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DECLARATION OF KEITH HENSON
IN SUPPORT OF A MOTION TO DISQUALIFY
THE DISTRICT ATTORNEY'S OFFICE
FOR BIAS TOWARD SCIENTOLOGY

PEOPLE v. HENSON HEM014371

1. Keith Henson declares:

The information set forth in this declaration is known to me personally. If called upon to testify in court as to the truthfulness of the facts set forth in this declaration, I would do so.

0. Unless otherwise indicated, dates are in the year 2000.

1. I am the defendant in case HEM014371 before the Riverside Superior Court in Hemet, California and 7 or 8 other civil or criminal cases brought against me by Scientology or its proxies in the past six years.

I have been an active critic of the abusive practices of the "Church" of Scientology since January 1995. I have been particularly concerned about Scientology's illegal practice of medicine, illegal confinement, and corruption (usually blackmailing) of government officials, particularly law enforcement and the IRS. I have been sued in federal court (C-96-20271RMW for copyright violation) for exposing Scientology's internal documents which are manuals describing criminal procedures, particularly the practice of medicine

EMMETT A. H.

1 without a license. (Letter to Judge Whyte/NOTS 34 excerpt
2 Exhibit A .)

3 2. I picketed the Scientology establishment, known as
4 Golden Era or the "Base" near Hemet in 1997 and at least twice
5 in 1998. After a picket reported in the Riverside
6 Press-Enterprise (Exhibit B) in early 1998, Kenneth Hoden,
7 manager of the "Base," filed a civil case in Riverside and
8 obtained a TRO to prevent me from picketing (RIC 306884). The
9 case was dismissed as a non-suit by Judge Cunnison on an oral
10 motion by Graham Berry invited from the bench after a hearing
11 February 20, 1998.

12 3. On May 20, 2000, I read on the Internet of an
13 "accident" in which a 16-year-old, Ashlee Shaner, had been
14 killed in a collision with construction machinery that was being
15 used on the "Base." I later carefully read the accident report
16 (Exhibit C) which was in near perfect accord with my initial
17 estimate of the cause. According to the report, a paving crew
18 had been "asked" to work late by Scientology agents and the
19 machinery was being moved after dark across Gilman Springs Road
20 with no precautions such as flagmen or flares to protect
21 motorists. Although the California Highway Patrol report
22 recommended a manslaughter prosecution, to the best of my
23 knowledge the Riverside District Attorney's office has not acted
24 on this recommendation in the 20 months since the victim's
25 death.

26 4. Because of this death and the likelihood that it would
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1 be ignored. I decided to picket again, even though the "Base" is
2 a long way from my home near San Francisco. My first public
3 posting about my intent to picket the "Base" was dated May 25
4 Other than the possibility that my private "IRC" (Internet Relay
5 Chat) conversations were snooped, I cannot account for the
6 timing of a May 24 meeting about me between Scientology attorney
7 Alan C. Oberstein and a Hemet DDA. This meeting is revealed in
8 a letter dated July 27, in the DA's file on this case. (This
9 letter was requested in discovery but was refused, though Graham
10 Berry was permitted by DDA Schwarz to scan it and the Gerald
11 Peffer letter mentioned below. Berry could testify about the
12 letters.)

13 I picketed the "Base" before and after Memorial day 2000
14 The response of the Scientologists was to hide from my signs as
15 if they were guilty. I had time between consulting jobs and a
16 place to stay in Hemet (with Ida Camburn) so I picketed the
17 "Base" a number of times starting in June. I wrote detailed and
18 often humorous reports about my picketing activities and posted
19 them on the internet in the Usenet newsgroup
20 alt.religion.scientology. Between May 3 and Sept. 2 my postings
21 (when printed) are the size of a modest novel, 535 pages.

22 5. Subsequently (June 25, 2000) another young woman,
23 Stacy Meyer, died at the "Base," electrocuted and charred beyond
24 recognition in a transformer vault. I was familiar with
25 Scientology's practice of confining people in dangerous
26 industrial locations, such as chain lockers on ships. I

1 contacted the Sheriff's Department and was referred to Deputy
2 Greer as the investigating officer. My phone bills show two
3 calls to Mr. Greer's number on June 26, two on June 27, and one
4 each on June 28 and 29. After that date I was in Bemar making
5 local calls. I delivered written background material to Deputy
6 Greer once at a weapons range and at least once at the station
7 I put Deputy Greer in contact with Jesse Prince (of the Lisa
8 McPherson trust, Clearwater, FL) and Mark Plummer who lives in
9 Austin, Texas. Both are former executives of Scientology who
10 are familiar with Scientology practices. I was in contact with
11 both these people. Mr. Prince wrote to Deputy Greer on June 30
12 (Exhibit D) answering questions Deputy Greer had posed. Both of
13 them strongly recommended that the deputies obtain and read
14 (with expert help) the victim's "ethics" and personnel files.
15 The experts knew these files would have details of previous
16 episodes of punishment and confinement.

17 About two weeks after Deputy Greer talked to Jesse Prince
18 and Mark Plummer about "ethics" and personnel files, I asked
19 Deputy Greer (in a telephone conversation in late July or early
20 August of 2000) about the progress of the investigation. Deputy
21 Greer told me that Scientology had refused access to the files
22 of the victim and that the DA's office was unwilling to assist
23 sheriff deputies with subpoenas or search warrants. Deputy
24 Greer indicated his frustration to me and expressed an opinion
25 (rough paraphrase) that the case was a murder, but it would
26 require that a defector leave Scientology for it to be solved

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1 I have read the public material from the concurrent OSHA
2 investigation and the coroner's report. It is my strongly held
3 opinion that the "official" story, that the 130-pound victim had
4 pulled a 230-pound manhole lid off, placed a ladder two feet
5 shorter than the vault depth and entered a live transformer
6 vault over her concern for ground squirrels, was fabricated. A
7 supervisor (the names are blacked out in the OSHA report), who
8 had been pressed by the investigator as to why the victim was in
9 the vault, had no idea at 1:50 p.m., but by 3:15 p.m. he
10 "remembered" and related a vivid story of a conversation with
11 the victim the previous evening about using a ladder to get into
12 the vault and advising her this was unsafe (Exhibit E. OSHA
13 report page 10, line 28 to page 11, line 10 and page 11, line 4
14 to page 12 line 7). Also, the four handwritten reports
15 (Exhibit F) that are part of the OSHA report do not agree on
16 fundamental facts about the relation of Stacy Moxon Meyer to
17 ground squirrels: in some she is trapping them for release, in
18 others she has one as a pet. It should be noted that ground
19 squirrels make extremely poor pets and some of them in
20 California carry bubonic plague.

21 6. I am convinced that the DA's office, particularly DA
22 Tom Gage, and others in that office conspired with Scientology
23 lawyers in a nearly successful attempt to have me arrested on
24 videotape for failure to appear. (I believe Deputy Greer was
25 involved reluctantly.) I believe there was no original intent
26 to prosecute the extremely weak case before this court, or the

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1 even more ridiculous nuclear weapons charge on the arrest.
2 warrant but that the intent of Scientology and the DA's office
3 was to set me up to be arrested in front of a videocamera for
4 failure to appear by placing me at a videotaped deposition and
5 an unnoticed arraignment at the same time. This is in keeping
6 with Scientology's religious precept (Exhibit G, answers and a
7 reference to HCO Bulletin of 5 November 1967) that all who
8 criticize Scientology or stand in its way are criminals even if
9 they have to make them criminals. Scientology's OSA (Office of
10 Special Affairs) has in the past few years gone to great effort
11 to set up criminal charges against me (two other times), Mark
12 Bunker, and Bob Minton (three times), and, going back in time,
13 Pedro Lerma in Spain, Gabe Cazares, former mayor of Clearwater
14 Florida and the author Paulette Cooper among others.

15 The following are some of the points which lead me to
16 intense suspicion of conspiracy, in which Scientology lawyers set
17 the date of deposition that was then used by the DA for setting
18 an unnoticed arraignment date. (See timeline, Exhibit H.)

19
20 A. My original arrest in this case was on July 19 while
21 picketing alone at the "Base," at which time I was interrogated
22 then "unarrested" by Sheriff Deputy Rowe. No notice to appear
23 was given, nor were charges laid at that time.

24 B. I complied with requests from Deputy Greer to speak
25 with him without representation about this case on August 3 (at
26 the sheriff station), and August 8 (at the home of Ida Camburn)

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1 Deputy Greer expressed a uniform low opinion of the charges. On
2 August 3 that Greer taped my voluntary conversation while
3 denying that he was doing so (see the transcript as entered in
4 evidence by the Prosecution).

5
6 C. The case record shows that deputy Greer's report of
7 Aug. 8 was submitted to the DA without recommendation.
8 I did not see any direct threat of violence towards the church
9 or any personnel of the church." On Aug. 16, Scientology
10 attorney, Gerald Peffer (of Williams and Connally, Washington,
11 D.C.) wrote to Deputy D.A. Kevin Ruddy. In his letter, (most
12 likely faxed) Peffer refers to the prior meeting between them
13 and sets forth factual and legal arguments that I should be
14 arrested for extortion. That day Greer went to Golden Era "at
15 the request of the DA's Office." His declaration shows that he
16 interviewed staff members selected by Hoden. This declaration
17 was filed with his report of his investigation and on the
18 following day, August 17, Deputy Greer signed an arrest warrant
19 for 11418.5 PC (nuclear weapons threats).

20 D. Despite the fact that the arrest warrant was written
21 on August 17, filing was delayed to Sept. 1. I believe that the
22 explanation of this delay lies in negotiations by a Scientologist
23 lawyer with me over the deposition date in Hurrado as described
24 below.

25 E. There was the thinnest of excuses for me to be
26 deposed, at great expense and on videotape, in Hurrado v.

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1 Berry--a case solicited by Scientology lawyers and mostly used
2 to tie up and wear down Berry. I have no first-hand and
3 previous little second-hand knowledge about this case. After
4 Sept. 15 I tried to set up another date for this deposition
5 (which after a hearing before Judge Hart in Los Angeles Sept. 19
6 required a referee). The Scientology request to videotape was
7 dropped by them immediately after the arraignment date passed
8 (also wanted to tape), and Scientology lawyer Ava Paquette had no
9 interest in setting another deposition date. Hurtado v. Berry
10 was recently dropped altogether a week before trial by
11 Scientology lawyers

12 F. The deposition date on the subpoena (August 28) was a
13 placeholder for negotiation about a later date. I had already
14 been told by Scientology PI Frank Petty (see Aug. 14 transcript
15 Exhibit I), while he followed me during my picketing at the
16 "Base," that they knew I would be unavailable that day because
17 my daughter would be entering college the next day. (Not
18 difficult since my daughter, my wife, and I had been followed to
19 the University of Redlands on July 21 and anyone can find out
20 the date of freshmen registration.)

21 G. Further dates offered in a letter dated Aug. 18 by
22 Scientology attorney Ava Paquette were chosen so that there
23 would be proper time for the District Attorney to file a notice
24 to appear between my response to her letter and the scheduled
25 deposition date. That is, if I agreed to any of the dates
26 (Sept. 7, 14 or 15), notice could be alleged to have been

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1 properly filed 15 days before arraignment and deposition. To be
2 sure that I would agree to a deposition date I was called almost
3 every day from the 13th to the 25th of August, when I agreed to
4 the date of Sept. 15. (Paquette letter Exhibit J)

5 H. There was great pressure from the Scientology lawyers
6 to hold the deposition in San Jose. Eventually at my insistence
7 (to reduce cost for Mr. Merry's side) it was set for Los
8 Angeles. There may be some significance in the trouble it would
9 cause me to be arrested this far from Riverside County. (Night
10 in jail etc.)

11 I. The notice of arraignment was filed with the court on
12 Sept. 1, with an arraignment date of Sept 15, several days after
13 I agreed (on Aug. 25) to the deposition date of Sept. 15. Given
14 the amount of communication known to have occurred between the
15 DA's office and Scientology lawyers, dating back to the meeting
16 on May 24 described by Scientology attorney Alan C. Oberstein in
17 his letter to a DDA dated July 27 (mentioned above), it seems
18 unlikely the overlapping dates were a coincidence.

19 J. Given the amount of pressure put on Deputy Greer, it
20 seems odd that the notice of arraignment would have taken 15
21 days to file after he signed the arrest warrant but reasonable
22 it coincidence for Sept. 15 was the object.

23 K. The Court record shows that notice to appear was filed
24 on September 1, and it also states that I was "released with a
25 letter to appear" on that date. Not only was I not in custody,
26 but I was not even in Riverside County on that date. Nor did
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1 or my lawyer ever receive any notice to appear from the DAs
2 office in any form.

3 L. My first inkling that I was scheduled to be arraigned
4 on Sept. 15 was the afternoon of Sept. 13, when I received
5 several inches of motions from Scientology lawyers in my
6 bankruptcy case in San Jose. Apparently, Scientology lawyers
7 had read into an ambiguous statement about my lawyer Graham
8
9 Berry (in a reply motion in Hurtado filed the previous day),
10 that I had word of the arraignment.

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12 From Exhibit K.

13 "Mr. Berry has been my counsel in this and a number of other
14 matters since then, and is currently my counsel for surrender
15 notice from the District Attorney in Riverside County on pending
16 criminal charges involving purported threats of the use of
17 chemical, biological or nuclear weapons of mass destruction."

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19 The Scientology lawyers must have assumed that I had
20 somehow found out about the arraignment in Hemet, and therefore
21 referred to it in one of their motions as part of a character
22 attack against me. This may have been an attempt to salvage
23 something out of what they thought was a failed effort to set me
24 up to be arrested on camera.

25 This court's computer records show that a printout was
26 purchased (for 50 cents) on Sept. 12. A printout was entered

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1 my bankruptcy case as character-attack material on Sept. 11
2 M. Since I had nothing which looked official except a
3 computer printout from the court (and I know how easy those are
4 to fake) I was uncertain if I had been charged in Hemenet or not
5 I was scheduled to be in Los Angeles that evening to see Berry
6 regarding a hearing the following day on the Hurtado deposition.
7 The next morning on the way to court in the Hurtado matter, I
8 contacted Deputy Greer on my cell phone. Greer was not
9 informative. (Posting of Sept 14, Exhibit L) but he gave me Tom
10 Gage's telephone number, and Berry began trying to contact the
11 DA's office. No answer was forthcoming from the DA's office
12 about my arraignment until the afternoon of the 14th, when it
13 was finally disclosed to Berry that an arraignment was scheduled
14 for the next day.

15 N. In that conversation with Berry, DDA Tom Gage (who
16 signed the Notice to Appear) demonstrated a remarkable ability
17 to make personal remarks about Berry during a telephone
18 conversation on the afternoon of September 14, 2000, a
19 conversation to which I listened and of which I took notes that
20 I posted publicly as fast as I could (Exhibit L). What he
21 repeated to Berry was scientology "dead agent" (character
22 attack) material which he could only get from close contact with
23 agents of Scientology. It matches accounts of Berry's friends
24 and relatives about defamatory letters about Berry circulated by
25 Scientology.

26 O. I never received a mail notice of the arraignment
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1 date. The post office is good about mapping my street address
2 into my PO box. The DA's office has never indicated that I was
3 mailed notice.

4 P. A copy of the letter ("released with a letter to
5 appear") noted in the court's computer record has not been
6 located in the DA's files, in spite of a request for it in
7 discovery. No matter if the letter exists or not, this note is
8 a false representation entered into the court's records. I was
9 not in Remet on Sept. 1, 2000, nor was I in custody. I am
10 informed, however, that the notation in the computer records
11 would have been enough "evidence" that I had notice for any
12 judge to have issued a bench warrant for failure to appear. My
13 best estimate of what would have happened if I had not
14 accidentally found out about the arraignment is that a warrant
15 would have been faxed to the deposition location in Los Angeles
16 and I would have been arrested--on videotape--for failure to
17 appear. The videotape would have been posted on the Internet
18 within hours, perhaps on www.parishioners.org.

19
20 I declare under penalty of perjury under the laws of the
21 State of California that the above is true and correct.

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23 Executed on March 12, 2001 at Palo Alto, California.

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Keith Henson

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Keith Henson

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