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To: noah.shachtman@thedailybeast.com

Re: *Daily Beast* Defamatory Headline re: David Miscavige

Dear Mr. Schachtman:

I am writing to you on behalf of my client Church of Scientology International. Today's on-line article at <http://www.thedailybeast.com/articles/2015/10/14/ex-scientologists-david-miscavige-is-a-terrorist.html> is false, misleading, malicious and intentionally inflammatory. In accordance with the provisions of California Civil Code Section 48a, we demand corrections or revisions as indicated below.

In our post 9/11 world, calling someone a "terrorist" implies that the person is a mass murderer. The *Daily Beast* is not excused from violating the defamation laws of this country merely because the remarks or quotations are attributed to another—particularly when the person quoted has a long history of attacking the Church and its leadership.

The *Daily Beast* headline is particularly obnoxious because most persons who see the headline will not read the remainder of the article. In Kaelin v. Globe Communications Corp. (9th Cir. 1998) 162 F.3d 1036, 1041 the court commented:

"[w]hat a newspaper article actually says or carries to its readers must be judged by the publication as a whole. *The headlines*

alone may be enough to make libelous per se an otherwise innocuous article.” (emphasis added).”

The quotation comes from a single source: anti-Scientologist Marty Rathbun. His wife is currently suing the Church.

Mr. Rathbun was silent about Scientology until his inheritance ran out several years after leaving the Church. He became a professional anti-Scientologist. Mr. Rathbun's has been steadfast in his efforts to destroy the Church and its leadership ever since. In addition to Mr. Rathbun's extreme bias, which alone renders him an inappropriate and unreliable source of information about the Church, he admitted to suborning perjury, committing perjury, obstructing justice, and lying to the media. For example:

- Mr. Rathbun admitted to suborning perjury and obstructing justice to the *St. Petersburg Times* in 2009. He was very clear on the record that no one asked him to commit those actions, he did so on his own volition.
- In December, 2012, a Florida judge's affidavit exposed Mr. Rathbun's recent perjured testimony that Mr. Rathbun offered in support of a case against the Church by a well-known anti-Scientologist.
- Mr. Rathbun's numerous admissions in his December, 2014 deposition that he perjured himself, suborned perjury, obstructed justice and lied to the media.

Tom De Vocht is a former construction supervisor in the Church who remains bitter at having been removed in disgrace and expelled a decade ago for extreme financial misconduct that cost the Church millions of dollars.

Your article is defamatory per se. In *Pensacola Motor Sales, Inc. v. Daphne Automotive, LLC* (Ala. 2013) 155 So.3d 930 the Court affirmed a jury's award of \$1,250,000 in compensatory damages in automobile dealership's slander per se action against a competing dealership and dealership employee because of defendants' statements that dealership was involved in terrorist activities.

The Church demands that the *Daily Beast* immediately remove from its article all statements that David Miscavige is a terrorist. Putting this accusation in quotes is not a defense to an action for libel.

Please respond in writing by the close of business tomorrow.

Very truly yours,

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