

PAGE FOUR (47-12230) CLEAR

RE TELETYPE DATED AUGUST 5, 1977, AND FURTHER, RETRIEVE  
FROM THAT AGENCY ANY NOTES OR MEMORANDUM THAT MIGHT HAVE  
BEEN DRAFTED PURSUANT TO THOSE DOCUMENTS.

BT

TELETYPE

PRIORITY

CLEAR

1 - Mr. Adams  
1 - Mr. Moore

8/16/77

FM DIRECTOR

TO ALL SACS PRIORITY

ALL LEGATS PRIORITY

BT

C L E A R

**ROUTE IN ENVELOPE**

PERSONAL ATTENTION ALL SACS AND LEGATS

SITOL

REBUTEL JULY 14, 1977.

FOR INFORMATION OF SACS AND LEGATS ON JULY 27, 1977, IN U. S. DISTRICT COURT, WASHINGTON, D. C., U. S. DISTRICT JUDGE WILLIAM B. BRYANT RULED THE SEARCH WARRANT ISSUED ON THE PROPERTY OF THE CHURCH OF SCIENTOLOGY (COS) (EXECUTED JULY 8, 1977) WAS TOO BROAD TO SUPPORT CONSPIRACY CHARGES AND ORDERED THE DOCUMENTS SEIZED IN WASHINGTON, D. C., TO BE TURNED OVER TO U. S. DISTRICT COURT, WASHINGTON, D. C.

ON AUGUST 8, 1977, U. S. DISTRICT JUDGE MALCOLM M. LUCAS, LOS ANGELES, HELD A HEARING CONCERNING THE VALIDITY OF SEARCH WARRANTS (EXECUTED JULY 8-9, 1977) IN THE LOS ANGELES AREA.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10/18/94 BY SP-8/BJA/STP

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**ROUTE IN ENVELOPE**

SI-132

SEE NOTE PAGE 5

AUG 30 1977

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

AUG 1 1977  
TELETYPE

- Assoc. Dir. \_\_\_\_\_
- Dep. AD Adm. \_\_\_\_\_
- Dep. AD Inv. \_\_\_\_\_
- Asst. Dir.:
- Adm. Serv. \_\_\_\_\_
- Crim. Inv. \_\_\_\_\_
- Fin. & Pers. \_\_\_\_\_
- Ident. \_\_\_\_\_
- Intell. \_\_\_\_\_
- Laboratory \_\_\_\_\_
- Legal Coun. \_\_\_\_\_
- Plan. & Insp. \_\_\_\_\_
- Rec. Mgnt. \_\_\_\_\_
- Spec. Inv. \_\_\_\_\_
- Tech. Servs. \_\_\_\_\_
- Training \_\_\_\_\_
- Public Affs. Off. \_\_\_\_\_
- Telephone Rm. \_\_\_\_\_
- Director's Sec'y \_\_\_\_\_

MAIL ROOM

TELETYPE UNIT

79 SEP 08 1977

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U. S. DISTRICT JUDGE LUCAS RULED THAT THE PRINCIPLE OF COLLATERAL ESTOPPEL PRECLUDED LITIGATION OF THE CONSTITUTIONALITY OF THE WARRANT ISSUED AT LOS ANGELES. THE COURT HELD JUDGE BRYANT'S CONCLUSION THAT THE WARRANT AMOUNTS TO A "GENERAL WARRANT" IN CONTRAVENTION OF THE FOURTH AMENDMENT'S PROHIBITION AGAINST UNREASONABLE SEARCHES AND SEIZURES ALSO CONTROLS IN THIS ACTION (AT LOS ANGELES).

THE GOVERNMENT HAS FILED NOTICE OF APPEAL IN THE DISTRICT OF COLUMBIA ON AUGUST 8, 1977, REGARDING THE RULING OF U. S. DISTRICT JUDGE BRYANT AND THE CRIMINAL DIVISION HAS RECOMMENDED TO THE SOLICITOR GENERAL THAT HE APPROVE THE GOVERNMENT'S APPEAL.

AUSA RICHARD A. STILTZ ADVISED ON AUGUST 15, 1977, U. S. DISTRICT JUDGE LUCAS CLARIFIED HIS ORDER ISSUED ON AUGUST 8, 1977, WHICH DIRECTED THAT ALL DOCUMENTS SEIZED IN EXECUTION OF SEARCH WARRANTS IN CALIFORNIA WERE TO BE RETURNED. JUDGE LUCAS FURTHER ADVISED HE DESIRED TO HAVE A DETERMINATION MADE AS TO THE STATUS OF THE CLASSIFIED DOCUMENTS SEIZED TO BE PRESENTED TO THE COURT BY AUGUST 18, 1977. AUSA STILTZ ADVISED IT IS HIS UNDERSTANDING OF U. S. DISTRICT JUDGE LUCAS'

PAGE THREE CLEAR

RULING THAT ALL NOTES, MEMORANDA AS WELL AS INTERNAL BUREAU COMMUNICATIONS WHICH DEAL WITH INFORMATION DERIVED FROM THE REVIEW OF THE SEIZED DOCUMENTS MUST BE RETURNED TO THE U. S. DISTRICT COURT, LOS ANGELES, PENDING THE OUTCOME OF THE APPEAL IN WASHINGTON, D. C. STILTZ STATED THIS RULING ALSO ENCOMPASSES ANY COPIES AND ANY MATERIAL SEIZED OR ANY FRUITS OF THE SEARCH AND SEIZURE WHICH MIGHT HAVE BEEN DISSEMINATED TO ANY INDIVIDUAL OR AGENCY OUTSIDE OF THE FRAUD SECTION OF THE U. S. ATTORNEY'S OFFICE. THIS RULING ALSO ENCOMPASSES ANY COPIES OF SUCH ITEMS OR NOTES CONCERNING THEM WHICH MIGHT HAVE BEEN MADE BY THESE INDIVIDUALS OR AGENCIES.

b7c ON AUGUST 16, 1977, [REDACTED] GENERAL GOVERNMENT CRIMES UNIT, CRIMINAL INVESTIGATIVE DIVISION, CONFERRED WITH DEPUTY ASSISTANT ATTORNEY GENERAL JOHN C. KEENEY, CRIMINAL DIVISION, DEPARTMENT OF JUSTICE, CONCERNING JUDGE LUCAS' ORDER OF AUGUST 8, 1977. MR. KEENEY STATED THAT ON AUGUST 18, 1977, THE GOVERNMENT ATTORNEYS WILL APPEAR IN U. S. DISTRICT COURT, LOS ANGELES, AND REQUEST FURTHER CLARIFICATION FROM U. S. DISTRICT JUDGE LUCAS REGARDING HIS

PAGE FOUR CLEAR

AUGUST 8, 1977, ORDER.

IN THE INTERIM MR. KEENEY INSTRUCTED TO SHOW COMPLIANCE ALL INVESTIGATION AND INQUIRIES CONCERNING THE INFORMATION RECEIVED DIRECTLY AND INDIRECTLY FROM THE DOCUMENTS SEIZED IN WASHINGTON, D. C., AND THE LOS ANGELES AREAS FROM THE COS IS TO BE HELD IN ABEYANCE. ALL DOCUMENTS, NOTES, AND MEMORANDA WHICH MIGHT BE FRUITS OF THE SEARCH ARE TO BE HELD IN PLACE AND ARE NOT TO BE DESTROYED OR DISSEMINATED PENDING OUTCOME OF FURTHER INTERPRETATION OF JUDGE LUCAS' AUGUST 8, 1977, ORDER.

ALL GOVERNMENT EMPLOYEES OR AGENCIES INVOLVED WHO HAVE CONDUCTED INQUIRIES CONCERNING THIS CASE TO WHOM DISSEMINATION HAS BEEN MADE OR WHO HAVE IN THEIR POSSESSION MEMORANDA OR NOTES CONCERNING THE DOCUMENTS SEIZED ARE ALSO TO BE CONTACTED AND INSTRUCTED TO HOLD FURTHER INQUIRIES IN ABEYANCE AND TO ALSO HOLD ALL DOCUMENTS, NOTES, AND MEMORANDA IN PLACE AND NOT DESTROY.

PAGE FIVE CLEAR

THE ABOVE WILL REMAIN IN EFFECT PENDING FURTHER  
INSTRUCTIONS FROM FBIHQ.

LOS ANGELES IS TO PROMPTLY ADVISE FBIHQ RESULTS OF  
COURT ACTION AUGUST 18, 1977.

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NOTE: This matter was coordinated by SA [REDACTED]  
General Government Crimes Unit, Criminal Investigative  
Division, with Deputy Assistant Attorney General, John C.  
Keeney, Criminal Division, on August 16, 1977. Mr. Keeney  
read and approved this teletype.

[REDACTED]

APPROVED: _____	Adm. Serv. _____	Legal Coun. _____
Director _____	Crim. Inv. _____	Plan. & Insp. _____
Asst. Dir. _____	Fin. & Pers. _____	Rec. Mgmt. _____
Dep. AD Adm. _____	Ident. _____	Spec. Inv. _____
Dep. AD Inv. _____	Intell. _____	Tech. Serv. _____
	Laboratory _____	Training _____
		Public Affs. Off. _____

FBI

Date: 8/17/77

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

Via AIRTEL \_\_\_\_\_  
(Precedence)

TO: DIRECTOR, FBI (47-56689)  
ATTENTION: [REDACTED]

CID

FROM: SAC, WFO (47-10713) (P)

SITOL

Enclosed for the Bureau is one copy each of a court order filed by Chief Judge BRYANT, United States District Court (USDC), Washington, D. C. (WDC), on 8/16/77, and a civil action filed by the Founding Church of Scientology, WDC, against the United States Department of Justice (USDJ), Federal Bureau of Investigation (FBI), et al.

The above documents were furnished to Special Agent (SA) [REDACTED] on 8/16/77, by Assistant United States Attorney (AUSA) BRIAN SHAUGHNESSY. AUSA SHAUGHNESSY advised a motion hearing regarding Judge BRYANT's order will be held at USDC, WDC, at 11:30 a.m., 8/17/77. AUSA SHAUGHNESSY further advised Washington Field Office (WFO) is to take no action regarding Judge BRYANT's order until after the motion hearing.

WFO will advise the Bureau of results of motion hearing. AUG 30 1977

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 3-25-00 BY SP2TAR/gll

ENCLOSURE

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

(3)

8/17/77  
ICE AT+Encs

DAAC John C. Keeney, 0-6  
Mr. John Mintz, Enc #2  
routed to [REDACTED]

T (5078)  
/BL

Approved: \_\_\_\_\_ Sent \_\_\_\_\_ M Per \_\_\_\_\_  
Special Agent in Charge

79 SEP 08 1977

XXXXXX  
XXXXXX  
XXXXXX

**FEDERAL BUREAU OF INVESTIGATION  
FOIPA DELETED PAGE INFORMATION SHEET**

\_\_\_\_\_ Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- Deleted under exemption(s) \_\_\_\_\_ with no segregable material available for release to you.
- Information pertained only to a third party with no reference to you or the subject of your request.
- Information pertained only to a third party. Your name is listed in the title only.
- Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

\_\_\_\_\_ Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

10 Page(s) withheld for the following reason(s):  
Court order filed in USDC, D.C. on  
August 16, 1977 Misc. No. 77-0151

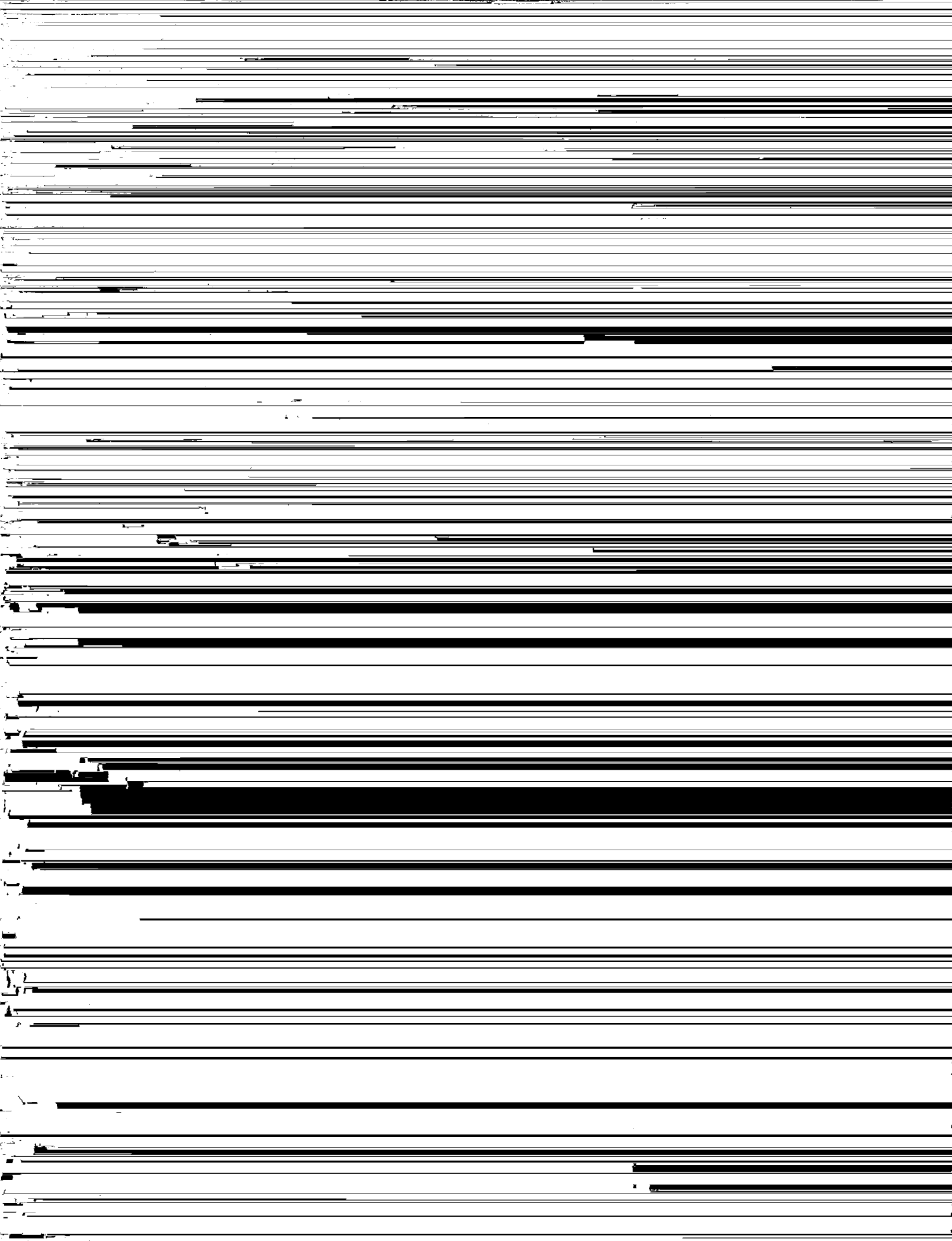
For your information: \_\_\_\_\_

The following number is to be used for reference regarding these pages:  
47-56689-181

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X NO DUPLICATION FEE X  
X FOR THIS PAGE X  
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ALL COPIES OF LOS ANGELES AIRTEL DATED AUGUST 2, 1977, CAPTIONED  
AS ABOVE WHICH WERE DIRECTED TO THE BUREAU WITH COPIES TO WFO.

BT