

## **TOM PADGETT vs. The Church of Scientology**

### **Joining & Leaving:**

Like The Fellowship of the Martyrs, Scientology leveraged custody to suppress free speech, but it also ratcheted it up with its bizarre Fair Game policy – a campaign of ongoing harassment and intimidation. In 1978, Mr. Padgett's girlfriend brought him into Scientology. Eventually they married and had two children. After a number of years, courses and audits he reached the coveted state of clear; this pinnacle of "clear" didn't really live up to the hype – doubts plagued him, enough so that he left in 1987. His wife stayed, spending their savings on various Scientology courses and such. In 1992, spurred forward by the 1991 Time Magazine article, *Scientology – The Thriving Cult of Greed and Power*, Mr. Padgett publicly proclaimed his departure. He wanted to get his family out. However, his wife remained loyal and one day Mr. Padgett came home to an empty house -- his wife, two children and most his belongings gone. Divorce papers arrived soon after and kicked off a 12-year legal nightmare.

"It was like this wall of darkness was about to descend on me," Mr. Padgett said.

### **Legalities & Free Speech**

In 1993, Scientology declared Mr. Padgett a "Suppressive Person" which kicked off a campaign of harassment and intimidation: over the 12-year legal struggle, he received threatening phone calls, anonymous letters to his employer called him a "fraud" and "religious bigot"; Scientologists harassed him at speaking events – glaring from the front row and following him around; his home and property were vandalized both in Michigan and Florida – his belongings trashed and threats rife with Scientology speak spray painted on his house; someone threatened his life; unlicensed private investigators tailed and spied on him; someone offered Mr. Padgett's executive secretary \$5000.00 to stay away from him. Eventually he lost his job and lucrative hotelier career. One lawyer representing Mr. Padgett received an anonymous threatening letter. In the courtroom, some of his other attorneys were sternly warned against discussing Scientology by the judge. Several lawyers bowed out of the case. Additionally, Mr. Padgett endured several arrests, extradition from Massachusetts to Kentucky and several incarcerations.

You may be wondering: how does a man go from leaving a cult to repeatedly serving jail time? Here is how: in 1992, the Padgett family was planning to move to Michigan for Mr. Padgett's new job. Instead, Mrs. Padgett took their children to her hometown in rural Western Kentucky and filed for divorce from there, where the presiding judge happened to be friendly with her family. Mr. Padgett reports, that this Kentucky court was not fond of outsiders, especially northern Yankees. In 1993 the IRS granted Scientology tax-exempt religion status after the church filed several lawsuits against it.

The Padgett's custody battle suddenly pitted religious freedom against parental rights. Mr. Padgett wanted to protect his children from Scientology's family disconnection policy —given his experiences with "Fair Game" he feared the group could damage his

children. His argument for custody centered on this: both of his children, clergy and psychiatrists had testified and written affidavits echoing his concerns and supporting his efforts to gain legal custody. In 1994, the presiding judge wrote an eight-page legal brief, stating that discussion of Scientology would be inadmissible, protected as religious freedom, gagging criticism at the expense of free speech. The court granted sole custody to Mrs. Padgett in 1995. In 1996, she filed new papers attempting to strip him of visitation rights; the courts ruled in her favor, limiting Mr. Padgett's contact to supervised visits in Western Kentucky. He was living in Florida.

Between 1998-2004, Fair Game kicked it up a notch, or ten. Mr. Padgett's income had dwindled from six figures, to four; despite this, Kentucky increased his child support payments without conducting the hearings required to verify his income. Despite this hardship, Mr. Padgett kept up the payments to the best of his ability. In 1998, the local prosecutor issued an arrest warrant for Mr. Padgett on charges of flagrant child non-support, a class D felony -- the legal battle then moved from civil court, to criminal court.

A Massachusetts resident, he fought extradition, but the state's reciprocity agreement thwarted that effort. Forced back to Kentucky, he hired a criminal defense lawyer from Louisville, three hours away, and pleaded not guilty before the same judge who presided over his divorce case. Despite the conflict of interest, the judge refused to step down. This first criminal proceeding concluded with Mr. Padgett, worn down, signing a pre-trial diversion agreement -- he would make restitution and keep up with payments, at that point the case would be dismissed. Per the diversion agreement, the court sentenced Mr. Padgett to five years probation, in January 1999. The next day, stressed and weary, he passed out, adding a \$5,000.00 emergency room bill on top of his legal expenses. Meanwhile, a Church of Scientology official from the Office of Special Affairs sent editorial letters to the Cape Cod Times, calling Mr. Padgett a "deadbeat dad" and a criminal, while defending the "church" and its practices.

Then the new millennium turned over and the eight-year legal nightmare reached a surreal fever pitch. In March 2000, Mr. Padgett spoke at the Leo J. Ryan conference on cults. Following the conference, the circuit court prosecutor filed a new motion that connected this speaking event with a violation of the agreement -- Mr. Padgett explained over email "... somehow, I did not accept my criminal behavior from the pre trial diversion agreement." The court introduced new documents that declared Mrs. Padgett a victim and demanded his signature. At an April hearing, Mr. Padgett's lawyer tried to correct inaccuracies in the new document but did not succeed. Feeling unable to help his client, the lawyer withdrew from the case, leaving Mr. Padgett unrepresented. Mr. Padgett did sign the new document, but he edited the inaccuracies first -- crossing them out and inserting corrected information; the court considered this contempt and ordered him to sign as written. He refused and they issued another arrest warrant. He hid in Massachusetts briefly -- but returned to Kentucky to request a public defender, at which point, he was arrested with bail set at \$50,000. A few days later, Mr. Padgett was marched into the judge's chambers donned in orange jump suit and shackles. The Judge, his wife's civil attorney, the prosecutor and his public defender awaited him -- the judge presented a deal:



"It was: 'come up with \$50,000, get off the Internet; we'll let you see your son, we'll drop the felony charges, and set you free'," Padgett explained in a written statement. "I could not sign such a document in good conscience -- it was totally false and unconstitutional."

Consequently, he was marched out of the judge's chambers into public court and sentenced him to five years of "correctional treatment". After 30 days in prison, the court released him for mysterious reasons -- the evidence, Mr. Padgett was told, was not strong enough to keep him incarcerated; but despite this lack of evidence, the conviction stood.

"I was let out of jail in an orange jump suite, no wallet, ID, credit cards, or money. I made my way through town in dark back allies at night to my former brother-in-law's for shelter and safe harbor," Mr. Padgett said in a written statement. "I was afraid I was going to be shot as an escapee. He was the only friend I had in Western Kentucky."

In September of 2000, Mr. Padgett returned to Massachusetts, career in shambles and a convicted felon; he moved in with his sister. In 2001, he moved into Meadow Haven, a halfway house for ex-cult members and worked odd jobs. He focused on restoring unrestricted visitation with his son (still under 18) and correcting mistakes in the county's child support calculations. That summer, Dr. Stephen Kent -- a renowned cult expert -- supplied expert testimony in a written statement that supported Mr. Padgett's bid for equal custodial access. Mrs. Padgett's attorney filed a Motion in Limine--a filing used to keep testimony, or evidence out of legal proceedings. The court did not rule on this motion one way or another, so Dr. Kent's statement remained; but the court did send an order to Mr. Padgett prohibiting him from discussing Scientology with his then 17-year-old son.

In 2002, the tides started turning, but not without some futile, but fierce, resistance from the Madisonville court. In March, Kentucky's Court of Appeals overturned Mr. Padgett's conviction; he was no longer a felon, but the pre-trial diversion agreement stood, thus he was still beholden to the five-year probation. In July, the judge issued another arrest warrant for another alleged violation of the agreement, via probation terms. But this time, Mr. Padgett's brother, a lawyer on Cape Cod, petitioned state government officials up to the Governor's office; Massachusetts refused to extradite.

That September, Mr. Padgett took a fateful chance; he drove to the Providence airport. His son was supposed to be arriving for a court-ordered visitation. Instead local, state, and airport police stormed him as a "wanted criminal" in Kentucky. The next 53 days were adventures in extradition and various states of incarceration, while his lawyers fought the new charge. He spent 30 days in a Rhode Island prison, fighting extradition. He was then flown out of Rhode Island through Atlanta, to Nashville in handcuffs and driven back to Madisonville, where he spent another 23 days behind bars.

During that time, Mr. Padgett reports forging kinships "... with murderers, rapists, pimps, child abusers, wife beaters, thieves, burglars, drug users, drug manufacturers, and drug distributors, habitual check forging dudes, bookies, and even a few cops and politicians gone sour." His new friends often inquired: "whad yooz in here for pal?" His response: "I pissed off a cult, a few members and higher ups."

## Final Outcome:

In October, Kentucky dropped all felony charges. Jobless, homeless, yet vindicated, Mr. Padgett returned to Massachusetts, to pick up the pieces and start over. He returned to Kentucky when his son turned eighteen, to help him transition from high school to college and steer him away from Scientology.

In 2004, he hired a private attorney to get the criminal case expunged from his record and demand a refund for child support overpayment. That November, the court acknowledged his overpayment, issuing a check for \$11,855.95. The refund essentially vindicated Mr. Padgett of any wrongdoing -- the criminal charges, extradition and incarceration all justified and implemented via the false claim of non-payment. Neither Kentucky nor Scientology offered an acknowledgement of hardship imposed, or apology. Despite this, or perhaps because of it, Mr. Padgett continues efforts to expose the church's damaging including coproducing *The Bridge*, a movie released in 2006. ([www.thebridgemovie.net](http://www.thebridgemovie.net))

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