

REC-73 62-116523-6

~~62-116151-13~~

October 31, 1974

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

- 1 - Mr. Adams
- 1 - Mr. Wannall
- 1 - Mr. Gebhardt
- 1 - Mr. Cleveland
- 1 - Mr. Mc Dermott
- 2 - Mr. Mintz
- 1 - Mr. Latur

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

Dear Mr. Silbert:

On October 29, 1974, Assistant United States Attorney Robert S. Rankin, Jr., of your office made available a copy of the court's order in this civil action entered on October 23, 1974, and requested that we provide questions responsive to the order no later than October 31, 1974.

The order requires that defendants make written inquiry of the person or persons who initiate requests and prepare applications for electronic surveillance under Title III of the Omnibus Crime Control Act to determine whether a request was made or an application prepared for electronic surveillance of plaintiff. For your information, there are approximately 130 Special Agents in our Washington Field Office who are assigned criminal type investigations, and any one of these Special Agents could initiate a request and prepare an application for electronic surveillance under Title III. All requests and applications for electronic surveillance under Title III from these individual Agents, however, must go to their immediate supervisors before they are referred to the Special Agent in Charge, FBI Headquarters, and the Department of Justice. It is not felt that the court would desire that we make written inquiry of 130 Special Agents. Thus, it would appear reasonable to request the court to modify its order to direct the question to appropriate supervisory Agents at our Washington Field Office. Note that such applications are not initiated or prepared at FBI Headquarters.

PERSONNEL RECORDS UNIT

- Asst. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Admin. _____
- Comp. Syst. _____
- Ext. Affairs _____
- Files & Com. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Legal Coun. _____
- Telephone Rm. _____

GML:msl (11) NOTE: Based on Legal Counsel memorandum to Mr. J. B. Adams dated 10/30/74, captioned as above,

GML:msl

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TELETYPE UNIT

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Honorable Earl J. Silbert

Set forth below is a suggested question to appropriate Washington Field Office supervisors. "Did you, during the period January 1, 1974, through April 30, 1974, initiate a request, prepare or approve an application for electronic surveillance under Title III of the Omnibus Crime Control Act of The Founding Church of Scientology of Washington, D. C., Inc.?"

The court order also requires that we make written inquiry to Special Agents at our Washington Field Office who were conducting electronic surveillance on or about April 30, 1974, including any Agents who were then but are not presently with the FBI, in an effort to determine additional information. Set forth below is a suggested question to these Agents. "On or about April 30, 1974, were you (a) 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 connecti

Unidentified Party:

"Is someone on the line?"

Agent:

"Yes."

Unidentified Party:

"Who is it?"

Agent:

"This is Bob Wislowski, 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?"

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."

K-6

Honorable Earl S. Gilbert

Agent:

"The name I gave you was false."

and, (c) have you ever used the alias of "Bob Wickmore?"

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

Sincerely yours,

Clarence M. Kelley
Director

1 - Assistant Attorney General
Criminal Division

Kelley

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

DATE: 3/18/75

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

Assoc. Dir. _____
 Dep. AD Ad. _____
 Dep. AD Inv. _____
 Asst. Dir.: _____
 Admin. _____
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 Files & Com. _____
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 Training _____
 Public Aff. _____
 Telephone Rm. _____
 Director Sec'y _____

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Shirley
RM
Bojo
Handwritten initials and signatures

In the complaint in captioned civil action plaintiff alleges that an illegal wiretap was placed on one of its telephones by the FBI and seeks an injunction and damages. 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 moved for summary judgment. On 10/23/74, the court entered an order specifying that the Government's motion shall be continued until the completion of certain discovery procedures. Specifically, the order stated that written inquiry be made of the person or persons who initiate requests for electronic surveillance under Title III, Omnibus Crime Control and Safe Streets Act of 1968, and of Agents in WFO who conducted electronic surveillance on or about 4/30/74. Defendants were to prepare the inquiries pursuant to guidelines suggested by the court and file same with the court in camera. Inquiries were subsequently drafted and furnished to the court.

REC-104

62-116151-2e

On 2/28/75, Assistant United States Attorney Robert S. Rankin, Jr., Washington, D. C., advised that on 2/24/75, the court entered an order allowing plaintiffs to participate in the

62-116523-7

Enc.

MAR 27 1975

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

CONTINUED - OVER

GML:lsh

(7)
 58 APR 8 1975
 ENCLOSURE

MAY 06 1975

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11/9/75
(K-2)

Memorandum to Mr. J. B. Adams
Re: The Founding Church of Scientology
of Washington, D. C., Inc., v.
William B. Saxbe, et al., etc.

formulation of the inquiries and requiring defendants to provide plaintiff with a copy of the Government's in camera submission. On 3/3/75, the Government filed a motion for reconsideration of and relief from the court's order of 2/24/75. A copy of the Government's memorandum in support of this motion is attached. In this memorandum the Government asserted that plaintiffs can be allowed to participate in the formulation of the inquiries without the necessity of seeing defendants' submission, which was thought to have been for the use of the court only. Thus, the Government contended the court's order should be amended to allow plaintiff to participate by submitting its own suggestions without requiring defendants' in camera submission to be released. Alternatively, the Government contended that should the court believe plaintiff is entitled to see defendants' proposal, the Government should be allowed to delete from their in camera submission several matters of a sensitive nature (the approximate number of Agents in WFO who could initiate electronic surveillance requests under Title III and the approximate number of Agents in WFO who were conducting electronic surveillance on or about 4/30/74). The Government then submitted an amended in camera memorandum with the sensitive material deleted, a copy of which is attached.

On 3/13/75, Assistant United States Attorney Rankin advised that on 3/12/75, the court entered an order in this matter, a copy of which is attached, requiring the Government to submit to the plaintiffs the Government's amended submission.

RECOMMENDATION:

None. For information.

MD

REG

10/10/75

JBA/PLM

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. _____
 Dep. AD Ad _____
 Dep. AD Inv _____
 Asst. Dir.:

- Admin. _____
- Comp. Syst. _____
- Ext. Affairs _____
- Files & Com. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Off. of Cong. & Public Affairs _____
- Director Sec'y _____

TO : Mr. J. B. Adams

DATE: 4-25-75

FROM : Legal Counsel *J.M.*

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

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In the complaint in captioned civil action, plaintiff alleges that an illegal wiretap was placed on one of its telephones in the District of Columbia by the FBI and seeks an injunction and damages. 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 moved for summary judgment. On 10-23-74, the court entered an order specifying that the Government's motion shall be continued until the completion of certain discovery procedures. Specifically, the order stated that written inquiry should be made of the person or persons who initiate requests for electronic surveillance under Title III, Omnibus Crime Control and Safe Streets Act of 1968, and of Agents in the Washington Field Office (WFO) who conducted electronic surveillance on or about 4-30-74. Defendants were to prepare the inquiries pursuant to guidelines suggested by the court and file same with the court. Inquiries were subsequently drafted and furnished to the court.

By memorandum dated 3-18-75 this Division advised you that on 2-24-75 the court entered an order allowing plaintiff to participate in the formulation of the inquiries and that on 3-12-75 the court entered an order requiring the Government to submit to plaintiff an amended copy of their original submission.

Enclosures (2)

- 1 - Mr. Gebhardt
- 1 - Mr. McDermott
- 1 - Mr. Laturno
- 1 - Mr. Wannan
- 1 - Mr. Mintz

GML:mbk

[Handwritten notes and signatures]
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REC-71 ~~62-116151-2~~
 EX-101 62-116523-7X
 5 APR 30 1975

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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 4-2-75 Assistant U. S. Attorney (AUSA) Robert Rankin, Jr., Washington, D. C., made available plaintiff's response to the Government's submission, a copy of which is attached. In their discovery suggestions, plaintiff states that all Special Agents in our WFO should be questioned and that the scope of the inquiry should be broadened to include any officers, agents, employees, or representatives of plaintiff and all types of electronic surveillance.

On 4-9-75, AUSA Rankin made available the Government's response to plaintiff's discovery suggestions, a copy of which is attached. Noting that the affidavit of Assistant Director McDermott stated that at no time has the FBI conducted any form of electronic surveillance on plaintiff, the Government contends its motion for summary judgment should be decided on the present record. Alternatively, should the court decide that discovery must go forward, the Government contends that because supervisors would have knowledge of any surveillance activities conducted in the scope of any Agents employment, the inquiries should be directed to supervisory personnel only. Also, because the identity of all officers and employees of plaintiff is unknown to the FBI, the inquiry should be restricted to cover electronic surveillance of plaintiff only. Inasmuch as Mr. McDermott's affidavit included all types of electronic surveillance, however, the Government is prepared to expand the inquiry so that it will not be restricted to Title III surveillance.

This matter is being closely ^{supervised} [redacted] by the Legal Counsel Division.

RECOMMENDATION:

For information.

NPC/mj

JR

JM

62-116523-8
CHANGED TO
62-116151-31X

OCT 30 1975

abs/SL

C

(K-9)

UNITED STATES GOVERNMENT

Memorandum

TO : Director, Federal Bureau of Investigation DATE: May 28, 1975
Attention: Office of Legal Counsel

FROM : John C. Keeney
Acting Assistant Attorney General
Criminal Division

SUBJECT: Founding Church of Scientology of Washington, D. C., Inc.
v. William B. Saxbe, et al. (D.D.C.) Civil Action No.
74-744

Enclosed herewith for your information and files is a copy of Defendants' Motion to Modify the Court's Orders of October 23, 1974 and April 22, 1975 Directing Limited Inquiry with supporting memorandum and a proposed order, filed May 22, 1975, in the subject civil action.

There are also enclosed copies of a subpoena to and notice of deposition of Earl A. Connor, Staff Supervisor, Chesapeake and Potomac Telephone Co., on June 16, 1975 at the offices of plaintiff's counsel, Seymour and Patton, 1225 Connecticut Avenue, Washington, D. C., filed May 16, 1975, in the subject civil action. We shall discuss this discovery step with you in the near future.

Enclosures

EXP. PROC.
MAY 30 1975

1-C CC 56140
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EX 103

62-11623-9

REC-7

MAY 29 1975

ENCLOSURE
ENCLOSURE ATTACHED



JUN 20 1975

JUN 24 1975

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

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(K-10)

Honorable Henry Petersen
Assistant Attorney General
Criminal Division

August 7, 1974

Earl J. Silbert
United States Attorney for
the District of Columbia

EJS:RSR:sbr
CL 74-0263

The Founding Church of Scientology of Washington, D.C.,
Inc. v. William B. Saxbe, et al., Civil Action No. 74-744

Attn: James Robinson, Esq.
General Crimes Section

Pursuant to your telephone conversation with Robert Rankin of this office on August 7, 1974, we transmit herewith a copy of the complaint and a motion to compel recently filed by plaintiff. For your information, we will briefly summarize the history of this litigation.

Plaintiff alleges in the complaint that an illegal wiretap was placed on one of its telephones by the FBI, and seeks an injunction and money damages pursuant 18 U.S.C. 2520. A motion for a temporary restraining order was filed by plaintiff, supported by an affidavit of Terry A. Hibbs, an officer of plaintiff, who averred that as she was attempting to place a call from one of plaintiff's telephones she was interrupted by a male voice which stated his name was Bob Wiclomore, that he was a special agent of the FBI, and that he was operating a switchboard for the FBI which was monitoring the calls on that phone.

At a hearing on the motion, we submitted an affidavit of John M. McDermott, the Special Agent in charge of the Washington Field Office of the FBI. The affidavit stated that a search of the FBI files indicated that "at no time has the FBI conducted any form of electronic surveillance on the Founding Church of Scientology..." and that FBI files indicate that there is no past or present employee by the name Bob Wiclomore or any phonetic variation thereof. We argued that this affidavit clearly overcame the allegations of plaintiff supported by the hearsay, speculative, and rather remarkable affidavit of Terry Hibbs and required denial of the motion for temporary restraining order as well as dismissal of the suit.

cc
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ENCLOSURE

(K-15)