

HUBBARD COMMUNICATIONS OFFICE
Saint Hill Manor, East Grinstead, Sussex.

CenOCon
Franchise
Field

HCO POLICY LETTER OF SEPTEMBER 7, AD13

IMPORTANT

SCIENTOLOGY FIVE

JUSTICE

COMMITTEES OF EVIDENCE

SCIENTOLOGY JURISPRUDENCE, ADMINISTRATION OF

(This system is for the use in all matters of Justice in Scientology.)

(This Policy Letter cancels and Disbands any Ethical Committees.)

There can be no personal security without easily accessible, swift and fair justice within a group.

The jurisprudence employed must be competent, acceptable to the members of the group and effective in accomplishing good order for the group and personal safety and security for its individual members.

Justice used for revenge, securing advantages for a clique increases disorder.

Justice should serve as a means of establishing guilt or innocence and awarding damages to the injured. The fact of its use should not pre-establish guilt or award. Justice which by its employment alone establishes an atmosphere of guilt or greed is harmful and creates disorder.

Justice should clarify. Good justice in effect runs out group engrams. Bad justice runs them in.

I have been working for sometime on a system of justice acceptable to Scientologists and have evolved one in "Committees of Evidence." These work excellently by actual test and satisfy the requirements of justice.

I require that full use be made of these Committees at once in all matters relating to Scientology organizations, groups and concerns.

I do not recommend that individuals in authority act in disciplinary measures or capacities without employing Committees of Evidence.

I recommend that all outstanding matters of discipline occurring between March 13, 1963 and this date should be reviewed by Committees of Evidence.

COMMITTEES OF EVIDENCE

There are two channels of Committees of Evidence, each parallel. One channel is through Central Organizations, the other through HCO's.

WORLD COMMITTEE OF EVIDENCE

Both channels arrive at one Committee located at HCO WFL. This is the World Wide Committee of Evidence, convened by the Executive Director. It cares for any and all matters arising from Committees at lower levels in both channels and reviews all cases referred to it.

HCO CONTINENTAL COMMITTEE OF EVIDENCE

The Convening Authority is the HCO Continental Secretary. It handles matters relating to any Scientology executives in a whole Continental zone. It investigates any cases referred to it by the WW Committee of Evidence and reviews any lower HCO Committees of Evidence in its zone when necessary or so requested.

CONTINENTAL ORGANIZATION COMMITTEE OF EVIDENCE

The Convening Authority is the Continental Director. It handles matters relating to any Scientology Executive in a Continental Zone. It investigates any matter requested of it by the HCO Committee of Evidence and reviews any lower Organization Committee of Evidence matters or cases in its zone.

HCO AREA COMMITTEE OF EVIDENCE

The Convening Authority is the HCO Executive or Area Secretary in the space of a specific central organization or city office. It handles any matters referred to it by its convening authority. These may include all matters relating to suspension or cancellation of certificates, the administrative or technical conduct of any Scientology executive or staff member on the basis of personal, administrative or technical conduct prejudicial to good order and discipline, and handles matters relating to the personal and technical misconduct of any Scientology executive or staff members. It also handles all disputes with field auditors, students, preclears, and members of the public. It handles especially any dispute between the Central Organization or City Office to which it is attached and non-staff members such as students, preclears, auditing results, refunds, etc. It may include Central Organization or City Office personnel in its composition and, in cases involving disputes between a Central Organization or City Office and non-staff members, it may use to the percentage of half (not including the chairman) field members of its membership.

CENTRAL COMMITTEE OF EVIDENCE

A Central Committee of Evidence is convened by the Association/Organization Secretary of any Central Organization or City Office. It has exactly the same powers and scope as the HCO Area Committee of Evidence, but would normally not handle cases involving Field Auditors, field technical practice or matters relating to disputes between the public and the Central Organization or City Office as to fees, payments or service failures, which are all more properly the business of HCO. The Central Committee of Evidence is more properly concerned with all matters relating to the conduct and activities of organization members, administrative, technical and personal; fixing responsibility for various conditions or breakdowns within the organization and safeguarding the organization against personal conduct or security risks prejudicial to effectiveness and public repute. Threatened dismissals, requests for reinstatement, protests against transfers or injury to reputation as well as marital or second dynamic matters are all heard by the Central Committee of Evidence.

DISTRICT COMMITTEE OF EVIDENCE

The Convening Authority is the person in charge of a District Office or branch Organization or the Association/Organization Secretary of the Zone or the HCO Area Secretary. The District Committee of Evidence exists for all matters of dispute, repute or discipline in a District Office, its area, or a Scientology Group. Its powers are the same as any other Committee of Evidence except that of review of lower Committees, and that it may not call before it, except as they volunteer, Central Organization or HCO Area personnel or other personnel or executives of higher echelons.

The findings of this Committee must be reviewed by an HCO Area Committee. The convening authority of the District Committee of Evidence may put the findings into effect and only those findings passed (after endorsement by the Convening Authority) by the HCO Area Committee of Evidence may be put into effect. A Central Committee of Evidence may not review a District Committee of Evidence findings although convened by an Association Secretary.

DEFINITIONS

A COMMITTEE OF EVIDENCE: A fact finding body composed of impartial persons properly convened by a Convening Authority which hears evidence from persons it calls before it, arrives at a finding and makes a full report and recommendation to its convening authority for his or her action.

CONVENING AUTHORITY: That duly appointed official of Scientology who appoints and convenes a Committee of Evidence to assist him in carrying out and justly exercising his or her authority, and who approves, mitigates or disapproves the findings and recommendations of the Committee of Evidence he or she appoints. The convening authority may not be a member of the Committee and may not sit with it and may not interfere with its conduct of business or its evidence, but may disband a Committee he or she convenes if it fails to be active in the prosecution of its business and may convene another Committee in its place. The Convening Authority may not increase penalties recommended by the committee he or she convenes.

NO CONVENING AUTHORITY may be summoned before, appear before or be chairman, secretary or member of any Committee of Evidence he or she convenes.

No official authorized to act as a convening authority may be summoned before or named as an Interested Party to or witness before or serve on a Committee of Evidence at the level of Committee of Evidence he or she is authorized to convene or on any lower level Committee; an official with the right to act as a Convening Authority may only be summoned by, appear before or become an Interested Party before Committees of Evidence of higher levels than he may authorize: i.e. HCO Area Committee of Evidence and Central Committees of Evidence alike may not summon or name as Interested parties or witnesses or Chairman or members, the HCO Area Sec or the Association/Organization Secretary, but these may be named as Interested Parties or summoned before Continental Level Committees, and Convening Authorities at Continental Level may only be named as Interested Parties or summoned before a Committee of Evidence. However, a Committee of Evidence may be convened by its Convening Authority anywhere in the world and a Continental Level Committee may be convened anywhere in a Continental Area, it being however more usual to convene Area and Continental Committees only at their own headquarters.

No deputy officer to any Convening Authority may convene a Committee by reason of being a deputy, this right being fully reserved to the Executive Director and fully appointed HCO Continental Secretaries, Continental Directors, HCO Area Secretaries, Association/Organization Secretaries and officers in official charge of District Offices, and only when fully and officially appointed with duly signed appointment to post by the Executive Director.

CHAIRMAN OF THE COMMITTEE: The Chairman is appointed at the discretion of the Convening Authority appointing the Committee. The appointment may be of a permanent nature but again at the discretion of the Convening Authority. The Chairman may not appoint Members to serve on the Committee. The Chairman presides over all meetings, conducts the largest part of the interrogation and sees that the Committee properly executes its duties in all respects in a dignified and expeditious manner. The Chairman may not interfere with the votes of the members and must include any divergences of opinion on the Findings by dissenting members. The Chairman sees to it that the Findings are based on majority opinion. The Chairman votes only in case of deadlock. The Chairman may himself dissent from the majority opinion in the Findings but if so, includes it as a separate opinion in the Findings like any other member dissenting, and may not withhold Findings from the Convening Authority for this reason. If a Chairman is removed during the progress of any case before the Committee the Findings are invalid and a new Committee must be convened and appearance before the incompleting hearings does not ban appearance before the newly convened Committee. However, a Chairman must be removed before the Findings are being prepared before the Committee can be declared invalid and the removal must be for good and sufficient cause. The Chairman runs good S.C.S. during all proceedings and gets Evidence given rather than put in its lines. He gets the job done.

SECRETARY: The Secretary is appointed specifically by the Convening Authority. The Secretary is a proper member of the Committee and has a vote. The Secretary prepares and issues all notices to attend, attends all meetings, keeps all notes, collects all documentary evidence offered in the hearings, procures tapes and a tape recorder, does all the tape recording, and collects all members of the Committee for scheduled hearings. All this is in addition to usual staff duties. The Assoc. Sec's Sec. or the HCO Steno or HCO Communicator or HCO Steno would be the ordinary choice, but any others may be chosen for the assignment.

MEMBER: Members of the Committee are specifically named by the Convening Authority. In addition to the Chairman and Secretary they may not number less than two or more than five. A member attends all hearings, may keep his own notes, pages on all Findings and votes for or against the Findings and their recommendations. A member must sign the Findings whether he approves of them or not but if disapproving may have the Chairman so note it. Interested Parties and witnesses may not object to any membership or composition of the Committee, it being taken for granted that the Convening Authority has been as impartial in this as is feasible. The Member should conduct himself or herself courteously and with dignity toward other Committee members and particularly the Chairman, and should treat Interested Parties and witnesses as courteously as is possible with due recognition of the tension these may be under. By the member, any Interested Party who might be subject to charges is treated as not guilty until the last evidences have been heard and the Committee meets to discuss its findings and their preparation. The Member may question any Interested Party or Witness but usually leaves this to the Chairman. The member may also write a question he or she wants asked and pass it to the Chairman. If a Member truly does not understand some point of evidence toward the end of the hearings he or she may demand the recall of anyone to clarify the matter but may not unduly extend the hearings by using

this as a device. A member should not discuss the hearings abroad or form an early opinion and discuss it outside hearings as a fact. No Member should be permitted to express his own opinion as that of the Committee outside the hearings while they are in progress. A Chairman may discipline a Member for failing to appear at his Committee's hearings, discourteous foul or slovenly conduct or dishonesty when these imperil the functions or values of Committees of Evidence.

EVIDENCE: The spoken word, writings and documents are to be considered as Evidence. The E-Meter is not to be used to procure evidence as it does not register lies of criminal types and, however vital and reliable as an auditing aid, is not always valid in detecting crime or acts. It can react on the flustered innocent and fail to react on the cold-blooded guilty. The reason for this is that it is inoperative during severe ARC Breaks in which condition Interested Parties often are. Sessions witholds may not be used as Evidence but Evidence may not be refused because it has been given in a session. Hearsay evidence (saying one heard somebody say that somebody else did) should not be admissible Evidence, but statements that one has heard another make damaging remarks or saw another act or fail to act is admissible.

INTERESTED PARTY: A person, plaintiff or defendant, called before a Committee of Evidence for whom penalties may be recommended or decisions awarded by the Committee. An Interested Party may not be called before another Committee or a later convened Committee for the same offense or complaint after having been summoned and heard on that offense, or his complaint at one or more meetings of the current Committee. It may be that the Committee does not charge an Interested party with an offense or award a decision but if so must either implicate or exonerate fully all interested parties to the hearing and recommend accordingly in its findings. It is common to have more than one Interested Party named in any matter brought to a committee. A party named as an Interested Party does not imply guilt but may result in becoming the subject of disciplinary recommendation or award by the Committee. To eventually be charged by the Committee or awarded a decision a person must have been named as an Interested Party in the Bill of Particulars before the matter is heard by the Committee (except for failure to appear or false witness). An Interested Party is liable to penalty recommendation by the Committee. Refusal or failure of an Interested Party to appear results in a recommendation of the full penalty possible in the case for that Interested Party. A person not named as an Interested Party in the original Bill of Particulars may not become an Interested Party to the action before the Committee by reason of new evidence he or she would have to be specifically charged before a newly convened Committee.

WITNESS: A witness is anyone who is called before the Committee to give evidence who is not an Interested Party. A witness may not be implicated or charged if not already named in the Bill of Particulars as an Interested Party except for failure to appear or when found to be a False Witness. A witness who refuses to appear or refuses to testify may be separately charged for that failure and the committee may recommend any fitting discipline for such a defaulting witness. For false witness see below.

BILL OF PARTICULARS: A written and signed appointment of a Committee of Evidence naming (1) The Chairman, Secretary and Members of the Committee; (2) The Interested Party or Parties. (3) The matter to be heard and a summary of data to hand. It is duly signed by the Convening Authority and a copy of it is furnished to each person whose name appears in it and to Local Legal Files and a copy to the HCO-77 Committee of Evidence via all upper Committees.

FINDINGS: The full report of the Committee accompanied by a tape-recording of the evidence given and a full recommendation to the Convening Authority for his action. The Findings is a document which gives a fast summary of the hearings, their results and a complete recommendation. It must be so written that it may be published without alteration by the Convening Authority. The Summary states who appears to be at fault and who does not and why. The Recommendation tells the Convening Authority exactly what disciplinary action should be taken and how, including any plea for leniency or insistence upon full penalty. The Findings is done after the last hearing and after the last committee meeting that votes on the Recommendation to be given. It is done by the Secretary from his or her notes but under the guidance of the Chairman. It is done as soon after the last Committee meeting as possible, is signed by Committee members and promptly forwarded to the Convening Authority. Only one copy is prepared and forwarded to the Convening Authority. No other copies are made or given anyone. Before forwarding to the Convening Authority it is signed by every member of the Committee as well as the Chairman and Secretary. Accompanied by any tapes or documents it is placed directly into the hands of the Convening Authority. It may not go by despatch line or mail. It is not accompanied by any other letter of transmission or by any delegation or by the Committee in person. It may be delivered by the Secretary or Chairman or their specially appointed messenger without further comment.

ENDORSEMENT: The Findings now have added to them the Endorsement by the Convening Authority. The Findings have no force until the Endorsement is added. The Convening Authority makes the endorsement on the Findings in as brief a fashion as possible. The Convening Authority can (1) Accept the Findings in full (2) Reduce the penalty recommended or (3) Suspend or cancel the penalty completely with a pardon. The Convening Authority may make no other Endorsement, save only to thank the Committee and witnesses. The moment the Findings are Endorsed they have the effect of orders as per the Endorsement and all persons under the authority of the Convening Authority are bound to execute them and abide by them accordingly.

PUBLICATION: The Findings and their Endorsement are published according to the Directions of the Convening Authority. They are first Mimeographed. Publication is done in three ways (1) By posting a copy on the staff board or public board and copies to executives, (2) By circulation in any area affected (3) By Continental Magazine or other broad means. However it is published, a mimeographed copy goes to every Interested Party or Witness and to each Committee Member and every upper level Committee including HCO NW.

FILES: The original, all spare mimeograph copies and any documents and tapes are placed in a large envelope and filed in the Valuable Documents file of the organization. Their loss could prejudice the Convening Authority in any review. This envelope may be called for by any upper committee reviewing the case and is eventually sent to HCO NW when there is no longer local need of it.

REVIEW: Any Committee of Evidence, Findings and Convening Authority Endorsement may be subject to review by any upper level Committee. Review must be requested for by anyone named as an Interested Party but no other, and only if a penalty is recommended (whether endorsed or not). A Committee of Evidence for Review is convened and handled in exactly the same way as an ordinary Committee of Evidence but it cannot call new or even old witnesses or the Interested Parties. All it can do is listen to the tapes of the hearings, examine the evidence given in the original hearings and recommend to its own convening authority one of two things: (1) That a new Committee be convened on the site by the upper Convening Authority to examine points thought to be in question (2) That the penalty be changed. A Committee of Evidence Review can recommend to increase or decrease the penalty. In event of a Review the Convening Authority of the Committee of Review Endorses the Review Findings and this new Endorsement now takes precedence over the old Endorsement and must be complied with by the original convening Authority. Review should be rapid. An applicant for Review should understand its risk.

FALSE WITNESS: ANYONE found to be knowingly testifying falsely becomes at once an Interested Party to the hearings and may receive a penalty commensurate with that which would have been recommended for an Interested Party to that hearing.

TYPES OF BILLS: A Committee may hear any civil or criminal matter or dispute within the realm of Scientology whether the parties are connected with an organization or not. Libel, estranging marital partners, dismissals, debt, theft, mayhem, violations of Codes, deprivation of income or any dispute or harmful improper action of any kind may be heard. Plaintiffs and Defendants are alike Interested Parties in any such hearing. It is only necessary that the Convening Authority issue a Bill of Particulars on the matter. The Convening Authority should always issue a Bill of Particulars on all matters harmful to persons under his or her sphere of influence rather than attempt to independently adjudicate the matter. Anyone can call such matter to the attention of a Convening Authority or the Convening Authority may choose to convene a Committee on his or her own observation without complaint being given to the Convening Authority. Independent, off hand justice by a Convening Authority should be held to a minimum and all such subjects for such formerly independent action should be made the business of a Committee of Evidence.

SUMMARY

PURPOSE:

A Committee of Evidence is convened by any major executive of Scientology (as noted above) with or without anyone filing a complaint, in order to handle any and all personal or organizational or field matters requiring justice.

FORMATION:

The Committee is composed of a Chairman, Secretary and two to five Committee Members appointed by the Convening Authority.

(Interested Parties). The instruction should take the form of the St. Hill Administrative Letter of May 7, 1963 reproduced in the HCO Administrative Letter of August 2, 1963.

The Committee meets as soon as possible and at times which will cause the least interference with normal work. At the first meeting the instructions and information are examined and the committee decides what further information it will require to arrive at a conclusion and what information requires confirmation. It then decides who shall be called to give evidence. The Secretary is instructed to warn witnesses and let them know when and where they will be required.

In subsequent short meetings, when witnesses appear before the committee, the Chairman should put the questions and keep them to the point. When he has completed his questions he invites other members to ask any questions they feel will help the committee. They do not have to ask questions and should only ask relevant questions. Finally the Chairman asks the witness if there is any more information he/she wants to give or if there is anything he/she wants to say to correct any wrong impression he/she feels the committee may have.

The Secretary takes notes of these proceedings and in addition a tape record may be made if the convening authority or Chairman considers it advisable, which it usually is.

When the Committee has assembled all the evidence it needs, it has a final meeting to prepare a report. In practice it will be found best for one member (the Chairman, the Secretary or a member appointed by the Chairman) to prepare a draft report for the final meeting and for the committee to use this as a basis for discussion. The report (The Findings) should include findings and a recommendation and is sent together with the evidence and any tapes to the convening authority.

ACTIONS OF CONVENING AUTHORITY

From the evidence and findings the Convening Authority judges whether or not the evidence is complete and if the findings and recommendation are in keeping with the evidence. He assumes that the Committee has done its job thoroughly and unless there is a blatant apparent miscarriage of justice, he endorses the Findings and instructs an appropriate executive to carry out the recommendations and how to publish the action.

If however the recommendations include the dismissal of a Continental Director, HCO Continental Sec, Assoc. or Org. Sec. or an HCO Area Sec., the Findings must be confirmed by HCO WW.

If suspension or cancellation of a Scientologist's certificates are recommended this must also be referred to HCO WW before promulgation.

When a case is complete the papers must be sent to HCO WW.

Finally, if anyone feels aggrieved by the Findings of a Committee the aggrieved person may have the case reviewed by the next higher authority, but should be appraised of the risk. If after review they are still aggrieved they can have the case reviewed by HCO WW and thence to L. RON HUBBARD.

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