

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
COLUMBIA**

UNITED STATES OF AMERICA

V

MARY SUE HUBBARD, et al.

Criminal No. 78-401

STIPULATION OF EVIDENCE

The United States of America, through its attorneys, United States Attorney Carl S. Rauh, Assistant United States Attorneys Raymond Banoun, Timothy J. Reardon, III, and Steven C. Tabackman, and the attorneys for the defendants: Leonard B. Boudin, Esquire, and Michael L. Hertzberg, Esquire, for the defendant Mary Sue Hubbard; Phillip J. Hirschkop, Esquire, for the defendants Henning Heldt and Duke Snider; Roger Zukerman, Esquire, and Roger Spaeder, Esquire, for the defendants, Richard Weigand and Gregory Willardson; Michael Nussbaum, Esquire, and Earl C. Dudley, Esquire, for the defendants Cindy Raymond and Mitchell Hermann, also known as Mike Cooper; John Kenneth Zwerling, Esquire, for the defendants Gerald Bennet Wolfe; and Leonard J. Koenick, Esquire for the defendant Sharon Thomas; as well as the above-mentioned defendants themselves, agree and stipulate that the evidence as to all the defendants is as follows:

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I. The Witness Michael J. Meisner

Michael J. Meisner, 29, was born in Chicago, Illinois. He attended parochial elementary and secondary schools. He studied at the University of Illinois at Urbana for two and a half years from 1968 through 1970. Mr. Meisner became interested in Scientology in November 1970 when he was introduced to it by a friend. During the next two months, he took several courses at the Urbana Church of Scientology franchise and in January 1971 left the University to become a full time course supervisor. He held this Position until May 1971 when he was sent to the Church of Scientology of St. Louis for two weeks of further training. He then returned to Urbana, Illinois, where he resumed his duties as a course supervisor until September 1971. At that time, he returned to the St. Louis Church of Scientology where for the next eight months he was trained to become an auditor. *[An "auditor" is a person who counsels Scientologists by applying the teachings and therapy methods of Scientology.]*

From May 1972 until August 1972, he resumed his duties as a course supervisor and an auditor in Urbana, Illinois. In August 1972, he assumed the position of Executive Director of the franchise until June 1973. In mid-May 1973, the defendant Duke Snider recruited Mr. Meisner for the Guardian's Office of the Church of Scientology in Washington, D.C.

In a meeting in Washington, D.C., the defendant Snider told him that he wanted him to become part of the Intelligence Bureau of the Guardian's Office. The Intelligence Bureau became the Information Bureau Bureau [sic] in July 1973. In mid-June 1973, Mr. Meisner and his wife Patricia were accepted for the Guardian's Office and moved to the District of Columbia to take courses in preparation for assuming their duties as officials of that organization. Upon becoming an officer of the Intelligence Bureau, Mr. Meisner was instructed by the defendant Duke Snider that that Bureau was in the forefront of the Guardian's Office that is, it dealt with safeguarding the environment within which Scientology existed by locating, removing and rendering harmless all those perceived to be enemies of Scientology, This was accomplished by infiltration, theft of documents and covert operations.

Following a week of training in Guardian's Office procedures and policies in the District of Columbia, Mr. Meisner was sent to Los Angeles, California, for more intensive training in the Intelligence (Information) Bureau. From July 1973 until October 1973, Mr. Meisner's training in the Information Bureau of the Guardian's Office in Los Angeles, California, included intensive courses in administrative procedures, policies and practices of the Information Bureau, as well as the Guardian's Office as a whole. These included courses on the preparation of documents, such as reports, "CSWS" (completed staff work), [*A "CSW" (completed staff work) is a request to a senior official for approval or disapproval of proposed action*], "programs," (later denominated "Guardian Program Orders") "projects," "Guardian Orders," and daily Intelligence reports. He also learned the routing and format required in the preparation of documents. Mr. Meisner was taught that strict adherence to the chain of command and seniority within the organizational structure was of paramount importance in the day-to-day operations of the Guardian's Office, and more specifically the Information Bureau. Mr. Meisner was instructed that the routing placed on each written document followed strictly that chain of command so that each memorandum, report, etc., went to the appropriate persons for approval and/or information. In a clinical setting, Mr. Meisner also learned to conduct covert investigations, surveillances, "suitable guise" investigations {*a "suitable guise" investigation is one where the investigator assumes a false or misleading identity in order to gain information otherwise unavailable to him*}, the recruiting and supervising of covert agents, the placing of these agents in organizations that were to be infiltrated, the theft of documents, and other overt and covert intelligence gathering techniques. The defendant Gregory Willardson, among others, supervised him in these areas.

For a three-week period Mr. Meisner also cross-filed memoranda and other [sic] covertly and overtly obtained documents of interest to Scientology. He thereby became intimately familiar with the sophisticated filing system maintained by the Guardian's Office and its Information Bureau. The absolute necessity of correctly labelling and filing all documents obtained and kept by the Information Bureau was emphasized to Mr. Meisner. Strict adherence to these policies was mandated to assure that the Information Bureau and the Guardian's Office functioned in a proper and efficient manner.

In November 1973 Mr. Meisner returned to the District of Columbia as Branch II Director of the Information Bureau. In that position he was responsible for internal security matters. These included both the physical security of the premises of the local Guardian's Office as well as the handling of all dissident and disaffected Scientologists.

With regard to the latter, his duties included obtaining personal information which would prevent them from becoming a nuisance to Scientology. In January 1974, the Guardian World-Wide Jane Kember elevated Mr. Meisner to the position of Assistant Guardian for Information in the District of Columbia (AG I DC) In his new post, Mr. Meisner was responsible for all overt and covert intelligence investigations and operations. This included the implementation of all Guardian orders, programs, and projects within the District of Columbia applicable to the Information Bureau, as well as overall supervision of all covert operatives in private and governmental agencies.

Until March 1974, the defendant Duke Snider was Mr. Meisner's immediate supervisor. At that time, the defendant Snider was Assistant Guardian for the District of Columbia (AG DC) the highest position in the local Guardian's Office.

II. Organizational Structure of the Guardian's Office

As a result of his intensive training in the Guardian's Office as well as having held high positions within the Information Bureau Mr. Meisner became thoroughly

familiar with the organizational structure of the Guardians Office and its bureaus, both nationally and internationally.

Government Exhibit No. 1A is a chart showing the organizational structure of both the World-Wide and United States Guardian's offices. At all times material to the indictment, the Guardian's Office had World-Wide headquarters at St. Hill Manor in East Grinstead, Sussex, England; United States headquarters in Los Angeles, California; and a local office in the District of Columbia and some thirty other cities throughout the United States (including: New York City; Philadelphia, Clearwater, Florida; Miami; Chicago; Detroit; St. Louis; Houston; Denver; Seattle; San Diego; San Francisco; Sacramento, California; Hawaii; Las Vegas; Los Angeles; Advanced Organization of Los Angeles; American Saint Hill Organization (Los Angeles); Portland, Oregon; Mexico City (which is under the jurisdiction of the United States Guardian's Office)).

Each of the Guardian's Offices was composed of five bureaus: Information (prior to July 1973 known as the Intelligence Bureau), Public Relations, Legal, Finance, and Social Coordination. A sixth bureau not shown on Government Exhibit No. 1A was known as the Services Bureau. Each bureau was headed both at the World-Wide and national level by a Deputy Guardian. At the local level each bureau was headed by an Assistant Guardian.

At all times material to the indictment, L. Ron Hubbard was, by virtue of his role as the founder and leader of Scientology, overall supervisor of the Guardian's Office.

His wife, the defendant Mary Sue Hubbard, held the titles of "Controller" and "Commodore Staff Guardian" (CSG) and, as the second person in the hierarchy of Scientology, had duties which included supervision of the Guardian's Office.

Jane Kember held the title of "Guardian World-Wide" (GWW) and headed the daily operations of all Guardian's Offices, reporting directly to the defendant Mary Sue Hubbard who in turn reported directly to L. Ron Hubbard.

The Deputy Guardian for Information World-Wide (DG I WW) was Morris Budlong, also known as Mo Budlong (hereafter Mo Budlong). He supervised all Information Bureaus around the world and reported to Jane Kember.

The defendant Henning Heldt was the Deputy Guardian for the United States (DG US) supervising all Guardian's Offices in the United States. He reported directly to Jane Kember.

Government Exhibit No. 1B is an organizational chart of the Information Bureau in the United States from November 1973 until January 1976 when it was reorganized.

The defendant Duke Snider was Deputy Guardian for Information in the United States (DG I US) from March 1974 until January 1975, a position thereafter held by the defendant Richard Weigand. Beginning in January 1975 and at all other relevant times charged in the indictment, the defendant Snider was Deputy Deputy Guardian for the United States (DDG US) and in that capacity was the defendant Heldt's top assistant.

In October 1975, the defendant Gregory Willardson became the Deputy Deputy Guardian for Information U.S. (DDG I US). Prior to that date he had held the position of Branch I Director U.S. (BR I DIR US).

The defendant Cindy Raymond was the Collections Officer for the United States (COLL OFF US). She was responsible for the overt, and covert data collection for the Information Bureau.

Government Exhibit 1C is an organization chart of the Information Bureau in the United States after its reorganization in January 1976.

Following the removal of the defendant Richard Weigand from the position of Deputy Guardian for Information U.S. on approximately May 15, 1977, that position was assumed by Brian Andrus until June 16, 1977, and thereafter by the defendant Gregory Willardson.

From January 1976 until May 1977, Mr. Willardson held the position of Deputy Deputy Guardian Information U.S. (DDG I US). For the period January 1976 to June 1976, Mr. Willardson also held the position of National Secretary for the Information Bureau U.S. (NATL SEC US).

[That was commonly referred to in Scientology as a position "held from above" or "HFA" both of which appear on the routing portion of certain documents and

which connotes that an individual is assuring the responsibilities of more than one position at the same time.]

From June 1976 until August 1976 the position of National Secretary was held by Michael Meisner, who was succeeded in September 1976 by the defendant Cindy Raymond.

Government Exhibit No. 1D is an organizational chart of the Information Bureau in the District of Columbia. From January 1974 until June 1976, Mr. Meisner held the position of Assistant Guardian for Information in the District of Columbia (AG I DC). Immediately under him was the defendant Hermann who held the position of Information Branch I Director from January 1974 until March 1975. The defendant Hermann, using the alias "*Mike Cooper,*" subsequently held the position of Southeast U.S. Secretary (SEUS SEC) from January 1976 until March 1977 when he was succeeded by Brian Andrus. (See Government Exhibit No. 1C, *supra.*)

The routing on each document prepared within the Guardian's Office of the Church of Scientology, and its underlying bureaus, tracks the organizational charts. (Government Exhibits Nos. IA — ID.) Thus, in the routing portion of each document is the abbreviation of each of the positions held by the Persons who were to receive the particular documents, as well as that of the author of the document. (See, e.g. Government Exhibit 14, discussed at page 48, *infra.*)

From January 1974 when Mr. Meisner joined the Guardian's Office until he left the Church of Scientology in June 1977, Mr. Meisner had extensive person to person contacts with the defendants Henning Heldt, Duke Snider, Richard Weigand, Gregory Willardson, Cindy Raymond, Mitchell Hermann, Gerald Bennett Wolfe and Sharon Thomas.

During some of the periods charged in each conspiracy, the latter four defendants were in fact, subordinates of Mr. Meisner. Mr. Meisner repeatedly met with each of these eight defendants. He exchanged many written communication with them, especially the first six named defendants as well, as the defendant Mary Sue Hubbard.

He became intimately familiar, with the handwriting and signature of the defendants, and thus is able to identify their writings and signature wherever it appears on the documents appended to the instant record as Government Exhibits.

Indeed he witnessed most of the defendants write and sign their names in his presence.

III. The Conspiracy to Intercept Oral Communications, Burglarize and Steal, and the Substantive Acts Committed Pursuant Thereto.

On November 21, 1973, Jane Kember, the Guardian World-Wide (Guardian W/W) wrote a letter to the Temporary Deputy Guardian U.S. (T/D/Guardian US) Henning Heldt "Re Interpol Washington." (See Government Exhibit No. 26

[Government Exhibit No. 2, as well as all documents marked Government Exhibits No. 3 to 30, 32-60, 62-96, 103-105, 107-112, 114-185, 187-188, 210-213, 216, 219 seized by agents of the Federal Bureau of Investigation from two Guardian's Office locations known as the Fifield Manor and the Cedars Complex in Los Angeles, California, pursuant to lawful United States Magistrate search warrants executed July 7, 1977. Government Exhibit No. 2 was seized by Special Agent Lawrence W. Cross from a file cabinet in the office of the defendant Willardson at the Cedars Complex.] at page 3, et seq.)

In that handwritten letter, she informed the defendant Henning Heldt that the Guardian's Office has "some documents, *illegally obtained*, that indicate Interpol Washington was in touch with Interpol Paris, London, Melbourne, Ottawa and Lomba Malawi." (Emphasis added.) She added at page two of that letter that "we now know that Washington D.C. has police files on LRH, and *if* the reference is correct, Interpol Washington has a file on LRH as well." She then directed that "[I]t is important that we get cracking and obtain these files and I leave you to work out how." Attached to that letter were a number of Interpol documents. In his three and one half years as an official of the Guardian's Office, including serving as the highest official of the Information Bureau in the District of Columbia and the national Secretary of the Information Bureau in the United States, Mr. Meisner met and exchanged communications with Ms. Kember. He has also seen numerous communications from her to other Guardian's Office officials. Based on that experience, Mr. Meisner became familiar with her handwriting. He recognizes the handwriting in the above-mentioned letter as that of Jane Kember. Mr. Meisner

also recognizes the routing in the upper left-hand corner, or page three to be in accordance with the required routing procedures of the Guardians Office.

[Kathryn E. Hirsch, another former official of the Church of Scientology, held many positions in that organization both in Los Angeles, California, and in the United Kingdom at East Grinstead, Sussex. From December 1972 until March 1973 and from June 1973 until September, 1973, she worked at the World-Wide headquarters of the Guardian's Office of Scientology at St. Hill Manor, East Grinstead, Sussex, in Great Britain. During that period she held the position of Finance Actions Director World-Wide and had personal contact with the Guardian World-Wide, Jane Kember. She repeatedly witnessed Ms. Kember sign her name and written memoranda and exchanged handwritten correspondence with her. Furthermore, as Finance Director, World-Wide she was responsible for keeping financial records of all Scientology organizations throughout the world and was also custodian of signatory cards for all bank accounts of these organizations. Each member was one or four persons in the Church of Scientology who was a signatory for each Scientology bank account. As a result of her position, Ms. Hirsch became intimately familiar with and able to identify Ms. Kember's handwriting. Ms. Hirsch recognizes the handwriting on Government Exhibit No. 2, pages three and four as that of Ms. Kember. She also recognizes the routing in the upper, left-hand corner of page three to be in accordance with the routing procedure required by the Guardian's Office.]

Government Exhibit No. 2, pages one and two, is a letter signed "Henning" addressed to "Dear Dick" dated 29 April 1975, referring specifically to the November 21, 1973 order of Jane Kember which, the letter indicated, was attached to it.

The letter concluded "while Legal is doing FOI [Freedom of Information Act] actions to obtain these (documents), please have B-1 [Information Bureau-Bureau 1] obtain them (the Legal route is at best lengthy.)" According to the routing portion located on the upper left hand corner of the document the letter was sent by the Deputy Guardian U.S. (DG US), the defendant Henning Heldt, to the DC Info US, the defendant Richard Weigand. Next to the abbreviation "DG Info US" are the initials "DW" of the defendant Richard [Dick] Weigand. Mr. Meisner identifies the signature and handwritten entry on page two of Government Exhibit No. 2 as the handwriting of the defendant Henning Heldt. The Government's handwriting analysis expert, Mr. James Miller, positively concludes that both the signature and

the three-line handwritten note on page two of that document is in the handwriting of the defendant Heldt.

In July 1974 the defendant Duke Snider, who was at the time Deputy Guardian for Information in the United States, sent a written order to Michael Meisner, the Assistant Guardian for Information in the District of Columbia. That order referred to Jane Kember's outstanding order to obtain Interpol files regarding Scientology from District of Columbia Interpol offices. The Snider order directed Mr. Meisner to prepare a "project" to obtain all these Interpol files. Pursuant to that directive, Mr. Geiser, drafted such a "project" and sent it to the defendant Snider in Los Angeles for laws approval. The "project" called for the infiltration of the Interpol National Central Bureau for the United States, then located in the United States Department of the Treasury main building in Washington, D.C., in order to obtain all files regarding, or, referring to, Scientology and its founder L. Ron Hubbard. The defendant Snider acknowledged the receipt of that "project," and by return mail approved its issuance. Mr. Meisner thereafter assigned the "project" to the defendant Mitchell Hermann, who was then Branch I Director in the District of Columbia Information Bureau. The Interpol files required to be obtained by Ms. Kember's outstanding order of November 21, 1973 (Government Exhibit No. 2) and Mr. Snider's order of July 1974, were not taken, however, until the burglaries of the office of Assistant United States Attorney Nathan Dodell in the United States Courthouse for the District of Columbia in May 1976. In a 2 May 1975 letter to Henning Heldt, the DG US, appearing on the last page of Government Exhibit No. 2, the defendant Richard Weigand stated that as of that date the order requiring the obtaining of the "IP" [Interpol] DC files hasn't begun yet". Mr. Meisner identifies the signature "Dick" as having been made by the defendant Weigand.

A. The Order to Infiltrate the Internal Revenue Service in Washington, D.C.

In the late summer of 1974, the defendant Cindy Raymond, who then held the position of Collections Officer in the US Information Bureau in Los Angeles, California, sent a directive to Michael Meisner ordering him to recruit a loyal Scientologist to be placed as a covert agent at Internal Revenue Service in Washington, D.C. That covert operative was to obtain employment with the Internal Revenue Service for the purpose of taking from that agency all documents which dealt with Scientology, including those concerning pending litigation initiated by Scientology against the United States Government. Mr. Meisner

discussed the recruiting of that covert operative with the defendant Raymond on at least a weekly basis for three to four weeks.

[Mr. Meisner had repeated and extensive dealings with the defendant Raymond who was one of his superiors in Los Angeles; he had with her on several occasions and had become able to identify her voice.]

As a result of the directive which he received from Ms. Raymond and the discussions with her, Mr. Meisner and the defendant Mitchell Hermann proceeded to interview Scientologists as prospective agents for the IRS infiltration. The efforts of Messrs. Meisner and Hermann proved futile however, and the defendants Raymond in September, 1974 informed Mr. Meisner that she had selected defendant Gerald Bennett Wolfe to infiltrate the IRS on behalf of the Church of Scientology. Mr. Wolfe arrived in the District of Columbia in October 1974, and eventually obtained employment at the IRS on November 18, 1974, as a clerk typist.

Government Exhibit Nos. 3 *[Government Exhibit No. 3 was seized by Special Agent James R. Kramarsic from a file cabinet in the office of the defendant Heldt at Fifield Manor]* and 4 *[Government Exhibit No. 4 was seized by Special Agent Robert H. Claudius from a file cabinet in Room 5 at the Cedars Complex]* are virtually identical copies of Guardian Order 1361 issued 21 October 1974.

Mr. Meisner and Ms. Hirsch state that the document in question was issued by the Guardian World-Wide Jane Kember in accordance with required Guardian Office procedure for the issuance of Guardian Orders.

[A "Guardian Order" (later called "Guardian Program Order") is an official order directing the implementation of a program, outlining its purpose, the "ideal scene" which its implementation is to create, and the various targets which have to be put into effect. It also designates the official and bureau responsible for carrying out, the particular target(s). Only L. Ron Hubbard, Mary Sue Hubbard and Jane Kember have authority to issue Guardian Orders. While such orders may be drafted and proposed by other high officials, they may be issued only by one of the above-mentioned three individuals.]

Ms. Hirsch identifies the initials which appear at the lower, left-hand of page ten on each exhibit as those of **Lexie Ramirez** (Ms. Kember's secretary at the time). Furthermore, Mr. Meisner states that certain targets (target number 10, 16 and 17

located at page nine of Government Exhibit Nos. 3 and 4), were specifically assigned to him to carry out in the District of Columbia.

These targets were as follows:

10. Immediately get an agent into DC IRS to obtain files on LRH. Scientology, etc. in the Chief Council's [sic] office, the Special Services staff, the intelligence division, Audit Division, and any other areas.

16. Collect data on the Justice Dept. Tax Division for the org board, the current terminals, and the people handling Scientology.

17. When the correct areas are isolated, infiltrate and get the files.

The entry at the end of each target, and connected to it by a straight line, refers to the bureau and official whose task it is to achieve that particular target. Guardian Order 1361 (generally known as GO 1361) also called for the placing of "an agent, trustworthy and well grooved in, to infiltrate the IRS LA office" (target 2). That "agent" was "to obtain any files on LRH, Scientology", etc. from both the Intelligence Division (target 3) and the Audit Division (target 4) of the Los Angeles IRS Office. It also called for the location (target 20) and infiltration (target 22) of the IRS London Office in order to "obtain all documents" (target 22).

[On or about March 3, 1976, U.S. Directorate Secretary World-Wide Michael Taylor informed the defendant Willardson that the IRS London targets had been "handled." See the hand-written notation at the lower left hand side of Government Exhibit No. 56E. Mr. Meisner identifies the "Greg" signature at the end of the letter and the initials "GW" next to the title "Natl Sec US B1" in the routing as having been made by the defendant Willardson.]

Guardian Order 1361 directed that once documents had been obtained clandestinely, the designated bureau and official would create "suitable cover" to disguise the manner in which "the data was obtained" so that they may be released to "PR [*Public Relations*] for dead agenting," that is, for possible use in impeaching those perceived as enemies of Scientology.

The defendant Cindy Raymond repeatedly discussed GO 1361 and its various targets with Mr. Meisner over a period of two years. Indeed, defendants Henning Heldt, Duke Snider, Richard Weigand, Gregory Willardson, Mitchell Hermann,

and Gerald Bennett Wolfe also discussed on many occasions with Mr. Meisner the actual implementation of GO 1361. in the District of Columbia. These conversations occurred both in person, in writing and by telephone. Those in person took place in Washington, D.C., and Los Angeles, California, and are discussed at length infra. At all times these seven defendants expressed their agreement with, and total understanding of, the targets within GO 1361, a number of which involved the infiltration of Government offices and the theft of government documents and photocopies thereof as called for by targets 10, 16 and 17.

B. The Bugging of the IRS Chief Counsel's Conference Room on November 1, 1974

A few days before November 1, 1974, Don Alverzo, who held the position of Deputy Information Branch I Director US tele- phoned Mr. Meisner from Los Angeles, California, to inform him that he was coming to the District of Columbia to place an electronic bugging device in the Chief Counsel's conference room at the Internal Revenue Service where a major meeting concerning Scientology was to be held.

On October 30, 1974, Mr. Meisner met Mr. Alverzo at the Guardian's Office located at 2125 S Street, Northwest, in the District of Columbia. Also present at this meeting were the defendants Mitchell Hermann and Bruce Ullman who held the position of Information Branch II Director in the District of Columbia. Alverzo showed Meisner the bugging device which he had brought with him from Los Angeles. One of the items Alverzo had was a multiple electric outlet containing a transmitting device. In the late afternoon of October 30 Mr. Meisner and the defendant Mitchell Hermann entered the main IRS building located at 1111 Constitution Avenue, northwest, for the purpose of locating the conference room of the Chief Counsel's office where the meeting was to be held on November 1, 1974

[The Guardian's Office had received notification that such a meeting was to be held through attorneys who represented the Church of Scientology in their pending lawsuit regarding the tax exempt status of some churches of Scientology.]

On November 1, 1974, because of other pressing business Mr. Meisner did not accompany Mr. Alverzo during the IRS bugging. However, on the evening of November 1, 1974 subsequent to the IRS conference, Meisner met with the

defendant Mitchell Hermann who described to him what had taken place. The defendant Hermann told Mr. Meisner that he had entered the main IRS building on the morning of November 1, 1974, gone to the conference room, where the meeting was to be held and placed the bugging device in a wall socket in that room. The room was located on the fourth floor of the Internal Revenue Service main building in Washington D.C. and faced the driveway of the Smithsonian Institution Museum of History and Technology on Constitution Avenue Northwest. *[In fact, that conference room was actually located there on November 1, 1974.]*

Thereafter, Hermann left the building and waited in a car in the driveway of the museum with Don Alverzo and Carla Moxon (the Assistant Guardian Communicator (Secretary) in the District of Columbia) and overheard and taped the entire meeting over the FM radio of the car. Following the conclusion of the meeting, the defendant Hermann reentered the IRS building, removed the bugging equipment from the conference room and took various papers, including the agenda for the meeting, which had been left by the participants. He showed these items to Mr. Meisner. Soon afterwards Alverzo returned to Los Angeles. He took with him the bugging device, and the tape recording of the meeting.

During the lawful execution of United States Magistrate search warrants upon premises of the Church of Scientology of California known as the Cedars Complex on July 8, 1977 Federal Bureau of Investigation Special Agent Eusebic Benavidez seized a black suitcase containing electronic bugging devices from the office of the defendant Gregory Willardson. These included Exhibits 190 to 194. See photograph marked Government Exhibit No. 217 appended hereto.

Federal Bureau of Investigation Agent James O. Davis, assigned to the laboratory at FBI headquarters and an expert on electronic bugging devices, concludes that Government Exhibit No. 190 is an FM radio monitor; Government Exhibit No. 191 is an electronic device in a gold colored box which he found to be "a miniature transmitter primarily used for the surreptitious interception or oral communications"; and Government Exhibit No. 192 is a battery connection which he concluded was a "miniature frequency modulated radio transmitter."

Agent Davis also finds that Exhibit No. 193 is a telephone resonator which he describes as a "transmitter unit from a standard phone handset." It also allows one to use a standard FM radio to monitor phone conversation. Government Exhibit 194 is a wall receptacle which Agent Davis states is a "miniature frequency

modulated radio transmitter concealed in a standard three-plug wall receptacle,” and which would allow the user to employ a standard FM radio for monitoring purposes. Agent Davis concludes that in his opinion all these items are “primarily used for the surreptitious interception of oral communications.”

Government Exhibit No. 5 is a November 1, 1974 letter, entitled “Re: IRS Top Planning Session,” from the defendant Duke Snider who was then, as reflected by the routing on the upper left hand side of the first page, the DG Info US. to Mo Budlong, the DG Info World-Wide. The letter is sent via a number of other individuals. A copy was also sent, according to the routing on the upper portion of the first page, to CSG, the defendant Mary Sue Hubbard. Mr. Meisner states that the routing conforms to the standard routing requirements of the Guardian Office and indicates that it was sent by the defendant Snider to Mr. Budlong. Handwriting expert, James Miller, concludes that it is probable that the handwritten notations “Top Planning Session” in the title of the letter and the one on the second page or the document are in the handwriting of the defendant Duke Snider. Mr. Meisner himself recognizes that handwriting to be that of the defendant Duke Snider.

The letter stated that “[t]oday we gained access to the top level IRS planning conference on what to do about Scientology. This was done electronically so we don’t know exactly who was present but we have a fair estimate. Legal had told us several weeks ago that there was to be a big IRS Pow Wow on what to do about us on 1 Nov. . . .” The letter further stated that the meeting was held in IRS Chief Counsel’s conference room and that the participants discussed some of the matters which were taken up at the meeting.

In the letter, the defendant Snider stated that he “will probably be able to get more data as to who attended when our missionary [*A missionary is a person sent to a certain location with specific mission orders to carry out — in this case Mr. Alverzo.*] gets back from DC. All the data we have at present came by phone.”

Government Exhibits Nos. 6 and 187 are coded transcripts of the bugged IRS meeting of November 1, 1974. Government Exhibit No. 6 is a summary of the meeting. Mr. Meisner identifies Government Exhibit No. 6 by the routing in the upper left-hand and right-hand sides of the first page. As reflected in its routing, it was sent by the then DG Info US, the defendant Snider, to the DG Info World-Wide, Mo Budlong, via. the DG US, the defendant Henning Heldt and the Guardian World-Wide, Jane Kember, with a copy to CSG, the defendant Mary Sue Hubbard.

Government Exhibit Nos. 7A and 7B are code Jade. The handwritten entries on page two of Government Exhibit No. 7B, indicated that this was a code which is to be used for correspondence between the United States Office and the World-Wide Guardian's Office among others. Code Jade was not to be used with "outer-orgs" meaning local Guardian's Offices. Government Exhibits Nos. 6, 7 and 187 were seized on July 8, 1977, in Los Angeles, California, by Federal Bureau of Investigation Special Agent Eusebio Benavidez pursuant to the Court-authorized search warrant described in footnote six, supra, from a file cabinet in the office of Gregory Willardson in the Cedars Complex. Federal Bureau of Investigation Special Agent Arthur R. Eberhardt, a Federal Bureau of Investigation cryptanalyst examined Government Exhibits Nos. 6 and 187 and concludes that they were coded texts each utilizing two different methods of substitution codes.

One method is a "digital code" which uses the substitution of digits 10 through 99 for the various letters of the alphabet, thereby allowing the author to substitute a variety of digits for any given plaintext letter. The other method is a "literal code" which involves the substitution of letters or a word or words. Encoded letters have only one plaintext value and retain the same value at all times. Agent Eberhardt also analyzed Government Exhibit Nos. 7A and 7B and concludes that code Jade as set forth in these exhibits was the code used. It-Iri prepare the marked Government Exhibit Nos. 6 and 187. Using code Jade (Government Exhibits 7A and 7B) Agent Eberhardt decoded Government Exhibits 6 and 187. He did so by writing above all coded items its decoded meaning.

Thus Government Exhibit 6 as decoded is Government Exhibit 210 and Government Exhibit 187 as decoded is Government Exhibit 211. These exhibits are transcripts of the bugged meeting held in the IRS Chief Counsel's conference room on November 1, 1974. Government Exhibit 210 is a summary of that transcript and Government Exhibit 211 is the full transcript. At the bottom of page six and at the top of page seven of Government Exhibit 210 the defendant Snider wrote to his superior Mo Budlong that "[w]e must be careful with this transcript as even in the distant future in the hands of the enemy the repercussions would be great. There are new laws on this federally and a strong post-Watergate Judicial climate." Thus, the Duke Snider, himself recognized in this letter the criminal implications of the bugging of the IRS meeting on November 1, 1971.

On November 1, 1971, Mr. Lewis Hubbard, was employed by the Office of the Chief Counsel of the Internal Revenue Service at 1111 Constitution Avenue, Northwest, and on that date attended a meeting in the Chief Counsel's conference

room. Numerous other high officials of the IRS attended this meeting. Mr. Hubbard states that the IRS held the November 1, 1974 conference to discuss pending legal actions involving the various churches Of Scientology and to establish general guidelines for determination on what constituted a “religious institution” entitled to exemption from taxation under the Internal Revenue Code.

Mr. Hubbard has produced from his files a lengthy pre-conference memorandum which he prepared at the request of the Chief Counsel in order to brief all persons who were to attend the November 1, 1974 conference regarding the topics to be discussed (Government Exhibit No. 208). He has also produced a post-conference memorandum which he prepared following the conclusion of the November 1, 1974 conference and which outlines the matters discussed at that conference (Government Exhibit No. 209). A comparison of these two exhibits with Government Exhibits Nos. 210 and 211, (the FBI decodes of Government Exhibits Nos. 6 and 187 respectively seized from the offices of the defendant Willardson at the Cedars Complex by the Federal Bureau of Investigation) demonstrates that all four exhibits deal with precisely the same discussions.

C. The First Infiltration of the IRS in the District of Columbia Pursuant to GO 1361

Government Exhibits Nos. 8-11 [Government Exhibits Nos. 8-11 were seized by Special Agent James J. Smith from Room 4 of the Information Bureau at the Cedars Complex.] are a series of documents containing numerous telexes and letters dealing with the infiltration of the Internal Revenue Service by the defendant Gerald Bennett Wolfe pursuant to GO 1361. Mr. Meisner identifies the telexes as being in the standard telex routing and format employed by the Guardian’s Office and the Information Bureau whenever sending telexes during this period. Government Exhibit No. 8A reads as follows:

TELEX

***311039GOUS 4 AGI DC VIA DG US MIKE WHAT HAPPENED ON
GETTING FSM PAST HIRING FREEZE ON TARGET ARC AM CHECKING
OUR LINES FOR JUSTICE PERSON AS PREVIOUS ONE FELL THROUGH
ARC CONTINUE TO LOOK YOUR END ARC TLX REPLY LOVE DUKE DGI
US***

Mr. Meisner explains that the numerals at the beginning of the first line of the telex represent the following:

31 – day 10 – month 39 – number of the telex sent from the U.S. Guardian’s Office on 31/10/1974 GOUS – Guardian Office US, originator of the telex 4 – the number of telexes on that topic AGI DC – the addressee

The date “3110,” meaning October 31, using the European system for setting out the date indicates that the first telex on this topic was sent on October 31. The routine also shows that this is the fourth telex on the topic discussed in the text of the telex, and the handwritten notation on the states that it was sent on “11.10.74” or November 10, 1974. The concluding line “Love Duke DGI US” reveals that it was sent by the defendant, Duke Snider, the Deputy Guardian for Information in the United States. The abbreviation “ARC” is a Scientology term used in telexes as an alternative to “STOP”. “FSM” is an abbreviation for “field staff member” a term, used in the Information Bureau for covert operatives.

All other telexes in Government Exhibits Nos. 8 through 11 carry the same routing and format and thus explain when they were sent, by whom, and to whom, as well as the sequence in which they were sent. Thus, Government Exhibit No. 8A is a telex from the defendant Snider, the “DGI US” to Michael Meisner the “AGI DC.” Mr. Meisner recalls having received it from the defendant Snider. In it, the defendant Snider inquired whether Gerald Bennett Wolfe, the “FSM” to be placed at the IRS had been able to obtain employment in view of the hiring freeze there. Handwriting expert James Miller concludes that it is “highly probable” that the initials “DS” next to “DGI US” were written by the defendant Snider. Mr. Meisner identifies them as initials made by the defendant Snider. Government Exhibit No. 8B is the telex which Mr. Meisner, the “AGI DC,” sent to “DGI US” Duke Snider, via “DG US” Henning Heldt stating that Gerald Wolfe, the “FSM” had apparently passed the hiring freeze and that they “will know for sure” Whether he has received employment by November 18 at the latest. A notation on that telex indicates that it was received on “11.11.74” at “2000” hours (8:00 p.m.). Government Exhibit No. 8C is a telex from the defendant Snider, the “DGI US,” to Mr. Meisner, the “AGI DC,” stating “excellent on both pls [please] keep me informed by telex”. Mr. Meisner, also recalls receiving that telex from the defendant Snider. The handwriting “IRS + JUSTICE PENETRATION” in the upper portion of Government Exhibit No. 8C is identified by Meisner, as that of the defendant Duke Snider.

Government Exhibit No. 8D is a telex from Mr. Meisner to the Guardian's Office U.S. in Los Angeles, California, informing it that "FSM past freeze and in initial placement in Income Tax Division as clerical." In this manner, Meisner notified the Los Angeles Guardian's Office that the defendant Wolfe had obtained employment and was working as a clerk at the IRS Income Tax Division. Mr. Meisner recalls sending this particular telex to the defendant Snider, Government Exhibit No. 8E is a response to the previous telex from "DGI US" Duke Snider to "AGI DC" Meisner congratulating Mr. Meisner for his work. The abbreviation "VVWD" means "very very well done". Mr. Meisner recalls receiving that telex.

Government Exhibit 8, the cover letter dated November 11, 1974 was written by Mr. Joe Lisa, the Deputy Deputy Guardian for Information U.S. (DDG I US), to the defendant Gregory Willardson, the Information Branch I Director U.S., regarding the "IRS evaluation" GO 1361, target 10, and directed Mr. Willardson "to get this started immediately and push this hard" to get it accomplished. [*Mr. Meisner states that GO 1361 was also known as "IRS EVAL" [evaluation]*]

Government Exhibit No. 9A is a telex sent on "14.11" November 14 1974) by "DGI US" Duke Snider, to DGI WW," Mo Budlong, "Re: GO 1361 Tar [target] 10," which informed Mr. Budlong, that despite the national hiring freeze defendant Gerald Bennett Wolfe had accepted employment at the IRS. Mr. James Miller, the handwriting expert, positively identified the defendant Henning Heldt as the writer of the initials next to "DG US" and states that the initials next to "DGI US" were probably written by the defendant Duke Snider. Mr. Meisner himself recognizes the handwriting "despite freeze" and the initials next to "DGI US" are made by the defendant Snider, and the initials next to "DG US" as made by the defendant Heldt.

Government Exhibit No. 9 is a telex received "15.11.74" (November 15, 1974) at "2000" hours (8:00 P.M.) from Mr. Budlong to the defendant Snider, the "DGI US," which congratulated him on the placement of a covert agent at IRS. The routing at the beginning of the telex indicates that it is in response to Government Exhibit No. 9A. Mr. Meisner recognizes the handwriting on the upper portion of Government Exhibit No. 9 as that of the defendant Duke Snider.

During the first week of December 1974 Meisner and the defendant Mitchell Hermann entered the IRS building located at 1111 Constitution Avenue, Northwest, Washington, D.C., and remained inside until sometime after 7:00 p.m. At that time, Mr. Meisner and the defendant Hermann entered without permission

offices of the Exempt Organization Division on the seventh floor; removed from the building one file relating to Scientology and took it to the Guardian's Office in Washington, D.C.; and photocopied it there. The next day, the defendant Hermann returned it to the IRS files. The purpose of their entry was to show to the defendant Gerald Bennett Wolfe that documents could easily be taken from the Internal Revenue Offices.

Following that entry, Mr. Meisner called the defendant Duke Snider in Los Angeles, California, and told him what he and Hermann had accomplished inside the IRS and what documents had been stolen. He told the defendant Snider that the entry which he and Hermann had made proved conclusively the ease with which documents could be taken from the IRS. Government Exhibit No. 10A is a telex sent on December 4, 1974 at "2200" hours by the "DGI US," Duke Snider, to the "DGI WW" Mo Budlong regarding "GO 1361 TAR 10."

The telex informed Mr. Budlong that the defendant Snider and his associates had received "two shipments from DC . . . about ten inches" thick containing documents which the defendants Hermann and Wolfe and Mr. Meisner had stolen from the IRS. Handwriting Expert James Miller concludes that the initials next to "DGUS" were probably made by the defendant Heldt and that the initials next to "DGIUS" were highly probably by made by the defendant Snider. Mr. Meisner recognizes each set of initial as being made by the defendants Heldt and Duke Snider respectively.

Government Exhibit No. 10, a telex from Mr. Budlong to the defendant Snider is a response to Government Exhibit No. 10A stated "Duke such news brings joy to my heart ARC Absolutely fantastic ARC I can't wait to see the data." Mr. Meisner recognizes the handwriting in the upper portion of Government. Exhibit No. 30, with the exception of "DW6/12" as that of the defendant Snider; and the handwriting "DW6/12" as that of the defendant Richard "Dick" Weigand. The telex indicated that it was received at "1400" (2:00 p.m.) hours on "5.12.74" (December 5, 1974). Government Exhibit No. 11 contains two letters. The second and earlier letter in the exhibit, dated November 11, 1974 is from **Joe Lisa**, the then Deputy Deputy Guardian for Information U.S. to the defendant Willardson, the Branch I Director US. It directed the District of Columbia Guardian's Office to immediately obtain documents from the IRS pursuant to Target 10 of GO 1361. (The letter is identical to Government Exhibit. No. 8.)

The first page of Government Exhibit No. 11, dated “9 December 74,” is the defendant Willardson’s response in Lisa’s November 11 letter. It informed Mr. Lisa that Target 10 of GO 1361, which called for getting an “FSM” into the IRS in the District of Columbia, had been achieved, and that compliance had already been reported to the World- Wide Guardian’s Office. During his initial employment at the IRS, the defendant Wolfe was supervised by the defendant Hermann. As such the defendant Hermann maintained all contacts with defendant Wolfe. *[Government Exhibit No. 46A (page six of Exhibit 46) is a handwritten note dated January 9, 1975, which states “I attest that I have placed and am running an FSM at Silver [code name for the IRS] and am attaching the accompanying documents as evidence.” Handwriting expert James Miller positively identifies the note as having been written by the defendant Hermann.]*

Defendant Hermann himself was a direct subordinate of Mr. Meisner during this period and reported regularly to Mr. Meisner, on defendant Wolfe’s accomplishments. In mid- December 1974, the defendant Mitchell Hermann went on vacation, and Meisner took over the supervision of the defendant Gerald Bennett Wolfe. Before he left, however, the defendant Hermann arranged for Mr. Meisner to meet the defendant Wolfe in an Arlington, Virginia, parking lot and bring him over to the defendant Hermann’s house located on Fessenden Street, Northwest, Washington, D.C., to coordinate future plans.

At the parking lot, Mr. Meisner introduced himself to the defendant Wolfe using his real name; however because Wolfe felt more comfortable being called by a name other than his own, Mr. Meisner called the defendant Wolfe “Kelly”. During the subsequent one-half hour meeting in the defendant Hermann’s house, Meisner and the defendant Wolfe discussed Wolfe’s job and background. The defendant Wolfe had previously been informed by the defendant Hermann that Mr. Meisner was the Assistant Guardian for Information in the District of Columbia.

The defendant Wolfe was also told by Mr. Meisner that he could reach him at any time by calling him either at his office at 2125 S Street, northwest, Washington, D.C. or at his home in Arlington, Virginia. The defendant Hermann instructed the defendant Wolfe continue obtaining all documents related to Scientology from the IRS office of Barbara Bird *[Ms. Bird was also a participant in the November 1, 1974 conference that was bugged by Scientology agents]*, an attorney in Refund Litigation Service.

Thereafter, a few days prior to December 30, 1974, the defendant Wolfe entered the office of Barbara Bird located in the main building of the IRS at 1111 Constitution Avenue northwest, Washington, D.C., without permission, and took from her files many documents related to Scientology. He photocopied them on a photocopying machine in the IRS Building using United States property and paper to accomplish the task. Upon completion of the photocopying, the defendant returned the documents to Ms. Bird's office. At a subsequent meeting with Mr. Meisner at a Lums Restaurant in nearby Virginia, he gave him the stolen documents. *[Mr. Wolfe told Mr. Meisner that Ms. Bird had two doors leading to her suite of offices, one of which was blocked by a table. Mr. Wolfe went in during the day, unlocked the latter door and proceeded to use the door whenever he entered her office either at night or on weekends.]*

He explained to Mr. Meisner, how he had obtained the documents from a file in Barbara Bird's office which contained documents related to Scientology which Bird had acquired from former IRS official Charlotte Murphy. Mr. Meisner, took the documents to his office at 2125 S Street, Northwest, reviewed them, and summarized them in a memorandum to his superiors in the U.S. Guardian's Office. Whenever he received stolen documents from the defendant Wolfe, Mr. Meisner marked each one with an initial at the lower, right-hand side, underlined those portions which he believed to be particularly important to his superiors in the Guardian's Office, and typed any one which was either handwritten or illegible. He then prepared a memorandum addressed to his immediate superiors in Los Angeles which summarized each important point in the documents, and placed at the end of each excerption the corresponding number of the document which he had just summarized.

He then routed the finished memorandum through the Assistant Guardian for the District of Columbia to his superiors in Los Angeles who included the Deputy Guardian for the United States, the Deputy Guardian for Information in the United States, the Branch I Director of the Information Bureau, and the Collections Officer. He also sent a copy of the material to the Commodore Staff Guardian (CSG), the defendant Mary Sue Hubbard. Until January 1976, all such memoranda and supporting documents were sent to the defendant Cindy Raymond who as Collections Officer within the Information Bureau, was in charge of the gathering of covertly obtained documents. After the re organization of the Information Bureau in January 1976, almost all memoranda regarding stolen documents were sent to the defendant Hermann under his alias "Mike Cooper".

The defendant Hermann was, subsequent to January 1976, the Southeast U.S. Secretary of the Information Bureau, and as such had immediate supervision over the Information Bureau in the District of Columbia. The only exception to this January 1976 procedure occurred in regards to stolen Interpol documents, which were still to the defendant Raymond who had become the Information Bureau Director National U.S. All such memoranda were typed by Mr. Meisner himself and were prepared in accordance with established Guardian's Office procedures.

Government Exhibit No. 12 [*Government Exhibit No. 12 was seized by Special Agent Roger L. Lehman from a file cabinet in Room 30 in the Information Bureau at the Cedars Complex.*] is a 30 December 1974 memorandum from Mr. Meisner to the defendant, Cindy Raymond entitled "Raw Data Report Re: IRS-Charlotte Murphy Scientology File." It summarizes documents taken by the defendant Gerald Bennett Wolfe from the offices of Barbara Bird at the IRS as outlined supra. Mr. Meisner appended to that memorandum, and sent it to Los Angeles, at least ninety eight pages of documents taken from the IRS. (See Government Exhibit No. 12 at p. 7, paragraph 3).

The routing portion which appears in the upper left-hand side of the memorandum reflects that the "AG Info DC", Michael Meisner, sent the memorandum to the Collection Officer US, the defendant Raymond, via the Assistant Guardian for the District of Columbia, Lynn McNeil, who initialed it on "30/12" (30 December 1974). McNeil's notation shows that she reviewed it on that day and transmitted it to the Deputy Guardian Communicator (Secretary) for the United States and the Deputy Guardian for the United States, the defendant Heldt. "DG Info US", the defendant Weigand, placed his initials next to his title on January 6, 1975 ("6/1/75"), as did the "Info Br I Dir US", the defendant Willardson, who initialed it on 10 January 1975 ("10 Jan") The defendant Willardson then wrote a note to the defendant Raymond indicating he had reshuffled the order, of the documents.

[Handwriting analysis shows that it is "highly probable" that the defendant Willardson wrote the handwritten note. Mr. Meisner recognizes the initials of Ms. McNeil and the defendants Weigand and Willardson next to their respective titles in the routing portion of the document, as well as the handwriting of the defendant Willardson in the note to "Cindy". The routing also indicates that a copy of the memorandum and attached documents were sent to the "CSG" (Commodore Staff Guardian) the defendant Hubbard.]

During the early part of January 1975, the defendant Hermann returned to the District of Columbia from his vacation and resumed his duties as supervisor of all Scientology covert operatives, who included the defendants Wolfe and Sharon Thomas and Ms. Nancy Douglass. The defendant Thomas was at the time a Scientology covert agent at the Coast Guard Intelligence. Ms. Douglass was a Scientology covert operative at the Drug Enforcement Administration (DEA) from where she stole documents and photocopies thereof and transmitted them over to the defendant Hermann. The defendant Hermann continued his duties in the District of Columbia until early March 1975 when he was transferred to Chicago, Illinois, to continue to work for the Guardian's Office.

Government Exhibit No. 13 [*Government Exhibit No. 13 was seized by Peter J. Flanagan from a file cabinet located in the Information Bureau at the Cedars Complex. It was inventoried by Special Agent Richard W. Noyes*] is a memorandum from the defendant "Mitch" Hermann to defendant Raymond regarding documents stolen from the Chief Counsel's file room at the IRS pursuant to "GO 1361 TGT #10."

The March 1, 1975 memorandum, which summarized the stolen documents, was routed through the Acting Assistant Guardian for the District of Columbia who, at the time, was Mr. Meisner. The defendant Hermann was then Acting Assistant Guardian for Information in the District of Columbia. [Next to the title for the "INFO BR I DIR US" in the routing portion of the memorandum is the signature of the defendant Gregory Willardson, indicating that he received the documents on March 7, 1975. Handwriting expert Miller concluded that it is "probable" that the defendant Willardson wrote the four-line notation beginning with his initials and date.] The defendant Cindy Raymond received the memorandum and placed on the upper right-hand side of page one above the date "CC: DG Legal US, DG PR US".

[Mr. Miller positively identifies the defendant Raymond as the writer of that notation. He also concludes as "probable" that the defendant Hermann signed "Mitch" at page two of the memorandum. Mr. Meisner specifically recognizes that signature as that of the defendant Hermann and moreover, recognizes the entire document based upon his recollection of having received it from Hermann and having sent it with the appended documents to his superiors in Los Angeles, with one copy to "CSG", the defendant Mary Sue Hubbard]

In late May 1975, the defendant Gregory Willardson directed Mr. Meisner to implement "Project Horn" which Willardson, him self, authored. "Project Horn"

appended to Government Exhibit No. 14 [*Exhibit No. 14 was seized from Room 4, of the Information Bureau at the Cedars Complex by Special Agent James J. Smith and inventoried by Special Agent Gilberto Valencia*] was issued in order to “provide a cover for PR [Public Relations] and legal for the way they obtained IRS docs.” The project further implemented Guardian Order 1361, Target 6, which had already provided for the creation of a “suitable cover” to disguise the true manner in which stolen documents had been obtained from the IRS so that the Public Relations Bureau could use them without fear of being connected to the thefts.

Towards this end, defendant Gregory Willardson assigned to Mr. Meisner, as the Assistant Guardian for Information in the District of Columbia, the task of stealing IRS documents concerning organizations other than Scientology. Thus, whenever any stolen IRS documents were later released, those other organizations would also be perceived as having received them and their publications would, thereby, not point to the Church of Scientology alone. Additionally, the project ordered the theft of IRS stationery so it might be used by members of the Guardian’s Office to draft false letters from a fictitious IRS employee disgruntled with the organization. The stolen documents would then be attached to the letters which would be sent to private organizations such as Scientology. Government Exhibit No. 14 (at page 1) is a 9 April, 1975 letter from the defendant Willardson to Jane Kember and Mo Budlong stating that he had complied with GO 1361 target 6 by devising the “Project Horn” which he appended to that letter.

The signature “Greg” on page one has been positively identified by handwriting analysis as that of the defendant Willardson. Similarly, the handwritten notation “sent to DC, late May. GW” at the lower right-hand corner of that page has also been positively identified as having been written by the defendant Willardson. Handwriting expert James Miller has concluded that it is “highly probable” that the defendant Richard Weigand wrote the handwritten notation “Greg – What was this? L. Dick” located at the top of the page. Mr. Meisner identifies the handwritten notation “A very good method!” located above the title of the letter, as in the handwriting of Mo Budlong, and the handwritten notation “Dear Greg, This is a really bright idea. Very well done. love Jane” located at the lower portion of the letter, as in the handwriting of Jane Kember.

The routine appearing in the upper left-hand side of Government Exhibit No. 14 also shows that the letter was written by the “Br I Dir US Info”, the defendant Gregory Willardson, and sent to the “Guardian WW,” Jane Kember via, among others, the “DG I WW”, Mo Budlong, who initials it on “22/4” (April 22), the “DG

US”, the defendant Henning Heldt, who initials it as well, “DDG US” the defendant Duke Snider, who initials it and dates it “9.4” (April) and the “DG I US”, the defendant Richard Weigand immediately below the title “Br I Dir US info” at the bottom of the routing is an arrow with the initials “GW” which have been identified by the handwriting expert as probably made by the handwriting of the defendant Willardson.

Page two of Government Exhibit No. 14 outlines the general plan of “Project Horn” as creating a situation where a “staff member in the IRS. . . mails out IRS files to the persons/groups mentioned in their files.” It then explains that such a plan “will provide a cover for PR and legal to expose the documents.” The document is issued by “Br 1 Dir” who was identified by his own handwriting on page one as the defendant Gregory Willardson. The signature “Greg” located at the end of the two letters dated 9 April 1975 located at pages five and six, respectively, of Government Exhibit No. 14 have been positively identified by both Mr. James Miller and Mr. Meisner as having been written by the defendant Willardson.

In a letter dated 9 April 75 found at page six of Government Exhibit, No. 14 the defendant Willardson writes to the Deputy Guardian of Public Relations for the United States, **Arthur “Artie” Maren**, informing him that “the majority of documents called for in this eval [GO 1361] have been obtain- ed.” He then invited Mr. Maren to come to the Information Bureau offices to view the documents “since the quantity of data is so extensive.”

On October 13, 1975, the defendant Heldt sent a “CSW” (completed staff work) to Jane Kember, the Guardian World-Wide, dealing with “the turnover of B-1 data from IRS LA, IRS DC, and Justice Dept. Tax Division to PR and legal to get the reports D/A’d (dead agented), and for attacking along PR and legal lines.” (Government Exhibit No. 51.) The “CSW” is requested for proposed Guardian Order 1361-1 to complete targets 6-8, 14-15, and 19 of GO 1361 (Government Exhibits Nos. 3 and 4). The appended proposed Guardian Order 1361-1 calls for placing additional “FSMs” into the Los Angeles and District of Columbia “target areas”, and preparing the stolen government documents for release to the press and for use in possible Scientology legal cases. Government Exhibit No. 51 was routed through the Deputy Guardians for the Information, Legal, and Public Relations Bureaus World-Wide. GO 1361-1 was approved by Jane Kember and issued on 7 November 1975. (Government Exhibit No. 52.) Mr. Meisner and Ms. Hirsch state that it was issued according to established Guardian’s Office procedures. Ms. Hirsch also testifies that the initials “LR” at the lower, left-hand corner next to the

name Jane Kember is that of Lexie Ramirez, Ms. Kember's communicator (secretary).

In a "CSW" dated 27 May 1976 to the defendant Heldt, the defendant Weigand informed him that GO 1361-1 target 2 called for the "replacement" of "FSMs" at the IRS in the District of Columbia and Los Angeles, California. However, the defendant Weigand pointed out that since they had no plans to have the "existing "FSM in DC [Wolfe] replaced" and since they had been successful in getting the documents from Los Angeles IRS through other covert means, there was no longer a need for target 2 of GO 1361-1. Thus he requested approval for the cancellation of that target. (Government Exhibit No. 107.) The defendant Heldt, in handwritten notes positively identified as his by handwriting expert James Miller, informed the defendant Weigand that since the Guardian World-Wide had approved GO 1361-1 only she could approve cancellation. The defendant Heldt also enquired whether it would not be prudent to have "back-up FSMs" in case the present ones were blown. Mr. Miller concludes that the signature "Disk" was probably made by the defendant Weigand. Mr. Meisner recognizes the signature as having been made by the defendant Weigand and the handwriting in the margin as that of the defendant Heldt. Government Exhibit No. 107 was seized by Special Agent Gilberto Valencia from Room 4 in the Information Bureau at the Cedars Complex.

In accord with "Project Horn" the defendant Wolfe took from the IRS, stationary of that agency and turned it over to Mr. Meisner. Wolfe also took from the IRS, without permission, documents related to Bob Jones University in South Carolina and the Unification Church. After receiving those documents from the defendant Wolfe, Mr. Meisner notified the defendant Willardson that he had complied with the preliminary steps of his "Project Horn."

During the first five months of 1975, the defendant Wolfe stole documents and photocopies thereof belonging to the IRS from the offices of Barbara Bird and Lewis Hubbard of the Chief Counsel's Office and from the Chief Counsel's file room, as well as from other offices within the suite of offices comprising the Office of the Chief Counsel. These documents totalled some ten feet in height. The defendant Wolfe at that time was employed in the Income Tax Division of the IRS and had no authority to enter any of the offices in the Chief Counsel's area. Upon receiving these documents, the defendant Hermann and Mr. Meisner forwarded them to their superiors in the Information Bureau in Los Angeles, California, without excerpting them as had previously been done because of the enormous

backlog of stolen documents not sent to Los Angeles. (See Government Exhibits Nos. 12 and 13)

This circumstance is detailed in Government Exhibit No. 15, [Government Exhibit No. 15 was seized by Special Agent Smith from Room 4 of the Information bureau at the Cedars Complex. It was inventoried by Special Agent Valencia] “CSW” (completed staff work) [*A “CSW” or “completed staff work” is a request for approval or disapproval of a proposed course of action. It outlines the problem which it attempts to solve with supporting data, and concludes with the proposal for which approval is sought. It ends with two lines marked “approved” and “disapproved” with space for signature. The routing carries greater significance in a “CSW.” When initialed next to a title in the routing it indicates that it has both been reviewed and approved by that person*] dated 7 May 1975 sent by the defendant Willardson to Deputy Guardian for information World-Wide, Mo Budlong, and Deputy Guardian for Finance World-Wide, Herbie Parkhouse.

It explained that the collection of U.S. Government documents pursuant to GO 1361 had created a crisis in the Information Bureau by causing a slowdown in the collection progress required by GO 1361 which “urgently need[ed] to be eliminated.” In it, Mr. Willardson states that some “15,000” documents had been sent by the District of Columbia Information Bureau without exception in order to speed up the process of advising the Deputy Guardian for the United States, the defendant Heldt and Commodore Staff Guardian, the defendant Hubbard, “as fast as possible as to the IRS’s intentions in regards to the Church during the ongoing IRS tax exemption negotiations.”

The letter added that “[t]his was a valuable action in that it resulted in a more real estimate as to the IRS scene than was visible [sic] from the *Legal viewpoint*.” (emphasis added) [*Handwriting expert James Miller concludes that the signature “Greg” at page three is positively in the handwriting of the defendant Willardson. He also concludes that it is “probable” that the entry “DW 8/5” next to the title “DG I US,” in the routing portion of the upper left-hand of the front page, is in the handwriting of the defendant Weigand; and that the initial next to the title “DG US” is in the handwriting of the defendant Heldt. Moreover, Mr. Meisner recognizes the handwriting of both the defendants Willardson and Heldt in the document.*]

The “CSW” requests the Guardian’s Office World-Wide to approve an additional expenditure of funds for the exception, xeroxing and cross-filing of these

“15,000” documents. [Government Exhibit No. 16 is a “purchase order” dated “14 May 1975,” signed by the defendant Gregory Willardson whose signature “Greg W,” along with all other handwriting on the first page of that exhibit, is positively identified by the expert handwriting analyst James Miller as being that of the defendant Willardson. In his “purchase order”, the defendant Willardson requests \$3,141.20 for one week of supplies for GO 1361 documents. He states that his purpose in purchasing the photocopying equipment listed in the attachments to Government Exhibit No. 16 is “to get vital data uplines to WW (World Wide) & CS-G [the defendant Mary Sue Hubbard]; and to get it properly x-filed for use by USGO, WW, CS-G.” The page identified by the seizing agent as “3 of 8” , at its bottom right-hand corner is a form entitled “EPO” (Estimated Purchase Order) dated “12 May 1975” covering the months of May to June of 1975, requesting that “\$6,648.10” be set aside by the Financial Planning Committee of the United States Guardian’s Office for the purchase of “materials needed” “to eliminate vital info backlogs on GO 1361.” This form is signed “GW” next to the printed entry “originator”. Handwriting analysis has positively identified the defendant Willardson as the writer or the “bulk of the writings” on that page. Mr. Meisner has often used, such Purchase orders as well as Estimated Purchase Order forms during his tenure as an official of the Information Bureau of the Guardian’s Office, and is therefore familiar with the proper format and manner in which such forms are to be completed according to Guardian’s Office procedures. He states that Government Exhibit No. 16 was prepared in accordance with these policies. Government Exhibit No. 16 was seized by Special Agent Smith, from Room 4 of the Information Bureau at the Cedars Complex. It was inventoried by Special Agent Valencia.]

During the period prior to the theft of the documents referred to in Government Exhibit No. 15 the Church of Scientology through its subsidiary Church in Hawaii, was engaged in extensive litigation with the IRS regarding its entitlement to exemption from taxation. The IRS was also conducting an audit of the Church of Scientology of Hawaii.

The defendants Richard Weigand, Gregory Willardson and Cindy Raymond, personally and in writing, instructed Mr. Meisner to direct his attention and that of his covert operative the defendant Wolfe, to the theft of all documents relating to that tax exemption battle from the office of IRS attorney Lewis Hubbard, located in the main IRS building at 1111 Constitution Avenue, N.W. in Washington, D.C. (see pgs. 71-74, *infra*). Mr. Hubbard at that time was overseeing the audit for the IRS Chief Counsel’s Office and had in his care, custody and control within his office

documentation, daily notes and memoranda relating to the tax exemption case involving the Hawaii Church.

D. Infiltration of the Tax Division of the United States Department of Justice.

Guardian Order 1361, target 17, directed the infiltration and theft of files relating to Scientology from the Tax Division or the United States Department of Justice in Washington, D.C. In order to carry out the directive of target 17 of GO 1361, Mr. Meisner obtained a directory of the United States Department of Justice in April 1975 and isolated those offices within the Tax Division which had previously been identified to him as offices which would have files related to pending Scientology litigation. Mr. Meisner had been informed by the Guardians office Legal Bureau that trial attorney Harold Larsen and Chief of Refund Litigation Section 3, Stanley Krysa, had represented the United States in the cases involving the Church of Scientology of Hawaii and the Church of Scientology of Florida. Mr. Larsen was the trial attorney assigned to these cases, while Mr. Krysa, as his immediate supervisor, had participated in the litigation.

Mr. Meisner discovered that the Tax Division offices of the Department of Justice were located in the Star Building at 1101 11th Street, Northwest, in Washington, D.C. Accordingly, Mr. Meisner directed the defendant Gerald Bennett Wolfe to enter the offices of Messrs. Krysa and Larsen to obtain all their files which were in any way related to Scientology. Consequently, on three successive Saturdays, May 3, 10, and 17, 1975, the defendant Wolfe entered the Star Building using his identification card and proceeded to the fourth floor offices of the Tax Division.

The defendant Wolfe then entered the offices of Messrs. Krysa and Larsen and stole twelve separate files related to Scientology cases and photocopied them on a photocopying machine within the Tax Division offices, using paper and equipment belonging to the United States of America. The defendant Wolfe then returned the documents to their original location and stole copies of them. The defendant Wolfe then gave to Mr. Meisner all the copies of documents which he had taken from the Tax Division on the day following each entry at meetings which he and Mr. Meisner had at the Lums Restaurant in nearby Arlington, Virginia. Meisner, then reviewed the documents and summarized them in twelve separate memoranda prepared in the manner described at page 43, supra.

These twelve files contained notes and other memorandum of the United States Department of Justice, Tax Division attorneys dealing with their trial and pretrial

strategy in Scientology court cases. Government Exhibit Nos. 17, 19 – 25, and 27 – 30, are the twelve memoranda prepared by Mr. Meisner. Each memorandum is addressed to the defendant Cindy Raymond and is entitled “Raw Data Report Re: Department of Justice – Tax Division – Refund Trial Section No. 3,” parts 1 to 12.

[Government Exhibit No. 17 was seized by Special Agent Peter J. Flannigan from a file cabinet in room 23 of the Cedars Complex. Government Exhibits 19, 21, 24 and 2830 were seized by Special Agent Bradley N. Maryman from the file cabinet in one of the hallways of the Information Bureau at the Cedars Complex. Government Exhibit No. 20 was seized by Special Agent Stanley R. Currey from a file cabinet located in room 30 (the Archives room) at the Cedars Complex. Government Exhibits 22, 23 and 27 were seized by Special Agent Edward J. Miller from a file cabinet. located in room 30 at the Cedars Complex. Government exhibit No. 25 was seized by Special Agent Henry Williams from a shelf adjacent to the desk of the defendant Cindy Raymond in room 15 at the Cedars Complex. It was inventoried and initialed by Special Agent Raymond Mislock. Government Exhibit No. 18, which was seized by Special Agent Maryman from a file cabinet in one of the hallways in the Information Bureau at the Cedars Complex, is the folder which contained Government Exhibits Nos. 18, 19, 21, 24 and 28 to 30. Government Exhibits Nos. 17, 19, 25, 27, and 29, 30 all have identical routing. They were sent by Mr. Meisner to the Collection Officer U.S., the defendant Cindy Raymond, via the Assistant Guardian for the District of Columbia Lynn McNeil, and, among others, the Deputy Guardian of the United States, the defendant Heldt, the Deputy Guardian for Information U.S., the defendant Weigand, and the Information Branch I Director U.S., the defendant Willardson, with a copy to the Commodore Staff Guardian, the defendant Mary Sue Hubbard. Government Exhibit No. 28 added to the routing the Information Branch II Director, U.S. Mr. Meisner identifies the initials in the handwriting of the defendant Heldt as appearing next to his title “DG US” in the routing portion of Government Exhibit Nos. 17, 21, 23, 25, 27 and 29. He also identifies the initials and date appearing on Government Exhibits Nos. 17, 19, 25 and 27, 30 as in the handwriting of the defendant Willardson. Additionally, he identifies the note on Government Exhibits Nos. 28, 30 appearing next to the initials “GW” as in the handwriting of the defendant Willardson. Handwriting expert James Miller positively identified the initials, date and handwritten notes appearing on Government Exhibits Nos. 28, 30 as being in the handwriting of the defendant Willardson. Mr. Meisner further identifies the initials and date appearing next to “Coll Off US” on Government Exhibit No. 17 as having been written by the defendant Cindy Raymond and the printing at the bottom of page one of Government Exhibit No. 27 as the handwriting of the defendant Raymond.]

Exhibit No. 26 is a copy of a document entitled "Memorandum for the File" signed by Mr. Stanley F. Krysa and taken from the Tax Division files which were then in the care, custody and control of Justice Department attorney Harold Larsen. Mr. Meisner identifies the number "37" appearing at the lower right-hand corner of that document as a numeral which he placed upon receiving the document from the defendant Wolfe. That numeral indicates the page on which it appears was the thirty seventh in a series of documents appended to his memorandum of 14 May 1975 (Government Exhibit No. 25). The underlining on the Government Exhibit No. 26 was made by Mr. Meisner and that exhibit is referred to in Mr. Meisner's memorandum of 14 May 1975 at page two, paragraph two. (Government Exhibit No. 25.)

Neither Messrs. Krysa nor Larsen had given permission to the defendant Wolfe or anyone associated with the Guardian's Office of the Church of Scientology to enter their offices, remove from their files documents within their care, custody and control, and make photocopies of their documents. Mr. Larsen states that most of the documents covered in the Meisner memoranda would never have been turned over to any Scientology attorneys, inasmuch as they represent attorney "work project" material and were therefore not discoverable under the Federal Rules of Civil Procedure.

Government Exhibit No. 32 [Government Exhibit No. 32 was seized by Special Agent Gary Aldrich from a file cabinet in the office of the defendant Willardson at the Cedars Complex.] is a letter dated 20 May 1975, from the defendant Willardson, identified in the routing portion of the document as "Br I Dir US I", addressed to Michael Taylor, the "US Dir Sec WW" (U.S. Directorate Secretary World-Wide), routed via the Deputy Guardian for Information World-Wide, the Guardian World-Wide, the Deputy Guardian United States, and the Deputy Guardian for Information in the United States. The letter entitled "Re: B & E's Yours to DG I, 5 May 75, DG I's to you 14 May 75" states:

When Dick [Weigand] first wrote you on this subject a few of us in the office had been comparing notes and smatterings of legal knowledge on this subjects with the end result of deciding we needed to research the differences between "breaking & entering" and "unlawful entry". Upon searching through legal dictionaries and various legal sources I discovered . . . the technical difference between "b & e" and "unlawful entry" become relatively meaningless when it can be seen that a large portion, if not the majority, of our high priority

successful Collections actions fall into the category of second degree burglary, which is a felony.

Some of our successful collections actions in the recent past and present which fall into this category are: (past) . . . GO 1361, GO 1344, . . . DEA; (present) GO 1361, Go 1344, DEA. (this is not an exhaustive rundown, just enough to demonstrate the importance) From my study of the codes and from my knowledge of how the collections actions are done, one of the key points in solidifying the burglary commission is basically the theft of xerox paper and xerox machine use of whatever group is approach- ed. Without this theft, then the distinction between “b & e” and “unlawful entry” would become important and could mean the difference between a felony and a misdemeanor.

* * *

Because the legal definition of burglary in the US to fit more spot on as to our actions than B&E and because it is a felony, as is a “B & E” I thought you should be appraised [sic] or this. (Emphasis added.)

Appended to the letter is a summary of the law on burglary. Handwriting expert James Miller positively identifies the handwritten signature “Greg” as having been written by the defendant Gregory Willardson. [Mr. Meisner states that GO 1344 is a Guardian Order which was issued in approximately September 1974 by Jane Kember and which directed the infiltration and theft of documents from the United States Coast Guard. Pursuant to that Guardian Order the defendant Sharon Thomas was placed as a Scientology covert operative within the Coast Guard’s Intelligence Division in Washington, D.C. Similarly, Mr. Meisner and Ms. Nancy Douglas, a former Scientology covert operative at DEA, state that “DEA”, in Government Exhibit No. 32, refers to the theft of government documents from the Drug Enforcement Administration by Ms. Douglas.]

Government Exhibit No. 33, contains a series of letters and “compliance reports” setting forth the Church of Scientology’s “IRS Strategy”. Page five of that exhibit is a letter dated May 27, 1975, signed “Much Love, Mary Sue” (Hubbard), the Commodore Staff Guardian. The letter is addressed to Jane Kember and the defendant Henning Heldt. The routing in the upper left-hand portion of the Document indicates that. it was sent by “CS-G”, the defendant, Mary Sue Hubbard to the “Guardian WW” Jane Kember, with a copy to “DG US”, the defendant Heldt. I

t states “[o]ur overall strategy with the IRS shall be as follows: 1. [t]o use any method at our disposal to win the battle and gain our non-profit status. 2. [t]o buy all the time we can in terms of years . . . [s]o we work to win, but *also* to delay as time works on our side, not theirs.” (Emphasis in original.) Page six of Government Exhibit No. 33 is a letter from Deputy Guardian U.S. Henning Heldt to the chief officers of the Legal, Finance, Public Relations and Information Bureaus of the Guardian’s Office informing them of the “IRS strategy, as established by CS-G.” The defendant Heldt’s letter directed these officials to inform their respective staffs of the defendant Hubbard’s directive, and ordered them to conform “upcoming actions with the above strategy.” Page two of Government exhibit No. 33 is a letter dated 9 June 1975 from the defendant Mary Sue Hubbard signed in handwriting which is positively identified as hers by handwriting expert James Miller. The letter, entitled “IRS Strategy,” was addressed to the defendant Henning Heldt and stated: “I agree with the strategy completely as laid down.”

Pages three and four of that same exhibit constitute a compliance report dated 18 June 1975 prepared by the defendant Heldt and addressed to Jane Kember and the defendant Mary Sue Hubbard. It is entitled “Re: IRS: CS-G Order 27 May 75”. It stated that the overall strategy was laid out in the “CSG” order of 27 May 75 was as follows: “To use any method at our disposal to win the battle and gain our non-profit status.” It further outlined that “B-I’s [Bureau 1] major action is the completion of its GO 1361 collection targets, and working out the means to turn those over to legal and PR for use. Bureau I’s actions are moving along steadily and full completion is expected in two to three months.” [*Government Exhibit No. 33 was seized by Special Agent William B. Stovall from a file cabinet in the defendant Henning Heldt’s office in Fifield Manor.*]

On June 4, 1975, the defendant Gregory Willardson, in a handwritten letter addressed to Mr. Meisner, the Assistant Guardian for Information in the District of Columbia. (Government Exhibit No. 34) [*Government Exhibit No. 34 was seized by Special Agent James J. Smith from Room 4 of the Information Bureau at the Cedars Complex.*] directed Mr. Meisner to complete target 10 of GO 1361 which called for the placing of “an agent in DC IRS to obtain files on LRH, Scientology, etc.” by “no later that, 30 August.” The defendant Willardson stated that based on a conversation which he had with the defendant “Mitch” Hermann, it appeared to him that the only documents still to be obtained were from “(1) OIO [Office of International Operations], (2) Intell [Intelligence], (3) SSS [Special Services Staff]” of the Internal Revenue Service. The defendant Willardson added:

Mitch explained to me that he had planned to get Silver in OIO, and hope- fully gain access to Intell via OIO. Further, that all SSS does no longer exist in IRS but some were given over to Intell-thus Mitch expected to get SSS via Intell. What I need from you is your plan of action here on how to complete target 10 no later than 30 Aug

The letter concluded that “[i]f you are going to need to get another FSM [covert operative] in you’d have to start soon as it takes some time, etc.” The defendant Willardson demanded a response “in project form within 24 hrs.” In a postscript, the defendant Willardson inquired “[w]hen will Silver be in OIO?” [Handwriting expert Miller positively concluded that the defendant Gregory Willardson is the writer of the entire letter.]

Mr. Meisner states that he received this letter in early June 1975. Prior to this, the defendant, Hermann had suggested to Mr. Meisner that “Silver” [the code name for Gerald Wolfe] be moved from IRS to OIO. Mr. Meisner, however, had considered shifting Ms. Douglas from the covert operation at the Drug Enforcement Administration to the Office or International Operations, (OIO) of IRS. The defendant Wolfe also inquired about possible openings at OIO, but found none available.

Pursuant to the directive of the defendant Willardson, (Government Exhibit No. 34) Mr. Meisner prepared a project entitled “Beetle Cleanup” dated 11 June 1975 (Government Exhibit No. 35). [Government Exhibit No. 35 was seized by Special Agent Donald P. Kinder from Room 4 at the Cedars Complex.]

The project called for obtaining “all DC IRS files on LRH, Scientology, etc., in the Intelligence section, OIO, and SSS”. It proposed the placement of “FSMs” in the “required areas or good access developed”, and further that “Pitts” (the code name for Nancy Douglass) and “Silver” attempt to obtain employment at the Internal Revenue Service Intelligence Division and Office of International Operations respectively. Appended to that project is a letter signed by Mr. Meisner dated 11 June 1975, addressed to the defendant Willardson, stating that Mr. Meisner was attaching a project in “compliance to your attached order”. It indicated that the only road block to achieving the goal prescribed by the defendant Willardson Was the fact that Nancy Douglass a/k/a “Pitts” still had three files to obtain from the Drug Enforcement Administration and that no positions might be available in the two IRS areas contemplated by the project.

In a handwritten [Handwriting expert James Miller positively concludes that that notation is in the handwriting of the defendant Raymond. Similarly, Miller concludes that it is “probable” that the initials next to the entry “DG US” in the routing were written by the defendant Heldt.] notation signed “Cindy” and addressed to Peggy Tyson, the Information Programs Officer, the defendant Raymond stated in regard to “Beetle Cleanup”:

“As this is pjct [project] off a major pgm [program] we can *PUSH* it together.”
(Emphasis in original.)

In a handwritten letter dated 30 July 1975, (page three of Government Exhibit No. 35) the defendant Gregory Willardson responded to Mr. Meisner thanking him for his project and stating that he was turning it over to the Collections Officer, the defendant Cindy Raymond, to carry out. [Handwriting expert James Miller positively concludes that the bulk of the letter is in the handwriting of the defendant Willardson.]

In June 1975, the defendant Gerald Bennet Wolfe made two entries into the office of Lewis Hubbard of the IRS Chief Counsel’s Office to obtain documents related to the Church of Scientology of California’s pending audit.

These entries occurred on or about June 21 and June 30, 1975. On each occasion following the entry by the defendant Wolfe, Mr. Meisner met Wolfe and received from him copies of documents which Wolfe had taken from Lewis Hubbard’s office. Upon receipt of the documents, Mr. Meisner returned to his office at 2125 S Street, N.W. in Washington, D.C. and produced memoranda summarizing the documents employing the procedure previously described. He appended to each memorandum the stolen documents, numbering each document in his own handwriting in the lower right-hand corner of the document. Government Exhibits Nos. 36 and 38A [Government Exhibits Nos. 36 and 38 were seized by Special Agent William A. Cohendet from Room 14 of the Information Bureau at the Cedars Complex] are the Meisner memoranda summarizing the documents taken on those two occasions by the defendant Wolfe from Mr. Hubbard’s office. Government Exhibit No. 36 entitled, “Present IRS Situation” stated that the fifty-seven pages of appended documents “are the daily notes of Lew Hubbard.”

This memorandum, was addressed to the defendant Cindy Raymond, with copies to the Commodore Staff Guardian, the defendant Mary Sue Hubbard. This memorandum was routed through the Deputy Guardian U.S., the defendant Heldt,

the Deputy Guardian for Information U.S., the defendant Weigand, and the Information Branch I Director U.S., the defendant Willardson. Government Exhibit No. 38A was also addressed to the defendant Raymond. It contains at least twenty-six pages of documents taken from Mr. Hubbard's office.

The defendant Wolfe explained to Mr. Meisner that, in each instance, he took the documents from the office of Mr. Hubbard to a photocopying machine located in the IRS, and, using Government resources and paper, he proceeded to make copies of those documents and then return them to their original location. He then took the copies of the documents from the IRS building and turned them over to Mr. Meisner. Mr. Hubbard had never given permission to the defendant Wolfe either to enter his office, to take any documents for the purpose of photocopying them, or to obtain copies of the documents for the Guardian's Office of the Church of Scientology. Indeed, Mr. Hubbard states that the copies of the documents appended to Government Exhibits Nos. 36 and 38A originated from his office and are his own daily memoranda to himself which, coincidentally, contain many personal notes as well as notes regarding cases unrelated to the Church of Scientology. *[The left-hand portion of Government Exhibit No. 37 is a document in the handwriting of Lewis Hubbard, on the right-hand portion of the page is a typewritten copy of that handwritten document which was prepared by Mr. Meisner after the defendant Wolfe had given the handwritten document to him. The document was typed in order to make it more legible to his superiors in Los Angeles, California.]*

Mr. Hubbard's files were kept either in one of the two credenzas in his office or on a window sill behind his desk in Room 3549 at the main IRS building in Washington, D.C. All the documents appended to Government Exhibits Nos. 36 and 38A were in Mr. Hubbard's care, custody and control in June 1975. [The routing in the upper left-hand side of both Government Exhibits Nos. 36 and 38A conforms to the required routing procedure of the Guardian's Office and are identical in form. In Government Exhibit No. 38A, Mr. Meisner identifies the initials next to his title "DG US" as the handwriting of the defendant Heldt; both the initials next to the title "Info Br I Dir US" and the handwritten notation immediately beneath it as the handwriting of the defendant Willardson. Mr. Meisner also identifies as the defendant Willardson's handwriting the notation that "sent to WW [World Wide]", which indicates that it was forwarded to the Guardian's Office in England.]

In a letter dated July 2, 1975, addressed to the Deputy Guardian for Information U.S., the defendant Richard "Dick" Weigand, entitled "Re: GO 1361", the defendant Duke Snider reviewed the accomplishments of the Information Bureau pursuant to GO 1361. (Government Exhibit No. 39).*[Government Exhibit No. 39 was seized by Special Agent James J. Smith from Room 4 of the Information Bureau of the Cedars Complex.]*

Referring to target 10, he indicated that "IRS DC is progressing", and pointed out that the defendant Gregory Willardson had ordered the District of Columbia Guardian's Office to complete by 30 August 1975 the collection of all documents called for by target 10. The defendant Snider concluded that target 10 was proceeding on schedule. Referring to target 17, which he described as a directive "to infiltrate selected areas of the Justice Dept Tax Div for all files on _US_", he complained that no data had been received on "the status of Tax Div DC action." While the defendant Snider recalled that some had been "acquired from that area" he noted the he could not tell whether "all were gotten or not."

On page two of his letter, he ordered that if target 10 files had not been obtained, "do a project to get them and complete the DC aspect of this tgt [target]." He admonished the defendant Weigand to "consider this a high priority matter and get these actions quickly done." [Handwriting expert James Miller concludes that it is "highly probable" that the signature "Duke" at the end of page two is in the handwriting of the defendant Snider. Moreover, Mr. Meisner also identifies the handwriting in the letter as that of the defendant Snider.]

In a second letter contained in Government Exhibit No. 39, dated 23 July 75, from Peggy Tyson, the Information Bureau Programs Officer, to the defendant Duke Snider, she stated that she had contacted the District of Columbia and that "tgt 17 *is* done." (Emphasis in the original.) Ms. Peggy Tyson telephoned Mr. Meisner and asked him to immediately send a dispatch to the defendant Cindy Raymond outlining the status of all target 17 actions and indicate what remained to be accomplished. Therefore, Mr. Meisner forwarded to the defendant Raymond a memorandum dated 11 August 1975 entitled "GO 1361-TGT 17 STATUS", (Government Exhibit No. 41A), [Government Exhibits Nos. 41 and 42 were seized by Special Agent Smith from Room 4 at the Cedars Complex.] stating that "Peggy [Tyson] asked me to send you a dispatch re the areas checked for target 17 of GO 1361."

He informed the defendant Raymond that the only data found in the Tax. Division was in the offices of Messrs. Krysa and Larsen. He noted that the only areas in the Justice Department that should be checked “fall [are located] in the main Treasury [sic] building” and “would require infiltration – probably several different FSMs.” Government Exhibit No. 41 is a 12 August 1975 letter from Ms. Tyson to the defendants Snider and Weigand [They are respectively identified in the routing as the Deputy Deputy Guardian U.S. and Deputy Guardian for Information U.S.] which alluded to Mr. Meisner’s statement that he “has gotten files from the Justice Dept. Tax Division.”

In a letter dated 10 September 1975, headed “CONFIDENTIAL -SHRED WHEN FINISHED”, the defendant Cindy Raymond wrote to Mr. Meisner that since there may have been some confusion regarding GO 1361, target 17, she was “reissuing the target.” (Government Exhibit No. 42.) She reminded him that targets 16 and 17 required the infiltration of the Justice Department Tax Division to obtain all files on Scientology, and instructed him that “[w]hat you need to do to comply to this is survey all areas that we have checked, and then take a look at any area (Tax Div) that we need to check and then get the data.” She concluded that “[t]his should clarify what [sic] is needed and wanted in the way of tgt 17. Send compliance as soon as you can . . .” Mr. Meisner received that letter in Washington, D.C. and notified the defendant Raymond that all documents from the Department of Justice Tax Division relating to Scientology had been already obtained. 52/

[In a memorandum from a Guardian’s Office official dated October 3, 1975 to the defendant Richard Weigand (Government Exhibit No. 56), requesting a compliance report regarding target 17 of GO 1361, the defendant Weigand, added a handwritten note stating that target 17 “is almost done” in Washington, D.C., but still required six weeks to be completed as far as the Justice Department Tax Division in Los Angeles, California was concerned. Handwriting expert James Miller concludes that the note was probably written by the defendant Weigand. Mr. Meisner also identifies the note as having been written by the defendant Weigand. Government Exhibit No. 56 was seized by Special Agent Smith from Room 4 in the information Bureau at the Cedars Complex.]

E. The Guardian’s Office Awards its GO 1361 Workers

On September 21, 1975, the defendant Gregory Willardson, in his capacity as Branch I Director for the Information Bureau in the United States, wrote a “CSW” (Completed Staff Work) to Guardian World-Wide Jane Kember requesting her to

issue certain “commendations” and “awards” to certain Bureau I staff members. They had been involved in the execution of GO 1361 during the period March to late June 1975, when it had been necessary for Mr. Meisner to send thousands of documents to Los Angeles without first excerpting them. Among the individuals for whom official recognition were sought was the defendant Cindy Raymond. The attached “Guardian Condition Order” (Government Exhibit No. 43E)[Government Exhibit No. 43 was seized by Special Agent Smith from Room 4 in the Information Bureau at the Cedars Complex] listed all the individuals to be so honored. It was approved by the defendants Heldt, Weigand and Willardson, and Budlong and Lisa for the Guardian World-Wide, Jane Kember.

The 12 September 1975 “CSW” from the defendant Willardson was routed through, among others, the Deputy Guardian for Information World-Wide, Mo Budlong, who inserted a notation “Okay by me[,] Love MB”. Mr. Meisner recognizes it as being in the handwriting of Mr. Budlong. The Deputy Guardian for the United States, the defendant Heldt, initialed the “CSW” next to his title, thereby indicating his approval, as did the Deputy Guardian for Information in the United States, the defendant Richard Weigand, who also initialed the document next to his title. The Guardian World-Wide, Jane Kember, approved the “CSW” by signing her name next to the entry “approved”. On the right-hand side of the document, she also requested the defendant Willardson to keep the information confidential since it mentioned Bureau I names. Mr. Meisner recognizes that handwriting as well as the signature next to the word “approved” as that of Ms. Kember.

[Handwriting expert James Miller identifies the handwriting of the defendant Willardson on Government Exhibit No. 43 as follows: On page one, “highly probable” as to the notation in the upper right-hand corner under the date, on page two, “positive” as to the notation signed “Greg” above the date; on page four, “positive” as to the entire letter; on pages five and six, “highly probable” as to the signature “Greg”. Moreover Mr. Meisner recognizes the initials of the defendants Heldt and Weigand.]

F. The Theft of IRS Documents Exempted from Disclosure Under the Freedom of Information Act

In July 1975 the defendant Cindy Raymond informed Mr. Meisner that the Church of Scientology had initiated a Freedom of Information Act (FOIA) lawsuit against the IRS and directed him to be alert to any documents in the offices of Charles

Zuravin, an attorney in the Disclosure Division of the Chief Counsel's Office, since he was representing the United States in that case. Mr. Zuravin's offices were located in the main IRS building at 1111 Constitution Avenue, N.W., in Washington D.C. Mr. Meisner immediately notified the defendant Wolfe and instructed him to add Mr. Zuravin's office to the list of offices within the IRS's main building in Washington D.C. which he had to constantly monitor. This began a series of entries into Mr. Zuravin's offices by the defendant Wolfe from July 1975 through November 1975. As a result of the defendant Wolfe's entries, the Guardian's office learned that Mr. Zuravin had been amassing all documents dealing with Scientology from all IRS offices around the country in order to prepare an FOIA index. [This index, known as a _Vaughn_ index, is required by the Courts, and lists all documents potentially subject to the FOIA with reasons for all those sought to be exempted from the reach of the Act.]

The defendant Wolfe made his first entry into Mr. Zuravin's office on or about July 28, 1975, and copied Mr. Zuravin's file on the pending Freedom of Information Act lawsuit. He removed that file out, photocopied it using United States Government property, returned it to Mr. Zuravin's office, stole the copies, and turned them over to Mr. Meisner at their weekly meeting. Mr. Meisner summarized the documents taken by the defendant Wolfe in a memorandum addressed to the defendant Raymond dated 28 July 1975, and sent a copy of that memorandum to the defendant, CSG, Mary Sue Hubbard (See Government Exhibit No. 40.) [Government Exhibit No. 40 was seized from a file cabinet located in the Information Bureau at the Cedars Complex. Mr. Meisner identifies the initials next to the title "DG US" in the routing portion of the document as being in the handwriting of the defendant Heldt, and the initials next to the title "INFO BR I DIR US" as being the handwriting of the defendant Willardson.]

The defendant Wolfe made four additional illegal entries into Mr. Zuravin's office at the IRS between mid-September and late November 1975. In each instance, the defendant Wolfe took documents which Mr. Zuravin had obtained from other IRS offices in order to respond to the scientology FOIA suit. Following each entry, the defendant Wolfe gave Mr. Meisner the documents which he had stolen. *[The defendant Wolfe told Mr. Meisner that he followed the same procedure each time he entered the IRS offices in order to steal documents. After taking the documents out of a particular individual's office, he photocopied them on a United States Government photocopying machine using United States Government equipment and paper and then returned them to their proper location, and took the copies of documents out of the building. Of course, all this was done without permission.]*

Mr. Meisner summarized each set of documents in a memorandum which he sent to his superiors in Los Angeles, California. Government Exhibits Nos. 44, 47, 48 and 50 [*Government Exhibit No. 44 was seized by Special Agent Frederick Hillman, Government Exhibit No. 147 was seized by Special Agent Roger L. Lehman, and Government Exhibit No. 50 was seized by Special Agent Edward J. Miller. They were each seized from a different file cabinets in Room 30 of the Information Bureau at the Cedars Complex. Government Exhibit No. 118 was seized by Special Agent Smith from Room 4 in that same building.*] are memoranda prepared by Mr. Meisner for that purpose. Each of these exhibits followed the format of previous memoranda written by Mr. Meisner.

[Mr. Meisner identifies handwriting of the defendant Raymond on the following documents: Government Exhibits Nos. 44 and 45, the handwritten notations next to the entry "Dear Cindy"; Government Exhibit No. 45, the entry "Sent to WW" on the upper right-hand corner of page one; Government Exhibit No. 47, the handwritten notation on the upper left-hand margin and in the upper right-hand of page one "CIC copy"; Government Exhibit No. 48A, the handwritten notation above "Coll Off US" and the initials and date next to that title as well as the handwritten notation below the title of the document; and Government Exhibit No. 50 the initials and date next to the title "Coll Off US" in the routing. Mr. Meisner also identifies on Government Exhibit No. 44 the initials in the handwriting of the defendant Heldt next to the title "DG US" in the routing portion of the document.

However, beginning with Government Exhibit No. 45, [*Government Exhibit No. 45 was seized by Special Agent Lehman from a file cabinet in Room 30 of the Cedars Complex*] the memorandum dated 30 September 1975, the routing was changed for security purposes. Whereas before September 30, 1975 the memoranda and appended documents were routed through a number of Information Bureau officials, following that date, the memoranda were routed directly from Mr. Meisner to the defendant Raymond. The defendant Raymond was then responsible for the distribution of the memoranda and documents to the other officials of the information Bureau and Guardian's Office who previously received them, namely, the defendants Heldt, Weigand and Willardson.

A copy, however, was still sent to the CSG, the defendant Mary Sue Hubbard, as indicated by the routing in the upper right-hand corner of each memorandum. Government Exhibits Nos. 46A-D are copies of IRS documents stolen from Mr. Zuravin's office by the defendant Wolfe and given to Mr. Meisner. Each of those documents is summarized in the Meisner memorandum of 30 September 1975

(Government Exhibit No. 45).*[They are summarized as follows: Government Exhibit No. 46A in Government Exhibit No 45 at page four paragraph two; Government Exhibit No. 46B at page four, paragraphs five and six; Government Exhibit No. 46C at page two, paragraphs two and three; and Government Exhibit No. 46D at page three, paragraphs one and two.]*

Each of the four documents has numbers placed by Mr. Meisner at its lower right-hand corner, and concerns either, “the IRS National Office Intelligence files” or the “SSS” [Special Services Staff] files”, which were specifically called for by GO 1361, Target 10. In the memorandum of 24 September 1975 (Government Exhibit No. 44), Mr. Meisner summarized documents regarding the “IRS/Hawaii Intelligence Files”.

The memorandum of 10 October 1975 (Government Exhibit No. 47) excerpts “IRS Intelligence Files – 1972-1974”. Mr. Meisner’s 13 October 1975 memorandum (Government Exhibit No. 48a) deals with the transcript of an interview between former, Scientologist Gene Allard, and California Deputy Attorney General Lawrence Tapper. A copy of that transcript had been given to the IRS. Mr. Meisner’s memorandum was subsequently transmitted by the defendant Cindy Raymond to the other Guardian’s Office officials who previously had been included in Mr. Meisner’s routing. Thus, in a letter dated 21 October 1975 (Government, Exhibit No. 48), the defendant Raymond [*Handwriting expert James Miller positively identifies the signature “Cindy” on that letter having been written by the defendant Raymond*] transmitted the appended Meisner memorandum of 13 October 1975 and the appended stolen documents to Michael Taylor, the US Directorate Secretary B-I World-Wide, via the defendants Heldt, Weigand, and Willardson, as well as Jane Kember and Mo Budlong. The letter further indicated that a copy had already been sent to the “CSG”, the defendant Mary Sue Hubbard, by “AG I DC” Meisner.

By early October 1975, Charles Zuravin had completed an FOIA index regarding all IRS documents relating to Scientology, and had given it to Scientology attorneys. Prior to preparing the FOIA index, Mr. Zuravin had numbered each document so as to facilitate locating them. Within the next few days, the defendant Raymond sent Mr. Meisner a copy of that index with a directive to obtain all documents which Mr. Zuravin had concluded were exempted from the FOIA. Mr. Meisner, prepared a list of those “exempted” documents by IRS number and gave it to the defendant Wolfe who was instructed to obtain them.

Then, in a letter dated 10 November 1975 (Government Exhibit No. 49) [*Government Exhibit No. 49 was seized by Special Agent Smith from Room 4 in the Information Bureau at the Cedar's Complex.*] to the defendant Cindy Raymond, Mr. Meisner enclosed a copy of the list of withheld documents which he had given to the defendant Wolfe. Mr. Meisner explained to her that he had prepared that list from the FOIA index which she had sent him. He told the defendant Raymond that "Silver", the defendant Wolfe, had been given a copy of that list and "is methodically making Copies of all documents listed."

He told the defendant Raymond that the defendant Wolfe, over the previous weekend, had taken "a foot of material" (stolen documents) from the IRS and was already through the third column of numbers on the index list. Mr. Meisner estimated that an additional two weekends would be needed to acquire all remaining documents from the IRS.

[Handwriting expert James Miller identifies the defendant Raymond as the writer of the eleven line notation in the left margin; the note "This ia an FOI IRS index of all withheld documents in IRS FOI action" on the right-hand side of the document and the nine line notation beginning "Note I am double checking . . ." on page two or Government Exhibit No. 49. Mr. Miller concludes that the handwritten notation "GW 14 Nov" in the upper left-hand corner of the front page is probably in the handwriting of the defendant Willardson. Mr. Meisner identifies the note as being in the handwriting of the defendant Willardson.]

Upon receipt from Mr. Meisner of the list of withheld documents, the defendant Wolfe entered the offices of Mr. Zuravin at the IRS on or about November 20, 1975 and obtained documents located on that list. 65/ *In a 4 November 1975 memorandum regarding the state of the District of Columbia Guardian's Office actions on tar- gets 10 and 17 of GO 1361, which she received from Peggy Tyson, the Programs Officer U.S, the defendant Raymond, in a handwritten note, stated that Mr. Meisner was verifying "what more is needed to comply to tgt 10", and had received a copy of a list of all documents withheld by the IRS under the FOIA. (Government Exhibit No. 56B). Handwriting expert James Miller positively concludes that all the writing up to the signature "Cindy" is that of the defendant Raymond.*

Thus, the title of Mr. Meisner's 20 November 1975 memorandum (Government Exhibit No. 50); "Re: Withheld IRS FOI Documents #108-141." However, within a few days after that entry, the IRS moved all Scientology-related documents from

Mr. Zuravin's office to a file room which had previously been the office of Helen Bumbry, located across the hall and which had a more secure lock. Consequently, the defendant Wolfe was unable to continue to obtain the remaining documents until sometime in January 1976 when, with the assistance of Mr. Don Alverzo, that office was forced open with lock-picking equipment. (See page 100, *infra*.)

Mr. Zuravin states that all the documents summarized in the Meisner memoranda described above were in his files from July to November 1975. Furthermore, he states that he neither gave permission to the defendant Wolfe nor any other representative of the Guardian's Office of the Church of Scientology to enter his office and take copies of the documents located therein, nor had he given these documents to the Church of Scientology pursuant to the Freedom of Information Act.

Part III (G-P) of the Stipulation of Evidence

III. The Conspiracy to Intercept Oral Communications, Burglarize and Steal, and the Substantive Acts Committed Pursuant Thereto

G. The Guardian Program Order Instituting An "Early Warning System" to Detect Possible Legal Actions Against L. Ron Hubbard and Mary Sue Hubbard.

In early December 1975, Mr. Meisner went to Los Angeles California, for briefings with his superiors in the Guardian's Office. During one of those meetings the defendant Richard Weigand showed Mr. Meisner the newly issued Guardian Program Order 158 (GPgmO 158) — Early Warning System.

That Guardian Program Order was issued on December 5, 1975 by the Guardian World Wide Jane Kember after having been written by the defendants Henning Heldt and Richard Weigand. (Government Exhibit No. 53)

[Mr. Meisner and Ms. Hirsch state that the GPgmO 158 was issued in accordance with established Guardian Office procedure for the issuance of Guardian Program Orders. The names appearing at the bottom of page 3 indicate that the order was written by the defendants Heldt and Weigand and approved and issued by

Guardian World Wide Jane Kember. Ms. Hirsch also states that the initials "LM" which appear to the left of Ms. Kember's name are in the handwriting of Ms. Kember's communicator (secretary). Government Exhibit No. 53 was seized by Special Agent Robert Claudius from a file cabinet in the defendant Willardson's Office at the Cedars Complex.]Gp gmO 158 states that its purpose is to "[m]aintain an Alerting EARLY WARNING SYSTEM throughout the GO [Guardian's Office] network so that any situation concerning governments or courts by reason of suits is known in adequate time to take defensive actions to suddenly raise the level on LRH Personal Security very high"

[GP gmO 158 was issued pursuant to target 1 of GO 261175 which was originally issued by L. Ron Hubbard. An identical Guardian Program Order, 158 R was reissued on May 27, 1977 by the defendants Weigand and Heldt. (Government Exhibit No. 111.) Government Exhibit No. 111 was seized by Special Agent Gary Aldrich from the office of the defendant Willardson at the Cedars Complex.]Thus, the purpose of GP gmO 158 was to identify any potential lawsuit against, or subpoena for, "LRH [L. Ron Hubbard] or MSH [the defendant Mary Sue Hubbard] from a government agency or individual litigation or from any source whatever" (vital target 3) "before activation" (vital target 2).

Specifically, Guardian Program Order 158 directed the following:

1. Place an agent into the US Attorney's Office DC as a first action as this office should cover all Federal agencies that we are in litigation with or may be in litigation with. AG I DC
2. Obtain data on their intended actions toward Scientology, LRH/MSH. AG I DC
3. Get an agent into the US Attorney's office [sic] LA as a simultaneous action
4. Obtain data on their intended actions toward Scientology, LRH/MSH. BR 1 DIR US
5. Place a separate agent into the IRS Office of International Operations (OIO) (as this office has a case preparation or investigative action going on LRH personally for income tax invasion or something similar). AG I DC
6. Obtain their files on LRH/MSH and Scientology and monitor the line continuously of other actions against LRH/MSH. AG I DC

7. Continue to monitor tightly the DEA DC, IRS DC and LA, the Coast Guard (soon to go to Immigration and Naturalization) DC. Get any present time data on LRH/MSH. BR I DIR US 68/ *The other operating targets under GPgmO 158 include moving existing of agents in the District Attorney's Office in Los Angeles and the Attorney General's Office of California "into position to obtain advance warning" (Target 8); "[g]et Intell coming from Paulette Cooper, Robert Kaufman, Bernie Green, and John Sefferrn to obtain intelligence data on intended attack. AG I New York" (Target 14); "[p]lace a very secure agent into the AMA Chicago headquarters in the best position possible to obtain data on their intended actions towards us" (Target 16); "[d]etermine what agency near LRH would serve any Federal governmental subpoena. This could be the local US Marshall's [sic] Office" (Target 19). (L. Ron Hubbard and Mary Sue Hubbard were living outside of Clearwater, Florida, at the time Kember issued Gp gmO 158.)*

After reviewing Guardian Program Order (GPgmO) 158 with the defendant Weigand, Mr. Meisner suggested that it would be more advantageous to the Hubbards, Scientology, and the Guardian's Office to place a covert Scientology agent at the United States Department of Justice in Washington, D.C., rather than in the United States Attorney's Office in that city. Mr. Meisner observed that Freedom of Information Act suits were, generally, handled by the Justice Department. Mr. Meisner also discussed this matter with the defendant Cindy Raymond. Both the defendants Weigand and Raymond approved Mr. Meisner's suggestion and directed him to prepare a "CSW" for their approval.

Following his return to the District of Columbia in the second week of December 1975, Mr. Meisner sent a "CSW," outlining his suggestion, to the defendant Weigand, routed through the defendant Raymond. The "CSW" called for placement of the defendant Sharon Thomas as Scientology's covert operative within the Department of Justice instead of the Immigration and Naturalization Service where she had been earlier scheduled to infiltrate for Scientology. See GPgmO 158, Operating Target 7.

The defendant Weigand immediately approved Mr. Meisner's "CSW", first by telex, then by letter. Mr. Meisner after having discussed the matter with the defendant Thomas, directed her, during a meeting at a "Three Chef's" restaurant in nearby Arlington, Virginia, to obtain employment at the Information and Privacy Unit of the Civil Division of the Department of Justice, which handled all FOIA requests and lawsuits. Ms. Thomas, however, was unable to begin employment at the Department of Justice until February 29, 1976. *[Ms. Thomas resigned her*

position with the United States Coast Guard on February 28, 1976. She had begun employment there on January 13, 1975. (Government Exhibit No. 206).

Prior to Ms. Thomas' employment at the Department of Justice, Mr. Meisner, the defendant Wolfe and other Guardian's office officials committed a series of burglaries of the main Justice Department building, located at 9th and Pennsylvania Avenue, in Washington, D.C. The initial two entries were made in December, 1975 by Mr. Meisner and the defendant Wolfe in order to obtain documents from the office of Justice Department attorneys Paul Figley and Jeffrey Axelrad, both of the Civil Division's Information and Privacy Unit. The defendant Raymond had previously informed Mr. Meisner that the Legal Bureau of the Guardian's Office had learned that Mr. Figley had been assigned the FOIA cases initiated by Scientology. According to Raymond, Mr. Figley also coordinated other FOIA cases involving Scientology. Another reason for entering Mr. Figley's office was to gain information pursuant to GPgmO 158. They also were seeking Interpol documents in compliance with Guardian World-Wide Jane Kember's long outstanding order of November 21, 1973, as reissued by the defendant Heldt on April 25, 1975 (see Government Exhibit No. 2), and Guardian Program Order 9 (see Government Exhibit Exhibit No. 63, at page 142, *infra*).

On both occasions that Mr. Meisner and the defendant Wolfe burglarized Mr. Paul Figley's office, they entered the main Department of Justice building prior to 5:30 p.m. by using the defendant Wolfe's IRS identification card. They waited in the main library, until after working hours, when they proceeded to Figley's office, which they unlawfully entered, through a closed but unlocked door. Mr. Meisner observed files relating to Scientology on Figley's desk, on his window ledge, and in his file cabinets. During the first entry, Mr. Meisner skimmed through all of the files and then took four files which were located in open areas in Mr. Figley's office. Using photocopying machines, facilities, equipment and paper located on the fourth floor of the building Mr. Meisner and the defendant Wolfe photocopied the files, returned them to Mr. Figley's office, and stole copies of the documents for the use of the Guardian's Office of the Church of Scientology.

Both times, Mr. Meisner and the defendant Wolfe were in the building until approximately 10:00 P.M. On neither occasion, did Mr. Meisner or the defendant Wolfe have permission to enter the office of Mr. Figley, take his files, photocopy the documents, and take those photocopies. They, thus, deprived Mr. Figley and the Department of Justice of sole possession of these documents. Following the theft of the copies of documents, Mr. Meisner summarized their contents in two

memoranda dated 17 December 1975 (Government Exhibit No. 54) and 18 December, 1975 (Government Exhibit No. 55). *[Government Exhibits Nos. 54 and 55 were seized by the FBI from a file cabinet in the Information Bureau at the Cedars Complex.]*

Each memorandum was sent to the defendant Raymond who at that time still held the position of Collections Officer U.S. A copy was sent to the “CSG”, defendant Mary Sue Hubbard. Appended to each memorandum were the stolen copies of the documents. Government Exhibit No. 54 is entitled “Re: Justice Department, FOI Suits — Figley”; and Government Exhibit No. 55 *[Mr. Paul Figley states that in 1975 and 1976 he was a trial attorney in the Information and Privacy Unit of the Civil Division of the United States Department of Justice at 9th & Pennsylvania Avenue, N.W. in Washington, D.C. During the years covered by the indictment in the instant case, Mr. Figley was assigned to the processing of FOIA cases involving the Central Intelligence Agency (CIA), the Drug Enforcement Administration (DEA), the U.S. Customs Service, the Defense Communications Agency, the Department of the Army, the Energy Research and Development Administration (ERDA), the U.S. Postal Service and Interpol. In his care, custody and control, as a result of his duties as a Justice Department attorney, were numerous documents from these agencies relating to Scientology. Mr. Figley has reviewed the Meisner memoranda marked Government Exhibits Nos. 54 and 55 and states that the documents summarized therein were in his possession in December 1975. He further states that he did not give permission to the defendant Wolfe or Mr. Meisner to enter his office, take documents, photocopy them and take copies of the documents for the use of Scientology.]* is entitled “Re: DEA FOI Case — D of J Data — Figley”. Both memoranda were received by the defendant Cindy Raymond, who initialed and dated the documents next to her title on their routing portion. *[Handwriting expert James Miller concludes that it is “highly probable” that these handwritten entries as well as the entries “non FOI” and the “Justice Dept” notation on Government Exhibit No. 55 were made by the defendant Raymond.]* prior to the defendant Thomas’ employment at the Department of Justice, additional burglaries of, and theft of copies of documents from, Mr. Figley’s office were committed by the defendant Wolfe together with Joseph Alesi, the Collections Officer in the District of Columbia’s Information Bureau, and Richard Kimmel, the Information Branch I Director in the District of Columbia.

On each of those occasions, the stolen copies of documents were personally given to Mr. Meisner by either Messrs. Alesi or Kimmel. They also told Mr. Meisner that they had taken the documents from Mr. Figley’s office, photocopied then on photocopying machines located within the Department of Justice, using United

States Government property equipment, and supplies, and stole the resulting copies of documents.

[Soon after she began her employment for the Information and Privacy Unit of the Civil Division at the Department of Justice, the defendant Thomas began to steal documents and photocopies thereof. Thus, on or about March 22, 1976, she entered Mr. Figley's office after regular working hours, and, without permission, took some thirty pages of documents relating to Scientology which Mr. Figley was receiving as part of FOIA suits against the CIA, ERDA, FDA, Army and Defense Departments. She photocopied the documents using United States Government equipment and supplies and gave copies of these documents to Mr. Meisner. Mr Meisner summarized these documents in a memorandum dated March 22, 1976 which he sent with the documents to the defendant Hermann (a/k/a Cooper.) (Government Exhibit No. 64). He also sent a copy to the "CSG", defendant Hubbard. The defendant Hermann forwarded Meisner's memorandum and documents to World-Wide. Handwriting expert James Miller positively identifies the fourteen-line handwritten notation as well as the initials "CR, 28 March 76" on the Hermann letter as having been made by the defendant Raymond. He also concludes that it is "highly probable" that the initials "GW" and "BID Natl CIC" were made by the defendant Willardson; and "probable that the signature "Mike C" was made by the defendant Hermann/Cooper. Moreover, Mr. Meisner identifies that signature as well as the entry "(sent by DC)" next to "CSG" as having been made by the defendant Hermann/Cooper; and the initials "GW" as those of the defendant Willardson. Government Exhibit No. 64 was seized by the FBI from a file cabinet within the Information Bureau at the Cedars Complex.]

H. The Los Angeles Guardian's Office Sends Help to the District Of Columbia Guardian's Office

In November 1975, the Office Of Messrs. Charles Zuravin and Lewis Hubbard were placed within a "red seal" or high security area inside the main IRS building in Washington D.C. Consequently, the doors were both locked at all times. As a result of those moves, Mr. Meisner and the defendant Wolfe were unable to gain entry in these areas and lost the ability to monitor those areas. Both defendants Weigand and Raymond, by phone and letter, repeatedly urged Mr. Meisner to continue to surveil the offices of Messrs. Hubbard and Zuravin in order to obtain all recent documents relating to Scientology, especially those in Mr. Hubbard's possession dealing with the current status of the Church of Scientology of California audit.

Mr. Meisner informed them that it had become impossible to gain access to those offices. Thus, in mid-January 1976, the defendant Hermann, the Southeast U.S. Secretary for the Information Bureau under its reorganization, notified Mr. Meisner by phone that the defendants Heldt and Weigand had approved "mission orders" to send Don Alverzo to Washington, D.C. to gain access to these two offices. Alverzo arrived in Washington, D.C., on Saturday, January 17, 1976, and met Mr. Meisner at the Church of Scientology at 2125 S Street, N.W., Washington, D.C.

Mr Alverzo showed Mr. Meisner a copy of his "mission orders" and informed him that they were to go into the IRS building with the defendant Wolfe the next day to pick the locks on the doors of Messrs. Hubbard and Zuravin. Mr. Alverzo also showed Mr. Meisner the lock-picking equipment he had brought with him and instructed Meisner on how to use such equipment. Mr. Meisner identifies Government Exhibit No. 203 as equipment identical to the equipment which Alverzo brought with him to the District of Columbia. (See photograph of these exhibits, Government Exhibit No. 218.)

Government Exhibits Nos. 195 – 203 were located in a black suitcase seized by Special Agent Eusebio Benavidez from the office of the defendant Willardson at the Cedars Complex. These exhibits were examined by FBI Special Agent James O. Davis of the FBI laboratory, who identifies them as follows:

Exhibits 195-201, "seven spring steel shims", Exhibit 202, a key "micrometer", and Exhibit 203, a "H.B.C. Inc. lockpicking kit."

As a result of his examination of these items, Agent Davis concludes that Government Exhibits Nos. 195 – 201 are "commonly used for making picks and tension tools used in picking locks," Government Exhibit No. 202 is "used to measure the depth of cuts in keys," and Exhibit 203 "is a pick set . . . [and] the tools it contains are used for picking locks."

On Sunday, January 18, 1976, the defendant Wolfe, together with Messrs. Meisner and Don Alverzo, entered the main IRS building located at 1111 Constitution Avenue, N.W., in Washington, D.C., between 7:00 and 8:00 p.m. The defendant Wolfe signed all three individuals into the building using his IRS identification card. They proceeded to the third floor area where Mr. Zuravin's file office and Mr. Hubbard's office were located some three to four doors apart.

While the defendant Wolfe stood guard at the end of the hallway, Mr. Alverzo attempted to pick the lock on Mr. Hubbard's door, and Mr. Meisner worked on Mr. Zuravin's door. After having been unsuccessful in opening these doors for approximately one to one and one-half hours, Mr. Meisner, in exasperation, hit with his fist the top of Zuravin's door, forcing it to pop open. All three individuals entered and took, without permission, the remaining Scientology-related documents which had been withheld by the IRS in FOIA litigation. They then went to another floor where all three began to photocopy these documents using United States Government equipment and resources. After a while, the defendant Wolfe took over the photocopying, while Messrs. Meisner and Alverzo returned to the third floor in a further attempt to open Mr. Hubbard's office. Finally, Mr. Alverzo, using a piece of cardboard, was able to force that door open. Then, with the assistance of the defendant Wolfe, they reviewed all Scientology-related material in Mr. Hubbard's office, and took those documents which had not been previously stolen.

They then photocopied the documents, using the same IRS photocopying equipment and material and returned all documents to their respective locations. At approximately 2:00 a.m., all three men left the IRS building with a one foot high stack of stolen copies of documents. Messrs. Meisner and Alverzo proceeded to the Information Bureau offices at 2125 S Street, N.W., where they placed the documents in a secure location. Alverzo left Washington, D.C. to return to Los Angeles, California, on January 19, 1976. Government Exhibit No.

56D [Government Exhibit No. 56 was seized by Special Agent from Room 4 in the Information Bureau at the Cedars Complex] is a "mission report", dated January 22, 1976, from the defendant Mitchell Hermann, now using his alias Mike Cooper, to Michael Taylor, the U.S. Secretary for, B-1 World-Wide, regarding this three-day mission of Don Alverzo to the District of Columbia. [Handwriting Expert James Miller concludes that the signature "Mike C" on Government Exhibit No 56D is probably the handwriting of the defendant Hermann. Moreover, Mr. Meisner identifies the signature to be in the handwriting of the defendant Hermann.]

In it the defendant Hermann informed Mr. Taylor that on January 17, 1976, Mr. Alverzo had been sent to Washington, D.C. to acquire "additional and more recent 1361 tgt 10 data." He adds that the "missionaire [Alverzo] was briefed by AG I DC [Meisner] and was accompanied by AG I DC and an FSM [Wolfe] on the mission." He further stated that the mission had been successful, and that "a pile of documents approximately 10" thick" had been seized. He detailed that Mr. Alverzo instructed Mr. Meisner and the defendant Wolfe on "how to obtain future access"

to these areas. The defendant Hermann concluded that as a result of that entry the remaining documents withheld under the FOIA were stolen from the IRS. In a “compliance report” dated 21 January, 1976 (Government Exhibit No. 56C), the defendant Weigand responded to a request from the defendant Heldt regarding the mission of Mr. Alverzo so that Heldt could respond to a dispatch from the defendant Mary Sue Hubbard. The defendant Weigand appended to his letter the report of Acting Southeast U.S. Secretary Hermann (a/k/a Cooper).

The defendant Weigand explained that he authorized the Alverzo mission because of the need to get current documents regarding Scientology, and that the District of Columbia Guardian’s Office personnel was not trained to pick locks.

See Government Exhibit No. 57, a letter dated 3 February 1976 from the defendant Weigand to the CSG Assistant for Information, Jimmy Mulligan, responding to Mulligan’s request for information concerning the status of the IRS document collection under GO 1361. That letter referred to the Alverzo forced entries into IRS as well as subsequent areas entered by the defendant Wolfe.

I. The Guardian’s Office Orders Mr. Meisner to Los Angeles For Debriefing and Auditing

At the beginning of February 1976, Mr. Meisner went to Los Angeles, California, both for auditing and for briefing regarding his Guardian Office assignments. While in Los Angeles, Mr. Meisner had numerous meetings with his immediate superiors, as well as other officials of the Guardian’s Office. During the first week of February, Mr. Meisner attended a meeting with the defendants Henning Heldt and Richard Weigand in Mr. Heldt’s office on the sixth floor of Fifield Manor. Also present at that meeting were the Deputy Guardian for Finance Mary Heldt, the Deputy Guardian for the Legal Bureau Mary Rezzonico, and the CPA (Certified Public Accountant) US Martin Greenberg, an official in the Finance Bureau. The defendant Weigand, at the defendant Heldt’s request told Mr. Meisner to attend the meeting. Its purpose was to discuss and analyze the current IRS strategic as revealed in the stolen documents regarding the pending Church of Scientology of California audit.

Each person present at that. meeting expressed full knowledge that the documents in question had been stolen from the IRS offices. That same day, Mr. Meisner attended another meeting with Mary Rezzonico and the defendant Gregory Willardson in the defendant Weigand’s office. During that meeting, Ms.

Rezzonico, directed Mr. Meisner to instruct the covert agents in the District of Columbia to be alert to any IRS documents regarding a Scientology front organization known as the Religious Research foundation (RRF). She was also seeking any information disclosing knowledge by the IRS of any financial dealings and relationship between RRF and the Church of Scientology of California.

During the time that he was in Los Angeles, Mr. Meisner also met with the defendants Weigand and Willardson in defendant Weigand's office at the Fifield Manor to discuss the Information Bureau's access to current documents in the possession of IRS. The participants discussed a telex which had been received from the CSG Assistant for Information, Jimmy Mulligan, regarding the access to current information in the office of Mr. Lewis Hubbard of the IRS. The defendant Weigand instructed Mr. Meisner to prepare a report outlining what he had done in that respect and to respond to Mr. Mulligan's telex. As a result of that directive, Mr. Meisner prepared Government Exhibit No. 46B which begins at page eight of Government Exhibit No. 46. It includes a telex in the name of Richard Weigand responding to Mulligan's inquiry. Mr. Meisner gave that telex directly to the defendant Weigand who approved it in his presence and directed that it be sent to Mr. Mulligan, whose offices were near Clearwater, Florida.

Mr. Meisner also prepared a three-page handwritten letter to the defendant Weigand dated 3 February 1976. In it, Mr. Meisner outlined the events which had recently taken place in the District of Columbia, including the forced entry made by Don Alverzo into Mr. Hubbard's office at the IRS. He also detailed how Wolfe gained access to attorney Stephen Friedberg's office in the Chief Counsel's Office by unlocking one of his office doors during the daytime. Mr. Meisner informed the defendant Weigand that Mr. Friedberg had documents relating to the California Church of Scientology audit dated as recently as January 26, 1976. Mr. Meisner handed that report to Mr. Weigand upon its completion. In a "compliance report" dated 11 February 1976, from the defendant Weigand to Guardian World-Wide Jane Kember, the defendant Weigand reviewed the achievements of the Information Bureau pursuant to GO 1361 Target 10 and reported compliance with that target. He informed Ms. Kember that all documents withheld by IRS under the FOIA for the period up to March 1975 had been stolen from the IRS. These included documents from the offices of Barbara Bird, Lewis Hubbard, Stephen Friedberg, the Chief Counsel's office, the Office Of, International Operations, the Intelligence Division, and the Special Services Staff. The defendant Weigand also stated that documents turned over by the IRS to the Department of Justice Tax Division and staff attorney Michael Sanders had also been obtained. Mr. Meisner identifies the signature "Dick" appearing on page two of Government Exhibit No.

46 is that of the defendant Weigand. *[Appended to Government Exhibit 46 is a 5 February 1976 report from Mitchell Hermann who signs it "Mike C.", to the defendant Weigand, stating that numerous documents withheld by the IRS pursuant to the FOIA were taken by the Information Bureau in Washington, D.C. He added that documents regarding Scientology were taken from many IRS offices including the Audit Division, Intelligence Division, Office of International Operations, Exempt Organization, Individual Income Tax Division, Office of the Chief Counsel, Disclosure Division, Special Services Staff, as well as other offices. Mr. Meisner identifies the signature "Mike C." as that of the defendant Hermann. Handwriting expert Miller concludes that it is "probable" that the defendant Hermann wrote that signature. The defendant Hermann's report is appended to the 11 February 1976 letter from the defendant Weigand to Ms. Kember on evidence that target 10 of GO 1361 had indeed been complied to.]*

Government Exhibit No. 58 *[Government Exhibit No. 58 was seized by Special Agent Smith from Room 4 at the Cedars Complex.]* is identical to the two-page letter from the defendant Weigand to Ms. Kember dated 11 February 1976 (Government Exhibit No. 116). However, Government Exhibit No. 58 is the copy received and reviewed by Jane Kember. Indeed, she notes on the right-hand side of the first page "Dear Dick [Weigand], This is very well done indeed. Thank you for your excellent compliance. Much love, Jane."

Following Ms. Kember's review of the document it was received by the defendants Willardson and Weigand who initiated it next to its routing session. *[Mr. Meisner and Ms. Hirsch identify the handwritten notation signed "Jane" as having been written by Jane Kember. Mr. Meisner additionally identifies the initials of the defendants Willardson and Weigand in the routing portion of the document. Moreover, handwriting expert Miller has concluded that it is "highly probable" that the notation "GW 9 Mar" in the routing section was written by the defendant Willardson.]*

Prior to his return to the District of Columbia in the third week of February 1976, Mr. Meisner met with the defendant Willardson in the defendant Weigand's office. During the meeting, Mr. Meisner showed the defendant Willardson how he and the defendant Wolfe had gained access to locked offices in the IRS building in Washington, D.C., by using a shaped metal device. During subsequent meetings in Los Angeles, California, Mr. Meisner's superiors instructed him that, upon his return to the District of Columbia, he was to obtain IRS documents from the offices of Joseph Tedesco, Jeanne Gessay and Muriel Moritz of the Exempt

Organizations Division, Assistant Commissioner for Employee Plans and Exempt Organizations Alvin Lurie, Special Assistants to Lurie Charles Rurpli and Howard Schoenfeld. Mr. Meisner was ordered to obtain all current information at the IRS regarding the Church of Scientology of California audit. His superiors wanted to receive sufficient notice of any adverse IRS ruling prior to its finalization so that they could intervene through their legal representatives and apply whatever necessary pressure to change the ruling.

J. Mr. Meisner Returns to the District of Columbia

Upon his return to the District of Columbia, Mr. Meisner directed the defendant Wolfe to enter the offices of Joseph Tedesco, Jeanne Gessay and Muriel Maritz and take all documents in their possession regarding the Church of Scientology of California audit.

On or about March 4, 1976, the defendant Gerald Bennett Wolfe entered the office of Joseph Tedesco during the daytime and removed the door knob to one of the doors leading to Tedesco's suite of offices. During the nighttime, after working hours, the defendant Wolfe returned to Mr. Tedesco's office and entered it through the door from which the door knob had earlier been removed. Once inside, the defendant Wolfe took all documents related to Scientology from Mr. Tedesco's files, photocopied them using IRS photocopying equipment and supplies and returned the documents to the office of Mr. Tedesco. He stole the copies of those documents and gave them to Mr. Meisner at a previously scheduled weekly meeting at a pool hall located in nearby Arlington, Virginia. Mr. Meisner summarized the stolen documents in a memorandum dated 4 March 1976, addressed to the defendant Mitchell Hermann, under his alias Mike Cooper. The document entitled "Re: Joseph Tedesco – Current IRS Situation" stated that "[t]he attached concerns Joseph Tedesco's area (Director of the Exempt Organizations Division . . . IRS National office) and includes the totality of Scientology correspondence in his area." Appended to the memorandum were five pages of the stolen documents. (See Government Exhibit No. 59.) *[Government Exhibit No. 59 was seized by Special Agent Robert H. Wood from a cardboard box in the Information Bureau at the Cedars Complex.]*

Mr. Meisner then forwarded the memorandum and attached stolen documents to the defendant Hermann, who as Southeast U.S. Secretary, was now receiving all such correspondence. A copy of the memorandum and stolen documents was sent

to the CSG, defendant Mary Sue Hubbard, as reflected in the routing portion of the document.

[This is further illustrated by the transmittal memorandum from the defendant Hermann dated March 22, 1976, to Michael Taylor at World-Wide, which states that “[a]ttached are a set of docs concerning Tedesco’s area and include the totality of Scientology correspondence in his area.” Next to the entry “CC: CSG” in the routing portion of that transmittal memorandum is a handwritten notation identified by Meisner as written by the defendant Hermann. That notation indicated that that copy was already “(sent by DC)”. Mr. Meisner also identifies the signature on that letter as that of the defendant Hermann.]

The offices of Mr. Tedesco of the Exempt Organizations Division of the IRS, were located at the main IRS building at 1111 Constitution Avenue, N.W. in March 1976. Mr. Tedesco has reviewed the March 4, 1976 memorandum of Mr. Meisner and has located the documents referred to in that memorandum in his files. Tedesco states that these documents were in his care, custody and control on or about March 4, 1976. He further states that he did not give permission to the defendant Wolfe to enter his office and take the documents referred to in Government Exhibit No. 59 or make photocopies of those documents. On or about March 10, 1976, the defendant Gerald Bennett Wolfe entered the office of Jeanne Gessay of the IRS, without permission, and took documents related to the then-pending audit of the Church of Scientology of California. He stated to Mr. Meisner that after taking the documents he photocopied them on an IRS photocopying machine, using equipment and supplies which were the property of the United States of America. He then returned the original documents to Ms. Gessay’s office and removed the copies of the documents out of the IRS main building and gave them to Mr. Meisner for the use of Scientology.

The defendant Wolfe did not have authority to enter the office of Ms. Gessay. In fact, he did not have authority to even enter the offices of Mr. Tedesco according to defendant Wolfe’s supervisor, Leon Kennedy. Upon receipt of the stolen documents, Mr. Meisner summarized them in a memorandum dated 10 March 1976 entitled “Re: Current IRS Situation – Jeanne Gessay [sic] Material”. Mr. Meisner appended to that memorandum the stolen documents and forwarded them to Southeast U.S. Secretary Hermann (a/k/a Mike Cooper), and sent a copy to the CSG, the defendant Mary Sue Hubbard. (Government Exhibit No. 60). *[Government Exhibit No. 60 was seized by Special Agent Wood from the Information Bureau at the Cedars Complex.]*

By a transmittal memorandum dated March 24, 1976 the defendant Herman (Mike Cooper) , forwarded Mr. Meisner's memorandum and supporting documents to World-Wide stating that "[a]ttached is a set of handwritten notes in Jeanne Gessay's area". That memorandum stated, next to the entry "CC: CSG" in the routing portion, "(Sent by DC)". Mr. Meisner identifies the handwriting of that notation as well as the notation next to it as having been written by the defendant Hermann. Additionally, Mr. Meisner identifies the initials next to the "DG US" title as having been written by the defendant Heldt. On March 10 1976, Ms. Gessay was the chief of Ruling Section I of the Exempt Organizations Division. Her section had been assigned to give its "technical" opinion regarding certain issues related to the audit of the Church of Scientology of California. Thus she states that in March 1976, she had in her files the documents summarized in the Meisner memorandum of 10 March 1976. Indeed, she has checked her files and the same documents are still located therein. *[She has turned over the originals to the Federal Bureau of Investigation.]* Ms. Gessay states that she did not give permission to the defendant Wolfe to enter her offices on March 10, 1976, take documents from her files, photocopy them and turn over the photocopies to the Guardian's office of the Church of Scientology.

[On or about March 22, 1976, the defendant Wolfe also entered the office of Assistant Commissioner for Employee Plans and Exempt Organizations Alvin Lurie which were located in the IRS building at 1111 Constitution Avenue, Northwest, in Washington, D.C. The defendant Wolfe told Mr. Meisner that he took documents related to the American Medical Association and its tax exempt status from Mr. Lurie's office, photocopied them using IRS equipment and supplies, then returned the documents to their original location. The defendant Wolfe then stole the copies of the documents and gave them to Mr. Meisner. Mr. Meisner summarized them in a memorandum dated March 22, 1976, entitled "Re: House Ways and Means Subcommittee Meeting on AMA" and sent it with the documents to the defendant Hermann (Mike Cooper,) with a copy to the "CSG", defendant Mary Sue Hubbard. (Government Exhibit No. 62). The defendant Hermann forwarded the Meisner memo- randum and appended stolen documents to the World-Wide Guardian's Office. Mr. Meisner identifies the initials next to "DG US" in the routing of Government Exhibit No. 62 as having been written the defendant Heldt. He also recognizes the hand- writing "(Sent by DC)" next to "CSG" as having been written by the defendant Hermann.

In recognition of Mr. Meisner's accomplishments with respect to GO 1361 target 10, the defendant Mitchell Hermann, in his capacity as Southeast U.S. Secretary, recommended to Guardian World-Wide Jane Kember that Mr. Meisner be issued

an award. (Government Exhibit No. 68.) [*Government Exhibit No. 68 was seized by Special Agent Smith from Room 11 in the Information Bureau at the Cedars Complex*]

In his “CSW” to Kember, the defendant Hermann stated. that during the previous year and a half “10-12 feet of material was obtained from 1361 agency from a late number of different areas. The material provides the most extensive set of files on Scientology which I know of obtained by this means in the US.” He pointed out that the collection of data “included various forms of “CDC” [covert data collection].” He explained that Mr. Meisner had “overall responsibility” for the theft and maintenance of the “steady stream of data out this area and to provide data needed for prediction on the future actions of this agency.” The IRS was the agency covered by GO 1361 target 10. The defendant Hermann requested that Mr. Meisner be given an award in the form of three advanced auditing courses, and appended a proposed award letter for the signature of L. Ron Hubbard.

Mr. Meisner identifies the defendant Hermann’s signature on Government Exhibit No. 68. Handwriting expert James Miller concludes that it is “probable” that the defendant Hermann signed the “CSW” to Ms. Kember.

K. The Entry into the IRS Identification Room and the Making of Counterfeit Identification Cards

In the early part of March 1976, the defendant Mitchell Hermann directed Mr. Meisner to obtain IRS identification cards for himself, which he could use to enter the IRS building, as well as in other operations pursuant to that directive. On or about March 15, 1976, the defendant Wolfe and Mr. Meisner entered the IRS building at 1111 Constitution Avenue, Northwest, using the defendant Wolfe’s IRS identification card. They proceeded to the IRS identification room which was located on the first floor of that building, where Mr. Wolfe had been two weeks earlier in order to obtain a legitimate identification card for himself. Mr. Meisner and the defendant Wolfe forced the door open by using a metal sheet device, and then entered the darkened room using a small flashlight. Once inside, Mr. Meisner located a booklet giving instructions on the use of the photographing equipment. Mr. Wolfe took blank identification cards and typed in two fictitious names for himself, as well as two fictitious names for Mr. Meisner. The defendant Wolfe typed the name “Thomas Blake” on one of his identification card blanks and the name “John M. Foster” on one of Mr. Meisner’s identification card blanks. Mr. Meisner then placed the defendant Wolfe’s false identification card blanks into the

photographing equipment and took photographs of the defendant Wolfe. Then Wolfe placed the Meisner cards into the photographing machine and took photographs of Mr. Meisner. Mr. Meisner obtained the badge number which was placed on the identification card blanks from a book which was maintained by the IRS identification room and which listed all cards which were issued by them. Mr. Meisner selected those numbers from numbers which had previously been issued by the internal Revenue Service. On the "Foster," identification card of Mr. Meisner, was typed the date of issue "3-15-76", (See Government Exhibit No. 61), and on the "Blake" identification card of the defendant Wolfe "3-17-76" was typed as the date of issue.

*On the reverse of the identification cards the following entry appears:
Warning*

Issued for identification of holder. Improper use, possession, alteration, reproduction or counterfeiting will make offender liable to penalties under Sections 499 and 701, Title 18, U.S. Code.

Property of U.S. Government.

Mr. Meisner and the defendant Wolfe then left the IRS building, taking with them the false and fraudulent IRS cards which they had made. Neither Mr. Meisner nor the defendant Wolfe had permission or authority to make those identification cards or be in possession of them.

Between early April and late June 1976, four other Guardian's Office officials and one Scientology covert agent entered the IRS identification room and made counterfeit IRS identification cards for themselves. In April, the defendant Wolfe and Mr. Meisner took into the main IRS building Information Bureau investigators Patty Pease and Jay Armstrong and made for them counterfeit IRS identification error. The defendant Wolfe, on three other occasions, entered the main IRS building with the defendant Hermann, and Messrs. Joseph Alesi and Michael Baum, where he made similar false IRS credentials for them. Mr. Meisner saw the counterfeit credentials made for those five individuals. All the identification cards were in false names. In mid-May, Mr. Meisner took the defendant Weigand on a tour of the main IRS building in Washington, D.C. , and showed him the offices which had been burglarized and from which stolen documents had been taken. They were unsuccessful, however, in gaining entry into the identification room and were, therefore, unable to make a false identification card for the defendant

Weigand. Mr. Meisner and the defendant Weigand entered the building using Mr. Meisner's counterfeit IRS credentials in the name of "Foster".

Mr. Meisner took the defendant Wolfe's identification cards in order to place on them the required clear plastic covering because he was unable to use the machine in the identification room. After doing this, Mr. Meisner returned them to the defendant Wolfe. John Probst, Chief of the Space and Protective Management Division in March 1976, states that the identification room was always kept locked and that at no time were Mr. Meisner or the defendant Wolfe given permission to either enter that room while locked or to make any identification cards.

During a confrontation in the United States Courthouse for the District of Columbia, on June 11, 1976, FBI Special Agent Christine Hansen seized the "John M. Foster" identification card from Mr. Meisner. Ms. Helen R. Pesta, Chief of the IRS Digest Unit, states that she holds a lawful IRS identification card bearing badge number 800-00413, the number which appears on the counterfeit identification card in the name of "John M. Foster". Mr. William T. Lyons, Cincinnati, Ohio, IRS Regional Counsel, states that he holds a lawful IRS identification card bearing badge number 800-00487, the number of which appears on the counterfeit identification card in the name of "Thomas Blake".

L. Guardian Program Order 302 and the Theft of Documents Withheld by the United States Under the FOIA.

On March 2, 1976, the defendant Cindy Raymond wrote a "CSW" to the defendant Mary Sue Hubbard requesting her approval for a proposed new Guardian Program Order to be issued pursuant to the overall Snow White Program. (Government Exhibit No. 66). *[Government Exhibit No. 66 was seized by Special Agent Gilberto Valencia from Room 4 in the Information Bureau at the Cedars Complex.]*

The defendant Raymond suggested a Bureau I program "to obtain non-FOI [*"Non-FOI", used in this context, refers to documents obtained by covert means or Scientology internal memoranda discussing such illegally obtained documents*] data to parallel and back-up the Snow White Pgm." She explained that Bureau I "over the past year, has been obtaining data that is not FOI" pursuant to, among others, GO 1361. This illegally obtained data had been valuable to understand 'the behind the scenes' activity or the enemy." The defendant Raymond attached to her letter the actual proposed Guardian Program Order which she had entitled "Snow White Subprogram Hunter, Hunter X". (Government Exhibit No.

65). *[Government Exhibit No. 65 was seized by Special Agent Valencia from Room 4 in the Information Bureau at the Cedars Complex.]*

Its targets included the obtaining of all desired files in government agencies by “job penetration” and other types of infiltration. The “CSW” was processed through, and approved by, all the high officials of the Information Bureau, both in the United States and at World-Wide headquarters in England, who initialed it.

In the case of a “CSW” whenever an official initialed the document it indicated his approval or the actions proposed by the “CSW”. Mr. Meisner recognizes the handwriting of the following persons next to their titles: the defendant Willardson (“GW 2 Mar OK”), the defendant Weigand (“D OK 3/3”), the defendant Heldt (his initial), and the Deputy Guardian for Information World-Wide Mo Budlong (“MB 17/3/76”). Handwriting expert James Miller positively identifies the handwritten notation “Dear Cindy—Approved—this aligns with what Bur I. has been doing beautifully. Love, Mary Sue”, as having been written by the defendant Mary Sue Hubbard. Mr. Meisner also identifies the defendant Hubbard as the writer of both that notation and the signature “MS Hubbard Mar. 27, 76”, and Ms. Kember as the writer of the signature “JKember” next to the word “approved” on page two. Mr. Miller also positively identifies the signature of the defendant Hubbard next to the word “approved” as being in the defendant Hubbard’s handwriting, and the signature of the defendant Raymond at the end of page two as in her handwriting.

On the same day that the defendant Hubbard approved the “CSW” of the defendant Raymond, Guardian Program Order 302 was issued in its final form by Guardian World-Wide Jane Kember. (Government Exhibit No. 67). *[Government Exhibit No. 67 was seized by Special Agent Raymond Mislock from a file cabinet in the office of the defendant Raymond at the Cedars Complex.]*

In its final form GPO 302 directed that all those assigned to execute it

[U]se all possible lines of approach to obtain the files on Scientology, LRH, Dianetics (and other Scn names) that cannot be obtained on FOI lines] ie. job penetration; janitor penetration; suitable guises utilizing covers, etc. . . .

(Vital target I and major target).

The order also directed that covert agents (“FSMs”), be recruited for the project and that nothing be done in such a manner as “to reflect back on the Church.”

[Mr. Meisner and Ms. Hirsch state that GPgmO 302 was issued in accordance with established Guardian's Office procedure. The initials "LM" next to the name June Kember are those of her communicator (secretary). Government Exhibit No. 67 was seized by Special Agent Raymond A. Mislock from a file cabinet in the office of the defendant Cindy Raymond in the Information Bureau at the Cedars Complex.]

The defendant Raymond designated Mr. Meisner to carry out vital targets I through 4 as part of his duties in the District of Columbia.

In a "compliance report" to GPgmO 302, target 5, dated 31 July 1976, the defendant Raymond sent the defendant Weigand a list of priorities for the "penetration" of National Agencies". (Government Exhibit No. 109). She appended to her "CSW" a list of 136 government agencies which were to be infiltrated. These included: the Administrative Office of the U.S. Courts, the CIA, The Executive Office of the U.S. Attorneys, the FBI, and many other agencies. Also included were a number of U.S. Embassies and consulates abroad. Government Exhibit No. 109 was seized by Special Agent Gilberto Valencia from Room 4 in the Information Bureau at the Cedars Complex.

M. Entries into the Suite Of Offices of the Deputy Attorney General of the United States

In early April 1976, the defendant Cindy Raymond ordered Mr. Meisner to obtain internal Department of Justice files regarding proposed amendments to the FOIA which the Department of Justice was about to send to Congress. Meisner learned through his own research, that such proposals would normally be made by the Deputy Attorney General of the United States and his staff. Therefore, in early April 1976, the defendant Wolfe and Mr. Meisner entered the United States Department of Justice at 9th and Pennsylvania Avenue, N.W. , in Washington, D.C., to locate the documents wanted by the defendant Raymond. Mr. Meisner used his false IRS identification card in the name of "John M. Foster" and the defendant Wolfe used his own IRS identification card.

They both then burglarized the fourth floor suite of offices of Deputy Attorney General Harold R. Tyler Jr., where by rummaging through the files, they located a series of memoranda which the Department of Justice was about to send to Congress outlining it's position on proposed amendments to the FOIA. The two men forced open the door to these offices by using a metal sheet to slip the lock

latch. The defendant Wolfe and Mr. Meisner photocopied these documents using Justice Department photocopying equipment and supplies, returning the documents to the files, and stole the copies.

Mr. Meisner sent these stolen documents with memoranda summarizing them to his superiors in Los Angeles as well as to the “CSG”, defendant Mary Sue Hubbard. In the process of looking for the FOIA memoranda within the Deputy Attorney General’s suite, Mr. Meisner and the defendant Wolfe had seen but did not steal the so-called “DeFeo Report” — an investigation of the Drug Enforcement Administration conducted by the Department of Justice. Coincidentally, a few days after the Justice Department entry, the defendant Cindy Raymond wrote Mr. Meisner that she had learned that the Justice Department had conducted an investigation of the Drug Enforcement Administration, which she directed him to get. The defendant Raymond explained that the Church of Scientology had just lost an FOIA case which it had initiated against DEA, and that it intended to appeal the lower court’s decision. In that context, the Guardian’s Office wanted to obtain the DEA investigation report and covertly leak the report to the press to create an adverse campaign against DEA which might aid Scientology in its FOIA appeal.

Therefore, on or about April 9, 1976, the defendant Wolfe and Mr. Meisner once again entered the Department of Justice building located at 9th and Pennsylvania Avenue, N.W., with Mr. Meisner using his counterfeit IRS identification card. They forced the door to the suite of offices of the Deputy Attorney General in the same manner that they had previously done, and eventually entered the offices of Associate Deputy Attorney General Togo D. West, Jr. Mr. Meisner, recalling where he had previously seen the “DeFeo Report”, took it from a file cabinet Mr. West’s secretary’s office. The report was in two parts with an additional file of supporting raw data. The defendant Wolfe and Mr. Meisner photocopied all three parts using equipment and supplies of the United States Government located within the Department of Justice, returned the documents to Mr. West’s office, and stole the copies. Mr. Meisner then summarized each file in a series of three memoranda, dated 9 April 1976, which he forwarded to “Br I Dir Nat’l”, the defendant Raymond, via “SE US Sec”, the defendant Hermann/Cooper with a copy to the “CSG”, defendant Hubbard (Government Exhibits Nos. 69, 70 and 71). *[Government Exhibit Nos. 69, 70 and 71 were seized by Special Agent Michael T. Repucci from Room 14 in the Information Bureau of the Cedars Complex.]*

Following his established practice, Mr. Meisner, numbered each page of the stolen documents in the lower right-hand corner of the document. Mr. Togo D. West, Jr. was employed as Associate Deputy Attorney General of the United States until April 23, 1976. In that capacity, he received the DeFeo Report in early 1976. He recalls that there was only one copy of that report and supporting raw data in the Office of the Deputy Attorney General. West did not give permission to Mr. Meisner or the defendant Wolfe to take copies of the DeFeo Report. Indeed its distribution was severely limited. Two weeks following the entry into the Department of Justice's Office of the Deputy Attorney General, Bruce Raymond, the National Operations Officer of the Information Bureau in the United States, directed Mr. Meisner to release the stolen DeFeo Report to the Village Voice Newspaper in New York under the cover of a disaffected Department of Justice employee. To that end, Mr. Meisner went to New York, where he telephoned a reporter for the Village Voice. Mr. Meisner, as ordered, identified himself as a disaffected Department of Justice employee who was offering the reporter a confidential report on an investigation of DEA conducted by the Justice Department. Mr. Meisner mailed to the reporter half of the DeFeo Report but never completed the operation because of the Courthouse incident which was to occur on June 11, 1976. See page 172, infra

In a letter dated 28 June 1976, Deputy Guardian for Information World-Wide Mo Budlong, requested that the defendant Weigand obtain a copy of the DeFeo Report which he stated "was classified by Executive Order and is not available on overt lines." In a response dated 6 July 1976 the defendant Weigand informed Mr. Budlong that the DeFeo report had indeed already been stolen by Guardian's Office operatives and that he was appending excerpted copied of the report. The defendant Weigand also explained that as part of "Op [Operation] Chaos Leak" a portion of the report had been leaked to the press but that the operation had to be dropped because of the current complications in the United States Courthouse in the District of Columbia. (Government Exhibit No. 72) Government Exhibit No. 72 was seized by Special Agent Michael T. Repucci in Room 14 of the Information Bureau at the Cedars Complex. Mr. Meisner identifies the signature "MB" at the end of the 28 June 1976 letter as having been written by Mo Budlong. He also states that the initials "GW" and the handwriting immediately preceding it were made by the defendant Willardson. Handwriting expert James Miller concludes that it is "probable" that the notation "Sec Off Nat GW" is in the handwriting of the defendant Willardson.

N. Burglaries of the Office of International Operations of the Internal Revenue Service and Theft of Documents Therefrom

During the second week of April 1976, the defendant Hermann sent a written order to Mr. Meisner directing him to obtain all files on L. Ron Hubbard and the defendant Mary Sue Hubbard from the Office of International Operations of the IRS. Appended to the defendant Hermann's order was a report from "CPA US" Martin Greenberg of the Finance Bureau stating that he had received notice from the IRS that the income tax return of the Hubbards was being audited. Mr. Greenberg also indicated that Mr. Thomas Crate of OIO was the tax auditor assigned to the Hubbard case. Inasmuch as all materials which dealt with L. Ron Hubbard and Mary Sue Hubbard personally, received top priority within the Guardian's office, Mr. Meisner soon located the office of Mr. Crate by using a recent IRS directory obtained by the defendant Wolfe.

On or about April 14, 1976, at approximately 7 00 p.m., the defendant Wolfe and Mr. Meisner, proffering his false "Foster" IRS identification card, entered the building housing the Office of International Operations at 1325 T. Street, N.W., in Washington, D.C. They proceeded to the tenth floor where, according to the IRS directory, Mr. Crate's office was located but were unable to enter it because the door was locked. A cleaning lady who noticed the defendant Wolfe and Mr. Meisner acting in a suspicious manner notified the security guard who confronted Meisner and Wolfe. The security guard was satisfied by Mr. Meisner's false IRS credentials and the defendant Wolfe's genuine IRS identification card. The cleaning lady thereupon opened the door to the office of Mr. Crate. Since the room contained so many desks, it took nearly thirty minutes to find Mr. Crate's desk. Once they did, Mr. Meisner took all documents relating to the Hubbard audit.

Meisner then discovered that Mr. Crate's superior was Howard Rosen and proceeded to check his desk as well. Inside one of the drawers he found a key to Rosen's file cabinets. In them Mr. Meisner found several thick files on the Hubbards and Scientology. They took all the files; however, they could not find a photocopying machine within that building. Mr. Meisner decided to take the files to the main IRS building in order to photocopy them. Thus, the defendant Wolfe and Mr. Meisner went into the IRS building. where Mr. Meisner again used his false IRS identification card to gain entry. Inside the main IRS building, Mr. Meisner and the defendant Wolfe photocopied all OIO documents using United States government property and supplies. They then returned the documents to OIO, once again, signing the false name of "John M. Foster." After replacing the files in Mr. Rosen's file cabinet and Mr. Crate's desk, they stole copies of the documents for the use of Scientology. The operation was completed around 11 p.m.

On or about May 15, 1976, the defendant Wolfe and Mr. Meisner again entered the Rosen-Crate area in order to obtain all recent documents regarding the Hubbard's audit. Such documents were found only in the desk of Thomas Crate, although Rosen's files were also rechecked. This time Mr. Meisner and the defendant Wolfe entered the office of Mr. Crate with the assistance of the cleaning lady who recognized Mr. Meisner. The two men made a third and final entry at the end of July, but no more recent documents on the audit were found. That time as well, the defendant Wolfe and Mr. Meisner entered the building using Mr. Meisner's counterfeit IRS identification card, and regained entry to the office with the assistance of a cleaning lady.

On neither occasion, did Mr. Meisner or the defendant Wolfe have permission to enter the OIO building or the office of Messrs. Crate or, Rosen, take documents from their files out of the building, photocopy the files using United States Government property and permanently deprive the IRS and OIO of the copies of the documents. Following each of the first two entries, Mr. Meisner summarized the stolen documents in memoranda addressed to the defendant Mitchell Hermann/Mike Cooper, with a copy of the memorandum and stolen documents sent to the "CSG", defendant Mary Sue Hubbard. The documents obtained during the first entry were summarized in four memoranda – one of which was dated 15 April 1976 (Government Exhibit No. 73), and three dated 19 April 1976 (Government Exhibits Nos. 74-76). [*Government Exhibit Nos. 73-76 were seized by Special Agent James R. Kramarsic from the office of the defendant Heldt at the Fifield Manor.*] Government Exhibit No. 73 was entitled "Re: OIO LRH File-Current Data". Government Exhibit No. 74 covered "OIO File On LRH-January, 1974 – April, 1974" Government Exhibit No. 75 covered the period April 1974 to March 1976. Government Exhibit No. 76 dealt with those documents prior to December, 1973. The documents obtained during the second entry were summarized in a 17 May 1976 memorandum by Mr. Meisner entitled "Re: Update On IRS OIO Activity On LRH/MSH". [*Mr. Meisner recognizes the handwriting of the following defendants on Government Exhibits Nos. 73 to 76: the initials of the defendant Heldt and Willardson on Government Exhibit No. 73) the initials of the defendant Heldt on Government Exhibit Nos. 74-76. (Government Exhibit No.77.) [Government Exhibit No. 77 was also seized by Special Agent Kramarsic from the defendant Heldt's office.]*]

In April and May 1976, Mr. Howard Rosen was a group manager at the Office of International Operations of the IRS. He had under his care, custody and control all the files relating to the audit of L. Ron Hubbard and the defendant Mary Sue Hubbard. Mr. Rosen himself supervised the Hubbard's audit from July 1973 to

October 1973 when the case was assigned to Mr. Jeffrey Tobin also of that office. In January 1976, Mr. Rosen returned to OIO and the case was reassigned to him. The Hubbard audit case for the years 1971 and 1972 was not closed until June 1976 when Mr. Hubbard paid an adjustment tax. The individual within Mr. Rosen's group who worked on the audit was Thomas R. Crate. In April and May 1976, Mr. Rosen kept all his files in a file cabinet located near his desk. The file cabinet was kept locked at all times, and he had the only key to those cabinets. He kept that key in his desk drawer. Mr. Rosen reviewed the Meisner memoranda marked Government Exhibits Nos. 73-77, and concludes that all documents summarized therein were then, and still are in his care, custody and control.

O. Burglaries and Thefts of Documents From the Department of Justice in Washington, D.C.

1. Office of Paul Figley

The defendant Sharon Thomas began her employment at the Department of Justice in Washington, D.C., on February 29, 1976. She was assigned as a secretary to two trial attorneys in the Information and Privacy Unit or the Civil Division. Soon after her employment, she stole documents from that Unit which were the basis for a number of pending Scientology-initiated FOIA lawsuits. She took all those documents after working hours or on weekends. The defendant Thomas met on a weekly basis, on either a Monday or a Tuesday, with Mr. Meisner at one of several locations in nearby Arlington, Virginia. The locations included the Lum's and Three Chefs Restaurants as well as at her own apartment. Mr. Meisner instructed her to obtain all files on Scientology from the office of Department of Justice attorney Paul Figley who was supervising the Freedom of Information Act cases within the Department. After collecting all the documents within Mr. Figley's office, she was to monitor his office and take any new documents placed in his files. The defendant Thomas was also directed to be attentive to Mr. Figley in the hopes that she might become his secretary and have immediate access to all his files. *[Indeed, in June 1976, the defendant Thomas succeeded in becoming the secretary of Mr. Paul Figley.]*

She was also instructed to overhear all the phone and office conversations and make notes of any matter relevant to Scientology. On or about April 26, 1976, the defendant Thomas entered, without permission, the office of Mr. Figley and took from his files numerous documents which were the source of a pending FOIA lawsuit brought by Scientology against the Energy Research and Development

Administration (ERDA), which had been assigned to Mr. Figley. She then photocopied the documents on a photocopying machine within the Justice Department main building using United States Government supplies and equipment after replacing the documents in Mr. Figley's office, she stole the photocopies and gave them to Mr. Meisner at their next regularly scheduled meeting.

On 26 April 1976, Mr. Meisner sent a memorandum to the defendant Hermann/Cooper which summarized the documents, and to which were appended the stolen documents themselves. He also sent a copy to the "CSG". defendant, Mary Sue Hubbard (Government Exhibit No. 78) *Government Exhibit No. 78 was seized by Special Agent Harold Brunson from a file cabinet immediately outside the main office of the defendant Raymond at the Cedars Complex. It was inventoried and initialed by Special Agent Michael Ray Napier.*

One of the documents which Mr. Meisner appended to his memorandum to the defendant Hermann was an April 6, 1976, letter from ERDA Assistant General Counsel for Litigation and Legislation Guy H. Cunningham, III, to Paul Figley regarding the United States' position in the pending Scientology initiated FOIA civil action. (Government Exhibit No. 79). *Government Exhibit No. 79 was seized by Special Agent Brunson from a file cabinet outside the main office of the defendant Raymond at the Cedars Complex. It was inventoried and initialed by Special Agent Napier.*

That document is summarized in Meisner's memorandum (Government Exhibit No. 78, page 1, paragraphs 1-4). At the lower right-hand corner of Government Exhibit No. 79 are the Meisner handwritten numerals "1" and "2" which he placed thereon upon receipt of the documents from Ms. Thomas. All underlinings and numerals placed in the left-hand margin of the documents were made by Mr. Meisner.

2. Interpol Liaison Office at the Department of Justice

The defendants Raymond and Hermann along with Tom Reitze, the Information Bureau Snow White Program In-Charge, repeatedly reminded Mr. Meisner of the high priority of the orders regarding the collection of data and documents from Interpol. Nine months earlier, Guardian World-Wide Jane Kember had issued Guardian Program Order 9 (GPgmO 9) which specifically addressed itself to

Interpol. Gp gmO 99, entitled “Snow White Confidential” ordered that the Guardian’s Office must:

Through infiltrators or clandestine agents obtain all details of any reports of requests for data on LRH, Scientology, OTC [Operations and Transport Company], [*“OTC” or Operations and Transport Company was a Panamanian Corporation set up by L. Ron Hubbard which owned the ship Apollo on which L. Ron Hubbard lived and which was used as the flagship of the Sea organization of Scientolog*] Apollo, etc. from US police and/or US NCB [National Central Bureau of Interpol] to IP [Interpol] International or any other NCB or from IP International or any other NCB to US Police and/or US NCB.

(Target 10).

GP gmO 9, which was issued on June 27, 1975, (Government Exhibit No. 63) was written by Deputy Guardian for Information World-Wide Mo Budlong. Government Exhibit No. 63 shows that target 10 which had been assigned to Branch I Director, the defendant Willardson, and “SW I/C” (Snow White in Charge) Reitze was completed on 3 June 1976 with the burglaries of Assistant United States Attorney Nathan Dodell’s office.

Mr. Meisner and Ms. Hirsch state that GP gmO 9 was issued in accordance with established Guardian Office procedure for the issuance of Guardian Program Orders. Ms. Hirsch states that the initials “LR” to the left of the name Jane Kember are those of Ms. Kember’s communicator (secretary) Lexie Ramirez.

Nancy Douglass, Scientology’s covert operative at the Drug Enforcement Administration, informed Mr. Meisner that an Interpol Liaison Office had been newly created at the Department of Justice. That Office was to be the first step in the eventual transfer of the Interpol National Central Bureau for the United States from the Department of the Treasury to the Department of Justice. Ms. Douglass had attempted unsuccessfully to obtain employment at the Interpol Liaison Office. Thus, it became necessary for Mr. Meisner to obtain the documents from that office through other means.

Beginning in April 1976, and continuing until late May 1976, Mr. Meisner and other Scientology operatives made a number of entries into the Interpol Liaison Office to obtain the documents regarding Scientology. The first entry was made in early April by the defendant Wolfe and Mr. Meisner. They entered the main Justice

Department Building located at 9th and Pennsylvania Avenue, Northwest, in Washington, D.C., shortly before 5:30 p.m., using Mr. Meisner's false IRS identification card. They waited until all personnel had left the Interpol Liaison Office on the sixth floor, then entered, without permission, that office. They found a number of locked file cabinets, as well as two locked safes. Then, thirty minutes later, after having searched in vain throughout the entire suite of offices for keys to the file cabinets, the defendant Wolfe and Mr. Meisner left the building. One week later, they made a second entry into the Justice Department, once again using the Meisner fake identification to gain entry. Mr. Meisner brought a variety of lock-picking tools to open the file cabinets within the Interpol Liaison office. Once again he was unsuccessful and they left the building.

On a third occasion, in mid-April, the defendant Sharon Thomas entered the Justice Department Building with Mr. Meisner; this time they looked through the office for a combination to the safes and eventually found it in a file card box on a secretary's desk. After opening one of the two safes, they found the keys to the file cabinets and gained access to the documents. They took some three to four inches of documents out of the sixth floor Interpol offices to the fourth floor photocopying machine where they made copies of all the documents with United States Government equipment and supplies. Some two hours later, the defendant Thomas and Mr. Meisner left that building with stolen copies of the documents. Mr. Meisner made one more entry into the Interpol Liaison Office with the defendant Sharon Thomas and Scientology covert operative Michael Baum, through the use of Mr. Meisner's counterfeit IRS identification card.

Because the Guardian's office officials wanted all Interpol documents whether related to Scientology or not, Mr. Meisner, not only took some documents on this occasion but also directed the defendant Thomas and Mr. Baum to make weekly entries into that office where they were to methodically examine each file cabinet for any Interpol documents. The documents taken on this occasion were photocopied using the fourth floor Justice Department photocopying equipment as well as United States Government supplies. The documents were returned to their original location and the copies were stolen. Mr. Meisner then summarized the stolen documents in two separate memoranda dated 28 April 1976 which he sent to the defendant Raymond, who, as Branch I Director National, had supervision over Interpol matters. (Government Exhibit No. 80). [*Government Exhibit No. 80 was seized by Special Agent Glade B. Johnson from a file cabinet within the Information Bureau at Cedars Complex*] The memoranda with attached stolen documents were forwarded via Southeast U.S. Secretary, the defendant Hermann/Cooper. The stolen documents related to a symposium for the heads of

police colleges which Interpol was to hold in September 1976, Interpol's history, and terrorism.

Upon receipt of the Meisner memoranda, the defendant Raymond forwarded them and the documents to World- Wide. *[Mr. Meisner identifies the initials next to the routing portion of the document as those of the defendant Raymond.]* Over the next month the defendant Thomas and Mr. Baum burglarized the Interpol Liaison Office at the Justice Department on at least three occasions. Those raids netted some three feet of copies of Interpol documents. On each occasion they used the photocopying equipment and supplies located on the fourth floor of the Department of Justice main building and stole the copies. The documents were given to Mr. Meisner who in each instance excerpted the documents in memoranda identical to Government Exhibit No. 80. (See Government Exhibits Nos. 85 and 86.) *[Government Exhibits Nos. 81 and 85 were seized by Special Agent Glade R. Johnson from a file cabinet located within the Information Bureau at the Cedars Complex. Government Exhibit No. 56 was seized by Special Agent Michael T. Repucci from room 14 also within the Information Bureau at the Cedars Complex.]*

Government Exhibit No. 81 is a 3 May 1976 Meisner memorandum summarizing stolen Justice Department correspondence on Interpol for the period October 1957 to May 1969. Appended to that memorandum, among others, were Government Exhibits Nos. 82-84, which have Mr. Meisner's handwritten numerals in their lower-right hand corner as well as other Meisner underlinings and notations. *110/ Government Exhibit No. 82 is summarized in Government Exhibit No. 81 at p. one, paragraphs two to six. Government Exhibits Nos. 83 and 84 are identical stolen letters from the Assistant Secretary of the Treasury David Kendall to Deputy Attorney General William P. Roger. They are excerpted in Government Exhibit No. 81 at page one, paragraph seven. After they were received by the Guardian's office in Los Angeles, those letters were cross-filed into two separate individual's folders. Government Exhibit No. 83 was placed in a folder on Deputy Attorney General William P. Rogers and Government Exhibit No. 84 was placed in a folder on David Kendall. (See left-hand margin of the exhibits.) All three exhibits were seized by Special Agent William G. Ryan, Jr., from Room 13 of the Information Bureau at the Cedars Complex. Mr. Meisner identifies the initials of Cindy Raymond next to her title on the upper left-hand portion of his 3 May 1976 memorandum.*

Government Exhibit No. 85 contains two 17 May 1976 memoranda and one 12 May 1976 memorandum by Mr. Meisner to the defendant Raymond summarizing

other Justice Department Interpol documents. Similarly, Government Exhibit No. 86 is a 28 May 1976 Meisner memorandum to the defendant Raymond summarizing nine pages or appended Interpol Liaison Office documents regarding a General Accounting Office (GAO) audit. Each of those memoranda were forwarded by the defendant Raymond to World-Wide. *[Mr. Meisner identifies the initials and/or hand-writing of the defendant Raymond on each of his memorandum in the routing section next to the title. Mr. Meisner also recognizes Ms. Raymond's handwritten notation on the first page of Government Exhibit No. 86 next to the Snow White "highest priority" stamp. Each of the defendants appended to Government Exhibit No. 86 have Mr. Meisner's excerpts of, underlinings, and numerals.* Neither the defendant Thomas nor Mr. Meisner had permission to enter the Interpol Liaison Office, take the documents out of that office, or steal the photocopies for the use of Scientology.

3. Offices of Special Assistant to Assistant Attorney General for Administration John F. Shaw

During the year 1975, a Senate Committee had conducted hearings concerning Interpol. In 1976, the Guardian's office of the Church of Scientology was strongly advocating the re-opening of such hearings to dispute the United States' continued participation in that organization.

In this regard, Hugh Wilhere, an official of the Public Relations Bureau of the District of Columbia's Guardian's Office, informed Mr. Meisner that he had met with Special Assistant to Assistant Attorney General for Administration, John F. Shaw, whom he had learned was supervising the transfer of Interpol from the Treasury Department to the Department of Justice. Based on this information, and pursuant to the order contained in "Gp gmO 9", Mr. Meisner began monitoring Mr. Shaw's office for Interpol related documents.

On three occasions, on or about April 29, May 8 and May 17, 1976, the defendant Sharon Thomas and Mr. Meisner entered the Department of Justice Building after 5:30 p.m using the defendant Thomas' Department of Justice identification card, in order to steal copies of documents from Mr. Shaw's office. On each occasion, the defendant Thomas met Mr. Meisner outside the Justice Department building. On or about, April 29, 1976, following their entry into the main Department of Justice building, located at 9th and Pennsylvania Avenue, N.W., in Washington, D.C., they proceeded to the first floor office of Mr. Shaw. Mr. Meisner forced open the locked door to the Shaw suite of offices by inserting a plastic sheet the size of a

credit card to slip the latch. Once inside the suite, they went through a secretary's office which led into Mr. Shaw's personal office. On his desk was a five to six inch high stack of documents, all related to Interpol. Mr. Meisner placed these documents in his briefcase and, together with the defendant Thomas, went to the fourth floor where they both photocopied the documents using Department of Justice photocopying equipment and supplies located nearby. Thereafter, they returned the documents to Mr. Shaw's desk. The copies of the documents were then taken, without permission, in Mr. Meisner's briefcase to the Guardian's Office of the Church of Scientology at 2125 S Street N.W., Washington, D.C.

Mr. Meisner excerpted one hundred and twenty four pages of some eight hundred pages of stolen documents in a memorandum to the defendant Raymond, dated 30 April 1976, entitled "Re: Current Feud Between Justice and Treasury – Justice Takeover of Interpol NCB" (Government Exhibit No. 87). The documents, which Mr. Meisner appended to his memorandum, each contain both his handwritten numerals in their lower right-hand corner as well as his underlining and notations in the left-hand margin. (Government Exhibits Nos. 88-92). *[Government Exhibits No. 87 was seized by Special Agent Blade R. Johnson from a file cabinet in the Information Bureau at the Cedars Complex. Government Exhibits Nos. 88-92 were seized by Special Agent William A. Cohendet from Room 14 in the Information Bureau at the Cedars Complex. Mr. Meisner identifies the initials and date "4 May 76" in the routing of his memorandum as those of the defendant Raymond.]*

Upon receipt of that memorandum, the defendant Raymond forwarded it, and the documents appended thereto to World-Wide stating that "the data is really fascinating." *[The defendant Raymond's 4 May 1976 memorandum to World-Wide is entitled "IP Data Non-SCN non-FOI Confidential" and is routed via the defendants Heldt, Weigand, and Willardson and Mr. Budlong. Mr. Meisner identifies the signature on that memorandum as having been written by the defendant Raymond.]*

On or about May 17, 1976, *[The defendant Thomas and Mr. Meisner also burglarized the suite of offices of Mr. John F. Shaw on or about May 8, 1976. Mr. Shaw's door was once again forced open, and recent Interpol documents were taken, photocopied using United States property, and the copies stolen. Mr. Meisner excerpted these documents in a memorandum dated 8 May 1976, addressed to the defendant Raymond via the defendant Hermann/Cooper. See Government Exhibit No. 93. Mr. Meisner identifies his own handwriting ("WW*

copy”). In the upper left-hand corner of the first page. One of the stolen documents excerpted on page one, paragraph three of the memorandum was a letter from Treasury Department Acting Secretary Stephen S. Gardner to Speaker of the house Carl Albert transmitting a proposed draft bill relating to Interpol. (Government Exhibit No. 94.) Government Exhibit Nos. 93 and 94 were seized by Special Agent Martin A. Gonzales from a file cabinet in the defendant Raymond’s office at the Cedars Complex] the defendant Sharon Thomas and Mr. Meisner entered for the third time, after working hours, the Department of Justice, this time by displaying the identification card of Ms. Thomas. They proceeded to the first floor offices of Mr. Shaw which they entered by again forcing open the door using a credit card like device. They there took from Mr. Shaw’s office current data which Mr. Shaw had received regarding Interpol in general and, in particular, an audit which was then being conducted by the General Accounting Office. All of these documents had been classified for “Limited Official Use”. The defendant Thomas and Mr. Meisner photocopied these documents in the same manner as they had on April 28, and May 8, 1976.

Just as on the prior two dates, they removed from the building the stolen copies. Mr. Meisner then summarized the documents in a 17 May 1976 memorandum to the defendant Raymond which was sent via the defendant Hermann/Cooper. The appended stolen documents bear Mr. Meisner’s handwritten numerals in the lower right-hand corner. [*“Pages 1a and 2a” were retyped by Mr. Meisner himself as pages “1” and “2” were not sufficiently legible. (Government Exhibit No. 95). Government Exhibit No. 95 was seized by Special Agent Repucci from a file cabinet in the defendant Raymond’s office in the Cedars Complex.*]

In April and May 1976, Mr. John F. Shaw was, in fact, the Special Assistant to Assistant Attorney General for Administration Glenn Pommerening, Jr. Mr. Shaw’s offices were located in Room 1103 on the first floor of the main Department of Justice building at 9th Street and Constitution Avenue, Northwest, in Washington, D.C. In that capacity he was the main coordinator of the Justice Department’s internal review concerning the transfer of Interpol from the Department of the Treasury to the Department of Justice. He maintained all his files on Interpol on shelves in an unlocked closet behind his desk. He has reviewed the Meisner memoranda referred to herein and the documents appended thereto and, states that they were in his office on the dates of the memoranda. Indeed, they still are in his files. Many of these documents contain his handwritten notations while others are specifically addressed to him. He did not at any time give permission to the defendant Thomas or Mr. Meisner to enter his offices, take these documents, photocopy them, or take the copies for the use of Scientology.

P. Burglaries and Thefts of Documents from Assistant United States Attorney Nathan Dodell's Office, Located in the United States Courthouse for the District of Columbia

On April 14, 1976, during a Scientology FOIA case chambers hearing, United States District Judge George L. Hart, Jr. queried Assistant United States Attorney Nathan Dodell on the record and in the presence of Walter G. Birkel, Jr., Esquire, counsel representing the Church of Scientology, whether the United States had considered taking a deposition of L. Ron Hubbard. Mr. Dodell responded that it was an "interesting thought". which he would discuss with the Department of Justice.

See Founding Church of Scientology v. Paschall, et al., Civil No. 75-1397 (April 14, 1976 Tr. at 2, 4). The official court transcript reveals the following colloquy: THE COURT: Have you all considered taking Hubbard's deposition?

MR. DODELL: It is an interesting thought, Judge Hart

THE COURT: Why don't you take his deposition?

MR. DODELL: Well, let me say, I consult with people at the Justice Department handling these cases because there are so many, we obviously coordinate and I will certainly relay that suggestion to them with the fact that you have reiterated here. Tr. at 2, 4.

On April 20, Paul Klopper, the Branch II Director for the Legal Bureau in the United States, notified by memorandum the defendant Richard Weigand about this colloquy in Judge Hart's courtroom and suggested an investigation be initiated. In a letter dated 27 April 1976, and entitled "Re: LRH Safety", the defendant Weigand wrote the defendant Hermann/Cooper appending to the letter the Klopper memorandum.

In his letter, the defendant Weigand ordered that the following actions be "done on a very high priority and as fast as possible:"

A. A complete ODC [Overt Data Collection] and CDC [Covert Data Collection] on Judge Hart. (this can fall under the targets of GPgmO 301 but must be done very fast)

B. Get a line in the JUDY area [*“JUDY area” was a code name for the covert operation which was being carried out by Scientology agents within the United States Department of Justice,*] for immediate feedback of any proposed intention to deposition LRH. Telex all data found. You should also check out the flow line on which this type of deposition would travel and keep a daily monitor of the line.

C. Get some type of line into Dodell (similar to the successful suitable guise line you had when you were in DC) and keep tabs on what his intentions are in the area of deposition of LRH.

D. Also see if we can do some type of JUDY action [*“JUDY action” was a reference within the Informa- tion Bureau to the burglaries and thefts of documents which had taken place at the Department of Justice. It was also later used as a euphemism for burglaries in general.* 119/ in Dodell’s area to get data predicting any action to deposition.

The defendant Weigand instructed that in conducting the investigation on Judge Hart, the defendant Hermann/Cooper should “Be sure to look for any data legal could use to get him removed from the cases”. On the same day, the defendant Weigand informed the defendant Raymond of the directive he had issued to the defendant Hermann/Cooper (Government Exhibit No. 96 at p. 4). In late April, the defendant Hermann/Cooper directed Meisner, in writing, to execute the order contained in the letter of the defendant Weigand of 27 April 1976.

Appended to the defendant Hermann/Cooper’s directive were the Weigand and Klopper letters in Government Exhibit No. 96. 1[*Handwriting expert James Miller concludes that it is “probable” that the signatures “Dick” on pages two and four of Government Exhibit No. 96 were written by the defendant Weigand. Moreover, Mr. Meisner recognizes the signature as being in the handwriting of the defendant Weigand*]

Mr. Meisner immediately notified the defendant Thomas to be alert to any possible decision to subpoena L. Ron Hubbard. Mr. Meisner then directed his own attention to Assistant United States Attorney Nathan Dodell. On or about May 7, 1976, the defendant Gerald Bennett Wolfe and Mr. Meisner entered the United States Courthouse for the District of Columbia located at 3rd Street and John Marshall Place, N.W., in Washington, D.C., around 4:00 P.M. and went to the 3rd floor which housed the United States Attorney’s Office. Their purpose was to reconnoiter the area and locate the offices of Mr. Dodell. They proceeded directly

to the third floor District of Columbia Bar Association Library, and from there went to the area housing Civil Division of the United States Attorney's Office.

Eventually, they located Mr. Dodell's office in the back part of the Civil Division area, off of a hallway near a key-operated elevator and the rear door of the D.C. Bar Association Library. They then searched for a photocopying machine, and found one coin operated machine in that library, and two other larger machines within the United States Attorney's Office next to the Fraud Division.

At 5:30 p.m., they returned to Mr. Dodell's office and found the door locked. After trying unsuccessfully to force the open the door with a metal sheet, they left the building. Mr. Meisner instructed the defendant Wolfe to return to the Courthouse in the daytime and inspect the latch on Mr. Dodell's door to determine how to gain access. A few days later, the defendant Wolfe telephoned Mr. Meisner at his office at the Church of Scientology at 2125 S Street, N.W., Washington, D.C. and told him that he was calling from Mr. Dodell's office. The defendant Wolfe informed Mr. Meisner that Mr. Dodell's secretary had apparently left her keys on her desk.

Mr. Meisner directed the defendant Wolfe to take the keys and meet him on John Marshall Place, N.W. Half an hour later, the defendant Wolfe and Mr. Meisner located a locksmith at Seventeenth Street and Columbia Road, N.W., where they obtained duplicates of some of the keys. They then both returned to the United States Courthouse, and Mr. Meisner dropped the keys in the hallway adjacent to Mr. Dodell's office. Both men then left the Courthouse.

On May 21, 1976, at approximately 6:30 to 7:00 p.m., the defendant Wolfe and Mr. Meisner entered the Courthouse building at 1111 Constitution Avenue, N.W. They drove from there to the United States Courthouse. Mr. Meisner entered the building using his IRS credentials and signed in using the name "John M. Foster". They informed the General Services Administration (GSA) security guard that they were going to the District of Columbia Bar Association Library to do legal research. The guard called the Bar library and inquired whether they would be permitted to enter. Having been informed that they could use the library, the security Guard issued Mr. Meisner an elevator key.

The defendant Wolfe and Mr. Meisner then proceeded to the Bar library on the third floor, where the defendant Wolfe and Mr. Meisner signed the library log using the names "J. Wolfe" and "John Foster", respectively. (See Government Exhibit No. 97.) They walked to the back of the library where they removed some

legal books from the shelves, placed them on a table and pretended that they were doing research. A few minutes thereafter, the defendant Wolfe and Mr. Meisner passed through the back door of the library onto the hallway off of which Mr. Dodell's office was located. Using the duplicate keys, they forced open the door to Mr. Dodell's office and entered the office without permission. The defendant Wolfe and Mr. Meisner examined Mr. Dodell's unlit office by flashlight and found a current file on Scientology. Mr. Meisner took that file as well as a number of other files from one of Dodell's file cabinets. They walked through the third floor hallways to the Offices of the United States Attorney for the District of Columbia and the two photocopy machines which they had located on May 7.

They there photocopied approximately six inches of documents on Scientology and Interpol using United States Government supplies and equipment. They returned the documents to Mr. Dodell's files and the copies were placed in Mr. Meisner's briefcase. The defendant Wolfe and Mr. Meisner left the Courthouse at approximately 11:00 p.m., and returned to the parking lot at the main IRS building on Constitution Avenue, N.W. Mr. Meisner then returned to his office at 2125 S Street, N. W., and immediately telephoned the defendant Weigand to inform him that he and the defendant Wolfe had burglarized Dodell's office and stolen copies of the Interpol documents located therein. These were the documents which the United States Guardian's Office had been ordered to obtain by Guardian World-Wide Jane Kember in November 1973 [*See Government Exhibit No. 2, supra*] as well as the documents targeted both by GPgmO 9, and a subproject written by the defendant Raymond pursuant to GPgmO 302. The defendant Weigand congratulated Mr. Meisner on his successful mission.

Mr. Meisner reviewed the documents which had been stolen from Mr. Dodell's office and summarized some or them in two memoranda dated May 24 and May 27, 1976. (Government Exhibits No. 98 and 100.) [*Government Exhibit No. 98 was seized by Special Agent Kramarsic from a file cabinet in the defendant office at the Fifield Manor, and Government Exhibit No. 100 was seized by Special Agent Kramarsic from Room 14 in the Information Bureau at the Cedars Complex.*]

Government Exhibit No. 98 contained two Meisner memoranda dated 24 May 1976 addressed to the defendant Raymond via the defendant Hermann/Cooper. They are entitled "US Interpol NCB Documents on Scientology Withheld in Entirety Under FOIA" and "US Interpol NCB Documents on Scientology Partially Withheld Under FOIA". Appended to these memoranda were at least eighty-six of the approximately one thousand pages of documents stolen from Mr. Dodell. Each

document summarized therein contained a numeral handwritten by Mr. Meisner in its lower right-hand corner as well as some other excerpts and notes. (See, e.g. Government Exhibit No. 99.) [*Government Exhibit No. 99 contains a few of the documents summarized in Government Exhibit No. 98. See, e.g., Government Exhibit No. 99 marked by Mr. Meisner as page "24" and compare to Government Exhibit No. 98, Meisner, page 24 May 1976 memo at page three, paragraph two. Government Exhibit No. 99 was seized by Special Agent Ryan from Room No. 13 within the Information bureau at the Cedars Complex.*]

Government Exhibit No. 100 contained a May 25, 1976 Meisner memorandum from Mr. Meisner entitled "Nathan Dodell, Current Information on Scientology's Harassment of the Government on Legal Lines" which summarized documents stolen from Mr. Dodell's office. That memorandum, and a second one of the same date entitled "Significance of Dodell Material Enclosed", was sent by Mr. Meisner to the defendant Hermann/Cooper. Appended to it are copies of numerous documents stolen from Mr. Dodell. Many of these documents contained the handwriting of Assistant United States Attorney Nathan Dodell. [*See, for example, the documents containing Mr. Meisner's handwritten numerals Nos. 1, 6, 7, 12, 13, etc. Mr. Dodell has reviewed these documents and states that they were in his files in May 1976, and indeed still remain in his files.*]

On May 27, the defendant Hermann/Cooper forwarded the Meisner memorandum and appended stolen documents to World-Wide with a cover memorandum outlining the content of the package. A copy of that material was sent to the Deputy Guardian for the United States, the defendant Heldt, and the Deputy Guardian for Information in the United States, the defendant Weigand. [*Mr. Meisner identifies the initials "GW" in the routing on the Hermann/Cooper letter as having been written by the defendant Willardson.*]

On May 28 1976, the defendant Wolfe and Mr. Meisner met once again outside the main IRS building in Washington, D.C. at approximately 6:30 p.m., and after parking one of the cars nearby, proceeded to the United States Courthouse, at Third Street and John Marshall Place, N.W. In the Courthouse Mr. Meisner signed in as "John M. Foster," using his false IRS identification card. The defendant Wolfe signed-in as "T. Haake" using a D.C. Bar Association library card which he had borrowed from another IRS employee. United States Courthouse logs maintained by the GSA security guards indicate that the two men entered the Courthouse at 7:30 p.m. and remained until 9:55 p.m. The entry logs further show that they were going to the "Library". (Government Exhibit No. 101.)

Once again they borrowed an elevator key and proceeded to the third floor of the United States Courthouse and entered the Library of the District of Columbia Bar Association through the back door without first signing in. A few minutes later, finding the area clear, they went to Dodell's office and opened the door with the key which they had previously duplicated. This time they took approximately one foot of documents related to Scientology, and more specifically to the District of Columbia Police Department and the federal Food and Drug Administration. These documents were photocopied on the United States Attorney's Office photocopying machines using Government owned supplies located nearby. As the defendant Wolfe and Mr. Meisner were returning to Mr. Dodell's office through the library, they were stopped by night librarian Charles Johnson who inquired as to whether they had signed- in. When he was told that they had not, he required them to sign-in (See Government Exhibit No. 102.) Mr. Meisner signed-in as "J. Foster" and Mr. Wolfe as "W. Haake". They placed as a reference telephone number, 964-4483.

The night librarian informed them that they were not to return to the library unless they had specific authorization from the regular librarian. The defendant Wolfe and Mr. Meisner immediately left the library, returned the documents to Mr. Dodell's office and left the Courthouse with copies of the documents in Mr. Meisner's briefcase. After leaving the defendant Wolfe at the IRS building, Mr. Meisner returned to the Guardian's Office. In two memoranda dated 1 June and 2 June 1976 (Government Exhibits Nos. 103 and 104, respectively), [*Government Exhibits Nos. 103 and 104 were seized by Special Agent William Cohendet from Room 14 in the Information Bureau at the Cedars Complex.*]

Mr. Meisner summarized the more important of the documents which he and the defendant Wolfe had stolen from Mr. Dodell's office. Both memoranda are addressed to the defendant Hermann/Cooper. *Mr. Meisner identifies on Government Exhibit No. 103 a handwritten notation in the defendant Hermann/Cooper's handwriting.*

Upon receiving the June 2, 1976 memorandum and attached stolen documents, the defendant Hermann/Cooper forwarded them to World-Wide in a June 6, 1976 letter entitled "Re: DC US Attorney Nathan Dodell". Mr. Dodell was, in 1976, and still is an Assistant United States Attorney for the District of Columbia assigned to the Civil Division of the United States Attorney's Office. His personal office was located, in May and June 1976, on the third floor of the United States Courthouse for the District of Columbia, immediately behind the Library of the District of

Columbia Bar Association. He has reviewed copies of the documents appended to the Meisner memoranda referred to above, and concludes that they were in his files on the dates on which the memoranda were written. In fact they remain in his files to this date. Many of the documents contain, or are written in, his own handwriting. Mr. Dodell did not give permission to either the defendant Wolfe or Meisner to enter his offices, take documents which were in his care, custody and control, photocopy them, or steal copies thereof.

On May 31, 1976, the night librarian, Charles Johnson, and the GSA Security Guard notified the United States Attorney's office that two individuals who had identified themselves as IRS employees and who had in their possession IRS identification cards had been seen using the photocopying machines of the United States Attorney's Office on the previous Friday evening. Both Mr. Johnson and the guard were instructed to immediately contact the FBI if those two individuals returned to the Courthouse. During that same time Mr. Meisner contacted the chief D.C. Bar Association librarian, requested, and obtained from her, a letter permitting him to use the facilities of the D.C. Bar library. On June 8, 1976, Deputy Guardian for Information, the defendant Weigand, Deputy Guardian for Legal Bureau Mary Rezzonico, and Deputy Guardian for Public Relations Arthur Maren, approved a "Project: Target Dodell" (Government Exhibit No. 105). [*Government Exhibit No. 105 was seized by Special Agent Jack C. Thorpe from Room 4 in the Information Bureau at the Cedars Complex.*] Its purpose was to "render Dodell harmless" because of his aggressive representation of the United States of America as counsel in the Scientology FOIA legal actions.

A few days prior to June 11, 1976, the defendant Hermann/Cooper telephoned Mr. Meisner and directed him to return to Mr. Dodell's office and steal Dodell's personal files in order to devise and formulate a covert operation to remove him as an Assistant United States Attorney for the District of Columbia. To that end, the defendant Wolfe and Mr. Meisner met on June 11, 1976, once again, outside the main IRS building in Washington, D.C., and proceeded to the United States Courthouse in that same city. They entered the United States Courthouse at approximately 7:00 p.m., Mr. Meisner signing-in as "John M. Foster" and the defendant Wolfe using the name "Thomas Blake", both using their counterfeit IRS identification cards.

They proceeded to the Bar Association Library where they signed in using the names indicated above. (Government Exhibit No. 106). Mr. Meisner also showed the night librarian, Charles Johnson, the written permission which he had earlier

secured from the head librarian. The defendant Wolfe and Mr. Meisner then proceeded through the back of the library to Mr. Dodell's office where they observed cleaning ladies still working in that office. They returned to the library and waited there until the cleanup crew had left Mr. Dodell's Office.

In the meantime, night librarian Johnson contacted the FBI regarding the presence of the defendant Wolfe and Mr. Meisner. Shortly thereafter FBI Special Agents Christine Hansen and Dan Hodges confronted the defendant Wolfe and Mr. Meisner at one of the back tables within the Bar Association Library, and demanded to see their identification cards. Mr. Meisner presented his IRS identification card to the FBI agents and informed them that he had since resigned from the IRS. While FBI Agent Hansen continued questioning the defendant Wolfe and Mr. Meisner, FBI Agent Hodges left to contact an Assistant United States Attorney. Mr. Meisner informed Agent Hansen that he and the defendant Wolfe had been in the Courthouse to do legal research, and that they had used the United States Attorney's Office photocopying machine to photocopy legal books and cases. He gave her as his home address an address a few doors away from his actual residence. Neither individual mentioned either's association with the Church of Scientology, or the true purpose for which they were in the United States Courthouse. After fifteen minutes of questioning Mr. Meisner inquired if they were under arrest. When Agent Hansen responded that they were not, Mr. Meisner told Wolfe that they were leaving. As they were leaving the library, Agent Hodges called to the defendant Wolfe and Mr. Meisner but was told by Mr. Meisner that Agent Hansen had permitted them to leave.

On December 18, 1976, the defendant Hermann/Cooper sent "Project Troy" to the defendants Heldt and Weigand pursuant to the request of the defendant Weigand. Weigand had directed Hermann/Cooper to write "a project to get prediction on future IRS actions." The attached "Project Troy" called for the placement of a permanent bugging device in the office of the IRS Chief Counsel. Thus, the Guardian's Office would be able to monitor all "IRS planned actions as regards the C of S of C [Church of Scientology of California] exemption so that Legal can be briefed to take effective action." (Government Exhibit No. 110 at pp. 2-4.) A "CSW" from the defendant Weigand to the defendant Heldt dated December 20, 1976, requests that "Project Troy" be approved as soon as possible. The defendant Heldt approved the project by initialing the line entitled "OK". (Government Exhibit No. 110 at p. 1.). Handwriting Expert James Miller concludes that it is "probable" that that initial belongs to the defendant Heldt. Mr. Meisner identifies it as the writing of the defendant Heldt. Other conclusions of Mr. Miller: the handwritten note "I need to see Dick [Weigand] on this after his

Session” and initial — “positive” in the defendant Heldt’s handwriting; the word “secret” on the upper portion of the first page — “highly probable” in the defendant Weigand’s handwriting; the signature “Mike” on page two and the ending “Love Mike” on page four — “probable” by the defendant Hermann/Cooper. Mr. Meisner identifies those two signatures and the entry “Phoned into DC 12/21/76” in the upper right-hand corner of page one as in the handwriting of the defendant Hermann/Cooper. Government Exhibit No. 110 was seized by Special Agent William J. Pettit from a file cabinet in the Information Bureau of the Cedars Complex. In a letter dated 3 June 1977, the United States Secretary at World-Wide Hermann Brendel sent the defendant Gregory Willardson, who had been elevated to the post of Deputy Guardian for Information U.S., “a list of the vital products needed from B1 [Information Bureau] US.” He states that these were “taken from CSG [Mary Sue Hubbard] and GWW [Guardian World-Wide Jane Kember] orders”. (Government Exhibit No. 112). Government Exhibit No. 112 was seized on July 8, 1977, by Special Agent Eusebio Benavidez from the pending basket on the defendant Willardson’s desk at the Cedars Complex.

Upon leaving the United States Courthouse, Mr. Meisner and the defendant Wolfe walked a number of blocks to make sure that they were not being followed and then took a taxicab to Martin’s Tavern Restaurant on Wisconsin Avenue and N-Street, N.W. in Washington, D.C. Mr. Meisner then telephoned the defendant Hermann/Cooper in Los Angeles, California to inform him in a circumspet manner that they had been confronted by the FBI. The defendant Hermann/Cooper told Mr. Meisner to call him back at a public telephone.

A few minutes later Mr. Meisner once again contacted the defendant Hermann, and this time informed him of the details of his confrontation with the FBI in the United States Courthouse for the District of Columbia. The defendant Hermann/Cooper instructed Mr. Meisner to remain at the restaurant and told him that he would contact the defendant Weigand and further instruct Mr. Meisner at that time as to what course of action to follow. He also directed Meisner to begin writing a report on what had actually occurred in the United States Courthouse. Mr. Meisner was to call him back within one hour.

Mr. Meisner then contacted Joseph Alesi, the Branch I Director for the District of Columbia. Mr. Meisner directed Mr. Alesi to proceed to the United States Courthouse and pick up the defendant Wolfe’s car which had been left there and bring it to Martin’s Tavern Restaurant. Mr. Meisner, also instructed Mr. Alesi to

call Mrs. Meisner and ask her to pick up his car, which he had left in the main IRS building parking lot. One hour later, Mr. Meisner called the defendant Hermann/Cooper in Los Angeles, California, to receive further instructions. The defendant Hermann/Cooper informed Mr. Meisner that he had discussed their FBI confrontation with the defendant Weigand and that the latter wanted him to come immediately to Los Angeles, California. Mr. Meisner stated that he would leave the next morning for Los Angeles.

Mr. Meisner and his wife stayed that night at the Quality Inn Motel on Courthouse Road and Route 50 in Arlington, Virginia. (Government Exhibit No. 113). Mr. Meisner then called Bruce Ullman, the Information Branch II Director for the District of Columbia, and directed him to obtain money from the Guardian's Office funds and bring it to him the next morning, when he was to pick him up at an Arlington motel and take him to the National Airport for his trip to Los Angeles.

Part IV of the Stipulation of Evidence

IV. The Conspiracy to Obstruct Justice, to Obstruct an Investigation, to Harbor a Fugitive and to Make False Declarations Before the Grand Jury

A. The preparation of the Cover-Up Story

On June 12, 1976 Mr. Meisner was met at the Quality Inn Motel, in Arlington, Virginia by Mr. Bruce Ullman who gave him money for a round trip flight to Los Angeles. Mr. Ullman drove Mr. Meisner to National Airport where Mr. Meisner took a United Airlines flight to Los Angeles. On the plane, Mr. Meisner completed his detailed report of the Courthouse incident as he had been directed to, the night before, by the defendant Weigand through the defendant Hermann/Cooper.

Mr. Meisner arrived in Los Angeles at approximately noon, and went directly to the defendant Weigand's office on the seventh floor of the Fifield Manor. Defendant Weigand reviewed Mr. Meisner's handwritten report and then asked him to type it. Mr. Meisner typed it at defendant Weigand's desk. (Government Exhibit No. 114.) *[Government Exhibit No. 114 was seized and initialed by Special Agent Henry L. Williams from the office of the defendant Raymond at the Cedars Complex. The document was inventoried and also initialed by Special Agent Raymond Mislock.]*

When he had finished, Mr. Meisner showed the typed report to defendants Weigand and Willardson, both of whom read it. Defendant Weigand remarked that he would take it to the defendant Heldt's office on the sixth floor. He did this and returned approximately fifteen minutes later. The defendants Weigand and Willardson then, together with Mr. Meisner, analyzed the crisis to determine what leads the FBI had and how they could contain or stop the investigation.

The three men decided to devise a cover story for use by the defendant Wolfe if he were arrested. The plan contemplated further that defendant Wolfe would, if captured, enter a guilty plea, after which Mr. Meisner would surrender to the FBI and give the same story to them as Wolfe had. An alternative plan had both the defendant Wolfe and Mr. Meisner surrendering immediately and giving the same cover story. All parties recognized that the highest priority lay in stopping the FBI investigation before it could connect the defendant Wolfe and Mr. Meisner to the Church of Scientology and thereby expose other officials of the Guardian's office who had been involved in the burglaries, thefts, and buggings, described in the first conspiracy, *supra*. After a full afternoon of discussions, the defendants Weigand and Willardson drove Mr. Meisner to a Holiday Inn located near Hollywood Boulevard in Los Angeles, California, where Mr. Meisner registered under a false name. That evening he had dinner together at the motel prior to leaving Mr. Meisner for the evening

On June 11, 1976 the defendant Richard Weigand had written a lengthy report to Deputy Guardian for Information World-Wide Mo Budlong, outlining the events which had taken place in the United States Courthouse in the District of Columbia. The defendant Weigand also explained the manner in which the defendant Wolfe and Mr. Meisner could be traced to the Church of Scientology, as well as the story to be given to law enforcement investigators. See Government Exhibit No. 116. A copy of that report was sent to the "CS-G", defendant Mary Sue Hubbard. That report was written in code. It was seized by Federal Bureau of Investigation Special Agent Harold R. Brunson from the area immediately outside the office of the defendant Raymond at the Cedars Complex. It was inventoried and initiated by Special Agent Michael Ray Napier. Government Exhibit No. 185 (Code ISIS) was seized by Special Agent Eusebio Bonavidez from a file cabinet in the defendant Willardson's office at the Cedars Complex. Code ISIS had an attached cover letter from Mr. Mo Budlong to the then Deputy Guardian for Information, the defendant Duke Snider, in which Mr. Budlong directed that Code ISIS was to be used only for dispatches between the United States Guardian's Office and the World-Wide Guardian's Office. Mr. Meisner identifies the handwriting at the top of that page as that of the defendant Snider, and the signature and handwriting the bottom of

the page as that of Mr. Budlong. Special Agent Arthur R. Eberhardt, a cryptanalysis expert with the Federal Bureau of Investigation in Washington, D.C., has examined Government Exhibit No. 116 and Code ISIS (Government Exhibit No. 188). He concludes that the coded text within Government Exhibit No. 116 used two different methods of a substitution code – “digital” and “word or phrase”. The “digital” code substitutes digits 10 through 99 for the various letters of the alphabet. The “word and phrase” code substitutes a word or phrase for a plaintext word or phrase. He also finds that Code ISIS (Government Exhibit No. 188) is the code which was used to encode Government Exhibit No. 116. Thus, using Code ISIS he decoded that Government Exhibit No. 116 by placing the decoded letters and words above the coded ones. See Government Exhibit No. 212. On June 21, 1976 the defendant Weigand sent the same report to CS-G Assistant for Information Jimmy Mulligan. See Government Exhibit No. 115 which was seized by Special Agent James R. Kramarsic from a file cabinet located in a closet in the defendant Heldt’s inner office at the Fifield Manor. Handwriting expert James Miller concludes that it is “probable” that the defendant Heldt wrote his initials next to his title in the routing portion of the cover letter, and that it is “probable” that the defendant Weigand wrote the signature “Dick” on that letter. Mr. Meisner recognizes both the initial and the signature as those of the defendants Heldt and Weigand, respectively.

On Sunday, June 13, 1976, the defendant Willardson met Mr. Meisner at his motel room and drove him to the defendant Weigand’s office, where all three met to finalize the outline of the plan, which they had discussed the day before, in order to present it to the defendants Heldt and Snider. Soon there- after, the defendant Weigand and Mr. Meisner met with the defendants Heldt and Snider in the defendant Heldt’s sixth floor offices at the Fifield Manor. The defendants Heldt and Snider each indicated that they had already read Mr. Meisner’s report (Government Exhibit No. 114) and were fully conversant with the matters discussed in it. All present concluded that the FBI could readily trace already existing leads back to the Church of Scientology.

With this in mind, the defendants Heldt and Snider suggested an alternative plan which they had formulated on their own earlier that day. That plan called for the defendant Wolfe and Mr. Meisner to be withdrawn from the District of Columbia and sent out of the United States. The defendant Heldt stated that as long as there were no bodies, the FBI would have nothing to investigate. The defendant Weigand, however, countered that if no bodies were found then the FBI would look even more deeply and find the connection between the defendant Wolfe and Mr. Meisner and the Church of Scientology organization. The defendant Weigand

explained that Mr. Meisner had given the FBI an address close to his real residence where, by canvas, the FBI might find someone who could identify him by the photograph on his counterfeit IRS credentials. It was also pointed out that the FBI not only had Mr. Meisner's and the defendant Wolfe's handwriting on the Courthouse and library logs, but also Mr. Meisner's fingerprints on his false IRS identification card.

Thus, the defendant Weigand suggested that if the defendant Wolfe allowed himself to be arrested and gave the proper cover story, then the investigation could be contained. Then, following the defendant Wolfe's plea of guilty, Mr. Meisner would surrender, give the same cover story as the defendant Wolfe, and enter a guilty plea. This, he posited, would terminate the investigation with little or no connection to Scientology. The defendant Heldt directed the defendant Weigand and Mr. Meisner to discuss both plans, and detail one of them and present it to him for his final approval. The defendant Weigand and Mr. Meisner returned to the defendant Weigand's office where the defendant Willardson joined them to implement the defendant Heldt's orders. During that meeting, the defendant Hermann/Cooper informed them that the defendant Wolfe had left the District of Columbia and was to arrive in Los Angeles later that evening.

The defendant Hermann then joined the meeting for a short period of time. The three men drafted defendant Weigand's ideas in proposal format. The defendant Weigand himself actually wrote out the proposal for the defendant Heldt's approval, typed it, and took it to the defendant Heldt. Some fifteen minutes later, the defendant Weigand returned to his office and stated to the defendant Willardson and Mr. Meisner that the defendant Heldt had approved that plan. They decided to meet again the next morning to prepare the cover story with the defendant Wolfe. The defendant Weigand directed Mr. Meisner to change his appearance with the assistance of Weigand's secretary, Janet Finn. The defendant Willardson and Mr. Meisner then had dinner, after which Mr. Meisner was returned to the Holiday Inn motel. On Monday, June 14, the defendant Weigand's communicator (secretary), Janet Finn, met Mr. Meisner at approximately 9:00 a.m. at his motel room. She cut his hair, then dyed it red. Mr. Meisner then shaved his mustache. Establishment Officer (Esto Off) Peeter Alvet met Mr. Meisner and gave him approximately \$200 to obtain contact lenses.

Mr. Meisner then went to an optometrist on Hollywood Boulevard where he purchased soft contact lenses. *[Dr. Gerald Nankin, an optometrist with offices on Hollywood Boulevard in Los Angeles, California, sold a pair of contact lenses to*

Mr. Meisner on June 14, 1976.] At approximately 1:00 p.m. the defendants Weigand, Willardson and Wolfe arrived at the Holiday Inn to create the cover story to be given by Wolfe to the FBI. The defendant Weigand informed Mr. Meisner that the defendant Hermann/Cooper was on a plane on his way to the District of Columbia where he was to assume temporarily the position of Assistant Guardian for Information until Richard Kimmel could be brought back from England where he had been undergoing training at World- Wide for that position. [Mr. Kimmel had been selected to replace Mr. Meisner, who during his meetings in Los Angeles in February 1976, had been slated to become National Secretary for the United States.

During the next hour the following cover story was prepared: The defendant Wolfe and Mr. Meisner were to have met in February 1976 in a District of Columbia bar, which was to be selected later, and struck up a friendship. Mr. Meisner was to have introduced himself as “John Foster”. Mr. Mr. Meisner was to have told the defendant Wolfe that he was a law student attending Georgetown University School of Law. The defendant Wolfe was to have informed Mr. Meisner that he worked at the IRS. The two individuals were to have met on a number of occasions. Then in mid-March 1976, after having drunk heavily at a few different bars, Mr. Meisner was to have mentioned that he had never been to the IRS, and Wolfe was to have offered to take him on a tour of that building. The defendant Wolfe was to have taken Mr. Meisner to the IRS, signed him in, and taken him on a tour of the first floor. Inadvertently, according to the story, they stumbled upon the identification room which had an open door. They went in and as a lark decided to make identification cards for themselves. The defendant Wolfe was to have made Mr. Meisner an identification card and typed in the name “John Foster” upon it. Mr. Meisner was then to have made an identification card for the defendant Wolfe who had decided to use the name “Thomas Blake”.

On a subsequent occasion, the defendant Wolfe and Mr. Meisner were to have met at a bar and after a few drinks the defendant Wolfe asked Mr. Meisner to teach him how to do legal research so that he might be able to obtain a better job. Mr. Meisner agreed to do so if Wolfe would, as a return favor, look up some information for him at the IRS for a paper which Mr. Meisner was writing on section 501 (c)(6) of the IRS Code (the section dealing with exempt organizations).

They decided that the District of Columbia Bar Association Library in the United States Courthouse in the District of Columbia was the most convenient for them. Thus, on May 21, 28 and June 11, they went to the Courthouse to use the D.C. Bar

Association Library where Mr. Meisner taught the defendant Wolfe legal research. While there, they were directed by the cleaning personnel to the photocopying machines within the United States Attorney's Office. Specifically, they used those machines to photocopy cases in law books and their own notes from those books. However, they had no idea that they were within the United States Attorney's Office. After the confrontation with the FBI agents, the defendant Wolfe and Mr. Meisner were so upset that they forgot to set up a further meeting. Since the defendant Wolfe did not know where Mr. Meisner lived, he could not contact Mr. Meisner again, and therefore, could not give the FBI his location.

After the defendants Weigand, Willardson, Wolfe and Mr. Meisner had outlined the cover story, the defendant Weigand instructed them to write out "mission orders" for the defendant Hermann in the District of Columbia, write out the cover story, and drill the defendant Wolfe on it. The defendant Weigand then left the Holiday Inn Motel. The defendant Wolfe called his office at the IRS in Washington, D.C., to determine through a friend whether anyone, such as the FBI, had made any inquiries regarding him. In the process, he requested his friend to notify his supervisor that he would not be at work the next day. *[Mr. Keith Shelton, Chief of the National Office Branch of the IRS and custodian of the time and attendance records, states that the defendant Wolfe used eight hours of sick leave on June 14, 1976, and six hours of sick leave and two hours of annual leave on June 15, 1976.]*

After that phone call, the three individuals prepared written "mission orders" for the defendant Hermann/Cooper. Those orders required Hermann/Cooper to: (1) keep in constant contact with the defendant Wolfe; (2) locate an attorney for the defendant Wolfe so that he could test the plausibility of the concocted story on someone other than the FBI; and (3) supervise the defendant Wolfe pending his arrest. They then wrote out the cover story, gave a copy to the defendant Wolfe and drilled him on that story.

At approximately 7:00 p.m. Mr. Meisner checked out of his motel room, and, together with the defendant Willardson, drove the defendant Wolfe to the airport where Wolfe took a night flight to Baltimore-Washington International Airport. Mr. Meisner stayed that night at the defendant Willardson's home on Roxbury Drive in Beverly Hills. On June 15, 1976, in Washington, D.C., the defendants Hermann/Cooper and Wolfe met, discussed the cover plan, story and the attorney who was to be selected for Wolfe. The defendant Wolfe then met with his attorney and presented him with the cover story which had been prepared the previous day.

In Los Angeles, Mr. Meisner, who began to use the alias “Jeff Murphy”, moved to the defendant Weigand’s house on Westmoreland Street, near Wilshire Boulevard, where he stayed for the remainder of the summer. The defendant Weigand directed Mr. Meisner to prepare a complete report on his activities as Assistant Guardian for Information in the District of Columbia and on all pending activities there as required by Guardian’s Office procedures when an official leaves a post. For the next few days, Mr. Meisner, working in the defendant Weigand’s office, prepared the report as directed. On June 18, 1976, that completed report was typed by Mr. Meisner and presented to the defendant Weigand. (Government Exhibit No. 108.) *[Government Exhibit No. 108 was seized by Special Agent Gary Aldrich from the office of the defendant Willardson at the Cedars Complex. Handwriting expert James Miller positively identifies the notation “G. I’ll read it later. L.D.” located on the front page of that report as the handwriting of the defendant Weigand. Mr. Meisner also identifies the initials “GW” in the upper portion of the front page as having been made by the defendant Willardson.]*

In his report, Mr. Meisner explained how he had burglarized government offices, including the manner in which he had forcibly opened doors, and supervised covert operatives. He identified the current covert operatives who were still operating and itemized what remained for them to accomplish. He also described his duties as Assistant Guardian for Information. Within a few days thereafter, the defendant Willardson issued “mission orders” to Mr. Meisner which had been approved by the defendants Weigand and Heldt. These orders directed Mr. Meisner to go to Dallas, Texas, to attend the American Medical Association Convention, and then to New York to resolve a local Guardian’s Office matter. Upon his return to Los Angeles, on July 7, Mr. Meisner was appointed National Secretary for the United States by Guardian World-Wide Jane Kember.

B. The Defendant Gerald Bennett Wolfe is Arrested in Washington D.C. by the Federal Bureau of Investigation

On June 30, the defendant Wolfe was arrested in the main IRS building by FBI Special Agent Christine Hansen. He was charged with the use and possession of a forged official pass of the United States, in violation of 18 U.S. Code, Section 499, and arraigned before United States Magistrate Henry H. Kennedy, Jr. (U.S. Mag. No. 76-930 M (Cr)).

On that same day, Assistant Guardian for Information in the District of Columbia Richard “Rick” Kimmel notified the defendant Hermann/Cooper of the defendant

Wolfe's arrest. The defendant Hermann/Cooper then informed the defendant Weigand that at 2:30 p.m. Wolfe had been arrested by the FBI, that he had been arraigned, and released on his own recognizance pending a preliminary hearing. As a condition of his release, the defendant Wolfe was to submit handwriting exemplars to the FBI. (Government Exhibit No. 117.) *[Government Exhibit No. 117 was seized by Special Agent Brunson from the area immediately outside the main office of the defendant Raymond at the Cedars Complex. It was inventoried and initialed by Special Agent Napier.]*

The defendant Hermann/Cooper told the defendant Weigand that all covert activities in the District of Columbia had been ordered "shut down", that "sensitive material" had been moved to another office, and that "Kelly" (another covert name for the defendant Wolfe) "has been briefed to carry out his part". He also told the defendant Weigand that all data on "Jeff" (Mr. Meisner's alias at the time) had been taken out of the organization. *[Located above some of the more incriminating words on Government Exhibit No. 117 are the coded words which were to be substituted later. These words are identical to those in code ISIS (Government Exhibit No. 188). Mr Meisner recognizes the initials next to the title "DG Info US" as having been written by the defendant Weigand, and the signature on that document as that of the defendant Hermann/Cooper.]*

On July 1, the defendant Weigand wrote a letter to Deputy Guardian for Information World-Wide Mo Budlong informing him of the arrest of the defendant Wolfe and the information brought to his attention the previous day by the defendant Hermann/Cooper. (Government Exhibit No. 118.)

Government Exhibit No. 118 is also in code. Special Agent Eberhardt of the Cryptanalysis Section of the FBI Laboratory, decoded that document using code ISIS (Government Exhibit No. 188). See Government Exhibit No. 216 for the decoded version of the instant document. That document was seized by Special Agent Brunson from the area outside the defendant Raymond's office at the Cedars Complex. Handwriting expert James Miller concludes that it is "probable" that the defendant Weigand signed this letter. Moreover, Mr. Meisner identifies that signature as having been written by the defendant Weigand. The initials "DW:jf" are those of the defendant Weigand and his secretary Janet Finn.

In a letter dated July 1, 1976, and entitled "Re: Mike and the FSM", the defendant Mary Sue Hubbard stated to the defendant Weigand that "[from an investigative point of view it was really too easy for the opposition. All they had to do was to

trace the common entry [sic] points of the log back for both Mike and the FSM [Wolfe] until they arrived at the point where the FSM used his correct ID card.” She urged the defendant Weigand to keep her informed of what has happened to the FSM, the defendant Wolfe. (Government Exhibit No. 119 at p. 2.) Handwriting expert James Miller is “positive” that the signature on that document was written by the defendant Mary Sue Hubbard. *[Government Exhibit No. 119. was seized by Special Agent Brunson from the area outside the defendant Raymond’s office at the Cedars Complex.]*

The defendant Weigand responded to the defendant Hubbard’s inquiry in two separate letters, both dated July 2, 1976. He informed her that the defendant Wolfe (Silver) was about to submit his resignation to the IRS to avoid being suspended. He also wrote that the prosecutor in the case had been told that Wolfe had obtained his identification card as part of “[a] lark gone sour”. He added that an additional \$800 would be needed to “cover the balance of the retainer” of Wolfe’s attorney. (Government Exhibit No. 119 at P. 3-4.) He also stated that the defendant Wolfe was “instructed . . . [to] go nowhere near the org [Church of Scientology] and . . . have no personal contact with the case officer [Kimmel] either.”

He concluded that it was still possible that the defendant Wolfe would be “given minimal punishment” and that the matter would terminate without any connection to the Church of Scientology. (Government Exhibit No. 119 at p. 1.)

Handwriting expert James Miller concludes that it is “probable” that the defendant Weigand wrote the signature “Dick” on pages one and four of the document, and that the initial next to the title “DG US” on the first letter was written by the defendant Heldt. Mr. Meisner recognizes both signatures as having been written by the defendant Weigand, and the initial in question as having been written by the defendant Heldt.

In the other letter of 2 July 1976 regarding “Silver”, the defendant Weigand updated for Mr. Budlong the information regarding the defendant Wolfe’s arrest. (Government Exhibit No. 120.) That coded letter was decoded by a cryptanalyst, Special Agent Arthur Eberhardt. (Government Exhibit No. 213.) In the letter, the defendant Weigand reiterated the information which he had given on that same date to the defendant Hubbard.

[See Government Exhibit No. 119 at pp. 1, 3-4. A copy of Government Exhibit No. 120 was sent to CSG Assistant for Information Jimmy Mulligan who, on July 6,

1976, requested the defendant Weigand to provide him with translations of the Code. The defendant Weigand responded in a letter dated July 13, 1976. See Government Exhibit No. 122. Government Exhibits Nos. 119, 120, and 122 were seized by Special Agent Brunson from the area outside the defendant Raymond's office at the Cedars Complex. Mr. Meisner identifies the signature "Jimmy" On the 6 July letter as having been written by Mr. Mulligan.]

On July 2, 1976, the defendant Hermann/Cooper inquired of the defendant Weigand whether the defendant Hubbard in her letter of July 1, 1976 "is looking toward Silver [Wolfe] denying the use of the false ID card and then it not being able to be proven that he had actually used one." (Government Exhibit No. 121.) *[Government Exhibit No. 121 was seized by Special Agent Brunson from the office of the defendant Raymond at the Cedars Complex. Mr. Meisner identifies the signature on the July 2 letter as having been written by the defendant Hermann/Cooper.]*

The defendant Hermann/Cooper recommended that "we go ahead with the worked out cover story".

C. The United States Case Against the Defendant Gerald Bennett Wolfe is Referred to the Grand Jury, and an Arrest Warrant is Issued for Michael Meisner.

On July 28, 1976, the defendant Wolfe appeared with his attorney, Lawrence Speiser, Esquire, before United States Magistrate Henry H. Kennedy, Jr. for a preliminary hearing. Following that hearing, United States Magistrate Kennedy found that probable cause existed, and ordered the case "bound over for the action of the Grand Jury". A few days later, on August 5, 1976, Magistrate Kennedy issued a sealed warrant for the arrest of Michael Meisner for the use of a forged official pass of the United States, in violation of 18 U.S. Code, Section 499. (U.S. Mag. No. 1101-76M(Cr)). In mid- August, CSG Assistant for Information Jimmy Mulligan informed Mr. Meisner that the defendant Thomas had overheard a conversation in Mr. Paul Figley's office at the Department of Justice in which it was stated that a sealed arrest warrant had been issued in the District of Columbia.

On August 30¹ FBI Special Agents Joseph Jackson and John Pavlansky went to the offices of the Church of Scientology at 2125 S Street, N.W., in Washington, D.C., to attempt to locate Mr. Meisner. They were met there by Assistant Guardian for Legal Bureau Kendrick "Rick" Moxon.

They explained to Mr. Moxon that they were acting on behalf of the Office of the United States Attorney for the District of Columbia and were attempting to locate Mr. Meisner because an arrest warrant had been issued for him on August 5, 1976, charging him with forgery of United States Government identification cards. They told Mr. Moxon that they wanted to inform him and all others concerned of Mr. Meisner's status so that they could notify him and help him "avoid putting himself in a fugitive status". They warned Mr. Moxon that anyone who aided Mr. Meisner in remaining a fugitive "would be guilty of a criminal act under the harboring of criminals statute."

Mr. Moxon informed the agents that he did not know where Mr. Meisner was. Mr. Moxon immediately notified his superior, Mary Rezzonico, the Deputy Guardian for the Legal Bureau in the United States, and appended to that letter the harboring of fugitives statute, emphasizing that it provided for a penalty of 15 year sentence and \$2,000 maximum fine" (Government Exhibit No. 123.) [*Government Exhibit No. 123 was seized by Special Agent Brunson from a file cabinet in Room 10 at the Cedars Complex. Mr. Meisner identifies the signature on that exhibit as that of Mr. Moxon with whom he had worked closely for two years. He also recognizes the initials of the defendant Weigand in the routing portion of the letter.*]

D. The Guardian's Office Harbors and Conceals Fugitive From Justice Michael Meisner

On August 30, 1976, the same day that he received notification that an arrest warrant had been issued for Mr. Meisner, the defendant Weigand notified the defendant Mary Sue Hubbard that he has "Just received word that Mike [Meisner] had a warrant out for his arrest." He added that "[the plan at this time is to hide Mike out. It appears that the safest place to do this is in Europe somewhere." (Government Exhibit No. 124.) [*Government Exhibit No. 124 was seized by Special Agent Brunson from a file cabinet in Room 10 in the Information Bureau at the Cedars Complex.*]

The defendant Weigand added:
My actions are as follows:

1. Immediately remove M [Meisner] from all GO connected spaces and get him into a motel.
2. Further alter his appearance.

3. Get with legal for legal opinion to include what the statute [sic] of limitations is on this offence.
4. Work out how to obtain M the necessary papers to get him out of the country.
5. Obtain the papers.
6. Get him out of the country.

The defendant Mary Sue Hubbard responded to the defendant Weigand's letter as follows:

Wonder how they got a lead onto him?

On getting him abroad, unless you have good ID for him different than his own, it might be dangerous. *He would better be "lost" in some large city where it would be difficult [sic] to find him.*

What a shame. (Emphasis added.)

(Government Exhibit No. 124 at p. 2.) On September 2, the defendant Weigand responded to the defendant Hubbard's inquiry that he did not know how the FBI had connected "John M. Foster" to Michael Meisner. He suggested, however, that they might have been able to locate his former apartment house and have his photograph identified by a tenant. *[Handwriting expert James Miller concludes that it is "probable" that the signature "Dick" was written by the defendant Weigand, and that the initials next to the title "DG US" on the August 30 and September 2 letters were written by the defendant Heldt. Mr. Meisner recognizes the signature of the defendant Weigand and the initial of the defendant Heldt.]*

On the evening of August 30, the defendant Weigand contacted Mr. Meisner and requested him to come to his office, which had since been moved to a warehouse in Glendale, California. In the presence of the defendant Hermann and Assistant Guardian for Information in Clearwater, Florida, Joe Lisa, he informed Mr. Meisner of the outstanding warrant for his arrest, and instructed him to sever all outward connections to the Guardian's Office. He told him that the defendant Hermann would assist him in moving out of the Weigand residence into a motel. He also removed him from the position of National Secretary for the United States. Mr. Meisner was given funds for the motel.

With the defendant Hermann's assistance, Mr. Meisner moved to the RegaLodge on 200 West Colorado Boulevard, in Glendale, where he registered as "Jeff Burns". On September 1, Mr. Meisner moved to the Bon Air Motel at 1727 North Western Avenue in Los Angeles, where he stayed until September 8. He registered there as "Jeff Marks." During that time, the defendant Hermann/Cooper ordered Mr. Meisner to change his appearance. (Government Exhibit No. 125.)

[Government Exhibit No. 125 was seized by Special Agent Brunson from a file cabinet outside the office of the defendant Raymond in Room 15 at the Cedars Complex. Mr. Meisner was ordered to change his appearance so as to create "the image of an aging guy wanting to look hip as a means of regaining his youth a bit," to wear a "mod wardrobe," to shave his head, to wear contact lenses, to have a tooth capped, to lose or gain some weight, and to wear earth shoes to change his posture.]

In a letter dated 3 September 1976 the defendant Weigand notified the defendant Hermann/Cooper that the defendant Heldt had issued new orders relating to "Jeff Murphy" – Mr. Meisner's alias at the time. (Government Exhibit No. 126.) *[Government Exhibit No. 126 was seized by Special Agent Brunson from a file cabinet outside the defendant Raymond's office at the Cedars Complex.]*

The defendant Weigand suggested that Los Angeles was a better place to hide Mr. Meisner since it was "a huge city and he can get lost here very successfully," while still being close to the Guardian's Office. He directed the defendant Hermann/Cooper to give this matter "top priority and lets [sic] get it done." *[Mr. Meisner identifies the handwritten notations on the lower half of this letter as having been written by the defendant Hermann/Cooper.]*

On September 10, 1976, Mr. Meisner moved to the Westgate Hotel located at 445 South Western Avenue in Los Angeles. At midnight, as a result of new developments in the District of Columbia, Mr. Meisner was moved by the defendants Willardson and Hermann/Cooper to the Wilshire Dunes Motel at 4300 Wilshire Boulevard, also in Los Angeles. He registered at both locations as "Jeff Marks", and stayed at the latter until September 12. Mr. Meisner was then moved by the defendant Hermann-Cooper to the Travelodge at 7370 Sunset Boulevard for one night. On September 13 and 14, he stayed at the Sunset 8 Motel at 6516 Sunset Boulevard. Then, on September 15, he registered at the Burbank Hotel located in Burbank, California, where he remained until early October. Mr. Meisner paid for

all of these hotels with Guardian's Office funds supplied to him by the defendant Hermann/Cooper who was his immediate contact.

In a September 18, 1976 letter, the defendant Mary Sue Hubbard informed the defendant Weigand that she had "at last gotten a copy of the warrant" for the arrest of Mr. Meisner. She concluded that there was "the need to establish an alibi for MM", The defendant Weigand responded to the defendant Hubbard's letter on 22 September 1976 in which he expressed his belief that her plan would "encounter difficulties" in view of the fact that the FBI had the defendant Wolfe's and Mr. Meisner's handwriting on the log books of the Courthouse. He stated his opinion that establishing an alibi as she had suggested, would "come down to our word(s) against 2 FBI agents, cleaners and guards, plus handwriting experts, ear experts and possibly fingerprint experts." He concluded that there were two options open:

1. Turn Mike in at the most opportune time (when we can get some better prediction of what will be done with him and us, which as you wrote should follow the handling of Silver.)

2. Not turn him over. Which means he hides or runs for 5 years at least (that being the statute of limitations.). *[The defendant Weigand's perception in this regard was, of course, erroneous.]*

"The worst," he stated "from my viewpoint is that M would get 5 years in jail and a \$2000 fine that being the maximum for the action. Also, there would be attempts to get him to turn or otherwise implicate us or others in various wrong doings." He added that "[i]f the investigation continues I expect that more data will be turned up linking us with M's and others [sic] actions." He asked the defendant Hubbard to send him her views. (Government Exhibit No. 127.) *[Government Exhibit No. 127 was seized by Special Agent Brunson from a file cabinet outside the defendant Raymond's office at the Cedars Complex. Mr. Meisner identifies the initials next to the words "Info" and "Return" as having been written by the defendant Heldt.]*

The defendant Hermann/Cooper and Mr. Meisner met for some two hours on September 20, 1976. Mr Meisner told the defendant Hermann/Cooper that he was absolutely opposed to leaving the country. (See also Government Exhibit No. 128.) *[Government Exhibit No. 128 was seized by Special Agent Brunson from a file cabinet located outside the defendant Raymond's office at the Cedars Complex. Mr. Meisner identifies the handwriting around the caption of the September 21, 1976 letter, from the defendant Hermann/Cooper to the defendant Weigand, as that of the defendant Hermann/Cooper.]*

The defendant Hermann/Cooper advised Mr. Meisner that, pursuant to a Guardian's Office directive, a San Diego police lieutenant had made an inquiry through the National Crime Information Center (NCIC) computer to determine the specifics regarding the arrest warrant which had been issued for Mr. Meisner on August 5. The defendant Hermann/Cooper stated that the NCIC check revealed that the Meisner warrant was for the forgery of government identification cards. He told Mr. Meisner that the FBI had contacted the police lieutenant to find out why he had made that inquiry.

San Diego police lieutenant Warren Young, a member of the Church of Scientology, told the FBI that he had made the NCIC check because he had arrested Mr. Meisner for a pedestrian violation the previous day in San Diego. In fact, Mr. Meisner had never been to San Diego. In a handwritten letter dated 16 September 1976, the defendant Duke Snider stated to the defendant Weigand that "[i]t looks as though AG SD [Assistant Guardian for San Diego] has set C of S [Church of Scientology] up to be accused of conspiring with this policeman to violate the law." He directed the defendant Weigand to take the necessary steps to handle the matter. (Government Exhibit No. 129A.)

On the same day, the defendant Weigand responded to the defendant Snider that, while he did not know whether the policeman was "cool", he knew that the police officer was a lieutenant who "is on SCN (Scientology) lines". He observed that they "have laid a nice false lead for the FBI which cant [sic] help but help us while dispersing their investigation. This according to reliable sources is one thing that can draw an investigation to a quik [sic] close." (Government Exhibit No. The defendant Snider, in a handwritten notation thanked the defendant Weigand and stated that he was "glad to see it is under control".

See also Government Exhibit No. 129. Handwriting expert James Miller is "positive" that all of the handwriting on the Snider letter marked Government Exhibit No. 129A is in the handwriting of the defendant Snider. He is "positive" that the handwritten notation signed "Duke" on Government Exhibit No. 129B is in defendant Snider's handwriting. He also concludes that the handwritten notation signed "Love Cindy", as well as the initials and date next to the "natl sec" entry on Government Exhibit No. 129, are positively in the handwriting of the defendant Raymond. Government Exhibit No. 129 was also seized by Special Agent Brunson from a file cabinet outside the defendant Raymond's office at the Cedars Complex. In fact, Special Agent Christine Hansen requested the FBI Field Office in San Diego, California, to question police lieutenant Warren Young, and follow

the lead, given by him, that Mr. Meisner was in that city. This false lead diverted the resources of the FBI in the instant investigation to yet another city.

On September 28, 1976, Deputy Guardian for Information World-Wide Mo Budlong, in a letter to the defendant Weigand "Re: Murphy [Meisner]", stated:
The answer for this gentleman is to have him depart for some whereabouts wherein he can obtain documents concerning his ability to drive but does not have to give details of his life history, if you know what I mean, to obtain the documents.

Then he should find some out of the way large city where he can rent himself a quiet place to do research or some such for an article or a book or whatever.

He can then live and work there for some time undisturbed.

Once Silver has completed his cycle we will have some idea of which way things are moving and we will be able to ascertain Murphy's next move, but for the time being he should keep himself fairly exclusive.

Silver should admit what he did but let his representative do his talking for him and should not volunteer any further information.

To achieve this of course Silver and his representative will have to push for the big event to occur as soon as possible.

Once the Silver event is over we can reassess the whole cycle in light of the data that comes up, which you will have to work out some way of reporting to me.

If any of the above is not clear, please ask immediately as I don't want any confusions on what has to be done_. (Emphasis added.)

(See Government Exhibit No. 131.) [Government Exhibit No. 131 was seized by Special Agent Henry L. Williams from the desk of the defendant Cindy Raymond at the Cedars Complex. It was inventoried and initialed by Special Agent Raymond Mislock.]

E. The Guardian's Office Gives the FBI and the Grand Jury False Handwriting Exemplars.

In late September 1976, FBI Special Agent Hansen requested the Church of Scientology in Washington, D.C., to supply the government investigators with exemplars of Mr. Meisner's handwriting. In Los Angeles, California, the defendant Raymond met with Mr. Meisner to discuss what should be given to the FBI. She informed Mr. Meisner that it had been decided to give false exemplars to the FBI.

In a letter dated September 30, 1976, to the defendant Weigand, the defendant Mary Sue Hubbard stated that she was aware that the FBI had requested Meisner handwriting exemplars and that those would be compared to the log books of the buildings which Mr. Meisner had entered. She, thus, requested the defendant Weigand to furnish her with a list of all the buildings which Mr. Meisner had illegally entered. The defendant Hubbard stated in that letter that she was, as of that date, fully aware of the existence of an arrest warrant for Mr. Meisner. (Government Exhibit No. 132.) [*Government Exhibit No. 132 was seized by Special Agent Raymond Mislock from a file cabinet located in Room 30 of the Information Bureau at the Cedars Complex.*]

In order to respond to the defendant Hubbard's inquiry the defendant Raymond met with Mr. Meisner to obtain from him a list of all the buildings he had illegally entered in the District of Columbia and the details of those entries. She then relayed that information to the defendant Weigand who responded to the defendant Hubbard's request in a late October 1976 letter. (Government Exhibit No. 132 at page 1.) In that letter, the defendant Weigand informed the defendant Hubbard that the buildings illegally entered by Mr. Meisner included the Department of Justice, the Internal Revenue Service, the Office of International Operations, as well as a number of other private and Government buildings.

The other buildings listed in that letter include the Post Office, the Labor Department's National Office, the Federal Trade Commission, the Department of the Treasury, the U.S. Customs Building, the Drug Enforcement Administration, the American Medical Association's law firm offices in Washington D.C., and the offices of the law firm representing the St. Petersburg Times, also in Washington, D.C. Handwriting expert James Miller concludes that it is "highly probable" that the signature "Dick" at the end of the October 8 letter was written by the defendant Weigand. Mr. Meisner, himself, recognizes that signature as in the handwriting of defendant Weigand, and explains that the initials "DW/jf" to the left of the signature are those of the defendant Weigand and his communicator (secretary) Janet Finn.

The defendant Weigand pointed out to the defendant Hubbard that he was in the process of “working out a full cover that would cover the log book sign-ins along the lines of they were done to reveal the insecurity within the government for a series of articles that M [Meisner] would be writing as exposes.”

For another series of letters to the defendant Mary Sue Hubbard discussing the District of Columbia incident and the Wolfe/Meisner situation, see Government Exhibit No. 130, which includes a “CSW” from Mr. Meisner to the defendant Hubbard as well as memoranda from the defendant Hermann/Cooper to the defendant Hubbard. Mr. Meisner states that the defendant Hermann/Cooper’s handwriting appear in the following locations: the word “secret” at the top of page one, and the signature on the last page. Government Exhibit No. 130 was seized by Special Agent Brunson from a file cabinet outside the defendant Raymond’s offices.

On October 8, 1976, FBI Special Agent Hansen served upon Assistant Guardian for the Legal Bureau in Washington, D.C. Kendrick “Rick” Moxon a Grand Jury subpoena for all original known handwriting exemplars of Michael Meisner and the employment application and personnel records of Mr. Meisner in the possession of the Church of Scientology. That subpoena was returnable on October 14, 1976. Assistant Guardian for Information in the District of Columbia Richard Kimmel immediately notified the defendant Hermann/Cooper of the service of that subpoena. The defendant Hermann/Cooper then notified the defendants Heldt and Weigand in an October 9, 1976 memorandum. (Government Exhibits Nos. 133 and 134 at p. 1.) *[Government Exhibits Nos. 133 and 134 were seized by Special Agent Brunson from a file cabinet in room 10 at the Cedars Complex.]*

In that same memorandum, the defendant Hermann/ Cooper requested approval from the defendants Heldt and Weigand for a mission by Randy Windment, the real name of Bruce Raymond, the National Operations Officer for the Information Bureau in the United States. Mr. Windment/Raymond was to go to the District of Columbia to check the security of the Guardian’s Office and the covert operatives who were still functioning—namely the defendant Sharon Thomas (also known as “Judy”) and Ms. Nancy Douglass (also known as “Pitts”). Both the defendants Weigand and Heldt signed their approval of that mission. (See Government Exhibit No. 134.)

Handwriting expert James Miller concludes that it is “probable” that the handwritten initials next to the words “mission approved” on page one of

Government Exhibit No. 134 were written by the defendants Heldt and Weigand. Similarly, Mr. Miller finds it “probable” that the initials and date next to the title “DG Info US” on page one are in the hand- writing of the defendant Weigand, and the initial next to item 2 (vital targets) on page two is probably in the handwriting of the defendant Heldt. Mr. Meisner identifies those initials as in the handwriting of the defendants Weigand and Heldt respectively, as he does all of the handwriting on page three as that of the defendant Hermann/Cooper. Mr. Meisner also identifies the signature “Mike” at page one of Government Exhibit No. 134 and the handwriting on pages three and five of Government Exhibit No. 133 as that of the defendant Hermann/Cooper.

On October 14, 1976, District of Columbia Assistant Guardian for the Legal Bureau Kendrick “Rick” Moxon, submitted an affidavit with nine pages of handwritten material. In the affidavit, he stated that he was unable to locate a personnel file for Mr. Meisner, and that the nine pages of appended handwriting were those of Mr. Meisner. However, as the defendant Raymond stated to Mr. Meisner in a meeting in late September 1976, Mr. Moxon had been directed to supply the government with fake handwriting samples in lieu of Mr. Meisner’s true handwriting exemplars.

F. The Guardian’s Office Refines its Cover-Up Plans

In early October 1976, the defendant Raymond decided that it would be best for Mr. Meisner to move from his motel to an apartment, thereby reducing the expenses of the Guardian’s Office. Paul Poulon, the Collections Officer for the Information Bureau, rented an apartment for Mr. Meisner at 444 South Burlington Street in Los Angeles, California, to which Mr. Meisner moved on October 6. Mr. Meisner, at that time, was spending most of his days at local libraries doing research on the security of government buildings, in order to support one of the cover-up stories, *viz.*, that he had entered various government buildings to do an expose on the lack of security.

The defendant Raymond and Mr. Meisner met approximately twice a week to discuss the ongoing cover-up. Mr. Meisner requested of the defendant Raymond that she set up a meeting between him and the defendant Snider as soon as possible. Mr. Meisner had been anxious to communicate his views regarding the cover-up in the current District of Columbia situation with someone in a position of higher authority. He thus selected the defendant Snider because of his high position in the Guardian’s office as well as the fact that he had known him for a

long time. Indeed, the defendant Snider had recruited Mr. Meisner for the Information Bureau of the Guardian's office. On October 28, the defendant Snider and Establishment Officer Peeter Alvet met with Mr. Meisner at the Burlington Street apartment. Mr. Meisner told the defendant Snider that he was concerned about the length of time that the cover-up operation was taking.

The defendant Snider cautioned Mr. Meisner that "we didn't want him doing something too fast as we wanted to see what happened with Silver [Wolfe] first, the threat of a Grand Jury." Government Exhibit No. 137, is a letter dated 4 November 1976 in which the defendant Snider wrote the defendant Heldt of the outcome of his meeting with Mr. Meisner. [*Government Exhibit No. 137 was seized by Special Agent Brunson from a file cabinet located outside the office of the defendant Raymond.*]

In it, the defendant Snider stated that Mr. Meisner "seemed to finally realize . . . that his actions would ultimately seriously effect [sic] the church . . ." Mr. Meisner had expressed concern for his wife and his parents as well as for the fact that he was being kept almost totally uninformed of Guardian's Office actions on the ongoing cover-up. The defendant Snider' assured Mr. Meisner that he would be briefed on all decisions taken by the Guardian's Office and that his views would henceforth be considered. He assured Mr. Meisner that the defendant Mary Sue Hubbard was concerned about the situation and was fully aware of it, and that anything Mr. Meisner wanted to express to the defendant Hubbard would be sent directly to her.

At the conclusion of the meeting, the defendant Snider asked Mr. Meisner to continue doing work for the Information Bureau. In his letter to the defendant Heldt reporting on that meeting (Government Exhibit No. 137), the defendant Snider concluded that Mr. Meisner "*is not a traitor and will cooperate*" with the Guardian's Office. (Emphasis added.)

Three days later, in a letter to defendant Weigand the defendant Hubbard added yet another dimension to the cover-up plan. She suggested that the following scenario be considered: Mr. Meisner (whom she refers to by the letter "H" for the code name Herbert which Mr. Meisner had assumed since going underground after the issuance of his arrest warrant) was having marital trouble and was jealous that his wife was being more productive than he. Therefore, he took it upon himself to organize the burglaries of government buildings and thefts of documents from those buildings to prove that he too could produce for the Guardian's Office. She

instructed the defendant Weigand that “[i]f this seems workable” then Mr. Meisner should be ordered to work on the details of this aspect of that plan. (Government Exhibit No. 135.) *[Government Exhibit No. 135 was seized by Special Agent Brunson from a file cabinet in Room 10 in the Information Bureau at the Cedars Complex. Mr. Meisner identifies the handprinting on that letter above the typewritten words as being in the handwriting of the defendant Raymond. He further recognizes the initial next to the title “DG US” as having been written by the defendant Heldt.]*

In response to an order that he received from his “senior”, the defendant Heldt directed the defendant Willardson to contact the defendant Wolfe and instruct him to “push his lawyer to get the scene handled.” (Government Exhibit No. 136.) *[Government Exhibit No. 136 was seized by Special Agent John C. Kammerman from Room 15 in the Information Bureau at the Cedars Complex. It was inventoried and initialed by Special Agent Michael Ray Napier.]*

On November 5, pursuant to the decision made during his meeting with the defendant Snider, Mr. Meisner was moved by Mr. Paul Poulon to a new apartment located at 840 South Serrano Street in Los Angeles, California. Mr. Meisner rented that apartment in the name of “Jeff Marks” with funds provided him by Mr. Poulon. Mr. Meisner resided at that location until the end of April 1977.

On November 26, Mr. Meisner wrote a lengthy letter to the defendant Mary Sue Hubbard explaining to her the extent of his predicament. (Government Exhibit No. 138.) *[Government Exhibit No. 138 was seized by Special Agent Kammerman from a file cabinet in Room 15 in the Information Bureau at the Cedars Complex. It was initialed by Special Agent Napier.]*

In that letter, he expanded upon the various aspects which she had proposed in her October 31 letter to the defendant Weigand (Government Exhibit No. 135). Mr. Meisner told the defendant Hubbard, that regardless of what cover story was eventually used to handle the ever expanding Federal investigations in the District of Columbia, it would be necessary to explain where he had been living since June 11 when he was confronted by the FBI in the United States Courthouse. He explained that, in any event, the FBI would want to know how Mr. Meisner was able to support himself during all the time that he was in hiding. Thus, Mr. Meisner told the defendant Hubbard that he and the defendant Raymond had already worked out a plan, whereby Mr. Meisner would tell the FBI that he had been living with a friend in Canada.

Mr. Meisner wrote that Canada was selected because the FBI had no authority to conduct investigations there. However, he also stated that a cover would have to be created in Canada. He concluded in a postscript that “in my opinion, no matter what story we use, the longer we wait to implement it, the less believable it will be and the more that the government will be inclined to believe that the Church is behind it.” On November 30, the defendant Mitchell Hermann (a/k/a Mike Cooper) wrote a briefing memorandum outlining step-by-step the activities in which the defendant Wolfe (Silver) and Mr. Meisner (Herbert/MM) had been involved in the District of Columbia, and the cover story which had been prepared since their encounter with the FBI.

The defendant Hermann/Cooper explained that the defendant Wolfe and Mr. Meisner had been involved, from 1974 through June 1976, in the burglaries of Government offices and thefts of Government documents in Washington, D.C. In the spring to summer of 1976, they had directed their attention to the office of Assistant United States Attorney Nathan Dodell in the United States Courthouse in Washington, D.C. It was there, on June 11, 1976, that they were confronted by the FBI. The defendant Hermann/Cooper stated that on June 12, Mr. Meisner had come to Los Angeles, where over the next few days a cover-up story and plan was prepared to contain and terminate the FBI investigation. On June 30, the defendant Wolfe was arrested by the FBI and subsequently gave the previously prepared cover-up story to the FBI and the Office of the United States Attorney for the District of Columbia. Then, on July 28, the defendant Wolfe’s case was referred to a grand jury for investigation. On August 5, he pointed out, a sealed warrant had been issued for Mr. Meisner. He concluded that “an overall cover story for MM and Silver is being put together by Natl Sec to submit uplines for final approval.” That briefing memorandum was sent on December 1, 1976, to the Deputy Guardian for Information World-Wide, via the defendants Heldt and Weigand, with a copy to the defendant Raymond. (Government Exhibit No. 139.)

Government Exhibit No. 139 was seized by Special Agent Kammerman from a file cabinet in Room 15 in the Information Bureau at the Cedars Complex. It was initialed by Special Agent Napier. At that time, the defendant Raymond held the position of National Secretary for the Information Bureau in the United States. Mr. Meisner identifies the handwritten word “Secret” at the top of page one as having been written by the defendant Hermann/Cooper. During this time Mr. Meisner was undergoing regular auditing pursuant to the directive of the defendant Heldt. See Government Exhibit No. 140.

Handwriting expert James Miller concludes as follows: “positive” that the word “handroute” at the top of page one and the notation “cc: DDGUS” in the routing portion also on page one were in the handwriting of the defendant Raymond; “positive” that the handwritten notation in the upper right-hand portion of page two, the 28 November 1976 letter from the defendant Heldt, as well as the signature on that page were written by the defendants Raymond and Heldt respectively; “positive” that the notation to “Cindy” in the upper part of page three was written by the defendant Heldt; “positive” that the notation “(enemy formula)” at the bottom of page six was written by the defendant Raymond; “positive” that the notation “CR: note no folders” two-thirds down on the eleventh page was written by the defendant Raymond; “positive” that the notations in the left margin were written by the defendant Raymond; “positive” that the handwritten routing on the reverse of page seventeen and the notation at the top of page eighteen were written by the defendant Raymond. Government Exhibit No. 140 was seized by Special Agent Brunson from a file cabinet in Room 10 of the Cedars Complex.

The defendant Raymond sent to the defendant Weigand the cover-up plan and story intended to stall the FBI investigation in the District of Columbia (Government Exhibit No. 141 at p. 2 et seq.) *Government Exhibit No. 141 was seized by Special Agent Brunson from a file cabinet outside Room 15 at the Information Bureau at the Cedars Complex. It was inventoried and initialed by Special Agent Napier.*

She stated that once the defendant Wolfe’s District of Columbia case was resolved, Mr. Meisner (Herbert) would be surrendered by the Church of Scientology and would give the agreed-upon cover-up story which she outlined. That story conformed to the one prepared and approved by the defendants Heldt, Snider, Weigand, and Willardson in mid-June, and given to the defendant Wolfe. Appended to her letter was a project for the containment of the investigation which was being conducted by the FBI and United States Attorney’s Office in the District of Columbia. The defendant Weigand simultaneously informed the defendant Mary Sue Hubbard that the cover-up plan had been completed.

He explained that:
As I see things now:

1. We turn Herbert in.

2. He says he did it via an attorney who should check the accuracy of the charge(s).
3. He says nothing more than guilty.
4. We establish lines as possible to see if the govt continues its investigation of us and if so we hit them with a full scale attack using BI, PR and Legal.
5. We get the Herbert case supervised closely by Legal and see that he gets the best treatment possible.

And that does it. The key thing being Herbert [Meisner] does not have to get into any cover with the Government The only complication I can see is that they might try to hit Herb for flight to avoid which needs to be worked out with Legal so that the handling is effective.

(Government Exhibit No. 141.) The defendant Weigand sent the same information to Deputy Guardian for Information World-Wide Mo Budlong. (Government Exhibit No. 142.)

Handwriting expert James Miller concludes that it is “highly probable” that the writing “Love, Dick” at the end of that letter is that of the defendant Weigand. Government Exhibit No. 142 was seized by Special Agent Brunson from a file cabinet outside Room 15 in the Cedars Complex. It was inventoried and initialed by Special Agent Napier.

G. The Federal Grand Jury Investigation in the District of Columbia Continues

On December 15, 1976, the Grand Jury investigation continued before a new Grand Jury of the United States District Court for the District of Columbia with the appearance of Special Agent Christine Hansen. *[As mentioned supra, at page 212, a previous Grand Jury of that Court had, in October, issued a subpoena directing the Church of Scientology to surrender the personnel records and exemplars of Michael Meisner’s known handwriting. See also Government Exhibit No. 214 for the Grand Jury docket entry reflecting Agent Hansen’s appearance.]*

In a briefing paper dated January 7, 1977, the defendant Hermann/Cooper informed the defendant Heldt that the Commodore Staff Guardian, defendant Mary

Sue Hubbard, had “approved” a plan identical to the one previously laid out by the defendant Raymond on December 10, 1976. (Government Exhibit No. 143.)

See page five of Government Exhibit No. 143 and compare to Government Exhibit No. 141 at page 2 et seq. Handwriting expert James Miller concludes that it is “highly probable” that the signature “Love, Mike” at page four was written by the defendant Hermann/Cooper. Mr. Meisner identifies that signature, as well as the one on page six, and the handwriting in the routing portion of page one as having been written by the defendant Hermann/Cooper. A copy of Government Exhibit No. 143 was sent to the “CSG”, defendant Mary Sue Hubbard, and to the defendant Raymond. Government Exhibit No. 143 was seized by Special Agent Kammerman in a file cabinet in Room 15 of the Cedars Complex. It was inventoried and initialed by Special Agent Napier.

In that briefing paper the defendant Hermann/Cooper outlined for the defendant Heldt the following events: the arrest of the defendant Wolfe; the investigation which was being conducted by the FBI and the United States Attorney’s Office; the cover-up story given by the defendant Wolfe; Principal Assistant United States Attorney Carl S. Rauh’s statement that he did not believe that story; the assignment of the investigation to Assistant United States Attorney Garey Stark of the Fraud section; the statement by Wolfe’s attorney “*that the case has been prepared to go to the grand jury*” (emphasis added); and the various attempts which were being made by the FBI to locate Mr. Meisner in Washington, D.C.

He suggested that research should be conducted to determine if a “guilty plea would then eliminate the grand jury.” He also stated that the defendant Wolfe had been directed not to give any further information beyond the cover-up story prepared for him by the Guardian’s Office. (See Government Exhibit No. 143 at P. 5.)

On January 23, 1977, the defendant Hermann/Cooper notified the defendants Heldt and Weigand that the defendant Wolfe had a scheduled meeting with the United States Attorney’s Office in Washington, D.C. He suggested that that meeting be used to present “further cover story to them as a possible means of forstalling [sic] a possible grand jury.” He added, however, that the “furthr [sic] cover story needs to be elaborated.” Thus, he appended to his “CSW” the original story with the additions that were prepared to “dovetail” with it. (Government Exhibit No. 144.)

[Handwriting expert James Miller has reached the following conclusions: “positive” that the notation “Cindy’s copy” on page one, the entire fourteen-line

handwritten notation on page two, and the notations in the right-hand margins of pages three, four and seven, are all in the handwriting of the defendant Raymond. Mr. Meisner also identifies the notation in the left-hand margin of page one as having been written by the defendant Raymond, and the notation in the upper portion of page 5 as having been written by the defendant Hermann/Cooper. Government Exhibit No. 144 was seized by Special Agent Kammerman from a file cabinet in Room 15 in the Information Bureau in the Cedars Complex. It was inventoried and initialed by Special Agent Napier.]

In handwritten notations throughout the document, the defendant Raymond opposed some of the changes in the cover-up story proposed by the defendant Hermann/Cooper. In an appended report beginning at page five of Government Exhibit No. 144, the defendant Hermann/Cooper outlined the final proposed cover-up story which in fact was given by the defendant Wolfe to the United States Attorney's Office, the FBI, and later to the United States Grand Jury for the District of Columbia. He included in that report the names of restaurants and bars which had earlier been left unnamed.

One week later the defendant Hermann/Cooper reminded the Deputy Guardian for Legal Affairs in the United States Mary Rezzonico that "it is still planned to get Silver [Wolfe] out here for briefing prior to the meeting" which Wolfe had scheduled with the United States Attorney's Office. He expressed the defendant Wolfe's concern that the United States Attorney's Office would attempt to strike a deal with him to become a government witness. (Government Exhibit No. 146.)

During the same period the defendant Hermann/Cooper requested Paul Klopper the Legal Branch II Director U.S., to research whether the United States Attorney's Office could still conduct a grand jury investigation if the defendant Wolfe entered a guilty plea. (Government Exhibit No. 145.) Government Exhibit No. 145 was seized by Special Agent Aldrich from a file cabinet in the office of the defendant Willardson at the Cedars Complex. Government Exhibit No. 146 was seized by Special Agent Kammerman from a file cabinet in Room 15 of the Information Bureau at that complex. The latter document was inventoried and initialed by Special Agent Napier. Mr. James Miller, the handwriting analyst, concludes that it is "probable" that the signature "Mike" on Government Exhibit No. 146 was written by the defendant Hermann/Cooper. Mr. Meisner identifies that signature as that of the defendant Hermann/Cooper.

During the months of February and March 1977 the cover-up preparation by the Guardian's Office and Information Bureau slowed considerably due to the failure of the defendant Mitchell Hermann (a/k/a Mike Cooper) to complete the outstanding aspects of the cover-up story, and because of the defendant Wolfe's waiver of the rule requiring an indictment within forty-five days of arrest. *[Rule 4(a)(1) of the Rules of the United States District Court for the District of Columbia provides that indictments are to be returned within forty-five days of any arrest which occurred prior to July 1, 1976.]*

The defendant Raymond and Mr. Meisner continued to elaborate upon various portions of that cover-up story. The defendants Willardson and Raymond assigned Mr. Meisner the task of preparing other covert operations and projects. During this period, Mr. Meisner continued to be audited three times a week. Towards mid-March, however, Mr. Meisner became upset at the lengthy delays and complained to the defendant Raymond, who informed her superiors of Mr. Meisner's dissatisfaction. The defendant Weigand notified Mr. Meisner that the defendant Hermann/Cooper had been removed from the Information Bureau in part for his failure to properly handle the cover-up, and was assigned to the Services Bureau. He was replaced as cover-up coordinator by the defendant Raymond. Simultaneously, Brian Andrus was appointed to replace the defendant Hermann/Cooper Southeast U.S. Secretary.

See Government Exhibit No. 147 at page three where the defendant Raymond indicated that the defendant Hermann/ Cooper "was badly suppressing the lines and giving no or false information, keeping both Legal and BI in a confusion as to exactly what to do." Government Exhibit No. 147 was seized by Special Agent Brunson from a file cabinet outside Room 15 of the Cedars Complex. It was inventoried and initialed by Special Agent Napier.

Soon thereafter, Mr. Andrus also became Mr. Meisner's case officer. On March 27, 1977, the defendant Raymond sent a "CSW" to the defendants Heldt and Weigand emphasizing the need for action in regard to the defendant Wolfe's and Mr. Meisner's situation in Washington, D.C. She pointed out that she had recently been assigned the task of coordinating the cover-up and reminded them that the Commodore Staff Guardian, the defendant Mary Sue Hubbard, and the Guardian's Office World-Wide had ordered the containment of the grand jury investigation. (Government Exhibit No. 147.)*[During the few months prior to March 1977, the defendant Raymond had shown Mr. Meisner much of the correspondence within the Guardian's Office concerning ongoing research for the cover-up. See, e.g.,*

Government Exhibits Nos. 147A and 147B. Handwriting expert James Miller positively identifies the handwriting of the defendant Raymond on the following pages: page one – the notation “A Rush”; page two – the three-line handwritten notation in the middle of the first line; pages four, five and six – the handwritten notations; page nine – the handwriting at the bottom of the page; page thirteen – all writings in both margins; page seventeen – the handwritten notation in the upper portion of the right margin. Mr. Miller also positively identifies the initials and date next to the title “DG I US” in the routing portion of page one as being in the handwriting of the defendant Weigand. Moreover, Mr. Meisner identifies the initials next to the title “DG US” on that same routing as being in the handwriting of the defendant Heldt.

H. The Guardian’s Office Cover-Up Moves Into its Final Phase

In late March, Mr. Meisner wrote to the defendant Heldt requesting him to take a more active role in the handling of the District of Columbia situation because the delays were becoming intolerable. Mr. Meisner stated that he was prepared to return to the District of Columbia and handle the matter himself. Soon thereafter, the defendant Heldt became more active in supervising the execution of the cover-up.

To that end, on April 1, 1977, the defendant Heldt told the defendant Mary Sue Hubbard that Mr. Meisner was concerned about the delays. He told her that he was now taking a more active role in the handling of Mr. Meisner and that he was sending the defendant Weigand to speak to Mr. Meisner “to cool him off”. (Government Exhibit No. 148.) (The appended handwritten letter explains the coding contained in the typewritten one.) *[Government Exhibit No. 148 was seized by Special Agent Brunson from a file cabinet located outside Room 15 in the Information Bureau at the Cedars Complex. It was initialed and inventoried by Special Agent Napier. Handwriting expert James Miller positively identifies the defendant Heldt as the writer of the entire handwritten letter beginning at page six of this exhibit.]*

The defendant Heldt then responded to Mr. Meisner’s earlier letter, stating that he was convinced that both the defendant Wolfe and Mr. Meisner should enter guilty pleas in the District of Columbia. He also told Mr. Meisner that Brian Andrus would keep in constant contact with him and inform him of all new developments and solicit his views on all future matters. Heldt also promised Mr. Meisner that within six weeks the defendant Wolfe would enter his guilty plea and pave the way

for Mr. Meisner's surrender to Federal authorities in Washington, D.C. Mr. Andrus handed that letter to Mr. Meisner.

On April 6, in a letter to the defendant Heldt, Mr. Meisner reviewed the issues which were of concern to him. He complained that "the data I had been given was false, incorrect, misinformed, etc., and I caved in." He expressed relief that the defendant Heldt was now in control of the Situation. (Government Exhibit No. 149.) [*Government Exhibit No. 149 was seized by Special Agent Aldrich from a file cabinet in the defendant Willardson's office in the Cedars Complex.*]

Mr. Meisner also wrote to the defendant Weigand on April 7, 1977, suggesting that, since the defendant Heldt had indicated that Mr. Meisner would shortly be surrendering in Washington, an attorney should be chosen to handle his case. He also recommended that an "FSM" be placed in the appropriate government agency to obtain information regarding anticipated action by federal authorities.

By memorandum dated 12 April 1977, Brian Andrus informed the defendant Weigand that Mr. Meisner (Herb) had inquired about the delay in receiving a response from the defendant Weigand to his letter of 7 April 1977. (Government Exhibit No. 150.) In a handwritten note on that memorandum, the defendant Weigand responded that he had not as yet read Mr. Meisner's letter, and that he wished to receive Andrus' and Raymond's proposals before responding. The handwriting analyst, Mr. James Miller, concludes that it is "probable" that that notation was written by the defendant Weigand. Mr. Meisner identifies that notation, and the initials next to the title "DG I US", as having been written by the defendant Weigand. He also recognizes the signature on the memorandum as that of Mr. Andrus. Government Exhibit No. 150 was seized by Special Agent Henry Williams in the defendant Raymond's desk at the Cedars Complex. It was inventoried and initialed by Special Agent Mislock.

Mr. Andrus and United States Deputy Guardian for Legal Bureau Mary Rezzonico gave the defendant Heldt's letter to Mr. Meisner during a meeting they had at his apartment. At that meeting, Mr. Meisner told Mr. Andrus and Ms. Rezzonico that he did not believe it was necessary to enter a guilty plea. He preferred to return to the District of Columbia, surrender to the authorities, and go to trial putting the government to its burden as required by law. Mr. Meisner felt that in this manner he could challenge FBI Agent Hansen's identification of him as one of the two persons she had confronted in the United States Courthouse in the District of Columbia. (See also Government Exhibit No. 151.) *Government Exhibit No. 151*

was seized by Special Agent Henry Williams from the defendant Raymond's desk at the Cedars Complex. It was inventoried and initialed by Special Agent Mislock.

In a briefing memorandum dated April 15, Mr. Andrus stated that Mr. Meisner had thanked him for being willing to listen to his point of view. Mr. Andrus concluded that Mr. Meisner was now once again in the fold. A few days thereafter, the defendant Wolfe arrived in Los Angeles, California, where he was briefed on various aspects of the cover-up story by Mr. Andrus, Ms. Rezzonico, and Paul Pflueger, a Legal Bureau official. Mr. Andrus informed Mr. Meisner of the defendant Wolfe's presence and of the briefing sessions.

On April 20, 1977, Guardian World-Wide Jane Kember criticized the defendant Heldt for his "sloppy reporting and poor co-ordination" of the Wolfe/Meisner District of Columbia situation. She formulated the following "strategy", whereby the defendant Wolfe would request an immediate meeting with the United States Attorney's Office, admit his guilt stating the cover-up story, waive his right to a Grand Jury indictment plead guilty, and would be "sentenced lightly" as a first offender. Meisner would then surrender and also enter a guilty plea based on the cover-up story, giving "an informal story on where he had been for the last 7 months", and also receive a suspended sentence. If the United States Attorney's Office were to insist on continuing with its Grand Jury investigation, then Wolfe would be directed to "refuse to testify".

Ms. Kember also demanded an explanation for the long delay in resolving the Wolfe case. (Government Exhibit No. 152.) [*Government Exhibit No. 152 was seized by Special Agent William R. Stovall from the defendant Heldt's desk at the Fifield Manor. Mr. Meisner identifies the whole letter as being in the handwriting of Ms. Kember.*]

At the same time, the Commodore Staff Guardian, defendant Mary Sue Hubbard, directed the defendant Heldt to begin creating a Canadian cover to explain Mr. Meisner's fugitive status without connecting Mr. Meisner to the Church of Scientology. The defendant Heldt immediately informed Mr. Andrus of the defendant Hubbard's order and charged him with the task of putting it into effect. (See Government Exhibit No. 153.)

Part IV (I-M) of the Stipulation of Evidence

IV. The Conspiracy to Obstruct Justice, to Obstruct an Investigation, to Harbor a Fugitive and to Make False Declarations Before the Grand Jury

I. The Guardian's Office Restrains and Guards Michael Meisner

On April 27, Mr. Andrus, following a meeting with Mr. Meisner, notified the defendant Weigand that Mr. Meisner was so concerned about the slowness of the Guardian's Offices actions that Mr. Meisner intended on "leaving for either Canada or DC Saturday." (Government Exhibit No. 154.)

Government Exhibit No. 154 was seized by Special Agent William R. Stovall from defendant Heldt's desk at the Fifield Manor. Mr. Meisner identifies the signature on page five as having been written by Mr. Andrus. On April 28, Mr. Andrus spoke to the defendant Wolfe and was informed that it was impossible to withdraw the waiver of the rule requiring an indictment within 45 days of arrest. (Government Exhibit No. 155.) That exhibit was also seized by Special Agent Stovil from the defendant Heldt's desk.

On April 28, Ms. Rezzonico and Mr. Andrus, together with Jim Fiducia, Mr. Meisner's auditor, visited Mr. Meisner at his Serrano Street apartment in order to convince him that it was not in his best interest to leave Los Angeles and return to the District of Columbia on his own. Mr. Meisner, however, was adamant that he would leave by April 30 unless he received assurances that the Wolfe situation in the District of Columbia would be resolved promptly. In a 29 April letter to the defendant Heldt summarizing the April 28 meeting, Ms. Rezonico stated her conclusion, based upon additional conversations with the defendants Raymond and Weigand, that there were reasons for concern about Mr. Meisner's situation. She also stated that she had been notified by the Assistant Guardian for the Legal bureau in the District of Columbia, Kendrick "Rick" Moxon, that the defendant Wolfe's attorney had reported that the United States Attorney's Office "had made 'noises' about the Grand Jury." (Government Exhibit No. 156.) *Government Exhibit No. 156 was seized by Special Agent Stovall from the defendant Heldt's desk. Mr. Meisner recognizes Ms. Rezzonico's signature at page three of that letter.*

That same day, the defendant Heldt informed the defendant Mary Sue Hubbard that “Herb [Meisner] is threatening to return to DC and handle the scene as he sees fit if the waiver is not withdrawn this week.” He told her that he was ordering the Information Bureau to “arrange to restrain Herb and prevent him from leaving, and to guard him so that he does not do so.” (Government Exhibit No. 157.) *[Handwriting expert James Miller concludes that the entire letter was written in the defendant Heldt’s handwriting. The letter was seized by Special Agent Stovall from the defendant Heldt’s desk at the Fifield Manor.]*

The defendant Heldt then directed the defendant Weigand and Ms. Rezzonico that “Herb is to be restrained and guarded. He is not to be permitted to leave.” He further directed that the Canadian cover be set up within ten days even if it required trips to Canada, and that the Legal Bureau should assume much closer supervision and control over the defendant Wolfe and direct him to conclude his case in the District of Columbia promptly. (See Government Exhibit No. 158.) *[Government Exhibit No. 158 was seized by Special Agent Hillman from Room 15 in the Information Bureau at the Cedars Complex. It was inventoried and initialed by Special Agent Gonzales.]*

Mr. James Miller, the handwriting expert, positively concluded that the letter was handwritten by the defendant Heldt. On April 29, Mr. Andrus met with Mr. Meisner at Mr. Meisner’s South Serrano Street apartment and informed him that from that day on he would be placed under guard. (Government Exhibit No. 159 at p. 4 et seq.)

Mr. Meisner told Andrus that he would not accept the presence of guards. Mr. Meisner, also made it clear that if he were charged as a fugitive he would not enter a guilty plea. He complained that his whole situation had been mishandled by the Guardian’s Office and had resulted in his becoming a fugitive. He demanded that the defendant Heldt explain to him what action was being taken regarding his case. At the end of that meeting Mr. Andrus placed the guards outside Mr. Meisner’s apartment. (See 29 April letter to the defendant Weigand.)

That same day, the defendant Heldt reported to the defendant Mary Sue Hubbard that Mr. Meisner was now under guard and that Mr. Meisner had “reacted violently to the arrival of persons to insure he did not blow.” He added that he had directed the Information Bureau to locate “a more isolated” apartment where Mr. Meisner could be kept under the watch of “some trustworthy . . . Body Guards”. He also stated that he was sending the defendants Weigand and Willardson to see Mr.

Meisner, and “get control” over him. (Government Exhibit No. 159.) According to handwriting expert James Miller that letter was written in its entirety by the defendant Heldt. *[Government Exhibit No. 159 was seized by Special Agent Daniel P. LeVine from the defendant Heldt’s desk at the Fifield Manor.]*

Pursuant to the defendant Heldt’s directive, the defendants Weigand and Willardson together with Southeast U.S. Secretary Brian Andrus and three guards, visited Mr. Meisner at approximately 2:15 a.m. on April 30. The defendant Weigand warned Mr. Meisner that he would no longer be permitted to make “demands and threats on the Church,” and “that he was to start becoming a decent, cooperative, contributing part of the venture and nothing else was to be tolerated.” With the guards’ assistance, the defendant Willardson searched Mr. Meisner’s apartment and personal property and removed any evidence connecting Mr. Meisner to the Church of Scientology. At approximately 6:30 a.m., the meeting concluded “with the guards in charge.” *[For a detailed report of that meeting, see Government Exhibit No. 160. That exhibit was seized by Special Agent Frederick S. Hillman from a file cabinet in the defendant Raymond’s office. It was inventoried and initialed by Special Agent Martin A. Gonzalez.]*

On May 3, 1977, the defendant Weigand forwarded this report to Deputy Guardian for Information World-Wide Mo Budlong. Copies were sent to “DG US”, the defendant Heldt, and “CSG”, the defendant Hubbard. On May 1, Mr. Andrus gave Mr. Meisner a handwritten dispatch from the defendant Mary Sue Hubbard which explained to Mr. Meisner that she was aware that he had been placed under guard, and that it was being done for his own good and the good of Scientology. She promised Mr. Meisner that if he followed orders, the guards would be eventually removed.

See Government Exhibits Nos. 161 and 162 at pages four. The second document is a coded version of the first one. They were both seized by Special Agent Aldrich from the defendant Willardson’s office. Mr. Meisner identifies the signature “Brian” on pages four and eight as having been written by Mr. Brian Andrus.

On May 1, at approximately 6 p.m., Brian Andrus, Peeter Alvet, Information Bureau official Chuck Reese and two bodyguards visited Mr. Meisner and told him that he was to be moved to another apartment. Mr. Meisner refused to leave, threatening to cause a commotion if forced to do so. The two guards handcuffed him behind his back, gagged him and dragged him out of the building. Outside, they forced him onto the back floor of a waiting car. In the car one of the guards

held Mr. Meisner down with his feet. Mr. Meisner was taken to an apartment which he later learned was located at 3219 Descanso Drive, in Los Angeles, California. After Messrs. Andrus and Alvet left, three guards remained in the apartment with Mr. Meisner. *[This incident is detailed by the defendant Weigand in a 2 May 1977 letter, to Mr. Budlong (Government Exhibits Nos. 161 and 162.) The routing on that letter indicates that copies of it were sent to the defendants Mary Sue Hubbard and Henning Heldt, and to GWW Jane Kember.]*

On Monday, May 2, the defendant Heldt approved the defendant Raymond's funds requests for Mr. Meisner's guards. (See Government Exhibit No. 163.)

[In that "CSW", the defendant Raymond requested \$202.48 for Mr. Meisner's guards' expenses, including food, and a fine for one of the guard's car, which had been towed. Handwriting expert James Miller positively identifies the handwritten note at the top of page one next to the title "DG US" as having been written by the defendant Raymond. Mr. Miller further identifies the initial next to Mr. Heldt's title and next to the word "approved" on page two as probably having been written by the defendant Heldt. Mr. Meisner identifies that initial as having been written by the defendant Heldt. He also recognizes the signature at the bottom of page two and the handwriting on that page as that of the defendant Raymond. Mr. Miller also positively identifies the following handwriting on the envelope appended to the end of the exhibit: ."A Rush" – positively written by the defendant Raymond; "Good – disp rec'd. Love H." – positively written by the defendant Heldt; the initial next to the title "DG US" – probably made by the defendant Heldt. Government Exhibit No. 163 was seized by Special Agent Hillman from the defendant Raymond's office at the Cedars Complex. It was inventoried and initialed by Special Agent Gonzalez.

An additional request for funding for Mr. Meisner's guards was made by Acting Collections Officer Jim Douglass to the defendant Heldt on May 13, 1977. (Government Exhibit No. 166.) That request included money for food, gas, and a battery that was stolen from one of the guard's jeeps. Government Exhibit No. 166 was seized by Special Agent Hillman from Room 15 at the Cedars Complex. It was initialed by Special Agent Gonzales.

During the ensuing three weeks, Mr. Meisner, continued to be guarded and prevented from leaving his apartment. By May 5, Mr. Meisner determined that it was in his best interest to cooperate with his captors. He corresponded with the defendant Heldt in an attempt to resolve his predicament and to have the guards

removed. [See Government Exhibit No. 164 at P. 3 et seq. That exhibit was seized by Special Agent Aldrich from the defendant Willardson's office at the Cedars Complex.] He also accepted auditing.

Meisner's account of the events of the first days in May is corroborated by the defendant Weigand in a letter to Mr. Budlong, by Mr. Andrus in a letter to the defendant Heldt, (see Government Exhibit No. 164), and by the defendant Weigand in a letter, dated May 8, 1977 to the defendant Heldt. (See Government Exhibit No. 165.) According to Mr. Miller, the handwritten letter signed "H" and addressed to "Herb", located at page six and seven of Government Exhibit No. 164, was written in its entirety by the defendant Heldt. Mr. Meisner concurs in that finding. Handwriting expert Miller, concludes that the defendant Heldt wrote the note to Brian Andrus on the 5 May 1977 letter appended to the Government Exhibit No. 165. Mr. Miller also finds that it is "probable" that the defendant Heldt wrote the initial next to the title "DG US" on that letter. Mr. Meisner identifies that initial as having been written by the defendant Heldt. Furthermore, he recognizes the signature at the end of that letter as having been written by Mr. Brian Andrus.

On May 13, 1977, the defendant Wolfe entered a plea of guilty to a one-count information charging him with the wrongful use of a Government seal, in violation of 18 U.S. Code, Section 1017, before United States District Judge Thomas A. Flannery in Washington, D.C. The defendant Wolfe's plea specifically involved the June 11, 1976 entrance into the United States Courthouse in that city and his use of the IRS identification card bearing the name "Thomas Blake". A few days thereafter, Mr. Meisner was informed of this new development by Mr. Andrus. By the third week of May, in part due to Mr. Meisner's cooperation, his watch was relaxed and his guards began to take him out of the apartment.

In a letter dated 13 May, the defendant Willardson instructed the defendant Raymond to take control of the guards. He complained that they could not involve any more Information Bureau personnel in this matter. See Government Exhibit No. 167.

Page four of that exhibit included a weekend guard schedule for "Herbert" (Mr. Meisner). It listed the following individuals as guards: Jim Douglass, Chuck Reese, Peeter Alvet, John Lake, George Pilat, and Gary Lawrence. Handwriting expert James Miller concludes as follows: "positive" that the first two pages were handwritten by the defendant Willardson; "positive" that the notation on the third page from "Cindy" to "Greg" was written by the defendant Raymond; and

“positive” that the handwritten notation on the last page addressed “Dear Cindy” was written by the defendant Willardson. Government Exhibit No. 167 was seized by Special Agent Hillman from Room 15 at the Cedars Complex. It was inventoried and initialed by Special Agent Gonzales.

At that time, Brian Andrus showed Mr. Meisner a program written by DG I WW Mo Budlong which approved the final plan for handling the cover-up. Mr. Andrus told Mr. Meisner that Mr. Budlong had decided that Mr. Meisner could not surrender to the FBI in Washington, D.C. until the IRS had granted the Church of Scientology of California’s request for tax exempt status.

J. Michael Meisner’s First Escape from his Guards

By the end of May, Mr. Meisner was guarded by just one person. On May 29, while he was out with his guard, John Matoon, Mr. Meisner escaped by jumping into a taxicab. He went to the Greyhound Bus Station, and took a bus to Las Vegas. Mr. Meisner did not have much money, but having been there previously he knew a motel which he could afford. He escaped from his guard because he wanted time to think about his predicament and to determine an appropriate course of action. At that time, Mr. Meisner was still committed to Scientology, and did not want to leave the organization precipitously.

On May 30, Mr. Meisner telephoned the defendant Raymond in Los Angeles and requested to speak to either Mr. Brian Andrus or Mr. Jim Douglass. Since Mr. Andrus was unavailable, Mr. Douglass spoke to Mr. Meisner. Mr. Meisner refused to state where he was staying in Las Vegas until he first spoke to defendant Heldt. Therefore, a telephone call was scheduled for 8:30 that evening. The defendant Heldt pleaded with Meisner to return to Los Angeles and the Guardian’s Office of the Church of Scientology.

The defendant Raymond immediately notified her new superior, Temporary Deputy Guardian for Information US (T/DG I US) Brian Andrus, of Mr. Meisner’s telephone call to her and of the defendant Heldt’s telephone discussion with Mr. Meisner that evening. She concluded that “[t]he only thing I can think of is that we work a _cover_story_ that he is trying to blackmail the Church for money by pretending that the Church harbored him for the last months making the Church a party to the crime.” (Emphasis added.) (Government, Exhibit No. 168.)

That same day, the defendant Raymond sent Ms. Mary Rezzonico (DG L US) a letter requesting her to brief the thirteen people who had had contact with Mr. Meisner and who knew he had been harbored by Scientology. (See Government Exhibit No. 169.) Both documents were seized by Special Agent Williams from a desk in Room 15 in the Information Bureau in the Cedars Complex. They were inventoried and initialed by Special Agent Mislock. Handwriting Expert James Miller positively identifies the handwriting on pages three and five of Government Exhibit No. 168 as having been written by the defendant Raymond.

While Mr. Meisner initially refused, he did agree to meet with Douglass the next day in Las Vegas. On May 31, Mr. Meisner met with Mr. Douglass at a prearranged crowded location. They discussed Mr. Meisner's concerns, and Mr. Douglass urged Mr. Meisner to return with him. Mr. Meisner refused. By the next morning the Guardian's Office had learned where he had been staying, and he was confronted by information Bureau official Chuck Reese, who insisted that Mr. Meisner return with him to Los Angeles. Mr. Reese represented to Mr. Meisner that the defendant Weigand had been removed from his position as Deputy Guardian for Information in the United States, and had been temporarily replaced by Brian Andrus, who had been Mr. Meisner's case officer. Mr. Meisner first spoke to the defendant Heldt who promised to meet with him that evening if he returned to Los Angeles. Mr. Meisner, still troubled and confused, agreed, nonetheless, to return to Los Angeles.

That same night, Mr. Meisner and the defendant Heldt met at Canter's Restaurant in Los Angeles. The defendant Heldt assured Mr. Meisner that he understood Mr. Meisner's feelings. He told him that both L. Ron Hubbard and the defendant Mary Sue Hubbard were working on his case and would do everything to help him. He explained that while Mr. Meisner would have to continue to be guarded, he should consider his guards his friends and not his enemies.

Mr. Meisner agreed to remain with the Guardian's Office. He was driven to his Descanso Drive apartment by the defendant Heldt and Mr. Reese. When he arrived, Mr. Meisner was met by Mr. Douglass who had been waiting to guard him. Mr. Meisner describes the then-existing situation as an "armed truce". In the meantime, Brian Andrus, on May 31, had ordered the defendant Raymond to find a "secured" place for Meisner to stay if and when he returned from Las Vegas. He suggested "a place where he could be locked in a room that has no or a very small window" and where he would have "no outside contact". (Government Exhibit No. 170.) *Government Exhibit No. 170 was seized by Special Agent Williams from a*

desk in Room 15 at the Cedars Complex. It was inventoried and initialed by Special Agent Mislock. Mr. Meisner identifies the handwriting notation "changed by verbal order" as having been written by the defendant Raymond, and the signature "Brian" as having been written by Mr. Andrus.

On June 1, Mr. Meisner was moved by his guards to in apartment located at 327 South Verdugo in Glendale, California. During the entire month he continued to be guarded by at least one person.

K. The Defendant Wolfe's Sentencing and Subsequent Testimony Before the Grand Jury in the District of Columbia.

On June 10, the defendant Wolfe was sentenced by United States District Judge Thomas A. Flannery to a term of probation, and was required to perform one hundred hours of community service. Inasmuch as he resided in Minnesota, the case was transferred both for probation supervision and jurisdiction to that state. Immediately following his sentencing, the defendant Wolfe was served with a subpoena to appear that same afternoon before the United State Grand Jury for the District of Columbia which had been investigating the entries into the United States Courthouse there.

At approximately 1 p.m., the defendant Wolfe appeared before the October 1976 Grand Jury of the United States District Court for the District of Columbia. *[United States District Court Clerk James F. Davey states that the records of that court reveal that the October 1976 Grand Jury had been sworn in on October 13, 1976, and was authorized to conduct investigations and hear evidence on behalf of the Court on June 10, 1977. Its term did not expire until April 1978.]*

He was represented by attorney, David Schmidt, Esquire. The defendant Wolfe was sworn by Grand Jury Foreperson Mildred Chaplin. The record was transcribed by an official Grand Jury reporter, Ms. Judith Bracegirdle Warner, who states that Government Exhibit No. 215 is the complete testimony given by the defendant Wolfe on that day.

At the time of the defendant Wolfe's appearance, the Grand Jury was conducting an investigation to determine whether violations of statutes of the United States and the District of Columbia had been committed in the District of Columbia. The Grand Jury was attempting to identify the individuals who had committed, caused

the commission of, and conspired to commit such violations. It was material to its investigation for it to determine the reasons for the presence of the defendant Wolfe and one "John M. Foster" in the United States Courthouse in the District of Columbia on May 21, 28 and June 11, 1976. The Grand Jury was seeking the reasons for the defendant Wolfe's use on May 28 of an identification card bearing the last name "Haake", and his use on June 11, 1976, of counterfeit IRS credentials bearing the name of "Thomas J. Blake".

It was also material for the Grand Jury to determine whether, while in the United States Courthouse, the defendant Wolfe and the individual using the name "Foster" had entered the office of any Assistant United States Attorney for the District of Columbia, and, if so, whether they had unlawfully taken any documents or files located therein. Moreover, the Grand Jury wanted to learn whether the defendant Wolfe and "Mr. Foster" had photocopied any documents which were the property of the Office of United States Attorney for the District of Columbia, and the United States of America, on photocopying machines within that office. The Grand Jury sought to learn from the defendant Wolfe the true identity of the individual who had entered the Courthouse with him and used the name "John M. Foster". It also was inquiring into the manner in which the defendant Wolfe and "Mr. Foster" had obtained the counterfeit and forged IRS credentials which they had used to enter the Courthouse. Finally, the Grand Jury was attempting to determine whether any other individual in the District of Columbia or elsewhere had conspired with, aided and abetted, or caused the defendant Wolfe to obtain his counterfeit IRS credentials, or assisted him in entering the United States Courthouse for the District of Columbia. During his testimony under oath before the federal Grand Jury, the defendant Wolfe knowingly made the following false declarations regarding the above-mentioned material matters which the grand jury was investigating:

Statement No. 1

Q. When did you first come to know that D.C. Bar Association had a library on the third floor of this building?

A. I don't remember exactly the date.

Q. Why did you want to come to this library.

A. _To study._

Q. To study what?

A. _To learn how to do legal research._

Q. Why did you want to learn to do legal research?

A. Well, I was planning on going back to Minneapolis to complete or further my studies in music and I thought that in addition to clerical skills that I had that if I could learn to do some legal research that I could perhaps get a better paying, more interesting job to help pay for my school.

Q. Where would you find that job?

A. In Minneapolis, I presume.

Q. Who would hire you in Minneapolis?

A. I don't know. A law firm, perhaps.

Q. Did you embark on this program to learn how to do legal research with the idea in mind of presenting yourself to a Minneapolis law firm and saying, "I can do legal research for you"?

A. Yeah I think so.

Q. You don't know?

A. That's what I had in mind.

Q. How did you propose to learn to do legal research in the D.C. Bar library?

A. _Someone was going to teach me._

Q. Who was that someone?

A. John Foster. (Govtment Exhibit No. 215 at 15-16, 17-18)

The underscored portions of the declarations of the defendant Wolfe were material to the Grand Jury and the Indictment charges that the Defendant Wolfe “then and there well knew, were false.”

* * *

Statement No. 2

Q. Now, the first night that you were here in the courthouse, did you xerox anything?

A. I don't think so, but I don't recall exactly, you know, which night.

Q. How long were you here on that first occasion?

A. I don't remember how long exactly.

Q. Approximately.

A. I don't know. Guessing, I'd say maybe an hour.

Q. Did you go anywhere else but the library that night?

A. I don't know. I do know that one or more of the times here I did go to the men's room. Now, whether it was the first night or not that I couldn't recall exactly.

Q. Did you have to leave the library to go to the men's room?

A. Yes.

* * *

Q. Apart from going to the men's room, did you go anywhere else in the Courthouse that night?

A. _ I don't think so. _

Q. From the first to the third floor library and back onto the first floor, and out?

A. Right. (Government Exhibit No. 215 at 173, 174.)

* * *

Statement No. 3

Q. Do you recall ever doing any xeroxing on the third floor of this building on any of the three occasions?

A Yes.

* * *

Q. What did you xerox?

A. _Case histories._

Q. Case histories? What's a case history?

A. Well, a case out of a law book which contains cases.

* * *

Q. Did you bring the books from the library to the xerox machines?

A. Myself, _yes,_ some of them.

Q. Did Mr. Foster carry books?

A. _Yes._

Q. How many did you carry?

A. Approximately five.

Q. And how many did he carry?

A. Approximately the same.

Q. Were they the same type of books?

A. You mean the same as mine? Yes, I think so.

* * *

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Q. And how long did you use the xerox machine?

A. Approximately fifteen minutes to a half hour.

Q. No longer than half an hour?

A. I don't think so.

Q. And what did you do when you left?

A. _Brought the books back, to the library and just left._ (Government Exhibit No. 215 at 179-180, 184-185)

* * *

Statement No. 4

MR. STARK: Let me inform you, however, that the grand jury and the U.S. Attorney's Office have a joint responsibility to investigate criminality that occurs within the District of Columbia.

Now, you may have made your plea of guilty in this case and have been sentenced today but Mr. Foster has not. Now, we are investigating Mr. Foster's involvement in this and there may come a time when Mr. Foster is sitting either in that chair or in the defendant's chair before a petit jury.

And your version of what happened on these three occasions will aid this grand jury in it's determination of what if anything to charge Mr. Foster with. Do you understand that?

Q. Now, did you know Mr. Foster by any other name?

A. _No. I didn't._

Q. You only knew him by John Foster?

A. _Right._ (Government Exhibit No. 215 at 200-201.)

The complete transcript of Mr. Wolfe's Grand Jury testimony is submitted to the Court as evidence, and is incorporated as part of this record. See Government Exhibit No. 215.

The defendant Wolfe knew that the testimony he was giving to the Grand Jury of the United States District Court for the District of Columbia on June 11, 1977, was false in all material respects. He knew that the individual who had entered the Courthouse with him using the name "John M. Foster" was in fact Michael Meisner, who at the time of the entries was the Assistant Guardian for Information in the District of Columbia, He knew Mr. Meisner's address and telephone number in Arlington, Virginia, as well as Mr. Meisner's telephone number at the Church of Scientology offices at 2125 S Street, N.W., in Washington, D.C.

The defendant Wolfe had attained employment at the Internal Revenue Service knowing that he was a covert operative for the Guardian's Office of the Church of Scientology, and that his purpose for being at the IRS was to have access to Government documents in order to steal them for the Guardian's Office. He was aware that the counterfeit IRS credentials had been used by himself and Mr. Meisner to make illegal entries into various Government buildings for the purpose of burglarizing offices and stealing documents and photocopies thereof located therein. He and Mr. Meisner had entered the United States Courthouse on May 21, 28 and June 11, 1976, for the purpose of burglarizing the Office Of Assistant United States Attorney Nathan Dodell and stealing documents from that office. Indeed, they had accomplished that task on May 21 and 28, 1976. The defendant Wolfe also was fully aware that he and Mr. Meisner had not gone into the United States Courthouse to use the Library of the Bar Association of the District of Columbia to do legal research, and that Mr. Meisner was not to teach him to do any legal research.

He knew that they did not, at any time, photocopy law books or cases contained in law books which were taken from the library but had, in fact, photocopied, with United States Government equipment and supplies, United States Government

documents taken from Mr. Dodell's office. The defendant Wolfe further knew that the burglaries of, and thefts of documents from, the office of Assistant United States Attorney Dodell were pursuant to Guardian Program Order 158. Mr. Meisner had fully briefed him on that Guardian's Program Order, as well as the orders which he had received from his superiors in Los Angeles, California, including the defendants Heldt, Weigand, Willardson, Snider, Raymond, Hermann, and Hubbard. The defendant Wolfe participated in the preperaton of the cover-up story in Los Angeles, California, on June 14, 1976, together with the defendants Willardson, Weigand and Mr. Meisner. He was repeatedly briefed by Guardian's Office officials both in the District of Columbia and in Los Angeles regarding the cover-up story and his contrived statements to the United States Attorney Office for the District of Columbia, Federal Bureau of Investigation, and the Grand Jury of the United States District Court for the District of Columbia.

Indeed, when the defendant Wolfe appeared before the Grand Jury on June 10, 1977, he was under specific orders from the Guardian's Office of the Church of Scientology, including, at one time or another, the defendants Hubbard, Heldt, Snider, Weigand, Willardson, Raymond and Hermann, to make false material declarations to that Grand Jury for the purpose of derailing the Grand Jury investigation and preventing that Grand Jury from discovering the actual facts about the involvement of the above-named defendants, the Guardian's Office of the Church of Scientology in the United States and at World-Wide, and Mr. Meisner. All of the defendant Wolfe's testimony before the Grand Jury of the United States District Court in the District of Columbia, on June, 10, 1977, including the statements quoted above and at counts 25 through 28 of the indictment, conformed in detail to the cover-up plan and story prepared by the defendant Wolfe, the above-named defendants and Mr. Meisner. All the false declarations made by the defendant Wolfe were material to the Investigation being conducted by the October 1976 Grand Jury of the United States District Court of the District of Columbia with the assistance of the Office of the United States Attorney for the District of Columbia.

L. The Defendant Wolfe is Debriefed by the Guardian's Office After his Grand Jury appearance.

Immediately following his Grand Jury appearance the defendant Wolfe went to the office of the Church of Scientology at 2125 S Street, N.W., in Washington, D.C. where he was debriefed by Guardian's Office officials. The next day on June 12, a transcript of that debrief was sent to the Guardian's Office in Los Angeles,

California, and excerpted by legal Bureau official Paul Klopper in a memorandum to his superior, Deputy Guardian for the Legal Bureau Mary Rezzonico. That memorandum, entitled “Silver Hearing and Grand Jury” summarizes the sentencing proceedings before Judge Flannery and the testimony of the defendant Wolfe. (Government Exhibit No. 173.) *Government Exhibit No. 173 was seized by Special Agent William R. Stovill from the defendant Heldt’s desk at the Fifield manor.*

According to the routing on the June 12 letter, copies of that letter and debrief were sent to the “CSG”, defendant Mary Sue Hubbard, the “DG US”, defendant Henning Heldt, the “DGI US” Brian Andrus and the Guardian World-Wide Jane Kember. *Mr. Meisner identifies the handwriting of the defendant Raymond at page five, the margins at page ten, eleven, thirteen, twenty-one through twenty-four and at the bottom of page twenty-six.*

Pursuant to the order of the defendant Heldt (Government Exhibit No. 171) *[Government Exhibit No. 173 was seized by Special Agent Levine from the defendant Heldt’s desk at the Fifield manor.]* Ms. Rezzonico and Mr. Andrus gave Mr. Meisner the debrief contained in Government Exhibit No. 173 to read so that he could start adjusting his cover-up story to that given by the defendant Wolfe in the Grand Jury. Mr. Meisner read the defendant Wolfe’s Grand Jury debrief at his apartment on South Verdugo. *Appended to the Wolfe Grand Jury debrief were two newspaper clippings from the Washington Post and Washington Star, regarding Wolfe’s sentencing.*

In his directive to Ms. Rezzonico and Mr. Andrus, the defendant Heldt also ordered them to research any possible fugitive charge against Mr. Meisner and to increase security. *[Handwriting Expert James Miller has positively identified the defendant Heldt as the writer of the entire letter marked Government Exhibit No. 171.]*

On June 16, Mr. Andrus informed Ms. Rezzonico that “Herb [Meisner] was given the news. His reaction was mild pleasure. He uplifted his eyebrows and said something like ‘not bad’. He learned the news by reading the hearing debrief.” (Government Exhibit No. 172.) *[Government Exhibit No. 172 was seized by Special Agent Williams from a desk in room 15 of the Information Bureau in the Cedars Complex. It was inventoried and initialed by Special Agent Mislock. Mr. Meisner identifies the signature at the end of that letter as that of Mr. Andrus.]*

According to Mr. Andrus, Mr. Meisner complained that “he didn’t feel that anyone was concerned or really looking out for his own welfare.” Mr. Andrus assured him that he would keep him informed of all new developments and would see him again soon. On June 13, the defendant Heldt and Mr. Andrus visited Mr. Meisner in order to show him a handwritten letter from the defendant Mary Sue Hubbard. The defendant Heldt read to him that letter in which the defendant Hubbard warned Mr. Meisner that if he escaped from his guards again he would be on his own. On June 17, Mr. Andrus met once again with Mr. Meisner. He discussed with him the potential legal defenses prepared by the Legal Bureau, and left the meeting feeling that “Herb was again in better shape communication and duplication wise. In Government Exhibit No. 174, Mr. Andrus informed the Temporary Deputy Guardian for Information in the United States of the meeting, which he had with Mr. Meisner. *[Government Exhibit No. 174 was seized by Special Agent Williams from a desk in Room 15 in the Information Bureau in the Cedars Complex. It was inventoried and initialed by Special Agent Mislock.]*

M. Michael Meisner Surrenders to the Federal Bureau of Investigation

By mid-June, Mr. Meisner had decided that if the watch over him were ever relaxed, he would immediately leave the Guardian’s Office, surrender to the Federal authorities, plead guilty, and cooperate in the ongoing investigation. Thus, he feigned cooperation with his captors and his superiors in the Guardian’s Office in the hope that eventually his guards might be removed.

As a reward for this cooperation, Mr. Meisner’s watch was relaxed. In fact, beginning on the evening of Friday, June 17, he was no longer guarded at night. His guards would leave his apartment at night and return at 9 a.m. the next morning. On Monday, June 20 at 6 a.m. Mr. Meisner, taking a few clothes with him, left his apartment on South Verdugo in Glendale, California, for the purpose of surrendering to Federal Authorities. In order to elude any potential follower, Mr. Meisner took two buses to a bowling alley, from which he placed a collect call to Assistant United States Attorney Garey Stark in Washington D.C. Mr. Meisner identified himself to the operator as “Gerald Wolfe” because he feared that the Guardian’s Office of the Church of Scientology might have placed a covert operative in the United States Attorney’s Office.

When Mr. Stark answered the telephone Mr. Meisner identified by his real name, informed Mr. Stark that he was ready to surrender, plead guilty for his participation in the criminal activities of the Guardian’s Office, and cooperate with the United

States. Mr. Stark directed him to stay at the bowling alley and wait for Federal Bureau of Investigation agents.

Approximately two hours later, three agents of the FBI met Mr. Meisner at the bowling alley. Mr. Meisner surrendered to the agents and was taken by them to Los Angeles airport, where he was placed on an airplane to the Baltimore-Washington International Airport. Upon his arrival in Baltimore, he was met by FBI Special Agents Robert S. Tittle and James S. Kramarsic. He was kept that night in a motel and taken the next morning, June 21, to the office of Assistant United States Attorney Garey G. Stark. At the insistence of the Assistant United States Attorney assigned to the investigation, Mr. Meisner conferred with an attorney appointed to him by United States Magistrate Henry H. Kennedy, Jr.

After conferring with his court-appointed attorney, Mr. Meisner agreed to enter a plea of guilty to a five-year conspiracy felony pursuant to 18 U.S. Code, Section 371, without any other condition except that he would fully cooperate with the Grand Jury investigation. Mr. Meisner was, of course, warned that any false testimony he made would be prosecuted as perjury. Mr. Meisner requested and was granted protective custody by the United States Marshall Service. He has been in the Marshal Service's protective custody since June 21, 1977.

From June 20 to June 22, the defendants and other officials of the Guardian's Office notified each other of Mr. Meisner's disappearance. On June 20, the defendant Willardson informed the defendant Heldt that "Herbert [Meisner] was found missing today." He stated that Brian Andrus had found in Mr. Meisner's apartment a note stating that Mr. Meisner would call in a week, that he was not going anywhere where he could be located, and that there was no purpose in discussing his motivations.

The defendant Willardson informed the defendant Heldt that Mr. Meisner had last been seen by his guard on Sunday, June 18 at 6:00 p.m. He speculated that Mr. Meisner was hiding somewhere in Los Angeles, probably doing legal research in a library regarding his possible legal defenses in the District of Columbia case. He added that a Guardian's Office official had been to Mr. Meisner's apartment to remove any documents connecting Mr. Meisner to Scientology, and to wipe-out all possible fingerprints. (Government Exhibit No. 175.) *Government Exhibit No. 175 was seized by Special Agent Aldrich from the defendant Willardson's office in the Cedars Complex. Handwriting Expert James Miller concludes that it is "probable" that the signature "Greg" is in the handwriting of the defendant*

Willardson. Mr. Meisner identified that signature as being in the handwriting of the defendant Willardson.

A copy of that letter was sent to the defendant Mary Sue Hubbard (“CSG”), the defendant Raymond (“BI DC Scene Co-Ord (Natl Sec)”) and Mary Rezzonico (as “BI DC Scene Co-Ord (DG L)”) That same day Ms Rezzonico notified the defendant Mary Sue Hubbard that Mr. Meisner had escaped. Ms. Rezzonico speculated that Mr. Meisner had become concerned about additional fugitive from justice charges. She stated that the defendant Willardson had agreed to have all those individuals in Washington, D.C. who might be affected by Mr. Meisner’s appearance briefed on what to do if he should return there. She also stated that the defendant Heldt (“DG US”) had “suggested the possibility of creating some confusion with some phone calls and a false arrest set-up — leading the government to believe that Patsy [Mr. Meisner’s wife] would be meeting her ex-husband at some clandestine [sic] meeting — then have her and Greg Taylor [another Guardian’s Office Official who resembled] Mr. Meisner meet.” Thus, the FBI would, presumably, arrest the wrong person. (Government Exhibits Nos. 176 and 177)

Government Exhibits Nos. 176 and 177 are identical. However, they were seized by the FBI from two different locations. Government Exhibit No. 176 was seized by Special Agent Levine from the defendant Heldt’s desk at the Fifield Manor; Government Exhibit No. 177 was seized by Special Agent Williams from the desk in Room 15 in the Information Bureau at the Cedars Complex. The later document was inventoried and initialed by Special Agent Mislock.

In a letter also dated 20 June, the defendant Willardson ordered the defendant Raymond and Mr. Brian Andrus to “[c]ontinue to fully work out Herb’s [Meisner’s] cover story per the program eventualities so that we are prepared”. (Government Exhibit No. 178). [*Government Exhibit No. 177 was seized by Special Agent Aldrich from a file cabinet in the defendant Willardson’s office at the Cedars Complex*] He also directed that Mr. Meisner’s wife be ordered not to follow her husband’s instructions should he contact her.

Brian Andrus, in a letter dated 22 June, 1977, informed the defendant Willardson that he had contacted Mr Meisner’s wife on June 21 and briefed her about her husband’s unauthorized departure from his apartment. She was ordered to notify Andrus immediately upon being contacted by Mr. Meisner. She was directed “not to take any instructions from him, but to simply acknowledge him and contact

me.” See Government Exhibit No. 132 seized by Special Agent Williams from a desk in Room 15 of the Information Bureau at the Cedars Complex. It was inventoried and initialed by Special Agent Mislock.

Furthermore, Guardian’s Office personnel were to continue checking all libraries in Los Angeles on the assumption that Mr. Meisner was doing research. The defendant Willardson ordered the removal of all incriminating documents from the Guardians Office and their placement in the “Red Box”. (Government Exhibit No. 219.)

[Government Exhibit No. 219 is the directive regarding “Red Box”. It orders that “[a]ll the Red Box material from you areas must be centrally located, together in a movable container (ideally a briefcase), locked, and marked.” Appended to that document is the “Red Box Data Information Sheet” which defines “what is a Red Box?” Under that definition, “Red Box” includes:

a) Proof that a Scientist is involved in criminal activities. b) Anything illegal that implicates MSH, LRH. c) Large amount of non-FOI docs. d) Operations against any government group or persons. e) All operations that contain illegal activities. f) Evidence of incriminating activities. g) Names and details of confidential financial accts.

In a letter dated June 21, 1977, the defendant Mary Sue Hubbard explained to Ms. Mary Rezzonico that she believed Mr. Meisner’s escape had resulted from a refusal on his part to recognize the need to plead guilty on the fugitive from justice charge. She felt that that charge, with its five years and/or \$5,000 fine was too heavy for Mr. Meisner to bear. She speculated that Mr. Meisner had probably gone somewhere where he could do legal research to prepare his case. However, she concluded that she did not think that he would remain in the Los Angeles area but that he was more likely to go to San Francisco, or possibly Berkeley. (Government Exhibit No. 179 at P. 2.) *[Government Exhibit No. 179 was seized by Special Agent Aldrich from a file cabinet in the defendant Willardson’s office in the Cedars Complex. Handwriting expert James Miller positively concludes that the signature on that letter was written by the defendant Hubbard.]*

Following her receipt of the defendant Hubbard’s letter, Ms. Rezzonico notified “DG I US”, the defendant Willardson, and “B-1 CO-ORD US”, the defendant Raymond as well as “NAT’L CASE OFF (SEUS SEC)” Brian Andrus of the defendant Hubbard’s directive. *[Handwriting expert James concludes positively*

that the notation on the lower part of that letter “Mary, Could you please clarify this? GW” was written by the defendant Willardson. Mr. Meisner identifies the four-lines of text signed “M” as having been written by Ms. Rezzonico.]

That same day, the defendant Willardson notified Ms. Rezzonico in her capacity as “DC Scene Co- Ord[inator]” that the CSG, defendant Mary Sue Hubbard, had ordered that the Information Bureau “not waste resources” looking for Mr. Meisner, since he might be anywhere.

The defendant Willardson also notified Mr. Mo Budlong by telex that Mr. Meisner had “_blown_ again” and that “no real avenues [were] open to locate [him].” He told him that Mr. Meisner’s apartment was “_cleaned_out_ and _wiped_down_”, and that “all _his_GO_ associates [were] to be briefed”. He states that a “[P]lan [was] in the works to remove sensitive GO data shud [sic] It become necessary in future”. (Government Exhibit No. No. 180).

Handwriting expert James Miller concludes that he is “positive” that the telex was written by the defendant Willardson. He also identifies the initials and letters “OK’d” next to the title “DG US” on the envelope appended to the telex as probably in the handwriting of the defendant Heldt. Mr. Meisner identifies the initials and letters as having been written by the defendant Heldt. Government Exhibit No. 180 was seized by Special Agent Aldrich from a file cabinet in the defendant Willardson’s office in the Cedars Complex.

In a 22 June 1977 letter, the defendant Raymond updated the information which the defendant Willardson had telexed to Mr. Budlong. She informed him that “[w]e are working on a plan to create another false arrest scene type of action along ops [operations] lines”, to sidetrack the ongoing Grand Jury investigation in the District of Columbia. (Government Exhibit No. 181.) *[Government Exhibit No. 181 was seized by Special Agent Williams from a desk in Room 15 of the Information Bureau in the Cedars Complex. It was inventoried and initiated by Special Agent Mislock.]*

On June 21, the defendant Mary Sue Hubbard instructed the defendant Willardson not to “waste time or resources” searching for Mr. Meisner in the Los Angeles area. She stated that she believed that he was more likely to be in a city or community such as San Francisco or Berkeley where there were good libraries available. She further informed the defendant Willardson that she had already instructed Ms. Rezzonico to prepare a program to handle the present situation. The

next day, the defendant Willardson agreed with the defendant Hubbard that Mr. Meisner was “probably on the west coast somewhere” and that there were “too many possibilities to make a check worthwhile.” He pointed out that the Information Bureau’s checks of the local libraries in Los Angeles had been negative. (Government Exhibit No. 183.)

Handwriting expert James Miller concludes that he is “positive” that the signature “Mary Sue” on the June 21 letter was written by the defendant Hubbard. He also stated that it is “probable” that the signature “Greg” on the June 22 letter was written by the defendant Willardson. Mr Meisner identifies both signatures as those of the defendants Hubbard and Willardson respectively. Government Exhibit No. 183 was seized by Special Agent Aldrich from a file cabinet in the defendant Willardson’s office at the Cedars Complex.

All the defendants and officials of the Guardian’s Office firmly believed that Mr. Meisner was still a devoted member of the Guardian’s Office and had not surrendered to the federal authorities. On June 29 the defendant Willardson informed Ms. Rezzonico that he had met with the defendants Raymond and Mr. Andrus to “iron out some bugs on Herb’s [Meisner’s] story”. He indicated that he had directed Mr. Andrus and the defendant Raymond to continue to work over the next few days on the “basic story”. He expressed concern that Mr. Meisner had not called the Guardian’s Office since his escape on June 20, and that the situation “could potentially leave us open to crossing up stories or facts to both Herb’s and our defendant.” He concluded, however, that he was convinced that Mr. Meisner had not surrendered to the authorities and was still with the Guardian’s Office. (Government Exhibit No. 184) *Government Exhibit No. 184 was seized by Special Agent Aldrich from a file cabinet in defendant Willardson’s office at the Cedars Complex*

On that same day the defendant Willardson notified the defendant Heldt that he had “just got word from Herb.” The defendant Willardson had just been informed that Mr. Andrus had received a letter from Mr. Meisner postmarked San Francisco. The letter which had been sent by Mr. Meisner after his surrender to the federal authorities and after the United States Attorney’s Office for the District of Columbia had decided to obtain a search warrant for Guardian’s Office premises, stated:

Brian –

I know you don't understand what's going on, but I still need time to myself. I'm making enough to get by on so there's no problems.

I'll be in touch in a couple of weeks.

Herb.

(Government Exhibit No. 185 at p. 4.) *Government Exhibit No. 185 was seized by Special Agent LeVine in the defendant Heldt's desk at the Fifield Manor. Mr. Meisner identifies the signature on that letter as having been written by the defendant Willardson.*

The defendant Willardson concluded that “as CSG [the defendant Hubbard] predicted” Mr. Meisner had been doing legal research in the San Francisco area. He suggested that the Guardian's Office send a “missionaire” to “scout the legal libraries and perhaps law schools to locate him [Meisner].” A copy of this letter was sent to the “CSG”, the defendant Mary Sue Hubbard, National Secretary, the defendant Raymond, and Southeast Secretary, Brian Andrus. The defendant Hubbard, in a handwritten letter dated July 3, told the defendant Heldt: *I frankly wld [would] not waste Bur1 resources looking for him [Meisner] but wld instead utilize resources to figure out a way to defuse him shld [should] he turn traitor.*

(Government Exhibit No. 185 at p. 3.)

Handwriting expert James Miller states that he is “positive” that the bulk of the letter was written by the defendant Hubbard.

The defendant Heldt immediately notified the defendant Willardson of the defendant Hubbard's directive not to look for Mr. Meisner. He instructed him to “produce a plan or plans in report form early this week” to carry out the defendant Hubbard's directive. (Government Exhibit No. 185 p. 2.) \

Handwriting expert James Miller is “positive” that the entire letter was written by the defendant Heldt. Additionally, Mr. Miller finds that the envelope on page one of the series of letters was handwritten by the defendant Hubbard (“To: DG US, Frm: CSG”).

The above 262-page Stipulation of Evidence is accepted by the United States of America, the defendants, and their attorneys, as the uncontested evidence of the United States in the instant case.