

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

DATE: 5/14/76

FROM : Legal Counsel *J. B. Adams*

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.:
- Admin. _____
- Comp. Syst. _____
- Ext. Affairs _____
- Files & Com. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Eval. _____
- Spec. Inv. _____
- 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. Laturno
 - 1 - Legal Research Unit

REC 1262 - 116533

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GML:bjr (6)

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J. B. Adams
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
/

APPROVED:	Ext. Affairs.....	Laboratory.....
Assoc. Dir.....	Fin. & Pers.....	Legal Coun.....
Dep. AD Adm.....	Gen. Inv. <i>g. TRVD</i>	Plan. & Eval.....
Dep. AD Inv. <i>g. TRVD</i>	Ident.....	Rec. Mgmt.....
Asst. Dir.:	Inspection.....	Spec. Inv.....
Adm. Serv.....	Intell. <i>TRVD</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

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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.