

Deponent: Kenneth David Long
Deponent's Fourth Affidavit
Sworn on 7th October 1987
In support of Plaintiff

IN THE HIGH COURT 1987 C
OF JUSTICE No.6140
CHANCERY DIVISION

CHURCH OF SCIENTOLOGY OF
CALIFORNIA

Plaintiff

- and -

- (1) RUSSELL MILLER
- (2) PENGUIN BOOKS LIMITED

Defendants

AFFIDAVIT OF
KENNETH DAVID LONG

Solicitor for the Plaintiff

HAMIDA JAFFERJI
32 Stroud Green Road
Finsbury Park
London N4 3EA.



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B E T W E E N :

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AFFIDAVIT
OF KENNETH DAVID LONG

I, KENNETH DAVID LONG of 1301 North Catalina, Los Angeles, California 90027, United States, an executive employed in the Legal Division of the Church of Scientology of California, MAKE OATH and say as follows:-

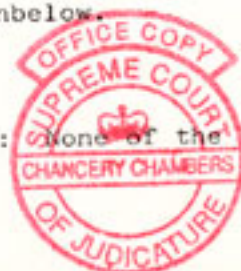
1. I have been a member of the Church of Scientology for 11 years, and a member of the Church's staff for 7 years. I am employed by the Church of Scientology of California (hereinafter called "the Church") which is a non-profit

making religious corporation registered in California since 1954. My duties for the past 5 years have required that I work closely with and assist Church counsel in all phases of litigation in the United States.

2. I have been deeply involved in the litigation of the case of "Church of Scientology of California and Mary Sue Hubbard v. Gerald Armstrong", Los Angeles Superior Court cases number C 420153, since the inception of that litigation on August 2, 1982. During the course of my participation in that litigation, I personally inventoried the materials surrendered pursuant to court order to the Clerk of the Los Angeles Superior Court in September 1982 by Gerald Armstrong and his counsel. I also attended almost every deposition and/or pre-trial proceeding held in that case, and was present as an assistant to counsel throughout each day of the trial proceedings in May and June, 1984.

3. While attending proceedings held in the instant matter on Tuesday, October 6, 1987, I noted that the Court seemed to have additional questions concerning the status of the documents in the Armstrong case, and the relationship of the documents in issue herein to said status. Responses to the court's questions, to the content I have discerned them, follow hereinbelow.

4. The bottom line I wish to communicate is this:



documents or information currently at issue in this action are or have been in the public domain as a result of proceedings in other cases. The Church is requesting relief herein only as to those documents and information which Mr Miller has obtained as a direct result of Mr. Armstrong's breach of confidence.

5. Between February 1980 and December 1981, when he left the Church, Mr. Armstrong was employed as, in effect, the librarian or archivist responsible for Mr. Hubbard's personal documents. The Church held such materials as Mr. Hubbard's bailee and, in December 1981, the archives area held more than 30 file cabinets of documentation. Mr. Armstrong was permitted by the Church to furnish a large amount of these materials before leaving the Church to author Omar V. Garrison, who was contracted at that time to write an authorized biography of L. Ron Hubbard. After leaving this Church, between May and August 1982, Mr. Armstrong took more than 5,000 pages, each of original and photocopied documents from Mr. Garrison and furnished said documents to attorneys suing the Church and Mr. Hubbard. Please see Exhibit "KDL 27" attached to my second Affidavit, for Mr. Armstrong's admission. These actions by Mr. Armstrong were the later basis for the finding by the trial court that the Church had proven a prima facie case of breach of confidence against Mr. Armstrong. Please see the Memorandum of Intended Decision attached to my First Affidavit as Exhibit "KDL 18."



6. After the Church brought suit against Mr. Armstrong, a Temporary Restraining Order was issued on August 24, 1982. Pursuant to that Order, Mr. Armstrong and his counsel surrendered to the Clerk of the Court approximately 10,000 documents contained in five boxes. I inventoried all of the surrendered materials immediately upon their arrival with the court. These documents were placed under seal and then maintained under seal thereafter by the Clerk pursuant to the preliminary injunction issued on September 24, 1982. From this point onward, all such documents were to be only in the possession of the court. Evidence that Mr. Armstrong had failed to surrender all such documents to the court, or had retained copies of any of the documents surrendered to the court, would also be evidence of contempt of court. As the court will note hereinbelow, such evidence has been obtained.

7. The 10,000 documents in the possession of the court then remained under seal, available for inspection only by the parties to the Armstrong litigation and only for the purposes of that litigation, from September 1982 until May 1984. In May 1984, approximately 1,000 documents were taken from the 10,000 being held by the Clerk, and those 1,000 documents were then introduced into the trial of the Armstrong litigation as approximately 200 exhibits. The remaining 9,000 documents were held under seal throughout the trial and until they were returned to the Church in December 1986. At no time between September 1982 and December 1986



1986 were these 9,000 documents available to the general public, or considered to be in the public domain. This fact is very important since four of the seven documents at issue herein were contained in these 9,000 documents which remained under seal at all times. There is no legal way that Mr. Armstrong, Mr. Miller and/or Mr. Newman could have possession of these materials.

8. Trial ended in the Armstrong case on June 8, 1984. Between June 8 and June 20, 1984, the 200 exhibits were held by the trial judge unavailable to anyone else, for his use in writing the Memorandum of Intended Decision. No one other than court personnel had access to those 200 exhibits. I know this to be fact since I both maintained a watch over the area where the documents were kept and verified with Ms. Rosie Hart, the trial court's clerk, that no one was allowed access to these documents. In issuing the Memorandum of Intended Decision, the trial court ordered that 22 of the 200 exhibits were to remain sealed. Those exhibits joined the other 9,000 documents, leaving just approximately 178 exhibits affected by the following events.

9. On June 25, 1984, the first of what was to be a series of orders temporarily staying the unsealing of the trial exhibits was issued by the California court of Appeal. Please note Exhibit "KDL 19" attached to my first Affidavit. In addition, there is now produced and shown to me marked "KDL 34", a chronological History of Major Armstrong Case Orders, which



have personally prepared to assist counsel and the court.

10. In reviewing Exhibit "KDL 34" attached hereto, the Court will no doubt note what appear to be "windows," or gaps between the vacating of one order and the issuance of the next. These "windows" are far more apparent than they were real. To begin with, I maintained, along with my staff, a daily check with each court in which a temporary stay order was pending in order to ensure that I learned the minute a ruling was issued. So before the trial court received any order vacating a sealing order, the Church obtained another order sealing them up again. In actuality, it took 3-5 days for the trial court to receive a vacating order from the Higher Court and before receipt I would personally hand deliver a new stay order. In addition, I also had my staff maintain a watch over the area of the court where these documents were kept during each so called "window" period and no one viewed and/or copied the materials.

11. There was just a single incident when the 178 trial exhibited were made available for public inspection, on December 19, 1984 and until midday on December 20, 1984. This occurred after an injunction issued by the Ninth Circuit Federal Court of Appeals expired, and was then halted by the issuance of a temporary restraining order on December 20th in the "Roes" case, previously described in my Second Affidavit. I was personally present at the court during the entire time that the documents



were available for inspection by the public. I personally observed that, with the exception of a UPI reporter who was allowed only to view some of Mr. Hubbard's military records for no more than 30 minutes, only Scientologists obtained access to see the 178 trial exhibits. Additionally, I personally observed and then verified with court personnel that no one, including the reporter, were permitted copies of any of the exhibits. People were permitted to view the documents only and not copy them.

12. Following the issuance of the "Roes" order on December 20, 1984, the 178 trial exhibits were never again unsealed. These 178 trial exhibits, the other trial exhibits which had been left sealed throughout, and the 9,000 documents never entered into the trial, were then returned to the Church in December 1986.

13. As is clearly shown by the above events, no one was ever able to obtain copies of any of the 10,000 documents from the trial court. This fact is the basis for my statements, in my Second Affidavit, that Mr. Caven-Atack has perjured himself to this Court by claiming, in a sworn Affidavit filed herein, that he obtained copies from the court. Mr. Caven-Atack's obvious lack of specifics in his affidavit emphasizes this. Suspiciously left out of his affidavit are the facts supporting Mr. Caven-Atack's claim that he obtained the documents from the California court. Nowhere does Mr. Caven-Atack state when he was in California, when he went into the court, signed the visitor sign-in log and the details of the actual copying. Mr. C



Atack is silent on these points obviously because he never went to the court as verified by my conversation with the court clerk and my review of the visitor's sign-in log. There can be no doubt that the documents in issue herein, no matter through whom they were funneled to Mr. Miller, originated from Kr. Armstrong, in violation of court orders.

14. I have reviewed the Second Affidavit of Russell Francis Miller, relating to certain letters from Mr. Hubbard to one Helen O'Brien during 1953. The letter discussed by Mr. Miller at paragraph 3 of his affidavit is not at issue in this action, it is neither listed in the amended writ filed herein nor mentioned in my Second Affidavit precisely because, as Mr. Miller understands, it is a matter of public record. Mr. Miller attempts to create confusion with this Court by the inclusion of this particular letter.

15. At paragraph 4 of his Second Affidavit, Mr. Miller references three other Helen O'Brien letters which are at issue herein and states he obtained copies of these letters from Mr. Ron Newman. These three letters are part of the 9,000 document which remained under seal in the court at all times and were returned to the Church in December 1986. Mr. Ron Newman nor anyone else could have legal possession of these letters since they could not have been obtained from the Court. It is interesting that Mr. Miller has "no idea" where Mr. Newman



obtained these letters, an important fact which would obviously be of interest to any researcher, author or anyone else receiving these documents. Gerald Armstrong was the only person that had these letters and he knowingly violated several court orders - the ~~September~~ ^{August} 24, 1982 court order to turn in all materials to the court and the June 20, 1984 court order sealing the documents. He obviously didn't keep them sealed since Mr. Newman and Mr. Miller have copies and he didn't turn in all copies of the letters when ordered, since as a condition of settlement Mr. Armstrong turned in any materials he had concerning LRH or the Church. I personally inspected the documents he turned in in January 1987 and among them were the three Helen O'Brien letters, letters that he was ordered to turn into the court. R

16. In order to clarify for the Court the exact status of each of the documents at issue herein, I have prepared a short Summary of said documents. There is now produced and shown to me marked "KDL 35" a copy of said Summary. As the Court will note, four of the documents in issue - the three O'Brien letters referred to hereinabove and Mr. Hubbard's letter to Polly - have never been trial exhibits. They have remained under seal at all times. Three of the documents - two of Mr. Hubbard's boyhood diaries and the letter to Mr. Hubbard from his ~~more~~ ^{mother} were Armstrong trial exhibits, but have also remained under seal as shown by the attached Chronological History of Court Orders. The only source for these documents, was not the trial court but Gerald Armstrong. R



himself.

SWORN at 23/28)
Fleet St., London)
EC4)

Kenneth Edward Long

This 7th day of October 1987

Before me,

Mark W. L. Cookley

Mark Cookley
Solicitor of the
Supreme Court

