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CLERK
United States Bankruptcy Court
San Jose, California

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5 UNITED STATES BANKRUPTCY COURT
6 NORTHERN DISTRICT OF CALIFORNIA
7 SAN JOSE DIVISION

8	In re:	)	CASE NO.: 98-51326 ASW-7
9	KEITH HENSON,	)	REPLY TO SUPPLEMENTAL
10	Debtor	)	MEMORANDUM IN SUPPORT OF
11	Religious Technology Center, Creditor	)	MOTION OF RELIGIOUS
12	Plaintiff,	)	TECHNOLOGY CENTER FOR
13	vs.	)	SUMMARY JUDGMENT OF
14	H. KEITH HENSON	)	NONDISCHARGEABILITY
15	Defendant.	)	ADV.NO.03 5130
16		)	NOTICE OF ADDRESS CORRECTION
17		)	Time: TBD
		)	Date: TBD
		)	Courtroom: 3099
		)	Judge: Arthur S. Weissbrodt

18 Defendant apologizes for this reply being late. If the court does not admit it,
19 defendant will stand on his previous reply to this motion. The delay was partly because
20 defendant was waiting for hard copy. The hard copy never arrived. Defendant has traced the
21 reason to a typo he made in the PO Box number, 12441, when the correct number is 12241.
22 Parties should note the above is the defendant's correct address.

23 Defendant was curious as to the redaction in Ms Kobrin's Supplemental Declaration
24 Exhibit D considering what was not redacted. The part redacted reads:
25

1 BTW, I really must offer Warren, and the lawyers a pinch of snuff.

2 By responding to my claim that CoS is a criminal operation, they have admitted
3 this is a point which can be argued before the Court.

4 Man does *that* open a can of worms! I have been grinning so
5 much my jaw hurts.

6 : Thanks for asking.
7 : (Someone point this guy to some web sites, please.)

8 An introduction to my corner of the circus can be found at:
9 <http://www.cybercom.net/~rnewman/scientology/henson/home.html>
10 and the most recent material can be found in the same directory as
11 <ftp://ftp.netcom.com/pub/hk/hkhenson/tro.hearing>

12 Keith Henson (who is havin a *glorious* time!)

13 PS can you *imagine* what might happen if the Common Law folks decided to
14 join this party? Even the 9th Circuit admitted the regular courts have failed where
15 the CoS is concerned.

16 Defendant's believes the redaction was because RTC did not want to remind the court
17 that Warren McShane exists. Warren McShane was plaintiff's representative for many years
18 in this case and has appeared in this court several times. Warren apparently fell out of favor
19 with the cult leader and, like most who fall from favor, was forced to divorce his wife, Marcy,
20 <http://www.xenu.net/archive/rtc/>. He has apparently joined a long list of formerly high-
21 ranking scientologists held captive in "The Hall" at Gilman Springs on orders of David
22 Miscavige.

23 As for the remainder of RTC's arguments, where they are not admissions (such as
24 finding no cases) they are pointless arguments over "willful." There is no doubt the posting
25 was intentional. Since by character count it was more comment than quote, the protection of
what is obviously an instruction manual for criminal acts by a Federal court instead of calling
it fair use was a surprise. Shortly after the trial an editorial in The Wall Street Journal said:

"Judge Whyte, in short, has turned copyright law on its head. The purpose of the
law is to encourage free speech, giving authors and artists comfort in knowing
that others cannot misappropriate their works for their own profit. The essence of

1 the matter before him, as anyone not blinded by a Pecksniffian literalness can see,
2 is that the plaintiffs are using the law to muzzle their critics."

3 <http://www.rickcross.com/reference/scientology/Scien54.html>

4 NOTs 34, on the face of it, is also a violation of Judge Gesell's order since it lacks the
5 required warning. The case against the defendant and the criminal character of NOTs 34 has
6 inspired others to make it available on the Internet. There is no time in the past 12 years that
7 defendant has failed to find it available. Now it has been posted, along with virtually all of
8 Scientology's other secret documents on Wikileaks (URL deleted to keep it out of the public
9 records, pointless as this may be.) The continual attacks by the plaintiff on the defendant
10 using private investigators, police, courts and other agencies of government have to an
11 unknown but probably substantial extent inspired these acts, including the emergence early
12 this year of the Internet based social phenomena "Anonymous."

13 Using copyright law and the courts in an attempt to protect outright criminal activity
14 from public discussion has backfired, leaving Scientology no more recourse in the Internet
15 age than a bank had when someone leaked papers showing they were engaged in assisting US
16 citizens evade taxes.

17 (02-29) 17:35 PST SAN FRANCISCO -- A federal judge in San
18 Francisco who had ordered the shutdown of a whistle-blowers' Web site where
19 private bank documents were posted changed his mind Friday, conceding his
20 original ruling might not have been constitutional.

21 U.S. District Judge Jeffrey White drew nationwide attention, and
22 widespread criticism from civil liberties groups and news organizations, with
23 his Feb. 15 injunction requiring a Bay Area Internet registrar to disable the
24 Wikileaks.org site and prevent the organization from transferring to another
25 server.

26 Wikileaks describes itself as an enabler of "principled leaking" by
27 government and corporate insiders, who post documents on the site
28 anonymously. The injunction was requested by a Swiss bank, Julius Baer &
29 Co., whose documents, purporting to show tax fraud and money-laundering by
30 customers with funds in the Cayman Islands, were displayed on the Web site.

1 The bank said the documents were stolen or forged and invaded its
2 customers' privacy.

3 The shutdown order was negotiated by the bank and Dynadot, the San
4 Mateo company that registered Wikileaks' use of the Web site. But the
5 American Civil Liberties Union, Public Citizen and a host of media advocates
6 and owners - including Hearst Corp., which owns The Chronicle - called the
7 injunction an unprecedented assault on free expression and likened it to closing
8 a newspaper because of objections to one article.

9 After a three-hour hearing Friday, White dissolved the injunction. He
10 also rejected the bank's request to extend a restraining order that required
11 Wikileaks and the Internet registrar to remove the bank documents from the
12 Web site. The restraining order expired Friday.

13 Such decrees raise "serious questions of prior restraint (on speech) and
14 possible violations of the First Amendment," White said.

15 He also said federal courts may lack jurisdiction over the case because
16 the bank has failed to show that Wikileaks, or anyone responsible for its
17 operations, is based in the United States.

18 Even if other legal obstacles disappeared, White added, any injunction
19 against Internet posting is likely to be ineffective because the documents are
20 "fully out in the public domain" and can be transferred to other sites.

21 The judge kept the bank's suit alive, but advised its lawyers to
22 "consider whether there may be other ways to achieve the same goals," such as
23 suing for damages. The attorneys indicated afterward that they would be
24 willing to refile the suit in a state court if White concluded federal courts have
25 no jurisdiction.

 White's ruling Friday implied a judicial "abdication of authority over
the Internet," said William Briggs, a lawyer for Julius Baer. "That means it's a
frontier that's wide open."

 Ann Brick, an American Civil Liberties Union lawyer, said White
"understood the limits the First Amendment places on what courts can do to
deprive the public of the right to know." Steven Mayer, another lawyer for
civil-liberties groups, predicted the bank would encounter the same free-speech
problems in state court.

 White made it clear he was aware of the unflattering media coverage of
his earlier ruling, and reflected on the difficulties courts face in applying
established legal doctrines to the Internet and to entities like Wikileaks.

 The organization says it was founded in 2006 by dissidents, journalists
and others from several nations. It has a Web server in Sweden but no
established headquarters and no president or formal leadership structure, only

1 an advisory board, according to its Web site.

2 Like the better-known Wikipedia, with which it is not formally
3 affiliated, it invites posters to submit, revise and comment on documents on its
4 site, and disclaims responsibility for the contents.

5 Despite White's Feb. 15 injunction, Wikileaks remained accessible
6 through its Internet Protocol or IP address, 88.80.13.160, and through so-called
7 mirror sites in Europe that replicate its contents.

8 On Friday, the owner of the Wikileaks.org domain name, John
9 Shipman, was represented in court by attorney Roger Myers. White told Myers
10 he considered Shipman to be Wikileaks' legal representative and asked if he
11 would object to an order that allowed the organization to regain its domain
12 name if it removed all information that identified individual bank customers.

13 Myers replied that Shipman, an Australian citizen living in Kenya, has
14 no control over the Web site. Paul Levy, an attorney with Public Citizen, said
15 he doesn't believe a loose network of activists like Wikileaks is even
16 susceptible to a lawsuit.

17 As he announced his ruling, White observed that he was encountering
18 "a definite disconnect between the evolution of our constitutional
19 jurisprudence and modern technology."

20 <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/03/01/BASUVBN01.DTL>

21 Since I am not providing a declaration to accompany this reply, I hereby declare that
22 any statements of facts in the contents of this motion are true to the best of my knowledge and
23 are made under penalty of perjury under the laws of the United States.

24 Respectfully submitted,

25 

H. Keith Henson (pro se)

Dated July 25, 2008