and in fact, there have been.

14 MR. TYSON: Judge, there wasn't any
15 response to him saying he couldn't leave. I didn't open
16 any door there. I was very careful about that. I didn't
17 mention the videos, I didn't mention what Mr. Minton did
18 on the videos and whether that was "Fair Game" what he
19 did. I kept the door very tight so that we wouldn't get
20 in that part.

21 MS. RIVELLINI: He wasn't responding to
22 questions that I asked him. He was responding to
23 questions asked of him by the prosecutor.

24 THE COURT: Give me a for example. If you
25 go into this line of questioning, what do you expect to

1 get him to say that he hasn't otherwise already said?

2 MS. RIVELLINI: He asked him if what he
3 was doing, standing out there picketing was just because
4 he hates Scientologists and the fact is that they didn't
5 do anything to provoke you, and in fact, they have done
6 things to provoke him. Also, Judge, he specifically
7 said, "When you were there you were there of your own
8 free will, and you could have just left, just like I
9 could quit my job." And that is not the case. And he is
10 misleading them by leaving them on that point.

11 MR. TYSON: He has already testified about
12 RPF, whatever that stuff is, he has already been there.
13 It's all what you put out.

14 MS. RIVELLINI: It was upon your line of
15 questioning. I didn't ask him if he was there of his own
16 freewill.

17 MR. TYSON: I went no further than yours
18 was.

19 THE COURT: I am going to let you hit it
20 real brief. Real briefly.

21 MS. RIVELLINI: That's all I need. That's
22 all I need.

23 THE COURT: I don't want to dwell on it,
24 because we have already gone way far beyond it. Let me
25 make sure that I understand what it is you expect to get

1 out.

2 MS. RIVELLINI: I plan on asking him, "The
3 prosecutor asked you, if you were there of your own
4 freewill." "Yes, I was." And when you stopped liking
5 what was going on, you tried to leave? Just like the
6 prosecutor said you could? "Yes, I did." And you
7 weren't allowed to leave peacefully, were you? "No."
8 So, in fact, it is not just like Mr. Tyson leaving his
9 job, you, in fact, were harassed? "Yes, I was."

10 MR. TYSON: In 1992. Relevance, and I
11 didn't do anything else other than to comment on the fact
12 that he didn't have to do anything that he wanted to do.
13 He said that he didn't do any of those activities.

14 MS. RIVELLINI: You asked him specifically
15 --

16 THE COURT: We are going further and
17 further. He can say yes, he was harassed. And I don't
18 want to hear about what those harassments were.

19 MS. RIVELLINI: That's why I phrased it
20 that way, so I could cut it off just there.

21 THE COURT: I don't want to hear all the
22 gory stories.

23 MR. TYSON: Judge, I would ask if he
24 starts going into it that you would interrupt so that I
25 don't look like I am trying to hide anything.

1 MS. RIVELLINI: That's fine with me.

2 THE COURT: She is not going to do it.

3 MS. RIVELLINI: If he responds further
4 than I've asked then I have no problem with how you
5 conduct the courtroom. But I would only the question the
6 way that I just phrased.

7 MR. TYSON: My question is that she may
8 ask a very simple question, he may just ramble on.

9 THE COURT: Okay. That's fine.

10 MS. RIVELLINI: I don't know if you want
11 to argue that at the bench. He entered only one page of
12 a document.

13 THE COURT: I've already ruled. Do you
14 want to argue that again?

15 MS. RIVELLINI: You ruled that only he had
16 to enter it. I would like to enter it under the rule of
17 completeness. And we can either argue that now, or come
18 back up.

19 MR. TYSON: I don't know how it is
20 completeness, Judge. He just testified it is for the
21 limited purpose of showing that they have -- showing that
22 they can't do anything illegal. I didn't go into any of
23 the policy. I did nothing about that.

24 THE COURT: Is there anything in that
25 document that you find to be relevant to the issue that

1 Mr. Tyson was addressing, other than the portion that he
2 used?

3 MS. RIVELLINI: Yes, sir, on page 883
4 where it talks suppressive acts, anybody who does those
5 things, any person who agrees that would do such thing, a
6 suppressive act, out of self-interest, only to the
7 detriment of all others they cannot be granted the rights
8 ordinarily accorded rational beings. So this paragraph
9 within its own policy completely contradicts that you
10 can't do someone. They don't even treat them like a
11 human being.

12 THE COURT: But his paragraph pertained to
13 violations of the law. I am not sure those two things
14 are congruous.

15 MS. RIVELLINI: Judge, I think if you look
16 at one versus the other, to take just his portion out of
17 context is completely misleading as to what their real
18 policy is, which is if you don't treat someone like a
19 rational human being --

20 THE COURT: So you want to enter just one
21 page?

22 MS. RIVELLINI: I will be happy to limit
23 it to that.

24 MR. TYSON: I will object to that. It is
25 putting the religion on trial. It's obvious from the

1 motions in limine.

2 THE COURT: I am drawing the line.

3 MR. TYSON: They keep going and going and
4 going.

5 THE COURT: I am going to let you put that
6 one page in, and I am let you ask that one question. If
7 he goes beyond, yes, I was harassed, then I will
8 interject and stop it.

9 MS. RIVELLINI: I will be happy to ask it
10 as a leading question.

11 REDIRECT EXAMINATION

12 BY MS. RIVELLINI:

13 Q Mr. Oliver, the prosecutor asked you if you
14 disliked Scientology or Scientologists, and you told him
15 no?

16 A Yes, that is true.

17 Q Okay, but then you expressed that you have gone
18 out and picketed and some things against Scientology.
19 How do you reconcile that?

20 A I don't have anything against Scientologists, a
21 lot of them don't really know what goes on within the
22 organization itself. My problem, if you will, or my
23 concern is the abusive practices of the organization as
24 deemed and carried out and told to be done by the
25 management. Individual Scientologists I have no qualm

1 with them. A lot of people are my friends in Scientology
2 that I can't talk to anymore because of the situations.

3 Q So is it fair to say that the anger, or the
4 discontent that you seem to express on that video is not
5 with the people, but with the policies?

6 A Absolutely. It's with their abusive and
7 hurtful policies. Not with the individuals. Some of
8 them don't even know what is really going on in there,
9 they don't.

10 Q You weren't trying to mislead this jury?

11 A Not in any way.

12 Q Now, Mr. Tyson showed you the last paragraph of
13 a policy.

14 MS. RIVELLINI: If I can approach the
15 witness?

16 THE COURT: Yes, ma'am.

17 BY MS. RIVELLINI:

18 Q Just one other page from that policy, and it's
19 in Defendant's Exhibit Number 9 for purposes of
20 identification. Can you just take a look at it, and take
21 a look at the cover page to see where it comes from. Do
22 you recognize that chapter?

23 A Yeah.

24 (The document hereinafter
25 referred to was marked as

1 Defendant's Exhibit No. 9
2 for identification.)

3 BY MS. RIVELLINI:

4 Q Okay, turn directly to the page that I have
5 pointed out and highlighted. Can you just read the
6 highlighted paragraph and tell me if you understand what
7 it means?

8 A It says --

9 Q Read it to yourself and tell me if you
10 understand it?

11 A I understand it.

12 MS. RIVELLINI: Judge, at this point I
13 would like to enter into evidence only page 883 from the
14 same chapter that the prosecutor entered the page from.

15 THE COURT: Mr. Tyson?

16 MR. TYSON: I would renew my relevance
17 objection, Judge.

18 THE COURT: I understand it will admitted
19 as Defense Exhibit Number?

20 MS. RIVELLINI: Number 9.

21 THE COURT: Number 9. Okay.

22 MS. RIVELLINI: And only this section will
23 be published to the jury and entered it into evidence.

24 THE COURT: You may go ahead and publish
25 it.

1 (The document heretofore
2 marked as Defendant's
3 Exhibit No. 9 for
4 identification was received
5 into evidence.)

6 MS. RIVELLINI:

7 Q Would you go ahead and read the highlighted
8 portion from page 883, from the Chapter of Suppressive
9 Acts?

10 A It says, "Suppressive Acts are clearly those
11 covert, or overt acts knowingly calculated to reduce or
12 destroy the influence, or activities of Scientology or
13 prevent case gains, or continued Scientology successes,
14 and activity on the part of a Scientologist. As persons
15 or groups that would do such a thing act out of self
16 interest, only to the detriment of all others. They
17 cannot be granted the rights ordinarily accorded rational
18 beings."

19 Q And you said that you understood that
20 paragraph?

21 A Yes, I do.

22 Q Is there anything in that paragraph that
23 contradicts what you learned as "Fair Game"?

24 A No. It's just phrased nicely.

25 Q In fact, the prosecutor showed you that this is

1 dated 1991, correct?

2 A Yes.

3 Q Could anything that is written here directly
4 conflict or change "Fair Game" as it was done by L. Ron
5 Hubbard?

6 MR. TYSON: Judge, I am going to object.
7 He is incompetent to answer that question. He has been
8 out of the organization for eight years. How he would
9 even know about this. He has never seen this before.

10 THE COURT: Sustained.

11 BY MS. RIVELLINI:

12 Q From what you learned when you were involved so
13 heavily in Scientology, from what you learned can a
14 policy later after L. Ron Hubbard died be changed?

15 A No, it can't. That one, in fact, you showed me
16 didn't seem to be written by L. Ron Hubbard. It was
17 another author listed underneath the name on the bottom.

18 Q That makes a big difference?

19 A Big difference.

20 Q The fact that it says that people who commit
21 suppressive acts that they cannot granted ordinarily
22 accorded rational beings. Is that essentially saying
23 that you don't treat them like they are humans?

24 A That is how I interpret it.

25 Q Now, the prosecutor kind of made the connection

1 in your involvement in Scientology and his job here with
2 the State of Florida. When you were in Scientology, no
3 one forced you to become a member?

4 A No one forced me to become a member.

5 Q Okay, no one forced you at the time you were
6 there to stay a member, is that right?

7 A No one forced me to stay a member.

8 Q And for a while you liked being a member?

9 A Yes.

10 Q You even have a tattoo and it meant a lot to
11 you?

12 A Yes.

13 Q At some point to you did that change?

14 A Yes, it did.

15 Q Did you try to take the steps that were taught
16 to you to properly leave the church?

17 A Yes, I did.

18 Q When you tried to do that were there any
19 repercussions?

20 A Yes, there were.

21 Q In fact, it is not just like for Mr. Tyson if
22 he were to quit his job, and he said he could walk out
23 the door. You couldn't just walk out the door and say
24 that I am done with you all and never hear from them
25 again?

1 A I could, and suffer the consequences, sure.

2 Q So there were consequences when you left the
3 church?

4 A Yes, there were.

5 MS. RIVELLINI: Judge, that's all I have.

6 THE COURT: Mr. Tyson, anything further?

7 RECROSS EXAMINATION

8 BY MR. TYSON:

9 Q You do recognize that book there, right?

10 A Yeah, I've seen that book.

11 Q So Mr. Hubbard, he is dead?

12 A Yeah, he's dead.

13 Q Are you sure, we are not talking about Elvis
14 being alive? He is dead, right?

15 A As far as I know, sir, he is dead.

16 Q That's the typical book that you all have in
17 Scientology?

18 A It's typical, yeah.

19 Q Now, you said the reason for activities, you
20 are not mad at the people, but the policies, but you
21 aimed the laser light at the people, right?

22 A Yeah, a particular security guard, yes.

23 Q That's a person, right?

24 A Excuse me?

25 Q That is a person though, right?

1 A Correct.

2 Q And for lack of a better term, I am not going
3 to claim ignorance here, but I really don't know that
4 much about Scientology, I really don't. I don't know
5 that much about you guys. That's why I say Scientology
6 and anti-Scientology. I am not trying to offend you when
7 I say that. But your message for lack of a better way to
8 describe it, to simply it would be anti-Scientology?

9 A No, I wouldn't say that. I don't have a
10 problem with people being Scientologists.

11 Q I am talking about anti-Scientology policies.
12 I mean that is why you are picketing and protesting, to
13 get your message out against Scientology, you want to
14 expose them, right?

15 A I want to expose the abusive practices.

16 Q Okay, fair enough. Let me ask you this
17 question, how is shining a laser light on them sending a
18 message to the rest of the public that you want to expose
19 their policies, tell the jury that?

20 A That particular person that was filming me --

21 Q I asked you a question, how does that send your
22 message to the public, your protest, if I go to a car
23 dealership I get a lemon, I am out in front holding a
24 sign, right, that's protest, right? I am shouting in the
25 street, they're bad. Okay? They are bad, that is why

1 you are holding signs, right?

2 MS. RIVELLINI: Judge, there hasn't been a
3 question. I am going to ask that he stop editorializing
4 and just phrase one simple question.

5 THE COURT: Mr. Tyson, please ask your
6 questions.

7 BY MR. TYSON:

8 Q You were there to protest to get your message
9 out, aren't you?

10 A Correct.

11 Q And your message that you want to get out is
12 to the public, isn't it?

13 A No, not necessarily. It's also to the
14 Scientologists.

15 Q For them too, but also to the public, would it
16 be fair to say them, too?

17 A Well, whatever public would be there at 10:30
18 at night, or 11:00, whatever time it was.

19 Q You picket during the day too, right?

20 A Yes, I do.

21 Q And speaking of nighttime, there's not a lot of
22 people there at night. I mean it's 12:00 at night you
23 are doing that laser pen, isn't that?

24 A There are a lot of people walking in and out,
25 they were all Scientologists.

1 Q My question to you is, you have a message that
2 you want to get out, how is putting a laser light on an
3 individual, on a person, aiming it right at them in the
4 camera, how is that getting your message out?

5 A It wasn't. The picket sign in my other hand
6 was getting the message out.

7 Q That's right it wasn't, was it?

8 MR. TYSON: No further questions.

9 THE COURT: Any further questions of this
10 witness?

11 MS. RIVELLINI: Juste a moment, Judge.

12 No, sir.

13 THE COURT: Thank you, sir. Please step
14 down.

15 (Whereupon, the witness was excused.)

16 THE COURT: We are going to take a fifteen
17 minute recess. We will be adjourned until 10:15.

18 (Brief break)

19 (Whereupon, the jury was brought in.)

20 THE COURT: Counsel for the Defendant
21 please call your next witness.

22 MR. DENIS DE VLAMING: Yes, your Honor, at
23 this time Bob Minton would like to take the stand in his
24 own defense.

25 (Whereupon, the witness was sworn.)