

# Advertiser



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## DISCO BOSS BANS GROUP IN CULT FEAR

THE ADVERTISER can reveal that an anti-drugs charity which was to lecture in local schools and teen discos uses rehabilitation methods developed by the founder of the controversial Scientology cult.

**EXCLUSIVE**  
Investigation  
by  
Graeme Allen

Registered charity Narconon had arranged to promote its anti-drugs message and rehabilitation programme at a series of discos, some in this

area, for youngsters aged 13 to 18.

Narconon uses techniques developed by the late L. Ron Hubbard - founder of the cult of Scientology.

Disco organiser, Martin Charlton, of Club 13-18, had asked schools to publicise his discos. In return, he offered them a speaker from Narconon.

Mr Charlton, who was unaware of Narconon's links to the

### ● Charity is using the Scientology founder's anti-drugs programme

cult's founder, immediately banned the group from the discos after the *Advertiser* told him of its findings.

Brewers Taylor Walker, whose pubs are hosting the discos, initially cancelled the first event, due this Friday in Southgate.

But they gave the go-ahead after hearing that Mr Charlton had

banned Narconon.

Barnet council is now telling schools about the group, but says it is up to individual headteachers whom they invite in.

Other education authorities, including West Sussex County Council, have also warned schools about Narconon in the past.

Narconon's executive director Sheila MacLean said: "We have no financial, political or any other kind of link with Scientology.

"Narconon and Scientology are not one and the same. All we are doing is getting people off drugs using techniques developed by L. Ron Hubbard."

Then she said: "It could be detrimental to yourself to publish this."

● Full story on pages 2 and 3

### Scientology link denied

GRAEME Wilson, spokesman for the Church of Scientology said: "Narconon is a separate organisation who use the techniques of L. Ron Hubbard as we do, but we don't have an organisational link. "A lot of Narconon staff members are Scientologists and use our techniques but we are not the same," he said.

**We present story**

**of anti-drug group's links with cult founder**

# FACTS BEHIND DRUG CHARITY

**NARCONON has a large drug rehabilitation centre on the Chilocco Indian Reservation in Oklahoma, USA.**

The centre was exempted from state certification from the Oklahoma Board of Mental Health in August 1992.

However, the board had earlier denied certification, ruling that "there is no credible scientific evidence the Narconon program is effective".

Scientology founder L. Ron Hubbard's "Purification Rundown" is a central technique used in the programme.

It supposedly flushes the body of drug residues through massive and potentially damaging use of vitamins and five hours each day running and sweating in a sauna.

The board also stated that Narconon clients at the centre were able to handle and provide medication to other clients; that staff employed by the centre were inadequately trained and educated in the field of drug and alcohol abuse, and that no mental health professionals were employed by them.

Narconon was started in 1966 by Arizona State Prison convict William Benitez, using rehabilitation methods developed by L. Ron Hubbard.

Narconon says it is not part of the Church of Scientology. It says that taking its Drug Education and Prevention Programme into schools is the result of growing concern among thousands of parents.

The group claims "over 100,000 surveys of participants worldwide of Narconon's Truth

About Drugs Education programme show that our presentation is a successful deterrent to drug abuse for youth".

Narconon also quotes numerous testimonials to the results of its work, including letters from the office of the Governor of

the State of California.

The group claims the lectures it delivers in schools were written by the president of Narconon International John Duff.

Ian Haworth of charity Cult Information Centre, which investigates cults

said: "We've heard of Narconon trying to get into schools and have always sought to make education authorities aware of them."

● If you have any experience of Narconon, call us on 081-449 5577.

Investigation by  
**GRAEME ALLEN**

## Controversy surrounds the Scientology group

**BEST-SELLING** science fiction writer L. Ron Hubbard founded the Church of Scientology in 1953.

Ever since, he and his organization have been at the centre of controversy.

In 1984 in the High Court, Mr Justice Latey described Scientology as "corrupt, sinister and dangerous," and described the practices of the founder, his church and his helpers as "grimly reminiscent of the ranting and bullying of Hitler and his henchman".

The judge made his comments when he ordered two young children to be taken from their Scientologist father and placed in the custody of their mother.

The cult vehemently denies accusations of indoctrina-



Top actress Kirstie Alley



Top Gun star Tom Cruise

tion and brainwashing, claiming it is a movement dedicated to the betterment of mankind.

The Church of

Scientology, whose UK base is in East Grinstead has thousands of famous people throughout the world who sup-

port or have supported its ideology, among them are top international stars Kirstie Alley and Tom Cruise.

**Party invitation is cancelled**

CLUB 13-18 boss Martin Charlton cancelled Narconon's invitation to the disco minutes after the *Advertiser* told him that Narconon used techniques developed by L. Ron Hubbard, founder of Scientology.

"I just can't believe this," he said. "We were looking for an anti-drugs charity to take part and found their name in the Yellow Pages."

"We're trying to organise an anti-drugs thing for children. Narconon mentioned L. Ron Hubbard, but never told me of his links to Scientology. It's come out of the blue to me."

The first disco is being held this Friday, January 15, at Selborne Hall, The Mall, behind the Cherry Tree pub, Southgate, from 7.30 to 11pm. There will be a sound system, special effects, a dance crew and multi-level dance platforms.

...responsibility, is the  
cult capital of Europe. PETER  
BEAUMONT investigates a spiritual  
hypermarket. Photographs by  
Richard Smith.

# And God created East Grinstead

Barbara Bradley, publicity officer and seventh level 'Thetan' in the Church of Scientology, takes a dim view of the media. They are, she told us, somewhere on the evolutionary scale from 'slime to human being'. Where exactly? She shrugged. Carlos, the security guard, had just prevented us from photographing a member of staff at Saint Hill Manor, the Scientologists' opulent headquarters. Since Ms Bradley - a chain-smoking, bird-thin former library clerk with a flat, Californian voice - had already forbidden us to photograph L. Ron Hubbard's study, or even an 'E-meter' (the device with which Scientologists measure spiritual development), there seemed little point in staying. We made our way out past manicured lawns where, earlier, squads of uniformed Scientologists had been practising their drill; took one last look at the 18th-century manor house, 57-acre grounds and modern, purpose-built castle; and drove off towards the headquarters of the Rosicrucians nearby.

It was a tight schedule. After the best part of a morning spent grappling with the controversial teachings of the creator of 'dianetics', we had just an hour to get a handle on the mystical teachings of Christian Rosenkreuz, before our tea-time appointment with a local witch. We were on a mission to find God in East Grinstead - the spiritual supermarket of the Home Counties. But which God? And where?

We had an impressive shopping list: not just Scientologists and Rosicrucians but Mormons (who have their only British temple here), Jehovah's Witnesses, Anthroposophists and numerous others. Although East Grinstead has only 30,000 inhabitants, this unassuming Sussex commuter town has proved a honey pot for pursuers of alternative religions and Christian sects. The Scientologists, who have just opened their own 'dianetics' bookshop in the town, claim 2,000 local members. The Mormons, who recently reconsecrated their temple, say that 50,000 people from the surrounding area went to view their temple interior (which has been closed to >



White witch Dawn Dubois in the woods near East Grinstead, where she leads the local coven

the whole town from his hilltop church. 'There is a desperate need in people these days for meaning, for purpose and a sense of certainty. That is what underlines many of these religions. In that sense organisations like Scientology purport to give all the answers: the package deal. It is very alluring. Christianity, on the other hand, requires a personal act of faith. It is more demanding.' The seriousness of the conflict, with the Scientologists in particular, has been brought home with force to Mr Brown, who earlier this year was reported to the Archbishop of Canterbury, Dr George Carey, accused by the cult of trying to kidnap one of its members. It is a charge he denies. He is dubious about the claims and merits of many of the other 'churches' in the area, but his main worry is with the Scientologists. They regularly leaflet his vicarage; he - and his Christian colleagues - provide leaflets on the 'dangers' of this cult. He also admits, however, to finding the Mormons 'a bit weird in general' and their teachings 'very, very bizarre'.

The criticisms go both ways. Dawn Dubois, for example - white witch, coven leader and local organiser of the Pagan Federation - believes that 'moderate' Christianity can be every bit as bizarre as many less respectable cults. Dawn has an adult handicapped daughter, with a mental age of nine, who she allowed to go to Lourdes with a friend. 'I thought that it wasn't going to be hard-sell evangelical, but when she got back she was having nightmares. They had tried to make her drink communion wine, telling her it was the blood of Christ and if she didn't drink it she wouldn't go to heaven. She spat it out. She was convinced that it was warm and salty. I find that appalling. Religion should not be about frightening people - people who have no defence. Should it?'

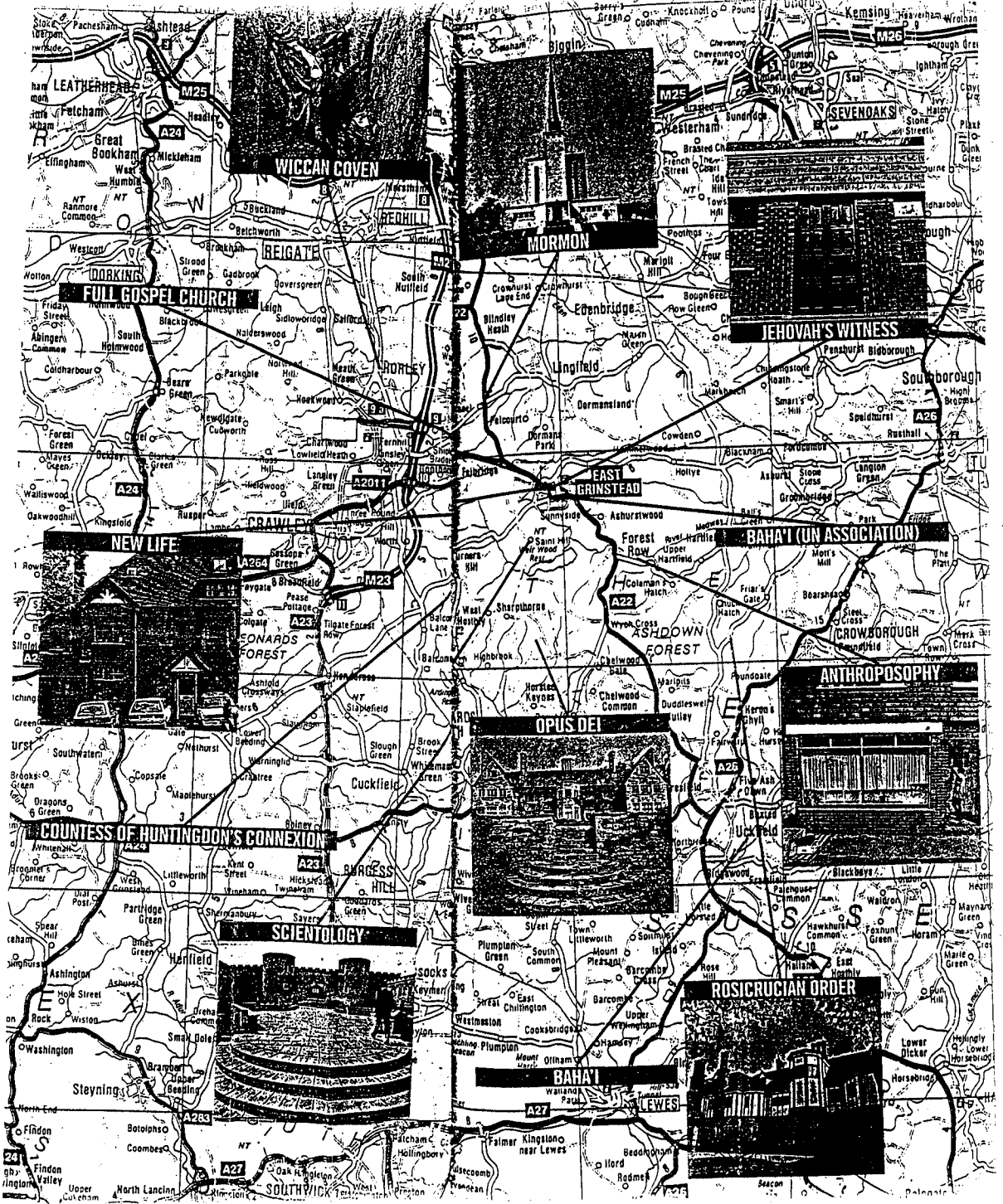
Yet it seems that allegations of fear and exploitation are never entirely absent from the world of alternative religions. Ron Parsons, editor of the *East Grinstead Observer*, is laid back about most of the groups in his circulation area. Like Prebendary Brown, however, he has had a rough ride with the Scientologists. Taken to the Press Complaints Commission for calling them a cult - he won - he also claims to have been the recipient of anonymous threats. His policy is simple: 'I won't have any of that sciento clap-trap near the paper.' Parsons admits, however, that the town is split in its attitude to its religious cuckoos. Many people, he says, welcome the money that they bring in. Others, no doubt, are grateful to the cults for demonstrating that East Grinstead is not as dull a place as outsiders usually imagine. But why are they all located there? 'Coincidence,' says Brown. A convergence of ley lines, say others; or, perhaps, a convergence of wealth. Ultimately, God only knows. □

There is a desperate need in people these days for meaning



● **THE CHURCH OF SCIENTOLOGY**  
 Founded in the 1950s by pulp science fiction writer L. Ron Hubbard (above) who claimed to have discovered 'dianetics' - the modern science of mental health. To his followers (whose UK headquarters is at Saint Hill Manor, East Grinstead), Hubbard was a great writer, artist, philosopher, explorer, scientist and war hero. The opposite view - which has seen the controversial organisation condemned in many countries - is that he was a charlatan, schizophrenic and habitual liar. Scientology is heavy on jargon, light on science. One of its many claims is that man can only develop his full potential by clearing himself of his 'reactive' mind, the early painful experiences that cloud his judgement. This is achieved through 'auditing', dianetics courses and use of the E-meter - a needle dial wired up to two metal handsets that records the presence of Engrams, or past painful experiences. Scientologists claim to have been persecuted by the FBI, the CIA, the media and the psychiatric profession (whom they blame for everything from the holocaust to ethnic cleansing in Bosnia). They recruit through dianetics bookshops, anti-drug front organisations like Narconon and free personality tests. Star members: John Travolta, Priscilla Presley.

● **THE PAGAN FEDERATION**  
 A loose alliance, founded in 1971, of 'old' religions such as Wicca (witchcraft), Druidry, Asatru and Shamanism. 'People get the wrong idea,' says Dawn Dubois, white witch, coven leader and organiser of the Pagan Federation in the East Grinstead area. 'We don't have sex in covens. We're more interested in picnics and playing conkers.' She admits that her 'craft' has, in the past, attracted lunatics, looking for power over their fellow



○ **ANTHROPOSOPHICAL SOCIETY**  
 Conceived in 1912 and dedicated to the philosophy of Rudolf Steiner. Based on the premise that the human mind is capable of contacting spiritual worlds. Combines elements of Christianity and of Eastern religions, but puts man at the centre of its world view. Has various educational buildings around Forest Row, East Grinstead.

● **OPUS DEI**  
 Controversial and elitist right-wing Roman Catholic sect founded by Josemaria Escriva de Balaguer in 1928. Argues that everyone is called to holiness, not just the clergy and members of monastic orders. Full non-clerical members or 'numaries' live communally in sexually segregated houses and give their salaries to the organisation. Ascetic practices include the wearing of the 'cilice', a spiked chain around the thigh, for an hour a day; and self-flagellation. Recruits exclusively from the Roman Catholic Church. It has been criticised for its recruitment methods, especially among young people. UK retreat: Wickenden Manor, Sharpthorne, just south of East Grinstead.

● **ROSICRUCIANS**  
 Worldwide brotherhood with obscure origins claiming to possess esoteric knowledge handed down from ancient times. The earliest references to the order are in the Fama Fraternitatis, 1614, an account of the journey to the middle east by Christian Rosenkruz. Headquarters for the UK, Europe and Africa: Greenwood Gate (above), Black Hill, near East Grinstead.  
 ● **BAHA'I**  
 An offshoot of Islam, based on the teachings of 19th-century mystic Baha'ullah, God's 'mouthpiece for our age'. Preaches universal love, peace and harmony - hence the Baha'i United Nations Association meetings in East Grinstead. Rarely condemned, except in Iran, where Baha'is have been persecuted. >

# Church of Scientology a Big Loser in S.B. Case

## Can the Road Map to Salvation Be Copyrighted?

BY NICK WELSH

□ Last Friday was a dark day for the embattled Church of Scientology. A special judge in Los Angeles attacked the church in the most blistering terms possible, charging it with gross abuse of the judicial process in its unsuccessful lawsuit against the now-defunct Church of the New Civilization, the Scientology splinter group that operated "The Advanced Abilities Center" in Montecito between 1983 and 1986.

U.S. Special Magistrate James Kolts—the same retired Superior Court judge who conducted the recent investigation of the L.A. Sheriff's Department—urged that the Church of Scientology be ordered to pay the defendants (the principals behind the Advanced Abilities Center) \$2.9 million in attorney's fees. The Scientology lawsuit against the center had been thrown unceremoniously out of court last July, and only in exceptional cases are attorney's fees awarded to the prevailing party. But according to Kolts, this case has been nothing if not exceptional.

"Plaintiffs [Church of Scientology] have abused the federal court system by using it, inter alia, to destroy their opponents, rather than to resolve an actual dispute over trademark law or any other legal matter," Kolts wrote. "This constitutes 'extraordinary, malicious, wanton, and oppressive conduct.'" He later stated, "It is abundantly clear that plaintiffs [the Church of Scientology] sought to harass the individual defendants and destroy the church defendants through massive over-litigation and other highly questionable litigation tactics. The Special Master [Kolts] has never seen a more glaring example of bad faith litigation than this."

Most cases don't have Special Masters, but because the volume of motions, countermotions, and pleadings has been so enormous, presiding federal judge James Ideman appointed Kolts to help him wade through the morass of litigation. Although Kolts has acted with all the authority of a judge, his decisions must be reviewed by Ideman before becoming final.

Spokespeople for the Church of Scientology have vowed to have Kolts' recommendation reviewed by Ideman, though Ideman has almost always supported Kolts in the past, and stress that it's just that—a recommendation, not an order. They claim that all along they have sought only to protect their proprietary rights to secret and copyrighted counseling techniques developed by the church, techniques, they say; that the Advanced Abilities Center had obtained illegally and illegally disseminated. "Kolts' ruling is extremely flawed both legally and morally," said Kurt Weiland, director of



Part of the legal defense team that stands to collect \$2.9 million from the Church of Scientology in legal fees. From left to right: Gary Bright, Lawrence Powell, and Michael Damen.

official affairs for the Church of Scientology. "If you accept his reasoning, the victim will be punished and the villain rewarded."

□ **Salvation, Incorporated:** At the heart of this dispute lies a simple but intriguing proposition—namely, that the pathway to spiritual salvation and enlightenment can be copyrighted and secured by trademark protection. Unlike other organized religions, the Church of Scientology seeks to protect its key teachings and texts by copyrighting them and registering them under trademarks.

This conflict goes back to the year 1978, when Scientology founder L. Ron Hubbard, with major assistance from a talented acolyte named David Mayo, devised some very advanced counseling techniques, known as New Era Dianetics for Operating Thetans, or NOTs for short. NOTs were available only to those well along the path of Scientologic spiritual advancement,

they were very confidential, and, not incidentally, they were very expensive.

But by 1983, David Mayo had been purged from the Church of Scientology during a period of intense internal strife. He moved to Santa Barbara, where he and some fellow disaffected Scientologists sought to open their own church, The Church of the New Civilization, and operate the Advanced Abilities Center on Coast Village Road. According to attorney Gary Bright, who along with Jerold Fagenbaum has waged the center's defense, L. Ron Hubbard viewed the new church with alarm. He had good reason. According to Bright, the NOTs counseling was a big money-maker for Scientology and Mayo was offering it out of his center for far less than the Church of Scientology. And according to a former Scientology church official, Hubbard gave the order that Mayo and his new church "be squashed like a cockroach."

At this point, Bright said, the

Church of Scientology hired a team of detectives to conduct a very "noisy investigation" of Mayo and his church. "They called themselves a White Collar Task Force on Crime and Drugs and they let everyone know they were investigating Mayo for possible connections with international firearm smuggling and the Red Brigade." If that wasn't chilling enough, Bright said, the detectives, rented the room upstairs from Mayo's center, they sent people to disrupt the meetings, and they placed 24-hour surveillance teams on Mayo, his associates, and even on Bright himself.

□ **From notes to legal knots:** Bright filed a lawsuit charging the Church of Scientology with harassment and intimidation, and in January 1985, Superior Court Judge Patrick McMahon ordered the church to cease and desist its noisy investigation. Two weeks later, the Church of Scientology filed a massive lawsuit against Mayo and the center, charging them with, among other things, racketeering, receipt of stolen property, and infringement of trade secrets.

Scientologists point out that shortly before Mayo opened his center in Santa Barbara, the top-secret NOTs documents were stolen from a Copenhagen church, and that copies somehow made their way into Mayo's hands. Mayo, they say, never had any right to possess the NOTs documents let alone offer to provide them. It was they said, a church trade secret.

Attorneys for the Church of Scientology took Mayo to federal court in Los Angeles, and by 1985, they succeeded in obtaining a federal injunction prohibiting Mayo from selling the counseling methods in dispute. The

**'Plaintiffs [the Church of Scientology] have abused the federal court system by using it, inter alia, to destroy their opponents rather than to try to resolve an actual dispute . . . This constitutes extraordinary, malicious, wanton, and oppressive conduct.'**

—U.S. Special Master James Kolts

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BY NICK WELSH

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injunction, however, was lifted one year later, but by then it was too late; the Santa Barbara spin-off church had already folded. The Church of Scientology still pursued the matter, arguing that Mayo had cost them at least \$2 million in lost revenues, and they sought untold more in damages.

Mayo and his attorneys fought back. He claimed that *he*, not L. Ron Hubbard, developed the NOTs techniques, and that he was entitled to use them. The church denied this, and as part of the discovery process that is part of any litigation, Mayo and his attorneys demanded any and all documents held by L. Ron Hubbard and the Church of Scientology that would shed light on the true authorship of the NOTs methods. The Church of Scientology has proven exceptionally reluctant to do so, going so far as to destroy and conceal documents.

According to Rev. Lee Holzinger from the Santa Barbara church, Scientology has developed very specific counseling techniques that must be offered in a very specific way and in a proscribed sequence. To do otherwise, he said, would subject the person counseled to potential risk and trauma. For that reason—and “to protect the purity of the text”—he said the church balked at releasing confidential documents to the court, where they could be made public.

Mayo's attorney Bright saw it otherwise. “They're using commercial trade laws to guarantee religious sanctity, and when we talk about religious sanctity, we're really talking about an economic monopoly worth hundreds of millions,” he said. Whatever the real motivations are, the church's refusal to release documents relating to their authorship of NOTs infuriated Kolts and Ideman. Two years ago, they responded by ruling that the church could not say Mayo did not write the documents, to which the Scientologists shifted their stance and argued that even if he was the author, he was still a Scientology employee. The merits of that argument—and to what extent copyright laws apply here—never went to a jury because last July, Kolts and Ideman, enraged by the Scientologists' refusal to release pertinent documents to the defense, threw the case completely out of court.

□ **Hold the mayo:** In the meantime, Bright and Fagenbaum are not spending the \$2.9 million. They expect the matter will drag on for some time, with an appeal to higher federal courts likely. They have not been working the case for free, either. Although Mayo has not had the funds to sustain this legal effort, all attorney's fees have been paid for by a former Scientologist and San Francisco psychiatrist named Frank “Sarge” Gerbode, who Scientologist Weiland contends is using Mayo's case to obtain rights to use the NOTs counseling techniques. ■

## \$2.9M in Fees Awarded in Church Dispute

By Dick Goldberg  
Daily Journal Staff Writer

Citing abuse of the court system simply to "destroy their opponents," a federal court special master ordered the Church of Scientology to reimburse \$2.9 million in attorney fees to former members who had to defend themselves against charges of stealing church secrets.

This constituted "extraordinary, malicious, wanton and oppressive conduct," on the part of the church, wrote James G. Kolts, a retired judge of the Los Angeles Superior Court.

"It is abundantly clear that plaintiffs sought to harass the individual defendants and destroy the church defendants through massive overlitigation and other highly questionable litigation tactics," wrote Kolts in a memorandum of decision handed down last week.

"The Special Master has never seen a more glaring example of bad-faith litigation than this. Therefore it is appropriate to award attorneys' fees pursuant to the copyright statute," Kolts concluded.

Kolts was appointed by U.S. District Judge James M. Ideman in Los Angeles to hear defense motions for attorney fees after the court imposed the ultimate discovery sanction, termination of the lawsuit, for Scientology's persistent refusal to produce documents sought by the defendants.

### Began in 1985

Scientology filed suit in 1985, two years after four high-ranking officials broke from the Church of Scientology and formed the Church of the New Civilization in Santa Barbara. The suit accused David Mayo and others of stealing copyrighted religious materials and trade secrets developed by the late Scientology founder L. Ron Hubbard.

When the 9th U.S. Circuit Court of Appeals ruled that copyright laws did not extend to religious teachings, Scientology turned the suit into a straight case of copyright infringement and theft of business secrets, according to defense counsel Gary M. Bright.

"From that point on they stonewalled us at every turn to keep this case from getting resolved," said Bright, partner in the Carpinteria firm of Bright & Powell.

"We'd get a favorable ruling and they would move to reconsider. They would appeal the ruling, then file a motion for review. Then they would file a writ of mandate on the same issues. They tried to keep the case moving sideways, never forward. It's like they wanted to keep us there forever."

Co-defendants' counsel Jerold Fagelbaum agreed. "Scientology must have brought in a dozen law firms in the past seven years. It's obvious they were out to wear us down. It was a war of attrition and the court simply wouldn't tolerate it."

### Vow to Fight

"It's ironic. We're being characterized as the bad guys when, in fact, we are the party who was wronged," said Scientology counsel Michael T. Stoller. He termed Kolts' charge "only a recommendation," void of specifics, and he vowed to fight it through the federal court system.

Stoller, a partner in the Los Angeles firm of Besbris, Hollis & Stoller, said he expects the trademark infringement cases to be revived on appeal.

**LAW****Scientology Case**

The Church of Scientology should pay defendants' legal fees of \$2.9 million in a suit the church brought over the alleged theft of secret Scientology teachings, a federal court officer recommended.

The report by the special master, who was appointed by the federal judge overseeing the case, criticized the Scientology suit as frivolous and a "glaring example of bad faith litigation." The suit was dismissed last spring, also on the recommendation of the special master, because the Scientologists hadn't complied with orders to turn over documents to the defendants.

The suit was brought in 1985 against former church members accused of using confidential church teachings in non-Scientology programs. The secret teachings were allegedly stolen in 1983 from a Scientology church in Denmark.

In his report to the federal court in Los Angeles, Special Master James Kolts said, "It is abundantly clear that plaintiffs sought to harass the individual defendants . . . through massive overlitigation and other highly questionable legal tactics."

William T. Drescher, an attorney in Calabasas, Calif., for the Church of Scientology, said his client will ask the federal judge overseeing the case to reject the special master's recommendation. "Not a single instance of bad conduct" can be cited by the special master, he said. He also said the criticism of the Scientologists was unfair because the case was "hotly contested" on both sides.

Jerold Fagelbaum, a Los Angeles attorney representing one of the former Scientologists, David Mayo, and Mr. Mayo's defunct Church of the New Civilization, said that in not turning over documents, "the Scientologists refused to put their evidence where their mouth was." Mr. Mayo is pursuing counterclaims of unfair competition and libel against the Scientologists.

*(Religious Technology Center, et al.,*

*vs. Robin Scott, et al., U.S. District Court, Los Angeles, No. 85-711)*





Friday 26 February 1993

HOME 7

# Hanged man had feared attack by Scientologists

A MAN found hanged last year believed his life was in danger because he had been trying to expose the "evils" of the Scientology cult, which his former girlfriend had joined, a west London inquest heard yesterday.

Paul Burton, the Hammersmith coroner, recorded an open verdict on Khushroo Motivala, 38, who was found hanging from a loft beam at his home in Greenford, west London, last September.

Dr Burton was told that Mr Motivala had extensive debts and that he blamed the cult for the break-up of his relationship with Ruth Turk and for the loss of his three daughters. The couple had been fighting for custody of the children since Miss Turk had left with them six months earlier.

Linda Lewis, a friend, said that Mr Motivala had told him stories about opponents of Scientology who had been attacked in the United States.

"He certainly feared for his life," Mr Lewis said. "He kept a big knife by the front door in case of an attack. He was always talking about exposing the evils of Scientology. We all thought he was a bit silly, but then he died."

By Kathy Marks

The inquest heard that Mr Motivala initially attended Scientology meetings with Miss Turk. Later he accused her of giving £14,000 to cult members from the taxi and courier business which they jointly ran until financial problems forced them to sell it in early 1991.

Mr Lewis said that the Scientologists had issued a "non-enturbulation" order against Mr Motivala, which forbade him from speaking to or going near Miss Turk. Another friend, Patrick Smith, said that Mr Motivala had been listed by the cult as a "suppressive person", or enemy.

Miss Turk told the inquest that she had been a Scientologist for 10 years, but that her religion was not connected with her separation from Mr Motivala and that she had not taken any money out of the business.

She said that he had received a letter, possibly on the morning of his death, informing him of the date of the next custody hearing.

Mr Motivala's body was discovered by his girlfriend, Clare Bruce,

about an hour after the departure of his children, who had spent the day with him. Dr Burton said that because Miss Bruce had intended to be home half an hour earlier, it was possible that he had expected to be found before he died.

Miss Bruce said that her boyfriend was living in a state of fear. "He made a habit of harassing the Scientologists and he was always afraid that there would be an assault on him, because it was known to happen," she said.

Ray Jenkins, who employed Mr Motivala as a driver, said that he would be astonished if he had taken his own life.

Mr Jenkins said: "He had become obsessed about Scientology — to the extent of taking a lot of advice from an anti-Scientology adviser — and also about the custody of his children. To have done what he appears to have done would be to concede everything."

Mr Lewis said that Mr Motivala was in very good spirits at the time he died, as his lawyers had just told him that he had a good chance of gaining a residency order in the custody proceedings. "He was absolutely ecstatic, over the moon," he said.

LOS ANGELES

# Daily Journal

Friday, February 26, 1993

## Daily Appellate Report Summaries

### Civil Rights

■ Cult Awareness Network isn't a business establishment required to accept all applications for membership.

The *C.A. 2nd* has concluded that the Cult Awareness Network (CAN) was not a business establishment under the Unruh Civil Rights Act and, therefore, was not required to accept any and every application for membership into its organization.

CAN-National, a nonprofit corporation, was founded to educate the public about the harmful effects of mind control as practiced by destructive cults and about the unethical or illegal practices such cults employ. Membership in CAN-National was open to individuals without regard to race, religion or national origin. CAN-LA, a separate unincorporated association, was authorized to exist as a local affiliate by CAN-National. CAN-LA received 486 letters from acknowledged Scientologists requesting admission to membership of CAN-LA. One letter was from Philip Hart. Hart was informed by CAN-LA that he would not be allowed to join the organization. CAN-LA's bylaws stated that its membership was open only to families and former members of destructive cults and others committed to exposing these groups. Members had to sign a form stating that they were not a member of a destructive group. Hart filed an action for damages and a preliminary and permanent injunction for religious discrimination in violation of the Unruh Civil Rights Act. Hart stated that he did not intend to disrupt any CAN-LA meetings, but only wished to speak with members to discuss his religion. The trial court denied the preliminary injunction on the ground that CAN-LA was not a business establishment within the meaning of Civil Code Section 51 and the Act was inapplicable.

The *C.A. 2nd* affirmed. Section 51 provides in pertinent part that all persons in California are free and equal and entitled to full and equal accommodations, advantages, facilities, privileges, or services of all business establishments of

every kind. "An organization is not excluded from the scope of section 51 simply because it is nonprofit. . . . However, 'the statute does not govern relationships which are truly private . . .'" Applying Unruh to CAN-LA would violate its members constitutionally protected rights of freedom of private association and freedom of expression without any compelling state interest to do so. CAN-LA was basically a private intimate group as opposed to a large unselective group. Its membership was restricted to those previously affiliated with cults or dedicated to exposing them. Additionally, admitting Hart and other Scientologists as members of CAN-LA would impede its ability to engage in protected activities and to disseminate its preferred views, thereby violating its right to freedom of expression. Hart was not able to identify any compelling state interest unrelated to the suppression of ideas that justified application of Unruh to CAN-LA.

*Hart v. Cult Awareness Network, C.A. 2nd, No. B065422, Jan. 28, 1993, by Lillie, J.*

*The full text of this case appears in the Daily Appellate Report on page 2515.*

*— Stephen Q. Mitchell*

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### Civil Rights

■ Cult Awareness Network isn't a business establishment required to accept all applications for membership.

The *C.A. 2nd* has concluded that the Cult Awareness Network (CAN) was not a business establishment under the Unruh Civil Rights Act and, therefore, was not required to accept any and every application for membership into its organization.

CAN-National, a nonprofit corporation, was founded to educate the public about the harmful effects of mind control as practiced by destructive cults and about the unethical or illegal practices such cults employ. Membership in CAN-National was open to individuals without regard to race, religion or national origin. CAN-LA, a separate unincorporated association, was authorized to exist as a local affiliate by CAN-National. CAN-LA received 486 letters from acknowledged Scientologists requesting admission to membership of CAN-LA. One letter was from Philip Hart. Hart was informed by CAN-LA that he would not be allowed to join the organization. CAN-LA's bylaws stated that its membership was open only to families and former members of destructive cults and others committed to exposing these groups. Members had to sign a form stating that they were not a member of a destructive group. Hart filed an action for damages and a preliminary and permanent injunction for religious discrimination in violation of the Unruh Civil Rights Act. Hart stated that he did not intend to disrupt any CAN-LA meetings, but only wished to speak with members to discuss his religion. The trial court denied the preliminary injunction on the ground that CAN-LA was not a business establishment within the meaning of Civil Code Section 51 and the Act was inapplicable.

The *C.A. 2nd* affirmed. Section 51 provides in pertinent part that all persons in California are free and equal and entitled to full and equal accommodations, advantages, facilities, privileges, or services of all business establishments of

every kind. "An organization is not excluded from the scope of section 51 simply because it is nonprofit. . . . However, 'the statute does not govern relationships which are truly private . . .'" Applying Unruh to CAN-LA would violate its members constitutionally protected rights of freedom of private association and freedom of expression without any compelling state interest to do so. CAN-LA was basically a private intimate group as opposed to a large unselective group. Its membership was restricted to those previously affiliated with cults or dedicated to exposing them. Additionally, admitting Hart and other Scientologists as members of CAN-LA would impede its ability to engage in protected activities and to disseminate its preferred views, thereby violating its right to freedom of expression. Hart was not able to identify any compelling state interest unrelated to the suppression of ideas that justified application of Unruh to CAN-LA.

*Hart v. Cult Awareness Network, C.A. 2nd*, No. B065422, Jan. 28, 1993, by Lillie, J.

The full text of this case appears in the *Daily Appellate Report* on page 2515.

— Stephen Q. Mitchell

**ORDER**

Second Appellate District  
Division Seven  
Filed January 28, 1993

Cite as 93 Daily Journal D.A.R. 2515

PHILIP A. HART,  
Plaintiff-Appellant,  
v.  
CULT AWARENESS NETWORK  
et al.,  
Defendants-Respondents.

No. B065422  
Super. Ct. No. BC043303  
California Court of Appeal  
Second Appellate District  
Division Seven  
Filed February 23, 1993

**THE COURT:**

The unpublished opinion in this case having been filed on January 28, 1993, and request for certification for publication having been made,

IT IS HEREBY CERTIFIED that the opinion meets the standards for publication specified in rule 976(b) of the California Rules of Court; and

ORDERED that the words "Not to be Published" appearing on page 1 of said opinion be deleted, and the opinion herein be published in Official Reports.

The foregoing does not effect a change in the judgment.

LILLIE, P.J., JOHNSON, J., WOODS (Fred), J.

APPEAL from an order of the Superior Court of Los Angeles County. Ronald M. Sohigian, Judge. Affirmed. Bowles & Moxon, Randall A. Spencer, Turner, Gerstenfeld, Wilk, Tigerman, Heller & Young and Lawrence E. Heller for Plaintiff and Appellant.

Hagenbaugh & Murphy, Peter M. Schnirch and Daniel A. Leipold for Defendants and Respondents.

Plaintiff, a member of the Church of Scientology, appeals from an order denying a preliminary injunction against defendants to "cease refusing membership in the Cult Awareness Network, and the Cult Awareness Network, Los Angeles Chapter [CAN-LA], to plaintiff and members of the Scientology religion or minority religious organizations," on the ground that such exclusion violated the Unruh Civil Rights Act, Civil Code section 51.<sup>1</sup> The issue before us is whether the trial court properly determined that it is not reasonably probable that plaintiff will succeed in demonstrating that CAN-LA<sup>2</sup> is a business establishment within the meaning of Civil Code section 51.

**FACTUAL AND PROCEDURAL BACKGROUND**

The following facts are gleaned from evidence found to be admissible by the trial court, the evidentiary rulings of which are not challenged on appeal.

CAN-National is a nonprofit corporation; its purpose is to educate the public about the harmful effects of mind control as practiced by destructive cults and about the unethical or illegal practices they employ. CAN-National collects information and conducts research on numerous cults, which information is available for a fee covering copying and mailing costs; it also maintains a confidential hotline to give immediate help or information to persons involved with destructive cults, their family or friends, or anyone seeking more information on the cult issue.

Membership in CAN-National is open to individuals without regard to race, religion or national origin. Payment of an annual fee, currently \$30, entitles members to receipt of the monthly CAN Newsletter and notice of yearly CAN meetings, to which all members will be admitted unless and until the determination is reasonably made that they are planning or engaging in activity disruptive to the meeting or detrimental to its purpose or the well-being of other members. Although plaintiff has never requested status as a member of CAN-National or tendered payment of the annual fee, were he to do so, he would be admitted to membership status in CAN-National and afforded the benefits of such membership -- the monthly newsletter and notice of CAN-National yearly meetings.

The September 1991 issue of *The Business Link*, a publication of the Better Business Bureau serving southern California, contained an article exposing Sterling Management Systems, a Glendale, California, consulting and training business, as "but one of many of

**CIVIL RIGHTS**

*Cult Awareness Network  
Isn't a Business Establishment Required  
To Accept All Membership Applications*

Cite as 93 Daily Journal D.A.R. 2515

PHILIP A. HART,  
Plaintiff-Appellant,  
v.  
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et al.,  
Defendants-Respondents.

No. B065422  
Super. Ct. No. BC043303  
California Court of Appeal

the Scientology cult's front groups, and listed a dozen other organizations which also were alleged front groups for the Church of Scientology. The publication also offered some characteristics of cults as discouraging family life and normal childhood behavior, isolating children and requiring them "to participate in endless rituals, excessive meditation or to work at tasks inappropriate for their age. Diets are often restricted. Discipline may be excessive." The same issue also highlighted the work of CAN-National and stated that it maintains extensive information files on the Church of Scientology.

CAN-LA is an unincorporated association separate from, but authorized to exist by, CAN-National's requirements for affiliation. These requirements include the existence of five or more unrelated persons wishing to form an affiliate organization, agreement to hold at least four meetings per year, agreement to subscribe to the by-laws of CAN-National, payment of \$100 annual affiliate dues; and submission of quarterly activity reports and yearly financial reports to CAN-National. With the exception of providing CAN brochures for CAN-LA to use in providing information to interested persons, CAN-National provides no financial support to CAN-LA.

Priscilla Coates is the Chairman of CAN-LA; she receives no salary as Chairman; CAN-LA has no paid employees and owns no tangible assets of any kind; the only revenue generated by CAN-LA comes in the form of donations and the entire "work force" consists of volunteers who donate time and resources to the organization.

Until October 1991, meetings of CAN-LA were held on a bi-monthly basis in a room provided free of charge by a local bank or in the home of Coates; currently, meetings are held on an irregular basis at the homes of members or friends of the organization. CAN-LA sells no products or services of any kind; as Director, Coates is called upon to provide information to interested persons, which she does free of charge, except for reimbursement of copying costs where applicable. Coates and other members of CAN-LA are sometimes called upon to speak at various events; they charge no fee for such service, but occasionally accept modest honoraria in the \$50 range. CAN-LA has no involvement in lobbying either the state or federal legislatures for new laws concerning religious issues.

Beginning in July 1991, Coates began to receive a total of 486 letters from acknowledged Scientologists requesting to be admitted as members of CAN-LA, purportedly to engage in religious dialogue with other members; the letters were remarkably similar in composition. Coates believed the campaign of letters from Scientologists professing their desire to join CAN-LA was designed as a harassment measure against CAN and CAN-LA, as in February 1991, the Church of Scientology identified CAN as a suppressive group, which Church literature defines as "one that actively seeks to suppress or damage Scientology or a Scientologist by Suppressive Acts." According to Church literature, a suppressive person or group

becomes "fair game" and a person or group which is fair game "May be deprived of property or injured by any means by any Scientologist without any discipline of the Scientologist. May be tricked, sued or lied to or destroyed." A February 1991 Church of Scientology document relating to two individuals not parties to this action, stated that one of the individuals "has associated herself with the Cult Awareness Network, a small anti-religious group which is connected to and works for the Internal Revenue Service. Past and recent leaders of the Cult Awareness Network have included convicted kidnappers and sex criminals. At the behest of these suppressive associates, Adeline and Fred attempted to covertly infiltrate a meeting of Church members and pass on information . . . to a reporter of the Los Angeles Times in an effort to support its unsuccessful attempts to attack Scientology."

On August 8, 1991, plaintiff sent a letter to CAN-LA informing it that he was a Scientologist and requesting membership in CAN-LA; Coates informed plaintiff that his letter had been forwarded to CAN for consideration; in October 1991, plaintiff spoke again to Coates, who told him that he would not be allowed to join CAN-LA because of his membership in the Church of Scientology.

According to plaintiff's declaration submitted in support of his application for preliminary injunction, "I wanted to and still want to join CAN-LA, for the purpose of engaging in a meaningful religious dialogue with the members of CAN-LA about the merits of underlying philosophies of their respective religions, including providing a Scientologist's perspective of Scientology. . . . I have become aware that, despite its stated purposes, CAN has engaged in an extensive campaign to destroy my religion and others. I am also aware that CAN is required by its own statement of purpose, and by its status as a tax-exempt educational organization, to hear and be informed on all sides of religious issues. Thus, I am seeking to exercise my right to join this organization and voice my side of the story of Scientology, to bring about an understanding which would urge this organization to understand and entertain a positive viewpoint toward Scientology, and to compel CAN to cease its attacks on my religion. It never was, nor is it my intention to disrupt or interfere with the activities of CAN-LA in any manner whatsoever."

Coates personally feared "the retributive nature of the Church of Scientology's Fair Game practice and [has] endorsed the denial of CAN membership to plaintiff Hart solely on that basis." Although plaintiff was denied membership in CAN-LA, Coates "could and would arrange for him to speak to a gathering of CAN-LA members and/or friends at his request."

In January 1992, plaintiff filed an amended complaint for damages and preliminary and permanent injunction for religious discrimination in violation of the Unruh Civil Rights Act, and also filed application for preliminary injunction. Defendants opposed the application. After hearing, the court took the matter under submission. By minute order of February 28, 1992, the trial court issued a scholarly eight-page ruling

denying plaintiff's application for preliminary injunction on the grounds that plaintiff did not demonstrate a reasonable probability he would succeed in showing that CAN-LA is a business establishment within the meaning of Civil Code section 51 and that plaintiff did not demonstrate that the balance of hardships favored him. Plaintiff timely filed notice of appeal from the order denying his application for preliminary injunction.

### I STANDARD OF REVIEW

"[T]rial courts should evaluate two interrelated factors when deciding whether or not to issue a preliminary injunction. The first is the likelihood that the plaintiff will prevail on the merits at trial. The second is the interim harm that the plaintiff is likely to sustain if the injunction were denied as compared to the harm that the defendant is likely to suffer if the preliminary injunction were issued." (Ketchens v. Reiner (1987) 194 Cal.App.3d 470, 474.) The decision to deny a preliminary injunction is upheld on appeal if the reviewing court determines discretion was properly exercised with respect to either the question of likelihood of success on the merits or the question of irreparable harm. (Sundance Saloon, Inc. v. City of San Diego (1989) 213 Cal.App.3d 807, 811-812.)

The scope of discretion always resides in the particular law being applied; action that transgresses the confines of the applicable principles of law is outside the scope of discretion and we call such action an abuse of discretion. (Conservatorship of Hart (1991) 228 Cal.App.3d 1244, 1253.)

As the evidence before the trial court on the application for preliminary injunction was essentially undisputed, it is a matter of law whether, on that evidentiary record, Hart demonstrated that CAN-LA is a business establishment within the Unruh Civil Rights Act. Inasmuch as we conclude that Hart has not demonstrated that CAN-LA is such a business establishment, the trial court did not abuse its discretion in denying the application for preliminary injunction on the ground that Hart was not reasonably likely to succeed on the merits.<sup>3</sup> Accordingly, we need not address the issue of interim hardship.

### II "BUSINESS ESTABLISHMENTS" UNDER THE UNRUH CIVIL RIGHTS ACT

"The Legislature used the words 'all' and 'of every kind whatsoever' in referring to business establishments covered by the Unruh Act (Civ. Code, § 51), and the inclusion of these words, without any exception and without specification of particular kinds of enterprises, leaves no doubt that the term 'business establishments' was used in the broadest sense reasonably possible. The word 'business' embraces everything about which one can be employed, and it is often synonymous with 'calling, occupation, or trade, engaged in for the purpose of making a livelihood or gain.' [Citations.]

The word 'establishment,' as broadly defined, includes not only a fixed location, such as the 'place where one is permanently fixed for residence or business,' but also a permanent 'commercial force or organization' or 'a permanent settled position (as in life or business)." (Burks v. Poppy Construction Co. (1962) 57 Cal.2d 463, 468-469.)

An organization is not excluded from the scope of section 51 simply because it is nonprofit. (O'Connor v. Village Green Owners Assn. (1983) 33 Cal.3d 790, 796.) However, "the statute does not govern relationships which are truly private -- . . . those which are 'continuous, personal, and social' [citation] and take place more or less outside 'public view.' [citation.] 'Private' groups and institutions do not fall prey to the Act simply because they operate "ongratuitous' residential or recreational facilities for their members or participants; an 'accommodation' must be 'public' to be covered. Conversely, we have stressed that the statute was intended to include those kinds of recreational facilities traditionally deemed 'accommodations.' We have not suggested that noncommercial groups which do not operate such facilities are covered 'business establishments.'" (Isbister v. Boys' Club of Santa Cruz, Inc. (1985) 40 Cal.3d 72, 84, fn. 14, original emphasis.)

Respondents claim that a construction of the Unruh Act to bring CAN-LA within the meaning of "business establishment" would constitute an infringement of the members' rights of freedom of association in that admitting into CAN-LA "members of a group like Scientology, which does fit the category of a cult, . . . would most likely lead to CAN-LA's ultimate destruction." As we must construe the statute "so that 'constitutional difficulties' will not even arise," (Curran v. Mount Diablo Council of the Boy Scouts (1983) 147 Cal.App.3d 712, 731), we must necessarily examine the effect of applying the Unruh Act to CAN-LA and its members' constitutionally protected freedom of association. Then, the "character and extent of any interference with the freedom of association must be weighed against the countervailing interests." (Id. at p. 730.)

### III CAN-LA'S ASSOCIATIONAL RIGHTS

"As we observed in [Roberts v. United States Jaycees (1984) 468 U.S. 609 [82 L.Ed.2d 462, 104 S.Ct. 3244]], our cases have afforded constitutional protection to freedom of association in two distinct senses. First, the Court has held that the Constitution protects against unjustified government interference with an individual's choice to enter into and maintain certain intimate or private relationships. Second, the Court has upheld the freedom of individuals to associate for the purpose of engaging in protected speech or religious activities. In many cases, government interference with one form of protected association will also burden the other form of association." (Bd. of Dirs. of Rotary Int'l. v. Rotary Club (1987) 481 U.S. 537, 544 [95 L.Ed.2d 474, 483-484, 107 S.Ct. 1940].)

## A. Freedom of Private Association

"The Court has recognized that the freedom to enter into and carry on certain intimate or private relationships is a fundamental element of liberty protected by the Bill of Rights. . . . We have not attempted to mark the boundaries of this type of constitutional protection. The intimate relationships to which we have accorded constitutional protection include marriage, [citation]; the begetting and bearing of children, [citation]; child rearing and education [citation]; and cohabitation with relatives, [citation]. Of course, we have not held that constitutional protection is restricted to relationships among family members. We have emphasized that the First Amendment protects those relationships, including family relationships, that presuppose 'deep attachments and commitments to the necessarily few other individuals with whom one shares not only a special community of thoughts, experiences, and beliefs but also distinctively personal aspects of one's life.'" (Bd. of Dirs. of Rotary Int'l. v. Rotary Club, supra, 481 U.S. 537, 545 [95 L.Ed.2d 474, 484, 107 S.Ct. 1940] .) "Conversely, an association lacking these qualities -- such as a large business enterprise -- seems remote from the concerns giving rise to this constitutional protection. . . . [Para] Between these poles, of course, lies a broad range of human relationships that may make greater or lesser claims to constitutional protection from particular incursions by the State. Determining the limits of state authority over an individual's freedom to enter into a particular association therefore unavoidably entails a careful assessment of where that relationship's objective characteristics locate it on a spectrum from the most intimate to the most attenuated of personal attachments. . . . We note only that factors that may be relevant include size, purpose, policies, selectivity, congeniality, and other characteristics that in a particular case may be pertinent." (Roberts v. United States Jaycees, supra, 468 U.S. 609, 620 [82 L.Ed.2d 462, 473, 104 S.Ct. 3244].)

The evidence indicates that the relationship among CAN-LA members is the type of intimate and private relationship that warrants constitutional protection. CAN-LA is not a "large and basically unselective" group, as were the local chapters of the Jaycees in Roberts. (Roberts v. United States Jaycees, supra, 468 U.S. at p. 621 [82 L.Ed.2d at p. 473, 104 S.Ct. 3244].) In fact, according to CAN-LA's bylaws of August 1991, membership is only open to "families and former members of destructive groups and others committed to exposing these groups." Membership in CAN-LA must be approved by the membership committee, and individuals who are not members of CAN-LA will be permitted to attend meetings at the discretion of the officers (Chairman, Vice-chairman, Secretary, Treasurer, and FOCUS Coordinator). The lack of any other guidelines for membership specified in the bylaws indicates that membership is largely discretionary with the membership committee. A written membership application requires prospective members to list three references, to explain in detail their interest in CAN

membership, and to adopt in writing a statement that "I am not now a member of a destructive group " N and that "I will promote the principles of CAN-National and CAN-LA. I will not use any information I learn to harm CAN-National or CAN-LA or its members."

Accordingly, CAN-LA is a "well-defined subgroup" (Isbister v. Boys' Club of Santa Cruz, Inc., supra, 40 Cal.3d at p. 89), whose membership is highly restricted and selective, based on shared opinions, thoughts and concerns with respect to "destructive cults." This type of group is to be contrasted to the Rotary Club, whose purpose "is to produce an inclusive, not exclusive, membership, making possible the recognition of all useful local occupations, and enabling the club to be a true cross section of the business and professional life of the community.'" (Bd. of Dirs. of Rotary Int'l. v. Rotary Club, supra, 481 U.S. at p. 546 [95 L.Ed.2d at p. 485, 107 S.Ct. 1940].) CAN-LA is also distinguishable from the Boys' Club in Isbister, which offered basic recreational facilities to a broad segment of the population and admitted "without distinction fully half the youthful population of Santa Cruz [i.e., boys]. The sole group excluded [girls], though not numerically a minority, has been a traditional target of discrimination." (Isbister v. Boys' Club of Santa Cruz, Inc., supra, 40 Cal.3d at p. 89.)

It can be inferred from our record that CAN-LA carefully inquires into the background of its prospective members and examines their reasons for wanting to join. CAN-LA is thus to be distinguished from the Jaycees in Roberts, where "new members are routinely recruited and admitted with no inquiry into their backgrounds." (Roberts v. United States Jaycees, supra, 468 U.S. 609, 621 [82 L.Ed.2d 462, 473, 104 S.Ct. 3244].)

Roberts is also distinguishable from the instant case by the nature of the activities carried out by the Jaycees. In Roberts, the United States Supreme Court upheld the Minnesota Supreme Court's determination that the Jaycees is a place of public accommodation under that state's Human Rights Act in that it is a public business, selling goods and extending privileges in exchange for membership dues, and soliciting and recruiting members on unselective criteria. (468 U.S. at p. 616 [82 L.Ed.2d at p. 470].) Unlike the Jaycees, CAN-LA does not offer any goods and services to the general public; rather, it counsels and provides support to its very selective membership and its members may also choose to speak at certain events.

Thus, on the "broad range of human relationships that may make greater or lesser claims to constitutional protection from particular incursions by the State," (Roberts v. United States Jaycees, supra, 468 U.S. at p. 620 [82 L.Ed.2d at p. 473]), the relationship between the members of CAN-LA, objectively assessed, primarily involves the intimate personal concerns and activities deserving of a high level of constitutional protection. Accordingly, CAN-LA possesses the distinctive characteristics which entitle its membership decisions to constitutional protection. Application of the Unruh Act to CAN-LA in this case would thus infringe

upon its members' rights of private association.

#### B. Freedom of Expressive Association

"An individual's freedom to speak, to worship, and to petition the government for the redress of grievances could not be vigorously protected from interference by the State unless a correlative freedom to engage in group effort toward these ends were not also guaranteed. [Citation.] According protection to collective effort on behalf of shared goals is especially important in preserving political and cultural diversity and in shielding dissident expression from suppression by the majority. [Citations.] Consequently, we have long understood as implicit in the right to engage in activities protected by the First Amendment a corresponding right to associate with others in pursuit of a wide variety of political, social, economic, educational, religious, and cultural ends." (Roberts v. United States Jaycees, supra, 468 U.S. 609, 622 [82 L.Ed.2d 462, 474, 104 S.Ct. 3244].) "There can be no clearer example of an intrusion into the internal structure or affairs of an association than a regulation that forces the group to accept members it does not desire. Such a regulation may impair the ability of the original members to express only those views that brought them together. Freedom of association therefore plainly presupposes a freedom not to associate." (Id. at p. 623 [82 L.Ed.2d at pp. 474-475].) The court in Roberts concluded that the Minnesota Act which required the Jaycees to admit women as full voting members worked an infringement of the right to associate for expressive purposes. (Ibid.) Accordingly, under the Roberts analysis, application of the Unruh Act to CAN-LA clearly would work an infringement of its members' right to associate for expressive purposes. (See also Democratic Party of U.S. v. Wisconsin (1981) 450 U.S. 107, 122 [67 L.Ed.2d 82, 95, 101 S.Ct. 1010], (recognizing right of political parties to protect themselves from intrusion by those with adverse political principles).)

Unlike the situation in Roberts, there is a substantial basis in our record to support the conclusion that admitting appellant as well as other Scientologists as members of CAN-LA will impede its ability to engage in protected activities and to disseminate its preferred views. Appellant plainly admits that his purpose is to inform CAN-LA about Scientology so as to challenge, if not change, CAN-LA's belief that Scientology is a destructive cult. This purpose is incompatible with CAN-LA's work in counseling and providing support for ex-cult followers and the families of current cult followers.

We conclude that application of the Unruh Act in this case would place a heavy burden on both types of CAN-LA's constitutionally protected freedom of association under the federal and California Constitutions. The California Constitution "affords greater privacy, expressive, and associational rights in some cases than its federal counterpart." (Isbister v. Boys' Club of Santa Cruz, Inc., supra, 40 Cal.3d at p. 85.)

#### IV

#### NO COMPELLING STATE INTEREST JUSTIFIES APPLICATION OF UNRUH ACT

"The right to associate for expressive purposes is not, however, absolute. Infringements on that right may be justified by regulations adopted to serve compelling state interests, unrelated to the suppression of ideas, that cannot be achieved through means significantly less restrictive of associational freedoms." (Roberts v. United States Jaycees, supra, 468 U.S. at p. 623 [82 L.Ed.2d at p. 475].)

Appellant has not identified any compelling state interest unrelated to the suppression of ideas that justifies application of the Unruh Act to CAN-LA in this case. Without support by any pertinent authority is his argument that "any privacy rights of the members of CAN-LA are outweighed by California's compelling interest in eradicating religious discrimination so that all persons may be judged solely on their individual merits." Appellant cites no authority to support the proposition that the state has any interest, let alone a compelling interest, in the way CAN-LA chooses its members, the beliefs espoused by CAN-LA, or in the primarily private arenas in which such beliefs are espoused to the exclusion of other beliefs.

What appellant characterizes as "religious discrimination" is simply CAN-LA's expression of its own ideas and beliefs in a private and highly selective forum from which Scientologists are excluded. Under the circumstances in this case, any state involvement in compelling CAN-LA to accept Scientologists as members would be tantamount to governmental sponsorship or promotion of one group's religious beliefs at another group's expense. "And as is true of all expressions of First Amendment freedoms, the courts may not interfere on the ground that they view a particular expression as unwise or irrational." (Democratic Party of U.S. v. Wisconsin, supra, 450 U.S. 107, 124 [67 L.Ed.2d 82, 96, 101 S.Ct. 1010].)

Moreover, in light of the establishment clause of the United States Constitution and the religion clauses of the California Constitution (Cal. Const., art. I, § 4), it is difficult to postulate any state interest which would justify application of the Unruh Act to the circumstances of this case. "The 'establishment of religion' clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for-church attendance or non-attendance. . . . Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa." (Sands v. Morongo Unified School Dist. (1991) 53 Cal.3d 863, 870-871, citing Everson v. Board of Education (1947) 330 U.S. 1, 15-16 [91 L.Ed. 711, 723,



67 S.Ct. 504].) "Two other provisions of the state Constitution, having no counterparts in the federal charter, provide additional guarantees that religion and government shall remain separate. Section 4 of article I guarantees the '[f]ree exercise and enjoyment of religion without discrimination or preference . . . .'. The Attorney General of this state has observed that '[i]t would be difficult to imagine a more sweeping statement of the principle of government impartiality in the field of religion' than found in the 'no preference' clause (25 Ops.Cal.Atty.Gen. 316, 319 (1955)), and California courts have interpreted the clause as being more protective of the principle of separation than the federal guarantee [citation]." (53 Cal.3d at p. 883.) Accordingly, because the state is prohibited from any official involvement that promotes religion (*Sands v. Morongo Unified School Dist.*, supra, 53 Cal.3d at p. 883), or that prefers one religion over another, the Unruh Act could not be applied under the circumstances of this case without violating the religion clauses of the California Constitution. The proper stance of government with respect to the instant case is best stated by the *Sands* court: "Ours is a religiously diverse nation. Within the vast array of Christian denominations and sects, there is a wide variety of belief and practice. Moreover, substantial segments of our population adhere to non-Christian religions or to no religion. Respect for the differing religious choices of the people of this country requires that government neither place its stamp of approval on any particular religious practice, nor appear to take a stand on any religious question. In a world frequently torn by religious factionalism and the violence tragically associated with political division along religious lines, our nation's position of governmental neutrality on religious matters stands as an illuminating example of the true meaning of freedom and tolerance." (53 Cal.3d at pp. 883-884.)

We conclude that appellant has failed to identify any state interest, let alone one which is sufficiently countervailing or compelling, as to justify the infringements on the constitutional rights of CAN-LA which would occur were the Unruh Act to apply in this case.

Pursuant to our duty to construe the term "business establishments" under the Unruh Civil Rights Act in the broadest sense reasonable possible, which includes the duty to avoid constitutional infirmity, we hold that CAN-LA is not a business establishment within the meaning of the Act. Thus, the trial court did not abuse its discretion in determining that it was not reasonably probable that Hart would succeed on the merits at trial. Inasmuch as we uphold the latter determination of the trial court, we need not address the issue of interim harm in order to dispose of this appeal.

#### DISPOSITION

The order is affirmed. Respondents are entitled to their costs on appeal.

LILLIE, P.J.

We concur:

JOHNSON, J.

WOODS (Fred), J.

1. Civil Code section 51 provides in pertinent part: "All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, or other physical disability are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever."

2. The preliminary injunction was sought against four defendants: (1) Cult Awareness Network (CAN or CAN-National), a national organization; (2) Cynthia Kisser, CAN's National Director; (3) CAN-LA, a local affiliate of CAN; and (4) Priscilla Coates, Chairman of CAN-LA. As to the national organization, the trial court "accepted the contention and representation of defendants that the application for preliminary injunction as to membership by plaintiff in CAN-National is moot because plaintiff will promptly be granted membership in that organization upon his satisfaction of reasonable conditions of membership." As appellant does not challenge the foregoing portion of the order as to CAN-National, we deem this appeal to relate only to CAN-LA.

3. Although the granting or denying of a preliminary injunction does not constitute an adjudication of the ultimate rights in controversy (*Cohen v. Board of Supervisors* (1985) 40 Cal.3d 277, 286), in some cases an appeal from such an order will necessarily decide a dispositive rule of law. Thus, some cases state that when the issue "'is solely a question of a violation of law the standard of review is not abuse of discretion but whether statutory or constitutional law was correctly interpreted and applied by the trial court.'" (*Bullock v. City and County of San Francisco* (1990) 221 Cal.App.3d 1072, 1094.) This is so because occasionally "'the likelihood of prevailing on the merits depends upon a question of pure law rather than upon evidence to be introduced at a subsequent full trial. . . . If such a question of pure law is presented, it can sometimes be determinative over the other factor, for example, when the defendant shows that the plaintiff's interpretation is wrong as a matter of law and thus the plaintiff has no possibility of success on the merits.'" (*Id.* at p. 1095.)

In this case, our resolution of the issue of whether CAN-LA is a business establishment within the meaning of Civil Code section 51 is based on evidence of the nature and activities of CAN-LA admitted by the trial court at the hearing on the application for preliminary injunction. This evidence, though undisputed, may not represent all of the evidence, or may be different than the evidence introduced after a full trial. Accordingly, although the issue before us is one of law, our conclusion on that issue is based on our record and we do not purport to adjudicate the merits of the controversy as though the case had proceeded to trial.



# PRIVATE EYE

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MARCH 1993

ENGLAND

## CULT CORNER

### The life and death of Mr Motivala



**M**YSTERY still surrounds the death of a father of three who feared he might be attacked because of his fierce criticism of the "church" of Scientology.

The body of 38-year-old Khushroo "Chris" Motivala was found hanging from the loft of his Greenford home last September. An inquest last week heard that, despite allegations he had been murdered and that his death was out of character, there was no evidence anybody else was involved. Hammersmith coroner Mr Paul Burton recorded an open verdict.

Mr Motivala's fight against the cult began after his live-in girlfriend Ruth Turk joined the church. He too dabbled briefly, and together they went on the Scientology cruise ship Freewinds, where he took the cult's "communication course" and "purification rundown".

But Mr Motivala found the courses useless and objected to his girlfriend's deeper involvement. Eventually they split up. He suspected she had spent more than £16,000 on Scientology courses, some of which he thought had come from their courier business which subsequently ran into difficulties and was sold. It was a claim Miss Turk denied.

Mr Motivala began a battle for custody of their three children fearing they too would become members of the cult. He embarked on a campaign to expose the church but became increasingly worried about his own safety. He had many arguments with the cult's staff at its London "Celebrity Centre" in Tottenham Court Road where Ruth Turk had attended courses, and with senior staff at its East Grinstead headquarters.

He began building up information on the cult to use in his fight to retain custody of his daughters, and in the months before his death threatened to sue the movement for the return of money which he and Ruth Turk had spent on worthless courses.

Shortly before his death he met journalists in an effort to expose what he saw as the cult's evils. At the meeting, at which journalists thought he had a bodyguard, he said he feared he might be attacked. He claimed the cult had told him that if he continued to campaign against them they would make sure he would never see his children again.

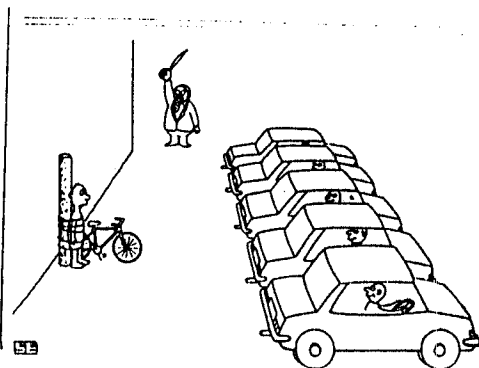
During his brief involvement with the cult he had undergone some auditing sessions at which new recruits are encouraged to reveal all their past misdemeanours. He was also afraid the cult might use the information in his files against him during the forthcoming custody battle.

His campaigning became so intensive the cult issued him with a "non enturbulation order" warning him to stop his anti-Scientology behaviour and his negative attitude towards them. Failure to comply would lead to him being declared a "suppressive person" and an enemy of the church and someone who, according to its founder L. Ron Hubbard's own edicts, could be "tricked, lied to or utterly destroyed".

The court heard that he never met representatives of the cult alone and on one occasion he took a friend along to act as "minder". It was also told he kept a large knife by the front door in case of attack by members of the cult. His girlfriend said: "He made a point of harassing the Scientologists. He was always afraid there would be an attack on him."

Friends were astounded by his death and none could understand it. His employer said he was in good spirits at the time he died because his lawyers had told him he stood a good chance of getting custody of the children. He would, he said, be astounded if Mr Motivala had taken his own life as he would, effectively, have been conceding everything that he had fought for.

After hearing of his fears for his safety, police initially treated the case as suspicious. They carried out tests to see if he had been poisoned or drugged before being hanged but were unable to find anything to suggest anyone else was involved in his death.



# Los Angeles Times

MONDAY, MARCH 1, 1993

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LOS ANGELES TIMES

## Cult's Believers Waiting for Judgment Day

By LARRY B. STAMMER  
TIMES RELIGION WRITER

For 50 years, the cult involved in a violent and bloody shootout Sunday with federal agents near Waco, Tex., has been preoccupied with the long-foretold catastrophic end of time—an awful day of reckoning when the wicked would be brought to judgment.

But as federal agents stormed the cult's armed fortress on Sunday, it was the group's leader, David Koresh—a man who claims to be Jesus Christ—that agents of the Bureau of Alcohol, Tobacco and Firearms were attempting to bring to justice. The agents hoped to arrest him as they executed search warrants for guns and explosives.

When the smoke cleared Sunday, at least four ATF agents were dead and another 15 agents had been wounded. At least one cult member was killed and several more were injured. At nightfall, the standoff continued, with up to 100

Please see CULT, A11

## CULT: Members Believe End of the World Is Imminent

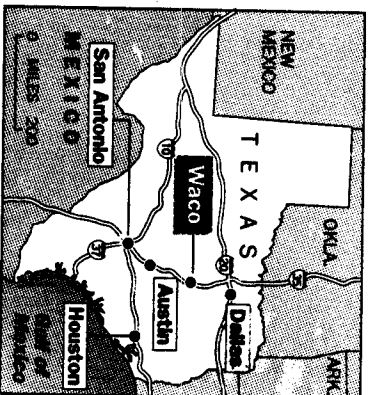
Continued from A1  
people, about a third of them children—holed up in the compound.

Koresh, 33, reportedly is believed by his followers to be the "lamb" referred to in the New Testament's Book of Revelation (Chapter 5) and is the only one who can open the seven seals that unloose the judgment of God—wars, pestilence and other catastrophes—upon the Earth.

From its beginnings, the Branch Davidians, an offshoot of the Seventh-day Adventists, have been concerned—some would say obsessed—by the final days.

That concern had its roots in the Seventh-day Adventists, who originally expected the Second Coming of Christ to occur in 1844. Today, Seventh-day Adventists say the return of Christ is imminent, but they give no date.

The breakaway Branch Davidian group involved in Sunday's shootout had its beginnings in 1929 when Victor Houteff, a prominent member of the church in Los Angeles, developed a following of



VICTOR KOTOWITZ/ Los Angeles Times

his own and moved to Texas, and called the group the Shepherd's Rod.

Other Seventh-day Adventists viewed Houteff's group as eccentric, according to James R. Lewis of Galeia, who for the past 10 years has studied cults in the United States. He is affiliated with the nonprofit Assn. of World Academics for Religious Education, organized last year.

Lewis said that although Houteff's group was not totally communal, they shared in a farm and

had their own school and printing press.

At the beginning of World War II, Houteff changed the group's name to Davidic Seventh-day Adventists. Ironically, Lewis said, Houteff believed that the Seventh-day Adventists were not passive enough because they allowed their members to serve in non-combat roles in the armed services.

When Houteff died in 1955 he was succeeded by his wife, Florence. Florence Houteff predicted that Christ would return on April 22, 1959, prompting hundreds of new followers to join the group after selling their property and businesses. Membership swelled to about 1,400.

When the hoped-for Second Coming failed to materialize, Florence Houteff stepped down and a new group emerged. Like cells dividing, the cult split again in 1959 and then again in 1984, with Koresh heading the Branch Davidians involved in Sunday's shootout.

It was not the first time that a religious group obsessed by the

end of the world had moved from a kind of spiritual apocalypse to a secular apocalypse.

Lewis said it is quite common to have a religious group that claims to have unique access to the truth. Many such groups are millenarian; they believe in the imminent end of history.

The Seventh-day Adventists come out of the tradition of expecting the advent or second advent of Christ. But there is no connection today between the Seventh-day Adventists and the group involved in the gun battle Sunday.

"The difference here is when you get into stockpiling arms," said Lewis. "You probably have some kind of survivalist mentality in which you are thinking more of a secular collapse, a non-religious end of time in which the economy goes to pot and you're going to have to defend yourself from non-believers around you," Lewis said in an interview.

"It doesn't happen a lot, but it's something that happens with disturbing regularity," Lewis said.

# Cult awareness and education must be taught

By Cynthia Kissler

**T**HE drama of David Koresh that has been played on the front pages of newspapers and on the televisions in living rooms across America has stirred many troublesome questions about cults.

Groups such as Koresh's Branch Davidians are certainly not a new phenomenon. And the real story is not that this violence has occurred, but that there are many other groups in society that could turn to such dangerous behavior.

It is true, however, that there are some groups that are on the surface odd or different but are not really abusive to its members. These groups reflect the diversity of thought and religious freedoms that make America great.

But the dangerous cults are the ones that must be addressed. Despite its continuing presence, the cult problem is little understood, little studied and troublesome to contemplate. For us to acknowledge the problem, we must acknowledge our vulnerabilities and come to grips with constitutional and human rights issues.

Many cults were formed by leaders with a lust for power, a willingness to cross the bounds of ethical and moral behavior to satisfy that lust, and a knowledge of how to use influence techniques (some call them mind-control techniques) to control others in a bid to satisfy that lust.

Lacking an awareness of how mind-control techniques work, millions of Americans tragically are swept into cults that these ruthless leaders build. Some victims are financially exploited. Other times there is physical control that is the cornerstone around which true destructive cults create their deceptive paradise.

Many people may be unaware of the impact these destructive cults have on American society. The cost to taxpayers of dealing with the problem is high. The state of Oregon spent close to a million dollars on medical care, special education and counseling for the 51 children removed from the Ecclesia commune in 1988, which saw the beating death of a 7-year-old child. Taxpayer dollars underwrote the criminal trial against the group's leaders — the largest mass slavery trial ever brought in the history of the United States.

Cults also hurt society when their members undermine the democratic process by voting in solid blocks or by providing free volunteer labor to campaigns in return for favors from candidates. The larger, wealthier cults influence the media's ability to provide news and information to its audience, sometimes even purchasing newspapers, radio stations, magazines, and cable networks themselves and subtly injecting propaganda into their news coverage and features.

Cults compete unfairly against legitimate businesses, having members work long hours at low wages and avoiding payment of their fair share in Social Security and federal withholding taxes. In 1985, Tony Alamo of the Alamo Christian Foundation was assessed \$7.9 million in taxes for

## Public needs to be educated on the cult phenomenon

EDUCATION / From Page 1

operating businesses as religious enterprises where his followers worked in sweatshop conditions for as little as \$20 a week.

Ultimately, though, the cost to American society of refusing to come to grips with the cult problem is far greater than the millions in dollars that can be calculated on paper. For every child that suffered and endured physical and emotional in the Jonestown, Guyana, massacre in 1978 — where 913 people died under the orders of cult leader Jim Jones — dozens more have suffered in other groups.

We owe it to these children to start educating the public on what the phenomenon is truly about. It can be identified, and it can be addressed. If we can educate about the dangers of drugs, AIDS and gangs, we can provide important information about cults.

We can teach individuals how to think critically and how to ask the right questions so that they know what they're truly joining.

We can teach our young people not to let any organization gain control of their time or convince

them to make any major changes in life without first discussing their decision with someone they trust and respect.

We can encourage them to research the background of the leadership and the history of any group that promises them attractive-sounding opportunities.

Families that have a loved one caught up in a destructive cult can gain support and insight from learning about the experiences of other former cult members. These families also can benefit from understanding the dynamics of mind control so they can learn how to maintain contact with and express their love for their relatives in ways that may eventually convince these cult members that there is a worthwhile life to be had outside of the cult.

One can measure the cost of the cult problem in America by the loss of bright and curious minds of individuals who could benefit society. For those caught up directly in destructive groups and for their relatives, cults violate constitutional rights, destroy the family and exploit the weak. Cults are, ultimately, a human rights problem.

*Cynthia Kissler is executive director of the Cult Awareness Network, a Chicago-based national nonprofit educational organization, which was incorporated after the Jonestown tragedy. The group provides help to former cult members and families victimized by such groups.*

# Los Angeles Times

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MARCH 10, 1993

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Historically, law enforcement authorities seemed bent on quick ends to siege situations. But today, authorities would rather wait them out.



San Francisco Examiner



Associated Press

Members of his cult lie dead in Guyana at the feet of the throne used by leader Jim Jones, inset.

## When Worlds Collide

### For Some, Cults Hold All the Answers

By ROY RIVENBURG  
TIMES STAFF WRITER

**D**isenchanted with college, unsure about a career and turned off by his Orthodox Jewish upbringing, Henry Kriegel hitch-hiked around the country 16 years ago on a personal and spiritual quest that ended at a lecture sponsored by Elizabeth Clare Prophet's Church Universal and Triumphant.

As he listened, something clicked that hadn't with the other philosophies he'd explored—and after several months of study and reflection, Kriegel joined the controversial sect, which came to be widely known for its massive Montana bomb

shelter.

For Kriegel, who's still a member, the question of why people join fringe sects is easily answered: It's a voluntary decision based on the group's beliefs and practices.

But experts say a host of other factors is at work: age, emotional state, social unrest and—maybe—deception and mind control.

"I keep getting asked, 'Who are all these crazy people who join these groups?'" says Rachel Andres, director of the Commission on Cults and Missionaries for the Jewish Federation Council. "And my answer is, 'I don't think they're crazy at all. I think they're all of us at one point or another in

Please see **CULTS, E6**

## CULTS

Continued from E1  
our lives."

In general, that "one point or another" occurs in the late teens or early 20s, says Gordon Melton, director of the Santa Barbara-based Institute for the Study of American Religion: "That's the time when people are [forming their adult identities and are] most open to changing their religious outlook."

Another expert notes, "You don't see too many elderly folks in cults." (The Branch Davidian sect in Waco, Tex., a Seventh-day Adventist splinter group, may be an exception. Some news reports have mentioned older members, but experts say they probably grew up in the organization, which was only recently taken over by David Koresh.)

Andres believes the age issue is part of a broader category of "transition times in life." The breakup of a relationship, the death of a loved one and other major changes leave some vulnerable to the lure of a cult, she says.

Corey Slavin, for example, now an associate of Andres, was drawn toward the Church Universal and Triumphant in 1988, when she had just moved, started a new job and was grieving over the death of her grandmother. The emotional upheaval shook her faith and self-esteem, she says: "I was a lost soul."

Others agree that the "lost soul" syndrome plays a key role in attracting people to fringe sects. In an "anything-goes" society, some people want the structure and authority of a cult, says psychiatrist Mark Goulston: "It's a way to simplify your life . . . a chance to just give up all your worries and frustrations. It's very seductive."

And unlike most strict mainstream and fundamentalist churches, cults give members life that "is structured 24 hours a day," says University of Nevada sociologist James T. Richardson.

Although some observers insist that cults have always existed in the United States, Richardson and others say the phenomenon mushroomed amid the tumult of the 1960s and '70s. The assassinations, anti-war demonstrations and challenges to traditional authority created a moral vacuum that new sects capitalized on, Richardson says.

"The times were so confusing," says Steve Greeter, a 1970 recruit to a sect called the Children of God. "When I met [my group], I felt like I'd tried everything—football, drugs. I'd been in the 82nd Airborne in Vietnam; I'd been a hippie." Greeter still belongs to the organization.

Melton estimates there are 600 to 700 "alternative" groups in the United States, with "maybe 1 million or 2 million followers on any given day. The membership is very unstable."

The range of philosophies is mind-boggling.

James R. Lewis, an expert in new religions, recalls a new-age conference at which a man claimed to channel for dolphins. He wasn't saying stuff like, "Destroy all tuna boats," Lewis notes. He was just up there making dolphin noises. And hundreds of people were listening.

Melton says any belief system seems unusual to the uninitiated. Just try explaining Christianity to an outsider, he says: "An ex-carpenter who was executed 1,900 years ago holds the key to the universe. . . ."

But many observers contend that a sect's philosophies have little or nothing to do with why people join. Some are attracted by the charisma of a leader or the warmth and enthusiasm of its members.

It's a way to feel acceptance and a sense of belonging, says psychiatrist Goulston: "When the agony of being alone and confused and misunderstood becomes too great, giving up your mind and identity to belong is not too high a price to pay."

Others find a more ominous explanation for why people accept seemingly bizarre belief systems: mind control.

"The common misperception is that people [who join cults] are looking for something spiritual," Andres says. "That's not true. Most join because they think the group is something other than what it ends up being."

In some cases, that's because the sect careens over the edge as the leader becomes corrupted by power. Many of Jim Jones' followers said the early days of the cult were marked by a feeling of brotherhood and the promise of a utopia, but it disintegrated into violence and—ultimately—mass suicide.

In other cases, a group deliberately conceals its identity or beliefs to avoid scaring off potential recruits, cult critics contend. A Children of God member, for example, says it was six months before he even heard the name of the group's controversial leader.

"Cults have gotten a lot more sophisticated," says Andres. "It doesn't work now if you wear robes and sell flowers at the airport."

Rather, groups offer innocuous-sounding classes or seminars and, from there, gradually lure recruits toward deeper involvement, she says.

Slavin's experience with the Church Universal and Triumphant is typical, according to Andres and

other cult critics. As Slavin tells it, a co-worker, without mentioning any ties to the sect, subtly played on her emotions at a vulnerable time in her life, slowly pulling her away from family and friends and into the group's orbit. There, five hours of daily chanting, a limited diet and hours of manual labor induced a "trance-like state": "My thoughts were not my own."

Ex-cult members list other methods used to weaken a person's judgment: sleep deprivation; limiting access to books, movies and other outside ideas; and lack of privacy and time for reflection.

It's mind control, Andres says.

But that argument has been widely attacked by sociologists and other researchers. "Mainstream academia has rejected brainwashing," says Lewis. "When you actually go in and talk to the people [in these groups], nothing seems to be wrong with their information processing abilities."

Richardson calls mind control an "after-the-fact rationalization" used by ex-members to explain away behavior in the group about which they're now embarrassed or ashamed. Basically, "people join because they want to. . . . I don't think they're tricked into it."

Lewis asserts that the alleged mind-control techniques used by fringe sects aren't much different from methods used by the military, Catholic religious orders and college fraternities. But people only use the term, he says, for groups they don't like.

Others argue that if mind control really worked, *everyone* would be in a cult.

On the other hand, if mind control doesn't work, then deprogramming—its opposite—also shouldn't have any effect. Yet it often does.

For that reason, some experts occupy a middle ground on the mind-control issue.

Marc Galanter, author of "Cults: Faith, Healing & Coercion," says people can't simply be manipulated to believe anything: "They have to encounter something that resonates with them."

Still, that doesn't mean they aren't being controlled and shaped, he adds: It's just that part of it is their own doing.

Goulston contends that cults use a form of salesmanship that produces a mild hypnotic trance, but he notes that regular salesmen are often adept at the same technique.

And, in any case, the effects are often short-lived. Studies show that "a large percentage, maybe even a majority, of those involved in [full-time or] high-demand groups leave within a year or two," Melton says.

Says Lewis: "If that's brainwashing, it's not very effective."

## Some of Cocolat's ex-workers claim that the company's newest ingredient is Scientology

By Erin McCormick  
OF THE EXAMINER STAFF

**I**T WAS once a sweetheart of the Bay Area business world — a woman-run chocolate company that grew from a single storefront to a national success.

Now, two years since an employee's embezzlement forced the sale of Cocolat Chocolate Co., an unlikely mix is brewing at the company's Hayward plant: Scientology and chocolates.

The mixture has been volatile. Cocolat is the latest in a small but growing number of California companies whose employees claim religious harassment because their employers are using management techniques based on the teachings of Church of Scientology founder L. Ron Hubbard.

Thirteen former management and administrative employees told *The Examiner* they quit Cocolat because they were disturbed by its use of Hubbard's management practices.

An additional six managers said Cocolat fired them after they resisted the management techniques.

The former employees say Cocolat's new controlling investor, Feshbach Brothers Inc., has brought not only new management but the religion of its owners as well.

"Scientology has scared away almost every good employee the company's had," said Brenda Vinson, a former store manager who in October filed an Equal Employment Opportunity Commission claim against Cocolat's then-president, Jeff Titterington, charging religious harassment.

Vinson claimed she was pressured to quit her job last July after openly criticizing the company's use of the Hubbard management techniques for employee training. Her resistance to the techniques, she said, led to negative performance reviews and denial of a promotion.

Her complaint is pending.

Feshbach Brothers Inc. says it has never tried to push Scientology on Cocolat employees.

"I'm proud to be a Scientologist, but I respect the beliefs of others," said Joe Feshbach, who acted as spokesman for Feshbach Brothers Inc., a Palo Alto investment firm that includes his brothers Matt and Kurt Feshbach. The company took control of Cocolat in the fall of 1990 after an employee embezzled more than \$500,000, forcing Cocolat founder Alice Medrich to sell her interest in the company.

"The fact is, Scientology came in and saved this company from going bankrupt," Feshbach said.

After Feshbach Brothers took over, the number of Cocolat's Bay Area stores blossomed from seven to 14, but since January the com-

[See *COCOLAT*, E-5]

◆ *COCOLAT* from E-1

## A bittersweet mix at Cocolat

pany has closed four stores, laid off some workers and had both its president and chief financial officer resign.

Feshbach said the charges that Hubbard management techniques infringe on Cocolat workers' religious rights are "bigoted, uninformed and small-minded" complaints from disgruntled former employees.

"We certainly would admit to the company going through an evolution from a family-owned business to a professionally-managed, investor-owned company," he said. "There are some employees that didn't want to go along with that transition."

Scientologists believe the teachings Hubbard outlined in his book "Dianetics" are a path to happiness and success.

Hubbard founded the Church of Scientology in 1950. It is now a multimillion-dollar organization that claims 8 million members in 71 countries. Hubbard died in 1986 after living in hiding for more than five years, amid Internal Revenue Service attempts to indict him for tax fraud.

Groups such as the national Cult Awareness Network have criticized the church for its hard-sell recruiting tactics and the tens of thousands of dollars it often costs members to complete Scientology training.

## 2 lawsuits have been settled

Two California companies have settled lawsuits by employees who claimed they were driven from their jobs because of their refusal to study Hubbard materials or follow certain Scientology practices.

A third company in Southern California that trains medical professionals, using Hubbard management techniques, is facing multiple lawsuits by clients who say they paid thousands of dollars for a management seminar that amounted to an intensive week of Scientology indoctrination and recruitment.

Susan Morrill Chun, Cocolat's former pastry manager, said she quit last fall after six years with the company because Hubbard's materials disturbed her and the work atmosphere degenerated as employees became upset about them.

"A lot of us had read about Scientology and had a pretty good

idea that we didn't want to get involved with it," she said.

Chun said "undertones of religion" began to pervade the company's training courses and in-house communications through references to Hubbard and the use of his terminology.

Chun and other former Cocolat employees said consultants from outside the company presented Hubbard's business theories to managers at seminars in November 1991 and March 1992.

"These three women came in with these books and they proceeded to tell us how they were going to better our lives," said former store manager Phillip Everett, describing the November 1991 meeting.

He said the consultants presented problem-solving techniques and gave employees a workbook of Hubbard materials, which they were told they would be paid \$50 to complete.

"It was like Scientology came in disguised as a management course," said Everett. "All the red lights went off for me. I felt like I was being brainwashed or something."

## Cocolat employees unnerved

After the meeting, he said, "five or six employees called personnel and said if this happens again we quit."

Everett said Hubbard's influence also appeared in company

# San Francisco

E-8 Sunday, March 21, 1993 ★ ★

SAN FRANCISCO EXAMINER

memos.  
One memo, dated Dec. 10, 1992, asked senior managers to stop "passing monkeys" (problems) to higher company officers and to reduce "dev-t" — a Scientology term meaning unnecessary work. The memo from then-company President Titterton, a Scientology, included an essay Hubbard had written on the subject.

Everett, who worked for Cocolat for three years, said he quit last spring, taking a \$7,000-a-year pay cut just to get out of the company.

"I definitely felt like they wanted us to be pulled into something," said Everett. "If you've ever been held hostage at vacation Bible school that's what it's like. You have to listen to this stuff. You have no choice."

Feshbach said the Hubbard materials are secular and are designed to make managers more efficient and productive, not to influence their religious beliefs.

"The fact that it is L. Ron Hubbard doesn't imply anything negative," Feshbach said. "This (technique) is a common-sense approach that has worked for me."

Darlene Fricero, spokeswoman for the Scientology's San Jose branch said Hubbard developed his management techniques "to establish and strengthen organizations so they would last and expand."

"As with many of L. Ron Hubbard's discoveries they have wide application," she said.

stuff."

Plevin said church members commonly bring Scientology into their businesses.

"Scientists are strongly encouraged to be so devoted that they'll want to bring Scientology into every aspect of their lives, including their businesses," she said. "They then expect everyone to follow their principles."

Plevin's current cases involve Sterling Management, which recruits dentists, chiropractors, and other medical professionals for week-long seminars in Hubbard's management techniques. The company, which bills itself as a secular organization, promises to help medical professionals expand their practices using Hubbard's techniques.

A 1992 lawsuit filed by Plevin against Sterling charges that dentists David Miller, John Finucane and Alexander Turbyne signed up for a \$17,000 Sterling business seminar, but instead got a week-long "Scientology workshop" aimed at recruiting them into the church.

The suit claims that Sterling and Scientology representatives used anxiety-producing techniques, such as conducting lengthy sessions where they elicited private information from the plaintiffs, to persuade them to sign up for expensive Scientology counseling

programs.

Each of the dentists was recruited into church programs, the suit says. Miller alone spent about \$65,000 on Scientology counseling and the Sterling management course in less than six months, according to Plevin.

The church's Orange County chapter has settled with Miller and has given him a refund, Plevin said. His case against Sterling is still pending.

Attorney Michael Stoller, who represents Sterling, said the plaintiffs' allegations are unfounded. He said the dentists were informed in writing that they were signing up for a course based on Hubbard's writings. He said the training they received was non-religious.

"Sterling has basically taken information from the Scientology Church and secularized it," he said. "It's not intended to be religious."

"If an individual doctor is interested in signing up for courses with the Church of Scientology, they (Sterling employees) contact a representative from Scientology to meet with him," he said. "People have the freedom to choose."

Other lawsuits, involving use of Hubbard's management materials in the workplace, have been settled out of court.

In August 1992, Applied Materials [See COCOLAT, E-8]



◆ *COCOLAT from E-5*

## A bittersweet mix at Cocolat

rials Inc., a Santa Clara manufacturer of semiconductor equipment, settled a lawsuit filed by three former employees that charged they had been driven out of the company for refusing to attend Scientology management workshops. The amount of the settlement was undisclosed.

At the time of the settlement, Applied Materials released a statement saying it had "lacked sensitivity with regard to the controver-

sial nature of L. Ron Hubbard."

In a similar 1990 case, plaintiffs Stuart and Molly Maesel received a settlement in a suit alleging that they were fired from their jobs as salespeople for Stryker Systems, a Glendale software company, for refusing to adopt Scientology practices in the workplace.

The Maesels charged that Stryker forced employees to "write up their overts and withholds," a Scientology practice that involves confessing bad thoughts or actions. When they refused, the Maesels said, they were fired.

Stoller, who represented Stryker in the Maesel case, said the

Maesels were disgruntled employees.

Terms of the settlement were not disclosed, but Stoller said Stryker made no acknowledgement of wrongdoing.

At Cocolat, one former employee said she was asked to read Hubbard's book, "The Problems of Work," which includes a "first aid" section describing how to treat burns, bruises and sprains by using a "Scientology assist," the equivalent of the religious laying on of hands.

Another text given to employees at Cocolat stated that if an employee's production stops increas-

ing he is in a "condition of emergency" and must take a specified set of actions to improve his work.

For example, it said, if an artist discovers his production level is stagnating, he should work through the night to complete his unfinished paintings and prepare them for sale the next day. Then he should learn to change his work habits.

Feshbach said he doesn't know how many church members work at Cocolat because he doesn't ask applicants to state their religion.

**Most new hires not Scientologists**  
Current and former employees

said, however, that aside from former company president Titterington, most of the people hired since Feshbach Brothers took over have not been Scientologists.

Some employees are not offended by the Hubbard management principals.

"Time management techniques are about the extent of what I've been subjected to," said Joe Guerreiro, Cocolat vice president of wholesale. "There is a new management philosophy. People have had to start writing memos and have an in basket and an out basket. Some people reacted negatively."

But former Cocolat operations manager Glen Ishikata, who quit last April, said employees who aren't receptive to Hubbard's management philosophy don't last long.

"(Cocolat's managers) felt that if you were not going to go along with the program, they'd rather bring in people who would," he said.

Former pastry chef Chun said the problems at Cocolat were experienced by too many people to be a figment of a few employees' imaginations. "All of us that were affected by it couldn't have been over-reacting," said Chun.

# THE WALL STREET JOURNAL.

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WEDNESDAY, MARCH 24, 1993

RIVERSIDE, CALIFORNIA

## **Tax Report**

**A Special Summary and Forecast  
Of Federal and State Tax  
Developments**

**THE SCIENTOLOGY CHURCH** hasn't had many victories in its extensive tax battles. One came when U.S. appeals judges upheld a ruling quashing an IRS summons for voluminous records of the sect's Boston church. Now the U.S. district court in Boston says the IRS's position in the case wasn't justified and has ordered the IRS to pay the church \$80,787 for legal costs.

*Evening Standard*  
**Prayer** 26/3/93  
**for today**

THE CHURCH of Scientology, once described by a High Court judge as "socially obnoxious... corrupt, sinister and dangerous", is hoping to find some support in the House of Commons. To this end, it has written to MPs promising them solutions to unemployment, violence and illiteracy.

"We are not encouraging MPs to join our Church but we want them to have proper information," says a spokesman for the sect, whose galactic ruler is promisingly called Xenu. "Scientologists get angry when they are accused of being part of a sinister and greedy cult."

With followers like John Travolta, the cult seems unlikely to find sympathy in Westminster. "The glossy booklet is the size of a doorstop — I thought it was for pressing flowers," says Tory MP Roger Gale, a former member of the Commons all-party cult group. "I am not

impressed just because a couple of film stars are involved with it."

Labour MP Alan Meale, former secretary of the cult group, is equally unimpressed. "I am always going on about how awful it is," he says.