

~~CONFIDENTIAL~~

WFO 47-10713

transcribed in FD-302 form, as all the above individuals may be required to testify in this matter.

UACB, Tampa will conduct investigation as previously set out by WFO.

THE ABOVE DEALS WITH SENSITIVE INFORMATION CONCERNING THE COS, WHICH IN THE PAST HAS ATTEMPTED TO INFILTRATE THE FBI. DISSEMINATION OR DISCUSSION OF THIS INFORMATION IS ON A NEED TO KNOW BASIS. LEADS ARE TO BE HANDLED IN AN EXPEDITIOUS MANNER.

LEADS

TAMPA

AT ST. PETERSBURG, FLORIDA. 1) Conduct investigation previously set out by WFO.

2) Submit FD-302's on interviews of individuals described above.

~~CONFIDENTIAL~~

Criminal Investigative Division
December 1, 1977

Attached is a decision rendered by the U. S. Court of Appeals for the District of Columbia Circuit in the Federal criminal investigation of members and former members of the Church of Scientology (COS). This decision was given to the press and furnished to FBIHQ by WFO.

On 7/27/77, in the U. S. District Court, Washington, D. C., a hearing was held before Chief Judge William B. Bryant concerning the validity of the search warrant executed at the property of the COS in the District of Columbia on 7/8/77. Judge Bryant initially ruled the search warrant to be too broad to support conspiracy charges involving Theft of Government Property or Obstruction of Justice. Judge Bryant ordered the documents seized to be turned over to the court. On 8/8/77, U. S. District Judge Malcolm Lucas, at a hearing in U. S. District Court, Central District of California, held a hearing concerning the validity of the search warrants executed on properties of the COS in the Los Angeles area. Judge Lucas ruled that the principle of collateral estoppel precludes further litigation on the constitutionality of the warrants at issue.

Upon recommendation of the U. S. Attorneys, Washington, D. C. and Los Angeles, and the Criminal Division of the Department, the Solicitor General of the U. S., approved appealing supra rulings in both judicial districts.

The attached ruling of the U. S. Court of Appeals for the District of Columbia Circuit upholds the Government's position that the Scientology affidavit for the search warrants were in line with the U. S. Supreme Court's decision in *Andresen v. Maryland* and that the search warrants did not amount to general warrants. The Los Angeles Division, the Press Office and the Criminal Division of the Department have been advised.

- 1 - Mr. Held
- 1 - Mr. Adams
- 1 - Mr. Mintz
- 1 - Press Office

APPROVED: *K*

Director *WFO*

Assoc. Ch. *WFO*

Dep. AD *WFO*

Dep. AD Inv. *WFO*

Adm. Serv. _____

Crim. Inv. *mtg*

Fin. & Pers. _____

Ident. _____

Intell. _____

Laboratory _____

Legal Coun. _____

Plan. & Insp. _____

Rec. Mgmt. _____

Spec. Inv. _____

Tech. Serv. _____

Training _____

Public Affs. Off. _____

JCC
JCC
3/29/82

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ROUTE IN ENVELOPE

Assoc. Dir.	
Dep. AD Adm.	
Dep. AD Inv.	
Asst. Dir.:	
Adm. Serv.	
Crim. Inv.	<input checked="" type="checkbox"/>
Ident.	
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Intell.	
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Rec. Mgmt.	
Tech. Serv.	
Training	
Public Affs. Off.	
Telephone Rm.	
Director's Sec'y	

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RECEIVED
FEDERAL BUREAU
OF INVESTIGATION
COMMUNICATIONS SECTION

FM WASHINGTON FIELD (4 7-56689)
TO DIRECTOR (47-56689) IMMEDIATE
LOS ANGELES (47-12230) IMMEDIATE (LA VIA FBIHQ)
SAN FRANCISCO (47-8570) IMMEDIATE (SF VIA FBIHQ)

BT

E F T O

ATTENTION [REDACTED] GENERAL GOVERNMENT
CRIMES UNIT - CID
SITOL, (OO:WASHINGTON FIELD)

[REDACTED] b7c

RE LOS ANGELES AIRTEL TO BUREAU, NOVEMBER 30, 1977;
LOS ANGELES TELETYPE TO BUREAU, DECEMBER 9, 1977, AND TELEPHONE
CALL FROM BUREAU SUPERVISOR [REDACTED] TO WASHINGTON FIELD,
DECEMBER 9, 1977.

REGARDING INFORMATION CONTAINED IN REFERENCED LOS ANGELES
AIRTEL, SAC WASHINGTON FIELD RECOMMENDS THAT BUREAU PERMISSION
BE GRANTED FOR TRAVEL OF ONE LOS ANGELES AGENT THOROUGHLY
FAMILIAR WITH CAPTIONED MATTER TO SAN FRANCISCO FOR PURPOSES
OF INTERVIEWING [REDACTED] WASHINGTON FIELD FEELS

EX-140 REC-73 47-56689-308

ALL INFORMATION CONTAINED

2 FEB 10 1978

HEREIN IS UNCLASSIFIED

DATE 3/5/82 BY SP2 TAP/JAC

ROUTE IN ENVELOPE

00-7(5078)

TELETYPE TO:

84 FEB 23 1978

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THAT THIS CASE IS AS A COMPLEX AND IMPORTANT ENOUGH NATURE THAT THE POTENTIAL OF OBTAINING INFORMATION REGARDING THE ALLEGED POSSIBLE VIOLATION OF VARIOUS ESPIONAGE STATUTES BY MEMBERS OF THE CHURCH OF SCIENTOLOGY (COS) FAR OUTWEIGH THE RELATIVE NOMINAL EXPENDITURE OF BUREAU FUNDS FOR REFERENCED TRIP.

WASHINGTON FIELD NOTES THAT ONLY A NUMBER OF AGENTS INCLUDING SEVERAL IN LOS ANGELES, ARE FAMILIAR ENOUGH WITH THE TECHNIQUES EMPLOYED BY THE COS TO EMBARRASS AND EXPLOIT THE BUREAU, TO CONDUCT SUCH AN INTERVIEW. BOTH WASHINGTON FIELD AND LOS ANGELES DO NOT DISCOUNT THE POSSIBILITY [REDACTED]

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[REDACTED] MAY BE A COS PLANT AS IT IS NOTED THAT THERE IS SIGNIFICANT INFORMATION PREVIOUSLY PROVIDED FBI HEADQUARTERS THAT COS MEMBERS HAVE OR INTENDED TO INFILTRATE THE BUREAU.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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[REDACTED]

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FOR INFORMATION OF BUREAU AND LOS ANGELES, ON DECEMBER 8, 1977, ARGUMENTS REGARDING THE RETURN TO THE GOVERNMENT CO'S DOCUMENTS SEIZED BY THE BUREAU IN WASHINGTON, D. C. (WDC), ON JULY 8, 1977, WERE HEARD BY CHIEF JUDGE WILLIAM BRYANT, UNITED STATES DISTRICT COURT (USDC), WDC. AT THAT TIME, JUDGE BRYANT RULED THAT DOCUMENTS COULD BE REVIEWED BY BUREAU AGENTS ONLY WITHIN THE UNITED STATES COURTHOUSE, WDC, AND NOT PRESENTED TO FEDERAL GRAND JURY, WDC, UNTIL REMAINING ISSUES REGARDING THE EXECUTION OF REFERENCED SEARCH WARRANT INCLUDING SCOPE, PROBABLE CAUSE, AND UNNECESSARY

PAGE -FOUR WF 47-5 E-F T O

FORCE WERE DECIDED IN ARGUMENTS BEFORE JUDGE BRYANT SCHEDULED FOR THURSDAY, DECEMBER 15, 1977.

ON DECEMBER 8, 1977, ATTORNEYS FOR THE COS, WDC, PETITIONED CHIEF JUSTICE WARREN E. BURGER, UNITED STATES SUPREME COURT (USSC), TO PREVENT THE BUREAU FROM REVIEWING REFERENCED DOCUMENTS UNTIL ABOVE HEARING BEFORE JUDGE BRYANT ON DECEMBER 15, 1977. AS OF DECEMBER 9, 1977, THIS MATTER WAS STILL IN LITIGATION BEFORE CHIEF JUSTICE BURGER, AND THE BUREAU WILL BE IMMEDIATELY ADVISED OF JUSTICE BURGER'S DECISION.

WITH REGARD TO REFERENCED LOS ANGELES TELETYPE, SAC WASHINGTON FIELD, AND ASSISTANT UNITED STATES ATTORNEY (AUSA) RAYMOND BANOUN, USDC, WDC, OF THE OPINION THAT INASMUCH AS PROSECUTION OF THE EVENTUAL SUBJECTS IN CAPTIONED MATTER WILL BE IN USDC, WDC, ORIGINAL COS DOCUMENTS SEIZED BY FBI LOS ANGELES ON JULY 8-9, 1977, SHOULD BE FORWARDED TO WASHINGTON FIELD UPON THEIR EXPECTED RELEASE TO THE GOVERNMENT BY USDC, LOS ANGELES. AUSA BANOUN IS SCHEDULED TO TRAVEL TO LOS ANGELES TO LITIGATE THEIR RELEASE BEFORE JUDGE MALCOM LUCAS.

PAGE FIVE WF 47-56 E. T O
USDC, LOS ANGELES, ON DECEMBER 12, 1977.

REQUEST OF THE BUREAU

BUREAU IS REQUESTED TO APPROVE TRAVEL OF ONE LOS ANGELES
AGENT TO SAN FRANCISCO FOR PURPOSES DESCRIBED ABOVE.

LEADS. SAN FRANCISCO DIVISION. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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WASHINGTON FIELD. AT WASHINGTON, D. C. WILL FOLLOW
ARGUMENTS BEFORE CHIEF JUSTICE BURGER, UNITED STATES SUPREME
COURT, AND ADVISED BUREAU ACCORDINGLY.

BT

12-5-77

December 1977

BRC:ALH:DJK:pa
95-12C-0

Mr. John Taussig
Ministry of Legal Affairs
United States Church of Scientology
5930 Franklin Avenue
Los Angeles, California 90028

Dear Mr. Taussig:

This will acknowledge your letter dated September 15, 1977, to the Criminal Division, which was received by the Department of Justice on October 4, 1977. Please excuse our delay in responding.

You complained of the "reckless and punitive behavior" of Federal Bureau of Investigation agents who executed search warrants for Church of Scientology premises in Washington, D. C. and Los Angeles. You also suggested that several criminal statutes may have been violated: 18 U.S.C. §2234 (exceeding authority in executing warrants) and 18 U.S.C. §§241 and 242 (civil rights). Finally you noted that the warrants for the search were found unlawful and concluded that your "Church views the raids of this summer as but a further exercise of the same pattern of harassment to which it has been subjected in the past twenty-five years."

As you realize, on July 8, 1977, the Federal Bureau of Investigation executed search warrants for three offices of the Church of Scientology in Washington, D. C. and Los Angeles. The warrants were based on information supplied by an official of the Guardian's Office of the Church of Scientology who had

cc: [redacted] 5078 JEH Bldg.

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3/29/82 SPL/APL

SEARCHED

been discovered using fraudulent Internal Revenue Service identification. The informant detailed instances of thefts of copies of government documents and the subsequent endeavor to obstruct a grand jury investigation. The United States Court of Appeals for the District of Columbia reversed the district court and held that the warrant was lawful. In re: Search Warrant Dated July 4, 1977, No. 77-1793 (D.C. Cir., Dec. 1, 1977). The United States District Court for the Central District of California never reached the constitutional issue. Instead it held that the District Court for the District of Columbia decision collaterally estopped the government from litigating the constitutionality of the California warrants. United States v. Various Documents seized from the Church of Scientology, No. CV-77-2565 MML (C.D. Cal., Aug. 8, 1977). The government's appeal in the California case is still pending.

Allegations of use of excessive force in the execution of the search warrants will be the subject of further litigation in the pending criminal matters in the District of Columbia and, if the United States prevails on appeal, in the Central District of California. Such allegations are also the subject of pending civil suits. Unlike the facts surrounding the issuance of the warrants, there is no information concerning the execution of the warrants which has yet been made public in the course of litigation. Consequently, in accord with the long-standing policy of the Department of Justice, we regret that we cannot comment substantively upon your allegations. However, we are confident that the government's actions in this matter will be vindicated. We see no reason, based on the present information within our possession, to initiate an investigation of anyone involved in executing the warrants. Nevertheless, we shall be sensitive to the facts developed in the pending criminal matters as well as in the civil suits.

Contrary to your allegations, the Department of Justice has no intention of harassing the Church of Scientology.

Indeed, we believe that the religious affiliation of alleged offenders of Federal criminal laws is, and must be, irrelevant.

Sincerely,

Benjamin R. Civiletti
Assistant Attorney General
Criminal Division

By:
Alfred L. Hantman, Chief
General Crimes Section