

UNITED STATES GOVERNMENT

Memorandum

TO : To Files

DATE: 22 JAN 1978

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.)



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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

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