

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

(b)(7)(c)

Concluding, Mr. Patton noted that [REDACTED] the first deponent that day, testified that it is impossible for a monitor to speak on the telephone line with a person being monitored on that line. Patton also quoted [REDACTED] statement that it is possible for a technically trained person to so engage in such a conversation, and asked if each deponent agreed that that was so. Both [REDACTED] and [REDACTED] individually, confirmed the accuracy of both [REDACTED] statements.

(End of sworn testimony)

You will be informed of any further development in this matter.

ACTION: None. For information.

W *Wett*

[Signature]

JAM
[Signature]

[Signature]

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62-116 523-28

CHANGED TO

62-116 151-47X

DEC 6 1976

Be/MS

C

K-34

UNITED STATES GOVERNMENT

Memorandum

TO : Director, FBI
Attention: Office of Legal Counsel

DATE: November 19, 1975

RLT:RLK:GWDaiger:mlh

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

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

A transcript of the deposition testimony in the subject civil action taken on October 17, 1975 of the following F.B.I. employees is enclosed:

It is requested that they review and sign the transcript at the signature spaces provided at the concluding page of each deponent's testimony. It is not necessary for the signatures to be notarized.

We have notified the reporting service of the following errors which, if not corrected, would appear to affect the sense of a witness' testimony:

Page 1, caption -- Civil Action No. 74-744

Page 5, line 7 -- Omnibus Crime Control

Page 8, line 17 -- line. However, there

Page 19, line 13 -- would be heard

Please advise of any other errors requiring correction except for typographical and punctuation errors that do not impede the reader's understanding of the transcript. No changes or corrections should be made on the enclosed transcript.

Please return the signed transcript at your earliest opportunity so that we may file it with the court under seal.

EX 104

REC-78

62-116523-28x

NOV 21 1975

CC 7326
sent of transcript
7326

transcript returned
to G Daiger
att. 11/15/75
1-22-76
NOV 20 1975

ENCLOSURE



52 JAN 28 1976

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

K-35

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62-116523-29

62-116151-46X

30

CHANGED TO

47X1

31

47X2

DEC 6 1976

bc / ma

K-36

K-37

K-38

C

UNITED STATES GOVERNMENT

Memorandum

TO : Director, FBI
Attention: Office of Legal Counsel

DATE: December 17, 1975
RLT:RLK:ESC:GWDaiger:m

FROM : *RLT* Richard L. Thornburgh
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.)

Attached is a notice of deposition in the above civil action of Officers Robert Condon and Lowell Duckett of the Metropolitan Police Department, Washington, D.C. By agreement of counsel, the depositions have been adjourned to 9:30 A.M. on January 20, 1976.

The rationale behind these depositions is plaintiff's belief that the F.B.I. procured members of the Metropolitan Police Department to conduct warrantless electronic surveillance of the plaintiff organization's telephone conversations. Plaintiff's counsel apparently believes that the above mentioned witnesses are capable of giving testimony regarding such an allegation.

We would like to have any information available to you bearing on the above allegation, including any information, explanation, or suggestions which would assist us in conclusively rebutting it at the deposition, if the allegation is indeed unfounded.

Attachment

*12/30/75. GML:K in
w70 responded by letter dated 11/8/75
given to Dept (B. Daiger) on 11/5/76
cc att 4362-116523-
DEC 19 1975
[Signatures]*

*1- ENCL
cc-7326*



5010-110

Airtel

12/30/75

To: SAC, Washington Field

From: Director, FBI

ST-116
62-116523 32

- 1 - Mr. Mintz
- 1 - Mr. Laturno
- 1 - File

FOUNDING CHURCH OF SCIENTOLOGY
 OF WASHINGTON, D.C., INC. v.
 WILLIAM B. SAXBE, et al.
 CIVIL ACTION NO. 74-744 D.D.C.
 BUDED: 1/12/76

By memorandum dated 12/17/75, copy with enclosure attached, the AAG, Criminal Division, advised that Officers Robert Condon and Lowell Duckett of the Metropolitan Police Department (MPD), Washington, D.C., will be deposed in captioned civil action on 1/20/76. Plaintiffs apparently believe that the FBI procured members of the MPD to conduct warrantless electronic surveillances of plaintiff organization. The AAG requested available information bearing on this allegation, including any information which would assist the Department in rebutting the allegation.

Please review appropriate files in your office and furnish information responsive to the Department's request by LHM to the Bureau, Attention: Legal Counsel Division, by 1/12/76.

Enc.

NOTE: 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.

MAILED 9
 DEC 30 1975
 FBI

- Assoc. 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. _____
- Director Sec'y _____

GML:kiw
 (6)

1 1976

MAIL ROOM

TELETYPE UNIT

L. J. [Signature]

GPO : 1975 O - 561
 K-39

FBI

Date: 1/8/76

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

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

Via AIRTEL (Priority)

TO: DIRECTOR, FBI

FROM: SAC, WFO (62-10870) (C)

①
 FOUNDING CHURCH OF SCIENTOLOGY
 OF WASHINGTON, D.C., INC. v.
 WILLIAM B. SAXBE, et al.
 CIVIL ACTION NO. 74-744 D.D.C.
 BUDED: 1/12/76

Handwritten initials: P, D, 4

ReBuairtel to WFO dated 12/30/75.

Enclosed for the Bureau are five copies of an LHM suitable for dissemination regarding information requested in referenced airtel.

ST-116

REC-43

62-116523-3

JAN 30 1976

1 cc of LHM given to B. [unclear] Dept. Att. 1/15/76

ENCLOSURE
 ② Bureau (Enc. 5)
 1-WFO

JFL:jmm

(3)

*cc 7326
 cc LHM 7326*

*1/13/76. 2:05pm
 Received
 1738 unit*

*Moseley
 3646
 Rec'd 4/15/76*

Approved: FEB 11 1976

NFS/
 Special Agent in Charge

Sent

Per

K-40



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Washington, D.C. 20535

January 8, 1976

In Reply, Please Refer to
File No.

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

v.

WILLIAM B. SAXBE, et al.
CIVIL ACTION NO. 74-744 D.D.C.

Washington Field Office of the Federal Bureau of Investigation has reviewed its files regarding the plaintiff and the defendant in this matter and there is no indication that at any time did Washington Field Office request the warrantless electronic surveillance of the plaintiff organization by the Metropolitan Police Department of Washington, D.C. Further there is no indication that the Washington Field Office has requested any information from the Metropolitan Police Department of Washington, D.C. regarding captioned plaintiff.

A check of the indices of the Washington Field Office on [redacted] and [redacted] reveals several references regarding those names however there is not sufficient information available to determine if they are identical. A review of the references shows no information which would indicate any information was requested of or received from these individuals regarding plaintiff organization. (b)(7)(C)

This document contains neither
recommendations nor conclusions of
the FBI. It is the property of
the FBI and is loaned to your agency;
it and its contents are not to be
distributed outside your agency.



- 1* -
ENCLOSURE 62-1

33

K-40

UNITED STATES GOVERNMENT

Memorandum

8 6 JAN 1976

TO : Director, Federal Bureau of Investigation
Attention: Legal Counsel Division

DATE:
RLT:RLK:ESC:GWDaiger:mlh

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

SUBJECT: Criminal Division

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

We are pleased to advise you that Judge Richey on January 23, 1976, signed the enclosed order entering summary judgment against the plaintiff. This judgment includes two negative findings of fact to the effect that there was no evidence that the Attorney General authorized electronic surveillance of the plaintiff's telephone lines and no evidence that any employee of the F.B.I. intercepted telephone communications of the plaintiff organization. The negative findings are therefore res judicata. The signatures indicating consent of the parties, while an unusual procedure, were requested by Judge Richey and appear to preclude appeal on Rule 56 or substantive grounds.

There is also enclosed for your records a copy of an internal memorandum summarizing the depositions which were the subject of my memorandum dated December 17, 1975, subject as above. The order of January 23, 1976, of course concludes the matter.

Please notify the appropriate personnel in your Bureau of the court's action.

EXP. PROC.

EX-112

REC-36

62-116523-3

JAN 28 1976

D 1 zero copy of each enclosure 7325

Submit

LEGAL COUNSEL

2 -



JAN 24 1976

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

K-43

UNITED STATES GOVERNMENT

Memorandum

TO : To Files

DATE: 22 JAN 1976

FROM : *GD* Gordon Daiger

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

There were depositions of two Washington Metropolitan Police Department officers in the office of Seymour & Patton on Jan. 20, 1976. The deponents were Officer Lowell Duckett and Officer Robert Condon. They were represented by Mr. Richard Brooks of the General Counsel's Office of the Metropolitan Police Department. Mr. Terry Birkel of Seymour & Patton conducted the deposition. Other counsel present were AUSA Peter Riley, Mr. Ed Kohn of the office of General Counsel, CIA, and Gordon Daiger of the Department of Justice. The depositions were in the nature of consolidated discovery in civil actions numbered 74-744 and 75-1048 the latter being the Church of Scientology's Freedom of Information suit against the CIA.

With respect to the wire tap case, plaintiff's counsel asked both witnesses whether they had any knowledge, either direct or indirect, of the Metropolitan Police Department's conducting any electronic surveillance on any of the locations in Washington, D.C. of the Founding Church of Scientology.

Plaintiff's counsel's questions were framed in a manner to include electronic surveillance conducted by M.P.D. on its own initiative or pursuant to a request by any Federal investigative agency, including FBI, CIA, and IRS. Both witnesses responded to all such questions negatively and with a conclusiveness that preempted room for any further speculation that the Founding Church of Scientology was at any time in the Washington, D.C. area a subject of electronic surveillance, at least in so far as these witnesses knew. (These witnesses appeared for deposition pursuant to subpoena caused to be issued by plaintiff's counsel.)



5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan K-43

*File
RLK*