

UNITED STATES GOVERNMENT

# Memorandum

TO : Director, FBI  
Attention: Office of Legal Counsel

DATE: October 21, 1975  
RLT:RLK:GWDaiger:mlh

FROM : *RLT* Richard L. Thornburgh  
Assistant Attorney General  
Criminal Division

SUBJECT: *Q*  
Founding Church of Scientology of Washington, D.C., Inc.,  
Civil Action No. 74-744 (D.D.C.)

**A**

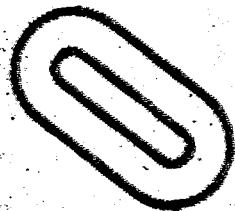
*4/8* Reference is made to your memorandum dated October 3, 1975, subject as above, which enclosed a document classified SECRET containing information requested in my memorandum dated September 9, 1975. *mij*

With the completion of the court-ordered depositions in the subject civil action, the classified document has served its purpose, and it is returned herewith for safekeeping by your office or other appropriate disposition.

SECRET MATERIAL ATTACHED

**D**

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EX-115

EXP. PROC.  
31 OCT 28 1975

ENCLOSURE

ENCLOSURE ATTACHED

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62-116523-21

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OCT 23 1975



DEC 18 1975

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

*Legal Counsel*

K-27

UNITED STATES GOVERNMENT

# Memorandum

TO : Director, Federal Bureau of Investigation DATE: August 12, 1975  
Attention: Office of Legal Counsel

FROM: Richard L. Thornburgh  
Assistant Attorney General  
Criminal Division

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

*ETP*

Enclosed herewith for your information and files is a copy of Plaintiff's Reply to Defendants' Renewal of Motion for Summary Judgment. A copy of defendants' motion was forwarded to you with my memorandum dated July 21, 1975, subject as above.

Enclosure

*[Handwritten signature]*

*1cc sent to [unclear]  
Veron [unclear]  
Room 7427*

REC 42 62-11-27 *Fi*

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*[Handwritten signature]*

*[Handwritten signature]*  
LEGAL COUNSEL

*(K-28)*

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**CHANGED TO**

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BC/MB

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(K-29)

UNITED STATES GOVERNMENT

# Memorandum

TO : Director, FBI

DATE: October 30, 1975  
RLT:RLK:GWDaiger:mlh

FROM : Richard L. Thornburgh  
*RLT* Assistant Attorney General  
Criminal Division

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

Reference is made to my telegram bearing date-time group 161455Z, subject as above, which authorized certain personnel of the Washington Field Office to give deposition testimony in the subject civil action.

The court order which occasioned the aforementioned testimony posed unusual requirements in that it contemplated deposing as many as approximately 40 persons who were assigned to the electronic surveillance monitoring unit of the Washington Field Office in April 1974. While the court order did establish restrictions on the scope of deposition inquiry by plaintiff's counsel, the area of inquiry was nevertheless a potentially sensitive and difficult one. Essential to the use of the testimony as an adequate factual basis for obtaining an order of dismissal or summary judgment for the federal defendants was the cooperation of the Supervisor-Special Agent, [redacted] of the Washington Field Office. His cooperation and appreciation of the factual record that we needed to develop under the peculiar circumstances of this civil action were instrumental in bringing this case to the apparent threshold of a successful conclusion.

In preparing himself and the personnel under his supervision for deposition, [redacted] capably grasped the balance between the security interests of his office and personnel on the one hand and the need for relevant information in the case record on the other. At the conclusion of ten depositions in less than two hours, including [redacted] own, plaintiff's counsel stated that he was persuaded by the facts developed in the testimony during the morning of October 17, 1975, that

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

*Lathrop*

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he had no basis for further maintenance of this civil action against personnel of the FBI. Consequently, we anticipate favorable termination of this litigation in the near future.

It should be noted that compliance with the court's discovery order presented a significant problem of preparing several dozen persons to testify, some of them no longer assigned to the Washington Field Office, and the additional problem of having them later available on a standby basis in the face of an uncertain deposition sequence and schedule.

 handled these problems skillfully and with a minimum burden either on the time of his personnel or on the departmental attorney's time. As a result, all potential witnesses were well prepared for the depositions, and those who testified did so convincingly. (b)(7)(c)

Assistant Attorney General  
Criminal Division

November 12, 1975

Director, FBI

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

①  
**FOUNDING CHURCH OF SCIENTOLOGY  
 OF WASHINGTON, D.C., INC., v.  
 WILLIAM B. SAXRE, et al.  
 (D.D.C.)  
 CIVIL ACTION NO. 74-744**

On October 20, 1975, Mr. Daiger of your office was informed by Special Agent Gary M. Laturno of our headquarters staff that our Washington Field Office plans to conduct an Interception of Communications investigation concerning the activity alleged in the complaint in this civil action. He was asked whether the Department objected to such an investigation, given the fact that this civil action is still pending.

Mr. Daiger advised that the Department has no objection to the Washington Field Office conducting an Interception of Communications investigation concerning the alleged interception, provided no one affiliated with plaintiff organization is interviewed at this time. Mr. Daiger explained that members of plaintiff organization feel they are the subject of Government harassment and that interview of individuals affiliated with plaintiff organization concerning this matter could be so interpreted by them thus causing possible problems relative to the successful termination of this suit.

Because of Mr. Daiger's request, our Washington Field Office is holding in abeyance any interviews of individuals affiliated with plaintiff organization relative to this matter pending the resolution of this civil action.

- Assoc. Dir. \_\_\_\_\_
- Dep. AD Adm. \_\_\_\_\_
- Dep. AD Inv. \_\_\_\_\_
- Asst. Dir.:
- Admin. \_\_\_\_\_
- Comp. Syst. \_\_\_\_\_
- Ext. Affairs \_\_\_\_\_
- Files & Com. \_\_\_\_\_
- Gen. Inv. \_\_\_\_\_
- Ident. \_\_\_\_\_
- Inspection \_\_\_\_\_
- Intell. \_\_\_\_\_
- L. \_\_\_\_\_
- Plan. & Insp. \_\_\_\_\_
- Spec. Inv. \_\_\_\_\_
- Training \_\_\_\_\_
- Off. Sec'y \_\_\_\_\_

Washington Field  
 RECEIVED  
 NOV 12 1975  
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EX 104

NOV 14 1975  
 B/Knt

JAM  
JMF

BIOEC

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GML/j

JBA  
PM

L. J. ...

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MAIL ROOM

TELETYPE UNIT

SAC, WFO (66-779)

November 11, 1975

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Director, FBI 1 - Mr. McDermott  
 1 - Mr. Gallagher  
 1 - Mr. Wannall  
 2 - Mr. Mintz  
 1 - Mr. Laturno

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

Re Bureau airtel to WFO dated 10/3/75.

By telegram dated 10/16/75, the Assistant Attorney General, Criminal Division, authorized certain personnel of your office to submit to oral deposition at WFO concerning this matter. Subsequent to these depositions, Gordon Daiger, Departmental Attorney handling this civil action, complimented the cooperation of your office and in particular, the able assistance and professionalism of Supervisor [redacted]

For your additional information, Mr. Daiger advised that as a result of the depositions, the government was able to establish the following: that no FBI employee engaged in the activity alleged in the complaint in this civil action, i.e., wiretapping or a conversation with an employee of plaintiff on 4/30/74; that FBI employees engaged in telephone monitoring at WFO cannot speak or be heard on a monitored line; and that FBI technicians at WFO have the ability to speak or be heard on a monitored line but that in fact no WFO technician engaged in any of the activities alleged in the complaint.

Mr. Daiger also advised that in the next several weeks the Department will file the transcripts of the depositions with the court under seal. If plaintiffs themselves do not move to dismiss this suit, the Government will renew its motion for summary judgment.

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

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 FBI

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 JEF

G/KUD

62-116583-26 (1975) TELETYPE UNIT

L. [unclear]

K32

SAC, WFO

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

On 10/20/75, Supervisor [redacted] of your office b6/b7c  
advised that WFO will open an Interception of Communications  
case concerning the activity alleged in the complaint in this  
civil action and he asked whether the Department objected  
to such an investigation, given the fact that this civil  
action is still pending.

Mr. Daiger subsequently advised the Department has  
no objection to WFO conducting an Interception of Communication  
investigation concerning the alleged interception in this  
case provided that no one affiliated with plaintiff or-  
ganization is interviewed at this time. Mr. Daiger explained  
that members of plaintiff organization feel they are the  
subject of Government harassment and that interview of  
individuals affiliated with plaintiff organization concerning  
this matter could be so interpreted by them, thus causing  
possible problems relative to the successful termination  
of this civil action. Mr. Daiger feels reasonably certain  
this suit will be resolved shortly.

Because of the Department's request, you are  
requested to hold in abeyance any interviews of individuals  
affiliated with plaintiff organization relative to your  
Interception of Communications investigation pending the  
resolution of this civil action.

Your cooperation and assistance concerning this  
matter are appreciated.

K-32



UNITED STATES GOVERNMENT

# Memorandum

- Assoc. Dir. \_\_\_\_\_
- Dep. AD Adm. \_\_\_\_\_
- Dep. AD Inv. \_\_\_\_\_
- Asst. Dir.:
- Admin. \_\_\_\_\_
- Comp. Syst. \_\_\_\_\_
- Ext. Affairs \_\_\_\_\_
- Files & Com. \_\_\_\_\_
- Gen. Inv. \_\_\_\_\_
- Ident. \_\_\_\_\_
- Inspection \_\_\_\_\_
- Intell. \_\_\_\_\_
- Lab. \_\_\_\_\_
- Legal Coun. \_\_\_\_\_
- Plan. & Eval. \_\_\_\_\_
- Spec. Inv. \_\_\_\_\_
- Training \_\_\_\_\_
- Telephone Rm. \_\_\_\_\_
- Director Sec'y \_\_\_\_\_

TO : Mr. J. B. Adams

DATE: 11/10/75

FROM : Legal Counsel *JAM*

SUBJECT: *①* FOUNDDING CHURCH OF SCIENTOLOGY  
OF WASHINGTON, D.C., INC., v.  
WILLIAM B. SAXBE, et al.  
(D.D.C.)  
CIVIL ACTION NO. 74-744

In this civil action, an officer of plaintiff submitted an affidavit averring that on 4/30/74, 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 (former WFO SAC J. J. McDermott).

The court proceeded to enter an order specifying that the Government's motion for summary judgment shall be continued until the completion of discovery procedures, i.e., oral deposition of personnel at WFO who were monitoring on 4/30/74.

By airtel dated 10/3/75, SAC, WFO, was furnished pertinent background information regarding this matter and advised that the depositions would be scheduled in a manner least disruptive to his office.

By telegram dated 10/16/75, copy attached, the Assistant Attorney General, Criminal Division, authorized certain personnel of the Washington Field Office to submit to oral depositions on 10/17/75, at WFO.

- 1 - Mr. McDermott
- 1 - Mr. Gallagher
- 1 - Mr. Wannall
- 2 - Mr. Mintz
- 1 - Mr. Laturne

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ENCLOSURE

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*lmd*  
*Jan*

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Legal Counsel to Mr. Adams

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

On 10/17/75, Gordon Daiger, Departmental Attorney handling this civil action, advised that ten monitoring personnel at WFO were deposed that morning. Mr. Daiger complimented the cooperation of WFO personnel and in particular, the able assistance and professionalism of WFO Supervisor [REDACTED] Mr. Daiger also stated that as a result of the depositions, the Government was able to establish the following: that no FBI employee engaged in the activity alleged in the complaint in this civil action, i.e., wiretapping or a conversation with an employee of plaintiff on 4/30/74; that FBI employees engaged in telephone monitoring at WFO cannot speak or be heard on a monitored line; and that FBI technicians at WFO have the ability to speak or be heard on a monitored line but that in fact no WFO technician engaged in any of the activity alleged in the complaint.

Mr. Daiger added that following the depositions, Thomas E. Patton, counsel for plaintiffs, commented that he saw no need to conduct further discovery relative to the FBI. Daiger stated that in the next several weeks, the Department will file the transcripts and depositions with the Court under seal. If plaintiffs themselves do not move to dismiss this suit, the Government will renew its motion for summary judgment.

On 10/20/75, [REDACTED] WFO Supervisor, advised that WFO will open an interception of Communications investigation concerning the activity alleged in the complaint in this civil action and asked whether the Department would object to such an investigation, given the fact that this civil action is still pending. This matter was discussed with Mr. Daiger on 10/20/75, at which time he advised he would consider the matter and make the Department's views known to the Bureau. On 10/28/75, Mr. Daiger advised the Department has no objection to WFO conducting an Interception of Communications investigation concerning the alleged interception in this matter, provided that no one affiliated with plaintiff organization is interviewed at this time. Daiger explained that members of plaintiff organization feel they are the subject of Government harassment and that interview of

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