



1 for the D.C. Circuit.

2 3. I have represented several Churches of Scientology and  
3 various members of the Scientology religion since 1978, primarily  
4 in matters concerning the federal government, including access to  
5 government records under the Freedom of Information Act (FOIA)  
6 and the Privacy Act, and expungement and correction of inaccurate  
7 and derogatory information in records regarding or relating to  
8 Scientology, its members or leaders maintained in government  
9 files. I have extensive experience in federal records access and  
10 correction issues and I am a recognized expert in this field. I  
11 have been consulted by clients around the world and have been  
12 sought out by the media and other access professionals as an  
13 authoritative spokesperson on access issues. I also am very  
14 familiar with the actions taken by the Church and Scientology  
15 parishioners to assert and protect their rights under the FOIA  
16 and Privacy Act record retention statutes and the United States  
17 Constitution.

18 4. I am familiar with a program written by L. Ron Hubbard  
19 called the Snow White Program. In this declaration I will  
20 describe this program and its history, and demonstrate that the  
21 characterization of this program by Robert Vaughn Young as having  
22 an "intelligence arm" which was directed at the "enemies" of Mr.  
23 Hubbard is a mischaracterization which is contrary to judicial  
24 opinions on the purpose of the Snow White Program as written by  
25 Mr. Hubbard. Young also claims that the Snow White Program was  
26 based on what he calls the "Fair Game doctrines," and attempts to  
27 portray this as a personal vendetta by Mr. Hubbard against his  
28 opponents. As will be shown in more detail below, this

1 IRS, 911 F.2d 560 (9th Cir.1993). Scientologists have also  
2 strengthened the rights of individuals to correct improper  
3 information in the files of agencies, where it is needed to  
4 protect their Constitutional rights. Smith v. Brady, 972 F.2d  
5 1095 (9th Cir. 1992).

6 21. Indeed, the Church has been in the forefront of the  
7 FOIA since its passage in 1966 and has developed landmark  
8 decisions that benefit all who use the FOIA. The FOIA is the  
9 linchpin of the free flow of government information and one of  
10 the most important tools we have to ensure "an informed citizenry  
11 vital to the functioning of a democratic state." NCRB v. Robbins,  
12 437 U.S. 214 (1978). It is not something sinister but an  
13 essential tool of an informed citizenry and a precious right.  
14 The Church's efforts as a result of the Snow White Program to  
15 support that right and to educate the public on the FOIA should  
16 be commended, not condemned, as they serve the public interest.

17 22. The Snow White Program concerned a series of legal  
18 actions to locate and correct false information in the files of  
19 government agencies. In that regard, the Church's legal bureau,  
20 working with Church counsel, have successfully utilized the  
21 Freedom of Information Act and similar statutes around the world.  
22 If false and derogatory information is contained in such records,  
23 the Church seeks the cooperation of the agencies involved in  
24 expunging and/or correcting such reports. Litigation to obtain  
25 relief has become necessary only as a last resort. That is the  
26 totality of the Snow White Program as conceived by Mr. Hubbard

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1 description is completely inaccurate.

2 5. While others in the past have also mischaracterized the  
3 Snow White Program to suit their own ends, the term "Snow White"  
4 in reality only refers to the program written by Mr. Hubbard in  
5 1973 for the purpose of correcting and expunging the plethora of  
6 false governmental reports about the Church of Scientology, its  
7 leaders and members through strictly legal means. Moreover,  
8 contrary to Young's statement that this program was aimed at Mr.  
9 Hubbard's enemies, it was actually directed only at obtaining  
10 legal access to false information which was disseminated  
11 internationally, and which in turn led to adverse action against  
12 Mr. Hubbard and other Scientologists.

13 6. Mr. Hubbard wrote the Snow White Program because several  
14 countries bordering the Mediterranean Sea had denied entry to  
15 their ports to the ship Apollo, which at that time housed the  
16 Church's senior ecclesiastical management bodies, as a result of  
17 false and derogatory reports concerning Scientology which were  
18 being distributed by certain government agencies and officials in  
19 England, the United States and other countries. Mr. Hubbard  
20 wanted to clear these files to ensure that accurate and unbiased  
21 information on Scientology was maintained and disseminated. This  
22 program did not remotely deal with or involve anything illegal  
23 whatsoever. Indeed, Mr. Hubbard expressly stated that the "Ideal  
24 Scene" he wished to achieve was: "All false and secret files of  
25 the nations of operating areas brought to view and legally  
26 expunged...." (Emphasis added.)

27 7. In the course of my representation of the Church, I have  
28 viewed hundreds of thousands of pages of records from the files

1 of government agencies concerning the Scientology religion, the  
2 Church, Mr. Hubbard and Scientology leaders and members. These  
3 records contain overwhelming and unequivocal evidence that the  
4 concerns which led Mr. Hubbard to write the Snow White Program  
5 were completely justified. Indeed, subsequent Congressional  
6 Oversight Hearings confirmed that both Mr. Hubbard and the Church  
7 were targeted for discriminatory treatment and for illegal and  
8 politically motivated information gathering designed to  
9 stigmatize and set a group apart as somehow inherently suspect  
10 under the law.

11 8. For example, between 1969 and the first half of 1974,  
12 the Apollo frequently docked at ports in Portugal with no  
13 problems and good relations with the people and local  
14 governments. In July 1973 a rumor was first heard in the port of  
15 Oporto that the Apollo was a "CIA ship." Although the rumor  
16 continued to surface in 1973 and 1974 in Portugal, the Apollo  
17 nonetheless continued to be welcome in Portuguese ports without  
18 major incident. On October 3, 1974, when the Apollo was docked  
19 at the port of Funchal on the island of Madeira, Portugal, it was  
20 attacked by a large crowd throwing rocks and shouting "CIA ship."  
21 The local police and army stood by and watched, doing nothing to  
22 hold the crowd back. As a result some Church staff aboard the  
23 ship were injured and property was damaged or destroyed. Cars  
24 and motorcycles belonging to the Church and Church staff were  
25 thrown off the dock into the bay. The ship crew had to fight off  
26 the attackers with fire hoses while the ship made an emergency  
27 departure to escape the violence, without being able to take on  
28 food, fuel or water. The Apollo and her crew were forced to wait

1 offshore for over a day while order was restored so she could  
2 return to load fuel, food and water and sail to a safe country.  
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4 9. Documents obtained from the U.S. State Department  
5 through the Freedom of Information act pursuant to the Snow White  
6 Program traced the "CIA ship" rumor to a State Department telex  
7 in April of 1972 sent to various European countries. Following  
8 the Snow White Program procedure of locating and expunging false  
9 reports and seeking redress for religious persecution, a suit was  
10 filed in Lisbon by the company that owned the Apollo, Operation  
11 Transport Corporation ("OTC"), against the government of Portugal  
12 seeking damages as a result of this riot. In June of 1985, the  
13 Administrative Court of Lisbon awarded damages to OTC finding  
14 that the riot in October of 1974 had been sparked by the CIA ship  
15 rumor, and that this rumor was false.

16 10. There have been countless other instances over the  
17 years where extremely damaging and completely false information  
18 has been circulated from one agency to another. This information  
19 inevitably impairs and impedes the religion's growth because it  
20 bears another agency's imprimatur and is relied upon to take  
21 adverse action against the Church. It has been through the  
22 application of the principles in the Snow White Program that the  
23 Church has used the Freedom of Information Act to uncover such  
24 information. For example, a letter circulated by Interpol in the  
25 1960s falsely accused Mr. Hubbard of having been charged with  
26 drug smuggling. Other government documents made the false and  
27 absurd claim that the Church and its members used LSD and other  
28 drugs. Although the Church is renowned internationally for its

1 strong anti-drug stance and its widespread efforts to overcome  
2 the effects of drug abuse, this information was disseminated by  
3 the Department of Labor as well as other agencies and relied upon  
4 by foreign governments to take adverse action against members of  
5 the religion.

6 11. Not only have government agencies disseminated false  
7 information concerning the Church, they have also engaged in  
8 other actions to impair and impede the religion. In some cases,  
9 these actions were conducted in collusion with or in reliance  
10 upon information supplied by civil litigants and their attorneys.  
11 In a few instances this involved infiltration of the Church. For  
12 example, in 1959, a captain of the Washington, D.C. Police  
13 Department induced his own daughter to infiltrate the Church,  
14 pretending to be pregnant. She was supposed to procure the  
15 assistance of the Church in obtaining an abortion, but was, of  
16 course, unsuccessful as the Church refused to condone this (at  
17 the time illegal) act.

18 12. Civil litigants and their attorneys have often worked  
19 closely with government agents to achieve their mutual ends to  
20 the detriment of the Church. For example in the early 1980s a  
21 Boston personal injury lawyer, Michael Flynn, formed a  
22 corporation to promote his business of suing the Church. Flynn  
23 Associates Management Corporation ("FAMCO") was formed, in the  
24 words of a FAMCO document, to promote four basic goals: "1.  
25 Closing Scientology organizations (Churches) 2. Adverse media 3.  
26 Adverse public reaction 4. Federal and state attacks." Documents  
27 later released to the Church pursuant to the FOIA and other  
28 access statutes demonstrate that Flynn and certain government

1 officials cooperated in their "attacks," sharing tactics,  
2 documents and witnesses.

3 13. Flynn was also involved in assisting Gerry Armstrong, a  
4 Flynn client and government informant, who plotted a take-over of  
5 the Church. Armstrong's plan included planting phony documents  
6 that would then be seized in a raid by federal agents.

7 14. In numerous instances, false and derogatory information  
8 maintained in government files regarding the Church, Mr. Hubbard  
9 or Church leaders has been provided by disaffected Scientologists  
10 engaged in civil litigation with the Church who have a  
11 substantial monetary stake in convincing the government to rely  
12 on their false allegations to take adverse action against the  
13 Church. A recent example of this tactic is the false and  
14 derogatory allegations contained in a mailing by an organization  
15 calling itself "Factnet" which include unsupported accusations of  
16 murder and suicide. This mailing appears to be the same "mail  
17 survey" referred to by Graham Berry in his declaration dated  
18 January 3, 1994, filed in the Fishman case. Among other highly  
19 inflammatory and absurd and baseless allegations, the mailing  
20 states that the recognition as a bona fide nonprofit religious  
21 organization the Church of Scientology recently received after  
22 unprecedented IRS scrutiny of every aspect of its operations is  
23 being "challenged" by a coalition of "ex-members" who are  
24 undoubtedly attempting to convince the government to once again  
25 rely upon false information. Interestingly, this tactic may have  
26 run its course as recently evidenced by an order issued by Judge  
27 Manuel L. Real in Spurlock v. FBI, Case No. CV 91-5602-R (C.D.  
28 Cal.) dated January 31, 1994. In that order, Judge Real ordered



1 the FBI to meet and communicate with plaintiff's counsel to  
2 "determine what information in the records at issue in this case  
3 may constitute evidence that false statements were made by Joseph  
4 Yanny, Richard Aznaran and/or Vicki Aznaran" to the FBI.

5 15. The Church's goal of correcting government files was  
6 not a matter of stopping "international criticism" by the Church,  
7 as is alleged by Robert Vaughn Young. On the contrary, I have  
8 personal knowledge based on my review of the records that the  
9 false information in government files on the Church resulted in  
10 substantial harm to the Church and its members and in severe  
11 violations of their rights. Indeed, there was a pattern and  
12 practice of maintaining and disseminating such information to the  
13 Church's detriment.

14 16. Although the legal correction of this false information  
15 was the heart of the Snow White Program and its sole purpose as  
16 conceived by Mr. Hubbard, during the 1970s a handful of misguided  
17 individuals in the now defunct Guardian's Office of the Church  
18 improperly applied the term "Snow White" to various illegal  
19 activities for which they were convicted. Moreover, the  
20 individuals who committed these crimes were subsequently removed  
21 from their positions on Church staff and the Guardian's Office  
22 was disbanded by the current leadership of the Church because  
23 this unit was not following Church ethical and legal policies and  
24 was misusing and misinterpreting these policies. The true and  
25 only purpose of Snow White was the corrective purpose put forward  
26 by Mr. Hubbard as the Supreme Court of Ontario noted in a well-  
27 reasoned decision.

28 17. Justice Osler of the Supreme Court of Ontario, Canada,

1 reviewed the Snow White Program in 1985 to determine whether an  
2 Ontario Provincial Police officer should be cross-examined  
3 regarding an affidavit he had filed, which characterized the Snow  
4 White Program as calling for illegal actions. In an opinion  
5 dated January 23, 1985, after reviewing the Snow White Program  
6 document and other related evidence, Justice Osler noted that:

7 "[I]t is not without significance that the affidavit of  
8 Fletcher Prouty, appearing in Volume 8A of the record  
9 at tab KK, makes it appear that he formed the  
10 conclusion, as a highly placed official of the Central  
11 Intelligence Agency of the United States that since  
12 1950 there has been a definite campaign of harassment  
13 against this organization (Scientology) for nearly  
14 thirty years primarily by means of the dissemination of  
15 false and derogatory information around the world to  
16 create a climate in which adverse action would be  
17 taken against the Church and its members. Defense  
18 against this type of activity was, of course, the  
19 stated objective of the SNOW WHITE program."

20 Decision of Supreme Court of Ontario, Osler, J., pp. 33-34.

21 (Attached as Exhibit 1.)

22 18. Concluding that the document on its face called for  
23 actions to "legally" expunge files and that the word "legally"  
24 appeared to have been purposely left out of the officer's  
25 affidavit, Justice Osler ordered that the cross-examination of  
26 the officer go forward. Following the cross-examination, on  
27 February 7, 1985, Justice Osler issued a second opinion stating  
28 that while he did not believe that the officer's

1 mischaracterization of the Snow White Program rose to the level  
2 of a fraudulent misrepresentation, he did find that the officer  
3 had made "errors in judgment" in characterizing the program as  
4 calling for "illegal actions."

5 19. The activities of the Church under the Snow White  
6 Program have consisted of filing Freedom of Information Act  
7 requests with Federal governmental agencies and public record  
8 requests at the state and local level, filing record inspection  
9 requests in foreign countries that provide citizen access to  
10 records, pursuing litigation to compel disclosure of significant  
11 records withheld by an agency, and the filing and prosecution of  
12 lawsuits such as a class action lawsuit in 1978 in the United  
13 States against a number of federal agencies for the purpose of  
14 expunging false reports on the Church, Mr. Hubbard, Scientology  
15 leaders and parishioners. Indeed, the Church's requests have  
16 resulted in disclosing substantial numbers of records regarding  
17 activities specifically found to be improper by Congress.

18 20. Through its actions connected with the Snow White  
19 Program, the Church has become an acknowledged leader in the  
20 field of rights to access of information from government  
21 agencies. I have personal knowledge of most of these actions.  
22 The Church has obtained numerous precedents under the FOIA,  
23 paving the way for others who want to hold the government  
24 accountable for its actions through public record access. Some  
25 of these precedents include Church of Scientology of California  
26 v. Department of Army, 611 F.2d 738 (9th Cir.1979), Founding  
27 Church v. National Security Agency, 610 F.2d 824 (D.C.Cir. 1979),  
28 and, more recently, Church of Scientology of San Francisco v.

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and that is all that it has ever been -- a proper and legal mechanism for the Church to protect its First Amendment rights.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 8th day of February, 1994 at Los Angeles, California.



William C. Walsh