

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Admin. _____
- Comp. Syst. _____
- Ext. Affairs _____
- Files & Com. _____
- Gen. Inv. _____
- Ident. _____
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- Spec. Inv. _____
- Training _____
- Legal Coun. _____
- Telephone Rm. _____
- Director Sec'y _____

Sect Sues FBI Over Phone Tap

By William Willoughby

Star-News Staff Writer

The Founding Church of Scientology yesterday filed a suit for \$1 million against the Federal Bureau of Investigation, charging that the FBI has been tapping some of its phones over an undetermined length of time.

ATTORNEY Earl C. Tuttle Jr. also filed in U.S. District Court a motion for a temporary restraining order to halt the wiretapping.

In an affidavit, Terry Hibbs, personnel officer of the church at 1812 19th St. NW, said that at approximately 7:15 p.m. on April 30 she attempted to place a local call from the church headquarters.

After dialing only the first three digits, she seemed to have made a connection, she said. A male voice answered and, in answer to her questions, gave the name Bob Wickmore and said he was a special agent of the FBI, according to the affidavit. Miss Hibbs said the man asked who she was "and whether I worked for the FBI."

The Hibbs affidavit said, "I told this man that I had been connected to his phone after dialing two or three digits of a number. He said that he was operating a switchboard for the FBI and that the calls on my telephone were being monitored."

"HE ASKED if I had requested that my phone be tapped. When I informed him that I had not, he began to ask me numerous questions, apparently assuming I was speaking from my home telephone. He explained that the monitoring of the telephone included tape recordings of all conversations by an automatic device which had apparently malfunctioned and connected him to the call. He did not appear to know what telephone line I was calling on or who the subscriber of the telephone was," she said.

The suit names as defendants Wickmore, two other FBI agents, Atty. Gen. William Saxbe and FBI Director Clarence M. Kelley. They are accused of the "wrongful, unlawful and malicious invasion of the privacy" of the church, its ministers, parishioners and employees.

A.B. Fulton
[Signature]

Deleted Copy Sent Martin Lobe
by Letter 7-22-75 Am
Per FOIA Request

- The Washington Post _____
- Washington Star-News A3
- Daily News (New York) _____
- The New York Times _____
- The Wall Street Journal _____
- The National Observer _____
- The Los Angeles Times _____

Date 5-18-74

62-116523-3

ENCLOSURE

62-94580-160

(K-3)

ST
[Handwritten signature]

Assistant Attorney General
Civil Division
Director, FBI

June 10, 1974

- 1 - Mr. Cleveland
- 1 - Mr. Wannall
- 1 - Mr. Franck
- 2 - Mr. Mintz
- 1 - Mr. Farrington
- 1 - Mr. Laturno

**THE FOUNDING CHURCH OF SCIENTOLOGY
OF WASHINGTON, D. C., INC. v.
WILLIAM B. SAXEE, et al.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 74-744**

p3
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[Handwritten initials]

Enclosed is one copy each of the Proof of Service, Complaint, Motion for Appointment of Special Process Server, Memorandum of Points and Authorities in Support of Motion for Appointment of Special Process Server, Order, Motion for Temporary Restraining Order, Memorandum of Points and Authorities in Support of Motion for Temporary Restraining Order, and Affidavit of Terry Hibbs filed in captioned civil action.

Compl. non
[Handwritten signature]

Plaintiff, allegedly a nonprofit religious corporation, states in the complaint that "from a time unknown . . . until the date of the filing of this action . . . defendants engaged in the wrongful and malicious illegal interception of wire communications made through . . . plaintiff's leased telephone lines." In an affidavit submitted with the complaint Terry Hibbs, plaintiff's personnel officer, states that at 7:15 p.m. on April 30, 1974, she attempted to place a local telephone call from the church's headquarters. After dialing the first three digits she noticed that the line appeared to have made a connection. An individual on the other end of the line allegedly identified himself as Special Agent Bob Wickmore of the FBI. He allegedly said that he operated an FBI switchboard and that the calls on plaintiff's telephone were being monitored. According to Hibbs, Wickmore explained the monitoring of the telephone included tape recordings of all conversations by an automatic device which had apparently malfunctioned and connected him to the call.

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- Laboratory _____
- Plan. & Eval. _____
- Spec. Inv. _____

ENCLOSURE ATTACHED
1 - Washington Field Office

MAILED 3
JUN 10 1974
4-FBI

REC-84 12 JUN 14 1974

(See Note Page 3)

MAY 08 1975
MAY 05 1975
MAY 25 1974

MAY 25 1975

TELETYPE UNIT

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K-4

**Assistant Attorney General
Civil Division**

Plaintiff prays that the court enter judgment for it as to the following: actual damages in an amount to be determined by the court; punitive damages in the amount of \$1,000,000; disclosure of all electronic surveillance of the plaintiff by the Government; disclosure of all instances where the existence or contents of intercepted communications have been disclosed to any third parties; and equitable relief in the form of a temporary restraining order and a permanent injunction.

For your information, Bureau records and those of our Washington Field Office fail to reveal that the Founding Church of Scientology or Terry Hibbs were the subjects of electronic surveillance by this Bureau or that Hibbs was ever overheard as a result of electronic coverage on another subject. Bureau indices do not contain any reference to Hibbs or "Bob Wickmore."

Thus, I recommend that you deny allegations of liability against this Bureau and move for a dismissal of this complaint, or, in the alternative, for summary judgment.

For your additional information, this Bureau has three outstanding requests from attorneys representing plaintiff organization for information in our files concerning the organization or its founder, one L. Ron Hubbard. David A. Splitt, attorney, Washington, D. C., has been advised that under the Freedom of Information Act this Bureau could make available exchanges of correspondence between Hubbard and the Bureau and newspaper clippings concerning the organization.

Enclosures (3)

(K-4)

Assistant Attorney General
Civil Division

NOTE: This matter was the subject of a memorandum R. R. Franck to Mr. Jenkins dated 5/17/74 reporting an inquiry regarding this civil action by [REDACTED]

(b)(7)(c)

According to the Freedom of Information Act Unit, the Founding Church of Scientology has made a request under FOI for information from our files which is a pending matter at this time.

With regard to the ^{AKA ①} Founding Church of Scientology, Bufiles disclose this organization and its founder, Lafayette Ron Hubbard, have been known to the Bureau since 1951. Hubbard has been described as "hopelessly insane" by his wife in connection with divorce proceedings. His theory of "scientology" is that it is an alleged science which instills self-confidence and assists in removing mental problems.

(K-4)

fw

August 14, 1974

Honorable Earl J. Silbert
United States Attorney
United States Courthouse
Washington, D. C. 20013

- 1 - Mr. Wannall
- 1 - Mr. Gebhardt
- 1 - Mr. Cleveland
- 1 - Mr. McDermott
- 2 - Mr. Mintz
- 1 - Mr. Laturno

**RE: THE FOUNDING CHURCH OF SCIENTOLOGY
OF WASHINGTON, D. C., INC. v. WILLIAM B.
SAXHE, et al. (U.S.D.C., D. C.)
CIVIL ACTION NO. 74-744**

Dear Mr. Silbert:

On August 12, 1974, Assistant United States Attorney Robert S. Rankin, Jr., of your office requested that FBI Assistant Director John J. McDermott furnish an additional notarized affidavit for use in moving for summary judgment in this civil action. An affidavit prepared by Mr. McDermott is enclosed.

A copy of this communication is being forwarded to Mr. Henry E. Petersen, Assistant Attorney General, Criminal Division.

ht

62-116523-5

EX-117

REC-52
Sincerely yours,

62-94080-167

C. M. Kelley

NO AUG 15 1974

Clarence M. Kelley
Director

MAILED 6
AUG 14 1974
FBI

TO A.A.G.
CRIM.

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- Dep. AD Adm. _____
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- Asst. Dir.:
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- Spec. Inv. _____
- Training _____
- Legal Coun. _____
- Telephone Rm. _____
- Director's Sec'y _____

Enclosure

1 - Assistant Attorney General (Enclosure)
Criminal Division

*hand carried
to AUSA Rankin
on 8/14/74
GMS*

GML:ish
(11)
ENCLOSURE

ENCLOSURE ATTACHED

(See Note Page 2.)

5 AUG 22 1974

MAY 06 1975

TELETYPE UNIT

(K)

(K5)

Honorable Earl J. Silbert

NOTE: In the complaint in this civil action plaintiff alleges that an illegal wiretap was placed on one of its telephones by the FBI. Plaintiff seeks an injunction and money damages. A motion for a temporary restraining order was filed by plaintiff, supported by an affidavit of an officer of plaintiff, who averred that as she was attempting to place a call she was interrupted by a male voice who stated he was Bob Wiclomore, a Special Agent of the FBI, and that he was operating an FBI switchboard and monitoring the calls on plaintiff's phone. At a hearing on the motion, the Government submitted an affidavit of Assistant Director John J. McDermott stating that at no time has the FBI conducted any form of electronic surveillance on plaintiff and that there was no past or present employee by the name of Bob Wiclomore. The court denied plaintiff's application for temporary restraining order but indicated plaintiff would be allowed to take a deposition of Mr. McDermott to clarify certain points in his affidavit. Mr. McDermott was deposed on 6/21/74. Plaintiff has now filed a motion to compel answers propounded upon oral deposition. On 8/14/74, the Government will file a motion in opposition to plaintiff's motion and also move for summary judgment.

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir.
 Dep. AD A
 Dep. AD B
 Asst. Dir.:

- Admin. —
- Comp. Syst.
- Ext. Affair
- Files & Com.
- Gen. Inv.
- Ident.
- Inspection
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- Laboratory
- Plan. & Eval.
- Spec. Inv.
- Training —
- Legal Coun.
- Telephone Rm.
- Director Sec.

TO : Mr. J. B. Adams

DATE: 10/30/74

FROM : Legal Counsel

SUBJECT: THE FOUNDING CHURCH OF SCIENTOLOGY
OF WASHINGTON, D. C., INC., v.
 WILLIAM B. SAXBE, et al.
 (U.S.D.C., D.C.)
 CIVIL ACTION NO. 74-744

In the complaint in this civil action plaintiff alleges that an illegal wiretap was placed on one of its telephones by the FBI. Plaintiff seeks an injunction and money damages. A motion for a temporary restraining order was filed by plaintiff, supported by an affidavit of an officer of plaintiff, who averred that as she was attempting to place a call she was interrupted by a male voice who stated he was Bob Wiclomore, a Special Agent of the FBI, and that he was operating an FBI switchboard and monitoring the calls on plaintiff's phone. At a hearing on the motion, the Government submitted an affidavit of Assistant Director John J. McDermott stating that at no time has the FBI conducted any form of electronic surveillance on plaintiff and that there was no past or present employee by the name of Bob Wiclomore. The court denied plaintiff's application for a temporary restraining order but indicated plaintiff would be allowed to take a deposition of Mr. McDermott to clarify certain points in his affidavit. Mr. McDermott was deposed on 6/21/74. Plaintiff then filed a motion to compel answers propounded upon oral deposition. The Government then filed a motion in opposition to plaintiff's motion, submitted a second affidavit of Mr. McDermott and moved for summary judgment.

Enc.

ENCLOSURE

- 1 - Mr. Adams
- 1 - Mr. Wannall
- 1 - Mr. Gebhardt
- 1 - Mr. Cleveland
- 1 - Mr. McDermott
- 2 - Mr. Mintz
- 1 - Mr. Latupano

REC-73

62-116523-6

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GML:msl

(9)

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Memorandum to Mr. J. B. Adams
Re: The Founding Church of Scientology
of Washington, D. C., Inc. v.
William B. Saxbe, et al.
(U.S.D.C., D.C.)
Civil Action No. 74-744

On 10/29/74, Assistant United States Attorney Robert S. Rankin, Jr., Washington, D. C., advised that on 10/23/74, the court entered an order in this civil action, a copy of which is attached, specifying that the Government's motion for summary judgment shall be continued until the completion of the discovery procedures set forth in the court's order. As to discovery, the order specifies that defendants' shall:

1. Make written inquiry of the person or persons who initiate requests for and prepare applications for electronic surveillance under Title III of the Omnibus Crime Control Act as to whether a request was made or an application prepared for electronic surveillance of the plaintiff, said inquiry to extend for a reasonable time prior to 4/30/74, and

2. Make written inquiry of the Agent or Agents within the Washington Field Office of the Federal Bureau of Investigation who were conducting electronic surveillance on or about 4/30/74, including any Agent or Agents who were then, but are not presently, with the FBI, as to whether any Agent, (a) was personally connected on a telephone line due to the malfunctioning of an automatic recordation device, (b) engaged in the following conversation, or a conversation similar thereto, as a result of such connection:

Unidentified Party: "Is someone on the line?"

Agent: "Yes."

Unidentified Party: "Who is it?"

Agent: "This is Bob Wiclomore, Special Agent, FBI. Who is this? Are you with the FBI?"

Unidentified Party: "I just dialed three digits of the number and was connected with you."

Agent: "I am on the switchboard monitoring your calls. Did you request that your calls be monitored?"

- 2 -

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K-6

Memorandum to Mr. J. B. Adams
Re: The Founding Church of Scientology
of Washington, D. C., Inc. v.
William B. Saxbe, et al.
(U.S.D.C., D.C.)
Civil Action No. 74-744

Unidentified Party: "No."

Agent: "All conversations on this line
are being tape recorded by an
automatic device which has
apparently malfunctioned, putting
me on the line. What line is this?"

Unidentified Party: "I didn't order a tap on my
telephone."

Agent: "The name I gave you was false."

(Conversation terminated.)

and, (c) has ever used the alias of "Bob Wiclomore," and it is

FURTHER ORDERED, that the defendants shall prepare and
phrase the inquiries set forth in numbers 1. and 2. supra, in
such a manner as not to indicate in any way that a lawsuit is
pending or that an affirmative answer by the individual will
result in any recrimination or liability; and it is

FURTHER ORDERED, that the defendants shall prepare
said inquiries and submit them to the court for approval within
five (5) days of the date of this order, that said approved
inquiries shall be made to the respective person or persons
within ten (10) days of the date of approval, and that the
responses to said inquiries shall be filed with the court
within fifteen (15) days thereafter; and it is

FURTHER ORDERED, that the proposed inquiries and the
responses thereto shall be filed under seal, and that the court
shall examine the responses in camera; and it is

FURTHER ORDERED, that, with the exception of the
plaintiff and the defendants, the attorneys and the parties
shall not make known to any person, or confer with any person,
in relation to the substance of said inquiries.

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K-6

8 3

Memorandum to Mr. J. B. Adams
Re: The Founding Church of Scientology
of Washington, D. C., Inc. v.
William B. Saxbe, et al.
(U.S.D.C., D.C.)
Civil Action No. 74-744

Assistant United States Attorney Rankin requested that the Bureau draft questions responsive to the order and make them available to him no later than 10/31/74.

RECOMMENDATION:

sent 10/31/74
That the attached letter to the United States Attorney, Washington, D. C., be approved and sent.

Jm

Jm

K-6