

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 95-K-2143

BRIDGE PUBLICATIONS, INC., a California non-profit corporation,

Plaintiffs,

v.

**F.A.C.T.NET, INC., a Colorado nonprofit corporation; LAWRENCE WOLLERSHEIM,
an individual; and ROBERT PENNY, an individual,**

Defendants.

**DECLARATION OF ROBERT VAUGHN YOUNG IN SUPPORT
OF DEFENDANTS' OPPOSITION TO THE RENEWED MOTION OF
BRIDGE PUBLICATIONS, INC. FOR SUMMARY JUDGMENT
AGAINST ALL DEFENDANTS FOR COPYRIGHT INFRINGEMENT**

I, Robert Vaughn Young am a resident of Vashon, Washington.

1. I have been asked to serve as an expert consultant in BPI v.

F.A.C.T.Net, et al. on behalf of Defendants. I have already served as an expert in this case and have testified at a hearing in Denver, Colorado. My testimony was with regard to the availability of "upper level" Scientology materials and my testimony was accepted by the Court and was in fact incorporated into the Court's ruling.

2. As to my own background, I served in various Scientology positions within the Scientology organizations for nearly 21 years. I entered Scientology in 1968 and became a staff member in 1969 and served at various local state and international positions until I fled with my wife in 1989. In those 21 years, I read tens of thousands of pages of

Scientology materials, most of it written by L. Ron Hubbard (hereafter "Hubbard"), who began Scientology in 1950 with the publication of *Dianetics: The Modern Science of Mental Health*.

3. Because of my nearly 21 years of reading and studying Scientology directives, I became intimately familiar with their content, form, manner of distribution and publication. In fact, from 1982 to 1989 I was an employee of Author Services, Inc. which was responsible for the works of L. Ron Hubbard. We were located in Hollywood, California. Part of the function of Author Services, Inc. (hereafter "ASI") was to direct the publication of Hubbard's material through Bridge Publications, Inc. (hereafter "BPI"), the sole remaining plaintiff in the above-captioned action. This included individual directives as well as books, both fiction and nonfiction. I thus became even more familiar with the material not only through reading and studying but through its production, publication and distribution.

4. I was asked by counsel for defendants to review material in preparation for a response to a motion for summary judgment. I was shown fourteen banker's boxes containing approximately 1,900 items that were exhibits in plaintiff's motion for summary judgment. These banker's boxes were numbered 45 through 58 and had on each of them designations of plaintiff exhibit numbers.

5. I inspected a few of the exhibits to see the format and how the plaintiff's exhibits were being presented to the Court. Each exhibit has a cover sheet with an exhibit number and the name of the case followed by a summary sheet and then a sheet that says that it is comparing the original L. Ron Hubbard document with a copy of what was allegedly taken from F.A.C.T.Net. There is a colored sheet that says "F.A.C.T.Net copy," and facing it is a

sheet that was labeled "L. Ron Hubbard Original." This is done for each page of the document. It is followed by a Copyright Registration Certificate and, if the copyright has been renewed, there is a copy of the renewal. In glancing at the copyright registration certificates, I began to recognize the names of some of the people who had filed the certificates. Therefore, I feel that I am fully qualified to review the material and present my opinion to the Court as to these 1,900 exhibits which form the basis of the allegations against F.A.C.T.Net of copyright infringement.

6. Knowing how Scientology would respond to any opinion offered by me, I decided to use a method of randomly selecting exhibits that would reduce the opportunity to rebut any accusation that I had preselected the items. I decided to choose two exhibits from the front and back of each box. (The only exception was in Box 55 where I started, when I reviewed three exhibits accidentally. I recorded those three because I did review them. I made no review of any other exhibits.) Thus, I reviewed fourteen boxes, taking four plaintiff's exhibits from each box (except three from Box 55), making a total of 57 exhibits closely reviewed. This is intended to be as objective a sampling of the exhibits as possible, with the belief that it would reflect the rest of the exhibits until they could all be fully reviewed.

7. In my expert opinion, I can say that what is being presented to the Court as a copy of the "L. Ron Hubbard Original" is not a copy of the document that was filed with the copyright registration certificate. I will take the Court through the reasons for this and show that there are also serious discrepancies and questions to be raised regarding the veracity, authenticity and reliability of these documents as evidentiary exhibits to the Court.

8. The exhibits that were selected break down basically into the following three groups:

(a) Policy Letters: These were always published as green ink on white paper and were intended to be administrative directions.

(b) Bulletins: These were intended to be more technical matters and were published on white paper with red ink.

(c) LRH ED's: These were issued by Hubbard as blue ink on white paper and covered a variety of topics.

There were other miscellaneous documents but the vast bulk of plaintiff's exhibits reviewed fell into these three categories.

9. In reviewing these documents, I became aware that there was misidentification of documents with regard to their dates. This is easy to do with Scientology documents since there is often an arcane system of dating the original and the revisions. For example, Christmas might be listed as "25 December AD 12." That would refer to Christmas in 1962 because the AD means "After Dianetics" which was 1950. (Hubbard felt that the publication of his book was so momentous that virtually a new calendar could begin and so his writings were often written in that way with an "AD" date rather than the usual and more familiar form.) Many issues also have revision dates, republication dates and, reissue dates. Thus, it is difficult to the uninitiated to sort through each such the document to find out when it was actually first published or if what one is looking at is a republication of the item. For example, a date that reads "17 October 72 RC" would mean that the item was written originally on that date but it has been revised several times, possibly over several years.

10. In checking the dates of the documents, I started to make some comparisons of them to the registration certificates to determine if the proper date was reflected on the registration certificate. The first thing I noticed was that in many instances, the name of the document in the registration certificate was not that of the name of the document being cited. Instead, what was cited in the registration certificate was the name of a compilation of materials. Apparently the item being cited was part of that compilation.

For example, plaintiff's Exhibit C-1 (with no date) titled "Important Note" contains a Certificate of Copy Registration dated May 2, 1991 saying the title of the work is "Organization Executive Course Basic Staff Hat" with a previous title "OEC Volume 0," I am familiar with this volume as are most Scientologists. The volume consists of several hundred pages and is a compilation of hundreds of Scientology policies and "Important Note" is obviously appearing in that volume, which has gone through several editions.

11. In a number of cases I found that the same certificate of registration was being used for more than one item. For example, I found nine items out of the 57 that all claimed or had attached the same Copyright Registration Certificate even though they were nine different items, written on nine different dates. They are as follows:

Box No.	Plaintiff's Exhibit	Copyright Registration #
54	B1222	TX 2-035-084
	B1223	TX 2-035-084
55	B1224	TX 2-035-084
	B1225	TX 2-035-084
	B1226	TX 2-035-084
56	C119	TX 2-035-084
	C120	TX 2-035-084

12. All of these items were part of a compilation called *LRH ED INT Series Three*. This was a collection of LRH Executive Directive International Issues put out by Hubbard. They were assembled into volumes and the volumes were issued to staff well after their original individual releases. I might also add that there is no copyright notice on any of the above.

13. I found further instances of exhibits actually being part of a compilation and the certificate used is the one to copyright the compilation, not the individual item. Examples of those are: Plaintiff's Exhibit B120, B241, B600, B1307, C1, C2, C198. Therefore, just by random sampling, I found that 16 of the 57 selected exhibits (nearly 30%) have a Certificate of Registration that pertains to the compilations and not the cited individual work.

14. After I had done my analysis of the 14 boxes and had informed counsel that certificates for compilations were being used repetitively to claim copyright for individual items, a listing of the plaintiff's approximately 1900 exhibits were run through a database and ordered according to the copyright registration certificate number. I saw a temporary printout of the results. I then went into the boxes and verified with some spot checks that there were many of plaintiff's exhibits carrying the same Copyright Registration Certificate. There were, as I suspected, many more under the *LRH ED Series Three* certificate (TX 2-035-054). There were also many carried under the *LRH ED Series One and Two* certificate (TX 2-035-053). By a rough count, it appears that of the 1900 exhibits, only approximately 1,400 are covered by

individual certificates of registration. This means that more than 26% of the individual items were actually part of compilations certificates, which correlates to my initial sampling. Again, even leaving a reasonable margin of error on either side it is difficult to explain this many discrepancies in plaintiff's exhibits except by reference to the policies of plaintiff's organization, which are to use the courts to ruin, harass and intimidate critics.

15. Returning to my opinion that the documents being represented as copies of the "LRH original" must be challenged, I wish to make the following point. Until the 1970s, all directives were printed on legal size paper, 8½ x 14 (in the United Kingdom it was 8 ½ x 13). In the 1970s some material began to be released on 8½ x 11 paper, but these were almost always part of compilations or packs of materials. The original, however, was still issued on legal-size paper. Since the plaintiff's exhibits are all 8½ x 11, I can say that these are definitely not photocopies of what was issued in the 1950s, 1960s and 1970s. (One exception might be Plaintiff exhibit C1 - which is undated and appears to be or could possibly be a page from a book.)

Also, nowhere at any time in Scientology were any materials printed except as back-to-back. The fact that these are all printed on one side indicates that they are not the originals. In my expert opinion, it is very obvious that someone has carefully reproduced these materials to make them appear like the originals, even down to ink color. On closer inspection, it becomes obvious even to the uninitiated that it is not possible that these are from the 1950s, 1960s, etc. For example, Plaintiff exhibit B2 is from 1957 and is set in a word processing form with proportional font which was not available in 1957. I am not saying that it is not possible that the document could be an accurate reproduction of the original. I am

saying we must question if it is an exact copy of what could have been used to be filed with a registration certificate as an example of the 1957 work.

16. There are other instances that become apparent to me in my expert opinion with regard to the material that is being presented to the Court. In some instances, there is material missing from the top of the page that should standardly be there, such as distribution instructions and other headers. This too shows these are, at best, inaccurate copies.

17. Because I was beginning to see a discrepancy between the year that the item was written and the year that the copyright registration was made, I began to make a grid to see if I could see a pattern. What was found in the 57 selected items shows, even with a margin of error, that there are some serious misrepresentations being made to the Court.

18. In the following table listing the 57 that I reviewed, I am attempting to show the time span between the time that the item was written and published and when it was registered.

Box No.	Plaintiff Exhibit No.	Year Written	Year Registered	Time Lag
Box No. 45				
	B1	1957	1985	28 Years
	B2	1957	1985	28 Years
	B119	1966	1988	22 Years
	B120	1966	1975	9 Years
Box No. 46				
	B121	1966	1988	22 Years

Box No.	Plaintiff Exhibit No.	Year Written	Year Registered	Time Lag
	B122	1966	1988	22 Years
	B239	1980	1988	8 Years
	B240	1972	1988	16 Years
Box No. 47				
	B359	1958	1983	25 Years
	B360	1958	1983	25 Years
	B241	1980	1988	8 Years
	B242	1972	1988	16 Years
Box No. 48				
	B361	1958	1983	25 Years
	B362	1958	1983	25 Years
	B479	1960	1983	23 Years
	B480	1960	1983	23 Years
Box No. 49				
	B481	1960	1983	23 Years
	B482	1960	1983	23 Years
	B599	1962	1962	Same Year
	B600	1962	1962	Same Year
Box No. 50				
	B719	1968	1983	15 Years
	B720	1968	1983	15 Years
	B601	1962	1962	Same Year
	B602	1962	1962	Same Year
Box No. 51				

Box No.	Plaintiff Exhibit No.	Year Written	Year Registered	Time Lag
	B721	1968	1983	15 Years
	B722	1968	1987	19 Years
	B869	1970	1983	13 Years
	B870	1970	1983	13 Years
Box No. 52				
	B871	1970	1983	13 Years
	B872	1970	1983	13 Years
	B999	1972	1983	11 Years
	B1000	1972	1983	11 Years
Box No. 53				
	B1003	1972	1989	17 Years
	B1004	1972	1989	17 Years
	B1116	1979	1983	4 Years
	B1117	1979	1983	4 Years
Box No. 54				
	B1118	1979	1983	4 Years
	B1119	1979	1983	4 Years
	B1222	1971	1986	15 Years
	B1223	1972	1986	14 Years
Box No. 55				
	B1224	1974	1986	12 Years
	B1225	1974	1986	12 Years
	B1226	1975	1986	11 Years
	B1307	1956	1959	3 Years

Box No.	Plaintiff Exhibit No.	Year Written	Year Registered	Time Lag
	B1309	1956	1959	3 Years
Box No. 56				
	B1310	1957	1985	28 Years
	B1311	1973	1959 ^{1/}	(14 or 28 years)
	B1443	1960	1983	23 years
	B1444	1982	1988	6 years
Box No. 57				
	C1	(unk.)	1991	[?]
	C2	1957	1975	18 years
	C119	1970	1986	16 years
	C120	1975	1986	11 years
Box No. 58				
	C121	1978	1986	8 years
	C122	1978	1986	8 years
	C197	1959	1983	24 years
	C198	1956	1976	20 years

19. If the ratio for this sampling is maintained for all of the 1,900 plaintiff's exhibits this would mean approximately 1,600 of the exhibits contains Certificates of Registration filed more than five years after the work was first issued. The quantity found even

^{1/} It says that the original material was written in 1959 and was being recompiled in a 1973 issue. It was subsequently registered in 1987, giving a gap of either 14 or 28 years.

with this random sampling is disturbing, especially in the manner that it has been presented to the court.

20. Of the 57 plaintiff's exhibits selected, 45 were registered in the 1980s with 21 of them being registered in 1983. Nearly all of those filed in 1983 were done by Patricia Brice. I happened to work with Ms. Brice in the same organization at the time. She, like myself, was employed at ASI. Ms. Brice's position was "Pers Sec," which meant she was the personal secretary to L. Ron Hubbard, a position that she had held before the formation of ASI. Her function was to take care of Hubbard's personal affairs including family matters, personal bank accounts, etc. It fell to her to undertake the filing of copyright notices.

21. I was at ASI in 1983 when it was discovered that many of Hubbard's works had "gone public domain." We were told this was due to improper copyright registration and/or renewal. Because these works of Hubbard were to form the primary source of income for Hubbard through licensing fees and other financial agreements, a massive push was undertaken to get the works registered. I remember at the time Pat Brice remarking that registration notices could not be filed on vast number because they were past the five year time limit when a registration certificate can be filed. At that time, ASI was being run by David Miscavige who, although he held a position of Chairman of the Board of ASI, was the person in actual command. Miscavige said that it did not matter if the certificates were late or not but that Ms. Brice was to file them anyway. I remember Pat Brice trying to politely explain that it was of no use, but Miscavige would have nothing of it. He said to copyright everything, regardless. There subsequently followed a flurry of copyright filings. As the

material was found, registrations were checked, documents were filed either as an original registration or as renewals. This is why there is a sudden surge in 1983.

22. Others filing Certificates of Registration in the 1980's were Norman Starkey and Lyman Spurlock, whom I also worked with at ASI. (Instances of their filing certificates were found in the 57 examples selected.) Like Pat Brice they were taking their orders from David Miscavige, as they continue to do today. Therefore David Miscavige is the person most knowledgeable on the matters of these copyrights, having supervised and directed most of those I reviewed.

23. Part of the problem facing Ms. Brice in trying to round up material or to follow up on copyright was that there was an unbridled publication system in Scientology that can be found in the upper lefthand corner of many documents. For example there is the word "Remimeo," which meant that the item could be mimeographed again by any organization and distributed. This meant copies would be retyped or scanned so that a stencil would be cut from another copy, run off on a mimeograph machine in the proper color and then redistributed. Quite often, this meant that directives, when they were retyped, would take a new format and sometimes material might be added or left out, whether by accident or design, because the reproduction of material was not under the control of any one location for decades. There were even instances when it was later discovered there was no copyright on an item. These were sometimes added with rubber stamps, sometimes many years later.

24. I would like to point out an oddity to the court. While all 57 items had Certificates of Registration giving copyright to L. Ron Hubbard, there was a high percentage of certificates where ownership was turned over to Mary Sue Hubbard the wife of L. Ron

Hubbard, when a certificate of renewal was made. These all occurred after the death of L. Ron Hubbard in 1986. Those that specifically turned ownership of the copyright over to Mary Sue Hubbard are as follows: (with the year that this was done).

**COPYRIGHTS ASSIGNED TO
MARY SUE HUBBARD**

Plaintiff Exhibit	Year
B119	1983
B1311	1986
B1443	1988
C197	1983
B119	1994
B121	1988
B479	1988
B480	1988
B481	1988
B482	1988
B599	1990
B600	1990
B601	1990
B602	1990

25. According to my initial count, this means that 13 out of the 57 have been turned over to Mary Sue Hubbard. In some instances the documents were marked as requesting that the registration certificate be mailed to the Church of Spiritual Technology. Instances of these were B119 and B121. I do not know what ramification these create but I found them odd and wanted to remark upon them to the court.

26. When I was making my comparison of the "L. Ron Hubbard original" with the "F.A.C.T.Net copy," I found many discrepancies in the comparisons that should be of

interest to the court. In fact, some of these substantiate F.A.C.T.Net's call that it should serve as a repository, because of the differences in the text. These differences might seem small or trivial to some but not to those who would be researching the development of Scientology. They form crucial moments in the organization's history. These are some examples:

Plaintiff's Exhibit B122 is an original version of a document written in 1966. The "original copy" that plaintiff encloses is a much revised version and has additional text.

Plaintiff's Exhibit B600: the F.A.C.T.Net copy has an editor's note at the end that is not on the Scientology "original." This indicates that the F.A.C.T.Net copy was taken from a different source and was actually a later version.

Plaintiff's Exhibit B601: there was a one-word change which, although small, is important. The change is in the distribution in the upper left of the document in which the word franchise was changed to "missions." This was because originally the Scientology "missions" were called "franchises" just like a hamburger franchise, and it was decided to move it over to a more "religious" image. Therefore the ability to show that the word was used in earlier documents is important to understanding the history of this organization.

Plaintiff's Exhibit B1003 - the F.A.C.T.Net copy has an additional paragraph that was deleted in the later Scientology copy.

27. These discrepancies between the F.A.C.T.Net document and plaintiff's example also clearly shows that defendant did not obtain a copy from the example that is being presented by plaintiff.

28. There were many instances where I found that there was a discrepancy in the typists' initials between the F.A.C.T.Net document and the Scientology document. What this indicates to one that is familiar with these documents is that there was a retyping of the document usually for a compilation or a reissue in another form which is why there was a different typist. Internally to Scientology, these typists' initials were often used to track down original versions or to learn the history of a document.

CLAIMS TO AUTHORSHIP

29. I have personal knowledge that material was written and issued under the name of L. Ron Hubbard that he did not author. While working at ASI, I personally wrote material to be issued under his name for several years. This ranged from simple messages to be sent to various organizational staff on events such as his birthday or a holiday, to my composing an entire large directive that was issued under his name. In these instances, they were done without his knowledge or consent. The directive that I wrote concerned the Scientology policy of "Disconnection." The order to do this came from David Miscavige. Miscavige said that we had to reinstitute the Policy of Disconnection and that I was to write the policy for this. I wrote it and it went through several revisions. It was not sent to Hubbard for his approval, but was issued into the Church of Scientology. I might note that at the time I was not working for the Church of Scientology, but was working for a for-profit corporation.

30. I was also his editor for "Battlefield Earth" which became a 10-part series. The manuscript came to me as one story and it was my job to cut it up into books. I did so and gave titles to the volumes which he approved, making changes in two of the titles. I

wrote the introduction to the first volume. This introduction dealt with the subject of satire. I do not know, but I was told that he had seen it and approved it. However, as the other volumes of this 10-part series were developed, I had to compose introductory material to the other volumes. This included writing a summary and other introductory notes that went into the front of each volume. These were done without his approval or consent because most of them were done after he died in January of 1986. I also wrote to material that went into the body of the work. All of this was put out under his name and he was given the copyright for it.

31. I was also the editor for the re-release of a book that he had written many years before, *Buckskin Brigades*. While working on this book and doing research, we discovered that the copyright had expired. Because I had access to his private papers, I managed to find a slightly different version, perhaps one that he had written in preparing for the final version, and brought this back to ASI. By making a comparison, we saw there were small differences in the text, but nothing substantive. With that, we decided we would be able to re-copyright the work and thereby disregard that the original had gone into the public domain. I was told that there could be a legal challenge to such a work, but that we were to do it anyway. It was exactly the same tactic that was taken in 1983 where we were simply copyrighting his works without regard to the law.

32. Therefore, one can be certain that the mere presence of L. Ron Hubbard's name on written material is no guarantee that he wrote it or even knew about it. Others might have ghosted it without his knowledge or consent. The material might have also been changed considerably by others. That is what is being done currently within Scientology,

where Hubbard material is being altered, to delete and/or hide from public view anything that might prove to be embarrassing. At the same time, the originals are kept from public view.

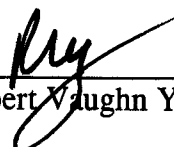
CONCLUSION

33. In conclusion, it is quite apparent to me and from my long experience with Scientology material that there are a number of questions that need to be raised as to the authenticity of the exhibits that plaintiff has presented to the court, even giving a wide margin of error on my part or on plaintiff's part. In assembling or interpreting this material there is still considerable questions to be raised with regard to the authenticity of these exhibits which are being used to bring charges against the defendants. In my expert opinion, plaintiff is simply trying to shuffle the deck and to overwhelm the court with specious arguments exactly as they tried to do before in arguing about the confidentiality of certain materials. At that time, I testified and presented into evidence considerable documentation to show that what they were claiming was not true. Once again, we find plaintiffs doing the same type of bait-and-switch to try to make their case. I can say, without reservation, that there are many, many questions regarding the validity, authenticity and reliability of the evidence that plaintiff has presented and the manner in which it is being represented to the court according to their own exhibits.

In turn, they definitely present a true picture of the motives of the organization and the despicable manner in which it has conducted itself in this litigation.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this document was executed this ^{26th} day of July, 1998 at Santa Anna CA.


Robert Vaughn Young

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