

Memo to Files

Founding Church of Scientology

At the conclusion of the deposition Mr. Thomas Patton told Mr. Daiger that he would telephone him about the subject case before the status call scheduled before Judge Ritchie at 9:30 am, Jan. 23, 1976.

Mr. Daiger did not order a copy of the transcript of the deposition because it appeared that under Judge Ritchie's prodding, the plaintiff had little choice but to dismiss civil action number 74-744 if the deposition proved fruitless. For the record, however, the reporter and notary at the deposition was Mr. James Oglesby of the firm of Stewart, Poe & Oglesby, Inc., 711 14th Street, N.W., Washington, D.C. 20005

62-116523-34

**CHANGED TO**

62-116151-52X3

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UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. J. B. Adams

DATE: 5/14/76

FROM : Legal Counsel *JCM*

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.: \_\_\_\_\_  
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Training \_\_\_\_\_  
Telephone Rm. \_\_\_\_\_  
Director Sec'y \_\_\_\_\_

PURPOSE:

To advise that the court granted the Government's motion for summary judgment in this civil action and that the Department interposes no objection to WFO conducting an interception of communications investigation concerning an alleged wiretap on the telephones of plaintiff organization on 4/30/74.

SYNOPSIS:

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 sought an injunction and money damages. The court subsequently entered summary judgment in this civil action and found there was no evidence that the Attorney General authorized electronic surveillance of plaintiff's telephone lines and that there was no evidence that any employee of the FBI intercepted telephone communications of plaintiff organization. Inasmuch as the time for appeal in this civil action has been exhausted, the Department now interposes no objection to WFO conducting an interception of communications investigation concerning this matter.

- Enc. *Letter to Criminal Div 5/14/76*
- 1 - Mr. McDermott
  - 1 - Mr. Gallagher
  - 1 - Mr. Leavitt
  - 1 - Mr. Mintz
  - 1 - Mr. Lturno
  - 1 - Legal Research Unit

REC 1262 - 116533

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23 MAY 25 1976



GML:bjr (6)

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*Handwritten initials*  
K-45

Memo to Mr. J. B. Adams

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

RECOMMENDATION:

1. That the attached memorandum to the AAG Criminal Division be approved and sent.

LLC  
/h

APPROVED:	Ext. Affairs.....	Laboratory.....
Assoc. Dir.....	Fin. & Pers.....	Legal Coun.....
Dep. AD Adm.....	Gen. Inv. <i>G. T. V. P.</i>	Plan. & Eval.....
Dep. AD Inv. <i>J. A. T. W.</i>	Ident.....	Rec. Mgmt.....
Asst. Dir.:	Inspection.....	Spec. Inv.....
Adm. Serv.....	Intell. <i>T. W. J. T.</i>	Training.....

DETAILS:

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 sought 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. On 10/17/75, ten personnel at WFO who were engaged in warrantless (non-court-ordered) electronic surveillance of telephone communications in WFO on 4/30/74, were deposed in this civil action.

(K-45)

Memo to Mr. J. B. Adams

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

On 10/20/75, Agent Supervisor [REDACTED] of WFO (b)(7)(c) advised that WFO would 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 was still pending. Because of this civil action, Departmental Attorney Gordon Daiger requested that WFO hold in abeyance any interviews of individuals affiliated with plaintiff organization pending resolution of this civil action.

On 4/8/76, Mr. Daiger advised that on 1/23/76 the court entered an order in this lawsuit, copy attached, granting the Government's motion for summary judgment against plaintiffs. The order included findings of fact that there was no evidence that the Attorney General authorized electronic surveillance of plaintiff's telephone lines and no evidence that any employee of the FBI intercepted telephone communications of plaintiff organizations.

On 5/2/76, Mr. Daiger advised that the time for appeal by plaintiffs concerning this matter had been exhausted and that he thus interposed no objection to WFO's conducting an interception of communications investigation concerning this matter.

Assistant Attorney General  
Criminal Division

November 12, 1975

Director, FBI

FOUNDING CHURCH OF SCIENTOLOGY  
OF WASHINGTON, D.C., INC., v.  
WILLIAM B. SAIBZ, 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. Latorso 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.

62-116553-35  
ENCLOSURE  
K-415

Assistant Attorney General  
Criminal Division

May 14, 1976

EX-110 REC 121  
Director, FBI

67-116523-35

- 1 - Mr. McDermott
- 1 - Mr. Gallagher
- 1 - Mr. Leavitt
- 1 - Mr. Mintz
- 1 - Mr. Laturno
- 1 - Legal Research Uni

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

By memorandum dated November 12, 1975, copy attached, I advised that our Washington Field Office (WFO) plans to conduct an interception of communications investigation concerning the activities alleged in the complaint in this civil action but noted that because of the request of Mr. Daiger of your office, WFO was holding in abeyance any interviews of individuals affiliated with plaintiff organization pending resolution of this civil action.

As you are aware, on January 23, 1976, the court entered an order granting the Government's motion for summary judgment in this civil action. On May 2, 1976, Mr. Daiger of your office advised that the time for appeal by plaintiffs has been exhausted and that he thus interposes no objection to WFO conducting an investigation concerning this matter.

Enclosure

1 - SAC, Washington Field Office  
66-779

NOTE: Based on memo Legal Counsel to Adams 5/14/76, captioned as above, GML:bjr.

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- Dep. AD Adm. \_\_\_\_\_
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- Director Sec'y \_\_\_\_\_

1 - ENCLOSURE

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APPROVED:

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