

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

individuals affiliated with plaintiff 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 that as a result of the recent depositions conducted at WFO the suit will be resolved shortly.

RECOMMENDATIONS:

1. That the attached letter to WFO by approved and sent.

2. That the attached memorandum to the Department be approved and sent.

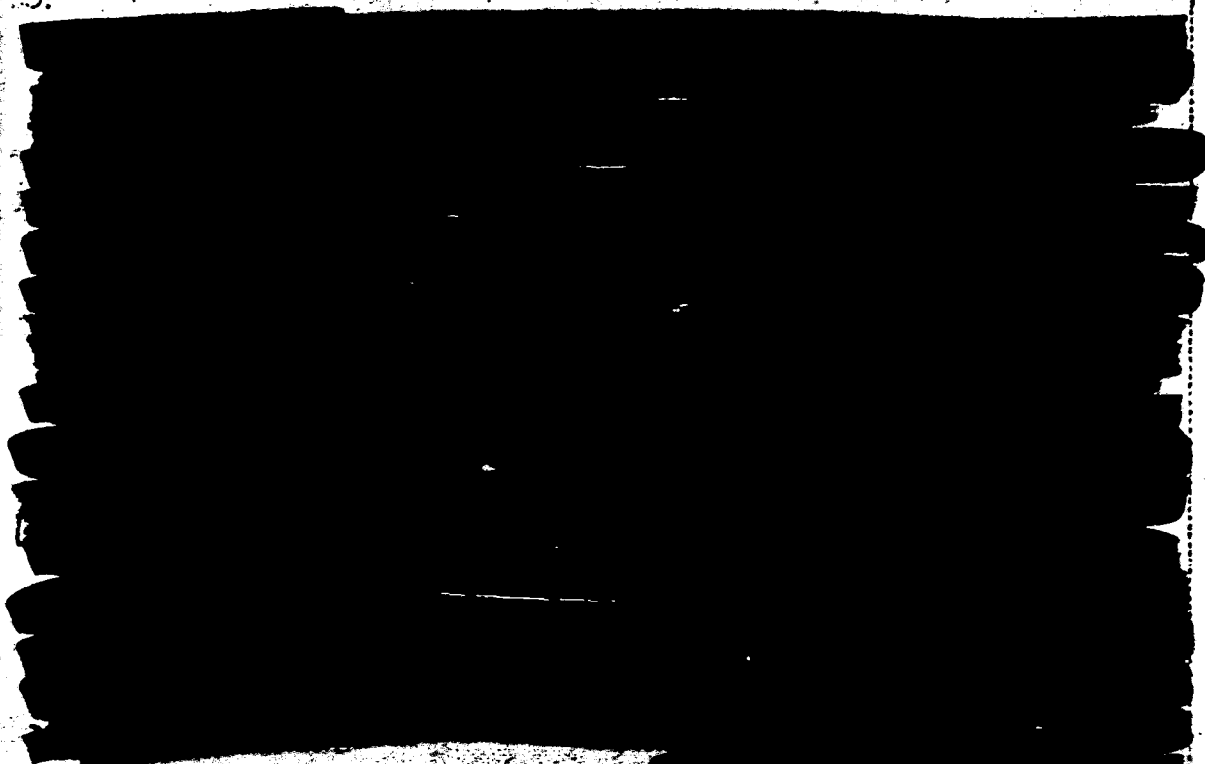
OP/PA
SP/PA
6/1/74
Jan

TELEGRAPHIC MESSAGE

NAME OF AGENCY DEPARTMENT OF JUSTICE CRIMINAL DIVISION	PRECEDENCE ACTION INFO.	SECURITY CLASSIFICATION
ACCOUNTING CLASSIFICATION	DATE PREPARED 10/16/75	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE ADDRESS
FOR INFORMATION CALL	PHONE NUMBER 739-3147	
NAME GORDON W. DAIGER		

THIS SPACE FOR USE OF COMMUNICATIONS UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)



(b)(7)(C)

C/O SPECIAL AGENT IN CHARGE
WASHINGTON FIELD OFFICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C.

RE: FOUNDING CHURCH OF SCIENTOLOGY OF
WASHINGTON, D.C., INC. V. WILLIAM B. SAXBE,
ET AL., CIVIL ACTION NO. 74-744 (D.D.C.)

*Emergency
at Mr. Adams
10/16 gnd/jrs*

* Retired
 Actually deposed, 10/17/75.
Others were not called.

SECURITY CLASSIFICATION	
PAGE NO. 1	NO. OF PAGES 6

*we must point
to AG
12/75 gnd/jrs*

*re. let to 10/17/75
10/17/75*

TELEGRAPHIC MESSAGE

NAME OF AGENCY	PRECEDENCE ACRON INFO	SECURITY CLASSIFICATION
ACCOUNTING CLASSIFICATION	DATE PREPARED 10/10/75	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE ADDRESS
FOR INFORMATION CALL		
NAME GORDON W. DAIGER	PHONE NUMBER 739-3147	

THIS SPACE FOR USE OF COMMUNICATION UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:

THIS IS IN REGARD TO THE TAKING OF YOUR DEPOSITION BY THE PLAINTIFF FOUNDED CHURCH OF SCIENTOLOGY IN THE ABOVE CIVIL ACTION AT TEN (10) A.M. OCTOBER 17, 1975 AT ROOM 506, OLD POST OFFICE BUILDING, 12th ST. & PENNSYLVANIA AVENUE, NW, WASHINGTON, D.C. PLAINTIFF'S COUNSEL WILL BE THOMAS E. PATTON OF WASHINGTON, D.C. THE FEDERAL DEFENDANTS WILL BE REPRESENTED BY DEPARTMENT OF JUSTICE ATTORNEY GORDON W. DAIGER.

THE COURT HAS ORDERED THAT CERTAIN INQUIRIES, WHICH WERE ORIGINALLY PREPARED IN WRITTEN FORM, BE PRESENTED AT DEPOSITION FOR ORAL EXAMINATION. THE INQUIRIES PERTAIN TO THE ALLEGED INTERRUPTION OF AN ATTEMPTED TELEPHONE CALL BY ONE (MISS) TERRY HIBBS FROM THE OFFICES OF THE PLAINTIFF ORGANIZATION AT 1812 NINETEENTH ST., NW, WASHINGTON, D.C., ON OR ABOUT APRIL 30, 1974. BASED UPON THIS OCCURRENCE, PLAINTIFF CLAIMS THAT ITS TELEPHONES WERE SUBJECTED TO

SECURITY CLASSIFICATION	
PAGE NO. 2	NO. OF PGS. 6

K-32

PRECEDENCE		SECURITY CLASSIFICATION
ACTION		
INFO.		
COMMUNICATING CLASSIFICATION	DATE PREPARED	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPAGE
	10/10/75	
FOR INFORMATION CALL		
NAME	PHONE NUMBER	
BORDON W. DAIGER	739-3147	
THIS SPACE FOR USE OF COMMUNICATION UNIT		

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

UNLAWFUL WIRETAPPING BY THE F.B.I.

THE INQUIRIES ARE AS FOLLOWS:

1. DID YOU, DURING THE PERIOD JANUARY 1, 1974 THROUGH APRIL 30, 1974, INITIATE A REQUEST OR PREPARE, APPROVE OR REJECT AN APPLICATION FOR ELECTRONIC SURVEILLANCE UNDER TITLE III OF THE OMNIBUS CRIME CONTROL ACT OR OTHERWISE ENGAGE IN, APPROVE, REJECT, OR HAVE ANY KNOWLEDGE OF ELECTRONIC SURVEILLANCE OF ANY TELEPHONE SUBSCRIBED TO BY THE FOUNDING CHURCH OF SCIENTOLOGY OF WASHINGTON, D.C., (SPECIFICALLY TELEPHONE NUMBERS 232-0223, 232-6296, 232-8602, 367-6605, AND 367-6606)?
2. ON OR ABOUT APRIL 30, 1974, WERE YOU PERSONALLY CONNECTED ON A TELEPHONE LINE (SPECIFICALLY TELEPHONE NUMBERS 232-0223, 232-6296, 232-8602, 367-6605, AND 367-6606) DUE TO THE MALFUNCTIONING OF A RECORDING DEVICE?
3. ON OR ABOUT APRIL 30, 1974 DID YOU ENGAGE IN THE

PAGE NO.		NO. OF PGS.		SECURITY CLASSIFICATION
3		6		

K-32

PRECEDENCE	ACRON	SECURITY CLASSIFICATION
	INFO	

RECORDING CLASSIFICATION	DATE PREPARED 10/10/75	TYPE OF MESSAGE
--------------------------	---------------------------	-----------------

FOR INFORMATION CALL		<input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE ADDRESSES
NAME GORDON W. DAIGER	PHONE NUMBER 739-3147	

THIS SPACE FOR USE OF COMMUNICATION UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

FOLLOWING CONVERSATION, OR ONE SIMILAR TO IT, WHETHER AS A RESULT OF THE ABOVE MENTIONED CONNECTION OR OTHERWISE?

TERRY HIBBS: "IS SOMEONE ON THE LINE?"

UNIDENTIFIED PARTY: "YES"

TERRY HIBBS: "WHO IS IT?"

UNIDENTIFIED PARTY: "THIS IS BOB WICLOMORE, SPECIAL AGENT, FBI. WHO IS THIS? ARE YOU WITH THE FBI?"

TERRY HIBBS: "I JUST DIALED THREE DIGITS OF THE NUMBER AND WAS CONNECTED WITH YOU."

UNIDENTIFIED PARTY: "I AM ON THE SWITCHBOARD MONITORING YOUR CALLS. DID YOU REQUEST THAT YOUR CALLS BE MONITORED?"

TERRY HIBBS: "NO"

UNIDENTIFIED PARTY: "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?"

SECURITY CLASSIFICATION	
PAGE NO. 4	NO. OF PGS. 6

K-32

TELEGRAPHIC MESSAGE

NAME OF AGENCY	PRECEDENCE ACTION INFO	SECURITY CLASSIFICATION
ACCOUNTING CLASSIFICATION	DATE PREPARED 10/10/75	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTI-ACCESS
FOR INFORMATION CALL		
NAME GORDON W. DAIGER	PHONE NUMBER 739-3147	

THIS SPACE FOR USE OF COMMUNICATION UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:

TERRY HIBBS: "I DIDN'T ORDER A TAP ON MY TELEPHONE."

UNIDENTIFIED PARTY: "THE NAME I GAVE YOU WAS FALSE."
(CONVERSATION TERMINATED).

4. HAVE YOU EVER USED THE ALIAS, "BOB WICLOMORE", OR A PHONETIC VARIANT OF THAT NAME, OR KNOWN OF THE USE OF SUCH ALIAS BY ANY OTHER PERSON?

YOU ARE AUTHORIZED TO ANSWER THE FOREGOING NUMBERED INQUIRIES AND ANY OTHER QUESTIONS REASONABLY RELATED THERETO. AS NECESSARY OR APPROPRIATE, THE DEPARTMENT OF JUSTICE ATTORNEY MAY DIRECT YOU NOT TO ANSWER QUESTIONS WHICH APPEAR TO GO BEYOND THE SCOPE OF THE DEPOSITION.

IF NECESSARY, YOU MUST RESPECTFULLY DECLINE TO FURNISH ANY INFORMATION WHICH DOES NOT BEAR DIRECTLY ON THE FACTS INVOLVED IN THE ABOVE NUMBERED INQUIRIES OR ANY OTHER INFORMATION THAT CAME INTO YOUR POSSESSION AS A RESULT OF YOUR

SECURITY CLASSIFICATION	
PAGE NO. 5	NO. OF PGS. 6

K-32

TELEGRAPHIC MESSAGE

NAME OF AGENCY	PRECEDENCE ACTION INFO.	SECURITY CLASSIFICATION
ACCOUNTING CLASSIFICATION	DATE PREPARED 10/10/75	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE ADDRESS
FOR INFORMATION CALL		
NAME GORDON W. DAIGER	PHONE NUMBER 739-3147	

THIS SPACE FOR USE OF COMMUNICATION UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:

OFFICIAL DUTIES WITH THE FEDERAL BUREAU OF INVESTIGATION
WITHOUT SECURING MY EXPRESS PRIOR AUTHORIZATION.

RICHARD L. THORNBURGH
ASSISTANT ATTORNEY GENERAL

SECURITY CLASSIFICATION	
PAGE NO. 6	NO. OF PGS. 6

K-32

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Cochran *JC*

DATE: November 10, 1975

FROM : W. E. Harward *Wah*

SUBJECT: DEPOSITIONS OF SAs [REDACTED]
AND [REDACTED]

(b)(7)(c)

FOUNDING CHURCH OF SCIENTOLOGY
OF WASHINGTON, D.C., INC.

v.

WILLIAM B. SAXBE, ET AL
DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
CIVIL ACTION NO. 74-744

This memorandum reports the taking of depositions in captioned case on 10/17/75, from SAs [REDACTED] and [REDACTED] who are now assigned to the Crypto Systems Unit, Radio Engineering Section, Division 7, but who were assigned to the Washington Field Office (WFO) during the period of inquiry.

(b)(7)(c)
AL

THE CASE

This is a civil action in which one Miss Terry Hibbs, an officer of plaintiff, Founding Church of Scientology of Washington, D.C., averred that in attempting to place a call on one of plaintiff's telephones she was interrupted by a male voice stating he was Bob Wiclomore, a Special Agent of the FBI, and that he was operating a switchboard and monitoring calls on plaintiff's telephone. Alleging that an illegal wiretap was placed on its telephone, plaintiff seeks an injunction and money damages.

MOTION

The Government moved for summary judgment denying plaintiff's allegations and filing an appropriate affidavit of an FBI official. The court order a stay of the Government's

EX 103

- 1 - Mr. Harward
- 1 - Mr. Wade
- 1 - Mr. McShane

REC-2

62-116523-2

Wah
JWH:ims
(4)

CONTINUED - OVER

NOV 20 1975

59 DEC 11 1975 *Wah*

SEARCHED
SERIALIZED
INDEXED
FILED

K-33

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

Memorandum to Mr. Cochran
RE: DEPOSITIONS OF SAs [REDACTED]
AND [REDACTED]

(b)(7)(c)

motion for summary judgment until the completion of discovery procedures. The taking of depositions from persons employed by the FBI in the "Electronic Surveillance Monitoring Unit of the Washington Field Office on April 30, 1974," including [REDACTED] and [REDACTED] was ordered by the court in this discovery procedure.

DEPOSITIONS - 10/17/75

Deponents presented themselves individually on the morning of 10/17/75, in Room 502, Old Post Office Building, Washington, D.C. (WDC). Present were counsel for plaintiff, Thomas E. Patton of WDC, counsel for defense, Gordon W. Daiger of the U.S. Department of Justice, and Clerk of the District Court for the District of Columbia, George Oglesby who administered the oath to deponents, confirmed their identity, and stenotyped their depositions.

Being duly sworn, each deponent in turn was asked the following questions by plaintiff's counsel Patton:

1. Did you, during the period January 1, 1974 through April 30, 1974, initiate a request or prepare, approve or reject an application for electronic surveillance under Title III of the Omnibus Crime Control Act or otherwise engage in, approve, reject, or have any knowledge of electronic surveillance of any telephone subscribed to by the Founding Church of Scientology of Washington, D.C., (specifically telephone numbers 232-0223, 232-6296, 232-8602, 367-6605, and 367-6606)?

2. On or about April 30, 1974, were you personally connected on a telephone line (specifically telephone numbers 232-0223, 232-6296, 232-8602, 367-6605, and 367-6606) due to the malfunctioning of a recording device?

3. On or about April 30, 1974 did you engage in the following conversation, or one similar to it, whether as a result of the above mentioned connection or otherwise?

Memorandum to Mr. Cochran
RE: DEPOSITIONS OF SAS [REDACTED]
AND [REDACTED]

(b)(7)(c)

Terry Hibbs: "Is someone on the line?"

Unidentified Party: "Yes."

Terry Hibbs: "Who is it?"

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

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

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

Terry Hibbs: "No."

Unidentified Party: "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?"

Terry Hibbs: "I didn't order a tap on my telephone."

Unidentified Party: "The name I gave you was false."

(Conversation terminated)

4. Have you ever used the alias, "Bob Wiclomore", or a
phonetic variant of that name, or known of the use of such alias
by any other person?

To each of the above questions, [REDACTED] and [REDACTED] swore
in the negative. Patton then asked if deponents still held the
same positions, again drawing negations from [REDACTED] and [REDACTED]
Patton, additionally, asked Wade his present position to which
Wade replied he is now assigned to the FBI Laboratory.

Defense counsel Daiger drew affirmative responses from
[REDACTED] and [REDACTED] to the question: "During the period of
January 1, 1974 through April 30, 1974, were you assigned in the
Washington Field Office under the supervision of [REDACTED]"