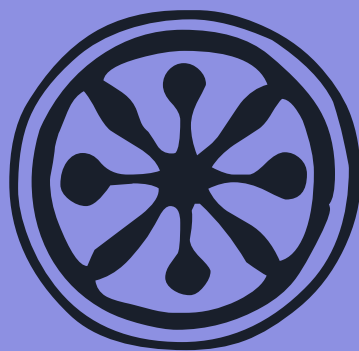


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# The Journal of CESNUR



Volume 5, Issue 4  
July–August 2021

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⊗ The Journal of CESNUR ⊗

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## 1950 Shades of Pinks and Greys: Was L. Ron Hubbard Drugged Out When He Developed OT III?

Ian C. Camacho  
*Independent Scholar*  
ian.c.camacho@gmail.com

**ABSTRACT:** Former Scientology archivist and ex-Scientologist Gerald “Gerry” Armstrong asserts that founder L. Ron Hubbard drank and used drugs in 1967 at Las Palmas when he researched OT III (Operating Thetan Level 3), per a purported letter admitting such to his wife Mary Sue Hubbard. Armstrong never introduced the letter into court as evidence, nor did it appear in any court transcript, which Armstrong freely admits. All of Hubbard’s letters to Mary Sue in the evidence log either lack descriptions or dates. Notably, Armstrong made this claim after the trial, and others soon echoed him. These claims do not hold up well under scrutiny, however, as many self-contradict or contradict each other. Furthermore, publicly available articles and earlier testimonies give an opposite narrative. While Hubbard’s whereabouts and activities in 1967 remain unclear, the burden of proof rests on the accusers, given that the currently available evidence suggests otherwise.

**KEYWORDS:** Captain Bill Robertson, Scientology and Fake News, Gerry Armstrong, Janis Gillham-Grady, L. Ron Hubbard, Mary Sue Hubbard, OT III, Pinks and Greys, Scientology, Virginia Downsborough.

### *Acknowledgements*

Many people helped with the research for this project. First and foremost, I would like to thank Janis Gillham-Grady for spending an afternoon with me in Hollywood, CA for our in-depth interview regarding her time with L. Ron Hubbard from the 1960s and 1970s as well as further detailing her book *Commodore’s Messenger*. I also wish to thank Dan Koon for responding to my questions over email to clarify his (mis)quote in *Going Clear* about Hubbard’s 1967 letters. The Church of Scientology’s Bridge Publications representatives, though unable to provide any new data, did take the time to look into my

questions about two reels that appear in the 1978 *What is Scientology?* book, and so I thank them for investigating. Thanks also to Professor Hugh Urban for engaging with me over email regarding the citations of Hubbard and Benzedrine usage in 1950. I also appreciate both Gerald “Gerry” Armstrong and Lawrence Wright for responding to my questions via email. I would like to thank Randy Smith and Kay Christenson for reviewing the first drafts of this paper, their edits and overall feedback. Thanks also go to Trey Lotz for offering help with the citations. I’d also like to thank Jeff Young for finding the newspaper article citing Captain Jones. Major thanks go to Massimo Introvigne and the peer reviewers at *The Journal of CESNUR* for making sure I’m remaining within boundaries of the law, writing clearly, and also properly citing my references. And most of all, thanks to my lovely wife Olga for patiently supporting my work during all this time.

## Introduction

The claim that L. Ron Hubbard (1911–1986) told his wife Mary Sue (1931–2002) “I’m drinking lots of rum and popping pinks and greys” traces back to Gerald “Gerry” Armstrong. According to *L. Ron Hubbard: Messiah or Madman?* Armstrong first made this claim to author Bent Corydon sometime before the end of his 1984 trial (Corydon and DeWolf 1987, 59). Since then, other Scientology opponents, including Jon Atack, Janet Reitman, and Lawrence Wright, repeated Armstrong’s claims with almost no investigation into them. Armstrong has since speculated that Hubbard referenced Darvon, also known as Dextropropoxyphene, a narcotic painkiller in the purported letter with the “pinks and greys” sentence (Armstrong 2018a).



Figure 1. Pink and Grey Darvon pills.

Armstrong did not introduce this purported letter into trial evidence, nor does it appear in any court transcripts, which Armstrong himself admits on his website (Armstrong 2018a). The only items possibly fitting the description of such a letter would appear in a court inventory list of items appropriated by Armstrong: Hubbard's undated letters to Mary Sue, and four handwritten letters dated between January to February 1967 without descriptions or addressees, three of which Hubbard wrote in one week.

2 Wires from MSH to LRH  
 24 WIRES FROM LRH to MSH  
 18 MSH letters to LRH  
 33 LRH letters to MSH

Signed (all)

Figure 2. List of undated letters and wires from L. Ron Hubbard to Mary Sue Hubbard (MSH).

*R. Hart*  
 Signature of Court Clerk

Los Angeles, California, 22 June 1984  
 Clerk of Dept. No. 57 of the Superior Court

★ DESCRIPTION OF EXHIBITS	I.D. Only	Piff. or Def.	Letter or Number	Date of Withdrawal	Signature Receipt
Copy of handwritten letter dated 7-11-66 and copy of envelope, eight pages			PLFFS 500-1	✓	
Copy of four page document entitled "constitution"			500-2	✓	
Copy of one-page letter dated 5-5-66 Thompson to Hubbard			500-3	✓	
Copy of handwritten letter dated 1-3-66 and copy of envelope, <u>TEN PAGES</u>			500-4	✓	
Copy of three-page handwritten letter dated 1-8-67			500-5	✓	
Copy of four-page handwritten letter, 1-25-67			500-6	✓	
Copy of seven-page handwritten letter, 2-1-67 and copy of envelope			500-7	✓	
Copy of six-page handwritten letter, 2-3-67 and copy of envelope (note: letter has no page numbered 5)			500-8	✓	

★ Describe fully. If for identification only, so state in appropriate column.

By Sherry Lewis Deputy  
7-19-84

76R172X (REV. 2-78) 11-82  
 E-148

Figure 3. List of letters dated from 8 January to 3 February 1967 without recipients listed.

Tracing Hubbard's whereabouts during early 1967 proves difficult, as varying and conflicting perspectives emerge. Records from the Church of Scientology only further complicate matters, as these often contradict other information. The clearest indicator of what occurred comes from Hubbard himself in RJ 67 (Ron's Journal 1967) dated 20 September 1967, in which he stated:

[I]n January and February of this year, I became very ill, almost lost this body, and somehow or another brought it off and obtained the material, and was able to live through it. I am very sure that I was the first one that ever did live through any attempt to attain that material. This material I'm talking about, of course, is very upper level material and you will forgive me if I don't describe it to you in very broad detail because it's very likely to make you sick, too (Hubbard 2005).

Although Armstrong claims to have seen a letter detailing Hubbard's drug and alcohol use, given the evidence, nothing indicates that this occurred, outside of Armstrong's own claims.

### *The Burden of Proof*

Although it may appear that what follows provides a sort of proof that a letter exists in which L. Ron Hubbard stated to Mary Sue that he drank rum and popped pink and grey pills, one should note that the burden of proof does not rest upon the skeptic in this matter. The burden of proof weighs upon those who assert that an object, event, or process exists. Unless someone can provide verifiable evidence for the claim, skeptics and audiences should treat the claim as false.

Claiming that skeptics or those accused must show something to prove non-existence invokes the "absence of evidence is not evidence of absence" argument, ironically, an argument often used by religious devotees. This tactic occurs when Armstrong redirects skeptics to the Church of Scientology for a copy of the letter. Indeed, scholars such as Hugh Urban approached Armstrong in 2010 for more details about the purported letter. Armstrong insisted that the Church of Scientology claimed that he forged the letter, but because the church had not provided any such forgery, Armstrong used this as proof that the church had the letter, causing Urban to abandon further pursuit as he could not verify the claim (Armstrong 2018a).

Asking the Church of Scientology to produce a copy of the letter creates a lose-lose scenario, subtly shifting the burden of proof to the accused. If indeed

authentic, then presenting such a letter would invite scorn on Hubbard and the church. If it produced a forged copy, then it could not prove that Armstrong created it as he could deny having forged it—after all, a forger would attempt to pass off a phony document as authentic to deceive others. If the church presents nothing—whether because it has something potentially damning or because nothing exists—then Armstrong and his allies can claim that the Church of Scientology has something to hide in this matter, just as they do now.

Thus, Armstrong uses a sleight of hand with both red-herring arguments and circular reasoning to explain his lack of evidence: he alleges that the Church of Scientology claimed that he forged the purported “pinks and greys” document—which nobody else but he, Hubbard and Mary Sue supposedly saw—and, because the church has not provided a copy of this allegedly forged document, Armstrong uses their inability or unwillingness to produce it as evidence that they possess the letter. Witnessing Scientology’s skeptics’ failure to apply anywhere near the same level of scrutiny to Armstrong’s claims as they would do with claims by Scientologists or other religious adherents reveals a massive confirmation bias.

Again, Armstrong claims that he saw documents that nobody else did—aside from Hubbard and Mary Sue supposedly, both now dead. Armstrong also allegedly had exclusive access to this purported letter for years, and even stated in his trial that he appropriated Hubbard’s archives to prepare for a lawsuit against the Church of Scientology and made copies for his own protection from the church. Regardless of what one thinks of the ethics and morals involved, he not only had damaging and potentially embarrassing documents, but he has also leaked copies of them since, despite court orders not to do so, which has resulted in multiple findings of contempt of court and civil arrest warrants issued (Armstrong 2009a, 2009b, 2009c, 2009d, 2009e). Needless to say, for nearly forty years Armstrong described or published whatever documents that he could of Hubbard and Scientology in spite of the legal consequences. With this particular item, however, he has only redirected anybody who asked about it to the church.

One should also not infer that if Armstrong’s and others’ claims fail to meet the burden of proof, then Hubbard’s OT III claims therefore have truth; both claims may fail. This paper does not take a stance as to the veracity of Hubbard’s OT III claims, especially given that several others have already done so. Rather, it argues that dismissing Hubbard’s OT III claims because he supposedly drank and did



drugs during his research not only lacks any factual basis, but also fails to address counter claims and recently uncovered documentation. Thus, a timeline provided at the end of this article and a review of the claims presented will raise questions about an old narrative surrounding the ever-controversial OT III story, and may perhaps even settle some of them.

### *Church Contradictions*

Little material regarding Hubbard's whereabouts during early 1967 appears anywhere, and some claims even appear fabricated. For example, according to the 1978 edition of *What Is Scientology?* Hubbard gave a lecture on 12 January 1967 titled "OT & Clear Graduation aboard *Royal Scotman* [sic]" (Taylor 1978, 316). Yet the Church of Scientology's own promotional materials contradict this claim as their publications state that in November 1967 "Hubbard travels to England [from the Mediterranean] and accepts delivery of the 3,200-ton royal vessel *Royal Scotsman* as a further expansion of the Sea Org" (CSI 2007). Likewise, Flag Order 639 dated 28 April 1968 "Functions of the Sea Organization A Rapid Summary" also contradicts the January 1967 lecture date. Here Hubbard wrote, "The Royal Scotsman was bought in October '67 to take aboard Worldwide from SH [Saint Hill] as a Sea Based Org," which would place his possession of the boat 10 months after the supposed January 1967 graduation. Similarly, Flag Order 294 "Work Order" of 14 November 1967 gave the earliest known mention of the *Royal Scotsman*.

Hubbard might have stayed in England when his wife Mary Sue "went Clear" (a very important milestone for a Scientologist) in January, but even this event date came two weeks after the supposed 12 January 1967 lecture:

Finally, the Clearing Course Supervisor ordered her to be checked out and as suspected, Mary Sue had been Clear for some time and was working at O.T. level, Grade VIII, and passed a very thorough Clear check easily on January 26, 1967, becoming Clear 208 (Snoeck 2020; *The Auditor* 1967).

Given her graduation date, it would have made more sense for the "OT & Clear Graduation aboard *Royal Scotman* [sic]" to occur *after* she "went Clear." Furthermore, Hubbard did not own the *Royal Scotsman* until October/November 1967, nor does any evidence elsewhere suggest that Hubbard had early access to it or resided in England in January 1967.

Former Commodore's Messenger Janis Gillham-Grady also stated that she had never heard of this lecture nor seen any transcript: "Hubbard didn't have the *Royal Scotsman* until November 1967. That must be a typo/error. He would have done this lecture in 1968 if at all" (Gillham-Grady 2020). It thus appears that someone in the church either fabricated this date or made an error in the lecture date and details. When asked to clarify these contradictions with the published lecture date, a Bridge Publications representative stated that they would not provide any copies of this lecture, or even have it (Phone interview with Author, 8 October 2019).

Similarly, the 1978 edition of *What Is Scientology?* showed another lecture from 25 February 1967, titled "The Big Auditing Problem" (Taylor, Brice, and de Celle 1978, 316). Again, the Church of Scientology's own materials contradict this, as supposedly "Hubbard meets the *Enchanter*" in Las Palmas during this time (CSI 2007). No other accounts of Hubbard having lectured that day have yet surfaced.

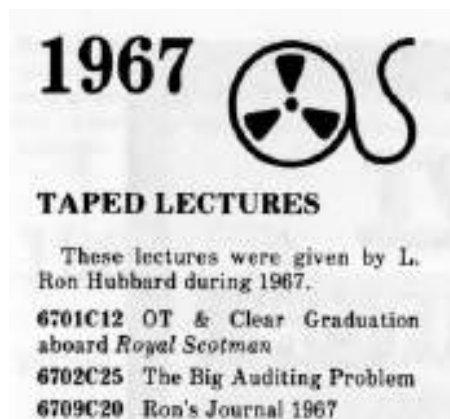
Nine HCO PLs also issued from Saint Hill from around this time: (1) "An Open Letter to All Clears" from 17 January, (2) "Non-Scientology Staff" revised 25 January 1967 and 7 March 1967 (originally issued 20 October 1961), (3) "LRH Property, Building and Plans Branch," in which he turned his property over to the organization, also dated 22 February 1967, (4) "Personnel Requirement" from 22 March 1967, (5) "Safeguarding Technology" reissued 7 June 1967 (originally issued 14 February 1965), (6) "Office of LRH," which lays out plans for the organization, and in this he mentions "LRH Ship Plans Unit" from 22 February 1967, (7) a 21 May 1967 reissue of "Theory Check-Out Data" (originally issued 4 October 1964), (8) a reissue on 7 June 1967 of "Responsibility Again" (originally issued 17 January 1962), and (9) a 23 June 1967 reissue of "Policies of Physical Healing, Insanity and Potential Trouble Sources" (originally issued 27 October 1964) (Hubbard 1967a, 1967b, 1967c, 1967d, 1967e, 1967f, 1967g, 1967h, 1967i).

Hubbard also published eight HCO Bulletins during this time: (1) "Dating-Forbidden Words" and (2) "Sub Zero Releases Examiner's Safeguard" on 2 January 1967, (3) "Manifestations of Engrams and Secondaries Further Defined" on 19 January 1967, (4) "Scales" on 3 February 1967, (5) "Admin Know-How The Responsibility of Leaders" on 12 February 1967, (6) "Admin Know-How—Alter-Is and Degraded Beings" on 22 March 1967, (7) "Religious

Philosophy and Religious Practice” revised on 18 April 1967, and (8) “Evidences of an Aberrated Area” on 30 June 1967 (Hubbard 1967j, 1967k, 1967l, 1967m, 1967n, 1967o, 1967p, 1967q).

Hubbard also appeared as the editor of *Ability* magazine for issues 189–192, which spanned from January to April 1967 (Hubbard 1967r, 1967s, 1967t, 1967u). Hubbard either (1) wrote these HCO PLs and HCOBs and edited the magazine from Saint Hill, (2) sent these from abroad, (3) wrote them before his departure and instructed the staff to publish them later, or (4) someone else wrote them and edited them on his behalf. If he sent them from Saint Hill, then this upends all claims that follow. If he sent them from abroad, then Hubbard could not only answer mail effectively but also could edit a small magazine. If he did them before leaving, then it begs the question as to how the magazines had items from later months. If someone else wrote them, then it raises questions as to what other items people wrote and signed in his name during this time.

It remains unknown why the Church of Scientology’s chronology shows Hubbard aboard the *Royal Scotsman* on 25 February, nearly ten months before he took ownership. Likewise, why the church maintains that he gave a lecture aboard *The Enchanter* and met the crew in Las Palmas, whereas prior records show him already aboard *The Enchanter* on 25 February also remains unknown. Unfortunately, none of this confirms Hubbard’s whereabouts; the records only allow for speculation into what actually happened in early 1967.



**Figure 4.** Two listed 1967 Taped Lectures prior to Ron’s Journal 1967.

*Letters Not Forget*

Bent Corydon's 1987 book *Messiah or Madman* published the first mention of Hubbard using drugs in Las Palmas:

Armstrong, told me, among other things, of a letter to his third wife, Mary Sue, when Hubbard was in Las Palmas during 1967 at the inception of the Sea Org. This letter is now in custody of the court. In it Hubbard tells his wife: "I'm drinking lots of rum and popping pinks and greys" (Corydon and DeWolf 1987, 59).

Armstrong gave additional information on his own website:

I met Corydon, I believe, before the 1984 trial, and he attended a number of days of the trial. He lived in Riverside, CA, which is about 50 miles from LA. We communicated a number of times about many subjects during that period and afterward. I think, however, that the p[inks] & g[reys] letter would have come up in our conversations, and Corydon would have recorded or noted my language, after he began his research and interviews for his book (Armstrong 2018a).

With the purported letter "now in custody of the court" as per Corydon's book, Armstrong's statement thus occurred by 8 June 1984, when the trial ended.

Nevertheless, Armstrong later contradicted his own timeline:

It's likely that this interview with [Jon] Atack [dated 20 June 1984] *was the earliest time I mentioned* the p[inks] & g[reys] letter to any writer who later wrote about it (Armstrong 2018a, emphasis added).

Atack also wrote: "Hubbard had spent the last weeks of 1966 'researching' OT3 in North Africa. In a letter of the time, he admitted that he was taking drugs ('pinks and grays' [sic]) to assist his research," with a relevant citation: "16. Interview with Gerald Armstrong, East Grinstead, June 1984" (Atack 1990, 171 and 409). Given that Armstrong's trial had ended twelve days previously on 8 June 1984, Corydon stated that the letter was "now in custody of the court," indicating that Armstrong spoke with Corydon before Atack.

This alone does not mean that the letter does not exist, but it shows that Armstrong has an unreliable memory, at least in this regard. For example, the two books that presented Armstrong's claims have glaring chronological contradictions. In the interview with Atack, Armstrong claimed, "Hubbard had spent the last weeks of 1966 'researching' OT3 in North Africa. In a letter of the time, he admitted that he was taking drugs ('pinks and grays' [sic]) to assist his

research” (Atack 1990, 171). Whereas in the interview that Armstrong had with Corydon:

Armstrong told [...] of a letter to [Hubbard’s] third wife, Mary Sue, when Hubbard was in Las Palmas during 1967 at the inception of the Sea Org [...] In it, Hubbard tells his wife: “I’m drinking lots of rum and popping pinks and greys” (Corydon 1987, 59).

In other words, when Armstrong gave his earliest recollections of the alleged incident, he described it as having occurred in two different years and locations.

Armstrong’s website also indicated that he last possessed Hubbard’s archive in 1980–81, and that he last read the letter sometime in 1982:

I probably last read the letter in 1982, and it was not referred to in my 1984 trial. During the time I possessed Hubbard’s archive, 1980–81, *I got the idea that Hubbard wrote “pinks and greys” in 1967* (Armstrong 2018a, emphasis added).

In other words, Armstrong claims that he last read the purported letter sometime in 1982, which means that he last *saw it 18 to 30 months before his interview with Atack on 20 June 1984* (or Corydon, depending on which of his stories one wishes to use), in which he gave an incorrect date and location based on an assumption.

Despite listing several criticisms of Hubbard and the Church of Scientology in the trial itself, Armstrong admits that he never mentioned the purported letter either in any court summary nor in any transcript. When asked what Hubbard did in Las Palmas, Armstrong did not mention that Hubbard took drugs and drank alcohol. While he stated that “He [Hubbard] lied to her [Mary Sue] continually” and criticized Hubbard throughout the trial, Armstrong stated the following:

Q: Other than refitting a vessel which was the or became the Enchanter, do you know what else Hubbard was doing in Las Palmas in that period?

A: Well he was creating some OT-3 processing. He created something called the Wall of Fire. He was operating Scientology.

Q: From Las Palmas; is that correct?

A: Yes. He operated it wherever he was (Armstrong 2018b).

Nevertheless, his legal team did not submit any easily identifiable letter into evidence, such as with a date or specifics regarding drinking and drug use on OT III, which again Armstrong admits on his own website. At best, this makes his claim extremely uncharacteristic, as Armstrong usually would not refrain from sharing an embarrassing document of Hubbard regardless of fear of legal

penalties. Equally noteworthy, however, only after Armstrong made this claim did others start supporting it.

### *Talking Downsborough From Allege*

Two years after Armstrong made the “pinks and greys” claim in 1984, former Scientologist Virginia Downsborough (1916–2003) told author Russell Miller that she witnessed Hubbard on copious amounts of drugs in 1967:

Before being driven to the airport, Hubbard scribbled instructions for various members of the “sea project.” One of them was Virginia Downsborough [...] “After he had gone I was given a sealed envelope with his initials on. Inside were my orders. I had to go to Hull, get the *Enchanter* ready for sea and sail her to Gibraltar for a refit. Ron gave me a list of things he wanted from Saint Hill, mainly personal possessions and clothes, which I was to bring with me. I left for Hull next day [...] A lot of things needed to be done before the *Enchanter* was ready to sail,” she recalled, “so I lived on the *Avon River*, which was moored alongside and was absolutely filthy, for a couple of weeks while the work was being carried out.”

The *Enchanter* sailed in the New Year with a hired skipper and a novice crew of four Scientologists, including Downsborough. [...] After putting in briefly at Oporto, the *Enchanter* arrived safely in Gibraltar, only to discover there was no room in the ways. A message arrived from a Hubbard aide in Tangier saying that Ron was ill, and they were to continue to Las Palmas, in the Canary Islands. “We got the *Enchanter* on the ways in Las Palmas,” said Downsborough, “and we had not been there very long before Ron turned up. Bill Robertson—another Scientologist—and myself went to the post office to post some letters and discovered a telegram there from Ron saying that he was arriving in Las Palmas almost at that minute and wanted to be met. We jumped into a taxi and got to the airport just in time to pick him up as he was coming through Customs. We found him at a hotel in Las Palmas and next day I went back to see if he was all right, because he did not seem to be too well.” “When I went in to his room there were drugs of all kinds everywhere. He seemed to be taking about sixty thousand different pills. I was appalled, particularly after listening to all his tirades against drugs and the medical profession. There was something very wrong with him, but I didn’t know what it was except that he was in a state of deep depression; he told me he didn’t have any more gains and he wanted to die. That’s what he said: ‘I want to die.’” Virginia Downsborough did not observe any broken limbs, but recognized that Ron needed nursing. “I moved into an adjoining room in the hotel to take care of him. He refused to eat the hotel food, so I got a little hotplate and cooked meals for him in the room, simple things, things that he liked. My main concern was to try and get him off all the pills he was on and persuade him that there was still plenty for him to do. He was sleeping a lot and refused to get out of bed.”

“I don’t know what drugs he was taking—they certainly weren’t making him high—but I knew I had to get him over it. I discussed it with him and gradually took them away. He didn’t carry on about it. He had brought a great pile of unopened mail with him from Tangier, a lot of it from Mary Sue, and I got him to start reading her letters. After about three weeks he decided he would get out of bed and he started taking little walks and then he got interested in what was happening on the *Enchanter* and after that he was all right.”

Mary Sue flew in to Las Palmas as soon as Ron was back on his feet and Virginia Downsborough was instructed to find the Hubbards a house. She rented the Villa Estrella, a pretty white-painted hacienda with a red-tiled roof on a rocky promontory facing the sea, about forty-five minutes drive from Las Palmas [...] When the *Enchanter* came off the ways in the harbor at Las Palmas, Hubbard took her out on extended cruises round the Canary Islands to search for gold he had buried in previous lives. [...] All these activities were supposed to remain a closely guarded secret and Hubbard insisted on the use of elaborate codes in Sea Org communications. In a dispatch [dated 22 April 1967] to Saint Hill he urged his followers not to feel “007ish and silly” about security. [...] In April 1967, the *Avon River* steamed into the harbor at Las Palmas after a voyage from Hull which the skipper, Captain John Jones, later described as “the strangest trip of my life” (Miller 1987, 265-68).


Indeed, Jon Atack provided more of Captain Jones’ quote as given to the *Daily Mirror*:

A larger vessel had been purchased, and sailed with an inexperienced crew to meet Hubbard at Las Palmas. The *Avon River* was a 414-ton trawler. Her first voyage, from Hull, was reported in the British press after her non-Scientologist Captain’s return. Captain John Jones and the chief engineer were the only professional sailors aboard. Jones called it “the strangest trip of his life”:

“My crew were sixteen men and four women Scientologists, who wouldn’t know a trawler from a tramcar. But they intended to sail this tub 4,000 [sic 3,000] miles in accordance with the Org Book. I was instructed not to use any electrical equipment apart from the lights, radio and direction finder. We had radar and other advanced equipment which I was not allowed to use. I was told it was all in the Org Book, which was to be obeyed without question. We tried these methods. Getting out of Hull we bumped the dock. Then, using the Org Book navigation system based on radio beams from the BBC and other stations, we got down of Lowestoft before the navigator admitted he was lost. I stuck to my watch and sextant, so at least I knew where we were” (Atack 1990, 194; *The Daily Mirror* 1967, 4).

PAGE 4 CHRISTMAS MIRROR, December 24, 1967

# The Org and I (for explanation see below) by skipper of the Scientology ship



**Captain Jones**

**THE** strange saga of the seagoing Scientologists is one which Captain John Jones will not forget in a hurry.

For a start it was the first time he had run a ship according to the rules of the Org Book.

Then the ship got lost; there was a "monumental bust-up" over who was in command; four women and other members of the crew were seasick; and there were strange tests with "E" meters, "a kind of lie detector."

But first, the Org Book. This is an instruction manual written by Mr. Lafayette Ron Hubbard, the wealthy American who founded the controversial cult of Scientology with headquarters at East Grinstead, Sussex.

Captain Jones 39 sailed with the Scientologists in the 314-ton Avon-river from Hull to Las Palmas in the Canary Islands.

The captain and the chief engineer were the only professional sailors on board.

Captain Jones, who described the voyage as "the strangest trip of my life," told me:

"My crew were sixteen men and four women Scientologists, who wouldn't know a trawler from a tramcar. But they intended to sail this tub 3,600 miles in strict accordance with the Org Book."

**Bumped**

"I was instructed not to use any electrical equipment, apart from lights, radio and direction finder."

"We had radar and other advanced equipment which I was not allowed to use. I was told it was all in the Org Book which was to be obeyed without question."

"We tried these methods. Getting out of Hull we bumped the dock. Then, using the Org Book navigation system based on radio beams from the BBC and other stations, we got down off Lowestoft before the navigator admitted he was lost."

"I stuck to my watch and sextant, so at least I knew where we were."

Captain Jones added:

"The sleeping arrangements for the Scientologists were another strange feature of the Org Book. They shared the same saloon with only a blanket dividing the men's section from the women."

**Bust Up**

"But the Org Book also said that anyone guilty of sexual misconduct would be instantly sent back to the Scientology headquarters at East Grinstead."

Captain Jones added:

"Going into Falmouth for fuel there was a monumental bust up because one of the group's leaders had been countermanding my orders."

"The chief engineer and I packed our bags and walked off when the engine room crew did not give him enough power to dock safely. The Org Book again, it seemed."

"After a lot of telephoning to East Grinstead the group leader was ordered ashore. He pleaded and begged but he had to go. Hubbard had spoken."

Captain Jones set sail from Gibraltar today as the navigation officer in another ship. He was not using the Org Book.

Figures 5 and 6. 24 December 1967 *Daily Mirror* article about *The Avon River* trip.



Although Downsborough's version as recounted by Miller seems supported and corroborated by Captain John Jones, his story only contains qualitative information about the *Avon River* trip. Her story, which contains quantitative claims also has several discrepancies and many disprovable points. To review, Miller wrote:

When the *Enchanter* came off the ways in the harbor at Las Palmas, Hubbard took her [Downsborough] out on extended cruises round the Canary Islands to search for gold he had buried in previous lives (Miller 1987, 267).

Per a purported 22 April 1967 dispatch that Miller cited, none could discuss these events. Miller then claimed that “[i]n April 1967, the *Avon River* steamed into the harbor at Las Palmas after a voyage from Hull” (Miller 1987, 268). Furthermore, Miller explained that, “At Las Palmas, the *Avon River* was hauled up on the slips recently vacated by the *Enchanter* and prepared for a major re-fit.” Therefore, per Miller, the *Enchanter* vacated the harbor in April 1967 to make room for the *Avon River*, which arrived that month. Sometime during or before that time, Hubbard allegedly sailed with the crew reliving past life treasure hunts per Downsborough's story. According to the chronology established within these claims, Downsborough not only had completely helped wean Hubbard off of drugs by April 1967, but she also found a home at *Villa Estrella* for both him and his wife Mary Sue.

Unfortunately for the claims of Miller and Downsborough, the *Avon River* did not leave Hull until at least 15 May 1967 but more likely left on 21 May 1967 (*Aberdeen Press and Journal* 1967a, 8). Indeed, on 19 April a report showed that it remained in Hull allegedly due to unpaid bills, and Anton James explained that once ready the crew would use it for a survey (*Aberdeen Press and Journal* 1967b, 1). This disproves both Miller's and Downsborough's claim that the *Avon River* had arrived in Las Palmas in April 1967.

Janis Gillham-Grady correctly stated that the *Avon River* did not arrive until late May 1967. Interestingly, Gillham-Grady placed Downsborough on the *Avon River*:

In May of 1967, the *Avon River* finally left Hull. The crew did not know of their destination; only the Sailing Master knew they were headed for the port of Las Palmas in the Spanish Canary Islands, where the sailboat named the *Enchanter* was already under refit for use as a Sea Project training vessel [...] The original crew of *The Avon River* sailing from Hull to Las Palmas included: [...] Virginia Downsborough [...] The

*Avon River* was no speedboat; her average speed being around six knots [6.9 MPH]. The trip to Las Palmas, roughly 1,900 nautical miles, should have taken about two weeks [...]. The *Avon River* finally anchored off Las Palmas, Canary Islands, in late May 1967. The following morning, the local pilot came out to guide them into the harbor. They made their way up to the dock where they were greeted by Ron (Gillham-Grady 2017, 315–29).

**‘Sealed lips’**

**NON-PAYMENT OF BILLS ALLEGED**

## RIDDLE OF AVONRIVER

**Ex-Aberdeen trawler has Admiralty writ nailed to her mast**

**THE** 414-ton former Aberdeen trawler *Avonriver* is detained at Hull under an Admiralty writ for the non-payment of bills. The writ is nailed to the after-mast of the vessel, which is moored in one of the docks, but her master refuses to comment on it or give his name. The *Avonriver* has been at Hull for some time undergoing a refit.

She is owned by Mr Ron Hubbard, founder of Scientology.

The trawler's fishing gear has been stripped out and extra lifeboat fittings have been fixed to her deck.

Two women are among her crew, none of whom will talk about the ship's destination or her project.

The *Avonriver*, one of Aberdeen's last steam trawlers, was formerly operated by the North Star Steam Fishing Co. Ltd., a subsidiary of George Craig and Sons.



**SURVEY**

She was withdrawn from service because of mounting operational costs compared with a diesel-powered ship of similar class and it was announced in December that she had been sold to Hubbard Explorational Company, London.

A representative of the new owners, American Mr Anton James, said then that it was intended to refit the *Avonriver* for use as a survey vessel.

There were, he said, various aspects of survey work in which they were interested, but plans were not final.

While in Aberdeen the *Avonriver* was regarded as the most handsome trawler in Aberdeen's post-war fleet.

In May, 1960, she was the first Aberdeen trawler to run into trouble with an Icelandic gunboat when the fishing-limits dispute developed.

The British protection vessel *Contest* joined an attempt by the Icelandic gunboat *Thor* to place a party aboard the *Avonriver*.

In September, 1961, an engine-room blaze broke out shortly after she sailed for the Icelandic grounds. It was fought by the chief engineer and the vessel returned to port to receive fire-service aid.

### *Avonriver* is free to sail

**AN** Admiralty writ, which had been fixed to the mast of the former Aberdeen trawler, *Avonriver*, has been removed by a Customs Officer, and the vessel is now free to leave Victoria Dock, Hull, where she has been berthed.

The writ was issued following a claim alleging that money was outstanding for work done on the trawler by Lock Marine Services, boatbuilders and repairers of Beckholme, Beverley.

At the time the Admiralty Marshal, Mr F. V. Gray, said: "There are a number of possibilities for the conclusion of this business. The ship is merely being held as security against the claim being heard in court. If the owners decide to put up other securities the ship could be released."

The 412-ton *Avonriver* was bought a few months ago by the American founder of the Scientology cult. She was taken to Hull for refitting and conversion. It is believed that the ship will be sailing for Las Palmas and the Canaries, but she is unlikely to leave Hull until next week.

Figures 7 and 8. Newspaper articles from 19 April and 15 May 1967 about the *Avon River*.

Indeed, the *Avon River* arrived around 29 May according to Base Order 3, “Project Personnel.” It also clearly stated that “Equipment fo[r] the Base Office is aboard Avon (two typewriter[s]) and is on route from Rhodesia.” The order, however, shows a “V. Downsborough” assigned to “Cook” on *The Enchanter* (Hubbard 1967v, 1). As to whether Hubbard transferred her from the *Avon River* or simply designated her position aboard *The Enchanter* remains unclear. Conversely, Downsborough appeared on the *Avon River* in Gillham-Grady’s book, whereas the Base Order had Downsborough on the *Enchanter*. Given that her testimony and Bill Robertson’s clearly stated that she was aboard *The Enchanter*, however, it seems unlikely that Downsborough traveled from Hull aboard the *Avon River*.

Nevertheless, the Base Order appears consistent with Gillham-Grady’s recollection:

From what I know, she [Downsborough] was on the boat [*The Enchanter*] with him [Hubbard] before the *Avon River* came and they all ate together, and so since none of the rest of the crew got sick he likely trusted her (Gillham-Grady 2020).

The following names appear in both the passenger crew list of Gillham-Grady’s book and Base Order 3:

- 1) John O’Keefe
- 2) Thok Sundergaard
- 3) Blake Huffam (1930–2011)
- 4) Joe Van Staden
- 5) Wally Burgess
- 6) Leon Steinburg
- 7) Phoebe Maurer
- 8) Ivor Norris
- 9) Robin Lindsell
- 10) Roger Buckeridge
- 11) Craig Lipsitz
- 12) Ron Pook
- 13) Haskell Cooke

- 14) Yvonne Gilham (1927–1978)
- 15) Bob Smith
- 16) Ray Thacker
- 17) Hank Laarhuis
- 18) Jill Van Staden
- 19) Neville Chamberlain (Gillham-Grady 2017, 317–19; Hubbard 1967v, 1–2).

BASE ORDER 3

PROJECT PERSONNEL

RAY THACKER is temporarily assigned as HCO Exec Sec, Base, with orders to establish HCO Las Palmas in running condition and get the Dir Comm hat operating at once.

HANK LAARHUIS is appointed Org Exec Sec, Base.

JILL VAN STADEN is appointed Director of Communications, Las Palmas.

Two typists may be employed for the Base Office.

Equipment for the Base Office is aboard Avon (two typewriter) and is en route from Rhodesia.

SHIP PERSONNEL

ENCHANTER

WILLIAM ROBERTSON	MATE	IVOR NORRIS
FRANK McCALL	HAND	ROBIN LINDSELL
V. DOWNSBOROUGH	COOK	PEGGY BANKSTON
NEVILLE CHAMBERLAIN	HAND	ROGER BUCKERIDGE

AVON RIVER

JOHN O'KEEFE	1ST MATE	CRAIG LIPSITZ
GEORGE RUNCIE	CHIEF ENGINEER	RON POOK
THOMAS SUNDERGARD	2ND MATE	JILL VAN STADEN
BLAKE HUFFAM	1ST ENGINEER	HASKELL COOKE
JOE VAN STADEN	3RD ENGINEER	YVONNE GILHAM
WALLY BURGESS	2ND ENGINEER	BOB SMITH
LEON STEINBERG	PURSER	
PHOEBE MAURER	COOK	

-2-  
L. RON HUBBARD

Figures 9 and 10. Base Order 3 Project Personnel list circa 29 May 1967.

Notably, both the crew lists of Gillham-Grady and the Base Order listed more people than Jones' twenty-person crew, not including the Chief Engineer and Captain: Anton James, John Thomas, Fred Payner, and Virginia Downsborough only appeared in Gillham-Grady's crew list, whereas Frank McCall, Peggy Bankston, and George Runcie only appeared in the Base Order crew list. According to Gillham-Grady, McCall didn't leave on the *Avon River* to Las Palmas. Anton James, cited in the April newspaper article about the *Avon River* stationed in Hull, most likely traveled, although this would make him the seventeenth male with three females assuming Captain Jones counted accurately (*Aberdeen Press and Journal* 1967b, 1; *The Daily Mirror* 1967, 4).

Unless both Downsborough and Robertson had incorrect recollections, Virginia Downsborough did not travel on the *Avon River*, thus making Peggy Bankston the fourth female. Though difficult to determine, the other people arrived somehow, and even if accounting for two others on *The Enchanter* it does not explain the remaining names. Either way, these lists suggest that *at least* twenty people comprised the crew of the *Avon River* although more likely more people traveled, though it probably did not include Virginia Downsborough.

Regarding others' arrival times at Las Palmas, Virginia Downsborough claimed that Mary Sue came down as soon as L. Ron Hubbard got back on his feet, and then the couple ordered her to find them a house. The narrative she established with Miller explained that the *Enchanter* left the harbor to make way for the *Avon River* sometime in April—before which, she supposedly spent time sailing with Hubbard and searching for gold—therefore, his recovery with her took place no later than April, at which point Mary Sue came immediately to see him. Mary Sue remained in England in late April, having just published the HCO PL “STAFF ON SAINT HILL ADVANCED COURSES” for L. Ron Hubbard on 26 April 1967 (Hubbard 1967w). She also wrote HCO PL's from Saint Hill for her husband until at least 1 May, with two items published that day: “ADVANCED COURSES ADMINISTRATION” and “VOLUNTARY STAFF” (Hubbard 1967x, Hubbard 1967y). Furthermore, she did not appear in any Ship's Org Book references until 4 July 1967, per Base Order 81 (Hubbard 1967z), which stated that she would stay aboard the *Enchanter*—not a hotel nor the *Villa Estrella*. Furthermore, finding Hubbard a place would not have fallen to her but to Ray Thacker per Base Order 3: “RAY THACKER is temporarily assigned as HCO Exec Sec Base, with orders to establish HCO Las Palmas in running condition and get the Dir Comm hat operating at once.” This also indicated that the base already existed before she had any interaction with it. This matches Gillham-Grady's statement, who resided at Saint Hill in 1967, that “She [Mary Sue] left Saint Hill in July 1967 to visit Ron for her birthday, not because Hubbard was sick” (Gillham-Grady 2020).

Gillham-Grady's statements matched the earliest available known records for *Villa Estrella* found in several Base Orders published around 29 May 1967 (Hubbard 1967v). The first mention of *Villa Estrella* appeared five days later in Base Order 6, dated 4 June 1967 (Hubbard 1967aa). Two days later on 6 June 1967, Base Order 11 stated: “‘Estrella’ (Ess-Strayl-Yah)—Ron's Home”

(Hubbard 1967ab). Per this document, Hubbard's purported three-week recovery under Downsborough's care would have ended by 4 June as per the first Base Order mention of *Estrella*, about one week after the *Avon River* arrived. Yet, she and Miller made overwhelmingly clear that she nursed Hubbard back to health, and Mary Sue came immediately after, by no later than April.

Countering Captain Jones' story of his difficulty navigating the *Avon River* due to Scientologists insisting on using the *Ship's Org*, Gillham-Grady wrote:

Cabbie, the Scottish Chief Engineer, took time off, and was replaced by another drunken, non-Scientology Chief Engineer, Alex McKenzie. Mr. McKenzie arrived in a taxi, thoroughly drunk, and had to be carried aboard. The bilge is a ship's lowest part, sitting below water level, where it collects all liquid runoff. Being below sea level, it was colder there than anywhere else on the ship. That's where Mr. McKenzie chilled his hoard of beer cans (Gillham-Grady 2017, 317).

The trip quality, whether one believes Jones' story of faulty advice from Hubbard's *Ship's Org* book or Gillham-Grady's story regarding a drunk Chief Engineer, bears little relevance as to when the *Avon River* arrived and who arrived with it. Only that Neville Chamberlain, Blake Huffam, Joe Van Staden, and Yvonne Gillham arrived in late May or early June aboard the *Avon River* per these stories and lists has any relevance here.

### *Grays Areas*

Author Ashton Gray used the Church of Scientology's claim that Hubbard met *The Enchanter* on 25 February to discredit Downsborough:

[O]n 28 February 1967—just three days after Hubbard met the *Enchanter* in Las Palmas on 25 February—he was nowhere near Las Palmas or any hotel there, hotplate or not; he was over 2,000 miles away, in the little burg of Crawley, West Sussex, England, where he and Mary Sue signed a notarized annual report for HASI, Inc. Crawley is 9.7 miles from East Grinstead, home of Saint Hill Manor" (Gray 2016a; Gray 2016b, 231–32).

Although an interesting theory, Gray missed the caret (^) qualifier next to "Subscribed and sworn to" which points to "by Mary Sue Hubbard" before continuing on to "before this 28<sup>th</sup> day of February 1967." In other words, only Mary Sue signed the notarized document for HASI in person. Additionally, a rather obvious stamp of L. Ron Hubbard's name appears above Mary Sue's

signature; unlike a regular signature, it tilts at a slight southeast angle, written as if in a straight line, and differs noticeably in pen thickness, boldness, pressure, and in several other aspects when compared to other handwritten portions of the document. Notably, Mary Sue signed so as to place the “d” in her surname between the gap in his stamped signature, indicating that he “signed” before she did (or more likely someone stamped it). Lastly, it makes no sense from a logistical perspective for Hubbard to have traveled out to Las Palmas and met the *Enchanter* as the church claims, only to return to England three days later to sign a standard accounting document, and then return to Las Palmas. While Gray correctly concluded that Downsborough had the chronology incorrect, he incorrectly concluded that Hubbard resided in England at the end of February 1967.

Figure 11. 1966 HASI, Inc. renewal from Arizona Corporation Commission, signed in person by Mary Sue Hubbard on 28 February 1967 (highlights by author).

Additionally, a week later Hubbard received a letter dated 8 March 1967 from someone named Irene—presumably, Irene Thrupp—asking him for feedback on a draft that she had started for an upcoming volume of *Who's Who in California*. He responded with a handwritten chronology for her to use, in which he stated: “Currently engaged on expeditionary and motion picture work on the coast of Africa” (Camacho 2020, LXXVI; Armstrong 2020, 3). Unfortunately for the purposes of research, “the coast of Africa” could mean either Tangier, Morocco or the island of Las Palmas in the Canary Islands. According to Gerald Armstrong’s court testimony, however, on 10 March 1967 Hubbard stayed in Las Palmas and so most likely he wrote it from there (Armstrong 2018b). Regardless, Hubbard responded to Irene via a handwritten letter, consistent with

the earlier issuances of HCO PL's from 17 January–22 February 1967, likely written from afar.

### *Quick-dissolving Time Capsules*

Downsborough's claim that Hubbard "seemed to be taking about sixty thousand different pills" seems dubious given that earlier she stated, "We jumped into a taxi and got to the airport just in time to pick him up as he was coming through Customs" (Miller 1987, 266). Given the trouble Hubbard experienced traveling abroad, transporting anything close to 60,000 pills through customs would have needlessly put him at risk. Hubbard receiving drugs from other Scientologists seems equally unlikely. Per Gillham-Grady:

A dispute arose with the local ship's [*Avon River*] chandler (supplier of food and other items required by ships) over a shortage in the delivery of food to the ship. The chandler's retaliation for being accused of ripping the *Avon River* off, was to tell customs that the *Avon River* had drugs on board. Customs inspection officers showed up, armed with unlimited powers of arrest and detention. The crew were confined to the ship while it was searched using the ship's blueprints to miss nothing. With the crew in tow, the customs officers opened compartments the crew did not even know existed. The *Avon River* was given a clean bill of health (Gillham-Grady 2017, 315–16).

Even the most ardent Scientology critics will acknowledge its well-documented anti-drug stance. Indeed, Armstrong's allegation persists precisely because it seems shocking that Hubbard used drugs and heavy alcohol while speaking publicly against them. Furthermore, had Hubbard brought around 60,000 pills, nothing in Downsborough's claim indicated that she could identify them: "I don't know what drugs he was taking—they certainly weren't making him high." A 2014 letter from Jon Atack to Gerry Armstrong, in which Atack gave a third-hand account of Downsborough's claim, further underscored her lack of recall:

David Mayo told me [Atack] that on her deathbed, Virginia Downsborough listed the pharmaceuticals on Hub's shelf when she rescued him ("Scientology is here to rescue you") from Gran Canaria. But he hasn't revealed this information to me (Virginia got as far as telling me that Hub was subsisting on a "shelf-full" of pharmaceuticals, but became bashful when asked precisely what. In fact, she claimed not to know) (Armstrong 2018a).

To the contrary, William "Captain Bill" Robertson, the person accompanying Downsborough in her story, gave a completely different account. Moreover, his statement came in May 1982, four years before her claim and two years before



Armstrong's. This made his recollection not only the earliest and thus closest to the alleged incident, thus making it more reliable, but the fact that he told it before Armstrong, Downsborough, and others did does not indicate intent to cover up or react to their stories:

I joined—as being on the Clearing Course, it was by invitation only—and I got invited to it and he went off again, in the fall/winter of 1966 to research OT III.

And for that he went to Africa and later met us in Las Palmas, when I was put into active service on the “Enchanter,” January 1st, 1967. So, in 1967, I started on the Sea Project and I've sailed as Chief Engineer on the “Enchanter” all the way from Hull, England down through, stopping at Oporto and Gibraltar and Agadir and ending up in Las Palmas.

And when I got there, as Virginia Downsborough and I were riding around doing some shopping, we decided to stop by the post office and see if there was any mail for the “Enchanter” or anything. And we found a telegram in there from LRH and it said, “Please meet the plane.” It was to the crew of the ‘Enchanter’ you know, and it said, “please meet the plane” arriving on a certain day from Tangier, at a certain time; “I will be on it.” And it happened to be that day, and it happened to be one hour from the time the plane was arriving.

So we jumped in a cab and went out to the airport and we met LRH coming with his full OT III research materials and we welcomed him, he welcomed us and we got him a place to stay and we set up right away into production getting the ships ready for sea and OT missions. He wanted to set up an OT Base to get OT III run.

At that time it was thought it had to be run in a special warm environment with medical service available and he later discovered easier ways to do it, but his research notes were approximately 3 feet high and handwritten and those had to be copied and sent into safekeeping back at St. Hill [...]

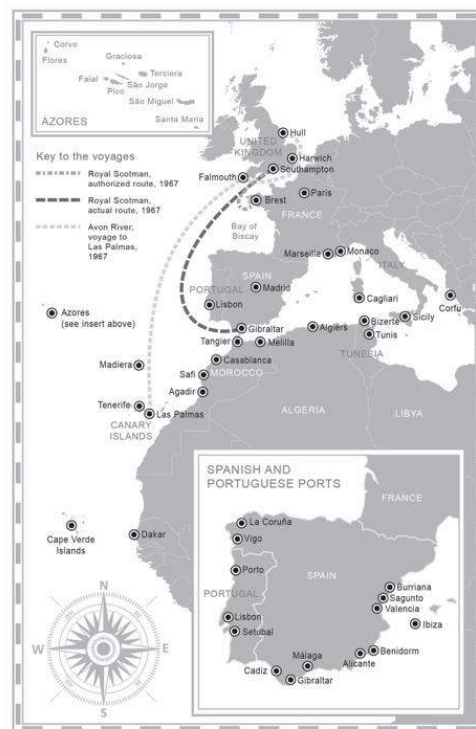
So anyway, we helped the Boss, and were totally on purpose and just working 16, 17, 18 hours a day. Got the ships ready. His main things were to set up OT Bases and do the researches into various plans for planetary control. [...] You'll see some—if you research the newspapers of those times—you'll find some really heavy duty attacks on the Sea Project and so on like that and especially when we went up to get the ‘Royal Scotsman’ in December of ‘67—no, late in November. And he also made Ron's Journal ‘67 that year (Robertson 1982).

Per Robertson's account, the crew worked 16- to 18-hour days while Hubbard wrote copious notes before he sent these off to Saint Hill, England. Additionally, Robertson stated that “[a]t the time it was thought it [OT III] had to be run in a special warm environment with medical service available.” If true, this explained the availability of medicine. Robertson did not state that Hubbard or any others

used drugs. Nor did Robertson's story mention instructions to continue onto Las Palmas. Notably he did not mention any unnamed aide in Tangier having sent a letter about Hubbard's illness; Hubbard himself sent a note to meet the plane but mentioned nothing about illness. When asked about Hubbard having an aide in Tangier, Janis Gillham-Grady stated that she "had no idea who that [aide] would have been, [I] never heard of one" (Gillham-Grady 2020). Although stories keep repeating that an aide accompanied Hubbard in Tangier, no records nor names of anyone having accompanied Hubbard have yet surfaced.

Furthermore, if Hubbard needed an aide to send a message for him due to his illness, and he could not move from his bed for three weeks, then his solo arrival at the airport seems all the more illogical. Even Janet Reitman provided a different account:

[An aide] who joined Hubbard in the late 1960s claimed that she never saw Hubbard intoxicated at all: "When I was with LRH, only twice in eight years on the ship did I see him take a drink of alcohol, and it was whiskey to warm up after a storm," said one of Hubbard's former aides, Karen Gregory [pseudonym,] "I never saw LRH take drugs. And I had access to all of his drawers, his closets. I never saw anything" (Reitman 2011, 92).



**Figure 12.** Routes for *Royal Scotsman* and *Avon River* (courtesy of Janis Gillham-Grady).

### *An Enchant for Trouble*

Downsborough's claims about *The Enchanter* contain other chronological contradictions. The earliest mention of *The Enchanter* appears in "Enchanter Ship's Order I Appointments" dated 24 August 1966 in Ship's Org Book, Volume 0. This order assigned Anton James as Mate, John Lawrence as Engineer and Diver, Ray Thacker as Purser, and referred to Hubbard as Captain. Robertson stated "he [Hubbard] went off again, in the fall/winter of 1966 to research OT III. And for that he went to Africa" (Robertson 1982). Gillham-Grady contradicted this: "[Hubbard] purchased the *Enchanter*, a sixty foot Bermuda ketch, and left England with a small crew" at the end of 1966 (Gillham-Grady 2017, 305).

Hubbard did not leave with these men via the *Enchanter*, however, as James, Lawrence and Thacker remained in St. Hill per HCO PLs 11 November 1967 "Staff Responsibility for the Organization as a Whole" and "Postal Economy" (James, Lawrence, and Thacker 1967a, 1966b). At minimum, James remained in Hull, England through late April 1967 as per the newspaper interview regarding the stationed *Avon River*. Furthermore, Downsborough and Robertson both claimed that they left in January 1967 aboard the *Enchanter* with two other Scientologists and no mention of Hubbard. Downsborough also claimed that Hubbard left her notes before boarding a plane at the airport. Both claim that they later picked him up at the airport, and so he could not have traveled in the *Enchanter*.

Downsborough claimed:

"A lot of things needed to be done before the *Enchanter* was ready to sail," she recalled, "so I lived on the *Avon River*, which was moored alongside and was absolutely filthy, for a couple of weeks while the work was being carried out." The *Enchanter* sailed in the New Year with a hired skipper and a novice crew of four Scientologists, including Downsborough (Miller 1987, 265).

Base Order 8 from 4 June 1967 also placed Downsborough aboard the *Enchanter* "as Enchanter's cook [Downsborough] is ordered to Avon River as Assistant Cook, and is relieved of all other duties. She is also Captain's Steward when I am on board either ship."



**Figure 13.** The *Enchanter* (courtesy of Janis Gillham-Grady).

Furthermore, Gillham-Grady stated that her mother Yvonne Gillham (1927–1978), helped Hubbard:

While researching upper Scientology levels, the Commodore [Hubbard] came down with pneumonia, which he had previously said could be caused by misapplication of the materials under research. While Yvonne nursed him back to health, Ron spoke about his ordeal researching the OT Levels, notably, OT III, the Wall of Fire (Gillham-Grady 2017, 349).

Gillham-Grady did clarify that:

Both [women] may have done it [take care of him]. Virginia [Downsborough] was the Commodore's Steward and Yvonne [Gillham] was a Commodore's Assistant (Gillham-Grady 2020).

Gillham-Grady further explained that:

If she [Yvonne Gillham] had seen him, or found him drunk or high, then she would have quit right there because that would have been unethical, and she was around him a lot. He did talk about vitamins a lot, and she came back talking about them when she returned from Las Palmas (Gillham-Grady 2020).

Hubbard explained in RJ 67 that he contracted pneumonia in January/February of that year.

Whether Gillham actually nursed Hubbard back to health remains moot; Downsborough's memories matched virtually no written records, and several documents contradict her claims. She could not recall the details of any of the

alleged 60,000 pills that Hubbard supposedly used while she purportedly nursed him back to health. Hubbard or Scientology crew sneaking 60,000 pills from Morocco through customs seems extremely unlikely given customs' fruitless searches, not to mention that Scientologists generally oppose drugs including aspirin and painkillers, unless vital. Even if he had used pills, Downsborough herself stated that Hubbard did not get high from them. Meanwhile, the other person mentioned in her story gave a totally different account. Given the overwhelming amount of evidence against her claims, one can consider them unreliable.



**Figure 14.** *Avon River* (courtesy of Janis Gillham-Grady).

### *Other Accounts*

After Downsborough, others began to claim that Hubbard used drugs around this time. Reitman mentioned one:

[Neville] Chamberlain didn't notice that Hubbard had any broken bones, but he did recall that he had a "pharmaceutical store of drugs" at the Villa Estrella. "Most of the stuff was codeine-type pills," he said. "But this wasn't just for migraine, it was a whole wall of stuff." Chamberlain was one of a number of followers who believed Hubbard did most of his early OT research under the influence of drugs, as well as, perhaps, Jameson Irish whiskey, which Chamberlain recalled he'd drunk liberally at Saint Hill. In one oft quoted 1967 letter to his wife, Hubbard admitted it: "I'm drinking lots of rum and

popping pinks and greys.” In Las Palmas, Hubbard eventually sobered up. “I don’t think that Hubbard did any drugs after 1967,” said Chamberlain (Reitman 2011).

Oddly, Chamberlain stated that Hubbard used drugs at *Villa Estrella*—well after Downsborough had supposedly weaned him off them. This raises the question as to which of these people, if either, told the truth. Chamberlain at least named a specific type of drug—codeine—despite his not having taken care of Hubbard for three weeks. Since then, Chamberlain has stated on a Facebook post that Hubbard used cocaine:

Interesting to see that Mike [Rinder] is still such a believer. He knows perfectly well that Hubbard was a cocaine addict. His whole premise about “removing the beings from your space” is based on Hubbard’s coca9ine [sic] problem. We wanted to “get rid of all those things crawling all over him.” I was with Hubbard when he was doing his research in Las Palmas. I saw what was going on and so did many others (Ex-Scientologists Message Boards 2012).

Additionally, Lawrence Wright later mentioned that:

Neville Chamberlain told me he saw Hubbard’s “pharmaceutical cabinet,” which was amply supplied with drugs, and he says he witnessed Hubbard injecting himself in the thigh on one occasion, but he doesn’t know what substance Hubbard was using. “He used drugs almost as a shaman,” Chamberlain speculated” (Wright 2013, 386).

To recap, Chamberlain has accused Hubbard of using codeine, cocaine, and some sort of injected drug at different times. Despite his claims that “many others” witnessed these occurrences, nobody else has supported his various and contradicting claims of Hubbard using codeine, cocaine, or injectable drugs with actual evidence.

Chamberlain arrived in Las Palmas in late May 1967 after traveling from Hull, England, however, and did not arrive at *Villa Estrella* until sometime in June 1967 per Base Order 3, which showed “Neville Chamberlain (Hand)” aboard *The Enchanter*. Furthermore, both Chamberlain and “Karen Gregory” stated that Hubbard drank whiskey, not rum as Armstrong claimed, and the amounts vary depending upon who gave the account. Regarding “Karen Gregory,” Janis Gillham-Grady confessed:

This was the pseudonym that Janet Reitman used for me. At the time she interviewed me, I was still laying under the Church of Scientology’s radar. Anyway, yes, the only time I saw him [Hubbard] drink was once when he had a shot of whiskey to warm up from a storm [...]. I rarely drink alcohol, maybe socially and I’ve never used drugs: I was born into Scientology. LRH was very strict about no drugs or alcohol within 24 hours of going

into session. He usually went into session daily. The one time I saw him drink, he did not go in session the next day. He felt it affected the auditing results. I don't believe this claim [about his abuse of drugs and alcohol] at all (Gillham-Grady 2020).

When asked if she had heard from anybody else besides Chamberlain that Hubbard injected himself, Gillham-Grady, who had also previously interviewed Chamberlain, stated:

No, and I don't believe him [Chamberlain]. I never saw Ron inject himself or anybody else. If he was getting injections for medicine, the medical officer would have given it to him. Ron was extremely anti-drugs and intolerant of others on them. He'd be on the lookout when we were on the ship and he'd watch as people climbed aboard. Sometimes he'd notice and point out one of them saying "He's high." He [Hubbard] had his [the Scientologist's] cabin inspected and if they found pot he was offloaded immediately. In the eleven years I was around Ron directly, I never saw him do drugs nor saw any in his quarters, nor did I see him use drugs as part of his research. He was adamantly against them (Gillham-Grady 2020).

Indeed, Gillham-Grady detailed this incident in her book:

One day, during a walk on deck while at anchor, the Commodore [Hubbard] happened to be leaning on the ship's rail, watching Lifeboat #8 below us as they unloaded crew and supplies. The MAA [Master At Arms], Baron Berez, was just returning to the ship from liberty with his girlfriend, and both of them were having trouble climbing up the ship's ladder to come aboard. The Commodore commented that they both looked like they were stoned. A few weeks later, a letter arrived for the Commodore from my father [Peter Gillham (1927–2020)] that triggered an investigation into Baron Berez. Pete's letter explained to Ron the injustices Pete had experienced on the ship, including the chain locker incident that he suffered under the duress of Baron. When Baron was investigated, it was found that he possessed a huge tin of marijuana in his cabin. It was Baron's job as MAA to get ethics in, yet it was he who personally fostered out-ethics. Baron was immediately offloaded from the ship, since drugs were not tolerated on any Sea Org ship (Gillham-Grady 2017, 692–93).

Aside from contradicting Downsborough almost entirely, Chamberlain's timeline makes even less sense as his claims come well after the purported "pinks and greys" letter, by which time Hubbard had apparently recovered fully according to Downsborough. Likewise, Chamberlain "believed" and "speculated" that Hubbard used drugs, yet contradicted himself per his statement that he saw Hubbard injecting himself "on one occasion" in his interview with Wright. Chamberlain omitted this reference with Reitman two years earlier in an interview when he stated that after 1967 Hubbard did not use drugs. Therefore, without

corroboration, Chamberlain's often changing and self-contradicting recollection seems not only unreliable but most likely false.

Likewise, according to Gillham-Grady's book:

When the *Avon River* later went out to anchor, Blake [Huffam] was responsible for taking the Commodore [Hubbard] to the ship and back to the motorboat. The Commodore with his arm in a sling (assumedly from pushing the car a few nights prior) was not very affable owing to his discomfort. Blake found the atmosphere quite tense. Blake had heard that the Commodore was on painkillers, presumably to alleviate the pain in his arm (Gillham-Grady 2017, 348).

When asked from whom Huffam had heard that Hubbard used painkillers, Gillham-Grady stated:

Blake never said who he heard it from, and it's too late to ask him now—he's dead. Supposedly it came from Hubbard and the rest pushing a stalled car and he injured himself. But nothing backs up his story. If he [Hubbard] was really drinking—as Joe Van Staden said he was with them—was he just drinking one glass while the rest were drinking more? And if that's the case, then how reliable are their memories if they were all drinking heavily? So, no, I don't believe it, even though Blake otherwise seemed honest when we spoke (Gillham-Grady 2020).

Chamberlain also stated that he did not see any broken bones or injuries with Hubbard, yet Huffam claimed that he did see Hubbard's arm in a sling. This makes either Chamberlain's recall less trustworthy, or calls Huffam's recall into doubt. In any case, the only relevant portion here deals with alcohol, and as Huffam's story comes secondhand from Joe Van Staden, who was drinking heavily, this makes both rather unreliable witnesses.

Finally, according to Corydon:

John McMasters [sic] told me that on the flagship *Apollo* in the late sixties, he witnessed Hubbard's drug supply. "It was the largest drug chest I had ever seen. He had everything!" (Corydon and De Wolf 1987, 54).

If true, then his claims discredit both Downsborough's and Chamberlain's that Hubbard was off drugs, unless of course his claim also has no merit. After all, McMaster claimed to see the drugs on the *Apollo*, yet Hubbard did not acquire this ship until November 1967 when it still used its former name, the *Royal Scotsman*. When asked about McMaster's statement, Gillham-Grady stated:

I don't know why he would have said that. Here's the thing, he also wouldn't have had access to LRH's personal quarters. Only the assistants and messengers were allowed in. I



don't know why he said it. I met John, I mean, he was a nice guy otherwise, but that makes no sense to me why he would have said that (Gillham-Grady 2020).

In any case, his claim also contains not only anachronisms but also contradicts all those who came before him, and, as with the rest, has no corroboration.

Janis Gillham-Grady concluded her interview with the following:

LRH was still auditing OT III years after he finished the research; he was not done with the level in 1967. I think he was still auditing the material in 1968, 1969, 70 to 72. I would set up his room before and after his sessions, and I never once saw drugs or alcohol in his room in my 11 years with him [May 1968–December 1979], and if he had as many drugs as they claimed I don't know where he'd have kept them. I only saw him drink once in all that time, and it was a shot of whiskey or brandy maybe, because of coming in from the cold. Besides, he had a very strict policy of no alcohol or drugs within 24 hours of session. Now, maybe in the later years he used drugs like painkillers as he was much older and suffering, such as when he had Dr. Gene Denk [d. 2004] attending to him in his later years, but definitely did not do any drugs in the 1960s and 70s when I was working with him directly, nor had I ever heard about it until Gerry first spoke about it. So, no, I don't believe a word of it (Gillham-Grady 2020).

### *Now Letters Continue*

Lawrence Wright repeated and combined the various versions of the same claims in his book *Going Clear*, in which he indicated that Hubbard wrote the letter from Tangier:

He admitted that he was “drinking lots of rum” and taking drugs—“pinks and grays”—while he was doing his research. He would sign off on the letters, “Your Sugie.” Hubbard stayed only a month in Tangier before moving to Las Palmas in the Canary Islands, where one of his followers found him deeply depressed and surrounded by pills of all kinds. “I want to die,” he said. Alarmed, Mary Sue flew down to take care of him (Wright 2013, 93).

Oddly, Wright never saw the letter, and so it seems unclear how he could know what Hubbard used to sign off on it. The citation referenced an “Interview with Dan Koon” (Wright 2013, 386). When contacted for details, former Scientologist staff member Koon stated:

When I was doing a marketing flier for the OT levels when I worked in Marketing around 2000 or 2001, Andy Lenarcic showed me a bunch of letters, most of which were signed by LRH, “your Sugie.” Meaning, your sugar. You could tell that LRH really loved Mary Sue, at least at that time before he let her take the fall for Snow White. These letters were

sent to MSH while he was researching OT 3 in Las Palmas (email to author dated 24 October 2020).

When asked to clarify whether he actually saw the alleged “pinks and greys” letter, Koon stated, “Never saw anything about pinks and greys. Don’t know what that is about” (email to author dated 24 October 2020). Thus, Wright attributed a statement made regarding Hubbard’s *other* letters to an alleged letter that Wright himself never saw and could not confirm, and then incorrectly attributed a citation and quote to an interviewee who made no such claim.

Additionally, Wright’s statement incorrectly assumed that Hubbard arrived at Las Palmas first and that Downsborough found him depressed. Not even she made this claim, which would place Hubbard at Las Palmas as early as February 1967 before the arrival of the *Enchanter*. As nobody else made this claim, his statement appears to have no basis in reality.

In the related citation, Wright also noted, “The church says an apostate fabricated this letter” (Wright 2013, 386). Armstrong focused on this statement and changed the emphasis in his email to journalist Steve Cannane:

Following are three emails dated January 20 and 26 and February 4, 2011 to Katia Bachko, a New Yorker fact checker, and Lawrence Wright.

I included the complete emails so you can see the context in which I wrote about Hubbard’s pinks and greys comment during his Wall of Fire period. No dark night of the soul for Ron, no abyss. For Ron a flaming wall of fire.

I am not, as Jon [Atack] jokes, the world’s leading expert on pinks and greys. Hugh Urban doubtlessly asked me about the [pinks and greys] reference in 2010 because of mentions in Bent Corydon’s and Jon’s Hubbard biographies.

The New Yorker asked me about the reference because the Scientologists were telling Lawrence Wright that I forged, and disseminated, Hubbard’s letter to Mary Sue Hubbard in which, as I recall, he wrote that he was drinking rum and popping pinks and greys.

I am the world’s leading expert on my alleged forgery of the pinks and greys letter. I am guessing that you are not so much interested in chasing down the forgery charge, but what was going through Hubbard’s mind when he tripped through the wall of fire (Armstrong 2018a).

Upon contacting Wright as to whether the Church of Scientology representatives had either written or spoken to him that Armstrong forged the purported “pinks and greys” letter, Wright responded “I don’t recall” (Wright to author, 10

October 2019). I also attempted to contact his former fact-checker Katia Bachko multiple times, but she never responded. Nevertheless, according to Wright's book, the Church of Scientology claimed that Armstrong (the "unnamed apostate") "fabricated" the so-called "pinks and greys" letter. This means that Armstrong made up the letter and alleged it exists, which is a significantly different claim than a "forgery" in which he created a fake document. Wright even addressed this distinction in his book:

[Tommy] Davis charged that Armstrong had forged many of the documents he later disseminated in order to discredit the church's founder, although he produced no evidence to substantiate that allegation (Wright 2013, 342).

Given that nobody disseminated the "pinks and greys" letter, nor did Wright document or recall any claims from the Church of Scientology that Armstrong forged this document, nothing supports allegations that Tommy Davis or the Church of Scientology accused Armstrong of forging it. Rather, both claimed that Armstrong made it up.

Armstrong claimed that the Church of Scientology claimed that he forged the pinks and greys letter, and then calls upon skeptics to ask the church for a copy as he cannot provide any evidence to support his claim that the letter exists. Even after having contacted him, Armstrong could not provide any emails or letters or evidence from either Bachko or others showing that the Church of Scientology suggested that he had forged the letter (Armstrong email to author, 13 October 2019).

### *Bennie Fits*

Despite the unsupported allegations, the real question becomes whether Hubbard used drugs to research into auditing and mental phenomena for OT III. Hubbard talked about "narcosynthesis" in the Technical Bulletins, volume I, 1950–53, which Urban cited as evidence to support Armstrong's "pinks and greys" claim (email to author 16 October 2019):

Despite statements of those who have made no investigation of auditing under glutamic acid, the chemical assist is highly desirable as an adjunct to processing. It has the virtue of softening up engrams and of proofing the case against restimulation by permitting engrams in the middle of a chain to occasionally reduce. Further, it sometimes permits whole chains to roll up. Additionally, it often gets anaten off a case which is proving

difficult. The formula for the chemical assist at this time is simply glutamic acid and vitamin B1. B1 is given preclears as a matter of course, and it can hardly be considered as a part of the chemical assist. Hence the essential ingredient is glutamic acid.

Therapy does not depend upon hypnosis. A state has been found which is much more desirable. Hypnosis is amnesia trance for the purpose of planting suggestions. The problem of hypnosis is to put the patient to sleep. The purpose of the Dianetic reverie is to wake the patient up. Narcosynthesis and other drug therapies have some slight use in Dianetics. But the primary technique consists of stimulants. The best stimulant is Benzedrine. In its absence an overdose of coffee will do. [...]

Benzedrine often helps a case run. Benzedrine can be administered at the rate of 5 mg per day given at the beginning of each six hour session with the first dose of B1. If administration of Benzedrine is begun, however, it must be maintained throughout the whole of the intensive process. Skipping a day, it has been noted conditionally, sometimes inhibits the release of anaten. Which is to say that when Benzedrine is administered on Monday, on Tuesday, when none is administered, the case appears to be a little more difficult to run in that engrams do not as readily release and, if Benzedrine is still omitted, Wednesday may discover the engrams to be much more resistive. While this is based on a short series, there is enough evidence to warrant this caution. This is particularly true when glutamic acid is being given the preclear. Cases can be run on intensive processing without chemical assist or with chemical assist, at which time the processing may be called “intensive guk processing,” guk being the slang term for any chemical assist in Dianetics (Hubbard 1950g).

What Hubbard described falls under the section “Intensive Processing,” as he intended it primarily for cases (subjects) that had a hard time running Dianetic processes and to wake them up and improve focus. He saw a “chemical assist” as an adjunct to processing, but not required. Furthermore, he described “the formula for the chemical assist at this time” as a combination of B1 (thiamine) and glutamic acid. A chemical assist did not use Benzedrine.

Conversely, Hubbard mentioned “narcosynthesis”—a combination of “freewheeling” (free association) and a stimulant, whether Benzedrine or lots of caffeine—to get a person to wake up, the goal of Dianetics. As the more powerful stimulant of the two, “Benzedrine often helps a case run” and had “some slight use” but Dianetics did not require it, yet Hubbard had not entirely ruled out the possibility at the time.

Hubbard mentioned other uses of Benzedrine, but only for handling extreme cases such as psychotics: “[P]sychotics are not good people to work [on with Dianetics], and don’t try to work them under sedation when you can use

stimulants such as coffee, or Benzedrine” (Hubbard 1950a, 445). Another lecture titled “Institutional Dianetics” explained this distinction upfront and expressly forbade the use of Benzedrine without a doctor:

The main part of this lecture concerns the treatment of psychotics by Dianetic therapy. In this subject more than any other auditor must use imagination, perseverance and nerve, because in the treatment of psychotics one encounters engrams in the raw [...] One of the ways one can take a catatonic and raise his necessity level artificially is to feed him full of Benzedrine—he knows how to open his mouth and swallow—and it will bring up his attention level to a point where you can sometimes work him on engrams. In fact, almost any person who is disassociating badly will present a different aspect when he has been given a stimulant such as Benzedrine. You are not allowed to give Benzedrine, however. You do that in liaison with a medical doctor (Hubbard 1950b, 627; 632).

Yet another example appears in the aptly titled lecture “Handling Psychotics,” in which Hubbard stated:

Often it is very hard to get into communication with these people [psychotics]. It does no good usually to tell them that they have great responsibilities of their own and they ought to snap to, as that is what they are running away from. People sometimes do a lot of arguing with psychotics about the great responsibilities which are awaiting them. Of course the psychotic just retreats further and further. He doesn’t want anything to do with these responsibilities. Another means of gaining accessibility has to do with drugs. Someone who wants to gain accessibility with a psychotic via drugs should stay solidly in the field of stimulants and away from sedatives. It is amazing what a stimulant will do to return accessibility to lots of cases. A psychotic who could not even talk to you will suddenly be in communication after Benzedrine starts taking effect. Now, what is said to him does not make new engrams nor new locks. He is accessible and you can talk to him. In other words, a psychotic can be depressed by use of a sedative into a stupefied state where everything that is said to him or around him or done to him while he is worked with will be knocked right in there with the rest of the engrams, or he can be given a stimulant and brought up to a level where his accessibility will often return, and he can be processed while in that state. There are several stimulants. Benzedrine and Dexedrine are two, and lacking everything else, just simply enough hot coffee will sometimes produce results (Hubbard 1950c, 323).

Hubbard made quite clear that while not an optimal solution, it could work. He also stated that the power of suggestion via the placebo effect regarding Benzedrine often proved more useful than the drug itself:

It is said in the [Dianetics] Handbook that as a stimulant Benzedrine helps blow emotional charges. This is true. But from Smith, Kline and French you can get Benzedrine blanks which look exactly like the Benzedrine tablet, more or less triangular, with a crease down the center. Give the patient a Benzedrine run. If you feel that it

doesn't produce any marked effect on him the first time you give him a run with it, there is no reason to have him in a physiological state of nervousness because of the reaction to it. If he says, "Oh I need Benzedrine, Benzedrine will blow that charge," and he believes this will take place, feed him the blanks, and give him runs on blanks. You will very often get better results than if you were actually feeding him the drug (Hubbard 1950d, 454).

Hubbard made a similar observation in another lecture:

Benzedrine works somewhat, but some patients under Benzedrine hypnotize just as rapidly as ever. Hypnotism, by the way, is not sleep.

The value of Benzedrine is unfortunately not as good as it might be. In some patients the administration of Benzedrine assists markedly the contact and deintensification of emotional charges. Yet I've had patients that were quite null. In fact, one of the smoothest, easiest things an engram does if it has that as its content is to nullify or deepen the effect of drugs. I have had patients that I fed blanks to (probably made out of flour). I had one patient worked up on Benzedrine blanks to 100 milligrams a day, and this patient was going around quite high, feeling wonderful. If you get somebody who starts to demand Benzedrine runs of you and if you have a bottle of blanks, why, feed him all the blanks you want to, you may get remarkably better results (Hubbard 1950e, 177–78).

While Hubbard had advocated the occasional use of Benzedrine in 1949 and 1950, he also made clear that it should come only as a last resort and only for extreme cases such as psychotics, not mainstream or recreational use.

Hubbard's research in Dianetics initially involved using various techniques and discarding some. At the time, he considered Benzedrine a slight positive for the most extreme cases. When contrasted against a 1968 bulletin, however, Hubbard's views on Benzedrine, and mind-altering drugs in general, reveal a drastic shift:

LSD, marijuana (pot, hashish), peyote, opium, ether (in operations), nitrous oxide (laughing gas in dental operations), weird "biochemical" compounds used by "psychiatrists," Benzedrine, solid alcohol (canned heat), alcohol, turpentine, gasoline, witch herbs of various kinds, and even certain rays, in this lifetime and on the back track, could have caused a moment of release (Hubbard 1968).

This appears consistent with his anti-drug stance to and beyond 1967.

### *Prior Mentions*

Any claim that Hubbard researched or created the OT III material while on drugs and alcohol in Africa must ignore the fact that nearly fifteen years prior, he had already mentioned similar phenomena. For example, *Scientology: What To Audit* (later renamed as *A History of Man*) describes an incident titled “The Ice Cube”:

THE ICE CUBE: Here is an intriguing incident which, if your PC demands, should be audited. This is evidently a method of transportation of beings to a new area. The being is packed in ice, is taken to the new area and is usually dumped in the ocean. Your PC, if he has this one in restimulation, has very cold hands and feet chronically. A thetan responds to hypnosis, pain, force and other factors. He also responds to being frozen in ice. You may wonder how, the being, if the ice-cube is used or is necessary at all, can get into the between lives area so easily—in other words, if he can be transported between lives with ease, why should he be dumped originally in the form of an ice-pack. Possibly the answer lies in two invader crews at work; an old invader, already in command of an area but rather down scale, controls by between-lives; a new invader crew with more ambition plants beings in the same area. These beings then fall into the between-lives routine which exists unbeknownst to the new crew. The new crew in the area is later quite surprised to find that their planted beings, so carefully dumped in the sea from a saucer, are being picked up between-lives and given “treatment” by an old, established invader whose methods of political control are long since established. When such a discovery is made the new crew may very likely knock out some of the old crew installations and upset the routine (Hubbard 1952a, 69–70).

Similarly, Hubbard discussed “demon circuits”—the internal voices that OT III treats as separate entities—as early as 1950 in *Dianetics* and dedicated a whole chapter to the phenomena. At the time, however, Hubbard made clear that:

*there are no real demons in dianetics* (that’s underscored in case some mystic runs around telling people that a new science of mind believes in demons). *A dianetic demon is a parasitic circuit* [...] The data comes to him *spoken*. Like a voice inside his head. A clear does not have any “mental voices!” He does not think vocally. He thinks without articulation of his thoughts (Hubbard 1950f, 86–7).

Hubbard audited these “entities” as early as April 1952. A previously unreleased audio recording titled “Electropsychometric Scouting: Battles of the Universes,” which the Church of Scientology has not released, and which Tony Ortega publicized in 2014, reveals Mary Sue auditing Hubbard and his communicating with these “attached entities” (Ortega 2014; mediafire.com 2012; docdroid.net n.d.). The recording appears authentic and interestingly also mentions the “Ice

Cube” incident. Furthermore, other lectures from this period dealt with similar material, including the appropriately titled “Theta Body Entities” as well as “Entities (Demo Cont.)” in addition to “How to Audit a Theta Line, Parts I and II” and “How to Search for Incidents on The Track, Parts I and II” (Hubbard 1952b, 1952c, 1952d, 1952e, 1952f, 1952g).

The claim that Hubbard created the OT III story while both drunk and high clashes with the fact that he had the story ready fifteen years earlier. Both cannot simultaneously occur, and as we have evidence from 1952 but none from 1967, Occam’s Razor suggests the simpler of the two explanations. Indeed, even Ortega’s derisive title “Rare tape reveals how L. Ron Hubbard really came up with Scientology’s space cooties” suggests that Hubbard did not create the OT III story in 1967 under the influence of drugs and alcohol. Furthermore, even if Hubbard did invent the story while drunk and high, then it would not explain the associated, similar phenomena that several Scientologists—who may not use drugs or alcohol—claim to have experienced during and after auditing this level.

### *Conclusion*

While one cannot entirely disprove a negative, Armstrong has thus far failed to produce a copy of the letter, enter it into evidence, or read it into a transcript during a trial. If any substantial (and hidden) evidence ever comes to light that Hubbard wrote a pinks and greys letter and, more importantly, used drugs and drank copious amounts of alcohol during this period, then I will stand corrected. Despite nearly forty years of accusing without evidence, lots of counter evidence supporting the opposite narrative, and significant and numerous contradictions within the various claims, however, suggest that this event never occurred and that no such letter exists.

Only Armstrong alleges that the Church of Scientology claimed he forged the letter, when records suggest they claim the letter does not exist, a very important distinction. Armstrong also states that he has not seen the letter since 1982, two years before the trial ended, and his recollections of whom he first told about it contradict, as well as claims of when and where Hubbard purportedly wrote it.

Virginia Downsborough, who also claimed that Hubbard used drugs upon arrival in Las Palmas, could not recall the brand of any of the supposed 60,000



pills that she claimed to have seen, and yet also stated that he did not seem high, which makes sense as no evidence suggests that he had taken anything. Furthermore, she did not spend three weeks nursing him to health as per records and other witness accounts, nor did Hubbard or the ship crew sneak any drugs across customs per all known accounts and records. “Captain Bill” Robertson’s earliest account of this time period undermined all later claims, especially as he gave the earliest known account.

Similarly, others’ accounts of Hubbard abusing drugs while researching OT III occurred only after Armstrong made the claim, and every single one contradicts themselves or each other. John McMaster’s claims that Hubbard used drugs on the *Apollo* (1968 or later) got undermined by both Downsborough when she said Hubbard recovered after her care, and also by Chamberlain, who said Hubbard stopped using drugs after 1967, and by others like “Karen Gregory” (aka Janis Gillham-Grady), who stated that Hubbard did not use drugs and only had one or two drinks in eleven years.

Hubbard apparently had pneumonia as per his own and others’ accounts, and likely appeared unwell. If Hubbard used the heavy painkillers codeine or Darvon, as Chamberlain and Armstrong claimed respectively, then the fact that Hubbard wrote a number of Base Orders and answered letters with his arm in a sling according to Huffam, while simultaneously researching and also running multiple operations according to Robertson, seems odd, given that these drugs qualify as depressants.

Assuming for a moment such a letter does exist, then it would still lack context—Was Hubbard joking? Was he expressing desire or a wish? Was he quoting someone? Without a full context, we cannot determine the intent or usage, which has little value in terms of evaluative purposes.

From the perspective of a skeptic, it appears that no pinks and greys letter ever existed, as Armstrong already would have produced it to harm Hubbard’s reputation if it did. Again, this does not make Hubbard’s OT III claims any more true or false, but it should call into question such rumors due to their own internal contradictions, contradictions by others, and documented evidence. These findings thus make it not a pink or grey matter, but really no matter at all.

## *TIMELINE*

**24 August 1966** – First mention of the *Enchanter* in “The Ketch Enchanter Ship’s Organization.” First mention of Hubbard as Commodore (Ship’s Org Book, no Volume).

**24 August 1966** – First mention of *Enchanter* in “Enchanter Ship’s Order I Appointments,” which assigned Anton James as Mate, John Lawrence as Engineer & Diver, Ray Thacker as Purser. Hubbard referred to as Captain. (Ship’s Org Book, no Volume).

**September 1966** – Flag Order 639 (28 April 1968) “Functions of the Sea Organization A Rapid Summary” states “At the time of this writing the Sea Org proper is only seven months old although under arrangement for about 19 months if one assumes the purchase of ‘Enchanter’ as the beginning and includes the reconstruction of the Avon River through the first 2/3rds of 67 at Hull and Las Palmas” (Ship’s Org Book, no Volume).

**11 November 1966** – Anton James, John Lawrence, and Ray Thacker still at St. Hill.

**22 November 1966** – Hubbard incorporates Hubbard Exploration Company Ltd. (HEC) at Companies House in London, England.

**Late November 1966** – Saint Hill meetings for Operating Thetan (OT) Central Committee begin per Janis Gillham-Grady. These involve seamanship drills with Virginia Downsborough.

**Early 1967** – Janis Gillham-Grady claims that confidential meetings take place in the St. Hill garage space regarding the planning of the Sea Project.

**January 1967** – Hubbard appears as the editor of *Ability* 189 and continues as editor through April, when the last issue of *Ability*—issue 192—finally publishes.

**2 January 1967** – HCOBs “Dating–Forbidden Words” and “Sub Zero Releases Examiner’s Safeguard” publish.

**8 January 1967** – Hubbard sends a 3-page letter to MSH per LA court archives.

**12 January 1967** – Hubbard purportedly gives a lecture titled “OT & Clear Graduation aboard *Royal Scotman* [sic]” per The Church of Scientology. No records of this lecture have yet surfaced.

**17 January 1967** – HCO PL “An Open Letter to All Clears” publishes from Saint Hill.

**19 January 1967** – HCOB “Manifestations of Engrams and Secondaries Further Defined” publishes.

**25 January 1967** – HCO PL “Non-Scientology Staff” publishes (revised) from Saint Hill.

**25 January 1967** – Hubbard sends 4-page handwritten letter to MSH per LA court archives.

**26 January 1967** – Mary Sue Hubbard attests to Clear number 208.

**1 February 1967** – Hubbard sends 7-page handwritten letter to MSH per LA court archives.

**3 February 1967** – Hubbard sends 6-page handwritten letter to MSH per LA court archives.

**3 February 1967** – HCOB “Scales” publishes.

**12 February 1967** – HCOB “Admin Know-How The Responsibility of Leaders” publishes from Saint Hill.

**22 February 1967** – HCO PL “LRH Property, Building and Plans Branch” publishes from St Hill.

**25 February 1967** – Hubbard purportedly gives a lecture titled “The Big Auditing Problem” per The Church of Scientology. No records of this lecture have surfaced.

**25 February 1967** – The Church of Scientology claims that Hubbard meets the *Enchanter*.

**28 February 1967** – Mary Sue signs and notarizes a HASI, Inc. annual report in Crawley, England with Hubbard’s (stamped) signature.

**3 March 1967** – HCO PL “Training Quality” reissues from Saint Hill.

**7 March 1967** – HCO PL “Non-Scientology Staff” re-publishes (revised) from Saint Hill.

**8 March 1967** – Irene (Thrupp?) mails Hubbard regarding an upcoming *Who’s Who in California* listing. He responds at a later date that he’s on the coast of Africa.

**10 March 1967** – Hubbard resides in Las Palmas per Gerry Armstrong’s 1984 court testimony.

**22 March 1967** – HCO PL “Personnel Requirement” and HCOB “Admin Know-How Alter-Is and Degraded Beings” publish from Saint Hill.

**3 April 1967** – John Lawrence, writes “Ship’s Organization Book Captain” for/approved by Hubbard, listed as Commodore and owner. A note says that Lawrence will resume his role as Director in Hull once the Captain takes over. (Ship’s Org Book, No Volume).

**April 1967** – Hubbard appears as the editor of *Ability* magazine’s final issue, number 192.

**April 1967** – A crew, which includes Neville Chamberlain, Anton James, Blake Huffam, and Yvonne Gillham, meets at the *Avon River* in Hull according to Janis Gillham-Grady.

**April 1967** – Russell Miller (falsely) claims that the *Avon River* arrives in Las Palmas with skipper Captain John Jones and cites a *Daily Mail* article as evidence.

**April 1967** – Downsborough claims that Hubbard took her and the *Enchanter* crew out on extended cruises around the Canary Islands to search for gold.

**11 April 1967** – HCO PL “Section III OT Prerequisite” by Hubbard publishes from Saint Hill.

**18 April 1967** – HCOB “Religious Philosophy and Religious Practice (revised)” publishes from Saint Hill.

**19 April 1967** – *Avon River* still in Hull as per a newspaper report due to its unpaid bills. Anton James present there and a photo shows it docked.

**22 April 1967** – Hubbard allegedly sends a dispatch to Saint Hill regarding security importance (Miller, *Bare-Faced Messiah*, Chapter 16).

**26 April 1967** – HCO PL “Staff on Saint Hill Advanced Courses” issues from Saint Hill, with the author listed as Mary Sue Hubbard for L. Ron Hubbard.

**April/May 1967** – Flag Order 639 (28 April 1968) “Functions of the Sea Organization A Rapid Summary” states “All these Missions of Enchanters (late spring and summer of 67 in the area of the Canary Islands) were taken while the *Avon River* was refitting at Hull or Las Palmas” (Ship’s Org Book, no Volume).

**May 1967** – Janis Gillham-Grady claims Virginia Downsborough on the original *Avon River* crew.

**1 May 1967** – HCO PL “ADVANCED COURSES ADMINISTRATION” and “VOLUNTARY STAFF” publish from Saint Hill, with the author listed as Mary Sue Hubbard for L. Ron Hubbard.

**15 May 1967** – The *Avon River* may leave Hull, but it will unlikely leave until next week per a newspaper report.

**c. 22 May 1967** – The *Avon River* leaves Hull for Las Palmas, per a newspaper report estimate.

**Late May 1967** – The *Avon River* anchors off of Las Palmas. The crew meets Hubbard the next day per Janis Gillham-Grady.

**On/before 29 May 1967** – Base Order 1 states that a Base can be ashore or on sea, with the Base in Las Palmas (Ship's Org Book, Volume 1).

**On/before 29 May 1967** – Base Order 2 states that all posts and appointments are temporary (Ship's Org Book, Volume 1).

**On/before 29 May 1967** – Base Order 3, "Project Personnel" gives the earliest known record of "William Robertson" (Mate) & "V. Downsborough" (Cook) aboard *The Enchanter*, along with Frank McCall (Hand) and Neville Chamberlain (Hand). It also states "Equipment fo[r] the Base Office is aboard Avon (two typewriter[s]) and is on route from Rhodesia." *Avon River* is in Las Palmas because Jill Van Staden listed on and assigned to *Avon River*, as well as assigned "Director of Communications, Las Palmas" (Ship's Org Book, Volume 2).

**4 June 1967** – Base Order 6 gives the first mention of *Estrella* (Ship's Org Book, Volume 2).

**4 June 1967** – Base Order 8 orders Virginia Downsborough, a cook, from the *Enchanter* to the *Avon River* (Ship's Org Book, Volume 2).

**c. 5 June 1967** – Base Order 9 states that John Lawrence is ordered back to the *Avon River* per a disciplinary measure, placing him in Las Palmas. Anton James and Frank McCall are also listed on this base order (Ship's Org Book, Volume 3).

**On or by 6 June 1967** – Base Order 11 mentions: "Estrella (Ess-Strayl-Yah)—Ron's Home."

**6 June 1967** – Base Order 12 states: "BILL ROBERTSON is highly commended for his work in refitting Enchanter and is awarded a 100 pound bonus."

**7 June 1967** – HCO PLs “Safeguarding Technology” and “Responsibility Again” reissue from Saint Hill.

**22 June 1967** – Base Order 56 mentions Downsborough’s promotion on *Enchanter*. Robertson gets a mention in this order as well (Ship’s Org Book, Volume 1).

**22 June 1967** – Base Order 51 states assignments of Downsborough and Robertson (Ship’s Org Book, Volume 2).

**23 June 1967** – HCO PL “Policies of Healing, Insanity and Potential Trouble Sources” reissues from Saint Hill.

**30 June 1967** – HCOB “Evidences of an Aberrated Area” publishes from Saint Hill.

**July 1967** – According to Janis Gillham-Grady, Mary Sue Hubbard travels from Saint Hill, Sussex, England, to Las Palmas to meet with L. Ron Hubbard for her birthday.

**On or before 4 July 1967** – Base Order 81 has the earliest mention of Mary Sue in Las Palmas. It states that she will stay aboard the *Enchanter* (Ship’s Org Book, Volume 4).

**18 July 1967** – Base Order 99 states, “Enchanter has just arrived back (18th July 1967) from a successful cruise. [...] Avon River is nearing operational completion [...] A base must be begun in Las Palmas.”

**12 August 1967** – Flag Order 1 creates the Sea Org.



**13 September 1967** – Flag Order 138 states that they successfully purchased a base in Las Palmas called *Villa Rosina*, and celebrates the completion and dispatch of the *Enchanter*.

**20 September 1967** – Ron’s Journal 1967 mentions Hubbard’s illness in January and February due to researching OT III material.

**October 1967** – Flag Order 639 (28 April 1968) “Functions of the Sea Organization A Rapid Summary” states that “The Royal Scotsman was bought in October ‘67 to take aboard Worldwide from SH as a Sea Based Org” (Ship’s Org Book, no Volume).

**14 Nov 1967** – Flag Order 294 “Work Order” has the earliest *Royal Scotsman* mention (Ship’s Org, Volume 3).

**November 1967** – Per the Church of Scientology, “Hubbard travels to England and accepts delivery of the 3,200-ton royal vessel *Royal Scotsman* as a further expansion of the Sea Org.”

**24 December 1967** – Article by *The Daily Mirror* publishes, giving Captain John Jones’ account of the *Avon River*’s trip to Las Palmas from Hull.

**1968-1969** – John McMaster claims to witness Hubbard’s drug supply on flagship *Apollo*.

**May 1968-December 1979** – Janis Gillham-Grady has the role of a Commodore’s Messenger. She claims that she never found drugs in Hubbard’s room, that she never saw him use drugs or give drugs to others, and that she only saw him drink once (either whiskey or brandy) after a storm to warm up, and that he did not audit for 24 hours after this one drink per his own policy.

**1980-81** – Armstrong claims that he last possessed Hubbard’s archive at this time.

**May 1982** – “Bill Robertson Debrief” mentions that he and Virginia Downsborough went to pick up Hubbard, but nothing about him using drugs or being ill.

**1982** – Armstrong last read the purported pinks and greys letter, per his website.

**1982 - June 1984** – Armstrong tells Bent Corydon about the pinks and greys letter at some point.

**8 June 1984** – Armstrong court case concludes. No reference in the transcripts or court records mention any letter from Hubbard to Mary Sue regarding his drinking rum or taking drugs. Undated letters to Mary Sue appear in an item inventory as well as dated ones without any descriptions.

**20 June 1984** – Jon Atack interviews Gerry Armstrong in East Grinstead. Armstrong mentions an alleged 1967 letter of Hubbard confessing to drinking rum and popping pinks and greys.

**26 October 1986** – Russell Miller interviews Virginia Downsborough in Santa Barbara.

**6 July 1987** – The pinks and greys claim first publishes in *Messiah or Madman?*

**1990** – Jon Atack’s *A Piece of Blue Sky* gives a different date for the pinks and greys claim: “Hubbard had spent the last weeks of 1966 ‘researching’ OT3 in North Africa. In a letter of the time, he admitted that he was taking drugs (‘pinks and grays’) to assist his research.”

**20 January 2011** – Armstrong emails Katia Bachko and Lawrence Wright at *The New Yorker*.

**26 January 2011** – Armstrong emails Katia Bachko and Lawrence Wright at *The New Yorker*.

**4 February 2011** – Armstrong emails Katia Bachko and Lawrence Wright at *The New Yorker*.

**2011** – *Inside Scientology* by Janet Reitman repeats the pinks and greys claim. Neville Chamberlain claims Hubbard did not have broken bones (unlike Blake Huffam) but that he had codeine at *Villa Estrella*. Aide Karen Gregory (a pseudonym for Janis Gillham-Grady) claims that she never saw him take drugs and that he only drank whiskey twice in eight years on the ship solely to warm up from the cold.

**2013** – *Going Clear* by Lawrence Wright repeats the previous rum and pinks and greys claims, mis-citing Dan Koon. His citation notes that “The church says an apostate fabricated this letter.” The book also explains that “[Spokesman Tommy] Davis charged that Armstrong had forged many of the documents he later disseminated in order to discredit the church’s founder, although he produced no evidence to substantiate that allegation.”

**31 January 2014** – Attack shares thirdhand knowledge of Downsborough’s alleged deathbed confession to David Mayo. She could not name one pharmaceutical Hubbard allegedly used.

**10 October 2019** – Wright responds “I don’t recall” to Camacho’s email asking about getting any claims of forgery about the pinks and greys letter, and did not mention any written claims of forgery from the Church of Scientology.

**24 October 2020** – Dan Koon states that he never saw the pinks and greys letter, nor that he told Lawrence Wright he did; but rather that he saw other letters, which mentioned “your sugie.”

**17 November 2020** – Author’s interview with Janis Gillham-Grady.

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## Labeling Scientology: “Cult,” “Fringe,” “Extremist,” or Mainstream?

Rosita Šorytė

*European Federation for Freedom of Belief (FOB)*

rosita\_soryte@hotmail.com

**ABSTRACT:** The Church of Scientology has been variously labeled as a “cult,” an “extremist” organization, or a “fringe” religion. Based on her experience in the political field, where labels are both important for defining issues and shaping public opinion, and easily manipulated, the author examines these labels, and asks the question what actors or coalitions were able to impose them to a wide range of different media.

**KEYWORDS:** Scientology, Church of Scientology, Cults, Religious Extremism, Anti-Cultism, Labeling Theories.

### *The “Cult” Question*

Like many others, I heard about Scientology from the media long before I met a Scientologist in person. As a diplomat, I worked in France for five years in the 1990s, and I had been a college student there before. French media were systematically depicting Scientology as a dangerous *secte*.

In the early 2000, I worked in New York at the United Nations, and learned that to describe something as “bad” as a *secte* in French the word “cult” was used in English.

As many of us, who take what we hear from the media for granted without questioning or making our own inquiries, I heard repeated so many times that Scientology was a “cult,” meaning something “bad,” that it was something that I thought was true.

It was only after I started working in the field of religious liberty that I began having questions and doubts about why the “cult” label was so deliberately used in certain media to describe Scientology and other groups, without giving any persuasive arguments to corroborate its use. Other labels attached to Scientology are “extremist” and “fringe.” I will discuss these later, and I will then ask the question who created and uses these labels, and why.

In my professional life as a diplomat, I experienced how labels are important for defining issues and shaping public opinion but are also easily manipulated for political reasons. For instance, the same organization can be described as a group of “terrorists” or “freedom fighters.” For those who read the news, it makes a great difference, but the question is who created these labels. They are not self-evident. More often than not, they are the results of complicated political games.

I gradually realized that the same logic is at work when calling a group a “religion” or a “cult.” When I started attending conferences about religious liberty and contemporary religious movements, I realized that serious academic scholars try to avoid the word “cult,” because its current meaning involves a negative value judgement, and scholars do not deal in value judgements. Yet, scholars have their own jargon and rarely manage to change the popular language. “Cult” is still largely used by the laypersons and the media. Just listen how often and how easily in our own households and circles of friends many use the word “cult” to describe any religious group about which they know very little about.

The next question is how those who use the word define a “cult.” The answer is less obvious than it may seem. If I look at the early TV shows and books critical of “cults,” I find two different meanings, and a consistent lack of precise definitions. “Cults” and, in the Soviet and post-Soviet world, *CEKTA* (in Russia, the equivalent of the French *secte* and the negative Russian word corresponding to the English “cult”) were used by Christians to designate a group whose theology was regarded as heretic, and which was in competition with the majority church. As I have discussed elsewhere (Šorytė 2020c), in Russia a *CEKTA* is a group perceived as being in competition with, and “stealing” members from, the Russian Orthodox Church. The most targeted group are the Jehovah’s Witnesses, which were also criticized in my native Lithuania by Roman Catholics and called in Lithuanian a *sekte*.

In France and United States, I found, however, in the media and in common language, also a more secular meaning of *secte* and “cult.” It was described as a

group whose members lived apart from the mainline society. They had little social interaction with non-members of their group, often lived communally and secretively, and most of their devotees were full-time and had no job other than proselyting for the group. The examples one found more often in the media were the Unification Church, ISKCON, popularly known as the Hare Krishna Movement, and the Children of God, later renamed the Family. And indeed, it was difficult to escape the conclusion that the Hare Krishna, for example, were, and to some extent still are, “different.” Most of them live communally, dress in a distinctive way, and spend time singing and proselyting in the streets.

On time, I came to meet members of the Hare Krishna Movement as well, and found they are nice people and sincere believers. They have chosen a way of living that is very much different from how most of their fellow citizens of Western countries live, but this is not a reason to persecute them or put them in psychiatric asylums, as it happened in Soviet times, including in Lithuania (Pranskevičiūtė and Juras 2014).

However, these examples show how the label “cult,” even for those who do not share the scholarly criticism of the use of the word, should appear as very problematic when applied to Scientology. The first use of the word “cult,” to indicate a (mostly) Christian “heresy” “stealing the sheep” from mainline Christian churches may fit the Jehovah’s Witnesses, but not Scientology. Clearly, Scientology is not a Christian new religious movement. It does not promote a new interpretation of Christianity, nor does it ask anybody to leave their own religion. In my experience with Scientology, there are people who become so busy with its activities that they no longer practice their original religion, or they may find certain teachings of Scientology incompatible with their previous theology. But defecting from Christianity to Scientology is certainly not a massive phenomenon, nor something the “old” Christian churches may find statistically relevant to explain why they lose members, a process whose causes lie elsewhere.

Some Scientologists I met work full-time for the church as administrative staff, while others do not. There is nothing strange for a religious organizations to have officers and employees who work full-time for it. As a diplomat, I met people working at the Vatican embassies throughout the world. The ambassador, called a nuncio, is usually a bishop, but the staff includes laypersons, both men and women. Many married men and women work in the Vatican, and the German Catholic Bishops Conference employs a lay woman, Dr. Beate Gilles, as its

General Secretary (*Deutsche Welle* 2021). These people are Catholics, but they are not part of the clergy, nor are the women nuns. The same happens in many other religions.

I also had the opportunity of meeting members of Scientology’s Sea Org, easily recognizable for their Navy-like uniforms. They work full-time for the church and, as American scholar J. Gordon Melton has argued, are part of the equivalent of a religious order within the Catholic Church, or a monastic group within Hinduism or Buddhism (Melton 2018). Not all religions have within themselves ordained religious communities, but many do.

Just as the typical Catholic is not a priest, a nun, or a Vatican employee, the typical Scientologist is not a member of the Sea Org or somebody working full-time as part of the staff. These are the most visible Scientologists, but not the majority. As Donald Westbrook has argued, full-time Scientologists are so visible that they have created an optical illusion of sort among some observers of Scientology. The “ordinary” Scientologists, who do not work full-time for the Church and are found in all professions and stations in life, from Hollywood actors to restaurant chefs or medical doctors, from musicians to nurses and carpenters, have remained largely invisible, yet it is their experience of Scientology that is typical and average (Westbrook 2018).

Because of the same optical illusion, sometimes I find it difficult to explain to friends who have only read horror stories about Scientology as a “cult” that most Scientologists are not very much different from them and me. They do not dress in an unusual way, or spend all their time inside a Scientology building. They have their normal lives and their normal jobs and, while others would go to a Christian church or a synagogue, they would periodically visit a church of Scientology. These churches are very visible, often in the very centers of large cities. There is nothing secretive about them, and everybody can enter and visit.

This is not similar to the Hare Krishna, at least the Hare Krishnas we know from their popular image and who served as raw material for building the stereotypical image of the “cult.” Most Hare Krishna devotees dress in a distinctive manner and live a Hindu monastic life (although certain things have changed even for them in most recent times).

Scientologists do not shave their head, live in monastery-like “compounds” (the derogatory word often used for the buildings of the “cults”), or abandon

their jobs and careers. On the contrary, they are often very successful professionals and claim, rightly or wrongly, that Scientology courses greatly helped them in their careers. This is true, for example, for hundreds if not thousands of professional artists, a constituency where Scientology is over-represented (Introvigne 2020).

If a “cult” is defined from its “separatism” (an adjective it is now fashionable to use in France), i.e., the fact that its members live separately from the mainline society, then Scientology is very much far away from it.

Opponents may insist that Scientologists are not “physically” separate from their fellow human beings, but they are “psychologically” separate, because they inhabit a different mental world. This is certainly not true if it means that Scientologists are obsessed about Scientology and only care about the Church. This is argued either by angry ex-members with their own agendas or by those who have never met a Scientologist.

You do not need to take my word that this is not true. It is a question of logic. If Scientologists spent their time focusing only on Scientology, they would be unable to focus on their jobs and would be unsuccessful there. On the contrary, many Scientologists are very successful in professions and activities that require their full attention, from business to music. I once met Stan Gerson, a Scientologist who is also a realtor but is well-known as a stage magician, and watched one of his amazing magic shows. Stage magic only works if the magician is totally concentrated on its act. A short loss of concentration would make the performance end in disaster. Obviously, Gerson is fully able to concentrate on magic, and is not lost in some separate Scientology realm.

On the other hand, Scientologists do have their own beliefs, jargons, and interests in the activities of Scientology, which do set them apart from non-Scientologists. This is so general in society that it cannot serve as the mark of a “closed” group or a “cult” living within the tick wall of psychological separation. Our pluralistic, diverse societies are full of subcultures whose practices and language are hard to understand for the non-initiate. In Italy, supporters of a particular soccer club would know all the players, past and present, and allude in their conversations to games and incidents that non-supporters would know nothing about. Lest one objects that soccer is less serious than religion, soccer has been described as a religion in Italy and other countries, and has caused riots where many have died.

Soccer is just an example. Committed fans of abstract art, postmodern movies, Chinese pottery, or any other subject may form circles difficult to penetrate for outsiders. Some passionate about politics may get so angry at those with different opinions that old friendships may suddenly end, a phenomenon particularly obvious in American society in recent years. While physical separation from society is easy to ascertain, to some extent we all live some form of “psychological” separation from others. Most of us share a jargon, jokes, and memories others would not understand with our circle of more intimate friends, which is thus “separated” from outsiders.

A further objection may be that, while being passionate about sport or politics or the Presbyterian Church is “normal,” Scientology is “strange” because of its beliefs. Sometimes, even some scholars seem to enjoy discussing those beliefs in Scientology that seems to them particularly exotic, such as reincarnation or the idea that some of our past lives might have involved dramatic encounters with aliens from other planets. What exactly Scientologists believe about aliens is a matter of dispute, but this is not the point here. In 2018, a Pew Center survey concluded that 33% of Americans believe in reincarnation, including 36% of the Catholics, 26% of the Protestants, and even 35% of those who identify themselves as atheists or agnostics (Gecewitz 2018). In a country where all religious beliefs are shared by a lower percentage of the population such as France, in the same year 2018, 26% believed in reincarnation, but 30% if those older than 60 were excluded (Dargent 2019). These figures are typical of what one would characterize as a mainline belief.

Also in 2018, a Glocalities survey in 28 economically advanced countries (including China and Russia) concluded that 47% of their population believed in the existence of intelligent extraterrestrial civilizations (37% in France: Lampert and Papadongonas 2018). In the U.S., an IPSOS poll in 2019 revealed that 52% of the Americans believe that extraterrestrial living beings exist, and 29% that they have visited our planet, either recently or in a remote past (IPSOS 2019). I do not want to enter into the discussion about what Scientologists really believe about extraterrestrials and their role in Planet Earth’s history, but before qualifying their beliefs as unusual consider that, according to the same Glocalities report, 25% of the population surveyed believed in 2018 that “the first form of life on earth came from another place in the universe” (Lampert and Papadongonas 2018, 7).



More generally, religious beliefs always appear strange to non-believers. Most Christians believe that Jesus Christ literally walked on Lake Tiberias' waters, and in 2021, 61% of the Americans believe in the existence of the Devil (Statista 2021). Living in societies with a majority of Christians, we tend to regard these beliefs as "normal." But from the point of view of an atheist, they are not less strange than the religious beliefs of the Scientologists—and perhaps more.

Also, critics often assume that all Scientologists believe in the founding teachings of their religions in the same way. In fact, belief is less simple than that. There are Christians believing that Jesus' feet touched the water of Lake Tiberias and he did not sink, while for others this is a symbol of spirit prevailing about matter. They would say that, in this sense, we can all learn to walk on the waters. Religious "myths" (not a bad word, and not one implying in any way that what is taught is not "true") are more important for what they teach us about our own life than for their historical content. Sometimes, critics seem to approach the religious narratives of Scientology in a more primitive way than Scientologists do themselves.

### *"Extremist"?*

While accusations that Scientology is a "cult" (in French, *secte*) have certainly not disappeared, in some countries the fact that Scientology is difficult to fit into the classic mold of the "cult" has been recognized, if only tacitly or implicitly, and opponents have tried to find new labels.

The story of the label "extremist" applied to minority religions is interesting. The use of the label started in Russia, where anti-cultists realized that within the Russian legal system it was difficult to use "cult" as a legal category to prosecute and ban religions they did not like. However, they found that Russian law included a useful tool, i.e., the Federal Law of the Russian Federation on Countering Extremist Activity, which was promulgated in 2002. In its 2002 text, the law already went beyond the meaning of the word "extremism" in common language (SOVA Center for Information and Analysis 2010). However, the core of this legislation was to provide for the swift "liquidation" of groups promoting terrorism or violence. Although violence was broadly defined, it was (mostly) *physical* violence. The legislation was passed in 2002, and few abroad criticized

Russia for a statute introduced less than one year after 9/11, and ostensibly aimed at Islamic radical organizations.

However, on September 1, 2004, the terrorist attack against the Beslan School in North Ossetia left 334 dead, including 186 children. In Russia, it became known as “the 9/11 of children” and generated enormous emotion. These feelings reinforced the position of those who believed that the 2002 law on extremism was not tough enough. In fact, the group who claimed responsibility for the Beslan attack, Riyad-us Saliheen, led by Chechen separatist Shamil Basayev (1965–2006), had already been classified as a terrorist organization by both Russia and the United States, and no new law was needed to ban it.

But in the post-Beslan emotional climate those who claimed that the seeds of terrorism should be extirpated by combating religious extremism on a broader scale prevailed, and the 2002 law was modified twice, in 2006 and 2007. The new text went substantially beyond the original definition of extremism, and criminalized teachings that had nothing to do with violence (SOVA Center for Information and Analysis 2010; Kravchenko 2018). “Religious extremism” became a core part of the law, and it was defined as “propaganda of exclusiveness, superiority or inferiority of individuals based on their religious identity, or their attitude to religion.”

Subsequent studies evidenced the role of anti-cultists, including the well-known Alexander Dvorkin, in promoting this definition (USCIRF 2020; Fautré 2020). These studies suggested that those who proposed to amend the anti-extremism law, while claiming that the amendments were needed to fight Islamic radicalism, in fact intended to use them to fight “cults” and in general groups accused of “stealing” members from the Russian Orthodox Church through active proselytization.

In fact, the largest and most important case under the new anti-extremist law targeted the Jehovah’s Witnesses, who were liquidated and totally banned in Russia by the Supreme Court in 2017 (USCIRF 2020; Fautré 2020; Ivanenko 2020). While there were other accusations against the Jehovah’s Witnesses, how the definition of “religious extremism” was interpreted was crucial. “Extremist.” under the current anti-extremism law as interpreted by the Russian Supreme Court. are these religious groups that claim that their teachings are “superior” to the teachings of other religions, and that they offer the only way to enlightenment or salvation.

As virtually all scholarly observers commented, in practice this meant that “extremists” are those who claim that their religion is better than the one preached by the Russian Orthodox Church, and try to convert Orthodox to their fold (Ivanenko 2020). The law protects a “de facto monopoly” (Carobene 2021, 82) of the Russian Orthodox Church, which is free to convert others and to argue that its religion is “superior” to other faiths and teachings. If others do the same, they are labeled “extremists” and liquidated.

Clearly, the definition of “religious extremism” of the law can be applied to most religions. Very few religions would *not* claim that their message is the best one, and is better than what other religions teach. Otherwise, why should one want to convert?

Not surprisingly, in Russia the legislation against extremism has been mentioned also in attacks against Scientology. In fact, while it is extremely easy to apply it to pretty much everybody, there may be specific problems in using it as a tool against Scientology. As mentioned earlier, Scientology does not try to induce members to abandon their former religion. One can become a Scientologist and keep practicing the previous religion. Surely, Scientology believes that what it calls its technology is uniquely suitable to solve the world’s problems. But it is much less “exclusivist” (thus, in Russian jargon, less “extremist”) than most other religions.

Through the international anti-cult networks (USCIRF 2020), Russian ideas about “extremist” religion have been spread abroad. The new French law on religion, originally called law against “separatism,” also targets groups labeled as “extremist.” The same political logic is at work. Legislation is introduced claiming it is needed to combat radical Islam and terrorism, and is then used against peaceful religious groups such as the Jehovah’s Witnesses or Scientology. Just as in Russia, this is an open secret, and there are politicians openly telling the media that provisions sold to the public opinion as weapons against radical Islam will in fact be used against groups stigmatized as “cults” (Wesfreid 2020).

In France it would be difficult to liquidate as “extremist” every religion that claims that its teachings are superior to others. However, one way of applying the Russian logic of “religious extremism” in Western Europe is to single out one clue that the Russian judges have considered to indicate that a religion declares non-members as “inferior” to members, which is forbidden by Russian law (in the law’s practical application, except to members of the Russian Orthodox Church).

This is the suggestion to members that they should not associate with ex-members, particularly with those critical of the religion. The practice of “ostracism” or “shunning” by the Jehovah’s Witnesses was quoted by the Russian Supreme Court as part of the evidence that they are part of an “extremist” organization.

European anti-cultists have seen here a promising avenue to attack religious movements, despite the fact that the shunning practices of the Jehovah’s Witnesses have been examined by courts of law in several Western countries, and consistently found as being part of the freedom of religious groups to organize themselves internally as they deem fit (Introvigne and Amicarelli 2020).

On March 16, 2021, the Criminal Court of Ghent in Belgium, in a surprising decision reversing the case law of other European, and even Belgian, courts, declared the Jehovah’s Witnesses’ practice of ostracism a crime. The decision has been appealed, but anti-cultists in France have made no mystery that similar arguments will be used to claim that “ostracism” is contrary to the new French law on “separatism.”

Scientology also practices “disconnection,” and suggests that members do not associate with “suppressive persons” who have committed serious hostile acts against the Church. This can be compared to shunning as practiced by the Jehovah’s Witnesses, although differences also exist (Introvigne 2019).

Several scholars have commented negatively about the Ghent decision. Most of them noted that the practice of ostracism or disconnection has been, and still is, widely used in mainline religions. Several groups of Orthodox Jews practice a strict shunning, and Islam’s treatment of “apostates” is well-known. This indicates that the practice of disconnection cannot be used as a test to distinguish “normal” religions from “extremist” groups or “cults.”

### *“Fringe”?*

Even when labels involving a potential criminal liability, such as “extremist” in Russia, are not used, we still see Scientology described in some media as a “fringe” group. Again, this is a subtle way of disparaging and discriminating. I am the author or co-author of several articles about Shincheonji, a South Korean Christian new religious movement that was accused of having spread COVID-19

through its refusal to cooperate with the health authorities (Šorytė 2020a; Introvigne et al. 2020a, 2020b, 2020c, 2020d). After the headquarters of the movement were raided with a great participation of journalists, and its 89-year-old leader was arrested and kept in jail for several months, on January 13, 2021, the Suwon District Court found him and his co-defendants not guilty of any COVID-related charges.

Not only was this one of the most spectacular cases of fake news spread throughout the world about a movement labeled as a “cult.” It was also interesting that, when not using the word “cult,” and particularly after it became clear that serious human rights violations were being perpetrated against its members, South Korean media started referring to Shincheonji as a “fringe” or “minor religion.” As if being “minor” made less serious the injustices and unjust persecution vested on it...

What do labels such as “minor” or “fringe” mean? Compared with Muslims (1.9 billion), Roman Catholics (1.2 billion), Hindus (1.1 billion), Protestant Christians (800 million), or Buddhists (500 million), all religions are “minor.” Even Orthodox Christians (220 million) are comparatively small when compared to Muslims or Roman Catholics. Jews are less than 15 million, meaning that their religion is more than 100 times smaller than Islam, yet media would not call it “minor” or “fringe.”

Surely, there are theories that all religions are born at the margins of what one may call the religious “mainline,” and only slowly progress to the center (Mauss 1994; Stark and Finke 2000). No religion is born as a majority. Christians were despised as marginal at least for the first two centuries of their existence. In this sense, new religions are all in the process of moving to the center of the religious landscape, and Scientology has only been in existence for less than 70 years. One can hardly blame it for being in the middle of a process of mainstreaming that normally takes centuries to complete.

However, those using labels such as “fringe” do not mean that Scientology is a new religion, or a young religion. Hidden, or not too hidden, is a value judgement, that Scientology is not very important, or does not contribute in a significant way to society at large.

We can discuss as a philosophical question whether religions should necessarily prove their usefulness to society by promoting charitable activities.

After all, the core business of religions is religion, and they can be hardly criticized if they take care of the souls and the hearts rather than of the bodies.

However, in the case of Scientology, that it does not offer charitable, cultural, and social activities that benefit society as a whole is false. I have argued elsewhere (Šorytè 2020a, 2020b) that anti-cultists create a convenient but vicious circle, which is unfortunately taken at face value by some media. If groups they label as “cults” confine themselves to religious and missionary activities, they are dismissed as “fringe” groups that do not care for their fellow human beings. But if they engage in significant charitable activities, these are in turn dismissed as “fronts” for the “cult.”

Surely, helping other countries improves the reputation of governments, and during the COVID-19 crisis we became familiar with expressions such as “mask diplomacy” and “vaccine diplomacy.” And Catholic or Protestant charities boost the reputation of the churches operating them. Yet, they also really help those in need. Charitable activities are always performed for a number of different reasons, and we cannot exactly know what motivations prevail. The Bible tells us that we will know “the intentions of the hearts” only at the end of the world (*1 Corinthians* 4:5). And why should we regard as suspicious and “front” the charitable services offered by Scientology, but not those by Catholic, Protestant, or Jewish charities, not to mention the U.S. or Russian or Chinese governments?

There is little doubt that associations established and operated by Scientologists positively contribute to a number of good causes. Youth for Human Rights, for example, promotes an impressive range of educational activities about the Universal Declaration of Human Rights. It rarely, if ever, talks about how human rights of Scientologists are violated, even if this obviously occurs in several countries. For its global outreach, its founder, Mary Shuttleworth, received in 2019 the Peace Summit Medal for Social Activism from the World Summit of Nobel Peace Laureates, an organization that it would be difficult for opponents to dismiss as just another “front” for Scientology (World Summit of Nobel Peace Laureates 2019).

French scholar Bernadette Rigal-Cellard has analyzed in detail in 2019 the numerous charitable, humanitarian, and cultural programs of Scientology, and how they benefit, primarily, non-Scientologists (Rigal-Cellard 2019). Some of these programs operate in controversial areas. For example, according to Rigal-Cellard in Glendale and other Californian cities the Foundation for a Drug Free

World opposed the opening of shops selling marijuana (after they were legalized by the state in 2016: Rigal-Cellard 2019, 79), which disturbed some powerful local commercial interests. The Citizens Commission for Human Rights, where Scientologists have always cooperated with non-Scientologists (Westbrook 2017), opposes the abuse of psychiatry, psychiatric drugs, and the abuse of drugs in general in our Western society. Many disagree with what they perceive as its blanket indictment of psychiatry in general. On the other hand, the Commission has exposed very real and even criminal instances of abuse of psychiatry and false statements spread to promote the sale of psychiatric and other drugs, which caused incalculable damage to public health.

In 2020, I published a small book about Scientology's activities to help those in need during the COVID-19 pandemic (Šorytė 2020b). While reactions by the opponents proved once again that there is nothing Scientology can do that they would find praiseworthy, local authorities in several countries acknowledged that by supplying masks, disinfectants, and good advice Scientologists really helped. But there was also another aspect I tried to emphasize in that book. In a time of crisis, we do not expect religions to offer material help only. That Scientology mobilized its musicians, some of them world-famous, for a concert that reached millions via YouTube, and tried to boost the morale of those quarantined by inducing them to reflect on how to convert a crisis into an opportunity for moral and spiritual growth, was not less important, nor less beneficial, than the material help.

If this is what “fringe” religions do, then we need more “fringe” religions in our society.

### *Cui Bono?*

Since my background is in politics rather than in religious studies, when I see a religion attacked and vilified, I ask the question who is behind the attacks and why. Based on my admittedly limited experience of the scholarly study of new religious movements, perhaps this question is not asked often enough.

This may happen because it is a question that is difficult to answer. There are forces that by their very nature prefer to operate in the shadow, while scholars look for hard evidence and smoking guns. Some of my tentative answers to the

question who is behind labeling Scientology as a “cult,” an “extremist” movement, or a “fringe” religion are based on statements not difficult to find. Others are educated guesses.

Only conspiracy theories posit that behind certain cultural campaigns there is only one “Big Brother.” I would suggest that behind the hostility to Scientology there are at least five different forces.

First, new religions enter a crowded market, and they are rarely welcomed by old religions. Nobody likes a new competitor. In Russia, it is pretty much obvious that the Russian Orthodox Church is behind the strongest attacks against Scientology (USCIRF 2020). Nor would it deny it. In other countries, some Catholics and Protestants are not exactly happy that some of their devotees spend a part of their time with Scientology (even if, as I mentioned earlier, Scientology does not ask anybody to abandon their religion). However, their power and influence are rarely as pervasive as the Russian Orthodox Church’s in Russia. And their opinions are divided. Two well-known Italian scholars who have written books and articles emphasizing the positive aspects of Scientology, Aldo Natale Terrin and Luigi Berzano, are both Catholic priests (see Terrin 2017; Berzano 2018).

Second, there are governments and forces in governments, with a problematic relation to democracy, which do not like those who are fiercely independent, insist on thinking with their own head, and live apart from the lifestyle dictated by the official propaganda. Russia, again, is an egregious example of how these independently-minded people, including Scientologists, are treated, and the fact that the headquarters of their religion are in the United States make their predicament worse, because the politicians in power use as a propaganda tool a primitive anti-Americanism. Nor should we dismiss the greed of politicians and bureaucrats who, in “liquidating” religious movements, are also eager to take control of their bank accounts and real estate.

Third, there are secular humanists who had predicted the demise of religion in the 20<sup>th</sup> or 21<sup>st</sup> century. While they may have been right in anticipating that mainline churches would lose members (although not everywhere), they were taken by surprise by the emergence of new religions such as Scientology. Hence their strange obsession with the theory that groups such as Scientology are not really growing and are in fact shrinking, or are about to disappear, a theory that is not supported by any reliable statistics (Rigal-Cellard 2019, 107). Although they



sometimes ally with religionists trying to protect themselves against competition, secular humanists are widely present in Western anti-cult groups and in the media and cultural establishment, which explains the hostile coverage of Scientology and other new religious movements.

Fourth, there is a growing influx of libertarians and proponents of “new rights” who do not tolerate that people in their right mind may voluntarily decide to join high-demand groups, knowing that they should respect certain rules. These powerful cultural and social movements do not like religion in general, but they become particularly incensed when a religion disciplines those in its ranks who have breached its rules.

While these four groups harass and persecute a number of different religions, Scientology incurred the hostility of a fifth group, which is among the most powerful lobbies on the planet. The financial resources at its disposal are virtually limitless. It is the pharmaceutical lobby. Scientologists like to mention psychiatry as the source of their troubles, and certainly Scientology’s criticism of psychiatrists in general created powerful enemies. However, I would respectfully suggest that, as much as some of them may have tried to prevent the growth of Scientology in its early years, today psychiatrists are rarely a united front, have different opinions on many subjects, and have both less power and less to lose from Scientology’s campaigns than some pharmaceutical companies.

Consider that Scientology is opposed to the use of psychiatric drugs, and that the corresponding market was evaluated at more than \$27 billion in 2020. Since prescriptions of psychiatric drugs boomed during the COVID-19 pandemic, and many became addicted to them, some expect that their sales will reach \$40 billion by 2025 (GlobalData 2020).

We should perhaps pause and read these figures again. Everybody who becomes a Scientologist will opt out of this market. And will try to persuade others that psychiatric drugs are harmful. Everybody who ever enters a Scientology building or attends a Scientology event will be exposed to the argument that psychiatric drugs are bad for him, her, and the world in general. Worse, from the point of view of those who sell these products, Scientologists such as Tom Cruise are opinion leaders, and when interviewed they often speak out against psychiatric drugs. As one columnist argued, trying to dismiss Cruise’s arguments by just offending Scientology did not really work out (Navarrete 2005).

We can suspect that these companies are not attacking Scientology because they have been persuaded by some journalists, or to protect the rights of ex-members “disconnected” from their former friends and relatives. What they are protecting is a \$27-billion market, not to mention the fact that Scientology suggests moderation in consuming both prescription and over-the-counter drugs in general. And, since the COVID may almost double the psychiatric drugs market, perhaps we can guess that they are currently increasing their support for anti-Scientology efforts as well.

More generally, what Scientology does is to offer alternative techniques to solve problems normally our medicalized society tries to address with drugs. When these techniques succeed, there is no further need to buy drugs. This does not endear Scientology to pharmaceutical companies.

Indeed, the coalition of those opposing Scientology is so impressive that the fact that it managed to survive is the best evidence that it is a stable organization, in which many have found a new, meaningful way of living they are prepared to defend at the cost of significant sacrifice. It is the best proof that it is not a “fringe” religion.

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## The Tai Ji Men Case: A Legal Analysis

Chen Tze-Lung

*Taiwan Association for Financial Criminal Law Study, Taipei, Taiwan*  
tzelungchen22@gmail.com

Huang Chun-Chieh

*Chung Cheng University, Chiayi, Taiwan*  
law.cch@msa.hinet.net

Wu Ching-Chin

*Aletheia University, New Taipei City, Taiwan*  
peycwu@yahoo.com.tw

**ABSTRACT:** Tai Ji Men, a Taiwan-based *menpai* (similar to a “school”) of Qigong, martial arts, and self-cultivation was among the victims of a 1996 politically motivated crackdown on independent spiritual movements. Although his leader and his co-defendants were eventually acquitted of all charges, including tax evasion, the National Taxation Bureau (NTB) continued to claim, to this very day, that for the fiscal year 1992 taxes had been evaded and a payment was due. Since Tai Ji Men refused to compromise for reasons of principle, in 2020 land belonging to his leader, Dr. Hong Tao-Tze, was auctioned and confiscated. The paper analyzes the Tai Ji Men case, which has attracted international interest, from the point of view of Taiwanese law, and concludes that the human rights and rights as taxpayers of Dr. Hong and Tai Ji Men were seriously violated.

**KEYWORDS:** Tai Ji Men, Hong Tao-Tze, Tai Ji Men Tax Case, Spiritual Movements in Taiwan, Taoism, Esoteric Taoism, Taxes and Religion, Taxes and New Religious Movements.

### *Introduction*

Tai Ji Men Qigong Academy is a *menpai* (similar to a “school”) of Qigong, self-cultivation, and martial arts rooted in esoteric Taoism, established in 1966. Over the past half century, the Academy has always been a non-profit organization. It

has been widely praised by incumbent and former presidents of Taiwan (Action Alliance to Redress 1219 2021c), as well as other high-ranking international government officials (Action Alliance to Redress 1219 2020c). This praise notwithstanding, Tai Ji Men has been involved in a tax case that lasted for 25 years and has not been solved to this day (Jacobsen 2020; Introvigne 2021). In this article, we examine the Tai Ji Men tax case from the point of view of Taiwanese law.

### *The Supreme Court Declared Tai Ji Men Not Guilty of Tax Evasion or Any Other Charges*

In 1996, Taiwan's government launched a political purge against a number of spiritual movements (Introvigne et al. 2020), and Tai Ji Men was caught in the crossfire. After receiving a false and anonymous report, the Kaohsiung and Hsinchu District Prosecutor's Offices both conducted investigations, and found nothing illegal about Tai Ji Men. They soon closed the case, and no charge was filed.

However, Prosecutor Hou Kuan-Jen of the Taipei District Prosecutors Office, who had also received the false and anonymous report, ignored the investigation results of Kaohsiung and Hsinchu, and decided to search and investigate Tai Ji Men. Unable to obtain any criminal evidence, Prosecutor Hou summoned a tax officer named Yue-Sheng Shih from the National Taxation Bureau (NTB) to give a false statement, six days before he brought his public prosecution. The tax officer, who had never been to the Tai Ji Men Qigong Academy or conducted any real investigation, falsely claimed that Tai Ji Men was a "cram school," i.e., a school where pupils receive training for passing exams against a fee, and was suspected of evading taxes.

Prosecutor Hou never gave the Grand Master (*shifu*) of Tai Ji Men, Dr. Hong Tao-Tze, any chance to explain or cross-check the statement of the tax officer, nor did he inform Hong about the reason for the charges, which was against the law. The prosecutor simply used the tax officer's inaccurate statement as the only evidence to charge Tai Ji Men with tax evasion. Hou forwarded the case to the NTB, which subsequently treated Tai Ji Men as a cram school, and imposed unjustified taxes and heavy penalties for the years 1991–96 without any legal basis.

In 2007, the Criminal Division of the Supreme Court, which acquitted Dr. Hong and his co-defendants from all criminal charges filed by Hou, found Tai Ji Men not guilty of fraud, tax evasion, or violation of tax codes, and confirmed that since the monetary gifts (in the form of “red envelopes”) offered by the *dizi* (disciples) to their *shifu* were indeed gifts, they were tax-free income under Article 4, Subparagraph 17 of the Income Tax Act. As for the collective procurement of items, such as the uniforms for practicing qigong, which Hou and the NTB also claimed was taxable, the court stated that it was conducted by some Tai Ji Men *dizi* on behalf of other *dizi*, which was not a for-profit act. Therefore, it had nothing to do with Dr. Hong and his wife, and was a non-taxable transaction. In 2009, all the defendants in this case who had been unjustly detained were awarded national compensation for unlawful imprisonment, which further confirmed that Tai Ji Men was wrongfully accused and there had been no crimes, including no tax evasion.

Despite the fact that the NTB did not conduct any investigations in accordance with its authority and duty, the tax bill was still issued to Tai Ji Men. Before the criminal decision was issued, the then Deputy Finance Ministers Wang Teh-Shan and Wang Jung-Chou all stated that, since the Tai Ji Men tax case was derived from a criminal case, the tax bills would be revoked if a not-guilty criminal decision would be issued. After the Supreme Court acquitted Tai Ji Men, Yen Ching-Chang, former Finance Minister and Taiwan’s Representative to the WTO, said that there was no reason for the administrative agencies to refrain from citing the facts determined by the criminal court. They also said that the tax dispositions arising from the ill-fated prosecution in the criminal case should be revoked in accordance with the law, and that the enforcement should be revoked immediately.

According to the Administrative Court’s decisions No. 13 of 1940, No. 18 of 1943, and No. 16 of 1953, the NTB should have revoked the tax bills based on the results of the criminal judgment. Instead, the NTB continued to treat the tax-exempt gifts as taxable income, and levied income taxes. It also imposed business taxes on *dizi*’s mutual assistance activity of collective procurement of uniforms and other items, which had been declared a nontaxable practice, and not connected with Dr. Hong and his wife, by the Supreme Court. The NTB imposed taxes on the wrong party and on nontaxable practices. The tax dispositions, which



involved an error of fact and an error of law, were thus unlawful. Therefore, the tax bills have been invalid from the very beginning.

### *Due Process Was Violated*

On December 19, 1996, the prosecutor and investigators searched Tai Ji Men's premises, and on the same day, false information about Tai Ji Men was disseminated. The following day, major newspapers reported that Tai Ji Men had defrauded NT\$3.1 billion and was involved in tax evasion. However, according to the bank's written reply to the prosecutor dated December 28, 1996, the total balance in the two relevant accounts frozen by Hou was just over NT\$610,000 (and it was neither tuition nor business income as claimed by the prosecutor). Disregarding the bank's reply, the prosecutor continued to falsely claim that the two accounts amounted to more than NT\$3.2 billion.

On the one hand, the prosecutor claimed that the money was proceeds of fraud, and requested the court to confiscate them according to the law; on the other hand, the prosecutor also claimed that the money was operating income and tuition income of a cram school, and referred the case to the NTB for taxation, which violated the principle of double jeopardy. Tai Ji Men is neither a for-profit organization nor a cram school. The Ministry of Education issued two official letters between 1997 and 2000 to confirm that Tai Ji Men is not a cram school, and the same Ministry publicly confirmed the fact again at a public hearing in the Legislative Yuan. There was no tuition income or operating income in the bank accounts.

In October 1997, during the criminal trial of the Tai Ji Men case, the court sent an inquiry letter to the NTB of Taipei about the tax issue, and the NTB of Taipei assigned an officer, Chien Chen-So, to assist with the case on October 22. However, Chien did not fulfill his legal obligation to carry out an investigation. He simply used Hou's statements and the inflated amount of NT\$3.2 billion in the indictment, and completed the so-called investigation report within two days on October 24. He falsely claimed that Tai Ji Men was a cram school, and notified the NTB of the Central Area accordingly. This report caused the NTB of Taipei and the NTB of the Central Area to impose, in December 1997, unjustified taxes and heavy penalties for the years 1991 to 1996 (Tan, Ding, and Huang 2016).

The NTB knew that the indictment had a serious contradiction in the determination of the nature of the income, but it failed to abide by the law to wait for the criminal judgement, nor did it investigate the matter in accordance with its duties. It failed to give the party concerned an opportunity to make an explanatory statement, and failed to bear the burden of proof in accordance with Article 12.1 of the Tax Collection Act. It also failed to investigate each transaction of the bank accounts of the party concerned. Instead, the NTB imposed taxes and heavy penalties on Dr. Hong and his wife based on the false indictment and the fabricated amount of income. Over the past 25 years, Dr. Hong and his wife have inquired the NTB 29 times by letter about the legal principles and evidence of the alleged tuition fees of more than NT\$3.2 billion. However, the NTB has never given a clear reply, which violated the principle of clarity in administrative actions under Article 5 of the Administrative Procedure Law.

The NTB had not investigated the matter in accordance with its duties since the very beginning. The NTB in its letter (Tsai-Pei-Guo-Shui-Fa-Tzu No. 87122414 dated March 27, 1998), stated that the Tai Ji Men tax case was investigated by the Taipei field office of the Investigation Bureau rather than the NTB. The NTB's letter to the Taipei field office of the Investigation Bureau (Tsai-Pei-Guo-Shui-Fa-Tzu No. 89008316 dated March 7, 2000) stated, "The content, nature, and amount of the tax bill imposed by our office was based on the information and calculation provided by your office." This clearly showed that the NTB of Taipei and the NTB of the Central Area imposed the taxes without investigating the matter in accordance with their duties. Therefore, the tax bills should be regarded as invalid.

The legislative intent of Article 83-1 of the Income Tax Act states that the adoption of the indirect income verification method should be approved in advance by the Ministry of Finance, to avoid abuses and justify its execution. The Ministry of Finance also states that two important conditions must be met for its application: first, there must be a suspicion of evading a substantial tax amount, and second, it must be approved by the Ministry of Finance, neither of which can be dispensed with.

In the Tai Ji Men case, the NTB adopted the indirect verification method to derive taxes under Article 83-1 of the Income Tax Act, without receiving the approval of the Ministry of Finance in advance. That was in violation of the statutory procedural requirements, and in violation of the rule that no estimation

of penalties is allowed even if the estimation of taxes is applied. Former Deputy Director of the Taxation Administration under the Ministry of Finance, Hsu Chun-An, also stated publicly on November 24, 2009, that the NTB did not submit its proposal to use the indirect verification method to the Ministry of Finance, and it was already too late to submit it for approval. Since the tax collection period had already expired, the NTB could not submit it anymore, another reason why the tax bills have been invalid from the very beginning.

Former member of the Presidential Human Rights Advisory Committee and Distinguished Professor of the Department of Financial and Economic Law at Chung Cheng University, Huang Chun-Chieh pointed out in his article “Review of Tax Assessment and Legal System for Remedies” at the “Constitutional Law Symposium on the Recurring Tax Bills and Exit Restrictions” (Huang 2014) that the adoption of the indirect income verification method should be done in a cautious manner according to strictly applicable requirements, and at the same time satisfy two pre-conditions. First, there must be a suspicion that a substantial tax amount has been evaded, and second, the proposal to use the indirect verification method must be submitted to the Ministry of Finance for approval. Between them, the approval by the Ministry of Finance is the prior legal requirement. If it is not approved by the Ministry of Finance, the administrative act shall be considered as irreparable by applying Article 111, Paragraph 6 of the Administrative Procedure Act, and the sanction shall be that it should be declared null and void.

The NTB should issue its recheck decision within two months after the receipt of the application in accordance with Article 35 of the Tax Collection Act. However, in the Tai Ji Men tax case, the NTB issued its recheck decisions more than two months after its tax dispositions were revoked by the Appeals and Petitions Committee under the Ministry of Finance or the court. The NTB of the Central Area even issued its third recheck decision on August 19, 2003, after the Appeals and Petitions Committee revoked the tax disposition for the second time on September 5, 2001. It was delayed by two years after the two-month statutory period had expired. That was a serious violation of J.Y. Interpretation No. 677 by the Constitutional Court: “In matters involving people’s rights and interests, even delaying by one day is against the Constitution.” Therefore, the tax bills, which were issued after the assessment period had expired, have been invalid since they were issued (Action Alliance to Redress 1219 2021e).

### *Control Yuan Investigations*

The Control Yuan issued its investigation opinion in the document (91)-Yuan-Tai-Si-Tzu No. 0912600349, enumerating eight major violations of law by Prosecutor Hou Kuan-Jen in his investigation of the Tai Ji Men case, including violation of the requirement that the prosecutorial investigation should not be disclosed, illegal searches, illegal asset freezing, violation of the defendants' rights, and undermining judicial credibility and the prosecutors' reputation. The Control Yuan referred this matter to the Ministry of Justice to pursue relevant liabilities and disciplinary action against the prosecutor. The investigation report further indicated that the indictment and the evidence contradicted each other, and thus the prosecutor's bringing the public prosecution evidently violated the rule of evidence.

Prosecutor Hou admitted that he did not conduct a thorough investigation and, without the permission from his supervisors, he also directly issued letters to the Ministry of the Interior and eight city and county governments, demanding them to disband Tai Ji Men, and sent letters to the Taipei City and County governments, demanding them to shut off water and electricity to the movement (Tan, Ding, and Huang 2016). Prosecutor Hou also admitted that he froze all the assets of the *shifu* and his wife simply based on the one-sided allegations of some witnesses. Prosecutor Hou also admitted that he failed to verify the so-called "list of victims" of Tai Ji Men before bringing the prosecution. Moreover, the indictment was a statement by the prosecutor and needed to be verified by the court. It is evident that the NTB failed to investigate the matter according to its duties, and that the tax bills were issued simply based on the criminal indictment and had major and obvious flaws. This is another reason why the tax bills have been invalid from the very beginning.

The Control Yuan also issued the (98) Yuan-Tai-Tsai-Tzu No. 0982200593 Letter on its investigation, detailing seven major violations of law by the NTB in the Tai Ji Men tax case: failure to fulfill its duty to conduct a thorough investigation and do adequate verification; failure to actively clarify the nature of the income ex officio, which was obviously negligence; failure to pay attention to portions of documents both favorable and unfavorable to the taxpayers, and so on. Former Control Yuan Member Chien Lin Hui-Jun said at a press conference and forum on redressing fabricated cases, on July 13, 2017, that she had listed seven

corrections with respect to the NTB's action in the Tai Ji Men case. She noted that every time she brought out the correction, the NTB said, "Ah! We made a mistake!" In 2011, she told the Minister of Finance, "This case should be closed now!" (Action Alliance to Redress 1219 2020b; Action Alliance to Redress 1219 2021d).

### *The Tax Bill for the Year 1992 Was Unlawful*

Regarding the consolidated income tax bill for 1992, the NTB violated due process of law, failed to conduct a thorough investigation according to its authority before issuing the tax bill, hid evidence favorable to the taxpayer, and failed to give the parties concerned an opportunity to explain the matter. Therefore, the tax bill for 1992 was unlawful, and the judgment concerning the tax bill was incorrect. According to the ICCPR (International Covenant on Civil and Political Rights) and the ICESCR (International Covenant on Economic, Social and Cultural Rights), the government has the obligation to provide effective remedies to its citizens.

In accordance with the spirit of Article 177 of the Administrative Litigation Act, the Taichung High Administrative Court should have put on hold the litigation proceedings, and awaited the determination of the nature of the income by the criminal court, which has a higher standard for investigation, and evaluated the admissibility of evidence, when adjudicating the case of the consolidated income taxes for 1991–95. However, the Taichung High Administrative Court, before the final decision on the nature of the income was made by the criminal court (July 13, 2007), rendered its ruling in 2005, revoking the tax bills for 1991, 1993, 1994 and 1995, but sustaining the consolidated income tax bill for 1992.

The NTB of Taipei was in charge of investigating the 1996 consolidated income tax case. The tax bill issued by the NTB of Taipei for 1996 was revoked by sixteen judges of the Taipei High Administrative Court and the Supreme Administrative Court on four occasions, in September 2005, August 2009, March 2015, and July 2015, respectively. The tax bill for 1992, which was issued based on the same method of taxation and the same evidence as the other years, was obviously wrong, too.

After conducting the investigation and preparation procedures in four court sessions for the consolidated income tax case for 1991–95, the appointed judge Huang Shu-Ling in the High Administrative Court was suddenly transferred to the Supreme Administrative Court. The succeeding judge Hsu Wu-Feng directly proceeded to debate the proceedings, skipping the passage of the preparatory hearing. Judge Hsu also privately obtained the transcripts of the prosecutorial investigation from the NTB of the Central Area, and did not provide the transcripts to the parties concerned for cross examination. Furthermore, he even ignored the fact that the evidence favorable to Tai Ji Men's *shifu* was concealed by the NTB of the Central Area, which inaccurately recorded that only five people declared their red envelopes to the *shifu* were gifts, when in fact all of the respondents considered their red envelopes as gifts. Ignoring the fact that the consolidated income taxes for 1991–95 were of the same nature and based on the same facts, Judge Hsu discretionarily made a ruling in favor of the NTB for 1992, which was contradictory to the decisions for the other years.

Dr. Hong filed an appeal to the Supreme Administrative Court. However, the Supreme Administrative Court reviews the procedures and the laws applied and does not examine the facts. Furthermore, Judge Huang Shu-Ling, who had participated in the substantive trial previously and had pre-formed her opinions about the case, failed to recuse herself pursuant to law, heard the case in the Supreme Administrative Court, and turned it down. This severely violated Dr. Hong's right to a fair trial. Over the past 25 years, Judge Huang has tried 34 proceedings of the Tai Ji Men tax case. She has formed her prejudice; therefore, Tai Ji Men did not have any chance to win these cases. That was a serious violation of the basic human rights to an effective remedy and a fair trial, which are guaranteed by the ICCPR and the ICESCR.

All the tax demands imposed on Tai Ji Men by the NTB originated from Prosecutor Hou Kuan-Jen's indictment. Hou falsely claimed the same money as income of fraud and tuition income of a cram school, at the same time, and the criminal case was tried. It was necessary to clarify whether the money was income of fraud or tuition income of a cram school. It could not be both. If it was income of fraud, there would be no issue of tuition income and tax evasion, as the government cannot impose taxes on proceeds of fraud. The criminal trial was to clarify the facts. Therefore, before the criminal decision was rendered, how could the NTB issue the tax bill without conducting a thorough investigation according

to its authority, and how could the administrative court make an arbitrary decision on its own? Moreover, the NTB has never carried its burden of proof according to the law since the beginning of the case, and issued the tax bills simply based on the faulty indictment from the prosecutor.

As mentioned earlier, in 2007, the final criminal decision confirmed that the *shifu* and his co-defendants were not guilty of fraud, tax evasion, or violation of the Tax Collection Act, and it was determined that the red envelopes given to the *shifu* were gifts and thus were tax-free income under Article 4, paragraph 17 of the Income Tax Act. The decision also ruled that the procurement of items through mutual assistance among the *dizi* was not a profit-oriented sale and was not a taxable event. Huang Kun-Guang, who was a former senior tax auditor of the NTB of Kaohsiung in charge of major tax evasion cases, said that the tax bureau falsely claimed that Tai Ji Men was a cram school and imposed taxes on nontaxable income. That clearly violated the law, including the tax laws.

In addition, in 2012, the NTB also admitted that Tai Ji Men is not a cram school, which indicated that the basis for the tax bill was wrong from the very beginning. Therefore, the NTB should withdraw the erroneous tax bill according to the spirit of the rule of law. The judgment numbered 422 made by the Supreme Administrative Court in 2018 acknowledged that Tai Ji Men is a *menpai* of qigong, martial arts, and self-cultivation and also pointed out that its original ruling for 1992 failed to take into consideration the decision made by the criminal court as well as the fact that all of the 7,401 public survey forms from Tai Ji Men *dizi* indicated the red envelopes were gifts, and thus they were tax-free income. The 2018 ruling confirmed that the decision for the consolidated income tax for 1992 was wrong, and the tax disposition was unlawful as well.

### *No Tuition or Business*

Since 1966, Tai Ji Men Qigong Academy has successively joined and become a member of the Taipei Martial Arts Association, the Chinese Martial Arts Association, the Chinese Qigong Association, the Taoism Association of Taipei City, and the Chinese Taoism Association. Over the past few decades, the *shifu* and *dizi* of Tai Ji Men have followed the regulations of martial arts and Taoist groups, and their stated objective is to promote culture and purify people's hearts. Tai Ji Men has been highly praised by the Qigong Association, Martial

Arts Association and Taoism Association. It is by no means a for-profit institution, and it has never conducted any for-profit activity. Under no circumstances has Tai Ji Men been a cram school.

However, Tai Ji Men was taxed as a cram school for 1992 notwithstanding the fact that the Ministry of Education, the competent authority of all cram schools, stated that Tai Ji Men is not a cram school in its letter dated October 2, 1997 (No. 860115257) and another letter dated November 15, 1999 (Tai-88-She-1-Tzu No.88139298). It also indicated that “Tai Ji Men indeed is not a cram school” in a public hearing held by the Legislative Yuan on December 21, 2000.

During the court session in the Taipei High Administrative Court on November 17, 2004, Liu Li-Hsia, an agent of the NTB of Taipei, said, “Tai Ji Men is not a cram school, and thus the defendant (referring to the NTB) does not deny this.” On July 27, 2005, Liu Li-Hsia, who appeared in court again, even admitted that no income tax had been imposed on other martial arts associations. The judge questioned why the NTB had treated Tai Ji Men differently from the others. The NTB of Taipei’s recheck decision issued on August 3, 2012, and the NTB of the Central Area’s recheck decision issued on November 27, 2013, both acknowledged that Tai Ji Men is not a cram school and that the red envelopes were gifts (Tan, Ding, and Huang 2016).

According to the Ministry of Finance’s official letter and directive in 1975, “Religious leaders are exempt from income tax on gifts from believers.” In 2003, the Taipei Martial Arts Association, the Chinese Martial Arts Association, and the Chinese Qigong Association issued letters, attesting to the fact that their members had never been taxed because of receiving monetary gifts from their disciples. There are tens of thousands qigong, martial arts, religious and spiritual groups in Taiwan, and no other masters have been taxed for receiving donations or monetary gifts from their believers.

According to the letter No. 69135 issued by the Education Department of the Taiwan Provincial Government in 1997, an organization of qigong or other folk arts is incompatible with the purpose of setting up a short-term cram school, so it is not allowed to register as a cram school. According to an NTB’ letter in 1987 (Shui-2-Tzu No. 03378), and a Ministry of Finance letter in 1995 (Tai-Tsai-Shui-Tzu No. 841634845), an organization of qigong and martial arts does not need to register itself as a for-profit enterprise according to the law, and it does not belong to the category of taxable businesses.



The NTB of Taipei and the Taipei City Revenue Service performed on-site audits at Tai Ji Men in 1994, 1995, and 1996, and confirmed that there were no items for sale there, and the tax agencies did not issue any business tax bills or profit-seeking business income tax bills to Tai Ji Men. In addition, the department in charge of business registration of the City of Taipei sent a staff member to the Tai Ji Men Qigong Academy and conducted a business inspection on November 13, 1996, confirming that “the academy is a martial arts academy. Qigong is taught, and there are no business activities.” Thus, Tai Ji Men is not a profit-seeking organization, having no issues of business tax, business income tax, or fines.

On December 9, 2011, the Executive Yuan organized an inter-ministerial meeting, and it was resolved that the criminal indictment could no longer serve as the basis of taxation, and a public survey would be conducted to investigate the nature of the red envelopes. The survey results showed that 100% of the 7,401 respondents indicated the red envelopes were gifts, and no one declared them as tuition fees, which was consistent with the findings in the final criminal decision (Tan, Ding, and Huang 2016; Action Alliance to Redress 1219 2021b).

### *The Public Hearing of June 17, 2010*

During a public hearing in the Legislative Yuan on June 17, 2010 (Action Alliance to Redress 1219 2020a), the Ministry of Finance and the NTB of the Central Area agreed to withdraw the compulsory enforcement for the 1992 consolidated income tax, and to resolve the Tai Ji Men tax case within two months. After the public hearing, Lee Sush-Der, the then Finance Minister, sent letters to Legislators Tien Chiu-Chin, Twu Shiing-Jer, and Justin Chou, stating that regarding the feasibility of revoking the enforcement of the consolidated income tax of Dr. Hong for 1992, the finance minister had asked the NTB of the Central Area to take the facts into consideration and take necessary action pursuant to Article 40 of the Tax Collection Act.

The NTB of the Central Area and its Miaoli Branch also sent letters to the Hsinchu Branch of the Administrative Enforcement Agency, stating that, since the consolidated income taxes and fines for 1991–96 were based on the same basic facts, it would tremendously affect the taxpayer’s rights if different judgments were made. Thus, they requested the Hsinchu Branch of the

Administrative Enforcement Agency to stop the enforcement pursuant to the proviso of Article 9, Paragraph 3 of the Administrative Execution Act. Since the taxes related to the red envelopes for the other five years were corrected to zero, the auction should have been stopped.

In 1999, while the criminal case was still under trial, 82 legislators of the 4<sup>th</sup> term of the Legislative Yuan signed a joint petition asking the NTB to cancel the illegal tax dispositions as the tax bills issued by the NTB were in violation of procedural justice. In November 2013, thirty-three legislators co-signed a proposal requesting the Ministry of Finance to revoke the unlawful tax bills according to the resolutions of the inter-ministerial meeting organized by the Executive Yuan. To date, over 300 legislators from different parties have been using different methods, such as conducting endorsements, proposing bills, coordinating meetings, as well as holding interpellation sessions, press conferences, and public hearings, directly pointing out the taxation bureau's violations of law and demanding the NTB to revoke the tax bills. However, for years the NTB has continued violating the law, imposing unjustified taxes and illegal compulsory enforcement, repeatedly deceiving the citizens, wasting taxpayer dollars, and harming the country and the people.

### *The Strange Case of the 1992 Tax Bill*

Since its establishment in 1966 till 1990, and from 1997 till today (2021), Tai Ji Men Qigong Academy had never been taxed. Why should Tai Ji Men be taxed in 1991–96? The NTB of Taipei and the NTB of the Central Area have corrected the consolidated income tax amount related to the monetary gifts for the *shifu* for 1991, 1993, 1994, 1995, and 1996 to zero in late 2019. However, Tai Ji Men was still taxed as a cram school for 1992.

For the past 55 years, Tai Ji Men Qigong Academy has always been a *menpai* of qigong, martial arts, and self-cultivation as well as a public welfare cultural and religious group. Its nature has been confirmed by the Chinese Martial Arts Association, Chinese Qigong Association, Taipei Martial Arts Association, the Chinese Taoism Association and the Taoism Association of Taipei City, the Ministry of the Interior, the Taipei City government and the Supreme Administrative Court's decision No. 422 in 2018. Based on the principles of administrative consistency, estoppel, administrative self-restraint, and

constitutional equality, the NTB and the Enforcement Agency of the Ministry of Justice should immediately revoke the tax bill, stop the compulsory enforcement, and return the unlawfully confiscated land, which was intended to be the building site for a self-cultivation center for Tai Ji Men.

*The Taipei High Administrative Court Requested the NTB of the Central Area Twice to Correct the 1992 Taxes to Zero*

The Taipei High Administrative Court sent letters to the NTB of the Central Area on May 5 and July 23, 2020, and forwarded a copy to the Hsinchu Branch of the Administrative Enforcement Agency. In the letters, a statement from the Supreme Administrative Court's Judgment No. 422 in 2018 was quoted, which stated that the tax authorities were not bound by the Supreme Administrative Court's original decision on the consolidated income tax for 1992, as there were new facts and evidence that were not recognized or taken into consideration in the original tax disposition for 1992. The Taipei High Administrative Court requested that the NTB of the Central Area follow the same standard by which the taxes were corrected to zero for 1991, 1993, 1994, and 1995, and withdraw the enforcement in accordance with Article 40 of the Tax Collection Act. Therefore, there was a legal basis for the NTB of the Central Area to revoke the enforcement.

The Hsinchu Branch of the Administrative Enforcement Agency clearly knew that there was a problem with the justification of the enforcement. Accordingly, the enforcement should have been stopped immediately pursuant to the law, and the case should have been returned to the Miaoli Branch of the NTB of the Central Area. However, the Hsinchu Branch violated the law and forced the auctions, resulting in irreparable loss to Tai Ji Men's master and *dizi*.

*More Abuse from the Hsinchu Branch of the Administrative Enforcement Agency*

As discussed in the previous paragraphs, in 2007, the Criminal Division of the Supreme Court found Tai Ji Men not guilty of tax evasion or any other charges, and stated that Tai Ji Men did not owe any tax. There was no legal basis for the levy of the consolidated income tax for 1992, and the NTB has never carried its burden of proof in accordance with Article 12-1 of the Tax Collection Act. Also, the calculation of the tax amount was wrong and illegal. During the public hearing

in the Legislative Yuan on June 17, 2010, the Ministry of Finance and the NTB of the Central Area agreed to withdraw the compulsory enforcement for the 1992 consolidated income tax. Later, the Ministry of Finance sent letters to the NTB of the Central Area, demanding that the enforcement of the Tai Ji Men tax case should be withdrawn. Also, the NTB of the Central Area and its Miaoli Branch sent letters to the Hsinchu Branch of the Administrative Enforcement Agency to ask the Hsinchu Branch to stop the illegal auction.

Even though it was aware that the tax imposed was not justified according to the law, the Hsinchu Branch still carried out the enforcement order against the proviso of Article 9, Paragraph 3 of the Administrative Execution Act.

On March 28, 2019, Lin Ching-Tsung, the director-general of the Administrative Enforcement Agency, issued a letter (Hsin-Chi-Tsung-Tzu No. 10830002180) to the Hsinchu Branch, requesting it to actively carry out the auction, and coordinate efforts to confiscate and nationalize the land of the master of Tai Ji Men. Despite the fact that the value of the seized land was far more than the requested tax amount, the Administrative Enforcement Agency even asked the Shilin and Kaohsiung branches to seal Tai Ji Men's academies in Nangang, Taipei, and Lainan Street in Kaohsiung, as well as Dr. Hong's real estate in the Swiss Mountain Villa community in Xizhi.

In May 2019, when the Hsinchu Branch asked him whether it could apply to the Administrative Court for a stay of execution, Director-general Lin Ching-Tsung asked it to continue the enforcement process. In an official document dated March 2, 2020, the Hsinchu Branch premeditatedly asked the Shilin Branch whether it agreed to record the Hsinchu Branch's performance and to split half of the performance bonus from handling the Tai Ji Men case with the Hsinchu Branch. Making such a request was outrageous, and shows the real purpose pursued by some rogue bureaucrats. What is worse, the enforcement agency illegally leaked the personal information and enforcement details of the parties concerned via the media, which was a violation of privacy.

According to the aforementioned document, Director-general Lin Ching-Tsung and Deputy Director-general Chen Ying-Chin of the Enforcement Agency are both suspected of violating the taxpayers' rights. They seriously infringed on the freedom of thought, freedom of religion, freedom of belief, the right to participate in cultural life, and human rights of Tai Ji Men's *shifu* and *dizi*, wasting

administrative resources, judicial resources, and public funds, incurring high social costs, and harming the reputation of the country.

*The Hsinchu Branch Trespassed on Private Land Without Notifying the Parties Concerned, and Unlawfully Auctioned Dr. Hong's Land*

According to the spirit of Articles 77 and 77-1 of the Compulsory Enforcement Act, if a land survey is to be carried out, the Administrative Enforcement Agency should notify the parties concerned to be present. However, the parties concerned did not know about the survey until they read the survey record made by the Hsinchu Branch. On April 12, 2019, at 10:00 a.m. and June 18, 2020, at 10:20 a.m., executive officers of the Hsinchu Branch and their team entered the private land located at Tongluo Township, Miaoli County, to conduct a land survey, without informing the parties concerned. That was a clear violation of Article 306 of the Criminal Code.

On July 31, 2020, the Hsinchu Branch carried out the auction of 52 pieces of land without completing all the surveys. It was obviously deceiving the bidders, since the exact locations of these lots were not specified before the auction. Furthermore, while the original auction announcement posted on the auction venue did not limit the number of people that could enter the auction site, the announcement was changed at the last minute to restrict admission to three persons only. Bidders were refused to enter the venue to monitor the auction process or submit additional necessary documents before the auction started. All this severely violated the principle of openness and transparency of the auction. Not surprisingly, the auction failed.

It was evident that the Hsinchu Branch insisted on forcefully depriving Tai Ji Men of the land, which was intended to be the site for their self-cultivation center. This has caused enormous damage to their property and reputation. Furthermore, the representative of Dr. Hong had already pointed out the aforementioned procedural flaws on the spot and asked for rectification, but the Hsinchu Branch simply ignored them, and went ahead to announce immediately through the media that another auction would be held on August 21.

On the day of the second auction, when there was no valid bid, the NTB of the Central Area and the NTB of Taipei joined hands to immediately confiscate 50

pieces of Tai Ji Men's land (52 pieces were auctioned during the first auction, and 50 pieces among them were selected to be confiscated after the second auction). The Administrative Enforcement Agency and the NTB violated due process and ignored the law, and the repeated statements of disagreement of the parties concerned on June 16, July 13, July 31, August 18, August 21, and August 26, 2020. These government agencies deprived the parties concerned of their lawful rights and interests, and furthermore, they harmed the country and illegally benefited the national treasury, themselves, and some others.

*The NTB Owes Tens of Millions to Dr. Hong and His Wife*

The NTB of Taipei knew that all the assets of Dr. Hong and his wife had been unlawfully seized and frozen by the prosecutor and that on May 9, 1998, it had already imposed a ban on the disposal of the assets of the *shifu*'s wife, and there was no risk for tax preservation. However, on July 15, 2003, it still transferred the consolidated income tax case for 1996 to the Taipei Administrative Enforcement Division (now renamed as Taipei Branch) of the Administrative Enforcement Agency under the Ministry of Justice for execution.

On August 12, 2003, the Taipei Branch issued a seizure or execution order to 30 banks and 49 investment companies across the country, regardless of whether they were the banks or investment companies Dr. Hong and his wife had established accounts with, seriously harming the reputation and credit of the *shifu* and his *dizi*. That was a serious violation of human rights.

On August 22, 2003, Dr. Hong's wife filed an application to the NTB, stating that she would provide the assets as collateral as soon as the Taipei District Court will lift the property freeze. The NTB approved the application on August 29, and sent a letter to the Taipei Branch of the Administrative Enforcement Agency to postpone the enforcement. The Taipei Branch agreed to postpone the enforcement by two months to November 2, 2003. A not-guilty criminal decision was rendered on September 25, 2003. On October 7 of the same year, Dr. Hong and his wife filed an application to the court to request the lift of the freeze, stating that property would be provided to the NTB as collateral once the freeze will be lifted. The Taipei District Court then officially lifted all the frozen assets on October 15.

To have its enforcement order executed, the NTB of Taipei forged the issuance date of an official letter which was signed off by its director-general Chang Sheng-Ford, by backdating the letter from October 20 to October 15 (i.e., the date when the court released the frozen assets). This was done to conceal the fact that the NTB knew that the court had released the frozen assets. The letter was sent to the Taipei Branch of the Administrative Enforcement Agency, asking it to carry out the enforcement. After Mrs. Hong's savings had been illegally withdrawn, and her stocks unlawfully sold without her knowledge, a notice stating that the enforcement order had been executed was sent to the parties concerned on November 6, 2003. The parties concerned were deprived of their right to file their objections.

In 2005, only after the Administrative Court uncovered the date of the document and the suspected forgery, the NTB of Taipei did refund the money from the illegal enforcement in the disguise of "tax refund." However, the NTB of Taipei still refused to reimburse the interest accrued and the loss caused by the illegal selling of the stocks, totaling as high as NT\$30 million in terms of opportunity cost, and it also refused to return the confiscated bank savings. Additionally, the NTB of the Central Area owed Dr. Hong over NT\$3.36 million, including the accrued interest, because it had illegally used the tax refund to pay the alleged tax, and illegally confiscated Dr. Hong's bank savings.

### *A Serious Case of Human Rights Violation*

In the Tai Ji Men case, basic human rights, guaranteed by the Constitution, and the ICCPR and ICESCR, have been violated. The Control Yuan initiated an investigation into the case and listed it as a landmark case of gross human rights violations. The case was also listed as a landmark case of taxpayer's rights in the "ROC Centenary, Taxation and Human Rights White Paper" (Chinese Association for Human Rights, National Taiwan University Law School of Finance, and Taxation Law Research Center 2011). International human rights experts and domestic law and tax experts and scholars also voiced their support for Tai Ji Men (Action Alliance to Redress 1219 2020d). In 2013, when the International Review Committee of the ICCPR and ICESCR came to Taiwan to examine the national human rights reports, they inquired about the status of the Tai Ji Men tax case in particular.

An Italian sociologist of religion, Massimo Introvigne, not only wrote, with other international experts, a white paper entitled *Justice Denied: The Tai Ji Men Case in Taiwan* (Introvigne et al. 2020), but also directed a film titled *A Question of Justice: The Tai Ji Men Tax Case in Taiwan* (Introvigne 2021), whose first version had its world premiere at a side event organized on November 19, 2020 during the third Ministerial to Advance Freedom of Religion or Belief, organized by the U.S. Department of State and others.

In 2021, CAP-LC, an NGO with special consultative status at the ECOSOC (Economic and Social Council), filed a written statement about the Tai Ji Men case and other cases of abuse of tax law targeting spiritual movements at the 47<sup>th</sup> session of the United Nations Human Rights Council (CAP-LC 2021).

Among the 794 interpretations made by the Grand Justices of the Judicial Yuan during the course of its history (as of August 28, 2020), 131 are related to taxation. In the tax field, 56 laws and interpretation letters have been declared unconstitutional. The way the spirit or principle of the Constitution is violated by 17 of the unconstitutional interpretation letters is evident in the Tai Ji Men tax case.

### *Conclusion*

A tax bill is invalid if it violates any provision of the Constitution, due process of law, procedural justice, or procedural legitimacy. Over the past 25 years, all the evidence has proved that Tai Ji Men has never owed any tax. In fact, the NTB of the Central Area and the NTB of Taipei owe the master of Tai Ji Men and his wife millions of Taiwan dollars. However, the administrative authorities have made mistakes repeatedly, abused their power, bullied the people, and even forcefully auctioned the land of Tai Ji Men's *shifu*, which was intended to be the building site for a self-cultivation center for Tai Ji Men.

Since the government exists to serve its people, and its power comes from the people's mandate, it should act in accordance with the law to protect the people's rights. If the government makes mistakes, it should correct them. Under no circumstances can a few rogue officials from the Ministry of Finance, the NTB, or the Administrative Enforcement Agency hijack the whole country and undermine democracy, the rule of law, and human rights through acts that arbitrarily violate



freedom of thought, belief, religion, and culture, and disobey the Constitution, the ICCPR, the ICESCR, and the Universal Declaration of Human Rights. Their doing has damaged the country's image and reputation in a crucial period of its history.

It is the spirit of democracy and progress to redress fabricated cases and grievances caused by the authoritarian governments in the past. Taiwan, which claims to be a democracy adhering to the rule of law, has also begun to implement the two international human rights covenants. The administrative agencies should perform their duties according to the law, protect human rights, and severely punish officials who abused their power, violated the law, and persecuted innocent citizens (see Action Alliance to Redress 1219 2021a).

The Supreme Court has acquitted the master of Tai Ji Men and his co-defendants, and ruled that they were not guilty of tax evasion. The illegal tax bill should be revoked accordingly. The Control Yuan also investigated the handling of the Tai Ji Men case by the prosecutor and the NTB, and found that there were many serious violations of law by both the prosecutor and the tax authorities. The Supreme Administrative Court also put forward its latest opinion on the case, confirming that the consolidated income tax bill for 1992 was unjustified, and its original judgment for 1992 was wrong. Additionally, the NTB of the Central Area and the NTB of Taipei have corrected the tax amount related to the red envelopes for 1991, 1993, 1994, 1995, and 1996 to zero. The year 1992 was no different from the other years. According to the principles of administrative consistency, administrative self-restraint, estoppel, and equality, the NTB of the Central Area should treat the consolidated income tax for 1992 the same way as it did for the other years.

On February 20, 2021, the eve of the UN's World Day of Social Justice and the 228 Peace Memorial Day, Huang Kun-Kuang, a former senior auditor of the NTB of Kaohsiung responsible for major tax evasion cases, pointed out that the Tai Ji Men case was indeed a case of illegal taxation, and that the property must be returned to the victims, at an international conference titled "Reflection on Abusive State Power in the 228 Incident" (Huang K. 2021).

On January 23, 2021, at an international forum on "Realizing Democracy and Freedom with Conscience-driven Education" in support of the World Freedom Day (January 23) and the UN's International Day of Education (January 24), Attorney Huang Ti-Ying, president of the Taiwan Forever Association, publicly

stated that in accordance with the amended provisions under Article 128 of the Administrative Procedure Act, the administrative agency could revoke the illegal consolidated income tax bill for the year 1992 and stop the enforcement, based on new facts and new evidence (Huang T. 2021). The government should prevent the wrong and illegal tax disposition for 1992 from continuing to hurt the victims, and should stop abusing human rights, incurring high social costs, and consuming countless taxpayer dollars, administrative resources, and judicial resources.

Whether Taiwan will be perceived as a democratic and free nation depends on whether the government is willing to face up to the problem of administrative violence, correct the mistakes, and return justice to its citizens. Tai Ji Men's *shifu* and *dizi* have been persecuted for 25 years. Their journey to redress the injustices has been filled with blood and tears. They hope to awaken the conscience of the government so that transitional justice can be realized and the Constitution of the Republic of China (Taiwan), the Universal Declaration of Human Rights, and the two international human rights covenants can be maintained.

To protect democracy, the rule of law, human rights, liberty, and freedom of religion, belief, and culture, the government must implement the human rights protection, guaranteed by the Constitution and the ICCPR and ICESCR. Government officials must adhere to facts, evidence, conscience, fairness, and justice while following the law to revoke the illegal tax bill and the illegal auction. The money owed by the NTB and the confiscated land intended for building a Tai Ji Men self-cultivation center shall be returned to Dr. Hong and Tai Ji Men. The government should clear the names of Tai Ji Men's *shifu* and *dizi*, and return justice to them.

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