

Judge Richey denied the application for temporary restraining order but indicated that plaintiff would be allowed to take an expedited deposition of Mr. McDermott to clarify certain points in the "general" affidavit. One of the Judge's concerns was whether a wiretap would be encompassed by the term "electronic surveillance" as used in the affidavit.

The deposition was taken on June 21, 1974. Mr. McDermott unequivocally confirmed the statements in his affidavit and further explained that any requests for FBI wiretaps in D.C. would come through his office, that FBI index cards relating to plaintiff would reference whether electronic surveillance was ever conducted on plaintiff's telephone either in conjunction with an investigation of the Church or any individual known to use the telephone.

At the deposition, plaintiff's counsel attempted to make a detailed inquiry into the internal operations of the local FBI office, including staffing, details of processing wiretap applications, investigative techniques and the technical method of conducting a wiretap. We objected to these questions as being outside the scope of the deposition as we interpreted Judge Richey's order, as being irrelevant in light of Mr. McDermott's testimony that no wiretaps had even been placed on plaintiff's telephones, and, in part, on grounds of privilege. On advice of counsel, Mr. McDermott refused to answer these questions.

Plaintiff has now filed a motion to compel answers, a copy of which is attached. Our response is due on August 14, 1974. We hope to be in position to not only oppose the motion but also file a motion for summary judgment. Since most of the law in the area of alleged illegal wiretaps has apparently developed in the criminal field, we would appreciate any assistance that you might be able to provide, particularly as to the extent of the Government's burden in overcoming plaintiff's assertions and any information concerning plaintiff's argument in part 2 of the memorandum supporting its motion.

Mr. Robert Rankin of this office has been principally assigned to conduct the defense of this case, and stands ready to discuss it with you at your convenience. His telephone number is 426-7352.

K-15

UNITED STATES GOVERNMENT

Memorandum

TO : Director
Federal Bureau of Investigation

DATE: 09 SEP 1975

Attention: Office of Legal Counsel
FROM: Richard L. Thornburgh

Assistant Attorney General

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

ST
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On August 29, 1975 the Court held a hearing on the motions and oppositions pending in the subject civil action, copies of which have been forwarded to you with my memoranda of May 28, June 20, June 25, June 30, July 18, and August 11, 1975, subject as above. The Court denied plaintiff's motion for Rule 37 discovery sanctions and also denied defendants' renewal of their motion for summary judgment. In a modified form it granted defendants' May 22, 1975 motion to modify its orders of October 23, 1974 and April 22, 1975.

NR Cont. Adv 10/29/75

Handwritten: New Legal Counsel to
Admitted 10/2/75

As a means of resolving the difficult questions posed by defendants' May 22, 1975 motion to modify the Court's orders of October 23, 1974 and April 22, 1975 it was agreed in a colloquy among the Court and counsel for the respective parties that the discovery directed by those orders would proceed by way of oral deposition, the transcripts to be placed under seal. Counsel for the defendants may advise the persons to be deposed of the pendency and nature of this civil action in advance of their depositions. It was further agreed that defendants' counsel shall identify and designate the persons who may be most productively deposed with a suggested sequence of depositions. The inquiries set forth in the aforementioned Court orders shall constitute the deposition questions, subject to such amplification as might be reasonably suggested by a deponent's responses to the inquiries. Although not set forth in the written order, the Court did say to plaintiff's counsel that he would expect plaintiff to move to dismiss the civil action if the results of the depositions lent no support to the allegations of the complaint. Plaintiff's counsel acceded to this request.

ST-111

REC-21

62-1165-78-910

21 SEP 10 1975



ENCLOSURE

5 OCT 1975 Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Handwritten signature: Lathrop

Handwritten initials/signature: [unclear] K76

A copy of the Court's order of August 29, 1975 is enclosed for your reference and files. It is requested that you advise this Division of the identities and position descriptions of the personnel who were engaged in warrantless (non-court-ordered) electronic surveillance of telephone communications in the Washington Field Office on April 30, 1974. Plaintiff's counsel appears to be approaching the details of handling the depositions in a spirit of reasonableness and adaptability, and we do not anticipate difficulties in scheduling the depositions in a manner least disruptive to operations of the Washington Field Office. A prompt reply, however, to this memorandum is requested.

Attachment

(K-16)

~~SECRET~~

FBI

Date: 9/15/75

Assoc. Dir.	_____
Dep. A.D.-Adm.	_____
Dep. A.D.-Inv.	_____
Asst. Dir.:	_____
Admin.	_____
Comp. Syst.	_____
Ext. Affairs	_____
Files & Com.	_____
Gen. Inv.	_____
Ident.	_____
Inspection	_____
Intell.	_____
Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Telephone Rm.	_____
Director Sec'y	_____

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI

ATTN: OFFICE OF LEGAL COUNSEL

FROM: SAC, WFO (66-779)

FOUNDING CHURCH OF SCIENTOLOGY
OF WASHINGTON, D. C., INC.;
WILLIAM B. SAXBE, ET AL
(DDC CIVIL ACTION #74-744)

DECLASSIFIED BY SP-3 TEN
09-12-79 bja

ReButel call, 9/13/75.

In accordance with requests made in referenced Bureau telephone call, attached are two copies of a list of monitoring personnel at the Washington Field Office, FBI, as of 4/30/74.

On 9/22/75 [redacted] advised all in attached were engaged in monitoring.

On 9/24/75 [redacted] advised that concerning [redacted] attached sheet was off

ENCLOSURE

- 2 - Bureau (Enc. 1)
- 1 - WFO

*CGS/bjl (3) ack memo sent 10/6/75
CML/jgt 1975 memo - per 10/8/75 jgt*

SA [redacted] 10/13/74. ~~SECRET~~
DECLASSIFIED BY REG-2E 62-116523-11
Exempt from GDS, Category 1
Date of Declassification Indefinite

OCT 7 1975

Approved: _____
Special Agent in Charge

Sent _____ M

APPROPRIATE AGENCIES AND FIELD OFFICES ADVISED BY ROUTING SLIP(S) DATE 9/12/75

K-17

FBI

Date: 9/22/75

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI ~~SECRET~~
ATTN: OFFICE OF LEGAL COUNSEL
[REDACTED] SPECIAL AGENT (b)(7)(C)

FROM: SAC, WFO (66-779) JUNE

FOUNDING CHURCH OF SCIENTOLOGY
OF WASHINGTON, D. C., INC.;
WILLIAM B. SAXBE,
ET AL
(DDC CIVIL ACTION #74-744)

Re WFO airtel to Bureau, 9/15/75, and Bureau telephone
call from Special Agent (SA) [REDACTED] to SA [REDACTED]
[REDACTED] WFO, 9/22/75.

A review of available attendance records revealed
that of the SAs, Special Clerks (SCs) and Interpreter/Translators
listed on attachments to referenced airtel, the following
did not work on 4/30/74:

[REDACTED]
sc/ST-111
[REDACTED]

REC-21

62-116523-17

OCT 9 1975

(b)(7)(C)

Regarding the SAs listed in referenced airtel, records
currently available to WFO merely indicate that 4/30/74, was
a regular work day for the SAs. Records do not indicate whether
those SAs were on Annual Leave, at Firearms or at Physicals, etc.
This information can be obtained only through [REDACTED]

[REDACTED] Contact with [REDACTED]
[REDACTED] Identification Building, Room [REDACTED] (Extension [REDACTED])
revealed that these records are maintained by FBIHQ. As indicated
in referenced telephone call, if further information is desired,
FBIHQ, Office of Legal Counsel, will contact [REDACTED] directly.

2 - Bureau
1 - WFO
DWW:sjs
(3) 343

~~SECRET~~ Classified By 3870

Exempt from GDS Category 3

Date of Declassification Indefinite

6 OCT 30 1975

DECLASSIFIED BY Sp-3-TEC
ON 9-7-79 baw

Sent _____ M Per _____

Special Agent in Charge

U.S. Government Printing Office: 1972 - 455-574

(K-18)

7/75/4
57
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1/20 no info re comment to Bureau
10/2/75

RE

[Signature]

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

DATE: 10/2/75

FROM : Legal Counsel *[Signature]*

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

Assoc. Dir. —
Dep. AD Adm. —
Dep. AD Inv. —
Asst. Dir.:

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

In this civil action, an officer of plaintiff submitted an affidavit averring that as she was attempting to place a call on one of plaintiff's telephones, 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. Alleging that an illegal wiretap was placed on one of its telephones, plaintiff seeks an injunction and money damages. The Government proceeded to move for summary judgment, denying plaintiff's allegations and filing an appropriate affidavit of an FBI official. *[Handwritten initials]*

The court then entered an order specifying that the Government's motion for summary judgment shall be continued until the completion of discovery procedures. As to discovery, the order specified that defendants shall:

1ST-111 REC-21 62-116523-13

"....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 April 30, 1974, including any Agent or Agents who were then, but are not presently, with the F.B.I., as to whether any agent, (a) was personally connected

- Enclosures *Letter, airtel sent 10-1-75*
- 1 - Mr. Wannall
 - 1 - Mr. Walsh
 - 2 - Mr. Mintz
 - 1 - Mr. Laturno

OCT 9 1975

[Handwritten signature]

GML/jcr

CONTINUED - OVER

(6)
gmt
59 OCT 17 1975

[Handwritten initials]

Legal Counsel to Mr. Adams

Re: Founding Church of Scientology of Washington, D. C., Inc. v. Saxbe, e

on a telephone line (specifically telephone numbers 232-0223, 232-6296, 232-8602, 367-6605, and 367-6606) 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?'

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'...."

CONTINUED - OVER

Legal Counsel to Mr. Adams
Re: Founding Church of Scientology of Washington, D. C., Inc. v. Saxbe, et

By memorandum dated 9/9/75, copy with enclosure attached, the Assistant Attorney General, Criminal Division, advised that on 8/29/75, the court entered an amended order, stating that the discovery directed by its earlier order is to proceed by oral deposition. The order specifies:

"....Plaintiff may take the depositions upon oral examination, pursuant to the Federal Rules of Civil Procedure, of those persons who were and presently are employed by the Federal Bureau of Investigation in the Electronic Surveillance Monitoring Unit of the Washington Field Office on April 30, 1974, for the purpose of propounding to them the questions set forth or incorporated in the said order of April 22, 197[5]. The deposition transcripts shall be placed under seal of the Court, and the parties and their counsel shall make no disclosure thereof. Counsel for defendants may advise each deposition witness in advance of his deposition of the nature and pendency of this case...."

The Assistant Attorney General, Criminal Division, then requested that we advise him of the identities and position descriptions of the personnel who were engaged in warrantless (non-court-ordered) electronic surveillance of telephone communications in WFO on 4/30/74.

By airtels dated 9/15/75 and 9/22/75, WFO furnished information requested by the Department.

On 9/21/75, Gordon Daiger, Departmental Attorney handling this matter, advised that plaintiff's counsel is approaching these depositions in a spirit of reasonableness and that the depositions will be scheduled in a manner least disruptive to Washington Field Office.

CONTINUED - OVER

Legal Counsel to Mr. Adams
Re: Founding Church of Scientology of Washington, D. C., Inc. v. Saxbe,

RECOMMENDATIONS:

1. That the attached memorandum to the Assistant Attorney General/ be approved and sent.
Criminal Division *Sent 10-6-75 HCL*

2. That the attached airtel to the SAC, WFO, be approved and sent. *Sent 11-6-75 HCL*

JPK

JAM

*WPK
RKH*

*JBA
PCH*

UNITED STATES GOVERNMENT

Memorandum

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x

Director
Federal Bureau of Investigation
Attention: Office of Legal Counsel

DATE: June 25, 1975

FROM: *J.K.* 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

Reference is made to my memorandum of June 20, 1975,
subject as above. *sw/c*

Enclosed herewith for your information and files is a
copy of defendants' Opposition to Plaintiff's Motion for
Discovery Sanctions, filed in the subject civil action on
June 23, 1975.

On June 19, 1975, the District Court denied without
opinion defendants' Motion to Quash Subpoena and to Vacate
Notice of Oral Deposition, a copy of which was forwarded with
and discussed in my referenced memorandum. Consequently, the
deposition of Earl A. Connor will be held at 9:30 a.m. on
July 2, 1975, in the office of plaintiff's counsel, Seymour
and Patton, 1225 Connecticut Avenue, N. W., Washington, D. C.
An attorney from this Division representing the defendants
will attend in order to cross-examine and make appropriate
objections.

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pm
ENCLOSURE

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JUN 28 1975

Seymour Patton



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

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K-21