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by Dept. Attorney
Dan Kleber
[redacted]

December 30, 1977

Honorable Spark Matsunaga
United States Senate
Washington, D. C.

SITOL

Dear Senator Matsunaga:

Your letter of October 20, 1977, has been referred to the Criminal Division for reply. You stated that Rev. Albert Moniz, Jr., had been present during the execution of a search warrant by the Federal Bureau of Investigation for Church of Scientology premises in Los Angeles. Rev. Moniz apparently claimed that the number of FBI agents involved and the damage to Church property was excessive. You requested information concerning the reasons for the search and for the "unusually forceful manner" in which the warrants were executed.

On July 8, 1977, the Federal Bureau of Investigation executed search warrants at 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 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. Although the United States District Court for the District of Columbia found that the warrant was patterned after one approved by the Supreme Court in Andresen v. Maryland, 427 U.S. 463 (1976), it found the Andresen case inapplicable to searches for evidence of an illegal conspiracy and suppressed the fruits of the search. In re Search Warrant Dated July 4, 1977, Misc. No. 77-0151 (D.D.C., July 27, 1977). The United States District Court for the Central District of California never reached the constitutional issue. Instead it held that the District of Columbia decision collaterally

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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 NML (C.D. Cal., Aug. 8, 1977). The government has appealed both decisions.

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 should the United States prevail on appeal. Such allegations are also the subject of pending civil suits. Unlike the facts surrounding the issuance of the search warrants, there is no information that has been made public concerning the execution of the warrants. Consequently, in accord with the long-standing policy of the Department of Justice, we regret that we cannot comment substantively upon the allegations. However, we are confident that the government's actions in this matter will be vindicated.

Very truly yours,

Benjamin R. Civiletti
Assistant Attorney General
Criminal Division

Enclosure