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Confidential

LEGAL PRINCIPLES

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Apparently one and all seem to be slightly PTS on the subject of legal. Courts come from R6 and, as a result, it is difficult sometimes for people to understand this.

Lawyers are an unnecessary profession. Barristers have to try cases in England by tradition and you have to have permission to appear before the US Supreme Court and the Internal Revenue courts but, other than that, anybody can try his own cases.

A lawyer, then, is not an indispensable professional man. He makes himself “indispensable” by being an “expert.” He uses big terms and makes it all very difficult and that makes people slightly incomprehensible on the subject.

The normal reaction is you say “legal” to someone and they say “Aaahh, I don't—I don't know, aaahh.” If somebody is going, “Aaah, legal, aaaaah, aahh, seems very complicated...” send him down to Qual and get it run out.

BETTER REASONS

Legal is not a complex subject. All it is, is the system by which you figure out *better reasons*.

The enemy says: “Oh well, I'm innocent because there were seven oak trees standing in the grove and I only cut down six of them, so I did not destroy the forest because there is an oak tree and so forth.” “Ah well, you don't know the point of the matter: A forest is a plurality of trees.” He loses.

To be on the ball just think of the better reason. There is no final answer ever, but you've got to give an answer that is so convincing that it is the *final* answer, that people will buy it as the final answer.

Criminal law is different. Murder is murder. The corpse was there, the guy was standing with a knife in his hand and seven guys saw him do it. Well, there's the final answer.

The psychiatrist has got a perfect answer. He says "Of course, yes, everyone saw him do it because he is insane." Well, nobody can define that, so they get in four or five psychiatrists, fill their pockets full of money and say, "Yes, that's right, he was suffering from 'dementure grandeur'." (And they just made it up on the spot.) That's a better reason. So then they send him over to the spin-bin, like St. Elizabeth's, and he stays there for three days and is discharged.

So, just think of legal as a *better reason*. Make sure people know the definitions and make sure that it's all a better reason.

Sometimes you have to go back and walk around in a circle a few times and figure out and dig into the files. But you know what you are doing, you are not giving up, you are just looking for a better reason. They say, "Well, they consumed all the goods and threw them all away and here are the signed receipts." And you go back, "He wouldn't take them back when we sent them back; said he didn't want them back and so that's why we had to give them away: He refused to accept the goods." "Oh? Good. Well that's all right, he's guilty then."

There's another side to this. Not only better reasons why you're innocent, but better reasons why they're guilty. "Well, anybody is permitted to conduct a social committee, something or other and so on," is the defense. "Yes, but not to have it own corporate collective property." "Oh, that's true, didn't think of that." You keep thinking up reasons why they are guilty.

They try to justify it by precedents. Nearly everything is tried by precedents: it is what went on before, what has been adjudicated on this subject. Therefore you hear lawyers saying: "*Barts and Barton, 1892*: A cargo of goods was landed on the street of London and no demurrage was paid on this to the City and the City tried to claim demurrage and Barts and Barton didn't have to pay and it was found against the City

in this particular case, so therefore *Barts and Barton* proves conclusively that Smith and Company has a perfect right to leave their ship in the middle of the fairway.”

You have to know that you have to go to the books. That’s what a lawyer isn’t normally good for: going to the books. A lawyer is only as good as he’s been educated and most English solicitors have not been educated at all. All they are is to solicit business for real lawyers, so don’t depend on them.

The gist of this is it is not a complex subject. You must not be confused about it and we must not flub by fooling around with legal in a stupid way. That’s what law fattens on: the stupidity of the citizen.

CONFESSIONS

One of the earliest things we learned about legal is you could take a confession to people and hand it to them and nine times out of ten they would sign it. That is why the insurance companies, instead of paying out claims, go around and get waivers of claims. They send out a claims adjuster. A guy has \$10,000 coming to him. The claims adjuster cuts the thing down to fifty cents by giving him all kinds of reasons why it can't be done: “It doesn’t say that” and he “didn't read the small print” and “sign on this line and we will give you your fifty cents,” and they quibble a bit and then he signs. It is too much for him.

In handling law we’re going up against people that it’s too much for, including the lawyers. So all we have to do is get a clear, simple concept of what we are doing and through hell and high water carry it forward, with *better reasons*.

ANSWERING A LAWSUIT

If you were sued for parking your chewing gum under a chair you would have to answer that suit. So you answer the suit by saying that you are now suing the person who sued you for \$10,000 for damage to reputation. Then if he loses his suit he has to pay you a \$10,000 damage. That is not three suits, that’s just an answer to a suit. You don’t just tamely say “No, I didn’t do it.” You say, “No, I didn’t do it and I’ll give you a better reason, because I wasn’t even in town at that time. And this is a blackening of my reputation and I demand \$10,000 in damages.” They’re suing you for \$10,000 and you're suing them for \$10,000. Always sue them for a juicy amount back. That is routine in an answer.

If a suit is not answered, it's lost. You have to answer a suit in fifteen days and if you don't, the judgment can be awarded against you providing somebody applies for it. So you have this guy served with a summons for parking chewing gum under his chair and a \$5,000 damage suit for doing so. He's got to answer that and, fifteen days later, if he has not answered it, then you apply for a judgment.

The court, although it's supposed to operate exactly that way, normally doesn't. It tries to get the guy to answer and it delays and is very illegal in its proceedings.

So you can place a suit in this wise: You sue, the guy doesn't answer, you apply for judgment and it would simply be awarded. That is all there is to that. But there's this way of suing: You sue the guy through a lawyer, he files a suit in court, sends him a writ and the guy is supposed to answer and he will answer with a piece of paper or an appearance and then some other piece of paper is filed and then all of a sudden the other guy says he wants to settle this out of court. This is done by conference and then they tell the judge it has been settled out of court.

A settlement out of court is usually rumored around, but you can get the settlement filed in court as part of the settlement. A judgment as part of settlement.

Then there is an awarded judgment. The court just goes back and forth and back and forth and finally there is a hearing and then the judge finds either way and rewards judgment or refuses it and dismisses the case.

Legal is a type of warfare. A warfare of better reasons.

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