Exemption 5 U.S.C. 552(b)(5) cont'd

Document No.	Date	Description
A-40	undated	Attorney work product (1 page)
A-41	undated	Attorney work product (3 pages)
A-44	undated	Attorney work product
A-45	undated	Attorney work product
A-48	undated	Attorney work product (13 pages)
A-49	undated	Attorney work product (2 pages)
A-50	undated	Attorney work product (2 pages)
A-51	undated	Attorney work product (1 page)
A-52	undated	Attorney work product (1 page)
A-53	undated	Attorney work product (1 page)
A-54	undated	Attorney work product (1 page)
A-56	undated	Attorney work product (2 pages)
A-57	undated	Attorney work product (2 pages)
A-58	undated	Attorney work product (15 pages)
A-59	undated	Attorney work product (15 pages)
A-60	undated	Attorney work product (2 pages)
A-61	11/4/71	Internal memorandum (1 page-2 copies) To: Office of General Counsel From: Director, Office of Compliance Subj: E-Meters-4091V (Founding Church of Scientology)
A-62	2/13/63	Internal memorandum (3 pages) To: Director, Detroit District From: Inspectors Carl Larrick and Joseph H. Cox Subj: 4-093, Hubbard E-Meter FDC 48405
A-63	3/7/69	A State Attorney General's Office inter-office communication (4 pages)

Exemption 5 U.S.C. 552(b)(5) cont'd

Document No.	Date	Description
A-64	5/13/69	A State Attorney General's Office inter-office communciation (5 pages)
A-67	3/6/63	Internal memorandum (1 page) To: Director, Baltimore District From: George D. Tilroe, Washington Resident Station Subject: Hubbard E-Meter
A-69	2/8/63	Internal memorandum (1 page) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: 4093V, Hubbard E-Meter FDC 48405
B-1	11/19/68	Internal memorandum (15 pages) To: Director, Dallas District From: Edward R. Atkins, Inspector Subj: Consumer Complaint-Church of Scientology
C-1	3/27/68	Internal memorandum (2 pages) To: Director, Chicago District From: Roland D. Sherman, Inspector 4093-V Subj: Hubbard E-Meter
C-2	4/9/68	Inter-agency memorandum (2 pages) From: A.J. Beebe, Deputy Director To: A State official
D-1	3/7/69	A State Attorney General's Office inter-office communication (4 pages)
D-2	5/13/69	A State Attorney General's Office inter-office communication (4 pages)
E-1	1/24/63	Internal memorandum (3 pages) To: Los Angeles District From: Van W. Smart Subj: 4-093V Hubbard E-Meter FDC 48405
E-2	2/6/63	Internal memorandum (4 pages) To: Director, Los Angeles District From: D.L. Dovel Subj: Hubbard E-Meter 4093-V, DOC 48405

Exemption 5 U.S.C. 552(b)(5) cont'd

Document No.	Date	Description
E-4	2/6/63	Internal memorandum (1 page) To: Director, Los Angeles District From: D.L. Dovel, Inspector Subj: Hubbard E-Meter
E-5	1/22/63	Internal memorandum (2 pages) To: New york District, Los Angeles District From: Van W. Smart, Division of Regulatory Management, Bureau of Enforcement Subj: Hubbard E-Meter
E-6	1/28/63	Internal memorandum (1 page) To: Baltimore District From: Gordon R. Wood, Director, Los Angeles District Subj: Hubbard Electrometer, Mathison Electropsychometer
E-12	2/21/63	Internal memorandum (2pages, 2 copies) To: Director, Boston District From: Inspector Howard I. Niss Subj: Memo 2/14/63, Inspector Bearon/ Director of Minneapolis District, re: L. Ron Hubbard and Hubbard E-Meter
E-13	3/7/63	Internal memorandum (3 pages) To: Director, Los Angeles District From: W.L. Dovel, Inspector and Dale G. Harper, Inspector Subj: Interview re: L. Ron Hubbard and Hubbard E-Meter
E-14	5/24/63	Internal memorandum (5 pages) To: Director, Los Angeles District From: Inspector D.L. Dovel Subj: Interview regarding Hubbard E-Meter
E-15	12/7/70	Internal memorandum (4 pages) To: Deputy Regional Food and Drug Director, Los Angeles Field Office From: Inspector James P. DiGrazia Subj: Scientology
E-16	12/15/70	Internal memorandum (4 pages) To: Deputy Regional Food and Drug Director, Los Angeles District From: James P. DiGrazia Subj: Scientology Investigation

Exemption 5 U.S.C. 552(b)(5) cont'd

Document No.	Date	Description
E-17	11/23/70	Internal memorandum (7 pages) with 1 page and one 3 page letter of complaint attached. To: Assistant Regional Food and Drug Director, Los Angeles Field Office From: James P. DiGrazia, Inspector, Los Angeles District Subj: Scientology
E-20	2/20/63	Internal memorandum (4 pages) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: Hubbard E-Meter
E-21	8/17/70	Internal memorandum (2 pages) To: Los Angeles District From: James P. DiGrazia, Inspector
E-22	8/24/70	Handwritten memorandum (1 page + 11 pages of computer printed information regarding this individual Author: Lloyd Lehrer Subj: Information requested by Bud Loftus DCG/BD
E-23	8/27/70	Internal memorandum (1 page) To: Deputy Regional Director From: Edward R. Esparza Subj: (Individuals name)
E-24	12/11/70	Internal memorandum (8 pages) To: Deputy Regional Food and Drug Director, Los Angeles Field Office From: Inspector, James P. DiGrazia Subj: Scientology Investigation
E-25	11/25/70	Internal memorandum (4 pages) To: Deputy Regional Director, Los Angeles Field Office From: James P. DiGrazia, Inspector Los Angeles Field Office Subj: Scientology
E-26	11/10/66	Memorandum of telephone conversation (1 page) between Merl Ryan, Food and Drug Officer, Baltimore District and Donald L. Dovel, Inspector, Los Angeles District Office

Exemption 5 U.S.C. 552(b)(5) cont'd

Document No.	Date	Description
E-27	11/2/66	Internal memorandum (1 page) To: Director, Los Angeles District Office From: Donald L. Dovel Subj: (persons name)
E-28	2/4/63	Internal memorandum (1 page) To: Philadelphia District Office From: Van W. Samrt, Division of Regulating Management, Bureau of Enforcement Subj: Hubbard E-Meter 4093V FDC 48405
E-30	2/13/63	Internal memorandum (2 pages) To: Director Los Angeles District Office From: D.L. Dovel, Inspector Newton Chin Subj: Hubbard E-Meter 4093V FDC 48405
E-31	3/18/63	Internal memorandum (5 pages) with carbon copy of individuals 2 page affidavit and copies of 5 certificate attached. To: Director, Los Angeles District From: Inspector, Donald L. Dovel and Dale E. Harper Subj: Hubbard E-Meter 4093V, DoC48405
E-32	2/19/68	Memorandum from the files of an agency other FDA
E-33	12/8/70	Internal memorandum (1 page) To: Dallas Field Office From: James P. DiGrazia Subj: Scientology Request for Investigation
E-34	1/8/71	Internal memorandum (2 pages) To: Dallas District Director From: Gary S. Quam Subj: Scientology
E-35	3/7/69	A State Attorney General's Office inter-office communication (4 pages)
E-36	5/13/69	A State Attorney General's Office inter-office communication (4 pages)

Exemption 5 U.S.C. 552(b)(5) cont'd

Document No.	Date	Description
E-39	10/18/68	Internal memorandum (3 pages) To: Director, Los Angeles District From: Lloyd Lehrer Subj: Tax status and related information of Church of Scientology of California
EN-1	10/21/71	Inter-agency memorandum (2 pages) To: Mr. Gene F. McHale U.S. Postal Service From: B.T. Loftus, FDA
EN-3	9/24/71	Memorandum of telephone conversation (3 pages Between Bernard T. Loftus, FDA and a private individual Subj: Scientology-Hubbard E-Meters
F-1	5/22/66	Internal memorandum (3 pages) To: Director, Minneapolis District From: Walter L. Stauffacher, Inspector, Subj: Scientology Investigation
F-2	11/10/70	Internal memorandum of telephone conversation of 11/6/70 (2 pages) Between Frank A. Mosebar, Kansas City District, and Complainant
F-3	5/8/70	Internal memorandum of telephone conversation (2 pages) Between FDA employees, Mr. Allen an Mr. Van Smart
F-8	2/25/63	Internal memorandum (1 page) To: Director, Minneapolis District, From: Inspector I. Bearon, Subj: Scientology Investigation
H-7	2/12/63	Internal memorandum (2 pages) To: Director, Baltimore District From: George D. Tilroe, Inspector, Baltimore District Subj: A particular individual's name
H-8	2/26/63	Internal memorandum (1 page) To: Director, Baltimore District From: George D. Tilroe, Inspector, Baltimore District Subj: Specific individual's name
H-9	2/26/63	Internal memorandum (2 pages) To: Director, Baltimore District From: George D. Tilroe, Baltimore District Subj: Specific individual's name

Exemption 5 U.S.C. 552(b)(5) cont'd

Document No.	Date	Description
H-10	1/25/63	Memorandum for the File (1 page) Author: George D. Tilroe
H-11	9/13/63	Internal memorandum (4 pages) To: Director, Seattle District From: Supervisory Inspector G.W. Rynerson Subj: Hubbard E-Meters
H-12	6/16/61	Internal memorandum from the files of an agency other FDA (8 pages)
H-13(a)	11/29/67	Inter-agency memo, Author: Alfred Barnard, Director, Bureau of Regulatory Compliance
H-13(b)	11/24/67	Inter-agency memorandum (1 page) To: Mr. Alfred Barnard, Director, Bureau of Regulatory Compliance
H-13(c)	10/31/67	Inter-agency memo (1 page) between Officials of non-Federal agencies
H-13(d)	6/15/66	Internal memo (4 pages) of a non-Federal agency
H-14	various dates	File jacket containing 32 pages of correspondence and reports regarding an investigation conducted by an agency other than FDA
H-15	Undated	Attorney work product (8 pages)
H-17	6/12/63	Internal memo of interview (3 pages) between an individual and FDA employees, W.N. Swain and J.O. Gesling
H-18	8/1/66	Internal memo for the file of a Municipal agency (3 pages)
H-19	1/25/63	Internal memo (6 pages) To: Philadelphia District From: Inspector W. Remle Grove and Philip B. White Subj: Hubbard E-Meter
H-20	11/23/66	Internal memo (2 pages) To: Director, Baltimore District From: S. Elsbree Subj: References a specific individual
H-21(a)	2/7/63	Internal memo (1 page) To: Atlanta District From: Inspector Turner O. Hailey Subj: Scientology Cells

Exemption 5 U.S.C. 552(b)(5) cont'd

Document No.	Date	Description
H-21(b)	5/28/63	Internal memo (3 pages) To: Atlanta District, From: Inspector Turner O. Hailey Subj: Scientology Interview
H-22	5/24/63	Internal memorandum (4 pages) To: Director, Los Angeles District From: Inspector D.L. Dovel
H-23	2/19/63	Internal memo (3 pages) To: San Francisco District From: Raymond F. Kreuger, Inspector Subj: Hubbard E-Meter Investigation
H-24	7/23/64	Internal memo (3 pages) To: Philadelphia District From: Inspector Elmer W. Greve Subj: 4093V E-Meter FDC 48405
H-25	11/21/66	Internal memo (3 pages) To: Atlanta District From: Inspector William L. Morton, Miami Subj: Contested Seizure-Sample 4093V Hubbard E-Meter-Founding Church of Scientology
H-26	2/13/63	Internal memo (4 pages) To: Director, Los Angeles District From: D.L. Dovel, Inspector, L.D. Baxter, Inspector Subj: Hubbard E-Meter
H-27	2/28/63	Internal memo (2 pages) To: Director, Baltimore District From: George D. Tilroe Subj: Hubbard E-Meter Investigation
H-28	2/15/63	Internal memo (4 pages) To: Atlanta District From: Frank J. Jancarek, Tampa Subj: Investigation of Referred Complaint

Exemption 5 U.S.C. 552(b)(5) cont'd

Document No.	Date	Description
H-30	2/21/63	Internal memo (1 page) To: Chief Inspector From: Inspector Narrow Hubbard E-Meter
H-33	10/17/62	Internal memo (2 pages) To: Director, Denver District From: Louis W. Seaman Subj: Hubbard E-Meter
H-34	3/18/63	Internal memo (5 pages) To: Director, Los Angeles District From: Inspectors Donald L. Dovel and Dale E. Harper Subj: Hubbard E-Meter
H-35	3/22/63	Internal memo (4 pages) To: Director, Buffalo District From: Inspector Larry Kerness Subj: 4093V Hubbard E-Meter
H-36	2/4/63	Internal memo (13 pages) To: Director, Chicago District From: R.D. Sherman Subj: 4093V Hubbard E-Meter
H-37	2/25/63	Internal memo (1 page) To: Chicago District R.D. Sherman Subj: Hubbard E-Meter
H-38	2/15/63	Internal memo (3 pages with a 2 page list of described exhibits) To: Director, Chicago District From: R.D. Sherman Subj: 4093V Hubbard E-Meter
H-39	2/25/63	Internal memo (4 pages) To: Director, Chicago District From: R.D. Sherman Subj: 4093V Hubbard E-Meter
H-40	2/12/63	Internal memo (4 pages) To: Chicago District From: R.D. Sherman Subj: Hubbard E-Meter

Exemption 5 U.S.C. 552(b)(5) cont'd

Document No.	Date	Description
H-41	2/12/63	Internal memo (4 pages with 2 page investigative report from an agency other that FDA attached) To: Chicago District From: R.D. Sherman Subj: Hubbard E-Meter 4093V
H-42	3/23/63	Internal memo (1 page) To: Director, Chicago District From: R.D. Sherman Subject: 4093V Hubbard E-Meter
H-44	Undated	Typewritten notes (1 page)
H-47	1/25/63	Internal memo (1 page) To: Philadelphia District From: Division of Regulatory Management Bureau of Enforcement Subj: 4093V Hubbard E-Meter
H-48	2/5/63	Internal memo (1 page) To: Philadelphia District From: James E. Tessmer Subj: Investigation of a specific individual
H-49	2/14/63	Internal memo (3 pages) To: Director, Seattle District From: Inspector Robert E. Parkinson Subj: Background
H-50	2/4/63	Internal memo (4 pages with copies of 24 pages of documents obtained from the files of an agency other than the FDA) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: 4093V Hubbard E-Meter
H-51	2/12/63	Internal memo (4 pages) To: Director, Baltimore District From: Washington Resident Station Subj: Investigation of a specific individual
H-52	2/8/63	Internal memo (1 page) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: 4093V Hubbard E-Meter

Exemption 5 U.S.C. 552(b)(5) cont'd

Document No.	Date	Description
H-53	11/13/70	Internal memo (1 page) To: The General Counsel, Attn: Mrs. Sisk From: Bernard T. Loftus, Division of Case Guidance Subject: Hubbard E-Meters
H-54	Undated	Attorney Work Product
H-56	11/25/70	Internal memo (4 pages) To: Deputy Regional Director, Los Angeles Field Office From: James P. DeGrazia, L.A. Field Office Subj: Scientology
H-57	7/18/63	Attorney Work Product (7 pages)
H-58	8/27/70	Internal memo (1 page) To: Deputy Regional Director From: Edward R. Esparza Subj: (Individual's name)
H-59	Undated	Attorney Work Product
H-60	8/11/70	Attorney Work Product (18 pages)
H-62	Undated	Attorney Work Product (45 pages)
H-63	Undated	Attorney Work Product (8 pages)
H-64	12/11/70	Internal memo (8 pages with a 3 page copy of an incomplete affidavit attached) To: Deputy Regional Food and Drug Director, L.A. Field Office From: Inspector James P. DeGrazia Subj: Scientology Investigation
H-65	2/19/63	Internal memo (9 pages) To: Director, Dallas District From: Inspector John R. Vodneck Inspector Boland B. Shepherd Subj: 4093V Hubbard E-Meter Church of Scientology of Dallas

Exemption 5 U.S.C. 552(b)(5) cont'd

Document No.	Date	Description
H-66	1/3/69	Internal memo (1 page) To: Division of Case Guidance, Tom Rice From: Dallas District, Raymond V. Mlecko, Food and Drug Officer Subj: Complaint
H-67	12/26/68	Internal memo (1 page) To: Division of Case Guidance, Tom Rice From: Dallas District, Raymond V. Mlecko, Food and Drug Officer Subj: Complaint
H-68	11/19/68	Internal memo (14 pages) To: Director, Dallas District From: Edward R. Atkins, Inspector Subj: Consumer Complaint-Church of Scientology
H-69	1/30/63	Internal memo for the file. Author: George D. Tilroe, Inspector, Baltimore District (2 pages)
H-70	2/12/63	Internal memo (4 pages) To: Director, Baltimore District From: Washington Resident Station Subj: (Specific individual's name)
H-71	2/12/63	Internal memo (2 pages) To: Director, Minneapolis District From: I. Bearon, Inspector Subj: 4093V, E-Meter, FDC 48405 Scientology Investigation DRM/M Memo 2/5/63
H-72(a)	9/5/63	Internal memorandum of telephone conversation (1 page) between Food and Drug employee G.W. Rynerson and complainant
H-72(b)	9/9/63	Internal memo (4 pages) To: Director, Seattle District From: Inspector, Edward R. Floyd Subj: E-Meters
H-73	2/13/63	Internal memo (3 pages) To: Director, Los Angeles District From: D.L. Dovel, Inspector Subj: Hubbard E-Meter 4093V

Exemption 5 U.S.C. 552(b)(5) cont'd

Document No.	Date	Description
H-74	2/13/63	Internal memo (3 pages) To: Director, Dallas District From: Inspector A.V. Ignatowicz Subj: Interview with (individual's name)
H-75	2/21/63	Internal memo (2 pages) To: Director, Boston District From: Inspector Howard I. Niss Memo 2/14/63 Inspector Bearon, Director of Minneapolis District, regarding L. Ron Hubbard E-Meter
H-76	3/7/63	Internal memo (3 pages) To: Director, L.A. District From: Inspector D.L. Dovel, Inspector Dale E. Harper Subj: Interview with (an individual) regarding L. Ron Hubbard and Hubbard E-Meter 4093V FDC 48405
H-77	3/18/63	Internal memo (5 pages) To: Director, L.A. District From: Inspectors Donald L. Dovel and Dale E. Harper Subj: Hubbard E-Meter
H-78	1/11/63	Internal memo of telephone conversation between FDA employee, W.N. Swain, Division of Regulatory Management and a complainant. (1 page)
H-79	2/6/63	Internal memo (1 page) To: San Francisco District From: Van W. Smart, Div. of Regulatory Management, Bureau of Enforcement Subj: 4093V Hubbard E-Meter
H-80	2/1/63	Internal memo (1 page) To: L.A. District From: Van W. Smart, Div. of Regulatory Management, Bureau of Enforcement Subj: 4093V Hubbard E-Meter

Exemption 5 U.S.C. 552(b)(5) cont'd

Document No.	Date	Description
H-81	2/19/62	Attorney Work Product (1 page)
H-83	Undated	Attorney Work Product (1 page)
H-84	Undated	Attorney Work Product (7 pages)
H-86	4/27/71	Memo of interview, Author: Inspector M.P. Jones
H-88	12/7/70	Internal memo (4 pages) To: DRFDD, L.A. Field Office From: James P. DeGrazia Subj: Scientology
H-89	12/14/70	Internal memo (2 pages with exhibits consisting of 3 one page pieces of personal correspondence and a 63 page pamphlet authored by the individual interviewed) To: DRFDD, L.A. Field Office From: Inspector James P. DeGrazia Subj: Scientology Investigation
H-90	11/13/70	Internal memo of telephone conversation between a complainant and Mr. Raymond L. Sweeny, Food and Drug Officer, Buffalo District Office (1 page)
H-91	2/13/63	Internal memo (2 pages) To: Director, Los Angeles District From: D.L. Dovel, Inspector, Newton Chin, Inspector Subj: Hubbard E-Meter 4093V FDC 48405
H-92	2/15/63	Internal memo (2 pages) To: Director, Seattle District From: J. Kenneth Kinney, Inspector Subj: 4093V Hubbard E-Meter FDC 48405
H-94	11/8/66	Internal memo (1 page) To: Director, Boston District From: Inspector Jerome J. Donovan Subj: FDA General Counsel/B District Telephone Request 11/7/66

Exemption 5 U.S.C. 552(b)(5) cont'd

Document No.	Date	Description
H-105	4/5/63	Internal memo (4 pages) To: Director of Buffalo District From: Larry Kerness, Albany Resident Station Subj: 4093V Hubbard E-Meter FDC 48405
H-106	Undated	Attorney Work Product (1 page)
H-108	4/23/71	Internal memo of an agency other than FDA (2 pages)
H-109	2/4/63	Internal memo (4 pages) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: 4093V Hubbard E-Meter FDC 48405
H-110	2/8/63	Internal memo (1 page) To: Director, Dallas District From: Inspector John F. Rabusch Subj: Attached are copies of 7 pages of investigative documents from the files of an agency other than the FDA
H-111	1/8/71	Internal memo (2 pages with 17 pages from the files of an agency other than FDA) To: Dallas District Director From: Inspector Gary S. Quam Subj: Scientology
H-113	Undated	Attorney Work Product (1 page)
H-114	Undated	Transcription (2 pages) of a portion of a taped interview
H-115	11/6/63	Internal memo (1 page) To: John Rynd From: Ray G. Warthen, Houston Resident Post Subj: Scientology
H-116	2/11/63	Internal memo (5 pages, with individual's 6 page affidavit attached)

Exemption 5 U.S.C. 552(b)(5) cont'd

Document No.	Date	Description
H-117	Undated	Rough Draft of memo (13 pages) with "Do Not Use Ruf Notes B.T. Loftus" written across top of first page
H-118	Undated	Attorney Work Product (2 typewritten pages of names and addresses)
H-119	11/2/62	Internal memo (2 pages) To: Director, Baltimore District From: Charles H. Everline, Inspector Subj: Hubbard E-Meter
H-120	1/15/63	Internal memo (1 page) To: Director, Baltimore District From: George E. Tilroe, Inspector, Washington Resident Station Subj: E-Meter Seizure
H-121	Undated	Attorney Work Product (8 pages)
H-122	7/15	Handwritten internal memo to B.E. from M.R.S.
H-123(a)	Undated	Attorney Work Product (1 page)
H-123(b)	12/4	Attorney Work Product (2 pages)
H-124	2/14/63	Attorney Work Product (3 pages)
H-126	Undated	Attorney Work Product (5 pages)
H-127	Undated	Attorney Work Product (11 pages)
H-130	2/7/63	Internal memo (1 page) To: Chief Inspector, L.A. District From: Albert Ackerman, Phoenix Inspection Station Subj: 4093V, Hubbard E-Meter
H-131	Undated	Attorney Work Product (5 pages)
H-133	Undated	Rough Draft of internal memo (4 pages) To: Press Information, Attn: Edward Nida From: Office of Compliance Subj: William Willoughby Article in the *Evening Star* regarding Scientology

Exemption 5 U.S.C. 552(b)(5) cont'd

Document No.	Date	Description
H-134	Undated	Rough Draft of proposed letter (4 pages) To: Editor of the Evening Star
H-135	2/8/63	FBI internal memo (4 pages)
H-136	2/1/63	Inter-agency memo From: Van W. Smart, Deputy Director, Division of Regulatory Management, Bureau of Enforcement
H-138	1/28/63	Internal memo To: Baltimore District From: Gordon R. Wood, Director, L.A. District Subj: Hubbard Electrometer
H-140	2/2/63	Internal memo (5 pages-2 copies) To: Director, Baltimore District From: Inspector J.C. Bullard Subj: 4093V Hubbard E-Meter, FDC 48405
H-141	2/18/63	Internal memo (2 pages with 12 pages of documents from a municipal agency
H-142	2/15/61	Letter between 2 State Agency Officials (1 page)
H-143	Various dates	Copies of 17 pages of investigative documents from the files of a State Agency
H-144	6/6/52	Internal memo from a municipal agency
H-145	3/25/59 3/11/59 3/16/59	Internal memo from the files of a municipal agency (12 pages)
H-146	7/5/58	Internal memo from the files of a municipal agency (2 pages)
H-147	3/2/59	Internal memo from the files of a municipal agency
H-148	4/3/59	Internal memo from the files of a municipal agency (2 pages)

Exemption 5 U.S.C. 552(b)(5) cont'd

Document No.	Date	Description
H-149	5/1/58	Internal memo from the files of a municipal agency (1 page)
H-150	1/29/58	Internal memo from the files of a municipal agency (2 pages)
H-151	1/30/58	Internal memo from the ifles of a municipal agency (4 pages)
H-152	1/27/58	Internal memo from the files of a municipal agency (4 pages)
H-153	4/7/58	Internal memo from the files of a municipal agency (3 pages)
H-154	Undated	Attorney Work Product (75 pages)
H-156	Undated	Attorney Work Product (5 pages)
H-157	Undated	Attorney Work Product (3 pages)
H-158	Undated	Attorney Work Product (3 pages)
H-162	Undated	Attorney Work Product (4 pages)
H-163	Undated	Attorney Work Product (4 pages)
H-164	Undated	Attorney Work Product (4 pages)
H-165	Undated	Attorney Work Product (4 pages)
H-166	Undated	Attorney Work Product (4 pages)
H-167		Attorney Work Product-Manila file folder containing the following: (a) 5/17/71 handwritten memo of telephone conversation between B.T. Loftus and the office of a proposed witness. (b) 9/4/70 letter from B.T. Loftus to the office of a proposed witness. (c) 8/19/70 handwritten memo of telephone conversation to the office of a proposed witness. (d) 8/14/70 handwritten memo of telephone conversation with proposed witness. (e) handwritten proposed testimony for porposed witness. All documents 1 page each.

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Document No.	Date	Description
H-168		Attorney Work Product-Manila folder consisting of the following: (a) handwritten memo of telephone conversation with proposed witness 5/18/71. (b) handwritten memo of telephone conversation with proposed witness 9/4/70. (c) handwritten proposed testimony for proposed witness. All documents consist of 1 page each.
H-169		Attorney work Product-Manila file folder consisting of the following: (a) 5/18/71 handwritten memo of telephone conversation with proposed witness. (b) 9/1/70 handwritten memo of telephone conversation with proposed witness. (c) 5/17/71 handwritten memo of telephone conversation with the office of the proposed witness. (d) 8/31/70 handwritten memo of telephone conversation with the office of proposed secretary and B.T. Loftus. (e) 8/20/70 handwritten note from B. Loftus requesting extra copy of testimony. (f) 8/14/70 memo of telephone conversation with proposed witness. (g) handwritten draft of proposed testimony for proposed witness. Documents (a) through (f) consist of 1 page. Document (g) consists of 3 pages.
H-170		Attorney Work Product-Manila folder consisting of the following: (a) 5/17/71 letter from B.T. Loftus to proposed witness-1 page. (b) 5/17/71 handwritten memo of telephone conversation with office of proposed witness 1 page. (c) 8/14/70 handwritten memo of telephone conversation with proposed witness-1 page. (d) 10 pages of handwritten notes regarding testimony of proposed witness.

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Document No.	Date	Description
H-171		Attorney Work Product-Manila folder containing the following: (a) 9/2/70 letter from B.T. Loftus to proposed witness (1 page, 2 copies) (b) 5/17/71 handwritten memo of telephone conversation with proposed witness. (1 page) (c) 8/18/70 memo of telephone conversation with proposed witness (1 page) (d) 8/14/70 memo of telephone conversation with office of proposed witness (1 page)
H-172		Attorney Work Product-Manila folder consisting of the following: (a) proposed testimony of proposed witness (1 page) (b) proposed testimony of proposed witness (1 page) (c) handwritten proposed testimony for proposed witness (1 page) (d) 9/1/70 inter-agency memo from B.T. Loftus to proposed witness. Subject: Scientology seizure pending trial (1 page) (e) 8/26/70 handwritten memo of meeting with proposed witness. (1 page) (f) 4/19/67 note from Assistant United States Attorney regarding exhibit not sent t jury (1 page with copy of exhibit attached) (g) 8/25/70 handwritten memo of discussion between B.T. Loftus and Kennedy regarding proposed witness (1 page) (h) handwritten notes regarding the propose witness' opinion of the E-Meter (1 page) (i) proposed testimony for proposed witness (1 page)

Exemption 5 U.S.C. 552(b)(5) cont'd

Document No.	Date	Description
H-173	Undated	Attorney Work Product (6 pages)
H-175	4/15/63	Attorney Work Product - Draft (1 page)
H-176	Undated	Attorney Work Product (2 pages)
H-178	Undated	Attorney Work Product
H-179	6/12/67	Inter-agency memo (2 pages) From: Merl J. Ryan, Assistant to Director, Baltimore District To: Nathan Dodell, Esq., Assistant United States Attorney
H-180	3/31/59	Internal memo of conference between Division of Regulatory Management and Taylor Quinn, Resident Inspector, Washington, D.C. and officials of non-Federal agencies other than FDA (2 pages)
H-181	1/22/63	Internal memo (2 pages) From: Van W. Smart To: New York District and L.A. District Subj: Hubbard E-Meter, Sample Number 4093V, FDC 48405
H-182	1/25/63	Internal memo (1 page) To: Chicago District From: Van W. Smart, Division of Regulatory Management, Bureau of Enforcement Subj: 4093V Hubbard E-Meter FDC 48405
H-183	1/29/63	Internal memo (1 page) To: Baltimore District From: Van W. Smart, Division of Regulatory Management, Bureau of Enforcement Subj: 4093V Hubbard E-Meter FDC 48405
H-184	1/30/63	Internal memo of interview Author: George D. Tilroe, Inspector Baltimore District (2 pages)
H-185	2/8/63	Internal memo (2 pages) To: Director, Baltimore District From: George D. Tilroe Subj: Hubbard E-Meters

Exemption 5 U.S.C. 552(b)(5) cont'd

Document No.	Date	Description
H-186	2/14/63	Internal memo (7 pages) To: Director, Kansas City District From: Wichita Resident Post, R.J. Jira and D. Lawson, Inspectors Subj: 4093V, Hubbard E-Meter, FDC 48405
H-187	2/21/63	Internal memo (10 pages) To: Director, Minneapolis District From: I. Bearon, Inspector Subj: Scientology Investigation
H-189	2/26/63	Internal memo (2 pages) To: Director, Baltimore District From: Washington Resident Station Subj: (An individual's name)
H-190	3/22/63	To Director, Baltimore District From: George D. Tilroe, Washington Resident Post Subj: E-Meter Investigation (1 page)
H-191	4/3/63	Internal memo of telephone conversation (2 pages) between George T. Daughters, Director, Irving Pollack, Inspector, Detroit District and W.N. Swain, Division of Regulatory Management
H-192	6/16/71	Internal memo (2 pages) To: The General Counsel, Attn: Mrs. Sisk From: B.T. Loftus, Division of Case Guidance Subj: Scientology Brief
H-193	5/10 and 5/13/63	Internal memo of telephone conversations (1 page, 2 copies) between George T. Daughters, and W.N. Swain
H-194	9/13/63	Internal memo of telephone conversation (1 page) between Arnold N. Morton, Seattle District, G. Wallace Rynerson, Seattle District and A.M. Welch, Division of Regulatory Management
H-195(a)	5/8/70	Internal memo (2 pages) To: Charles C. Edwards, M.D., Commissioner of FDA Thru: Henry E. Simmons, M.D., Director, Bureau of Drugs. From: T.E. Byers, Director Office of Compliance Subj: Request for decision concerning contested detention of device, the "Hubbard E-Meter"

Exemption 5 U.S.C. 552(b)(5) cont'd

Document No.	Date	Description
H-195(b)	5/19/70	Internal memo (4 pages) To: Charles C. Edwards, M.D., Commissioner of FDA Thru: Henry E. Simmons, M.D., Director of Bureau of Drugs From: T.E. Byers, Director, Office of Compliance Subj: Pending litigation involving the Church of Scientology and the Hubbard E-Meter
H-196	6/11/71	Internal memo (3 pages) To: General Counsel, Attn: Mrs. Sisk From: B.T. Loftus, Division of Case Guidance
H-197	6/16/71	Internal memo (3 pages) To: General Counsel, Attn: Mrs. Sisk From: B.T. Loftus Subj: Scientology Trial
H-200	2/21/57	Attorney Work Product (1 page)
H-202	11/6/68	Internal memo (2 pages) To: General Counsel From: Los Angeles District Subj: E-Meter Injunction Plaintiff's Interrogatories
H-203	11/4/68	Internal memo (7 pages) To: L.A. District From: San Francisco District Subj: E-Meters
H-204	6/11/71	Internal memo (2 pages) To: The General Counsel; Attn: Mrs. Sisk From: B.T. Loftus
H-205	Undated	Rough draft of internal memo (3 pages). To: General Counsel's Office From: W.N. Swain
H-206	Undated	Internal memo (17 pages) To: File From: Joanne Sisk Subj: E-Meter (District of Columbia); FDC 48405

Exemption 5 U.S.C. 552(b)(5) cont'd

Document No.	Date	Description
H-207	9/9/70	Interagency memo (3 pages) From: William W. Goodrich, Assistant Genera Counsel, Food and Drugs and Environmental Health Division To: Honorable Thomas A. Flannery, United States Attorney Subj: United States v. E-Meter; Civil No. D.C. 1-63; FDC 48405
H-208	Undated	Rough draft of interagency communication from G.S. Goldhammer, Director, to an Agnecy other than FDA
H-209	3/20/63	Interagency communication From: Francis J. Fiskett, Supervisory Inspector, Philadelphia District To: An official of a State agency
H-210	Undated	Rough draft of interagency communication From: Van Smart
H-211(a)	3/18/71	Attorney Work Product (3 pages) To: Bud From: Nate
H-211(b)	3/18/71	Attorney Work Product (2 pages) Rough draft of proposed letter To: John Joseph Matonis, Esq. From: Thomas A. Flannery, United States Attorney
H-212	Undated	Attorney Work Product (3 pages) Rough draft memo To: General Counsel From: Division of Case Guidance Subj: Scientology
H-214	Undated	Attorney Work Product (12 pages)
H-215	Undated	Attorney Work Product (10 pages)
H-216	Undated	Copy of portion of document entitled "Stipulations of Fact" (5 pages)
H-217	Undated	Attorney Work Product (67 pages)
H-218	Undated	Attorney Work Product (22 pages)

Exemption 5 U.S.C. 552(b)(5) cont'd

Document No.	Date	Description
HN-1	Undated	Attorney work product (5 pages, 2 copies)
HN-2	Undated	Attorney work product (6 pages, 4 copies)
HN-3	Undated	Attorney work product (6 pages, 4 copies)
HN-4a	Undated	Attorney work product (1 page)
HN-4b	Undated	Attorney work product (2 pages)
HN-4c	Undated	Attorney work product (6 pages)
HN-5a	Undated	Attorney work product (1 page)
HN-5b	Undated	Attorney work product (1 page)
HN-5c	Undated	Attorney work product (6 pages)
HN-6a	Undated	Attorney work product (1 page)
HN-6b	Undated	Attorney work product (1 page, 2 copies)
HN-6c	Undated	Attorney work product (2 pages)
HN-7a	Undated	Attorney work product (1 page)
HN-7b	Undated	Attorney work product (2 pages)
HN-8a	Undated	Attorney work product (1 page)
HN-8b	Undated	Attorney work product (2 pages)
HN-8c	Undated	Attorney work product (3 pages)
HN-9a	Undated	Attorney work product (2 pages)
HN-9b	Undated	Attorney work product (3 pages)
HN-10a	Undated	Attorney work product (1 page)
HN-10b	Undated	Attorney work product (3 pages, 2 copies)
HN-10c	5/17/63	Attorney work product-Letter from proposed witness to Dr. Joseph B. David, FDA (1 page)

Exemption 5 U.S.C. 552(b)(5) cont'd

Document No.	Date	Description
HN-11a	undated	Attorney work product (1 page)
HN-11c	undated	Attorney work product (6 pages)
HN-12a	undated	Attorney work product (1 page)
HN-12b	undated	Attorney work product (1 page)
HN-12c	undated	Attorney work product (6 pages)
HN-13a	undated	Attorney work product (1 page)
HN-13b	undated	Attorney work product (2 pages)
HN-14	undated	Attorney work product (1 page)
HN-15	undated	Attorney work product (5 pages)
HN-16	undated	Attorney work product (6 pages)
HN-17	undated	Attorney work product (6 pages, 4 copies)
HN-18	12/10/63	Internal memo (1 page-2 copies) To: Division of Medical Review, Bureau of Medicine From: General Counsel's office, U.S. v. Hubbard E-Meter. S. No. 40093V. FDC 48405
HN-19	12/13/63	Internal memo (1 page-2 copies) with a 9 page attachment To: General Counsel Office From: Division of Medical Review, Bureau of Medicine Subj: U.S. v. Hubbard E-Meter
HN-20	11/14/63	Internal memo of conference between the following FDA employees: Dr. J.B. Davis, Robert Kennedy, Dr. W.B. Adelman, W.M. Swain, and General Counsel, Joanne Sisk (1 page)
HN-21	11/10/64	Internal memo (2 pages) To: Division of Medical Review, Bureau of Medicine From: Division of Case Supervision Subj: 4-093V Hubbard E-Meter FDC 48405

Exemption 5 U.S.C. 552(b)(5) cont'd

Document No.	Date	Description
HN-22	5/7/72	Interagency memo (1 page) From: Peter Barton, Assistant General Counsel, FDA To: Gregory B. Hovendon, Chief, Consumer Affairs Section, Anti-trust Division, Dept. of Justice
HN-23	12/13/63	Attorney work product Internal memo (1 page) To: General Counsel Office From: Division of Medical Review, Bureau of Medicine Subj: United States v. Hubbard E-Meter
P-1		Rough draft of memo (2 pages) To: Assistant Commissioner for Public Affair From: B.T. Loftus, Deputy Director, Office c Compliance Subj: Incoming letter
P-3	11/4/71	Internal memo (3 pages) To: Office of General Counsel From: T.E. Beyers, Director Office of Compliance Subj: E-Meters (Scientolgoy) 4093-V
P-4	11/10/71	Internal memo (1 page-2 copies) To: Office of General Counsel From: Director, Office of Compliance Subj: E-Meters-4091V
P-5	11/10/64	Internal memo (2 pages) From: W.N. Swain, Division of Case Supervision To: Dr. Joseph Davis, Division of Medical Review, Device Branch Subj: Hubbard E-Meter
P-6	10/20/64	Internal memo (2 pages) From: A.P. Rayfield, FDA To: General Counsel Subj: Hubbard E-Meter
P-7	12/6/65	Internal memo (1 page) From: W.N. Swain, BRC To: Bureau of Regulatory Compliance Subj: E-Meters

Exemption 5 U.S.C. 552(b)(5) cont'd

Document No.	Date	Description
P-8	3/2/66	Internal memo of telephone conversation (1 page) between FDA employees, Mr. George W. Sooy, Director, Baltimore District and Mr. George Brubaker, Division of Case Supervision, BRC
P-9	11/29/68	Internal memo (2 pages) To: Alfred Barnard, Director, Bureau of Regulatory Compliance From: Alvin L. Gottlieb, Deputy Assistant General Counsel Subj: Scientology
P-10	11/22/68	Rough draft of memo (3 pages-2 copies) To: Director, Baltimore District From: Division of Case Guidance, BRC Subj: Request for additional investigation Hubbard E-Meter
P-11	11/22/68	Rough draft of suggested interagency memo (2 pages-2 copies) To: Henry H. Fowler, Secretary of the Treasury From: Herbert L. Ley, Jr., M.D., Commissione of FDA
P-12	11/22/68	Rough draft of suggested letter (1 page 2 copies) From: T.E. Beyers, FDA To: A particular office of the Better Business Bureau
P-13	9/21/70	Internal memo (1 page) To: General Counsel From: Division of Case Guidance Subj: Hubbard E-Meters
P-14	11/27/70	Internal memo (1 page) To: Baltimore District From: L.M. Baukin, Director, Division of Case Guidance Subj: Temporary detail

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Document No.	Date	Description
A-4	2/6/63	Internal memo (2 pages) To: Director, Baltimore District From: John C. Bullard Subj: Hubbard E-Meter 4093-V
A-67	3/6/63	Internal memo (1 page) To: Director, Baltimore District From: George D. Tilroe, Washington Resident Station Subj: Hubbard E-Meter
A-69	2/8/63	Internal memo (1 page) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: 4093V, Hubbard E-Meter
E-1	1/24/63	Internal memo (3 pages) To: Los Angeles District From: Van W. Smart Subj: 4-093V, Hubbard E-Meter FDC 48405
E-2	2/6/63	Internal memo (4 pages) To: Director, Los Angeles District From: D.L. Dovel Subj: Hubbard E-Meter 4093-V, DOC 48405
E-3	2/7/63	Memo from Phoenix Inspection Station To: Chief Inspector, L.A. District (1 page) Subj: 4-093 V, Hubbard E-Meter
E-4	2/6/63	Internal memo (1 page) To: Director, Los Angeles District From: D.L. Dovel, Inspector Subj: Hubbard E-Meter
E-5	1/22/63	Internal memo (2 pages) To: New York District, L.A. Distirct From: Van W. Smart, Division of Regulatory Management, Bureau of Enforcement Subj: Hubbard E-Meter

E-32	3/19/68	Memo from the files of an agency other than the FDA
E-33	12/8/70	Internal memo (1 page) To: Dallas Field Office From: James P. DiGrazia Subj: Scientology Request for Investigation
E-34	1/8/71	Internal memo (2 pages) To: Dallas District Director From: Gary S. Quam Subj: Scientology
E-39	10/18/68	Internal memo (3 pages) To: Director, Los Angeles District From: Lloyd Lehrer Subj: Tax status and related information of Church of Scientology of California
H-6	9/22/68	Internal memo from the files of an agency other than the FDA (3 pages with a 22 page attachment)
H-7	2/12/63	Internal memorandum (2 pages) To: Director, Baltimore District From: George D. Tilroe, Inspector, Baltimore District Subj: A particular individual's name
H-8	2/26/63	Internal memorandum (1 page) To: Director, Baltimore District From: George D. Tilroe, Inspector, Baltimore District Subj: Specific individual's name
H-9	2/26/63	Internal memorandum (2 pages) To: Director, Baltimore District From: George D. Tilroe, Baltimore District Subj: Specific individual's name

H-10	1/25/63	Memorandum for the File (1 page) Author: George D. Tilroe
H-11	9/13/63	Internal memorandum (4 pages) To: Director, Seattle District From: Supervisory Inspector G.W. Rynerson Subj: Hubbard E-Meters
H-12	6/16/61	Internal memorandum from the files of an agency other FDA (8 pages)
H-13(a)	11/29/67	Inter-agency memo, Author: Alfred Barnard, Director, Bureau of Regulatory Compliance
H-13(b)	11/24/67	Inter-agency memorandum (1 page) To: Mr. Alfred Barnard, Director, Bureau of Regulatory Compliance
H-13(c)	10/31/67	Inter-agency memo (1 page) between Officials of non-Federal agencies
H-13(d)	6/15/66	Internal memo (4 pages) of a non-Federal agency
H-14	various dates	File jacket containing 32 pages of correspondence and reports regarding an investigation conducted by an agency other than FDA

H-46	1/28/63	Letter addressed to a private institution fro Gilbert S. Goldhammer, Director, Division of Regulatory Management, Bureau of Enforcement (1 page)
H-47	1/25/63	Internal memo (1 page) To: Philadelphia District From: Division of Regulatory Management Bureau of Enforcement Subj: 4093V Hubbard E-Meter
H-48	2/5/63	Internal memo (1 page) To: Philadelphia District From: James E. Tessmer Subj: Investigation of a specific individual
H-49	2/14/63	Internal memo (3 pages) To: Director, Seattle District From: Inspector Robert E. Parkinson Subj: Background
H-50	2/4/63	Internal memo (4 pages with copies of 24 pages of documents obtained from the files of an agency other than the FDA) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: 4093V Hubbard E-Meter
H-51	2/12/63	Internal memo (4 pages) To: Director, Baltimore District From: Washington Resident Station Subj: Investigation of a specific individual
H-52	2/8/63	Internal memo (1 page) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: 4093V Hubbard E-Meter

H-80	2/1/63	Internal memo (1 page) To: Los Angeles District From: Van W. Smart, Division of Regulatory Management, Bureau of Enforcement Subj: 4093V Hubbard E-Meter FDC 48405
H-92	2/15/63	Internal memo (2 pages) To: Director, Seattle District From: J. Kenneth Kinney, Inspector Subj: 4093V Hubbard E-Meter FDC 48405
H-107	10/25/62	Individual's handwritten note
H-110	2/8/63	Internal memo (1 page) To: Director, Dallas District From: Inspector John F. Rabusch Subj: Attached are copies of 7 pages of investigative documents from the files of an agency other than the FDA
H-111	1/8/71	Internal memo (2pages with 17 pages from the files of an agency other than the Food and Drug Administration) To: Dallas District Director From: Inspector Gary S. Quam Subj: Scientology
H-141	2/18/63	Internal memo (2 pages with 12 pages of documents from a municipal agency
H-142	2/15/61	Letter between 2 State agency officials (1 pg.
H-143	various dates	Copies of 17 pages of investigative documents from the files of a state agency
H-148	4/3/59	Internal memo from the files of a municipal agency (2 pages)

H-180	3/31/59	Internal memo of conference between Division of Regulatory Management and Taylor Quinn, Resident Inspector, Washington, D.C. and officials of non-Federal agencies other than FDA (2 pages)
H-181	1/22/63	Internal memo (2 pages) From: Van W. Smart To: New York District and Los Angeles Distri Subj: Hubbard E-Meter, Sample No. 4093V FDC 48405
H-182	1/25/63	Internal memo (1 page) To: Chicago District From: Van W. Smart, Division of Regulatory Management, Bureau of Enforcement Subj: 4093V Hubbard E-Meter FDC 48405
H-183	1/29/63	Internal memo (1 page) To: Baltimore District From: Van W. Smart, Division of Regulatory Management Subj: 4093V Hubbard E-Meter FDC 48405
H-187	2/21/63	Internal memo (10 pages) To: Director, Minneapolis District From: I. Bearon, Inspector Subj: Scientology Investigation
H-191	4/3/63	Internal memo of telephone conversation (2 pages) between George T. Daughters, Director, Irving Pollack, Inspector, Detroit District and W.N. Swain, Division of Regulatory Management
H-193	5/10 and	Internal memo of telephone conversations (1 page, 2 copies) between George T. Daughters, Director, Detroit District and W.N. Swain, Division of Regulatory Management
H-209	3/20/63	Interagency communication From: Francis J. Fiskett, Supervisory Inspector, Philadelphia District To: An official of a State agency

H-210	Undated	Rough draft of interagency communication From: Van Smart
P-9	11/29/68	Internal memo (2pages-2 copies) To: Alfred Barnard, Director, Bureau of Regulatory Compliance From: Alvin L. Gottlieb, Deputy Assistant General Counsel Subj: Scientology
P-10	11/22/68	Rough draft of memo (3 pages-2 copies) To: Director, Baltimore District From: Division of Case Guidance, BRC Subj: Request for additional investigation, Hubbard E-Meter

Exemption 5 U.S.C. 552(b)(7)(D)

Document No.	Date	Description
A-1	undated	Attorney work product (7 pages)
A-2	undated	Handwritten notes (1 page)
A-3	9/21/70	Internal memorandum of telephone conversation between the following Food and Drug employees: Mr. Will Swain, Mr. B.T. Loftus, Mr. Robert W. Case (1 page)
A-5	2/5/63	Internal memorandum (3 pages) To: Director, Baltimore District From: Inspector, Wendell O. Brown Norfolk Inspection Station Subject: Hubbard E-Meter 4093-V, FDC 48405
A-6	1/30/63	Memorandum for the File (2pages) Author: George B. Tilrow, Inspector Baltimore District
A-7	2/20/63	Internal memorandum (4 pages) To: Director, Philadelphia District From: Inspector, W. Remle Grove Subject: Hubbard E-Meter 4093V FDC 48405 DRM/F memo 2/4/63
A-8	11/13/70	Internal memorandum of telephone conversation (2 pages) between a complainant and Mr. Raymond L. Sweeney, Food and Drug Officer, Buffalo District REF: Scientology of Washington, D.C.
A-9	12/9/64	Internal memorandum (2 pages) To: Division of Case Supervision Attn: Mr. Will Swain From: George D. Tilroe, supervisory inspector Baltimore District Subject: Founding Church of Scientology
A-10	9/13/63	Internal memorandum of telephone conversation (1 page) between the following FDA employees: Arnold N. Morton, Seattle District; G. Wallace Rynerson, Seattle District, A.M. Welch, Division of Regulatory Management

A-11	7/23/64	Internal memorandum (3 pages) To: Philadelphia District From: Inspector Elmer w. Greve Subj: DCS: BRC/Philadelphia, letter 5/22/64 4093V, E-meter, FDC 48495
A-12	11/22/68	Internal memorandum (2 pages) To: Director, Baltimore District From: Michael D. Kennedy, Inspector Baltimore District Subj: Special Investigation - Scientology
A-13(a)	1/7/69	Internal memorandum (1 page - 2 copies) To: Chief Inspector From: M.J. Ryan, Compliance Branch Subj: 004-093V, Scientology
A-13(b)	1/22/69	Internal memorandum (4 pages with 3 copies of Form FD 461 authorization for medical records disclosure attached) To: Director Baltimore District From: Michael D. Kennedy, Inspector, Baltimore District Subj: 004-093V, Scientology
A-14	1/31/68	Internal memorandum (4 pages) To: Director Baltimore District Office From: William C. Drury, Inspector Baltimore District Office Subj: An individual's name
A-15	11/18/66	Internal memorandum (3 pages) To: Director Denver District From: Inspector D.C. Scherninger Inspector John B. Powell Subj: Sample No. 4093V, Hubbard E-Meter
A-16	11/23/66	Internal memorandum (2 pages)(2 copies) To: Director, Baltimore District From: S. Elsbree, Norfolk Resident Subj: Specific individual name (reference Food and Drug officer Ryan/Norfolk telephone request 11/15/66
A-18	2/4/63	Internal memorandum (13 pages) To: Director Chicago District From: R.D. Sherman Subj: 4093V, Hubbard E-Meter

A-19	2/12/63	Internal memorandum (4 pages) To: Chicago District From: R.D. Sherman Subj: Hubbard E-Meter 4093V
A-20	2/12/63	Internal memorandum (4 pages with 2 of police report attached) To: Chicago District From: R.D. Sherman Subj: Hubbard E-Meter
A-21	2/14/63	Complainant's Affidavit (3 pages)
A-22	2/15/63	Internal memorandum (3 pages) To: Director, Chicago District From: R.D. Sherman Subj: 4-093V, Hubbard E-Meter
A-23	2/25/63	Internal memorandum (4 pages) To: Director, Chicago District From: R.D. Sherman Subj: 4-093V, Hubbard E-Meter FDC 48405
A-24	2/25/63	Internal memorandum (1 page, with 3 pages of photostat copies of correspondence between individuals attached) To: Chicago District From: R.D. Sherman Subj: 4093V, Hubbard E-Meter
A-25	3/2/66	Internal memorandum of telephone conversation (1 page) between FDA employees, Mr. George W. Sooy, Director, Baltimore District and Mr. George Brubaker, Division of Case Supervision, BRC
A-26	undated	Typewritten copy of teletype to Seattle District See document No. A-27
A-27	11/10/66	Copy of teletype (5 pages with one additional page of correction; attached is another copy of document number A-26-3pages) To: Seattle District/Groth, Food and Drug Officer From: FDA Baltimore District/M.J. Ryan Food and Drug Officer
A-28	4/6/67	Internal memorandum of telephone conversation (1 page) Between: Mr. J. Kenneth Kinney, Acting Supervisory Inspector, Seattle District Office and Mr. Ernest L. Brisson, Acting Food and Drug Officer, Baltimore District Off.

A-29	3/30/67	Copy of teletype (1 page) To: Food and Drug Baltimore District Attn: Gordon Thompson, Acting Director From: Food and Drug Administration Seattle District/HWFD
A-30	4/3/67	Internal memorandum of telephone conversation (1 page) Between: Merle J. Ryan, Food and Drug Officer and Gordon G. Thompson, Acting Director, Baltimore District
A-31	undated	Attorney work product Points to be Proved 2 pages
A-36	undated	Attorney work product (1 page)
Document No.	Date	Description
A-44	undated	Attorney work product
A-45	undated	Attorney work product
A-56	undated	Attorney work product (2 pages)
A-57	undated	Attorney work product (2 pages)
A-58	undated	Attorney work product (15 pages)
A-59	undated	Attorney work product (15 pages)
A-62	2/13/63	Internal memo (3 pages) To: Director, Detroit District From: Inspectors Carl Larrick and Joseph H. Cox Subj: 4-093, Hubbard E-Meter FDC 48405
A-63	3/7/69	A State Attorney General's Office inter-office communication (4 pages)
A-64	5/13/69	A State Attorney General's Office inter-office communication (5 pages)
Document No.	Date	Description
A-65	6/4/69	A State Attorney General's Office interoffice communication (3 pages)

A-66	1/19/69	Handwritten letter contained in the files of a State Attorney General's Office. From a complainant to another private individual, re: Scientology (6 pages) Attachments to document released and identified.
A-67	3/6/63	Internal memo (1 page) To: Director, Baltimore District From: George D. Tilroe, Washington Resident Station Subj: Hubbard E-Meter
A-69	2/8/63	Internal memo (1 page) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: 4093V, Hubbard E-Meter
B-1	11/19/68	Internal memorandum (15 pages) To: Director, Dallas District From: Edward R. Atkins, Inspector Subj: Consumer Complaint-Church of Scientology
C-1	3/27/68	Internal memorandum (2 pages) To: Director, Chicago District From: Roland D. Sherman, Inspector 4093-V Subj: Hubbard E-Meter
C-2	4/9/68	Inter-agency memorandum (2 pages) From: A.J. Beebe, Deputy Director To: A State official
D-1	3/7/69	A State Attorney General's Office inter-office communication (4 pages)
D-2	5/13/69	A State Attorney General's Office inter-office communication (4 pages)
E-1	1/24/63	Internal memorandum (3 pages) To: Los Angeles District From: Van W. Smart Subj: 4-093V Hubbard E-Meter FDC 48405
E-2	2/6/63	Internal memorandum (4 pages) To: Director, Los Angeles District From: D.L. Dovel Subj: Hubbard E-Meter 4093-V, DOC 48405
E-3	2/7/63	Memo from Phoenix Inspection Station To: Chief Inspector, L.A. District (1 page) Subj: 4-093V, Hubbard E-Meter

E-4	2/6/63	Internal memorandum (1 page) To: Director, Los Angeles District From: D.L. Dovel, Inspector Subj: Hubbard E-Meter
E-6	1/28/63	Internal memorandum (1 page) To: Baltimore District From: Gordon R. Wood, Director, Los Angeles District Subj: Hubbard Electrometer, Mathison Electropsychometer
E-7	2/27/63	Letter addressed to Mr. R.G. Wood, FDA From: A complainant
E-8	2/25/63	Letter addressed to Mr. R.G. Wood, FDA From: A complainant
E-9	2/21/63	Letter from one individual to another individual
E-12	2/21/63	Internal memorandum (2pages, 2 copies) To: Director, Boston District From: Inspector Howard I. Niss Subj: Memo 2/14/63, Inspector Bearon/ Director of Minneapolis District, re: L. Ron Hubbard and Hubbard E-Meter
E-13	3/7/63	Internal memorandum (3 pages) To: Director, Los Angeles District From: W.L. Dovel, Inspector and Dale G. Harper, Inspector Subj: Interview re: L. Ron Hubbard and Hubbard E-Meter
E-14	5/24/63	Internal memorandum (5 pages) To: Director, Los Angeles District From: Inspector D.L. Dovel Subj: Interview regarding Hubbard E-Meter

E-15	12/7/70	Internal memorandum (4 pages) To: Deputy Regional Food and Drug Director, Los Angeles Field Office From: Inspector James P. DiGrazia Subj: Scientology
E-16	12/15/70	Internal memorandum (4 pages) To: Deputy Regional Food and Drug Director, Los Angeles District From: James P. DiGrazia Subj: Scientology Investigation

Document No.	Date	Description
E-17	11/23/70	Internal memorandum (7 pages) with 1 page and one 3 page letter of complaint attached. To: Assistant Regional Food and Drug Director, Los Angeles Field Office From: James P. DiGrazia, Inspector, Los Angeles District Subj: Scientology
E-19		An individuals passport, customs declaration and copies of 2 certificates
E-21	8/17/70	Internal memorandum (2 pages) To: Los Angeles District From: James P. DiGrazia, Inspector
E-22	8/24/70	Handwritten memorandum (1 page + 11 pages of computer printed information regarding this individual Author: Lloyd Lehrer Subj: Information requested by Bud Loftus DCG/BD
E-23	8/27/70	Internal memorandum (1 page) To: Deputy Regional Director From: Edward R. Esparza Subj: (Individuals name)

E-24	12/11/70	Internal memorandum (8 pages) To: Deputy Regional Food and Drug Director, Los Angeles Field Office From: Inspector, James P. DiGrazia Subj: Scientology Investigation
E-25	11/25/70	Internal memorandum (4 pages) To: Deputy Regional Director, Los Angeles Field Office From: James P. DiGrazia, Inspector Los Angeles Field Office Subj: Scientology
E-26	11/10/66	Memorandum of telephone conversation (1 page) between Merl Ryan, Food and Drug Officer, Baltimore District and Donald L. Dovel, Inspector, Los Angeles District Office
Document No.	Date	Description
E-29	3/14/63	Letter from individual to Mr. Harper
E-30	2/13/63	Internal memorandum (2 pages) To: Director Los Angeles District Office From: D.L. Dovel, Inspector Newton Chin Subj: Hubbard E-Meter 4093V FDC 48405
E-31	3/18/63	Internal memorandum (5 pages) with carbon copy of individuals 2 page affidavit and copies of 5 certificate attached. To: Director, Los Angeles District From: Inspector, Donald L. Dovel and Dale E. Harper Subj: Hubbard E-Meter 4093V, DoC48405
E-32	2/19/68	Memorandum from the files of an agency other FDA
E-33	12/8/70	Internal memo (1 page) To: Dallas Field Office From: James P. DiGrazia Subj: Scientology request for investigation

E-34	1/8/71	Internal memorandum (2 pages) To: Dallas District Director From: Gary S. Quam Subj: Scientology
E-35	3/7/69	A State Attorney General's Office inter-office communication (4 pages)
E-36	5/13/69	A State Attorney General's office inter-office communication (4 pages)
E-37	6/4/69	A State Attorney General's Office interoffice communication (4 pages)
E-39	10/18/68	Internal memo (3 pages) To: Director, L.A. District From: Lloyd Lehrer Subj: Tax status and related information Church of Scientology of California
EN-2	8/17/71	Handwritten correspondence (1 page) To: Mr. DiGrazia, FDA From: Private Individual
EN-3	9/24/71	Memorandum of telephone conversation (3 pages) Between Bernard T. Loftus, FDA and a private individual Subj: Scientology-Hubbard E-Meters
F-1	5/22/66	Internal memorandum (3 pages) To: Director, Minneapolis District From: Walter L. Stauffacher, Inspector, Subj: Scientology Investigation
F-2	11/10/70	Internal memorandum of telephone conversation of 11/6/70 (2 pages) Between Frank A. Mosebar, Kansas City District, and Complainant
F-8	2/25/63	Internal memo (1 page) To: Director, Minneapolis District From: Inspector I. Bearon Subj: Scientology Investigation

H-1	2/25/63	Internal memo (1 page) To: Director, Minneapolis District Inspector I. Bearon Subj: Scientology Investigation
H-2	1/31/63	Internal memo (2 pages) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: Hubbard E-Meter
H-3	11/18/68	Internal memo (2 pages with a copy of one 3 page and one 2 page investigative report on 2 specific individuals and a letter from a State Official to the Chruch of Scientology
H-9	2/26/63	Internal memo (2 pages) To: Director, Baltimore District From: George D. Tilroe, Baltimore District Subj: Specific individual's name
H-11	9/13/63	Internal memo (4 pages) To: Director, Seattle District From: Supervisory Inspector, G.W. Rynerson Subj: Hubbard E-Meters
H-12	6/16/61	Internal memo from the files of an agency other than FDA (8 pages)
H-13(a)	11/29/67	Interagency memo Author: Alfred Barnard, Director, Bureau of Regulatory Compliance
H-13(b)	11/24/67	Interagency memo (1 page) To: Mr. Alfred Barnard, Director, Bureau of Regulatory Compliance
H-13(c)	10/31/67	Interagency memo (1 page) between officials of non-Federal agencies
H-13(d)	6/15/66	Internal memo (4 pages) of a non-Federal agency
H-14	various dates	File jacket containing 32 pages of corres. and reports regarding an investigation conducted by an agency other than FDA

H-17	6/12/63	Internal memo of interview (3 pages) between an individual and FDA employees, W.N. Swain and J.O. Gesling
H-18	8/1/66	Internal memo for the file of an Municipal Agency (3 pages)
H-19	1/25/63	Internal memo (6 pages) To: Philadelphia District From: Inspector W. Remle Grove and Philip B. White Subj: Hubbard E. Meter
H-20	11/23/66	Internal memo (2 pages) To: Director, Baltimore District From: S. Elsbree Subj: References a specific individual
H-21(a)	2/7/63	Internal memo (1 page) To: Atlanta District From: Inspector Turner O. Hailey Subj: Scientology Cells
H-21(b)	5/28/63	Internal memo (3 pages) To: Atlanta District, From: Inspector Turner O. Hailey Subj: Scientology Interview

H-22	5/24/63	Internal memo (4 pages) To: Director, L.A. District From: Inspector D.L. Dovel
H-23	2/19/63	Internal memo (3 pages) To: San Francisco District From: Raymond F. Kreuger, Inspector Subj: Hubbard E-Meter Investigation
H-24	7/23/64	Internal memo (3 pages) To: Philadelphia District From: Inspector Elmer W. Greve Subj: 4093V E-Meter FDC 48405
H-25	11/21/66	Internal memo (3 pages) To: Atlanta District From: Inspector William L. Morton, Miami Subj: Contested Seizure-Sample 4093V Hubbard E-Meter
H-26	2/13/63	Internal memo (4 pages) To: Director, Los Angeles District From: D.L. Dovel, Inspector, L.D. Baxter, Inspector Subj: Hubbard E-Meter
H-27	2/28/63	Internal memo (2 pages) To: Director, Baltimore District From: George D. Tilroe Subj: Hubbard E-Meter Investigation
H-28	2/15/63	Internal memo (4 pages) To: Atlanta District From: Frank J. Jancarek, Tampa Subj: Investigation of Referred Complaint
H-29	1/21/63	Personal correspondence between complainant and Church of Scientology. (1 page)

Exemption 5 U.S.C. 552(b)(7)(D) cont'd

Document No.	Date	Description
H-30	2/21/63	Internal memo (1 page) To: Chief Inspector From: Inspector Narrow Hubbard E-Meter
H-31	7/30/63	Internal memo (3 pages) To: Bureau of Enforcement Attn: Division of Regulatory Management From: Denver District, J.J. Cox Subj: Hubbard E-Meter
H-33	10/17/62	Internal memo (2 pages) To: Director, Denver District From: Louis W. Seaman Subj: Hubbard E-Meter
H-34	3/18/63	Internal memo (5 pages) To: Director, Los Angeles District From: Inspectors Donald L. Dovel and Dale E. Harper Subj: Hubbard E-Meter
H-35	3/22/63	Internal memo (4 pages) To: Director, Buffalo District From: Inspector Larry Kerness Subj: 4093V Hubbard E-Meter
H-36	2/4/63	Internal memo (13 pages) To: Director, Chicago District From: R.D. Sherman Subj: 4093V Hubbard E-Meter
H-37	2/25/63	Internal memo (1 page) To: Chicago District R.D. Sherman Subj: Hubbard E-Meter

H-38	2/15/63	Internal memo (3 pages with a 2 page list of described exhibits) To: Director, Chicago District From: R.D. Sherman Subj: 4093V Hubbard E-Meter
H-39	2/25/63	Internal memo (4 pages) To: Director, Chicago District From: R.D. Sherman Subj: 4093V Hubbard E-Meter
H-40	2/12/63	Internal memo (4 pages) To: Chicago District From: R.D. Sherman Subj: Hubbard E-Meter
Document No.	Date	Description
H-41	2/12/63	Internal memo (4 pages with 2 page investigative report from an agency other that FDA attached) To: Chicago District From: R.D. Sherman Subj: Hubbard E-Meter 4093V
H-42	3/23/63	Internal memo (1 page) To: Director, Chicago District From: R.D. Sherman Subject: 4093V Hubbard E-Meter
H-43	Various dates	9 pieces of an individual's personal correspondence

H-46	1/28/63	Letter addressed to a private institution from Gilbert S. Goldhammer, Director, Division of Regulatory Management, Bureau of Enforcement (1 page)
H-47	1/25/63	Internal memo (1 page) To: Philadelphia District From: Division of Regulatory Management Bureau of Enforcement Subj: 4093V Hubbard E-Meter
H-48	2/5/63	Internal memo (1 page) To: Philadelphia District From: James E. Tessmer Subj: Investigation of a specific individual
H-49	2/14/63	Internal memo (3 pages) To: Director, Seattle District From: Inspector Robert E. Parkinson Subj: Background
H-50	2/4/63	Internal memo (4 pages with copies of 24 pages of documents obtained from the files of an agency other than the FDA) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: 4093V Hubbard E-Meter
H-51	2/12/63	Internal memo (4 pages) To: Director, Baltimore District From: Washington Resident Station Subj: Investigation of a specific individual
H-52	2/8/63	Internal memo (1 page) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: 4093V Hubbard E-Meter

Document No.	Date	Description
H-54	Undated	Attorney Work Product
H-55	11/19/66	Letter (2 pages) To: Mr. Gottlieb From: A potential witness
H-56	11/25/70	Internal memo (4 pages) To: Deputy Regional Director, Los Angeles Field Office From: James P. DeGrazia, L.A. Field Office Subj: Scientology
H-57	7/18/63	Attorney Work Product (7 pages)
H-58	8/27/70	Internal memo (1 page) To: Deputy Regional Director From: Edward R. Esparza Subj: (Individual's name)
H-59	Undated	Attorney Work Product
H-60	8/11/70	Attorney Work Product (18 pages)
H-61	9/8/72	Correspondence between an individual and a State official. (4 pages)
H-62	Undated	Attorney Work Product (45 pages)
H-63	Undated	Attorney Work Product (8 pages)
H-64	12/11/70	Internal memo (8 pages with a 3 page copy of an incomplete affidavit attached) To: Deputy Regional Food and Drug Director, L.A. Field Office From: Inspector James P. DeGrazia Subj: Scientology Investigation
H-65	2/19/63	Internal memo (9 pages) To: Director, Dallas District From: Inspector John R. Vodneck Inspector Boland B. Shepherd Subj: 4093V Hubbard E-Meter Church of Scientology of Dallas

Document No.	Date	Description
H-66	1/3/69	Internal memo (1 page) To: Division of Case Guidance, Tom Rice From: Dallas District, Raymond V. Mlecko, Food and Drug Officer Subj: Complaint
H-67	12/26/68	Internal memo (1 page) To: Division of Case Guidance, Tom Rice From: Dallas District, Raymond V. Mlecko, Food and Drug Officer Subj: Complaint
H-68	11/19/68	Internal memo (14 pages) To: Director, Dallas District From: Edward R. Atkins, Inspector Subj: Consumer Complaint-Church of Scientology
H-69	1/30/63	Internal memo for the file. Author: George D. Tilroe, Inspector, Baltimore District (2 pages)
H-70	2/12/63	Internal memo (4 pages) To: Director, Baltimore District From: Washington Resident Station Subj: (Specific individual's name)
H-71	2/12/63	Internal memo (2 pages) To: Director, Minneapolis District From: I. Bearon, Inspector Subj: 4093V, E-Meter, FDC 48405 Scientology Investigation DRM/M Memo 2/5/63
H-72(a)	9/5/63	Internal memorandum of telephone conversation (1 page) between Food and Drug employee G.W. Rynerson and complainant
H-72(b)	9/9/63	Internal memo (4 pages) To: Director, Seattle District From: Inspector, Edward R. Floyd Subj: E-Meters
H-73	2/13/63	Internal memo (3 pages) To: Director, Los Angeles District From: D.L. Dovel, Inspector Subj: Hubbard E-Meter 4093V

Document No.	Date	Description
H-74	2/13/63	Internal memo (3 pages) To: Director, Dallas District From: Inspector A.V. Ignatowicz Subj: Interview with (individual's name)
H-75	2/21/63	Internal memo (2 pages) To: Director, Boston District From: Inspector Howard I. Niss Memo 2/14/63 Inspector Bearon, Director of Minneapolis District, regarding L. Ron Hubbard E-Meter
H-76	3/7/63	Internal memo (3 pages) To: Director, L.A. District From: Inspector D.L. Dovel, Inspector Dale E. Harper Subj: Interview with (an individual) regarding L. Ron Hubbard and Hubbard E-Meter 4093V FDC 48405
H-77	3/18/63	Internal memo (5 pages) To: Director, L.A. District From: Inspectors Donald L. Dovel and Dale E. Harper Subj: Hubbard E-Meter
H-78	1/11/63	Internal memo of telephone conversation between FDA employee, W.N. Swain, Division of Regulatory Management and a complainant. (1 page)
H-79	2/6/63	Internal memo (1 page) To: San Francisco District From: Van W. Smart, Div. of Regulatory Managemcnt, Bureau of Enforcement Subj: 4093V Hubbard E-Meter

H-80	2/1/63	Internal memo (1 page) To: L.A. District From: Van W. Smart, Div. of Regulatory Management, Bureau of Enforcement Subj: 4093V Hubbard E-Meter

Document No.	Date	Description
H-81	2/19/62	Attorney Work Product (1 page)
H-82	11/23/70	Internal memo (7 pages) To: Assistant Regional Food and Drug Director, L.A. Field Office From: James P. DeGrazia, Inspector Subj: Scientology
H-85	7/20/60	Personal letter (4 pages)
H-86	4/27/71	Memo of interview, Author: Inspector M.P. Jones
H-88	12/7/70	Internal memo (4 pages) To: DRFDD, L.A. Field Office From: James P. DeGrazia Subj: Scientology
H-89	12/14/70	Internal memo (2 pages with exhibits consisting of 3 one page pieces of personal correspondence and a 63 page pamphlet authored by the individual interviewed) To: DRFDD, L.A. Field Office From: Inspector James P. DeGrazia Subj: Scientology Investigation

H-90	11/13/70	Internal memo of telephone conversation between a complainant and Mr. Raymond L. Sweeny, Food and Drug Officer, Buffalo District Office (1 page)
H-91	2/13/63	Internal memo (2 pages) To: Director, Los Angeles District From: D.L. Dovel, Inspector, Newton Chin, Inspector Subj: Hubbard E-Meter 4093V FDC 48405
H-93	2/5/63	Letter (2 pages with photograph attached) addressed to the Honorable John F. Kennedy President of the United States
H-94	11/8/66	Internal memo (1 page) To: Director, Boston District From: Inspector Jerome J. Donovan Subj: FDA General Counsel/B District Telephone Request 11/7/66

Exemption 5 U.S.C. 552(b)(7)(D) cont'd

Document No.	Date	Description
H-95	11/27/62	Personal correspondence between individuals.
H-96	Undated	List of names and addresses of potential witnesses obtained from a specific Better Business Bureau (3 pages)
H-97	11/29/70	Internal memo (2 pages) To: DRFDD, L.A. Field Office From: James P. DeGrazia, Inspector Subj: Scientology Investigation

H-98	10/6/66	Memo from the files of an agency other than the FDA (1 page) Attached is a copy of a one page form entitled "Report of Property Purchased or Seized under Narcotic and Marijuana Laws."
H-99	11/10/70	Internal memo of telephone conversation (2 pages) between Complainant and Frank A. Mosebar, Supervisory Inspector, Food and Drug Administration, Kansas City District
H-100	12/15/70	Internal memo (4 pages) To: Deputy Regional Food and Drug Director, L.A. District From: James P. DeGrazia, Inspector Subj: Scientology Investigation
H-101	11/20	Attorney Work Product (9 pages)
H-102	4/1/63	Internal memo (2 pages) To: Director, Baltimore District From: George D. Tilroe, Washington Resident Station Subj: Scientology Investigation
H-104	2/20/63	Internal memo (4 pages) To: Director, Philadelphia District From: W. Remle Grove Subj: Hubbard E-Meter 4093V FDA 48405

Exemption 5 U.S.C. 552(b)(7)(D) cont'd

Document No.	Date	Description
H-105	4/5/63	Internal memo (4 pages) To: Director of Buffalo District From: Larry Kerness, Albany Resident Station Subj: 4093V Hubbard E-Meter FDC 48405

H-107	10/25/62	Individual's handwritten note
H-108	4/23/71	Internal memo of an agency other than FDA (2 pages)
H-110	2/8/63	Internal memo (1 page) To: Director, Dallas District From: Inspector John F. Rabusch Subj: Attached are copies of 7 pages of investigative documents from the files of an agency other than the FDA
H-111	1/8/71	Internal memo (2 pages with 17 pages from the files of an agency other than FDA) To: Dallas District Director From: Inspector Gary S. Quam Subj: Scientology
H-115	11/6/63	Internal memo (1 page) To: John Rynd From: Ray G. Warthen, Houston Resident Post Subj: Scientology
H-116	2/11/63	Internal memo (5 pages, with individual's 6 page affidavit attached)

Exemption 5 U.S.C. 552(b)(7)(D) cont'd

Document No.	Date	Description
H-119	11/2/62	Internal memo (2 pages) To: Director, Baltimore District From: Charles H. Everline, Inspector Subj: Hubbard E-Meter
H-120	1/15/63	Internal memo (1 page) To: Director, Baltimore District From: George E. Tilroe, Inspector, Washington Resident Post Subj: E-Meter Seizure
H-128	7/24/62	1 page application form
H-129	2/4/63	Individual's criminal record (1 page) from a municipal agency
H-130	2/7/63	Internal memo (1 page) To: Chief Inspector, L.A. District From: Albert Ackerman, Phoenix Inspection Station Subj: 4093V, Hubbard E-Meter

Document No.	Date	Description
H-135	2/8/63	FBI internal memo (4 pages)

H-137	2/16/63	Letter addressed to Mr. Wood from a specific individual
H-137(a)	5/28/63	Letter from individual addressed to FDA
H-138	1/28/63	Internal memo To: Baltimore District From: Gordon R. Wood, Director, L.A. District Subj: Hubbard Electrometer
H-139	1/17/63	Letter addressed to Mr. Wood, FDA, L.A. (1 page, with copy of one page letter from the writer to another individual)
H-139(a)	2/27/63	Letter addressed to Mr. Wood, FDA, L.A.
H-139(b)	2/25/63	Letter addressed to Mr. Wood, FDA, L.A.
H-139(c)	2/21/63	Letter between two individuals
H-139(d)	2/19/63	Correspondence between 2 individuals
H-140	2/2/63	Internal memo (5 pages-2 copies) To: Director, Baltimore District From: Inspector J.C. Bullard Subj: 4093V Hubbard E-Meter, FDC 48405
H-141	2/18/63	Internal memo (2 pages with 12 pages of documents from a municipal agency
H-142	2/15/61	Letter between 2 State Agency Officials (1 pag
H-143	Various dates	Copies of 17 pages of investigative documents from the files of a State Agency
H-144	6/6/52	Internal memo from a municipal agency
H-145	3/25/59 3/11/59 3/16/59	Internal memo from the files of a municipal agency (12 pages)
H-146	7/5/58	Internal memo from the files of a municipal agency (2 pages)

H-147	3/2/59	Internal memo from the files of a municipal agency
H-148	4/3/59	Internal memo from the files of a municipal agency (2 pages)
H-149	5/1/58	Internal memo from the files of a municipal agency (1 page)
H-150	1/29/58	Internal memo from the files of a municipal agency (2 pages)

Document No.	Date	Description
H-151	1/30/58	Internal memo from the files of a municipal agency (4 pages)
H-152	1/27/58	Internal memo from the files of a municipal agency (4 pages)
H-153	4/7/58	Internal memo from the files of a municipal agency (3 pages)
H-155	5/16/63	Letter addressed to Dr. Joseph B. Davis, Bureau of Medicine, FDA
H-173	Undated	Attorney Work Product (6 pages)

Document No.	Date	Description
H-186	2/14/63	Internal memo (7 pages) To: Director, Kansas City District From: Wichita Resident Post, R.J. Jira and D. Lawson, Inspectors Subj: 4093V, Hubbard E-Meter, FDC 48405
H-187	2/21/63	Internal memo (10 pages) To: Director, Minneapolis District From: I. Bearon, Inspector Subj: Scientology Investigation
H-189	2/26/63	Internal memo (2 pages) To: Director, Baltimore District From: Washington Resident Station Subj: (An individual's name)
H-190	3/22/63	To: Director, Baltimore District From: George D. Tilroe, Washington Resident Post Subj: E-Meter Investigation (1 page)
H-194	9/13/63	Internal memo of telephone conversation (1 page) between Arnold N. Morton, Seattle District, G. Wallace Rynerson, Seattle District and A.M. Welch, Division of Regulatory Management
H-201	8/8/62 8/9/62 8/24/62 8/10/62 8/20/62 8/23/62 10/18/62 11/1/62 11/12/62 1/22/63 1/24/63 1/25/63	Personal correspondence file (18 pages)

Document No.	Date	Description
H-209	3/20/63	Interagency communication From: Francis J. Fiskett, Supervisory Inspector, Philadelphia District To: An official of a State Agency
H-210	Undated	Rough draft of interagency communication From: Van Smart
H-213	12/17/54	1 page personal letter to an individual from a person associated with the Hubbard Assn. of Scientologists, International, with attached envelope.
P-2	5/19/72	Internal memo of conversation (1 page) between B.T. Loftus, Deputy Director, Office of Compliance and a former Scientologis

Document No.	Date	Description
P-8	3/2/66	Internal memo of telephone conversation (1 page) between FDA employees, Mr. George W. Sooy, Director, Baltimore District and Mr. George Brubaker, Division of Case Supervision, BRC
P-9	11/29/68	Internal memo (2 pages) To: Alfred Barnard, Director, Bureau of Regulatory Compliance From: Alvin L. Gottlieb, Deputy Assistant General Counsel Subj: Scientology
P-10	11/22/68	Rough draft of memo (3 pages-2 copies) To: Director, Baltimore District From: Division of Case Guidance, BRC Subj: Request for additional investigation Hubbard E-Meter

UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF THE UNITED STATES ATTORNEY

WASHINGTON, D.C. 20001

ADDRESS ALL MAIL TO:
UNITED STATES ATTORNEY
ROOM 3136-C
UNITED STATES COURT HOUSE BUILDING
3RD AND CONSTITUTION AVENUE NW.

IN REPLY, PLEASE REFER TO INITIALS AND NUMBER

EJS:RCLawrence:cjh

September 20, 1978

Joanne S. Sisk, Esquire
Associate Chief Counsel
for Enforcement
Food and Drug Administration
Rockville, MD 20852

RE: Church of Scientology of California v. F.D.A.
D.D.C. Civil Action No. 77-1307

Dear Ms. Sisk:

Judge Hart signed the order (copy enclosed) without making any changes in the draft that Craig Lawrence read to you on September 15, 1978. Judge Hart apparently wants a separate entry for each claimed exemption for each document. He obviously also wants the Food and Drug Administration to disclose documents and parts of documents during the preparation of the new index. Consequently, I suggest that as the new index is prepared, the person preparing it release the documents that can be released. It would be advisable, as well, to release as many additional documents as possible, masking the portions being withheld pursuant to an exemption under the Freedom of Information Act.

The revision process should be initiated quickly to maintain our good standing with the judge. If there are any questions, please contact Craig Lawrence. 472-4737.

Respectfully yours,

EARL J. SILBERT
United States Attorney

By: Robert N. Ford

ROBERT N. FORD
Chief, Civil Division

Enclosure

UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF THE UNITED STATES ATTORNEY

WASHINGTON, D.C. 20001

ADDRESS ALL MAIL TO:
UNITED STATES ATTORNEY
ROOM 3136-C
UNITED STATES COURT HOUSE BUILDING
3RD AND CONSTITUTION AVENUE NW.

IN REPLY, PLEASE REFER TO INITIALS AND NUMBER
EJS:RCLawrence:cjh

September 20, 1978

Joanne S. Sisk, Esquire
Associate Chief Counsel
for Enforcement
Food and Drug Administration
Rockville, MD 20852

RE: Church of Scientology of California v. F.D.A.
D.D.C. Civil Action No. 77-2307

Dear Ms. Sisk:

Judge Hart signed the order (copy enclosed) without making any changes in the draft that Craig Lawrence read to you on September 15, 1978. Judge Hart apparently wants a separate entry for each claimed exemption for each document. He obviously also wants the Food and Drug Administration to disclose documents and parts of documents during the preparation of the new index. Consequently, I suggest that as the new index is prepared, the person preparing it release the documents that can be released. It would be advisable, as well, to release as many additional documents as possible, masking the portions being withheld pursuant to an exemption under the Freedom of Information Act.

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Respectfully yours,

EARL J. SILBERT
United States Attorney

By:

ROBERT N. FORD
Chief, Civil Division

Enclosure

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, INC.,

Plaintiff,

v.

FOOD AND DRUG ADMINISTRATION, et al.,

Defendants.

Civil Action No. 77-1307

ORDER

Upon consideration of the defendants' motion for summary judgment, plaintiff's opposition and the entire record; it is this 15th day of September, 1978.

ORDERED that defendants' motion be, and the same hereby is, denied without prejudice to it being later renewed; and it is further

ORDERED that defendants prepare a more detailed index and justification in accordance with the requirements of Mead Data Central, Inc. v. Dept. of the Air Force, 566 F.2d 242, 251 (D.C. Cir. 1977). Defendants' new justification shall contain more detail about the specific exemption claimed, including a delineation of the proportion of the material which is exempt and non-exempt, and a description of how the non-exempt material is distributed throughout the document. Id. at 260-261. When more than one exemption is claimed for a single document, defendants' new index shalld identify the portion of each document covered by each exemption.

GEORGE L. HART, JR.
UNITED STATES DISTRICT JUDGE

UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF THE UNITED STATES ATTORNEY

WASHINGTON, D.C. 20001

ADDRESS ALL MAIL TO THE UNITED STATES ATTORNEY
[illegible] COURT HOUSE BUILDING
[illegible] CONSTITUTION AVENUE NW.

IN REPLY, PLEASE REFER TO INITIALS AND NUMBER
EJS:RGLawrence:cjh

September 20, 1978

Joanne S. Sisk, Esquire
Associate Chief Counsel
for Enforcement
Food and Drug Administration
Rockville, MD 20852

RE: Church of Scientology of California v. F.D.A.
D.D.C. Civil Action No. 77-1307

Dear Ms. Sisk:

Judge Hart signed the order (copy enclosed) without making any changes in the draft that Craig Lawrence read to you on September 15, 1978. Judge Hart apparently wants a separate entry for each claimed exemption for each document. He obviously also wants the Food and Drug Administration to disclose documents and parts of documents during the preparation of the new index. Consequently, I suggest that as the new index is prepared, the person preparing it release the documents that can be released. It would be advisable, as well, to release as many additional documents as possible, masking the portions being withheld pursuant to an exemption under the Freedom of Information Act.

The revision process should be initiated quickly to maintain our good standing with the judge. If there are any questions, please contact Craig Lawrence. 472-4737.

Respectfully yours,

EARL J. SILBERT
United States Attorney

By:

ROBERT N. FORD
Chief, Civil Division

Enclosure

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Craig Lawrence
A.U.S.A.

CHURCH OF SCIENTOLOGY OF CALIFORNIA, INC.,

Plaintiff,

v.

FOOD AND DRUG ADMINISTRATION, et al.,

Defendants.

Civil Action No. 77-1307

FILED

SEP 11 1978

JAMES F. DAVEY, Clerk

ORDER

Upon consideration of the defendants' motion for summary judgment, plaintiff's opposition and the entire record; it is this 15th day of September, 1978

ORDERED that defendants' motion be, and the same hereby is, denied without prejudice to it being later renewed; and it is further

ORDERED that defendants prepare a more detailed index and justification in accordance with the requirements of Mead Data Central, Inc. v. Dept. of the Air Force, 566 F.2d 242, 251 (D.C.Cir. 1977). Defendants' new justification shall contain more detail about the specific exemption claimed, including a delineation of the proportion of the material which is exempt and non-exempt, and a description of how the non-exempt material is distributed throughout the document. Id. at 260-261. When more than one exemption is claimed for a single document, defendants' new index shall identify the portion of each document covered by each exemption.

GEORGE L. HART, JR.
UNITED STATES DISTRICT JUDGE

file FDA case

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, INC.,

Plaintiff,

v.

FOOD AND DRUG ADMINISTRATION, et al.,

Defendants.

Civil Action No. 77-1307

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants, through their attorney, the United States Attorney for the District of Columbia, respectfully move for summary judgment, pursuant to Rule 56 of the Federal Rules of Civil Procedure, because they are entitled to judgment as a matter of law.

Respectfully submitted,

EARL J. SILBERT
United States Attorney

ROBERT N. FORD
Assistant United States Attorney

Michael I Gewirtz

MICHAEL I. GEWIRTZ
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of the foregoing Motion For Summary Judgment, Statement Of Material Facts As To Which There Is No Genuine Issue together with supporting Memorandum Of Points And Authorities and a proposed Order has been made upon plaintiff by mailing a copy thereof to Martin Lobel, Esquire, 1522 L Street, N.W., Washington, D.C. 20005, on this 28th day of April, 1978.

Michael I Gewirtz

MICHAEL I. GEWIRTZ
Assistant United States Attorney
U. S. Courthouse - Room 3435
3rd & Constitution Avenue, N.W.
Washington, D. C. 20001
(202) 426-7327

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, INC., Plaintiff,	)	
v.	)	Civil Action No. 77-1307
FOOD AND DRUG ADMINISTRATION, et al., Defendants.	)	

STATEMENT OF MATERIAL FACTS
AS TO WHICH THERE IS NO GENUINE ISSUE

1. Plaintiff filed the instant civil action under the Freedom Of Information Act (FOIA) 5 U.S.C. 552 in the United States District Court for the Central District of California on January 12, 1976.

2. Defendants filed their answer on February 17, 1976.

3. Thereafter, in answer to plaintiff's interrogatories, defendants filed a detailed index of documents withheld as well as a justification under the FOIA explaining why the documents were withheld. In addition, Mr. Jackson and Ms. Wojtowicz, two FDA employees, gave lengthy depositions concerning the reasons for withholding the documents.

4. On July 19, 1977, the Court issued an order granting plaintiff's motion to transfer this case to the District of Columbia.

5. The defendant agency asserts that plaintiff was provided with access to approximately 40,000 pages of documents pursuant to its FOIA request. Plaintiff eventually copied approximately 20,000 such pages. Out of the initial request, not more than 1,500 pages have been withheld either wholly, or in part. Additionally, approximately 100,000 pages of documents have been released to plaintiff pursuant to requests related to the instant case.

Respectfully submitted,

EARL J. SILBERT
United States Attorney

ROBERT N. FORD
Assistant United States Attorney

Michael I Gewirtz

MICHAEL I. GEWIRTZ
Assistant United States Attorney

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, INC., Plaintiff,	)	
v.	)	Civil Action No. 76-1307
FOOD AND DRUG ADMINISTRATION, et al., Defendants.	)	

MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

I.

Introduction

Plaintiff filed the instant civil action under the Freedom of Information Act (FOIA) 5 U.S.C. 552 in the United States District Court for the Central District of California on January 12, 1976, and requested that the Court issue an injunction compelling the defendant agency to release all records and information maintained by the Food and Drug Administration (FDA) pertaining to Scientology, Scientologist Organizations, and L. Ron Hubbard, as well as a record of the transmissions of any of the specified records to any international police organizations, or federal, state, and local agencies. Defendants filed their answer on February 17, 1976.

Thereafter, plaintiff filed a set of interrogatories, and defendants filed answers and objections thereto. Attached as Exhibit A to defendants' answers to plaintiff's interrogatories (Ex. A) was a lengthy index of documents with a description of all documents withheld in whole or in part, the date of the document, the author, the subject matter and the statutory justification for nondisclosure. Additionally, plaintiff elected to depose two employees of the FDA concerning these matters. During the depositions of Mr. William Jackson and Ms. Pamela Wojtowicz, which comprised more than 400 printed pages, plaintiff had an opportunity to fully explore the justifications for withholding the documents in question.

Thereafter, on June 24, 1977, after extensive litigation had already taken place, plaintiff filed a motion for a change of venue to the District of Columbia. On July 19, 1977, the Court issued an Order granting plaintiff's motion, and transferred this case to this district.

The FDA asserts that access to approximately 40,000 pages of documents was provided to plaintiff pursuant to its FOIA request. Plaintiff copied approximately 20,000 such pages. Out of the initial request, not more than 1,500 pages have been withheld either wholly or in part. In addition, approximately 100,000 pages of documents have been released to plaintiff in related cases. (See Plaintiff's Reply to Defendants' Opposition To Plaintiff's Motion To Transfer, dated July 13, 1977, at page 3).

II.

Argument

Defendants respectfully submit that the detailed itemization and index attached as Exhibit A to Defendants' Answers to Plaintiff's Interrogatories and the depositions of Mr. Jackson and Ms. Wojtowicz conclusively show that they are entitled to judgment as a matter of law because plaintiff is not entitled to access to the documents or portions of the documents that have been withheld under the Act. Nevertheless, defendants stand ready to provide the Court with copies of the documents for an in camera inspection, or in the alternative, to provide the Court with a representative sampling of the documents.

For the Court's convenience, we shall, in this brief, refer to the documents in question by the category of the exemption within which they fall. Because of this procedure, many of the documents will be listed more than one time.

Church of Scientology – Folder 266

A. Exemption 2

The following documents are exempt from disclosure pursuant to exemption 2 of the FOIA (5 U.S.C. 552(b)(2)); H-193, P-14.

5 U.S.C. 522(b)(2) provides that information relating solely to the internal personnel rules and practices of an agency are exempt from disclosure under the FOIA. The exempt materials include regulations concerning personnel management practices in which the public is not reasonably expected to have an interest. Department of the Air Force v. Rose, 425 U.S. 352 (1976); Vaughn v. Rosen, 523 F.2d 1136 (D.C. Cir. 1975).

The documents, or portions thereof, withheld pursuant to exemption 2 involve matters such as the leavetime of an investigator, financial affairs of the FDA and its employees, and arrangements made for the temporary assignment of an FDA employee. (See Jackson Affidavit at page 338; Exhibit A at page 68).

In the instant case it is clear that the documents in question are exempt from disclosure because they relate solely to the personnel rules and practices of the agency.

B. Exemption 5

The following documents are exempt from disclosure pursuant to exemption 5 of the FOIA (5 U.S.C. 552(b)(5):

A 1-16, 18-33, 35-36, 40-41, 44-45, 48-54, 56-64, 67, 69; B 1; C 1-2; D 1-2; E 1-2, 4-6, 12-17, 20-28, 30-36, 39; EN 1, 3; F 1-3, 8; H 7-15, 17-28, 30, 33-42, 44, 47-54, 56-60, 62-81, 83-84, 86, 88-92, 94, 96-106, 108-111, 113-124, 126-127, 130-131, 133-136, 138, 140-154, 156-158, 162-173, 175-176, 178-187, 189-197, 200, 202-212, 214-218; HN 1-23; P 1, 3-14.

5 U.S.C. 552(b)(5) provides that interagency or intraagency memoranda that would not be routinely available in the regular course of civil litigation is exempt from disclosure under the FOIA. This exemption rests upon a policy of not requiring the disclosure of the deliberative, or decision making processes of governmental agencies. NLRB v. Sears, Roebuck & Company, 421 U.S. 132 (1975). This policy was designed to encourage the full and candid expression of differing points of view before a final decision is made by the agency. International Paper Co. v. Federal Power Commission, 460 F.2d 1349 (2nd Cir. 1971), cert denied, 404 U.S. 827.

Additionally, exemption 5 has been held to protect materials that consist of attorneys work product, NLRB v. Sears, Roebuck & Company, supra, 421 U.S. at 154, as well as professional legal advice and confidential communications between the attorney and the client agency. Mead Data Central v. United States Department of the Air Force, 566 F.2d 242, 252 (D.C. Cir. 1977).

The documents or portions of documents withheld under exemption 5 consist of internal memoranda concerning the agencies deliberative process, attorney work product materials and professional advice concerning proposed testimony, answers to interrogatories, and discussions of legal issues (see generally Exhibit A and Jackson deposition).

The detailed information supplied to plaintiff through the answers to plaintiff's interrogatories and the lengthy deposition of Mr. Jackson makes it clear that the information withheld under exemption 5 is properly exempt from disclosure. 1/

C. Exemption 6

The following documents are exempt from disclosure pursuant to exemption 6 of the FOIA (5 U.S.C. 552(b)(6):

A 1-3, 5-16, 18-33, 35-36, 40-41, 44-45, 54, 56-60, 62-63, 65-66; B 1; C 1-2; D 1; E 1-4, 6-10, 12-32, 34-35, 37-38; EN 1-3; F 1-2; H 2-9, 11-12, 15, 17-86, 88-111, 113-116, 118-119, 121-124, 126-131, 135-139, 141, 143-145, 148, 151-153, 155-158, 167-172, 175-176, 178-187, 189, 194, 198, 200-201, 210, 213; HN 2-14, 16-19; P 2, 8-10.

1/ Plaintiff has previously contended that the information supplied by the defendants is not satisfactory because it is not in a format that is easily digested by plaintiff. In this regard we reiterate our position that the justifications for nondisclosure were provided to plaintiff, at great expense to defendants, in the manner and form that plaintiff requested. Plaintiff should not now be permitted to demand that the format be revised. Indeed, we submit that plaintiff in its opposition to our motion for summary judgment now has the burden to present reasons why any specific document should not be exempted from disclosure.

5 U.S.C. 552(b)(6) provides that personnel, medical, and other similar files are exempt from disclosure under the FOIA if their release would constitute a clearly unwarranted invasion of personal privacy. In cases where this exemption is asserted, the Court must balance the public's right to know against the invasion of the privacy of the individuals in question. In many cases it is appropriate to release information while deleting the names of individuals in order to protect their right to privacy. See The Department of the Air Force v. Rose, supra; Rural Housing Alliance v. United States Department of Agriculture, 498 F.2d 73 (D.C. Cir. 1974).

The documents or portions of documents withheld under exemption 6 consist of the names and addresses of potential witnesses in FDA proceedings (See e.g., Exhibit A at page 1), and medical information about potential witnesses involved in FDA proceedings (See e.g., Exhibit A at pages 3, 10). It is clear that the information withheld or deleted would divulge the names of citizens involved in the FDA's review of the medical usefulness of a device known as the "E-Meter". There can be no serious question that the names, addresses and medical files of persons contacted by the FDA in the course of its investigation should not be divulged. Unless plaintiff can show a need for specific names, addresses and medical records that overrides the individuals' rights of privacy, the claim of the exemption should be upheld.

D. Exemption 7C

The following documents are exempt from disclosure pursuant to exemption 7C of the FOIA (5 U.S.C. 552(b)(7)(C)):

A 1-16, 18-33, 35-36, 40-41, 44-45, 54, 56-60, 62-63, 65-66; B 1; C 1-2; D 1; E 1-10, 12-32, 34-35, 37-39; EN 1-3; F 1-2; H 1-9, 11-15, 17-86, 88-111, 113-116, 118-119, 121-124, 126-131, 135-141, 143-145, 148, 151-153, 155-158, 167-172, 175-176, 178, 180-187, 189, 194, 198, 200-201, 210, 213; HN 2-14, 16-19; P 2, 8-10.

5 U.S.C. 552(b)(7)(C) provides that investigatory records compiled for law enforcement purposes are exempt from disclosure under the FOIA if their release would constitute an unwarranted invasion of personal privacy. This exemption is interpreted similarly to exemption 6 with the exception that the invasion of privacy under 7C need not be clearly unwarranted. Department of the Air Force v. Rose, supra, 425 U.S. at 378 n. 16; Congressional News Syndicate v. United States Department of Justice, Civil Action No. 77-882 (D.D.C. October 13, 1977) (Slip Op. at 5-6).

The documents in question were prepared in connection with a law enforcement proceeding concerning the seizure of "E-Meters" (Jackson deposition at page 12). As in the case of exemption 6 above, the documents or portions that have been withheld would reveal names, addresses and medical information that was gathered during the course of the FDA's investigation.

The index (Exhibit A) and Mr. Jackson's deposition conclusively show that the information requested is exempt from disclosure under exemption 7C.

E. Exemption 7D

The following documents are exempt from disclosure pursuant to exemption 7D of the FOIA (5 U.S.C. 552(b)(7)(D)):

A 1-3, 5-16, 18-31, 36, 44-45, 56-59, 62-67, 69; B 1; C 1-2; D 1-2, E 1-4, 6-9, 12-17, 19, 21-26, 29-37, 39; EN 2-3; F 1-2, 8; H 1-3, 9, 11-14, 17-31, 33-43, 46-52, 54-82, 85-86, 88-91, 93-102, 104-105, 107-108, 110-111, 115-116, 119-120, 128-130, 135, 137-153, 155, 173, 186-187, 189-190, 194, 201, 209-210, 213; P 2, 8-10.

5 U.S.C. 552(b)(7)(D) provides that investigatory records compiled for law enforcement purposes are exempt from disclosure under the FOIA if their release would disclose the identity of a confidential source. This is generally interpreted to mean that the identity of a confidential source may be protected from disclosure if the information was provided under an express assurance of confidentiality, or under circumstances from which an assurance of confidentiality could reasonably be inferred. Deering Milliken, Inc. v. Irving, 548 F.2d 1131 (4th Cir. 1977); TV Tower, Inc. v. F. Ray Marshall, Civil Action 77-1551 (D.D.C. February 2, 1978) (Slip Op. at 4).

In the instant case the documents or portions of documents withheld consist of information collected for law enforcement purposes, the release of which would divulge the identity of confidential sources (See e.g., Jackson deposition at pages 219-221, 230; and Exhibit A). Therefore, the documents are exempt from disclosure under the FOIA.

F. Exemption 7E

The following documents are exempt from disclosure pursuant to exemption 7E of the FOIA (5 U.S.C. 552(b)(7)(E):

A4, 67, 69; E1-5, 32-34, 39; H 6-14, 46-52, 80, 92, 107, 110-111, 141-143, 148, 180-183, 187, 191, 193, 209-210; pages 9-10.

5 U.S.C. 552(b)(7)(E) provides that investigatory records compiled for law enforcement purposes are exempt from disclosure under the FOIA if their release would disclose investigative techniques or procedures. Where the release of information would disclose investigatory techniques and thereby put potential law-breakers on notice of the capabilities and procedures of law enforcement agencies in a particular area of operation, disclosure should not be compelled under the FOIA. Ott v. Levi, 419 F.Supp. 750 (E.D. Mo. 1976).

The documents withheld under exemption 7E contain information regarding investigative techniques used during the "E-meter" case that are not known by the general public (See, e.g., Jackson Affidavit at pages 180-184, 208-209). We therefore submit that they should not be released.

III.

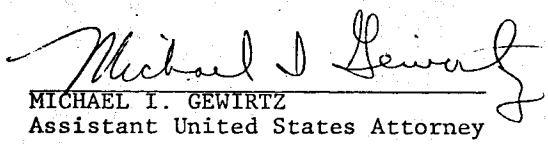
Conclusion

Since the documents in question fall within specific exemptions of the FOIA, defendants respectfully submit that they are exempt from disclosure under the FOIA. We therefore submit that defendants are entitled to judgment as a matter of law.

Respectfully submitted,

EARL J. SILBERT
United States Attorney

ROBERT N. FORD
Assistant United States Attorney



MICHAEL I. GEWIRTZ
Assistant United States Attorney

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, INC.,

Plaintiff,

v.

FOOD AND DRUG ADMINISTRATION, et al.,

Defendants.

Civil Action No. 77-1307

O R D E R

Upon consideration of defendants' motion for summary judgment, the memorandum of points and authorities in support thereof, and the entire record before the Court, it is this _____ day of April, 1978,

ORDERED that defendants' motion for summary judgment should be and it hereby is, granted, and the above-captioned cause of action is hereby dismissed.

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, INC.,

Plaintiff,

v.

FOOD AND DRUG ADMINISTRATION, et al.,

Defendants.

Civil Action

No. 77-1307

FILED

MAR 3 1978

JAMES F. DAVEY, Clerk

MEMORANDUM AND ORDER

This Freedom of Information Act (FOIA) case, 5 U.S.C. § 552, brought by the Church of Scientology of California against the United States Food and Drug Administration (FDA) and the Administration's Commissioner, was originally filed and extensively litigated in the United States District Court for the Central District of California and subsequently transferred to this Court. The case is before the Court on plaintiff's Motion to Require Detailed Justification, Itemization and Indexing of documents requested by plaintiff but withheld by defendants as exempt from disclosure under the FOIA. Although defendants previously filed such an index as Exhibit A to their Answers and Objections to Plaintiff's Interrogatories, filed April 13, 1976, plaintiff contends that Exhibit A is inadequate under Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974), as explained in Mead Data Central, Inc. v. U. S. Department of Air Force, 566 F.2d 242, 250-252 (D.C. Cir. 1977).

Defendants oppose plaintiff's motion arguing that the previously prepared index of nondisclosed documents, when supplemented by deposition testimony taken by plaintiff, places plaintiff "in a unique position to prepare and file some kind of pleading showing that the government's claims of FOIA exemptions are insubstantial." Defendants' Opposition to Plaintiff's Motion, filed February 23, 1978, at 3. As an alternative to further itemizing of withheld documents, defendants request permission to file a motion for summary judgment by April 17, 1978.

The record in this case reflects that since the defendants responded to plaintiff's interrogatories and filed Exhibit A plaintiff has deposed William L. Jackson in connection with his duties as Special Assistant to the Associate Commissioner for Compliance and Director of Public Records and Documents Center in the Food and Drug Administration. Jackson also serves as the FDA Privacy Act Coordinator and is responsible for the FDA's implementation of the Freedom of Information Program and the Privacy Act.

The deposition discloses that Mr. Jackson reviewed each of the documents listed in Exhibit A, the earlier filed Vaughn statement, for disclosability under the FOIA. Those documents were available to Jackson at the deposition, and plaintiff's counsel interrogated Jackson as to the contents of and exemptions claimed for virtually every document listed by Exhibit A.

Plaintiff also deposed Pamela F. Wojtowicz who at the time of plaintiff's FOIA request served as Consumer Safety Officer with the Regulations Policy and Voluntary Compliance Branch, Division of Compliance, Bureau of Medical Devices and Diagnostic Products in the Food and Drug Administration. In that capacity she was an assistant to the Freedom of Information Officer involved in answering FOIA requests received at the Bureau. The Wojtowicz deposition concerns the conduct of the FDA file search pursuant to plaintiff's information request.

It appears to the Court that Exhibit A to Defendants' Answers and Objections to Plaintiff's Interrogatories, considered together with the 357 page Jackson deposition, and the Wojtowicz deposition, satisfies defendants' obligation to provide an FOIA requesting party with the information necessary to litigate an FOIA dispute. This Court is unable to conclude that plaintiff has been "deprived of the opportunity to effectively present its case

to the court because of the agency's inadequate description of the information withheld and exemptions claimed." Mead Data Central, Inc., 566 F.2d at 251.

Plaintiff suggests that the FDA should be required to provide a single document listing the documents withheld and the detailed justifications for nondisclosure, as a convenience to the Court in resolving this dispute. While the Court reserves the option of directing defendants to supply such additional indexing and description at some later date, the motion for further justification, itemization and indexing will be denied inasmuch as plaintiff has been afforded the benefit of the requisite FOIA procedural requirements contemplated by Vaughn v. Rosen and Mead Data Central, Inc., supra.

Defendants, by their opposition to plaintiff's motion, seek leave to move for summary judgment by April 17, 1978. Though the necessity for such a request is not addressed by defendants' papers, it may have been prompted by the fact that the District Judge for the Central District of California signed the Pre-Trial Conference Order in this case on April 15, 1977, prior to its transfer here. However, our Local Rule 1-15(d) which limits the filing of motions after entry of the Pretrial Order specifically allows the filing of motions for judgment. Moreover, the Pre-Trial Conference Order of the transferor court expressly contemplates a motion for summary judgment by defendants and a cross-motion for summary judgment by plaintiff. Pre-Trial Conference Order, signed April 15, 1977, at 7-8. Under the circumstances the propriety and timing of any motion for summary judgment by defendants is wholly within their counsel's determination.

Therefore, upon consideration of plaintiff's Motion to Require Detailed Justification, Itemization and Indexing, defendants' opposition thereto, the entire record herein, and for the reasons stated herein, it is by the Court this 7th day of March, 1978,

ORDERED that plaintiff's Motion to Require Detailed Justification, Itemization and Indexing be, and the same hereby is, denied.

Joseph C. Waddy
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, INC. Plaintiff, v. FOOD AND DRUG ADMINISTRATION, et al., Defendants.	)	Civil Action No. 77-1307

DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO REQUIRE DETAILED JUSTIFICATION, ITEMIZATION & INDEXING

For the reasons stated herein, defendants respectfully oppose plaintiff's motion to require detailed justification, itemization and indexing.

Plaintiff filed the instant civil action under the Freedom of Information Act (FOIA) 5 U.S.C. § 552 in the United States District Court for the Central District of California on January 12, 1976, and requested the court to issue an injunction compelling the defendant agency to release all records and information maintained by the Food and Drug Administration (FDA) that pertains to Scientology, Scientologist organizations, and L. Ron Hubbard, as well as a record of the transmissions of any of the specified records to any international police organizations, or federal, state, and local agencies. Defendant filed its answer on February 17, 1976.

Thereafter, plaintiff filed a set of interrogatories, and defendant filed answers and objections thereto. Attached as Exhibit A to defendant's answers was a lengthy index of documents with a description of all documents withheld in whole or in part, the date of the document, the author, the subject matter and the statutory justification for non-disclosure.

On October 28, 1976, plaintiff filed a notice of intent to take depositions, and specified the areas of inquiry so that the FDA could designate employees to give relevant testimony. Despite

the fact that defendant opposed these depositions and moved for a protective order, the District Court for the Central District of California issued an order permitting the depositions to occur, and directed that they be held in the District of Columbia.

On March 8 through 9, 1977, plaintiff and defendant filed their pretrial briefs and on April 18, 1977, the Court issued its pretrial order, and it was anticipated that defendant would file a motion for summary judgment.

Thereafter, on June 24, 1977, plaintiff filed a motion for change of venue to this district on the grounds that the documents were located here. Defendant opposed this motion on the grounds that plaintiff knew at the time the case was filed that the records were kept in the District of Columbia area, that it would not be in the interest of justice to transfer the case after the Court and counsel had become intimately familiar with it, and that the request for a transfer was an obvious attempt at forum shopping. Nevertheless, in a two page Order dated July 19, 1977, this case was transferred to the District of Columbia.

On February 3, 1978, plaintiff served defendant with the instant motion requesting that this Court order defendant to provide a further index in addition to the sixty eight (68) page index already furnished, which has been supplemented by over four hundred pages of depositions taken by plainitff. In so moving, plaintiff simply asserts that this procedure would provide the Court with a single document with which to consider the issues. We respectfully disagree.

The FDA asserts that access to approximately forty thousand (40,000) pages of documents was provided to plaintiff pursuant to its FOIA request. Plaintiff copied approximately twenty thousand (20,000) such pages. Out of the initial request not more than fifteen hundred (1,500) pages have been withheld either wholly or in part. In addition, approximately one hundred thousand (100,000) pages of documents have been released to plaintiff in related cases. (See plaintiff's reply to defendants opposition to plaintiff's motion to transfer, dated July 13, 1977 at page 3).

We respectfully submit that it would be extremely burdensome to require defendant to completely revise the lengthy index already

provided to plaintiff, especially when plaintiff has already chosen to take over four hundred (400) pages of depositions concerning the documents in question. At the depositions plaintiff had the opportunity to ask a variety of questions concerning the documents, and, we submit, that plaintiff as the moving party in the law suit, is in a unique position to prepare and file some kind of pleading showing that the government's claims of FOIA exemptions are insubstantial.

It seems highly unusual that after pretrial statements were filed, and after a pretrial Order was issued, plaintiff asked to have the case transferred, and is now seeking to further burden defendant with additional costly, and time consuming projects, when plaintiff already has the information it seeks through over four hundred (400) pages of depositions. We note in this regard that the depositions, burdensome in themselves, were taken over the defendant's objections.

Nevertheless, defendant respectfully presents the following alternative proposal. Rather than requiring defendant to undertake further, unnecessary indexing, the Court may wish to allow defendant's new counsel a time up to and including April 17, 1978, within which to familiarize himself with the case and prepare and file a motion for summary judgment as was contemplated by the Court in California before plaintiff moved for a change of venue. That would seem to be the most expeditious manner in which to begin to resolve the issues presented herein.

Wherefore defendant respectfully submits that plaintiff's motion to require detailed justification, itemization and indexing should be denied, and that defendant should be permitted a period of time up to and including April 17, 1978, within which to file a motion for summary judgment.

Respectfully submitted,

Earl J. Silbert

EARL J. SILBERT
United States Attorney

Robert N. Ford

ROBERT N. FORD
Assistant United States Attorney

Michael I. Gewirtz

MICHAEL I. GEWIRTZ
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Defendant's Opposition to Plaintiff's Motion to Require Detailed Justification, Itemization & Indexing has been mailed to Martin Lobel, Esquire, 1522 L Street, N.W., Washington, D.C. 20005 this 21st day of February, 1978.

MICHAEL I. GEWIRTZ
Assistant United States Attorney
U.S. Courthouse - Room 3435
Washington, D.C. 20001
Telephone: 426-7327

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, INC.

Plaintiff,

v.

FOOD AND DRUG ADMINISTRATION, et al.,

Defendants.

Civil Action No. 77-1307

O R D E R

Upon consideration of plaintiff's motion to require detailed justification, itemization and indexing, defendant's opposition thereto, defendant's suggestion that it be permitted a period of time within which to file a motion for summary judgment, and upon the entire record before this Court, it is this _____ day of February, 1978,

ORDERED that plaintiff's motion to require detailed justification, itemization and indexing should be, and is hereby denied, and that defendant should be, and is hereby

ORDERED to prepare and file a motion for summary judgment on or before April 17, 1978.

_____
UNITED STATES DISTRICT JUDGE

71A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, INC.,

Plaintiff,

v.

FOOD AND DRUG ADMINISTRATION et. al.,

Defendants.

Civil Action No. 77-1307

MOTION TO REQUIRE DETAILED JUSTIFICATION, ITEMIZATION & INDEXING

Plaintiff, Church of Scientology of California, Inc. moves this Court for an Order requiring defendants, Food and Drug Administration, et al. to deliver to this Court and to counsel for the plaintiff, within 30 days of the granting of this Motion, a detailed justification for the defendants' allegations that the documents requested by the plaintiff in this case are exempt from disclosure under the Freedom of Information Act, 5 U.S.C. §552, including an itemization and index correlating specific statements in such justification with actual portions of the requested documents as required by the District of Columbia Circuit in Vaughn v. Rosen, 15 U.S.App.D.C. 340, at 346-348, 484 F.2d 820, at 826-828 (1973), cert. denied 415 U.S. 977 (1974) and Mead Data Central, Inc. v. U.S. Department of the Air Force, et al No. 75-2218 (D.C.Cir. August 30, 1977).

~~Respectfully~~ submitted

Martin Lobel
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1523 L Street, N.W.
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Telephone: 628-0066
Attorney for Plaintiff

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, INC.,

Plaintiff,

v.

FOOD AND DRUG ADMINISTRATION et. al.,

Defendants.

Civil Action No. 77-1307

ORDER

Upon consideration of plaintiff's "Motion to Require Detailed Justification, Itemization and Indexing" and the Court having considered the memoranda supporting and opposing the motion, the Court has determined that a detailed justification, itemization and index of all documents withheld by the defendants is required to meet the standards laid down by the United States Court of Appeals for the District of Columbia in Vaugh v. Rosen 484 F.2d 820 (D.C.Cir. 1973), cert. denied 415 U.S. 977 (1974), and Mead Data Central, Inc. v. U.S. Dept. of the Air Force, No. 75-2218 (D.C.Cir. August 30, 1977) it is this _____ day of _____ 1978,

ORDERED that plaintiff's motion should be and hereby is granted and it is further

ORDERED that defendants shall file with this Court and with plaintiff's counsel the detailed justification, itemization and index of all documents withheld from the plaintiff within 30 days after entry of this order.

JOSEPH C. WADDY
U.S. District Judge

LOBEL, NOVINS
& LAMONT
523 L STREET, N. W.
HINGTON, D. C. 20005

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, INC., Plaintiff, v. FOOD AND DRUG ADMINISTRATION et. al., Defendants.	Civil Action No. 77-1307

MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION TO REQUIRE DETAILED JUSTIFICATION, ITEMIZATION AND INDEXING

This case was originally filed by the plaintiff Church of Scientology of California, Inc. against the U.S. Food and Drug Administration, et al. pursuant to the Freedom of Information Act, 5 U.S.C. §552 on January 12, 1976, in the United States District Court for the Central District of California. The defendants answered on February 7, 1976. On April 13, 1976, defendants filed answers and objections to plaintiffs' interrogatories, including a sixty-eight page document entitled Exhibit A. Exhibit A purported to be the index required to be given to the plaintiffs under Vaughn v. Rosen, 15 U.S.App.D.C. 340, 484 F.2d 820 (1973), cert. denied 415 U.S. 977 (1974).

Because the index was so inadequate, the California Court allowed plaintiff, over the government's objections, to take depositions of Mr. William L. Jackson, the FDA Freedom of Information Act Coordinator, and of Pamela Wojtowicz, an employee of the FDA.

Subsequently, this case was transferred to this Court by the California Court on July 20, 1977.

LOBEL, NOVINS & LAMONT
1523 L STREET, N. W.
WASHINGTON, D. C. 20005

Argument

Exhibit A lists approximately one thousand documents which are currently being withheld from the plaintiffs by the FDA. Many of these documents are listed as being exempt under Section (b)(5) of the Freedom of Information Act which permits materials falling within the attorney-client privilege to be withheld. Most of the descriptions of the documents merely state that the attorney-client privilege is applicable without any further explanation. The United States Court of Appeals for the District of Columbia Circuit recently defined the scope of the (b)(5) exemption in Mead Data Central, Inc. v. U.S. Department of Air Force, et al. No. 75-2218 (D.C.Cir. August 30, 1977). It is clear from that case that Exhibit A's descriptions of the documents being withheld are clearly inadequate. For example, Exhibit A describes the first document, A-1, as "Attorney work product (7 pages)." Compare that with the description of the first document rejected as inadequate in Mead Data.

> 1. A legal opinion, addressed to the Patents Division of the Office of The Judge Advocate General of the Air Force and prepared by attorneys in the Litigation Division of the same Office, as to whether copyrighted material which the Air Force converts to machine-readable form would be subject to disclosure under the FOIA. It also reflects an orally communicated opinion of a Justice Department attorney on the same matter and does not contain any factual material.

It is also apparent that little if any attempt was made to segregate exempt from non-exempt material in the documents as required by the court in Mead Data, supra.

This Court could save time and limit the issues in this case by requiring the FDA to provide in a single document the list of documents withheld with a detailed justification

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for withholding all or part of each document from the plaintiffs. The Court could go through the descriptions of the documents previously provided and the answers given at depositions to determine whether the FDA has complied with the requirements laid down in Mead Data, but that would be counter productive. The FDA which is familiar with the contents of the documents is in a far better position to provide such a list than is this Court. See, Mead Data at 29, 31-32. Hopefully, once the FDA goes through the documents with the Mead Data requirements in mind, many of the documents or parts thereof will be released and the issues in this case will be substantially narrowed. At the very least, this Court will have a single document from which to work as it considers the issues.

Respectfully submitted,

Martin Lobel

FEB

LOBEL, NOVINS & LAMONT
1523 L Street, N.W.
Washington, D.C. 20005
Telephone: 628-0066
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing Motion to Require Detailed Justification, Itemization and Indexing, Order and Memorandum in Support of the Motion has been mailed postage prepaid to Defendants' Counsel, Assistant United States Attorney Michael Gewirtz, United States Courthouse, Washington, D.C. 20001 on this 3rd day of February, 1978.

Martin Lobel

LOBEL, NOVINS
& LAMONT
1523 L STREET, N. W.
ASHINGTON, D. C. 20005

OPTIONAL FORM NO. 10
JULY 1973 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

6-11

TO : JoAnne Sisk
Attorney (GCF-1)
Office of General Counsel

DATE: February 22, 1978
RNF:MIG:gg

FROM :
Robert N. Ford
Chief, Civil Division

SUBJECT: United States Attorney's Office

Church of Scientology of California v. Food and Drug Administration, Civil Action No. 76-1005

Pursuant to your discussion with Assistant United States Attorney Michael I. Gewirtz of this office on February 14, 1978, we have filed the enclosed pleading with Judge Waddy.

Although we have compared Exhibit A of the interrogatories with the revised Exhibit A that was in Assistant United States Attorney Stotter's file, we see no difference in the two exhibits. When you have returned from your trip, perhaps you and Assistant U.S. Attorney Gewirtz could meet with Mr. Jackson to clarify what, if any, differences there are between the two documents.

Thereafter, we propose that Mr. Jackson prepare a list of exemptions claimed, followed by a list of which documents fall within each exemption. With that list we will be able to prepare a motion for summary judgment for each document falling within each exemption.

5010-110

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ADDRESS REPLY TO
UNITED STATES ATTORNEY
AND REFER TO
INITIALS AND NUMBER

JS:lw

FTS: 798-2449
(213) 688-2449

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

United States Department of Justice

UNITED STATES ATTORNEY

CENTRAL DISTRICT OF CALIFORNIA
U. S. COURT HOUSE
312 NO. SPRING STREET
LOS ANGELES, CALIFORNIA 90012

October 18, 1977

Mr. Michael I. Gewirtz
Assistant United States Attorney
Office of the United States Attorney
3136-C United States Courthouse
3rd and Constitution Avenue, N. W.
Washington, D. C. 20001

Re: Church of Scientology of California v. U. S. Food and Drug Administration; CV 76-0122-DWW

Dear Mr. Gewirtz:

We are forwarding herewith our entire case file in the above-referenced matter as requested.

Very truly yours,

ROBERT L. BROSIO
United States Attorney

JAMES STOTTER II
Assistant United States Attorney

Enclosures

cc: Mr. Paul F. Figley
Information & Privacy Section
Civil Division
U. S. Department of Justice
Washington, D. C.
DJ #civ 145-16-880

Mr. Jeanne Sisk, Attorney (OCF-1)
Office of General Counsel
U. S. Food & Drug Administration
5600 Fishers Lane
Rockville, Maryland 20857

To FDA Joanne Sisk

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

OFFICE OF THE CLERK
U.S. Courthouse, Rm. G-8
Los Angeles, California 90012
July 20, 1977

Edward M. Kritzman
Clerk

Leonard A. Brosnan
Chief Deputy

RECEIVED
JUL 21 1977
U. S. ATTORNEY
LOS ANGELES, CALIF.

James F. Davey
Clerk, United States District Court
District of Columbia
Washington, D. C. 20001

Re: Transfer of our
Civil Case No. CV76-122-DWW
Church of Scientology of California vs Food & Drug Administration, et al

Dear Sir;

An order having been made transferring the above-numbered case to your district, we are transmitting herewith our entire original file in the action, together with certified copies of the order and the docket. Please acknowledge receipt of same on the enclosed copy of this letter and return. Thank you for your cooperation.

New Case No.: _____

Very truly yours,
Edward M. Kritzman, Clerk
By: _____
R. L. Byer Deputy Clerk

CC: All counsel of record

Receipt is acknowledged of the documents described herein.

Clerk, United States District Court

By: _____
Deputy Clerk

U. S. Attorney
Chief Assistant
Chief Civil Div.
Chief Crim. Div.
Chief Tax Div.
Chief Lands Sec.
Admin. Officer
Trans-Jdgmts Sec.
Docket Civil
Docket Criminal
Stotler

Civ 22 (3/77) Case Transfer letter

RECEIVED

JUL 21 1977

U. S. ATTORNEY
LOS ANGELES, CALIF.

U. S. Attorney	
Chief Assistant	
Chief-Civil Div.	2
Chief-Crim. Div.	
Chief-Tax Div.	
Chief-Lands Sec.	
Admin. Officer	
Clms-Jdgmts Sec.	1
Docket Clerk	10
Docket-Criminal	4
Stetler	3

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Church of Scientology of California, etc.,

PLAINTIFF(S)

vs

Food and Drug Administration, et al

DEFENDANT(S)

CASE NUMBER

CV 76-122-DWW

NOTICE OF ENTRY

TO THE ABOVE NAMED PARTIES AND TO THEIR ATTORNEY(S) OF RECORD:

You are hereby notified that Order for Transfer

in the above entitled case was entered in the docket on July 20, 1977.

You are also notified that if this case was tried and you introduced exhibits into evidence, they must be claimed at this office after the expiration of thirty days from the receipt of this notice. (After sixty days in cases in which the United States, its officers or agencies were parties) Unless they are claimed within thirty days after the expiration of the above period, they will be destroyed pursuant to Local Rule 20(a). If an appeal is taken they will, of course, be held until the Appellate Court finally determines the matter. Exhibits which are attached to a pleading will not be destroyed but will remain as a permanent record in the case file.

(over)

CERTIFICATE OF MAILING

I, Edward M. Kritzman, Clerk, United States District Court, Central District of California, and not a party to the within action, hereby certify that on July 20, 1977, 19____, I served a true copy of this notice of entry on the parties in the within action by depositing true copies thereof, enclosed in sealed envelopes, in the United States Mail in the United States Post Office mail box at Los Angeles, California, addressed as follows:

Barry L. Weissman
9595 Wilshire Blvd., Ste 710
Beverly Hills, Ca. 90212

WILLIAM D. KELLER
U. S. ATTORNEY
1100 U. S. COURTHOUSE
312 N. SPRING ST.
LOS ANGELES, CA 90012

Attn: James Stotter II, AUSA

EDWARD M. KRITZMAN, CLERK

By _____
Deputy Clerk

NOTICE

IN ACTIONS ARISING UNDER THE ECONOMIC STABILIZATION ACT, THE EMERGENCY PETROLEUM ALLOCATION ACT, AND THE ENERGY POLICY AND CONSERVATION ACT, NOTICES OF APPEAL TAKEN FROM THIS JUDGMENT MUST BE FILED IN THE TEMPORARY EMERGENCY COURT OF APPEALS IN ACCORDANCE WITH THE RULES OF PROCEDURE OF THAT COURT.

BARRY LEIGH WEISSMAN
Attorney at Law
9595 Wilshire Boulevard
Suite 710
Beverly Hills, California 90212
(213) 274-6885

Attorney for Plaintiff

ENTERED
JUL 20 1977
CLERK, U. S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
By Deputy

FILED
JUL 19 1977
CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, a non-profit corporation, Plaintiff, -vs- FOOD AND DRUG ADMINISTRATION, et al., Defendants.	CASE NO. CV 76-0122 DWW ORDER FOR TRANSFER

This matter having come on for hearing on Monday, July 18, 1977, Plaintiff represented by its counsel, BARRY LEIGH WEISSMAN, and Defendants being represented by their counsel, WILLIAM D. KELLER, UNITED STATES ATTORNEY, by Assistant United States Attorney, JAMES STOTTER II. The court having been fully advised the motion of Plaintiff, Church of Scientology of California, for transfer pursuant to 28 U.S.C. Section 1404(a) is granted.

IT IS HEREBY ORDERED that this action be transferred to the United States District Court for the District of Columbia

Docketed
JUL 19 1977
Mld copy
Mld Notice
S-5

under 28 U.S.C. Section 1404(a).

IT IS FURTHER ORDERED that the clerk forthwith serve copies of this order by United States mail upon the attorneys for the parties appearing in this action.

Dated: July 19, 1977.

David W. Williams

DAVID W. WILLIAMS
United States District Judge

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

OFFICE OF THE CLERK
U.S. Courthouse, Rm. G-8
Los Angeles, California 90012

July 20, 1977

Edward M. Kritzman
Clerk

Leonard A. Brosnan
Chief Deputy

RECEIVED
JUL 21 1977
U. S. ATTORNEY
LOS ANGELES, CALIF.

James F. Davey
Clerk, United States District Court
District of Columbia
Washington, D. C. 20001

Re: Transfer of our
Civil Case No. CV76-122-DWW

Dear Sir;

Church of Scientology of California vs Food & Drug Administration, et al

An order having been made transferring the above-numbered case to your district, we are transmitting herewith our entire original file in the action, together with certified copies of the order and the docket. Please acknowledge receipt of same on the enclosed copy of this letter and return. Thank you for your cooperation.

New Case No.: _____

Very truly yours,

Edward M. Kritzman, Clerk

CC: All counsel of record

By: _____
R. L. Byer Deputy Clerk

Receipt is acknowledged of the documents described herein.

Clerk, United States District Court

By: _____
Deputy Clerk

U. S. Attorney
1st Assistant
Chief-Civil Div.
Chief-Crim. Div.
Chief-Tax Div.
Chief-Lands Sec.
Admin. Officer
Trms-Jdgmts Sec.
Docket-Civil
Docket Criminal
Stotler

Civ 22 (3/77) Case Transfer letter

RECEIVED

JUL 21 1977

U. S. ATTORNEY
LOS ANGELES, CALIF.

U. S. Attorney
Chief Assistant
Chief-Civil Div. 2
Chief-Crim. Div.
Chief-Tax Div.
Chief-Lands Sec.
Admin. Officer
Clms-Jdgmts Sec.
Docket-Civil 1
Docket-Criminal 3

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Church of Scientology of California, etc.,

PLAINTIFF(S)

vs

Food and Drug Administration, et al

DEFENDANT(S)

CASE NUMBER

CV 76-122-DWW

NOTICE OF ENTRY

TO THE ABOVE NAMED PARTIES AND TO THEIR ATTORNEY(S) OF RECORD:

You are hereby notified that Order for Transfer

_____

_____

_____ in the above entitled case was entered in the docket on July 20, 1977.

You are also notified that if this case was tried and you introduced exhibits into evidence, they must be claimed at this office after the expiration of thirty days from the receipt of this notice. (After sixty days in cases in which the United States, its officers or agencies were parties) Unless they are claimed within thirty days after the expiration of the above period, they will be destroyed pursuant to Local Rule 20(a). If an appeal is taken they will, of course, be held until the Appellate Court finally determines the matter. Exhibits which are attached to a pleading will not be destroyed but will remain as a permanent record in the case file.

(over)

CERTIFICATE OF MAILING

I, Edward M. Kritzman, Clerk, United States District Court, Central District of California, and not a party to the within action, hereby certify that on July 20, 1977, 19_____, I served a true copy of this notice of entry on the parties in the within action by depositing true copies thereof, enclosed in sealed envelopes, in the United States Mail in the United States Post Office mail box at Los Angeles, California, addressed as follows:

Barry L. Weissman
9595 Wilshire Blvd., Ste 710
Beverly Hills, Ca. 90212

WILLIAM D. KELLER
U. S. ATTORNEY
1100 U. S. COURTHOUSE
312 N. SPRING ST.
LOS ANGELES, CA 90012

Attn: James Stotter II, AUSA

EDWARD M. KRITZMAN, CLERK

By _____
Deputy Clerk

NOTICE

IN ACTIONS ARISING UNDER THE ECONOMIC STABILIZATION ACT, THE EMERGENCY PETROLEUM ALLOCATION ACT, AND THE ENERGY POLICY AND CONSERVATION ACT, NOTICES OF APPEAL TAKEN FROM THIS JUDGMENT MUST BE FILED IN THE TEMPORARY EMERGENCY COURT OF APPEALS IN ACCORDANCE WITH THE RULES OF PROCEDURE OF THAT COURT.

BARRY LEIGH WEISSMAN
Attorney at Law
9595 Wilshire Boulevard
Suite 710
Beverly Hills, California 90212
(213) 274-6885

Attorney for Plaintiff

ENTERED
JUL 20 1977
CLERK, U. S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
By Deputy

FILED
JUL 19 1977
CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, a non-profit corporation, Plaintiff, -vs- FOOD AND DRUG ADMINISTRATION, et al., Defendants.	CASE NO. CV 76-0122 DWW ORDER FOR TRANSFER

This matter having come on for hearing on Monday, July 18, 1977, Plaintiff represented by its counsel, BARRY LEIGH WEISSMAN, and Defendants being represented by their counsel, WILLIAM D. KELLER, UNITED STATES ATTORNEY, by Assistant United States Attorney, JAMES STOTTER II. The court having been fully advised the motion of Plaintiff, Church of Scientology of California, for transfer pursuant to 28 U.S.C. Section 1404(a) is granted.

IT IS HEREBY ORDERED that this action be transferred to the United States District Court for the District of Columbia

Docketed
Mld copy Pltfs
Mld Notice Pltfs
JS-6
JUL 19 1977

under 28 U.S.C. Section 1404(a).

IT IS FURTHER ORDERED that the clerk forthwith serve copies of this order by United States mail upon the attorneys for the parties appearing in this action.

Dated: July 19, 1977.

David W. Williams

DAVID W. WILLIAMS
United States District Judge

77A file

JStotter:lw
FTS: 798-2449
July 18, 1977

Mr. Paul F. Figley, Information & Privacy Section, Civil Division

William D. Keller, U. S. Attorney, Central District of California
James Stotter II, AUSA, Assistant Chief, Civil Division

Church of Scientology of California, Inc., etc. v. Food and Drug Administration, et al.; USDC No. CV 76-0122-DWW
DJ Ref: 77-Figley-sat 145-16-880

A hearing was held on plaintiff's motion to transfer this matter to the United States District Court for the District of Columbia. The Court granted plaintiff's motion. The hearing was very brief with the Court asking the Government why it opposed the transfer and the Government's attorney responding that plaintiff made its choice of form when its complaint was filed and to now allow a transfer would be permitting the plaintiff to choose what judges it wishes to finally decide the case if they were dissatisfied with their original choice. The Judge asked if the documents in question were located in Washington, D. C. The Government's attorney responded that they were, and the plaintiff's motion to transfer was granted.

Please let us know what portions of our files you wish us to forward either to you or to the United States Attorney's Office in Washington, D. C. As you know, we have not filed the most recent revision of the appendix of documents in this case.

WILLIAM D. KELLER
United States Attorney

cc: Ms. Jeanne Sisk, Attorney (GCF-1)
Office of General Counsel
U. S. Food & Drug Administration
5600 Fishers Lane
Rockville, Maryland 20857

BARRY LEIGH WEISSMAN
9595 Wilshire Boulevard
Suite 710
Beverly Hills, California 90212
(213) 274-6885

Attorney for Plaintiff

Received
July 13, 1977
U.S. Atty's Office

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, a non-profit corporation, Plaintiff, -vs- FOOD AND DRUG ADMINISTRATION, et al., Defendants.	Case No. 76-0122-DWW PLAINTIFF's REPLY TO DEFENDANTS' OPPOSITION TO PLAINTIFF's MOTION TO TRANSFER

INTRODUCTION

As clearly stated in plaintiff's moving papers a motion to transfer can be made at any stage of the proceedings, United States v. Swift, 158 F.Supp. 551 (D.C.C. 1958), and should be made for purposes of convenience of all of the parties and witnesses, 28 U.S.C. §1404(a), Continental Grain Co. v. Barge, FBL-585 364 U.S. 19, 26 (1960), Van Dussen v. Barrack, 376 U.S. 612, 616 (1964).

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TRANSFER IS NECESSARY FOR THE CONVENIENCE OF ALL PARTIES, WITNESSES, AND IT WOULD BE IN THE BEST INTEREST OF JUSTICE.

Defendants attempt in its opposition, to convince this court that a transfer would create unnecessary hardship on the defendants because it would require

> "...new attorneys to become familiar with the action, (and) would not advance the interests of justice." p. 2, lines 9-11 of defendants' Opposition.

First, it is doubtful that any transfer is going to require new government attorneys to unnecessarily familiarize themselves with this action: The Department of Justice in Washington, D.C., has been completely controlling and monitoring this entire action and each of plaintiff's other Freedom of Information Act actions here in California and in Washington, D.C. In fact, on October 5, 1976, Mr. Paul Figley, from the Justice Department in Washington, D.C. flew to Los Angeles solely to appear in this court and to argue the government's case.

Further, we find the government itself has stated that it is highly uneconomical to be defendant in "so many" Freedom of Information suits brought by the Church of Scientology, Defendants' Reply to Plaintiff's Motion for Default, et al. In the government's Reply memo to Plaintiff's Opposition and Plaintiff's Supplement to its Opposition to Defendants' Motion for Summary Judgment, in the Army Freedom of Information Act action, Church of Scientology of California v. Army, U.S.D.C., Central District, California, Action No. CV 75-3056-F, the government specifically complained of multiplicity of litigation because the

Church had over twenty separate Freedom of Information Act actions pending. Yet, now that the Church has offered consolidation, it is bitterly opposed by these same government attorneys. In view of the fact that the government is unwilling to release these documents (and thereby save much time, effort and money by all concerned) what more economical way could there be than to consolidate all the cases in one area to be judged by one court in the one area where all the documents, witnesses and attorneys of the United States government are located.

WHY PLAINTIFF FILED SUIT IN THIS DISTRICT

In 1974 the Church innocently brought its first Freedom of Information Act suit in the California District Court. With the Church of Scientology of California in Los Angeles it appeared elementary to the Church to file Freedom of Information suit demanding release of documents from the Drug Enforcement Agency in Los Angeles. It was unknown at that time that the government of the United States had collected and maintained and disseminated over 100,000 pages of false and malicious documents regarding the Church of Scientology. As administrative remedies were routinely denied the Church was forced into court to obtain documents unfairly and unjustly withheld by the governmental agencies. After the instituting of the various law suits, the government began to give up its claim to blanket exemptions releasing over 100,000 pages of documents.

Early in this process, when it became obvious to the Church of Scientology that there was more than met the eye in regard to the government's withholding of this public information,

the Church of Scientology of California requested that the Founding Church of Scientology of the District of Columbia, institute various lawsuits in the government's home ground to determine exactly what was going on. The Church has been more than successful in achieving its goal to disclose documents illegally withheld by the government.

NECESSITY FOR TRANSFER

In this action, along with the various Freedom of Information Act actions, filed in this District and the District of Columbia, the Department of Justice attorneys representing the various government agencies, have opted to call the Church's retreat into litigation as "harassment" of the United States government. The Church of Scientology of California and the Founding Church of Scientology of the District of Columbia have presented to the United States Attorneys a request for stipulation to consolidate all of the Church of Scientology's Freedom of Information Act actions. The Church of Scientology of California is convinced that something fishy is going on in the government and only through a consolidated effort with the Founding Church of Scientology of the District of Columbia can it be shown that there is a watergate type of conspiracy to deny the Church of Scientology its rights under the Freedom of Information Act in its refusal to release to it the false and malicious documents being withheld by the government./1

/1 On this point, I would like to point out to this court the oral statements made by the Honorable Warren J. Ferguson on Monday, May 16, 1977, chastising the government's entire handling of the three Freedom of Information Act actions of this plaintiff against the government before it, Church of Scientology v. Department of State, Civil Action No. CV 75-2462-F; Church of Scientology v.

Pursuant to a change of venue motion filed by this plaintiff, the Honorable Warren J. Ferguson, a United States District Court judge for the Central District of California ordered the matter of Church of Scientology v. Department of State, Civil Action No. CV 75-2462-F, be transferred to Washington D.C. because of the reasons set forth above. A true and accurate copy of this order is attached hereto marked as Exhibit "5".

CONCLUSION

It was in the interest of convenience that the Church brought its first Freedom of Information Act suit in the Los Angeles area. When it discovered "something fishy was going on" it was realized that it would be far more convenient for all parties to bring the remaining law suits in the District of Columbia where all the files and witnesses reside.

Department of Army, Civil Action No. CV 75-3056-F; Church of Scienology of California v. Department of Defense (Navy), Civil Action No. CV 75-4072-F:

> I am not going to accept anything they tell me in this case because it has gotten to the point where I just do not believe them. (P. 8, lines 20-22 of clerk's transcripts attached hereto as Exhibit "1").
>
> There is something fishy going on someplace and I do not know where it is." (P. 8, line 25, P. 9, line 1 attached hereto as Exhibit "2").
>
> Mr. Stotter, you cannot believe -- you cannot believe -- what the obstinancy of the Government has caused this Court. (P. 9, lines 22-24 attached hereto as Exhibit "3").
>
> But in these three cases there is something fishy going on and I am going to find out what is fishy, that is all. (P. 10, lines 12-14, attached hereto as Exhibit "4").

For some unknown reason the government has opted to, in one breath, claim that the Church is harassing them by bringing so many vast and various law suits and then in the very next breath refuse to solve this "problem" by their denying and adamently opposing to change the venue of this suit and consolidate all the Freedom of Information Act suits.

Although the judge could dispose of the instant matter by reviewing the documents whenever the government delivers these to the court, it does not serve the interest of justice to dispose of the matter in this fashion. Only by viewing all of the facts and all of the issues and all of the documents and all of the government's contentions and all of the government's bad faith and all of the government's delays and all of the governmental untimely and inappropriately stated pleadings may the Freedom of Information Act cases brought by the Church be fairly and justly disposed of in the public interest.

> Justice may satisfy the appearance of justice. In Re Murchinson, 349 U.S. 133, 136 (1955); Offutt v. United States 384 U.S. 11, 14 (1954).

It is respectfully submitted that plaintiff's Motion for Transfer be granted.

Dated: July 13, 1977.

BARRY LEIGH WEISSMAN
Attorney for Plaintiff

90 or a hundred documents in these three cases --

MR. STOTTER: Your Honor --

THE COURT: -- and for me to make an evaluation swiftly and positively?

MR. STOTTER: For the non-classified documents it certainly would be much easier for your Honor than to have to go through what has transpired in these pleadings. But what would happen, your Honor --

THE COURT: And, Mr. Stotter, let me tell you about the classified documents. I am not going to take the word of your clients.

MR. STOTTER: As to whether they classified them or not?

THE COURT: Absolutely. I am not going to do it. I told you that months ago. Before this case is over I am going to see these documents because I am not going to take your clients' word for it.

MR. STOTTER: That there is a stamped classified on it?

THE COURT: I am not going to accept anything they tell me in this case because it has gotten to the point where I just do not believe them.

MR. STOTTER: Well, I can see why you might take that attitude toward the plaintiffs --

THE COURT: There is something fishy going on

90 or a hundred documents in these three cases --

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THE COURT: I am not going to accept anything they tell me in this case because it has gotten to the point where I just do not believe them.

MR. STOTTER: Well, I can see why you might take that attitude toward the plaintiffs --

THE COURT: There is something fishy going on

someplace and I do not know where it is.

MR. STOTTER: Well, if your Honor does have --

THE COURT: Believe me, I will never settle this case under any circumstances until I have seen those documents.

MR. STOTTER: Fine. Your Honor has ordered us here, we were prepared to do it but then your Honor took tho off calendar. I will now report that you want to see all th documents, including classified documents.

THE COURT: Absolutely. And --

MR. STOTTER: Your Honor --

THE COURT: -- what is going to happen is those documents will be brought into chambers --

MR. STOTTER: Yes, sir.

THE COURT: -- with you there and with someone wh has authority to explain the documents to me and someone who has authority for their --

MR. STOTTER: Release.

THE COURT: -- their custody. And when that is done then I will determine what the next step will be.

MR. STOTTER: Your Honor --

THE COURT: Mr. Stotter, you cannot believe -- you cannot believe -- what the obstinancy of the Government has caused this Court.

MR. STOTTER: Your Honor, I ask you to consider

someplace, but I do not know where it is.

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THE COURT: -- what is going to happen is those documents will be brought into chambers --

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MR. STOTTER: Release.

THE COURT: -- their custody. And when that is done then I will determine what the next step will be.

MR. STOTTER: Your Honor --

THE COURT: Mr. Stotter, you cannot believe -- you cannot believe -- what the obstinancy of the Government has caused this Court.

MR. STOTTER: Your Honor, I ask you to consider

EXHIBIT "3"

what this kind of a ruling would mean when there's a case across the hall of 5,000 documents.

THE COURT: Mr. Stotter, I only judge cases on a case-by-case basis --

MR. STOTTER: But the policy of the Department is not --

THE COURT: -- and I do not set any precedent for any other judge in the United States.

You know, when I decided the case for the Government against the Church of Scientoloty you were tickled pink for me to see them in camera. I saw them in camera and the matter was disposed of swiftly and easily. But in these three cases there is something fishy going on and I am going to find out what is fishy, that is all.

MR. STOTTER: May I just make this comment respectfully?

THE COURT: Of course.

MR. STOTTER: I assure you, your Honor, that the Department of Justice and the people making policy were not tickled pink to have that in-camera situation occur.

THE COURT: That is too bad.

MR. STOTTER: The policy's been consistent in the Department of Justice and I'm obliged to represent them here in court that they where possible would like a ruling prior to an in-camera showing because of the voluminous number of

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA PLAINTIFF(S) vs UNITED STATES DEPARTMENT OF STATE, ET AL DEFENDANT(S)	CASE NUMBER CV 75-2462-F NOTICE OF ENTRY

TO THE ABOVE NAMED PARTIES AND TO THEIR ATTORNEY(S) OF RECORD:

You are hereby notified that Order of Transfer

_____ in the above entitled case was entered in the docket on June 29, 1977.

You are also notified that if this case was tried and you introduced exhibits into evidence, they must be claimed at this office after the expiration of thirty days from the receipt of this notice. (After sixty days in cases in which the United States, its officers or agencies were parties) Unless they are claimed within thirty days after the expiration of the above period, they will be destroyed pursuant to Local Rule 20(a). If an appeal is taken they will, of course, be held until the Appellate Court finally determines the matter. Exhibits which are attached to a pleading will not be destroyed but will remain as a permanent record in the case file.

(over)

CERTIFICATE OF MAILING

I, Edward M. Kritzman, Clerk, United States District Court, Central District of California, and not a party to the within action, hereby certify that on June 29, 19 77, I served a true copy of this notice of entry on the parties in the within action by depositing true copies thereof, enclosed in sealed envelopes, in the United States Mail in the United States Post Office mail box at Los Angeles, California, addressed as follows:

Barry Leigh Weissman
9595 Wilshire Blvd.
Suite 710
Beverly Hills, CA 90212

U.S. Attorney's Office
312 N. Spring Street
Los Angeles, CA 90012

EDWARD M. KRITZMAN, CLERK

By Nancy J. Miller
Deputy Clerk
Nancy J. Miller

NOTICE

IN ACTIONS ARISING UNDER THE ECONOMIC STABILIZATION ACT, THE EMERGENCY PETROLEUM ALLOCATION ACT, AND THE ENERGY POLICY AND CONSERVATION ACT, NOTICES OF APPEAL TAKEN FROM THIS JUDGMENT MUST BE FILED IN THE TEMPORARY EMERGENCY COURT OF APPEALS IN ACCORDANCE WITH THE RULES OF PROCEDURE OF THAT COURT.

BARRY LEIGH WEISSMAN
9595 Wilshire Boulevard
Suite 710
Beverly Hills, California 90212
(213) 274-6885

Attorney for Plaintiff

FILED

JUN 27 1977

CLERK, U. S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
BY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, a non-profit corporation, Plaintiff, -vs- UNITED STATES DEPARTMENT OF STATE, et al., Defendants.	No. CV 75-2462-F ORDER FOR TRANSFER

This matter having come on for hearing on Monday, June 27, 1977, Plaintiff represented by its counsel, BARRY LEIGH WEISSMAN, and Defendants being represented by their counsel, WILLIAM D. KELLER, UNITED STATES ATTORNEY, by Assistant United States Attorney, ROGER WEST. The court having been fully advised the motion of Plaintiff, Church of Scientology of California, for transfer pursuant to 28 U.S.C. Section 1404(a) is granted.

IT IS HEREBY ORDERED that this action be transferred to the United States District Court for the District of Columbia under 28 U.S.C. Section 1404(a).

IT IS FURTHER ORDERED that the Clerk forthwith serve copies of this order by United States mail upon the attorneys for the parties appearing in this action.

Dated: _____, 1977.

WARREN J. FERGUSON

WARREN J. FERGUSON
United States District Judge

WILLIAM D. KELLER
United States Attorney
FREDERICK M. BROSIO, JR.
Assistant United States Attorney
Chief, Civil Division
JAMES STOTTER II
Assistant United States Attorney
Assistant Chief, Civil Division
1135A United States Courthouse
312 North Spring Street
Los Angeles, California 90012
Telephone: (213) 688-2449

Attorneys for Defendants

FILED
JUL 7 1977
CLERK, U. S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, INC., a non-profit corporation,

Plaintiff,

vs.

FOOD AND DRUG ADMINISTRATION, et al.,

Defendants.

No. CV 76-0122-DWW

DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO TRANSFER

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §552(a)(4)(B), the plaintiff had its choice of whether to file the complaint in this case where it "resides, or has its principal place of business, or in which the agency records are situated, or in the District of Columbia...". The exhibits attached to plaintiff's complaint consist of correspondence to and from defendants' officials in Maryland and Washington, D. C. From a review of these documents, there can be no doubt that before the complaint was filed, plaintiff had full knowledge that the witnesses

and documents relevant to this case were located in Maryland and/or Washington, D. C. Yet, plaintiff chose to file a complaint in this District on January 12, 1976.

To date, voluminous pleadings, motions, memoranda, affidavits and other documents have been filed with this Court and the Court has heard and decided numerous motions in this case. The Court and counsel have become familiar with the subject matter of this litigation. Therefore, to now transfer this case to another judge in a different judicial district and to require new attorneys to become familiar with the action would not advance the interests of justice.

Since October 14, 1975, over 400 pages of deposition testimony have been taken by the plaintiff in Rockville, Maryland, of two employees of the Food and Drug Administration. The defendants have filed over 20 pages of answers and 68 pages of exhibits in response to plaintiff's interrogatories. Both the plaintiff and defendants have filed Memorandum of Contentions of Fact and Law. On April 15, 1977, the Court signed and on April 18, 1977, filed its Pre-Trial Conference Order in this case.

After all that has already transpired in this case, it would not seem that plaintiff's moving papers should constitute a sufficient showing of inconvenience to the parties or the witnesses as required by 28 U.S.C. §1404(a) to warrant the transfer of this case to a different court in a different judicial district. This is particularly true when Congress has specifically provided for the plaintiff to bring this FOIA action in this jurisdiction. To grant a change of venue at this time would be to condone plaintiff's obvious forum shopping.

The primary office responsible for the defense of this case now, and since its inception, has been the United States Attorney's Office for the Central District of California. Assistant United States Attorney James Stotter II of this office has been the principal attorney assigned to this matter. Of course, coordination of the defense has required consultation with the attorneys in the Information and Privacy Section of the Civil Division of the Department of Justice in Washington, D. C., in an effort to obtain uniformity of positions in cases of this type. No one in that office, however, has the trial responsibility for this case, nor is anyone as familiar with it as is Assistant United States Attorney Stotter. Further, contrary to the Affidavit of plaintiff's attorney, Mr. Dodell is not assigned to the Information and Privacy Section of the Department of Justice. He is an Assistant United States Attorney in the Office of the United States Attorney for Washington, D. C., and, as such, has in no way directed, controlled or coordinated the defense of this case.

It may be that in making its motion to transfer at this time, the plaintiff is not really seeking "convenience of the parties and witnesses, in the interest of justice," but rather has some other reason for wanting to have this matter heard and decided by some other court. It could be that other judges of this District Court have consistently rendered rulings adverse to the plaintiff in its other Freedom of Information Act

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cases*. Plaintiff's reason could be that it now wishes to have a judge from another district decide this case in the hope of obtaining a favorable ruling. This type of attempted manipulation by the plaintiff of the Federal Rules regarding transfer should not be condoned by the Court.

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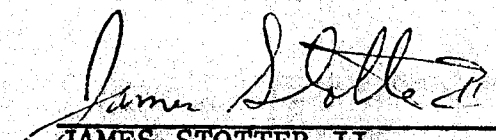
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*against the Drug Enforcement Administration (CV No. 74-3550-F) by Judge Ferguson; against the Postal Service (CV No. 75-2004-R) by Judge Real; against the Department of State (CV No. 75-2562-F) by Judge Ferguson; against the Department of Army and Army Intelligence (CV No. 75-3056-F) by Judge Ferguson; against the Coast Guard (CV No. 75-3482-IH) by Judge Hill; against CIA (CV No. 75-3644-MML) by Judge Lucas; against Department of Defense and Naval Intelligence (CV No. 75-4072-F) by Judge Ferguson; against Energy Research and Development Agency (CV No. 76-0011-R) by Judge Real.

It is respectfully submitted that plaintiff's motion to transfer this case should be denied.

DATED: This 7th day of July, 1977.

WILLIAM D. KELLER
United States Attorney
FREDERICK M. BROSIO, JR.
Assistant United States Attorney
Chief, Civil Division



JAMES STOTTER II
Assistant United States Attorney
Assistant Chief, Civil Division

Attorneys for Defendants

CERTIFICATE OF SERVICE BY MAIL

I, LILLA WESLEY, declare:

That I am a citizen of the United States and resident or employed in Los Angeles County, California; that my business address is Office of United States Attorney, United States Courthouse, 312 North Spring Street, Los Angeles, California 90012; that I am over the age of eighteen years, and am not a party to the above-entitled action;

That I am employed by the United States Attorney for the Central District of California who is a member of the Bar of the United States District Court for the Central District of California, at whose direction the service by mail described in this Certificate was made; that on July 7, 1977, I deposited in the United States mails in the United States Courthouse at 312 North Spring St., Los Angeles, California, in the above-entitled action, in an envelope bearing the requisite postage, a copy of DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO TRANSFER (CV 76-0122-DWW)

addressed to

Mr. Barry Leigh Weissman
Attorney at Law
9595 Wilshire Boulevard, Suite 710
Beverly Hills, California 90212

at his last known address, at which place there is a delivery service by United States mail.

This Certificate is executed on July 7, 1977 at Los Angeles, California.

I certify under penalty of perjury that the foregoing is true and correct.

Lilla Wesley
LILLA WESLEY

USA-12c-240
(Rev. 1/3/77)

RECEIVED
JUN 28 1977
U.S. ATTORNEY
LOS ANGELES, CALIF.

6-71A

S. Attorney
Chief Assistant
Chief-Civil Div. 2
Chief-Crim. Div.
Chief Tax Div.
Chief-Lands Sec.
Docket-Civil 1
Docket-Criminal
Stotler 3
File

BARRY LEIGH WEISSMAN
9595 Wilshire Boulevard
Suite 710
Beverly Hills, California 90212
(213) 274-6885

Attorney for Plaintiff

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, a non-profit corporation,

Plaintiff,

-vs-

FOOD AND DRUG ADMINISTRATION, et al.,

Defendants.

No. CV 76-0122 DWW

1. NOTICE OF MOTION
2. MOTION TO TRANSFER
3. AFFIDAVIT OF BARRY LEIGH WEISSMAN
4. POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO TRANSFER

Cys to DG (F.S.K.)
FDA (S.S.E.)

NOTICE OF MOTION

TO: DEFENDANTS FOOD AND DRUG ADMINISTRATION, AND TO THEIR ATTORNEYS OF RECORD, WILLIAM D. KELLER, UNITED STATES ATTORNEY, BY ASSISTANT UNITED STATES ATTORNEY, JAMES STOTTER II:

PLEASE TAKE NOTICE that the Plaintiff above named, through its undersigned counsel, will bring for hearing a Motion to Transfer this action to the District of Columbia, Washington, D.C. pursuant to 28 U.S.C. §1404(a) before the Honorable David W. Williams, United States District Judge, in his courtroom located in the United States Courthouse, 312 North Spring Street, Los Angeles, California, at 9:00 a.m. or as soon thereafter as counsel may be heard on July 18, 1977.

Dated this 24 day of June , 1977, at Beverly Hills, California.

BARRY LEIGH WEISSMAN
Attorney for Plaintiff

MOTION FOR TRANSFER
PURSUANT TO 28 U.S.C. §1404(a)

Plaintiff, through its undersigned counsel of record, respectfully moves this Court for an Order pursuant to 28 U.S.C. §1404(a) transferring this entire action to the District of Columbia, Washington, D.C.

This Motion is based upon the attached Memorandum of Points and Authorities in Support of Motion to Transfer, the Affidavit of Barry Leigh Weissman, as well as all other papers filed previously herein.

Dated this 24 day of June, 1977, at Beverly Hills, California.

BARRY LEIGH WEISSMAN
Attorney for Plaintiff

AFFIDAVIT OF BARRY LEIGH WEISSMAN

BARRY LEIGH WEISSMAN, being duly sworn states:

1. That I am an attorney at law duly licensed to practice before this Court.

2. That I presently maintain my offices at 9595 Wilshire Boulevard, Suite 710, Beverly Hills, California, and my telephone number is (213) 274-6885.

3. That I am counsel of record for the plaintiff, and I am familiar with the facts of this litigation.

4. That this is an action brought by the plaintiff to obtain documents which are being wrongfully withheld by the defendants under the guise of the Freedom of Information Act.

5. That I have been informed, and do so believe, that the documents which are being sought by the plaintiff are physically in Washington, D.C. Further, I have been informed that the number of pages involved in this action are quite voluminous and are physically located in Washington, D.C.

6. That I have further been informed and do so believe that the coordination, control and actual direction of this case is coming from the Department of Justice located in Washington, D.C. That in particular, two Department of Justice attorneys are coordinating and directing this case, PAUL FIGLEY and STUART DODELL. That both of these individuals are physically assigned to the offices of the Department of Justice, located in Washington, D.C.

7. For plaintiff to adequately and properly prepare its oppositions to the claims by defendants regarding the exemptions under the Freedom of Information Act, it is necessary for plaintiff

to conduct depositions of defendant's employees who have specific knowledge and control over the documents at issue in this action. I believe that these individuals all reside in the Washington, D.C. area.

8. It is in the interest of justice and for the convenience of the witnesses involved that this Motion is being sought. It is also with the intent of reducing the amount of the taxpayer's dollars which are spent on this form of litigation as a result of the government's unwarranted refusal to disclose documents sought pursuant to Title 5 of the United States Code §552, commonly referred to as the Freedom of Information Act.

9. That I have read the foregoing two pages and state under penalty of perjury that the foregoing is true and correct.

Executed this 23rd day of June , 1977, at Beverly Hills, California.

BARRY LEIGH WEISSMAN
Attorney for Plaintiff

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

On June 23, 1977, before me a notary public in and for said county and state, personally appeared BARRY LEIGH WEISSMAN, known to me to be the person who executed the within instrument, and who acknowledged to me that he executed the same.

NOTARY PUBLIC

OFFICIAL SEAL
KATHLEEN M. SMITH
NOTARY PUBLIC-CALIFORNIA
LOS ANGELES COUNTY
My Commission Expires Jan. 6, 1978

POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO TRANSFER PURSUANT TO 28 U.S.C. §1404(a)

The courts are empowered to transfer any civil action under 28 U.S.C. §1404(a):

"For the convenience of parties and witnesses, in the interest of justice."

That since the statute specifically states that a motion can be made for the "convenience of parties" both plaintiff and defendant are allowed to make motions to transfer. Philip Carey Mfg. Co. v. Taylor (CA 6th, 1961)286 F.2d 782, cert. denied (1961) 366 U.S. 948, 81 S. Ct. 903; Roberts Bros., Inc. v. Kurtz Bros. (D.N.J. 1964), 236 F. Supp. 471.

Lake City Stevedores, Inc. v. Steamship Lumber Queen, (D.C. Tex. 1972), 343 F. Supp. 933, held that the better view is to transfer the case upon the plaintiff's motion when a proper showing of convenience is made and it is in the interest of justice. Both of these elements, as seen in the affidavit of Barry Leigh Weissman attached hereto, and incorporated herein by reference, and in this Points and Authorities, are present in the instant action.

TIME TO MAKE MOTION TO TRANSFER PURSUANT TO 28 U.S.C, §1404(a)

A motion pursuant to this section can be made at any time or stage of the action, United States v. Swift, supra; (D.D.C 958) 158 F.Supp. 551, and it is based in sound judicial administration, United States v. Swift, supra, Tivoli Realty v. Paramount Pictures,

Church of Scientology – Folder 280

(D. Del. 1951) 103 F. Supp. 174; Kest v. New York Center Co., 116 F. Supp. 615; Adler v. McKee 92 F. Supp. 613; Levinson v. Little 81 F. Supp. 513.

A MOTION TO TRANSFER SHOULD BE GRANTED IF IT IS IN THE INTEREST OF JUSTICE AND IS FOR THE CONVENIENCE OF THE PARTIES.

28 U.S.C. §1404(a) specifically states that a motion to transfer should be granted by the Court if it is:

> "For the convenience of parties and witnesses, in the interest of justice..."

The United States Supreme Court in the matter of Continental Grain Co. v. Barge FBL-585, 364 U.S. 19, 26 (1960) has stated:

> "Theidea behind §1404 is that where a 'civil action' ...presents issues and requires witnesses that make one District Court more convenient than another, the trial judge can, after findings, transfer the whole action to the more convenient forum."

This section (§1404(a)):

> "reflects an increased desire to have federal civil suits tried in the federal system at the place called for in the particular case by considerations of convenience and justice. Van Dussen v. Barrack, 376 U.S. 612, 616 (1964)

This section has expanded and codified the doctrine of forum non convenience so that courts can now "grant transfers upon

a lesser showing of inconvenience" than under prior law. Norwood v. Kirkpatrick, 349 U.S. 29, 32 (1955). Thus, the court's task upon a motion to transfer is to balance the convenience of the forum in which the action has been brought against that in the forum to which transfer is sought.

> "The controlling conveniences and justice factors are to be applied to both litigants in their relationships to each of the two forums. Balances of these items are struck and then compared before the court's decision is crystallized. Brown v. Woodring, 174 F. Supp. 640, 645 (M.D. Pa. 1959).

The factors which are generally considered in determining whether a case should be transferred under 28 U.S.C. §1404(a) are:

1. The location of potential witnesses;
2. The location of documents, records and tangible objects which may have to be introduced into evidence;
3. The relative conveniences and expenses in terms of counsel and other practical considerations.

United States v. General Motors Corporation, 183 F. Supp. 858 (S.D. N.Y. 1960); Societe Commerciale de Transports Transatlantiques v. S.S. African Mercury, 366 F. Supp. 1347 (S.D.N.Y. 1973); Zelman v. Bethlehem Steel Co. 186 F. Supp. 246, (E.D. Pa. 1960); Henry Winston, Inc. v. Zale Jewelry Co., 191 F. Supp. 686 (S.D. N.Y. 1961); Myers v. Freedom Newspapers, Inc., 274 F. Supp. 93

(N.D. Ohio 1967); Schlusselberg v. Werly, 274 F.Supp. 758, (S.D. N.Y. 1967).

With respect to the convenience of the parties, where defendants are headquartered in another district, courts have transferred the action to that district. In Northern Acceptance Trust v. Gray, 423 F. 2d 653 (9th Cir. 1970); the Court of Appeals of the Ninth Circuit refused to set aside an order to transfer. In Northern Accpetance Trust, supra: The plaintiff resided in California; many of the defendants and witnesses resided in Hawaii and the relative corporate documents were in Hawaii. After weighing these factors, Judge Gray transferred the action to Hawaii pursuant to 1404(a).

The legislative history of the F.O.I.A. specifically acknowledged that it would be more convenient for the government if F.O.I:A. litigation were to take place in Washington, D.C.:

> "Since attorneys in the Justice Department in Washington, D.C. will have been involved in initial F.O.I.A. determinations at the administrative level (citations omitted), defense litigation in the District of Columbia would be more convenient from the government's vantage point." Senate Report No. 93-854, 93rd Cong. May 16, 1974.

In Freedom of Information Act litigation, all of the witnesses are government employees. In this action, the employees which might be witnesses all reside in Washington, D.C. or the surrounding area. Thus, to retain the action in California will require many witnesses to spend substantial time away from

their homes and businesses. United States v. General Motors, supra. This is not to mention the cost of travel, housing and loss of taxpayer dollars while these individuals are away from their businesses and homes. All of this unnecessary expense can be greatly reduced if the action is transferred to Washington, D. C. Moreover, it is no answer that the deposition might be taken in the states where witnesses reside. Fogel v. Wolfang, 48 F.R.D. 286, (S.D.N.Y. 1969)

The factors of convenience were referred to by Judge Herlands, in United States v. General Motors Corporation, supra., at 861:

> "Defendant's convenience must be viewed in light of not only the degree to which its business will be disrupted by trial in one forum rather than another, but also its cost in transporting to a city other than their origin (and maintaining therein) people, files and objects."

The term, "interests of justice" is:

> "...a term broad enough to cover the particular circumstances of each case, which in sum indicates that the administration of justice will be advanced by such a transfer. Schneider v. Sears, 265 F. Supp. 257, 263, (S.D. N.Y. 1967).

As to the particular factors involved:

> "...in the interest of justice, there should be considered the relative ease of access to sources of proof; availability of compulsory

process for attendance of unwilling witnesses, and the cost of obtaining attendance of willing witnesses..." Chicago, R.I. and P.R. Co. v. Igoe, 220 F. 2d, 299, 303 (7th Circ.), cert. denied, 350 U.S. 822 (1955)

The transfer of this action to the District of Columbia, would clearly appear to be "in the interest of justice." If it is necessary to call witnesses at the trial, they will be the employees of defendants, residing in or in the area surrounding the District of Columbia. Further, plaintiff is contemplating further depositions in this matter due to its complexity. All of the documents which are being sought by plaintiff are located in defendants' possession in Washington, D.C. Also, the fact that we are dealing with so many pages of documents necessitates that the matter be transferred to Washington, D.C. Hearing the matter in Washington, D.C. would save considerable expense, time and money in the packaging and shipping of these documents.

The instant action would seem to closely parallel Northern Acceptance Trust, supra., The plaintiff resides in California, the defendants and their attorneys reside in Washington, D. C. All of the witnesses reside in Washington, D.C. and clearly all of the relevant documents are in Washington, D.C. Therefore, the action should be transferred to Washington, D.C.

As a practical matter, it should be pointed out to the Court that the Department of Justice attorneys located in the District of Columbia, are actually coordinating and directing this action. As Mr. James Stotter II, the Assistant United States Attorney, who appears on these matters before this Court has state-

on numerous occasions, that before he can take any affirmative action he must contact the Department of Justice in Washington, D.C. I would also like to point out to this Court that on the 5th day of October, 1976, plaintiff's Motion Re: Protective Order and Motion to Quash was argued before this Court. The counsel arguing on defendants' behalf was not Mr. James Stotter II, but Mr. Paul Figley, an attorney from the Department of Justice, who was flown out here specifically to oppose plaintiff's motion. Clearly, a transfer to the District of Columbia would be in defendants' interests and would drastically reduce the cost of litigation of this action to the taxpayers.

CONCLUSION

In view of the foregoing and the purposes of 28 U.S.C. §1404(a), it would clearly be in the best interests of justice for this action to be transferred to Washington, D.C.

Dated this 23rd day of June, 1977, at Beverly Hills, California.

BARRY LEIGH WEISSMAN
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I, BARRY LEIGH WEISSMAN, hereby certify that on the 27th day of June, 1977, a copy of NOTICE OF MOTION; MOTION TO TRANSFER; AFFIDAVIT OF BARRY LEIGH WEISSMAN; POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO TRANSFER

was mailed, first class, postage prepaid to:

JAMES STOTTER II
Assistant U.S. Attorney
U.S. District Court
312 N. Spring St.
11th Floor
Los Angeles, California 90012

Barry Leigh Weissman
BARRY LEIGH WEISSMAN
9595 Wilshire Boulevard
Suite 710
Beverly Hills, California 90212

Attorney for Plaintiff

MINISTRY OF PUBLIC RELATIONS
UNITED STATES
CHURCH OF SCIENTOLOGY OF CALIFORNIA
5930 Franklin Ave., Los Angeles, California 90028

LOS ANGELES, CA 900
PM
25 MAY
1977

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AMER
U.S. MAIL
UNITED STATES POSTAL SERVICE

Commissioner
Food and Drug Administration
5600 Fishers Lane
Rockville, Md. 20852

GCF-1

MINISTRY OF PUBLIC RELATIONS
UNITED STATES
CHURCH OF SCIENTOLOGY OF CALIFORNIA
5930 Franklin Ave.,
Los Angeles, California 90028

23/5/77

DEAR SIR,

I THINK YOU WILL FIND THE ENCLOSED ARTICLE ON OUR RECENT FOI ACTION OF INTEREST TO YOU.

AS YOU WILL SEE BY THE ARTICLE, THE COURTS ARE SUPPORTING ATTORNEY GENERAL BELL'S RECENT STATEMENT ON THE NEED FOR MORE OPEN FILES, AND STRICTER COMPLIANCE TO FOI LAW BY GOVERNMENT AGENCIES.

WE ARE INVESTIGATING THE AGENCIES COMPLIANCE AND REACTION TO THE ATTORNEY GENERAL'S STATEMENTS. WE WOULD BE INTERESTED TO KNOW WHAT ACTIONS YOU HAVE INITIATED OR POLICY CHANGES YOU HAVE MADE TO SUPPORT GREATER COOPERATION IN RELEASING FILES TO THE PUBLIC AS THE ATTORNEY GENERAL HAS EXPRESSED.

SINCERELY,

JEFF FRIEDMAN
PUBLIC AFFAIRS

Routing	Action	Info	Coord
GCF-1	✓		
HFC-1		✓	
HFT-1		✓	
HFO-1		✓	
Dr. Kennedy		✓	
Mr. Barbieri		✓	
Prepared for		Direct	
Signature of		Reply	
Due: 6-22-77			

FDA TRAC # 77002089

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Metro
EDITORIALS
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TUESDAY, MAY 17, 1977

U.S. Agencies Told to Give Data to Judge

'I Just Don't Believe' Federal Claims on Files Sought by Church, Jurist Says

BY ROBERT RAWITCH
Times Staff Writer

Declaring "there is something fishy going on" and he can no longer believe the government, a Los Angeles federal judge Monday ordered three federal agencies to give him documents being withheld from the Church of Scientology.

"I'm not going to accept anything the government tells me in this case," said U.S. Dist. Judge Warren J. Ferguson, "because it has gotten to the point I just don't believe them."

At issue in the Freedom of Information Act suit filed by the church are at least six documents withheld by the U.S. Army, nine by the Department of Defense and 80 to 90 kept by the State Department.

The church has filed 23 such suits across the nation and has already received more than 40,000 documents from various agencies. However, many of those agencies have withheld certain documents, claiming various exemptions cited in the Freedom of Information Act and its 1975 amendments.

"In these three cases (involving the Army, the Department of Defense and the State Department) something fishy is going on," Ferguson told Asst. U.S. Atty. James Stotter II, "and I'm going to find out what is fishy."

"I'm not going to take the word of your client (the government)," the judge added.

Ferguson did not state if he had any specific suspicions why the government might be improperly withholding the documents in question.

Last year, he ruled in favor of the Drug Enforcement Administration's refusal to hand over certain documents to the church, although he characterized most of the withheld data as "silly and innocuous."

Stotter told the court it has been Justice Department policy not to voluntarily submit withheld documents to judges for their inspection prior to court rulings on a motion for summary judgment.

As the result of Ferguson's order, he said, other plaintiffs in similar suits may ask other judges to review thousands of pages of documents, placing a heavy burden on the courts.

Ferguson responded that his order would set no precedent and in no way bind other judges.

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Judge Demands to See Withheld Data

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"I'm going to see those documents because I am not going to believe your client," the judge repeated.

The judge said the federal government's "obstinance" in the case already had caused his court to devote a tremendous amount of time on the case needlessly.

Stotter and representatives of the U.S. Army and Defense Department were ordered to come to court with the documents in question for a closed hearing May 27, after which the judge will decide if the data should be turned over to the Church of Scientology.

At a future date, the judge said he will privately examine the larger quantity of documents being withheld by the State Department.

The church has maintained that the federal government for years has been collecting data about it, much of which is inaccurate but nevertheless has been used to discredit the church.

A church spokesman Monday accused the federal government of using "dirty tricks" and discouraging the use of the Freedom of Information Act by forcing citizens into court rather than voluntarily giving up requested files.

(Atty. Gen. Griffin Bell last week announced the Justice Department would be drawing up new guidelines on dealing with Freedom of Information Act requests to avoid forcing so many into the federal court system.)

Several instances were cited by the church in which federal agencies initially informed it that the agency had no files on the church, but subsequent litigation proved otherwise. In other instances, federal courts have ordered the release of information that agencies had withheld, citing various exemptions in the act.

"One file from the U.S. Labor Department claimed Scientologists take LSD at opening ceremonies and shoot people who disagree with their religion," Jeff Friedman, a church spokesman, said.

Friedman said it was discovered the report was compiled from a phone call to the Labor Department by an official of the Internal Revenue Service and that the report was the basis for preventing Scientology ministers from immigrating to the United States.

The Labor Department wrote a formal apology for the falsehood, the file was destroyed and the immigration proceeding was opened up, Friedman said.

JStotter:lw:2449

Ms. Barbara Allen Babcock, Assistant Attorney General, Civil Division; ATTN Mr. Paul Figley, Information & Privacy Section
William D. Keller, United States Attorney, Central District of Calif.
James Stotter II, Assistant Chief, Civil Division

April 18, 1977

Church of Scientology of California, Inc., etc., vs. Food and Drug Administration, et al.; USDC No. CV 76-0122-DWW
Ref: P/Figley:sac:145-16-880

At the pre-trial conference held before Judge Williams today, the plaintiff's attorney indicated that he would not oppose our continuance because it was his client's plan to make a motion to transfer this case to Judge Warren Ferguson of our Court.

The Court continued the pretrial to 9:00 a. m., June 6, 1977.

As per my telephone conversation with Joanne Sisk of Food and Drug Administration on April 15, 1977, I was assured that a draft of the proposed affidavit of William Jackson supplementing Exhibit A to the Answers to Interrogatories will be in Mr. Figley's hands (with a copy mailed to me) no later than April 29, 1977. We compute the time necessary to put the draft affidavit in final form, have it signed, and to prepare the other memoranda and papers necessary to file a summary judgment motion as being at least an additional week.

THE APPROPRIATE DEADLINE FOR OUR FILING THIS MOTION FOR SUMMARY JUDGMENT IS THUS MAY 16, 1977. (As you know, our Local Rules require a minimum of 17 days' notice for the filing of this motion.)

/s/ JAMES STOTTER, II
JAMES STOTTER
Assistant United States Attorney

cc: Ms. Joanne Sisk, Attorney (GCF-1)
Office of General Counsel
U. S. Food and Drug Administration
5600 Fishers Lane
Rockville, Maryland 20857

United States Attorney
Los Angeles, California

May 26, 1977

Barbara Allen Babcock
Assistant Attorney General
Civil Division
By: Jeffrey Axelrad, Chief
Information and Privacy Section

BAB:JA:PFFigley:cda
145-16-880

Tel: 739-3950

Church of Scientology of California v.
U.S. Food & Drug Administration, Civ.
No. CV 76-0122-DWW (U.S.D.C. C.D. Calif.)

Attention: James Stotter
Assistant U.S. Attorney

Enclosed please find the original and three copies of the revised Index and accompanying affidavit of William L. Jackson, prepared for your use in the above-titled action. Pursuant to our prior discussions, this Index is to be filed as a Supplementary Answer to plaintiff's Interrogatories. Further assistance will be provided as necessary.

Enclosure

cc: Food & Drug Administration
Washington, D.C. 20852
Attention: Joanne Sisk
Office of General Counsel

STATE OF MARYLAND

CIRCUIT COURT FOR THE COUNTY OF MONTGOMERY

Church of Scientology of California, a non-profit corporation, Plaintiff	)	
v.	)	No. CV 76-0122-DWW
United States Food and Drug Administration; Donald Kennedy, Commissioner of Food & Drugs,	)	AFFIDAVIT OF WILLIAM L. JACKSON
Defendants.	)	

State of Maryland)
) ss
County of Montgomery)

The undersigned, William L. Jackson, being first duly sworn, on oath deposes and says as follows:

1. I am the Special Assistant to the Associate Commissioner for Compliance, and Director of the Public Records and Documents Center, Food and Drug Administration.

2. That I have reviewed the attached index which was prepared by personnel under my supervison and control, and which to my knowledge, information and belief is accurate.

William L. Jackson
WILLIAM L. JACKSON

Subscribed and sworn to before me this 20th day of May 1977.

Mary B. Garrett
NOTARY PUBLIC
MARY B. GARRETT

My Commission Expires: July 1, 1978

Baltimore District

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
A-1	undated	Attorney work product (7 pages)	List of names and addresses for potential witnesses	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-2	undated	Handwritten notes (1 page)	List of six names with a common address of persons who had received E-Meters via U.S. Mail (not deleted)	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-3	9/21/70	Internal memorandum of telephone conversation between the following Food and Drug employees: Mr. Will Swain, Mr. B.T. Loftus, Mr. Robert W. Case (1 page)	Attorney work product, specifically, a discussion of pending litigation and probable government witnesses including names and addresses for these persons	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-4	2/6/63	Internal memorandum (2 pages) To: Director, Baltimore District From: John C. Bullard Subj: Hubbard E-Meter 4093-V, FDC 48405	Report of investigation conducted outside of Food and Drug Administration regarding a specific individual	5 U.S.C. 552 (b)(5), (b)(7)(C),(b)(7)(D), (b)(7)(E)
A-5	2/5/63	Internal memorandum (3 pages) To: Director, Baltimore District From: Inspector, Wendell O. Brown Norfolk Inspection Station Subj: Hubbard E-Meter 4093-V, FDC 48405	Report of an investigation of a specific individual containing names and other identifying characteristics including medical details	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-6	1/30/63	Memorandum for the File (2 pages) Author: George B. Tilrow, Insepctor Baltimore District	Interview with a specific individual about a specific incident involving the Church of Scientology and persons associated with the organization containing names and other indentifying characteristics	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-7	2/20/63	Internal memorandum (4 pages) To: Director, Philadelphia District From: Inspector, W. Remle Grove Subj: Hubbard E-Meter 4093V FDC 48405 DRM/F memo 2/4/63	Interview with a specific individual regarding his experiences with Scientology and persons involved with that organization with names and identifying characteristics	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)

Exhibit A

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
A-8	11/13/70	Internal memorandum of telephone conversation (2 pages) between a complainant and Mr. Raymond L. Sweeney, Food and Drug Officer, Buffalo District REF: Scientology of Washington, D.C.	Complaint consisting of names and identifying characteristics including medical references	5 U.S.C. 552 (b)(5), (b)(6) (b)(7)(C), (b)(7)(D)
A-9	12/9/64	Internal Memorandum (2 pages) To: Division of Case Supervision Attn: Mr. Will Swain From: George D. Tilroe, supervisory inspector, Baltimore District Subj: Founding Church of Scientology	Summary of telephone conversation with complainant regarding present experiences with the Church of Scientology and members of that organization, consisting of names and other identifying characteristics of of individuals including medical details.	5 U.S.C.552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-10	9/13/63	Internal memorandum of telephone conversation (1 page) between the following FDA employees: Arnold N. Morton, Seattle District; G. Wallace Rynerson, Seattle District, A.M. Welch, Division of Regulatory Management	References to specific persons and specific events with names and other identifying characteristics	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-11	7/23/64	Internal memorandum (3 pages) To: Philadelphia District From: Inspector Elmer W. Greve Subj: DCS: BRC/Philadelphia, letter 5/22/64 4093V, E-meter, FDC 48495	Interview containing names identifying characteristics of specific individuals including medical references	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-12	11/22/68	Internal memorandum (2 pages) To: Director, Baltimore District From: Michael D. Kennedy, Inspector Baltimore District Subj: Special Investigation - Scientology	Investigation and interview with specific individuals containing names and identifying characteristics including medical references	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-13(a)	1/7/69	Internal memorandum (1 page - 2 copies) To: Chief Inspector From: M.J. Ryan, Compliance Branch Subj: 004-093V, Scientology	Request for investigation of specific individuals providing detailed background information	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
A-13(b)	1/22/69	Internal memorandum (4 pages with 3 copies of Form FD 461 authorization for medical records disclosure attached) TO: Director Baltimore District FROM: Michael D. Kennedy, Inspector Baltimore District SUBJ: 004-093V. Scientology	Report on completed assignment requested in document #A-13a containing names and identifying characteristics of individuals including medical details	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-14	1/31/68	Internal memorandum (4 pages) TO: Director Baltimore District Office FROM: William C. Drury, Inspector Baltimore District Office SUBJ: An individual's name	Summary of a telephone conversation and subsequent interview between a complainant and Mr. Drury regarding experiences with the Church of Scientology and persons associated with the organization containing names and identifying characteristics of individuals.	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-15	11/18/66	Internal memorandum (3 pages) TO: Director Denver District FROM: Inspector D.C. Scherninger Inspector John B. Powell SUBJ: Sample No. 4093V. Hubbard E-Meter	Investigative interview containing names and identifying characteristics of complainant including medical references	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
A-16	11/23/66	Internal memorandum (2 pages)(2 copies) TO: Director, Baltimore District FROM: S. Elsbree, Norfolk Resident SUBJ: Specific individual name (reference Food and Drug officer Ryan/Norfolk telephone request 11/15/66	Interview and investigation containing names identifying characteristics of complainants including medical details	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-18	2/4/63	Internal memorandum (13 pages) TO: Director Chicago District FROM: R.D. Sherman SUBJ: 4093V, Hubbard E-Meter	Interview with complainant regarding experiences with Scientology and members of that organization containing names and identifying characteristics including medical details	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
A-19	2/12/63	Internal memorandum (4 pages) TO: Chicago District FROM: R.D. Sherman SUBJ: Hubbard E-Meter 4093V	Investigative interview containing names and characteristics	5 U.S.C. 552 (b)(5),(b)(6) (b)(7)(C), (b)(7)(D)
A-20	2/12/63	Internal memorandum (4 pages) with 2 of police report attached) TO: Chicago District FROM: R.D. Sherman SUBJ: Hubbard E-Meter	Interview with complainant regarding experiences with Scientology and members of that organization containing names and identifying characteristics including medical details	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-21	2/14/63	Complainant's Affidavit (3 pages)	Description of complainant's experiences with Scientology and members of that organization containing names and identifying characteristics including medical details	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-22	2/15/63	Internal memorandum (3 pages) TO: Director, Chicago District FROM: R.D. Sherman SUBJ: 4-093V, Hubbard E-Meter	Investigation and Interview containing names and identifying characteristics of complainants including medical details	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-23	2/25/63	Internal memorandum (4 pages) TO: Director, Chicago District FROM: R.D. Sherman SUBJ: 4-093V, Hubbard E-Meter FDC 48405	Investigation of specific individual containing names and identifying characteristics including medical references	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-24	2/25/63	Internal memorandum (1 page, with 3 pages of photostat copies of correspondence between individuals attached) TO: Chicago District FROM: R.D. Sherman SUBJ: 4093V, Hubbard E-Meter	Description of correspondence attached to memorandum	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)

Exhibit A - Page 4

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
A-25	3/2/66	Internal Memorandum of telephone conversation (1 page) between FDA employees, Mr. George W. Sooy, Director, Baltimore District and Mr. George Brubaker, Division of Case Supervision, BRC	Discussion of follow-up of facts leading to a purported suicide of purported scientologist.	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C) , (b)(7)(D)
A-26	undated	Typewritten copy of teletype to Seattle District See document No. A-27	Description of a specific individual's experiences and impressions of Scientology and individuals associated with that organization containing names and identifying characteristics	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C) , (b)(7)(D)
A-27	11/10/66	Copy of teletype (5 pages with one additional page of correction; attached is another copy of document number A-26 - 3 pages) TO: Seattle District/Groth, Food and Drug Officer FROM: FDA Baltimore District/M.J. Ryan Food and Drug Officer	Description of a specific individual's experiences and impressions of Scientology and individuals associated with that organization containing names and indentifying characteristics	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
A-28	4/6/67	Internal memorandum of telephone conversation (1 page) BETWEEN: Mr. J. Kenneth Kinney, Acting Supervisory Inspector, Seattle District Office And Mr. Ernest L. Brisson, Acting Food and Drug Officer, Baltimore District Office	Report of telephone conversation with a specific individual regarding telegram received by the individual	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C) , (b)(7)(D)
A-29	3/30/67	Copy of teletype (1 page) TO: Food and Drug Baltimore District Attn: Gordon Thompson, Acting Director FROM: Food and Drug Administration Seattle District/HWFD	Attorney work product Arrangements being specifically made for prospective witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
A-30	4/3/67	Internal memorandum of telephone conversation (1 page) BETWEEN: Merle J. Ryan, Food and Drug Officer and Gordon G. Thompson, Acting Director, Baltimore District	Attorney Work product Arrangements being made specifically for prospective witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-31	undated	Attorney work product Points to be Proved (2 pages)	Instructions as to steps to be taken in pending litigation including names and addresses of prospective witnesses	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
A-32	undated	Attorney work product (4 pages)	Proposed testimony for proposed witness in pending litigation	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-33	undated	Attorney work product (2 pages) with copy of letter of complaint (1 page)	Attorney work product, proposed testimony for proposed witness in pending litigation	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-34				
A-35	undated	Attorney work product (1 page)	Proposed testimony by proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-36	undated	Attorney work product (1 page)	Proposed testimony by proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-37				
A-38				
A-39				
A-40	undated	Attorney work product (1 page)	Attorney work product, specifically, proposed testimony for proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)

Exhibit A, Page 6 of 9

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
A-41	undated	Attorney work product (3 pages)	Attorney work product, specifically, proposed testimony for proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-42				
A-43				
A-44	undated	Attorney work product	Proposed testimony for proposed witness	5 U.S.C.552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-45	undated	Attorney work product	Proposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-46				
A-47				
A-48	undated	Attorney work product (13 pages)	Proposed testimony	5 U.S.C. 552 (b)(5)
A-49	undated	Attorney work product (2 pages)	Proposed testimony	5 U.S.C. 552 (b)(5)
A-50	undated	Attorney work product (2 pages)	Proposed testimony	5 U.S.C. 552 (b)(5)
A-51	undated	Attorney work product (1 page)	Proposed testimony	5 U.S.C. 552 (b)(5)
A-52	undated	Attorney work product (1 page)	Proposed testimony	5 U.S.C. 552 (b)(5)
A-53	undated	Attorney work product (1 page)	Proposed testimony	5 U.S.C. 552 (b)(5)
A-54	undated	Attorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-55				

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
A-56	undated	Attorney work product (2 pages)	Proposed testimony for proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C) , (b)(7)(D)
A-57	undated	Attorney work product (2 pages)	Proposed testimony for proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-58	undated	Attorney work product (15 pages)	Proposed testimony by proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C) , (b)(7)(D)
A-59	undated	Attorney work product (15 pages)	Proposed testimony by proposed witness in pending litigation	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-60	3/22/67	Attorney work product (2 pages)	List of prospective witnesses for pending litigation, including names, addresses, telephone numbers, and other identifying characteristics	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-61	11/4/71	Internal memorandum (1 page - 2 copies) To: Office of General Counsel From: Director, Office of Compliance Subj: E-Meters - 4091-V (Founding Church of Scientology	Follow-up to document #P-3, containing similar recommendations and discussion of options	5 U.S.C. 552 (b)(5)
A-62	2/13/63	Internal memorandum (3 pages) To: Director, Detroit District From: Inspectors Carl Larrick and Joseph H. Cox Subj: 4-093, Hubbard E-Meter FDC48405	Investigative report containing names and identifying characteristics of individuals regarding experiences with and impressions of Scientology	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C),(b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
A-63	3/7/69	A State Attorney General's Office inter-office communication (4 pages)	Investigative interviews with individuals containing names and other identifying characteristics including medical details	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
A-64	5/13/69	A State Attorney General's Office inter-office communication (5 pages)	Summary of investigative observations of a Scientology center	5 U.S.C. 552 (b)(5), (b)(7)(D)
A-65	6/4/69	A State Attorney General's Office inter-office communication (3 pages)	Investigation and interview with a specific individual containing names and identifying characteristics of complainant including medical details	5 U.S.C. 552 (b)(6), (b)(7)(C), (b)(7)(D)
A-66	1/19/69	Handwritten letter contained in the files of a State Attorney General's Office. From a complainant to another private individual, regarding Scientology (6 pages) Attachments to document released and identified	Narrative containing names and identifying characteristics of complaintants including medical details describing the individual's experience with the organization	5 U.S.C. 552 (b)(6), (b)(7)(C), (b)(7)(D)
A-67	3/6/63	Internal memorandum (1 page) To: Director, Baltimore District From: George D. Tilroe, Washington Resident Station Subj: Hubbard E-Meter	Employee's personal reaction to a proposed assignment and alternatives	5 U.S.C. 552 (b)(5), (b)(7)(D), (b)(7)(E)
A-69	2/8/63	Internal memorandum (1 page) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: 4093V, Hubbard E-Meter FDC48405	Report of investigation	5 U.S.C. 552 (b)(5), (b)(7)(D), (b)(7)(E)

Houston District

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
B-1	11/19/68	Internal memorandum (15 pages) To: Director, Dallas District From: Edward R. Atkins, Inspector Subj: Consumer Complaint - Church of Scientology	Investigative interview with a specific individual containing names and identifying characteristics of complainants including medical references	5 U.S.C. 552 (b)(5), (b)(6),(b)(7)(C), (b)(7)(D)

Detroit District

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
C-1	3/27/68	Internal memorandum (2 pages) To: Director, Chicago District From: Roland D. Sherman, Inspector 4093-V Subj: Hubbard E-Meter	Request for investigation Information regarding a specific individual to be used in providing answer in document C-2	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
C-2	4/9/68	Inter-agency memorandum (2 pages) From: A.J. Beebe, Deputy Director To: A State official	Provides answer to request for information on a particular individual.	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C),(b)(7)(D)

Dallas District

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
D-1	3/7/69	A State Attorney General's Office inter-office communication (4 pages)	Investigative interview with 5 individuals containing names and other indentifying characteristics including medical details	5 U.S.C. (b)(5),(b)(6), (b)(7)(C),(b)(7)(D)
D-2	5/13/69	A State Attorney General's Office inter-office communication (4 pages)	Summary of investigative observations of a Scientology center.	5 U.S.C. 552 (b)(5), (b)(7)(D)
D-3	6/4/69	A State Attorney General's Office inter-office communication (4 pages)	Investigation and interview with a specific individual containing names and identifying characteristics of complainant including medical details	5 U.S.C. 552 (b)(6), (b)(7)(C),(b)(7)(D)
D-4	1/19/69	Handwritten letter contained in the files of a State Attorney General's Office. From a complainant to another private individual, regarding Scientology. (6 pages) Attachments to document released and identified	Narrative containing names and identifying characteristics of complainant including medical details describing the individual's experience with the organization	5 U.S.C. 552(b)(6),(b)(7)(C), (b)(7)(D)

Los Angeles District

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
E-1	1/24/63	Internal memorandum (3 pages) TO: Los Angeles District FROM: Van W. Smart SUBJ: 4-093V Hubbard E-Meter FDC 48405	Assignment request for information regarding specific individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)
E-2	2/6/63	Internal memorandum (4 pages) TO: Director, Los Angeles District FROM: D. L. Dovel SUBJ: Hubbard E-Meter 4093-V, DOC 48405	Response to document number E-1	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)
E-4	2/6/63	Internal memorandum (1 page) TO: Director, Los Angeles District FROM: D. L. Dovel, Inspector SUBJ: Hubbard E-Meter	Summary of the investigation of certain individuals containing names and identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
E-5	1/22/63	Internal memorandum (2 pages) TO: New York District, Los Angeles District FROM: Van W. Smart, Division of Regulatory Management, Bureau of Enforcement SUBJ: Hubbard E-Meter	Request for investigative information on several individuals with names and identifying characteristics.	5 U.S.C. 552(b)(5), (b)(7)(C), (b)(7)(E)
E-6	1/28/63	Internal memorandum (1 page) TO: Baltimore District FROM: Gordon R. Wood, Director, Los Angeles District SUBJ: Hubbard Electrometer, Mathison Electropsychometer	Summary of telephone conversations with a particular individual regarding his views on the Church of Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
E-7	2/27/63	Letter addressed to Mr. R. G. Wood, U.S. Food and Drug Administration, 1521 W. Pico Blvd., Los Angeles, California FROM: A complainant	Suggestions from complainant as to whom to contact as possible witnesses.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
E-3	2/7/63	Memo from Phoenix Inspection Station TO: Chief Inspector, L.A. District (1 page) SUBJ: 4-093 V, Hubbard E-Meter	Response to an assignment request for the status of the investigation of the Hubbard E-Meter and information regarding certain individuals	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)

DOCUMENT NO.	DATE	DESCRIPTION.	CONTENT	STATUTORY EXEMPTION
E-8	2/25/63	Letter addressed to Mr. R. G. Wood, FDA, 1521 W. Pico Blvd., Los Angeles, California FROM: A complainant	Suggestions from complainant as to whom to contact as possible witnesses.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
E-9	2/21/63	Letter from one individual to another individual	The writer's personal opinion of Scientology and FDA	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
E-10	2/19/63	Letter from one individual to another individual	Personal opinion regarding the Church of Scientology and individuals associated with the organization.	5 U.S.C. 552(b)(6), (b)(7)(C)
E-12	2/21/63	Internal memorandum (2 pages, 2 copies) TO: Director, Boston District FROM: Inspector Howard I. Niss SUBJ: Memo 2/14/63, Inspector Bearon/Director of Minneapolis District, re: L. Ron Hubbard and Hubbard E-Meter	Investigative interview with particular individual containing names and identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
E-13	3/7/63	Internal memorandum (3 pages) TO: Director, Los Angeles District FROM: W. L. Dovel, Inspector and Dale G. Harper, Inspector SUBJ: Interview re: L. Ron Hubbard and Hubbard E-Meter	Investigative interview with a particular individual containing names and identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
E-14	5/24/63	Internal memorandum (5 pages) TO: Director, Los Angeles District FROM: Inspector D. L. Dovel SUBJ: Interview regarding Hubbard E-Meter	Report of a particular individual's experiences with the Church of Scientology and members of that organization with names and identifying characteristics including medical references.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
E-15	12/7/70	Internal memorandum (4 pages) TO: Deputy Regional Food and Drug Director, Los Angeles Field Office FROM: Inspector James P. DiGrazia SUBJ: Scientology	Report of a particular individual's experiences with the Church of Scientology and members of that organization with names and identifying characteristics including medical references.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
E-16	12/15/70	Internal memorandum (4 pages) TO: Deputy Regional Food and Drug Director, Los Angeles District FROM: James P. DiGrazia SUBJ: Scientology Investigation	Report of interview with two particular individuals regarding their experiences with the Church of Scientology and members of that organization containing names and identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
E-17	11/23/70	Internal memorandum (7 pages) with 1 page and one 3 page letter of complaint attached. TO: Assistant Regional Food and Drug Director, Los Angeles Field Office FROM: James P. DiGrazia, Inspector, Los Angeles District SUBJ: Scientology	Report of interview with 3 individual regarding their experiences with the Church of Scientology and members of that organization with names and identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
E-18		An individuals passport	Self explanatory	5 U.S.C. 552(b)(6), (b)(7)(C)
E-19		An individuals passport, customs declaration and copies of 2 certificates	Self expanatory	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
E-20	2/20/63	Internal memorandum (4 pages) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: Hubbard E-Meter	Interview with a particular individual regarding his experiences with the Church of Scientology and members of the organization containing names and identifying characteristics	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
E-21	8/17/70	Internal memorandum (2 pages) To: Los Angeles District From: James P. DiGrazia, Inspector Subj:	Investigation of a specific individual containing names and identifying characteristics	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
E-22	8/24/70	Handwritten mamorandum (1 page + 11 pages of computer printed information regarding this individual Author: Lloyd Lehrer's Subj: Information requested by Bud Loftus DCG/BD	Investigation of a specific individual containing names and other identifying characteristics	5 U.S.C. 552 (b)(5), (b)(6),(b)(7)(C) (b)(7)(D)
E-23	8/27/70	Internal memorandum (1 page) To: Deputy Regional Director From: Edward R. Esparza Subj: (Individuals name)	Investigation of specific individual with names and other identifying characteristics	5 U.S.C. 552 (b),(b)(6), (b)(7)(C) , (b)(7)(D)
E-24	12/11/70	Internal memorandum (8 pages) To: Deputy Regional Food and Drug Director, Los Angeles, Field Office From: Inspector, James P. DiGrazia Subj: Scientology Investigation	Report of interview with a specific individual concerning his experience with the Church of Scientology's and members of that organization with names and identifying characteristics	5 U.S.C. 552 (b)(5), (b)(6),(b)(7)(C) (b)(7)(D)
E-25	11/25/70	Internal memorandum (4 pages) To: Deputy Regional Director, Los Angeles Field Office From: James P. DiGrazia, Inspector Los Angeles Field Office Subj: Scientology	Report of interview with a specific individual concerning his experience with the Church of Scientology's and members of that organization with names and identifying characteristics	5 U.S.C. 552 (b)(5), (b)(6),(b)(7)(C) (b)(7)(D)
E-26	11/10/66	Memorandum of telephone conversation (1 page) between Merl Ryan, Food and Drug Officer, Baltimore District and Donald L. Dovel, Inspector, Los Angeles District Office	Mr. Dovel's impression regarding a prospective government witness	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C) (b)(7)(D)
E-27	11/2/66	Internal memorandum (1 page) To: Director, Los Angeles District Office From: Donald L. Dovel Subj: (persons name)	Information regarding a specific individual	5 U.S.C. 552 (b)(5), (b)(6),(b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
E-28	2/4/63	Internal memorandum (1 page) To: Philadelphia District Office From: Van W. Samrt, Division of Regulating Management, Bureau of Enforcement Subj: Hubbard E-Meter 4093V FDC 48405 (Name and address)	Information regarding specific individuals with names and identifying characteristics	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C)
E-29	3/14/63	Letter from individual to Mr. Harper	Specific information regarding the Church of Scientology's activities and device E-Meter	5 U.S.C. 552 (b)(6), (b)(7)(C), (b)(7)(D)
E-30	2/13/63	Internal memorandum (2 pages) To: Director Los Angeles District Office From: D.L. Dovel, Inspector Newton Chin, Inspector Subj: Hubbard E-Meter 4093V FDC 48405	Report on an interview with a specific individual regarding his experiences with the Church of Scientology and members of that organization containing names and other identifying characteristics	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C) (b)(7)(D)
E-31	3/18/63	Internal memorandum (5 pages) with carbon copy of individuals 2 page affidavit and copies of 5 certificates attached. To: Director, Los Angeles District From: Inspector, Donald L. Dovel and Dale E. Harper Subj: Hubbard E-Meter 4093V, DoC48405	Report regarding interview with 2 specific individuals regarding experiences in detail concerning Scientology and person associated with the organization including names and other identifying characteristics	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
E-32(?)	3/19/68	Memorandum from the files of an agency other than the Food and Drug Administration	Report of investigation	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)

Case

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF THE SECRETARY

ROCKVILLE, MD. 20852

June 9, 1977

OFFICE OF THE
GENERAL COUNSEL

Mr. Jeff Friedman
Public Affairs
Ministry of Public Relations
United States
Church of Scientology of California
5930 Franklin Avenue
Los Angeles, California 90028

Dear Sir:

Your letter of May 25, 1977 to the Commissioner of the Food and Drug Administration has been referred to this office for reply.

We think it inappropriate to engage in an extensive dialogue on the subject of the Food and Drug Administration's implementation of the FOI Act while the Agency is in litigation with your organization on that very subject.

However, we can inform you that the Agency's regulations, 21 CFR 20.20, set forth the Agency's policy that the FDA will make the fullest disclosure of records to the public; and, that except where specifically exempt all of the Agency's records are available for public disclosure. We are confident that this policy is consistent with the Attorney General's statements to which you refer.

With respect to the newspaper article you enclosed, we understand that the court subsequently examined the documents in camera. And, that the actions you originally brought against the Army and the Department of Defense were then dismissed.

Very truly yours,

Richard A. Merrill
Chief Counsel

Joanne S. Sisk

By: Joanne S. Sisk
Associate Chief Counsel
for Enforcement

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
E-33	12/8/70	Internal memorandum (1 page) To: Dallas Field Office From: James P. DiGrazia Subj: Scientology Request for Investigation	Request to determine type of investigation conducted by a State agency	5 U.S.C. 552(b)(5), (b)(7)(D), (b)(7)(E)
E-34	1/8/71	Internal memorandum (2 pages) To: Dallas District Director From: Gary S. Quam Subj: Scientology	Report of a State investigation requested Document #E-33	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
E-35	3/7/69	A State Attorney General's Office inter-office communication (4 pages)	Investigative interview with 5 individuals containing names and other identifying characteristics including medical details	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
E-36	5/13/69	A State Attorney General's Office inter-office communication (4 pages)	Summary of investigative observations by a State agency of a Scientology center	5 U.S.C. 552(b)(5), (b)(7)(D)
E-37	6/4/69	A State Attorney General's Office inter-office communication (4 pages)	Investigation and interview with a specific individual containing names and identifying characteristics of complaintant including medical details	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
E-38	1/19/69	Handwritten letter contained in the files of a State Attorney General's Office. From a complaintant to another private individual, regarding Scientology (6 pages) Attachments to document released and identified	Narrative containing names and identifying characteristics of complaintant including medical details describing the individual's experience with the organization	5 U.S.C. 552(b)(6), (b)(7)(C)
E-39	10/18/68	Internal memorandum (3 pages) To: Director, Los Angeles District From: Lloyd Lehrer Subj: Tax status and related Information of Church of Scientology of California	Report of investigation by a State agency of various sources regarding Scientology	5 U.S.C. 552(b)(5), (b)(7)(C), (b)(7)(D), (b)(7)(E)

Los Angeles

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
EN-1	10/21/71	Inter-agency memorandum (2 pages) To: Mr. Gene F. McHale U.S. Postal Service From: B.T. Loftus, Food and Drug Administration	Provides Detailed information regarding a specific individual with respect to experience with Scientology	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
EN-2	8/17/71	Handwritten correspondence (1 page) To: Mr. DiGrazia, Food and Drug Administration From: Private individual	Provides detailed information regarding persons associated with Scientology	5 U.S.C. 552 (b)(6), (b)(7)(C), (b)(7)(D)
EN-3	9/24/71	Memorandum of telephone conversation (3 pages) Between: Bernard T. Loftus, Food and Drug Administration and a private individual Subj: Scientology - Hubbard E-Meters	Individual provided detailed information regarding his experience with Scientology and persons associated with the organization	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)

Minneapolis District

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
F-1	5/22/66	Internal memorandum (3 pages) To: Director, Minneapolis District From: Walter L. Stauffacher, Inspector Subj: Scientology Investigation	Investigation and interview containing names and identifying characteristics of complainants, including medical references	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
F-2	11/10/70	Internal memorandum of telephone conversation of November 6, 1970 (2 pages) Between Frank A. Mosebar, Supervisory Inspector Food and Drug Administration, Kansas City District, and Complainant	Discussion containing names and identifying characteristics of complainants, including medical references	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
F-3	5/8/70	Internal memorandum of telephone conversation (2 pages) Between Food and Drug Administration employees, Mr. Allen and Mr. Van Smart	Attorney Work Product - Specifically, discussion of procedures to be followed for pending litigation at direction of counsel	5 U.S.C. 552(b)(5)
F-4 F-5 F-6 F-7		These documents were disclosed to Plaintiff's counsel.		
F-8	2/25/63	Internal memorandum (1 page) To: Director, Minneapolis District From: Inspector I. Bearon Subj: Scientology Investigation	Summary of the discussion with a state official regarding possible inter-Agency cooperation in Scientology investigations	5 U.S.C. 552(b)(5), (b)(7)(D)

Headquarters

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-1	2/25/63	Internal memorandum (1 page) To: Director, Minneapolis District From: Inspector I. Bearon Subj: Scientology Investigation	Summary of contact with a State Official regarding that State's investigation of Scientology and a suggestion for possible Federal/State cooperation regarding this investigation.	5 U.S.C. 552(b)(7)(D), (b)(7)(C) , (b)(7)(D)
H-2	1/31/63	Internal memorandum (2 pages) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: Hubbard E-Meter - 4093-V, FDC 48405	Summary of information contained in a State's investigative file regarding Scientology. Also, the results of a requested investigation of a specific individual.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-3	11/18/68	Internal memorandum (2 pages with a copy of one three page and one two page investigative report on two specific individuals and a letter from a State Official to the Church of Scientology dated 2/16/66 - attached)	Summary of information contained in a State's investigative files regarding the status of the Church of Scientology, including specific information regarding specific individuals under investigation.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-4	2/13/63	Investigative report (4 pages) From the files of an agency other than Food and Drug Admin.	Investigation of a specific individual.	5 U.S.C. 552(b)(6), (b)(7)(C),
H-5	2/15/63	Interagency memorandum (3 pages - 2 copies, with 3 letters - total 14 pages - of correspondence from a specific individual - attached)	Investigative report on a specific individual.	5 U.S.C. 552(b)(6), (b)(7)(C),
H-6	9/22/68	Internal memorandum from the files of an Agency other than the Food and Drug Administration (3 pages with a 22 page attachment)	Attorney work product - requesting a supplemental investigation of specific persons and organizations as listed on the attachment.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(E)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-7	2/12/63	Internal memorandum (2 pages) To: Director, Baltimore District From: George D. Tilroe, Inspector, Baltimore District Subj: A particular individual's name	Summary of another Agency's investigation of the National Academy of Psychology, including names and identifying characteristics of specific individuals	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)
H-8	2/26/63	Internal memorandum (1 page) To: Director, Baltimore District From: George D. Tilroe, Inspector, Baltimore District Subj: Specific individual's name	Summary of another Agency's investigation regarding specific individuals associated with the Church of Scientology	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)
H-9	2/26/63	Internal memorandum (2 pages) To: Director, Baltimore District From: George D. Tilroe, Inspector, Baltimore District Subj: Specific individual's name	Summary of a State Agency's investigation regarding the Church of Scientology including investigations of specific individuals	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-10	1/25/63	Memorandum for the File (1 page) Author: George D. Tilroe	Summary of interviews with 4 employees of other Agencies regarding investigations of the Church of Scientology	5 U.S.C. 552(b)(5), (b)(7)(E)
H-11	9/13/63	Internal memorandum (4 pages) To: Director, Seattle District From: Supervisory Inspector G.W. Rynerson Subj: Hubbard E-Meters	Summary of investigation conducted jointly with a municipal Agency	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-12	6/16/61	Internal memorandum from the files of an Agency other than the FDA (8 pages)	Summary of investigation conducted by a municipal Agency including names and other identifying characteristics of several individuals	5 U.S.C. 552(b)(5), (b)(6) (b)(7)(C), (b)(7)(D) (b)(7)(E)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-13(a)	11/29/67	Interagency memorandum Author: Alfred Barnard, Director, Bureau of Regulatory Compliance	Acknowledgement of additional information supplied by the other Agency	5 U.S.C. 552(b)(5), (b)(7)(D), (b)(7)(E)
H-13(b)	11/24/67	Interagency memorandum (1 page) To: Mr. Alfred Barnard, Director, Bureau of Regulatory Compliance	Description of attached report regarding a specific individual	5 U.S.C. 552(b)(5), (b)(7)(D), (b)(7)(E)
H-13(c)	10/31/67	Interagency memorandum (1 page) between Officials of non-Federal agencies	Summary of that Agency's investigation of Scientology. Cover letter describing attachment - H-13(d)	5 U.S.C. 552(b)(5), (b)(7)(D), (b)(7)(E)
H-13(d)	6/15/66	Internal memorandum (4 pages) of a non-Federal agency	Summary of that Agency's investigation of Scientology	5 U.S.C. 552(b)(5), (b)(7)(C), (b)(7)(D) (b)(7)(E)
H-14	various dates	File jacket containing 32 pages of correspondence and reports regarding an investigation conducted by an Agency other than the Food and Drug Administration	Report of investigation as described	5 U.S.C. 552(b)(5), (b)(7)(C), (b)(7)(D) (b)(7)(E)
H-15	Undated	Attorney work product (8 pages)	List of names and addresses of potential witnesses	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-16	10/10/61	Letter to a specific individual from a member of the Church of Scientology	Request for payment	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-17	6/12/63	Internal memorandum of interview (3 pages) between an individual and FDA employees, W.N. Swain and J.O. Gesling	Interview with a specific individual concerning his experiences with the Church of Scientology and persons associated with the organization containing names and other identifying characteristics of complainants. including medical details	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-18	8/1/66	Internal memorandum for the file of a Municipal agency (3 pages)	Investigative interview with a specific individual containing names and identifying characteristics of the complainant including medical details. Reference is also made to 2 other complainants.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-19	1/25/63	Internal memorandum (6 pages) To: Philadelphia District From: Inspector W. Remle Grove and Philip B White Subj: Hubbard E-Meter	Investigative interview of a specific individual containing names and identifying characteristics including medical details regarding the individuals auditing sessions	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-20	11/23/66	Internal memorandum (2 pages) To: Director, Baltimore District From: S. Elsbree Subj: References a specific individual	Investigative interview containing names and identifying characteristics of complainant including medical details regarding Scientology prepared at the request of the General Counsel's Office	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-21(a)	2/7/63	Internal memorandum (1 page) To: Atlanta District From: Inspector Turner O. Hailey Subj: Scientology Cells	Summary of telephone conversation with a complainant	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-21(b)	5/28/63	Internal memorandum (3 pages) To: Atlanta District From: Inspector Turner O. Hailey Subj: Scientology Interview	Investigative interview containing names and other identifying characteristics of complainant regarding Scientology	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-22	5/24/63	Internal memorandum (4 pages) To: Director, Los Angeles District From: Inspector D. L. Dovel	Report of a particular individual's experiences with the Church of Scientology and members of that organization with names and identifying characteristics including medical references	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-23	2/19/63	Internal memorandum (3 pages) To: San Francisco District From: Raymond F. Kreuger, Inspector Subj: Hubbard E-Meter Investigation	Investigative interview containing names and identifying characteristics of individuals including medical details regarding experiences with Scientology.	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
H-24	7/23/64	Internal memorandum (3 pages) To: Philadelphia District From: Inspector Elmer W. Greve Subj: 4093V E-Meter FDC48405	Interview containing names identifying characteristics of specific individuals including medical references.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-25	11/21/66	Internal memorandum (3 pages) To: Atlanta District From: Inspector William L. Morton, Miami Subj: Contested Seizure - Sample 4093V Hubbard E-Meter - Founding Church of Scientology	Investigative interview containing names and identifying characteristics of complainants including medical details, regarding individuals experiences with Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-26	2/13/63	Internal memorandum (4 pages) To: Director, Los Angeles District From: D. L. Dovel, Inspector, L.D. Baxter, Inspector Subj: Hubbard E-Meter	Investigative interview containing names and identifying characteristics of individual complainants including medical details, regarding their experiences with Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-27	2/28/63	Internal memorandum (2 pages) To: Director, Baltimore District From: George D. Tilroe, Washington Resident Station Subj: Hubbard E-Meter Investigation	Investigation containing names and identifying characteristics of an individual including medical details regarding experiences with Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-28	2/15/63	Internal memorandum (4 pages) To: Atlanta District From: Frank J. Jancarek, Tampa Subj: Investigation of Referred Complaint	Investigative interview containing names and identifying characteristics of complainant including medical details.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-29	1/21/63	Personnal correspondence between complainant and Church of Scientology. (1 page)	Complaint regarding experiences with the Church of Scientology.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-30	2/21/63	Internal memorandum (1 page) To: Chief Inspector From: Inspector Narrow Subj: Hubbard E-Meter	Interview with an individual containing names and identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-31	7/30/63	Internal memorandum (3 pages) To: Bureau of Enforcement Attn: Division of Regulatory Management From: Denver District, J.J. Cox Subj: Hubbard E-Meter	Investigative interview containing names and identifying characteristics of individuals regarding experiences with Scientology.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-32	Undated	Attorney Work Product	Notes including names, addresses, and other identifying characteristics of potential witnesses.	5 U.S.C. 552(b)(6), (b)(7)(C)
H-33	10/17/62	Internal memorandum (2 pages) To: Director, Denver District From: Louis W. Seaman Subj: Hubbard E-Meter	Investigative interview with a specific individual regarding experiences with Scientology and persons associated with the organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-34	3/18/63	Internal memorandum (5 pages) To: Director, Los Angeles District From: Inspectors Donald L. Dovel and Dale E. Harper Subj: Hubbard E-Meter	Investigative interview containing names and identifying characteristics of two individuals regarding experiences with Scientology and persons associated with the organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-35	3/22/63	Internal memorandum (4 pages) To: Director, Buffalo District From: Inspector Larry Kerness Subj: 4093V Hubbard E-Metter FDA48405	Investigative interview containing names and identifying characteristics of several individuals including medical details regarding Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-36	2/4/63	Internal memorandum (13 pages) To: Director, Chicago District From: R.D. Sherman Subj: 4093V Hubbard E-Meter	Investigative interview containing names and identifying characteristics of complainants including medical details regarding experiences with Scientology and persons associated with the organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-37	2/25/63	Internal memorandum (1 page) To: Chicago District From: R.D. Sherman Subj: 4093V Hubbard E-Meter	Comments regarding a specific individual as a potential witness.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-38	2/15/63	Internal memorandum (3 pages with a 2 page list of described exhibits) To: Director, Chicago District From: R.D. Sherman Subj: 4093V Hubbard E-Meter	Investigative interview with a specific individual containing names and identifying characteristics regarding Scientology and persons associated with the organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-39	2/25/63	Internal memorandum (4 pages) To: Director, Chicago District From: R.D. Sherman Subj: 4093V Hubbard E-Meter FDC 48405	Investigative report regarding a specific individual with names and other identifying characteristics including medical details.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-40	2/12/63	Internal memorandum (4 pages) To: Chicago District From: R.D. Sherman Subj: Hubbard E-Meter 4093V	Investigative interview with a specific individual containing names and other identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-41	2/12/63	Internal memorandum (4 pages with 2 page investigative report from an Agency other than the Food and Drug Administration attached) To: Chicago District From: R.D. Sherman Subj: Hubbard E-Meter 4093V	Investigative interview containing names and other identifying characteristics including medical details.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-42	3/23/63	Internal memorandum (1 page) To: Director, Chicago District From: R.D. Sherman, Inspector Subj: 4093V Hubbard E-Meter FDC 48405	Information regarding a specific individual containing names and other identifying characteristics including medical devices.	5 U.S.C 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-43	Various dates	9 pieces of an individual's personal correspondence.	Complainant's impressions of Scientology and individuals associated with the organization.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-44	Undated	Type written notes (1 page)	Information regarding a specific individual	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-45	3/7/63	Interagency memorandum (1 page) To: Van W. Smart, Deputy Director, Division of Regulatory Management, Bureau of Enforcement From: An Agency other than the Food and Drug Administration	Information including medical references concerning a specific individual	5 U.S.C. 552(b)(6), (b)(7)(C)
H-46	1/28/63	Letter addressed to a private institution from Gilbert S. Goldhammer, Director, Division of Regulatory Management, Bureau of Enforcement (1 page)	Request for information regarding a specific individual	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-47	1/25/63	Internal memorandum (1 page) To: Philadelphia District From: Division of Regulatory Management, Bureau of Enforcement Subj: 4093V Hubbard E-Meter FDC 48405	Information regarding a specific individual	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-48	2/5/63	Internal memorandum (1 page) To: Philadelphia District From: Inspector James E. Tessmer Subj: Investigation of a specific individual	Results of investigation regarding a specific individual	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-49	2/14/63	Internal memorandum (3 pages) To: Director, Seattle District From: Inspector Robert E. Parkinson Subj: Background	Information regarding a specific individual	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-50	2/4/63	Internal memorandum (4 pages with copies of 24 pages of documents obtained from the files of an Agency other than the Food and Drug Administration) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: 4093V Hubbard E-Meter FDC 48405	Results of investigation regarding specific individuals and specific events.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-51	2/12/63	Internal memorandum (4 pages) To: Director, Baltimore District From: Washington Resident Station Subj: Investigation of a specific individual	Information relating to a specific individual.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-52	2/8/63	Internal memorandum (1 page) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: 4093V Hubbard E-Meter FDC 48405	Report of investigation	5 U.S.C. 552(b)(5), (b)(7)(D), (b)(7)(E)
H-53	11/13/70	Internal memorandum (1 page) To: The General Counsel Attn: Mrs. Sisk From: Bernard T. Loftus, Division of Case Guidance Subj: Hubbard E-Meters	Attorney Work Product - specifically a "Progress Report" requested by Counsel regarding the status of certain aspects of the case. This document also includes opinions relative to the Agency's position.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-54	Undated	Attorney Work Product	Interview with a potential witness regarding his experiences with the Church of Scientology and members of that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-55	11/19/66	Letter (2 pages) To: Mr. Gottlieb From: A potential witness	Potential witness's experiences with the Church of Scientology and members of that organization.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-56	11/25/70	Internal memorandum (4 pages) To: Deputy Regional Director, Los Angeles Field Office From: James P. DeGrazia, Inspector, Los Angeles Field Office Subj: Scientology	Investigative interview with specific individual regarding his experience with the Church of Scientology and members of that organization. The report contains names and other identifying characteristics of several individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-57	7/18/63	Attorney Work Product (7 pages)	Personal information regarding a potential witness as supplied to attorney.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-58	8/27/70	Internal memorandum (1 page) To: Deputy Regional Director From: Edward R. Esparza Subj: (Individual's name)	Investigation of a specific individual containing names and other identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-59	Undated	Attorney Work Product	Specifically, proposed testimony of proposed witness.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-60	8/11/70	Attorney Work Product (18 pages)	Notes regarding interview with potential witness.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-61	9/8/72	Correspondence between an individual and a State Official. (4 pages)	Description of the individual's experiences with Scientology and members of that organization.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-62	Undated	Attorney Work Product (45 pages)	Notes pertaining to an interview with a potential witness regarding his experiences with the Church of Scientology and members of that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-63	Undated	Attorney Work Product (8 pages)	Proposed testimony of proposed witness.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-64	12/11/70	Internal memorandum (8 pages with a 3 page copy of an incomplete affidavit attached) To: Deputy Regional Food and Drug Director, Los Angeles Field Office From: Inspector James P. DeGrazia Subj: Scientology Investigation	Interview regarding potential witnesses experiences with Scientology and members of that organization containing names and identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-65	2/19/63	Internal memorandum (9 pages) To: Director, Dallas District From: Inspector John R. Vodneck Inspector Boland B. Shepherd Subj: 4093V Hubbard E-Meter FDC 48405 Church of Scientology of Dallas	Investigative report of specific individual containing names and other identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-66	1/3/69	Internal memorandum (1 page) To: Division of Case Guidance Attn: Tom Rice From: Dallas District, Raymond V. Mlecko, Food and Drug Officer Subj: Complaint	Follow-up of document #H-67 regarding a specific individual.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION.	CONTENT	STATUTORY EXEMPTION
H-67	12/26/68	Internal memorandum (1 page) To: Division of Case Guidance Attn: Tom Rice From: Dallas District, Raymond V. Mlecko, Food and Drug Officer Subj: Complaint	Brief description of document indexed as H-68.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-68	11/19/68	Internal memorandum (14 pages) To: Director, Dallas District From: Edward R. Atkins, Inspector Subj: Consumer Complaint - Church of Scientology	Investigative interview with a specific individual containing names and identifying characteristics of complainants including medical references.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-69	1/30/63	Internal memorandum for the file Author: George D. Tilroe, Inspector Baltimore District (2 pages)	Interview with a specific individual regarding a specific incident.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-70	2/12/63	Internal memorandum (4 pages) To: Director, Baltimore District From: Washington Resident Station Subj: (Specific individual's names)	Interview with specific individual regarding his experiences with the Church of Scientology and members of that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-71	2/12/63	Internal memorandum (2 pages) To: Director, Minneapolis District From: I. Bearon, Inspector Subj: 4093V, E-Meter, FDC 48405 Scientology Investigation DRM/M Memo 2/5/63	Interview with a specific individual regarding another individual.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-72(a)	9/5/63	Internal memorandum of telephone conversation (1 page) between Food and Drug Employee G.W. Rynerson and complainant	Discussion of complaint regarding Scientology and persons associated with the organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-72(b)	9/9/63	Internal memorandum (4 pages) To: Director, Seattle District From: Inspector, Edward R. Floyd Subj: E-Meters	Follow-up interview to document #H-72(a) describing the experiences of the individual with regard to Scientology and persons associated with the organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-73	2/13/63	Internal memorandum (3 pages) To: Director, Los Angeles District From: D.L. Dovell, Inspector Subj: Hubbard E-Meter 4093V FDA48405	Interview with complainant regarding his experiences with the Church of Scientology and persons associated with the organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-74	2/13/63	Internal memorandum (3 pages) To: Director, Dallas District From: Inspector A.V. Ignatowicz Subj: Interview with (individual's name)	Description of that individual's experiences with the Church of Scientology and persons associated with that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-75	2/21/63	Internal memorandum (2 pages) To: Director, Boston District From: Inspector Howard I. Niss Subj: Memo 2/14/63 Inspector Bearon, Director of Minneapolis District, regarding L. Ron Hubbard and Hubbard E-Meter 4093V FDC 48405	Interview with specific individual regarding Scientology and individuals associated with the organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-76	3/7/63	Internal memorandum (3 pages) To: Director, Los Angeles District From: Inspector D.L. Dovel, Inspector Dale E. Harper Subj: Interview with (an individual) regarding L. Ron Hubbard and Hubbard E-Meter 4093V FDC 48405	Interview regarding an individual's experiences with Scientology and persons associated with that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-77	3/18/63	Internal memorandum (5 pages) To: Director, Los Angeles District From: Inspectors Donald L. Dovel and Dale E. Harper Subj: Hubbard E-Meter 4093V FDC 48405	Interview and investigation consisting of two individuals experiences with the Church of Scientology and persons associated with that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-78	1/11/63	Internal memorandum of telephone conversation between Food and Drug Employee, W.N. Swain, Division of Regulatory Management and a complainant. (1 page)	Interview regarding the individual's relative's experiences with the Church of Scientology, including medical references.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-79	2/6/63	Internal memorandum (1 page) To: San Francisco District From: Van W. Smart, Division of Regulatory Management, Bureau of Enforcement Subj: 4093V Hubbard E-Meter FDC 48405	Request for interview with specific individuals regarding ths use of the E-Meter. Medical details regarding one of these individuals is included in the memorandum.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-80	2/1/63	Internal memorandum (1 page) To: Los Angeles District From: Van W. Smart, Division of Regulatory Management, Bureau of Enforcement Subj: 4093V Hubbard E-Meter FDC 48405	Request for investigation of an individual's complaint regarding Scientology. Medical details are included in the memorandum.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-81	2/19/62	Attorney Work Product (1 page)	Affidavit describing potential witnesses' experiences with Scientology including medical details.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-82	11/23/70	Internal memorandum (7 pages) To: Assistant Regional Food and Drug Director, Los Angeles Field Office. From: James P. DeGrazia, Inspector, Los Angeles Field Office Subj: Scientology	Investigative interview with individuals regarding their experiences with the Church of Scientology and persons associated with that organization.	5 U.S.C. 552(b)(6), (b)(7), (b)(7)(C), (b)(7)(D)
H-83	Undated	Attorney Work Product (1 page)	Detailed description of potential witness's academic and career accomplishments.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-84	Undated	Attorney Work Product (7 pages)	Consists of notes of a personal nature regarding several potential witnesses including names, addresses, telephone numbers, medical details.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-85	7/20/60	Personal letter (4 pages)	Consumer complaint containing names and identifying characteristics of the complainant including medical details.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-86	4/27/71	Memorandum of interview Author: Inspector M.P. Jones	The individual's experiences with the Church of Scientology and persons associated with that organization.	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-88	12/7/70	Internal memorandum (4 pages) To: DRFDD, Los Angeles Field Office From: Inspector James P. DeGrazia Subj: Scientology	Interview with specific individual regarding his experiences with the Church of Scientology and persons associated with that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-89	12/14/70	Internal memorandum (2 pages with exhibits consisting of 3 one page pieces of personal correspondence and a 63 page pamphlet authored by the individual interviewed) To: DRFDD, Los Angeles Field Office From: Inspector James P. DeGrazia Subj: Scientology Investigation	Interview containing names and identifying characteristics with an individual describing his experiences with the Church of Scientology and persons associated with that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-90	11/13/70	Internal memorandum of telephone conversation between a complainant and Mr. Raymond L. Sweeny, Food and Drug Officer, Buffalo District Office (1 page)	Complaint containing names and other identifying characteristics of individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-91	2/13/63	Internal memorandum (2 pages) To: Director, Los Angeles District From: D.L. Dovel, Inspector, Newton Chin, Inspector Subj: Hubbard E-Meter 4093V FDC 48405	Interview containing names and identifying characteristics of the individual, describing his experiences with the Church of Scientology and persons associated with that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-92	2/15/63	Internal memorandum (2 pages) To: Director, Seattle District From: J. Kenneth Kinney, Inspector Subj: 4093V Hubbard E-Meter FDC 48405	Investigation of a specific event relative to a specific individual.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)
H-93	2/5/63	Letter (2 pages with photograph attached) addressed to the Honorable John F. Kennedy, President of the United States	Complaint containing names and identifying characteristics of a complainant.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-94	11/8/66	Internal Memorandum (1 page) To: Director, Boston District From: Inspector Jerome J. Donovan Subj: FDA General Counsel/B District Telephone Request 11/7/66	Description of attempt to contact and interview a specific individual, including names and other identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-95	11/27/62	Personal correspondence between individuals.	Discussion of events and other personal information relating to the author.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-96	Undated	List of names and addresses of potential witnesses obtained from a specific Better Business Bureau (3 pages)	List of names and addresses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-97	12/29/70	Internal memorandum (2 pages) To: DRFDD, Los Angeles Field Office From: James P. DeGrazia, Inspector Subj: Scientology Investigation	Interview with individual regarding his experience with and opinion of Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-98	10/6/66	Memorandum from the files of an Agency other than the Food and Drug Administration (1 page) Attached is a copy of a one page form entitled "Report of Property Purchased or Seized under Narcotic and Marijuana Laws."	Interview containing names and other identifying characteristics regarding a particular individual.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D),
H-99	11/10/70	Internal memorandum of telephone conversation (2 pages) between Complainant and Frank A. Mosebar, Supervisory Inspector, Food and Drug Administration, Kansas City District	Complainant reported details regarding one of his relative's experiences with the Church of Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-100	12/15/70	Internal memorandum (4 pages) To: Deputy Regional Food and Drug Director, Los Angeles District From: James P. DeGrazia, Inspector Subj: Scientology Investigation	Investigative interview with 2 individuals regarding their experiences with the Church of Scientology and persons associated with the organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-101	11/20	Attorney Work Product (9 pages)	Specific information regarding potential witnesses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-102	4/1/63	Internal memorandum (2 pages) To: Director, Baltimore District From: George D. Tilroe, Washington Resident Station Subj: Scientology Investigation	Specific information regarding a specific individual including names, identifying characteristics, and medical details.	5 U.S.C 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-103	Undated	Attorney Work Product (1 page)	List of names and addresses of potential witnesses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-104	2/20/63	Internal memorandum (4 pages) To: Director, Philadelphia District From: W. Remle Grove Subj: Hubbard E-Meter 4093V FDA 48405	Investigate interview with specific individual regarding specific experiences with Scientology and persons associated with that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-105	4/5/63	Internal memorandum (4 pages) To: Director of Buffalo District From: Larry Kerness, Albany Resident Station Subj: 4093V Hubbard E-Meter FDC 48405	Investigative interview of individual associated with Scientology containing names and other identifying characteristics	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C) , (b)(7)(D)
H-106	Undated	Attorney Work Product (1 page)	List of names and addresses of potential witnesses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-107	10/25/62	Individual's handwritten note	Individual's consent for Food and Drug Inspectors to use her property.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D). (b)(7)(E)
H-108	4/23/71	Internal memorandum of an Agency other than the Food and Drug Administration (2 pages)	Investigative interview with a specific individual regarding his experiences with Scientology and members of that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D),

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-109	2/4/63	Internal memorandum (4 pages) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: 4093V Hubbard E-Meter FDC 48405	Results of investigation regarding specific individuals and specific events	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-110	2/8/63	Internal memorandum (1 page) To: Director, Dallas District From: Inspector John F. Rabusch Subj: Attached are copies of 7 pages of investigative documents from the files of an Agency other than the Food and Drug Administration	Investigation of complaint by a State agency	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-111	1/8/71	Internal memorandum (2 pages with 17 pages from the files of an Agency other than the Food and Drug Administration) To: Dallas District Director From: Inspector Gary S. Quam Subj: Scientology	Interview with an official of a State agency regarding that agency's investigation of Scientology. Attached are copies of documents from the agency's files.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-112				
H-113	Undated	Attorney Work Product (1 page)	Names and identifying characteristics of potential witnesses	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-114	Undated	Transcription (2 pages) of a portion of a taped interview	An individual's experiences including names, identifying characteristics and medical details with regard to his experiences with the use of the E-Meter and Scientology	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-115	11/6/63	Internal memorandum (1 page) To: John Rynd From: Ray G. Warthen, Houston Resident Post Subj: Scientology	Details of a telephone conversation with a complainant containing names, identifying characteristics and medical details	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-116	2/11/63	Internal memorandum (5 pages, with individual's 6 page affidavit attached)	Description of an individual's experiences with the Church of Scientology and persons associated with the organization. The report includes names, identifying characteristics as well as the author's opinions of the individual interviewed	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-117	Undated	Rough Draft of memorandum (13 pages) with "Do Not Use Ruf Notes B.T. Loftus" written across top of first page	Personal opinions of an Food and Drug Administration employee regarding Scientology. Document bears the words "Do Not Use Ruf Notes."	5 U.S.C. 552(b)(5)
H-118	Undated	Attorney Work Product (2 type-written pages of names and addresses)	Names and addresses of potential witnesses	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-119	11/2/62	Internal memorandum (2 pages) To: Director, Baltimore District From: Charles H. Everline, Inspector Subj: Hubbard E-Meter	Investigative interview with an individual of a municipal agency regarding his investigation of Scientology. Also discussed was possible cooperative efforts between the Food and Drug Administration and this Agency.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-120	1/15/63	Internal memorandum (1 page) To: Director, Baltimore District From: George E. Tilroe, Inspector, Washington Resident Station Subj: E-Meter Seizure	Details of telephone conversation with individual associated with a municipal agency regarding the use of an E-Meter for exhibit purposes	5 U.S.C. 552(b)(5), (b)(7)(D)
H-121	Undated	Attorney Work Product (8 pages)	Notes on several potential witnesses including names and other identifying characteristics	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-122	7/15	Handwritten internal memorandum To: B. E. From: M. R. S.	Details regarding a particular individual	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-123(a)	Undated	Attorney Work Product (1 page)	Names and identifying characteristics including medical details regarding potential witness	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-123(b)	12/4	Attorney Work Product (2 pages)	Names and identifying characteristics of potential witnesses	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-124	2/14/63	Attorney Work Product (3 pages)	Names, addresses, and telephone numbers of potential witnesses	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-126	Undated	Attorney Work Product (5 pages)	Details regarding potential witnesses including names, addresses and other identifying characteristics	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-127	Undated	Attorney Work Product (11 pages)	List of names, addresses and other identifying characteristics regarding potential witnesses	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-128	7/24/62	1 page application form	Individual's application for a license which does not mention Scientology	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-129	2/4/63	Individual's criminal record (1 page) from a municipal agency	Details regarding criminal offense	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-130	2/7/63	Internal memorandum (1 page) To: Chief Inspector, Los Angeles District From: Albert Ackerman, Phoenix Inspection Station Subj: 4093V, Hubbard E-Meter	Details regarding investigation of specific individuals	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-131	Undated	Attorney Work Product (5 pages)	Details regarding potential witnesses including names, addresses and other identifying characteristics	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-132				
H-133	Undated	Rough Draft of internal memorandum (4 pages) To: Press Information Attn: Edward Nida From: Office of Compliance Subj: William Willoughby Article in the Evening Star regarding Scientology	Proposed comments with respect to certain aspects of a referenced news article. Draft bears the words "Not Used."	5 U.S.C. 552(b)(5)
H-134	Undated	Rough Draft of proposed letter (4 pages) To: Editor of the Evening Star	Comments regarding article as referenced in Document #H-133. Draft bears the words "Not Used."	5 U.S.C. 552(b)(5)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-135	2/8/63	FBI internal memorandum (4 pages)	Investigative report regarding a specific individual's complaint regarding Scientology	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-136	2/1/63	Interagency memorandum From: Van W. Smart, Deputy Director, Division of Regulatory Management, Bureau of Enforcement	Request for information from an agency other than the FDA regarding a specific individual	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-137	2/16/63	Letter addressed to Mr. Wood from a specific individual	Cover letter for information being sent to us by this individual on Scientology	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-137(a)	5/28/63	Letter from individual addressed to United States Food and Drug Administration, Washington, D.C.	Information regarding a specific subject from a specific individual	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-138	1/28/63	Internal memorandum To: Baltimore District From: Gordon R. Wood, Director, Los Angeles District Subj: Hubbard Electrometer	Details of communication between Mr. Wood and a particular individual regarding his views and experiences with Scientology	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-139	1/17/63	Letter addressed to Mr. G. R. Wood, United States Food and Drug Administration, Los Angeles, California (1 page, with copy of one page letter from the writer to another private individual)	Details regarding the individual's experiences with Scientology, relative to a specific incident. Attached is a copy of a letter from the individual to someone the writer suspects is associated with the Scientology organization as referenced in his letter.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-139(a)	2/27/63	Letter addressed to Mr. R. G. Wood, United States Food and Drug Administration, Los Angeles, California	Writer's recommendation for a potential witness and also information regarding certain events relative to Scientology	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-139(b)	2/25/63	Letter addressed to Mr. R. G. Wood, Food and Drug Administration, Los Angeles, California	Writer's recommendation that the Food and Drug Administration contact certain individuals as potential witnesses in the Scientology case including names, addresses, other identifying characteristics	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-139(c)	2/21/63	Letter between 2 individuals	Writer's opinion of Scientology	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-139(d)	2/19/63	Correspondence between 2 individuals	Writer's opinion of Scientology and persons associated with the organization	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-140	2/2/63	Internal memorandum (5 pages - 2 copies) To: Director, Baltimore District From: Inspector J. C. Bullard Subj: 4093V Hubbard E-Meter, FDC 48405	Details of Scientology investigations conducted by Agencies and organizations other than the Food and Drug Administration	5 U.S.C. 552(b)(5), (b)(7)(C), (b)(7)(D)
H-141	2/18/63	Internal memorandum (2 pages with 12 pages of documents from a municipal agency	Summary of investigation into Scientology by a municipal agency	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-142	2/15/61	Letter between 2 State Agency Officials (1 page)	Cover letter for documents that will be described in H-143	5 U.S.C. 552(b)(5), (b)(7)(D), (b)(7)(E)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-143	Various dates	Copies of 17 pages of investigative documents from the files of a State Agency	Investigative reports on Scientology and many individuals associated with the organization including names, identifying characteristics and medical details on specific individuals	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-144	6/6/52	Internal memorandum from a municipal agency	Investigative report on specific individuals including names and other identifying characteristics	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-145	3/25/59 3/11/59 3/16/59	Internal memoranda from the files of a municipal agency (12 pages)	Investigative report on Scientology and several individuals associated with the organization including names, identifying characteristics and medical details	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-146	7/5/58	Internal memorandum from the files of a municipal agency (2 pages)	Investigative report regarding Scientology	5 U.S.C. 552(b)(5), (b)(7)(D)
H-147	3/2/59	Internal memorandum from the files of a municipal agency	Investigative report regarding Scientology	5 U.S.C. 552(b)(5), (b)(7)(D)
H-148	4/3/59	Internal memorandum from the files of a municipal agency (2 pages)	Report of a meeting between officials of an Agency other than the Food and Drug Administration and the following Food and Drug employees: Mr. Swain and Mr. Quinn, in which investigations regarding the Church of Scientology were discussed. The report also includes details regarding a specific individual and his experiences.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-149	5/1/58	Internal memorandum from the files of a municipal agency (1 page)	Report on one aspect of this Agency's investigation of Scientology	5 U.S.C. 552(b)(5), (b)(7)(D)
H-150	1/29/58	Internal memorandum from the files of a municipal agency (2 pages)	Report on one aspect of this Agency's investigation of Scientology	5 U.S.C. 552(b)(5), (b)(7)(D)
H-151	1/30/58	Internal memorandum from the files of a municipal agency (4 pages)	Investigative report on Scientology and individuals associated with the organization	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-152	1/27/58	Internal memorandum from the files of a municipal agency (4 pages)	Investigation of a specific individual associated with the Church of Scientology	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-153	4/7/58	Internal memorandum from the files of a municipal agency (3 pages)	Investigation regarding a specific individual associated with the Church of Scientology	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-154	Undated	Attorney Work Product (75 pages)	Proposed questions and probable answers to be used in an individual's deposition	5 U.S.C. 552(b)(5)
H-155	5/16/63	Letter addressed to Dr. Joseph B. Davis, Bureau of Medicine, Food and Drug Administration from a potential witness	Opinions regarding the usefulness of the E-Meter and another device	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-156	Undated	Attorney Work Product (5 pages)	Draft of proposed testimony for proposed witness	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-157	Undated	Attorney Work Product (3 pages)	Proposed testimony for proposed witness.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-158	Undated	Attorney Work Product (3 pages)	Proposed testimony for proposed witness.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-159				
H-160				
H-161				
H-162	Undated	Attorney Work Product (4 pages)	Proposed testimony for witness not yet selected.	5 U.S.C. 552(b)(5)
H-163	Undated	Attorney Work Product (4 pages)	Proposed testimony for witness not yet selected.	5 U.S.C. 552(b)(5)
H-164	Undated	Attorney Work Product (4 pages)	Proposed testimony for witness not yet selected.	5 U.S.C. 552(b)(5)
H-165	Undated	Attorney Work Product (4 pages)	Proposed testimony for witness not yet selected.	5 U.S.C. 552(b)(5)
H-166	Undated	Attorney Work Product (4 pages)	Proposed testimony for witness not yet selected.	5 U.S.C. 552(b)(5)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-167		Attorney Work Product - Mannilla file folder containing the following: (a) (5/17/71) handwritten memorandum of telephone conversation bewteen B.T. Loftus and the office of a proposed witness. (b) (9/4/70) letter from Bernard T. Loftus to the Office of a proposed witness. (c) (8/19/70) handwritten memorandum of telephone conversation to the Office of a proposed witness. (d) (8/14/70) handwritten memorandum of telephone conversation with proposed witness. (e) handwritten proposed testimony for proposed witness. All documents 1 page each.	Arrangements being made with proposed witness regarding testimony in pending litigation.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-168		Attorney Work Product - Manilla folder consisting of the following: (a) handwritten memorandum of telephone conversation with proposed witness (5/18/71). (b) handwritten memorandum of telephone conversation with proposed witness (9/4/70). (c) handwritten proposed testimony for proposed witness. All documents consist of 1 page each.	Arrangements being made with proposed witness regarding proposed testimony in pending litigation.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-169		Attorney Work Product - Manilla file folder consisting of the following: (a) (5/18/71) handwritten memorandum of telephone conversation with proposed witness. (b) (9/1/70) handwritten memorandum of telephone conversation with proposed witness. (c) (5/17/71) handwritten memorandum of telephone conversation with the office of the proposed witness. (d) (8/31/70) handwritten memorandum of telephone conversation with the office of proposed secretary and B.T. Loftus. (e) (8/20/70) handwritten note from B. Loftus requesting extra copy of testimony. (f) (8/14/70) memorandum of telephone conversation with proposed witness. (g) handwritten draft of proposed testimony for proposed witness. Documents (a) through (f) consist of 1 page. Document (g) consists of 3 pages.	Arrangements for testimony for proposed witness in pending litigation.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-170		Attorney Work Product - Manilla folder consisting of the following: (a) (5/17/71) letter from Bernard T. Loftus to proposed witness - 1 page. (b) (5/17/71) handwritten memorandum of telephone conversation with office of proposed witness - 1 page. (c) (8/14/70) handwritten memorandum of telephone conversation with proposed witness - 1 page. (d) 10 pages of handwritten notes regarding testimony of proposed witness.	Arrangements and testimony for proposed witness in pending litigation.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-171		Attorney Work Product - Manilla folder containing the following: (a) (9/2/70) letter from Bernard T. Loftus to proposed witness (1 page, 2 copies) (b) (5/17/71) handwritten memorandum of telephone conversation with proposed witness. (1 page) (c) (8/18/70) memorandum of telephone conversatin with proposed witness (1 page) (d) (8/14/70) memorandum of telephone conversation with office of proposed witness (1 page)	Arrangments with proposed witness for testimony in pending litigation.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(c)
H-172		Attorney Work Product - Manilla folder consisting of the following: (a) proposed testimony of proposed witness (1 page) (b) proposed testimony of proposed witness (1 page) (c) handwritten proposed testimony for proposed witness (1 page) (d) (9/1/70) interagency memorandum from B.T. Loftus to proposed witness. Subject: Scientology seizure pending trial (1 page) (e) (/8/26/70) handwritten memorandum of meeting with proposed witness. (1 page) (f) (4/19/67) note from Assistant United States Attorney regarding exhibit not sent to jury (1 page with copy of exhibit attached) (g) (8/25/70) handwritten memorandum of discussion between B.T. Loftus and Kennedy regarding proposed witness(1 page) (h) handwritten notes regarding the proposed witness' opinion of the E-Meter (1 page) (i) proposed testimony for proposed witness (1 page)	Arrangements with proposed witness as to testimony in pending litigation.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-173	Undated	Attorney Work Product (6 pages)	Questions and probable answers proposed for use in pending litigation	5 U.S.C. 552(b)(5), (b)(7)(D)
H-174				
H-175	4/15/63	Attorney Work Product - Draft (1 page)	Proposed question and answers to be used in pending litigation	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-176	Undated	Attorney Work Product (2 pages)	Proposed questions and answers to be used in pending litigation	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-177				
H-178	Undated	Attorney Work Product	List of points to be proven in pending litigation, including names and identifying characteristics of proposed witnesses	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-179	6/12/67	Interagency memorandum (2 pages) From: Merl J. Ryan, Assistant to Director, Baltimore District To: Nathan Dodell, Esq., Assistant United States Attorney	Attorney work product, description of expenses incurred by the government in obtaining expert testimony	5 U.S.C. 552(b)(5), (b)(6)
H-180	3/31/59	Internal memorandum of conference between Division of Regulatory Management and Taylor Quinn, Resident Inspector, Washington, D.C. and officials of non-Federal Agencies other than the Food and Drug Administration (2 pages)	Details regarding the respective Agencies' investigations into Scientology and the use of the E-Meter	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-181	1/22/63	Internal memorandum (2 pages) From: Van W. Smart To: New York District and Los Angeles District Subj: Hubbard E-Meter, Sample Number 4093V, FDC 48405	Request for information regarding specific individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)
-182	1/25/63	Internal memorandum (1 page) To: Chicago District From: Van W. Smart, Division of Regulatory Management, Bureau of Enforcement Subj: 4093V Hubbard E-Meter FDC 48405	Request for information on or from specific individuals.	5 U.C.S. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)
H-183	1/29/63	Internal memorandum (1 page) To: Baltimore District From: Van W. Smart, Division of Regulatory Management, Bureau of Enforcement Subj: 4093V Hubbard E-Meter FDC 48405	Request to contact and interview specific individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)
H-184	1/30/63	Internal memoramdum of interview Author: George D. Tilroe, Inspector Baltimore District (2 pages)	Discussion with prospective witness regarding the use of polygraph machines.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
-185	2/8/63	Internal memorandum (2 pages) To: Director, Baltimore District From: George D. Tilroe Subj: Hubbard E-Meters	Report involving a specific incident and specific individuals associated with Scientology including medical details and other identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-186	2/14/63	Internal memorandum (7 pages) To: Director, Kansas City District From: Wichita Resident Post, R.J. Jira and D. Lawson, Inspectors Subj: 4093V, Hubbard E-Meter, FDC 48405	Results of investigation including interviews with several specific indivdiuals regarding specific events.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
-187	2/21/63	Internal memorandum (10 pages) To: Director, Minneapolis District From: I. Bearon, Inspector Subj: Scientology Investigation	Details of investigations of specific individuals, interviews with specific individuals, contacts with officials of Agencies and organizations other than the Food and Drug Administration, and personal opinions held by the author regarding Scientology and the use of the E-Meter.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
-189	2/26/63	Internal memorandum (2 pages) To: Director, Baltimore District From: Washington Resident Station Subj: (An individual's name)	Details of an investigation obtained from a non-government organization concerning dianetics, including several complaints from individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
-190	3/22/63	To: Director, Baltimore District From: George D. Tilroe, Washington Resident Post Subj: E-Meter Investigation (1 page)	Description of necessary procedures to be used in order to obtain copies of documents from the files of an organization other than the Food and Drug Administration.	5 U.S.C. 552(b)(5), (b)(7)(D)
-191	4/3/63	Internal memorandum of telephone conversation (2 pages) between George T. Daughters, Director, Irving Pollack, Inspector, Detroit District and W.N. Swain, Division of Regulatory Management.	Discussion regarding steps to be taken in a proposed investigation.	5 U.S.C. 552(b)(5) (b)(7)(E)
-192	6/16/71	Internal memorandum (2 pages) To: The General Counsel, Attn: Mrs. Sisk From: B.T. Loftus, Division of Case Guidance Subj: Scientology Brief	Attorney work product, specifically, personal opinions and suggestions of the author regarding points to be included in the brief.	5 U.S.C. 552(b)(5)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-193	5/10 and 5/13/63	Internal memorandum of telephone conversations (1 page, 2 copies) between George T. Daughters, Director, Detroit District and W. N. Swain, Division of Regulatory Management	Discussion regarding a specific aspect of the Scientology investigation. A portion of this document relates solely to the internal personnel rules and practices of the Agency	5 U.S.C. 552(b)(2), (b)(5), (b)(7)(E)
H-194	9/13/63	Internal memorandum of telephone conversation (1 page) between Arnold N. Morton, Seattle District, G. Wallace Rynerson, Seattle District and A. M. Welch, Division of Regulatory Management	Discussion involving a cooperative investigative effort between Food and Drug Administration and a municipal agency. Two paragraphs involve a discussion of aspects personal to 2 particular individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-195(a)	5/8/70	Internal memorandum (2 pages) To: Charles C. Edwards, M.D., Commissioner of Food and Drugs Thru: Henry E. Simmons, M.D., Director, Bureau of Drugs From: T. E. Byers, Director, Office of Compliance Subj: Request for decision concerning contested detention of device, the "Hubbard E-Meter"	Discussion of options available to the Food and Drug Administration in pending litigation	5 U.S.C. 552(b)(5)
H-195(b)	5/19/70	Internal memorandum (4 pages) To: Charles C. Edwards, M.D., Commissioner of Food and Drugs Thru: Henry E. Simmons, M.D., Director, Bureau of Drugs From: T. E. Byers, Director, Office of Compliance Subj: Pending litigation involving the Church of Scientology and the Hubbard E-Meter	Discussion of background and options available for pending litigation	5 U.S.C. 552(b)(5)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-196	6/11/71	Internal memorandum (3 pages) To: General Counsel, Attn: Mrs. Sisk From: B.T. Loftus, Division of Case Guidance	Attorney work product, specifically, discussion and opinions regarding next steps to be taken in pending litigation and report and opinions regarding a meeting in the judge's chamber of that date.	5 U.S.C. 552(b)(5)
H-197	6/16/71	Internal memorandum (3 pages) To: General Counsel, Attn: Mrs. Sisk From: B.T. Loftus Subj: Scientology Trial	Attorney work product, specifically, summary of telephone conversations with the Assistant United States Attorney regarding the progress of litigation and next steps to be taken regarding same.	5 U.S.C. 552(b)(5)
H-198	2/25/63	Interagency memorandum (2 pages) To: Department of Health, Education, and Welfare, Food and Drug Administration, Washington, D.C. From: An official of an Agency other than the Food and Drug Administration	Personal details regarding a specific individual.	5 U.S.C. 552(b)(6), (b)(7)(C)
H-199				
H-200	2/21/57	Attorney Work Product (1 page)	Names and addresses for 2 potential witnesses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-201	8/8/62, 8/9/62, 8/24/62, 8/10/62, 8/20/62, 8/23/62, 10/18/62, 11/1/62, 11/12/62, 1/22/63, 1/24/63, 1/25/63	Personal correspondence file (18 pages)	Correspondence between the individual and persons associated with Scientology.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-202	11/6/68	Internal memorandum (2 pages) To: General Counsel From: Los Agneles District Subj: E-Meter Injunction Plaintiff's Interrogatories	Attorney work product - specifically, discussion of answers for interrogatory	5 U.S.C. 552(b)(5)
H-203	11/4/68	Internal memorandum (7 pages) To: Los Angeles District From: San Francisco District Subj: E-Meters	Attorney work product - specifically, discussion of answers for interrogatory	5 U.S.C. 552(b)(5)
H-204	6/11/71	Internal memorandum (2 pages) To: The General Counsel; Attn: Mrs. Sisk From: B.T. Loftus	Attorney work product - specifically, details of telephone conversation with the Assistant United States Attorney regarding progress of litigation.	5 U.S.C. 552(b)(5)
H-205	Undated	Rough draft of internal memorandum (3 pages) To: General Counsel's Office From: W.N. Swain	Attorney work product - specifically, request for counsel's advise regarding detained E-Meters.	5 U.S.C. 552(b)(5)
H-206	Undated	Internal memorandum (17 pages) To: File From: Joanne Sisk Subj: E-Meter (District of Columbia); FDC 48405	Attorney's recommendation of steps to be taken in pending litigation.	5 U.S.C. 552(b)(5)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-207	9/9/70	Interagency memorandum (3 pages) From: William W. Goodrich, Assistant General Counsel, Food and Drugs and Environmental Health Division To: Honorable Thomas A. Flannery, United States Attorney, 3600 District Court Building, Washington, D. C. 20001 Attn: Nathan Dodel, A.U.S.A. Subj: United States v. E-Meter; Civil No. D. C. 1-63; FDC 48405	Attorney work product - specifically, attorney's opinion regarding aspects of litigation	5 U.S.C. 552(b)(5)
H-208	Undated	Rough draft of interagency communication from G. S. Goldhammer, Director, to an Agency other than the Food and Drug Administration	Request for information in that Agency's file regarding the E-Meter	5 U.S.C. 552(b)(5), (b)(7)(E)
H-209	3/20/63	Interagency communication From: Francis J. Fiskett, Supervisory Inspector, Philadelphia District To: An official of a State Agency	Request for information in that Agency's file regarding Hubbard Dianetics Research Foundation	5 U.S.C. 552(b)(5), (b)(7)(D), (b)(7)(E)
H-210	Undated	Rough draft of interagency communication From: Van Smart	Request for information regarding a specific individual contained in the files of an Agency other than the Food and Drug Administration	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(E)
H-211(a)	3/18/71	Attorney Work Product (3 pages) To: Bud From: Nate	Request for comments on draft letter attached and described in document #H-211(b)	5 U.S.C. 552(b)(5)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-211(b)	3/18/71	Attorney Work Product (2 pages) Rough draft of proposed letter To: John Joseph Matonis, Esq. From: Thomas A. Flannery, United States Attorney	Comments regarding claimant's stipulations of facts.	5 U.S.C. 552(b)(5)
H-212	Undated	Attorney Work Product (3 pages) Rough draft memorandum To: General Counsel From: Division of Case Guidance Subj: Scientology	Suggestions to be used for purposes of the meeting of attorneys with the judge.	5 U.S.C. 552(b)(5)
H-213	12/17/54	1 page personal letter to an individual from a person associated with the Hubbard Association of Scientologists, International, with attached envelope	Personal letter	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-214	Undated	Attorney Work Product (12 pages)	Notes regarding conversation with Assistant United States Attorney regarding progress of litigation.	5 U.S.C. 552(b)(5)
H-215	Undated	Attorney Work Product (10 pages)	Proposed deposition for an individual with probable answers.	5 U.S.C. 552(b)(5)
H-216	Undated	Copy of portion of document entitled "Stipulations of Fact" (5 pages)	Attorney work product, with attorney's handwritten notes regarding attorney's comments on proposals.	5 U.S.C. 552(b)(5)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-217	Undated	Attorney Work Product (67 pages)	Attorney's notes and opinions regarding various aspects of litigation.	5 U.S.C. 552(b)(5)
H-218	Undated	Attorney Work Product (22 pages)	Specifically, notes regarding specific individuals who may be used as government witnesses including names, addresses, telephone numbers and other identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

Exhibit A

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Headquarters

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
HN-1	undated	Attorney work product (5 pages, 2 copies)	List of items and action necessary for pending litigation	5 U.S.C. 552(b)(5)
HN-2	undated	Attorney work product (6 pages, 4 copies)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-3	undated	Attorney work product (6 pages, 4 copies)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-4a	undated	Atorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-4b	undated	Attorney work product (2 pages)	Personal data regarding proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-4c	undated	Attorney work product (6 pages)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-5a	undated	Attorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-5b	undated	Attorney work product (1 page)	Personal data regarding proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
HN-5c	undated	Attorney work product (6 pages)	Proposed affidavit for proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
HN-6a	undated	Attorney work product (1 page)	Porposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-6b	undated	Attorney work product (1 page, 2 copies)	Personal data regarding proposed witness	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
HN-6c	undated	Attorney work product (2 pages)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-7a	undated	Atorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-7b	undated	Attorney work product (2 pages)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-8a	undated	Attorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-8b	undated	Attorney work product (2 pages)	Personal data regarding proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-8c	undated	Attorney work product (3 pages)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-9a	undated	Attorney work product (2 pages)	Personal data regarding proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-9b	undated	Attorney work product (3 pages)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-10a	undated	Attorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
HN-10b	undated	Attorney work product (3 pages, 2 copies)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-10c	5/17/63	Attorney work product Letter from proposed witness to Dr. Joseph B. David, Food and Drug Administration(1 page)	Proposed witness's opinion of the Hubbard E-Meter and another device	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)

Exhibit A

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
HN-11a	undated	Attorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-11b	undated	Attorney work product (2 pages)	Personal data regarding proposed witness	5 U.S.C. 552(b)(6), (b)(7)(C)
HN-11c	undated	Attorney work product (6 pages)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-12a	undated	Attorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-12b	undated	Attorney work product (1 page, 2 copies)	Personal data regarding proposed witness	5 U.S.C.552 (b)(5),(b)(6), (b)(7)(C)
HN-12c	undated	Attorney work product (6 pages)	Proposed affidavit for proposed witness	5 U.S.C.552 (b)(5),(b)(6), (b)(7)(C)
HN-13a	undated	Attorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-13b	undated	Attorney work product (2 pages)	Proposed testimony for proposed witness	5 U.S.C 552(b)(5),(b)(6), (b)(7)(C)
HN-14	undated	Attorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-15	undated	Attorney work product (5 pages)	Proposed testimonies for witnesses	5 U.S.C. 552 (b)(5)
HN-16	undated	Attorney work product (6 pages)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-17	undated	Attorney work product (6 pages, 4 copies)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
HN-18	12/10/63	Internal memorandum (1 page - 2 copies) To: Division of Medical Review, Bureau of Medicine From: General Counsel's office, U.S. v. Hubbard E-Meter. S. No. 4-093V. FDC No. 48405	Attorney work product, specifically, request for information regarding proposed witnesses	5 U.S.C. 552(b)(5)
HN-19	12/13/63	Internal memorandum (1 page + 2 copies) with a 9 page attachemnt To: General Counsel Office, From: Division of Medical Review, Bureau of Medicine Subj: U.S. V. Hubbard E-Meter	Attorney work product, specifically, reply to document No. N-18 regarding information on proposed witnesses. The attachment descirbes the names, addresses and qualifications and summary of testimony for proposed witnesses	5 U.S.C. 552(b)(5),(b)(6). (b)(7)(C)
HN-20	11/14/63	Internal memorandum of conference between the following Food and Drug employees Dr. J.B. Davis Robert Kennedy, Dr. W.B. Adelman, W.M. Swain, and General Counsel, Joanne Sisk (1 page)	Attorney work product, specifically, discussion regarding information needed and arrangements to be made with regard to pending litigation	5 U.S.C. 552(b)(5)
HN-21	11/10/64	Internal memorandum (2 pages) To: Division of Medical Review, Bureau of Medicine From: Division of Case Supervision Subj: 4-093V Hubbard E-Meter FDC 48405	Memorandum issued by non-attorney at direction of counsel - discussion of steps to be taken and information needed for litigation	5 U.S.C. 552(b)(5)
HN-22	5/7/72	Interagency memorandum (1 page) From: Peter Barton Hutt, Assistant General Counsel, Food, Drugs, and Product Safety Division To: Gregory B. Hovendon, Chief, Consumer Affairs Section, Anti-trust Division, Department of Justice	Attorney work product, specifically, discussion concerning the enforcement of Judge Gessell's order with regard to the E-Meter	5 U.S.C. 552(b)(5)

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DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
HN-23	12/13/63	Attorney work product Internal memorandum (1 page) To: General Counsel Office From: Division of Medical Review, Bureau of Medicine Subj: United States Versus Hubbard E-Meter	Request for counsel's advice regarding selection of witnesses	5 U.S.C. 552 (b) (5)

Headquarters

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
P-1		Rough-Draft of Memorandum (2 pages) To: Assistant Commissioner for Public Affairs From: B.T. Loftus, Deputy Director, Office of Compliance Subj: Incoming Letter	Personal opinions of an FDA employee as to whether or not the FDA should respond to a letter from a minister of the Church of Scientology of California.	5 U.S.C. 552(b)(5)
P-2	5/19/72	Internal memorandum of telephone conversation (1 page) between B.T. Loftus, Deputy Director, Office of Compliance and a former Scientologists	Discussion with a potential witness, a former scientologist, concerning personal matters and the FDA employee's personal opinion regarding that individual.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
P-3	11/4/71	Internal memoradum (3 pages) To: Office of General Counsel From: T.E. Beyers, Director, Office of Compliance Subj: E-Meters (Scientology) 4093-V	Recommendations and discussion of options FDA has considered and wishes considered in determining whether the decision of the U.S. District Court should be appealed.	5 U.S.C. 552(b)(5)
P-4	11/10/71	Internal memorandum (1 page - 2 copies) To: Office of General Counsel From: Director, Office of Compliance Subj: E-Meters - 4091-V (Founding Church of Scientology)	Follow-up to document #P-3, containing similar recommendations and discussion of options.	5 U.S.C. 552(b)(5)
P-5	11/10/64	Internal memorandum (2 pages) From: W.N. Swain, Division of Case Supervision, Bureau of Regulatory Compliance To: Dr. Joseph Davis, Division of Medical Review, Device Branch Subj: Hubbard E-Meter - 4093-V, FDA 48405	Attorney work product - specifically, instructions as to the next steps to be taken in pending litigation. Memo was issued by non-attorney at the direction of counsel.	5 U.S.C. 552(b)(5)
P-6	10/20/64	Internal memorandum (2 pages) From: A.P. Rayfield, FDA To: General Counsel Subj; Hubbard E-Meter - 4093-V, FDC 48405	Attorney work product - Statement of the Agency's view regarding the minimum satisfactory conditions for the disposal of pending litigation pursuant to a request from the Assistant U.S. Attorney.	5 U.S.C. 552(b)(5)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
P-7	12/6/65	Internal memorandum (1 page) From: W.N. Swain, Division of Case Supervision, BRC To: Bureau of Regulatory Compliance Subj: E-Meters - 4093-V	Attorney work product - memorandum issued by non-attorney at the direction of counsel concerning the next steps to be taken in litigation and by whom.	5 U.S.C. 552(b)(5)
P-8	3/2/66	Internal Memorandum of telephone conversation (1 page) between FDA employees, Mr. George W. Sooy, Director, Baltimore District and Mr. George Brubaker, Division of Case Supervision, BRC	Discussion of follow-up of facts leading to a purported suicide of purported scientologist.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
P-9	11/29/68	Internal Memorandum (2 pages - 2 copies) To: Alfred Barnard, Director, Bureau of Regulatory Compliance From: Alvin L. Gottlieb, Deputy Assistant General Counsel Subj: Scientology	Attorney work product - specifically, advice from attorney in charge of litigation in general, and case, in particular. Respecting the nature and course of certain investigations of certain persons.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
P-10	11/22/68	Rough draft of memorandum (3 pages - 2 copies) To: Director, Baltimore District From: Division of Case Guidance, BRC Subj: Request for additional investigation, Hubbard E-Meter	Possible investigations to be instituted, with respect to particular persons. Memo bears the words, "HOLD DON'T ISSUE"	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
P-11	11/22/68	Rough Draft of suggested intergency memo (2 pages - 2 copies) To: Henry H. Fowler, Secretary of the Treasury From: Herbert L. Ley, Jr., M.D., Commissioner of Food and Drugs	Requests for possible interagency cooperation. Memo bears the statement "HOLD DON'T ISSUE."	5 U.S.C. 552(b)(5)

Exhibit A

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
P-12	11/22/68	Rough Draft of suggested letter (1 page - 2 copies) From: T.E. Beyers, FDA To: A particular office of the Better Business Bureau	Request for information. Draft bears the statements "HOLD DON'T ISSUE."	5 U.S.C. 552(b)(5)
P-13	9/21/70	Internal memorandum (1 page) To: General Counsel From: Division of Case Guidance Subj: Hubbard E-Meters	Conditions for disposal of pending litigation.	5 U.S.C. 552(b)(5)
P-14	11/27/70	Internal memorandum (1 page) To: Baltimore District From: L.M. Baukin, Director, Division of Case Guidance Subj: Temporary detail	Arrangements made for a temporary detail of a FDA employee to the Division of Case Guidance. The memo relates solely to the internal personnel rules and practices of the Agency.	5 U.S.C. 552(b)(2)

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TO ALL REGIONAL FOOD AND DRUG DIRECTORS
TO ALL DEPUTY REGIONAL FOOD & DRUG DIRECTORS
INFO: FOI OFFICERS
BT
SUBJECT: FREEDOM OF INFORMATION REQUEST - CHURCH OF SCIENTOLOGY

A REQUEST HAS BEEN MADE THROUGH THE FDA PUBLIC RECORDS AND DOCUMENTS CENTER, THAT ALL RECORDS MAINTAINED IN ALL COMPONENT OFFICES RELATIVE TO THE CHURCH OF SCIENTOLOGY BE MADE AVAILABLE FOR INSPECTION.

ALL REGIONAL AND DISTRICT OFFICES MUST RESPOND TO THIS REQUEST. INITIALLY WE NEED AN ESTIMATE OF HOW MUCH MATERIAL YOU HAVE ON THIS SUBJECT WITH THE EXCEPTION OF PROMOTIONAL MATERIALS PROVIDED US BY THE CHURCH OF SCIENTOLOGY AND RECORDS YOU ARE CERTAIN HAVE BEEN FORWARDED TO HEADQUARTERS. THE APPROXIMATE NUMBER OF PAGES WILL BE AN ACCEPTABLE ESTIMATE.

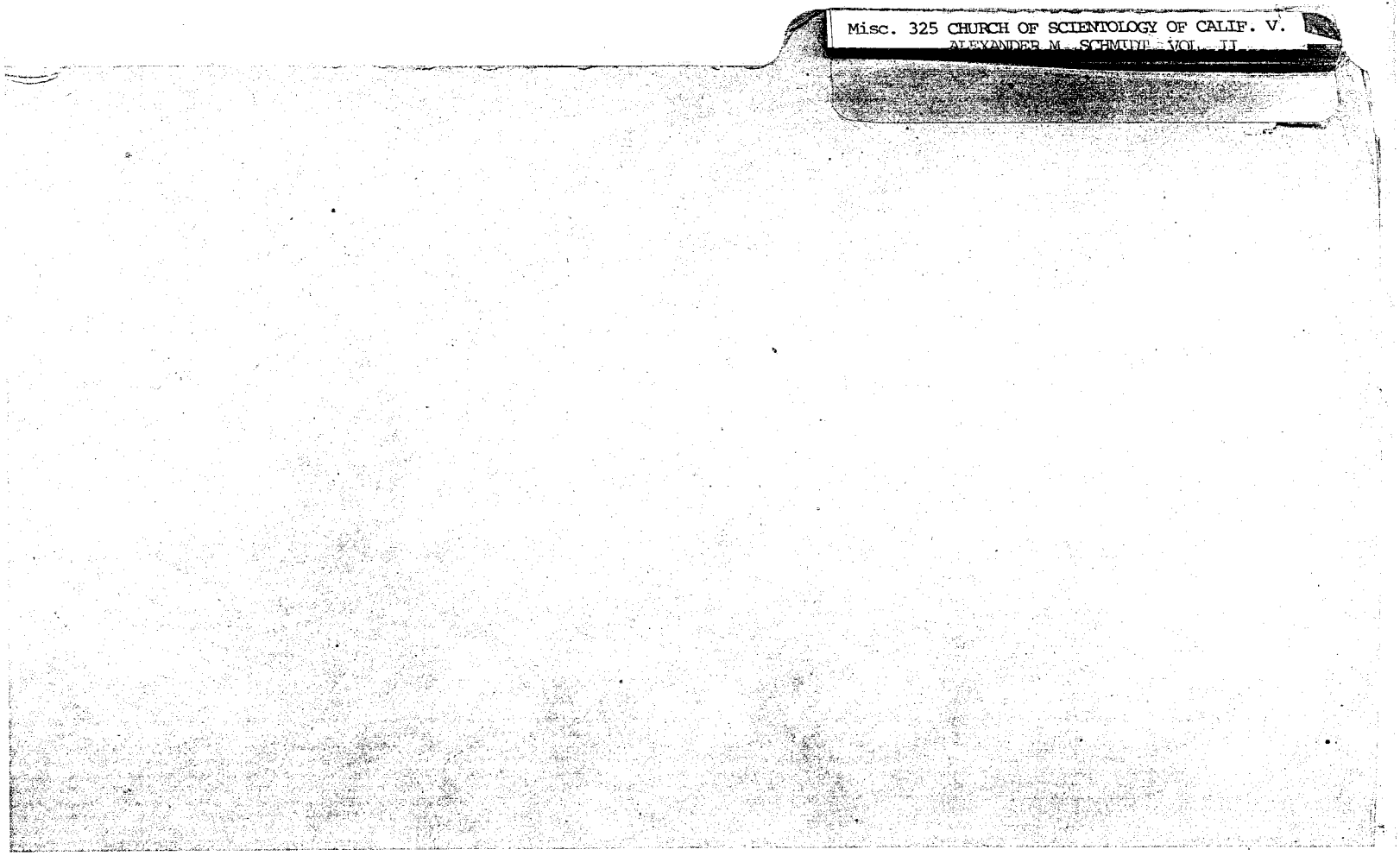
PAGE TWO

THIS EFFORT WILL BE COORDINATED BY THE BUREAU OF MEDICAL DEVICES AND DIAGNOSTIC PRODUCTS (HFK-100) - WILLIAM MCVICKER (301-443-4627) OR PAMELA WOJTOWICZ (301-443-4358). NOTIFY THIS OFFICE OF YOUR ESTIMATE BY MARCH 31, 1975. ALSO, NOTIFY THIS OFFICE IF YOUR DISTRICT HAS RESPONDED PREVIOUSLY TO A SIMILAR REQUEST OR IF THERE ARE ANY QUESTIONS.

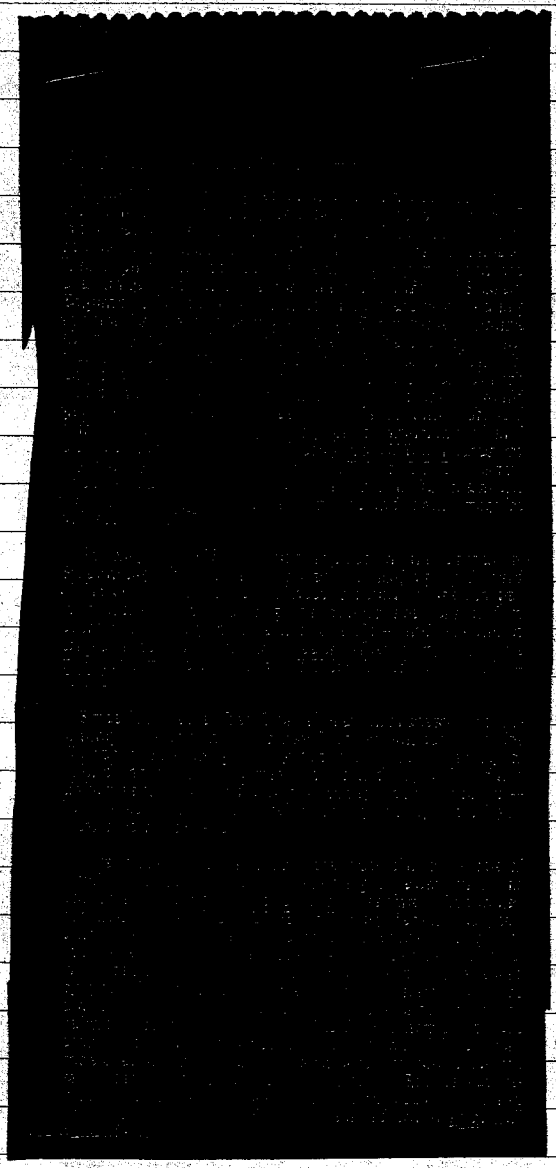
RECORDS ON SEARCH TIME SHOULD BE KEPT FOR BILLING PURPOSES. WHEN WE HAVE DETERMINED WHAT MATERIAL WE HAVE, YOU WILL THEN BE PROVIDED WITH DIRECTION ON HOW TO PROCEED.
BT

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Church of Scientology – Folder 28E


Misc. 325 CHURCH OF SCIENTOLOGY OF CALIF. V.
ALEXANDER M. SCHMIDT VOL. II

Valentola v.
Mathews



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF THE SECRETARY

ROCKVILLE, MD. 20852

April 8, 1976

OFFICE OF THE
GENERAL COUNSEL

Honorable William D. Keller
United States Attorney
U.S. Court House
312 North Spring Street
Los Angeles, California 90012

Attn: James Stotter II
Assistant United States Attorney

Re: Scientology v. U.S. Food and Drug Administration, et al.
No. CV 76-0122-DWW
Our File No.: Misc. No. 325

Dear Mr. Stotter:

In accordance with our recent telephone conversation, here are the original and three copies of FDA's Answers to plaintiff's interrogatories.

Very truly yours,

Joanne S. Sisk
Associate Chief Counsel
for Enforcement
Food and Drug Division

cc: Mr. Paul Figley
Department of Justice

d) What specific branches, offices, divisions, or bureaus of the defendant were checked/searched for files pursuant to this request? Which of these had files relating to plaintiff's request?

e) What specific regional or district offices of the defendant were checked/searched for records/files pursuant to plaintiff's request? Which of these had files relating to plaintiff's request?

f) Describe the manner in which documents relating to plaintiff's request came to be located?

ANSWER

a) No office by office searches were made, however, records were collected and reviewed;

b) No records are available or routinely kept or maintained which would specifically reflect this information;

c) Pamela F. Wojtowicz, Consumer Safety Officer, Bureau of Medical Devices and Diagnostic Products was responsible for collecting and reviewing records;

d) None;

e) None;

f) See response to 'a' above.

INTERROGATORY NO. 2

With reference to Mr. Kreiner's Freedom of Information request dated 3 March 1975, a copy of which is attached hereto as Exhibit "B", please describe each and every search made pursuant to this request as follows:

a) The number of independant searches conducted pursuant to this request;

b) The date(s) each search was made;

c) The names and post titles of the individual or individual who were in charge of each search;

d) What specific branches, offices, divisions, or bureaus of

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the defendant were checked/searched for files pursuant to this request? Which of these had files relating to plaintiff's request?

e) What specific regional or district offices of the defendant were checked/searched for records/files pursuant to plaintiff's request? Which of these had files relating to plaintiff's request?

f) Describe the manner in which documents relating to plaintiff's request came to be located.

ANSWER

a) See answer to Interrogatory #1a.

b) See answer to Interrogatory #1b.

c) Mr. Merle J. Ryan, Director, Field Compliance Branch, and Mr. Charles Everline, Assistant for Regulatory Operations, Field Compliance Branch, Office of Executive Director for Regional Operations, FDA, coordinated the field-office collection of records from the files of various field units. Mr. Timothy C. Sottek, Branch Chief, Regulatory Policy and Voluntary Compliance Branch, Mr. William McVicker, Consumer Safety Officer and Ms. Pamela F. Wojtowicz, Consumer Safety Officer, coordinated the collection and review of records for the Bureau of Medical Devices and Diagnostic Products;

d) None;

e) All field units were advised to collect records responsive to plaintiff's request. Records were located in the following field units: Atlanta, Baltimore, Boston, Buffalo, Chicago, Dallas, Denver, Detroit, Houston, Kansas City, Los Angeles, Minneapolis, Newark, San Francisco, San Juan, Seattle.

f) See response to Interrogatory #1a and sub-paragraph e above.

INTERROGATORY NO. 3

Pursuant to plaintiff's Freedom of Information requests did

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the defendant check/search the following areas;

a) The Office of the Commissioner at:

1) Parklawn Building, PKLN?

2) Federal Building 8, FB8?

3) Parklawn Warehouse, WRHSE?

4) Twinpark Building, TW?

b) The Bureau of Drugs at:

1) Parklawn Building, PKLN?

2) Westwood Towers, WT?

3) Colemont Building, COL?

4) Federal Building 8, FB8?

5) 501 First St., S.E. building, 501-1?

c) The Bureau of Foods at:

1) Federal Building 8, FB8?

2) Special Pharmacological Animal Laboratory, SPAL?

d) The Bureau of Radiological Health at:

1) Twinpark Building, TW?

2) Chapman Avenue Building, CHAP?

3) Twinbrook Research Laboratories, TWPL?

e) The Bureau of Medical Devices and Diagnostic Products at:

1) Chapman Avenue Building, CHAP?

2) 501 First St. S.E. building, 501-1?

f) The Boston Office?

g) The New York Office?

h) The Philadelphia Office?

i) The Atlanta Office?

j) The Chicago Office?

k) The Dallas Office?

l) The Kansas City Office?

m) The Denver Office?

n) The San Francisco Office?

o) The Seattle Office?

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p) Does the Defendant maintain files at any offices other than those listed above?

q) Of those other offices, which were searched for files relating to Scientology?

ANSWER

See response to Interrogatories #1 and #2 above.

INTERROGATORY NO. 4

How many separate files and/or file subsections has defendant compiled or had in its custody, possession on control which contained documents that fell within the initial Freedom of Information Act request of plaintiff, and which were maintained in such files at the time of said request?

ANSWER

Objection is made to this interrogatory as irrlevant inasmuch as this action is brought under the Freedom of Information Act [Complaint, paragraphs 1 and 2], under which the sole question before the Court is whether the records involved shall be withheld from disclosure under any of the exemptions set forth in the Act. 5 U.S.C. 552(a)(4)(B).

INTERROGATORY No. 5

Identify each file or part thereof referred to in the answer to Interrogatory No. 1 by:

a) Listing the title and describing the scope, nature, and purpose of each such file;

b) Listing the date that each such file was established and the date of the most recent entry on entries in each such file:

c) Stating the subject and purpose for gathering the information compiled in each such file;

d) Stating the present location (address and city) or locations if more than one copy of the file exists of each such file or copy thereof; and the name of the bureau, division

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or particular section of defendant where each such file or copy thereof is presently maintained.

e) Stating, if different from its present location, where each file was originally compiled and maintained.

ANSWER

Objection is made to this interrogatory as irrelevant inasmuch as this action is brought under the Freedom of Information Act [Complaint, paragraphs 1 and 2], under which the sole question before the Court is whether the records involved shall be withheld from disclosure under any of the exemptions set forth in the Act. 5 U.S.C. 552(a)(4)(B).

INTERROGATORY NO. 6

For each and every record, memorandum, document or other item which the defendant has not made available to plaintiff in its entirety without deletions; please state, in conformance with Vaughn v. Rosen, 484 F.2d 820 (1973):

a) The title of the document

b) The date of the document

c) The name, post title, and agency and division or section thereof, or organization of the author or originator of the document.

d) The name, post title, and agency and division or section thereof, or organization, of the person to whom the document was addressed.

e) The names of all other agencies, agency sub-divisions, non-governmental organizations or individuals, foreign or domestic, to which the document or a copy thereof was routed or disseminated, if such information appears on the document.

f) A detailed description of the document. Please number or separately designate each document so as to be easily referred to later.

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ANSWER

6a through d and f - For each and every record, memorandum, document, or other item which the Food and Drug Administration has not made available to the plaintiff in its entirety without deletions there is an index prepared which indicates the date document was prepared, the author, addressee, subject, summary of content, and the statutory basis for non-disclosure. This index is attached as Exhibit A. 6e is irrelevant for reason stated in response to Interrogatory No. 5

INTERROGATORY NO. 7

Do you contend that any document or portion of a document referred to in response to Interrogatory No. 6 is exempt from disclosure under the Freedom of Information Act set forth in U.S.C. §552(b) or by virtue of any other law or on any other basis?

ANSWER

Yes.

INTERROGATORY NO. 8

If Interrogatory No. 7 is answered in the affirmative, state separately with respect to each document or portion of a document which you contend is exempt from disclosure, in conformance with the requirements of Vaughn v. Rosen, 523 F.2d 1136:

a) The specific statutory or other bases on which you contend such document or portion of a document is exempt from disclosure.

b) Each and every fact upon which you rely in contending that each such document or portion of a document is exempt from disclosure on the basis or bases set forth in response to Interrogatory No. 7(a). (Please note that an answer which merely recites in conclusory form that a document is, for example, "privileged" or "compiled for investigatory purposes" or "an inter-agency communication" is insufficient.

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You must state each and every fact upon which you rely in reaching any such conclusion.)

ANSWER

a and b - See answer to Interrogatory #6.

INTERROGATORY NO. 9

Prior to the filing of this suit, did defendant or any employee or agent of the defendant review each and every file and/or document so that all possible documents not exemptable could be turned over to plaintiff. If the answer is negative, please indicate which documents specified in Interrogatory No. 6 were not reviewed and give the reason(s) each was not reviewed.

a) Have all documents which could be non-exemptable if the exempt portion was deleted been offered the plaintiff?

b) If the answer is negative please indicate which documents specified in Interrogatory No. 6 were not so given and state the reason(s) each was not made available to the plaintiff.

ANSWER

Yes.

a) Yes;

b) Not applicable.

INTERROGATORY NO. 10

Will you voluntarily make available to the plaintiff or attach to these interrogatories, without requiring the plaintiff to make a motion to produce, copies of any or all documents of portions of documents referred to in response to Interrogatory No. 6 which you do not contend are exempt from disclosure?

ANSWER

Yes, with respect to those documents not previously disclosed.

INTERROGATORY NO. 11

Did defendant pursuant to any of the plaintiff's request letters generate any memoranda, instructions or correspondence either with internal National components/offices or to branch or

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regional offices?

a) If the answer is affirmative, please describe the nature of all such memoranda; instruction or correspondence.

b) If you will do so without a Motion to Produce, please attach to your answers copies of any and all such communications.

c) If your response is negative, please describe what oral or other orders or instructions which were given which lead or resulted in defendant's search or searches.

ANSWER

a) Yes. A telegram was issued to all field units.

b) See Exhibit B

c) Not applicable.

INTERROGATORY NO. 12

Please identify by name and title each individual or individuals who were responsible for making the determination or determinations that the document being withheld from plaintiff should be so withheld, or that the portions of the documents which were excised and not disclosed to plaintiff were so excised.

ANSWER

Mr. John T. Walden, Assistant Commissioner for Public Affairs.

INTERROGATORY NO. 13

Is defendant satisfied that it has located all records in its possession which are subject to plaintiff's Freedom of Information request?

a) Is it possible that records or documents subject to plaintiff's request currently maintained by defendant have gone unlocated?

b) Is it possible that records or documents subject to plaintiff's request were once in defendant's possession but are in some way no longer in defendant's possession?

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ANSWER

Yes.

a) Yes.

b) Yes.

INTERROGATORY NO. 14

Is defendant currently investigating plaintiff or any Church of Scientology?

a) If so, please indicate when such investigation began.

b) If so, please indicate the general purpose of such investigation.

ANSWER

Objection is made to this interrogatory as irrelevant inasmuch as this action is brought under the Freedom of Information Act [Complaint, paragraphs 1 and 2], under which the sole question before the Court is whether the records involved shall be withheld from disclosure under any of the exemptions set forth in the Act. 5 U.S.C. 552(a)(4)(B).

INTERROGATORY NO. 15

a) Under what conditions or circumstances would defendant consider it necessary to conduct an investigation of the plaintiff?

b) Under what conditions or circumstances would defendant consider it necessary to conduct an investigation of a Church or religious organization?

ANSWER

Objection is made to this interrogatory as irrelevant inasmuch as this action is brought under the Freedom of Information Act [Complaint, paragraphs 1 and 2], under which the sole question before the Court is whether the records involved shall be withheld from disclosure under any of the exemptions set forth in the Act. 5 U.S.C. 552(a)(4)(B).

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INTERROGATORY NO. 16

Are the records, documents and/or files maintained by defendant regarding, refering to, or relevant to plaintiff, or such types of records, generally accessible to:

a) Other United States Executive agencies?

b) Foreign Government agencies?

c) Interpol?

d) Private citizens?

e) Anyone else?

ANSWER

Objection is made to this interrogatory as irrelevant inasmuch as this action is brought under the Freedom of Information Act [Complaint, paragraphs 1 and 2], under which the sole question before the Court is whether the records involved shall be withheld from disclosure under any of the exemptions set forth in the Act. 5 U.S.C. 552(a)(4)(B).

INTERROGATORY NO. 17

If your response to any portion of the above Interrogatory is affirmative, please state:

a) Under what conditions or circumstances such would be accessible;

b) Whether any records are kept by defendant of others who have gained such access.

ANSWER

Not applicable.

INTERROGATORY NO. 18

If your response to Interrogatory No. 16 is in any part affirmative, please state whether defendant places any restrictions upon such access to information, and whether restriction is placed upon subsequent re-dissemination of the information accessibility to which is granted.

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ANSWER

Not applicable.

INTERROGATORY NO. 19

Does your agency terminate dissemination of information to any person, agency, organization or government should unauthorized re-dissemination occur?

a) If your answer is affirmative, has your agency so terminated such dissemination of information?

b) If your agency has so terminated such dissemination of information, state the identity of each person, agency, organization or government to whom you have terminated dissemination, the date and duration of such termination, and the specific reason for termination in such case.

ANSWER

Objection is made to this interrogatory as irrelevant inasmuch as this action is brought under the Freedom of Information Act [Complaint, paragraphs 1 and 2], under which the sole question before the Court is whether the records involved shall be withheld from disclosure under any of the exemptions set forth in the Act. 5 U.S.C. 552(a)(4)(B).

INTERROGATORY NO. 20

State the procedure, if any, by which a person or organization that is being subject by defendant to investigation, surveillance, data collection, maintenance and/or dissemination can require and be informed of that fact.

ANSWER

Records maintained by the Food and Drug Administration are available pursuant to the Freedom of Information Act and the implementing regulations of the Department of Health, Education, and Welfare and the Food and Drug Administration, 5 U.S.C. 552, 45 CFR 5 and 21 CFR 4, and pursuant to the Privacy Act and the implementing regulations of the Department of Health, Education,

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and Welfare and the Food and Drug Administration, 5 U.S.C. 552(a), 45 CFR 5(b), 21 CFR 7. There are no other specific procedures established for aquiring information from FDA.

INTERROGATORY NO. 21

State the procedure, if any, by which a person such as referred to in Interrogatory No. 20 may determine the nature and substance of material collected, maintained, or disseminated by defendant.

ANSWER

See answer to Interrogatory No. 20.

INTERROGATORY NO. 22

State the procedure, if any by which persons or organizations who are the subject of said investigation or intelligence collection, maintenance and dissemination may correct false or misleading information contained in said records or files and insure that corrected material is disseminated to all persons, agencies, or governments who have received said false or misleading information.

ANSWER

Private individuals may request the amendment of information in a systems of records maintained under their own names under the provisions of the Privacy Act, 5 U.S.C. 552(a), and the implementing regulations of the Department of Health, Edcuation, and Welfare, 45 CFR 5(b) and of the FDA, 21 CFR 7. There are no such provisions applicable to organizations.

INTERROGATORY NO. 23

State the procedure, if any, by which the defendant verifies or qualifies the accuracy of the information contained in the files records, reports or summaries of the character being withheld from plaintiff.

ANSWER

Objection is made to this interrogatory as irrelevant inasmuch as this action is brought under the Freedom of Information Act

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[Complaint, paragraphs 1 and 2], under which the sole question before the Court is whether the records involved shall be withheld from disclosure under any of the exemptions set forth in the Act. 5 U.S.C. 552(a)(4)(B).

INTERROGATORY NO. 24

Has the defendant ever tried to contact or communicate with Scientology directly in order to correct any false reports in the defendant's Scientology files?

a) If the answer is negative, please explain why such has not been done.

b) If the answer is affirmative, please state who was contacted and what was accomplished because of the contact.

ANSWER

Objection is made to this interrogatory as irrelevant inasmuch as this action is brought under the Freedom of Information Act [Complaint, paragraphs 1 and 2], under which the sole question before the Court is whether the records involved shall be withheld from disclosure under any of the exemptions set forth in the Act. 5 U.S.C. 552(a)(4)(B).

INTERROGATORY NO. 25

Is it possible that records or documents subject to plaintiff's request were once in defendant's possession but have since been destroyed?

a) Please state defendant's procedure, if any, for destruction of records or files.

ANSWER

Yes.

a) See Exhibit C.

INTERROGATORY NO. 26

In reference to Exhibit "C", was the Eureka, California Police Department contacted as a result of this investigation? If affirmative, please answer the following questions;

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a) In what manner was the Eureka Police Department contacted?

b) What was the date(s) of defendant's contact with the Eureka Police Department?

c) Were any records/files relating to plaintiff's request contained or maintained by the Eureka Police Department?

d) Were any of the Eureka Police Department files copied and/or inserted into defendant's files?

e) If (d) above is affirmative, has plaintiff received any and all files defendant obtained from the Eureka Police Department? If no, are the withheld documents described in Interrogatory No. 6.

f) Does defendant have a copy of the Eureka Police Department teletype concerning Mr. Hubbard which is referred to in this exhibit?

ANSWER

Yes.

a) Unknown.

b) Unknown.

c) No.

d) Yes.

e) No, Yes.

f) Yes.

INTERROGATORY NO. 27

Please state the present post title, address and telephone number of Inspector John R. Lupien.

ANSWER

John R. Lupien
FA-1, 2, 4, 9, 15, 17, 18, 19
Food and Agricultural Organization
ESNS VIA delle T ERME,
di CARACALLA 00100
Rome, Italy

INTERROGATORY NO. 28

In reference to Exhibits "C" and "D", Please answer the

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following:

a) Has plaintiff received any and all files defendant obtained from the California State Board of Medical Examiners?

b) If some of the Board of Medical Examiners files are withheld, are they described in Interrogatory No. 6?

ANSWER

a) No.

b) Yes.

INTERROGATORY NO. 29

Please state the present post title, address and telephone number of Inspector John C. Evans.

ANSWER

John C. Evans
Consumer Safety Officer
Compliance Branch
Bureau of Veterinary Medicine
Food and Drug Administration
Public Health Service
Department of Health, Education and Welfare
5600 Fishers Lane
Rockville, Maryland 20852

INTERROGATORY NO. 30

Please state the present post title, address and telephone number of Supervisory Inspector H. P. Roberts.

ANSWER

Henry P. Roberts
Deputy Regional Food and Drug Director
Food and Drug Administration
Public Health Service
Department of Health, Education, and Welfare
240 Hennepin Avenue
Minneapolis, Minnesota 55401

INTERROGATORY NO. 31

Does defendant maintain files or records or written material relating to the existance, operations, or activities of the Coordinating Committee on Health Information (CCHI) or the National Congress on Medical Quackery? If your response is affirmative, please describe with specificity the types of records maintained.

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ANSWER

Yes.

The records contained in the Agency's files on the Coordinating Committee on Health Information and the National Congress on Medical Quackery are general and miscellaneous documents concerning medical quackery, including but not limited to:

Letters from FDA to other government agencies, and letters from other government agencies to FDA; FDA fact sheets; minutes of meetings; magazine and newspaper articles; statements made by Agency officials before Congressional committees; speaches intra-agency memoranda; press releases; memoranda from the AMA to members of the Coordinating Committee on Health Information; Proceedings from the National Councel on Medical Quackery; copies of FDA regulations; National Advisory Councel report on Progress Against Cancer 1970; and list of names of people invited to attend the October, 1963 quackery conference.

INTERROGATORY NO. 32

Did defendant examine the records above described in Interrogatory No. 31 to establish whether or not such records contained any records or documents relating to Scientology or which would be encompassed within plaintiff's Freedom of Information request? If your response is affirmative, please state whether any records relating to plaintiff's requests were located in any such files.

ANSWER

No.

INTERROGATORY NO. 33

Does defendant maintain specific files, which would contain records, written material or correspondence with any of the following:

a) American Cancer Society, Inc.

b) Irene L. Bartlett, Program Associate, Professional

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Education, American Cancer Society, Inc.

c) Roald Grant, M.D. Director, Professional Education, American Cancer Society, Inc.

d) Raymond H. Bunshaw, M.D., Vice President, Area Medical Affairs, American Cancer Society, Inc.

e) American Pharmaceutical Association

f) George B. Griffenhagen, Associate Executive Director for Communications, American Pharmaceutical Association

g) Donald E. Prescott, Assistant Director, Division of Communications American Pharmaceutical Association

h) The Arthritis Foundation

i) William F. Reynolds, M.D., Medical Director, The Arthritis Foundation

j) Jerry J. Walsh, Coordinator, Special Services, The Arthritis Foundation

k) American Medical Association

l) H. Doyl Taylor, Director, Department of Investigation, American Medical Association

m) Oliver Field, Director of Research, Department of Investigation, American Medical Association

n) Federal Trade Commission

o) George Dobbs, M.D., Associate Chief, Division of Scientific Opinions, Federal Trade Commission

p) Food and Drug Administration

q) William Evans, M.D., Division of Medical Review, Food and Drug Administration

r) Wallace Janssen, Consumer Protection and Environmental Health Services, Food and Drug Administration

s) Council of Better Business Bureau, Inc.

t) Miss Alcine Panton, Manager, Health and Safety Division, Council of Better Business Bureau, Inc.

u) Irving Ladimer, Council Better Business Bureau

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v) National Better Business Bureau

w) National Health Council

x) Levitte Mendel, Associate Director, National Health Council

y) Post Office Department and the Postal Service

z) Gene F. McHale, Postal Inspector, Post Office Department

aa) Charles A. Miller, Assistant Chief Postal Inspector, Criminal Investigations, Post Office Department

bb) A.H. Marsh, Jr., Postal Inspector, Post Office Department

cc) William J. Monaghan, American Medical Association

ANSWER

Objection is made to this interrogatory as irrelevant inasmuch as this action is brought under the Freedom of Information Act [Complaint, paragraphs 1 and 2], under which the sole question before the Court is whether the records involved shall be withheld from disclosure under any of the exemptions set forth in the Act. 5 U.S.C. 552(a)(4)(B).

INTERROGATORY NO. 34

If your response to Interrogatory No. 33 is affirmative in any respect, please state whether defendant examined any of these records to establish whether or not such contained any records or documents relating to plaintiff's Freedom of Information request. If your response is affirmative, were any documents or records relating to plaintiff's requests located in any such files. Indicate in which files of Interrogatory No. 33 records encompassed by plaintiff's request were located.

ANSWER

Not applicable.

INTERROGATORY NO. 35

Were any of defendant's files concerning "Dianazene" checked/searched for records encompassed by plaintiff's Freedom of Information requests?

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ANSWER

Yes.

City of Rockville)
State of Maryland) ss

Sam D. Fine, being first duly sworn, deposes and says he is the Associate Commissioner for Compliance, Food and Drug Administration, United States Department of Health, Education, and Welfare, that in such capacity he answers the above Interrogatories, and that the answers are to his best knowledge and belief true, although the truth of each of said answers is not known to him personally.

Sam D. Fine
SAM D. FINE

Subscribed and sworn to before me this 8th day of April, 1976, in the City and State aforesaid.

Grace L. Edwards
NOTARY PUBLIC
My Commission expires July 1, 1978

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Baltimore District

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
A-1	undated	Attorney work product (7 pages)	List of names and addresses for potential witnesses	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
A-2	undated	Handwritten notes (1 page)	List of six names with a common address of persons who had received E-Meters via U.S. Mail (not deleted)	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
A-3	9/21/70	Internal memorandum of telephone conversation between the following Food and Drug employees: Mr. Will Swain, Mr. B.T. Loftus, Mr. Robert W. Case (1 page)	Attorney work product, specifically, a discussion of pending litigation and probable government witnesses including names and addresses for these persons	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
A-4	2/6/63	Internal memorandum (2 pages) To: Director, Baltimore District From: John C. Bullard Subj: Hubbard E-Meter 4093-V, FDC 48405	Report of investigation conducted outside of Food and Drug Administration regarding a specific individual	5 U.S.C. 552 (b)(5), (b)(7)(C),(b)(7)(D), (b)(7)(E)
A-5	2/5/63	Internal memorandum (3 pages) To: Director, Baltimore District From: Inspector, Wendell O. Brown Norfolk Inspection Station Subj: Hubbard E-Meter 4093-V, FDC 48405	Report of an investigation of a specific individual containing names and other identifying characteristics including medical details	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-6	1/30/63	Memorandum for the File (2 pages) Author: George B. Tilrow, Insepctor Baltimore District	Interview with a specific individual about a specific incident involving the Church of Scientology and persons associated with the organization containing names and other indentifying characteristics	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-7	2/20/63	Internal memorandum (4 pages) To: Director, Philadelphia District From: Inspector, W. Remle Grove Subj: Hubbard E-Meter 4093V FDC 48405 DRM/F memo 2/4/63	Interview with a specific individual regarding his experiences with Scientology and persons involved with that organization with names and identifying characteristics	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)

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DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
A-8	11/13/70	Internal memorandum of telephone conversation (2 pages) between a complainant and Mr. Raymond L. Sweeney, Food and Drug Officer, Buffalo District REF: Scientology of Washington, D.C.	Complaint consisting of names and identifying characteristics including medical references	5 U.S.C. 552 (b)(5), (b)(6) (b)(7)(C)
A-9	12/9/64	Internal Memorandum (2 pages) To: Division of Case Supervision Attn: Mr. Will Swain From: George D. Tilroe, supervisory inspector, Baltimore District Subj: Founding Church of Scientology	Summary of telephone conversation with complainant regarding present experiences with the Church of Scientology and members of that organization, consisting of names and other identifying characteristics of of individuals including medical details.	5 U.S.C.552 (b)(5),(b)(6), (b)(7)(C)
A-10	9/13/63	Internal memorandum of telephone conversation (1 page) between the following FDA employees: Arnold N. Morton, Seattle District; G. Wallace Rynerson, Seattle District, A.M. Welch, Division of Regulatory Management	References to specific persons and specific events with names and other identifying characteristics	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-11	7/23/64	Internal memorandum (3 pages) To: Philadelphia District From: Inspector Elmer W. Greve Subj: DCS: BRC/Philadelphia, letter 5/22/64 4093V, E-meter, FDC 48495	Interview containing names identifying characteristics of specific individuals including medical references	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-12	11/22/68	Internal memorandum (2 pages) To: Director, Baltimore District From: Michael D. Kennedy, Inspector Baltimore District Subj: Special Investigation - Scientology	Investigation and interview with specific individuals containing names and identifying characteristics including medical references	5 U.S.C. 552 (b)(5),(b)(6). (b)(7)(C)
A-13(a)	1/7/69	Internal memorandum (1 page - 2 copies) To: Chief Inspector From: M.J. Ryan, Compliance Branch Subj: 004-093V, Scientology	Request for investigation of specific individuals providing detailed background information	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
A-13(b)	1/22/69	Internal memorandum (4 pages with 3 copies of Form FD 461 authorization for medical records disclosure attached) TO: Director Baltimore District FROM: Michael D. Kennedy, Inspector Baltimore District SUBJ: 004-093V, Scientology	Report on completed assignment requested in document #A-13a containing names and identifying characteristics of individuals including medical details	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-14	1/31/68	Internal memorandum (4 pages) TO: Director Baltimore District Office FROM: William C. Drury, Inspector Baltimore District Office SUBJ: An individual's name	Summary of a telephone conversation and subsequent interview between a complainant and Mr. Drury regarding experiences with the Church of Scientology and persons associated with the organization containing names and identifying characteristics of individuals.	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-15	11/18/66	Internal memorandum (3 pages) TO: Director Denver District FROM: Inspector D.C. Scherninger Inspector John B. Powell SUBJ: Sample No. 4093V. Hubbard E-Meter	Investigative interview containing names and identifying characteristics of complainant including medical references	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C)
A-16	11/23/66	Internal memorandum (2 pages)(2 copies) TO: Director, Baltimore District FROM: S. Elsbree, Norfolk Resident SUBJ: Specific individual name (reference Food and Drug officer Ryan/Norfolk telephone request 11/15/66	Interview and investigation containing names identifying characteristics of complainants including medical details	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-18	2/4/63	Internal memorandum (13 pages) TO: Director Chicago District FROM: R.D. Sherman SUBJ: 4093V, Hubbard E-Meter	Interview with complainant regarding experiences with Scientology and members of that organization containing names and identifying characteristics including medical details	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
A-19	2/12/63	Internal memorandum (4 pages) TO: Chicago District FROM: R.D. Sherman SUBJ: Hubbard E-Meter 4093V	Investigative interview containing names and characteristics	5 U.S.C. 552 (b)(5),(b)(6) (b)(7)(C)
A-20	2/12/63	Internal memorandum (4 pages) with 200 of police report attached) TO: Chicago District FROM: R.D. Sherman SUBJ: Hubbard E-Meter	Interview with complainant regarding experiences with Scientology and members of that organization containing names and identifying characteristics including medical details	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-21	2/14/63	Complainant's Affidavit (3 pages)	Description of complainant's experiences with Scientology and members of that organization containing names and identifying characteristics including medical details	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-22	2/15/63	Internal memorandum (3 pages) TO: Director, Chicago District FROM: R.D. Sherman SUBJ: 4-093V, Hubbard E-Meter	Investigation and Interview containing names and identifying characteristics of complainants including medical details	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-23	2/25/63	Internal memorandum (4 pages) TO: Director, Chicago District FROM: R.D. Sherman SUBJ: 4-093V, Hubbard E-Meter FDC 48405	Investigation of specific individual containing names and identifying characteristics including medical references	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-24	2/25/63	Internal memorandum (1 page, with 3 pages of photostat copies of correspondence between individuals attached) TO: Chicago District FROM: R.D. Sherman SUBJ: 4093V, Hubbard E-Meter	Description of correspondence attached to memorandum	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
A-25	3/2/66	Internal Memorandum of telephone conversation (1 page) between FDA employees, Mr. George W. Sooy, Director, Baltimore District and Mr. George Brubaker, Division of Case Supervision, BRC	Discussion of follow-up of facts leading to a purported suicide of purported scientologist.	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-26	undated	Typewritten copy of teletype to Seattle District See document No. A-27	Description of a specific individual's experiences and impressions of Scientology and individuals associated with that organization containing names and identifying characteristics	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C)
A-27	11/10/66	Copy of teletype (5 pages with one additional page of correction; attached is another copy of document number A-26 - 3 pages) TO: Seattle District/Groth, Food and Drug Officer FROM: FDA Baltimore District/M.J. Ryan Food and Drug Officer	Description of a specific individual's experiences and impressions of Scientology and individuals associated with that organization containing names and indentifying characteristics	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C)
A-28	4/6/67	Internal memorandum of telephone conversation (1 page) BETWEEN: Mr. J. Kenneth Kinney, Acting Supervisory Inspector, Seattle District Office And Mr. Ernest L. Brisson, Acting Food and Drug Officer, Baltimore District Office	Report of telephone conversation with a specific individual regarding telegram received by the individual	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-29	3/30/67	Copy of teletype (1 page) TO: Food and Drug Baltimore District Attn: Gordon Thompson, Acting Director FROM: Food and Drug Administration Seattle District/HWFD	Attorney work product Arrangements being specifically made for prospective witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)

Exhibit A

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DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
A-30	4/3/67	Internal memorandum of telephone conversation (1 page) BETWEEN: Merle J. Ryan, Food and Drug Officer and Gordon G. Thompson, Acting Director, Baltimore District	Attorney Work product Arrangements being made specifically for prospective witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-31	undated	Attorney work product Points to be Proved (2 pages)	Instructions as to steps to be taken in pending litigation including names and addresses of prospective witnesses	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C)
A-32	undated	Attorney work product (4 pages)	Proposed testimony for proposed witness in pending litigation	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-33	undated	Attorney work product (2 pages) with copy of letter of complaint (1 page)	Attorney work product, proposed testimony for proposed witness in pending litigation	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-34				
A-35	undated	Attorney work product (1 page)	Proposed testimony by proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-36	undated	Attorney work product (1 page)	Proposed testimony by proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-37				
A-38				
A-39				
A-40	undated	Attorney work product (1 page)	Attorney work product, specifically, proposed testimony for proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
A-41	undated	Attorney work product (3 pages)	Attorney work product, specifically, proposed testimony for proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-42				
A-43				
A-44	undated	Attorney work product	Proposed testimony for proposed witness	5 U.S.C.552 (b)(5),(b)(6), (b)(7)(C)
A-45	undated	Attorney work product	Proposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
A-46				
A-47				
A-48	undated	Attorney work product (13 pages)	Proposed testimony	5 U.S.C. 552 (b)(5)
A-49	undated	Attorney work product (2 pages)	Proposed testimony	5 U.S.C. 552 (b)(5)
A-50	undated	Attorney work product (2 pages)	Proposed testimony	5 U.S.C. 552 (b)(5)
A-51	undated	Attorney work product (1 page)	Proposed testimony	5 U.S.C. 552 (b)(5)
A-52	undated	Attorney work product (1 page)	Proposed testimony	5 U.S.C. 552 (b)(5)
A-53	undated	Attorney work product (1 page)	Proposed testimony	5 U.S.C. 552 (b)(5)
A-54	undated	Attorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-55				

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
A-56	undated	Attorney work product (2 pages)	Proposed testimony for proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-57	undated	Attorney work product (2 pages)	Proposed testimony for proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-58	undated	Attorney work product (15 pages)	Proposed testimony by proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-59	undated	Attorney work product (15 pages)	Proposed testimony by proposed witness in pending litigation	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-60	3/22/67	Attorney work product (2 pages)	List of prospective witnesses for pending litigation, including names, addresses, telephone numbers, and other identifying characteristics	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-61	11/4/71	Internal memorandum (1 page - 2 copies) To: Office of General Counsel From: Director, Office of Compliance Subj: E-Meters - 4091-V (Founding Church of Scientology)	Follow-up to document #P-3, containing similar recommendations and discussion of options	5 U.S.C. 552 (b)(5)
A-62	2/13/63	Internal memorandum (3 pages) To: Director, Detroit District From: Inspectors Carl Larrick and Joseph H. Cox Subj: 4-093, Hubbard E-Meter FDC48405	Investigative report containing names and identifying characteristics of individuals regarding experiences with and impressions of Scientology	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C),(b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
A-63	3/7/69	A State Attorney General's Office inter-office communication (4 pages)	Investigative interviews with individuals containing names and other identifying characteristics including medical details	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
A-64	5/13/69	A State Attorney General's Office inter-office communication (4 pages)	Summary of investigative observations of a Scientology center	5 U.S.C. 552 (b)(5), (b)(7)(D)
A-65	6/4/69	A State Attorney General's Office inter-office communication	Investigation and interview with a specific individual containing names and identifying characteristics of complainant including medical details	5 U.S.C. 552 (b)(6), (b)(7)(C),(b)(7)(D)
A-66	1/19/69	Handwritten letter contained in the files of a State Attorney General's Office. From a complainant to another private individual, regarding Scientology (6 pages) Attachments to document released and identified	Narrative containing names and identifying characteristics of complaintants including medical details describing the individual's experience with the organization	5 U.S.C. 552 (b)(6), (b)(7)(C),(b)(7)(D)
A-67	3/6/63	Internal memorandum (1 page) To: Director, Baltimore District From: George D. Tilroe, Washington Resident Station Subj: Hubbard E-Meter	Employee's personal reaction to a proposed assignment and alternatives	5 U.S.C. 552 (b)(5), (b)(7)(D),(b)(7)(E)
A-69	2/8/63	Internal memorandum (1 page) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: 4093V, Hubbard E-Meter FDC48405	Report of investigation	5 U.S.C. 552 (b)(5), (b)(7)(D), (b)(7)(E)

Houston District

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
B-1	11/19/68	Internal memorandum (15 pages) To: Director, Dallas District From: Edward R. Atkins, Inspector Subj: Consumer Complaint - Church of Scientology	Investigative interview with a specific individual containing names and identifying characteristics of complainants including medical references	5 U.S.C. 552 (b)(5), (b)(6),(b)(7)(C)

Detroit District

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
C-1	3/27/68	Internal memorandum (2 pages) To: Director, Chicago District From: Roland D. Sherman, Inspector 4093-V Subj: Hubbard E-Meter	Request for investigation Information regarding a specific individual to be used in providing answer in document C-2	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
C-2	4/9/68	Inter-agency memorandum (2 pages) From: A.J. Beebe, Deputy Director To: A State official	Provides answer to request for information on a particular individual.	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C),(b)(7)(D)

Dallas District

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
D-1	3/7/69	A State Attorney General's Office inter-office communication (4 pages)	Investigative interview with 5 individuals containing names and other indentifying characteristics including medical details	5 U.S.C. (b)(5),(b)(6), (b)(7)(C),(b)(7)(D)
D-2	5/13/69	A State Attorney General's Office inter-office communication (4 pages)	Summary of investigative observations of a Scientology center.	5 U.S.C. 552 (b)(5), (b)(7)(D)
D-3	6/4/69	A State Attorney General's Office inter-office communication (4 pages)	Investigation and interview with a specific individual containing names and identifying characteristics of complainant including medical details	5 U.S.C. 552 (b)(6), (b)(7)(C),(b)(7)(D)
D-4	1/19/69	Handwritten letter contained in the files of a State Attorney General's Office. From a complainant to another private individual, regarding Scientology. (6 pages) Attachments to document released and identified	Narrative containing names and identifying characteristics of complainant including medical details describing the individual's experience with the organization	5 U.S.C. 552(b)(6),(b)(7)(C), (b)(7)(D)

Los Angeles District

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
E-1	1/24/63	Internal memorandum (3 pages) TO: Los Angeles District FROM: Van W. Smart SUBJ: 4-093V Hubbard E-Meter FDC 48405	Assignment request for information regarding specific individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)
E-2	2/6/63	Internal memorandum (4 pages) TO: Director, Los Angeles District FROM: D. L. Dovel SUBJ: Hubbard E-Meter 4093-V, DOC 48405	Response to document number E-1	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)
E-4	2/6/63	Internal memorandum (1 page) TO: Director, Los Angeles District FROM: D. L. Dovel, Inspector SUBJ: Hubbard E-Meter	Summary of the investigation of certain individuals containing names and identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
E-5	1/22/63	Internal memorandum (2 pages) TO: New York District, Los Angeles District FROM: Van W. Smart, Division of Regulatory Management, Bureau of Enforcement SUBJ: Hubbard E-Meter	Request for investigative information on several individuals with names and identifying characteristics.	5 U.S.C. 552(b)(5), (b)(7)(C), (b)(7)(E)
E-6	1/28/63	Internal memorandum (1 page) TO: Baltimore District FROM: Gordon R. Wood, Director, Los Angeles District SUBJ: Hubbard Electrometer, Mathison Electropsychometer	Summary of telephone conversations with a particular individual regarding his views on the Church of Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
E-7	2/27/63	Letter addressed to Mr. R. G. Wood, U.S. Food and Drug Administration, 1521 W. Pico Blvd., Los Angeles, California FROM: A complainant	Suggestions from complainant as to whom to contact as possible witnesses.	5 U.S.C. 552(b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
E-8	2/25/63	Letter addressed to Mr. R. G. Wood, FDA, 1521 W. Pico Blvd., Los Angeles, California FROM: A complainant	Suggestions from complainant as to whom to contact as possible witnesses.	5 U.S.C. 552(b)(6), (b)(7)(C)
E-9	2/21/63	Letter from one individual to another individual	The writer's personal opinion of Scientology and FDA	5 U.S.C. 552(b)(6), (b)(7)(C)
E-10	2/19/63	Letter from one individual to another individual	Personal opinion regarding the Church of Scientology and individuals associated with the organization.	5 U.S.C. 552(b)(6), (b)(7)(C)
E-12	2/21/63	Internal memorandum (2 pages, 2 copies) TO: Director, Boston District FROM: Inspector Howard I. Niss SUBJ: Memo 2/14/63, Inspector Bearon/Director of Minneapolis District, re: L. Ron Hubbard and Hubbard E-Meter	Investigative interview with particular individual containing names and identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
E-13	3/7/63	Internal memorandum (3 pages) TO: Director, Los Angeles District FROM: W. L. Dovel, Inspector and Dale G. Harper, Inspector SUBJ: Interview re: L. Ron Hubbard and Hubbard E-Meter	Investigative interview with a particular individual containing names and identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
E-14	5/24/63	Internal memorandum (5 pages) TO: Director, Los Angeles District FROM: Inspector D. L. Dovel SUBJ: Interview regarding Hubbard E-Meter	Report of a particular individual's experiences with the Church of Scientology and members of that organization with names and identifying characteristics including medical references.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
E-15	12/7/70	Internal memorandum (4 pages) TO: Deputy Regional Food and Drug Director, Los Angeles Field Office FROM: Inspector James P. DiGrazia SUBJ: Scientology	Report of a particular individual's experiences with the Church of Scientology and members of that organization with names and identifying characteristics including medical references.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
E-16	12/15/75	Internal memorandum (4 pages) TO: Deputy Regional Food and Drug Director, Los Angeles District FROM: James P. DiGrazia SUBJ: Scientology Investigation	Report of interview with two particular individuals regarding their experiences with the Church of Scientology and members of that organization containing names and identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
E-17	11/23/70	Internal memorandum (7 pages) with 1 page and one 3 page letter of complaint attached. TO: Assistant Regional Food and Drug Director, Los Angeles Field Office FROM: James P. DiGrazia, Inspector, Los Angeles District SUBJ: Scientology	Report of interview with 3 individual regarding their experiences with the Church of Scientology and members of that organization with names and identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
E-18		An individuals passport	Self explanatory	5 U.S.C. 552(b)(6), (b)(7)(C)
E-19		An individuals passport, customs declaration and copies of 2 certificates	Self expanatory	5 U.S.C. 552(b)(6), (b)(7)(C)
E-20	2/20/63	Internal memorandum (4 pages) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: Hubbard E-Meter	Interview with a particular individual regarding his experiences with the Church of Scientology and members of the organization containing names and identifying characteristics	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
E-21	8/17/70	Internal memorandum (2 pages) To: Los Angeles District From: James P. DiGrazia, Inspector Subj:	Investigation of a specific individual containing names and identifying characteristics	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
E-22	8/24/70	Handwritten mamorandum (1 page + 11 pages of computer printed information regarding this individual Author: Lloyd Lehrer's Subj: Information requested by Bud Loftus DCG/BD	Investigation of a specific individual containing names and other identifying characteristics	5 U.S.C. 552 (b)(5), (b)(6),(b)(7)(C)
E-23	8/27/70	Internal memorandum (1 page) To: Deputy Regional Director From: Edward R. Esparza Subj: (Individuals name)	Investigation of specific individual with names and other identifying characteristics	5 U.S.C. 552 (b),(b)(6), (b)(7)(C)
E-24	12/11/70	Internal memorandum (8 pages) To: Deputy Regional Food and Drug Director, Los Angeles, Field Office From: Inspector, James P. DiGrazia Subj: Scientology Investigation	Report of interview with a specific individual concerning his experience with the Church of Scientology's and members of that organization with names and identifying characteristics	5 U.S.C. 552 (b)(5), (b)(6),(b)(7)(C)
E-25	11/25/70	Internal memorandum (4 pages) To: Deputy Regional Director, Los Angeles Field Office From: James P. DiGrazia, Inspector Los Angeles Field Office Subj: Scientology	Report of interview with a specific individual concerning his experience with the Church of Scientology's and members of that organization with names and identifying characteristics	5 U.S.C. 552 (b)(5), (b)(6),(b)(7)(C)
E-26	11/10/66	Memorandum of telephone conversation (1 page) between Merl Ryan, Food and Drug Officer, Baltimore District and Donald L. Dovel, Inspector, Los Angeles District Office	Mr. Dovel's impression regarding a prospective government witness	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C)
E-27	11/2/66	Internal memorandum (1 page) To: Director, Los Angeles District Office From: Donald L. Dovel Subj: (persons name)	Information regarding a specific individual	5 U.S.C. 552 (b)(5), (b)(6),(b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
E-28	2/4/63	Internal memorandum (1 page) To: Philadelphia District Office From: Van W. Samrt, Division of Regulating Management, Bureau of Enforcement Subj: Hubbard E-Meter 4093V FDC 48405 (Name and address)	Information regarding specific individuals with names and identifying characteristics	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C)
E-29	3/14/63	Letter from individual to Mr. Harper	Specific information regarding the Church of Scientology's activities and device E-Meter	5 U.S.C. 552 (b)(6), (b)(7)(C), (b)(7)(D)
E-30	2/13/63	Internal memorandum (2 pages) To: Director Los Angeles District Office From: D.L. Dovel, Inspector Newton Chin, Inspector Subj: Hubbard E-Meter 4093V FDC 48405	Report on an interview with a specific individual regarding his experiences with the Church of Scientology and members of that organization containing names and other identifying characteristics	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C)
E-31	3/18/63	Internal memorandum (5 pages) with carbon copy of individuals 2 page affidavit and copies of 5 certificates attached. To: Director, Los Angeles District From: Inspector, Donald L. Dovel and Dale E. Harper Subj: Hubbard E-Meter 4093V, DoC48405	Report regarding interview with 2 specific individuals regarding experiences in detail concerning Scientology and person associated with the organization including names and other identifying characteristics	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
E-32(?)	3/19/68	Memorandum from the files of an agency other than the Food and Drug Administration	Report of investigation	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C),(b)(7)(D), (b)(7)(E)

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DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
E-33	12/8/70	Internal memorandum (1 page) To: Dallas Field Office From: James P. DiGrazia Subj: Scientology Request for Investigation	Request to determine type of investigation conducted by an agency other than the Food and Drug Administration	5 U.S.C. 552 (b)(5), (b)(7)(D), (b)(7)(E)
E-34	1/8/71	Internal memorandum (2 pages) To: Dallas District Director From: Gary S. Quam Subj: Scientology	Report of investigation requested in Document #E-33.	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
E-35	3/7/69	A State Attorney General's Office inter-office communication (4 pages)	Investigative interview with 5 individuals containing names and other indentifying characteristics including medical details	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
E-36	5/13/69	A State Attorney General's Office inter-office communication (4 pages)	Summary of investigative observations of a Scientology center	5 U.S.C. 552 (b)(5), (b)(7)(D)
E-37	6/4/69	A State Attorney General's Office inter-office communication (4 pages)	Investigation and interview with a specific individual containing names and identifying characteristics of complaintant including medical details	5 U.S.C. 552 (b)(6), (b)(7)(C), (b)(7)(D)
E-38	1/19/69	Handwritten letter contianed in the files of a State Attorney General's Office. From a complaintant to another private individual, regarding Scientology (6 pages) Attachments to document released and idantified	Narrative containing names and indentifying characteristics of complaintant including medical details describing the individual's experience with the organization	5 U.S.C. 552(b)(6), (b)(7)(C)
E-39	10/18/68	Internal memorandum (3 pages) To: Director, Los Angeles District From: Lloyd Lehrer Subj: Tax status and related Information of Church of Scientology of California	Report of investigation of various sources regarding Scientology	5 U.S.C. 552 (b)(5), (b)(7)(C), (b)(7)(D), (b)(7)(E)

Los Angeles

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
EN-1	10/21/71	Inter-agency memorandum (2 pages) To: Mr. Gene F. McHale U.S. Postal Service From: B.T. Loftus, Food and Drug Administration	Provides Detailed information regarding a specific individual with respect to experience with Scientology	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
EN-2	8/17/71	Handwritten correspondence (1 page) To: Mr. DiGrazia, Food and Drug Administration From: Private individual	Provides detailed information regarding persons associated with Scientology	5 U.S.C. 552 (b)(6), (b)(7)(C)
EN-3	9/24/71	Memorandum of telephone conversation (3 pages) Between: Bernard T. Loftus, Food and Drug Administration and a private individual Subj: Scientology - Hubbard E-Meters	Individual provided detailed information regarding his experience with Scientology and persons associated with the organization	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)

Minneapolis District

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
F-1	5/22/66	Internal memorandum (3 pages) TO: Director, Minneapolis District FROM: Walter L. Stauffacher, Inspector SUBJ: Scientology Investigation	Investigation and interview containing names and identifying characteristics of complainants, including medical references.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
F-2	11/10/70	Internal memorandum of telephone conversation of November 6, 1970 (2 pages) Between Frank A. Mosebar, Supervisory Inspector, Food and Drug Administration, Kansas City District, and Complainant	Discussion containing names and identifying characteristics of complainants, including medical references.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
F-3	5/8/70	Internal memorandum of telephone conversation (2 pages) Between Food and Drug Administration employees, Mr. Allen and Mr. Van Smart.	Attorney Work Product - Specifically, discussion of procedures to be followed for pending litigation at direction of counsel.	5 U.S.C. 552(b)(5)
F-4				
F-5				
F-6				
F-7				
F-8	2/25/63	Internal memorandum (1 page) TO: Director, Minneapolis District FROM: Inspector I. Bearon SUBJ: Scientology Investigation	Summary of the discussion with a state official regarding possible inter-Agency cooperation in Scientology investigations.	5 U.S.C. 552(b)(5), (b)(7)(D)

Headquarters

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-1	2/25/63	Internal memorandum (1 page) To: Director, Minneapolis District From: Inspector I. Bearon Subj: Scientology Investigation	Summary of contact with a State Official regarding that State's investigation of Scientology and a suggestion for possible Federal/State cooperation regarding this investigation.	5 U.S.C. 552(b)(7)(D), (b)(7)(C)
H-2	1/31/63	Internal memorandum (2 pages) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: Hubbard E-Meter - 4093-V, FDC 48405	Summary of information contained in a State's investigative file regarding Scientology. Also, the results of a requested investigation of a specific individual.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-3	11/18/68	Internal memorandum (2 pages with a copy of one three page and one two page investigative report on two specific individuals and a letter from a State Official to the Church of Scientology dated 2/16/66 - attached)	Summary of information contained in a State's investigative files regarding the status of the Church of Scientology, including specific information regarding specific individuals under investigation.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-4	2/13/63	Investigative report (4 pages) From the files of an agency other than Food and Drug Admin.	Investigation of a specific individual.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-5	2/15/63	Interagency memorandum (3 pages - 2 copies, with 3 letters - total 14 pages - of correspondence from a specific individual - attached)	Investigative report on a specific individual.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-6	9/22/68	Internal memorandum from the files of an Agency other than the Food and Drug Administration (3 pages with a 22 page attachment)	Attorney work product - requesting a supplemental investigation of specific persons and organizations as listed on the attachment.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-7	2/12/63	Internal memorandum (2 pages To: Director, Baltimore District From: George D. Tilroe, Inspector, Baltimore District Subj: A particular individual's name	Summary of another Agency's investigation of the National Academy of Psychology, including names and identifying characteristics of specific individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-8	2/26/63	Internal memorandum (1 page) To: Director, Baltimore District From: George D. Tilroe, Inspector, Baltimore District Subj: Specific individual's name	Summary of another Agency's investigation regarding specific individuals associated with the Church of Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-9	2/26/63	Internal memorandum (2 pages) To: Director, Baltimore District From: George D. Tilroe, Inspector, Baltimore District Subj: Specific individual's name	Summary of another Agency's investigation regarding the Church of Scientology including investigations of specific individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-10	1/25/63	Memorandum for the File (1 page) Author: George D. Tilroe	Summary of interviews with 4 employees of other Agencies regarding investigations of the Church of Scientology.	5 U.S.C. 552(b)(5), (b)(7)(D), (b)(7)(E)
H-11	9/13/63	Internal memorandum (4 pages) To: Director, Seattle District From: Supervisory Inspector G.W. Rynerson Subj: Hubbard E-Meters	Summary of investigation conducted jointly with another Agency.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-12	6/16/61	Internal memorandum from the files of an Agency other than the FDA. (8 pages)	Summary of investigation conducted by that Agency including names and other identifying characteristics of several individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D) (b)(7)(D), (b)(7)(E)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-13(a)	11/29/67	Interagency memorandum Author: Alfred Barnard, Director, Bureau of Regulatory Compliance	Acknowledgement of additional information supplied by the other Agency.	5 U.S.C. 552(b)(5), (b)(7)(D), (b)(7)(E)
H-13(b)	11/24/67	Interagency memorandum (1 page) To: Mr. Alfred Barnard, Director, Bureau of Regulatory Compliance	Description of attached report regarding a specific individual.	5 U.S.C. 552(b)(5), (b)(7)(D), (b)(7)(E),
H-13(c)	10/31/67	Interagency memorandum (1 page) between Officials of Agencies other than the Food and Drug Administration	Summary of that Agency's investigation of Scientology. Cover letter describing attachment - H-13(d)	5 U.S.C. 552(b)(5), (b)(7)(D), (b)(7)(E)
H-13(d)	6/15/66	Internal memorandum (4 pages) of an Agency other than the Food and Drug Administration	Summary of that Agency's investigation of Scientology.	5 U.S.C. 552(b)(5), (b)(7)(C), (b)(7)(D) (b)(7)(E)
H-14	various dates	File jacket containing 32 pages of correspondence and reports regarding an investigation conducted by an Agency other than the Food and Drug Administration.	Report of investigation as described.	5 U.S.C. 552(b)(5), (b)(7)(C), (b)(7)(D) (b)(7)(E)
H-15	Undated	Attorney work product (8 pages)	List of names and addresses of potential witnesses.	5 U.S.C. 552(b)(5), (b)(6) (b)(7)(C)
H-16	10/10/61	Letter to a specific individual from a member of the Church of Scientology.	Request for payment.	5 U.S.C. 552(b)(6), (b)(7)(C)
H-17	6/12/63	Internal memorandum of interview (3 pages) between an individual and FDA employees, W.N. Swain and J.O. Gesting.	Interview with a specific individual concerning his experiences with the Church of Scientology, and persons associated with the organization containing names and other identifying characteristics of complainants including medical details.	5 U.S.C. 552(b)(5), (b)(6) (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-18	8/1/66	Internal memorandum for the file of an Agency other than the Food and Drug Administration. (3 pages)	Investigative interview with a specific individual containing names and identifying characteristics of the complainant including medical details. Reference is also made to 2 other complainants.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-19	1/25/63	Internal memorandum (6 pages) To: Philadelphia District From: Inspector W. Remle Grove and Philip B. White Subj; Hubbard E-Meter	Investigative interview of a specific individual containing names and identifying characteristics including medical details regarding the individuals auditing sessions.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-20	11/23/66	Internal memorandum (2 pages) To: Director, Baltimore District From: S. Elsbree Subj: References a specific individual	Investigative interview containing names and identifying characteristics of complainant including medical details regarding Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-21(a)	2/7/63	Internal memorandum (1 page) To: Atlanta District From: Inspector Turner O. Hailey Subj: Scientology Cells	Summary of telephone conversation with a complainant.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-21(b)	5/28/63	Internal memorandum (3 pages) To: Atlanta District From: Inspector Turner O. Hailey Subj: Scientology Interview	Investigative interview containing names and other identifying characteristics of complainant regarding Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-22	5/24/63	Internal memorandum (4 pages) To: Director, Los Angeles District From: Inspector D. L. Dovel	Report of a particular individuals experiences with the Church of Scientology and members of that organization with names and identifying characteristics including medical references.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-23	2/19/63	Internal memorandum (3 pages) To: San Francisco District From: Raymond F. Kreuger, Inspector Subj: Hubbard E-Meter Investigation	Investigative interview containing names and identifying characteristics of individuals including medical details regarding experiences with Scientology.	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
H-24	7/23/64	Internal memorandum (3 pages) To: Philadelphia District From: Inspector Elmer W. Greve Subj: 4093V E-Meter FDC48405	Interview containing names identifying characteristics of specific individuals including medical references.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-25	11/21/66	Internal memorandum (3 pages) To: Atlanta District From: Inspector William L. Morton, Miami Subj: Contested Seizure - Sample 4093V Hubbard E-Meter - Founding Church of Scientology	Investigative interview containing names and identifying characteristics of complainants including medical details, regarding individuals experiences with Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-26	2/13/63	Internal memorandum (4 pages) To: Director, Los Angeles District From: D. L. Dovel, Inspector, L.D. Baxter, Inspector Subj: Hubbard E-Meter	Investigative interview containing names and identifying characteristics of individual complainants including medical details, regarding their experiences with Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-27	2/28/63	Internal memorandum (2 pages) To: Director, Baltimore District From: George D. Tilroe, Washington Resident Station Subj: Hubbard E-Meter Investigation	Investigation containing names and identifying characteristics of an individual including medical details regarding experiences with Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-28	2/15/63	Internal memorandum (4 pages) To: Atlanta District From: Frank J. Jancarek, Tampa Subj: Investigation of Referred Complaint	Investigative interview containing names and identifying characteristics of complainant including medical details.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-29	1/21/63	Personnal correspondence between complainant and Church of Scientology. (1 page)	Complaint regarding experiences with the Church of Scientology.	5 U.S.C. 552(b)(6), (b)(7)(C)
H-30	2/21/63	Internal memorandum (1 page) To: Chief Inspector From: Inspector Narrow Subj: Hubbard E-Meter	Interview with an individual containing names and identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-31	7/30/63	Internal memorandum (3 pages) To: Bureau of Enforcement Attn: Division of Regulatory Management From: Denver District, J.J. Cox Subj: Hubbard E-Meter	Investigative interview containing names and identifying characteristics of individuals regarding experiences with Scientology.	5 U.S.C. 552(b)(6), (b)(7)(C)
H-32	Undated	Attorney Work Product	Notes including names, addresses, and other identifying characteristics of potential witnesses.	5 U.S.C. 552(b)(6), (b)(7)(C)
H-33	10/17/62	Internal memorandum (2 pages) To: Director, Denver District From: Louis W. Seaman Subj: Hubbard E-Meter	Investigative interview with a specific individual regarding experiences with Scientology and persons associated with the organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-34	3/18/63	Internal memorandum (5 pages) To: Director, Los Angeles District From: Inspectors Donald L. Dovel and Dale E. Harper Subj: Hubbard E-Meter	Investigative interview containing names and identifying characteristics of two individuals regarding experiences with Scientology and persons associated with the organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-35	3/22/63	Internal memorandum (4 pages) To: Director, Buffalo District From: Inspector Larry Kerness Subj: 4093V Hubbard E-Metter FDA48405	Investigative interview containing names and identifying characteristics of several individuals including medical details regarding Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-36	2/4/63	Internal memorandum (13 pages) To: Director, Chicago District From: R.D. Sherman Subj: 4093V Hubbard E-Meter	Investigative interview containing names and identifying characteristics of complainants including medical details regarding experiences with Scientology and persons associated with the organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-37	2/25/63	Internal memorandum (1 page) To: Chicago District From: R.D. Sherman Subj: 4093V Hubbard E-Meter	Comments regarding a specific individual as a potential witness.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-38	2/15/63	Internal memorandum (3 pages with a 2 page list of described exhibits) To: Director, Chicago District From: R.D. Sherman Subj: 4093V Hubbard E-Meter	Investigative interview with a specific individual containing names and identifying characteristics regarding Scientology and persons associated with the organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-39	2/25/63	Internal memorandum (4 pages) To: Director, Chicago District From: R.D. Sherman Subj: 4093V Hubbard E-Meter FDC 48405	Investigative report regarding a specific individual with names and other identifying characteristics including medical details.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-40	2/12/63	Internal memorandum (4 pages) To: Chicago District From: R.D. Sherman Subj: Hubbard E-Meter 4093V	Investigative interview with a specific individual containing names and other identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-41	2/12/63	Internal memorandum (4 pages with 2 page investigative report from an Agency other than the Food and Drug Administration attached) To: Chicago District From: R.D. Sherman Subj: Hubbard E-Meter 4093V	Investigative interview containing names and other identifying characteristics including medical details.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-42	3/23/63	Internal memorandum (1 page) To: Director, Chicago District From: R.D. Sherman, Inspector Subj: 4093V Hubbard E-Meter FDC 48405	Information regarding a specific individual containing names and other identifying characteristics including medical devices.	5 U.S.C 552(b)(5), (b)(6), (b)(7)(C)
H-43	Various dates	9 pieces of an individual's personal correspondence.	Complainant's impressions of Scientology and individuals associated with the organization.	5 U.S.C. 552(b)(6), (b)(7)(C)
H-44	Undated	Type written notes (1 page)	Information regarding a specific individual	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-45	3/7/63	Interagency memorandum (1 page) To: Van W. Smart, Deputy Director, Division of Regulatory Management, Bureau of Enforcement From: An Agency other than the Food and Drug Administration	Information including medical references concerning a specific individual.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(B)
H-46	1/28/63	Letter addressed to an Agency other than the Food and Drug Administration from Gilbert S. Goldhammer, Director, Division of Regulatory Management, Bureau of Enforcement (1 page)	Request for information regarding a specific individual.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-47	1/25/63	Internal memorandum (1 page) To: Philadelphia District From: Division of Regulatory Management, Bureau of Enforcement Subj: 4093V Hubbard E-Meter FDC 48405	Information regarding a specific individual	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-48	2/5/63	Internal memorandum (1 page) To: Philadelphia District From: Inspector James E. Tessmer Subj: Investigation of a specific individual	Results of investigation regarding a specific individual.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-49	2/14/63	Internal memorandum (3 pages) To: Director, Seattle District From: Inspector Robert E. Parkinson Subj: Background	Information regarding a specific individual.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-50	2/4/63	Internal memorandum (4 pages with copies of 24 pages of documents obtained from the files of an Agency other than the Food and Drug Administration) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: 4093V Hubbard E-Meter FDC 48405	Results of investigation regarding specific individuals and specific events.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-51	2/12/63	Internal memorandum (4 pages) To: Director, Baltimore District From: Washington Resident Station Subj: Investigation of a specific individual	Information relating to a specific individual.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-52	2/8/63	Internal memorandum (1 page) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: 4093V Hubbard E-Meter FDC 48405	Report of investigation	5 U.S.C. 552(b)(5), (b)(7)(D), (b)(7)(E)
H-53	11/13/70	Internal memorandum (1 page) To: The General Counsel Attn: Mrs. Sisk From: Bernard T. Loftus, Division of Case Guidance Subj: Hubbard E-Meters	Attorney Work Product - specifically a "Progress Report" requested by Counsel regarding the status of certain aspects of the case. This document also includes opinions relative to the Agency's position.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-54	Undated	Attorney Work Product	Interview with a potential witness regarding his experiences with the Church of Scientology and members of that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-55	11/19/66	Letter (2 pages) To: Mr. Gottlieb From: A potential witness	Potential witness's experiences with the Church of Scientology and members of that organization.	5 U.S.C. 552(b)(6), (b)(7)(C)
H-56	11/25/70	Internal memorandum (4 pages) To: Deputy Regional Director, Los Angeles Field Office From: James P. DeGrazia, Inspector, Los Angeles Field Office Subj: Scientology	Investigative interview with specific individual regarding his experience with the Church of Scientology and members of that organization. The report contains names and other identifying characteristics of several individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-57	7/18/63	Attorney Work Product (7 pages)	Personal information regarding a potential witness as supplied to attorney.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-58	8/27/70	Internal memorandum (1 page) To: Deputy Regional Director From: Edward R. Esparza Subj: (Individual's name)	Investigation of a specific individual containing names and other identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-59	Undated	Attorney Work Product	Specifically, proposed testimony of proposed witness.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-60	8/11/70	Attorney Work Product (18 pages)	Notes regarding interview with potential witness.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-61	9/8/72	Correspondence between an individual and a State Official. (4 pages)	Description of the individual's experiences with Scientology and members of that organization.	5 U.S.C. 552(b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-62	Undated	Attorney Work Product (45 pages)	Notes pertaining to an interview with a potential witness regarding his experiences with the Church of Scientology and members of that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-63	Undated	Attorney Work Product (8 pages)	Proposed testimony of proposed witness.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-64	12/11/70	Internal memorandum (8 pages with a 3 page copy of an incomplete affidavit attached) To: Deputy Regional Food and Drug Director, Los Angeles Field Office From: Inspector James P. DeGrazia Subj: Scientology Investigation	Interview regarding potential witnesses experiences with Scientology and members of that organization containing names and identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-65	2/19/63	Internal memorandum (9 pages) To: Director, Dallas District From: Inspector John R. Vodneck Inspector Boland B. Shepherd Subj: 4093V Hubbard E-Meter FDC 48405 Church of Scientology of Dallas	Investigative report of specific individual containing names and other identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-66	1/3/69	Internal memorandum (1 page) To: Division of Case Guidance Attn: Tom Rice From: Dallas District, Raymond V. Mlecko, Food and Drug Officer Subj: Complaint	Follow-up of document #H-67 regarding a specific individual.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-67	12/26/68	Internal memorandum (1 page) To: Division of Case Guidance Attn: Tom Rice From: Dallas District, Raymond V. Mlecko, Food and Drug Officer Subj: Complaint	Brief description of document indexed as H-68.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)
H-68	11/19/68	Internal memorandum (14 pages) To: Director, Dallas District From: Edward R. Atkins, Inspector Subj: Consumer Complaint - Church of Scientology	Investigative interview with a specific individual containing names and identifying characteristics of complainants including medical references.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-69	1/30/63	Internal memorandum for the file Author: George D. Tilroe, Inspector Baltimore District (2 pages)	Interview with a specific individual regarding a specific incident.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-70	2/12/63	Internal memorandum (4 pages) To: Director, Baltimore District From: Washington Resident Station Subj: (Specific individual's names)	Interview with specific individual regarding his experiences with the Church of Scientology and members of that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-71	2/12/63	Internal memorandum (2 pages) To: Director, Minneapolis District From: I. Bearon, Inspector Subj: 4093V, E-Meter, FDC 48405 Scientology Investigation DRM/M Memo 2/5/63	Interview with a specific individual regarding another individual.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-72(a)	9/5/63	Internal memorandum of telephone conversation (1 page) between Food and Drug Employee G.W. Rynerson and complainant	Discussion of complaint regarding Scientology and persons associated with the organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-72(b)	9/9/63	Internal memorandum (4 pages) To: Director, Seattle District From: Inspector, Edward R. Floyd Subj: E-Meters	Follow-up interview to document #H-72(a) describing the experiences of the individual with regard to Scientology and persons associated with the organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-73	2/13/63	Internal memorandum (3 pages) To: Director, Los Angeles District From: D.L. Dovell, Inspector Subj: Hubbard E-Meter 4093V FDA48405	Interview with complainant regarding his experiences with the Church of Scientology and persons associated with the organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-74	2/13/63	Internal memorandum (3 pages) To: Director, Dallas District From: Inspector A.V. Ignatowicz Subj: Interview with (individual's name)	Description of that individual's experiences with the Church of Scientology and persons associated with that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-75	2/21/63	Internal memorandum (2 pages) To: Director, Boston District From: Inspector Howard I. Niss Subj: Memo 2/14/63 Inspector Bearon, Director of Minneapolis District, regarding L. Ron Hubbard and Hubbard E-Meter 4093V FDC 48405	Interview with specific individual regarding Scientology and individuals associated with the organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-76	3/7/63	Internal memorandum (3 pages) To: Director, Los Angeles District From: Inspector D.L. Dovel, Inspector Dale E. Harper Subj: Interview with (an individual) regarding L. Ron Hubbard and Hubbard E-Meter 4093V FDC 48405	Interview regarding an individual's experiences with Scientology and persons associated with that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-77	3/18/63	Internal memorandum (5 pages) To: Director, Los Angeles District From: Inspectors Donald L. Dovel and Dale E. Harper Subj: Hubbard E-Meter 4093V FDC 48405	Interview and investigation consisting of two individuals experiences with the Church of Scientology and persons associated with that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-78	1/11/63	Internal memorandum of telephone conversation between Food and Drug Employee, W.N. Swain, Division of Regulatory Management and a complainant. (1 page)	Interview regarding the individual's relative's experiences with the Church of Scientology, including medical references.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-79	2/6/63	Internal memorandum (1 page) To: San Francisco District From: Van W. Smart, Division of Regulatory Management, Bureau of Enforcement Subj: 4093V Hubbard E-Meter FDC 48405	Request for interview with specific individuals regarding ths use of the E-Meter. Medical details regarding one of these individuals is included in the memorandum.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-80	2/1/63	Internal memorandum (1 page) To: Los Angeles District From: Van W. Smart, Division of Regulatory Management, Bureau of Enforcement Subj: 4093V Hubbard E-Meter FDC 48405	Request for investigation of an individual's complaint regarding Scientology. Medical details are included in the memorandum.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-81	2/19/62	Attorney Work Product (1 page)	Affidavit describing potential witnesses' experiences with Scientology including medical details.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-82	11/23/70	Internal memorandum (7 pages) To: Assistant Regional Food and Drug Director, Los Angeles Field Office. From: James P. DeGrazia, Inspector, Los Angeles Field Office Subj: Scientology	Investigative interview with individuals regarding their experiences with the Church of Scientology and persons associated with that organization.	5 U.S.C. 552(b)(6), (b)(7), (b)(7)(C)
H-83	Undated	Attorney Work Product (1 page)	Detailed description of potential witness's academic and career accomplishments.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-84	Undated	Attorney Work Product (7 pages)	Consists of notes of a personal nature regarding several potential witnesses including names, addresses, telephone numbers, medical details.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-85	7/20/60	Personal letter (4 pages)	Consumer complaint containing names and identifying characteristics of the complainant including medical details.	5 U.S.C. 552(b)(6), (b)(7)(C)
H-86	4/27/71	Memorandum of interview Author: Inspector M.P. Jones	The individual's experiences with the Church of Scientology and persons associated with that organization.	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C)
H-88	12/7/70	Internal memorandum (4 pages) To: DRFDD, Los Angeles Field Office From: Inspector James P. DeGrazia Subj: Scientology	Interview with specific individual regarding his experiences with the Church of Scientology and persons associated with that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-89	12/14/70	Internal memorandum (2 pages with exhibits consisting of 3 one page pieces of personal correspondence and a 63 page pamphlet authored by the individual interviewed) To: DRFDD, Los Angeles Field Office From: Inspector James P. DeGrazia Subj: Scientology Investigation	Interview containing names and identifying characteristics with an individual describing his experiences with the Church of Scientology and persons associated with that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-90	11/13/70	Internal memorandum of telephone conversation between a complainant and Mr. Raymond L. Sweeny, Food and Drug Officer, Buffalo District Office (1 page)	Complaint containing names and other identifying characteristics of individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-91	2/13/63	Internal memorandum (2 pages) To: Director, Los Angeles District From: D.L. Dovel, Inspector, Newton Chin, Inspector Subj: Hubbard E-Meter 4093V FDC 48405	Interview containing names and identifying characteristics of the individual, describing his experiences with the Church of Scientology and persons associated with that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-92	2/15/63	Internal memorandum (2 pages) To: Director, Seattle District From: J. Kenneth Kinney, Inspector Subj: 4093V Hubbard E-Meter FDC 48405	Investigation of a specific event relative to a specific individual.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-93	2/5/63	Letter (2 pages with photograph attached) addressed to the Honorable John F. Kennedy, President of the United States	Complaint containing names and identifying characteristics of a complainant.	5 U.S.C. 552(b)(6), (b)(7)(C)
H-94	11/8/66	Internal Memorandum (1 page) To: Director, Boston District From: Inspector Jerome J. Donovan Subj: FDA General Counsel/B District Telephone Request 11/7/66	Description of attempt to contact and interview a specific individual, including names and other identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-95	11/27/62	Personal correspondence between individuals.	Discussion of events and other personal information relating to the author.	5 U.S.C. 552(b)(6), (b)(7)(C)
H-96	Undated	List of names and addresses of potential witnesses obtained from a specific Better Business Bureau (3 pages)	List of names and addresses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-97	12/29/70	Internal memorandum (2 pages) To: DRFDD, Los Angeles Field Office From: James P. DeGrazia, Inspector Subj: Scientology Investigation	Interview with individual regarding his experience with and opinion of Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-98	10/6/66	Memorandum from the files of an Agency other than the Food and Drug Administration (1 page) Attached is a copy of a one page form entitled "Report of Property Purchased or Seized under Narcotic and Marijuana Laws."	Interview containing names and other identifying characteristics regarding a particular individual.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-99	11/10/70	Internal memorandum of telephone conversation (2 pages) between Complainant and Frank A. Mosebar, Supervisory Inspector, Food and Drug Administration, Kansas City District	Complainant reported details regarding one of his relative's experiences with the Church of Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-100	12/15/70	Internal memorandum (4 pages) To: Deputy Regional Food and Drug Director, Los Angeles District From: James P. DeGrazia, Inspector Subj: Scientology Investigation	Investigative interview with 2 individuals regarding their experiences with the Church of Scientology and persons associated with the organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-101	11/20	Attorney Work Product (9 pages)	Specific information regarding potential witnesses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-102	4/1/63	Internal memorandum (2 pages) To: Director, Baltimore District From: George D. Tilroe, Washington Resident Station Subj: Scientology Investigation	Specific information regarding a specific individual including names, identifying characteristics, and medical details.	5 U.S.C 552(b)(5), (b)(6), (b)(7)(C)
H-103	Undated	Attorney Work Product (1 page)	List of names and addresses of potential witnesses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-104	2/20/63	Internal memorandum (4 pages) To: Director, Philadelphia District From: W. Remle Grove Subj: Hubbard E-Meter 4093V FDA 48405	Investigate interview with specific individual regarding specific experiences with Scientology and persons associated with that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-105	4/5/63	Internal memorandum (4 pages) To: Director of Buffalo District From: Larry Kerness, Albany Resident Station Subj: 4093V Hubbard E-Meter FDC 48405	Investigative interview of individual associated with Scientology containing names and other identifying characteristics	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-106	Undated	Attorney Work Product (1 page)	List of names and addresses of potential witnesses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-107	10/25/62	Individual's handwritten note	Individual's consent for Food and Drug Inspectors to use her property.	5 U.S.C. 552(b)(6), (b)(7)(C)
H-108	4/23/71	Internal memorandum of an Agency other than the Food and Drug Administration (2 pages)	Investigative interview with a specific individual regarding his experiences with Scientology and members of that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-109	2/4/63	Internal memorandum (4 pages) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: 4093V Hubbard E-Meter FDC 48405	Results of investigation regarding specific individuals and specific events.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-110	2/8/63	Internal memorandum (1 page) To: Director, Dallas District From: Inspector John F. Rabusch Subj: Attached are copies of 7 pages of investigative documents from the files of an Agency other than the Food and Drug Administration.	Investigation of complaint by an Agency other than the Food and Drug Administration.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-111	1/8/71	Internal memorandum (2 pages with 17 pages from the files of an Agency other than the Food and Drug Administration) To: Dallas District Director From: Inspector Gary S. Quam Subj: Scientology	Interview with an official of an Agency other than the Food and Drug Administration regarding that Agency's investigation of Scientology. Attached are copies of documents from the Agency's files.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-112				
H-113	Undated	Attorney Work Product (1 page)	Names and identifying characteristics of potential witnesses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-114	Undated	Transcription (2 pages) of a portion of a taped interview.	An individual's experiences including names, identifying characteristics and medical details with regard to his experiences with the use of the E-Meter and Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-115	11/6/63	Internal memorandum (1 page), To: John Rynd From: Ray G. Warthen, Houston Resident Post Subj: Scientology	Details of a telephone conversation with a complainant containing names, identifying characteristics and medical details.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-116	2/11/63	Internal memorandum (5 pages, with individual's 6 page affidavit attached).	Description of an individual's experiences with the Church of Scientology and persons associated with the organization. The report includes names, identifying characteristics as well as the author's opinions of the individual interviewed.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-117	Undated	Rough Draft of memorandum (13 pages) with "Do Not Use Ruf Notes B.T. Loftus" written across top of first page.	Personal opinions of an Food and Drug Administration employee regarding Scientology. Document bears the words "Do Not Use Ruf Notes."	5 U.S.C. 552(b)(5)
H-118	Undated	Attorney Work Product (2 type-written pages of names and addresses)	Names and addresses of potential witnesses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-119	11/2/62	Internal memorandum (2 pages) To: Director, Baltimore District From: Charles H. Everline, Inspector Subj: Hubbard E-Meter	Investigative interview with an individual of an Agency other than the Food and Drug Administration regarding his investigation of Scientology. Also discussed was possible cooperative efforts between the Food and Drug Administration and this Agency.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-120	1/15/63	Internal memorandum (1 page) To: Director, Baltimore District From: George E. Tilroe, Inspector, Washington Resident Station Subj: E-Meter Seizure	Details of telephone conversation with individual associated with an Agency other than the Food and Drug Administration regarding the use of an E-Meter for exhibit purposes.	5 U.S.C. 552(b)((5), (b)(7)(D)
H-121	Undated	Attorney Work Product (8 pages)	Notes on several potential witnesses including names and other identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-122	7/15	Handwritten internal memorandum To: B. E. From: M. R. S.	Details regarding a particular individual.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-123(a)	Undated	Attorney Work Product (1 page)	Names and identifying characteristics including medical details regarding potential witness.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-123(b)	12/4	Attorney Work Product (2 pages)	Names and identifying characteristics of potential witnesses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-124	2/14/63	Attorney Work Product (3 pages)	Names, addresses, and telephone numbers of potential witnesses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-126	Undated	Attorney Work Product (5 pages)	Details regarding potential witnesses including names, addresses and other identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-127	Undated	Attorney Work Product (11 pages)	List of names, addresses and other identifying characteristics regarding potential witnesses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-128	7/25/62	1 page application form	Individual's application for a license.	5 U.S.C. 552(b)(6), (b)(7)(C)
H-129	2/4/63	Individual's criminal record (1 page) from an Agency other than the Food and Drug Administration.	Details regarding criminal offense.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-130	2/7/63	Internal memorandum (1 page) To: Chief Inspector, Los Angeles District From: Albert Ackerman, Phoenix Inspection Station Subj: 4093V, Hubbard E-Meter	Details regarding investigation of specific individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-131	Undated	Attorney Work Product (5 pages)	Details regarding potential witnesses including names, addresses and other identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-132				
H-133	Undated	Rough Draft of internal memorandum (4 pages) To: Press Information Attn: Edward Nida From: Office of Compliance Subj: William Willoughby Article in the Evening Star regarding Scientology	Proposed comments with respect to certain aspects of a referenced news article. Draft bears the words "Not Used."	5 U.S.C. 552(b)(5)
H-134	Undated	Rough Draft of proposed letter (4 pages) To: Editor of the Evening Star	Comments regarding article as referenced in Document #H-133. Draft bears the words "Not Used."	5 U.S.C. 552(b)(5)

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DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-135	2/8/63	Internal memorandum of an Agency other than the Food and Drug Administration (4 Pages)	Investigative report regarding a specific individual's complaint regarding Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-136	2/1/63	Interagency memorandum From: Van W. Smart, Deputy Director, Division of Regulatory Management, Bureau of Enforcement	Request for information from an Agency other than the FDA regarding a specific individual.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-137	2/16/63	Letter addressed to Mr. Wood from a specific individual.	Cover letter for information being sent to us by this individual on Scientology.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-137(a)	5/28/63	Letter from individual addressed to United States Food and Drug Administration, Washington, D.C.	Information regarding a specific subject from a specific individual.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-138	1/28/63	Internal memorandum To: Baltimore District From: Gordon R. Wood, Director, Los Angeles District Subj: Hubbard Electrometer	Details of communication between Mr. Wood and a particular individual regarding his views and experiences with Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-139	1/17/63	Letter addressed to Mr. G.R. Wood, United States Food and Drug Administration, Los Angeles, California (1 page, with copy of one page letter from the writer to another private individual)	Details regarding the individual's experiences with Scientology, relative to a specific incident. Attached is a copy of a letter from the individual to someone the writer suspects is associated with the Scientology organization as referenced in his letter.	5 U.S.C. 552(b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-139(a)	2/27/63	Letter addressed to Mr. R.G. Wood, United States Food and Drug Administration, Los Angeles, California	Writer's recommendation for a potential witness and also information regarding certain events relative to Scientology.	5 U.S.C. 552(b)(6), (b)(7)(C)
H-139(b)	2/25/63	Letter addressed to Mr. R.G. Wood, Food and Drug Administration, Los Angeles, California	Writer's recommendation that the Food and Drug Administration contact certain individuals as potential witnesses in the Scientology case including names, addresses, other identifying characteristics.	5 U.S.C. 552(b)(6), (b)(7)(C)
H-139(c)	2/21/63	Letter between 2 individuals	Writer's opinion of Scientology	5 U.S.C. 552(b)(6), (b)(7)(C)
H-139(d)	2/19/63	Correspondence between 2 individuals	Writer's opinion of Scientology and persons associated with the organization.	5 U.S.C. 552(b)(6), (b)(7)(C)
H-140	2/2/63	Internal memorandum (5 pages - 2 copies) To: Director, Baltimore District From: Inspector J.C. Bullard Subj: 4093V Hubbard E-Meter, FDC 48405	Details of Scientology investigations conducted by Agencies and organizations other than the Food and Drug Administration.	5 U.S.C. 552(b)(5), (b)(7)(C), (b)(7)(D)
H-141	2/18/63	Internal memorandum (2 pages with 12 pages of documents from an Agency other than the Food Drug Administration)	Summary of investigation into Scientology by an Agency other than the Food and Drug Administration.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-142	2/15/61	Letter between 2 State Agency Officials (1 page)	Cover letter for documents that will be described in H-143.	5 U.S.C. 552(b)(5), (b)(7)(D), (b)(7)(E)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-143	Various dates	Copies of 17 pages of investigative documents from the files of an Agency other than the Food and Drug Administration.	Investigative reports on Scientology and many individuals associated with the organization including names, identifying characteristics and medical details on specific individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-144	6/5/52	Internal memorandum from an Agency other than the Food and Drug Administration.	Investigative report on specific individuals including names and other identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-145	3/25/59 3/11/59 3/16/59	Internal memoranda from the files of an Agency other than the Food and Drug Administration. (12 pages)	Investigative report on Scientology and several individuals associated with the organization including names, identifying characteristics and medical details.	5 U.S.C. 552(b)(5), (b)(6) (b)(7)(C), (b)(7)(D)
H-146	7/5/58	Internal memorandum from the files of an Agency other than the Food and Drug Administration (2 pages)	Investigative report regarding Scientology.	5 U.S.C. 552(b)(5), (b)(7)(D)
H-147	3/2/59	Internal memorandum from the files of an Agency other than the Food and Drug Administration.	Investigative report regarding Scientology.	5 U.S.C. 552(b)(5), (b)(7)(D)
H-148	4/3/59	Internal memorandum from the files of an Agency other than the Food and Drug Administration (2 pages)	Report of a meeting between officials of an Agency other than the Food and Drug Administration and the following Food and Drug employees: Mr. Swain and Mr. Quinn, in which investigations regarding the Church of Scientology were discussed. The report also includes details regarding a specific individual and his experiences.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-149	5/1/58	Internal memorandum from the files of an Agency other than the Food and Drug Administration (1 page)	Report on one aspect of this Agency's investigation of Scientology.	5 U.S.C. 552(b)(5), (b)(7)(D)
H-150	1/29/58	Internal memorandum from the files of an Agency other than the Food and Drug Administration. (2 pages)	Report on one aspect of this Agency's investigation of Scientology.	5 U.S.C. 552(b)(5), (b)(7)(D)
H-151	1/30/58	Internal memorandum from the files of an Agency other than the Food and Drug Administration. (4 pages)	Investigative report on Scientology and individuals associated with the organization	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-152	1/27/58	Internal memorandum from the files of an Agency other than the Food and Drug Administration. (4 pages)	Investigation of a specific individual associated with the Church of Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-153	4/7/58	Internal memorandum from the files of an Agency other than the Food and Drug Administration. (3 pages)	Investigation regarding a specific individual associated with the Church of Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-154	Undated	Attorney Work Product (75 pages)	Proposed questions and probable answers to be used in an individual's deposition.	5 U.S.C. 552(b)(5)
H-155	5/16/63	Attorney Work Product - Letter addressed to Dr. Joseph B. Davis, Bureau of Medicine, Food and Drug Administration from a potential witness.	Opinions regarding the usefulness of the E-Meter and another device.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-156	Undated	Attorney Work Product (5 pages)	Draft of proposed testimony for proposed witness.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-157	Undated	Attorney Work Product (3 pages)	Proposed testimony for proposed witness.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-158	Undated	Attorney Work Product (3 pages)	Proposed testimony for proposed witness.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-159				
H-160				
H-161				
H-162	Undated	Attorney Work Product (4 pages)	Proposed testimony for witness not yet selected.	5 U.S.C. 552(b)(5)
H-163	Undated	Attorney Work Product (4 pages)	Proposed testimony for witness not yet selected.	5 U.S.C. 552(b)(5)
H-164	Undated	Attorney Work Product (4 pages)	Proposed testimony for witness not yet selected.	5 U.S.C. 552(b)(5)
H-165	Undated	Attorney Work Product (4 pages)	Proposed testimony for witness not yet selected.	5 U.S.C. 552(b)(5)
H-166	Undated	Attorney Work Product (4 pages)	Proposed testimony for witness not yet selected.	5 U.S.C. 552(b)(5)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-167		Attorney Work Product - Mannilla file folder containing the following: (a) (5/17/71) handwritten memorandum of telephone.conversation bewteen B.T. Loftus and the office of a proposed witness. (b) (9/4/70) letter from Bernard T. Loftus to the Office of a proposed witness. (c) (8/19/70) handwritten memorandum of telephone conversation to the Office of a proposed witness. (d) (8/14/70) handwritten memorandum of telephone conversation with proposed witness. (e) handwritten proposed testimony for proposed witness. All documents 1 page each.	Arrangements being made with proposed witness regarding testimony in pending litigation.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-168		Attorney Work Product - Manilla folder consisting of the following: (a) handwritten memorandum of telephone conversation with proposed witness (5/18/71). (b) handwritten memorandum of telephone conversation with proposed witness (9/4/70). (c) handwritten proposed testimony for proposed witness. All documents consist of 1 page each.	Arrangements being made with proposed witness regarding proposed testimony in pending litigation.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-169		Attorney Work Product - Manilla file folder consisting of the following: (a) (5/18/71) handwritten memorandum of telephone conversation with proposed witness. (b) (9/1/70) handwritten memorandum of telephone conversation with proposed witness. (c) (5/17/71) handwritten memorandum of telephone conversation with the office of the proposed witness. (d) (8/31/70) handwritten memorandum of telephone conversation with the office of proposed secretary and B.T. Loftus. (e) (8/20/70) handwritten note from B. Loftus requesting extra copy of testimony. (f) (8/14/70) memorandum of telephone conversation with proposed witness. (g) handwritten draft of proposed testimony for proposed witness. Documents (a) through (f) consist of 1 page. Document (g) consists of 3 pages.	Arrangements for testimony for proposed witness in pending litigation.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-170		Attorney Work Product - Manilla folder consisting of the following: (a) (5/17/71) letter from Bernard T. Loftus to proposed witness - 1 page. (b) (5/17/71) handwritten memorandum of telephone conversation with office of proposed witness - 1 page. (c) (8/14/70) handwritten memorandum of telephone conversation with proposed witness - 1 page. (d) 10 pages of handwritten notes regarding testimony of proposed witness.	Arrangements and testimony for proposed witness in pending litigation.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-171		Attorney Work Product - Manilla folder containing the following: (a) (9/2/70) letter from Bernard T. Loftus to proposed witness (1 page, 2 copies) (b) (5/17/71) handwritten memorandum of telephone conversation with proposed witness. (1 page) (c) (8/18/70) memorandum of telephone conversatin with proposed witness (1 page) (d) (8/14/70) memorandum of telephone conversation with office of proposed witness (1 page)	Arrangments with proposed witness for testimony in pending litigation.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(c)
H-172		Attorney Work Product - Manilla folder consisting of the following: (a) proposed testimony of proposed witness (1 page) (b) proposed testimony of proposed witness (1 page) (c) handwritten proposed testimony for proposed witness (1 page) (d) (9/1/70) interagency memorandum from B.T. Loftus to proposed witness. Subject: Scientology seizure pending trial (1 page) (e) (/8/26/70) handwritten memorandum of meeting with proposed witness. (1 page) (f) (4/19/67) note from Assistant United States Attorney regarding exhibit not sent to jury (1 page with copy of exhibit attached) (g) (8/25/70) handwritten memorandum of discussion between B.T. Loftus and Kennedy regarding proposed witness(1 page) (h) handwritten notes regarding the proposed witness' opinion of the E-Meter (1 page) (i) proposed testimony for proposed witness (1 page)	Arrangements with proposed witness as to testimony in pending litigation.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-173	Undated	Attorney Work Product (6 pages)	Questions and probable answers proposed for use in pending litigation.	5 U.S.C. 552(b)(5)
H-174				
H-175	4/15/63	Attorney Work Product - Draft (1 page)	Proposed question and answers to be used in pending litigation.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-176	Undated	Attorney Work Product (2 pages)	Proposed questions and answers to be used in pending litigation.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-177				
H-178	Undated	Attorney Work Product	List of points to be proven in pending litigation, including names and identifying characteristics of proposed witnesses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-179	6/12/67	Interagency memorandum (2 pages) From: Merl J. Ryan, Assistant to Director, Baltimore District To: Nathan Dodell, Esq., Assistant United States Attorney.	Attorney work product, description of expenses incurred by the government in obtaining expert testimony.	5 U.S.C. 552(b)(5), (b)(6)
H-180	3/31/59	Internal memorandum of conference between Division of Regulatory Management and Taylor Quinn, Resident Inspector, Washington, D.C. and officials of Agencies other than the Food and Drug Administration (2 pages)	Details regarding the respective Agencies' investigations into Scientology and the use of the E-Meter.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-181	1/22/63	Internal memorandum (2 pages) From: Van W. Smart To: New York District and Los Angeles District Subj: Hubbard E-Meter, Sample Number 4093V, FDC 48405	Request for information regarding specific individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)
H-182	1/25/63	Internal memorandum (1 page) To: Chicago District From: Van W. Smart, Division of Regulatory Management, Bureau of Enforcement Subj: 4093V Hubbard E-Meter FDC 48405	Request for information on or from specific individuals.	5 U.C.S. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)
H-183	1/29/63	Internal memorandum (1 page) To: Baltimore District From: Van W. Smart, Division of Regulatory Management, Bureau of Enforcement Subj: 4093V Hubbard E-Meter FDC 48405	Request to contact and interview specific individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)
H-184	1/30/63	Internal memoramdum of interview Author: George D. Tilroe, Inspector Baltimore District (2 pages)	Discussion with prospective witness regarding the use of polygraph machines.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-185	2/8/63	Internal memorandum (2 pages) To: Director, Baltimore District From: George D. Tilroe Subj: Hubbard E-Meters	Report involving a specific incident and specific individuals associated with Scientology including medical details and other identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-186	2/14/63	Internal memorandum (7 pages) To: Director, Kansas City District From: Wichita Resident Post, R.J. Jira and D. Lawson, Inspectors Subj: 4093V, Hubbard E-Meter, FDC 48405	Results of investigation including interviews with several specific indivdiuals regarding specific events.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, a non-profit corporation, Plaintiff, v. UNITED STATES FOOD AND DRUG ADMINISTRATION; ALEXANDER M. SCHMIDT, Commissioner of Food and Drugs, Defendants.	No. CV 76-0122-DWW ANSWERS TO INTERROGATORIES PROPOUNDED TO DEFENDANT UNITED STATES FOOD AND DRUG ADMINISTRATION

INTERROGATORY NO. 1

With reference to Mr. Kreiner's Freedom of Information request dated 25 November 1974, a copy of which is attached hereto as Exhibit "A", please describe each and every search made pursuant to this request as follows;

a) The number of independent searches conducted pursuant to this request;

b) The date(s) each search was made;

c) The names and post titles of the individual or individuals who were in charge of each search;

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DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-187	2/21/63	Internal memorandum (10 pages) To: Director, Minneapolis District From: I. Bearon, Inspector Subj: Scientology Investigation	Details of investigations of specific individuals, interviews with specific individuals, contacts with officials of Agencies and organizations other than the Food and Drug Administration, and personal opinions held by the author regarding Scientology and the use of the E-Meter.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-189	2/26/63	Internal memorandum (2 pages) To: Director, Baltimore District From: Washington Resident Station Subj: (An individual's name)	Details of an investigation obtained from a non-government organization concerning dianetics, including several complaints from individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-190	3/22/63	To: Director, Baltimore District From: George D. Tilroe, Washington Resident Post Subj: E-Meter Investigation (1 page)	Description of necessary procedures to be used in order to obtain copies of documents from the files of an organization other than the Food and Drug Administration.	5 U.S.C. 552(b)(5), (b)(7)(D)
H-191	4/3/63	Internal memorandum of telephone conversation (2 pages) between George T. Daughters, Director, Irving Pollack, Inspector, Detroit District and W.N. Swain, Division of Regulatory Management.	Discussion regarding steps to be taken in a proposed investigation.	5 U.S.C. 552(b)(5) (b)(7)(E)
H-192	6/16/71	Internal memorandum (2 pages) To: The General Counsel, Attn: Mrs. Sisk From: B.T. Loftus, Division of Case Guidance Subj: Scientology Brief	Attorney work product, specifically, personal opinions and suggestions of the author regarding points to be included in the brief.	5 U.S.C. 552(b)(5)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-193	5/10 and 5/13/63	Internal memorandum of telephone conversations (1 page, 2 copies) between George T. Daughters, Director, Detroit District and W.N. Swain, Division of Regulatory Management	Discussion regarding a specific aspect of the Scientology investigation. A portion of this document relates solely to the internal personnel rules and practices of the Agency.	5 U.S.C. 552(b)(2), (b)(5), (b)(7)(E)
H-194	9/13/63	Internal memorandum of telephone conversation (1 page) between Arnold N. Morton, Seattle District, G. Wallace Rynerson, Seattle District and A.M. Welch, Division of Regulatory Management.	Discussion involving a cooperative investigative effort between Food and Drug Administration and an Agency other than the Food and Drug Administration. Two paragraphs involve a discussion of aspects personal to 2 particular individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-195(a)	5/8/70	Internal memorandum (2 pages) To: Charles C. Edwards, M.D., Commissioner of Food and Drugs. Thru: Henry E. Simmons, M.D., Director, Bureau of Drugs From: T.E. Byers, Director, Office of Compliance Subj: Request for decision concerning contested detention of device, the "Hubbard E-Meter"	Discussion of options available to the Food and Drug Administration in pending litigation.	5 U.S.C. 552(b)(5)
H-195(b)	5/19/70	Internal memorandum (4 pages) To: Charles C. Edwards, M.D., Commissioner of Food and Drugs Thru: Henry E. Simmons, M.D., Director, Bureau of Drugs From: T.E. Byers, Director, Office of Compliance Subj: Pending litigation involving the Church of Scientology and the Hubbard E-Meter	Discussion of background and options available for pending litigation.	5 U.S.C. 552(b)(5)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-196	6/11/71	Internal memorandum (3 pages) To: General Counsel, Attn: Mrs. Sisk From: B.T. Loftus, Division of Case Guidance	Attorney work product, specifically, discussion and opinions regarding next steps to be taken in pending litigation and report and opinions regarding a meeting in the judge's chamber of that date.	5 U.S.C. 552(b)(5)
H-197	6/16/71	Internal memorandum (3 pages) To: General Counsel, Attn: Mrs. Sisk From: B.T. Loftus Subj: Scientology Trial	Attorney work product, specifically, summary of telephone conversations with the Assistant United States Attorney regarding the progress of litigation and next steps to be taken regarding same.	5 U.S.C. 552(b)(5)
H-198	2/25/63	Interagency memorandum (2 pages) To: Department of Health, Education, and Welfare, Food and Drug Administration, Washington, D.C. From: An official of an Agency other than the Food and Drug Administration	Personal details regarding a specific individual.	5 U.S.C. 552(b)(6), (b)(7)(C)
H-199				
H-200	2/21/57	Attorney Work Product (1 page)	Names and addresses for 2 potential witnesses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-201	8/8/62, 8/9/62, 8/24/62, 8/10/62, 8/20/62, 8/23/62, 10/18/62, 11/1/62, 11/12/62, 1/22/63, 1/24/63, 1/25/63	Personal correspondence file (18 pages)	Correspondence between the individual and persons associated with Scientology.	5 U.S.C. 552(b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-202	11/6/68	Internal memorandum (2 pages) To: General Counsel From: Los Agneles District Subj: E-Meter Injunction Plaintiff's Interrogatories	Attorney work product - specifically, discussion of answers for interrogatory	5 U.S.C. 552(b)(5)
H-203	11/4/68	Internal memorandum (7 pages) To: Los Angeles District From: San Francisco District Subj: E-Meters	Attorney work product - specifically, discussion of answers for interrogatory	5 U.S.C. 552(b)(5)
H-204	6/11/71	Internal memorandum (2 pages) To: The General Counsel; Attn: Mrs. Sisk From: B.T. Loftus	Attorney work product - specifically, details of telephone conversation with the Assistant United States Attorney regarding progress of litigation.	5 U.S.C. 552(b)(5)
H-205	Undated	Rough draft of internal memorandum (3 pages) To: General Counsel's Office From: W.N. Swain	Attorney work product - specifically, request for counsel's advise regarding detained E-Meters.	5 U.S.C. 552(b)(5)
H-206	Undated	Internal memorandum (17 pages) To: File From: Joanne Sisk Subj: E-Meter (District of Columbia); FDC 48405	Attorney's recommendation of steps to be taken in pending litigation.	5 U.S.C. 552(b)(5)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-207	9/9/70	Interagency memorandum (3 pages) From: William W. Goodrich, Assistant General Counsel, Food and Drugs and Environmental Health Division To: Honorable Thomas A. Flannery, United States Attorney, 3600 District Court Building, Washington, D.C. 20001 Attn: Nathan Dodel, A.U.S.A. Subj: United States v. E-Meter; Civil No. D.C. 1-63; FDC 48405	Attorney work product - specifically, attorney's opinion regarding aspects of litigation.	5 U.S.C. 552(b)(5)
H-208	Undated	Rough draft of interagency communication from G.S. Goldhammer, Director, to an Agency other than the Food and Drug Administration	Request for information in that Agency's file regarding the E-Meter.	5 U.S.C. 552(b)(5), (b)(7)(D), (b)(7)(E)
H-209	3/20/63	Interagency communication From: Francis J. Fiskett, Supervisory Inspector, Philadelphia District To: An official of an Agency other than the Food and Drug Administration	Request for information in that Agency's file regarding Hubbard Dianetics Research Foundation.	5 U.S.C. 552(b)(5), (b)(7)(D),(b)(7)(E)
H-210	Undated	Rough draft of interagency communication From: Van Smart	Request for information regarding a specific individual contained in the files of an Agency other than the Food and Drug Administration.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(D), (b)(7)(E)
H-211(a)	3/18/71	Attorney Work Product (3 pages) To: Bud From: Nate	Request for comments on draft letter attached and described in document #H-211(b)	5 U.S.C. 552(b)(5)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-211(b)	3/18/71	Attorney Work Product (2 pages) Rough draft of proposed letter To: John Joseph Matonis, Esq. From: Thomas A. Flannery, United States Attorney	Comments regarding claimant's stipulations of facts.	5 U.S.C. 552(b)(5)
H-212	Undated	Attorney Work Product (3 pages) Rough draft memorandum To: General Counsel From: Division of Case Guidance Subj: Scientology	Suggestions to be used for purposes of the meeting of attorneys with the judge.	5 U.S.C. 552(b)(5)
H-213	12/17/54	1 page personal letter to an individual from a person associated with the Hubbard Association of Scientologists, International, with attached envelope	Personal letter	5 U.S.C. 552(b)(6), (b)(7)(C)
H-214	Undated	Attorney Work Product (12 pages)	Notes regarding conversation with Assistant United States Attorney regarding progress of litigation.	5 U.S.C. 552(b)(5)
H-215	Undated	Attorney Work Product (10 pages)	Proposed deposition for an individual with probable answers.	5 U.S.C. 552(b)(5)
H-216	Undated	Copy of portion of document entitled "Stipulations of Fact" (5 pages)	Attorney work product, with attorney's handwritten notes regarding attorney's comments on proposals.	5 U.S.C. 552(b)(5)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-217	Undated	Attorney Work Product (67 pages)	Attorney's notes and opinions regarding various aspects of litigation.	5 U.S.C. 552(b)(5)
H-218	Undated	Attorney Work Product (22 pages)	Specifically, notes regarding specific individuals who may be used as government witnesses including names, addresses, telephone numbers and other identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

Headquarters

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
HN-1	undated	Attorney work product (5 pages, 2 copies)	List of items and action necessary for pending litigation	5 U.S.C. 552(b)(5)
HN-2	undated	Attorney work product (6 pages, 4 copies)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-3	undated	Attorney work product (6 pages, 4 copies)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-4a	undated	Atorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-4b	undated	Attorney work product (2 pages)	Personal data regarding proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-4c	undated	Attorney work product (6 pages)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-5a	undated	Attorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-5b	undated	Attorney work product (1 page)	Personal data regarding proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
HN-5c	undated	Attorney work product (6 pages)	Proposed affidavit for proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
HN-6a	undated	Attorney work product (1 page)	Porposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-6b	undated	Attorney work product (1 page, 2 copies)	Personal data regarding proposed witness	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
HN-6c	undated	Attorney work product (2 pages)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-7a	undated	Atorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-7b	undated	Attorney work product (2 pages)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-8a	undated	Attorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-8b	undated	Attorney work product (2 pages)	Personal data regarding proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-8c	undated	Attorney work product (3 pages)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-9a	undated	Attorney work product (2 pages)	Personal data regarding proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-9b	undated	Attorney work product (3 pages)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-10a	undated	Attorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
HN-10b	undated	Attorney work product (3 pages, 2 copies)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-10c	5/17/63	Attorney work product Letter from proposed witness to Dr. Joseph B. David, Food and Drug Administration(1 page)	Proposed witness's opinion of the Hubbard E-Meter and another device	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
HN-11a	undated	Attorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-11b	undated	Attorney work product (2 pages)	Personal data regarding proposed witness	5 U.S.C. 552(b)(6), (b)(7)(C)
HN-11c	undated	Attorney work product (6 pages)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-12a	undated	Attorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-12b	undated	Attorney work product (1 page, 2 copies)	Personal data regarding proposed witness	5 U.S.C.552 (b)(5),(b)(6), (b)(7)(C)
HN-12c	undated	Attorney work product (6 pages)	Proposed affidavit for proposed witness	5 U.S.C.552 (b)(5),(b)(6), (b)(7)(C)
HN-13a	undated	Attorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-13b	undated	Attorney work product (2 pages)	Proposed testimony for proposed witness	5 U.S.C 552(b)(5),(b)(6), (b)(7)(C)
HN-14	undated	Attorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-15	undated	Attorney work product (5 pages)	Proposed testimonies for witnesses	5 U.S.C. 552 (b)(5)
HN-16	undated	Attorney work product (6 pages)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-17	undated	Attorney work product (6 pages, 4 copies)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
HN-18	12/10/63	Internal memorandum (1 page - 2 copies) To: Division of Medical Review, Bureau of Medicine From: General Counsel's office, U.S. v. Hubbard E-Meter. S. No. 4-093V. FDC No. 48405	Attorney work product, specifically, request for information regarding proposed witnesses	5 U.S.C. 552(b)(5)
HN-19	12/13/63	Internal memorandum (1 page - 2 copies) with a 9 page attachemnt To: General Counsel Office, From: Division of Medical Review, Bureau of Medicine Subj: U.S. V. Hubbard E-Meter	Attorney work product, specifically, reply to document No. N-18 regarding information on proposed witnesses. The attachment descirbes the names, addresses and qualifications and summary of testimony for proposed witnesses	5 U.S.C. 552(b)(5),(b)(6). (b)(7)(C)
HN-20	11/14/63	Internal memorandum of conference between the following Food and Drug employees Dr. J.B. Davis Robert Kennedy, Dr. W.B. Adelman, W.M. Swain, and General Counsel, Joanne Sisk (1 page)	Attorney work product, specifically, discussion regarding information needed and arrangements to be made with regard to pending litigation	5 U.S.C. 552(b)(5)
HN-21	11/10/64	Internal memorandum (2 pages) To: Division of Medical Review, Bureau of Medicine From: Division of Case Supervision Subj: 4-093V Hubbard E-Meter FDC 48405	Memorandum issued by non-attorney at direction of counsel - discussion of steps to be taken and information needed for litigation	5 U.S.C. 552(b)(5)
HN-22	5/7/72	Interagency memorandum (1 page) From: Peter Barton Hutt, Assistant General Counsel, Food, Drugs, and Product Safety Division To: Gregory B. Hovendon, Chief, Consumer Affairs Section, Anti-trust Division, Department of Justice	Attorney work product, specifically, discussion concerning the enforcement of Judge Gessell's order with regard to the E-Meter	5 U.S.C. 552(b)(5)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
HN-23	12/13/63	Attorney work product Internal memorandum (1 page) To: General Counsel Office From: Division of Medical Review, Bureau of Medicine Subj: United States Versus Hubbard E-Meter	Request for counsel's advice regarding selection of witnesses	5 U.S.C. 552 (b) (5)

Headquarters

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
P-1		Rough-Draft of Memorandum (2 pages) To: Assistant Commissioner for Public Affairs From: B.T. Loftus, Deputy Director, Office of Compliance Subj: Incoming Letter	Personal opinions of an FDA employee as to whether or not the FDA should respond to a letter from a minister of the Church of Scientology of California.	5 U.S.C. 552(b)(5)
P-2	5/19/72	Internal memorandum of telephone conversation (1 page) between B.T. Loftus, Deputy Director, Office of Compliance and a former Scientologists	Discussion with a potential witness, a former scientologist, concerning personal matters and the FDA employee's personal opinion regarding that individual.	5 U.S.C. 552(b)(6), (b)(7)(C)
P-3	11/4/71	Internal memoradum (3 pages) To: Office of General Counsel From: T.E. Beyers, Director, Office of Compliance Subj: E-Meters (Scientology) 4093-V	Recommendations and discussion of options FDA has considered and wishes considered in determining whether the decision of the U.S. District Court should be appealed.	5 U.S.C. 552(b)(5)
P-4	11/10/71	Internal memorandum (1 page - 2 copies) To: Office of General Counsel From: Director, Office of Compliance Subj: E-Meters - 4091-V (Founding Church of Scientology)	Follow-up to document #P-3, containing similar recommendations and discussion of options.	5 U.S.C. 552(b)(5)
P-5	11/10/64	Internal memorandum (2 pages) From: W.N. Swain, Division of Case Supervision, Bureau of Regulatory Compliance To: Dr. Joseph Davis, Division of Medical Review, Device Branch Subj: Hubbard E-Meter - 4093-V, FDA 48405	Attorney work product - specifically, instructions as to the next steps to be taken in pending litigation. Memo was issued by non-attorney at the direction of counsel.	5 U.S.C. 552(b)(5)
P-6	10/20/64	Internal memorandum (2 pages) From: A.P. Rayfield, FDA To: General Counsel Subj; Hubbard E-Meter - 4093-V, FDC 48405	Attorney work product - Statement of the Agency's view regarding the minimum satisfactory conditions for the disposal of pending litigation pursuant to a request from the Assistant U.S. Attorney.	5 U.S.C. 552(b)(5)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
P-7	12/6/65	Internal memorandum (1 page) From: W.N. Swain, Division of Case Supervision, BRC To: Bureau of Regulatory Compliance Subj: E-Meters - 4093-V	Attorney work product - memorandum issued by non-attorney at the direction of counsel concerning the next steps to be taken in litigation and by whom.	5 U.S.C. 552(b)(5)
P-8	3/2/66	Internal Memorandum of telephone conversation (1 page) between FDA employees, Mr. George W. Sooy, Director, Baltimore District and Mr. George Brubaker, Division of Case Supervision, BRC	Discussion of follow-up of facts leading to a purported suicide of purported scientologist.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
P-9	11/29/68	Internal Memorandum (2 pages - 2 copies) To: Alfred Barnard, Director, Bureau of Regulatory Compliance From: Alvin L. Gottlieb, Deputy Assistant General Counsel Subj: Scientology	Attorney work product - specifically, advice from attorney in charge of litigation in general, and case, in particular. Respecting the nature and course of certain investigations of certain persons.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
P-10	11/22/68	Rough draft of memorandum (3 pages - 2 copies) To: Director, Baltimore District From: Division of Case Guidance, BRC Subj: Request for additional investigation, Hubbard E-Meter	Possible investigations to be instituted, with respect to particular persons. Memo bears the words, "HOLD DON'T ISSUE"	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
P-11	11/22/68	Rough Draft of suggested intergency memo (2 pages - 2 copies) To: Henry H. Fowler, Secretary of the Treasury From: Herbert L. Ley, Jr., M.D., Commissioner of Food and Drugs	Requests for possible interagency cooperation. Memo bears the statement "HOLD DON'T ISSUE."	5 U.S.C. 552(b)(5)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
P-12	11/22/68	Rough Draft of suggested letter (1 page - 2 copies) From: T.E. Beyers, FDA To: A particular office of the Better Business Bureau	Request for information. Draft bears the statements "HOLD DON'T ISSUE."	5 U.S.C. 552(b)(5)
P-13	9/21/70	Internal memorandum (1 page) To: General Counsel From: Division of Case Guidance Subj: Hubbard E-Meters	Conditions for disposal of pending litigation.	5 U.S.C. 552(b)(5)
P-14	11/27/70	Internal memorandum (1 page) To: Baltimore District From: L.M. Baukin, Director, Division of Case Guidance Subj: Temporary detail	Arrangements made for a temporary detail of a FDA employee to the Division of Case Guidance. The memo relates solely to the internal personnel rules and practices of the Agency.	5 U.S.C. 552(b)(2)

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TO ALL REGIONAL FOOD AND DRUG DIRECTORS
TO ALL DEPUTY REGIONAL FOOD & DRUG DIRECTORS
INFO: FOI OFFICERS
BT
SUBJECT: FREEDOM OF INFORMATION REQUEST - CHURCH OF SCIENTOLOGY

A REQUEST HAS BEEN MADE THROUGH THE FDA PUBLIC RECORDS AND DOCUMENTS CENTER, THAT ALL RECORDS MAINTAINED IN ALL COMPONENT OFFICES RELATIVE TO THE CHURCH OF SCIENTOLOGY BE MADE AVAILABLE FOR INSPECTION.

ALL REGIONAL AND DISTRICT OFFICES MUST RESPOND TO THIS REQUEST. INITIALLY WE NEED AN ESTIMATE OF HOW MUCH MATERIAL YOU HAVE ON THIS SUBJECT WITH THE EXCEPTION OF PROMOTIONAL MATERIALS PROVIDED US BY THE CHURCH OF SCIENTOLOGY AND RECORDS YOU ARE CERTAIN HAVE BEEN FORWARDED TO HEADQUARTERS. THE APPROXIMATE NUMBER OF PAGES WILL BE AN ACCEPTABLE ESTIMATE.

PAGE TWO

THIS EFFORT WILL BE COORDINATED BY THE BUREAU OF MEDICAL DEVICES AND DIAGNOSTIC PRODUCTS (HFK-100) - WILLIAM MCVICKER (301-443-4627) OR PAMELA WOJTOWICZ (301-443-4358). NOTIFY THIS OFFICE OF YOUR ESTIMATE BY MARCH 31, 1975. ALSO, NOTIFY THIS OFFICE IF YOUR DISTRICT HAS RESPONDED PREVIOUSLY TO A SIMILAR REQUEST OR IF THERE ARE ANY QUESTIONS.

RECORDS ON SEARCH TIME SHOULD BE KEPT FOR BILLING PURPOSES. WHEN WE HAVE DETERMINED WHAT MATERIAL WE HAVE, YOU WILL THEN BE PROVIDED WITH DIRECTION ON HOW TO PROCEED.
BT

NNNN
ACPT

RECEIVED
MAR 15 1976
U. S. ATTORNEY
LOS ANGELES, CALIF.

[redacted]

Please Note DisA.
Ans Due 4/11/76

[illegible]
Attorney at Law
5930 Franklin Avenue
Hollywood, California 90028
Phone (213) 464-5616

Attorney for Plaintiff

Paul Tighy
187-4865
(Now 2 Hollow
3/26/76
988)

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, a non-profit corporation, Plaintiff, v. UNITED STATES FOOD AND DRUG ADMINISTRATION; ALEXANDER M. SCHMIDT, Commissioner of Food and Drugs, Defendants.	NO. CV 76-0122 INTERROGATORIES PROPOUNDED TO DEFENDANT UNITED STATES FOOD AND DRUG ADMINISTRATION SET NUMBER ONE

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff CHURCH OF SCIENTOLOGY OF CALIFORNIA hereby requests Defendant UNITED STATES FOOD AND DRUG ADMINISTRATION to answer within thirty (30) days the following interrogatories separately and full in writing under oath:

NOTES TO INTERROGATORIES: The following notes are a part of each of the following interrogatories as though set forth there at length.

NOTE 1: These interrogatories should be answered by such person or persons who have personal knowledge of the subject matter of a given interrogatory. Defendant is placed on notice that answers based on the information and belief of counsel for defendant are and will not be acceptable.

NOTE 2: For the purposes of this set of interrogatories the term

"defendant" and/or "United States Food and Drug Administration" shall be construed to include the United States Food and Drug Administration and all subsections, departments, or offices within said Department.

INTERROGATORY NO. 1

With reference to Mr. Kreiner's Freedom of Information request dated 25 November 1974, a copy of which is attached hereto as Exhibit "A", please describe each and every search made pursuant to this request as follows;

a) The number of independent searches conducted pursuant to this request;

b) The date(s) each search was made;

c) The names and post titles of the individual or individuals who were in charge of each search;

d) What specific branches, offices, divisions, or bureaus of the defendant were checked/searched for files pursuant to this request? Which of these had files relating to plaintiff's request?

e) What specific regional or district offices of the defendant were checked/searched for records/files pursuant to plaintiff's request? Which of these had files relating to plaintiff's request?

f) Describe the manner in which documents relating to plaintiff's request came to be located?

INTERROGATORY NO. 2

With reference to Mr. Kreiner's Freedom of Information request dated 3 March 1975, a copy of which is attached hereto as Exhibit "B", please describe each and every search made pursuant to this request as follows:

a) The number of independent searches conducted pursuant to this request;

b) The date(s) each search was made;

c) The names and post titles of the individual or individuals who were in charge of each search;

d) What specific branches, offices, divisions, or bureaus of the defendant were checked/searched for files pursuant to this request? Which of these had files relating to plaintiff's request?

e) What specific regional or district offices of the defendant were checked/searched for records/files pursuant to plaintiff's request? Which of these had files relating to plaintiff's request?

f) Describe the manner in which documents relating to plaintiff's request came to be located.

INTERROGATORY NO. 3 - Answer, if possible

Pursuant to plaintiff's Freedom of Information requests did the defendant check/search the following areas;

a) The Office of the Commissioner at:
   1) Parklawn Building, PKLN?
   2) Federal Building 8, FB8?
   3) Parklawn Warehouse, WRHSE?
   4) Twinpark Building, TW?

b) The Bureau of Drugs at:
   1) Parklawn Building, PKLN?
   2) Westwood Towers, WT?
   3) Colemont Building, COL?
   4) Federal Building 8, FB8?
   5) 501 First St, S.E. building, 501-1?

c) The Bureau of Foods at:
   1) Federal Building 8, FB8?
   2) Special Pharmacological Animal Laboratory, SPAL?

d) The Bureau of Radiological Health at:
   1) Twinpark Building, TW?
   2) Chapman Avenue Building, CHAP?

3) Twinbrook Research Laboratories, TWPL?

e) The Bureau of Medical Devices and Diagnostic Products at:

1) Chapman Avenue Building, CHAP?

2) 501 First St. S.E. building, 501-1?

f) The Boston Office?

g) The New York Office?

h) The Philadelphia Office?

i) The Atlanta Office?

j) The Chicago Office?

k) The Dallas Office?

l) The Kansas City Office?

m) The Denver Office?

n) The San Francisco Office?

o) The Seattle Office?

p) Does the Defendant maintain files at any offices other than those listed above?

q) Of these other offices, which were searched for files relating to Scientology?

INTERROGATORY NO. 4 - irrelevant / entitled 2 prior ans not this req

How many separate files and/or file subsections has defendant compiled or had in its custody, possession on control which contained documents that fell within the initial Freedom of Information Act request of plaintiff, and which were maintained in such files at the time of said request?

INTERROGATORY NO. 5 - irrelevant - asp. locate

Identify each file or part thereof refered to in the answer to Interrogatory No. 1 by:

a) Listing the title and describing the scope, nature, and purpose of each such file;

b) Listing the date that each such file was established and the date of the most recent entry on entries in each such fil

c) Stating the subject and purpose for gathering the inform-

ation compiled in each such file;

d) Stating the present location (address and city) or locations if more than one copy of the file exists of each such file or copy thereof; and the name of the bureau, divisio or particular section of defendant where each such file or copy thereof is presently maintained.

e) Stating, if different from its present location, where each file was originally compiled and maintained.

INTERROGATORY NO. 6 — withdrawn —

For each and every record, memorandum, document or other item which the defendant has not made available to plaintiff in its entirety without deletions; please state, in conformance with Vaughn v. Rosen, 484 F. 2d 820 (1973):

a) The title of the document

b) The date of the document

c) The name, post title, and agency and division or section thereof, or organization of the author or originator of the document.

d) The name, post title, and agency and division or section thereof, or organization, of the person to whom the document was addressed.

e) The names of all other agencies, agency sub-divisions, non-governmental organizations or individuals, foreign or domestic, to which the document or a copy thereof was routed or disseminated, if such information appears on the document.

f) A detailed description of the document. Please number or separately designate each document so as to be easily referred to later.

INTERROGATORY NO. 7 yes

Do you contend that any document or portion of a document referred to in response to Interrogatory No. 6 is exempt from disclosure under the Freedom of Information Act set forth in U.S.C.

552(b) or by virtue of any other law or on any other basis?

INTERROGATORY NO. 8 — See answer to 6

If Interrogatory No. 7 is answered in the affirmative, state separately with respect to each document or portion of a document which you contend is exempt from disclosure, in conformance with the requirements of Vaughn v. Rosen, 523 F. 2d 1136:

a) The specific statutory or other bases on which you contend such document or portion of a document is exempt from disclosure.

b) Each and every fact upon which you rely in contending that each such document or portion of a document is exempt from disclosure on the basis or bases set forth in response to Interrogatory No. 7(a). (Please note that an answer which merely recites in conclusory form that a document is, for example, "privileged" or "compiled for investigatory purposes" or "an inter-agency communication" is insufficient. You must state each and every fact upon which you rely in reaching any such conclusion.)

INTERROGATORY NO. 9

Prior to the filing of this suit, did defendant or any employee or agent of the defendant review each and every file and/or document so that all possible documents not exemptable could be turned over to plaintiff. If the answer is negatuve, please indicate which documents specified in Interrogatory No. 6 were not reviewed and give the reason(s) each was not reviewed.

a) Have all documents which could be non-exemptable if the exempt portion was deleted been offered the plaintiff?

b) If the answer is negative please indicate which documents specified in Interrogatory No. 6 were not so given and state the reason(s) each was not made available to the plaintiff.

INTERROGATORY NO. 10

Will you voluntarily make available to the plaintiff or attor

to these interrogatories, without requiring the plaintiff to make a motion to produce, copies of any or all documents of portions of documents referred to in response to Interrogatory No. 6 which you do not contend are exempt from disclosure?

INTERROGATORY NO. 11

Did defendant pursuant to any of the plaintiff's request letters generate any memoranda, instructions or correspondence either with internal National components/offices or to branch or regional offices?

a) If the answer is affirmative, please describe the nature of all such memoranda, instruction or correspondence.

b) If you will do so without a Motion to Produce, please attach to your answers copies of any and all such communications.

c) If your response is negative, please describe what oral or other orders or instructions which were given which lead or resulted in defendant's search or searches.

INTERROGATORY NO. 12

Please identify by name and title each individual or individuals who were responsible for making the determination or determinations that the document being withheld from plaintiff should be so withheld, or that the portions of the documents which were excised and not disclosed to plaintiff were so excised.

INTERROGATORY NO. 13

Is defendant satisfied that it has located all reocrds in its possession which are subject to plaintiff's Freedom of Information request?

a) Is it possible that records or documents subject to plaintiff's request currently maintained by defendant have gone unlocated?

b) Is it possible that records or documents subject to plaintiff's request were once in defendant's possession but are in some way no longer in defendant's possession?

INTERROGATORY NO. 14 — irrelevant

Is defendant currently investigating plaintiff or any Church of Scientology? No

a) If so, please indicate when such investigation began.

b) If so, please indicate the general purpose of such investigation.

INTERROGATORY NO. 15 — Irrelevant — (sajer) Only issue is whether docs are kept.

a) Under what conditions or circumstances would defendant consider it necessary to conduct an investigation of the plaintiff?

b) Under what conditions or circumstances would defendant consider it necessary to conduct an investigation of a Church or religious organization? None

INTERROGATORY NO. 16 - Irrelevant -

Are the records, documents and/or files maintained by defendant regarding, refering to, or relevant to plaintiff, or such types of records, generally accessible to

a) Other United States Executive agencies?

b) Foreign Government agencies?

c) Interpol?

d) Private citizens?

e) Anyone else?

INTERROGATORY NO. 17 NA

If your response to any portion of the above interrogatory is affirmative, please state:

a) Under what conditions or circumstances such would be accessible;

b) Whether any records are kept by defendant of others who have gained such access.

INTERROGATORY NO. 18 NA

If your response to Interrogatory No. 16 is in any part affirmative, please state whether defendant places any restrictions upon such access to information, and whether restriction is placed upon

Yes Yes

subsequent re-dissemination of the information accessibility to which is granted.

INTERROGATORY NO. 19 Irrelevant

Does your agency terminate dissemination of information to any person, agency, organization or government should unauthorized re-dissemination occur?

a) If your answer is affirmative, has your agency so terminated such dissemination of information?

b) If your agency has so terminated such dissemination of information, state the identity of each person, agency, organization or government to whom you have terminated dissemination, the date and duration of such termination, and the specific reason for termination in such case.

INTERROGATORY NO. 20 701 / Privacy Act / Reg

State the procedure, if any, by which a person or organization that is being subject by defendant to investigation, surveillance, data collection, maintenance and/or dissemination can inquire and be informed of that fact.

INTERROGATORY NO. 21 - Sec 420 - Privacy Act Reg

State the procedure, if any, by which a person such as referred to in Interrogatory No. 20 may determine the nature and substance of material collected, maintained, or disseminated by defendant.

INTERROGATORY NO. 22

State the procedure, if any by which persons or organizations who are the subject of said investigation or intelligence collection, maintenance and dissemination may correct false or misleading information contained in said records or files and insure that corrected material is disseminated to all persons, agencies, or governments who have received said false or misleading information.

INTERROGATORY NO. 23 Irrelevant

State the procedure, if any, by which the defendant verifies

or qualifies the accuracy of the information contained in the files records, reports or summaries of the character being withheld from plaintiff.

INTERROGATORY NO. 24 Irrelevant

Has the defendant ever tried to contact or communicate with Scientology directly in order to correct any false reports in the defendant's Scientology files? No

a) If the answer is negative, please explain why such has not been done. Not necessary

b) If the answer is affirmative, please state who was contacted and what was accomplished because of the contact.

INTERROGATORY NO. 25

Is it possible that records or documents subject to plaintiff's request were once in defendant's possession but have since been destroyed? Yes

a) Please state defendant's procedure if any, for destruction of records or files. Regular Procedure

INTERROGATORY NO. 26 — Don't go beyond record (i.e. don't speculate)

In reference to Exhibit "C", was the Eureka, California Police Department contacted as a result of this investigation? If affirmative, please answer the following questions;

a) In what manner was the Eureka Police Department contacted

b) What was the date(s) of defendant's contact with the Eureka Police Department?

c) Were any records/files relating to plaintiff's request contained or maintained by the Eureka Police Department? No

d) Were any of the Eureka Police Department files copied and/or inserted into defendant's files? See

e) If (d) above is affirmative, has plaintiff received any and all files defendant obtained from the Eureka Police Department? No See S.A. If no, are the withheld documents described in Interrogatory No. 6.

f) Does defendant have a copy of the Eureka Police Depart[illegible]

teletype concerning Mr. Hubbard which is referred to in this exhibit?

INTERROGATORY NO. 27 Irrelevant - if FDA, it's ok

Please state the present post title, address and telephone number of Inspector John R. Lupien.

INTERROGATORY NO. 28

In reference to Exhibits "C" and "D", Please answer the following"

a) Has plaintiff received any and all files defendant obtained from the California State Board of Medical Examiners? Not on point

b) If some of the Board of Medical Examiners files are withheld, are they described in Interrogatory No. 6? wdf ∞ category

INTERROGATORY NO. 29 Same as #27

Please state the present post title, address and telephone number of Insepctor John C. Evans.

INTERROGATORY NO. 30

Please state the present post title, address and telephone number of Supervisory Inspector H. P. Roberts.

INTERROGATORY NO. 31

Does defendant maintain files or records or written material relating to the existance, operations, or activities of the Coordinating Committee on Health Information (CCHI) or the National Congress on Medical Quackery? If your response is affirmative, please describe with specificity the types of records maintained.

INTERROGATORY NO. 32

Did defendant examine the records above described in Interrogatory No. 31 to establish whether or not such records contained any records or documents relating to Scientology or which would be encompassed within plaintiff's Freedom of Information request? If your response is affirmative, please state whether any records relating to plaintiff's requests were located in any such files.

/////

INTERROGATORY NO. 33 - withdrawn

Does defendant maintain specific files, which would contain records, written material or correspondence with any of the following;

a) American Cancer Society, Inc.

b) Irene L. Bartlett, Program Associate, Professional Education, American Cancer Society, Inc.

c) Roald Grant, M.D. Director, Professional Education, American Cancer Society, Inc.

d) Raymond H. Bunshaw, M.D., Vice President, Area Medical Affairs, American Cancer Society, Inc.

e) American Pharmaceutical Association

f) George B. Griffenhagen, Associate Executive Director for Communications, American Pharmaceutical Association

g) Donald E. Prescott, Assistant Director, Division of Communications American Pharmaceutical Association

h) The Arthritis Foundation

i) William E. Reynolds, M.D., Medical Director, The Arthritis Foundation.

j) Jerry J. Walsh, Coordinator, Special Services, The Arthristis Foundation

k) American Medical Association

l) H. Doyl Taylor, Director, Department of Investigation, American Medical Association

m) Oliver Field, Director of Research, Department of Investigation, American Medical Assoication

n) Federal Trade Commission

o) George Dobbs, M.D., Associate Chief, Division of Scientific Opinions, Federal Trade Commission

p) Food and Drug Administration

q) William Evans, M.D., Division of Medical Review, Food and Drug Administration

r) Wallace Janssen, Consumer Protection and Environmental Health Services, Food and Drug Administration

s) Council of Better Business Bureau, Inc.

t) Miss Alcine Panton, Manager, Health and Safety Division, Council of Better Business Bureau, Inc.

u) Irving Ladimer, Council Better Business Bureau

v) National Better Business Bureau

w) National Health Council

x) Levitte Mendel, Associate Director, National Health Council

y) Post Office Department and the Postal Service

z) Gene F. McHale, Postal Inspector, Post Office Department

aa) Charles A. Miller, Assistant Chief Postal Inspector, Criminal Investigations, Post Office Department

bb) A.H. Marsh, Jr., Postal Inspector, Post Office Department

cc) William J. Monaghan, American Medical Association

INTERROGATORY NO. 34 NA

If your response to Interrogatory No. 33 is affirmative in any respect, please state whether defendant examined any of these records to establish whether or not such contained any records or documents relating to plaintiff's Freedom of Information request. If your response is affirmative, were any documents or records relating to plaintiff's requests located in any such files. Indicate in which files of Interrogatory No. 33 records encompassed by plaintiff's request were located.

INTERROGATORY NO. 35 Yes

Were any of defendant's files concerning "Dianazene" checked/searched for records encompassed by plaintiff's Freedom of Information requests?

DATED: 10 March 1971

Joel Kreiner

JOEL KREINER
Attorney for Plaintiff

November 25, 1974

Department of Health, Education and Welfare
Food and Drug Administration
Rockville, Maryland 20852

Dear Sir:

I am writing to you on behalf of my client, the Church of Scientology of California, in regards to the on-going inspection, pursuant to Title 5 U.S.C. 552, of certain documents pertaining to the activities and operation of Scientology, its churches, and founder, L. Ron Hubbard, that are maintained by your office.

With regard to this inspection I would like to confirm that you have made available all files pertinent to the categories above.

Pursuant to this item, please send me written confirmation that you have made available for inspection all pertinent files with regard to my client as specified above.

Your cooperation in this matter is greatly appreciated.

Sincerely,

JOEL KREIKER

cm/jm

EXHIBIT A

March 3, 1975

DEPARTMENT OF HEALTH, EDUCATION
AND WELFARE
Public Health Service
Food and Drug Administration
5600 Fishers Lane
Rockville, Md. 20852

CERTIFIED

Dear Sir:

As you are aware, a petition, pursuant to 5 U.S.C. 552, has been made to your agency requesting that certain records and information pertaining to the Church of Scientology be made available for inspection.

Subsequent to the aforesaid petition, the "Freedom of Information Act" was amended by P.L. 93-502. The nature of this amendment and its attendant provisions is such that all interests concerned would be best served if my petition were viewed in light of the FOI Act as it stands in its amended form.

Accordingly, I would ask that in consideration of 5 U.S.C. 552 as amended by P.L. 93-502, all records and information maintained by the Food and Drug Administration and all components thereof, relating or pertaining to the existence, activities and operations of Scientology, all Scientology organizations, and L. Ron Hubbard, the Founder of Scientology, be made available for examination.

Such records may be categorized or indexed under Church of Scientology of ....., Missions, Hubbard Dianetic Foundation Inc., Hubbard Dianetic Research Foundation, Church of American Science, Hubbard Associated Scientologists International, Hubbard Association of Dianeticists and Scientologists, Hubbard Guidance Center, the Western (and/or) Eastern Congress of Scientologists, Hubbard Association of Scientologists, Freudian Foundation of America, American Society of Civilian Defense, and the Founding Church of Scientology.

Further, I hereby request that all records of any transmission of any of the above information to foreign governments, foreign police, Interpol, other United States federal agencies, and internal United States Municipal or State agencies be disclosed for purposes of inspection.

EXHIBIT B

It is to be understood that this petition is not intended to include any documents which may have previously been obtained from your agency.

Your cooperation in this matter is appreciated.

Sincerely,

JOEL KREIDER

JK/jn

UNITED STATES GOVERNMENT

Memorandum

TO : SAN FRANCISCO DISTRICT

DATE: February 13, 1953

FROM : John R. Lupien, Inspector

SUBJECT: Hubbard E Meter
4-093 V; FDC 48405

L. Ron Hubbard

Founding School of Scientology

Distribution Center, Inc.

Hubbard Dianetics Research Foundation of California

Church of Scientology of California

On February 13, 1953, Investigator Wheeler of the California Department of Professional and Vocational Standards, 525 Golden Gave Avenue, San Francisco was contacted in regard to the above-referenced firms. Wheeler said that his department had made an investigation of Hubbard, et al and referred their entire file to the

Board of Medical Examiners
1021 10th Street
Sacramento, California

Investigator Wheeler said this file could be reviewed at this address. He further said the Eureka, California Police Department had sent them a long teletype recently concerning Hubbard, et al.

Investigation at Sacramento and Eureka will probably reveal further information about Hubbard and his operations in California.

JOHN R. LUPIEN

EXHIBIT C

UNITED STATES GOVERNMENT

Memorandum

FEB 21 1963

TO : San Francisco, District

DATE: Feb. 19, 1963

FROM : John C. Evans, Inspector

SUBJECT: L-233-F
Hubbard E Meter
FDC 48405

L. Ron Hubbard
The Distribution Center
The Hubbard Communication Office
The Founding Church of Scientology
Hubbard Dianetics Research Foundation
Academy of Scientology
Hubbard Association of Scientologists International, Inc.
et al

On February 15, 1963, I called at the office of the Board of Medical Examiners, 1021 "O" Street, Sacramento, Calif. to obtain information pertaining to Investigator Wheeler's report &file concerning the above referenced firms. (See memo SAC/SF, dated 2-13-63 same reference)

I obtained verified copies of the complete file available at the Board of Medical Examiners office. These are attached to this memo. Mr. W. Hawk, whom I spoke to, said that they also have additional information on the persons listed in the letter dated December 17, 1957 from Hubbard Dianetic Center to the Board of Medical Examiners. This information was not obtained at this time, but is available if needed. (See copy of letter attached to this memo.)

From the information obtained at the Board of Medical Examiners, it was noted that Hubbard et al also was listed as Hubbard Association of Scientologists International, Inc. Therefore, I called at the office of Frank M. Jordan, Secretary of State for E State of California. Here I found that the Hubbard Association of Scientologists International, Inc. is a District of Columbia corporation and has on file at this office a Statement of Foreign Corporation number 348440, filed Jan. 2, 1958.

Certified copies of this statement were not obtained at this time, but are available if needed. The corporation certificate was signed by: L. Ron Hubbard, Mary Sue Hubbard, and Richard F. Steves. It was dated 4th day of June, 1957. Main office stated was: 1812 19th N.W. Washington, D.C. Location of main office in California: 547 South Howard, Los Angeles, Calif. Corporating agents: United States Corporation Company.

John C. Evans

Att: Copy of complete file
(16 letters)
Copy of COMPILATION OF LAWS RELATING TO THE PRACTICE OF MEDICINE AND SURGERY, CHIROPODY, DISPENSING OPTICIANS, OPTOMETRY AND PSYCHOLOGY
(Note p.63, sec. 2955.5, pertains to letter dated 12-17-57)

ADMINISTRATION
DIV. OF INVESTIGATIVE MANAGEMENT:

Feb. 20, 1963

Forwarded for your information. If you wish further follow-up, advise. Let us have promptly.

H. P. ROBERTS
Supervisory Inspector

Agent listed above

EXHIBIT D

CERTIFICATE OF SERVICE BY MAIL

I, LAURA WILLIAMS, declare:

That I am a citizen of the United States and resident or employed in Los Angeles County, California; that my business address is 5930 Franklin Avenue, Hollywood, California 90028; that I am over the age of eighteen years, and am not a party to the above-entitled action;

That I am employed by an office of a member of the bar of the United States District Court for the Central District of California, at whose direction the service by mail described in this Certificate was made; that on March 11, 1976, I deposited in the United States mails at Hollywood, California in the above-entitled action, in an envelope bearing the requisite postage a copy of INTERROGATORIES PROPOUNDED TO DEFENDANT UNITED STATES FOOD AND DRUG ADMINISTRATION.

Address to:

JAMES STOTTER, II, ESQ.
Assistant U.S. Attorney
1108 U.S. Court House
312 North Spring Street
Los Angeles, California 90012

At his last known address, at which place there is a delivery service by United States mail.

This certificate is executed on March 10, 1976 at Hollywood, California.

I certify under penalty of perjury that the foregoing is true and correct.

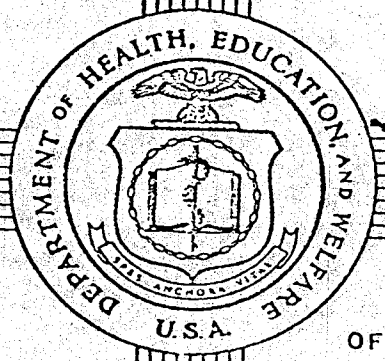
Laura Williams

LAURA WILLIAMS

Dept. Staff Manual

RECORDS MANAGEMENT

ISSUED THROUGH THE DIVISION OF
ADMINISTRATIVE STANDARDS AS PART
OF THE HEW STAFF MANUAL SYSTEM



OFFICE OF THE SECRETARY -- OFFICE OF ADMINISTRATION

••• Department Staff Manual System •••

EXHIBIT C Page 1

CHAPTER 4-00

GENERAL INFORMATION

4-00-00 Purpose
10 General
20 Record Materials
30 Non-record Materials
40 Ownership of Records
50 Unlawful Destruction of Records

4-00-00 PURPOSE

Part 4 of this Manual states Department policy, procedure, and information concerning the disposition of records, and is issued in accordance with the Federal Records Act of 1950 and General Services Administration Regulations, Title 3.

4-00-10 GENERAL

A. The Department Records Disposition Program is designed to provide for the regular removal from valuable space of all record and non-record materials which are no longer essential for current operation, and for the systematic release of filing equipment for reuse.

B. An appraisal of the records is required to determine the character, volume, currency, and value of the records. (See Chapter 4-20.)

C. Records control schedules and disposal lists are developed to provide bases and authorizations for the disposition of materials. (See Chapters 4-30 and 4-40.)

D. Disposition of records is made in accordance with approved records control schedules and/or records disposal lists either by transfer, microfilming, sale as waste paper, or destruction. (See Chapters 4-70 through 4-110.)

E. Reports on the disposition of records are submitted as provided in Chapter 9-10.

4-00-20 RECORD MATERIALS

A. The Records Disposal Act of July 7, 1943, as amended, defines the elements that <u>are</u> and <u>are not</u> essential in materials to make them assume the character of records.

1. The elements that are essential in determining whether materials are or are not records are:

a. Materials may be made or received either in pursuance of Federal law, or in connection with the transaction of public business.

(4-00-201 continued)

b. Materials may be preserved or may be appropriate for preservation either for evidentiary purposes, or for their informational values.

2. To constitute records, as defined in the Records Disposal Act, materials must have at least one of the above elements.

4-00-30 NON-RECORD MATERIALS

A. Certain types of materials are not records as defined in the Records Disposal Act. They are:

1. Materials preserved solely for purposes of reference or exhibition in libraries or museums.

2. Extra copies of documents preserved only for convenience of reference:

a. "Reading file" copies of correspondence.

b. "Tickler", "follow-up", or "suspense" copies of correspondence.

c. Identical duplicates of documents maintained in the same file.

d. Extra copies of printed or processed materials of which official copies have been retained for purposes of record.

3. Stocks of publications and processed documents preserved for supply purposes.

4. Privately purchased books, publications, correspondence, and other records pertaining to private personal matters retained in an office as a convenience.

5. Materials that are not appropriate for preservation because they have neither evidentiary nor informational values may include materials that, although accumulated in the process of producing records, have themselves never acquired record character. Exceptional circumstances may result in values being attached to these records for evidentiary or informational purposes; for example, letters of transmittal may constitute important legal evidence in certain regulatory activities of the Department. However, the following ordinarily may be considered non-record materials:

a. Preliminary or intermediate drafts of letters, memorandums, reports, or other papers, and preliminary worksheets and informal notes that do not represent significant basic steps in the preparation of record copies of documents.

EXHIBIT C Page 3

(4-00-30A continued)

b. Letters of transmittal that do not add any information to that contained in the transmitted material.

c. Memorandums or other papers that do not serve as the basis for official actions.

d. Shorthand notes, including stenographic notebooks and stenotype tapes that have been transcribed.

e. Informal memorandums, or other documents that do not serve as a basis for official action.

4-00-40 OWNERSHIP OF RECORDS

Records made in connection with the transaction of public business or in pursuance of Federal law are public records and as such belong to the office, not to the officer; they are the property of the Government and not of the citizen; they are in no sense personal property. ("Disposition of Federal Records", National Archives and Records Service, 1949.)

4-00-50 UNLAWFUL DESTRUCTION OF RECORDS

The Records Disposal Act provides that no records of the United States Government shall be alienated or destroyed except in accordance with provisions of the Act. Unauthorized destruction of records is punishable by fine, or imprisonment, or both (18 U. S. C. Supp. V, Sec. 2071).

CHAPTER 4-10

VALUE OF RECORDS

4-10-00 Purpose
10 General
20 Values for Administrative, Legal, and Fiscal Uses
30 Values for the Protection of the Rights of Private Citizens
40 Values for Functional Documentation
50 Values for Research Purposes

4-10-00 PURPOSE

The purpose of this chapter is to establish criteria and standards for evaluating records.

4-10-10 GENERAL

A. Materials possessing record character have varying periods of usefulness. Some records will have outlived their usefulness within a short time after the completion of the transaction for which they were created. Other records may retain a value long after their initial use has ended.

B. Types of values should be considered progressively in the order in which they appear when evaluating or appraising records as follows:

1. Values for administrative, legal, and fiscal uses.
2. Values for the protection to the civic, legal, property, and other rights of citizens.
3. Values for purposes of functional documentation.
4. Values for research purposes.

4-10-20 VALUES FOR ADMINISTRATIVE, LEGAL, AND FISCAL USES

A. Administrative Values. Records are created as administrative tools to accomplish the functions for which the Department was created. The primary administrative use of the majority of records ceases when the transactions to which they relate have been completed. However, some may pertain to long-term fiscal, financial, regulatory, and control operations so that their administrative value may extend beyond the period of current usefulness.

B. Legal Values. Records have legal value if they contain evidence of legally enforceable rights or obligations of the Government. Among records having legal values are those showing the basis for action, such as legal decisions and opinions; financial and other documents representing legal agreement, such as leases, contracts, titles; and records of action in particular cases, such as claims papers and legal dockets.

EXHIBIT C Page 5

(4-10-20 continued)

C. Fiscal Values. Records having fiscal value are those pertaining to the fiscal transactions of the Department such as budgets, ledgers, allotments, payrolls, and vouchers. These records retain their value for extended periods, after their use as an administrative tool has ended, as a protection against possible legal action or to account for the expenditure of funds.

4-10-30 VALUES FOR THE PROTECTION OF THE RIGHTS OF PRIVATE CITIZENS

The Department may be, in some instances, the "office of record" for records that establish specific civic, legal, and property rights of private individuals as is the case with the Bureau of Old-Age and Survivors Insurance. The Department is responsible for the preservation of these records for whatever period is necessary to protect these rights. The Department is not, however, obligated to retain records that might incidentally, or accidentally, contain facts useful to private litigants in connection with the settlement of disputes in which the Government itself has no interest.

4-10-40 VALUES FOR FUNCTIONAL DOCUMENTATION

A. Records that contain adequate and authentic evidence of the Department's organization, functions, policies, decisions, procedures, operations, or other activities should be preserved. Foremost in this category are policy, operating, housekeeping, and informational records:

1. Policy Records. The policy records to be preserved are those relating to the organization, plans, the methods and techniques, the rules and procedures, which the Department or one of its organizational elements has adopted to carry out its responsibilities and functions, such as:

a. Organizational documents, including statutes, Executive Orders; drafts and supporting material relating to the organization or reorganization of the Department, including the creation, discontinuance, and consolidation of functions of its various organizational units; organizational and functional charts; directories; correspondence and memorandums delegating or defining powers and responsibilities or showing working relationships with other Federal agencies, State and local governments, or industry or private organizations; staff studies and special reports relating to organizational problems.

b. Procedural documents, including procedural manuals, directives, rules and regulations, circulars, instructions, memorandums, or any recurring issuance that establishes a course of action for the Department or any of its organizational elements. Procedural documents may include staff

(4-10-40.41b continued)

studies, special reports relating to methodology, techniques, and operations, or to analyses of workloads and performance.

c. Reports. These may include annual reports, periodic progress reports, special reports of accomplishment, transcript of hearings, and minutes of meetings and conferences.

2. Operating Records. These records constitute the bulk of records accumulating throughout the Department. They are seldom basically essential as evidence of policy, organization, function, or procedure. In some instances, however, it may be necessary to preserve a sampling to show how policies were implemented, how procedures were executed and problems encountered which are not reflected at the policy level. In regulatory or quasi-judicial functions where policy is often developed through the determination of individual cases, selection of a small number of cases to illustrate methodology, or the more interesting points of law is recommended.

3. Housekeeping Records. These records pertain to the housekeeping activities such as every day personnel, fiscal, procurement, and property-control actions. They contain little evidence essential to an understanding of the functioning of the Department. The evaluation of such records is affected by the retention of related records by the Civil Service Commission, Treasury Department, General Accounting Office, and the General Services Administration.

4. Informational Records. Publications produced by the Department are of two types:

a. Publications produced in the performance of substantive functions.

Record copies of this type should be retained only if they are basic to an understanding of departmental organization and functions or to policy formulation.

b. Publicity materials produced in the performance of informational or promotional activities.

Record copies of this type should be retained for ultimate preservation in National Archives.

4-10-50 VALUES FOR RESEARCH PURPOSES

A. The appraisal of records for research value is based on the informational value of the data contained therein, rather than considerations of functional documentation. Appraisal must rest upon research values —to the historian, political scientist, geographer, economist, sociologist, statistician and others. Three categories of records frequently contain data of such value:

1. Operating records may have research value because of the detailed information they may contain about individuals, organizations, places, or other matters, or because, in the aggregate they contain facts about social or economic conditions. The availability from other sources of similar or approximately similar material should be considered before a decision for retention or disposal is made.

2. Statistical records. Ordinarily these records are of enduring value only if they contain significant information about individuals, corporations, etc. To be significant the information should be of such a character that it could not be obtained elsewhere and would be valuable for a diversity of studies.

3. Scientific records. Records containing data on experiments and investigations of a scientific nature are of value as determined by their importance for the history of science or for the conduct of further scientific researches. The problem of evaluation arises mainly with respect to records needed for further scientific researches, since all records pertaining to the history of scientific activities of the Federal Government are of archival interest. Other facts weighing heavily upon the appraisal of scientific records are:

   a. They may have significance only for a particular experiment, or

   b. They may be intelligible only to the persons who recorded the data.

CHAPTER 4-20

APPRAISAL OF RECORDS

4-20-00 Purpose
10 General
20 Analysis of Organization and Functions
30 Survey and Evaluation of Record Materials
40 Plan for Disposition of Records

4-20-00 PURPOSE

The purpose of this chapter is to explain how to appraise records in order to develop a plan for scheduling their disposition.

4-20-10 GENERAL

A. Appraisal of all records is essential in order to plan and develop records control schedules and disposal lists which are essential to prompt and orderly reduction in the quantity of records maintained throughout the Department.

B. An appraisal of records has three purposes:

1. To identify records of permanent value that should be preserved indefinitely;

2. To identify records that are disposable, immediately or later; and

3. To provide the information necessary for scheduling of records for disposition.

C. Appraisal of records to determine which are disposable and which should be preserved requires an analysis of the organizational structure and functioning of the offices within the Department, a survey and evaluation of the records they maintain, and the development of a written plan for the disposition of the records.

4-20-20 ANALYSIS OF ORGANIZATION AND FUNCTIONS

A. The analysis of organization and functions should provide general information for the use of the appraisers on the status of each office in the Department and the character of the functions and activities performed by that office.

B. The value of records largely depends on the status of an office in the organization. Records produced in the administrative, program, and staff offices, where policy,

(4-20-20-B continued)

procedural, and organizational decisions are made, are of fundamental importance. Attached to these offices are other organizational units engaged in handling legal, budgetary procedures, and internal administrative activities, or engaged in research or investigations incidental to the formulation of policy or procedures. Less important and more difficult to identify are the valuable records pertaining to supervision or management functions. Detailed or routine administrative service operations seldom result in records of enduring value.

C. The character of the functions performed by each office has significance in determining the value of records. These functions may be characterized as substantive and facilitative. Substantive functions are those relative to the technical and professional work of the Department, work that distinguishes it from all other Government agencies. Facilitative functions are those relating to the internal management and housekeeping activities of the Department. The facilitative services, while important to efficient operation, seldom result in records of enduring value.

4-20-30 SURVEY AND EVALUATION OF RECORD MATERIALS

A. All record and nonrecord materials shall be surveyed to provide a complete appraisal of the records in the custody of the Department. The records officer of each operating agency, the Office of the Secretary, and each regional office shall be responsible for making such surveys and for their documentation in the appraisal report described in D below.

B. Officials of the office whose records are being surveyed and evaluated shall be consulted in all phases of the appraisal process. Their concurrences shall be indicated in the final report.

C. Records officers shall follow the general standards for evaluation of records given in Chapter 4-10 in making determinations concerning selection of records for preservation and recommendations for disposition.

D. The appraisal report (see Exhibit X4-20-1) shall contain the following information pertinent to the inventory and evaluation of the records:

1. Location and custody of records.
2. Office filing the records originally.
3. Description of each category or series of records.
4. Filing arrangement.
5. Years covered.
6. If records are duplicated, where.

EXHIBIT C Page 10

(4-20-30-D continued)

7. Volume (current, noncurrent, temporary value, permanent value).
8. Size and kind of containers.
9. Nature and frequency of use.
10. Recommended retention period.

E. Follow-up surveys shall be made by the records officers in order to keep the appraisal data current. This should be done when the records control schedules are reviewed.

4-20-40 PLAN FOR DISPOSITION OF RECORDS

The disposition plan is a written statement outlining actions to be taken with respect to all records. This plan consists of records control schedules and disposal lists which state Department policy for the disposition of each series of records.

DEPARTMENT OF HEALTH, EDUCATION, & WELFARE

RECORDS APPRAISAL

LOCATIONS OF RECORDS _____ (Building, Room No.'s)

ORGANIZATION _____

PERSON IN CHARGE OF RECORDS _____ (Name, Building, Telephone Ext., Room No.)

PREPARED BY _____ DATE _____

DESCRIPTION OF RECORDS Including values (current, noncurrent, temporary value, permanent value). Also show form and file numbers, if any.	IS THIS THE OFFICIAL FILE		IDENTICAL DUPLICATE(S) RETAINED WHERE	APPROX. CUBIC FOOTAGE ON HAND	NO. OF FILING CABINETS	INCLUSIVE DATES		FREQUENCY OF USE (Number of times per month)	RECOMMENDED TIME AND MANNER OF DISPOSITION	
	YES	NO				FROM	TO		DESTROY AFTER	TRANSFER AFTER

Form HEW-312 (7/57)
(Formerly Form GS-79)

HEW TH-8 (7/57)

EXHIBIT C Page 12

CHAPTER 4-30

RECORDS CONTROL SCHEDULES

4-30-00 Purpose
10 General
20 Provisions of Records Control Schedules
30 Development of Records Control Schedules
40 Preparation and Handling of SF 115 and 115A
50 Clearances and Certification
60 Authority for the Disposition of Records
70 Compliance with Records Control Schedules
80 Review and Revisions of Records Control Schedules
90 Approved Records Control Schedules

4-30-00 PURPOSE

The purpose of this chapter is to set forth the basic elements of Records Control Schedules and the procedures to be followed in their application.

4-30-10 GENERAL

A. The key to effective records disposition is the records control schedule which lists and describes the records in each series and indicates the action to be taken with respect to their disposition.

B. The records officer in collaboration with the appropriate officials in his respective organization, and in accordance with Department policy shall develop records control schedules for all program records under his jurisdiction.

C. The Department Records Management Officer in collaboration with staff offices, Office of the Secretary, and records officers will develop records control schedules for administrative records common to the entire Department. Such records are referred to as "housekeeping" records.

4-30-20 PROVISIONS OF RECORDS CONTROL SCHEDULES

A. Records control schedules shall provide for:

1. The disposal after minimum retention periods of those records not having sufficient value to justify their further retention.

2. The removal to a Federal Records Center of those records which cannot be disposed of immediately but which need not be retained in office space and equipment. Such records will be maintained by the Records Center pending further transfer to the National Archives, or disposal.

EXHIBIT C Page 13

(4-30-20A continued)

3. The retention as current records of the minimum volume necessary to efficient operation.

4-30-30 DEVELOPMENT OF RECORDS CONTROL SCHEDULES

A. Records control schedules shall be compiled for all record and non-record materials of a recurring nature having importance in terms of content, bulk, or equipment and space occupied. They will include not only disposal authorizations, but also will provide for retirement to Federal Records Centers of non-current records that must be retained for specific periods of time and for the indefinite retention of records of enduring value.

B. Records control schedules shall clearly identify and describe the series of records covered, and shall contain instructions that when approved, can be readily applied. They shall be adaptable along organizational and/or functional lines so that each office will have standing instructions for the disposition of records in its custody.

C. Records control schedules shall take into account the actual filing arrangement, so that the disposition of records can be accomplished in the largest blocks possible.

D. All records of the Department, regardless of location, shall be scheduled either for disposal or transfer to a Federal Records Center.

4-30-40 PREPARATION AND HANDLING OF SF 115 AND 115A

A. Records control schedules shall be initiated by the preparation of SF-115, "Request for Authority to Dispose of Records," and SF-115A, "Continuation Sheet for Disposal Requests." See Exhibits X4-30-1 and X4-30-2.

B. Under entry 6 of Standard Form 115, mark box "B" to indicate a request to dispose of records that have accumulated or that will continue to accumulate.

C. An original and five copies of the SF-115 and 115A shall be submitted by the Records officer of each operating agency, Office of the Secretary, and by each regional office through the Office of Field Administration, to the Department Records Management Officer.

4-30-50 CLEARANCES AND CERTIFICATION

Records officers shall secure appropriate clearances within their organizations. Clearances shall be indicated on the reverse of Standard Form 115 or the last page of the continuation sheet when more than one page is used. Clearances shall include the approval by the records officer and an appropriate representative of the organization whose records are being offered for disposition. See Exhibit X4-30-3.

4-30-60 AUTHORITY FOR THE DISPOSITION OF RECORDS

A. When the request for the authority to dispose of the records has been approved by the General Services Administration, such authorizations will be issued as a records control schedule.

B. Notification that authorizations have been granted by the General Services Administration for the disposition of records covered in the schedules will be issued in the Records Management Manual. All offices are cautioned that records materials shall not be destroyed without such authorization.

4-30-70 COMPLIANCE WITH RECORDS CONTROL SCHEDULES

Records officers throughout the Department shall take the necessary action in securing compliance with records control shcedules to attain efficient records maintenance operations, orderly disposition, and maximum economy in utilization of space, equipment, and personnel.

4-30-80 REVIEW AND REVISIONS OF RECORDS CONTROL SCHEDULES

All records control schedules shall be reviewed biennially to maintain them currently. Following review, any recommended revisions, additions, or deletions shall be submitted to the Department Records Management Officer on SF-115 as described in 4-30-40.

4-30-90 APPROVED RECORDS CONTROL SCHEDULES

A. Approved records control schedules covering housekeeping records are included in this manual as Appendix A. Agencies may supplement the schedules to meet particular needs. However, any supplementation involving records not covered in the schedules or disposition periods shorter than those prescribed in the schedules must have the prior approval of the General Services Administration.

B. Approved records control schedules covering program records are included in this manual as Appendix B.

(Standard Form No. 115)

Standard Form No. 115
Revised November 1951
Prescribed by General Services Administration
GSA Reg. 3-IV-106

REQUEST FOR AUTHORITY TO DISPOSE OF RECORDS

(See Instructions on Reverse)

LEAVE BLANK	
DATE RECEIVED	JOB NO.
DATE APPROVED	
CONGRESSIONAL AUTHORIZATION	
HOUSE REPORT NO.	CONGRESS / SESSION / DATE
NOTIFICATION TO AGENCY	
CONGRESS HAS AUTHORIZED DISPOSAL OF ITEMS MARKED "DISPOSAL APPROVED" IN COLUMN 10.	
(Date)	Archivist's Representative.

TO GENERAL SERVICES ADMINISTRATION,
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON 25, D. C.

1. FROM (AGENCY OR ESTABLISHMENT)
Department of Health, Education, and Welfare

2. MAJOR SUBDIVISION
Food and Drug Administration

3. MINOR SUBDIVISION
Field Districts and Resident Inspection Stations

4. NAME OF PERSON WITH WHOM TO CONFER
John J. McCann, Jr.

5. TEL. EXT.
8453

6. CERTIFICATE OF AGENCY REPRESENTATIVE:

I hereby certify that I am authorized to act for the head of this agency in matters pertaining to the disposal of records, and that the records described in this list or schedule of 2 pages are proposed for disposal for the reason indicated: ("X" only one)

A [ ] The records have ceased to have sufficient value to warrant further retention.

B [X] The records will cease to have sufficient value to warrant further retention on the expiration of the period of time indicated or on the occurrence of the event specified.

Use Exhibit B to indicate a request to dispose of records we have accumulated and that we continue to accumulate.

April 27, 1954 (Date) — Maie A. Hardy (Signature of Agency Representative) — Dept. Records Management Officer (Title)

7. ITEM NO.	8. DESCRIPTION OF ITEM (WITH INCLUSIVE DATES OR RETENTION PERIODS)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN
	1, 17 The Food and Drug Administration has 16 District Offices (within District territories are 36 Resident Inspection Stations) each performing the prescribed functions of the Food and Drug Administration at the District level. Each District is responsible for enforcing the Federal Food, Drug, and Cosmetic Act, Import Milk Act, Caustic Poison Act, Filled Milk Act and Tea Importation Act.		
1.	Food Standards Inspection Reports and Sample Records.		
	a. Dispose of 10 years after promulgation of standard.		
	b. Transfer to Federal Records Center after 5 years.		
	Copies of factory inspection reports, reports of interviews with members of the trade and consumers, reports of examination of authentic and food standard samples, etc., which served as basic material for use in the promulgation of food standards.		
2.	Import Records.		
	a. Detention Notice File. Dispose of after 10 years. Transfer closed files to Federal Records Center 5 years after close of calendar year in which sample collected.		
	Consists of wharf inspection records, analysts' work sheets, copies of notices to importer and Collector of Customs, and related correspondence and forms pertaining to products detained under the Federal Food, Drug, and Cosmetic Act.		

Four copies, including original, to be submitted to the National Archives and Records Service

16—30429-2 GPO

(Standard Form No. 115a)

Standard Form No. 115a
Promulgated 9-1-49 by
General Services Administration
The National Archives

Job No. _____ Page 2 of 2 pages

REQUEST FOR AUTHORITY TO DISPOSE OF RECORDS—Continuation Sheet

7. ITEM NO.	8. DESCRIPTION OF ITEM (WITH INCLUSIVE DATES OR RETENTION PERIODS)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN
	b. Release Notices File. Dispose of 2 years after close of calendar year in which sample collected. Consists of wharf inspection records, analytical work sheets, and notices of release to importer and to Collector of Customs, pertaining to import shipments which were not detained. c. White and Pink Copies of Form FD-784, "Description of Import Sample". Dispose of after 10 years or when no longer needed for administrative or other record purposes.		
3.	Copies of Antibiotic Certificates and Related Records. a. Copies of Form 3, "Application for Exemption for labeling Penicillin", Form 6, "Application for Exemption for Repacking Antibiotics", and other related forms and correspondence concerning the labeling of antibiotics. Dispose of after 10 years.		

Four copies, including original, to be submitted to the National Archives

EXHIBIT C Page 17

1. /s/ Vinson J. Borden
2. /s/ Roy E. Faucher
3. /s/ Virginia B. Daw
4. /s/ Charles M. Gozansky
5. [illegible]

Certification is shown on reverse of SF-115 or last continuation sheet (SF-115a) if more than one page is used.

CHAPTER 4-40

DISPOSAL LISTS

4-40-00 Purpose
10 General
20 Preparation of Disposal Lists
30 Clearances and Certification
40 Approved Disposal Lists

4-40-00 PURPOSE

The purpose of this chapter is to describe the procedure for the preparation of disposal lists.

4-40-10 GENERAL

A. Disposal lists shall be prepared for all Department records which have out-lived their usefulness and which are no longer accumulating, or for any records which have become unserviceable due to general deterioration.

B. The records officer in the operating agencies, Office of the Secretary, and the regional offices shall prepare disposal lists for any and all records under his jurisdiction that fall in these categories which have not been transferred to the Federal Records Center.

C. Personnel of the appropriate Federal Records Centers will prepare disposal lists on all records maintained by Federal Records Centers. Such disposal lists will be cleared by the Department Records Management Officer.

4-40-20 PREPARATION OF DISPOSAL LISTS

A. Use Standard Form 115, "Request for Authority to Dispose of Records," and Standard Form 115A, "Continuation Sheet for Disposal Request" in the preparation of disposal lists. See Exhibit X4-40-1.

B. Under entry 6 of Standard Form 115 mark box "A" to indicate a request for a one time disposal of the records.

C. The records recommended for immediate disposal shall be clearly identified and described, including beginning and ending dates.

D. An original and five copies of the "Request for Authority to Dispose of Records" shall be submitted to the Department Records Management Officer.

4-40-30 CLEARANCES AND CERTIFICATION

Records officers shall secure appropriate clearances within their organizations. Clearances shall be indicated on the reverse of Standard Form 115 or the last page of the continuation sheet when more than one page is used. Clearances shall include the approval of the records officer and an appropriate representative of the organization whose records are being offered for disposition. See Exhibit X4-30-3.

4-40-40 APPROVED DISPOSAL LISTS

A copy of the approved disposal list or the pertinent information relating thereto, will be sent only to the records officer who submitted the request in accordance with Chapter 4-50.

(Standard Form No. 115)

Standard Form No. 115
Revised November 1951
Prescribed by General Services Administration
GSA Reg. 3-IV-106

REQUEST FOR AUTHORITY TO DISPOSE OF RECORDS

(See Instructions on Reverse)

LEAVE BLANK	
DATE RECEIVED	JOB NO.
DATE APPROVED	
CONGRESSIONAL AUTHORIZATION	
HOUSE REPORT NO.	CONGRESS / SESSION / DATE
NOTIFICATION TO AGENCY	
CONGRESS HAS AUTHORIZED DISPOSAL OF ITEMS MARKED "DISPOSAL APPROVED" IN COLUMN 10.	
(Date)	Archivist's Representative.

TO: GENERAL SERVICES ADMINISTRATION,
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON 25, D. C.

1. FROM (AGENCY OR ESTABLISHMENT)
Department of Health, Education, and Welfare

2. MAJOR SUBDIVISION
Office of Education

3. MINOR SUBDIVISION
School Administration Branch - School Housing Section

4. NAME OF PERSON WITH WHOM TO CONFER
Miss Margaret Shannon

5. TEL. EXT.
2278

6. CERTIFICATE OF AGENCY REPRESENTATIVE:

I hereby certify that I am authorized to act for the head of this agency in matters pertaining to the disposal of records, and that the records described in this list or schedule of one pages are proposed for disposal for the reason indicated: ("X" only one)

A [X] The records have ceased to have sufficient value to warrant further retention.

B [ ] The records will cease to have sufficient value to warrant further retention on the expiration of the period of time indicated or on the occurrence of the event specified.

7-14-55
(Date)

Mary A. Harden
(Signature of Agency Representative)

Dept. Records Management Officer
(Title)

7. ITEM NO.	8. DESCRIPTION OF ITEM (WITH INCLUSIVE DATES OR RETENTION PERIODS)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN
1.	Controlled Materials Individual Project Files, July 1951 - November 1952 These files were created by the Controlled Materials Program Division, Office of Education, under authority delegated by the National Production Authority. The docket files consist of an application for allotment of controlled materials for school construction (Department of Commerce, NPA, Form CMP-4); delegation of authority to sign application, if other than a school official; Form CMP-13 "Authorizing Construction and Allocation of Controlled Materials"; code sheets for IBM processing, and related correspondence.		

Four copies, including original, to be submitted to the National Archives and Records Service

16—80170-2 GPO

CHAPTER 4-50

REQUESTING AUTHORITY FOR DISPOSITION

4-50-00 Purpose
10 Department Clearances
20 Submission of Disposal Requests
30 General Accounting Office Approval
40 General Services Administration Approval of Requests for Disposal Authority
50 Extension of Retention of Records
60 Emergency Authorization for the Disposal of Records
70 Authorization to General Services Administration

4-50-00 PURPOSE

The purpose of this chapter is to describe procedures to be followed in requesting authority for the disposition of records.

4-50-10 DEPARTMENT CLEARANCES

A. All requests for authority for the disposition of records, after clearance by the Records Officers with the appropriate representatives within their organization, shall be submitted to the Department Records Management Officer for additional clearances.

B. The signing of the SF-115 by the Department Records Management Officer after clearance with the General Counsel shall constitute certification that the records described do not have, or will not have, after the expiration of the retention period indicated, sufficient administrative, program, legal, or fiscal value to the Department to warrant further retention in office space.

4-50-20 SUBMISSION OF DISPOSAL REQUESTS

The lists or schedules when approved by the Department will be submitted to the National Archives and Records Service for clearance and approval by the General Services Administration.

4-50-30 GENERAL ACCOUNTING OFFICE APPROVAL

The Department Records Management Officer shall obtain the approval of the Comptroller General of the United States, as required by Section 9 of the Records Disposal Act, for the disposal of certain classes of records relating to claims and demands by or against the Government or to accounts in which the Government is concerned. Such approval shall be obtained either prior to, or concurrently with, the submission of the disposal request to the National Archives and Records Service.

-50-40 GENERAL SERVICES ADMINISTRATION APPROVAL OF REQUESTS FOR DISPOSAL AUTHORITY

Under Public Law 91-287, Congress delegated authority to the Administrator, General Services Administration, to approve agency requests for disposition of records. After review by the National Archives and Records Service, the request is transmitted to the Administrator, GSA, or to the Archivist, as his delegated representative, for approval. If the decision on the request is favorable, the Archivist will notify the Department Records Management Officer thereof by returning one copy of the approved Standard Form 115. The schedule shall then be reproduced in the Department Records Management Manual.

4-50-50 EXTENSION OF RETENTION OF RECORDS

In cases of emergency or when it is in the interest of economy, the Department Records Management Officer may authorize the extension of retention of records approved for disposal by General Services Administration. When records are so retained, a copy of the directive authorizing such retention shall be furnished to the National Archives and Records Service, General Services Administration, and such records shall be disposed of as soon as it is administratively practical.

4-50-60 EMERGENCY AUTHORIZATION FOR THE DISPOSAL OF RECORDS

A. Menaces to Human Health or Life or to Property. Section 10 of the Records Disposal Act authorizes disposal whenever it is determined that records constitute a continuing menace to human health or life or property. When it is determined that records constitute such a menace, it should be brought to the attention of the Department Records Management Officer who shall notify the National Archives and Records Service of the need for disposal and specify the nature of the records, their location and quantity, and the nature of the menace. If the National Archives and Records Service concurs in the determination, the immediate removal of the menace by destruction of the records or other appropriate means will be directed by the Department Records Management Officer.

B. State of War or Threatening War. Section 11 of the Records Disposal Act authorizes the destruction of records outside the territorial limits of the continental United States under certain emergency conditions. The appropriate authority may authorize the destruction of records whenever a state of war exists or is imminent if the retention of such records would be prejudicial to the United States interest, also if the records occupy space that is needed for military purposes and the value of the records does not warrant further retention. Within six months after the disposal of such

(4-50-60B continued)

records, the official who directed their disposal shall submit a written report through administrative channels to the National Archives and Records Service. The report will describe the character of the records and when and where the disposal was accomplished.

4-50-70 AUTHORIZATION TO GENERAL SERVICES ADMINISTRATION

A. The General Services Administration (National Archives, or Federal Records Centers) will not dispose of any Department records in its custody without the Department's written concurrence.

B. For records transferred to the National Archives, the National Archives and Records Service will submit to the Department Records Management Officer requests to dispose of any of the Department's records which have ceased to have administrative, fiscal, or historic value. The Department Records Management Officer will notify the National Archives and Records Service of the Department's decision after the requests have been cleared with appropriate officials.

C. For records transferred to Federal Records Centers, the Federal Records Center will prepare and send to the Department GSA Form 439 "Report of Disposition of Records." (See Exhibit X4-50-1.)

1. This form will be sent to the appropriate records officer for clearance and concurrence on the headquarters records of his respective organization; to regional records officers for regional offices, and to records liaison officers in other field installations for clearance and concurrence on the records of their respective organizations which are stored at the Centers.

2. When the GSA Form 439 is received, a determination will be made as to whether the authorization for disposal is still in effect and whether the records are active enough to warrant continued retention. If the disposal of the records is approved, GSA Form 439 shall be signed by appropriate officials referred to above and returned to the Center as authority for disposal action. If disposal authority is not approved, the GSA Form 439 with a written justification for retaining the records beyond the approved retention period shall be sent to the Department Records Management Officer. Records scheduled for disposal will not be retained beyond the specified period of retention unless specifically authorized by the Department Records Management Officer. (See Section 4-50-50.)

EXHIBIT C . Page 24

(GSA Form 439)

THIS FORM TO BE PREPARED BY GSA FEDERAL RECORDS CENTERS ONLY

1(a) RECORDS OF: DHEW

1(b) MAJOR SUBDIVISION: Office of Vocational Rehabilitation

1(c) MINOR SUBDIVISION:

2. SCHEDULED DISPOSITION: July 1956

3. RECORD GROUP NO.: 290

4. VOLUME(Cu. Ft.): 48

5. ACCESSION NO.: 51A-115

6. DISPOSITION JOB NO.: 57-B13

7. FRC CONTAINER NOS.: Alex., 3A, Row 86

8. INCLUSIVE DATES: 1948 - 1949

9. CURRENT REFERENCE REQUESTS? [X] NO [ ] YES (Explain on reverse)

10. BRIEF DESCRIPTION OF RECORDS:

IBM cards containing information obtained from Forms R-9. These cards comprise two series: (1) Reproduced specials (Boxes 1-61 and 1-32) and (2) Interval cards (Boxes 1-54; 56-72)

11. AUTHORIZATION FOR DISPOSITION:

Records Management Manual, Appendix B-700, Item 9

12. METHOD OF DISPOSITION

[ ] BURNING

[ ] TRANSFERRED TO _____

[X] SALE AS WASTEPAPER

[ ] OTHER (Explain on reverse)

13. DISPOSITION APPROVED BY (Agency): Mildred Fletcher, Records Officer — DATE: 7-23-60

14. DISPOSITION ACCOMPLISHED BY (Center) — DATE

REPORT OF DISPOSITION OF RECORDS

GENERAL SERVICES ADMINISTRATION
NATIONAL ARCHIVES AND RECORDS SERVICE
GSA-WASH DC 54-3074

GSA FORM 439
September 1953

EXHIBIT C Page 25

CHAPTER 4-60

APPLICATION OF SCHEDULES AND LISTS

4-60-00 Purpose
10 General
20 Applying Schedules
30 Applying Disposal Lists

4-60-00 PURPOSE

The purpose of this chapter is to set forth standards for the application of records control schedules and disposal lists.

4-60-10 GENERAL

A. The preparation and approval of schedules and disposal lists will accomplish little unless proper controls are maintained to effect prompt transfer and disposal of the records.

B. Each records officer shall be responsible for effecting the prompt disposal of all records under his jurisdiction which are covered by approved disposal lists and for the disposition of the records covered by records control schedules according to the periods specified.

4-60-20 APPLYING SCHEDULES

A. Each records officer shall maintain a follow-up system as a control for each item in the approved record control schedules. The item may be briefly described on a card indicating the type of disposition and the period specified for disposition. Each card should be filed according to type of disposition (i.e., "transfer to Federal Records Center" or "dispose of") under the specified periods of time for disposition.

B. The records officer should send reminders to each office that has custody of records on which disposition actions should be taken. The reminders will indicate the records to be transferred or destroyed.

4-60-30 APPLYING DISPOSAL LISTS

Records covered by disposal lists shall be destroyed by the office submitting the request immediately upon receipt of the approved authority.

CHAPTER 4-70

METHODS OF DISPOSAL

4-70-00 Purpose
10 General
20 Methods of Disposal
30 Report of Donations of Disposable Records to Non-Federal Custody

4-70-00 PURPOSE

The purpose of this Chapter is to set forth the methods which must be followed in effecting the disposal of records authorized by the Congress and the procedure for reporting such actions.

4-70-10 GENERAL

A. Under the provisions of the Records Disposal Act, Federal agencies are required to follow regulations issued by the Administrator of General Services governing the methods for disposition of records authorized for disposal. Only the methods set forth in this chapter shall be used in effecting the disposal of records authorized by Congress.

B. Each records officer shall be responsible for effecting compliance with the regulations.

4-70-20 METHODS OF DISPOSAL

A. The regulations authorize the following three methods:

1. Sale or Salvage. Paper records to be disposed of shall, to the maximum extent practicable, be sold as waste paper; provided that, unless the records have been treated to destroy their record content, the contract for sale shall prohibit their resale or use as records or documents. Outside Washington, D. C., where quantities involved do not warrant sale, paper records authorized for disposal may be donated for salvage purposes to local public or nonprofit institutions or agencies; provided that precautions are taken to insure that the materials are not resold as records or documents, and that the interests of the United States and of private individuals are protected. Records other than paper records (film, plastics, etc.) may be salvaged or sold under the same conditions that govern the sale of paper records. All sales shall be on a competitive basis as required by the provisions of law applicable to the selling agency.

(4-70-20 continued)

2. Donation for Preservation and Use. Whenever it is believed that the public interest will be served thereby, the Department may transfer records authorized for disposal to a government, organization, institution, corporation, or person that has made application for them, provided:

   a. that the applicant agrees not to sell the records as records or documents;

   b. that the transfer is made without cost to the United States Government;

   c. that no transfer shall be approved if the records contain information, the revelation of which is prohibited by law or would be contrary to the public interest;

   d. that no transfer to a foreign government shall be approved unless such government has an official interest in the records; and

   e. that no transfer to a person or business corporation shall be approved unless the records are necessary to the operation of properties acquired from the Government.

3. Destruction. If the records cannot be advantageously sold or otherwise salvaged, or if destruction is necessary to prevent the disclosure of information that might be prejudicial to the public interest, the records may be destroyed by maceration, burning, or other appropriate means.

4-70-30 REPORT OF DONATIONS OF DISPOSABLE RECORDS TO NON-FEDERAL CUSTODY

A. All donations of disposable records shall have the prior approval of the Department Records Management Officer. Requests for the approval for donations shall contain the following information:

   1. The name of the Department and the name of the major and minor subdivisions thereof which are concerned.

   2. The name and address of the recipient of the records.

   3. A list of the records by item number, with an accurate identification of the series of records transferred, the inclusive dates of the records, and the National Archives and Records Service job and item number(s) of the disposal authorization(s) as indicated on Standard Form 115, or other disposal authority.

B. The Department Records Management Officer shall submit a report on donations as outlined in A1, A2, and A3 above to the National Archives and Records Service.

EXHIBIT C Page 28

CHAPTER 4-80

TRANSFER OF RECORDS TO FEDERAL RECORDS CENTERS

4-80-00 Purpose
10 General
20 Initiating Requests for Transfer
30 Preparation of Records for Transfer
40 Transfer of Civilian Personnel Records
50 Transfer of Fiscal (Payroll) Records
60 Shipment of Records
70 Restrictions on Use of Records Transferred to Federal Records Centers
80 Disposal Clearances
90 Reference Service
100 Requests for Official Personnel Records of Separated Employees

4-80-00 PURPOSE

The purpose of this chapter is to establish the procedures to be followed by all offices of the Department in transferring records to Federal Records Centers.

4-80-10 GENERAL

A. A National Federal Records Center is established and maintained by the General Services Administration (GSA) at 111 Winnebago Street, St. Louis 18, Missouri, to service the Federal Government for:

1. Personnel records of separated civilian employees;

2. Pay records of all Federal employees;

3. Medical records of civilian employees of the Army, Navy, and Air Force; and

4. Government establishments located in the St. Louis, Missouri, area.

B. A Military Records Center is established and maintained by the General Services Administration at 9700 Page Boulevard, St. Louis 32, Missouri, to service military personnel records of the Army, Navy, and Air Force.

C. An underground Vital Records Depository is established by the administration for the security storage of indispensable records of Federal agencies. This facility is accessible to rail, motor, and air transportation. It has temperature and humidity controls allowing for safe storage of both paper and film records.

(4-80-10 continued)

D. Federal Records Centers (and annexes) are established and maintained in 10 regions by the General Services Administration at appropriate locations throughout the United States (see Exhibit X4-80-1) for the storage, processing, and servicing of non-current records for Federal agencies. These Centers will accept for transfer any records offered by Federal agencies subject to the following conditions:

1. That the records are not authorized for immediate disposal.

2. That the transportation costs are not in excess of the resulting savings, and

3. That facilities for housing and providing reference service on the records are available at the Federal Records Center.

E. The Department retains legal custody of its records transferred to Federal Records Centers.

F. The National Archives and Records Service will clear and obtain approval from the Department Records Management Officer on:

1. Any changes it desires to make in procedures that affect this Department which are contrary to those stated in the Department Records Management Manual, and

2. Any new standards or procedures developed or initiated by the Federal Records Centers.

4-80-20 INITIATING REQUESTS FOR TRANSFER

A. Transfer of records which require handling on a nation-wide basis shall be initiated through the Department Records Management Officer, (e.g., the transfer of OASI closed claims files on a nation-wide basis).

B. Requests for transfer of records considered vital in terms of national emergency operation shall be made to the Department Records Management Officer.

C. All transfers of records to the Federal Records Center, General Services Administration, Region 3, except those covered by 4-80-20A, shall be cleared through the appropriate records officer. Transfer of records in GSA Region 3 area shall be initiated by telephone call or a memorandum addressed to the appropriate records officer setting forth the following information:

EXHIBIT C Page 30

(4-80-20C continued)

1. Name of the operating agency or Office of the Secretary and all subdivisions.

2. A description of the records including type, and dates.

3. Approximate volume of records.

4. Quantity and type of equipment housing records.

5. Square feet of office or storage space to be released by the transfer.

Upon receipt of the above information, the records officer shall obtain and furnish to the requesting office the accession number assigned by the Federal Records Center, General Services Administration, Region 3.

D. Transfers of records from field installations which do not require handling on a nation-wide basis shall be initiated by the regional records officers for the regional offices or by the records liaison officers for other field installations. A request for transfer, either written or oral, shall be submitted to the Regional Director, National Archives and Records Service (NARS), General Services Administration region in which the DHEW installation is located. The information furnished the GSA Regional Director, NARS, should be essentially the same as that requested by the records officers (see C above). An accession number will be assigned by the GSA regional office upon receipt of the request for transfer. The field installation will proceed with preparation of materials and the transfer of the records when they are notified of the accession number.

4-80-30 PREPARATION OF RECORDS FOR TRANSFER

A. Packing the Records:--Records transferred to Federal Records Centers (except small quantities of official personnel folders) shall generally be boxed in the standard corrugated boxes which may be obtained from the Centers. (Headquarters offices will request Federal Records Center cartons from the Division of General Services, Communications Branch, extension 35548.) See Exhibit X4-80-2. Record materials should be boxed as follows:

1. Letter-size material should be placed in the box facing the end of the carton.

2. Legal-size material should be placed in the box facing the side of the carton.

March 26, 1979

Robert A. Seefried, Esq.
Seymour & Dudley
1225 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: Church of Scientology v. Califano
Civ. No. 76-1005 (D.D.C. Feb. 28, 1978)

Dear Mr. Seefried:

Thank you for your letter of March 15, 1979, concerning Documents S-5 and S-20.

Your comment concerning Document S-5 seems correct, and I am enclosing a new copy of this document, deleting only the last three paragraphs.

With respect to page 1 of Document S-20, you asked whether the material deleted at the bottom of that page consisted of (a) just the last sentence of paragraph 2, (b) the last sentence of paragraph 2 plus another complete paragraph, or (c) more than just the last sentence of paragraph 2. I have reexamined that page, and that deleted material consisted solely of the last sentence in paragraph 2, plus another complete paragraph. Thus that deletion was in accordance with Judge Green's order which required release of "page 1, paragraph 2 down to last sentence." I am enclosing a new copy of this page, on which that deletion is divided into two separate deletions, one consisting of the last sentence in paragraph 2 (comprising a little over two lines), and one consisting of paragraph 3. This copy shows the space between those two paragraphs.

If I can be of any further help, please let me know.

Sincerely yours,

bcc:
Joanne S. Sisk, GCF
Craig Lawrence, Assistant
U.S. Attorney

RMFriedman:jb:3/26/79

Enclosures

Richard M. Friedman, Attorney
Administrative Law Branch
Business and Administrative
Law Division

(4-80-30A continued)

3. Undersized records, such as, cards or papers 3 x 5", 5 x 8", and 3 x 11" may be shipped in standard cartons. They should be arranged in small to medium length lots and bound with heavy rubber bands. (Arrange these records in as many rows as possible within the cartons, and place cardboard dividers between the layers.)

4. Oversized records, such as ledgers and similar volumes which will not fit into standard containers, should be tied in bundles. Each bundle should be handled just as another box in the numbering sequence.

5. Records from more than one bureau or office should not be packed in the same carton. The records of a group or series shall be arranged in consecutive cartons.

6. Related finding aids such as indexes, if maintained, should accompany the records. If an instance occurs when a finding aid needs to be retained, make a notation to this effect on the SF-135, "Records Transmittal and Receipt."

7. Before putting records in the corrugated boxes, remove all nonrecord and record materials authorized for immediate disposal.

B. Container Identification. Containers transferred to a Federal Records Center shall be identified by the accession number, box number, name of organization, and major and minor subdivisions as follows:

1. The accession number for the specific group of records offered for transfer to a Federal Records Center shall be placed in the block on the printed label on the container marked "Accession." The accession number shall be put on with a stamp. Use ½ inch numbers and letters.

2. The name or initials of the agency and major and minor subdivisions shall be put in the appropriate block on this printed label, i.e.:

DHEW:OE:BERD:DHE DHEW:SSA:BOASI DHEW:PHS:[illegible]

3. Number each container transferred under each accession. The container shall be plainly numbered with a black magic marker starting with number one. Put the container number in the appropriate block on the printed label (see Exhibit X4-30-3A, B, and C). The container number shall be identical with the container number on the Standard Form 135, "Records Transmittal and

(4-80-30B3 continued)

Receipt," and Standard Form 135A, "Records Transmittal and Receipt Continuation."

4. Do not fill in the item on the printed label entitled "Description of Records." Adequate description for identifying the records shall be on the Standard Form 135, and 135A, respectively.

C. Transfer Forms. Standard Form 135, "Records Transmittal and Receipt," and Standard Form 135A, Continuation Sheet, if more than one page is necessary, shall be prepared for all records transferred to Federal Records Centers, (except for civilian personnel folders of separated employees transferred to the National Federal Records Center, St. Louis, Missouri), as follows:

1. Standard Form 135, "Records Transmittal and Receipt," is the basic transfer document. A brief but substantial description of the records and their inclusive dates shall be given in item 13. In addition, information should be included on: (a) the physical type and form; for example, sound recordings, maps, tabulating cards, correspondence, reports, summaries, or vouchers; and (b) internal organization or arrangement; for example, alphabetical, numerical, chronological, or classified system such as Dewey-decimal or subject numeric. The Standard Form 135 shall also contain the following information for all records subject to General Accounting Office audit: The name of the disbursing officer, agency name, and location, period of account and record group No. 217. See Exhibits X4-80-4A, B, C, D, and E.

2. The "Records Transmittal and Receipt" will also serve as a box by box inventory which enables the Center to provide reference service on the records.

3. Copies of Standard Form 135, "Records Transmittal and Receipt" and Standard Form 135A, Continuation Sheet, shall be prepared and transmitted as follows: (Additional copies will be prepared as required by the records officers.)

a. For transfers of records to General Services Administration, Region 3, Federal Records Center, Alexandria, Virginia, SF-135 and SF-135A shall be prepared in quintuplicate. These forms shall be forwarded as follows: for headquarters records, forward both forms to the Center through the appropriate records officer; for DHEW Region III records, forward both forms to the Center through the regional records officer; for records of DHEW field installations located in the GSA Region 3 area, forward both copies to the Center through the appropriate records liaison officer.

Original + 3

Church of Scientology – Folder 28G

(4-80-30C.3)

b. For fiscal payroll records and service record cards transferred to the National Federal Records Center, St. Louis, Missouri, SF-135 and SF-135A shall be prepared in triplicate. These forms shall be forwarded through the appropriate records officer or records liaison officer to the Federal Records Center, St. Louis, Missouri.

c. For transfers to other Federal Records Centers, both forms shall be prepared in quadruplicate. These forms shall be forwarded to the Federal Records Center through the appropriate records officer or records liaison officer.

d. For records subject to audit by the General Accounting Office that are being transferred to a Federal Records Center, an additional SF-135 and SF-135A shall be prepared and forwarded to the appropriate records officer or records liaison officer for transmittal to the Federal Records Center.

D. Record Group Numbers:--Organizations within the Department shall use the following "record group numbers" in preparing records for transfer:

Organization	Record Group No.
Office of Education	12
Social Security Administration	47
Food and Drug Administration	88
Public Health Service	90
Children's Bureau	102
(For records created prior to January 29, 1963. For records created after January 29, 1963, use Record Group No. 363)	
Vocational Rehabilitation Administration	290
DHEW organizations not listed above, including regional offices	235
Welfare Administration	363
Site Audit Records	217

4-80-40 TRANSFER OF CIVILIAN PERSONNEL RECORDS

A. Official personnel folders of separated employees and comparable files accumulated before official personnel folders were established shall be transmitted by the office responsible for the maintenance of the folders to the Federal Records Center, 111 Winnebago St., St. Louis 15, Missouri, 63118 in accordance with the following:

1. A memorandum (Form HEW-311) shall be used for transmitting these folders. See Exhibit X4-80-6. Folders shall not be listed by name.

2. Personnel folders for separated employees shall be screened in accordance with instructions in the Department's Personnel Manual and shall be transferred to the Federal

(4-80-40A2 continued)

Records Center, St. Louis, Missouri, 30 days after the separation of the employee from Federal service.

3. Official envelopes shall be used for mailing personnel folders to St. Louis, Missouri, unless the quantity is too large. If quantity is large, the most economical method of transportation shall be used. Official personnel folders shall not be sent by registered mail.

4. Standard Form 127, "Request for Official Personnel Folder," shall be used to transmit any loose documents which should be made a part of the official personnel folder. Items 2, 4, 5, and 6c of this form shall be completely filled out. The date of the person's separation shall be entered in Item 5. See Exhibit X4-80-7.

B. Transfer of Service Record Cards. Service Record Card (SF-7 or equivalent) shall be transferred to the Federal Records Center, St. Louis, Missouri, at the time specified in the approved Records Control Schedule (Appendix A-10). Procedure described in 4-80-30A above shall be followed in packing the records for shipment to the Federal Records Center, St. Louis, Missouri.

4-80-50 TRANSFER OF FISCAL (PAYROLL) RECORDS

Fiscal (payroll) records shall be transferred to the Federal Records Center, St. Louis, Missouri, in accordance with approved Records Control Schedule (Appendix A-20). Procedures described in 4-80-30A shall be followed in packing these records for shipment. Fiscal records sent to the National Federal Records Center, St. Louis, Missouri, will not be merged with official personnel folders.

4-80-60 SHIPMENT OF RECORDS

Generally, records for transfer to Federal Records Centers are picked up by the GSA truck. However, if records center trucks are not available, shipment may be made by parcel post, freight, express, or motor truck, whichever is the most economical. In order to get special tariff rates for government records, shippers in using commercial carriers should put the following statement on bills of lading and shipping orders: "The agreed or declared value of the property is hereby specifically stated by the shipper as not exceeding 3½ cents per pound." This statement entitles the shipper to special tariff rates for government records.

4-80-70 RESTRICTIONS ON USE OF RECORDS TRANSFERRED TO FEDERAL RECORDS CENTERS

Restrictions imposed on the use of transferred records shall

(4-80-70 continued)

be based on legal consideration or considerations in the public interest. All restrictions dealing with access to the records will be rigidly enforced by the Centers. Subject to any such restrictions on their use, transferred records, except service record cards and fiscal (payroll) records sent to the St. Louis Center, may be borrowed by Federal agencies. Service record cards or fiscal records relating to pay in the custody of the St. Louis Center will be loaned to the transferring agency only. Photocopies may be provided to other agencies upon request.

4-80-80 DISPOSAL CLEARANCES

A. Records at the St. Louis Federal Records Center authorized for disposal by the Department Records Management Manual, Appendix A-10, Department Records Control Schedule, Personnel Records, and Appendix A-20, Department Records Control Schedule, Payroll Records, will be destroyed in accordance with these schedules without further Department clearance.

B. No other records of this Department will be disposed of by any Federal Records Center until written concurrence of this Department is secured. Department approval will be requested for each disposal action by use of GSA Form 439, "Report of Disposition of Records." (See Section 4-50-70).

4-80-90 REFERENCE SERVICE

A. Request for reference service on records transferred to a Federal Records Center may be made by telephone, personal call, in writing (by letter or by form), or by messenger. Telephone or written requests for service are normally filled within 24 hours after receipt by the Center. Special consideration is given to reference service if the need is urgent.

B. Photographs of the records, authenticated copies, loan of the records, or information from the records are obtainable. Reference service will not be honored if it conflicts with restrictions established by the transferring agency. Telephone information will not be given on records with a security classification of confidential or higher.

C. The following information should be given when making a reference request:

1. The name of the Department and office making request, name and location of person for whom the request is made;

EXHIBIT C Page 36

(4-80-90C2 continued)

2. The accession number of the particular transfer in which the records were included; as shown on SF-135, "Records Transmittal and Receipt;"

3. The number of the container in which the records will be found; and

4. A description of the information and/or records desired.

D. Records requested by offices in the same metropolitan area as the Center will be delivered by the regular daily Center operated archival messenger service, or by Center special delivery service, if the need is urgent. A designated delivery and pickup point for all material requested from or to be returned to the Federal Records Center shall be established. The ordinary U. S. Mail Service should be used to deliver material requested by offices located outside the same metropolitan area as the Center.

4-80-100 REQUESTS FOR OFFICIAL PERSONNEL RECORDS OF SEPARATED EMPLOYEES

Standard Form 127, "Request for Official Personnel Folder" (separated employees), is designed for use in requesting personnel folders of separated employees from the Federal Records Center, St. Louis 18, Missouri. Use of this form insures prompt transmission of the desired folder. A separate form should be completed for each individual whose personnel folder is desired. The form should be submitted to the Center in duplicate. See Exhibit X4-80-7.

Set 4 of 7 DRAFT Cut 3

The following are answers specifically identified to correspond with interrogatories propounded to defendant, United States Food and Drug Administration, Set Number One, by Church of Scientology of California.

Interrogatory No. 1

a. No office by office searches were made, however, records were collected and reviewed;

b. No records are available or routinely kept or maintained which would specifically reflect this information;

c. Pamela F. Wojtowicz, Consumer Safety Officer, Bureau of Medical Devices and Diagnostic Products was responsible for collecting and reviewing records;

d. None;

e. None;

f. See response to 'a' above.

Interrogatory No. 2

a. See answers to Interrogatory #1a.

b. See ~~response~~ answer to Interrogatory #1b.

c. Mr. Merle J. Ryan, Director, Field Compliance Branch, and Mr. Charles Everline Assistant for Regulatory Operations, Field Compliance Branch, ~~of the~~ Office of Executive Director for Regional Operations, FDA, coordinated the field-office collection of records from the files of various field units. Mr. Timothy C. Sottek, Branch Chief, Regulatory Policy and Voluntary Compliance Branch, Mr. William McVicker, Consumer Safety

Officer and Ms. Pamela F. Wojtowicz, Consumer Safety Officer coordinated the collection and review of records for the Bureau of Medical Devices and Diagnostic Products;

d. None;

e. All field units were advised to collect records responsive to plaintiff's request. ~~Recalls~~ Records were located in the following field units: Atlanta, Baltimore, Boston, Buffalo, Chicago, Dallas, Denver, Detroit, Houston, Kansas City, Los Angeles, Minneapolis, Newark, San Francisco, San Juan, Seattle.

f. See response to Interrogatory #1a and sub-paragraph e above.

Interrogatory No. 3

See response to Interrogatories #1 and #2 above.

Interrogatory No. 4

~~Irrelevant.~~

Interrogatory No. 5

~~Irrelevant.~~

Grant as each true

Interrogatory No. 6

6a through d and f - For each and every record, memorandum, document, or other item which the Food and Drug Administration has not made available to the plaintiff in its entirety without deletions there is an index prepared which indicates the date document was prepared, the author, ~~to whom directed~~ addressee, subject, summary of content, and the statutory basis

for non-disclosure. This index is attached as Exhibit A.

Interrogatory No. 6e is irrelevant.

Interrogatory No. 7

Yes.

Interrogatory No. 8

a and b - See ~~response~~ answer to Interrogatory #6.

Interrogatory No. 9

Yes.

a. Yes;

b. Not applicable.

Interrogatory No. 10

Yes, with respect to those documents not previously disclosed.

Interrogatory No. 11

a. Yes. A telegram was issued to all field units.

b. ~~No~~ See Exhibit B

c. Not applicable.

Interrogatory No. 12

Mr. John T. Walden, Assistant Commissioner for Public Affairs.

Interrogatory No. 13

Yes.

a. Yes.

b. Yes.

Interrogatory No. 14

Irrelevant.

Interrogatory No. 15

Irrelevant.

Interrogatory No. 16

Irrelevant.

Interrogatory No. 17

Not applicable.

Interrogatory No. 18

Not applicable.

Interrogatory No. 19

Irrelevant.

Interrogatory No. 20

Records maintained by the Food and Drug Administration are available pursuant to the Freedom of Information Act and the implementing regulations

of the Department of Health, Education, and Welfare and the Food and Drug Administration, 5 U.S.C. 552, 45 CFR 5 and 21 CFR 4, and pursuant to the Privacy Act and the implementing regulations of the Department of Health, Education, and Welfare and the Food and Drug Administration, 5 U.S.C. 552(a), 45 CFR 5(b), 21 CFR 7. ~~Those regulations set forth~~ There are no other specific ~~the~~ procedures established for aquiring information from FDA,

Interrogatory No. 21

See answer to Interrogatory #20.

Interrogatory No. 22

Private individuals may request the amendment of information ~~on~~ in a systems of records maintained under their own names under the provisions of the Privacy Act 5 U.S.C. 552(a), and the implementing regulations of the Department of Health, Education, and Welfare, 45 CFR 5(b) and of the FDA, 21 CFR 7. There are no such provisions applicable to organizations.

Interrogatory No. 23

Irrelevant. — Insert a

Interrogatory No. 24

Irrelevant. — Insert a

Interrogatory No. 25

Yes.

a. See Exhibit C,

Interrogatory No. 26

Yes.

a. Unknown.

b. Unknown.

c. No.

d. Yes.

e. No, Yes.

f. Yes.

Interrogatory No. 27

John R. Lupien
FA-1, 2, 4, 9, 15, 17, 18, 19
Food and Agricultural Organization
ESNS VIA delle T ERME,
di CARACALLA 00100
Rome, Italy

Interrogatory No. 28

a. No.

b. Yes.

Interrogatory No. 29

John C. Evans — Consumer Safety Officer
Department of Health, Education, and Welfare
Public Health Service
Food and Drug Administration
Bureau of Veterinary Medicine
Compliance Branch
5600 Fishers Lane
Rockville, Maryland 20852

Interrogatory No. 30

Henry P. Roberts
Deputy Regional Food and Drug Director
Department of Health, Education, and Welfare
Public Health Service
Food and Drug Administration
240 Hennepin Avenue
Minneapolis, Minnesota 55401

Interrogatory No. 31

Yes.

Interrogatory No. 32

No.

Interrogatory No. 33

Irrelevant. — Insofar

Interrogatory No. 34

Not applicable.

Interrogatory No. 35

Yes.

HA Pio

27

Mr. Earl Dudley
Seymour & Dudley
1225 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: Church of Scientology v. Califano
Civ. No. 76-1905 (D.D.C. Feb. 28, 1978)

Dear Mr. Dudley:

I am enclosing a copy of those portions of documents which the Court order in the above-captioned case required HEW to release to your client. Specifically, they are document S-5 (except the last three paragraphs) and document S-20 (page 1, paragraph 2 down to last sentence, and all excerpts from plaintiff's literature found on pages 3, 6, 7, 8, and 9). I am also including the excerpts from plaintiff's literature found on page 2 of document S-20, although the Court's order does not require it, since page 2 is essentially similar to the other pages.

The Court also ordered HEW to provide certain information regarding documents S-3, S-15, S-42, S-54, and S-55. That information is as follows:

S-3. First E-Meter seizure trial is what is involved. Lists of witnesses were exchanged by the parties on November 25, 1966. The pretrial order dated November 9, 1966, sets forth the manner in which exhibits were to be introduced, etc. No list of exhibits were required or filed.

S-15. Deposition of Marilyn Routsong. Same data as for S-3.

S-42. Transcript of first trial for use in re-trial. Joanne Sisk does not know if lists of proposed witnesses and exhibits were filed in connection with the re-trial.

S-54 and S-55. First trial. Same data as for S-3.

Sincerely yours,

bcc: Joanne S. Sisk, GCF
Craig Lawrence, AUSA

Richard M. Friedman, Attorney
Administrative Law Branch
Business and Administrative
Law Division

Set 407

DRAFT

Ctr of 2

The following are answers specifically identified to correspond with interrogatories propounded to defendant, United States Food and Drug Administration, Set Number One, by Church of Scientology of California.

Interrogatory No. 1

a. No ~~independent~~ office-by-office searches were made, however, records were collected and reviewed;

b. No records are available which would specifically reflect this information; ~~X~~ or routinely kept or maintained

c. Pamela F. Wojtowicz, Consumer Safety Officer, Bureau of Medical Devices and Diagnostic Products was responsible for collecting and reviewing records;

d. ~~No specific branches or bureaus were checked;~~ None

e. None;

f. The manner in which documents relating to plaintiff's request came to be located was through FDA knowledge of the FDA filing system; ~~X~~ See answer to subparagraph a) above

Interrogatory No. 2

a. ~~One collection of records was made;~~

b. No records are available which would specifically reflect this information; ~~X~~ same as 1(a)

c. Mr. Merle J. Ryan and Mr. Charles Everline of the Office of Executive Director for Regional Operations coordinated the ~~field office~~ collection of records from the various field units ~~X~~ files of the add titles Mr. Timothy C. Sottek, Mr. William McVicker, and Ms. Pamela

F. Wojtowicz coordinated the collection and review of records for the Bureau of Medical Devices and Diagnostic Products;

d. ~~No specific branches or bureaus were checked;~~ None

e. ~~Specific regional or district offices checked/searched for records/files pursuant to plaintiff's request were:~~ all field units were advised to collect records responsive to this request.

Regional Offices: Boston, Mass; New York,N.Y; Philadelphia, Pa; Atlanta, Ga; Chicago, Ill; Dallas, Texas; Kansas City, Kansas; Denver, Colorado; San Francisco, Calif; Seattle, Wash.

District Offices: Boston, Mass; New York, N.Y; Buffalo, N.Y; Newark, N.J; San Juan, P.R; Philadelphia, Pa; Baltimore, Md; Nashville, Tenn; Orlando, Florida; Atlanta, Ga; Chicago, Ill; Cincinnati, Ohio; Detroit, Mich; Minneapolis, Minn; Dallas, Texas; New Orleans, La; Houston, Texas; Kansas City, Kansas; Denver, Colorado; San Francisco, Calif; Los Angeles, Calif; Seattle, Wash.

Records were located in ~~all~~ Huff District offices with the exception of New York, Philadelphia, Cincinnati, Orlando and New Orleans. None of the Regional offices maintain files relative to the plaintiff's request.

f. The manner in which documents relating to plaintiff's request came to be located was through FDA employee knowledge of the FDA filing systems. See answer to Interr 1(a) & sub A(e) above

No. See answers to Interrogs 1 & 2.

Interrogatory No. 3

There was no check of specific areas for records and no searches of buildings as such was made but we will answer the question to the best of our ability. Records were located in the Food and Drug Administration Headquarters offices in Rockville, Maryland, and in all of the districts listed in Interrogatory No. 2e with the exception of New York, Philadelphia, Cincinnati, Orlando and New Orleans Districts and records were located in the Dallas, Texas Federal Records Center. All Regional and District Food and Drug Offices examined files for records relative to the plaintiff's request of March 3, 1975.

Interrogatory No. 4

Irrelevant.

Interrogatory No. 5

Irrelevant.

JSS to answer →

Interrogatory No. 6 (a) - (d), (f)

For each and every record, memorandum, document, or other item which the Food and Drug Administration has not made available to the plaintiff in its entirety without deletions there is an index prepared which indicates the date document was prepared, the author, to whom directed, subject, summary of content, and the statutory basis for non-disclosure. This index is attached as Exhibit A.

Interrogatory No. 6e is irrelevant. - JSS

Interrogatory No. 7

Yes.

Interrogatory No. 8 (a)-(b). See answer to Int. 6.

~~a. See answer to Interrogatory No. 6b. We object, as each document needs to be exempt for only one reason. See Exhibit A.~~

Interrogatory No. 9

Yes.

a. Yes.

b. Not applicable.

Interrogatory No. 10

Yes, with respect to those documents not previously disclosed, ~~which are not exempt.~~

Interrogatory No. 11 Yes.

a. [redacted]. Telegram to all field units.

b. No. ?

c. Not applicable.

Interrogatory No. 12

Mr. John T. Walden, Assistant Commissioner for Public Affairs.

Interrogatory No. 13

Yes.

a. Yes, ~~it is possible~~.

b. Yes, ~~it is possible~~.

Interrogatory No. 14

The question is irrelevant to this law suit which deals solely with whether or not certain documents are exempt from disclosure under Freedom of Information Act 5 U.S.C. 552, but for purposes of fully informing the court the answer is no.

Interrogatory No. 15

Irrelevant.

Interrogatory No. 16

Irrelevant.

Interrogatory No. 17

Not applicable.

Interrogatory No. 18

Not applicable.

Interrogatory No. 19

Irrelevant.

Interrogatory No. 20

Records maintained by the Food and Drug Administration are ~~subject~~ to the Freedom of Information Act and the implementing regulations of the Department of Health, Education, and Welfare and the Food and Drug Administration 5 U.S.C. 552, 45 CFR 5 and 21 CFR 4, as well as the Privacy Act and the implementing regulations of the Department of Health, Education, and Welfare and the Food and Drug Administration 5 U.S.C. 552(a), 45 CFR 5(b), 21 CFR 7.

Interrogatory No. 21

See answer to question 20.

Interrogatory No. 22

Private individuals may correct ~~false~~ information in ~~their own files~~ under the provisions of the Privacy Act, 5 U.S.C. 552(a) and the implementing regulations of the Department of Health, Education, and Welfare, 45 CFR 5(b) and of the FDA 21 CFR 7. There are no provisions whereby organizations, ~~may make corrections to their records.~~

Interrogatory No. 23

Irrelevant.

Interrogatory No. 24

Irrelevant.

Interrogatory No. 25

Yes, ~~its possible.~~ See Exhibit B.

a. ~~There are provisions for destruction of Agency records.~~

Interrogatory No. 26 Yes

a. ~~We assume so but we do not know.~~ Unknown

b. ~~Manner and dates are unknown~~;

c. No, ~~we are only concerned with records in our files~~;

d. Yes.

e. ~~No, These records are described in the index provided in answer to Interrogatory No. 6.~~ See Ex A No. Yes.

f. No Yes.

Interrogatory No. 27

Irrelevant.

Interrogatory No. 28

a. No;

b. Yes.

Interrogatory No. 29

Irrelevant.

Interrogatory No. 30

Irrelevant.

(general and miscellaneous documents, including (Jackson

Interrogatory No. 31 Yes.

The FDA has records relating to both the Coordinating Committee on Health Information and The National Congress of Medical Quackery and these have been provided to the public under Freedom of Information Request No. F76-5344 from Paul Pfleuger, 5930 Franklin Avenue, Hollywood, California.

Interrogatory No. 32

No.

Interrogatory No. 33

Irrelevant.

Interrogatory No. 34

Not applicable.

Interrogatory No. 35

Yes.

Set 377

The following are answers specifically identified to correspond with interrogatories propounded to defendant United States Food and Drug Administration Set Number One by Church of Scientology of California.

Ans #1

Interrogatory No. 1: Searches made pursuant to Mr. Kreiner's 25 November 1974 FOI request are as follows:

a. One search;

b. Between April 29, 1974 and May 21, 1974; Between June 12, 1974 and October 8, 1974;

c. Pamela F. Wojtowicz, Consumer Safety Officer;

d. Offices - Associate Commissioner for Administration - Not applicable;

Divisions - Division of Management Services - Not applicable;

*Administrative Services Branch

*Regulatory Records Unit - HFA-226

*General Records Unit - HFA-228

Scientolgoy files were found in areas marked by an asterisk *.

e. Specific regional or district offices checked/searched for records/files pursuant to plaintiff's request were:

None

Regional Offices: Boston, Mass; New York, N.Y; Philadelphia, Pa; Atlanta, Ga; Chicago, Ill; Dallas, Texas; Kansas City, Kansas; Denver, Colorado; San Francisco, Calif; Seattle, Wash.

District Offices: Boston, Mass; New York, N.Y; Buffalo, N.Y; Newark, N.J; San Juan, P.R; Philadelphia, Pa; Baltimore, Md;

Nashville, Tenn; Orlando, Florida; Atlanta, Ga; Chicago, Ill; Cincinnati, Ohio; Detroit, Mich; Minneapolis, Minn; Dallas, Texas; New Orleans, La; Houston, Texas; Kansas City, Kansas; Denver, Colorado; San Francisco, Calif; Los Angeles, Calif; Seattle, Wash.

Those which had files relating to plaintiff's request are marked with an asterisk *.

f. The manner in which documents relating to plaintiff's request came to be located was through ~~DHEW, FDA, and~~ employee knowledge of the FDA filing system~~, and actual sighting of documents~~.

Interrogatory No. 2:

With reference to Mr. Kreiner's Freedom of Information request dated 3 March 1975, searches made pursuant to his request are as follows:

a. One, search.

b. dates April 25, 1975 to March, 1976;

c. Mr. Timothy Sottek, Consumer Safety Officer,
Mr. William McVicker, Consumer Safety Officer,
Ms. Pamela Wojtowicz, Consumer Safety Officer.

d. same as question #1 (d).

e. same answer as question #1 (e).

f. same answer as question #1 (f).

Interrogatory No. 3:

Pursuant to plaintiff's Freedom of Information requests the checking

and/or searching of the facilities listed in the interrogatories document are as follows:

a. 1) No

2. No.

3) No

4) No such Building

b. 1) No

2) No

3) No

4) No

5) No

c. 1) No

2) No

d. 1) No such building

2) No

3) No

e. 1) No

2) No

f. Yes

g. Yes

h. Yes

i. Yes

j. Yes

k. Yes

l. Yes

m. Yes

n. Yes

o. Yes

p. Yes

q. Federal Records Center, Suitland, Maryland.

Interrogatory No. 4:

There are only two separate files which have been compiled by defendant and which defendant has had in its custody, possession or control which falls within the initial Freedom of Information Act request of plaintiff.

Interrogatory No. 5:

The identity of each file or part thereof referred to in answer of interrogatory No. 1 is as follows:

a. Administrative Services Branch

1. Administrative file, it is the official administrative file on one company or organization and its purpose is to provide a history of FDA activity as it applies to one firm. One or more business names may be in the same file. It has an ID number.

2. General File it is an official administrative file that does not have an identification number for a particular

company but contains official material under a general file number. This file is used where there is no identifying individual identification number or where business names cannot be identified with those listed in the administrative file.

3. Field - a. District file jackets maintained on each company located within a district.

b. Alphabetical file for mics. small companies.

b. File File Establishment date Date of latest entry

Hdqts (Administrative File

(General File

Field (District File

(Alphabetical File

c. Administrative File - Its purpose is to hold historical material on a particular company.

General File - Its purpose is to hold historical material on products or companies which for one or more reasons cannot be filed in the Administrative file.

District File - Company history in a particular District.

Alphabetical File - Company history in a particular District.

d. Administrative File located Division of Administrative Services

Department of Health, Education & Welfare

Public Health Services
Food and Drug Administration
5600 Fishers Lane

Rockville, Maryland 20852

General File - located same as above

Only 1 copy of each file exists.
District files located in each District.

e. The compilation and maintenance of each of the above referenced files has occured at several FDA Hqtrs. locations, and the location where the file was originally compiled and maintained cannot be readily identified.

Interrogatory No. 6

For each and every record, memorandum, document, or other item which the Food and Drug Administration has not made available to plaintiff in its entirety without deletions there is an index prepared which lists the document and the reason for non disclosure.

Interrogatory No. 7

Yes

Interrogatory No. 8

a. See index prepared in response to question 6.

b. There is no question No. 7(a).

Interrogatory No. 9

Yes

9(a) Yes

9(b) N/A

Interrogatory No. 10

No, a Motion to Produce will be required.

Interrogatory No. 11

a. Yes

b. No. A Motion to Produce will be required.

c. Not applicable

Interrogatory No. 12

Ms. Pamela Wojtowicz, Consumer Safety Officer

Ms. Joanne Sisk, General Counsel

Mr. William Jackson

Mr. Robert Brandenberg

Mr. Sam Fine

Mr. John Walden

Interrogatory No. 13

7. Yes

a. It's possible

b. It's possible

Interrogatory No. 14

No

(a) Not applicable

(b) Not applicable

Interrogatory No. 15

a. Under authority granted by Federal Food, Drug and Cosmetic Act, October, 1938 where a product subject to the above act is involved.

b. Under conditions where a product subject to the Federal Food Drug and Cosmetic Act is being sold or used after having moved in interstate commerce.

Interrogatory No. 16

a. Yes, disclosable material

b. Yes, disclosable material

c. Yes, disclosable material

d. Yes, disclosable material

e. Yes, disclosable material

Interrogatory No. 17

a. Upon request under public information section of Public Law 90-23

b. Yes

Interrogatory No. 18

Yes, documents evaluated as non disclosable are not disclosed pursuant to Public Law 90-23. Second part of question, No.

Interrogatory No. 19

No

(a) N/A

(b) N/A

Interrogatory No. 20

By writing for most recent records under the public information section of Public Law 90-23. If there is an ongoing investigation records would not be disclosable until a final decision on regulatory action is determined.

Interrogatory No. 21

There is no procedure.

Interrogatory No. 22

Persons and organizations subject to investigations, intelligence collection, maintenance or dissemination may write to the Commissioner Food and Drug Administration concerning the dissemination of what the person or organizations consider to be false or misleading information and request corrective action.

Interrogatory No. 23

There are presently no procedures by which the defendant can verify or qualify the accuracy of the information contained in the files, records, reports or summaries of the character being withheld from plaintiff under Public Law 90-23.

Interrogatory No. 24

No

(a) It is not required under the provisions of the Acts administered by the Food and Drug Administration

(b) Not applicable.

Interrogatory No. 25

Its possible

(a) There are no provisions for destruction of records or files.

Interrogatory No. 26

a.

b.

c. Yes

d.

e.

f.

Interrogatory No. 27

John R. Lupien now with World Health Organization. Position title address and phone number are not immediately available.

Interrogatory No. 28

a. No

b. Yes

Interrogatory No. 29

John C. Evans

Post Title: Consumer Safety Officer, Compliance Division, Case Guidance Branch, Bureau Veterinary Medicine

Telephone Number: 301-443-2830

Interrogatory No. 30

Henry P. Roberts

Post Title: Deputy Regional Food and Drug Director, MIN-DO

Address: 240 Hennepin Avenue, Minneapolis, Minnesota 55401

Telephone Number: 612-725-2121

Interrogatory No. 31

No, No

Interrogatory No. 32

Not applicable

Interrogatory No 33

a. Yes

b. No

c. No

d. No

e. Yes

f. No

g. No

h. Yes

i. No

j. No

k. Yes

l. No

m. No

n. Yes

o. No

p. Not applicable

q. No

r. No

s. Yes

t. No

u. No

v. Yes

w. Yes

x. No

y. Yes

z. No

aa. No

bb. No

cc. No

Interrogatory No. 34:

Yes; yes; administrative files were checked.

Interrogatory No. 35:

Yes. Dianazine records are contained in Administrative File.

MEMORANDUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY

Office of the General Counsel

TO : Richard M. Friedman
Office of General Counsel
Business and Administrative
Law Division

DATE: January 10, 1979

FROM : Joanne S. Sisk
Office of General Counsel
Food and Drug Division

SUBJECT: Church of Scientology v. Califano, Civ. No. 76-1005 (D.D.C. Feb. 28, 1978) - Your memorandum dated January 3, 1979

Attached are S-5 and S-20. I have marked in red pen those portions of S-20 that I am certain are quotations from Scientology literature and are to be released.

The information the court ordered us to provide with respect to the other specific exhibits is as follows:

S-3. First E-Meter seizure trial is what is involved. Lists of witnesses were exchanged by the parties on November 25, 1966. The pretrial order dated November 9, 1966, sets forth the manner in which exhibits were to be introduced, etc. No list of exhibits was required or filed.

S-15. Deposition of Marilyn Routsong. Same data as for S-3.

S-42. Transcript of first trial for use in re-trial. I do not know if lists of proposed witnesses and exhibits were filed in connection with the re-trial.

S-54 and S-55. First trial. Same data as for S-3.

I'm attaching a copy of S-3, S-15, S-42, S-54 and S-55 for your records as well.

Attachments

COPY

Honorable Herbert J. Miller, Jr.
Assistant Attorney General
Criminal Division

January 14, 1963

DCA:JMH:bcj
CI 11347 G

David C. Acheson, United States Attorney
for the District of Columbia

Hubbard Electrometer, The Academy of Scientology
F.D.C. No. 48405; your ref: HJM:JO:pt, 21-16-NEW

Attention: Harold Shapiro
Administrative Regulations Section

As you are undoubtedly aware, we have filed the libel furnished with your recent letter relating to the above case.

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[redacted]

5-5

TO: Joseph M. Hannon, Esq.
Chief, Civil Division
Office of the United States Attorney
Washington, D. C.

Date: April 4, 1963

FROM: William W. Goodrich
Assistant General Counsel
Department of Health, Education, and Welfare
Food and Drug Division

SUBJECT: [redacted]

[redacted]

The E-meter is a device which merely indicates the changes in flow of electric current through the body. The current comes from the battery within the device itself. The E-meter registers, by movement of a needle, variations in the skin's resistance to this electric current. An individual holds in his hands the electrodes (tin cans) plugged into the machine. The amount of perspiration on the hands holding the cans, amount of pressure in holding the cans, and the amount of area of skin in contact with the cans, all contribute to encourage or impede the flow of current which the needle registers as an increase or decrease. This is a simple, crude example of 1/3 of a modern lie detector. A true lie detector measures variation in blood pressure including pulse rate, rate of breathing and skin conductivity, i.e. resistance to current.

[redacted]

[redacted]

[redacted]

C O P Y

Honorable Herbert J. Miller, Jr.
Assistant Attorney General
Criminal Division

January 14, 1963

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David C. Acheson, United States Attorney
for the District of Columbia

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S-20

[2]

[redacted]

"*** the goal of all Scientology therapy, is a state called clear. ***" [Sanity for the Layman, p. 43].

"There is no known way to clear anyone without using a meter." [E Meter Essentials 1961, p. 7].

"The Hubbard Electrometer is used for clearing and only for clearing. ***" [The Hubbard Electrometer, p. 53].

"*** Processing (therapy) in Scientology ***" [Sanity for the Layman, p. 50].

"Scientology processing is called 'auditing' ***" [Scientology: the Fundamentals of Thought, p. 51].

"*** By processing is meant the verbal exercising of a patient (preclear) in exact Scientology processes. ***" "Scientology: the Fundamentals of Thought, p. 51].

"PRECLEAR - Technically, this covers everyone who is not a complete 'clear' *** For our purposes, let us consider a preclear any person undergoing therapy *** in the field of Scientology." [Scientology 8-80, pp. 77-78].

"*** Modern auditing *** can only be done with an E-meter -- therefore, owning your E-meter *** is an essential tool for the practice of auditing." [Ability No. 134, p. 10].

"Sine qua non: Which, being translated, means the Hubbard Electrometer - you can't audit without it. As Ron says, you can't clear people without a meter. ***" [PAB for March 1961, p. 2].

"*** The heart of auditing is the service facsimile." [Advanced Procedure and Axioms, p. 2].

"SERVICE FACSIMILE. *** A service facsimile IS the pattern which is the chronic 'psychosomatic illness.' ***" [Advanced Procedure and Axioms, p. 45].

"*** psychosomatic illness (which include some seventy percent of the illnesses of man) ***" [L. Ron Hubbard's PAB's, Book I, p. 3].

"PSYCHOSOMATIC ILLNESS. *** Technically, in this science, a chronic or continuing painful facsimile to which the preclear is holding to account for failures. Arthritis, buraitis, tendonitis, myopia, artigmatism, bizarre aches and pains, sinusitis, colds, ulcers, migraine headaches, toothache, poliomyelitis deformities, fatness, skin malformations are a few of these *** They are traceable to service facsimiles." [Advanced Procedure and Axioms, p. 45].

"2. Scientology offers a therapeutic technique with which we can treat any and all inorganic mental and organic psychosomatic ills, with assurance of complete cure in unselected cases. ****" [Scientology: The Evolution of a Science, p. 43, and Dianetics: The Evolution of a Science, p. 47].

"13. Scientology sets forth the non-germ theory of disease, embracing, *** the cure of some seventy per cent of man's pathology." [Scientology: The Evolution of a Science, p. 49, and Dianetics: The Evolution of a Science, p. 48].

"An Academy graduate can 'heal' legally." [Ability No. 55, p. 9].

[redacted] "Hubbard Chart of Human Evaluation and Dianetic Processing (Part 1) and (Part 2)" [redacted]

Free Thota	Tone Scale	B Psychiatric Range	E Medical Range
***	***	***	***
6	0.5	Psychotic (Apathy)	Chronic Malfunction of Organs
whereas a NEST Clear			
100	4.0	-	Near accident proof. No psychosomatic ills. Nearly immune to bacteria.

[redacted]

"SCIENTOLOGY CODE OF HONOR

"1. Never desert a comrade in need, in danger or in trouble.

2. Never withdraw allegiance once granted.

3. Never desert a group to which you owe your support.

* * *

12. Never fear to hurt another.

* * *

15. Be true to your own goals."

[Pamphlet entitled, Ability, Issue Nos. 71 and 71A, p. 22 each issue.]

And, in Ability Major 1, p. 7:

"The DEFENSE of anything is UNTENABLE. The only way to defend anything is to ATTACK, and if you ever forget that, then you will lose every battle you are ever engaged in, whether it is in terms of personal conversation, public debate, or a court of law. NEVER BE INTERESTED IN CHARGES. DO, yourself, much MORE CHARGING, and you will WIN. And the public, seeing that you won, will then have a communication line to the effect that Scientologists WIN. Don't ever let them have any other thought than that Scientology takes all of its objectives."

[redacted]

"You give them auditing on an hourly basis. You charge $10.00 per hour and carry none of it 'on the cuff.' Take it cash in advance. Guarantee nothing. Make sure you stress its spiritual slant and value. Steer clear of promising cures. ***"

And, in the booklet entitled, "L. Ron Hubbard's PAB's Book 5," pp. 34-51:

"THREE METHODS OF DISSEMINATION

"*** we are stressing the fact that there are three methods of dissemination of Scientology and gaining and holdingan practice and group which are certain and adequately productive of results.

* * *

"No. 1: *** The gist of this plan is to place in newspapers an ad which says ' personal counselling - I will talk to anyone for you about anything. Phone Rev. so-and-so between hour and hour.' *** If it is the purpose of the minister simply to solve the problem of the pre-clear this phoning, he can, of course, cancel out his clientele with the greatest of ease. This, however, is not the purpose. His purpose is to get this individual into a weekly group processing unit. *** He should not talk to the person in such a way as to ease the problem. This may be the last problem this person has and it would be a disservice to simply solve it as easily as that. One makes something of the problem, not makes nothing of it. *** The minister receiving the call should then credit the fact that this is a pretty big problem. *** He should require a personal interview from the person calling. *** After the individual has been persuaded to come to the church group *** he will become aware of the fact that individual auditing is available. *** But the main point is *** to get that individual to come to the Sunday morning Church group. There he will, of course, be given an opportunity to join the church at some small membership fee and will be made a part of the group. Of course it stands to reason that any auditor who has a fairly good sized group which is undergoing free processing will get from the group many candidates for (1) personal auditing and (2) a basic course in Scientology for which charge can be made. It is actually a mistake to charge for group intensives. It is much better in the long run to do only free group processing, individual auditing for a fee, and to teach basic courses in Scientology, usually on certain evenings in the week. People who do not pay for auditing will pay for the course. ***

"Plan No. 2 *** The original ad which was placed to execute the plan 'Illness Researches' was placed in Wichita by Mary Sue and myself at the end of 1951. It was tremendously successful *** The very first person who applied for this ad immediately after a test audit, enrolled in a professional course. The second person at once purchased a 75 hour intensive, and so it went. If I merely wanted a fortune out of Scientology *** I would long since have abandoned research *** and would have continued to run this ad and run a clinic and school for its resultant callers. The exact wording of the ad was as follows: 'Polio victims. A research foundation, investigating polio, desires volunteers suffering from the after effects of that illness to call for examination at address.' When the people arrived, usually with a phone interview first, they were immediately given about three hours of auditing. *** The auditing was given free of charge. It was given under the guise of investigation. *** It is best that a minister representing himself as a 'charitable organization' *** do the research so that the ad would then read: 'Polio victims - a charitable organization investigating polio desires to examine several victims of the after effects of this illness. Phone so-and-so.' The interesting hooker in this ad is that anyone suffering from a lasting illness is suffering from it so as to attract attention and bring about an examination of it. These people will go on being examined endlessly. *** One would use up at the most about two hours of auditing time on each case. He would not tell the person he was doing other than investigating the cause. He would tell them he was not interested in curing their polio, but that educationally he could, of course, improve their ability to walk or breathe or whatever. As a side comment, one would omit arthritis as one of those quickies as it showed the lowest level of recovery. One would then follow up the same principles of group. He would compose a group of such people *** he would tell them they could have free group processing and he would sell them individual auditing and would teach them basic Scientology and a basic course as in plan 1 above. This plan has the advantage of not unduly exciting the press ***

"Method 3 *** One takes every daily paper he can get his hands on and cuts from it every story whereby he might have a preclear. He either has the address in the story itself or he gets the address as a minister from the newspaper. As speedily as possible he makes a personal call on the bereaved or injured person. *** He should represent himself to the person or

person's family as a minister whose compassion was compelled by the newspaper story concerning the person. He should then see give a nominal assist, leave his card which states exactly where church services are held every Sunday and with the statement that a much fuller recovery is possible by coming to these free services takes his departure. sic

"Some small percentage of the persons visited or their families will turn up in this group. Thus he will build a group and naturally from that group he will get a great many individual preclears.

* * *

"One of the aids plans to plan 2 was to have another person good at finance go around to all these who had been helped by the investigation and tell them that their investigation which helped them was paid for by another person, and ask the present person whether or not he wouldn't like to pay for somebody else's recovery, but this was never put into effect, although it may be very workable."

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During the course of this morning we have received a number of phone calls from prominent members of the District of Columbia Bar advising us that they had received communications from Reverend Fudge recruiting them to join in the defense against the government's attack upon religious freedom.

In view of all of the foregoing, we are satisfied that this proceeding will be a bitterly contested action and that the first amendment with respect to religious freedom will be raised. Accordingly, we now ask that you communicate with the Food and Drug Administration for the purpose of obtaining for us a complete investigatory report, identification of witnesses, and a resume of the testimony of each witness upon whom we are to rely in order to sustain the libel.

We urge that this matter be attended to promptly because we anticipate that after January 24, 1963 we will find ourselves enmeshed in detailed and frequent discovery proceedings.

5-5

COPY

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RECEIVED 1963

MEMORANDUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY

114

TO : Joanne Sisk
Food and Drug Division
Office of General Counsel

DATE: JAN 3 1979

FROM : Richard M. Friedman
Office of General Counsel
Business and Administrative
Law Division

SUBJECT: Church of Scientology v. Califano, Civ. No. 76-1005 (D.D.C. Feb. 28, 1978)

I am enclosing a copy of the court's order and decision this case. As you will note, it requires us to do the following:

1. Release S-5 (all but the last three paragraphs).
2. Release the following parts of S-20: p.1, ¶2 (except the last sentence) and all excepts from plaintiff's literature on pp.2,3,6-9. (The order and the opinion are inconsistent regarding page 2 - the order does not mention it, but the opinion (at 5) does. If there are excepts from plaintiff's literature on page 2, I think we should release them.)
3. Identify which transcript or deposition is referred to in each of the following documents, and identify where the plaintiff was given a list of proposed witnesses and exhibits: S-3 (that part still in dispute names of witnesses), S-15 (last two pages--list of exhibits and reference to pages in a deposition), S-42 (names of witnesses and a list of portions of a trial transcript), S-54 (reference to transcript), and S-55 (list of exhibits in evidence).

Please send me copies of those portions of S-5 and S-20 which we must release, and a chart or memo giving the required information concerning S-3, S-15, S-42, S-54, and S-55. I will then sent it to plaintiff's attorneys with a cover letter.

Thanks, and let me know if there are any problems--245-7723.

cc: Lillian McEwen, AUSA

BAL
To - J. Stark

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

FEB 28 1978

JAMES F. DAVEY, Clerk

CHURCH OF SCIENTOLOGY :

Plaintiff :

v. : Civil Action No. 76-1005

JOSEPH A. CALIFANO, JR., et al :

Defendants :

ORDER

Upon consideration of plaintiff's motion to compel defendants to meet Mead Data standards and make a further showing of exemption under (b)(5) and defendants' supplemental memorandum filed September 23, 1977 in response to this Court's order of September 8, 1977, the Court having found that defendants' memorandum adequately complies with its previous order, it is by the Court this 28th day of February 1978,

ORDERED that plaintiff's motion is hereby denied.

JUNE L. GREEN
U.S. District Judge

FILED

FEB 28 1978

JAMES F. DAVEY, Clerk

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHURCH OF SCIENTOLOGY :

Plaintiff :

v. : Civil Action No. 76-1005

JOSEPH A. CALIFANO, JR., et al :

Defendants :

JUDGMENT AND ORDER

Upon consideration of the parties' cross-motions for summary judgment; supporting and supplemental memoranda; affidavits and exhibits, there being no genuine issues of material fact, and the Court having found for the reasons set forth in the accompanying memorandum opinion that defendants are entitled to judgment as a matter of law except as to two (2) of the documents in dispute, it is by the Court this 28th day of February 1978,

ORDERED that defendants' motion for summary motion is denied as to document S-5 (except for the last three paragraphs) and document S-20 (page 1, paragraph 2 down to last sentence, and all excerpts from plaintiff's literature found on pages 3, 6, 7, 8 and 9); and it is further

ORDERED that defendants shall release said material to plaintiff; and it is further

ORDERED that as to documents S-3, S-15 (last two pages), S-42, S-54 and S-55, defendants shall provide plaintiff with additional information as to corresponding portions of the public record as more fully set forth in the accompanying memorandum opinion; and it is further

ORDERED that in all other respects defendants' motion for summary judgment is hereby granted; and it is further

ORDERED that plaintiff's cross-motion for summary judgment is hereby granted as to portions of documents S-5 and S-20 as indicated above; and it is further

ORDERED that in all other respects plaintiff's cross-motion for summary judgment is hereby denied; and it is further

ORDERED that this case is hereby dismissed.

JUNE L. GREEN
U.S. District Judge

FILED

FEB 28 1978

JAMES F. DAVEY, Clerk

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHURCH OF SCIENTOLOGY :

Plaintiff :

v. : Civil Action No. 76-1005

JOSEPH A. CALIFANO, JR., et al :

Defendants :

MEMORANDUM OPINION

This matter is before the Court on cross-motions for summary judgment, additional supporting memoranda, affidavits and exhibits. Plaintiff is seeking to compel disclosure of certain documents pursuant to the Freedom of Information Act (hereinafter FOIA), 5 U.S.C. § 552 (Supp. IV. 1974) which relate to itself; its founder, L. Ron Hubbard; the Church of American Science; Hubbard Dianeticists and Scientologists; the American Society of Civilian Defense; and the Freudian Foundation of America. The documents were contained in the Food & Drug Administration's (FDA) litigation files pertaining to the case of United States v. Articles of Device . . . Hubbard Electrometer, No. 1-63 (D.D.C. 1968), rev'd sub nom. Founding Church of Scientology v. United States, 409 F.2d 1146 (D.C.Cir. 1969), cert. denied, 396 U.S. 963 (1969) on remand, 333 F.Supp. 357 (D.D.C. 1971), aff'd. in part, (D.C.Cir. 1973) involving the seizure and detention of devices called E-Meters. A number of documents have already been released, and plaintiff no longer seeks access to others. Consequently, 47 documents, or portions thereof, remain in dispute.

Defendants claim that the material for the most part is properly withheld pursuant to Exemption 5. 5 U.S.C. § 552(b)(5). Exemptions 6 and 7 have also been claimed as to some of the documents. 5 U.S.C. § 552(b)(6) and (7). Pursuant to the Court's instructions,

defendants have submitted all of the disputed documents for in camera inspection. 5 U.S.C. § 552(a)(4)(B).

Exemption (b)(5)

Exemption 5 covers "inter-agency or intra-agency memorandums or letters which would not be available by law to a private party in litigation with the agency."

The goal of this exemption is to protect the integrity of the agency decision-making process by permitting a free flow of information to those charged with making policy. At the same time, the FOIA emphasizes disclosure and its exemptions are to be narrowly construed. Vaughn v. Rosen (Vaughn I), 484 F.2d 820, 823 and n.11 (D.C.Cir. 1973), cert denied, 415 U.S. 977 (1974).

Exemption 5 encompasses "those documents and only those documents, normally privileged in the civil discovery context." NLRB v. Sears, Roebuck & Co., 421 U.S. 132, 149 (1975). Those privileges which defendants have invoked are (1) the attorney work product privilege; (2) the attorney-client privilege; and (3) that privilege which protects intra-governmental communications expressing predecisional deliberations. The Sears decision clearly contemplates the inclusion of these privileges within the exemption.

(1) Attorney Work Product Privilege

In Sears, the Supreme Court set forth its views on the scope of Exemption 5 with regard to the attorney work product privilege:

> "The Senate Report states that Exemption 5 'would include the working papers of the agency attorney and documents which would come within the attorney-client privilege if applied to private parties,' S.Rep. No. 813, p.2; and the case law clearly makes the attorney's work product rule of Hickman v. Taylor, 329 U.S. 495 (1947) applicable to government attorneys in litigation (cases omitted.) Whatever the outer boundaries of the attorney work product rule are, the rule clearly applies to memoranda prepared by an attorney in contemplation of litigation which set forth the attorney's theory of the case and his litigation strategy." Id. at 154

The requirements of Hickman have been embodied in Rule 26(b)(3) Fed.R.Civ.P. This Rule provides that all documents and tangible things "prepared in anticipation of litigation or trial by or for another party or by or for that other party's representative (including his attorney, consultant, ...) ... "are within the scope of work product. Such materials can only be discovered upon a showing of "substantial need." The "need" of the party seeking discovery, however, does not enter the Court's consideration in the context of an FOIA request. See EPA v. Mink, 410 U.S. 73 (1973); Merrill v. Federal Open Market Committee of the Federal Reserve System, 565 F.2d 778 (D.C.Cir. 1977). Only documents which would "routinely be disclosed" in private litigation must be released. Sterling Drug, Inc. v. FTC, 450 F.2d 698, 704-705 (D.C.Cir. 1971). In addition, Rule 26(b)(3) absolutely protects from disclosure the "mental impressions, conclusions, opinions or legal theories of an attorney or other representative of a party concerning the litigation."

One further consideration which must enter in to an examination of these documents is whether the factual/deliberative dichotomy set forth in EPA v. Mink, supra, 410 U.S. at 89-91, for a claim of executive privilege under Exemption 5 is also to be applied to cases involving the work product privilege. The emerging trend indicates that this distinction ought to apply across the board where Exemption 5 is claimed. Robbins Tire & Rubber Co. v. NLRB, 563 F.2d 724 (5th Cir. 1977); Guckian v. GSA, Civil No. 75-2156, at 10-11, 38 Ad.L. 2d 1061, 1068 (D.D.C. 1976); Fonda v. CIA, 434 F.Supp. 498 (D.D.C. 1977). However, where a document is considered "deliberative" in nature, factual matters may be so intertwined with "mental impressions, conclusions, opinions [and] legal theories" as to preclude segregation. In such a case they will be protected. 1/

1/ This same principle is applicable to documents for which executive privilege, or predecisional deliberation privilege, is claimed. Mead Data Central, Inc. v. United States Department of the Air Force, 566 F.2d 242 (D.C.Cir. 1977), and cases cited therein.

But where the documents consist of "primary information, such as verbatim witness testimony or objective data," they would not be exempt from disclosure. Kent Corp. v. NLRB, 530 F.2d 612, 624, (5th Cir. 1976), cert. denied, 429 U.S. 920 (1976).

The Court has carefully examined the documents submitted for in camera inspection. The attorney work product privilege is claimed for all withheld portions of 39 of the 47 documents. 2/ The Court finds that all but portions of two documents are protected under this privilege, and hence, under Exemption 5.

First, the documents were prepared "by or for" FDA attorneys in that they were either prepared by attorneys in HEW's Office of General Counsel (OGC) or in the Justice Department, or they were prepared for OGC attorneys by FDA employees working under their direction. Document S-9 was prepared by FDA employees for recommendation to OGC. Accordingly, the requirements of Rule 26(b)(3) concerning the source of the documents have been met.

Secondly, these documents were prepared in anticipation of the E-Meter litigation either at the trial or appellate stages. 27 of the documents 3/ are clearly "deliberative" in nature and properly withheld. Of these, 12 4/ are "handwritten notes and working papers

2/ For the sake of clarity, these documents are: S-1, S-2, S-3, S-5, S-6, S-8, S-9, S-14, S-15, S-20, S-21, S-26, S-27, S-30, S-31, S-39, S-42, S-45, S-47, S-48, S-49, S-50, S-51, S-54, S-55, S-58, S-64, S-65, S-66, S-67, S-68, S-74, S-78, S-84, S-88, S-98, S-104 S-107, and S-108.
The third Sisk affidavit contains an itemized description of each disputed document. The Court has found it to be accurate. In the interest of judicial economy, it is hereby incorporated by reference.

3/ These documents are: S-1, S-2, S-6, S-8, S-9, S-14, S-15 (except last two pages), S-21, S-26, S-27, S-45, S-47, S-48, S-49, S-50, S-51, S-58 (except for the first nine pages), S-64, S-65 (part), S-66 (part), S-67 (part), S-68 (part), S-74, S-78, S-84 (part), S-88, and S-107.

4/ These are documents S-2, S-6, S-14, S-45, S-47, S-48, S-49, S-50, S-51, S-58 (except for the first nine pages) S-74 and S-107.

. . . containing the attorneys' ... notations and observations intended for their personal use in analyzing the evidence and legal issues ...." and are accordingly exempt. National Public Radio v. Bell, 431 F.Supp. 509 (D.D.C. 1977). There are no factual portions which can be reasonably segregated.

Six documents [5/] are not clearly identified as pertaining directly to the same piece of litigation. Nonetheless, they too, meet the aforementioned criteria for protection under the attorney work product privilege. Additionally, the fact of their inclusion in the file as bearing on issues pertinent to this litigation reflects the legal reasoning of the attorneys.

However, with regard to documents S-5 and S-20, which were also prepared in anticipation of litigation or for trial, the Court concludes that there are factual portions which are reasonably segregable without infringing on the author's deliberations. The following portions should be released:

(a) Document S-5: All but last three paragraphs;

(b) Document S-20: Page 1, paragraph 2 except for last sentence; pages 2, 3, 6, 7, 8 and 9, all excerpts from plaintiff's literature.

Certain documents contain substantive information which would have been discoverable by plaintiff in the prior suit or which is a matter of public record. In their present handwritten or rough draft form, the documents themselves are protected as work product. However, to the extent they have not already done so, defendants can give plaintiff certain additional information about these documents without offending the policies behind the work product privilege. Specifically, documents S-3 (that part still in dispute) and S-42 contain names of witnesses. Document S-42 also consists of

5/ These are documents S-30, S-31, S-39, S-98, S-104 and S-108.

a list of specified portions of a trial transcript. Document S-54 again refers to a transcript and S-55 is a list of exhibits in evidence. The last two pages of document S-15 contain a list of exhibits and reference pages in a deposition. Defendants should identify for plaintiff which transcript or deposition is referred to in each case. Additionally, they should indicate where in the course of discovery or pretrial plaintiff was given a list of proposed witnesses and exhibits. The first nine pages of document S-58 are pages 3-11 of a document dated February 1, 1971 and authored by the claimant in the litigation. Plaintiff presumably already has this document. 6/

Having determined whether these documents fall under the attorney work product privilege, it is necessary to address plaintiff's argument that this protection is lost if the documents were prepared in the context of previous litigation. This problem has received little attention by the courts, and Rule 26(b)(3) does not provide any answers. Those courts which have addressed the issue in the context of civil discovery utilized three different approaches: (1) They have allowed such discovery in the later suit without question; Hanover Shoe, Inc. v. United Shoe Machinery Corp., 207 F.Supp. 407 (M.D. Pa. 1962); Honeywell, Inc. v. Piper Aircraft Corp., 50 F.R.D. 117 (M.D. Pa. 1970); United States v. IBM, 66 F.R.D. 154 (S.D.N.Y. 1974); (2) They have extended work product protection to subsequent "closely related" cases, Midland Investment Co. v. Van Alstyne, Noel & Co., 59 F.R.D. 134 (S.D.N.Y. 1973); Philadelphia Electric Co. v. Anaconda American Brass Co., 275 F.Supp. 146 (E.D. Pa. 1967); or (3) They have held that the work product of an attorney is protected from discovery in all subsequent litigation. Duplan Corp. v. Moulinage et Retorderie de Chavanoza (Duplan I),487 F.2d 480 (4th Cir. 1973).(dealing with work product documents prepared incident

6/ The handwritten notations consist primarily of dates. However, any other notations are privileged as the author's mental impressions.

to litigation); and Duplan II , 509 F.2d 730 (4th Cir. 1974), cert. denied, 420 U.S. 997 (1975)(dealing with opinion work product); La Rocca v. State Farm Mutual Automobile Insurance, 47 F.R.D. 278 (W.D.Pa. 1969); United States v. O.K. Tire & Rubber Co., 71 F.R.D. 465 (D. Idaho 1976); Burlington Industries v. Exxon Corp., 65 F.R.D. 26 (D.Md. 1974); See Note, Discovery of an Attorney's Work Product in Subsequent Litigation, 1974 Duke L.J. 799.

Because of the general policy reasons underlying Hickman; namely, that unrestricted discovery would deter adequate preparation, thereby having a harmful effect on the adversary system, plaintiff's argument must be rejected. Additionally, National Public Radio, supra, 431 F.Supp. at 512, in holding that Exemption 5 encompasses litigation related notes even when no further legal action is foreseeable, supports this conclusion in the context of an FOIA suit.

(2) The Attorney-Client Privilege

This aspect of Exemption (b)(5) has been claimed along with the attorney work product privilege as to the withheld portions of documents S-64, S-65, S-66, S-67 and S-84.

The United States Court of Appeals for this Circuit addressed this issue in Mead Data , supra, 566 F.2d at 252-255. Pursuant to this Court's Order of September 8, 1977, defendants submitted a supplemental memorandum following reconsideration of their claims of exemption under (b)(5) in light of Mead Data. After reviewing their claims, they concluded that except as to documents S-8 and S-9 [7], Mead Data either had no effect, or in fact, reinforced certain of their claims. [8]

7/ Defendants withdrew their assertion of attorney-client privilege as to these two documents.

8/ The Court has rejected plaintiff's motion to compel defendants to meet Mead Data standards and make a further showing of exemption under (b)(5). Defendants' prior submission on this matter was all that was required.

The Court has already determined that these documents are exempt as attorney work product, but in light of its Order of September 8, 1977, it will also consider whether the attorney-client privilege is applicable thereto. The Court concurs that the withheld portions of the documents are further protected under this privilege. 9/

Under Mead Data and previous case law cited therein, this privilege is applicable to "confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice." (footnote omitted). Id. at 252. The privilege extends both to communications from client to attorney and vice versa. Furthermore, it clearly applies to communications between a government agency and its attorneys and between two attorneys acting as counsel for the client agency.

As defendants point out, the primary concern of the Court of Appeals in Mead Data was the confidentiality requirement. The Court finds that the information deleted from these five documents is such that one would naturally infer their confidential nature. There is nothing in the record with regard to actual or potential revelation to third parties. Finally, with regard to all but document S-84, the Sisk Third Affidavit specifically states that the intent was for the communications to remain confidential.

(3) The Predecisional Deliberation Privilege

This privilege was also analyzed by the Court in Mead Data, and again defendants reconsidered their claims in light of that decision. They continue to assert its applicability to the withheld portions of documents S-30 (part), S-84, S-88 and S-98, all of which the Court has already deemed exempt as work product. Again, the Court concurs that these documents are further protected by this privilege.

9/ Defendants are certainly entitled to contend that a document is exempt pursuant to more than one recognized privilege under Exemption 5.

The privilege, and concomitantly Exemption 5, includes "materials reflecting deliberative or policy-making processes" as distinguished from "purely factual matters." EPA v. Mink, supra, 410 U.S. at 89.

The first clause of the first sentence of documents S-30, S-84 and S-88 concern recommendations with regard to the advisability of seeking appellate review. Document S-98 contains a proposal for action in another suit. Such communications were clearly contemplated as falling under the protective wing of this privilege and under Exemption 5.

Only document S-88 withholds what might be considered "factual" passages. However, the Court is convinced that further disclosure of any of this factual material "may so expose the deliberative process within an agency" that it, too, must be deemed exempt. Mead Data, supra, 566 F.2d at 256 and cases cited therein.

Exemption (b)(6)

This exemption permits defendants to withhold material from "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." It has been claimed as to parts of documents S-2, S-3, S-15, S-42, S-57(a), S-57(b), S-77(a), S-80, S-81, S-82, DS-2 and OI-3. In documents S-3 and S-42, only the home addresses of government employees is withheld pursuant to this exemption. Plaintiff does not contend that this information should be disclosed. Plaintiff's Cross-Motion for Summary Judgment, at 25. Documents 57(a) and 57(b) have been released in their entirety except for the names of individuals. Plaintiff again has disclaimed any interest in this information. Plaintiff's cross-motion for summary judgment, at 27. There is thus nothing left to litigate with respect to these documents. The Court has already determined that

documents S-2 and S-15 (except the last two pages) are work product and as such are exempt. Therefore, a determination of the applicability of other exemptions to these documents is unnecessary. The exemption is properly invoked as to the withheld portions of document S-77(a). As set forth below, documents DS-2, OI-3, S-80, S-81 and S-82 are more appropriately withheld under Exemption 7.

In analyzing Exemption 6, the emphasis clearly has been on the privacy interests at stake rather than on strict adherence to the form of the record or the nature of the "files" involved. Rural Housing Alliance v. United States Department of Agriculture, 498 F.2d 73, 77 (D.C.Cir. 1974). In that case, the Court of Appeals discussed the balancing test inherent in the "clearly unwarranted invasion" language of Exemption 6 and defined it as a "balancing of the interests of the individuals in their privacy against the interests of the public in being informed." Id. at 77.

All that is withheld in document S-77(a) is the financial status of a person known to plaintiff. The release of this information would constitute an invasion of privacy which is not outweighed by the public interest in such a disclosure.

Exemption (b)(7)

Exemption 7 protects from disclosure "investigatory records compiled for law enforcement purposes but only to the extent that the production of such records would ... (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source ...."

With regard to documents DS-2 and OI-3, plaintiff again indicates it has no interest in the identity of any individuals involved. Plaintiff's Cross-Motion for Summary Judgment, at 3 and 7. Document DS-2 is a four-part document from a file which concerns a

security or suitability investigation under Executive Order 10450, of an individual being considered for an appointment. The Court finds that the material deleted comports with the detailed itemization and justification set forth in the Affidavit of Anne Elledge; namely, that it consists solely of personal information about individuals including their names, addresses, employment, associations, and other information tending to identify them, and that it is not further segregable. To release such information would constitute an unwarranted invasion of personal privacy. Therefore, the Court upholds the Exemption 7 (and in particular, 7(C)) claim as to this document.

Document OI-3 contains both Exemption 7(C) and (D) claims. Plaintiff questions whether the document is actually "an investigatory record compiled for law enforcement purposes." In the Court's view, this document was compiled by defendants' investigative staff based on information forwarded to it because it involved possible violations of the law. There is no further segregable material which can be released without revealing the identity of the source. In addition, the personal privacy of individuals mentioned other than the source is at stake. Therefore, Exemption 7(C) amd (D) are properly invoked.

The Court also agrees that documents S-80, S-81 and S-82 are properly withheld pursuant to Excemption 7(C) and (D). They were obtained by FDA as part of its ongoing program to detect and prevent violations of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 et seq. In addition, the information if released would constitute an unwarranted invasion of privacy. This conclusion is shared by another Court which has previously found these documents to be exempt from disclosure under both Exemptions 6 and 7. Church of Scientology of California v. Internal Revenue Service, No. 74-3465 (C.D. Cal. Oct. 29, 1976), appeal docketed, No. 77-1365

(9th Cir. Feb. 9, 1977).

Since this prior judgment was on the merits pursuant to defendant's motion for summary judgment, and it "disposed of the same issues between sufficiently related parties," Wright & Miller, Federal Practice & Procedure, § 2735, at 668 (1970), then defendants are entitled to judgment in this action as well under principles of res judicata. The fact that a different government agency was involved in the prior suit is immaterial since defendants are in privity with each other. Sunshine Anthracite Coal Co. v. Adkins, 310 U.S. 381, 402-03 (1940). Nor does the pendency of an appeal affect the finality of the district court's judgment. Huron Holding Corp. v. Lincoln Mine Operating Co., 312 U.S. 183, 189 (1941).

Conclusion

For the foregoing reaons, there beingno genuine issues of material fact, defendants are entitled to judgment as a matter of law except as to the specified portions of documents S-5 and S-20, which should be released to plaintiff. In addition, defendants should provide plaintiff with the additional information indicated as to the contents of documents S-3 (part), S-15, S-42, S-54 and S-55. An appropriate Judgment and Order is entered herewith.

JUNE L. GREEN
U.S. District Judge

Dated: February 28, 1978

Document H-53; is a two-page memorandum dated 11-13-70 to the General Council, to the attention of Mrs. Sisk from Division of Case Guidance. It is an attorney works product, specifically a "progress report' requested by Counsel regarding the status of certain aspects of the case.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product.

Document H-54. This document is a 225 page transcript. It is an attorney work product in that it is a pretrial interview with a potential witness regarding that person's experiences with the Church of Scientology and members of that organization.

This document is exempt in its entirety under 5 U.S.C. 552(b)(5)(6)(7)(C)(D), because it: 1) constitutes attorney work product; 2) constitutes a clearly unwarranted invasion of personal privacy, and 3) discloses the identity of a potential witness who is a confidential source and contains confidential information from that confidential source disclosed under a promise of confidentiality.

Document H-55; dated November 19,1966, is a two-page hand-written letter addressed to Mr. Gottleib from a potential witness. The letter describes the potential witness's experiences with the Church of Scientology and members of that organization.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (7) (D), because release of any portion of this document would immediately disclose the identity of a potential witness who is a confidential source.

Document H-57; is a seven-page report dated 7/18/63, containing personal information on a potential witness supplied to an attorney.

This document is exempt under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product. It is also exempt in its entirety under 5 U.S.C. 552 (b) (6), (7) (c) and (d) because it would constitute a clearly unwarrented invasion of personal privacy, and disclose the identity of a potential witness who is a confidential source.

Document H-59; undated, is a two-page proposed testimony for a proposed witness prepared by an attorney.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product.

Document H-60; undated, consists of 18 pages of handwritten notes regarding an interview with a potential witness.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product. It is also exempt under 5 U.S.C. (b) (6), (7) (c) and (d) in that disclosure would constitute a closely unwarrented invasion of personal privacy, and would disclose the identity of a potential witness who is a confidential source.

Document H-61. This document is a four page correspondence dated 9/8/72, between an individual and a State official. This letter is a short description of the history of Scientology and members of that organization.

This document is released with deletions. The deleted material found on pages 1 and 4 is exempt under 5 U.S.C. 552(b)(7)(C), because release of any portion would constitute an unwarranted invasion of personal privacy.

4-61

Irwin #1

September 8, 1972

Attorney General
State of New Jersey
State House
Trenton, New Jersey 08608

Dear Sir;

It has come to my attention that there exists at present a group of people selling and promoting an applied philosophy called Scientology in Burlington New Jersey.

Scientology, New Jersey
Box 548
Burlington, New Jersey 08016
Telephone: 1-609 386-6549

Directors: Helen Whitney, Director
Kathy Lull, Assistant Director

I further understand that there are several complaints filed at various levels of government in the state by people who have been harmed in various degrees by the Scientology Center and the practices of this "religious" cult. In my opinion these complaints have some validity.

I could be considered by some to be an expert on the subject of Scientology, it's structure, corporations and methods. Therefore I believe there could possibly be a basis of civil and/or criminal investigation and prosecution.

It has been a long time since I've asked anyone to believe me or take my word for anything or rabble rouse. I believe that the only method to expose the true nature of this dangerous "science" is to present only facts and documents from multiple sources.

The only thing I request you take is to thoroughly and independently investigate the matter and take whatever lawful action the evidence indicates.

To assist you towards this end I am furnishing you with some basic information and background source material.

The first major book on the subject "Dianetics: Modern Science of Mental Health" by L. Ron Hubbard, was written at Bay Head, New Jersey in 1949.

The Hubbard Dianetic Research Foundation was incorporated in 1950 at Elizabeth, New Jersey. Shortly thereafter it was forced to close down (and move out of state) by legal action based on, I believe, by "practicing medicine without a license".

NOTE: L. Ron Hubbard turned Dianetics into Scientology in March 1952 at Phoenix, Arizona. Because of civil and government action the "Hubbard Association of Scientologists" (H.A.S.) was formed and later "The Hubbard Association of Scientology International"

(H.A.S.I.) was created.

In mid 1953 the H.A.S. moved to:

526 Cooper Street
Camden, New Jersey

NOTE: I believe it was an Arizona Corporation registered to conduct business in the state of New Jersey.

NOTE: Again due to civil and government actions and for the only reason that it afforded a better tax structure and ease of operation Scientology was incorporated as a religion.

In the latter part of 1953 (Oct., Nov., Dec.) at Camden, New Jersey the following corporations were created by L. Ron Hubbard.

"The Founding Church of Scientology"
"The Church of American Science"
"The Church of Human Engineering"

NOTE: I believe they are presently inactive, being superseded by other corporations in other states including Washington, D.C. Since Scientology is continually revising its past and public image they deny the existence of these corporations. But these New Jersey corporations are, in fact, the first "religious" set up. You will notice in some of the following sources that furnishing certain discrepancies in this regard. The researchers cannot be faulted because they were and are confronted with a highly complex hidden and interlocking organization and corporate structures.

And again due to civil and government action and pressure in February 1954 Scientology moved back to Phoenix, Arizona (616 North 3rd Street) and then on to Washington, D.C. (1812 19th Street, N.W.)

NOTE: As an interesting sidelight. The existence of the religious corporations was a carefully guarded secret kept from the H.A.S.I. membership for several months for fear they would leave by the droves. We had to create a carefully designed propaganda campaign to slowly gain their acceptance that Scientology was a religion. There was a general resistance to the idea.

Additional sources of information are: (This by no means is a complete list.)

BOOKS

Scientology: The Now Religion
by George Malko
Delacorte Press, New York

The Mind Benders
by Cyril Vosper
Novillo Spearman, London

The Scandal of Scientology
by Paulette Cooper
Tower Publications, New York

Inside Scientology
by Robert Kaufman
Olympia Press, New York

ARTICLE

Scientology,
by Alan Levy
Life Magazine, November 15, 1968, page 99. (Vol. 65, #20)

ATTORNEYS

Mr. Paul Rheingold
99 Park Avenue
New York, New York 10016

Mr. Michael I. Sanders
1700 Pennsylvania Ave., N.W.
Washington, D.C. 20006

RADIO SHOWS

The Larry Josephson Show
WBAI-FM
359 E. 62nd St.
New York, New York
(Broadcast Aug. 17, 1972)

The Barry Farber Show
WOR
1440 Broadway
New York, New York
(Broadcast Aug. 22, 1972)
Syndicated by:
Syndicated Features, Inc.
P.O. Box 121 Times Square
New York, New York 10036

GOVERNMENT

Internal Revenue Service (They disallowed the church's tax exempt status in 1967.)
Department of Health, Education and Welfare;
Food and Drug Administration.
Department of Justice

Among the many illegal and/or unethical practices Scientology engages in; (regardless of what their literature states and their protestations to the contrary) is their standard procedure to acquire as much information as possible on each and every member. I mean every possible detail of their personal, family, educational, financial and professional life.

The member is told that his file is completely confidential but in reality portions and sometimes copies of his complete file are sent to Scientology Headquarters in Los Angeles, East Grinstead, Sussex, England and their 350 foot ship "The Apollo" presently berthed at Tangiers, Morocco. Plus the files are open to many people within the Scientology Center the file originated from.

L. Ron Hubbard lives on that ship and runs Scientology from it.

When someone tries to leave Scientology, speaks out against it or commits a "Scientology Crime" that members file is used against him, to gain his silence, cooperation, money and to get him to rejoin.

Further his confidential file is used to harass, intimidate and coerce. Some of the ways are to reveal portions of his file to friends, family, creditors and employers.

If you need or wish additional information or documentation please feel free to contact me. Within the perimeters of facts, truth and documents I offer you my fullest cooperation and assistance in this matter.

cc:
American Psychiatric Association
American Medical Association
State of New Jersey Board of Medical Examiners
Burlington County Medical Society
Chief of Burlington County Detectives

Document H-62; undated, consists of 45 pages of handwritten notes, prepared by an attorney, pertaining to an interview with a potential witness regarding that person's experiences with the Church of Scientology and members of that organization.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product. It is also exempt under 5 U.S.C. 552 (b) (6), (7) (c) and (d) because disclosure would constitute a clearly unwarranted invasion of personal privacy, and would disclose the identity of a potential witness who is a confidential source.

Document H-63; undated, is an eight-page proposed testimony for a proposed witness based on information obtained in Document H-62.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product.

Document H-65. This document is a nine page memorandum dated 2/19/63, to Director, Dallas District, from Inspector John R. Vodneck, Inspector Boland B. Shepherd. Subject: 4093 V, Hubbard E. Meter, FDC 48405, Church of Scientology of Dallas. This memorandum consists of an investigative report on the Church of Scientology of Dallas and members of that organization.

This document is released with deletions. The deleted material on page 1 contains the name and address of the confidential source. The deletions found on pages 7 and 8 consist of confidential information obtained from confidential sources. These deleted portions are exempt under 5 U.S.C. 552(b)(7)(D), because release of any portion would immediately identify a confidential source.

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Dallas District
February 20, 1963

DIVISION OF REGULATORY MANAGEMENT

For your information.

James E. Anderson
Chief Inspector

blm
Enclosures (4)

TO: Director, Dallas District

FROM: Inspector, John R. Vodneck
Inspector, Boland B. Shepherd

SUBJ: 4-093 V, Hubbard E Meter
FDC 48405

Church of Scientology of Dallas
Mr. William D. Shea
Mrs. Dolores Pauline Stokes
Mrs. Carolyn Jo Gilland
Mr. A. H. Gilland

February 19, 1963

L. Ron Hubbard

The Distribution Center

The Hubbard
Communication Office

The Founding Church
of Scientology

Hubbard Dianetics
Research Foundation

Academy of Scientology,
et al

This investigation was conducted as a result of DRM memo of January 24, 1963. A letter from the Veterans Administration Hospital, Waco, Texas, dated September 22, 1960, from H. C. Mitchell, M.D. to [redacted] gave the names of Red Shea, Delores Stokes, and Andy and Carolyn Gilland in the Dallas Fort Worth area who were practicing Scientologists at that time.

Church of Scientology of Dallas was listed in the current Dallas Telephone Directory at 4812 Mockingbird Lane. On February 13, 1963, Notice of Inspection, 482, was issued to Mrs. Dolores Stokes, Spiritual Counselor of the Church of Scientology of Dallas, credentials were shown to Mrs. Stokes and to Carolyn Jo Gilland, a Minister of the Church. Mrs. Stokes informed the inspectors that the following were the only people with authority in the Church of Scientology of Dallas. Mr. William D. Shea, Resident Minister, who resides at 4812 West Mockingbird Lane, Dallas, Texas, born in Massachusetts, June 17, 1917, and was formerly a special agent for the Prudential Insurance Company in Dallas, Texas. Mrs. Carolyn Jo Gilland, Minister, resides at 1900 Hillcrest, Irving, Texas. (Formerly lived at 4612 Catchin Drive, Fort Worth, Texas). Mrs. Dolores Stokes a Credit Auditor and Spiritual Counselor, residing at 2315 Colony Court, Dallas, Texas. During 1958-59 Mrs. Stokes was employed as a clerk for the Small Business Administration in Dallas, Texas.

The inspectors were also introduced to Gray Moore, a member or a counselee of the Church, who was there at the time of our visit. During our interview with Mrs. Stokes and Mrs. Gilland, Gray Moore was requested to leave the room, since he had no authority in the Church.

We explained the nature of our visit to Mrs. Stokes and Mrs. Gilland. We inquired as to the use of the Hubbard E Meter in their work.

Mrs. Stokes informed the inspectors that the Church of Scientology, Dallas, operated as a branch of the Founding Church of Scientology, Washington, D.C., and that the Church holds a franchise from Hubbard's Communication Office Worldwide, Saint Hill Manor, East Grinstead, Sussex, England.

Mrs. Stokes stated that at the present time the Founding Church of Scientology of Texas is located in Houston, Texas, but the lady in charge at Houston was retiring and negotiations are now in progress to move the headquarters of the Texas organization to Dallas.

When asked where the E Meters were obtained, Mrs. Stokes stated that Mr. Shea's and hers had come from England. Mrs. Gilland stated that she had obtained hers in Washington, D.C., and when asked how many E Meters she had, Mrs. Gilland replied that we were getting beyond our scope in requesting this information, and we did not pursue this further.

We then asked to see the E Meters, and were then taken into a "Counseling room" where one E Meter was on a table and Mrs. Gilland brought another E Meter into the room. They were both labeled "Hubbard Electrometer for use in Scientological clearing Pat. pending."

Mrs. Stokes then explained the operation of the E Meter. This is a transistor battery type wheat stone bridge which passes a current through the body, and the dial on the Meter measures this current as resistence or in changes of density that occur within the body. This is accomplished when the Counselee completes the circuit by holding a terminal in each hand consisting of two can-like objects. Mrs. Stokes stated that the E Meter was used only as an indicator to establish in what area a person's problems lie. If signs of grief or depression appear, the needle on the E Meter falls to the right. Mrs. Stokes then asked Mrs. Gilland to hold the terminal cans and to tell her a lie. A lie also is supposed to make the needle fall to the right. Mrs. Gilland then stated, "I like the leaky faucets in my house." The meter dial did not move, and Mrs. Stokes stated that the battery was weak and this was the cause of its not registering. Mrs. Stokes continued that when an area of disturbance is located, a routine of questioning in this particular area is used. This helps the person gain more control over himself physically and mentally, makes him more aware of himself as a spiritual being and in this way helps his family, and he becomes aware of how his problem can be solved by himself.

Mrs. Stokes explained that the areas of disturbance could be located without E Meter; however, the E Meter saved the counselor time.

When asked if there was any particular procedure they followed in counseling, Mrs. Stokes replied that no definite procedure was followed. An introductory course is given by Mr. Shea, a course in communicating is given by Mrs. Stokes. On Sunday afternoon they have discussion sessions and some counselees or members will come in and play tapes. It is up to the individual counselor whether or not the E Meter would be employed in counseling

The inspectors were allowed to copy "The Church of Scientology Creed." While this was being done Mrs. Stokes remarked that this was not bad at all (referring to our investigation). She stated that she had heard that in Washington they had kicked around the E Meters, and seized unconstitutionally religious books, personal property and broken up counseling sessions.

The inspectors asked Mrs. Stokes what literature they had. She provided a book list from "The Distribution Center, Inc., Box 242, Silver Springs, Maryland," and checked the books which they had on hand. Copies of this list are attached to this memorandum.

Mrs. Stokes at this time informed the inspectors that she and Mrs. Gilland were supposed to have appointments now, and we would have to conclude our visit.

Prior to leaving, the inspectors made appointments to see the resident Minister, William D. Shea, the next morning and also an appointment to talk to Mrs. Gilland, privately. Mrs. Stokes informed us that she would not be available for another interview until the following week; however, she stated we could contact her tomorrow for a definite time.

On February 14, 1963, another visit was made to Scientology of Dallas, 4812 Mockingbird Lane, and the Resident Minister, William D. Shea, interviewed.

Mr. Shea stated that he would be unable to give us any information since this Church's lawyer had informed him "to keep quiet." We asked Mr. Shea who had called, and he stated that Mrs. Stokes had called the Founding Church of Scientology in Washington, D. C., and talked with John Fudge, who had told her to call Oscar Brinkman, lawyer, 1200 13th Street Northwest, Washington 6, D. C. Shea stated that he was to obtain a copy of our report of the previous day's visit. He was informed that this would have to be requested through Washington.

Shea stated that he would like to work with us, that he had nothing to hide, but he would have to go along with their Legal Staff.

When asked how he got started, Shea replied that he first heard of Scientology in 1956 or 1957, from a friend and went to the College of Ministers in Washington, D.C., for a course in 1958. Shea was asked how long it took to go through the course, and he replied that depended on the individual. He stated that you could obtain a Certified Auditor's Certificate in as little as 5 months up to 2 years, depending on the amount of effort exerted. A Minister's certificate was stated to be obtained in the same length of time, all depending on the amount of effort applied. Shea stated that the test for the Minister degree, required a full day's examination in which you must have a basic understanding of the eight major religions.

Shea informed us that he had just returned from England in December, 1962, after spending 8 months at a school in England. The school was reportedly run by L. Ron Hubbard.

Shea stated that they did not operate as an organized religion, but Scientology is a way of life and you get so involved in it you forget about any monetary aspects; however, Shea stated that donations had helped offset his expenses of going to England.

Shea informed us that he, Mrs. Stokes and Mrs. Gilland were the only people with authority in the Church of Scientology, Dallas, and that he and Mrs. Stokes were both divorced.

The inspectors were allowed to copy the awards which were displayed on the office wall. The Auditor Award is as follows: "Hubbard Communications Office awards on behalf of the Academy of Scientology, Washington, D.C., having special trust in his skill and regard for (name of individual) we do hereby attest and recommend his ability in the practice of Dianetics and Scientology and have the honor to award him the grade of Hubbard Certified Auditor by our hand and seal this (the date)." Each certificate was signed by L. Ron Hubbard and bore a certificate number. Following are the dates of the Auditors' awards:

William D. Shea, 30 of August, 1958. CA216.
Carolyn Jo Gilland, 27 July, 1959, cA228.
Dolores Stokes, 26 February, 1960, CA337.

The Minister's certificate is: "The Founding Church of Scientology of Washington, D.C., the Church Counsel does hereby attest that (name of individual) this date has been selected and ordained by our Council as a Minister of the Church, and by the power invested in us by our Articles of Incorporation, and the Laws of the District of Columbia, we do empower him to practice devine counseling to give spiritual advice, to hear confessions, and to officiate at marriages, funerals, baptisms, and other sacraments

and to perform all duties that may devolve upon him as a Minister of said Church of Scientology. Before God and man on (date) in Washington, District of Columbia." Signed by Chairman of the Council, L. Ron Hubbard, and secretary Mary Sue Hubbard.

William D. Shea, Minister of the Church, 6 of September, 1958.
Carolyn Jo Gilland, Minister of the Church, 13 July, 1960.

We asked if Mr. Gilland was active, and Mr. Shea indicated that Mr. Gilland had a certified Auditor's certificate, but that he was a pilot and he had just finished giving Mr. Gilland a course.

Shea stated that he was starting a self-advancement course on Monday evening, February 18, 1963, and told Mrs. Stokes to prepare invitations for us. Mrs. Stokes brought the invitations and handed them to the inspectors and stated she would like a copy of our report of our interview with her the preceeding day. We informed Mrs. Stokes that such a request could be made to Washington.

Mr. Shea was asked for a list of members of the Church, and he declined to furnish us with such information. Mr. Shea was asked if they did any advertising, and he stated that they were listed in the Yellow Pages of the Telephone Directory. Attached to this memorandum is an ad which appeared in the current edition of the Dallas Telephone Directory Yellow Pages, and was clipped from beneath the heading "Marriage Counselors." At this point Mr. Shea informed us that he had given us as much information as he could and our interview with Mr. Shea was concluded.

On February 19, 1963, Mr. Andrew H. Gilland, was interviewed in regard to his connection with the Church of Scientology and with the use of the E Meter.

Gilland is presently employed by Neville Penrose, Inc., Fort Worth, Texas, as a private pilot. He is currently residing at Route 9 Box 262, Fort Worth, Texas. Gilland stated that he was 38 and was born March 11, 1924. He and his wife formerly lived at 4612 Catchin Drive, Fort Worth, Texas, but they have been separated and divorced since November, 1962. Carolyn Jo (Mrs. A. H.) Gilland, formerly operated the Church of Scientology Fort Worth, at their former home, but she is now working as a Minister at the Church of Scientology, Dallas, 4812 Mockingbird Lane, Dallas, Texas.

Mr. Gilland stated that he became interested in Scientology after he had read the book "Dianetics, Modern Science and Mental Health," in the spring of 1959. He continued that he had been in an airplane wreck during the Korean War and didn't know how he had gotten out of it. After reading the book "Dianetics," his wife "Book audited" him, and he remembered how he had escaped. Prior to this time this had been an emotional problem with him. After this, he decided to go to Washington to school for the benefit of his own problems. Gilland took an 8 weeks course in Washington

during August and September, 1959.

Gilland was asked if he adhered to the principles of Scientology, and he replied that there is "not much principles to it. The main thing I got so I was responsible for my own problems." Gilland went on to explain that during the first 5 weeks of the course in Washington the E Meter was not used. This period consisted of lectures, both tape and oral, and pairing off with another student in which one would be the "student auditor" and the other the "Preclear." The E Meter was introduced to the class during the last three weeks of the course. First introduction was "Principles of the E Meter", a book. Then the students used the E Meter on each other. The E Meter measures body density. When you have a change in emotion, the meter of the E Meter will measure this emotion. This is measured when the needle changes from the normal level and the book told us how to recognize certain patterns of the needle. The E Meter is somewhat like a lie detector.

When an area of disturbance or emotion is uncovered by the use of the E Meter, a routine of questioning is used until this area "clears." According to Gilland, "No other instrument or device was used in the treatment."

Mr. Gilland was asked if anyone advised him to continue his present religion or religious affiliation, and he replied, "No one advised him in regard to religion." He told us that he was Episcopalian but "I don't have the same regard for the Episcopalian Church as I used to have." The question, "What is your impression of the Church as a religion" was asked. Mr. Gilland replied that he considered this a religion, and that it changes your spiritual considerations and he stated that it was very close to Budhism.

When asked if Scientology was explained to him as something other than a religion, a super Science, he replied that he thought that it was a scientific approach to understanding religion. Gilland then was asked if he was advised that this practice could affect mental, spiritual, or physical improvement and to this he replied that they didn't tell him anything. They made no statements that it would help me physically, mentally, or spiritually.

Gilland stated that the school he went to in Washington was directed by the Founding Church of Scientology and that his instructors were John Fudge and Vernon Towsend, and that there were 12 in his class. The only other students he could remember were (Vincent and Beverly Bourquin) who were stated to be entertainers. (Beverly Bourquin) worked with him in the Auditor-Preclear combination.

Gilland informed us that he could not think of anyone who had been exposed to Scientology and had not been benefitted in some degree from it. He said that he continues on the mailing list and he was asked to join a Church to buy books at a discount. When asked how to join the Church, he stated that you send $5.00 per year and they would send you a member's card which entitled you to buy books for a 20% discount. This is after the completion of a course.

Gilland stated that there was not a Church of Scientology in Fort Worth and that he has not attended any courses or had other contacts with the Church other than what he attended in Washington in school. He stated that, due to his work, he was gone quite a bit of the time and that even when his former wife had operated the Church in Fort Worth, he had not attended.

It is interesting to note that during our interview with W. D. Shea in Dallas, he stated that Gilland had just finished taking a course from him; however, during our interview with Gilland no mention was made of this course.

In DRM memo dated January 24, 1963, it is stated that the E Meter is a religious instrument for use as a part of the Confessional of the Founding Church of Scientology; however, no mention was made of the E Meter as part of the Confessional during our interviews with any of the individuals contacted.

[redacted]

In Dr. Mitchell's letter of September 22, 1960, stated "Red Shea and Dolores Stokes practicing at 3519A OAK LAWN, Suite 2, Dallas, Texas." In an attempt to determine when the office was moved, City Directories since 1958 were checked, not only for the address of the Church of Scientology but also for the names William D. Shea and Dolores Stokes. 1958 Directory lists W. D. and Miriam Shea, 3400 Mockingbird Lane, special agent Prudential Insurance Company, and Mary Nash Dress Shop Sales woman. The 1959 Directory at the same listing as the 1958 directory. The 1960 Directory listed William D. Shea, Scientologist, consultant, 4717 Virginia Ave., Apartment 205 and Miriam Shea at 3400 Mockingbird Lane. The 1961 Directory W. D. Shea Consultant, Scientology, Dallas Home 4118 Travis, Apartment 102. Scientology, Dallas, William D. Shea, Consultant, 3519A Oak Lawn Avenue. In 1962 there was no listing.

The 1958-59 Directories list Mrs. Dolores P. Stokes, Clerk, Small Business Administration, home 3284C Southern Oaks Blvd. 1960 Directory lists Dolores Stokes, Office Secretary, 4717 Virginia Ave., Apartment 209. The 1961 Directory lists Dolores Stokes, Consulting Scientologist, home 4118 Travis, Apartment 202. The 1962 Directory had no listing.

2/19/63, J.R.V.-B.B.S., Founding Church of Scientology

It was noted during the check of the City Directories that Dolores Stokes and William D. Shea were residing at the same addresses during 1960 and 1961.

The current edition of Dallas Telephone Directory lists William D. Shea at 4812 Mockingbird Lane, this is the same address as the Church of Scientology, Dallas, and Dolores Stokes at 3736 Granada.

It appears that Scientology, Dallas, was at 3519A Oak Lawn, Dallas, Texas, in 1961. The address crossed out on invitations given to the inspectors of 6050 Sherry Lane is now a realty office and no record in the Directory that Scientology, Dallas was at this address; however, it may have been there prior to 1957.

Mrs. Miriam Shea has left the city of Dallas and did not leave a forwarding address; hence, she could not be contacted.

John R. Vodneck
Inspector

Boland B. Shepherd
Inspector

nt
Typed from Stenorette 2/20/63

Document H-66; is a one page memorandum dated 1/3/69, to Division of Case Guidance, to the attention of Tom Rice, from Dallas District, subject; complaint. This document is a follow-up to Document H-67 concerning a specific individual.

This document is released with deletions. The deletions found in the subject title in lines three and four of paragraph one, consist of the name of the complaintant and address which, if released, would disclose the name and identity of a confidential source. This portion is exempt under 5 U.S.C. 552 (b) (7) (D). The deleted portion found in line 5, of paragraph one, consists of confidential information in the form of a medical reference. This portion is exempt under 5 U.S.C. 552 (b) (6) because release would constitute a clearly unwarranted invasion of personal privacy.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

466 ?

) : DIVISION OF CASE GUIDANCE (RC-100)
ATTENTION: TOM RICE

DATE: January 3, 1969

:OM : Dallas District (DAL-DO)

Founding Church of Scientology
Washington, D. C., et al
(A.F. 41-126)

'BJECT: Complaint [redacted]

Scientology Houston
2415 Brazoria Street
Houston, Texas

In accordance with our telephone conversation on today's date, attached is a report dated November 19, 1968. concerning our investigation of the case of [redacted] whose family believes that Scientology is responsible for [redacted].

We are sorry if this report was omitted from our memo of December 26, 1968.

RAYMOND V. MLECKO
FOOD AND DRUG OFFICER

RVM/bmd

Attachment: Memo dated 11/19/68
Xerox copy

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Document H-67. This document is a one page memorandum dated 12/26/68 to Division of Case Guidance from Dallas District. Subject: Complaint. This memorandum is a brief description of documents B1 and H68.

This document is released with deletions. The deleted material in this document is exempt under 5 U.S.C. 552(b)(7)(D) because release of any portion would identify a confidential source.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : DIVISION OF CASE GUIDANCE (RC-100)

DATE: December 26, 1968

FROM : Dallas District (DAL-DO)

SUBJECT: Complaint [redacted]

Founding Church of Scientology
Washington, D. C., et al.
(A.F. 41-126)

Scientology Houston
2415 Brazoria Street
Houston, Texas

Attached is a report dated November 19, 1968, concerning our investigation of the case of [redacted] whose family believes that Scientology is responsible for [redacted]

We are forwarding you 41 exhibits which were obtained during this investigation as they may be helpful in evaluating the national Scientology picture.

We plan no further follow-up. If you require additional information, please advise.

RAYMOND V. MLECKO
FOOD AND DRUG OFFICER

RVM/dpw

Attachments

Report of 11/19/68 not rec'd.
I called Ray Mlecko. He will send.
TMRice DCG
1/3/69

(Report Rec'd 1/6/69 TMR)

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Document H-70. This document is a four page memorandum dated 2/12/63 to Director, Baltimore District from Washington Resident Station. Subject: L. Ron Hubbard investigation and a specific individual. This memornadum consists of an interview with a specific individual regarding that persons experiences with the Church of Scientology and its members.

This document is released with deletions. On page 1, the material deleted under the title subject as well as material deleted in lines 5 and 6 and part of line one in paragraph 2 contains the name of the person being interviewed which, if released, would disclose the identity of a confidential source. These portions are exempt under 5 U.S.C. 552(b)(7)(D). The remaining deleted material found on this page consists of confidential information pertaining to the person being interviewed. These portions are exempt under 5 U.S.C. 552(b)(7)(C) because release would constitute an unwarranted invasion of personal privacy.

On page 2, the deleted material found in paragraph 2 consists of confidential information supplied by the person being interviewed which, if released, would not only constitute and unwarranted invasion of personal privacy, but would automatically disclose the identity of a confidential source. This portion is exempt under 5 U.S.C. 552(b)(7)(C) and (D). The remaining deleted material on this page is exempt under 5 U.S.C. 552(b)(7)(D), because release would disclose the identity of a confidential source. On page 3 the deleted material found in lines 8, 9, 10 through to the end of paragraph 1 consists of specific and confidential information pertaining to the individual being interviewed, release of which would not only constitute an unwarranted invasion of personal privacy, but would also disclose the identity of the person interviewed who is a confidential source. This portion is exempt under 5 U.S.C. 552(b)(7)(C) and (D). The deleted material found in lines 2 through 4 in paragraph 3 consist of confidential information of a medical nature pertaining to a specific individual, which, if released, would constitute a clearly unwarranted invasion of personal privacy. This portion is exempt under 5 U.S.C. 552(b)(6). The remaining deleted material on this page is exempt under 5 U.S.C. 552(b)(7)(D), because release would disclose the identity of a confidential source.

On page 4, the deleted material in paragraph 3 consists of detailed specific information supplied by the person being interview, release of which would not only constitute an unwarranted invasion of personal priviacy, but would disclose the identity of a confidential source. This portion is exempt under 5 U.S.C. 552(b)(7)(C) and (D). The remaining deleted material is exempt under 5 U.S.C. 552(b)(7)(D), because release would disclose the identity of a confidential source.

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, BALTIMORE DISTRICT

DATE: February 12, 1963

FROM : Washington Resident Station

4-093 V

SUBJECT: L. Ron Hubbard Investigation

L. Ron Hubbard, Distribution Center, Inc., Founding Church of Scientology, et al

Arrangements were made with [redacted] to interview his client [redacted]

[redacted] during 1957 and 1958, was involved in [redacted] courses in the Founding Church of Scientology. [redacted] took courses in processing, and actually completed only four sessions. [redacted] was planning on taking at the Founding Church of Scientology. [redacted] supplied the following information. Most of the information which he supplied cannot be documented and is his personal opinion.

DIVISION OF REGULATORY MANAGEMENT:

For your information.

GORDON G. THOMPSON
Chief Inspector
2-15-63

GGT:fw

O&cc-DRM
cc-BFA
GDT

stated that during 1957 and 1958, Mr. L. Ron Hubbard, Jr. and Mr. Glenn Elliot were ministers of the church who presided over the religious sessions. Miss Marilyn Routsong was, at that time, treasurer of the various organizations. He stated that until October 1958 Mr. L. Ron Hubbard, Sr. was present full time at the Washington facilities. In 1958 Hubbard left to reside in England. indicated that several meetings were held by Mr. L. Ron Hubbard, Sr. during which he attempted to alleviate the fear of the members of the church about the use of the atomic bomb. To do this he indicated that clearing of the various individuals would protect them from atomic fall-out. described Dianetics as the bible of the organization and Scientology as the practice.

stated that during his with Mr. L. Ron Hubbard, Mr. Hubbard indicated to him that the church had been set up as a means of eliminating tax payments, as the church is a tax free organization. He indicated that Hubbard told him, that through this church affiliation much of the businesses handled by L. Ron Hubbard could be handled through this tax free organization.

stated that "processing" was definitely indicated as a means of eliminating various physical afflications. He stated that they indicated that after one was processed and had become clear, that these physical ailments would be eliminated. He further indicated that one can be audited without the use of an E Meter, but that an individual cannot be cleared without the use of an E Meter. He then went on to say, however, that the practice of Scientology was indicated as a cure for various ailments even though the E Meter was not used.

An individual interested in being processed or becoming an auditor would go through a series of several sessions learning this practice. At the time of the first session, the E Meter would not be used. However, during the second and/or third sessions of processing, the E Meter would be an essential component. He indicated that the beds located in the various rooms of the building are used in the processing procedure when the E Meter is used. The patient being placed in a reclining position at the time of the processing.

stated that he could definitely testify to the fact that Dianetics was promised as a cure for physical ailments. He stated that he knew this by overhearing a conversation between an auditor(name unknown) and a female patient who had lesions on her legs. He also recalled another incident where an individual with lung trouble was promised help by the use of the Scientology practices. He stated that his only knowledge of the use of the E Meter and the attempted cure of a patient was with regard to a female who suffered from "female trouble". He stated that he could not remember the patient's name or the exact details, except that the auditor had inserted the cord of the E Meter into the vaginal opening to obtain his E Meter readings and that complications(believed to be infection) had resulted.

stated that the organization freely practiced "free love". He indicated that Mr. L. Ron Hubbard continuely philosophized that "what the body is capable of the body shall do". He further indicated that most of the rooms in the various buildings had tape recorders hidden beneath the beds and/or under various pieces of furniture. He felt certain that this information, obtained on the recorders, was used in a mild form of blackmail. stated that he, himself had been blacknailed by Hubbard when he He stated that Hubbard had indicated to him that it would be wise for him to if he did not want information concerning to come out into the public.

was questioned as to his knowledge of various individuals who have been connected with the organization. He stated that Mr. Richard Steves did auditing during 1958, as well as Mildred Dean Galusha. Mr. John Galusha was said to have been in charge of all auditors, with perticular emphasis on those auditors who traveled throughout the country. indicated that Mr. Bonnie B. Turner had made several advances toward, and on one occasion had been "slugged". He also stated that Mr. George T. Elliott performed marriages at the church.

stated that he recalled hearing of a 13 or 14 year old girl, who had resided at the Academy of Scientology for over one year.

stated that Mr. Brinkman (the attorney presently handling the FDA seizure action) was, at one time, a member of the Founding Church of Scientology and a close associate of L. Ron Hubbard. Mr. Brinkman is said to be in constant personal contact with Mr. L. Ron Hubbard and was believed to have been connected with Dianetics during its reign in Kansas.

was questioned as to his knowledge of the reasons for the change of name from "The Church of Man's Religion" to the Founding Church of Scientology. He indicated that L. Ron Hubbard had informed him that this change was made due to tax implications. Hubbard had indicated that the New York Founding Church of Scientology was a tax free organization, whereas the Washington Church was not. The change of name was brought about to facilitate the purchase of equipment, supplies, etc. through the New York City Church on a tax free basis. The equipment then was turned over to the Washington church by means which lower the tax rates.

stated that members of the church and auditors may buy E Meters.

He further indicated, however, that auditors don't have to be members of the church. Concerning the church, he indicated that he believed the membership fee was $25.00 a year and that in addition to this fee, donations were collected during the church services. He also recalled that a building fund drive was instituted sometime around 1958.

was questioned as to his personal knowledge of any immoral acts performed on the premises of the Founding Church of Scientology. He indicated that he had no direct knowledge, however, the female associates of the church congregated at a small restaurant on the downtown side of the Conn. Ave. and R St. interchange(across the street from Empire Drugs), between the hours of 9:30 and 11:00 PM. He stated that these women spoke freely and loudly of their relationships with Mr. L. Ron Hubbard and other individuals connected with the Founding Church of Scientology. He stated that this restaurant is still used as a hangout for the members of these organizations.

stated he would be more than willing to be a witness at any trial, or to help us in any way that he could.

GEORGE D. TILROE

GDT:blc/dict.

Document H-71. This document is a two page memorandum dated 2/12/63 to Director, Minneapolis District from I. Bearon, Inspector. Subject: 4093 V, E Meter, FDC 48405 Scientology investigation DRM/M memo 2/5/63. This memorandum describes the inspectors interview with specific individuals' relatives.

This document is released with deletions. The deleted material found throughout this document consists of names and addresses of two specific individuals as well as identifying characteristics which, if released, would constitute an unwarranted invasion of personal privacy. These portions are exempt under 5 U.S.C. 552(b)(7)(C).

OPTIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Memorandum

#71

REFERRED
FEB 19 1963

TO : DIRECTOR, MINNEAPOLIS DISTRICT

DATE: February 12, 1963

FROM : I. Bearon, Inspector

QM 1/5

L. Ron Hubbard
Founding Church of Scientology
Distribution Center, Inc.
Washington, D. C.

SUBJECT: 4-093 V, E Meter; FDC 48405
Scientology Investigation
DRM/M Memo 2/5/63

On this date I visited the home of [redacted] as per M District's current investigation of the Founding Church of Scientology, etc., and as per instructions in DRM and BE's memo of 2/5/63, referenced "4-093 V, E Meter, FDC 48405".

I saw and spoke with [redacted] mother. [redacted] told me that her son, now 32, has been engaged for years [redacted] She stated that she had not seen her son for almost two years but hears from him regularly. The last letter, she stated, was received about a week ago.

[redacted] said that her son lives with a private family (whose name she did not know) at [redacted] and that all of the letters received by her bear this return address. [redacted] did not know when her son would return to [redacted] but certainly not before this summer - if then - nor did she know how often he returns to his [redacted] address.

February 15, 1963

DIVISION OF REGULATORY MANAGEMENT

For your information.

J. P. Durham
Chief Inspector

JPD/tlc

cc: DRM
AD
M

[redacted] apparently knew nothing of [redacted] association with the Founding Church of Scientology. She stated that she had mentioned to him some time ago that he ought to start thinking of fashioning a career for himself rather than spend a lifetime [redacted] but did not know that he had taken steps in that direction. She also mentioned that her son did a "lot of reading" when at home and probably became interested in the school in this way.

I. Bearon
Inspector

IB/tlc

Document H-72A. This document is a one page memorandum of telephone conversation dated 9/5/63 between G. W. Rynerson, a Food and Drug employee and a complainant. The memorandum consists of a discussion of the complainant's complaint against Scientology and persons associated with the orginization.

This document is released with deletions. The deleted material in paragraph 5 consists of confidential information including medical references which, if released, would constitute a clearly unwarranted invasion of personal privacy. This portion is exempt under 5 U.S.C. 552(b)(6). The remaining deleted material in this document is exempt under 5 U.S.C 552(b)(7)(D), because release of any of these portions would automatically disclose the identity of the person being interviewed who is a confidential source.

H72(a)

September 5, 1963

MEMORANDUM OF TELEPHONE CONVERSATION

SUBJECT: E-Meters

BETWEEN: G. W. Rynerson
and

Call was received on 8/27/63 from [redacted]. He did not wish to give his home address or phone number but said he would be working [redacted]. The phone number there is [redacted].

He complained about practices of Dr. William Fisk who operates as the Church of Scientology at 1112½ 4th Avenue, Seattle and follows the practice of "Dianetics." Fisk, he said, uses E-Meters in psychological treatment of emotional disturbances. [redacted] was aware that the Government had seized such devices. He was concerned because his wife had become an ardent devotee of the cult and Fisk had used his influence to seduce her.

At my suggestion he agreed to attend a forthcoming meeting of the group with his wife and to take more detailed notice of the devices being used.

He called again today to say that he had attended a meeting and could give us some further information. I told him I would have an inspector call on him shortly.

[redacted]

I told him we were not prepared to attempt seizure of the devices at this time, pending hearings on the seizure in the East, but that we would be interested in gathering any available information for later use either by ourselves or appropriate State authorities. He said he would be available at the same location through next week.

GWR

Document H-72B. This is a four page memorandum dated 9/9/63 to Director, Seattle District from Inspector Edward R. Floyd. Subject: E Meters. This memorandum describes the experiences of a specific individual with regard to Scientology and persons associated with the orginization.

This document is released with deletions. On page 1, the material deleted under the title "Background" is exempt under 5 U.S.C 552(b)(7)(C), because release of any of this portion would constitute an unwarranted invasion of personal privacy. The deleted material under "Administration" is exempt under 5 U.S.C. 552(b)(5), because it constitutes part of the deliberative process. The remaining deleted material on this page is exempt under 5 U.S.C. 552(b)(7)(D), because release would disclose the identity of a confidential source.

On page 2, the deleted material found at the last portion of paragraph 1 and all of paragraph 2 consists of confidential information including medical references pertaining to a specific individual. These portions are exempt under 5 U.S.C. 552(b)(6), because release would constitute a clearly unwarranted invasion of personal privacy. The remaining deleted portions on this page as well as on pages 3 and 4 are exempt under 5 U.S.C. 552(b)(7)(D), because release would disclose the identity of a confidential source.

OPTIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, SEATTLE DISTRICT

DATE: September 9, 1963

FROM : Inspector, Edward R. Floyd

SUBJECT: E-Meters

Church of Scientology
1112½ 4th Avenue
Seattle 1, Washington

Personal Efficiency Foundation
1112½ 4th Avenue
Seattle 1, Washington

(Dr.) (Rev.) William J. Fisk
1022 Union Avenue
Seattle, Washington

In accordance with GWR/ERF assignment dated 9/5/63 a visit was made to [redacted] was interviewed regarding the use of E-Meters by the above referenced individual.

[redacted] had contacted the Food and Drug office on 8/27 and again on 9/5 by telephone and complained about the practices of Dr. William J. Fisk who operates as the Church of Scientology and uses the E-Meters in phychological treatment of emotional disturbances. He went on to state that his wife had become involved with this organization to the extent that their marriage is threatened. (Memos of these telephone calls is attached).

Background

[redacted]

Administration:

For your information. The enclosed clipping reports the death of Rev. Fisk and seems self-explanatory. We plan no follow-up unless advised.

[redacted]

Report will be submitted later.

G. W. Ryerson
9/11/63

[redacted] stated that his wife is relatively high strung but that this condition has become progressively worse. She doesn't seem to have any self control, is easily irritated by the children and she has beaten and kicked the older boy. [redacted]

[redacted]

According to [redacted] his wife became interested in the organization when she answered an advertisement for "personality testing" which appeared in the "Personal" column of the Seattle Times newspaper approximately 12-14 months ago. (Approximately July, 1962.) At which time she attended a meeting and has since been "treated" by "Dr." William J. Fisk, Pastor of the Church of Scientology and head of the Personal Efficiency Foundation.

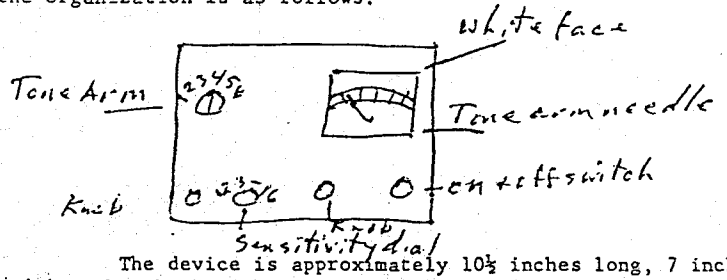
Organization Operation

According to [redacted] the Church of Scientology conducts meeting every Monday, Tuesday and Wednesday nights from 7-10 p.m. at 1112½ 4th Avenue, Seattle, Washington. These meetings are open to the public and are usually attended by 20 to 25 people. Most of these are members who are called "Preclears." [redacted] only knew the individuals by their first names and was unable to provide a list of the people who attend the meetings. He went on to explain that preclear is a term used by the organization for new members who then attempt to work up to a "clear" -- a state of ultimate being which according to [redacted] no one has ever attained.

[redacted] stated that the Church claims to believe in God but actually preaches that each individual is God in himself. They are also against Society and Laws and believe that each individual should have complete freedom of self-expression, self-regulation and self-government.

The practice of "Dianetics" and the art of healing by the "laying on of the hands" is taught by William J. Fisk. Discussions pertaining to the above subjects have been given by Dr. Fisk and by a Ron Arnold of Seattle at various meetings.

According to [redacted] a diagram of the devices used by the organization is as follows:



The device is approximately 10½ inches long, 7 inches wide and 4 inches high. The name plate which is located on the inside of the cover contains the following: "Hubbard - E-Meter - made in England." According to [redacted] there are at least 15 of these devices in use. Most of them are in mahogany colored boxes. At least one, which is believed to have been received recently, is in a grey-colored box.

As far as [redacted] knows, no drugs are used by the organization.

The use of the device is not restricted to any one person or persons and everyone will use the device at one time or another. The device is used during the meeting when "audits" are given. Each audit costs between $3 and $4.00, and consists of the following: Working in pairs, one individual known as an "auditor" will adjust the device, as per Dr. Fisk's instructions, and will ask the other who sits holding an electrode in each hand a group of questions which has been prepared for him by "Dr." Fisk. These questions may and do pertain to anything which may have happened to the patient. The "auditor" observes the tone arm needle. If the needle rises and falls evenly the device is said to have "cleared" itself. If any sudden movement, up or down, of the needle is observed there is a question as to whether the device has "cleared" itself or not -- and if the patient is telling the truth. [Mr. Johnson] claimed that he is able to "clear" the device even when he gives an erroneous answer.)

Every ten minutes, during a 2½ hour session - "audit" - the reading of the tone arm needle and the tone arm dial is recorded on the list of questions. Dr. Fisk then prepares the next list of questions for the patient using this information.

After one 2½ hour session, the individuals trade places and the first auditor becomes the patient -- and the first patient the "auditor."

A person can take as many "audits" as he wishes or may take an "Intensive" session, which costs $350.00 and consists of 5/5 hour sessions. These sessions are given by "Dr." Fisk himself.

stated that he had never taken an "Intensive" session and didn't know what it consisted of.

According to [redacted] a member, after taking an "Intensive" session can then take an advanced session known as the H.C.A. -- (Hubbard Communication - [redacted] didn't know what the letter A stood for) which is given by the Church of Scientology in Los Angeles, California. (Cost of session is $800.00.)

[redacted] stated that "Dr." Fisk has never told his wife what is wrong with her. His only remark has been that she looks better now then she did when she first came down.

[redacted] feels that his wife's condition is becoming worse and he questions the activities and practices of "Dr." William J. Fisk, who he doesn't think is either a bona fide Doctor or a Reverend.

[redacted] stated that he was aware that the Food and Drug Administration had seized some E-Meters and wondered if we could do anything in regard to their use by "Dr." Fisk. The inspector repeated the information given to [redacted] by Supervisory Inspector G. W. Rynerson on 9/5/63.

Attached are two pieces of literature and the contents of a letter sent to [redacted] by the Church of Scientology of Washington State. These items were identified by [redacted] with his initials and the date "9/9/63."

[redacted] stated that although not entirely welcomed at the Church he would try to obtain additional pieces of literature and send them to us. My office card was given to him at this time.

[redacted] stated that he could be contacted through his lawyer, [redacted] if necessary.

Edward R. Floyd

Edward R. Floyd

Enclosures:
Literature (4)
Envelope (1)
Newspaper Clipping (1)

Document H-73. This document is a three page memorandum dated 2/13/63 to Director, Los Angeles District from D. L. Dovel, Inspector. Subject: Hubbard E Meter 4093 V FDC 48405. This memorandum describes an interview with a complainant regarding that persons experiences with Scientology and members associated with the organization.

This document is released with deletions. On page 1, the deleted material found in lines 2 and 3 consist of confidential information of a medical nature which, if released, would constitute a clearly unwarranted invasion of personal privacy. This portion is exempt under 5 U.S.C. 552(b)(6). The remaining deleted material on this page is exempt under 5 U.S.C. 552(b)(7)(D), because release would disclose the identity of the complainant who is a confidential source.

On page 2, deletions found in lines 1 and 2 in paragraphs 2 and 3 consist of confidential information pertaining to the complainant. These portions are exempt under 5 U.S.C. 552(b)(7)(C), because release would constitute an unwarranted invasion of personal privacy. The remaining deleted materials on this page are exempt under 5 U.S.C. 552(b)(7)(D), because release would disclose the identity of the complainant who is a confidential source.

On page 3, deleted materials found on lines 2 and 7 in paragraph 2 are exempt under 5 U.S.C. 552(b)(7)(C), because release would constitue an unwarranted invasion of personal privacy. The remaining deleted materials on this page are exempt under 5 U.S.C. 552(b)(7)(D), because release would disclose the identity of a confidential source.

OPTIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Memorandum

473 - 2

TO : DIRECTOR, LOS ANGELES DISTRICT

DATE: February 13, 1963

FROM : D. L. Dovel, Inspector

The Distribution Center
Washington D/C

The Founding Church of
Scientology

SUBJECT: Hubbard E Meter
4-093 V
FDC 48405

Reference is made to Bureau of Enforcement/Los Angeles memo of 1-23-63 requesting a visit to the home of [redacted] wrote a letter to Commissioner Larrick on 1-6-63 lauding FDA for its action against the Hubbard E Meter. She indicated that she had considerable information available to us because of personal experiences with the cult. She stated that her mother had received treatment from the organization and was bilked of thousands of dollars by the cult.

On 2-11-63 I contacted [redacted] at her home in [redacted] She explained that her mother has been an [redacted] About 1948 she and her mother moved to Tucson, Arizona from Florida. After arriving in Tucson, a man began to visit their home daily for a reason then unknown to [redacted] She later learned that this individual was a Hubbard Dianetic Auditor.

[redacted] She related that on one specific occassion when she was present, she head her mother crying and sobbing hysterically in the room being used for the auditing session.

According to [redacted] her mother was paying about five dollars a day for each treatment which lasted about one hour. She did not know the individual's name who was visiting her mother at this time or any other information. She explained she got married in 1949 and her mother moved back to Coral Gables, Florida where she is presently living.

ADMINISTRATION: [redacted] 2/15/63

Submitted per BE memo 1/23/63.

[redacted]

Kenneth E. Kimlel
Supervisory Inspector

Encl:
cc this memo

Various pieces of literature addressed to her mother were received after the woman had moved back to Florida. stated this material was in storage in Tucson with some of her other things at the present time. She recalled that one such piece of material received gave detailed instructions what a member of the cult should do if ever arrested for any reason. This was said to instruct members not to divulge any information which could later prove harmful to the organization. She said it also contained the name and address of an attorney in New Jersey that a member should contact in the event of his arrest. There were also instructions to members which gave detailed information in the event any drugs were found on a member at the time of an arrest, the member should provide no information as to the source etc. of the drugs until the above mentioned lawyer could be contacted. stated she would provide us with this literature when she could get over to Tucson and pick it up.

She stated her mother was still being visited by an auditor at this time, but she could not furnish any facts as to the auditors identity, the price charged, or if the E meter or any other device was used by the auditor. did not appear to understand our position in the matter, as she did not have any apparent knowledge of the E Meter's use by the cult.

According to her, her mother has lost some interest in Scientology since that time. She does not know if her mother still has an active interest in the cult or not. belives that the organization has lost interest in her mother because she no longer has the money she once had. Family pressure may have help steer the the woman away from the cult, but is not sure of this fact.

was unable to provide any specific information with respect to her mother's experiences which would appear to be useful for our purposes. The Woman's experiences could not be tied in to the use of the meter by this organization. Because of the time since this occurred, was able to provide very little information of any type.

present husband was also present for part of the interview. He was unable to add very little information also. He did mention, however, that the cult used drugs to some degree in their operations. According to an auditor administers a stimulant type drug such as benzedrine to a subject before a session, so that the subject will feel better from the effects of the drug if for no other reason. He stated that he thought LSD was also being used by the cult at this time.

[redacted] stated that these drugs are obtained from renegade doctors or druggists. He could furnish no further information regarding this alledged practice.

He mentioned that his former wife was a one time employee of the [redacted] in the early 1950's. A group of [redacted] employees were stated by him to have been active in Dianetics or Scientology at this time. According to [redacted] the company investigated the cult's activities because of the possible loss of classified information leaking out through the cult members. [redacted] indicated that the security officer at the time [redacted] may be available and be able to provide some additional information.

D. L. Dovel

D. L. Dovel, Inspector

Document H-78. This document is a two page memorandum of telephone conversation dated 1/11/63 between Food and Drug employee W. N. Swain, Division of Regulatory Management and a complainant. This memorandum consists of an interview regarding the individual's relative's experiences with Scientology.

This document is released with deletions. The deleted material in lines 1 through 6 in paragraph 2 consist of confidential information including medical references pertaining to a specific individual. This portion is exempt under 5 U.S.C. 552(b)(6), because release would constitute a clearly unwarranted invasion of personal privacy. The remainder of the deleted material in this document consist of names of specific individuals which, if released, would automatically disclose the identity of a confidential source. These portions are exempt under 5 U.S.C. 552(b)(7)(D).

Hubbard E-Meter

1434

The Distribution Center
Washington, D. C.

MEMORANDUM OF TELEPHONE CONVERSATION

January 11, 1963

Between [redacted]

W. N. Swain, Division of Regulatory Management

[redacted] called to state that she had read the news accounts of the seizure of the E-Meters at the Hubbard Distribution Center, and had almost concurrently with the news articles received a letter from her sister-in-law [redacted]

The sister-in-law, [redacted] has now given up all medical attention for the services of a scientology auditor, who has given her some seventy-five hours of processing. In the letter she reported that the auditor had left and would be back in the Spring, when he would complete the "clearing" process, to eliminate the remaining "occluded areas." She stated that the "clearing" is to improve the general abilities, capabilities and personality of the individual, and that the recovery of good health is only and "incidental" bonus to the marvelous improvements achievable with scientology. She alleges that one of the astronauts was given scientological processing before his flight. Her son, [redacted] states, has had forty hours of "processing" and she is rounding up a group of acquaintances to begin treatment with the auditor upon his return to the area.

[redacted] inquired what she should do in the interest of her sister-in-law. She was told that while we could not give advice concerning "scientology" per se, we do feel that the abandonment of proper medical attention for a person in the condition described was a very serious matter and that it would be worthwhile to encourage the resumption of medical supervision of her condition. The nature of our charges was explained to [redacted] and she was promised that if the Food and Drug Administration issued a statement concerning scientology, a copy would be mailed to her.

[redacted] asked that we do not reveal that she had supplied this information about her sister-in-law, and suggested that if the sister-in-law were visited, the inspector could perhaps indicate that the sister-in-law's name had been encountered in the files of the scientology organization in connection with the seizure. We promised that we would keep the source of our information confidential in the event we visited her sister-in-law.

W. N. Swain

cc Balt
cc P

WNSwain:ms 1-17-63

Document H-83; is a four-page attorney work product. It consists of a detailed description of a potential witness's academic and carrer accomplishments.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product.

Document H-84; undated, is a seven-page attorney work product. It consists of handwritten notes of a personal nature regarding several potential witnesses.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product.

Document H-85. This document is a four page, handwritten, personal letter dated 7/20/60, addressed to the American Medical Association from a complainant. This letter consists of a complaint against the Church of Scientology.

This document is released with deletions. The deleted material found on page 1 in the second paragraph is exempt under 5 U.S.C. 552(b)(7)(C) and (D), because release would constitute an unwarranted invasion of personal privacy and disclose the identity of a confidential source. The remaining deletions on this page, towards the bottom of the page, consist of confidential information in the nature of a medical reference. This portion is exempt under 5 U.S.C. 552(b)(6), because release would constitute a clearly unwarranted invasion of personal privacy.

On page 2, deletions found in lines 2, 3, 13, 15, and 16 consist of names of the individual talked about as well as confidential information, which, if released, would constitute an unwarranted invasion of personal privacy. These portions are exempt under 5 U.S.C. 552(b)(7)(C). The remaining deleted materials on this page consists of confidential information of a medical nature which, if released, would constitute a clearly unwarranted invasion of personal privacy. These portions are exempt under 5 U.S.C. 552(b)(6).

On page 3, the deleted material found on line 4 consists of the name of a specific individual which, if released, would constitute an unwarranted invasion of personal privacy. This portion is exempt under 5 U.S.C. 552(b)(7)(C). The remaining deleted material on this page consists of confidential information of a medical nature which, if released, would constitute a clearly unwarranted invasion of privacy. These portions are exempt under 5 U.S.C. 552(b)(6).

On page 4, the name of the complainant is exempt under 5 U.S.C. 552(b)(7)(D), because release would disclose the identity of a confidential source.

20 July 196

H85

RDJ
2/6/6
41

General Manager
American Medical Association
535 North Dearborn St.
Chicago 10, Illinois

Dear Sir:

This letter is written with the hope that AMA have a council to deal with problems of incompetent medical claims which effect not only the individuals involved, but hinder the advancement of competent medical care and research.

Briefly;

[redacted]

feeling somewhat confused, went to Washington in September 1958.

He went hoping to get help for a [redacted]

This help was supposed to be from the Founding Church of Scientology, 1812 19th Street N.W., Washington, D.C.

Rdl
7/61
4

He had heard of "diantics" during his college training at [redacted] attended this school, mainly on a part-time basis from September 1953 until approximately May 1960; by this time the [redacted]

Going home about (the 10th of June) where he was seen by a Medical Doctor, who sent him to [redacted] an operation at once, but [redacted] would not consent at that time.

Approximately a week later [redacted] and persuaded him to go with me to [redacted] where, as his condition was becoming more severe, he consented to an operation, by the Neurosurgeons, to attempt to prolong his life.

I would like to say, that if he

had not been influenced by this quackery in Washington, it is possible that medical knowledge could have benefited him at an earlier date.

I learned from [redacted] that during the past eighteen months, while in Washington, she had [redacted]

[redacted] I am certain, had she not been influenced by "dianetics" a theory of L. Ron Hubbard which was published in a book titled "Dianetics" in 1950, that another trip to a M.D. [redacted] would have gotten him in the care of a Neurologist or Neurosurgeon.

Surely, that unless an organization, of this Scientology type, can show a demonstrable, realistic worth to society, that legislative action can be initiated to prevent them from robbing the public of health care and economics, at least, a law requiring that individuals

RHH
2/6/63
41

gullible to this influence (and it is easy to influence a person in an irrational state, into believing cures that border on science fiction) have an examination by competent Doctors, before these frauds could attempt to treat them. Along with this a requirement that any individual who was obviously becoming more ill, be re-examined.

If this problem is not in your domain, perhaps you can recommend an organization that does consider unjust medical practices.

My legal and money resources allow me small recourse but seek support from outside sources.

Certainly this is not a problem limited to a single individual. Two occurrences of this type, is two too many.

Thank you for your interest and consideration.

Document H-86. This document is a one page memorandum of an interview dated 4/27/71, between Inspector M. P. Jones and a specific individual. This memorandum consists of the individual's experiences with the Church of Scientology and persons associated with that organization.

This document is released with deletions. The deleted material in this document consist of confidential information in the nature of names, addresses, and description of specific events pertaining to the individual being interviewed which, if released, would automatically disclose the identity of this person who is a confidential source. The materials deleted in this document are exempt under 5 U.S.C. 552(b)(7)(D).

#86

Interview with [redacted]
[redacted] on April 27, 1971, by
Inspector M. P. Jones

[redacted] stated that he has no formal education in the field of Psychiatry or Psychology but [redacted]

He stated that his first dealings with the Scientology movement began in April, 1953, when he took a six-week course at the Phoenix, Arizona, Scientology offices. He met and became friends with L. Ron Hubbard, the Scientology founder. He immediately returned to [redacted] where he ran a Scientology franchise office until 1965. His contract called for payment to Scientology of 10% of his gross. All other expenses and finances were borne by [redacted] He was interested and believed in Scientology teachings, and often dealt directly with Hubbard in business transactions.

About 1965, Hubbard became very militant in his dealings and decided to go on his own. [redacted]

[redacted] learned that Hubbard signed at least one letter declaring [redacted] to be a suppressive person, and declared him "fair game". Friends and associates also received a series of "disconnect letters", notifying Scientology members that [redacted] was no longer in their organization and ordering non-association. "Fair game" was indicated as implying that any Scientology member was free to do whatever he wished to do against [redacted] in any way possible, and not suffer any consequence from the Scientology organization. The term "R2-45" was also applied to [redacted] which indicated that he could be dealt with by being shot with a 45-caliber firearm.

[redacted]

Document H-89. This document is a two page memorandum dated 12/14/70 (with exhibits consisting of three one page pieces of personal correspondence and a 63 page pamphlet authored by the individual interviewed) to DRF DD, Los Angeles Field Office from Inspector James P. DiGrazia. Subject: Scientology Investigation. This memorandum consists of an interview with a specific individual describing that person's experiences with the Church of Scientology and persons associated with it.

This document is released with deletions. On page 2, in paragraph 6, the deleted material found in the last portion of line 1 and 2 consist of the name and address of a specific individual not being interviewed which, if released, would constitute an unwarranted invasion of personal privacy. This portion is exempt under 5 U.S.C. 552(b)(7)(C). The remaining deletions in this memorandum on pages 1 and 2 contains the name, address and other identifying characteristics associated with the individual being interviewed which, if released, would automatically disclose the identity of a confidential source. These portions are exempt under 5 U.S.C 552(b)(7)(D). The exhibits are exempt in their entirity under 5 U.S.C. 552(b)(7)(D), because release of any portion would automatically disclose the identity of the person being interviewed who is a confidential source.

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
A-13(b)	1/22/69	Internal memorandum (4 pages with 3 copies of Form FD 461 authorization for medical records disclosure attached) TO: Director Baltimore District FROM: Michael D. Kennedy, Inspector Baltimore District SUBJ: 004-093V, Scientology	Report on completed assignment requested in document #A-13a containing names and identifying characteristics of individuals including medical details	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-14	1/31/68	Internal memorandum (4 pages) TO: Director Baltimore District Office FROM: William C. Drury, Inspector Baltimore District Office SUBJ: An individual's name	Summary of a telephone conversation and subsequent interview between a complainant and Mr. Drury regarding experiences with the Church of Scientology and persons associated with the organization containing names and identifying characteristics of individuals.	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-15	11/18/66	Internal memorandum (3 pages) TO: Director Denver District FROM: Inspector D.C. Scherninger Inspector John B. Powell SUBJ: Sample No. 4093V. Hubbard E-Meter	Investigative interview containing names and identifying characteristics of complainant including medical references	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
A-16	11/23/66	Internal memorandum (2 pages)(2 copies) TO: Director, Baltimore District FROM: S. Elsbree, Norfolk Resident SUBJ: Specific individual name (reference Food and Drug officer Ryan/Norfolk telephone request 11/15/66	Interview and investigation containing names identifying characteristics of complainants including medical details	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-18	2/4/63	Internal memorandum (13 pages) TO: Director Chicago District FROM: R.D. Sherman SUBJ: 4093V, Hubbard E-Meter	Interview with complainant regarding experiences with Scientology and members of that organization containing names and identifying characteristics including medical details	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
A-19	2/12/63	Internal memorandum (4 pages) TO: Chicago District FROM: R.D. Sherman SUBJ: Hubbard E-Meter 4093V	Investigative interview containing names and characteristics	5 U.S.C. 552 (b)(5),(b)(6) (b)(7)(C), (b)(7)(D)
A-20	2/12/63	Internal memorandum (4 pages) with 2 of police report attached) TO: Chicago District FROM: R.D. Sherman SUBJ: Hubbard E-Meter	Interview with complainant regarding experiences with Scientology and members of that organization containing names and identifying characteristics including medical details	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-21	2/14/63	Complainant's Affidavit (3 pages)	Description of complainant's experiences with Scientology and members of that organization containing names and identifying characteristics including medical details	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-22	2/15/63	Internal memorandum (3 pages) TO: Director, Chicago District FROM: R.D. Sherman SUBJ: 4-093V, Hubbard E-Meter	Investigation and Interview containing names and identifying characteristics of complainants including medical details	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-23	2/25/63	Internal memorandum (4 pages) TO: Director, Chicago District FROM: R.D. Sherman SUBJ: 4-093V, Hubbard E-Meter FDC 48405	Investigation of specific individual containing names and identifying characteristics including medical references	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-24	2/25/63	Internal memorandum (1 page, with 3 pages of photostat copies of correspondence between individuals attached) TO: Chicago District FROM: R.D. Sherman SUBJ: 4093V, Hubbard E-Meter	Description of correspondence attached to memorandum	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
A-25	3/2/66	Internal Memorandum of telephone conversation (1 page) between FDA employees, Mr. George W. Sooy, Director, Baltimore District and Mr. George Brubaker, Division of Case Supervision, BRC	Discussion of follow-up of facts leading to a purported suicide of purported scientologist.	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-26	undated	Typewritten copy of teletype to Seattle District See document No. A-27	Description of a specific individual's experiences and impressions of Scientology and individuals associated with that organization containing names and identifying characteristics	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
A-27	11/10/66	Copy of teletype (5 pages with one additional page of correction; attached is another copy of document number A-26 - 3 pages) TO: Seattle District/Groth, Food and Drug Officer FROM: FDA Baltimore District/M.J. Ryan Food and Drug Officer	Description of a specific individual's experiences and impressions of Scientology and individuals associated with that organization containing names and indentifying characteristics	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
A-28	4/6/67	Internal memorandum of telephone conversation (1 page) BETWEEN: Mr. J. Kenneth Kinney, Acting Supervisory Inspector, Seattle District Office And Mr. Ernest L. Brisson, Acting Food and Drug Officer, Baltimore District Office	Report of telephone conversation with a specific individual regarding telegram received by the individual	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-29	3/30/67	Copy of teletype (1 page) TO: Food and Drug Baltimore District Attn: Gordon Thompson, Acting Director FROM: Food and Drug Administration Seattle District/HWFD	Attorney work product Arrangements being specifically made for prospective witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
A-30	4/3/67	Internal memorandum of telephone conversation (1 page) BETWEEN: Merle J. Ryan, Food and Drug Officer and Gordon G. Thompson, Acting Director, Baltimore District	Attorney Work product Arrangements being made specifically for prospective witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-31	undated	Attorney work product Points to be Proved (2 pages)	Instructions as to steps to be taken in pending litigation including names and addresses of prospective witnesses	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
A-32	undated	Attorney work product (4 pages)	Proposed testimony for proposed witness in pending litigation	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-33	undated	Attorney work product (2 pages) with copy of letter of complaint (1 page)	Attorney work product, proposed testimony for proposed witness in pending litigation	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-34				
A-35	undated	Attorney work product (1 page)	Proposed testimony by proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-36	undated	Attorney work product (1 page)	Proposed testimony by proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-37				
A-38				
A-39				
A-40	undated	Attorney work product (1 page)	Attorney work product, specifically, proposed testimony for proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
A-41	undated	Attorney work product (3 pages)	Attorney work product, specifically, proposed testimony for proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-42				
A-43				
A-44	undated	Attorney work product	Proposed testimony for proposed witness	5 U.S.C.552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-45	undated	Attorney work product	Proposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-46				
A-47				
A-48	undated	Attorney work product (13 pages)	Proposed testimony	5 U.S.C. 552 (b)(5)
A-49	undated	Attorney work product (2 pages)	Proposed testimony	5 U.S.C. 552 (b)(5)
A-50	undated	Attorney work product (2 pages)	Proposed testimony	5 U.S.C. 552 (b)(5)
A-51	undated	Attorney work product (1 page)	Proposed testimony	5 U.S.C. 552 (b)(5)
A-52	undated	Attorney work product (1 page)	Proposed testimony	5 U.S.C. 552 (b)(5)
A-53	undated	Attorney work product (1 page)	Proposed testimony	5 U.S.C. 552 (b)(5)
A-54	undated	Attorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-55				

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
A-56	undated	Attorney work product (2 pages)	Proposed testimony for proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-57	undated	Attorney work product (2 pages)	Proposed testimony for proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-58	undated	Attorney work product (15 pages)	Proposed testimony by proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-59	undated	Attorney work product (15 pages)	Proposed testimony by proposed witness in pending litigation	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-60	3/22/67	Attorney work product (2 pages)	List of prospective witnesses for pending litigation, including names, addresses, telephone numbers, and other identifying characteristics	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
A-61	11/4/71	Internal memorandum (1 page - 2 copies) To: Office of General Counsel From: Director, Office of Compliance Subj: E-Meters - 4091-V (Founding Church of Scientology)	Follow-up to document #P-3, containing similar recommendations and discussion of options	5 U.S.C. 552 (b)(5)
A-62	2/13/63	Internal memorandum (3 pages) To: Director, Detroit District From: Inspectors Carl Larrick and Joseph H. Cox Subj: 4-093, Hubbard E-Meter FDC48405	Investigative report containing names and identifying characteristics of individuals regarding experiences with and impressions of Scientology	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C),(b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
A-63	3/7/69	A State Attorney General's Office inter-office communication (4 pages)	Investigative interviews with individuals containing names and other identifying characteristics including medical details	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
A-64	5/13/69	A State Attorney General's Office inter-office communication (5 pages)	Summary of investigative observations of a Scientology center	5 U.S.C. 552 (b)(5), (b)(7)(D)
A-65	6/4/69	A State Attorney General's Office inter-office communication (3 pages)	Investigation and interview with a specific individual containing names and identifying characteristics of complainant including medical details	5 U.S.C. 552 (b)(6), (b)(7)(C), (b)(7)(D)
A-66	1/19/69	Handwritten letter contained in the files of a State Attorney General's Office. From a complainant to another private individual, regarding Scientology (6 pages) Attachments to document released and identified	Narrative containing names and identifying characteristics of complaintants including medical details describing the individual's experience with the organization	5 U.S.C. 552 (b)(6), (b)(7)(C), (b)(7)(D)
A-67	3/6/63	Internal memorandum (1 page) To: Director, Baltimore District From: George D. Tilroe, Washington Resident Station Subj: Hubbard E-Meter	Employee's personal reaction to a proposed assignment and alternatives	5 U.S.C. 552 (b)(5), (b)(7)(D), (b)(7)(E)
A-69	2/8/63	Internal memorandum (1 page) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: 4093V, Hubbard E-Meter FDC48405	Report of investigation	5 U.S.C. 552 (b)(5), (b)(7)(D), (b)(7)(E)

Houston District

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
B-1	11/19/68	Internal memorandum (15 pages) To: Director, Dallas District From: Edward R. Atkins, Inspector Subj: Consumer Complaint - Church of Scientology	Investigative interview with a specific individual containing names and identifying characteristics of complainants including medical references	5 U.S.C. 552 (b)(5), (b)(6),(b)(7)(C), (b)(7)(D)

Detroit District

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
C-1	3/27/68	Internal memorandum (2 pages) To: Director, Chicago District From: Roland D. Sherman, Inspector 4093-V Subj: Hubbard E-Meter	Request for investigation Information regarding a specific individual to be used in providing answer in document C-2	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
C-2	4/9/68	Inter-agency memorandum (2 pages) From: A.J. Beebe, Deputy Director To: A State official	Provides answer to request for information on a particular individual.	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C),(b)(7)(D)

Dallas District

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
D-1	3/7/69	A State Attorney General's Office inter-office communication (4 pages)	Investigative interview with 5 individuals containing names and other indentifying characteristics including medical details	5 U.S.C. (b)(5),(b)(6), (b)(7)(C),(b)(7)(D)
D-2	5/13/69	A State Attorney General's Office inter-office communication (4 pages)	Summary of investigative observations of a Scientology center.	5 U.S.C. 552 (b)(5), (b)(7)(D)
D-3	6/4/69	A State Attorney General's Office inter-office communication (4 pages)	Investigation and interview with a specific individual containing names and identifying characteristics of complainant including medical details	5 U.S.C. 552 (b)(6), (b)(7)(C),(b)(7)(D)
D-4	1/19/69	Handwritten letter contained in the files of a State Attorney General's Office. From a complainant to another private individual, regarding Scientology. (6 pages) Attachments to document released and identified	Narrative containing names and identifying characteristics of complainant including medical details describing the individual's experience with the organization	5 U.S.C. 552(b)(6),(b)(7)(C), (b)(7)(D)

Los Angeles District

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
E-1	1/24/63	Internal memorandum (3 pages) TO: Los Angeles District FROM: Van W. Smart SUBJ: 4-093V Hubbard E-Meter FDC 48405	Assignment request for information regarding specific individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)
E-2	2/6/63	Internal memorandum (4 pages) TO: Director, Los Angeles District FROM: D. L. Dovel SUBJ: Hubbard E-Meter 4093-V, DOC 48405	Response to document number E-1	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)
E-4	2/6/63	Internal memorandum (1 page) TO: Director, Los Angeles District FROM: D. L. Dovel, Inspector SUBJ: Hubbard E-Meter	Summary of the investigation of certain individuals containing names and identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
E-5	1/22/63	Internal memorandum (2 pages) TO: New York District, Los Angeles District FROM: Van W. Smart, Division of Regulatory Management, Bureau of Enforcement SUBJ: Hubbard E-Meter	Request for investigative information on several individuals with names and identifying characteristics.	5 U.S.C. 552(b)(5), (b)(7)(C), (b)(7)(E)
E-6	1/28/63	Internal memorandum (1 page) TO: Baltimore District FROM: Gordon R. Wood, Director, Los Angeles District SUBJ: Hubbard Electrometer, Mathison Electropsychometer	Summary of telephone conversations with a particular individual regarding his views on the Church of Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
E-7	2/27/63	Letter addressed to Mr. R. G. Wood, U.S. Food and Drug Administration, 1521 W. Pico Blvd., Los Angeles, California FROM: A complainant	Suggestions from complainant as to whom to contact as possible witnesses.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
E-3	2/7/63	Memo from Phoenix Inspection Station TO: Chief Inspector, L.A. District (1 page) SUBJ: 4-093 V, Hubbard E-Meter	Response to an assignment request for the status of the investigation of the Hubbard E-Meter and information regarding certain individuals	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)

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DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
E-8	2/25/63	Letter addressed to Mr. R. G. Wood, FDA, 1521 W. Pico Blvd., Los Angeles, California FROM: A complainant	Suggestions from complainant as to whom to contact as possible witnesses.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
E-9	2/21/63	Letter from one individual to another individual	The writer's personal opinion of Scientology and FDA	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
E-10	2/19/63	Letter from one individual to another individual	Personal opinion regarding the Church of Scientology and individuals associated with the organization.	5 U.S.C. 552(b)(6), (b)(7)(C)
E-12	2/21/63	Internal memorandum (2 pages, 2 copies) TO: Director, Boston District FROM: Inspector Howard I. Niss SUBJ: Memo 2/14/63, Inspector Bearon/Director of Minneapolis District, re: L. Ron Hubbard and Hubbard E-Meter	Investigative interview with particular individual containing names and identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
E-13	3/7/63	Internal memorandum (3 pages) TO: Director, Los Angeles District FROM: W. L. Dovel, Inspector and Dale G. Harper, Inspector SUBJ: Interview re: L. Ron Hubbard and Hubbard E-Meter	Investigative interview with a particular individual containing names and identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
E-14	5/24/63	Internal memorandum (5 pages) TO: Director, Los Angeles District FROM: Inspector D. L. Dovel SUBJ: Interview regarding Hubbard E-Meter	Report of a particular individual's experiences with the Church of Scientology and members of that organization with names and identifying characteristics including medical references.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
E-15	12/7/70	Internal memorandum (4 pages) TO: Deputy Regional Food and Drug Director, Los Angeles Field Office FROM: Inspector James P. DiGrazia SUBJ: Scientology	Report of a particular individual's experiences with the Church of Scientology and members of that organization with names and identifying characteristics including medical references.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
E-16	12/15/70	Internal memorandum (4 pages) TO: Deputy Regional Food and Drug Director, Los Angeles District FROM: James P. DiGrazia SUBJ: Scientology Investigation	Report of interview with two particular individuals regarding their experiences with the Church of Scientology and members of that organization containing names and identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
E-17	11/23/70	Internal memorandum (7 pages) with 1 page and one 3 page letter of complaint attached. TO: Assistant Regional Food and Drug Director, Los Angeles Field Office FROM: James P. DiGrazia, Inspector, Los Angeles District SUBJ: Scientology	Report of interview with 3 individual regarding their experiences with the Church of Scientology and members of that organization with names and identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
E-18		An individuals passport	Self explanatory	5 U.S.C. 552(b)(6), (b)(7)(C)
E-19		An individuals passport, customs declaration and copies of 2 certificates	Self expanatory	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
E-20	2/20/63	Internal memorandum (4 pages) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: Hubbard E-Meter	Interview with a particular individual regarding his experiences with the Church of Scientology and members of the organization containing names and identifying characteristics	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
E-21	8/17/70	Internal memorandum (2 pages) To: Los Angeles District From: James P. DiGrazia, Inspector Subj:	Investigation of a specific individual containing names and identifying characteristics	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
E-22	8/24/70	Handwritten mamorandum (1 page + 11 pages of computer printed information regarding this individual Author: Lloyd Lehrer's Subj: Information requested by Bud Loftus DCG/BD	Investigation of a specific individual containing names and other identifying characteristics	5 U.S.C. 552 (b)(5), (b)(6),(b)(7)(C) (b)(7)(D)
E-23	8/27/70	Internal memorandum (1 page) To: Deputy Regional Director From: Edward R. Esparza Subj: (Individuals name)	Investigation of specific individual with names and other identifying characteristics	5 U.S.C. 552 (b),(b)(6), (b)(7)(C), (b)(7)(D)
E-24	12/11/70	Internal memorandum (8 pages) To: Deputy Regional Food and Drug Director, Los Angeles, Field Office From: Inspector, James P. DiGrazia Subj: Scientology Investigation	Report of interview with a specific individual concerning his experience with the Church of Scientology's and members of that organization with names and identifying characteristics	5 U.S.C. 552 (b)(5), (b)(6),(b)(7)(C) (b)(7)(D)
E-25	11/25/70	Internal memorandum (4 pages) To: Deputy Regional Director, Los Angeles Field Office From: James P. DiGrazia, Inspector Los Angeles Field Office Subj: Scientology	Report of interview with a specific individual concerning his experience with the Church of Scientology's and members of that organization with names and identifying characteristics	5 U.S.C. 552 (b)(5), (b)(6),(b)(7)(C) (b)(7)(D)
E-26	11/10/66	Memorandum of telephone conversation (1 page) between Merl Ryan, Food and Drug Officer, Baltimore District and Donald L. Dovel, Inspector, Los Angeles District Office	Mr. Dovel's impression regarding a prospective government witness	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C) (b)(7)(D)
E-27	11/2/66	Internal memorandum (1 page) To: Director, Los Angeles District Office From: Donald L. Dovel Subj: (persons name)	Information regarding a specific individual	5 U.S.C. 552 (b)(5), (b)(6),(b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
E-28	2/4/63	Internal memorandum (1 page) To: Philadelphia District Office From: Van W. Samrt, Division of Regulating Management, Bureau of Enforcement Subj: Hubbard E-Meter 4093V FDC 48405 (Name and address)	Information regarding specific individuals with names and identifying characteristics	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C)
E-29	3/14/63	Letter from individual to Mr. Harper	Specific information regarding the Church of Scientology's activities and device E-Meter	5 U.S.C. 552 (b)(6), (b)(7)(C), (b)(7)(D)
E-30	2/13/63	Internal memorandum (2 pages) To: Director Los Angeles District Office From: D.L. Dovel, Inspector Newton Chin, Inspector Subj: Hubbard E-Meter 4093V FDC 48405	Report on an interview with a specific individual regarding his experiences with the Church of Scientology and members of that organization containing names and other identifying characteristics	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C) (b)(7)(D)
E-31	3/18/63	Internal memorandum (5 pages) with carbon copy of individuals 2 page affidavit and copies of 5 certificates attached. To: Director, Los Angeles District From: Inspector, Donald L. Dovel and Dale E. Harper Subj: Hubbard E-Meter 4093V, DoC48405	Report regarding interview with 2 specific individuals regarding experiences in detail concerning Scientology and person associated with the organization including names and other identifying characteristics	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
E-32(?)	3/19/68	Memorandum from the files of an agency other than the Food and Drug Administration	Report of investigation	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C),(b)(7)(D), (b)(7)(E)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
E-33	12/8/70	Internal memorandum (1 page) To: Dallas Field Office From: James P. DiGrazia Subj: Scientology Request for Investigation	Request to determine type of investigation conducted by an agency other than the Food and Drug Administration	5 U.S.C. 552 (b)(5), (b)(7)(D),(b)(7)(E)
E-34	1/8/71	Internal memorandum (2 pages) To: Dallas District Director From: Gary S. Quam Subj: Scientology	Report of investigation requested in Document #E-33.	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C),(b)(7)(D), (b)(7)(E)
E-35	3/7/69	A State Attorney General's Office inter-office communication (4 pages)	Investigative interview with 5 individuals containing names and other indentifying characteristics including medical details	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C),(b)(7)(D)
E-36	5/13/69	A State Attorney General's Office inter-office communication (4 pages)	Summary of investigative observations of a Scientology center	5 U.S.C. 552 (b)(5), (b)(7)(D)
E-37	6/4/69	A State Attorney General's Office inter-office communication (4 pages)	Investigation and interview with a specific individual containing names and identifying characteristics of complaintant including medical details	5 U.S.C. 552 (b)(6), (b)(7)(C), (b)(7)(D)
E-38	1/19/69	Handwritten letter contianed in the files of a State Attorney General's Office. From a complaintant to another private individual, regarding Scientology (6 pages) Attachments to document released and identified	Narrative containing names and indentifying characteristics of complaintant including medical details describing the individual's experience with the organization	5 U.S.C. 552(b)(6), (b)(7)(C)
E-39	10/18/68	Internal memorandum (3 pages) To: Director, Los Angeles District From: Lloyd Lehrer Subj: Tax status and related Information of Church of Scientology of California	Report of investigation of various sources regarding Scientology	5 U.S.C. 552 (b)(5), (b)(7)(C),(b)(7)(D), (b)(7)(E)

Los Angeles

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
EN-1	10/21/71	Inter-agency memorandum (2 pages) To: Mr. Gene F. McHale U.S. Postal Service From: B.T. Loftus, Food and Drug Administration	Provides Detailed information regarding a specific individual with respect to experience with Scientology	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
EN-2	8/17/71	Handwritten correspondence (1 page) To: Mr. DiGrazia, Food and Drug Administration From: Private individual	Provides detailed information regarding persons associated with Scientology	5 U.S.C. 552 (b)(6), (b)(7)(C), (b)(7)(D)
EN-3	9/24/71	Memorandum of telephone conversation (3 pages) Between: Bernard T. Loftus, Food and Drug Administration and a private individual Subj: Scientology - Hubbard E-Meters	Individual provided detailed information regarding his experience with Scientology and persons associated with the organization	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)

Exhibit A

Minneapolis District

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
F-1	5/22/66	Internal memorandum (3 pages) TO: Director, Minneapolis District FROM: Walter L. Stauffacher, Inspector SUBJ: Scientology Investigation	Investigation and interview containing names and identifying characteristics of complainants, including medical references.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
F-2	11/10/70	Internal memorandum of telephone conversation of November 6, 1970 (2 pages) Between Frank A. Mosebar, Supervisory Inspector, Food and Drug Administration, Kansas City District, and Complainant	Discussion containing names and identifying characteristics of complainants, including medical references.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
F-3	5/8/70	Internal memorandum of telephone conversation (2 pages) Between Food and Drug Administration employees, Mr. Allen and Mr. Van Smart.	Attorney Work Product - Specifically, discussion of procedures to be followed for pending litigation at direction of counsel.	5 U.S.C. 552(b)(5)
F-4				
F-5				
F-6				
F-7				
F-8	2/25/63	Internal memorandum (1 page) TO: Director, Minneapolis District FROM: Inspector I. Bearon SUBJ: Scientology Investigation	Summary of the discussion with a state official regarding possible inter-Agency cooperation in Scientology investigations.	5 U.S.C. 552(b)(5), (b)(7)(D)

Headquarters

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-1	2/25/63	Internal memorandum (1 page) To: Director, Minneapolis District From: Inspector I. Bearon Subj: Scientology Investigation	Summary of contact with a State Official regarding that State's investigation of Scientology and a suggestion for possible Federal/State cooperation regarding this investigation.	5 U.S.C. 552(b)(7)(D), (b)(7)(C) , (b)(7)(D)
H-2	1/31/63	Internal memorandum (2 pages) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: Hubbard E-Meter - 4093-V, FDC 48405	Summary of information contained in a State's investigative file regarding Scientology. Also, the results of a requested investigation of a specific individual.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-3	11/18/68	Internal memorandum (2 pages with a copy of one three page and one two page investigative report on two specific individuals and a letter from a State Official to the Church of Scientology dated 2/16/66 - attached)	Summary of information contained in a State's investigative files regarding the status of the Church of Scientology, including specific information regarding specific individuals under investigation.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-4	2/13/63	Investigative report (4 pages) From the files of an agency other than Food and Drug Admin.	Investigation of a specific individual.	5 U.S.C. 552(b)(6), (b)(7)(C),
H-5	2/15/63	Interagency memorandum (3 pages - 2 copies, with 3 letters - total 14 pages - of correspondence from a specific individual - attached)	Investigative report on a specific individual.	5 U.S.C. 552(b)(6), (b)(7)(C),
H-6	9/22/68	Internal memorandum from the files of an Agency other than the Food and Drug Administration (3 pages with a 22 page attachment)	Attorney work product - requesting a supplemental investigation of specific persons and organizations as listed on the attachment.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(E)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-7	2/12/63	Internal memorandum (2 pages To: Director, Baltimore District From: George D. Tilroe, Inspector, Baltimore District Subj: A particular individual's name	Summary of another Agency's investigation of the National Academy of Psychology, including names and identifying characteristics of specific individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)
H-8	2/26/63	Internal memorandum (1 page) To: Director, Baltimore District From: George D. Tilroe, Inspector, Baltimore District Subj: Specific individual's name	Summary of another Agency's investigation regarding specific individuals associated with the Church of Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)
H-9	2/26/63	Internal memorandum (2 pages) To: Director, Baltimore District From: George D. Tilroe, Inspector, Baltimore District Subj: Specific individual's name	Summary of another Agency's investigation regarding the Church of Scientology including investigations of specific individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-10	1/25/63	Memorandum for the File (1 page) Author: George D. Tilroe	Summary of interviews with 4 employees of other Agencies regarding investigations of the Church of Scientology.	5 U.S.C. 552(b)(5), , (b)(7)(E)
H-11	9/13/63	Internal memorandum (4 pages) To: Director, Seattle District From: Supervisory Inspector G.W. Rynerson Subj: Hubbard E-Meters	Summary of investigation conducted jointly with another Agency.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-12	6/16/61	Internal memorandum from the files of an Agency other than the FDA. (8 pages)	Summary of investigation conducted by that Agency including names and other identifying characteristics of several individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D) (b)(7)(D), (b)(7)(E)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-13(a)	11/29/67	Interagency memorandum Author: Alfred Barnard, Director, Bureau of Regulatory Compliance	Acknowledgement of additional information supplied by the other Agency.	5 U.S.C. 552(b)(5), (b)(7)(D), (b)(7)(E)
H-13(b)	11/24/67	Interagency memorandum (1 page) To: Mr. Alfred Barnard, Director, Bureau of Regulatory Compliance	Description of attached report regarding a specific individual.	5 U.S.C. 552(b)(5), (b)(7)(D), (b)(7)(E),
H-13(c)	10/31/67	Interagency memorandum (1 page) between Officials of Agencies other than the Food and Drug Administration	Summary of that Agency's investigation of Scientology. Cover letter describing attachment - H-13(d)	5 U.S.C. 552(b)(5), (b)(7)(D), (b)(7)(E)
H-13(d)	6/15/66	Internal memorandum (4 pages) of an Agency other than the Food and Drug Administration	Summary of that Agency's investigation of Scientology.	5 U.S.C. 552(b)(5), (b)(7)(C), (b)(7)(D) (b)(7)(E)
H-14	various dates	File jacket containing 32 pages of correspondence and reports regarding an investigation conducted by an Agency other than the Food and Drug Administration.	Report of investigation as described.	5 U.S.C. 552(b)(5), (b)(7)(C), (b)(7)(D) (b)(7)(E)
H-15	Undated	Attorney work product (8 pages)	List of names and addresses of potential witnesses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-16	10/10/61	Letter to a specific individual from a member of the Church of Scientology.	Request for payment.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-17	6/12/63	Internal memorandum of interview (3 pages) between an individual and FDA employees, W.N. Swain and J.O. Gesling.	Interview with a specific individual concerning his experiences with the Church of Scientology, and persons associated with the organization containing names and other identifying characteristics of complainants including medical details.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-18	8/1/66	Internal memorandum for the file of an Agency other than the Food and Drug Administration. (3 pages)	Investigative interview with a specific individual containing names and identifying characteristics of the complainant including medical details. Reference is also made to 2 other complainants.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-19	1/25/63	Internal memorandum (6 pages) To: Philadelphia District From: Inspector W. Remle Grove and Philip B. White Subj: Hubbard E-Meter	Investigative interview of a specific individual containing names and identifying characteristics including medical details regarding the individual's auditing sessions.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-20	11/23/66	Internal memorandum (2 pages) To: Director, Baltimore District From: S. Elsbree Subj: References a specific individual	Investigative interview containing names and identifying characteristics of complainant including medical details regarding Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-21(a)	2/7/63	Internal memorandum (1 page) To: Atlanta District From: Inspector Turner O. Hailey Subj: Scientology Cells	Summary of telephone conversation with a complainant.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-21(b)	5/28/63	Internal memorandum (3 pages) To: Atlanta District From: Inspector Turner O. Hailey Subj: Scientology Interview	Investigative interview containing names and other identifying characteristics of complainant regarding Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-22	5/24/63	Internal memorandum (4 pages) To: Director, Los Angeles District From: Inspector D. L. Dovel	Report of a particular individuals experiences with the Church of Scientology and members of that organization with names and identifying characteristics including medical references.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-23	2/19/63	Internal memorandum (3 pages) To: San Francisco District From: Raymond F. Kreuger, Inspector Subj: Hubbard E-Meter Investigation	Investigative interview containing names and identifying characteristics of individuals including medical details regarding experiences with Scientology.	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
H-24	7/23/64	Internal memorandum (3 pages) To: Philadelphia District From: Inspector Elmer W. Greve Subj: 4093V E-Meter FDC48405	Interview containing names identifying characteristics of specific individuals including medical references.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-25	11/21/66	Internal memorandum (3 pages) To: Atlanta District From: Inspector William L. Morton, Miami Subj: Contested Seizure - Sample 4093V Hubbard E-Meter - Founding Church of Scientology	Investigative interview containing names and identifying characteristics of complainants including medical details, regarding individuals experiences with Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-26	2/13/63	Internal memorandum (4 pages) To: Director, Los Angeles District From: D. L. Dovel, Inspector, L.D. Baxter, Inspector Subj: Hubbard E-Meter	Investigative interview containing names and identifying characteristics of individual complainants including medical details, regarding their experiences with Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-27	2/28/63	Internal memorandum (2 pages) To: Director, Baltimore District From: George D. Tilroe, Washington Resident Station Subj: Hubbard E-Meter Investigation	Investigation containing names and identifying characteristics of an individual including medical details regarding experiences with Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-28	2/15/63	Internal memorandum (4 pages) To: Atlanta District From: Frank J. Jancarek, Tampa Subj: Investigation of Referred Complaint	Investigative interview containing names and identifying characteristics of complainant including medical details.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-29	1/21/63	Personnal correspondence between complainant and Church of Scientology. (1 page)	Complaint regarding experiences with the Church of Scientology.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-30	2/21/63	Internal memorandum (1 page) To: Chief Inspector From: Inspector Narrow Subj: Hubbard E-Meter	Interview with an individual containing names and identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-31	7/30/63	Internal memorandum (3 pages) To: Bureau of Enforcement Attn: Division of Regulatory Management From: Denver District, J.J. Cox Subj: Hubbard E-Meter	Investigative interview containing names and identifying characteristics of individuals regarding experiences with Scientology.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-32	Undated	Attorney Work Product	Notes including names, addresses, and other identifying characteristics of potential witnesses.	5 U.S.C. 552(b)(6), (b)(7)(C)
H-33	10/17/62	Internal memorandum (2 pages) To: Director, Denver District From: Louis W. Seaman Subj: Hubbard E-Meter	Investigative interview with a specific individual regarding experiences with Scientology and persons associated with the organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-34	3/18/63	Internal memorandum (5 pages) To: Director, Los Angeles District From: Inspectors Donald L. Dovel and Dale E. Harper Subj: Hubbard E-Meter	Investigative interview containing names and identifying characteristics of two individuals regarding experiences with Scientology and persons associated with the organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-35	3/22/63	Internal memorandum (4 pages) To: Director, Buffalo District From: Inspector Larry Kerness Subj: 4093V Hubbard E-Metter FDA48405	Investigative interview containing names and identifying characteristics of several individuals including medical details regarding Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-36	2/4/63	Internal memorandum (13 pages) To: Director, Chicago District From: R.D. Sherman Subj: 4093V Hubbard E-Meter	Investigative interview containing names and identifying characteristics of complainants including medical details regarding experiences with Scientology and persons associated with the organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-37	2/25/63	Internal memorandum (1 page) To: Chicago District From: R.D. Sherman Subj: 4093V Hubbard E-Meter	Comments regarding a specific individual as a potential witness.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-38	2/15/63	Internal memorandum (3 pages with a 2 page list of described exhibits) To: Director, Chicago District From: R.D. Sherman Subj: 4093V Hubbard E-Meter	Investigative interview with a specific individual containing names and identifying characteristics regarding Scientology and persons associated with the organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-39	2/25/63	Internal memorandum (4 pages) To: Director, Chicago District From: R.D. Sherman Subj: 4093V Hubbard E-Meter FDC 48405	Investigative report regarding a specific individual with names and other identifying characteristics including medical details.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-40	2/12/63	Internal memorandum (4 pages) To: Chicago District From: R.D. Sherman Subj: Hubbard E-Meter 4093V	Investigative interview with a specific individual containing names and other identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-41	2/12/63	Internal memorandum (4 pages with 2 page investigative report from an Agency other than the Food and Drug Administration attached) To: Chicago District From: R.D. Sherman Subj: Hubbard E-Meter 4093V	Investigative interview containing names and other identifying characteristics including medical details.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-42	3/23/63	Internal memorandum (1 page) To: Director, Chicago District From: R.D. Sherman, Inspector Subj: 4093V Hubbard E-Meter FDC 48405	Information regarding a specific individual containing names and other identifying characteristics including medical devices.	5 U.S.C 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-43	Various dates	9 pieces of an individual's personal correspondence.	Complainant's impressions of Scientology and individuals associated with the organization.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-44	Undated	Type written notes (1 page)	Information regarding a specific individual	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-45	3/7/63	Interagency memorandum (1 page) To: Van W. Smart, Deputy Director, Division of Regulatory Management, Bureau of Enforcement From: An Agency other than the Food and Drug Administration	Information including medical references concerning a specific individual.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-46	1/28/63	Letter addressed to an Agency other than the Food and Drug Administration from Gilbert S. Goldhammer, Director, Division of Regulatory Management, Bureau of Enforcement (1 page)	Request for information regarding a specific individual.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-47	1/25/63	Internal memorandum (1 page) To: Philadelphia District From: Division of Regulatory Management, Bureau of Enforcement Subj: 4093V Hubbard E-Meter FDC 48405	Information regarding a specific individual	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-48	2/5/63	Internal memorandum (1 page) To: Philadelphia District From: Inspector James E. Tessmer Subj: Investigation of a specific individual	Results of investigation regarding a specific individual.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-49	2/14/63	Internal memorandum (3 pages) To: Director, Seattle District From: Inspector Robert E. Parkinson Subj: Background	Information regarding a specific individual.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-50	2/4/63	Internal memorandum (4 pages with copies of 24 pages of documents obtained from the files of an Agency other than the Food and Drug Administration) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: 4093V Hubbard E-Meter FDC 48405	Results of investigation regarding specific individuals and specific events.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-51	2/12/63	Internal memorandum (4 pages) To: Director, Baltimore District From: Washington Resident Station Subj: Investigation of a specific individual	Information relating to a specific individual.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-52	2/8/63	Internal memorandum (1 page) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: 4093V Hubbard E-Meter FDC 48405	Report of investigation	5 U.S.C. 552(b)(5), (b)(7)(D), (b)(7)(E)
H-53	11/13/70	Internal memorandum (1 page) To: The General Counsel Attn: Mrs. Sisk From: Bernard T. Loftus, Division of Case Guidance Subj: Hubbard E-Meters	Attorney Work Product - specifically a "Progress Report" requested by Counsel regarding the status of certain aspects of the case. This document also includes opinions relative to the Agency's position.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-54	Undated	Attorney Work Product	Interview with a potential witness regarding his experiences with the Church of Scientology and members of that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-55	11/19/66	Letter (2 pages) To: Mr. Gottlieb From: A potential witness	Potential witness's experiences with the Church of Scientology and members of that organization.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-56	11/25/70	Internal memorandum (4 pages) To: Deputy Regional Director, Los Angeles Field Office From: James P. DeGrazia, Inspector, Los Angeles Field Office Subj: Scientology	Investigative interview with specific individual regarding his experience with the Church of Scientology and members of that organization. The report contains names and other identifying characteristics of several individuals.	5 U.S.C. 552(b)(6), (b)(6), (b)(7)(C), (b)(7)(D)
H-57	7/18/63	Attorney Work Product (7 pages)	Personal information regarding a potential witness as supplied to attorney.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-58	8/27/70	Internal memorandum (1 page) To: Deputy Regional Director From: Edward R. Esparza Subj: (Individual's name)	Investigation of a specific individual containing names and other identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-59	Undated	Attorney Work Product	Specifically, proposed testimony of proposed witness.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-60	8/11/70	Attorney Work Product (18 pages)	Notes regarding interview with potential witness.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-61	9/8/72	Correspondence between an individual and a State Official. (4 pages)	Description of the individual's experiences with Scientology and members of that organization.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-62	Undated	Attorney Work Product (45 pages)	Notes pertaining to an interview with a potential witness regarding his experiences with the Church of Scientology and members of that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-63	Undated	Attorney Work Product (8 pages)	Proposed testimony of proposed witness.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-64	12/11/70	Internal memorandum (8 pages with a 3 page copy of an incomplete affidavit attached) To: Deputy Regional Food and Drug Director, Los Angeles Field Office From: Inspector James P. DeGrazia Subj: Scientology Investigation	Interview regarding potential witnesses experiences with Scientology and members of that organization containing names and identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-65	2/19/63	Internal memorandum (9 pages) To: Director, Dallas District From: Inspector John R. Vodneck Inspector Boland B. Shepherd Subj: 4093V Hubbard E-Meter FDC 48405 Church of Scientology of Dallas	Investigative report of specific individual containing names and other identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-66	1/3/69	Internal memorandum (1 page) To: Division of Case Guidance Attn: Tom Rice From: Dallas District, Raymond V. Mlecko, Food and Drug Officer Subj: Complaint	Follow-up of document #H-67 regarding a specific individual.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-67	12/26/68	Internal memorandum (1 page) To: Division of Case Guidance Attn: Tom Rice From: Dallas District, Raymond V. Mlecko, Food and Drug Officer Subj: Complaint	Brief description of document indexed as H-68.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-68	11/19/68	Internal memorandum (14 pages) To: Director, Dallas District From: Edward R. Atkins, Inspector Subj: Consumer Complaint - Church of Scientology	Investigative interview with a specific individual containing names and identifying characteristics of complainants including medical references.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-69	1/30/63	Internal memorandum for the file Author: George D. Tilroe, Inspector Baltimore District (2 pages)	Interview with a specific individual regarding a specific incident.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-70	2/12/63	Internal memorandum (4 pages) To: Director, Baltimore District From: Washington Resident Station Subj: (Specific individual's names)	Interview with specific individual regarding his experiences with the Church of Scientology and members of that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-71	2/12/63	Internal memorandum (2 pages) To: Director, Minneapolis District From: I. Bearon, Inspector Subj: 4093V, E-Meter, FDC 48405 Scientology Investigation DRM/M Memo 2/5/63	Interview with a specific individual regarding another individual.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-72(a)	9/5/63	Internal memorandum of telephone conversation (1 page) between Food and Drug Employee G.W. Rynerson and complainant	Discussion of complaint regarding Scientology and persons associated with the organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-72(b)	9/9/63	Internal memorandum (4 pages) To: Director, Seattle District From: Inspector, Edward R. Floyd Subj: E-Meters	Follow-up interview to document #H-72(a) describing the experiences of the individual with regard to Scientology and persons associated with the organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-73	2/13/63	Internal memorandum (3 pages) To: Director, Los Angeles District From: D.L. Dovell, Inspector Subj: Hubbard E-Meter 4093V FDA48405	Interview with complainant regarding his experiences with the Church of Scientology and persons associated with the organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-74	2/13/63	Internal memorandum (3 pages) To: Director, Dallas District From: Inspector A.V. Ignatowicz Subj: Interview with (individual's name)	Description of that individual's experiences with the Church of Scientology and persons associated with that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-75	2/21/63	Internal memorandum (2 pages) To: Director, Boston District From: Inspector Howard I. Niss Subj: Memo 2/14/63 Inspector Bearon, Director of Minneapolis District, regarding L. Ron Hubbard and Hubbard E-Meter 4093V FDC 48405	Interview with specific individual regarding Scientology and individuals associated with the organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

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DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-76	3/7/63	Internal memorandum (3 pages) To: Director, Los Angeles District From: Inspector D.L. Dovel, Inspector Dale E. Harper Subj: Interview with (an individual) regarding L. Ron Hubbard and Hubbard E-Meter 4093V FDC 48405	Interview regarding an individual's experiences with Scientology and persons associated with that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-77	3/18/63	Internal memorandum (5 pages) To: Director, Los Angeles District From: Inspectors Donald L. Dovel and Dale E. Harper Subj: Hubbard E-Meter 4093V FDC 48405	Interview and investigation consisting of two individuals experiences with the Church of Scientology and persons associated with that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-78	1/11/63	Internal memorandum of telephone conversation between Food and Drug Employee, W.N. Swain, Division of Regulatory Management and a complainant. (1 page)	Interview regarding the individual's relative's experiences with the Church of Scientology, including medical references.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-79	2/6/63	Internal memorandum (1 page) To: San Francisco District From: Van W. Smart, Division of Regulatory Management, Bureau of Enforcement Subj: 4093V Hubbard E-Meter FDC 48405	Request for interview with specific individuals regarding ths use of the E-Meter. Medical details regarding one of these individuals is included in the memorandum.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-80	2/1/63	Internal memorandum (1 page) To: Los Angeles District From: Van W. Smart, Division of Regulatory Management, Bureau of Enforcement Subj: 4093V Hubbard E-Meter FDC 48405	Request for investigation of an individual's complaint regarding Scientology. Medical details are included in the memorandum.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-81	2/19/62	Attorney Work Product (1 page)	Affidavit describing potential witnesses' experiences with Scientology including medical details.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-82	11/23/70	Internal memorandum (7 pages) To: Assistant Regional Food and Drug Director, Los Angeles Field Office. From: James P. DeGrazia, Inspector, Los Angeles Field Office Subj: Scientology	Investigative interview with individuals regarding their experiences with the Church of Scientology and persons associated with that organization.	5 U.S.C. 552(b)(6), (b)(7), (b)(7)(C), (b)(7)(D)
H-83	Undated	Attorney Work Product (1 page)	Detailed description of potential witness's academic and career accomplishments.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-84	Undated	Attorney Work Product (7 pages)	Consists of notes of a personal nature regarding several potential witnesses including names, addresses, telephone numbers, medical details.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-85	7/20/60	Personal letter (4 pages)	Consumer complaint containing names and identifying characteristics of the complainant including medical details.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-86	4/27/71	Memorandum of interview Author: Inspector M.P. Jones	The individual's experiences with the Church of Scientology and persons associated with that organization.	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-88	12/7/70	Internal memorandum (4 pages) To: DRFDD, Los Angeles Field Office From: Inspector James P. DeGrazia Subj: Scientology	Interview with specific individual regarding his experiences with the Church of Scientology and persons associated with that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-89	12/14/70	Internal memorandum (2 pages with exhibits consisting of 3 one page pieces of personal correspondence and a 63 page pamphlet authored by the individual interviewed) To: DRFDD, Los Angeles Field Office From: Inspector James P. DeGrazia Subj: Scientology Investigation	Interview containing names and identifying characteristics with an individual describing his experiences with the Church of Scientology and persons associated with that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-90	11/13/70	Internal memorandum of telephone conversation between a complainant and Mr. Raymond L. Sweeny, Food and Drug Officer, Buffalo District Office (1 page)	Complaint containing names and other identifying characteristics of individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-91	2/13/63	Internal memorandum (2 pages) To: Director, Los Angeles District From: D.L. Dovel, Inspector, Newton Chin, Inspector Subj: Hubbard E-Meter 4093V FDC 48405	Interview containing names and identifying characteristics of the individual, describing his experiences with the Church of Scientology and persons associated with that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-92	2/15/63	Internal memorandum (2 pages) To: Director, Seattle District From: J. Kenneth Kinney, Inspector Subj: 4093V Hubbard E-Meter FDC 48405	Investigation of a specific event relative to a specific individual.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)
H-93	2/5/63	Letter (2 pages with photograph attached) addressed to the Honorable John F. Kennedy, President of the United States	Complaint containing names and identifying characteristics of a complainant.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-94	11/8/66	Internal Memorandum (1 page) To: Director, Boston District From: Inspector Jerome J. Donovan Subj: FDA General Counsel/B District Telephone Request 11/7/66	Description of attempt to contact and interview a specific individual, including names and other identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-95	11/27/62	Personal correspondence between individuals.	Discussion of events and other personal information relating to the author.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-96	Undated	List of names and addresses of potential witnesses obtained from a specific Better Business Bureau (3 pages)	List of names and addresses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-97	12/29/70	Internal memorandum (2 pages) To: DRFDD, Los Angeles Field Office From: James P. DeGrazia, Inspector Subj: Scientology Investigation	Interview with individual regarding his experience with and opinion of Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-98	10/6/66	Memorandum from the files of an Agency other than the Food and Drug Administration (1 page) Attached is a copy of a one page form entitled "Report of Property Purchased or Seized under Narcotic and Marijuana Laws."	Interview containing names and other identifying characteristics regarding a particular individual.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D),
H-99	11/10/70	Internal memorandum of telephone conversation (2 pages) between Complainant and Frank A. Mosebar, Supervisory Inspector, Food and Drug Administration, Kansas City District	Complainant reported details regarding one of his relative's experiences with the Church of Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-100	12/15/70	Internal memorandum (4 pages) To: Deputy Regional Food and Drug Director, Los Angeles District From: James P. DeGrazia, Inspector Subj: Scientology Investigation	Investigative interview with 2 individuals regarding their experiences with the Church of Scientology and persons associated with the organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-101	11/20	Attorney Work Product (9 pages)	Specific information regarding potential witnesses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-102	4/1/63	Internal memorandum (2 pages) To: Director, Baltimore District From: George D. Tilroe, Washington Resident Station Subj: Scientology Investigation	Specific information regarding a specific individual including names, identifying characteristics, and medical details.	5 U.S.C 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-103	Undated	Attorney Work Product (1 page)	List of names and addresses of potential witnesses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-104	2/20/63	Internal memorandum (4 pages) To: Director, Philadelphia District From: W. Remle Grove Subj: Hubbard E-Meter 4093V FDA 48405	Investigate interview with specific individual regarding specific experiences with Scientology and persons associated with that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-105	4/5/63	Internal memorandum (4 pages) To: Director of Buffalo District From: Larry Kerness, Albany Resident Station Subj: 4093V Hubbard E-Meter FDC 48405	Investigative interview of individual associated with Scientology containing names and other identifying characteristics	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-106	Undated	Attorney Work Product (1 page)	List of names and addresses of potential witnesses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-107	10/25/62	Individual's handwritten note	Individual's consent for Food and Drug Inspectors to use her property.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D). (b)(7)(E)
H-108	4/23/71	Internal memorandum of an Agency other than the Food and Drug Administration (2 pages)	Investigative interview with a specific individual regarding his experiences with Scientology and members of that organization.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D),

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-109	2/4/63	Internal memorandum (4 pages) To: Director, Philadelphia District From: Inspector W. Remle Grove Subj: 4093V Hubbard E-Meter FDC 48405	Results of investigation regarding specific individuals and specific events.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C),
H-110	2/8/63	Internal memorandum (1 page) To: Director, Dallas District From: Inspector John F. Rabusch Subj: Attached are copies of 7 pages of investigative documents from the files of an Agency other than the Food and Drug Administration.	Investigation of complaint by an Agency other than the Food and Drug Administration.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-111	1/8/71	Internal memorandum (2 pages with 17 pages from the files of an Agency other than the Food and Drug Administration) To: Dallas District Director From: Inspector Gary S. Quam Subj: Scientology	Interview with an official of an Agency other than the Food and Drug Administration regarding that Agency's investigation of Scientology. Attached are copies of documents from the Agency's files.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-112				
H-113	Undated	Attorney Work Product (1 page)	Names and identifying characteristics of potential witnesses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-114	Undated	Transcription (2 pages) of a portion of a taped interview.	An individual's experiences including names, identifying characteristics and medical details with regard to his experiences with the use of the E-Meter and Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-115	11/6/63	Internal memorandum (1 page) To: John Rynd From: Ray G. Warthen, Houston Resident Post Subj: Scientology	Details of a telephone conversation with a complainant containing names, identifying characteristics and medical details.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-116	2/11/63	Internal memorandum (5 pages, with individual's 6 page affidavit attached).	Description of an individual's experiences with the Church of Scientology and persons associated with the organization. The report includes names, identifying characteristics as well as the author's opinions of the individual interviewed.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-117	Undated	Rough Draft of memorandum (13 pages) with "Do Not Use Ruf Notes B.T. Loftus" written across top of first page.	Personal opinions of an Food and Drug Administration employee regarding Scientology. Document bears the words "Do Not Use Ruf Notes."	5 U.S.C. 552(b)(5)
H-118	Undated	Attorney Work Product (2 type-written pages of names and addresses)	Names and addresses of potential witnesses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-119	11/2/62	Internal memorandum (2 pages) To: Director, Baltimore District From: Charles H. Everline, Inspector Subj: Hubbard E-Meter	Investigative interview with an individual of an Agency other than the Food and Drug Administration regarding his investigation of Scientology. Also discussed was possible cooperative efforts between the Food and Drug Administration and this Agency.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-120	1/15/63	Internal memorandum (1 page) To: Director, Baltimore District From: George E. Tilroe, Inspector, Washington Resident Station Subj: E-Meter Seizure	Details of telephone conversation with individual associated with an Agency other than the Food and Drug Administration regarding the use of an E-Meter for exhibit purposes.	5 U.S.C. 552(b)((5), (b)(7)(D)
H-121	Undated	Attorney Work Product (8 pages)	Notes on several potential witnesses including names and other identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-122	7/15	Handwritten internal memorandum To: B. E. From: M. R. S.	Details regarding a particular individual.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-123(a)	Undated	Attorney Work Product (1 page)	Names and identifying characteristics including medical details regarding potential witness.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-123(b)	12/4	Attorney Work Product (2 pages)	Names and identifying characteristics of potential witnesses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-124	2/14/63	Attorney Work Product (3 pages)	Names, addresses, and telephone numbers of potential witnesses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-126	Undated	Attorney Work Product (5 pages)	Details regarding potential witnesses including names, addresses and other identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-127	Undated	Attorney Work Product (11 pages)	List of names, addresses and other identifying characteristics regarding potential witnesses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-128	7/25/62	1 page application form	Individual's application for a license.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-129	2/4/63	Individual's criminal record (1 page) from an Agency other than the Food and Drug Administration.	Details regarding criminal offense.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-130	2/7/63	Internal memorandum (1 page) To: Chief Inspector, Los Angeles District From: Albert Ackerman, Phoenix Inspection Station Subj: 4093V, Hubbard E-Meter	Details regarding investigation of specific individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-131	Undated	Attorney Work Product (5 pages)	Details regarding potential witnesses including names, addresses and other identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-132				
H-133	Undated	Rough Draft of internal memorandum (4 pages) To: Press Information Attn: Edward Nida From: Office of Compliance Subj: William Willoughby Article in the Evening Star regarding Scientology	Proposed comments with respect to certain aspects of a referenced news article. Draft bears the words "Not Used."	5 U.S.C. 552(b)(5)
H-134	Undated	Rough Draft of proposed letter (4 pages) To: Editor of the Evening Star	Comments regarding article as referenced in Document #H-133. Draft bears the words "Not Used."	5 U.S.C. 552(b)(5)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-135	2/8/63	Internal memorandum of an Agency other than the Food and Drug Administration (4 Pages)	Investigative report regarding a specific individual's complaint regarding Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-136	2/1/63	Interagency memorandum From: Van W. Smart, Deputy Director, Division of Regulatory Management, Bureau of Enforcement	Request for information from an Agency other than the FDA regarding a specific individual.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-137	2/16/63	Letter addressed to Mr. Wood from a specific individual.	Cover letter for information being sent to us by this individual on Scientology.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-137(a)	5/28/63	Letter from individual addressed to United States Food and Drug Administration, Washington, D.C.	Information regarding a specific subject from a specific individual.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-138	1/28/63	Internal memorandum To: Baltimore District From: Gordon R. Wood, Director, Los Angeles District Subj: Hubbard Electrometer	Details of communication between Mr. Wood and a particular individual regarding his views and experiences with Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-139	1/17/63	Letter addressed to Mr. G.R. Wood, United States Food and Drug Administration, Los Angeles, California (1 page, with copy of one page letter from the writer to another private individual)	Details regarding the individual's experiences with Scientology, relative to a specific incident. Attached is a copy of a letter from the individual to someone the writer suspects is associated with the Scientology organization as referenced in his letter.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-139(a)	2/27/63	Letter addressed to Mr. R.G. Wood, United States Food and Drug Administration, Los Angeles, California	Writer's recommendation for a potential witness and also information regarding certain events relative to Scientology.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-139(b)	2/25/63	Letter addressed to Mr. R.G. Wood, Food and Drug Administration, Los Angeles, California	Writer's recommendation that the Food and Drug Administration contact certain individuals as potential witnesses in the Scientology case including names, addresses other identifying characteristics.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-139(c)	2/21/63	Letter between 2 individuals	Writer's opinion of Scientology	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-139(d)	2/19/63	Correspondence between 2 individuals	Writer's opinion of Scientology and persons associated with the organization.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-140	2/2/63	Internal memorandum (5 pages - 2 copies) To: Director, Baltimore District From: Inspector J.C. Bullard Subj: 4093V Hubbard E-Meter, FDC 48405	Details of Scientology investigations conducted by Agencies and organizations other than the Food and Drug Administration.	5 U.S.C. 552(b)(5), (b)(7)(C), (b)(7)(D)
H-141	2/18/63	Internal memorandum (2 pages with 12 pages of documents from an Agency other than the Food Drug Administration)	Summary of investigation into Scientology by an Agency other than the Food and Drug Administration.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-142	2/15/61	Letter between 2 State Agency Officials (1 page)	Cover letter for documents that will be described in H-143.	5 U.S.C. 552(b)(5), (b)(7)(D), (b)(7)(E)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-143	Various dates	Copies of 17 pages of investigative documents from the files of an Agency other than the Food and Drug Administration.	Investigative reports on Scientology and many individuals associated with the organization including names, identifying characteristics and medical details on specific individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-144	6/6/52	Internal memorandum from an Agency other than the Food and Drug Administration.	Investigative report on specific individuals including names and other identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-145	3/25/59 3/11/59 3/16/59	Internal memoranda from the files of an Agency other than the Food and Drug Administration. (12 pages)	Investigative report on Scientology and several individuals associated with the organization including names, identifying characteristics and medical details.	5 U.S.C. 552(b)(5), (b)(6) (b)(7)(C), (b)(7)(D)
H-146	7/5/58	Internal memorandum from the files of an Agency other than the Food and Drug Administration (2 pages)	Investigative report regarding Scientology.	5 U.S.C. 552(b)(5), (b)(7)(D)
H-147	3/2/59	Internal memorandum from the files of an Agency other than the Food and Drug Administration.	Investigative report regarding Scientology.	5 U.S.C. 552(b)(5), (b)(7)(D)
H-148	4/3/59	Internal memorandum from the files of an Agency other than the Food and Drug Administration (2 pages)	Report of a meeting between officials of an Agency other than the Food and Drug Administration and the following Food and Drug employees: Mr. Swain and Mr. Quinn, in which investigations regarding the Church of Scientology were discussed. The report also includes details regarding a specific individual and his experiences.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-149	5/1/58	Internal memorandum from the files of an Agency other than the Food and Drug Administration (1 page)	Report on one aspect of this Agency's investigation of Scientology.	5 U.S.C. 552(b)(5), (b)(7)(D)
H-150	1/29/58	Internal memorandum from the files of an Agency other than the Food and Drug Administration. (2 pages)	Report on one aspect of this Agency's investigation of Scientology.	5 U.S.C. 552(b)(5), (b)(7)(D)
H-151	1/30/58	Internal memorandum from the files of an Agency other than the Food and Drug Administration. (4 pages)	Investigative report on Scientology and individuals associated with the organization	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-152	1/27/58	Internal memorandum from the files of an Agency other than the Food and Drug Administration. (4 pages)	Investigation of a specific individual associated with the Church of Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-153	4/7/58	Internal memorandum from the files of an Agency other than the Food and Drug Administration. (3 pages)	Investigation regarding a specific individual associated with the Church of Scientology.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-154	Undated	Attorney Work Product (75 pages)	Proposed questions and probable answers to be used in an individual's deposition.	5 U.S.C. 552(b)(5)
H-155	5/16/63	Letter addressed to Dr. Joseph B. Davis, Bureau of Medicine, Food and Drug Administration from a potential witness.	Opinions regarding the usefulness of the E-Meter and another device.	5 U.S.C. 552 (b)(6), (b)(7)(C), (b)(7)(D)
H-156	Undated	Attorney Work Product (5 pages)	Draft of proposed testimony for proposed witness.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-157	Undated	Attorney Work Product (3 pages)	Proposed testimony for proposed witness.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-158	Undated	Attorney Work Product (3 pages)	Proposed testimony for proposed witness.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-159				
H-160				
H-161				
H-162	Undated	Attorney Work Product (4 pages)	Proposed testimony for witness not yet selected.	5 U.S.C. 552(b)(5)
H-163	Undated	Attorney Work Product (4 pages)	Proposed testimony for witness not yet selected.	5 U.S.C. 552(b)(5)
H-164	Undated	Attorney Work Product (4 pages)	Proposed testimony for witness not yet selected.	5 U.S.C. 552(b)(5)
H-165	Undated	Attorney Work Product (4 pages)	Proposed testimony for witness not yet selected.	5 U.S.C. 552(b)(5)
H-166	Undated	Attorney Work Product (4 pages)	Proposed testimony for witness not yet selected.	5 U.S.C. 552(b)(5)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-167		Attorney Work Product - Mannilla file folder containing the following: (a) (5/17/71) handwritten memorandum of telephone conversation bewteen B.T. Loftus and the office of a proposed witness. (b) (9/4/70) letter from Bernard T. Loftus to the Office of a proposed witness. (c) (8/19/70) handwritten memorandum of telephone conversation to the Office of a proposed witness. (d) (8/14/70) handwritten memorandum of telephone conversation with proposed witness. (e) handwritten proposed testimony for proposed witness. All documents 1 page each.	Arrangements being made with proposed witness regarding testimony in pending litigation.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-168		Attorney Work Product - Manilla folder consisting of the following: (a) handwritten memorandum of telephone conversation with proposed witness (5/18/71). (b) handwritten memorandum of telephone conversation with proposed witness (9/4/70). (c) handwritten proposed testimony for proposed witness. All documents consist of 1 page each.	Arrangements being made with proposed witness regarding proposed testimony in pending litigation.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-169		Attorney Work Product - Manilla file folder consisting of the following: (a) (5/18/71) handwritten memorandum of telephone conversation with proposed witness. (b) (9/1/70) handwritten memorandum of telephone conversation with proposed witness. (c) (5/17/71) handwritten memorandum of telephone conversation with the office of the proposed witness. (d) (8/31/70) handwritten memorandum of telephone conversation with the office of proposed secretary and B.T. Loftus. (e) (8/20/70) handwritten note from B. Loftus requesting extra copy of testimony. (f) (8/14/70) memorandum of telephone conversation with proposed witness. (g) handwritten draft of proposed testimony for proposed witness. Documents (a) through (f) consist of 1 page. Document (g) consists of 3 pages.	Arrangements for testimony for proposed witness in pending litigation.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-170		Attorney Work Product - Manilla folder consisting of the following: (a) (5/17/71) letter from Bernard T. Loftus to proposed witness - 1 page. (b) (5/17/71) handwritten memorandum of telephone conversation with office of proposed witness - 1 page. (c) (8/14/70) handwritten memorandum of telephone conversation with proposed witness - 1 page. (d) 10 pages of handwritten notes regarding testimony of proposed witness.	Arrangements and testimony for proposed witness in pending litigation.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

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DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-171		Attorney Work Product - Manilla folder containing the following: (a) (9/2/70) letter from Bernard T. Loftus to proposed witness (1 page, 2 copies) (b) (5/17/71) handwritten memorandum of telephone conversation with proposed witness. (1 page) (c) (8/18/70) memorandum of telephone conversatin with proposed witness (1 page) (d) (8/14/70) memorandum of telephone conversation with office of proposed witness (1 page)	Arrangments with proposed witness for testimony in pending litigation.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(c)
H-172		Attorney Work Product - Manilla folder consisting of the following: (a) proposed testimony of proposed witness (1 page) (b) proposed testimony of proposed witness (1 page) (c) handwritten proposed testimony for proposed witness (1 page) (d) (9/1/70) interagency memorandum from B.T. Loftus to proposed witness. Subject: Scientology seizure pending trial (1 page) (e) (/8/26/70) handwritten memorandum of meeting with proposed witness. (1 page) (f) (4/19/67) note from Assistant United States Attorney regarding exhibit not sent to jury (1 page with copy of exhibit attached) (g) (8/25/70) handwritten memorandum of discussion between B.T. Loftus and Kennedy regarding proposed witness(1 page) (h) handwritten notes regarding the proposed witness' opinion of the E-Meter (1 page) (i) proposed testimony for proposed witness (1 page)	Arrangements with proposed witness as to testimony in pending litigation.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-173	Undated	Attorney Work Product (6 pages)	Questions and probable answers proposed for use in pending litigation.	5 U.S.C. 552(b)(5) (b)(7)(D)
H-174				
H-175	4/15/63	Attorney Work Product - Draft (1 page)	Proposed question and answers to be used in pending litigation.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-176	Undated	Attorney Work Product (2 pages)	Proposed questions and answers to be used in pending litigation.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-177				
H-178	Undated	Attorney Work Product	List of points to be proven in pending litigation, including names and identifying characteristics of proposed witnesses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-179	6/12/67	Interagency memorandum (2 pages) From: Merl J. Ryan, Assistant to Director, Baltimore District To: Nathan Dodell, Esq., Assistant United States Attorney.	Attorney work product, description of expenses incurred by the government in obtaining expert testimony.	5 U.S.C. 552(b)(5), (b)(6)
H-180	3/31/59	Internal memorandum of conference between Division of Regulatory Management and Taylor Quinn, Resident Inspector, Washington, D.C. and officials of Agencies other than the Food and Drug Administration (2 pages)	Details regarding the respective Agencies' investigations into Scientology and the use of the E-Meter.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D) (b)(7)(E)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-181	1/22/63	Internal memorandum (2 pages) From: Van W. Smart To: New York District and Los Angeles District Subj: Hubbard E-Meter, Sample Number 4093V, FDC 48405	Request for information regarding specific individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)
H-182	1/25/63	Internal memorandum (1 page) To: Chicago District From: Van W. Smart, Division of Regulatory Management, Bureau of Enforcement Subj: 4093V Hubbard E-Meter FDC 48405	Request for information on or from specific individuals.	5 U.C.S. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)
H-183	1/29/63	Internal memorandum (1 page) To: Baltimore District From: Van W. Smart, Division of Regulatory Management, Bureau of Enforcement Subj: 4093V Hubbard E-Meter FDC 48405	Request to contact and interview specific individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)
H-184	1/30/63	Internal memoramdum of interview Author: George D. Tilroe, Inspector Baltimore District (2 pages)	Discussion with prospective witness regarding the use of polygraph machines.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-185	2/8/63	Internal memorandum (2 pages) To: Director, Baltimore District From: George D. Tilroe Subj: Hubbard E-Meters	Report involving a specific incident and specific individuals associated with Scientology including medical details and other identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-186	2/14/63	Internal memorandum (7 pages) To: Director, Kansas City District From: Wichita Resident Post, R.J. Jira and D. Lawson, Inspectors Subj: 4093V, Hubbard E-Meter, FDC 48405	Results of investigation including interviews with several specific indivdiuals regarding specific events.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-187	2/21/63	Internal memorandum (10 pages) To: Director, Minneapolis District From: I. Bearon, Inspector Subj: Scientology Investigation	Details of investigations of specific individuals, interviews with specific individuals, contacts with officials of Agencies and organizations other than the Food and Drug Administration, and personal opinions held by the author regarding Scientology and the use of the E-Meter.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
H-189	2/26/63	Internal memorandum (2 pages) To: Director, Baltimore District From: Washington Resident Station Subj: (An individual's name)	Details of an investigation obtained from a non-government organization concerning dianetics, including several complaints from individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-190	3/22/63	To: Director, Baltimore District From: George D. Tilroe, Washington Resident Post Subj: E-Meter Investigation (1 page)	Description of necessary procedures to be used in order to obtain copies of documents from the files of an organization other than the Food and Drug Administration.	5 U.S.C. 552(b)(5), (b)(7)(D)
H-191	4/3/63	Internal memorandum of telephone conversation (2 pages) between George T. Daughters, Director, Irving Pollack, Inspector, Detroit District and W.N. Swain, Division of Regulatory Management.	Discussion regarding steps to be taken in a proposed investigation.	5 U.S.C. 552(b)(5) (b)(7)(E)
H-192	6/16/71	Internal memorandum (2 pages) To: The General Counsel, Attn: Mrs. Sisk From: B.T. Loftus, Division of Case Guidance Subj: Scientology Brief	Attorney work product, specifically, personal opinions and suggestions of the author regarding points to be included in the brief.	5 U.S.C. 552(b)(5)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-193	5/10 and 5/13/63	Internal memorandum of telephone conversations (1 page, 2 copies) between George T. Daughters, Director, Detroit District and W.N. Swain, Division of Regulatory Management	Discussion regarding a specific aspect of the Scientology investigation. A portion of this document relates solely to the internal personnel rules and practices of the Agency.	5 U.S.C. 552(b)(2), (b)(5), (b)(7)(E)
H-194	9/13/63	Internal memorandum of telephone conversation (1 page) between Arnold N. Morton, Seattle District, G. Wallace Rynerson, Seattle District and A.M. Welch, Division of Regulatory Management.	Discussion involving a cooperative investigative effort between Food and Drug Administration and an Agency other than the Food and Drug Administration. Two paragraphs involve a discussion of aspects personal to 2 particular individuals.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
H-195(a)	5/8/70	Internal memorandum (2 pages) To: Charles C. Edwards, M.D., Commissioner of Food and Drugs. Thru: Henry E. Simmons, M.D., Director, Bureau of Drugs From: T.E. Byers, Director, Office of Compliance Subj: Request for decision concerning contested detention of device, the "Hubbard E-Meter"	Discussion of options available to the Food and Drug Administration in pending litigation.	5 U.S.C. 552(b)(5)
H-195(b)	5/19/70	Internal memorandum (4 pages) To: Charles C. Edwards, M.D., Commissioner of Food and Drugs Thru: Henry E. Simmons, M.D., Director, Bureau of Drugs From: T.E. Byers, Director, Office of Compliance Subj: Pending litigation involving the Church of Scientology and the Hubbard E-Meter	Discussion of background and options available for pending litigation.	5 U.S.C. 552(b)(5)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-196	6/11/71	Internal memorandum (3 pages) To: General Counsel, Attn: Mrs. Sisk From: B.T. Loftus, Division of Case Guidance	Attorney work product, specifically, discussion and opinions regarding next steps to be taken in pending litigation and report and opinions regarding a meeting in the judge's chamber of that date.	5 U.S.C. 552(b)(5)
H-197	6/16/71	Internal memorandum (3 pages) To: General Counsel, Attn: Mrs. Sisk From: B.T. Loftus Subj: Scientology Trial	Attorney work product, specifically, summary of telephone conversations with the Assistant United States Attorney regarding the progress of litigation and next steps to be taken regarding same.	5 U.S.C. 552(b)(5)
H-198	2/25/63	Interagency memorandum (2 pages) To: Department of Health, Education, and Welfare, Food and Drug Administration, Washington, D.C. From: An official of an Agency other than the Food and Drug Administration	Personal details regarding a specific individual.	5 U.S.C. 552(b)(6), (b)(7)(C)
H-199				
H-200	2/21/57	Attorney Work Product (1 page)	Names and addresses for 2 potential witnesses.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)
H-201	8/8/62, 8/9/62, 8/24/62, 8/10/62, 8/20/62, 8/23/62, 10/18/62, 11/1/62, 11/12/62, 1/22/63, 1/24/63, 1/25/63	Personal correspondence file (18 pages)	Correspondence between the individual and persons associated with Scientology.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-202	11/6/68	Internal memorandum (2 pages) To: General Counsel From: Los Agneles District Subj: E-Meter Injunction Plaintiff's Interrogatories	Attorney work product - specifically, discussion of answers for interrogatory	5 U.S.C. 552(b)(5)
H-203	11/4/68	Internal memorandum (7 pages) To: Los Angeles District From: San Francisco District Subj: E-Meters	Attorney work product - specifically, discussion of answers for interrogatory	5 U.S.C. 552(b)(5)
H-204	6/11/71	Internal memorandum (2 pages) To: The General Counsel; Attn: Mrs. Sisk From: B.T. Loftus	Attorney work product - specifically, details of telephone conversation with the Assistant United States Attorney regarding progress of litigation.	5 U.S.C. 552(b)(5)
H-205	Undated	Rough draft of internal memorandum (3 pages) To: General Counsel's Office From: W.N. Swain	Attorney work product - specifically, request for counsel's advise regarding detained E-Meters.	5 U.S.C. 552(b)(5)
H-206	Undated	Internal memorandum (17 pages) To: File From: Joanne Sisk Subj: E-Meter (District of Columbia); FDC 48405	Attorney's recommendation of steps to be taken in pending litigation.	5 U.S.C. 552(b)(5)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-207	9/9/70	Interagency memorandum (3 pages) From: William W. Goodrich, Assistant General Counsel, Food and Drugs and Environmental Health Division To: Honorable Thomas A. Flannery, United States Attorney, 3600 District Court Building, Washington, D.C. 20001 Attn: Nathan Dodel, A.U.S.A. Subj: United States v. E-Meter; Civil No. D.C. 1-63; FDC 48405	Attorney work product - specifically, attorney's opinion regarding aspects of litigation.	5 U.S.C. 552(b)(5)
H-208	Undated	Rough draft of interagency communication from G.S. Goldhammer, Director, to an Agency other than the Food and Drug Administration	Request for information in that Agency's file regarding the E-Meter.	5 U.S.C. 552(b)(5), (b)(7)(E)
H-209	3/20/63	Interagency communication From: Francis J. Fiskett, Supervisory Inspector, Philadelphia District To: An official of an Agency other than the Food and Drug Administration	Request for information in that Agency's file regarding Hubbard Dianetics Research Foundation.	5 U.S.C. 552(b)(5), (b)(7)(D), (b)(7)(E)
H-210	Undated	Rough draft of interagency communication From: Van Smart	Request for information regarding a specific individual contained in the files of an Agency other than the Food and Drug Administration.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(E)
H-211(a)	3/18/71	Attorney Work Product (3 pages) To: Bud From: Nate	Request for comments on draft letter attached and described in document #H-211(b)	5 U.S.C. 552(b)(5)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-211(b)	3/18/71	Attorney Work Product (2 pages) Rough draft of proposed letter To: John Joseph Matonis, Esq. From: Thomas A. Flannery, United States Attorney	Comments regarding claimant's stipulations of facts.	5 U.S.C. 552(b)(5)
H-212	Undated	Attorney Work Product (3 pages) Rough draft memorandum To: General Counsel From: Division of Case Guidance Subj: Scientology	Suggestions to be used for purposes of the meeting of attorneys with the judge.	5 U.S.C. 552(b)(5)
H-213	12/17/54	1 page personal letter to an individual from a person associated with the Hubbard Association of Scientologists, International, with attached envelope	Personal letter	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
H-214	Undated	Attorney Work Product (12 pages)	Notes regarding conversation with Assistant United States Attorney regarding progress of litigation.	5 U.S.C. 552(b)(5)
H-215	Undated	Attorney Work Product (10 pages)	Proposed deposition for an individual with probable answers.	5 U.S.C. 552(b)(5)
H-216	Undated	Copy of portion of document entitled "Stipulations of Fact" (5 pages)	Attorney work product, with attorney's handwritten notes regarding attorney's comments on proposals.	5 U.S.C. 552(b)(5)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
H-217	Undated	Attorney Work Product (67 pages)	Attorney's notes and opinions regarding various aspects of litigation.	5 U.S.C. 552(b)(5)
H-218	Undated	Attorney Work Product (22 pages)	Specifically, notes regarding specific individuals who may be used as government witnesses including names, addresses, telephone numbers and other identifying characteristics.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C)

Headquarters

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
HN-1	undated	Attorney work product (5 pages, 2 copies)	List of items and action necessary for pending litigation	5 U.S.C. 552(b)(5)
HN-2	undated	Attorney work product (6 pages, 4 copies)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-3	undated	Attorney work product (6 pages, 4 copies)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-4a	undated	Atorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-4b	undated	Attorney work product (2 pages)	Personal data regarding proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-4c	undated	Attorney work product (6 pages)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-5a	undated	Attorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-5b	undated	Attorney work product (1 page)	Personal data regarding proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
HN-5c	undated	Attorney work product (6 pages)	Proposed affidavit for proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
HN-6a	undated	Attorney work product (1 page)	Porposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-6b	undated	Attorney work product (1 page, 2 copies)	Personal data regarding proposed witness	5 U.S.C. 552 (b)(5), (b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
HN-6c	undated	Attorney work product (2 pages)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-7a	undated	Atorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-7b	undated	Attorney work product (2 pages)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-8a	undated	Attorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-8b	undated	Attorney work product (2 pages)	Personal data regarding proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-8c	undated	Attorney work product (3 pages)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-9a	undated	Attorney work product (2 pages)	Personal data regarding proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-9b	undated	Attorney work product (3 pages)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-10a	undated	Attorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C)
HN-10b	undated	Attorney work product (3 pages, 2 copies)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-10c	5/17/63	Attorney work product Letter from proposed witness to Dr. Joseph B. David, Food and Drug Administration(1 page)	Proposed witness's opinion of the Hubbard E-Meter and another device	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
HN-11a	undated	Attorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-11b	undated	Attorney work product (2 pages)	Personal data regarding proposed witness	5 U.S.C. 552(b)(6), (b)(7)(C)
HN-11c	undated	Attorney work product (6 pages)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-12a	undated	Attorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-12b	undated	Attorney work product (1 page, 2 copies)	Personal data regarding proposed witness	5 U.S.C.552 (b)(5),(b)(6), (b)(7)(C)
HN-12c	undated	Attorney work product (6 pages)	Proposed affidavit for proposed witness	5 U.S.C.552 (b)(5),(b)(6), (b)(7)(C)
HN-13a	undated	Attorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-13b	undated	Attorney work product (2 pages)	Proposed testimony for proposed witness	5 U.S.C 552(b)(5),(b)(6), (b)(7)(C)
HN-14	undated	Attorney work product (1 page)	Proposed testimony for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-15	undated	Attorney work product (5 pages)	Proposed testimonies for witnesses	5 U.S.C. 552 (b)(5)
HN-16	undated	Attorney work product (6 pages)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)
HN-17	undated	Attorney work product (6 pages, 4 copies)	Proposed affidavit for proposed witness	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
HN-18	12/10/63	Internal memorandum (1 page - 2 copies) To: Division of Medical Review, Bureau of Medicine From: General Counsel's office, U.S. v. Hubbard E-Meter. S. No. 4-093V. FDC No. 48405	Attorney work product, specifically, request for information regarding proposed witnesses	5 U.S.C. 552(b)(5)
HN-19	12/13/63	Internal memorandum (1 page - 2 copies) with a 9 page attachemnt To: General Counsel Office, From: Division of Medical Review, Bureau of Medicine Subj: U.S. V. Hubbard E-Meter	Attorney work product, specifically, reply to document No. N-18 regarding information on proposed witnesses. The attachment descirbes the names, addresses and qualifications and summary of testimony for proposed witnesses	5 U.S.C. 552(b)(5),(b)(6). (b)(7)(C)
HN-20	11/14/63	Internal memorandum of conference between the following Food and Drug employees Dr. J.B. Davis Robert Kennedy, Dr. W.B. Adelman, W.M. Swain, and General Counsel, Joanne Sisk (1 page)	Attorney work product, specifically, discussion regarding information needed and arrangements to be made with regard to pending litigation	5 U.S.C. 552(b)(5)
HN-21	11/10/64	Internal memorandum (2 pages) To: Division of Medical Review, Bureau of Medicine From: Division of Case Supervision Subj: 4-093V Hubbard E-Meter FDC 48405	Memorandum issued by non-attorney at direction of counsel - discussion of steps to be taken and information needed for litigation	5 U.S.C. 552(b)(5)
HN-22	5/7/72	Interagency memorandum (1 page) From: Peter Barton Hutt, Assistant General Counsel, Food, Drugs, and Product Safety Division To: Gregory B. Hovendon, Chief, Consumer Affairs Section, Anti-trust Division, Department of Justice	Attorney work product, specifically, discussion concerning the enforcement of Judge Gessell's order with regard to the E-Meter	5 U.S.C. 552(b)(5)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
HN-23	12/13/63	Attorney work product Internal memorandum (1 page) To: General Counsel Office From: Division of Medical Review, Bureau of Medicine Subj: United States Versus Hubbard E-Meter	Request for counsel's advice regarding selection of witnesses	5 U.S.C. 552 (b) (5)

Headquarters

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
P-1		Rough-Draft of Memorandum (2 pages) To: Assistant Commissioner for Public Affairs From: B.T. Loftus, Deputy Director, Office of Compliance Subj: Incoming Letter	Personal opinions of an FDA employee as to whether or not the FDA should respond to a letter from a minister of the Church of Scientology of California.	5 U.S.C. 552(b)(5)
P-2	5/19/72	Internal memorandum of telephone conversation (1 page) between B.T. Loftus, Deputy Director, Office of Compliance and a former Scientologists	Discussion with a potential witness, a former scientologist, concerning personal matters and the FDA employee's personal opinion regarding that individual.	5 U.S.C. 552(b)(6), (b)(7)(C), (b)(7)(D)
P-3	11/4/71	Internal memoradum (3 pages) To: Office of General Counsel From: T.E. Beyers, Director, Office of Compliance Subj: E-Meters (Scientology) 4093-V	Recommendations and discussion of options FDA has considered and wishes considered in determining whether the decision of the U.S. District Court should be appealed.	5 U.S.C. 552(b)(5)
P-4	11/10/71	Internal memorandum (1 page - 2 copies) To: Office of General Counsel From: Director, Office of Compliance Subj: E-Meters - 4091-V (Founding Church of Scientology)	Follow-up to document #P-3, containing similar recommendations and discussion of options.	5 U.S.C. 552(b)(5)
P-5	11/10/64	Internal memorandum (2 pages) From: W.N. Swain, Division of Case Supervision, Bureau of Regulatory Compliance To: Dr. Joseph Davis, Division of Medical Review, Device Branch Subj: Hubbard E-Meter - 4093-V, FDA 48405	Attorney work product - specifically, instructions as to the next steps to be taken in pending litigation. Memo was issued by non-attorney at the direction of counsel.	5 U.S.C. 552(b)(5)
P-6	10/20/64	Internal memorandum (2 pages) From: A.P. Rayfield, FDA To: General Counsel Subj; Hubbard E-Meter - 4093-V, FDC 48405	Attorney work product - Statement of the Agency's view regarding the minimum satisfactory conditions for the disposal of pending litigation pursuant to a request from the Assistant U.S. Attorney.	5 U.S.C. 552(b)(5)

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
P-7	12/6/65	Internal memorandum (1 page) From: W.N. Swain, Division of Case Supervision, BRC To: Bureau of Regulatory Compliance Subj: E-Meters - 4093-V	Attorney work product - memorandum issued by non-attorney at the direction of counsel concerning the next steps to be taken in litigation and by whom.	5 U.S.C. 552(b)(5)
P-8	3/2/66	Internal Memorandum of telephone conversation (1 page) between FDA employees, Mr. George W. Sooy, Director, Baltimore District and Mr. George Brubaker, Division of Case Supervision, BRC	Discussion of follow-up of facts leading to a purported suicide of purported scientologist.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D)
P-9	11/29/68	Internal Memorandum (2 pages - 2 copies) To: Alfred Barnard, Director, Bureau of Regulatory Compliance From: Alvin L. Gottlieb, Deputy Assistant General Counsel Subj: Scientology	Attorney work product - specifically, advice from attorney in charge of litigation in general, and case, in particular. Respecting the nature and course of certain investigations of certain persons.	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
P-10	11/22/68	Rough draft of memorandum (3 pages - 2 copies) To: Director, Baltimore District From: Division of Case Guidance, BRC Subj: Request for additional investigation, Hubbard E-Meter	Possible investigations to be instituted, with respect to particular persons. Memo bears the words, "HOLD DON'T ISSUE"	5 U.S.C. 552(b)(5), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E)
P-11	11/22/68	Rough Draft of suggested intergency memo (2 pages - 2 copies) To: Henry H. Fowler, Secretary of the Treasury From: Herbert L. Ley, Jr., M.D., Commissioner of Food and Drugs	Requests for possible interagency cooperation. Memo bears the statement "HOLD DON'T ISSUE."	5 U.S.C. 552(b)(5)

Exhibit A
Page 67

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
P-12	11/22/68	Rough Draft of suggested letter (1 page - 2 copies) From: T.E. Beyers, FDA To: A particular office of the Better Business Bureau	Request for information. Draft bears the statements "HOLD DON'T ISSUE."	5 U.S.C. 552(b)(5)
P-13	9/21/70	Internal memorandum (1 page) To: General Counsel From: Division of Case Guidance Subj: Hubbard E-Meters	Conditions for disposal of pending litigation.	5 U.S.C. 552(b)(5)
P-14	11/27/70	Internal memorandum (1 page) To: Baltimore District From: L.M. Baukin, Director, Division of Case Guidance Subj: Temporary detail	Arrangements made for a temporary detail of a FDA employee to the Division of Case Guidance. The memo relates solely to the internal personnel rules and practices of the Agency.	5 U.S.C. 552(b)(2)

Mrs. Sisk -

I sent a
copy of
this to
Paul Figley
last night.

Barbara

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20201

OFFICE OF THE
GENERAL COUNSEL

JUN 14 1977

Robert A. Seefried
Seymour & Dudley
1225 Connecticut Ave., N.W.
Washington, D.C. 20036

Re: Church of Scientology v. Califano
Civil Action No. 76-1005 (D.D.C.)

Dear Mr. Seefried:

As you may be aware, Attorney General Griffin Bell has recently sent a letter to the heads of all federal departments and agencies concerning governmental policies relating to the Freedom of Information Act.

Pursuant to that letter, the Department of Health, Education, and Welfare has conducted a new and thorough review of all documents still at issue in the above-captioned suit. The purpose of the review has been to determine whether this set of documents includes any documents whose disclosure, while not required by the Act, would be in accord with the Act's spirit of disclosure and would not cause substantial damage to the Department.

As a result of that review, the Department has determined to release certain documents and portions of documents. The documents are listed below. Unless otherwise specified, each is being released in its entirety.

S-24 - Memo, Nebeker to Sisk, April 25, 1968. (1 p.)

S-25 - Letter, Nebeker to Goodrich, February 20, 1968. (2. pp.)

S-28 - Letter, Shapiro to Goodrich, May 10, 1968. (1 p.)

S-29 - Memo, Wallace and "RSS", April 5, 1968. (1 p.)

S-32 - Notation, Griswold, April 9, 1968. (1 p.)

S-57(a) - Memo, Loftus to Sisk, April 9, 1971. (2 pp.) (portions deleted.)

S-57(b) - Proposed draft letter, Loftus to a private individual, April 9, 1971. (3 pp. - an additional page, representing an attached route slip, has previously been released, with a portion deleted.) (portions deleted.)

S-60 - Memo, Spiller to Sisk, approximately March 28, 1972. (2 pp.)

S-61 - Letter, Hutt to Hovendon, May 24, 1972. (2 pp.)

S-62 - Note, Sisk to Hutt, May 22, 1972. (1 p.)

S-65 - Letter, Titus to Comegys, May 3, 1972. (2 pp.) (portion deleted.)

S-66 - Letter, Hovendon to Titus, May 1, 1972. (2 pp.) (portions deleted.)

S-67 - Letter, Hovendon to Hutt, March 24, 1972. (2 pp.) (portion deleted.

S-68 - Letter, Hutt to Wilson, November 16, 1971. (2 pp) (portion deleted.

S-71 - Letter, Wilson to Hutt, November 3, 1971. (1 p.)

S-77(a) - Letter, Gee to Council of Better Business Bureaus, January 23, 1973. (3 pp.) (portions deleted.)

S-77(d) - Letter, Gee to Miller. (1 p.)

S-84 - Letter, Hutt to Kauper, May 16, 1974. (2 pp.) (portions deleted.)

S-86 - Note, Sisk to Hutt, May 15 (No Year). (1 p.)
S-88 - Letter, Silbert to Kauper, May 10,1974. (17 pp.) (portions deleted.)
S-90 - Memo, Spiller, May 1, 1974. (1 p.)

S-92 - Memo, Dickerman to Gottlieb, December 20, 1968. (2 pp.)

S-96 - Letter, Goodrich to Morgan, with attachment, August 13, 1968. (3pp.)

S-97 - Letter, Leathers to HEW, June 20, 1968. (3 pp., including pp. 1 and 2, which have previously been released with a notation deleted from p. 1.)

S-98 - Note, Sisk to Gottlieb, approximately June 20, 1968. (1 p.) (portion deleted.)

S-99 - Note, Sisk to Gottlieb, June 20, 1968. (1 p.)

S-101 - Memo, Spiller, April 7, 1972. (1 p.)

S-103 - Note, Sisk to Gottlieb, with attachment, approximately March 30, 1971. (3 pp.)

As I note above, the decision to release these documents is an administrative one, and the release does not constitute an admission that the documents are not exempt under the FOIA.

As you know, the copying fees are $.10 per page. The documents hereby released total 62 pages, exclusive of pages previously released in whole or in part. Please send the Department a check for $ 6.20. You may mail the check to my care.

Sincerely,

Richard M Friedman

Richard Friedman
Attorney-Adviser
Administrative Law Branch
Business and Administrative
Law Division

Enclosures

cc: Joanne Sisk, GCF
Karen Ward, AUSA
Carol Buehrens, DOJ

GCF-1
(Sisk)
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325
385

April 28, 1977

Honorable William D. Keller
United States Attorney
Central District of California
Suite 1135
312 North Spring Street
Los Angeles, California 90049

ATTN: James Stotter II
Assistant Chief, Civil Division

Dear Sir:

As a follow-up to the recent conversations between Mr. Stotter and Ms. Joanne Sisk, Office of General Counsel, Food and Drug Division, enclosed is a copy of the re-done Exhibit A to the Answers to Interrogatories. I have redone this Exhibit re-assessing the documents and the exemptions we wish to claim at this time, incorporating my testimony during my deposition.

Mr. Paul Figley, Information & Privacy Section, Civil Division, Department of Justice, has been sent a copy of this Exhibit as well.

If you have any further questions or comments, please contact Ms. Sisk at FTS 8-443-4360.

Sincerely yours,

William L. Jackson
Special Assistant to
Associate Commissioner for
Compliance

Enclosure
as indicated

cc: HFC-3 GCF-1(Sisk) Paul Figley, Justice
JSSisk:bar:4/28/77

California Attorney case - Jackson's

Baltimore District

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
A-1	undated	Attorney work product (7 pages)	List of names and addresses for potential witnesses	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-2	undated	Handwritten notes (1 page)	List of six names with a common address of persons who had received E-Meters via U.S. Mail (not deleted)	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-3	9/21/70	Internal memorandum of telephone conversation between the following Food and Drug employees: Mr. Will Swain, Mr. B.T. Loftus, Mr. Robert W. Case (1 page)	Attorney work product, specifically, a discussion of pending litigation and probable government witnesses including names and addresses for these persons	5 U.S.C. 552(b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-4	2/6/63	Internal memorandum (2 pages) To: Director, Baltimore District From: John C. Bullard Subj: Hubbard E-Meter 4093-V, FDC 48405	Report of investigation conducted outside of Food and Drug Administration regarding a specific individual	5 U.S.C. 552 (b)(5), (b)(7)(C),(b)(7)(D), (b)(7)(E)
A-5	2/5/63	Internal memorandum (3 pages) To: Director, Baltimore District From: Inspector, Wendell O. Brown Norfolk Inspection Station Subj: Hubbard E-Meter 4093-V, FDC 48405	Report of an investigation of a specific individual containing names and other identifying characteristics including medical details	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-6	1/30/63	Memorandum for the File (2 pages) Author: George B. Tilrow, Insepctor Baltimore District	Interview with a specific individual about a specific incident involving the Church of Scientology and persons associated with the organization containing names and other indentifying characteristics	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-7	2/20/63	Internal memorandum (4 pages) To: Director, Philadelphia District From: Inspector, W. Remle Grove Subj: Hubbard E-Meter 4093V FDC 48405 DRM/F memo 2/4/63	Interview with a specific individual regarding his experiences with Scientology and persons involved with that organization with names and identifying characteristics	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)

Exhibit A, Page 1

DOCUMENT NO.	DATE	DESCRIPTION	CONTENT	STATUTORY EXEMPTION
A-8	11/13/70	Internal memorandum of telephone conversation (2 pages) between a complainant and Mr. Raymond L. Sweeney, Food and Drug Officer, Buffalo District REF: Scientology of Washington, D.C.	Complaint consisting of names and identifying characteristics including medical references	5 U.S.C. 552 (b)(5), (b)(6) (b)(7)(C), (b)(7)(D)
A-9	12/9/64	Internal Memorandum (2 pages) To: Division of Case Supervision Attn: Mr. Will Swain From: George D. Tilroe, supervisory inspector, Baltimore District Subj: Founding Church of Scientology	Summary of telephone conversation with complainant regarding present experiences with the Church of Scientology and members of that organization, consisting of names and other identifying characteristics of individuals including medical details.	5 U.S.C.552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-10	9/13/63	Internal memorandum of telephone conversation (1 page) between the following FDA employees: Arnold N. Morton, Seattle District; G. Wallace Rynerson, Seattle District, A.M. Welch, Division of Regulatory Management	References to specific persons and specific events with names and other identifying characteristics	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-11	7/23/64	Internal memorandum (3 pages) To: Philadelphia District From: Inspector Elmer W. Greve Subj: DCS: BRC/Philadelphia, letter 5/22/64 4093V, E-meter, FDC 48495	Interview containing names identifying characteristics of specific individuals including medical references	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)
A-12	11/22/68	Internal memorandum (2 pages) To: Director, Baltimore District From: Michael D. Kennedy, Inspector Baltimore District Subj: Special Investigation - Scientology	Investigation and interview with specific individuals containing names and identifying characteristics including medical references	5 U.S.C. 552 (b)(5),(b)(6). (b)(7)(C), (b)(7)(D)
A-13(a)	1/7/69	Internal memorandum (1 page - 2 copies) To: Chief Inspector From: M.J. Ryan, Compliance Branch Subj: 004-093V, Scientology	Request for investigation of specific individuals providing detailed background information	5 U.S.C. 552 (b)(5),(b)(6), (b)(7)(C), (b)(7)(D)

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FM TIMOTHY C SOTTEK ACTING BRANCH CHIEF REGULATIONS POLICY AND VOLUNTARY COMPLIANCE BRANCH DOC BMDDP HFK-100 DHEW ROCKVILLE MD
TO ALL REGIONAL FOOD AND DRUG DIRECTORS
TO ALL DEPUTY REGIONAL FOOD & DRUG DIRECTORS
INFO: FOI OFFICERS
BT
SUBJECT: FREEDOM OF INFORMATION REQUEST - CHURCH OF SCIENTOLOGY

A REQUEST HAS BEEN MADE THROUGH THE FDA PUBLIC RECORDS AND DOCUMENTS CENTER, THAT ALL RECORDS MAINTAINED IN ALL COMPONENT OFFICES RELATIVE TO THE CHURCH OF SCIENTOLOGY BE MADE AVAILABLE FOR INSPECTION.

ALL REGIONAL AND DISTRICT OFFICES MUST RESPOND TO THIS REQUEST. INITIALLY WE NEED AN ESTIMATE OF HOW MUCH MATERIAL YOU HAVE ON THIS SUBJECT WITH THE EXCEPTION OF PROMOTIONAL MATERIALS PROVIDED US BY THE CHURCH OF SCIENTOLOGY AND RECORDS YOU ARE CERTAIN HAVE BEEN FORWARDED TO HEADQUARTERS. THE APPROXIMATE NUMBER OF PAGES WILL BE AN ACCEPTABLE ESTIMATE.

PAGE TWO

THIS EFFORT WILL BE COORDINATED BY THE BUREAU OF MEDICAL DEVICES AND DIAGNOSTIC PRODUCTS (HFK-100) - WILLIAM MCVICKER (301-443-4627) OR PAMELA WOJTOWICZ (301-443-4358). NOTIFY THIS OFFICE OF YOUR ESTIMATE BY MARCH 31, 1975. ALSO, NOTIFY THIS OFFICE IF YOUR DISTRICT HAS RESPONDED PREVIOUSLY TO A SIMILAR REQUEST OR IF THERE ARE ANY QUESTIONS.

RECORDS ON SEARCH TIME SHOULD BE KEPT FOR BILLING PURPOSES. WHEN WE HAVE DETERMINED WHAT MATERIAL WE HAVE, YOU WILL THEN BE PROVIDED WITH DIRECTION ON HOW TO PROCEED.
BT

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ACPT

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, Plaintiff, v. JOSEPH A. CALIFANO, JR., et al., Defendants.	)	Civil Action No. 76-1005 THIRD AFFIDAVIT OF JOANNE S. SISK

County of Montgomery)
State of Maryland) ss

Joanne S. Sisk, being first duly sworn, deposes and says:

1. I am an attorney in the Food and Drug Division (hereafter, "the Division") of the Office of General Counsel (hereafter, "OGC"), United States Department of Health, Education, and Welfare. This is the third affidavit I have executed in this case. The statements which follow are based upon my personal knowledge and recollection of information obtained by or made available to me in the course of my official duties. I am familiar with the Freedom of Information Act (hereafter, "FOIA") request submitted by plaintiff to defendants, and with the pleadings filed in this case by plaintiff. I am familiar with the documents described below.

2. The following narrative identifies and describes the documents, or portions thereof, set forth below and provides a factual description of the materials still withheld from plaintiff.

3. I will describe these documents in general categories and will then give an itemized description of each document in the particular category. In the itemized descriptions, I will note in parentheses at the beginning of each paragraph the asserted exemption which that paragraph supports. Thus, a paragraph supporting a claim of the attorney work-product protection under Exemption 5 will be headed (AWP). Similarly, the attorney-client privilege and pre-decisional deliberation privileges under Exemption 5 are designated (AC) and (PDD), respectively, and Exemptions 6 and 7 are designated (6) and (7), respectively.

(a) Document OI-3:

This document is a memorandum of a telephone conversation between an employee of the Food and Drug Administration and a member of the public, along with a one-page transmittal memorandum to the Investigative Staff, H.E.W. Audit Agency, from a Food and Drug Administration employee. The only information deleted from this document were facts which would tend to identify a person who had provided information to the Food and Drug Administration in conjunction with the litigation involving the E-Meter, as well as information which would identify other individuals referred to in the document. The circumstances under which the information was provided were such that I was satisfied that the identity of the individuals should be held in confidence, pursuant to the implicit understanding that the Food and Drug Administration would not reveal the identity of the individuals. This document originated in the Food and Drug Administration in its enforcement of the Federal Food, Drug, and Cosmetic Act and was forwarded to the Investigative Staff of the HEW Audit Agency as a part of the regular process whereby information is forwarded for consideration and, if appropriate, action with a view to law enforcement.

(b) Documents S-1, S-2, S-3, S-6, S-8, S-9, S-14, S-15, S-21, S-30, S-39, S-42, S-45, S-47, S-48, S-49, S-50, S-51, S-54, S-55, S-58, S-74, S-98, S-104, S-107, and S-108:

These documents include informal handwritten and typewritten memoranda, letters, and notes prepared by or for government lawyers in the context of litigation. Most were prepared for purposes of the E-Meter seizure and detention cases; the others were prepared in the context of a drug seizure case, and were inserted in the E-Meter seizure case file of the Food and Drug Division because they dealt with a legal issue which was also an issue in the seizure case. They can best be described as the result of attorneys' analytical work, and many contain both selected facts, analysis, and various legal theories. In my opinion, these documents constitute attorney work-product materials.

The E-Meter litigation involved a device used and distributed by Scientology, and my understanding is that it is still used and distributed by Scientology.

Documents S-2, S-3, S-15, and S-42, described above, also contain the names and other identifying particulars of private individuals or home addresses of govenment employees who provided defendants with useful facts and/or leads, or were at various times considered by myself and other government attorneys as potential witnesses in the E-Meter seizure litigation.

An itemization of the above-described documents is as follows:

S-1. (AWP) This is a 5-page, undated, typed document. I created it in preparation for the E-Meter seizure case trial. It consists entirely of proposed testimony which, in my opinion, was desirable to have offered to support the Government's position in that trial. It also contains an identification of the type of witnesses who, in my opinion, would best be suited to giving helpful testimony.

S-2. (AWP) This is a 17-page undated document. I created it in preparation for the E-Meter seizure case. It consists entirely of my handwritten notes of my conversation with an FDA investigator who officially inspected Scientology offices and who was present at the seizure of the E-Meters, and contains the FDA investigators' personal impressions and evaluations of certain Scientology-related individuals whom the investigators met. Some of the individuals mentioned in this document were potential witnesses in the E-Meter seizure case.

(6) The document contains names and other identifying particulars of individuals affiliated with Scientology who were present either at the execution of the monition or at the inspection of Scientology offices, or who were discussed during that visit.

(7) The inspection of Scientology offices was an investigation pursuant to 21 U.S.C. §374, and the seizure of E-Meter devices was pursuant to court order under 21 U.S.C. §334.

S-3. (AWP) This is a 20-page document, dated February 25, 1963, and created by W. N. Swain, an FDA employee working under the supervision of the HEW Office of General Counsel. The document was created for the purposes of the E-Meter seizure case, and consists entirely of proposed answers to interrogatories in that case. (The portion identified in the index to my deposition as "5 handwritten pages of probable witnesses" is a handwritten draft of an answer to certain of the interrogatories which sought names and other identifying information about Government employees involved in the case.)

(6) A portion of the document contains home addresses of government employees.

S-6. (AWP) This is a 9-page, undated document. It contains 6 pages (5 pages plus one cover page) consisting entirely of my handwritten notes of a conversation with an FDA inspector who was present at the E-Meter seizure, concerning the facts of the seizure, and 3 pages consisting entirely of my typewritten notes on certain court cases which, in my opinion, were relevant to legal issues which arose in the E-Meter case. I created it in preparation for the E-Meter case.

S-8. (AWP) This is a 4-page memorandum, typed with handwritten corrections, and dated December 13, 1962. It is from Van W. Smart, an FDA employee, to the HEW Office of General Counsel. It was drafted by W. N. Swain for Mr. Smart. It was prepared at the request of the Office of General Counsel for purposes of the E-Meter seizure case. It consists solely of factual information provided by FDA related to a legal issue which the Office of General Counsel believed might arise in that case, together with the author's factual-legal conclusion based on that information.

(AC) Mr. Smart sent this memorandum on behalf of the FDA. He sent it to the Office of General Counsel, which served as house counsel to the FDA. He provided the information necessary to help that office (OGC) evaluate a possible legal action.

S-9. (AWP) This is an 8-page memo, typed with handwritten corrections and additions, dated November 6, 1962. It was drafted by W. N. Swain for Van W. Smart, both of whom are FDA employees, and sent to the HEW Office of General Counsel. The document was prepared in anticipation of the E-Meter seizure case, and consists entirely of information and advice provided by the author to the Office of General Counsel to help that office evaluate a proposed enforcement action. The memorandum mentions legal issues which the author believed might arise, and cites facts wich the author believes were relevant to those issues.

(AC) Mr. Smart sent this memorandum to OGC, which served as house counsel to the FDA, on behalf of the FDA. He provided the information to help that office evaluate a possible legal action.

S-14. (AWP) This is a 57-page, undated document created by me for purposes of the E-Meter case. It consists entirely of my handwritten notes abstracting portions of an unidentified document. The portions which I selected for abstracting were chosen for their relevance to certain factual and legal issues which I believed might arise in the case.

S-15. (AWP) This is a 6-page, undated document, typed with handwritten additions and amendments, and prepared by the Office of General Counsel for purposes of the E-Meter seizure case. It consists entirely of material prepared for an interview of a potential witness--draft affidavits and questions to be asked the witness.

(6) The name of the potential witness appears on pages 1 and 2. The names and other information tending to identify certain private individuals who had experienced difficulties with Scientology appear on page 3.

(7) The document is an investigatory record prepared for purposes of questioning an informant, and the E-Meter seizure was a law enforcement action. I and others present at the interview promised the informant that we would keep confidential the informant's identity unless it became necessary to introduce any of his information.

S-21. (AWP) This is a 1-page, typed, undated document. I typed it, and I prepared it for purposes of the E-Meter seizure case. To the best of my estimation, it is my transcription of portions of a subpoena and of a letter, both of which were addressed to David Bress, former U.S. Attorney, and both of which were read to me over the telephone.

S-30. (AWP) This is a 2-page, undated handwritten note from B. Rosenberg, an attorney in the Appellate Section of the Criminal Division of the Justice Department. The addressee is not named on the note. It was written for purposes of a case other than the E-Meter seizure case, and consists solely of analysis and recommendation concerning whether to seek appellate review of the case. It was inserted in the E-Meter seizure case file of the Food and Drug Division of the Office of General Counsel during the seizure case litigation because it dealt with a legal issue which was also an issue in the seizure case.

(PDD) The first clause of the first sentence expresses a recommendation regarding whether to seek appellate review.

S-39. (AWP) This is a 2-page, undated, handwritten document. I prepared it for purposes of one of the E-Meter cases, but I am not sure whether it was the seizure case. It consists solely of my notes regarding a document filed or proposed to be filed in the case, and appears to be my suggestions for revising or rephrasing certain portions of a draft pleading or memorandum to be filed by the Government.

S-42. (AWP) This is a 7-page, undated, handwritten document. It was prepared for me, at my direction, either by Bernard Loftus, an FDA employee working under my supervision, or by some other FDA employee working under my supervision. It was prepared for purposes of the E-Meter seizure case. The first three pages are a "List of Witnesses," giving names and addresses of the individuals listed. The other five pages are headed "Portions of Transcript the Gov't wishes in evidence," and contains essentially names and intervals of pages identified as direct, cross, redirect, etc., examination.

(6) Two lines on page 2 and two lines on page 3 identify home addresses of government employees.

S-45, S-47, S-48, S-49, S-50, S-51. (AWP) Each of these is a 1-page handwritten note to me from Bernard Loftus (see under S-42). Each was prepared at my direction in connection with the E-Meter seizure case. Each consists solely of information regarding progress made by Mr. Loftus, by other FDA employees working under my supervision, and by an attorney in the U.S. Attorney's Office in preparing exhibits for trial. S-45 is dated January 25, 1971; S-47 is dated January 13, 1971; S-48 and S-49 are dated January 15, 1971; S-50 is dated January 18, 1971; and S-51 is dated January 19, 1971.

S-54. (AWP) This is a 6-page undated handwritten document headed "Gov't exhibits and location on transcript." It was written by Bernard Loftus (see under S-42) for purposes of the E-Meter seizure case. It appears to be a list of selected government exhibits which Mr. Loftus prepared at my direction for my use in drafting an appellate brief; in any case it is not merely an exhaustive list of exhibits introduced by the Government at trial. In addition, four lines on the last page solely give information concerning what occurred on a specific page of the transcript in connection with government exhibits.

S-55. (AWP) This is a 9-page, undated, handwritten document headed "List of Libelant's Exhibits in Evidence." It was written either by Bernard Loftus (see under S-42) or by Will N. Swain, another FDA employee working under my supervision. As with S-54, this is a selective list, not an exhaustive list. It was prepared for purposes of the E-Meter seizure case.

S-58. (AWP) This is a 147-page document. Nine pages consist of a copy of a list of documents, which list was an excerpt of a document filed in the E-Meter seizure case on February 1, 1971. I made markings and notes on each page of the copy. I made this annotated copy for purposes of the seizure case. The notes themselves are not dated. The remaining 138 pages are undated and handwritten. They contain lists of exhibits, indications of the issues to which such exhibits might be relevant, notes on the status of the Government's review of such exhibits, factual description of such exhibits, and legal analysis (including suggestions regarding relevance and whether to object) of such exhibits.

S-74. (AWP) This is a 1-page handwritten memorandum of telephone conversations concerning the status of various aspects of the E-Meter seizure case, prepared for purposes of that case. While the memorandum is unsigned, its contents lead me to believe that it was prepared either by a lawyer in the Food and Drug Division or by an employee of the FDA working under the supervision of that division.

S-98. (AWP) (PDD) This 1-page, undated, typewritten memorandum, was prepared by me and sent to the Assistant General Counsel, Food and Drug Division. The document, which concerns an injunction suit brought by Scientology, has been released almost in its entirety to plaintiff. The remaining withheld portions consist only of my subjective opinions and impressions regarding proposed actions to be taken in the future course of the litigation.

S-104. (AWP) This document, dated December 22, 1970, is comprised of four pages of handwritten notes prepared under my direction by Bernard Loftus, an FDA employee. The document concerns one of the E-Meter detention cases and describes certain preparations of the case by the FDA, the Food and Drug Division, and the United States Attorney's office.

S-107. (AWP) This one-page handwritten memorandum, dated December 22, 1970, was sent to me by Bernard Loftus, an FDA employee, who prepared it under my direction. It was written in the context of the E-Meter litigation, and contains his comments regarding FDA's progress in the preparation of the litigation.

S-108. (AWP) This one-page handwritten memorandum to the files, dated December 28, 1962, was prepared by Edward Cardwell, an attorney in the Food and Drug Division. The document describes a proposed seizure and was written in contemplation of ensuing litigation.

(c) Documents S-5, S-20, S-26, S-27, S-31, S-64 through S-68, S-78, S-84, and S-88:

These documents include formal inter- and intra-agency letters and memoranda prepared by government attorneys in the context of the E-Meter seizure and detention cases. They are comprised of selectively chosen facts, and the application of legal theories to such facts, and certain pre-decisional legal advice and recommendations regarding defendants' legal strategy and future handling of the E-Meter cases.

An itemization of the above-described documents is as follows:

S-5. (AWP) This is a 1-page copy of a memorandum from David C. Acheson, U.S. Attorney for the District of Columbia, to Herbert J. Miller, Jr., Assistant Attorney General, dated January 14, 1963. It was created for purposes of the E-Meter seizure case. It consists entirely of a discussion of the status of the litigation and contains the author's opinion regarding issues which might arise and the appropriate course of action for the Government in preparing for trial.

S-20. (AWP) This is a 9-page, typed memorandum from William W. Goodrich, Assistant General Counsel, Food and Drug Division, HEW, to Joseph M. Hannon, Chief, Civil Division, U.S. Attorney's Office, dated April 4, 1963. It was prepared for the purposes of the E-Meter seizure case, and consists entirely of an analysis of legal strategy, beginning with a statement of the conclusion of the Office of General Counsel and continuing with a legal analysis of the facts.

S-26. (AWP) This is a 4-page, typed memorandum from Daniel M. Friedman, an attorney in the Office of the Solicitor General, to the Solicitor General, dated September 2, 1969, with some handwritten marginal notes. The memorandum consists solely of analysis and recommendations concerning whether to petition for certiorari in the E-Meter seizure case, and the marginal notes are brief comments on statements in the memorandum.

S-27. (AWP) This is a 4-page, typed memorandum from Lawrence G. Wallace, an attorney in the Office of the Solicitor Ceneral, to the Solicitor General, dated August 27, 1969, with several handwritten amendments. It consists soley of analysis and recommendation concerning whether to petition for certiorari in the E-Meter seizure case.

S-31. (AWP) This is an 8-page, typed, undated memorandum from Fred M. Vinson, Jr., Assistant Attorney General, Criminal Division, to the Solicitor General. It consists solely of the author's analysis and recommendation concerning whether to appeal an order in the case of United States v. Undetermined Quantities of Depressant or Stimulant Drugs. It was inserted in the E-Meter seizure case file of the Food and Drug Division of the Office of General Counsel because it dealt with a legal issue which was also an issue in the seizure case.

S-64. (AWP) This is a 2-page letter from Peter Hutt, Assistant General Counsel, Food and Drug Division, HEW, to Gregory B. Hovendon, Chief, Consumer Affairs Section, Antitrust Division, Department of Justice, dated May 17, 1972. It was prepared for purposes of the E-Meter seizure case. It consists entirely of a discussion of a District Court order. An appeal of the order was pending at the time.

(AC) In this communication, the Food and Drug Division was acting as house counsel to the FDA, and the Justice Department was acting as FDA's outside counsel. The communication was intended to be confidential. It was prepared to convey information and FDA's opinion to the Justice Department regarding FDA's responsibilities under the court order in order to help that Department advise and assist the FDA in the context of representing FDA in the E-Meter seizure case.

S-65, S-66, S-67. (AWP) These documents were prepared for purposes of the E-Meter seizure case. The District Court order in the case was under appeal at the time these documents were written. The deleted portions consist solely of discussion of legal and factual analysis of the order.

(AC) The deleted portions of S-65 and S-66 and the first sentence of the deleted portions of S-67 explicitly relate opinions and information, regarding the order, communicated to the U.S. Attorney's Office and to the Justice Department by the HEW Office of General Counsel on behalf of FDA. The remainder of the deleted portion of S-67 consists of the Justice Department's opinion in response to the communications by the Office of General Counsel, and the substance of the Office of General Counsel's communication may be inferred from these opinions. The communications by the OGC were intended to be confidential. Their purpose was to help the U.S. Attorney's Office and the Justice Department perform their functions of advising and assisting HEW in the context of representing FDA and HEW in the E-Meter seizure case.

S-68. (AWP) This document was prepared for purposes of the E-Meter seizure case. The deleted portions consist solely of expressions of the desires of FDA and the Office of General Counsel regarding appeal, and of a legal and factual analysis of the order.

S-78. (AWP) This is a 1-page letter from Walker B. Comegys, Acting Assistant Attorney General, Antitrust Division, to Harold H. Titus, U.S. Attorney, dated June 30, 1972. It was created in connection with the E-Meter seizure case and consists entirely of a discussion and recommendation of possible enforcement of the court order pending appeal.

S-84. (AWP) (PDD) (AC) This document was a letter from Peter Hutt, Assistant General Counsel, Food and Drug Division, to Thomas Kauper, Assistant Attorney General, Antitrust Division, Department of Justice. It was prepared for purposes of the E-Meter seizure case. The deleted portions of this document consist solely of the FDA attorney's suggestions and legal recommendations concerning the possible appeal of the seizure case.

S-88. (AWP) (PDD) This document is dated May 10, 1974, and was a letter from Earl J. Silbert, United States Attorney, to Thomas Kauper, Assistant Attorney General, Antitrust Division, Department of Justice. The document was prepared for purposes of the E-Meter seizure case. The remaining withheld portions consist of the attorney's legal opinions, and argumentative interpretations of certain selected facts as they relate to his recommendations regarding the handling of the case.

(d) Documents S-57(a), S-57(b), and S-77(a):

Documents S-57(a) and 57(b) have been disclosed to plaintiff almost in their entirety, with only minor deletions in order to maintain confidential names and other personal identifying information about individuals who did undercover work for the FDA. The information deleted in Document S-77(a) concerns the financial status of a person known to plaintiff. I believe that the disclosure of this information would create a clearly unwarranted invasion of personal privacy of the individuals involved.

(e) Documents S-80, S-81, and S-82:

I understand that these documents were previously the subject of an FOIA action by plaintiff, and that they have been held by that Court to be exempt from disclosure to plaintiff. Therefore, I have determined not to itemize them in this affidavit.

Joanne S. Sisk
JOANNE S. SISK

Subscribed and sworn to before me this 24th day of June, 1977, in the State and County aforesaid.

Grace K. Edwards
Notary Public
My Commission Expires: July 1, 1978

Case

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA	)	
Plaintiff	)	Civil Action No. 76-1005
v.	)	
F. DAVID MATHEWS, et al.	)	
Defendants	)	

AFFIDAVIT OF JOANNE S. SISK

City of Rockville)
State of Maryland) ss

Joanne S. Sisk, being first duly sworn, deposes and says:

There is a typographical error in paragraph 5 of my affidavit of March 21, 1977, filed in this case. The sub-paragraph headed, "S-28, S-31" (page 5) should be changed to read, "S-28 through S-31." The statements in the sub-paragraph apply to documents S-28, S-29, S-30 and S-31.

Joanne S. Sisk
JOANNE S. SISK

Subscribed and sworn to before me this 22nd day of March, 1977, in the City and State aforesaid.

Grace L. Edwards
Notary Public

My commission expires July 1, 1978

Case

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA	)	
Plaintiff	)	
v.	)	Civil Action No. 76-1005
F. DAVID MATHEWS, et al.	)	
Defendants	)	

AFFIDAVIT OF JOANNE S. SISK

City of Rockville)
State of Maryland) ss:

Joanne S. Sisk, being first duly sworn, deposes and says:

1. I am an attorney in the Food and Drug Division of the Office of General Counsel, United States Department of Health, Education, and Welfare. I am the same individual whose deposition has been previously filed in this case.

2. I was one of the attorneys in the Division who helped coordinate the efforts of the Food and Drug Administration in the litigation entitled United States v. Article of Device ... Hubbard Electrometer, Civ. No. 1-63 (D. of C., 1968), rev'd sub nom. Founding Church of Scientology v. United States, 409 F.2d 1146 (C.A. D.C.), cert. den. 396 U.S. 963 (1969), on remand, 333 F. Supp. 357 (D. of C., 1971), aff'd in part (C.A. D.C., 1973).

3. The documents identified on the index attached as plaintiff's Exhibit 3 to my deposition were all located in the litigation files of the Division pertainint to that case or to related cases involving import detentions of the E-meter brought by other branches of the Church of Scientology. I have examined all of these documents, numbered S-1 through S-108. (Numbers S-101 through S-108 were errouneously

referred to in the above-mentioned index as A-101 through A-108.) All of the statements below characterizing or otherwise referring to these documents are made on the basis of my memory of the facts of those cases and the procedures and personalities of that litigation and on the basis of what appears on the faces of the documents. The following statements respecting documents in categories or groups are intended to add to, explain, and amplify the extended discussion of individual documents which took place during my deposition.

4. The following information is relevant to claims of privilege for attorney-client communications and intragovernmental predecisional deliberations (occasionally referred to in my deposition and on the index prepared for that deposition as the "Sears privilege"):

S-8, S-9. These are communications from the Food and Drug Administration (FDA) to the Office of General Counsel, Food and Drug Division (GCF), which served as legal counsel to FDA, providing information to help OGC evaluate a possible legal action.

S-16 (Part). Part of this note expressed my recommendations to my supervisor as to legal strategy, and included a reference to the FDA's desires with respect to further proceedings.

S-20. This memorandum consists of legal strategy recommendations together with a discussion of selected facts, including excerpts from published Scientology texts, supporting the recommendations. In part it contains expressions of the FDA's desires with respect to further proceedings.

S-28. Part of this memorandum consists of a reference to an OGC recommendation to the Justice Department concerning legal strategy. The remainder consists of recommendations by Justice concerning seizure proceedings.

S-29. This is an internal memorandum of the Office of the Solicitor General consisting of recommendations as to post-trial proceedings. Also the conclusions are explicitly based on information provided by the Bureau of Drug Abuse Control. The memorandum recites only a few facts, selected to support its recommendation.

S-30. This is an internal memorandum of the Appellate Section, Criminal Division, Dept. of Justice, consisting of recommendations as to post-trial proceedings.

S-31. This is an internal memorandum to the Solicitor General from the Criminal Division containing an extensive factual discussion plus a Summary and a Recommendation which give the authors' advice as to post-trial proceedings. The facts presented were apparently selected for their relevance to the question whether to undertake such post-trial proceedings. The memorandum states that most of the facts discussed were provided by an official of the Bureau of Drug Abuse Control.

S-32. This is a memorialization by the Solicitor General of his reasons for deciding not to appeal. Comparison of other documents shows that it incorporates facts learned from the client.

S-57(a). This memorandum consists of information provided by FDA to GCF to enable GCF to decide how the Department should respond to a letter relating to litigation. One sentence expresses a recommendation of the author, Mr. Loftus, regarding a response.

S-57(b). This is a draft letter prepared by Mr. Loftus but not used.

S-62, S-63. These documents constitute an exchange of views between my superior and me regarding communications to, and relations with, the Justice Department. Document S-61 is the result of the exchange. S-63 is a draft letter I prepared for my superior which he returned with comments.

S-64. This is a letter from GCF, acting as "house counsel" for FDA, to the Justice Department, acting as "outside counsel," giving factual information and opinions regarding FDA's responsibility under a court order.

S-65. Substantially all of this letter consists of references to statements by GCF personnel of their opinions regarding FDA's responsibility under a court order.

S-66, S-67 (Part). Substantial portions of these letters consist of references to statements by GCF personnel of their opinions regarding FDA's responsibility under a court order.

S-68. This letter expresses the desires of the FDA and of GCF regarding post-trial proceedings, and provides information to aid the Justice Department in deciding what possible post-trial avenues to pursue. It is a recommendation to the Justice Department together with certain factual information selected to support the recommendation. Each of the factual sentences also suggests opinion, evaluation, and recommendation.

S-69, S-70. These are drafts of S-68 and contain essentially the same material.

S-75. This memorandum is an expression of FDA's recommendation, requested by counsel (United States Attorney's Office and GCF), to help counsel decide whether to file a certain post-trial motion.

S-78. This letter gives advice and recommendations regarding possible enforcement of a court order while appeal is pending. It recites a few facts relevant to its advice. Also, it refers in part to a communication from HEW relevant to considerations of such possible enforcement.

S-84. This letter consists of information provided by GCF to the Justice Department to aid the latter in deciding on post-trial proceedings. Almost all of it consists of a recommendation of the FDA together with facts selected so as to support the recommendation.

S-87. This is a draft of S 84 and contains essentially the same material.

S-89(Part). This letter includes a reference to statements by an HEW official of HEW's desires and recommendations as to further proceedings.

5. The following information is relevant to the claim of attorney work product protection for "S" documents numbered 1-34, 37-56, 58-72, 74-76, 78-79, 83-94, and 96-108. With exceptions to be discussed below, all of these documents were created either (1) in advance of the E-Meter seizure action and in contemplation of the prospective seizure litigation, (2) before or during one of the E-Meter seizure trials and as part of the process of preparing for the trial, or (3) after one of the E-Meter trials and as part of the consideration whether to undertake an appeal or other post-trial procedural action, or as part of the preparation for such action. With

exceptions to be discussed below, all of these documents were created either (1) by lawyers in the Department of Justice (including U.S. Attorneys' Offices) or in the Food and Drug Div ision of the HEW Office of General Counsel or (2) by government employees working under the supervision of such lawyers. With exceptions to be discussed below, all of these documents consist entirely of material whose disclosure would tend to reveal mental processes of the lawyers. This includes lawyers' notes based on conversations with FDA investigators, excerpts of a transcript selected by a lawyer, a lawyer's selection and analysis of legal precedents, notations by a lawyer or by an FDA employee working under the lawyer's supervision as to the status of the litigation or its procedures or preparation, analysis and recommendation of liti-ation tactics, etc.

S-8. This document was prepared by FDA employees who were not working under the supervision of Office of General Counsel lawyers, but they prepared it at the request of the Office of General Counsel.

S-9. This was prepared by FDA employees, but they were apparently not acting at the direction of the Office of General Counsel. The document includes facts selected by the author on the basis of their relevance to the issues of possible enforcement action, and provided by the author to the Office of General Counsel to help that office evaluate that possible legal action.

S-21. To the best of my estimation this typewritten document is my transcription of portions of a subpoena and of a letter, both of which were addressed to David Bress, former United States Attorney, and both of which were read to me over the telephone.

S-28, S-31. These were created during litigation other than the E-Meter litigation, and all were part of the deliberation of litigation tactics. All were created by lawyers in the Department of Justice and all of the material would tend to reveal mental impressions, legal theories, and tactical recommendations of those attorneys. Furthermore, they were inserted in the E-Meter seizure litigation file of the Food and Drug Division of the HEW Office of General Counsel during the seizure litigation because they dealt with a legal issue which was also an issue in that case.

S-32. This document was inserted in the E-Meter seizure litigation file of the Food and Drug Division of the HEW Office of General Counsel because it dealt with a legal issue which was also an issue in that case.

S-56. This document contains a discussion of a pending case in Los Angeles concerning the import detention of E-Meter devices, partly by an Assistant United States Attorney in Los Angeles and partly by an FDA employee working under the supervision of the Food and Drug Division of the HEW Office of General Counsel. The information was requested by OGC because it was relevant to tactical considerations in the E-Meter seizure case in the District of Columbia.

S-75. This is the document which was erroneously discussed as S-74 in my deposition. It expresses the desires of the FDA regarding legal tactics, and was prepared in response to a request from an attorney in the Food and Drug Division of the HEW Office of General Counsel.

S-91 through S-94; S-96 through S-104. All of these documents were created during and as a part of preparation for one of the cases concerning the import detention of E-Meter devices. There were three such cases, one in the Central District of California, one in the Western District of Texas, and one in the District of Minnesota. These cases and the District of Columbia E-Meter seizure case all concerned the E-Meter device and each could affect the others.

6. The following information is relevant to claims of exemption under Exemptions 6 and 7.

S-2 (Part). This document is my notes of conversations with an FDA investigator who officially inspected Scientology offices pursuant to 21 U.S.C. 374 and who was present at the seizure of E-Meter devices pursuant to order of the Court issued under 21 U.S.C. 334. I made those notes for purposes of the litigation. The document contains names and other identifying particulars of individuals affiliated with Scientology who were present either at the execution of the monition or at the inspection of the Scientology offices or who were discussed during that visit. It also contains FDA investigators' personal impressions and evaluations of certain

Scientology-related individuals whom the investigators met. Some of the individuals mentioned in this document were potential witnesses in the E-Meter litigation.

S-3 (Part). These draft answers to interrogatories contain names and other information tending to identify private individuals who have complained about Scientology. Some of these individuals were potential witnesses in the E-Meter litigation. It also contains home addresses of government employees. This information was extracted from complaints received as part of the FDA's ongoing efforts to detect and prevent violations of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 et seq.

S-15 (Part). This document was prepared by the Food and Drug Division of the HEW Office of General Counsel for an interview with a confidential informant in connection with the E-Meter seizure action. The informant received an explicit promise of confidentiality. The document contains names and other information tending to identify the informant and private individuals who had experienced problems with Scientology.

S-42 (Part). This document contains names and, in certain instances, business addresses of private individuals in a "List of Witnesses." It also contains home addresses of certain government employees.

S-57(a). This is a memorandum to me from Bud Loftus, an FDA employee working under my direction. It is dated April 9, 1971, and consists entirely of information tending to identify a private individual who wrote a letter to the government relating to the E-Meter litigation.

S-77(a) & (d). These are two letters from a private individual to the Better Business Bureau complaining about Scientology. Release of any portion of the letters would tend to identify this individual.

S-80 (Part), S-81, S-82. S-80 has been released in part. S-81 is a one-page letter, dated September 3, 1972, to Myron Baum, Chief of Civil Trials, Tax Division, Department of Justice. S-82 is a seven-page letter

to James Argue, Internal Revenue Service. The FDA obtained all three documents as part of its enforcement efforts related to the E-Meter seizure case. Release of any of this material would tend to identify the author of S-81 and S-82, a private individual, and release of some of the material would identify other private individuals mentioned in S-82. I gave explicit pledge of confidentiality to the author for anything which the FDA learned from the author.

Joanne S. Sisk

JOANNE S. SISK

Subscribed and sworn to before me this 21st day of March, 1977, in the City and State aforesaid.

Paul L. Edwards

Notary Public

My commission expires July 1, 1978

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

CHURCH OF SCIENTOLOGY Of California Plaintiff, v. F. David MATHEWS, et al. Defendants	)	Civil Action No. 76-1005

Memorandum on Points and Authorities
Supporting Defendants' Motion For Summary Judgment

This is an action under the Freedom of Information Act (FOIA --5 U.S.C. §552) to compel release of records withheld by the defendant, Department of Health, Education, and Welfare. For convenience, those documents are herein designated as follows:

OI-1	Card reference headed "CHURCH OF SCIENTOLOGY." From the card files of the HEW Office of Investigations. Withheld in part only.
OI-2	Document from file referenced by OI-1. Originated by the FBI, and in the files of the Office of Investigations. Occasionally referred to in the Answers to Interrogatories as "The FBI Document."
OI-3	Document from file referenced by card headed "HUBBARD, L. Ron," and by card headed "Scientology, Church of," both of which cards have been released. The document is in the files of the Office of Investigations. Occasionally referred in the Answers to Interrogatories as "The FDA Document." Withheld in part only.
DS-1	Card reference headed " DIANETICS SOCIETY." From the card files of the Division of Security, HEW Office of Personnel and Training. Withheld in part only.
DS-2	Document from file referenced by DS-1. Originated by the Civil Service Commission, and in the files of the Division of Security. Occasionally referred to in the Answers to Interrogatories as "The CSC Document." Withheld in part only.
S-1 through S-108	Documents from the Food and Drug Division, HEW Office of General Counsel. (Documents S-35 and S-36 were determined to be duplicates of documents at issue in a separate FOIA suit by Plaintiff against the Food and Drug Administration, and are not at issue here. Documents S-73, S-77(b) and (c), and S-95 have been released in their entireties. Documents S-57(b), S-80, and S-95 have been released in part.)

I. This litigation is res judicata with respect to documents S-80, S-81, and S-82, since they have previously been held exempt under the FOIA by another United States District Court.

1. The attached affidavits of Charles B. Zuravin, Office of Chief Counsel, Internal Revenue Service, and of Richard M. Friedman, Office of General Counsel, Department of Health, Education, and Welfare, show that documents S-80, S-81, and S-82 are the same as the documents together designated Document Number 196 in a suit entitled Church of Scientology of California v. Internal Revenue Service, Civ. No. 74-3465 (C.D. Cal.. Oct. 29, 1976). That suit was also brought under the FOIA.

2. The court in that suit held these documents exempt under Exemptions 6,7(C), and 7(D) of the FOIA, 5 U.S.C. §552 (b)(6), (7)(C), (7)(D). The court's Summary Judgment Order and its Findings of Fact and Conclusions of Law are attached as Exhibits B and C to Mr. Zuravin's affidavit.

3. The United States District Court for the Central District of California is a court of competent jurisdiction, and its judgment was on the merits. That the Church has filed a Notice of Appeal does not affect the finality of the judgment. Huron Holding Corp. v. Lincoln Mine Operating Co., 312 U.S. 183, 189 (1941); Refior v. Lansing Drop Forge Co., 134 F.2d. 894, 896 (6th Cir. 1943). Plaintiffs in the two cases are identical, and defendants are in privity with each other. Sunshine Anthracite Coal Co. v. Adkins, 310 U.S. 381, 402-03 (1940); Lentin v. Commissioner, 226 F.2d 695, 698 (7th Cir. 1955); United States v. Willard Tablet Co., 141 F.2d 141, 143 (7th Cir. 1944); see 28 U.S.C. §516(generally reserving to Department of Justice conduct of all federal litigation). The instant suit should, with respect to documents S-80, S-81, and S-82, be dismissed.

II. All documents for which the "Attorney work product" protection is claimed are exempt under Exemption 5. ("S" documents numbered 1-34, 37-56, 58-72, 74-76, 78-79, 83-94, 96-108.)

1. The Supreme Court has construed Exemption 5 to exempt those intra-agency and interagency memoranda "normally privileged in the civil discovery context." NLRB v. Sears, Roebuck & Co., 421 U.S. 132, 149 (1975). In particular

the court construed Exemption 5 to exempt memoranda protected by the immunity usually known as "attorney work product." Id. at 154. As the Court noted, the legislative history of the FOIA shows Congress specifically intended to exempt work product material under Exemption 5 — the Senate report on the bill which became the FOIA stated that Exemption 5 "would include the working papers of the agency attorney ...." S. Rep. No. 813, 89th Cong., 1st Sess. 2 (1965). 1/

1/ A case in this district has suggested that, while Exemption 5 was intended to include the work product protection, that inclusion is limited by a "factual/deliberative" dichotomy. See Guckian v. GSA, Civ. No. 75-2156 at 9-11 (D.D.C. April 20, 1976). The court said that only such work product as evidenced the deliberative processes of attorneys was exempt, and it equated this category with the category of materials reflecting the "mental impressions, conclusions, opinions, [and] legal theories" and thereby given special protection by Fed. R. Civ. P. 26(b)(3). Id. at 10-11.

It should be first be noted that these statements were dicta: the court held that the records in question were not exempt because they were not "interagency or intra-agency memorandums or letters." But even as dicta the statements should not be followed. To support its contention that the factual/deliberative test must be applied to all Exemption 5 claims, the court cited Senate Report 813 (the report on the bill which became the FOIA -- see text supra). See id. at 10 n. 5. However, the sentence which the court quoted, citing it to Report 813, ("[T]here is no exemption for matters of a factual nature.") actually comes from an earlier Senate report on a predecessor bill. See S. Rep. No. 1219, 88th Cong., 2nd Sess. 14 (1964). That predecessor bill's text for Exemption 5 was significantly different from the text considered in Senate Report 813 and ultimately incorporated in the FOIA. Exemption 5 as phrased in the predessor bill covered "intra-agency or interagency memorandums or letters dealing solely with matters of law or policy." Unlike the current text of Exemption 5, which directly incorporates the categories of civil discovery without imposing an independent test of its own, this predecessor text could be construed (especially considering considering the sentence cited from the report) as imposing an independent factual-versus-policy test. (However, despite the quoted sentence in the Report on the predecessor bill, the Senate floor debates made clear that even that text of Exemption 5 would still incorporate the work product protection. See 110 Cong. Rec. 17086 (1964) (remarks of Sen. Long)).

This difference between the current text of Exemption 5 and the text in the predecessor bill points out the major problem with the court's argument, beyond the citation error. Exemption 5 imposes no test, factual/deliberative or otherwise, of its own — its simply incorporates the tests of civil discovery. It may be true, as the court said, that "virtually all cases applying the (b)(5) exemption" recognize the factual/deliberative distinction, but that is only because the evidentiary privilege involved in those cases has been the official information privilege, whose basis is the protection of intra-governmental communications and of the administrative decision making process. When the discovery protection which is claimed under Exemption 5 is the work product immunity rather then the official information privilege, a court should apply only the tests for work product and should not impose an additional factual/deliberative test. In fact the Court there held that certain memoranda ordering the filing of a complaint were exempt under Exemption 5 even though they explained decisions already reached, because they contained the legal theories and strategy of the agency General Counsel who would be litigating the case, and thus constituted attorney work product. See NLRB v. Sears, Roebuck & Co., 421 U.S. 132, 159-60 (1975).

Nevertheless, the Government contends, infra, that all documents for which the work product immunity is claimed are in fact the "mental impression" kind of work product which even the Guckian opinion would protect.

2. In federal courts, the work product immunity is embodied in Fed. R. Civ. P. 26(b)(3).[2/] As is made clear by the index, by the transcript of Joanne Sisk's deposition, and by Ms. Sisk's affidavit, all records which the Government claims are exempt under Exemption 5 and the work product immunity were "prepared in anticipation of litigation or for trial" (where this phrase comprehends documents prepared for the appellate stage of litigation). The index, transcript, and affidavit also show that all of the documents satisfy the other requirement of the rule, concerning the source of the preparation. One (S-9) was prepared "by or for" the FDA itself, since it was prepared by FDA employees for recommendation to HEW's Office of General Counsel (OGC). All of the others were prepared "by or for" the FDA's attorneys — either they were prepared by attorneys in OGC or in the Justice Department, or they were prepared for OGC attorneys by FDA employees working under their direction. Finally, all have the extra protection given to "mental impressions, conclusions, opinions, or legal theories": some consist of the attorneys' own statements of their mental impressions or legal theories; some consist of statements by FDA employees, working under the direction of the attorneys, which directly state their own mental impressions and directly or indirectly reveal the supervising attorneys' opinions and theories; and one, S-9, states legal theories of FDA employees themselves, recommended to OGC.[3/]

2/ Rule 26(b)(3) defines work product as "documents and tangible things ... prepared in anticipation of litigation or for trial by or for another party or by or for that other party's representative (including his attorney, consultant, ...)." The rule gives special protection to the "mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the litigation."

3/ The only distinction, for purposes of the FOIA, between ordinary work product and "mental impressions, etc." is that suggested by Guckian v. GSA, Civ. No. 75-2156 (D.D.C. April 20, 1976). The distinction is explained and challenged in note 1 supra.

3. For some of the documents, two levels of work-product protection are available. These documents were prepared originally in connection with the litigation entitled U.S. v. Undetermined Quantities of Depressant or Stimulant Drugs, but were inserted in the case file for the E-Meter seizure action. At the first level, they were "prepared ... for trial" (i.e., written for consideration in deciding whether to appeal, or, in the particular case of document S-32, to explain the Solicitor-General's legal reasons for deciding not to appeal) in the Undetermined Quantities of ... Drugs case, and they reveal legal theories, impressions, and conclusions of the attorneys working on that case. At the second level, they were "prepared" for trial in the E-Meter litigation -- they were selected for inclusion in the case file because the legal conclusions and opinions they contained were thought relevant to the issue in the E-Meter case. In this regard they are protected as reflecting the mental impressions and legal reasoning of the attorneys working on the E-Meter case.

III. All documents for which the "Attorney-client" privilege is claimed are exempt under Exemption 5. ("S" documents numbered 8, 9, 16 (Part), 20 (Part), 29, 31, 32, 57(a), 64, 65, 66 (Part), 67 (Part), 68-70, 75, 78 (Part), 84, 87, 89 (Part)).

1. Exemption 5 of the FOIA incorporates the attorney-client privilege. S. Rep. No. 813, 89th Cong., 1st Sess. 2 (1965).

2. The attorney-client privilege applies to confidential communications by a client to the client's legal counsel when the client seeks legal advice and the communications are relevant to that purpose. 8 Wigmore on Evidence §2292 (McNaughton rev. ed. 1961).

3. The privilege also applies where the client is seeking legal assistance rather than simply advice. U.S. v. United Shoe Machinery Corp., 89 F. Supp. 357, 358-59 (D. Mass, 1950).

4. Communications from "house counsel" to "outside counsel" are considered the same as communications from the client to an outside counsel. Natta v. Zletz, 418 F. 2d 633, 637 (7th Cir. 1969). Thus the privilege

covers communications from attorneys in the Food and Drug Division of OGC to attorneys in the Justice Department, just as it covers communications from FDA officials to Food and Drug Division attorneys.

5. To the extent the documents include opinions and advice from attorneys to clients rather than simply information from clients to attorneys, they are still covered. There is substantial support for a rule that advice and opinions of counsel are generally privileged. 8 Wigmore on Evidence § 2320 (McNaughton rev. ed. 1961); Natta v. Hogan, 392 F. 2d 686, 692-93 (10th Cir. 1968); American Optical Corp. v. Medtronic, 56 F.R.D. 426, 430 (D. Mass. 1972) (alt. holding). Such a broad rule makes sense, since the purpose of the privilege is not simply to enable the client to give information to the lawyer in confidence, but to enable the client to obtain honest advice without having to fear that the advice will become public. See In re Prudence - Bonds Corp., 76 F. Supp. 643, 647 (E.D.N.Y. 1948). The general language used by the Supreme Court draft of the Federal Rules of Evidence supports this view -- the proposed Rule 503(b) would protect confidential communications "between [the client] ... and his lawyer" as long as the communication was "made for the purpose of facilitating the rendition of professional legal services to the client." 56 F.R.D. 183, 236 (1972). Finally, one case considering legal opinions under the FOIA has held that legal opinions rendered to an agency by its counsel are generally exempt under Exemption 5. See Porter County Chapter v. AEC, 380 F. Supp. 630, 632-33, 637 (N.D. Ind. 1974).

6. A number of cases do limit this side of the privilege, protecting communications from attorney to client only insofar as these communications would reveal information communicated by the client to the lawyer in confidence. See, e.g., U.S. v. IBM Corp., 66 F.R.D. 206 (S.D.N.Y. 1974); 8 in 1 Pet Products, Inc. v. Swift & Co., 218 F. Supp. 253 (S.D.N.Y. 1963). However, one case adopting this narrower view adds, after an extensive review of the decisions,

the qualification that a communication from attorney to client is privileged as long as it might reveal confidential communications from the client to the attorney. SCM Corp. v. Xerox Corp., 70 F.R.D. 508, 522-523 (D. Conn.), appeal dismissed, 534 F.2d 1031 (2d Cir. 1976) (per curiam). Thus, "if it is not clear whether the communication from the attorney relates to a fact disclosed to him by the client, the privilege should apply to guard against the risk of revealing client confidences." Id. at 521. In any case, the index, Joanne Sisk's deposition, and Ms. Sisk's affidavit show clearly that those communications from attorney to client for which the Department claims privilege do in fact incorporate information provided by the client.

IV. All documents for which the "predecisional deliberation" privilege is claimed are exempt under Exemption 5. ("S" documents numbered 16 (Part), 20, 28-31, 57(a) (Part), 57(b), 62, 63, 68-70, 75, 78, 84 (Part), 87 (Part), 89 (Part).)

1. One of the evidentiary privileges incorporated by Exemption 5, and the one which has received the most consideration in the reported decisions and in the legislative history, is the privilege which protects the " 'decision making processes of government agencies.' " NLRB v. Sears, Roebuck & Co., 421 U.S. 132, 150 (1975), quoting Tennessean Newspapers, Inc. v. FHA, 464 F.2d 657, 660 (6th Cir. 1972).[4/]

4/ The terminology for this privilege is confusing. NLRB v. Sears refers to it as an "executive privilege." A helpful law review note uses the term "official information privilege." Note, Discovery of Government Documents and the Official Information Privilege, 76 Colum. L. Rev. 142 (1976). The note distinguishes this privilege from the "state secret privilege," which protects military and diplomatic secrets, and "executive privilege," a term properly limited to the "constitutional doctrine grounded in the concept of separation of powers." Id. at 142 & n.2. This potential for confusion was realized in this case during the deposition of Joanne Sisk. See, e.g., Transcript of Deposition [hereinafter, Transcript] at 202-05. It should be clear from the index and from the deposition (see especially Transcript at 205) that references to the "Sears privilege" mean that aspect of the official information privilege which protects intragovernmental communications expressing predecisional deliberations.

2. It is well established that the privilege, and thus the exemption, covers "materials reflecting deliberative or policy-making processes" as distinguished from "purely factual, investigative matters." EPA v. Mink, 410 U.S. 73, 89 (1973). Thus it covers communications of "advice, recommendations, [and] opinions." Soucie v. David, 448 F.2d 1067, 1077 (D.C. Cir. 1971). Ms. Sisk's affidavit establishes that the following documents (or parts of documents) for which this privilege is claimed consist solely of such recommendations: S-16 (Part), S-28, S-30, S-57(a) (Part), S-62, S-75, S-89 (Part).

3. Ms. Sisk's affidavit also establishes that S-57(b) and S-63 are draft letters, prepared by one employee for the approval of another, that S-57(b) ultimately was not sent, and that S-63 was returned with comments and ultimately was sent in a different form. Draft documents prepared for the approval or comments of another are essentially bare recommendations, and thus the privilege is claimed properly for these two documents.

4. It is also well established that factual statements may be privileged and thereby exempt if they are "inextricably intertwined" with deliberative material. Soucie v. David, supra, 448 F.2d at 1077-78; EPA v. Mink, supra, 410 U.S. at 91-92. The most stringent test for whether factual material is "inextricably intertwined" with deliberative material is stated in Morton-Norwich Products, Inc. v. Mathews, 415 F. Supp. 78, 82 (D.D.C. 1976). The test seems more stringent than is justified by the previous decisions or by the policy underlying the privilege, and in fact it is more stringent than its author himself favored. See id. at 81. However, even using the Morton-Norwich test, Ms. Sisk's affidavit shows that S-68, S-69, and S-70 are exempt in their entireties, and that the Summary and Recommendations of S-31 are exempt.

5.a. The Morton-Norwich test would exempt factual information if combined with opinion in a single sentence or, if it is in a separate sentence, where the document is patently a summarization of facts which are public or which are otherwise available. Id. at 82. But this test is inconsistent with the other cases.

b. In Soucie v. David, the court suggested that a factual response to a specific question posed by a supervisor would be exempt, since disclosure would expose the supervisor's deliberative processes, Soucie v. David, supra, 448 F.2d at 1078. There was no qualification that the response had to be a summary or that the facts had to be otherwise available.

c. True, the often-cited Montrose Chemical opinion did explicitly rely on the summary nature of the document and on the facts' being otherwise available. Montrose Chemical Corp. v. Train, 491 F.2d 63, 70-71 (D.C. Cir. 1974). But that opinion may have been phrased cautiously because it was the first case to hold exempt documents which were, on their surface, "purely" factual. Also, the opinion was influenced by the nature of the decision involved -- Montrose Chemical involved not a simple decision whether to file post-trial motions or appeals, but rather a decision by the Administrator of the Environmental Protection Agency whether to ban DDT. The court stated explicitly that the FOIA question "must be considered in the light of the statutory provision of [the Federal Insecticide, Fungicide, and Rodenticide Act], which requires the Administrator's decision cancelling pesticide registrations to be 'based only on substantial evidence of record.'" Id. at 68. Thus it seems that it was the Insectide Act, not the FOIA, that required conditioning the exemption on the facts' being otherwise available.

d. Finally, two cases in this circuit clearly exempt factual material using a much less stringent test than Morton-Norwich. The Washington Research Project case exempted factual portions of documents on the grounds that those portions were "evaluative" and thereby implicated the agency's deliberative process, and it exempted certain factual summaries on the basis that any factual summary necessarily reflects the author's opinions. Washington Research Project, Inc. v. HEW, 504 F.2d 238, 250-51 (D.C. Cir. 1974). And routine internal FBI memos giving brief statements of facts followed by

recommendations have been held exempt, since even the purely factual information was

> highly selective in nature, compiled not as objective or comprehensive biographical data but rather intended to acquaint the Director and his staff with those aspects of a Congressman's life and career that are perceived to be of the most immediate concern -- and which, of course, would support any recommendations included in the memoranda ...

Koch v. Department of Justice, 376 F. Supp. 313, 317 (D.D.C. 1974).

e. From Ms. Sisk's affidavit it is apparent that S-29, S-78, S-84 (Part), and S-87 (Part) consist of recommendations together with a few facts selected as being relevant to the recommendation and as supporting it. Likewise, S-20 contains a lengthy factual section, but all of it selected to support the argument. (In addition, most of the factual material is excerpts from Scientology literature, which is available to plaintiff, just as the complete record in Montrose Chemical was available.) Finally, the factual discussion in S-31, while more extensive than that in the other documents mentioned above, was still selective and was linked with the recommendation. It should be held exempt under the Washington Research Project reasoning.

V. All documents for which Exemption 6 is claimed are exempt under that provision. (S-2, S-3, S-15, S-42, S-57(a), S-77(a), S-77(d), S-80, S-81, S-82, OI-1, OI-2, DS-1, DS-2.)

1. The threshold question is whether these documents fall into the category of "personnel and medical files and similar files," as those terms are used in Exemption 6. The Court of Appeals in this Circuit, in dealing with this question, has focused attention on the privacy interests at stake rather than on the form of the record. See Rural Housing Alliance v. Department of Agriculture, 498 F.2d 73, 77 (D.C. Cir. 1974). The Third and Fourth Circuits are in essential accord. Wine Hobby USA, Inc. v. IRS, 502 F.2d 133, 135 (3rd Cir. 1977); Robles v. EPA, 484 F.2d 843 (4th Cir. 1973). As the Robles court noted,

> Since the thrust of the exemption is to avoid unwarranted invasions of privacy, the term "files" should not be given an interpretation that would often preclude inquiry into this more crucial question.

502 F.2d at 135. Finally, the Supreme Court's treatment of the question is similar. See Department of the Air Force v. Rose, 425 U.S. 352, 376-77 (1976).

2. The balancing test inherent in the language of Exemption 6 ("clearly unwarranted invasion") has been defined by the Court of Appeals in this Circuit as a "balancing of the interests of the individuals in their privacy against the interests of the public in being informed." Rural Housing Alliance v. Department of Agriculture, supra, 498 F.2d at 77. The court proceeded to describe the process involved:

> [The reviewing] court should first determine if disclosure would constitute an invasion of privacy, and how severe an invasion. Second, the court should weigh the public interest purpose of those seeking disclosure, and whether other sources of information might suffice.

Id. at 78.

3. One category of information which should be held exempt under this test is information tending to identify private individuals who have complained about Scientology or who may have otherwise experienced problems with Scientology. Such information is contained in documents S-3, S-15, S-77(a), and S-77(d). That release would constitute an invasion of these individuals' privacy is clear. See Getman v. NLRB, 450 F.2d 670, 674-75 (D.C. Cir. 1971). As for the balancing this information is even more worthy of protection than the information in Wine Hobby, supra. In Wine Hobby, the information involved was simply the individual's name, home address, very general family status information, and the fact of his/her wine-making activity. 502 F.2d at 137. Here what is involved is the nature of the individual's medical problem in some cases, and the nature of the individual's dissatisfaction with an organization accused by the Government of falsely claiming medical curative properties for an ineffectual device. In Wine Hobby, the prospect of the individual's "being subjected to unsolicited and possibly unwanted mail from Wine Hobby and perhaps offensive mail from others" sufficed to deny disclosure, since Wine Hobby could not assert a "public interest purpose" for disclosure.

Here, the individuals are not potential customers, but actual complainants, so the possible offensive mail is even more possible and would be even more offensive. Since plaintiff represents only its own interest and not any public interest, disclosure should be denied.

4. A second category of information is the names and other identifying particulars of individuals affiliated with Scientology who were present either at the visit of an FDA employee to the Scientology offices or at the actual seizure. Such information is contiained in document S-2. Again, the nature of the Government's accusations against Scientology in the E-Meter case make it easy to understand the privacy interest an individual would have in preventing disclosure of his/her past affiliation with the organization. And again plaintiff represents no public interest in disclosure so as to counterbalance this privacy interest, and disclosure should be denied.

5. A third category is information on FDA investigators' personal impressions and evaluations of certain Scientology-affiliated individuals whom the investigators met. Such information is included in document S-2. Those individuals have a substantial privacy interest in preventing disclosure of such evaluative comments, at least in the event the court were to order disclosure of the individuals' identities. See Washington Research Project, Inc. v. HEW, 366 F. Supp. 929, 937 (D.D.C. 1973), rev'd in part on other grounds, 504 F.2d 238, 250-51 (D.C. Cir. 1974).[5/] And the same failure of plaintiff to represent any public interest in disclosure compels denial.

5/ The District Court was construing the phrase, "clearly unwarranted invasion of personal privacy" in subsection (a)(2), rather than the identical phrase in subsection (b)(6). Because of the grounds on which the Court of Appeals reversed, it did not reach the question whether the particular information was withholdable under the "clearly unwarranted" language. See 504 F.2d at 252 n.3. Thus the District Court's holding, that release of evaluative statements of opinion on identified individuals would be a clearly unwarranted invasion of their privacy, stands. Since the language of (a)(2) is identical to that of (b)(6), the holding applies to the instant case.

6. A fourth category is information tending to reveal the identify of an individual who gave information concerning Scientology and who was given a promise of confidentiality. Such information is contained in documents S-15 and S-80-82. The pledge of confidentiality is a relevant factor in balancing interests under Exemption 6. Rural Housing Alliance v. Department of Agriculture, supra. 498 F.2d at 78 n. 21; Robles v. EPA, supra, 484 F.2d at 846. The pledge strengthens the arguments in paragraph three, above, that this category of information should be denied.

7. A fifth category is the home addresses of government employees. Such information is contained in documents S-3 and S-42. Even if names and office addresses of these individuals are released, disclosure of home addresses would be an invasion of privacy under Getman and Wine Hobby. And release of the employees' office addresses would obviate any need to disclose their home addresses.

8. A sixth category is the names and, in certain instances, business addresses of individuals listed as possible witnesses in E-Meter litigation. Such information is contained in documents S-2, S-3, and S-42. The information is likewise an invasion of privacy. The invasion may be minor in the case of individuals who ultimately did testify, but it is more serious in the case of those who did not. In the case of those who did testify, their names and other identifying particulars may be found as a matter of public record in the District Court file on the E-Meter case. Thus this is a case where "other sources of information might suffice." Rural Housing Alliance v. Department of Agriculture, supra, 498 F.2d at 77. Disclosure should be denied.

9. A seventh category is personal information about a private individual who wrote a letter to FDA relating to the E-Meter litigation. The whole of document S-57(a) consists of such information. Disclosure would be a substantial invasion of privacy, and plaintiff does not represent any public interest in disclosure. Disclosure should be denied.

10. An eighth category is documents OI-1 and OI-2. These documents are described, and their denial explained, in Defendants' Answers to Plaintiff's First Set of Interrogatories, #7 (Part I) and #9 (Parts I and II), pp. 14, 17-18, and in the affidavit of John Howard, Special Agent, FBI. To disclose the identity of an individual who was the subject of a criminal examination, as well as the nature of the violation the individual was suspected of committing, would be a serious invasion of that individual's privacy. As the invasion would not be counterbalanced by any public interest in disclosure, disclosure should be denied.

11. The ninth category is documents DS-1 and DS-2. These documents are described, and their denial explained, in Defendants' Answers to Plaintiff's First Set of Interrogatories, #7 (Part III), #9 (Part III), and #10c, pp. 15, 18-19, 20; and in Defendants' Answers to Plaintiff's Supplementary Set of Interrogatories, #2, p. 4. Those Answers show that the withheld portions of these documents consist solely of personal information about individuals. Release of such information would be a most serious invasion of these individuals' privacy interests. Again, plaintiff does not represent any public interest in disclosure, and disclosure should be denied.

VI. All records for which exemption 7 is claimed are exempt under that provision. (S-2, S-3(Part), S-15,S-80, S-81,S-82, OI-2, OI-3, DS-2.)

1. All of the documents listed above are "investigatory records." S-2 is an HEW Office of General Counsel attorney's notes of conversations with an FDA investigator who was present at the E-Meter Seizure. The relevant portion of S-3 consists of information extracted from complaints received as part of FDA's ongoing program to detect and prevent violations of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §301 et seq. S-15 consists of documents prepared for an interview of a confidential informant. S-80, S-81, and S-82 were obtained by FDA is part of its ongoing program referred to above. Additionally, S-81 and S-82 were received by the IRS and the Department of

Justice as part of their respective investigatory efforts. (All of these characterizations are supported by information in Joanne Sisk's affidavit.) OI-2 is an FBI report on a possible violation of law. See Defendant's Answers to Plaintiff's First Set of Interrogatories, #7(Part I), p. 14; Affidavit of John Howard. OI-3 was sent from FDA to the HEW Office of Investigations for purposes of a possible criminal investigation. Defendant's answers to Plaintiff's Supplementary Set of Interrogatories, #2, p. 4. DS-2 is information supplied by CSC to HEW for purposes or a security of suitability investigation. Id.

2. All of These documents were "compiled for law enforcement purposes." S-3, S-80, S-81 and S-82 were compiled by FDA as part of its ongoing responsibilities under the Food, Drug, and Cosmetic Act. S-2 and S-15 were compiled by FDA and the Food and Drug Division of HEW's Office of General Counsel specifically for the E-Meter enforcement action. S-81 and S-82 were compiled by IRS and the Department of Justice as part of their own ongoing enforcement efforts. OI-2 and OI-3 were compiled by HEW pursuant to its general law enforcement responsibilities under 28 U.S.C. §535(b) and Title 18, United States Code. Additionally, OI-2 was compiled by the FBI pursuant to its general law enforcement responsibilities. DS-2 was compiled by HEW pursuant to its personnel security and suitability responsibilities under Executive Order 10450. See S. Rep. No. 1200, 93d Cong., 2d Sess. 13 (1974) (Conference report on 1974 FOIA Amendments).

3. S-2, S-3, S-15(Part), S-80, S-81, S-82, OI-2, OI-3, and DS-2 are exempt under clause (C). The same arguments adduced in Part IV, supra, apply here, and they apply more powerfully, since under Exemption 7(C), the invasion need only be "unwarranted" to justify withholding, while under Exemption 6 it must be"clearly unwarranted."

4. S-3, S-15, S-80, S-81, S-82 and OI-3 are exempt under clause (D). That the release of any withheld material in the General Counsel documents would tend to identify the confidential source is shown by Joanne Sisk's affidavit. That release of any withheld material in DI-3 would tend to

identify a confidential informant is shown by Defendants' Answer to Plaintiff's Interrogatories: First Set, #10c, pp. 20-21; Supplementary Set, #5, pp. 9-10.

WHEREFORE, Defendants pray that this Motion for Summary Judgment be granted.

Respectfully submitted,

Earl J. Silbert
United States Attorney

Robert N. Ford
Assistant United States Attorney

Karen Ward
Assistant United States Attorney

Richard M. Friedman
of Counsel to Defendants
Office of General Counsel
Department of Health, Education,
and Welfare, Room 5362 North
330 Independence Avenue, S.W.
Washington, D.C. 20201

Certificate of Service

I HEREBY CERTIFY that service of the foregoing defendants' Motion for Summary Judgment, statement of material facts, memorandum of points and authorities, and accompanying affidavit and a proposed order has been made upon plaintiff by mailing a copy thereof to Robert Seefried, Law Offices of Samuel H. Seymour, 1125 Connecticut Avenue, N.W., Washington, D.C. 20036.

March 4th 1977

Karen Ward
Assistant United States Attorney

Civil Action No. 77-7307

Affidavit of Wayne L. Pines

Volume No. 4

Document H-115. This document is a one page memorandum dated 11/6/63, to John Rynd, from Ray G. Warthen, Houston Resident Post. Subject: Scientology. This memorandum pertains to a telephone conversation with the complainant regarding Scientology and certain members of that organization. This document contains the name and address and other identifying characteristics of the complainant, which if released would disclose the identity of a confidential source. This portion is exempt under 5 U.S.C. 552(b)(7)(D). The deletions in paragraph 2 consist of confidential information pertaining to a specific individual including medical references, which if released would constitute a clearly unwarranted invasion of personal privacy and would also identify the complainant, who is a confidential source. This portion of the document is exempt under 5 U.S.C. 552(b)(6)(7)(D).

REF

NOV 19 1963

DIVISION OF REGULATORY MANAGEMENT DATE: Nov. 8, 1963

For your information. We plan no follow-up.

James E. Anderson
Chief Inspector

JEA:pl

TO: John Rynd DATE: Nov. 6, 1963

FROM: Ray G. Warthen, Houston Resident Post

SUBJECT: Scientology

[redacted], called to say that she has talked with you before concerning the Scientology organization. She said that [redacted] was in town last week. He has reportedly threatened her and was trying to force her to rejoin the organization and will not allow her to communicate with [redacted] until she does.

She stated further that [redacted] has been suffering with [redacted] and she could not force [redacted] to take [redacted] to a physician for [redacted] The organization has apparently treated [redacted]

She said that they were trying to reorganize in the Houston area. She also mentioned that the case was pending in Washington. She believes the organization blames her for their troubles.

I do not know anything about it but told her I would advise you of her call.

Ray G. Warthen
Inspector

RGW:pl

Document H-116; is a five page memorandum dated 2/11/63, with an individual six page affidative attached, prepared by John S. Rynd, FDA Inspector. This memorandum is a discription of an indivdual's experiences with the Church of Scientology and persons associated with that organization.

This document is released with deletions. The deleted material through-out the affidative in this document are exempt under 5 U.S.C. 552 (b) (7) (D) because release of any portion would disclose the identity of the complaintant, who is a confidential source.

In the memorandum, the deletions found on pages one and two in paragraphs one and three, and lines one and four and seven in paragraph two, on page three, are all exempt under 5 U.S.C. 552 (b) (7) (D) because release would disclose the identity of a confidential source, the complaintant.

The deleted portions starting on line eight to the end of the paragraph of paragraph two, page three, consist of confidential information which if released, would constitute an unwarranted invasion of personal privacy. This portions is exempt under 5 U.S.C. 552 (b) (7) (C).

On page four the deleted material found on line six through nine in paragraph one consist of confidential information including medical references which if released would constitute a clearly unwarranted invasion of personal privacy. This portions in exempt under 5 U.S.C. 552 (b) (6). The remaining deleted portions in this paragraph are exempt under 5 U.S.C. 552 (b) (7) (D) because release would disclose the identity of the complaintant which is a confidential source.

Paragraph two's deleted portions on lines four through eight consist of names of specific individuals which if released, would constitute an unwarranted invasion of personal privacy. These portions are exempt under 5 U.S.C. 552 (b) (7) (C). The deleted portion on line nine consists of confidential information including medical references which, if released, would constitute a clearly unwarranted invasion of personal privacy. These portions are exempt under 5 U.S.C. 552 (b) (6). The remaining deleted materials in this paragraph are exempt under 5 U.S.C. 552 (b) (7) (D) because release would disclose the identity of a confidential source.

Deletions found in paragraph three of this page, consist of names of specific individuals and identifying characteristics which if released, would disclose the identity of a second confidential source. These portions are exempt under 5 U.S.C. 552 (b) (7) (D).

On page five, the deleted material found in line eight through ten, consist of confidential information and with medical references, which if released, would constitute an unwarranted invasion of personal privacy. This portion is exempt under 5 U.S.C. 552 (b) (6). Deletions found in lines fifteen through seventeen, in paragraph one, and lines five, six and nine through twelve in paragraph two, consist of names and addresses of specific individuals which if released, would constitute an invasion of personal privacy. These portions are exempt under 5 U.S.C. 552 (b) (7) (C). The remaining deletions on the page are exempt under 5 U.S.C. 552 (b) (7) (D) because release would disclose the identity of a confidential sources.

Exhibit 1

AFFIDAVIT

H116

Sample No. 15-242 Y

State of Texas

County of Harris

Before me, John A. Payne, an employee of the Department of Health, Education, and Welfare, Food and Drug Administration, designated by the Secretary, under authority of the Act of January 31, 1925, 43 Statutes at Large 803 (5 U.S.C. 521); Reorganization Plan No. IV, Secs. 12-15, effective June 30, 1940; and Reorganization Plan No. 1 of 1953, Secs. 1-8, effective April 11, 1953, to administer oaths, affirmations, and affidavits, personally appeared [redacted] in the county and State aforesaid, who, being first duly sworn, deposes and says:

That I reside at [redacted] I am employed [redacted]

The sample consisting of one Mathison Electropsychometer ~~manufactured~~ labeled in part, "Mathison Electropsychometer Arcon Mfg. Co. Los Angeles California U.S. Patent No. 2,487,024. Model H-53-DS" was received by my husband, [redacted] via U.S. mail in response to an order placed by him directly to [redacted] L. Ron Hubbard in Chicago, Ill. The Parcel Post wrappings were destroyed after receipt of the instrument in 1951. He believes that the instrument was mailed from Chicago, Ill.

Subscribed and sworn to before me at [redacted]

this 11th day of February 1958.

John A. Payne

Employee of the Department of Health, Education, and Welfare designated under Act of January 31, 1925, Reorganization Plan IV effective June 30, 1940; and Reorganization Plan No. 1 of 1953, effective April 11, 1953.

Cert - Pg 72

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Ex = 2

AFFIDAVIT

Sample No. 15-2424

State of Texas

County of Dallas

Before me, John L. Boyd, an employee of the Department of Health, Education, and Welfare, Food and Drug Administration, designated by the Secretary, under authority of the Act of January 31, 1925, 43 Statutes at Large 803 (5 U.S.C. 521); Reorganization Plan No. IV, Secs. 12-15, effective June 30, 1940; and Reorganization Plan No. 1 of 1953, Secs. 1-9, effective April 11, 1953, to administer oaths, affirmations, and affidavits, personally appeared _____, in the county and State aforesaid, who, being first duly sworn, deposes and says:

My husband paid in advance $95.00 by personal check through the

I do not remember his receiving any literature as a part of this shipment however, we did later received by mail the following pamphlets, books and records which describe the instrument, scientology and how to use the instrument in processing and treatments to become rid of all aberrations. (Eliminating all aberrations would be the same as eliminating all ills.)

1. Dianetics: The Original Thesis
2. Dianetics, the modern science of Mental Health
3. A Doctors Report on Dianetics

therefore above listed references were actually received before the instrument

Firm _____

Per _____

Subscribed and sworn to before me at _____

this 11th day of February 1963

John L. Boyd

Employee of the Department of Health, Education, and Welfare designated under Act of January 31, 1925, Reorganization Plan IV effective June 30, 1940; and Reorganization Plan No. 1 of 1953, effective April 11, 1953.

Pay = 3

FD-463a (Rev. Feb. 1958)

Page 3

AFFIDAVIT

Sample No. 18-242 V

State of Texas

County of Harris

Before me, John L. Pond, an employee of the Department of Health, Education, and Welfare, Food and Drug Administration, designated by the Secretary, under authority of the Act of January 31, 1925, 43 Statutes at Large 803 (5 U.S.C. 521); Reorganization Plan No. IV, Secs. 12-15, effective June 30, 1940; and Reorganization Plan No. 1 of 1953, Secs. 1-9, effective April 11, 1953, to administer oaths, affirmations, and affidavits, personally appeared _____ in the county and State aforesaid, who, being first duly sworn, deposes and says:

4. Science of Survival
5. Scientology 8-80
6. Professional Course Lecture Summary 1-12.
7. How to Develop Theta Perception
8. Secrets of Fitness
9. Prologue to Survival Part Two
10. Prologue to Survival Part Three
11. On Auditing
12. The Creation of Human Ability
13. All About Radiation
14. Fortress in the Sky
15. The Fundamentals of Thought
16. The Problems of Work
17. Ability November 1961
18. Ability (A Brief Biography of L. Ron Hubbard)

All of the above references were collected by inspector Pond as initialed and dated by me.

Firm _____

Per _____ Title _____

Subscribed and sworn to before me this 11th day of February, 1963.

John L. Pond

Employee of the Department of Health, Education, and Welfare designated under Act of January 31, 1925, Reorganization Plan IV effective June 30, 1940; and Reorganization Plan No. 1 of 1953, effective April 11, 1953.

Cont. on Pg. 4

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Page #4

AFFIDAVIT

Sample No. 18-242 V

State of Texas

County of Harris

Before me, John L. Rapp, an employee of the Department of Health, Education, and Welfare, Food and Drug Administration, designated by the Secretary, under authority of the Act of January 31, 1925, 43 Statutes at Large 803 (5 U.S.C. 521); Reorganization Plan No. IV, Secs. 12-15, effective June 30, 1940; and Reorganization Plan No. 1 of 1953, Secs. 1-9, effective April 11, 1953, to administer oaths, affirmations, and affidavits, personally appeared _____ in the county and State aforesaid, who, being first duly sworn, deposes and says:

Also collected by the inspector are three booklets describing the use of the instrument. they are:

19. Electropsychometric Auditing Operators manual.
20. Electropsychometry by Volney D. Mathison
21. Individual track Map.

In addition inspector Rapp collected the following phonograph records from maryland by J. Ron Hubbard.

22. a. Unfilmed Lecture no. 1 The Magic Button
b. Unfilmed Lecture no. 2 The Dead Agent Auditing
c. Unfilmed Lecture no. 3 Violence

Firm _____

Per _____ Title _____

Subscribed and sworn to before me at _____

this 11th day of February 1963.

John L. Rapp

Employee of the Department of Health, Education, and Welfare designated under Act of January 31, 1925, Reorganization Plan IV effective June 30, 1940; and Reorganization Plan No. 1 of 1953, effective April 11, 1953.

Cont. on Pg. #5

FD-463a (Rev. Feb. 1958)

AFFIDAVIT

Sample No. 19-2424

State of Texas

County of Harris

Before me, John L. Pound, an employee of the Department of Health, Education, and Welfare, Food and Drug Administration, designated by the Secretary, under authority of the Act of January 31, 1925, 43 Statutes at Large 803 (5 U.S.C. 521); Reorganization Plan No. IV, Secs. 12-15, effective June 30, 1940; and Reorganization Plan No. 1 of 1953, Secs. 1-9, effective April 11, 1953, to administer or take oaths, affirmations, and affidavits, personally appeared [redacted] in the county and State aforesaid, who, being first duly sworn, deposes and says:

23. Lectures on Clearing London Congress 1958 (7 records)

24. An envelope Containing 1 letter from J. Ron ~~Hubbard~~ Postmarked Jan. 13, 1963 Washington, D.C.

25. An envelope containing two letters, one an appeal for funds to contest the seizure by the U.S. Government postmarked Jan. 28, 1963 Los Angeles, Calif.

During one of the lectures I attended in Houston in 1954 the auditor stated that to run a good process one would have to have a machine. This has been repeated to me by various people at different times since 1954.

[redacted]

Subscribed and sworn to before me [redacted]

this 11th day of February 1963

John L. Pound

Employee of the Department of Health, Education, and Welfare designated under Act of January 31, 1925, Reorganization Plan IV effective June 30, 1940; and Reorganization Plan No. 1 of 1953, effective April 11, 1953.

Cont. on Pg. # 6.

FD-463a (Rev. Feb. 1958)

AFFIDAVIT

Sample No. 12 1677 K

State of Texas

County of Harris

Before me, John L. Rynd, an employee of the Department of Health, Education, and Welfare, Food and Drug Administration, designated by the Secretary, under authority of the Act of January 31, 1925, 43 Statutes at Large 803 (5 U.S.C. 521); Reorganization Plan No. IV, Secs. 12-15, effective June 30, 1940; and Reorganization Plan No. 1 of 1953, Secs. 1-9, effective April 11, 1953, to administer or take oaths, affirmations, and affidavits, personally appeared [redacted] in the county and State aforesaid, who, being first duly sworn, deposes and says:

I am no longer active in the organization having discontinued participation in 1956. I still receive literature from the ~~firm~~ 1963 organization because I am on their mailing list. Mailings come to me postmarked Washington, D.C. and California.

In 1959 I began to become suspicious of the sincerity of the organization because it did not seem to be helping me and because others including [redacted] had some doubts. In January of 1961 I finally concluded that the organization and its teachings were definitely wrong because I had lost my faith in God and I thought maybe it was Communistic. That is why I reported it to the FBI. I also realized that between my husband and myself over $1000.00 had been spent on the instrument, the books and the process.

[redacted]

Subscribed and sworn to before me this 11th day of February 63

John L Rynd

Employee of the Department of Health, Education, and Welfare designated under Act of January 31, 1925, Reorganization Plan IV effective June 30, 1940; and Reorganization Plan No. 1 of 1953, effective April 11, 1953.

FD-483a (Rev. Feb. 1958)

MEMORANDUM TO ACCOMPANY 18-242 V, ELECTROPSYCHOMETER, 2/11/63, JOHN S. RYND

Simultaneous with the receipt of our Assignment Memorandum from Division of Regulatory Management, dated February 4, 1963, in regard to L. Ron Hubbard, Founding Church of Scientology, this office received a complaint from [redacted] indicated that she had read of the recent Food and Drug action in regard to the "E-Meter" and was anxious to furnish us with all information she had plus an actual instrument and some accompanying literature.

On the evening of February 11, a visit was made to the home of [redacted] who resides at [redacted] and the story of her connection with the Electropsychometer and L. Ron Hubbard was disclosed.

[redacted] indicated that her husband from whom she is now divorced, had originally become interested in the study of Dianetics and later Scientology in 1951. [redacted] states that she cannot remember in what way her husband was prompted to order the Electropsychometer, but that he had ordered it, paying $98.00 in advance, from L. Ron Hubbard in Chicago, Illinois. Three pieces of literature identified by [redacted] were in his possession before ordering the device which may have had some effect in influencing her husband to purchase the instrument. The literature is identified:

Exhibit 1. Dianetics: The Original Thesis.
Exhibit 2. Dianetics: The Modern Science of Mental Health.
Exhibit 3. A Doctor's Report on Dianetics.

Following receipt of the instrument, [redacted] reports that she and her husband ordered by mail the following pieces of literature and phonograph records which were used in learning to process people in accordance with the theories of Scientology.

Exhibit 4. Science of Survival.
Exhibit 5. Scientology 8-80.
Exhibit 6. Professional Course Lecture Summary 1 through 12.
Exhibit 7. How to Develop Theta Perceptics.
Exhibit 8. Secrets of Tiredness.
Exhibit 9. Prologue to Survival Part II.
Exhibit 10. Prologue to Survival Part III.
Exhibit 11. On Auditing.
Exhibit 12. The Creation of Human Ability.
Exhibit 13. All About Radiation.
Exhibit 14. Fortress in the Sky.
Exhibit 15. The Fundamentals of Thought.
Exhibit 16. The Problems of Work.
Exhibit 17. Ability, November, 1961.

Memo to accompany 18-242 V, Electropsychometer, 2/11/63, J.S.R.

Exhibit 18. Ability (A brief biography of L. Ron Hubbard.)

Exhibit 19. Electropsychometer Auditing Operator's Manual.

Exhibit 20. Electropsychometry by Volney G. Mathison.

Exhibit 21. Individual Track Map.

Exhibit 22. Phonograph records.

A. Unfilmed Lecture 1, The Magic Button.

B. Unfilmed Lecture 2, The Goal of Auditing.

C. Unfilmed lecture 3, Violence.

Exhibit 23. Seven phonograph records--lectures on Clearing London Congress 1958.

Exhibit 24. An envelope containing 7 letters from L. Ron Hubbard to [redacted] postmarked January 13, 1963, Washington, D.C.

Exhibit 25. An envelope containing 2 letters, one an appeal for funds to contest the Seizure by the U.S. Government postmarked January 28, 1963, Los Angeles, California.

[redacted] signed an affidavit covering the sample numbers and literature collected as having been received by her husband and herself and in addition describing her connection with Scientology. The sample was collected for the purpose of providing you with information showing the entire background of the organization as requested in the memo from DRM.

[redacted] informed the inspector that she and her husband were having marital difficulties and both hoped through the theories of Scientology and the efforts of Auditors (Ann Sharpe of 4920 Stimson, Houston, Texas) and (Crystal Tulledge of 434 Columbia, Houston, Texas) that their marriage might be saved. Both [redacted] attended meetings weekly of the Scientologists conducted by (Harold Kohen and Ann Sharpe.) [redacted] stated that she had never seen the "E-Meter" used as an instrument to cure any ailment, but rather as an instrument to locate problems of the mind or areas of abberration. She STatated that the E-Meter acted in a similar manner as a lie detector, and that through questioning a so-called "Pre-Clear" could usually be cleared of all abberrations in from 20 to 75 hours of processing by an Auditor which would result in his being in a superb state of mental and physical health.

[redacted] states that she discontinued participation in Scientology in 1956 after she realized that it was costing her a lot of money and that in return she was receiving nothing. She stated that in 1957 she became extremely suspicious of the sincerity of the organization and its purposes and in 1961 concluded that the organization and its teachings were definitely wrong. She reports that she advised the FBI in Houston that the organization may be Communistic. (See [redacted] affidavit dated February 11, 1963.)

[redacted] feels that she has been brain washed by the Auditors, and the literature of L. Ron Hubbard into believing that he is a god. She feels that he has some sort of absolute power over her mind as well as others who are active in the organization. [redacted] stated that for a long time she was actually afraid to tell anyone her suspicions regarding Scientology, her fear of being punished by the organization through physical violence. [redacted] is hesitant in regard to testifying against L. Ron Hubbard [redacted]

On February 14, 1963, [redacted] provided the inspector with additional literature which she identified and dated and which is submitted under separate cover, but as a supplement to this sample. The additional information consists of a series of letters of recent date urging her, for the most part, to make herself known again to the organization or "The Founding Church of Scientology," as it is now called. [redacted] states that she has not replied to any of these letters and does not intend to. The letters are submitted since they contain the names of others currently connected with Scientology and should be reviewed for this reason. Submitted with the letters is a memeographed News Letter bearing the heading "The Academy of Scientology, 258 South Oxford Avenue, Los Angeles 4, California." The memeographed letter advertises the beginning of an Academy course consisting of 12 weeks and recommends the purchase of the Hubbard E-Meter which is required prior to course entrance. There is no date on the memeographed letter; however, it represents one piece of literature showing that future Auditors are required to work with Meters. A second piece of literature is Issue 135 of the Ability Publication dated December, 1961. On page 7 of this publication note that reference is again made to the E-Meter and the British Mark 5 E-Meter. Along with the letters and the two pieces of literature described, [redacted] also submitted three copies of a publication called "Certainty," and five additional copies of the Ability Publication which, if reviewed, will show reference to case histories of remarkable cures to physical ills through the use of Scientology. One of the Ability publications submitted bearing on its cover, "Fifth International Congress of Dianeticists and Scientologists, June 3-4-5-6, goes to Washington, D.C.

Memo to accompany 18-242 V, 2/11/63, J.S.R.

This publication contains a listing of the professional members of the organization in the United States and abroad. In addition, submitted a typewritten list bearing the names of at least 50 persons who were active in Scientology in 1956. points out that since 1956 many of those listed have died, moved away, or disassociated themselves with the organization. A second affidavit dated February 14, 1963, covering the literature collected on that date by the inspector is also submitted with this memorandum.

indicated that Ann Sharpe, and Betty Halliday of Houston, Texas, and Bobby Wilson of 7846 Constitution, Dallas, Texas, are the only ones known by her to be active in Scientology at the present time. reports that were at one time associated with the organization, but are now believed to be nonactive. is reported to be the granddaughter of like was declared by L. Ron Hubbard to be a "Clear," but was recently operated on for stated that after the news of Food and Drug interest in Scientology and the instruments, many of the original members discontinued all active interest in the organization. Ann Sharpe is reported to have had 6 of the meters in her possession which states were burned in an unfortunate fire of recent origin.

was recommended by as a good prospect for interview, since she is definitely known to be against L. Ron Hubbard and Scientology and since at one time she was Briefly informed me that after spending hundreds of dollars taking his courses to become a Registered Auditor, she finally realized the true motives of the organization were to enslave as many people as possible by controlling their minds and to obtain from them every available dollar that they could be talked into either giving or spending on the organization. People showing a great amount of interest like are encouraged to attend long courses which were originally started in Elizabeth, New Jersey, later in Phoenix, Arizona, recently in Washington, D.C., and currently in England. The courses run anywhere from 12 to 16 weeks and cost from $800.00 to $1,000.00. Completion of a course entitles a person to the degree of Doctor of Scientology including, of course, the purchase of a $100.00 A-Meter which entitles them to become Auditors of the Foundation. They then return to their home towns where they solicit troubled persons or "Preclears" whom they promise to clear through "processing." The Auditors, in turn, are told that they may charge from $15.00 to $20.00 an hour for the processing or as much as they can get depending on the Preclear.

Memo to accompany 18-242 V, 2/11/63, J.S.R.

[redacted] presented the inspector with lectures 1 through 50 which were offered at one time by L. Ron Hubbard as the complete course. In addition, find a black three ring notebook of a clinical course given in Houston via tape recordings and reduced to writing by Ann Sharpe. The course was given by Harold J. Kohen to any who were at the time interested. In addition [redacted] provided the inspector with issue 14 of the Ability Publication in which a case is cited on page 7 of a blind man being made able to see. [redacted]

[redacted] she indicates that she may be willing to testify if her services are required. Despite the reference to the blind man, being able to see again after some hours of Auditing, [redacted] would not admit that Scientology had been used here in Houston as a means to curing human ills. She did state that she worked for some time on a Clear whose name was mentioned above, [redacted] did not indicate her purpose for processing [redacted] however, you may wish to interview him in [redacted]

The volume of literature accumulated by the inspector is so great that no further attempts were made to interview or collect any additional information and that already obtained is submitted for your review. The [redacted] as represented by [redacted] received a complaint on Scientology from a school teacher named [redacted], however, indicated that a friend of hers was involved in the organization, but refused to give the friend's name. [redacted] stated that upon running into a dead end, in [redacted] and with no definite leads to go on, no attempt was made to interview [redacted]

A review of the literature submitted should provide a background of organizational information on Scientology as well as direct references in some of the material to cures of serious diseases through processing by Auditors trained under L. Ron Hubbard and through use of the E-Meter. There are many others in Houston who could be interviewed in regard to Scientology both active and inactive in the organization; however, further interviews will not be attempted unless additional instructions to do so are requested. It is my understanding that a letter has now issued from the Foundation instructing members of the mailing list to withhold information regarding Scientology from Food and Drug Inspectors. These letters are probably a direct result of current investigations and interviews made by the Food and Drug Administration.

nt
Typed from Stenorette 2/25/63

John S. Rynd
Inspector

Document H-117; undated, is a thirteen-page rough draft of memorandum with "Do Not Use Rough notes B. T. Loftus" across top of first page. It consists of the personal opinions of a Food and Drug Administration employee regarding Scientology.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes an inter-agency memorandum.

Document H-119. This document is a two page memorandum dated 11/2/62, to Director, Baltimore District, from Charles H. Everline, Inspector. Subject: Hubbard E Meter. This memorandum is an investigative interview with an individual of a municipal agency, regarding his investigation of Scientology. Also discussed was possible cooperative efforts between the Food and Administration and this agency.

This document is released with deletions. On page 1, the deletions found on line 12 on paragraph 3 consist of confidential information, which if released would constitute an unwarranted invasion of personal privacy. This portion is exempt under 5 U.S.C. 552(b)(7)(C). The deletions found in lines 2 and 3 on paragraph 4 and on the last line of this page consist of confidential medical information, which if released would constitute a clearly unwarranted invasion of personal privacy. These portions are exempt under 5 U.S.C. 552(b)(6). The remaining deletions on this page are exempt under 5 U.S.C. 552(b)(7)(D), because release would disclose the identity of the agency, which is a confidential source. On page two, the deleted material on line two consists of confidential information in the form of medical references, which if released would constitute a clearly unwarranted invasion of personal privacy. This portion is exempt under 5 U.S.C. 552(b)(6). Lines 6 and 7 in paragraph 3 consist of confidential information, which if released would constitute an unwarranted invasion of personal privacy. This portion is exempt under 5 U.S.C. 552(b)(7)(C). The remaining deletions on this page are exempt under 5 U.S.C. 552(b)(7)(D), because release of any portion on this page would disclose the identity of the agency, which is a confidential source.

DIRECTOR, BALTIMORE DISTRICT

November 2, 1962

Charles H. Everline
Inspector

Hubbard E-Meter

The Founding Church of Scientology
1812 19th St., N.W.
Washington, D.C.

The Academy of Scientology

Hubbard Guidance Center

Hubbard Communications Office

L. Ron Hubbard

In connection with the current investigation of the above organizations, I contacted [redacted] on 10/22/62, to determine what information he might have in his files on Scientology, and to attempt to renew their interest in these firms. [redacted] had previously told me that he had spent 5 years trying to develop an action against L. Ron Hubbard and his organizations.

I told [redacted] of the type of action we were planning, and asked if we could review his files to see if there was any information in them that could be used as background. [redacted] said it was fine with him, but he would have to get the permission of his chief.

We then went to see [redacted] where the request was again explained. [redacted] has also been interested in L. Ron Hubbard for several years. He informed me that all of Hubbard's degrees were fakes, and the man was a crook. They [redacted] have been trying to take action, but need a complaining witness. He said he would not only give permission to review the files, but would supply the [redacted] if we could get Hubbard. That morning he had sent [redacted] a report about [redacted] activities at the church. (This report came from the [redacted] I told [redacted] that Inspector Karpers had noticed, during our tour of the buildings, a statement signed by L. Ron Hubbard to the effect that auditors were not to [redacted] had his secretary take down this information for the files.

[redacted] also mentioned that [redacted] (name not given) had been connected with Scientology and was now [redacted] but the man who had conducted the investigation for [redacted] was now working as the manager of the [redacted]

[redacted] asked if he could have one of the E-Meters for exhibit purposes if we were sucessful.

The files were reviewed 10/31/62. Briefly, the files contain memos from [redacted] who became a member of Scientology, and from two [redacted] that have worked on the case. Also on file is an interview with [redacted] in which

he states that [redacted] told him over the phone that "Scientology can help your condition". [redacted] He said in this interview that Scientology had failed to help him in any way.

There are numbrous books and phamplets from Scientology in the file. Copies of most of these are in our possesion. There is a fairly complete history on L. Ron Hubbard. He flunked out of high school, flunked out of George Washington University, and has never attended Prinston or Sequoia Universities as he claims. He has been sued for bigamy, kidnaping, cruelty, assulting a federal officer, contempt of court, operating a medical school without requiring a state examination, and bankruptcy. He has never (as far as in known) appeared in court, or contested, any of these actions. Newspaper accounts of the divorce action of his wife Sara, and of Dianetics are in the file. Correspondence from the American Psychiatric Society and other interested societies are also included. There are reports that Hubbard has had three wives, none of which are Mary Sue, which he says is his wife.

The only records that may interest us directly ~~both~~ are those pertaining to [redacted] a comment in [redacted] report on the 1959 Congress in which Hubbard stated that all disease was psycosomatic; and a letter dated 9/7/61 indicating that Dianazine may be available again.

[redacted] have indicated that they are still interested in Hubbard, and his organizations, and are checking to see if they have any grounds for action. [redacted] requested they he be informed when we intend to make the seizure, since he would like [redacted] to accompany us. I have checked this request with DAM and the US Marshals office, and found no objection. [redacted]

I am keeping in touch with [redacted] in the event they may also be able to take action against these organizations.

Charles H. Everline
Inspector

Document H-120. This document is a one page memorandum dated 1/15/63, to Director, Baltimore District, from Washington Resident Station. Subject: E Meter Seizure. This memorandum pertains to a request from an individual associated with a municipal agency for the use of an E Meter for exhibit purposes.

This document is released with deletions. The deleted portions are exempt under 5 U.S.C. 552(b)(7)(D), because release would disclose the identity of the municipal agency, who is a confidential source.

OPTIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, BALTIMORE DISTRICT

DATE: January 15, 1963

FROM : Washington Resident Station

SUBJECT: E-Meter Seizure

[redacted] called today requesting that if and when a default is entered on the E-Meter seizure, ~~xxxx~~ his department be supplied with one copy of each of the pieces of literature seized as well as one E-Meter for exhibit purposes.

We have already indicated to him that we will attempt to obtain an E-Meter for his Department for exhibit.

In addition to an E-Meter for [redacted], can we obtain an E-Meter for exhibit for use of the Washington Resident Inspector. This would be a very interesting gadget for the resident to show during speeches in this area.

George D. Tilroe

George D. Tilroe
Inspector, Baltimore

DIVISION OF REGULATORY MANAGEMENT:

For your information. Will you keep these requests in mind, if the seizure goes by default?

Gordon G. Thompson

GORDON G. THOMPSON
Chief Inspector
1-17-63

GGT:fw

Document H-122; is a one page hand-written memorandum dated 7/15, to B. E. from N. R. S. pertaining to a specific event regarding a particular individual.

This document is released with deletions. The deleted portions of this document consists of the name of a specific individual which, if released, would constitute an unwarranted invasion of personal privacy. These portions are exempt under 5 U.S.C. 552 (b) (7) (C).

INTRA-ADMINISTRATIVE REFERRAL

Issuance Date 7/15.

Jacket Identification, Type and Number

H-124

To	Referrals and Recommendations
BE	M.R.S. [redacted] is a graduate assistant - not a Dr. Minneapolis released the victims to live outright on their own recognizance without any charges being here. We wanted [redacted] whose permitted such a release. [redacted] appears necessary to be conducting a clinical trial to support Medicaid and is probably doing so [redacted] both in obtaining the [redacted] as, and in setting up the trial in the 21 - limit. We are proposing this method of obtaining some control over the viability studies by placing the responsibility on [redacted] Minnesota, where [redacted] was used to [redacted] with [redacted] and [redacted] Dr. [redacted] Dr. [redacted] Dr.

Document H-123(a); undated, is a one-page handwritten note pertaining to a potential witness containing names and other identifying characteristics including medical details.

This doucment is exempt under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product. It is also exempt under 5 U.S.C. 552 (b) (6), (7) (C) because release would constitute a clearly unwarranted invasion of personal privacy.

Document H-123 (b); undated, is a two-page handwritten note containing names and other identifying characteristics of potential witnesses prepared by an attorney.

This doucment is exempt under 5 U.S.C 552 (b) (5) because it constitutes attorney work product. It is also exempt under 5 U.S.C. 552 (b) (6) and (7) (C) because release would constitute a clearly unwarranted invasion of personal privacy.

Document H-124; undated, is a three-page type-written and handwritten list containing names and addresses and telephone numbers of potential witnesses.

This document is exempt under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product. It is also exempt under 5 U.S.C. 552 (b) (c) and (7) (C) because release would constitute a clearly unwarranted invasion of personal privacy.

Document H-126; undated, is a five-page handwritten detailed note regarding potential witnesses including names, addresses and other identifying characteristics prepared by an attorney.

This document is exempt under 5 U.S.C 552 (b) (5) because it constitutes attorney work product. It is also exempt under 5 U.S.C. 552 (b) (6) and (7) (C) because release would constitute a clearly unwarranted invasion of personal privacy.

Document H-127; undated, is an eleven page hand-written list of names, addresses and other identifying characteristics regarding potential witnesses prepared by an attorney.

This document is exempt under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product. It would also be exempt under 5 U.S.C. 552 (b) (6), and (7) (C) because release would constitute a clearly unwarranted invasion of personal privacy.

Document H-129; undated, is an individual's criminal record (one page) from a municipal agency regarding the individual's violation of a marijuana tax act.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (6) and (7) (D) because release would: (1) constitute a clearly unwarrented invasion of personal privacy; and (2) disclose the identity of a confidential source, the municipal agency.

Document H-131; undated, is a five-page hand-written list of names, addresses and other identifying characteristics of potential witnesses prepared by an attorney.

This document is exempt under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product. It is also exempt under 5 U.S.C. 552 (b) (6) and (7) (C) because release would constitute a clearly unwarranted invasion of personal privacy.

Document H-133; undated, is a four-page rough draft memorandum to Press Information, Attention: Edward R. Nida, from the Office of Compliance. It consists of proposed comments with respect to certain aspects of William Willoughby's news article in the Evening Star entitled "Has FDA Bungled the Scientology Church Case?". Draft bears the words "NOT USED".

This document is exempt under 5 U.S.C. 552 (b) (5) because it constitutes an inter-agency memorandum.

Document H-134; undated, is a four-page rough draft proposed letter to the Editor of the Evening Star containing comments regarding the article referenced in Document H-133. Draft bears the words "Not Used."

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes an inter-agency memorandum.

Document H-135; dated February 8, 1963, is a four-page FBI internal memorandum. It consists of an investigation report regarding an individual's complaint regarding Scientology.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes an inter-agency memorandum.

Document H-140; is a five page (two copies) memorandum, dated 2/4/63, to Director, Baltimore District, from, Inspector, J. C. Bullard, Subject; 4093 V, Hubbard E. Meter, FDC 48405. This memorandum consists of information obtained on Scientology investigations conducted by agencies and organizations other than the Food and Drug Administration.

This document is released with deletions. On page three, the deleted material contained in the upper portions of this page, consists of confidential information pertaining to a specific individual which, if released, would constitute an unwarranted invasion of personal privacy. This portion of the document is exempt under 5 U.S.C. 552 (b) (7) (C). The rest of the deleted material throughout this document, consists of the names of the various organizations and agencies as well as specific individuals and other identifying characteristics which, if released, would immediately disclose the identity of a confidential source. These portions are exempt under 5 U.S.C. 552 (b) (7) (D).

OPTIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Memorandum

#140

FEB 7 1963

TO : DIRECTOR, BALTIMORE DISTRICT

DATE: February 4, 1963

FROM : Inspector J. C. Bullard
Run 115

Re: L. Ron Hubbard and
Distribution Center, Inc.
Founding Church Scientology,
Inc., etc.
Washington, D. C.

SUBJECT: 4-093 V Hubbard E-Meter
FDC 48405

DRM/Balt. memo 1/24/63 requested background information on the above firms be obtained from several organizations in Washington, D. C. These organizations included the [redacted] the Navy Department, [redacted] Treasury Department, FBI, etc. These investigations were conducted during the week of 1/28/63 to 2/1/63.

[redacted]

On 1/28/1963 I visited the above office and learned that they had records for the following firms:

1. Distribution Center, Inc., Washington, D. C.
2. Founding Church of Scientology, Washington, D. C.
3. Hubbard Association of Scientologists International Washington, D. C.
4. Pan American Friends Foundation, Washington, D. C.
5. National Academy of American Psychology, Washington, D. C.

Arrangements were subsequently made with the Division of Regulatory Management to obtain a letter formally requesting that these records be copied and and certified copies be provided this Inspector. These records are to be picked up on 2/4/63 and delivered to DRM.

DIVISION OF REGULATORY MANAGEMENT:

For your information. We will withhold any additional follow-up pending instructions from you.

Gordon G. Thompson

GORDON G. THOMPSON
Chief Inspector
2-5-63

GGT:fw

O&cc-DRM
cc-BFA

Dir.Balt.Dist. 2/4/63
J.C.B.
4-093 V Hubbard E-Meter

The cost for reproducing these records is to be borne by the Baltimore District Office. This was estimated by [redacted] at $73.00.

[redacted]

On 1/28/63 I visited [redacted] of the above office. [redacted] was extremely anxious to help to the extent that he furnished this Inspector their complete files on L. Ron Hubbard, Founding Church of Scientology, and Pan American Friends Foundation. These files were reviewed and then delivered to DRM for their review. The files were returned on 1/29/63.

INTERNAL REVENUE SERVICE
10th & Constitution, Washington, D. C.

On 1/29/63 I visited Special Agent Gilbert Haley, Room 7217, phone WOrth 4-3207 and discussed the problems he was encountering in furnishing us with tax records of a number of individuals. This list of individuals had been submitted by Inspector Tilroe previously.

During this brief discussion, I learned that Agent Haley was complaining due the length of the list of names. He stated that it would take a terribly long time and much effort to dig out this many returns. The following compromise was brought about. I requested that he check each of the names of individuals listed as claimants living in Washington, D. C. against their fraud file. He stated that he would do this. I further requested that he obtain the tax records for the following people:

Marilyn Routsong
Anton James
Harris R. Angel
Jeannette Angel

Plus one additional name to be selected at random from the list. Also requested were the returns of

John Fudge, Washington, D. C.
Bonnie B. Turner, Washington, D. C.
Rev. Andrew Bagley, 200 W. 24th St., New York
Frank Bernard Bessler, 128 S. Camden Drive, Beverly Hills, Cal.
Don G. Purcell, Omago Oil Company, Wichita, Kansas. Agent Haley promised complete cooperation.

Dir.Balt.Dist. 2/4/63
J.C.B.
4-093 V Hubbard E-Meter

[redacted]

On 1/30/63, I visited the above office and talked to [redacted] assistant business manager. [redacted] listened to my problems and then directed me to [redacted] assistant director. [redacted] stated that he had recently taken over as an assistant director and would not be acquainted with any prior history of the Scientology outfit.

I tol[redacted] that this office was aware of a letter which had been sent to a [redacted] on 3/14/51 [redacted] then reviewed their council minutes from the meeting of that date. He learned that indeed a letter had been sent. It was in answer to [redacted] to a proposal that the [redacted] declined to enter in to such an agreement, and replied by way of the letter on 3/14/51.

[redacted] stated that they would make a more intense search of their files to determine if there was any additional information there.

Dir.Balt.Dist.
J.C.B.
4-093 V Hubbard E-Meter

2/4/63

On 1/1/63 I phoned [redacted] and learned that he had not yet had an opportunity to make a search of their old records.

[redacted]

On 1/30/63 I visited this office and talked to [redacted] assistant director. [redacted] stated that the [redacted] does not normally handle this sort of thing. The receptionist recalled hearing one inquiry some time ago but the caller left no name.

[redacted]

On 1/30/63 I visited the above office and talked to [redacted] stated simply that they occasionally received complaints on the involved organization, but forward them immediately to [redacted] for their follow-up.

[redacted]

On 1/30/63, I visited this office and talked to the receptionist, a [redacted] referred me to the [redacted] since this is the [redacted] and would not deal with any local issue.

NAVAL DEPARTMENT, Naval Annex
Columbiana and Arlington Blvd.
Arlington, Virginia

On 1/30/63 I made several phone calls to Naval Records Personnel sections which eventually led to a Mr. Breedlove, Room 3056 Naval Annex, Phone OX 42820. It is Mr. Breedlove's job to supply various Government agencies with records of naval personnel. Mr. Breedlove outlined the procedure and requested a written request for the necessary information. I delivered a letter from DRM requesting information on L. Ron Hubbard.

Mr. Breedlove was extremely cooperative and assisted the inspector in reviewing the Register of Alumni 1845 to 1962 on the U. S. Naval Academy. This book is put out by the Alumni Association, Inc. It contained no reference of any L. Ron Hubbard ever attending the Naval Academy. A review of the Register of the retired, commissioned and warrant officers, regular and reserved in the U. S. Navy and Marine Corp through 7/1/62 was made. The name L. Ron Hubbard could not be located within this Register. Mr. Breed love then checked out the

Dir.Balt. Dist. 2/4/63
J.C.B.
Hubbard E-Meter

service number which we furnished him. 113392 - This number was obtained from the D. C. Police Department. He found that this number did coincide with that of L. Ron Hubbard.

Mr. Breedlove then introduced the Inspector to Mr. Lester W. Bryant. Mr. Bryant is in charge of officer records for the Navy. He is located in Room 3536 at phone number Oxford 4-2730. Mr. Bryant was also very cooperative and stated that he would immediately telephone for the records of this individual. He suggested that it would probably be Tuesday morning before these records could be furnished. I requested that at this time he phone Mr. Swain's office in DRM. He stated that he would comply.

This concludes the investigation done to this date on the entitled subject.

John C. Bullard

JOHN C. BULLARD
Inspector, Baltimore District

JCB:ekm

Document H-141. This document is a two page memorandum dated 2/18/63 to San Francisco District from R. Thebus, Inspector. Subject: Hubbard E Meter FDC 48405, 4093 V Investigation. Attached to this memorandum are 12 pages of documents from a municipal agency. This memorandum is a summary of investigation into Scientology by a municipal agency.

This document is released with deletions. The deleted material found in the two pages of the memorandum and in the nine pages are of confidential information obtained and discussed by the municipal agency. These portions are exempt under 5 U.S.C. 552(b)(7)(D), because release of any portion would automatically disclose the identity of the municipal agency who is a confidential source. There are three pages of exhibits not submitted, because these are exempt in their entirity under 5 U.S.C. 552(b)(6) and (7)(C), because release of any portions of those pages would constitute a clearly unwarranted invasion of personal privacy.

OPTIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Memorandum

#141

REFERRED TO
FEB 27 1963

TO : SF District

DATE: 2-18-63

FROM : R. Thebus, Inspector

L. Ron Hubbard
Founding Church of Scientology
Distribution Center, Inc.
Church of Scientology
etal

SUBJECT: Hubbard E Meter
FDC 48405 4-093V
Investigation

was contacted regarding the above operation. The department did not have a file on L. Ron Hubbard as such, however, they were well aware of the activities of the organization thru a who was the local "auditor" for Scientology operations.

According to the record, represented Scientology in and advertised in local papers using an unlisted telephone number. After phone contact made appointments to "help them with their problems". claimed he did not charge for this service but merely accepted voluntary donations. has receipts given by to people for his services. (see attached photocopy of dtd 6-17-61.)

has done considerable work on the Scientology affair and was considering pressing a bunco charge. Among other information obtained during their investigation was a copy of a letter from the Riverside, Calif. PD stating "Lanier Allison Ramer" was arrested on June 1, 1960 for Bank Robbery. Ramer stated he robbed the bank in order to get enough money to finish paying for his course in Scientology. (see attached photocopy Riverside PD dtd 6-19-61).

Further investigation revealed had obtained over $2,000 from for assisting them with their problems. Involved in the "auditing" was one (see attached carbon copy of ltr. dtd 7-27-61). (more))

ADMINISTRATION: February 20, 1963
Attn: Divison of Regulatory Management

For your information as a follow-up to LA/SF memorandum concerning a report received by the concerning the activities of Hubbard in that area.

If further follow-up is desired, please let us know promptly.

H. P. ROBERTS
Supervisory Inspector

Att: Papers from PD(only copies)

has a voluminous file on the operations of Scientology in the area including a lenghty report submitted by attended the meeting of "Congress of Scientologists" at the Sheraton Palace Hotel, San Francisco, California on July 29/30, 1961. The officer worked with Using aliases of bought or paid for admittance to the sessions. The received a receipt for the $30 paid. This receipt was issued by "Hubbard Communications Office, 1971 Westmoreland Ave. Los Angeles 6, California. Dunkirk 8 5965. July 29, 1961 Sold to "Couple Goals Congress" Receipt. The officer also purchased the various publications offered at the meeting. Publications not available at the meeting were purchased and were later mailed to the officer's sisters address at These publications are in possession of the and are available to SF FDA if needed.

indicated had a complete file on Julia Salmen, Hubbard Assoc., Distribution Center, etal. I talked with on the phone and he said the entire file had been turned over to for further investigation. According to this file is rather thick-about 6"- and should be available at the

has indicated complete cooperation and will furnish FDA with any or all parts of their files.

Robert Thebus
SF

2-16-67
RT

INFO WANTED

THIS DEPT. HAS UNDER INVESTIGATION, A PROBABLE BUNCO OPERATION. IT IS GOING UNDER THE NAME OF CHURCH OF SCIENTOLOGY.

THE FOLLOWING IS THE M O.

THIS SO CALLED CHURCH CAME TO [redacted] ABOUT [redacted]

THE SO CALLED MINISTER ADVERTISES IN OUR LOCAL PAPER AND GIVES AN UNLISTED NUMBER TO CALL. THE PEOPLE CALL AND HE IN TURN MAKES AN APPOINTMENT FOR THEM. WHEN THE PEOPLE GO TO HIM, HE TELLS THEM THAT HE CAN DWELL INTO THE TROUBLED MINDS, AND THAT HE CAN HELP THEM WITH THEIR PROBLEMS. ONE OF HIS VICTIMS WAS CONTACTED AND SHE GIVES THE FOLLOWING STORY.

STATES THAT SHE READ ABOUT THIS CHURCH OF SCIENTOLOGY ADD IN THE LOCAL PAPER. STATES THAT SHE MADE AN APPOINTMENT TO SEE THE SO CALLED MINISTER ABOUT A FAMILY PROBLEM. STATES THAT WHEN SHE WENT TO HIM HE TOLD HER THAT HE COULD HELP HER WITH HER PROBLEM. HE USED A MACHINE WHICH IS CALLED A HUBBARD ELECTROMETER, FOR THE USE IN PSYCHOPHYSICAL DETECTION THIS MACHINE IS DESCRIBED AS BEING ABOUT 12" X 6" WITH TWO DIALS, AND IT HAS A NEEDLE METER WHICH IS SUPPOSED TO REGISTER BODY IMPULSES, SOMETHING LIKE A VOLT METER. THIS MACHINE IS RUN ON TRANSISTOR BATTERIES. ATTACHED TO THIS MACHINE IS A CORD. ATTACHED TO THIS CORD ARE TWO TIN CANS, WHICH LOOK LIKE TWO SOUP CANS WITH THE LABELS OFF. THE VICTIM STATED THAT HE SAT HER DOWN IN A CHAIR, AND HAD HER TAKE HOLD OF THESE CANS, AND TOLD HER THAT HE COULD HELP HER BY ASKING HER QUESTIONS ABOUT HER SELF, AND BY THE READINGS THAT HE COULD DIAGNOSE FROM THE METER. AFTER THE SESSION WAS OVER THE SO CALLED MINISTER STATED TO THE VICTIM, THAT SHE HAD A VERY BAD PROBLEM AND THAT HE COULD POSSIBLY CURE HER.

HE THEN STATED THAT IT WOULD COST HER 550.00 DOLLARS FOR A 25 HOUR COURSE IN THIS SO CALLED SCIENTOLOGY. VICTIM APPARENTLY FELL HOOK LINE AND SINKER FOR THIS, AND SO FAR SHE AND HER HUSBAND HAVE PAID NEARLY $3000.00 FOR THESE SO CALLED TREATMENTS. THERE IS MUCH MORE TO THIS CASE THAT SHOULD BE BROUGHT OUT, BUT IS TOO INVOLVED AT THIS TIME AND TO LENGTHY FOR TT.

THE PEOPLE THAT TAKE THESE COURSES ARE WAY OUT, AND ARE VERY HARD TO UNDERSTAND SUCH AS TALKING, THEIR BELIEFS IN THE FUTURE, THEIR RELIGIOUS BELIEFS, AND THE SO CALLED BELIEFS AS TO WHO IS GOING TO RULE THE WORLD IN THE NEXT TWO YEARS.

THIS ONE VICTIM OF THIS CORPORATION, HAS GIVEN THIS DEPT. A DEPOSITION AS TO ALL THAT HAS GONE ON IN THESE SO CALLED SESSIONS. THE VICTIM IN HER DEPOSITION STATED THAT THE WORD COMMUNISM HAS AROSE QUITE FREQUENTLY, AND THAT THEY HOLD SESSIONS WHERE TAPE RECORDINGS ARE PLAYED AS TO HOW OTHER COUNTRIES ARE RUN ETC. ALSO THEY TALK ABOUT LAW ENFORCEMENT AGENCIES, AS TO HOW THEY ARE AGAINST THE SO CALLED CHURCH OF SCIENTOLOGY.

THE WORD SCIENTOLOGY IS SUPPOSED TO MEAN THE KNOWING OF THE KNOWING, WHAT EVER THAT IS SUPPOSED TO MEAN. THE FOUNDER OF THIS CHURCH IS L. RON HUBBARD. WE KNOW NOTHING ABOUT THIS PERSON.

WE HAVE SO FAR BOOKED THEIR SO CALLED MINISTER [redacted] ON DOING BUSINESS WITHOUT A CITY LICENSE, WHICH IS A VERY LOW MISDEMEANOR.

ONE FINAL NOTE. IT MIGHT BE MENTIONED THAT THE VICTIM IN THIS CASE STATED THAT THE MINISTER OF THIS CHURCH STATED THAT HE COULD CURE HER OF HER AILS WITH THIS MACHINE, AND THAT HE STATES A FLAT FEE FOR HIS SERVICES FOR DWELLING INTO PEOPLES MINDS. THE SUSPECT HIMSELF STATES THAT THE PEOPLE THAT COME TO HIM MERELY GIVE HIM DONATIONS, BUT THIS DEPT HAS RECEIPTS. TO BACK UP THE VICTIMS CLAIMS.

ANY AND ALL INFO WOULD BE APPRECIATED ON THIS CHURCH OF SCIENTOLOGY.

ATTENTION- [redacted] ANY INFO AT ALL WILL BE APPRECIATED.

ATTENTION- [redacted] ADVISE [redacted]

ATTENTION- [redacted] THEY ARE GOING TO HOLD SOME SORT OF CONVENTION YOUR AREA POSSIBLY CLOSE TO [redacted] OR MAYBE THE SAME ADDRESS ABOUT [redacted]

ATTENTION---FBI- LOS ANGELES---

ATTENTION---ALL BUNCO DEPTS.

This is a letter in reference to your request for investigative reports pertaining to the case of Church of Scientology, suspect

Please find enclosed reports of the investigating Officers of the also depositions taken by Officers from suspect and witness. You will find letters from the Bunko Squad pertaining to the outlay of the Church of Scientology located in that city; You will find a copy of the letter from the Riverside Police Department where one of these scientologists was so wrapped up in this thing that he robbed a bank in Riverside to pay for his additional auditing.

You will find copies of a report from the where suspect had applied for a permit to sell religious books in the area. was arrested in yet he filed for this application on June 27. We have receipts showing that had sold books in from 1st of January of this year through June 1, without a permit. You will also find several other interesting reports pertaining to the Church of Scientology.

As stated in our telephone conversation pertaining to and church of scientology in one of the victims in this case, have invested approximately $3,000 into the beliefs of this scientology. As stated to you on the telephone, got involved in scientology due to the fact that he Upon going to and practicing the beliefs of scientology, he has now been able to

[redacted]

I do not know if this has been mentioned in our investigations or not, but in the church of scientology the first thing the auditor or so-called minister tells their clients is that the police departments are always picking on them and that scientology is something new and the general public and everybody will be fighting them and that they will have to be brave and carry this burden on their shoulders. So, in fact, if any bunko investigation is made into this racket the people we talk to will feel this way: that they have been told and schooled that law enforcement or some other agency might attempt to crack open this church of scientology and that they are prepared to stand up and fight for their beliefs in scientology.

As stated in a report from various places, if you will refer to material in this folder entitled "Dianetics", taken from a book called "FADS AND FALLACIES", in paragraph 3 you will see: "friends vary widely in opinions of Ron Hubbard; claim him to be in earnest, honest, sincere guy. To others he is the greatest con man of the century." Also, "that he is a tragic victim of his own psychosis."

2-16-63
RT

You will find also a copy of teletypes received from the FBI and from

As you will note in the investigative reports, Officers have talked to many of these people involved in scientology, in Three quarters of these people are atheists; they do not believe in God or the Holy Bible; in fact, they do not believe in anything. One person, whose name is mentioned in a report, informed me that when it comes to scientology he will lie to protect same, that when and if necessary he would take the stand and perjure himself to defend scientology.

This is about all; it wraps upa brief summary of what we have, and I am sure after you have gone through all the investigative reports, etc., that you will be just about as mixed up as I am at this date. There are many things, possibly, that we have not been able to put down in reports; things we have heard and which is only hearsay;

Also, you will find reports showing that the had made quite an investigation into this church of scientology.

While making this investigation, (Officers) realized that this is an involved situation, that the words 'church' and 'religion' make a touchy situation and yet we do feel that this is a great bunko operation and know this psycho, Hubbard, is going to receive a great profit if he can keep this so-called church of scientology in operation throughout the nation.

I am sure there are departments who will cooperate with yours fully in this investigation into the church of scientology. We do feel that if you or your investigators could come to or meet some place to discuss this situation that we could iron out a lot of facts and fiction pertaining to the church of scientology.

Thanking you in advance for any assistance you might render.

Very truly yours,

GJB:jkd

2-16-63
RT

DEPARTMENT OF POLICE
J. A. BENNETT
CHIEF

CITY OF RIVERSIDE
CALIFORNIA

RADIO STATION KMB 40

REF: #161-446

June 19, 1961

[redacted]

Attention: [redacted]

Dear Sir:

Regarding your [redacted] Church of Scientology, we wish to give you the following information.

On June 1, 1960 we arrested Lanier Allison Ramer for Bank Robbery. He was processed in the Federal Court. Ramer stuck up the bank to get enough money to finish paying for a course in the Church of Scientology. From him we learned the head of the local Church was an N. Charles Berner, 1130 Center Street, Highgrove. Mr. Berner had gone to school at the Academy of Scientology 1812-19th Street Northwest, Washington 9, D. C. Ramer was supposed to finish his course at the Church of Scientology, 971 South Westmoreland, Los Angeles 6, California, phone DUnkirk 83481.

We have done no more on this case since that time.

Sincerely yours,

J. A. BENNETT
Chief of Police

C. A. Cooper

C. A. Cooper
Captain of Detectives

CAC:gj

ADDRESS ALL COMMUNICATIONS TO THE CHIEF OF POLICE

June 27,1961

Federal Bureau Of Investigation
Crime Laboratory
Washington D.C.

Re: Scientology

Dear Sir:

This department has arrested one [redacted] for violation of our city Ordinance 'Doing business without a license' We are also contiplating a charge of grand theft 'bunco'. This so called Scientology is a rather new gimick, and is now called the church of Scientology. Evidence is one E-METER, simular to a lie detector, and is used by the Scientologist to Audit there clients. We would like a complete check on this E-METER as to what it is, what it is composed of, what reaction on a person it will have, can a operator make it do what he wants. and its value.

Evidence being sent this date registered mail.

K-1 E-METER (lie detector)

E-2 Book called E-METER essentials

K-3 Deposistion of [redacted] on his use of the so called E-METER. Please read same , as it has some bearing on this case.

Thank you in advance for any assistance you might render;

(Rev. 9-7-50)

2-16-63
RS

REPORT
of the

FBI LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C.

To: [redacted]

Attention: [redacted]

July 13, 1961

Airmail

This examination has been made with the understanding that the evidence is connected with an official investigation of a criminal matter and that the Laboratory report will be used for official purposes only, related to the investigation or a subsequent criminal prosecution. Authorization cannot be granted for the use of the Laboratory report in connection with a civil proceeding.

J. Edgar Hoover

John Edgar Hoover, Director

Re: [redacted]
SCIENTOLOGY

YOUR NO.
FBI FILE NO.
LAB. NO. E-134 EM

Examination requested by: Addressee

Reference: Letter 6/27/61

Examination requested: Electronics

Specimens:

Q1 E-Meter

Also submitted: Book called "E-Meter Essentials"
Deposition of Frank Clendon Metcalf

Results of examination:

Examination of Q1 showed it to be essentially an ohmmeter or electrical resistance meter that can be adjusted by the front panel control labeled "DIAL SWEEPS" to give a meter indication on any electrical resistance connected to the input terminals if within the range 0 to 10 megohms. It was noted that when the terminal cans of Q1 were held in the hands by an individual the "DIAL SWEEPS" control knob could be adjusted to give a mid-range meter reading for that person. The variations in total electrical resistance through the body of the person due to such factors as changes in grip on the

Continued next page

cans and/or changes in the moisture content of the skin in contact with the cans, would be indicated by variations of the meter readings.

The particular reactions that will be elicited by specimen Q1 are not determinable since this would, as a matter of course, depend upon the psychological make-up of the individual being subjected to the instrument. Further, it is not possible to evaluate the ability of the operator of Q1.

The value of Q1 would necessarily be a highly variable thing. For this reason, no reliable estimate can be made of its value.

Specimen Q1 and the material listed as "Also submitted" are being returned to you under separate cover by registered mail.

EXERCISE ONE

Look and Act Younger

Sitting somewhere near the center of a room, close your eyes and "contact" the two upper corners of the room behind you. Then, holding those corners, sit still and don't think. Remain interested only in those two corners.

You can do this for two minutes (minimum) or two hours, always with benefit. No matter what happens, simply hold the corners and don't think.

You can do this daily. It will make you look and act younger.

EXERCISE TWO

Feel Freer

Pick out two similar objects. Then find as many differences between them as possible.

Now pick out two objects and see where they are in relation to each other and your body.

Use these two steps over and over. You will feel freer and see better.

EXERCISE THREE

Better Your Memory

Go over this list many times, each time answering its questions:

Recall a time which really seems real to you.

Recall a time when you were in good communication with some one.

Recall a time when you agreed to something.

Recall a time when somebody disagreed with you.

Recall a time when you liked somebody.

Recall a time when some one agreed with you.

Recall a time when some one was communicating easily to you.

Recall a time when somebody liked you.

Use this list many times. If "holding corners" (Exercise One) disturbed you, use this list. If you are tired or confused, use it.

This exercise can be done for hours.

FIRST AID

2-11-67 RT

If somebody is injured, you can assist in many ways. A burn or bruise or even sprains or breaks heal much more swiftly with Scientology assists.

The most elementary of this First Aid treatment is easily done. For ages Man has known that "laying on of hands" or Mother's kiss was effective therapy. Even gripping, in pain, an injured member, seems to help. But Man neglected the most important part of "laying on of hands." This follows.

Do this exactly and do it with a minimum of talk.

Place your index finger or fingers or palm on the injured member, very lightly, and say to your patient, "Put your attention on my hand." Now change the position of your finger or palm and have the patient do it again.

It is best to touch your patient on spots which are further from his head than the injury.

Do not talk excessively. But coax him, as you touch, briefly, spot after spot, to put his attention on your finger or fingers or palm.

Change the spot every moment or two. Be calm. Be reassuring.

If your patient experiences pain or trembling as a result, keep on for the therapy is working.

Continue in this fashion for many minutes or half an hour if necessary, until pain or upset is gone.

During this treatment the patient has his eyes closed.

It is not power from your finger which is healing him. It is power he generates by "looking" at your finger down through his body. You are putting him into communication with the injury. His communication with it heals it.

Ordinarily injuries, sprains, burns, scalds, broken bones, headaches and colds heal slowly because the patient is avoiding their area with his own energy.

For further information:

THE ACADEMY OF SCIENTOLOGY
1812 19th St., N. W.
Washington, D. C.

2-11-67 RT

Document H-142; is a one-page letter dated 6/15/61, between two State Agency Officials. The letter is a "Cover letter" for documents that will be described in H-143.

This document is released with deletions. The deleted portions consist of names and addresses which, if released, would disclose the identity of a confidential source. These portions are exempt under 5 U.S.C. 552 (b) (7) (D).

4/13/61-6

SAC. COPY

SENT AIR MAIL SPECIAL DELIVERY

H 142

[redacted]

June 15, 1961

[redacted]

Re: Hubbard Association of Scientologists International, Inc.

Dear [redacted]

Enclosed is the [redacted] file on the above subject as you requested.

We would appreciate return of the file upon completion of your investigation.

Very truly yours,

[redacted]

Encl.

BSW:hmr

Document H-143. This document consists of 17 pages of investigative documents (various dates) from the files of a state agency reporting on Scientology and many members and individuals associated with the organization.

This document is released with deletions. On page 1, the deleted materials found in paragraphs 1 and 2, consist of the name and address of a specific individual who is an informant. This portion of the document is exempt under 5 U.S.C. 552(b)(7)(D), because release would disclose the identity of a confidential source. The remaining deletions found on this page and those on 2 and 3 consist of dates and names of specific investigators involved in this investigation. Release of any of these portions would constitute an unwarranted invasion of personal privacy. These portions are exempt under 5 U.S.C. 552(b)(7)(C).

On page 4, the deleted material in the body of this letter consists of specific names and other identifying characteristics which, if released, would disclose the identity of a confidential source. These portions are exempt under 5 U.S.C. 552(b)(7)(D). The remaining deleted portions on this page are exempt under 5 U.S.C. 552(b)(7)(C), because release would constitute an unwarranted invasion of personal privacy.

On pages 5 and 6, the deletions found in paragraph 1 on page 5, lines 1 and 3 in paragraph 4 on 5, and a portion of line 3 on page 6 and all the deleted materials in paragraph 2 on page 6 consist of names of specific individuals and other identifying characteristics which, if released, would disclose the identity of a confidential source, the individuals being interviewed. These portions are exempt under 5 U.S.C. 552(b)(7)(D). The deletions found in paragraph 2 on page 5 and the last line on page 5 and lines 1 and 3 on page 6 consist of confidential information of a medical nature which, if released, would constitute a clearly unwarranted invasion of personal privacy. These portions are exempt under 5 U.S.C. 552(b)(6). The deleted materials in paragraph 3 on page 5, consisting of the name and address and identifying characteristics of a specific individual, as well as the name of the senior investigator are exempt under 5 U.S.C. 552(b)(7)(C), because release of either portion would constitute an unwarranted invasion of personal privacy.

Page 7 is released in its entirety.

On page 8, the deleted material found in the body of the letter consists of the name and address of a complainant. This portion is exempt under 5 U.S.C. 552(b)(7)(D), because release would disclose the identity of a confidential source. The remaining deletions on this page consist of the names of specific individuals associated with the state agency. These portions are exempt under 5 U.S.C. 552(b)(7)(C), because release would constitute an unwarranted invasion of personal privacy.

On page 9, the name and address of the addressee is exempt under 5 U.S.C. 552(b)(7)(D), because release would disclose the identity of a complainant who is a confidential source. The remaining deletions on this page consist of names of specific individuals with the state agency. These portions are exempt under 5 U.S.C. 552(b)(7)(C), because release would constitute an unwarranted invasion of personal privacy.

The deleted materials found on pages 10 and 11 consists of the name and address of a complainant. These portions are exempt under 5 U.S.C. 552(b)(7)(D), because release would disclose the identity of a complainant who is a confidential source.

On page 12, the deleted materials found in lines 2 and 3 in the body of the letter contains the name and address of the complainant which, if released, would disclose the identity of a confidential source. This portion is exempt under 5 U.S.C. 552(b)(7)(D). The remaining deleted materials consists of the names of the specific individuals associated with the state agency which, if released, would constitute an unwarranted invasion of personal privacy. These portions are exempt under 5 U.S.C. 552(b)(7)(C).

On page 13, the deletions found under the title "Subject" and in the body of this communication contains the name of the complainant which, if released, would disclose the identity of a confidential source. These portions are exempt under 5 U.S.C. 552(b)(7)(D). The remaining deleted portions contains the names of specific individuals associated with the state agency which, if released, would constitute an unwarranted invasion of personal privacy. These portions are exempt under 5 U.S.C. 552(b)(7)(C).

On pages 14 and 15, the name and address of the addressee on page 14 and the deleted portion at the top of page 15 are exempt under 5 U.S.C 552(b)(7)(D), because release would disclose the identity of the complainant who is a confidential source. The remaining deleted material on page 15 contains the names of individuals associated with the state agency which if released would constitute an unwarranted invasion of personal privacy. These portions are exempt under 5 U.S.C. 552(b)(7)(C).

On page 16, the name and address of the addressee in this letter is exempt under 5 U.S.C. 552 (b)(7)(C), because release would constitute an unwarranted invasion of personal privacy.

On page 17, the deleted material on this page are exempt under 5 U.S.C. 552(b)(7)(D), because release would disclose the identity of a complainant who is a confidential source.

DEPARTMENT OF PROFESSIONAL AND VOCATIONAL STANDARDS

BOARD OF MEDICAL EXAMINERS

Report of Investigation

#145

Board of Medical Examiners SACRAMENTO OFFICE RECEIVED NOV 21 1960 ANS FILE CROSS

To: Sacramento

From: [redacted] Special Investigator

Subject: Hubbard Association of Scientologists International, Inc. (Licensed) (Unlicensed)
971 S. Westmoreland Avenue
Los Angeles, California

Place Los Angeles
Date November 18, 1960
Docket No. LA 59/160
Docket Received 6/18/59

License No.
Issued

Violation: Possible 2141 B&PC, practice of medicine without license.

Findings and Disposition: Investigation failed to reveal any practice of medicine on the part of the subject. CASE CLOSED.

Detail: Subject case was initiated by a letter from a [redacted] which was sent to the Attorney General and subsequently forwarded to this office. This letter alleged that the subject school was treating clients and charging exorbitant fees.

On October 4, 1960, the undersigned and Special Investigator [redacted] interviewed the informant at his residence, [redacted] stated that he had taken courses at the Church of Scientology, 258 South Oxford Street, Los Angeles in 1958. He subsequently became an employee of the Church and gave instructions to pupils.

After he left this Church, the Association billed him for $1600 for tuition and fees. Informant stated that there were a great number who had attended classes at the so-called Church, and also were being billed for exorbitant fees.

He stated that the Church did not give treatments or offer any cures, but that they promised that the pupil would be helped mentally and spiritually.

On [redacted] Special Investigator [redacted] operated the subject Church, and reported as follows:

"On [redacted] after consultation with Special Investigators [redacted] it was decided that undersigned would enter the offices of Scientologists International, Inc., at 253 South Oxford Avenue in Los Angeles, and obtain what information was available at that time.

D

P & V-1M-1-57

At approximately 11:30 a.m. on [redacted] undersigned entered the building and talked to the Executive Secretary, a woman, who called herself Dennie Fields, a white female adult, approximately 5'6", weighing approximately 165 pounds, with brown hair, brown eyes, and being approximately 50 years old. Undersigned asked her about Scientologists International, Inc. She then produced several pamphlets with various titles. One was numbered 1, one was numbered 8, one was numbered 9; plus a booklet on Personal Efficiency, as well as a price list for various books on Psychology and Scientology.

Mrs. Fields advised undersigned that they had a regular course during the week, Monday through Friday, which was titled Personal Efficiency Course, which ran Monday through Friday, 7:30 p.m., to 10:00 p.m., nightly. She stated on the first night of the course, the student was given an I.Q. test. Then on the last night of the course, the student was given another I.Q. test, and Mrs. Fields stated that the student's I.Q. always jumped between 20% and 30% after taking their course.

She then asked for undersigned's address, and undersigned gave the following address: [redacted]

Undersigned then asked Mrs. Fields about the possibility of employment, and she stated that after they knew an individual, and after he had taken some of their courses, so that they understood the individual better, that there could be some conversation along that line. She then stated that she would be very happy to have me attend their courses, and undersigned left the premises at about 11:40 a.m., and returned to the company of [redacted]

The documents afore mentioned have all been initialed and dated by undersigned, and turned over to [redacted] Special Investigator"

On October 20, 1960, the undersigned interviewed Mrs. Julia Salmen at the Church of Scientology, 258 South Oxford Street, Los Angeles. Mrs. Salmen said that she was the West Coast representative for the Hubbard Association of Scientologists International, Inc. She stated that the purpose of the Church was to give tests of various kinds to pupils to improve their personality and intelligence. She stated that they did

(2)

not promise to treat anybody nor did they promise any cures. She said the purpose of the courses were to make people "clear".

Mrs. Salmen provided the undersigned with various types of test materials and literature.

As no evidence was obtained at the subject Church violating any of the Code provisions, the case is being closed.

[redacted]

SWW:hmr

(3)

2-15-65

[redacted]
Board of Medical Examiners
145 So. Spring Street
Los Angeles, California

2021 O Street, Room A-547
Sacramento 14, California
August 10, 1959

Dear [redacted]

Supplementing our conversation of the week of July 20, 1959, concerning the investigation of Hubbard and his system of Scientology, we have received another visit from [redacted] husband desires her to visit the establishment in [redacted] during the month of [redacted] This may be a good opportunity to continue our investigation of the Hubbard organization.

I would appreciate your contacting me in [redacted] the week of [redacted] to discuss this matter further. [redacted] is quite cooperative.

Very truly yours,

[redacted]

ADR:tm
Enc.

4

SAC COPY

Board of Medical Examiners
SACRAMENTO OFFICE
RECEIVED
JUN 17 1959

DEPARTMENT OF PROFESSIONAL AND VOCATIONAL STANDARDS

BOARD OF MEDICAL EXAMINERS

Report of Investigation

To: Sacramento

From: [redacted] Special Investigator

Subject: Hubbard Assn. of Scientologists International Inc. (Licensed) (Unlicensed)
971 S. Westmoreland
Los Angeles, California

Place Los Angeles
Date 6/13/59
Docket No. LA 59/160
Docket Received 6/18/59
License No.
Issued

Violation: Practice of medicine without a license.

Findings and Disposition: Pending further investigation

Detail: On 6/18/59 interviewed [redacted]

[redacted] employee of [redacted] Informants stated that their father, [redacted] received what is called "processing and auditing" by members of subject group. This so called treatment has continued over a period of six years. During this period [redacted] has given to subject approximately $2000.00.

According to informants their father has [redacted] Informants state that victim first came in contact with subject through a Dr. Farber since deceased. (full name unknown). Although victim did not receive treatment from Dr. Farber he did attend group processing sessions presided over by members of the subject group (Auditors). The first session attended was presided over by Evans Farber. Information received by undersigned shows that one Evans W. Farber, 1722½ Riverside Drive, Los Angeles 31, is connected with subject. According to informants the building at this address has been removed to make room for a freeway.

Victim is currently under the care of [redacted] Informants stated that their father is completely sold on the treatments being given by subject; that their father just returned from subject's office in [redacted] The individuals that do the so-called processing are known as auditors. Usually they are persons who have been cleared by going through a period of processing or auditing. In the beginning the victim is known and referred to as a "pre-clear".

[redacted] stated she attended one of the audit sessions. All persons present were told to visualize a body in front of them (known as mock-up). You then are instructed to transfer your ailment to the mock-up. [redacted] was told by one Harry Case, an auditor for the association that Mr. Case had a woman come to him [redacted]

(5)

P & V-1M-1-57

[redacted] could do nothing for her. Mr. Case's wife did the processing or auditing in this case and according to Mr. Case, circulation started [redacted] stated that her father had been told by one of the auditors that they could cure skin cancer.

[redacted] (auditor) called informant's father and stated to him that he was entitled to a test which was to be included in a $300.00 contract negotiated between [redacted] and subject association. This contract was for the processing that [redacted] was receiving.

BSW:map

[redacted]

(B)

L.A.

2-15-

Hubbard Dianetic Center
1089 Hawthorn Avenue
NEAR HOLLYWOOD BLVD. AND LA BREA
Hollywood 28, California
Hollywood 7-7260

December 17, 1957

Board of Medical Examiners
1020 N Street
Sacramento, Calif.

Dear Sirs:

2933.5 B&P Code

I inclose application for registration, properly notarized, two completed fingerprint cards, and photographs taken on December 15, 1957, each for the following individuals:

William John Bass
Frances A. Besack
Constance Carlson
Doris Crawford
Stewart Eastwood
Alan Engelhardt
Donald V. Gilkey
Ethel Gozzi
Alanson M. Gray
Adrienne Held
Laura Huxley
Esther E. Jordan
Rex George Jordan
Karl Kumlander
Marcia Malsman
Addie Marcell
J. Morse
Robert John McGregor
Raymon G. Osborne
Virginia Pfeiffer
Marie Rich
John William Roswick
Lois Roswick
James H. Schmitz
Donald S. Smith
Idella Purnell Stone
Shirley Ione Ward
Virginia H. Warwick
Mary Jane Watson
Robt. C. Watson
Charles Murchison Wylie

This registration is being made on legal advice that Dianetics may be held to be psychology. A number of the individuals do not practise commercially, but they also wish to register, since the bill does not make any distinction between services rendered with fee, and those rendered without fee.

Board of Medical Examiners
SACRAMENTO OFFICE
RECEIVED
DEC 20 1957

Sincerely yours,
A. E. van Vogt
A. E. van Vogt

CROSS

7

(Attorney General's Office
Bay Area
2-15-8

[redacted]
Board of Medical Examiners
507 Polk Street
San Francisco, California

1020 N Street, Room 530
Sacramento 14, California
May 29, 1957

Dear [redacted]

Enclosed is another letter from [redacted] relative to the Hubbard practice of Dianetics, and a copy of our reply.

We suggest that you contact [redacted] in the very near future.

Very truly yours,

[redacted]

WWT:mh
Encls.

(8)

[redacted]

1020 N Street, Room 530
Sacramento 14, California
May 29, 1957

Dear [redacted]

This will acknowledge receipt of your letter of May 25th relative to the Sciencology-Dionetics-Hubbard Plan.

The original communication, addressed to the Attorney General's office, has been referred to our investigator and I am sure he will call on you in the very near future in order to secure additional information concerning the matters mentioned in your letter.

Very truly yours,

[redacted]

MWT:mh

[redacted]

[redacted]

Chairman
State Board of Medical Examiners
Sacramento, California

Sciencology-Dionetics-
Hubbard Plan

Dear Sir:

On May 4, The Attorney General advised that he sent to you my letter and his reply. He stated that he requested action. No word at all from your board.

I talked to one auditor and he stated that the Hubbard Plan had been approved and a permit issued to practise everything a psychiatrist does. To me they are worse than cancer quacks, because they reach so many every day. All this without any medical training or degrees.

Now, I ask, does the AMA, you board and the laws permit these people (and there are hundreds) to do that which only highly trained doctors do? They seem to get around the law by stating that it is religious instruction, yet they charge up to $ 50.00 an hour. One girl consulted a lady and was charged $ 50.00. She thot it was a friendly conference. No mention was made of a charge prior thereto.

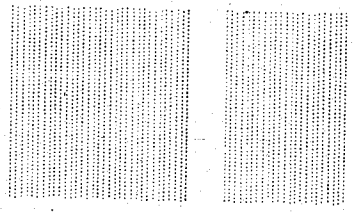
I have a friend who spends as much as 3 days with a patient. The patient cries, passes out, does not eat, and tells with great emotion the past. This auditor charges about $10. an hour, yet never went beyond the high school. A psychiatrist must have about 12 yrs. of special training. Yet, these people are doing the same work. No fee, no license or any restraint is put on them. Under the Hubbard Plan auditors pay him as much as $ 5000. up for training. If this is ok., I will gladly cease my investigation, but I want to know if a layman can treat mental cases without any training in medical colleges and charbe huge fees.

What has happened to our Medical Examiners? Please send me all your names, as I want to know if the medical profession has condoned, and why, obvious illegitimate practises. Thank you.

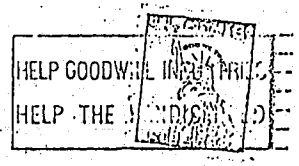
Very truly yours,

[redacted]

(10)







Chairman
State Board of Medical Examiners
Sacramento, California

V.10

[redacted]
Board of Medical Examiners
507 Polk Street, Room 306
San Francisco 2, California

1020 N Street, Room 530
Sacramento 14, California
May 14, 1957

Dear [redacted]

We are enclosing herewith a letter signed by [redacted] which has been forwarded to this office by [redacted] in the Attorney General's office.

We suggest an investigation be made to determine if there is any violation of the Business and Professions Code by the persons practicing the Hubbard Practice of Dianetics.

Very truly yours,

[redacted]

ADR:jl
Encl.

12

STATE OF CALIFORNIA

Board of Medical Examiners
SACRAMENTO OFFICE
RECEIVED
MAY 9 1957
ANS.
FILE
CROSS

Inter-Departmental Communication

Date: May 9, 1957

To: Board of Medical Examiners
1020 N Street
Sacramento, California

File No.

Subject: Letter from [redacted] dated 5/4/57

From: Office of The Attorney General
Department of Justice
[redacted]

Pursuant to our telephone conversation of yesterday, enclosed herein please find the letter in question from [redacted] and a copy of our answer thereto.

Regards.

[redacted]

WBT:fig
Encls.

13

EDMUND G. BROWN
ATTORNEY GENERAL

STATE OF CALIFORNIA

DEPARTMENT OF JUSTICE

Office of the Attorney General

SACRAMENTO OFFICE
E. O. BENARD, Assistant Attorney General

May 8, 1957

WILLIAM V. O'CONNOR
Chief Deputy Attorney General

T. A. WESTPHAL, JR.
Chief Assistant Attorney General
Division of Civil Law

THOMAS W. MARTIN
Chief Assistant Attorney General
Division of
Criminal Law and Enforcement

Library and Courts Building
Sacramento

[redacted]

Dear [redacted]

Receipt of your letter concerning the legal propriety of the "Hubbard practice" and dated May 4, 1957, is hereby acknowledged. Please accept our thanks for calling this matter to our attention and be advised that we have referred your letter and information to the Board of Medical Examiners for their further investigation.

In answer to your question concerning the legal propriety of the activity you describe in your letter, we can only refer you to the provisions of section 2141 of the Business and Professions Code which provide as follows:

> "Any person, who practices or attempts to practice, or who advertises or holds himself out as practicing, any system or mode of treating the sick or afflicted in this State, or who diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other mental or physical condition of any person, without having at the time of so doing a valid, unrevoked certificate as provided in this chapter, is guilty of a misdemeanor."

As to whether or not the situation you describe may fit the conduct proscribed by the above section will depend upon additional facts and circumstances to be disclosed by further investigation. Suffice it to say that if such persons treat or hold themselves out as able to treat mental illness they would have to be licensed by the State Board of

14

Medical Examiners in order to carry on such activity.

Thank you for your cooperation in this matter.

Very truly yours,

[redacted]

[redacted]

WBT:fig
cc: Board of Medical Examiners

15

JAMES A. ARNERICH
DIRECTOR

Earl Warren
Governor

FRED A. TAYLOR
ASSISTANT DIRECTOR

STATE OF CALIFORNIA
DEPARTMENT OF
Professional and Vocational Standards
ROOM 516, BUSINESS AND PROFESSIONS BUILDING
SACRAMENTO 14, CALIFORNIA

September 8, 1950

[redacted]

Dear [redacted]

Your letter addressed to the Attorney General concerning the Hubbard Dianetic Research Foundation has been referred to this department.

Your letter indicates that copies of the letter were sent to the Board of Medical Examiners and the Board of Chiropractic Examiners, both of which are agencies of this department. I know that they will appreciate your interest in the matter and make whatever investigations are necessary to determine whether the activities of the foundation are in violation of the respective practice acts within the jurisdiction of the two boards.

Very truly yours,

James A. Arnerich
Director

JAA:MC

cc: Board of Medical Examiners
Board of Chiropractic Examiners

COPY

May 4 1957

RECEIVED
MAY 9 1957
ANS.

Dear Mr. Attorney General:

I wish information on something which seems to me, to be of paramount importance. It involves the practice of a group and individuals, who practise without license and, who, charge fees up to $ 10.00 per hour. I am referring to the Hubbard practise of dianetics or syntology (spelling uncertain), which is quite general thruout the U. S.

I have a friend who stated to me that she tried to get a license but could not do so because there were no laws governing this ism. Because this party is a friend of mine and wonderful person I want to prevent embarressment later on.

As I am told, they get by claiming it is a religion, but, the $ 10.00 per hour would indicate a medical fee. Yet, here is group treating mental cases and charging a stiff fee. For a fact I know that one auditor never went beyond the high school. How can these people charge the fee of a psychitrist without adequate medical training?

I know for a fact that patients are taken in a bedroom and made to cry, get emotional beyond words and bare their past lives until there is complete exaustion. Then the auditor gives advice and wants more of the sessions, lasting as much as 3 days. The fee amounts to as much as $ 150. more or less.

To me it is an offense against our medical laws, which prohibits practise by unlicensed persons. No doubt you know all about this group but I want to know if they are legal. Thank you Mr. Brown.

17

Document H-145. This document consists of twelve pages of internal memoranda (various dates) from the files of a municipal agency. These memoranda consist of investigative reports on Scientology and individuals associated with the organization.

This document is released with deletions. The first memorandum dated 3/25/59 consists of two pages. The deleted materials found on these two pages consist of confidential information obtained by a municipal agency, release of which would automatically disclose the identity of the agency. These deleted portions are exempt under 5 U.S.C. 552(b)(7)(D).

The second memorandum dated 3/11/59 consists of three pages.

On page 1, the deleted material found in paragraph 3 consists of confidential information of a medical nature which, if released, would constitute a clearly unwarranted invasion of personal privacy. This portion is exempt under 5 U.S.C. 552(b)(6). The deleted material found at the top of this page consists of the name of the municipal agency which, if released, would disclose the identity of a confidential source. This portion is exempt under 5 U.S.C. 552(b)(7)(D). The remaining deleted materials on this page consists of confidential information pertaining to the individual being interviewed release of which would constitute an unwarranted invasion of personal privacy. These portions are exempt under 5 U.S.C. 552(b)(7)(C).

The deleted materials found in lines 3 to the end of paragraph 3 on page 3 and lines 1 and 2 of paragraph 5 on that same page, consists of confidential information of a medical nature which, if released, would constitute a clearly unwarranted invasion of personal privacy. These portions are exempt under 5 U.S.C. 552(b)(6). The remaining deleted materials found on pages 2 and 3 consists of confidential information supplied by the person being interviewed which, if released, would not only constitute an unwarranted invasion of personal privacy but would automatically disclose the identity of the municipal agency who is a confidential source. These portions are exempt under 5 U.S.C. 552(b)(7)(C) and (D).

The third memorandum dated 3/16/59 consists of seven pages.

The deleted material found in paragraphs 1 and at the top of page 1 of this memorandum consist of specific names, addresses and other identifying characteristics which, if released would automatically disclose the identity of a confidential source, the municipal agency. These portions are exempt under 5 U.S.C. 552(b)(7)(D). The deleted material found in the middle of this page consists of confidential information of a medical nature which, if released, would constitute a clearly unwarranted invasion of personal privacy. This poriton is exempt under 5 U.S.C. 552(b)(6). The remaining deleted portions on this page consists of confidential information pertaining to the individual being interviewed release of which would constitute an unwarranted invasion of personal privacy. These portions are exempt under 5 U.S.C. 552(b)(7)(C).

The remaining deleted materials found in pages 2 through 7 consist of detailed information including dates, specific names of members of the Church of Scientology as well as addresses which, if released, would not only constitute and unwarranted invasion of personal privacy for the individual being interviewed but would automatically disclose the identity of the municipal agency who is a confidential source. These portions are exempt under 5 U.S.C. 552(b)(7)(C) and (D).

4 1½5

March 25, 1959

MEMO FOR FILES: (L. Ron Hubbard)

Subj: [redacted] check from the Founding Church of Scientology

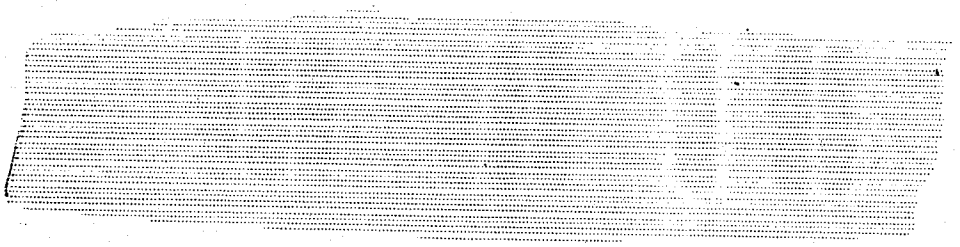
[redacted]

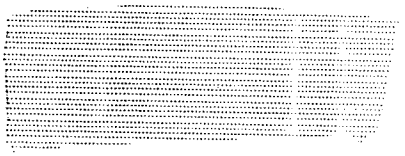
During the course of this interview it was ascertained that she had been given a check in the amount of [redacted] payable to [redacted] from the Disbursement Account of the Founding Church of Scientology, as a refund for an unsuccessful four weeks of processing.

The above check was turned over to [redacted] at about 3:30 P.M., March 23, 1959, and placed in the office safe of [redacted]

[redacted] stated that she had been given the check [redacted] by a girl known to her as [redacted] at the school of Scientology. [redacted] told [redacted] that the check had been mailed from London, England, by L. Ron Hubbard.

[redacted]





March 11, 1959

MEMO for the Files:

RE: Hubbard investigation; Interview of

At about 10:00 P. M., Wednesday, March 11, 1959 and I went to for the purpose of interviewing one a student at the Hubbard School of Scientology,

stated that he was born( )and had lived the past few years. He stated further that while in he had resided at

He stated that he had a friend whom he had met through association at work when he was This subject and he began to talk about his problem and informed him that he was a Certified Hubbard Auditor and that he, in one week, could do more than could in two years, helping him with his problem. He stated that this processed him for a week and charged him $500. but returned $100. of this money then told him that it wasn't doing him any good. stated that he became real interested in this Scientology movemnet through this subject, who advised him to take a course

stated that he called the Hubbard Guidance Center and spoke with informed her of his problem and she assured him that Scientology could help his condition. She further informed him that the course would cost him $550. per week plus his own living expenses. He stated that he sold everything that he had and came to about one month ago and drove directly to the Academy . He saw there, again explained his problem to her and told her that all he wanted was to be able to make a decision and solve his problem. She told him that she herself couldn't evaluate him but that an

RE: Hubbard; Interview with

auditor would give him the proper processes and straighten out his problem. He stated to the officers that he was a bit dubious of this place because of it's appearance and the people in it, " They just didn't look competent a nd those in the place looked like they were in worse shape than me ". then told him to hurry and sign up or else he would change his mind and not be helped. He was further told that if he signed for the three week course it would only cost $1400. He stated that he then went out to the car, got $1400 in cash from his wife and gave it to who signed him to a contract for three weeks. When asked by the officers why, after saying he was dubious about the place, he signed up. He answered by stating that he was desperate and wanted to be helped in his problem.

The following morning, he reported to where he stated he was processed by for the first five days(Recall process, try to recall a date when you were happy, a date youre unhappy, etc. etc.) He stated that he believed that knew of his condition through the although he himself had never been asked by what his problem was. The periods were from 9 A. M. to 12 Noon then from 1:00 P. M. to 3:45 P. M.

The second week consisted of processing by This was called " third Rail processing ". He had to pick out an object that he would permit to vanish. He stated that he would look at a chair and command it to vanish until he fell into a half sleep, a sort of coma, and thought of instances in his life. He stated that he would fall into this coma after each session.

The third week processing was done by was also called 3rd Rail processing and during this entire week, he had to recall times when he withheld something from himself. Examinations were given at the end of each week.

He stated that after the third week, informed him that he hadn't moved much on the tone scale and that he should go to the church, take the courses and get some data. He insisted that he wanted to continue processing but she informed him that he didn't have the necessary funds to continue and they didn't have the time as he needed about ten weeks. She then stated that she would talk to about him. She returned in a short period of time and gave him a check for because they couldn't help him but he told her that he didn't want the money, all he wanted was some help and more processing. She told him that he could get himself a job and they could work something out.

to

Re: Hubbard; Interview of

[redacted]

then got ($400.) more from his wife and gave this to [redacted], and told her that he would hock his car for the rest but that she told him that she didn't want to leave him destitute and that he could sign a note for ($300.) which he did for an additional three week course of processing.

He then began his fourth week of processing with [redacted] recalling times that he withheld things from himself and to imagine planets in the air, etc.

[redacted]

He stated that (his wife) could be contacted.

[redacted] He states that this [redacted] is a friend of old standing. He wanted (his wife) to get the money back from the School as they had failed to help him in any way.

[redacted] He further stated that he is willing to assist both [redacted] and the U. S. Attorney and is willing to make statments.

The undersigned feels that this man is ripe for an interview with the U. S. Attorney and left a message with [redacted] to notify this office before any release o[redacted] is obtained. [redacted] is willing to do almost anything, provided, we can later help him on the right track to solve his problem.

[redacted]

FILES March 16, 1959

[redacted] was interviewed at [redacted] between the hours of 2:00 and 3:55 P.M. on Friday, March 13, 1959. The interview was conducted in the presence of [redacted] stated that his present address must of necessity be [redacted] inasmuch as he has given up his home [redacted] Prior to going to [redacted] his temporary address was [redacted]

He stated that until the last week of [redacted] he was employed in [redacted]

It appears that about one year ago [redacted] he was talking to a man named [redacted] He told [redacted] about his problem. [redacted] indicated that he, [redacted] could help [redacted] because [redacted] was a Scientology Auditor. [redacted] gave [redacted] one week of Scientology processing. For this service, [redacted] gave [redacted] $500.00 of which [redacted] returned $100.00.

The processing of [redacted] consisted of the giving of simple commands. And requests by [redacted] for [redacted] to notice things about him.

[redacted] observed that [redacted] work did not help him. [redacted] then asked [redacted] where to go for assistance and [redacted] suggested that [redacted] go to

During the first week of [redacted] called the [redacted] and talked to [redacted] told [redacted] that Scientology could help him if he came to [redacted] At that time [redacted] made an arrangement to proceed to [redacted] for treatment.

[redacted] then told [redacted] that he would quit his job, pack up and go to [redacted] the following Saturday which was the last Saturday of [redacted] did quit his job, packed up and came to [redacted] on or about [redacted] His wife accompanied him.

(They arrived in [redacted] on [redacted] and immediately went to [redacted] entered the building and spoke to [redacted] There [redacted] He was then extremely upset and nervous. He asked [redacted] if Scientology would help him determine whether to continue his marriage. At the time [redacted] wife was outside in their car.)

In response to the foregoing query [redacted] said

"When you are through with your processing--you will know the answer to your problem. Through processing you will be able to handle the problem."

[redacted] also said that the course would cost $550.00 per week or $1,400.00 for three weeks. [redacted] then went to the car procured $1,400.00 in cash from his wife, returned to [redacted] office and handed the money to [redacted] gave him a temporary receipt and later a permanent receipt. [redacted] recalls that the receipts recited in substance that the [redacted] had received $1,400 from [redacted] for 75 hours of processing. The receipts were signed by [redacted] explained that the money had come from his bank account [redacted]

On Sunday, [redacted] attended a church service which started at 7:30 P.M. at [redacted] This consisted of the showing of a movie depicting a speech by L. Ron Hubbard.

[redacted] processing commenced on Monday, [redacted] The so-called processing of [redacted] will be discussed week by week below.

FIRST WEEK

The auditor during the first week was [redacted] and the auditing was conducted at [redacted] in a second floor room. At all times [redacted] was alone with the auditor. The E-meter was used during the auditing or processing of the first week. The course started on Monday, [redacted] at 2:30 P.M. and lasted until 5:00 P.M. On the second, third and fourth days [redacted] the hours were from 9 to 12 and from one to 3:45 P.M. The fifth day consisted of processing from 9 to 12 noon and from one to 2:45 P.M. That day there was testing from 2:45 to 5 P.M.

The first week of so-called processing consisted of the following types of requests from [redacted] to [redacted]

"Recall a time when you did something to somebody."

This was intended to cause [redacted] to recall different incidents in his past life. It was intended that he recall the bad things which he had done. It was intended that he look at things which he did not wish to look at.

This question was repeated during the processing hours during all of the five days. The testing on the final day between 2:45 and 5:00 P.M. was of the nature of an I.Q. test to determine his standing in the "tone scale." During this test [redacted] was asked simple questions such as

"Do you ~~from~~ fear death?
"Do you fear going by a graveyard?
"Do you dream of death?"

He was then asked questions regarding the addition of numbers and language. All of the questions and answers were written. It was said that they were determining his position on the tone scale but no one explained to him what the tone scale was.

Second Week [redacted]

During this week the auditor was [redacted] and the processing took place in [redacted]. The processing schedule was precisely the same as during the first week with a testing period at the same time on Friday as during the first week.

During this week [redacted] processing was characterized as the "third rail process." This consisted of the repetition of the following questions ~~and~~ over and over again:

1. "What would you permit to vanish?

2. "What would you permit to continue as it is?"

Examples of answers would be that [redacted] would permit a door to vanish or that he would permit the auditors to continue. It also appears that it was intended that [redacted] think about bad things which he would desire to vanish. The result of this course of processing was that during the week [redacted] would go into a fog after repetition of the commands and he would be induced into a numbness of mind during which he was supposed to think of his past. [redacted] tridd to induce him to think of ~~things in the past~~ things he did not want to think about, that is, to confront disagreeable experiences of the past. [redacted] was compelled by this process to confront disagreeable things from his past, things done while he was a youngster such as [redacted]

Third Week [redacted]

The schedule this week was the same as during the first and second weeks. Again the processing was conducted in [redacted] During this week [redacted] continued [redacted] on the "third rail" processing. During the course of this week he was required repetitiously to think and speak about what he wished to vanish and what he wished to ~~remain~~ continue. And again he was induced into coma. At the end of the week he again had his testing and ~~x~~ it was determined that he had not risen on the tone scale. He was told at least that ahe had not risen on the tone scale. This information was conveyed to him by [redacted] Director of processing. [redacted] told him that he needed at least ten more weeks. She recommended that he take the course. He indicated to her that he did not have the money for such a course of study. She then left him and went upstairs.

had been called to the Scientology office for the purpose of the

review of his processing. At the time of this interview with informed her that he felt that he needed more processing.

Fourth Week

On Monday called and asked to bring over $400. gave the $400 to (his wife) who took the money to believes that (his wife) obtained a receipt.

During the Fourth week the processing was conducted by The questions this time were the following:

1. Recall a time when you withheld something from yourself.

2. Recall a time when you did something to yourself.

was of the view that the first question concerned things in the past which he had hidden from himself and the second question concerned self-mutilation spiritually. The last week did not produce any comas and during the middle of this last or fourth week

During all of this processing the E-meter was employed.

Receipts for Payments

[redacted] wife) has possession of the receipts for payment, that is, $1200 paid on [redacted] and $400 paid [redacted]

[redacted] Reactions to the Hubbard Place

The so-called auditors such as [redacted] are not normal individuals. They dress sloppily, act strangely, but they appear to be sincere.

[redacted] can't judge the sincerity of the man.

None of the people at the Scientology place indicated any strange ideas about recollection about past existence. That concept was not gone into by either of the auditors. However, the auditors did endeavor to cause [redacted] to recall minutely past experiences. The emphasis was on bad experiences. It would appear that the idea was to cause [redacted] to dwell on misfortune or evil committed by himself with the notion that by dwelling upon such he might expel the same. [redacted] gained the impression that when a person can confront what he does not wish to view, everything will blow away. There was no mention of disease, illness, disorder, or cure. [redacted] was told not to use drugs. When [redacted] approached the place initially he spoke to [redacted] about his need for a cure. The response by [redacted] was that "by processing you will be better able to handle your problem." It was also said that Scientology if understood will protect against radiation burns.

[redacted] according to (her husband) is a [redacted] He believes that she is now taking a night course in Scientological processing. Apparently she received some evening processing by [redacted] while [redacted] was in the place. It might be that [redacted] suspicions are correct and that is that [redacted] is processing her in an illegal manner.

Scientology--Relation to Christianity

[redacted] recalls that when he attended the so-called church service on [redacted] he witnessed a movie representing a speech by Hubbard in which Hubbard stated that he did not believe in Christianity.

Document H-146; is a two page memorandum dated 7/5/58, from the files of a municipal agency. The memorandum consists of a detailed investigative report regarding Scientology.

This document is exempt in its entirety, under 5 U.S.C. 552 (b) (7) (D) because, release of any portion of this document would immediately disclose the identity of a confidential source, the municipal agency.

Document H-147; dated 3/2/59, is a two page internal memorandum from the files of a municipal agency. This memorandum is an investigative report regarding Scientology.

This document is released with deletions. All of the material deleted in this document is exempt under 5 U.S.C. 552 (b) (7) (D) because, the deleted portions consist of the names and specific identifying characteristics which, if released, would immediately diclose the identity of a confidential source, the municipal agency.

A147

March 2, 1959

MEMO for the Files:

RE: Attendance [redacted] the Founding [redacted]

At about 7:15 P. M., Sunday, March 1, 1959 [redacted] entered premises [redacted] for the purpose of attending the services of the Founding Church of Scientology.

At about 7:35 P. M., [redacted] stood before the podium, welcomed everyone to the meeting and explained that this meeting would consist of the 3rd of a series of six films taken of the Congress of Scientologists, Shoreham Hotel, July 4, 1953 and would feature Dr. L. Ron Hubbard.

The officer, before the services started, observed about 37 persons in attendance including one colored woman and a very young white child about 4 years of age. The officer further observed that the bust of L. Ron Hubbard, as described in a previous report, was not in the room.

The film began and was entitled " Facts about clearing ". L. Ron Hubbard was the lecturer and first read a congratulatory telegram from a Johann Templehoff of Canada. Hubbard then stated that Scientology is moving forward much faster than Christianity because he has scientologists in places where they never heard of Christianity. Hubbard started explaining some of the processes of Scientology. He stated what they were trying to teach their auditors were how to give assists and he explained " For instance, you come up on a person with a sprained anlke. Before anybody can give him an engram, the auditor should give a first aid assist by placing a finger on the affected area and direct the person's attention to the finger and they will alright shortly. This also goes for accidents," continued Hubbard and the auditor will have those in the accident on their feet even before the " cops" get there and mess the train of thought up with their many questions. He further explained that auditors, in order to help people, should let them get out of their system that what is bothering them. He stated that all auditors should stay away from the old fashioned " practitioner " methods. He stated that recently, while he was in some African Country the local witch doctors or " Suki a trists" disagreed with his methods. He later explained that these " Suki a trists" were psychiatrists. He stated that he had lectured in Washington, D. C. at St. Elizabeth's Hospital before a group of young psychiatrists and psychologists and that after he was trhough trying to indoctrinate them, one of the practitioners came up to him and stated that some of his ideas were good. Hubbard, laughlingly said of course these ideas are good.

RE: Church of Scientology (continued)

At this time, the film was stopped and the lights in the room went back on. [redacted] then again got up on the podium and stated that at this time, they would pass out small envelopes for a collection which is to be used as a building fund for the Founding Church of Scientology. He then stated that if a person put in one dollar, this would entitle him or her to a three month membership and would entitle them to all discounts given to HASI members. He then stated that the new people present at this meeting might not understand anything about scientology but that small groups are being formed in the various communities in and around the [redacted] area and that if in returning the envelope, the person would write " Group " on the envelope, and when a group was formed in that particular area, the secretary would contact this person and let them know about the group. The collection was then taken up.

The picture was then continued with Hubbard talking about persons who had aches and pains today and explained that this was because of something that might have happened two hundred years ago. He further stated that auditors have to have guts because when they are auditing persons, they must have the guts to continue. He explained that one of the auditors was auditing a CRIMINAL pre-clear and called up Hubbard and asked him what to do as he, the auditor was stuck in trying to help him. Hubbard then told him to have the pre-clear beat his fists against the wall and if he would not do it by him self, tone 40 him. (Evidently Tone 40 processes are making some one do what you want him to do - by force). Hubbard continued that when this pre-clear came down stairs after processing his fists were bleeding profusely and the walls that he had beat on were bare to the bricks where this pre-clear had torned through plaster, lathe etc.

The meeting ended about 9:00 P. M. At no time was there any mention of any religious service with no mention of any God.

[redacted]

Document 148; dated 4/3/59, is a two page internal memorandum from the files of a municipal agency. This memorandum is a report of a meeting between officials of an agency, other than the Food and Drug Administration, and two FDA employees; Mr. Swain and Mr. Quinn, in which investigations regarding the Church of Scientology were discussed. It also includes details regarding a specific individuals experience's with Scientology.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (7) (D) because release of any portion of this document would immediately and automatically disclose the identity of a confidential source, the municipal agency.

Document H-149; dated 5/1/58, is a one page internal memorandum from the files of a municipal agency. This memorandum is a report on one aspect of that agency's investigation of Scientology.

This document is released with deletions. The deleted portions in this document are exempt under 5 U.S.C. 552 (b) (7) (D) because, release would automatically disclose the identity of the municipal agency, which is the confidential source.

H149

May 1, 1958

MEMO FOR FILES:

SUBJECT: Investigation of the Academy of Scientology

About 4:55 P.M. May 1, 1958 went to , where he contacted a whit e female, .. This woman was sitting behind a desk located on 1st floor, first room on right. told this woman that he was interested in psychology and he was told that e could get some books there that would help him in his studies. He then asked her for Scientology No. 8-8003. She stated that she did not have this book on hand and would have to order same. She then asked if he was just getting started in this field. replied that he was. She then suggested that purchase the following books: Scientology-The fundermentals of Thought,($1.00) Summary of Scientology, ($1.00) The problem of Work,($1.00) Three book markers (no charge) one instruction sheet for exercise and first aid, (no charge) phamphlet on instruction and information for students,(no charge). Further inquires lead this woman to introduce to a white male, .., whom she identified as the Director of Admis ions. discussed the course offered in Cscientology by the Academy.

May 7, 1958 again went to and contacted the above described woman. purchased the following books: All about Radiation, ($3.00) Scientology no. 8-8008 ($3.50) Chart of Human Evaluation, ($1.00). The described woman took my name and address and stated that she would place me on their mailing list. I never received any mail from the Academy.

Document H-151; dated 1/30/58, is a four page internal memorandum in the files of a municipal agency. This memorandum is an investigative report on Scientology and individuals associated with the organization.

This document is released with deletions. The deleted material at the top of page one of this document is exempt under 5 U.S.C. 552 (b) (7) (D) because, release would disclose the identity of the municipal agency, which is a confidential source. The deleted material found on page three of this document consists of confidential information which, if released, would constitute an unwarranted invasion of personal priviacy. This portion is exempt under 5 U.S.C. 552 (b) (7) (C).

#157

January 30, 1958

MEMO FOR FILES RE: L. R. Hubbard, Churchoof Scientology

The following is a report dated September 9, 1957:

"Founding Church of Scientology, 1810-12 19th St. N. W., the Academy of Religious Arts and Sciences, 2315 15th St. N. W., Hubbard Guidance Center, the Academy of Scientology, and the Institute of Scientology -- Dr. L. Ron Hubbard, president, Mary Sue (Mrs. L. R.) Hubbard, treasurer, Dr. Richard F. Steves, secretary.

A District of Columbia corporation, chartered July, 1955, as a non-profit organization with no capital stock. Corporation established to advance a theory established by the President in a book he has written, known as DIANOETICS, THE MODERN SCIENCE FOR MENTAL HEALTH.

Hubbard, whose full name is Lafayette Ron Hubbard, born 3/13/11 in Tilden, Nebraska. Received BS degree in Engineering at George Washington University in 1933. Following graduation, did free-lance writing in Washington, D. C. Also conducted three exploratory expeditions in Europe and Asia. Two were for individuals and foundations and the third was reported to be for the U. S. Geological Survey, 1932-1939. Served in U. S. Navy 1939-45. Following separation, resided in Burmington, Washington and later at undetermined point in Virginia. During this time, wrote a book called DIANOETICS, THE MODERN SCIENCE OF MENTAL HEALTH which was published June, 1950. As a result of this publication, the corporations were set up in various cities to advance the arthor's theor.

HUBBARD DIANOETIC RESEARCH FOUNDATION, INC., chartered in New Jefsey, April 1951 as a non-profit organization - L. Ron Hubbard, president; Mrs. Sarah Hubbard, vice pres; John W. Campbell, treasurer; Ronald Rogers, secretary.

HUBBARD DIANOETIC RESEARCH FOUNDATION OF CALIFORNIA, chartered 9/5/50, under California laws as non-profit organization - officers, L. Ron Hubbard, president; J. W. Malloney, vice president; and A. E. Vozt, secretary.

HUBBARD DIANOETICS FOUNDATION, INC., a Kansas corporation chartered 5/7/51 with authorized capital of $10,000 - officers, Don G. Purcell, president; Lafayetta Ron Hubbard, vice president; John W. Malloney, secretary-treasurer.

L. R. Hubbard,
continued

HUBBARD ASSOCIATION OF SCIENTOLOGISTS, INC., an Arizona corporation, chartered September 10, 1952, with authorized capital of $200,00 of non-assessable shares. Corporation chartered under non-profit laws. Continue as HUBBARD ASSOCIATIONS OF SCIENTOLOGISTS, INC., an Arizona corporation, chartered 5/1/54, as a non-profit organization with no capital stock. HUBBARD DIANOETICS RESEARCH FOUNDATION, INC., an Arizona corporation chartered 8/22/55 as a non-profit organization without capital stock. Prinicipals of corporation, L. Ron Hubbard, president; Marie Hubbard, vice president and secretary.

Public records of June 1951 show that the New Jersey Board of Medical Examiners instituted proceedings against the foundation for "conducting a school, teaching medicine or surgery or any method thereof, or any method of treatment". Summons were served January, 1951. That statute deals with a license to conduct a school of medicine, surgery, or any other treatment of disease. It was later reported that the corporation went into bankruptcy; however, final distribution of assets not known.

Records of District Court of Sedgwick City, Kansas, disclose on August 6, 1951 the Fisher Cohen Company of Newark, New Jersey filed a suit against the Hubbard Dianoetic Research Foundation - a Kansas Corporation. It alleged that the sole purpose of the formation of the Kansas corporation was to defraud creditors of the New Jersey corporation - $13,000 was owed by the New Jersey corporation (during trial).

The Hubbard Foundation of Witchita Kansas was adjudged in bankruptcy 5/8/52, listing liabilities as $212,394, with assets of $40,763. Hubbard failed to appear during the trial and Frank E. McMullen, the court alpointed trustee, requested that Hubbard be cited for contempt of court. The motion was carried and a summons issued by Wichita District Judge E. R. Sloan. In the meantime, Hubbard had moved to Philda., Pa. The summons was issued because Hubbard had not turned over $9,286 in cash and fixed assets to the trustee. Three deputy U. S. marchals were sent to a Dianoetics meeting in Phila., Pa. to issue the warrant for his arrest. Hubbard and three of his followers reportedly attacked the marshals and were finally subdued after Phila. police had been called in. The trio was then arrested and charged with assaulting federal officers, and obstructing justice. As a result, it was reported the F. B. I. was called into the case.

The California corporation, which was organized in 1950 conducted operations in Los Angeles from 1950 to June 1951. At taht time, operations were discontinued. During 1951 numberous tax liens, suits, and other liens and garnishments were filed against the Hubbard Dianoetic Research Foundation of Cali-

L. R. Hubbard,
continued

fornia, Inc. The total accumulated in the moderate five figures. Many of these remain unsettled to date. The Arizona corporations mentioned above were discontinued in the latter part of 1955. Operations at that point reported to have been conducted on a moderate scale, however, there is no indication that obligations were outstanding at the time the business was discontinued.

Public records of Washington, D. C. show that on January 22, 1957 Mayflower Motors, Washington, D. C., filed suit against L. R. Hubbard, also known as Dr. L. Ron Hubbard, for $205 due on account. Final disposition of this suit not known.

Mrs. Hubbard, assists inadministrative operations of subject corporation.

Steves is about 31, single. He holds a Dr. of Divinity degree and is also a minister.

Academy is engaged as a school for the ministry and religious -- at the present time there are approximately thirty to forty students. Course consists of $1500 to $1800 worth of actual classroom studies. Tuition for course is $500. At the present time there are twenty-five to thirty employees. Business office of this school is located at 1810 12th St. N. W. At that address they rent the entire building which is of masonry construction. At 2315 15th St. N. W., conducts the Hubbard Guidance Center. At this location, also occupies the entire building which is three floors and of brick construction. It is reported that the corporation is purchasing the buildings Also rents a farm located on Colesville Rd. in Silver Spring, Maryland, on a short term lease. Formerly conducted a branch at 8609 Flower Ave., Silver Spring, Md. In addition, has a working agreement with the Founding Church of Scientology, New York City, for classes are conducted at studio 847 Carnegie Hall, 154 W 77th St., New York City. Churches of this denomination reported number of excess of 100 in the U. S. and there are also some sections of this church located in foreign countries.

The Better Business Bureau of Washington, D. C. is currently conducting investigations into the activities of subject corporation and its president, L. Ron Hubbard. Numerous inquiries have been made through that agency concerning

L. R. Hubbard,
continued

concerning graduates who are employed as ministers for various parishes. It is also reported that several Cubans were arrested at Washington National Airport by federal narcotic agents. During course of their investigation, it was learned that they were students of the Founding Church of Scientology and Dr. L. Ron Hubbard.

Suit intered 9/13/57 by the Tenches Walker Company for rent due 1701 19th St. N. W. against Founding Church of Scientology."

Document H-152; dated 1/27/58, is a four page internal memorandum from the files of a municipal agency. This memorandum is an investigative report on a specific individual associated with Scientology.

This document is released with deletions. The deleted materials in this document consist of names and other identifying characteristics which, if released, would immediately disclose the identity of a municipal agency, which is a confidential source. These portions are exempt under 5 U.S.C. 552 (b) (7) (D).

[redacted]

January 27, 1958.

MEMO for the Files:

IRRE: Investigation of [redacted]

[redacted]

The officer took a seat in the member's lounge and [redacted] began his lecture. The subject" The Eight Dynamics". [redacted] stated that this series of lectures was given so that people can improve themselves. He stated thatwhen they, the people, want to get well or the willingness to get well, the Scientology group will help them. He explained the eight dynamics as follows:

1. Self- this is the self centered dynamic.
2. Procreation- this is the sex act itself.
3. Groups- This includes family, clubs, countries etc.
4. All Mankind.
5. All life- this includes animal, vegetable and mineral.
6. Material Universe- worldy possessions.
7. Fate, the Spirit- (the lecturer explained that the body is nothing more than mud, but that the Spirit is what is in control and lives on.)
8. Theta or the Supreme Being.

[redacted] stated that the entire object of the Scientology Group is to help mankind to survive across all of the dynamics. He explained that most people do very well in one or more of the dynamics, giving as an illustration Communism having conquered the 3rd dynamic but failing in the other seven.

He then jumped to talk about a so called pending bill in Congress in which Congress would attempt to "Socialize" science and no body would be able to do private work in this field. He said that the congress was wrong because throughout history, there were always great individuals who were sucsssful because they had suceeded across all the dynamics. He stated that the way to kill science was to socialize it.

He then told about the school of Scientology. He stated that each unwell

IN RE: HUBBARD FOUNDATION

person that comes for help, is processed by an auditor who works with the person solely. The program is to help persons improve themselves, through decision, across the dynamics. In other words, the auditors help re-habilitate a person across these so called dynamics and to live properly.

He stated at the present time a lot of people have been feeling bad and that is because the radiation count ([redacted]) He stated that all this radiation is not doing mankind any good. He mentioned a group called the "Population Control Commission" who he stated are studying the ever increasing population of the United States and the world and that this group favors extermination of some of the population so that the world would not be in such a crowded position. He stated that man is not a body alone or not a hunk of meat. He said that a body is a limited object whereas the Spirit is not. A body has very little intelligence and is rather stupid. He added that the Spirit is very intelligent and runs the body. He added that the intelligence of the Spirit is unlimited. He stated that many persons judge others by the so called I. Q. tests but he felt that these tests were insufficient because the persons giving these tests fail to include a personality tests. He urged the persons attending to give the Spirit a chance. He stated that the trouble with most people is that they associate the Spirit with the body and the body being stupid, learns only by repitition. He stated that one time, a long time ago, Science informed man that he lived only for his stomach and therefor, told man that he had to protect this stomach. Science, he said, has progressed by telling man that now his brain controlled him. He stated that brains are not brilliant but that a person is because of the Spirit. He added that Pasteur had only a half-brain but was still very intelligent. He told the persons present to stop identifying themselves as a hunk of meat.

[redacted] then stated that persons, through association, identify themselves as others. By illustration, he stated, a person gets hit over the head with a hammer. Pretty soon, he added, this person starts identifying himself as a hammer. He added that a person does not have to continue being nothing as the School of Scientology can help him be something else. He stated that when a person has troubles or pains, it's a compulsion that makes him have those troubles or pains because of association. He added that a cripple is a cripple because he either wants to be or is convinced that he is. A person usually identifies himself with an illness because he calims that it is his own. He is thoroughly convinced that this is "his" illness and this person can only be cured when he dis-associates himself with this fixation. He stated that if a man has a problem or an accident, it is usually brought on by himself. He asked that no one should identify themselves with the past. He stated that people don't need psychiatrists to solve problems because he claimed that most psychiatrists can kill the body rather than help it by trying to break the identity of the body rather than to effect a cure. He had that most people in the "bug-house" should not be there. [redacted] added that his organization forgets the past and only works in the present and by working this way, can relieve more easily. This is what he called the processing technique.

INRE: HUBBARD FOUNDATION

[redacted] further claimed that the Scientology group first try to break a person away from the identity of the body, which is stupid, and then can effect a cure. He then cited what he called a classic case called the "Merchant of Fear" in which a person says to himself that he can't work; that he can't get the job done. He stated that this person is too cussed lazy to do anything about himself, got himself identified with this feeling and then won't work. He further stated that if a person hangs around with a lazy person, he becomes lazy too. [redacted] stated that this is the same with persons that have cancer. He added that a person can not have cancer unless they identify themselves with it. He stated that any chronic illness is caused by a person identifying themselves with it and that they don't actually want to be cured.

H e then stated that the Scientology School want you to have a goal in life. He stated that L. Ron Hubbard is the founder of this school and further added that Hubbard is a scientist, an engineer, a physcologist, in fact, he added, there isn't anything that Hubbard hasn't done. He stated that the school is conducting "advanced clinical courses" at the present time. The 1st course consists of training. The 2nd course is the "guidance center" where a student works with a professional auditor. The 3rd course consists of Congresses where Scientologists from all over the world gather in Washington, D. C. twice a year. He added that at the present time, they are offering a free course which is given five nights a week at [redacted] He s tated that a person going to the school is given a personal efficiency examination. [redacted] makes you feel better because he makes you communicate with him. He stated that Scientology is not taught in any of the universities because they are not equipped for this advanced and might not be so equipped for at least two hundred years.

[redacted] and that they will work with educators who want to improve their students and with business men who want to improve their businesses 400 percent.

The reporting officer observed several perosns giving out pamphlets and received three pamphlets, which are enclosed.

[redacted]

INRE: HUBBARD FOUNDATION

[redacted]

Document H-150; dated 1/29/58, is a two page internal memorandum from the files of a municipal agency. This memorandum is a report of one aspect of that agency's investigation of Scientology.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (7) (D) because, release of any portion of this document would automatically and immediately disclose the identity of the municipal agency, which is a confidential source.

Document H-153; dated 4/7/58, is a three page internal memorandum from the files of a municipal agency. This memorandum is an investigative report regarding a specific individual associated with the Church of Scientology.

This document is exempt in its entirety, because release of any portion would not only constitute an unwarranted invasion of personal privacy to the individual being investigated, but would also reveal the source of information as well as the municipal agency, which both are considered as confidential sources. Therefore, this document is exempt under 5 U.S.C. 552 (b) (7) (C) and (D).

Document H-154; undated, is a 75-page list of proposed questions and probable answers to be used in an individual's deposition prepared by an attorney.

This document is exempt under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product.

Church of Scientology – Folder-290

Document H-156; undated, is a five-page draft of a proposed testimony for a proposed witness prepared by an attorney.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product.

Document H-157; undated, is a three-page proposed testimony for a proposed witness prepared by an attorney.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product.

Document H-158; undated, is a three-page proposed testimony for proposed witness prepared by an attorney.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product.

Document H-162; undated, is a proposed testimony prepared by an attorney for a witness not yet selected.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product.

Document H-163; undated, is a proposed testimony prepared by an attorney for a witness not yet selected.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product.

Document H-164; undated, is a proposed testimony prepared by an attorney for a witness not yet selected.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product.

Document H-165; undated, is a proposed testimony prepared by an attorney for a witness not yet selected.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product.

Document H-166; undated, is a proposed testimony prepared by an attorney for a witness not yet selected.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product.

Document H-167; consists of a manilla file folder containing the following:

a. Handwritten memorandum dated 5/17/71, of a telephone conversation between B. T. Loftus and the office of a proposed witness.

b. Letter dated 9/4/70, from Bernard T. Loftus to the office of a proposed witness.

c. A hand-written memorandum of a telephone conversation dated 8/19/70, to the office of a proposed witness.

d. Hand-written memorandum of a telephone conversation dated 8/14/70, with a proposed witness.

e. Hand-written proposed testimony for proposed witness.

All documents contain one page of each.

This memorandum consists of arrangements being made with the proposed witness regarding testimony in pending litigation.

A letter dated 9/4/70, from Mr. Loftus to the office of the proposed witness is released. The remaining documents are exempt under 5 U.S.C. 552 (b) (5) because, it constitutes an attorney work product.

4-093V - E-Meter Seizure Trial

September 4, 1970

Mrs. Frances Shane
c/o Leon Yochelson, M.D.
2150 Pennsylvania Avenue, N.W.
Washington, D.C. 20037

Church of Scientology
Washington, D.C. (AF 41-126)

Dear Mrs. Shane:

Pursuant to our recent telephone conversations of August 14 and 19, 1970, I am enclosing herewith a copy of the transcript of Dr. Yochelson's testimony at the trial in the Scientology matter in 1967.

Since we spoke, our office has moved (from the 11th floor to the 9th), and so we have a new telephone number which is 443-3730. Our mailing address is:

Division of Case Guidance
Office of Compliance
Bureau of Drugs
Food and Drug Administration
P.O. Box 1647
Rockville, Maryland 20850

Our office is in Room 9B-37 in the Parklawn Building, 5600 Fishers Lane, Rockville, Maryland.

We will let you know as soon as we have word from the Court as to approximate trial dates.

Sincerely yours,

Bernard T. Loftus
Assistant to the Director
Division of Case Guidance
Office of Compliance
Bureau of Drugs

Enclosure:
Cy Dr. Yockelson's
testimony

cc BD-310 Reading file (McGee)

BTLoftus:mg d/t 9-4-70

Document H-168; consists of a Manilla folder consisting of:

(a) Handwritten memorandum of telephone conversation with proposed witness, dated 5/18/70.

(b) Handwritten memorandum of telephone conversation with proposed witness, dated 9/4/70.

(c) Handwritten proposed testimony for proposed witness, undated.

All documents consist of one page each and pertain to arrangements with the proposed witness regarding the proposed testimony in pending litigation.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (6), (7) (C) and (D) because release would constitute a clearly unwarranted invasion of personal privacy and would disclose the identity of a potential witness who is a confidential source.

Document H-169; contains a manilla file folder consisting of the following:

a. Hand-written memorandum of telephone conversation dated 5/18/71 with a proposed witness.

b. Hand-written memorandum of a telephone conversation, dated 9/1/70, with proposed witness.

c. Handwritten memorandum of a telephone conversation dated 5/17/71, with the office of the proposed witness.

d. Handwritten memorandum of telephone conversation, dated 8/31/70, with the secretary of the proposed witness, and B.T. Loftus.

e. Hand-written note, dated 8/20/70, from B. Loftus, requesting an extra copy of testimony.

f. Memorandum of telephone conversation dated 8/14/70, with a proposed witness.

g. Hand-written draft of proposed testimony for proposed witness.

Documents (a) through (f) consist of one page. Documemt (g) consists of three pages.

This document consists of arrangements for testimony for the proposed witness in pending litigation. This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because, it constitutes an attorney's work product.

Document H-170; consists of a manilla folder consisting of the following:

a. One page letter dated 5/17/71 from Bernard T. Loftus to proposed witness.

b. One page hand-written memorandum of a telephone conversation dated 5/17/71, with the office of the proposed witness.

c. One page hand-written memorandum of a telephone conversation dated 8/14/70, with the proposed witness.

d. Ten page hand-written notes regarding testimony for the proposed witness.

This memorandum consists of arrangements and testimony for a proposed witness in the pending litigaiton.

Only the letter dated 5/17/71 is releaseable. The remaining documents are exempt in their entirety under 5 U.S.C. 552 (b) (5) because, it constitutes an attorney's work product.

H.170

4-093 V - Hubbard E-Meter Seizure
May 17, 1971

Thomas McPherson Brown, M.D.
Anderson Clinic Building
S. 25th Street & Army Navy Drive
Arlington, Virginia 22206

Founding Church of Scientology
Washington, D.C. (AF 41-126)

Dear Dr. Brown:

This confirms my telephone conversation of today with your secretary, Mrs. Baker, my telephone conversation of last August 14 with Mrs. Baker, and our Mr. Swain's telephone conversation with you of August 15, 1970.

The retrial of the E-Meter seizure case is scheduled for June 7, 1971. The testimony of the Government's witnesses from the previous trial is being offered from the transcript of the trial. In other words, as far as the Government is concerned, you will not have to appear. It may be, however, that the other side might call some or all of the Government's witnesses for cross examination. If they do, and they wish to cross examine you, they must subpoena you. If you are subpoenaed, you will be under no obligation to meet with or otherwise communicate with representatives of the other side (except as specified in the subpoena) unless you do so of your own free will.

To refresh your memory, we are attaching hereto a Xerox copy of the pages of the official transcript of the last trial (pages 961-1005) containing your testimony.

As I indicated to Mrs. Baker today by phone, the Assistant U.S. Attorney in charge of the case (whose name is Nathan Dodell) may wish to speak with you before the trial.

Should you have any questions, the writer's phone number is 443-3073. My address is:

U.S. Food and Drug Administration
5600 Fishers Lane (Room 9B-37)
Rockville, Maryland 20850

Assistant U.S. Attorney Dodell's phone number is 426-7289. His office is on the 3rd floor of the U.S. Court House Building, 3rd & Constitution Avenue, N.W., Washington, D.C. 20001.

Sincerely yours,

Enclosure:
Cy pages of official transcript (pages 961-1005)

Bernard T. Loftus
Assistant to the Director
Division of Case Guidance
Office of Compliance

cc GC-1 (Mrs. Sisk)
cc ELT-DO
cc Mr. Dodell
BTLoftus:mg d/t 5-17-71

Document H-171; consists of a manilla folder containing the following:

a. One page letter dated 9/2/70 from Bernard T. Loftus to a proposed witness.

b. One page hand-written memorandum of telephone conversation, dated 5/17/71, with propsoed witness.

c. One page memorandum of a telephone conversation, dated 8/18/70, with a proposed witness.

d. One page memorandum of telephone conversation, dated 8/14/70, with the office of the proposed witness.

This memorandum consists of arrangements with the proposed witness for the testimony in the pending litigation.

Only the letter dated 9/2/70 is releaseable. The remaining documents are exempt in their entirety under 5 U.S.C. 552 (b) (5) because, it constitutes an attorney's work product.

H171

4-093 V
E-Meter Seizure

September 2, 1970

Founding Church of
Scientology
Washington, D. C.

Walter Lester Henry, Jr., M.D.
Chairman, Department of Medicine
Howard University
6th and Bryant Streets N.W.
Washington, D. C. 20001

Dear Dr. Henry:

Pursuant to our telephone conversation of August 18, 1970, we are attaching hereto a xerox copy of the transcript of the testimony you gave at the 1967 trial of the Scientology matter.

We will let you know as soon as the Court schedules a firm trial date. We should like to visit you before the trial and discuss your testimony further with you.

Since we spoke to you our telephone number has changed to 443-3730. 3073
Our mailing address is: Division of Case Guidance, Bureau of Drugs, Food and Drug Administration, P. O. Box 1647, Rockville, Maryland, 20850. 20851
For your information, our office is located at 5600 Fishers Lane, the Parklawn Building, Rockville, Maryland.

Sincerely yours,

707

Bernard T. Loftus
Assistant to the Director
Division of Case Guidance
Office of Compliance
Bureau of Drugs

Enclosure:
Testimony, 1967

cc: BTL-DO

cc: GC-1 (Mrs. Sisk)
BD-310 Reading File (McGee)
CA-224 (8-81)
BTLoftus: sc 9/2/70

Document H-172. Undated, this document consists of a manilla folder containing:

(a) Proposed testimony of proposed witness.

(b) Draft of proposed testimony of proposed witness.

(c) Handwritten proposed testimony of proposed witness.

(d) 9/1/70 memorandum from B.T. Loftus to proposed witness.
Subject: Scientology seizure pending trial.

(e) 8/26/70 handwritten memorandum of meeting with proposed witness.

(f) 4/19/67 note from Assistant U.S. Attorney regarding exhibit not sent to jury (with copy of exhibit attached).

(g) 8/25/70 handwritten memorandum of discussion between B.T. Loftus and Kennedy regarding proposed witness.

(h) Handwritten notes regarding the proposed witness' opinion of the E-Meter.

(i) Proposed testimony for proposed witness. All were one page and pertained to pending litigation.

This document is withheld in its entirety. Portions (a), (b), (c), and (i) are exempt under 5 U.S.C. 552(b)(5), because they constitute attorney work products. The other portions are exempt under 5 U.S.C. 552(b)(6)(7)(C), because release would constitute a clearly unwarranted invasion of personal privacy.

Document H-173; undated, is a six-page list of questions and probable answers proposed for use in pending litigation by an attorney.

This document is exempt under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product and under 5 U.S.C. (b) (7) (D) because it would disclose the identity of a confidential source.

Document H-175; dated 4/15/63, is a two-page draft of proposed question and answers to be used in pending litigation proposed by an attorney.

This doucment consists of information pertaining to a specific individual including medical data. It is exempt under 5 U.S.C. 552 (b) (5), (6), and (7) (C) because it constitutes attorney work product and would constitute a clearly unwarranted invasion of personal privacy.

Document H-176; undated, is a two-page list of proposed questions and answers pertaining to a specific individual to be used in pending litigation.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5), (6), and (7) (C) because: 1) it constitutes attorney work product; and 2) it would constitute a clearly unwarranted invasion of personal privacy.

Document H-178. Undated, this document is a three page list of points to be proven in pending litigation including names and identifying characteristics of proposed witnesses.

This document is withheld in its entirety under 5 U.S.C. 552(b)(5)(6)(7)(C), because it: 1) constitutes attorney work product; and 2) constitutes a clearly unwarranted invasion of personal privacy.

Document H-182. This document is a one page memorandum dated 1/25/63 to Chicago District from Van W. Smart, Division of Regulatory Management, Bureau of Enforcement. Subject: 4093 V Hubbard E Meter FDC 48405. This memorandum is a request for information regarding specific individuals.

This document is released with deletions. The deleted materials on this page consists of specific names, addresses and other identifying characteristics pertaining to the individuals which, if released, would disclose the identity of a confidential source. These portions are exempt under 5 U.S.C. 552(b)(7)(D).

A182

CHICAGO DISTRICT

January 25, 1963

Division of Regulatory Management
Bureau of Enforcement

4-093 V
Hubbard E Meter
FDC 48485

FILE

Lafayette Ron Hubbard
Founding Church of Scientology
Distribution Center
Etc.

As part of our investigation of L. Ron Hubbard and his organizations the following information is desired:

1. [redacted] Mr. Harris Richardson Angel, alias Wing Angel, who formerly resided at 14 West Elm Street, Apt. 1810, Chicago, Illinois. Mr. Angel's wife is named Smokey. Mr. Angel is one of the prime participants in the Washington, D. C., headquarters of the Hubbard Association.

2. Please check with the headquarters of the (American Medical Association) for any information which they may have concerning L. Ron Hubbard or his related firms.

3. Please interview [redacted] Scientologist, [redacted] We recently received a post card from [redacted] indicating "I shall be glad to appear or lend my files against the Church of Scientology in any federal hearing provided you pay for my appearance. [redacted]
The post card was signed [redacted]
Please obtain detailed information from [redacted] concerning all phases of the operation with particular reference to financial information and association of the church with the healing arts and evidence of any franchise agreements. Photostats of information in her files are desired.

Refer to DSH briefing memorandum dated January 24, 1963.

Van W. Smart

Enclosures:
2 cc this memo
Briefing memo 1/24/63
cc Balt
cc BFA
GC

GDTillroe:ms:rb 1/25/63

Document H-184; is a two page memorandum of an interview dated 1/30/63, Author, George D. Tilroe, Inspector, Baltimore District. This memorandum is a discussion with a perspective witness regarding the use of the polygraph machines.

This document is released with deletions. The deleted material contains names addresses and other identifying characteristics which, if released, would disclose the identity of a proposed witness, who is a confidential source. These poritons are exempt under 5 U.S.C. 552 (b) (7) (D).

FDC 48405
4-093 V

File

H184

L. Ron Hubbard
Founding Church of Scientology
Distribution Center, Inc.
Hubbard Guidance Center
Etc.

MEMORANDUM OF INTERVIEW

January 30, 1963

On this date I interviewed [redacted] to determine the possible use of this individual as an expert witness in the operation of polygraph machines. I was referred to [redacted] by [redacted] of the [redacted]

[redacted] indicated that he cannot testify on electronic equipment as an expert, however he has considerable experience in the use of polygraph machines and could testify to their usage and accuracy. [redacted] stated that he has examined over 5,000 individuals on the polygraph machine and estimating a minimum of two hours per examination has spent over 10,000 hours conducting these examinations. [redacted] attended an eight week extensive course in the use of polygraph at [redacted] He indicated that this is the longest course given in this field and possibly the most extensive. [redacted] is a member of the Academy for Scientific Interrogation and a member of the National Capital Polygraph Association.

[redacted] indicated that a polygraph machine has three components:

1. Respiratory
2. Galvanograph
3. Cardiopsycomograph

He stated that in his opinion the Cardiopsycomograph is the most accurate of the three components. This however is a point of disagreement among the polygraph experts. Some of the experts believe that the Galvanograph

is the most accurate. However he stated that none of the polygraph experts would state an opinion on only one of the components.

[redacted] also indicated in this brief discussion that individuals with a guilt complex could not be tested on a polygraph machine as they react to all questions.

[redacted] stated that if he were requested as an expert witness he would like to look over the machine (E meter) and contact the prosecuting attorney to determine the type of questions that would be asked.

In order to obtain [redacted] as a witness a letter requesting his services should be addressed to [redacted]

[redacted] indicated that [redacted] would have to investigate the possibility of a violation of the [redacted]

[redacted] recommended that in the event he is unable to participate as a witness that we contact a [redacted] who has recently retired from [redacted] and was the Chief of the Polygraph Section [redacted] can be reached [redacted]

George D. Tilroe
George D. Tilroe
Inspector, Baltimore District

cc BFA
cc Balt
cc GC
GDTilroe:ms 1-30-63

Document H-185; is a two page memorandum dated 2/8/63, to the Director, Baltimore District, from George D. Tilroe, subject; Hubbard E-Meter. This memorandum is a report involving a specific incident and individuals associated with Scientology.

This document is released with deletions. The deleted material in this document, consists of the name and identifying characteristics of a specific individual which, if released, would constitute an unwarranted invasion of personal privacy. These portions are exempt under 5 U.S.C. 552 (b) (7) (C).

OPTIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Memorandum

H-185

TO : DIRECTOR, BALTIMORE DISTRICT DATE: 2/8/63

FROM : George D. Tilroe 11-093V

SUBJECT: Hubbard E. meters

L. Ron Hubbard
Hubbard Ass'n. of Scientologists, International
Distribution Center, Inc.
et al

During review of the postal inspector's investigation of Mr. L. Ron Hubbard and his various organizations, it was noted that [redacted] had written a complaint to the Post Office Department regarding a man who had been convicted of practicing medicine without a license, due partially to his association with the scientology organization. Interview with [redacted] indicated that a Miss Helene Mason (daughter of Harold E. Mason), a mentally retarded child suffering from cerebral palsy had been taken on an eight mile forced march by a scientology practitioner, Mr. George Donald Smith.

Helene Mason was found in a state of exhaustion with blisters on the feet and Mr. George Donald Smith was arrested. The police files and the court record do not indicate in detail the actions that incurred following the arrest of Mr. Smith. A Miss Dolores Brown, a police officer of the Arlington County Police Department Detective Bureau, handled the case (Police Record No. A88099, dated 9/5/58).

DIVISION OF REGULATORY MANAGEMENT:

For your information. No further investigation to be made at this time.

GEORGE W. SOOY
Director, Baltimore District
2/13/63

GWS/bd

[redacted] recalled that Mr. and Mrs. Harold E. Mason were themselves connected with scientology and that at the time of the arrest of Mr. Smith they indicated that the child had been under Smith's treatment for the past nine months. [redacted] stated that he recalled that a member of The Founding Church of Scientology had testified on behalf of Mr. Smith at the time of the trial. However, no court record was available as the testimony was all oral and in Civil Court. He recalled, however, that Mr. Smith apparently had not completed the required course at the Founding Church and was therefore not a full fledged auditor.

Mr. Smith was charged with felonious assault which was dismissed. He was also charged with cruelty and injury of children for which he obtained a six months suspended sentence after serving 30 days and payment of costs (This record was not obtained as it pertains to a minor and was not available). Mr. Smith was also charged with practicing medicine without a license from the State Medical Examiners. For this he was fined $250 and ninety days.

The Arlington County Court Record No. D-2204 (Practicing Medicine Without a License) indicates that Mr. Smith appealed the original decision and pled guilty. A copy of the findings which are dated March 6, 1959 were obtained. Attached to this record was a copy of the "HCO Training Bulletin of June 11, 1957" which was flagged not for general release. This bulletin indicates "Note The variations and some of the most potent processes are not included in this training bulletin but will appear in the student manual when published in September 1957". It then goes on to describe six processes which are taught in the Hubbard Communications course. These processes are broken down into subheadings such as: name, commands, position, purpose, training stress and history. This is apparently the course that was taken by Inspector Quinn during his attendance at the Hubbard Association.

Records pertaining to this case on hand at the offices of [redacted] The file also indicates that some search was made for Virginia law pertaining to religious groups and it indicates of interest that Virginia Code 1950 No. 54-2762, Vol. 7, Practice of Religious Tenets in ministration to the sex indicates that this religious act can be done "without the use of drugs or material remedy xxx". It is recalled that this phrase is also contained in the District of Columbia Charter of the Founding Church of Scientology.

Certified copies of D-2204 and the attached HCO Bulletin were obtained and were delivered directly to the Division of Regulatory Management.

George D. Tilroe

GDT/bd
(dict.)

GEORGE D. TILROE
Inspector, Baltimore District

Document H-186; is a seven page memorandum, dated 2/14/63, to the Director, Kansas City District, from Wichita Resident Post, R. J. Jira, and D. Lawson; Inspectors, subject 4093 V, Hubbard Meter, FDC 48405. This memorandum consists of results of investigations and interviews with several specific individuals regarding specific events involving Scientology.

This document is released with deletions. The deleted materials found on page two of this document, contain confidential information including medical references pertaining to the specific individual. These portions are exempt under 5 U.S.C. 552 (b) (6) because, release would constitute a clearly unwarranted invasion of personal privacy.

The remaining deleted material in this document consists of names and confidential information pertaining to specific individuals which if released, would constitute an unwarranted invasion of personal privacy. These portions are exempt under 5 U.S.C. 552 (b) (7) (C).

OPTIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Memorandum

#186

TO : Director, Kansas City District

DATE: February 14, 1963

FROM : Wichita Resident Post
R. J. Jira & D. Lawson, Inspectors

SUBJECT: 4-093 V - Hubbard Meter - FDC 48405.

Hubbard Dianetics Foundation, Inc.
Founding Church of Scientology
L. Ron Hubbard
Distribution Center, Inc.
et al

This report is supplementary to the memorandum dated 1/29-2/4/63 previously submitted concerning the investigation of the activities of the Hubbard corporations which operated in Wichita in 1951 and 1952. Please refer to the memorandum above with respect to information obtained on the above dates.

Re: JAMES ELLIOTT

An undated newspaper clipping in the Wichita Better Business Bureau's files listed the issuance of a warrant against Elliott by Jack Maloney. Elliott, apparently from information obtained, was a Trustee and Maloney was the Vice President & Treasurer of the Hubbard Dianetics Research Foundation at the time of its operation in Wichita. A true copy of the Warrant sworn out by Maloney on 5-14-52 against Elliott is attached and it charges Elliott with feloniously taking and stealing Foundation property.

A review of the court docket shows that on 5-29-52 a hearing was held before District Court Judge Al Blase, Jr. (Division #2) with Jean Oliver Moore acting as Special Prosecutor and Attorney for the State and A. D. Weiskirch acting as attorney for the defendant Elliott. Elliott was out on a $2,000 bond pending the hearing. In the hearing, the State presented its case and the witnesses were Jack Maloney and Waldo Boyd (Boyd apparently was a Director of the Foundation at the time). The docket shows that upon a motion of the defendant during the hearing to have the defendant discharged, the motion was sustained and a release was issued. The docket shows that the records were transferred to County District Court, however, I was unable to locate any record or file in the Clerk's office other than the warrant in the Record Room and the Docket.

Apparently, the case was dismissed because of insufficient evidence against Elliott.

Re: VIRGINIA PIGOTT (Alias Virginia Spelvan)

According to the Wichita BBB's files, a Virginia Piggett (or Pigott), was reported to have taken over the Hubbard College after the Foundation went into bankruptcy in 1952. We have been unable to verify this from any of the records investigated, or for that matter, exactly what her role was in the Foundation.

A visit to the Wichita City Police Dept. disclosed a case (D-98822) on record with respect to L. Ron Hubbard, 1505 North Central, Phoenix, Arizona.

On 6-6-52, Virginia Pigott was arrested and held for Vagrancy and Investigation as a result of acting in an irrational manner. At the time of her arrest, Mrs. Pigott was driving a 1941 Ford Coach with New Mexico 1951 license plates (2-36639 or 236-639).

The police interrogation of Mrs. Pigott and a check with a Larry Otey of 910 N. Yale in Wichita disclosed that the car registration was supposedly in the name of Dean Carranahan, an alias of L. Ron Hubbard. In an attempt to learn the owner of the automobile, the Police Department forwarded a letter to Hubbard in Phoenix, Arizona, stating that Mrs. Pigott had been taken into custody, had the car in their possession, and were unable to locate the title and registration. The letter may or may not have been answered because the police records end rather abruptly with a copy of an Alias Execution (Sedgwick County District Court Case A-39934) against L. Ron Hubbard, alias Maurian Oazman, (Box 164, Albuquerque, New Mexico) which apparently was another alias of Hubbard's, and perhaps that used in New Mexico. Mrs. Pigott was released to the County jail on 6-7-52.

A review of Case A-39934 in the County District Clerk's office disclosed that on 4-17-52 an Affidavit for Garnishment was filed on behalf of Ted Shaw, the plaintiff, vs. L. R. Hubbard. The First National Bank was listed as the Garnishee. The plaintiff's attorney, Henry D. Edwards, stated that the defendant was indebted to the plaintiff for the amount of $230.76. Subsequently, another Affidavit of Garnishment was filed for Ted Shaw against L. R. Hubbard, William C. Norton, Virginia Pickett, Hubbard College, Inc., Dianetics Service, Inc., and L. Ron Hubbard, Inc. Norton accepted service on all the Summons on 5-5-52. Norton made an Answer of Garnishee to the effect that the above firms and individuals had no property, money, or credits, or were indebted to the defendant.

A third Affidavit for Garnishment was filed for the plaintiff, Shaw, against L. Ron Hubbard and James Elliott for the same amount of $230.76.

Apparently, with the arrest of Virginia Pigott and the knowledge that the automobile was owned by Hubbard under an alias name, the plaintiff's attorneys learned this and subsequently the car was seized to satisfy the plaintiff's judgment. The automobile was sold at a Sheriff's sale on 7-8-52 to satisfy the judgment and costs. (Copies of the Executions are attached for review).

A check of the County Sheriff's office disclosed the following arrests of



The City Police Department and County Sheriff's Department have no other record of arrests concerning any other individuals connected with the foundation other than reported.

Re: DIVORCE STATUS

Hubbard was sued for non-support of his children in 1951 in a suit brought by Louise G. Hubbard in Superior Court - State of Washington - No. 23323. County of Kitsap (City of Bremerton). Mrs. Hubbard at the time filed a Petition under the Uniform Reciprocal Enforcement of Support Act against Hubbard alleging that they were married on April 13, 1933, at Elkton, Maryland, and that Hubbard deserted her and the children in December 1945. Two children were born of this marriage: Lafayette Ronald Hubbard, Jr. on 5-7-34 and Katherine May Hubbard on 1-15-36.

The petition stated that Louise Hubbard filed for divorce on April 14, 1947, on the grounds of desertion and non-support and that she was awarded custody of the children and their support of $25.00 a month for each child. Mrs. Hubbard at the time sued for the amount of $1,923.32 plus interest as back support payments. She also alleged that the defendant had bigamously married Sara Northrup Hubbard on August 10, 1946, at Chestertown, Maryland, since the interlocutory decree of divorce was not made final until the decree on December 24, 1947. The petition also alleged that Hubbard was granted an emergency divorce from Sara Northrup Hubbard in Wichita to enable him to see his sick father in Bremerton, Washington, although he never did come to Washington for the purpose.

Hubbard was represented by his attorney, Jean Oliver Moore, and the Judge of the District Court - Division I, William C. Kandt, found that the plaintiff was entitled to re-imbursement for support of the children and ordered Hubbard to make child support payments beginning on 1-15-52 until the sum had been paid and to continue with his support payments.

On June 7, 1951, Sara Northrup Hubbard sued Hubbard for divorce charging him with gross neglect of duty and extreme cruelty. Sara Hubbard was represented by Harry Gillig and in the action asked for $200.00 a month child support and award of a 1950 Lincoln sedan. Sara Hubbard alleged that they were married on August 10, 1946, at Chestertown, Maryland, and one child, Alexis Valorie Hubbard, was born on March 9, 1950 of this marriage.

On June 12, 1951, through his attorney, Franklin Hiebert, Hubbard filed a cross petition charging that he performed all his duties but that the plaintiff disregarded her duties and was guilty of extreme cruelty and gross neglect of her duties whereby his work and peace of mind were greatly disturbed. On the same date he also filed a motion for an emergency hearing and trial because the relationship had caused severe damage and injury to his health and peace of mind and unless an emergency was declared he feared a nervous breakdown and impairment of health. The Emergency Divorce Action was made on June 12, 1951, and the Journal Entry stipulated that the Decree would become absolute at the expiration of six months. A true copy of the Journal Entry is attached for review.

As mentioned in the previous memorandum, Mrs. Sara Northrup Hubbard repudiated her statements against Hubbard in a letter, a copy of which was obtained from the Wichita BBB and apparently Hubbard made a deal with her for the divorce in which she would drop her Receivership action against Hubbard's California Foundation. Also, since Mrs. Louise Hubbard alleged that the interlocutory decree of divorce did not become final until December 1947, and since Hubbard married Sara Northrup Hubbard in August 1946, this apparently is the bigamous action claimed. Details covering the Louise G. Hubbard divorce would have to be obtained from the Washington State Court records.

Re: DON G. PURCELL

It was previously reported in our memorandum of 1/29-2/4/63 that Don G. Purcell was assumed to have died in mid 1957 or 1958. This assumption was based on the omission of his name in the City Directory for that period. In line with Inspector John Day's investigation in Topeka concerning Purcell's possible death in Minnesota on June 27, 1959, a review of the Wichita Eage newspaper confirmed his death in Rochester, Minn. on that day (possibly at the Mayo Clinic). The item listed Purcell as being a developer and builder and was born August 17, 1907 at Denver, Colorado. He had been a former member of the Wichita Planning Commission and attended Wichita University and Kansas State University.

I contacted his widow, Mrs. Margaret Purcell (230 S. Pershing, Wichita, Kansas) on 2-14-63 with respect to obtaining any information she might have on the operations of the Hubbard movement. Mrs. Purcell related that both she and her husband had become enthusiasts of the Dianetics after reading Hubbard's book. They apparently attempted Hubbard's theories on themselves but could get nothing from them. Afterward, they took a trip to New Jersey and contacted Hubbard and after their observations Purcell told Hubbard that if he ever came to Wichita that he would help Hubbard get started. Mrs. Purcell stated that her husband had high ideals and had dreams of opening a children's hospital for those afflicted with mental troubles and he felt that through utilizing Hubbard's theories that these afflicted children would be helped. However, she commented that Hubbard apparently had got into trouble with the Post Office authorities and subsequently with the Receivership Action and Bankruptcy of the Foundation, her husband then quit. I received the impression from Mrs. Purcell that her husband became disillusioned with Hubbard when the others began lining their pockets in place of fostering the Foundation which supposed to be a non-profit organization.

Mrs. Purcell stated that on many occasions her husband would include her name since he felt that any project they had started together would carry both their names. However, Mrs. Purcell stated that she never was affiliated with the Foundation and never actively participated in its operations. These were left entirely to her husband and his dreams of fostering the hospital for sick children. Mrs. Purcell could shed no other light on her husband's activities and the carrying on of the Foundation after bankruptcy other than that the Hubbard group operated the Hubbard College for a short while afterward which included Mrs. Virginia Pigot in the operations. Mrs. Purcell reported that to her knowledge the Hubbard group went to Phoenix, Arizona, after the bankruptcy where they recommenced operations there. She stated that after the closing of the Foundation her husband shipped all the books and pamphlets used in Wichita to the Arizona firm.

According to Mrs. Purcell, the Dianetics movement in Wichita never was concerned with any tenet of religion and that did not enter into any phase of the Foundation's work and teachings here in Wichita. She reported that the

Scientology classification which apparently used the religious approach was started in Arizona after leaving Wichita. To her knowledge no religious beliefs were required with the training here and were not a part of the course.

Mrs. Purcell could not otherwise furnish any other information since she stated her husband had taken charge of all the business and legal ends of the Foundation and that she had never actively worked in the Foundation in any of its activities while in Wichita.

GENERAL

Many of the individuals formerly connected with the Hubbard activities in Wichita are no longer located here. In an attempt to locate some of the individuals for interview, a [redacted] was contacted on 2-11-63 when we attempted to contact [redacted] reported that [redacted] had worked for Hubbard for about 15 months, but so far as she knew [redacted] had never taken an interest in the Dianetics movement and worked strictly as an employee. [redacted] recently moved to [redacted] and is residing with her husband at [redacted]

During our conversation with [redacted] she mentioned that [redacted] had never become interested in Dianetics but that she had and had taken part of the Dianetics course but had never completed it because of the cost involved. [redacted] related that the Hubbard Meter was then used in Wichita at that time and was used on the same principle as a lie detector to help in straightening out the subject's or pre-clear's thinking. It was reportedly used to pinpoint some thought or word and find hidden things in his memory or to find blocks in his subconscious. [redacted] at first in the interview stated that it was not necessary for the pre-clear to have any faith other than to believe in himself and to be completely honest. Dianetics as she understood it at the time was a process to unsnarl the pre-clear's thinking. She recalled that the Dianetics course consisted of 8 "Dynamics" in which the first six were supposed to deal with the material aspects of things in the individual's life. The first related to the individual himself; the second referred to the individual living for his family; the third was for the individual living for income; and the fourth for the individual living for the community, etc. [redacted] could not recall the entire Dynamics movement at this time, however, she related that the seventh and eighth Dynamics were concerned with the Scientology part and dealt with the Divine. She expressed the opinion that the Scientology aspect required some measure of religion and faith and was in some ways along the same lines as that in the present Unity Church beliefs. She stated that Dianetics pertained only to the mental outlook of the subject and no physical ailments were treated. It was said that any individuals with physical ailments were refused by the Foundation and referred to physicians since Dianetics was concerned only with uncovering mental blocks in the individual.

[redacted] was also one of the Hubbard Foundation's employees who had submitted a claim for wages in the bankruptcy suit against the Foundation in 1952. She stated that she had been connected with the firm only in the capacity as an employee for pay and had never otherwise participated in the firm's course. So far as she can recall, stated that religion was not a factor in the courses given at the time and treatment of the subjects was based on psychology and psychiatry. She was of the opinion that the pre-clears and/or auditors were not concerned with any religious tenets in order to be helpful to them.

COMMENTS:

Apperently with the closing of the firm through bankruptcy in 1952 the Foundation ceased to operate here in Wichita other than the Hubbard College and the firm retained by Mr. Purcell for a short while. From the information gathered it appears that the Hubbard group moved to Arizona where operations were begun with another Foundation. We have been unable to locate any of the former officers connected with the firm other than Mrs. Purcell and it appears on the surface that her name was included in some of the firm's papers only through her husband.

[redacted]

If the Administration feels that further follow-up is desired on any of the facts uncovered in this investigation, please advise.

Raymond J. Ojera Jr.
Raymond J Ojera Jr
Inspector

RJJ:hp

Document H-187; is a ten page memorandum dated 2/21/63, to the Director, Minneapolis District, from I. Bearon, Inspector, subject; Scientology investigation. This memorandum is a detailed description of investigations of specific individuals; interviews with individuals; and contacts with officals of agencies and organizations other than FDA in regard to Scientology.

This document is released with deletions. the deleted material found on page one of this document conisists of the name of a specific individual, which if released, would constitute an unwarranted invasion of personal privacy. This document is exempt under 5 U.S.C. 552 (b) (7) (C). The remaining deleted materials in this document, consist of specific names of individuals, as well as organizations, and identifying characteristics, which if released, would immediately disclose the identity of a confidential source. Thes portions are exempt under 5 U.S.C. 552 (b) (7) (D).

OPTIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Memorandum

4-127

TO : DIRECTOR, MINNEAPOLIS DISTRICT DATE: February 21, 1963

FROM : I. Bearon, Inspector

SUBJECT: Scientology Investigation

As per instructions in DRM' and BE'S joint memorandum to all Districts, dated 1/24/63, Inspector Loucks began his investigation of the Founding Church of Scientology et al., and its activities in the Twin Cities area. He has reported the results of his investigation, which was unavoidably interrupted, in his memorandum to you of 2/4/63. Continuing the investigation, I interviewed a number of people, and checked reference sources, in order to obtain background information which might be useful to the Administration in its anticipated court contest, stemming from seizure of the Hubbard Electrometer (4-093 V), as follows:

MINNEAPOLIS BETTER BUSINESS BUREAU, MPLS., MINN.

Through [redacted] I was given permission to borrow the Bureau's extensive file on Dianetics, Inc., under which name the organization formerly operated. I have photocopied this material, some of which I believe will be quite valuable to DRM and BE, and which is attached to this memorandum. I would like to call particular attention to the lengthy letter from the Hubbard Association of Scientologists, International to the Better Business Bureau of Phoenix, Arizona, under the signature of one John Galusha, Secretary, which details the history of the movement up to June 1954.

Of equal value is the series of articles on the Dianetics movement, which appeared in the Minneapolis Star in July 1951, and which was written by Wendell Weed, staff writer for the newspaper at that time. From the prominent billing given these articles, it is apparent that the movement created quite a stir at the time and engendered considerable controversy. Dr. Donald W. Hastings, then head of psychiatry at the University of Minnesota, among others, is quoted as having labeled the dianetics theory as "a pile of nonsense", and Dr. Starke R. Hathaway, professor of neurology and psychiatry at the University described it (according to Reporter Weed) as "a kind of fad which is not scientific".

The Minneapolis BBB file contains, in addition, a photostated copy of a letter dated June 9, 1951, written by Ron Hubbard's wife, Sara, which reads as follows: "In return for the divorce which is guaranteed by L. Ron Hubbard to Sara N. Hubbard in June 1951, I hereby cancel the receivership action against the Hubbard Dianetic Research Foundation of California. When Mr. Hubbard is granted his Kansas divorce, I will cancel my California divorce action. (Signed) Sara N. Hubbard".

Nowhere in the Minneapolis Better Business Bureau's "Dianetics" file could I find any reference to the movement being religious or semi-religious. To be sure, the described method of drawing out answers from the "pre-clears" (patients) may be considered as a sort of confession-type technique, but at this point any resemblance to established religion ends; and, "talking it out" is a technique conventionally practiced by the psychiatric profession.

[redacted]

From information obtained by you fro[redacted] it appears that a group operating under the name of Scientology-Twin Cities, is active locally. I visited [redacted] to interview [redacted] Although unable to see her in person, I spoke with her over the phone. She told me that the information she had forwarded to you, namely, that the group is headed by a Geraldine Handeland of 1035 Arkwright Street, St. Paul, Minnesota, has 50 to 60 members and uses devices, was obtained by her from a (male) friend, whose identity she refused to disclose to me. The reason for her refusal, she stated, was that her friend was unaware of her action, and she did not want to "get into trouble".

While at the offices of th[redacted] I checked [redacted] for current material on this organization, or its members (see below). I was able to find only one clipping, relating to a Wallace Handeland, 18, of 1035 Awkwright St., St. Paul, Minnesota. This clipping, dated 2/24/62, stated that this individual had sustained serious injuries as a result of falling 40 ft. from a banister, during a party at the Ryan Hotel, St. Paul, Minnesota.

MINNEAPOLIS PUBLIC LIBRARY, MINNEAPOLIS, MINN.

At least until September, 1961, the group known as Scientology-Twin Cities, had the following officers, in addition to Mrs. Handeland (See Inspector Loucks' memo of 2/4/63):

Warren Schei	Director of Staff, Director of Training, Lecturer, and Staff Auditor
Wallace Handeland	Director of Processing, Director of Materiel
Lawrence Handeland	Director of Accounts, Staff Auditor
LaVonne Handeland	Registrar, Receptionist, Central Files in Charge, Director of Advertising and Staff Auditor

Geraldine Handeland's titles are (or were): Organization Secretary, Director of Testing and Staff Auditor.

Despite their imposing titles, reference to Polk's Minneapolis and St. Paul Directories (1962) discloses the occupations (& residences) of these individuals to be as follows:

Geraldine Handeland - housewife - 1035 Arkwright St., Apt.#3, St. Paul, Minn.

Wallace M. Handeland - Post Office clerk - residing at 1035 Arkwright St., St. Paul, Minn. (Probably Geraldine's husband).

Lawrence L. Handeland, Jr., - Payroll Clerk at Northern Pacific Ry. Co. - residing at 850 Edmund St., St. Paul, Minnesota

LaVonne Handeland - wife of Lawrence Handeland (850 Edmund St., St. Paul, Minn.)

Warren Schei - operates, with Robert A. Schei, a television repair shop at 4501 Nicollet Ave., Mpls., under the name of Schei's Television Clinic. Residence at 5229 Penn Ave., S., Minneapolis, Minn.

A check of the Polk's directories failed to disclose any listing of the organization by its local name "Scientology-Twin Cities" or by any of its various (national) names submitted in the Administration's memo of January 24, 1963, under each of the following headings: Churches, Academies, Schools, Research. In this connection, I should mention that R. L. Polk & Co., describes their directories as "an alphabetical directory of business concerns and private citizens, a directory of householders, occupants of office buildings and other business places, including a complete street and avenue guide, and much information of a miscellaneous character; also a buyer's guide and a complete classified business directory".

While at the library, I also checked the Encyclopedia of Associations, Volume I, entitled "National Organizations of the United States", and published by Gale Research Co., Book Tower, Detroit 26, Michigan (1961 Edition). I was unable to locate any reference to the subject organization by any of its known names. Section 7 of this publication, headed " Health & Medical Organizations" lists the following two organizations as established in the field of religion and mental health:

Academy of Religion and Mental Health, 16 E. 34th St., New York, N. Y., George Christian Anderson, Director. Founded in 1954. Has 2800 members and a staff of 10. The members are "clergymen, psychiatrists, psychologists, cultural anthropologists, sociologists, social workers, behavioral scientists, and laymen interested in research and education in all relations between religion and health, especially mental health".

American Foundation of Religion and Psychiatry, 3 W. 29th St., New York, N. Y., Smiley Blanton, Director. Founded in 1937. Members 664. Staff 65. The organization is set up to "provide an outpatient clinic available to the public at nominal fee utilizing the religio-psychiatric approach...cultural therapy and group therapy sessions... to conduct training programs for ministers in the field of psychiatric therapy...".

Since a vigorous contest is expected on the grounds that the seized device is a religious instrument, and therefore outside the jurisdiction of the FD&C Act, it may be advisable to contact these two organizations and obtain their views with respect to the subject group's "religious" character. The Encyclopedia of Associations, Vol I, from which the above information was obtained, is listed in the Library of Congress under Catalog Card #61-14123, for DRM and BE's information.

To check further on the "religious" nature of the movement, I consulted, without success, the Handbook of Denominations in the United States, 2nd Edition (1961), Frank S. Mead, author, and published by the Abingdon Press, Nashville 2, Tenn. Under "Acknowledgments",

the Author states "Every effort has been made to include every body of importance. Some which appeared in earlier editions have been dropped, thanks to mergers, the ravages of time, or our failure to secure replies to repeated requests for information...Frank S. Mead". (NOTE: This work lists hundreds of religious organizations in the United States, and, if the subject organization were truly a religious body, it would be listed in this book, in all likelihood.). The book is listed in the Library of Congress under Catalog Card No. 61-8412. It may be advisable to contact Abingdon Press, the publishers of this book, and ascertain what information they may have as to the religious character of the Founding Church of Scientology, et al... They may have in their possession, correspondence from the subject organization which may be revealing.

Another reference work which catalogues the religious groups in the United States is entitled "The Religious Bodies of America", by F. E. Mayer, and published by Concordia Publishing House, St. Louis, Missouri. I consulted this work, also without success, in an attempt to establish the religious status of the Founding Church of Scientology et al. Again, it may be advisable to contact the publishers, or Arthur C. Piepkorn, Concordia Seminary, St. Louis, Mo., for further information on this point.

Exploring further the possible "religio-psychiatric" nature of the movement, I checked such widely recognized authoritative works as Webster's 3rd New International Unabridged Dictionary (1961), Encyclopedia Britannica (1959), Collier's Encyclopedia (1961), Encyclopedia Americana (1961), and Dorland's Illustrated Medical Dictionary, 23rd Edition (1959).

I found no reference to either "dianetics" or "scientology" in the Encyclopedia Britannica, Collier's Encyclopedia, and Encyclopedia Americana.

In Dorland's Illustrated Medical Dictionary, the word "dioenetic" is defined as "pertaining to the intellectual functions, especially to reasoning". The word "scientology" is not defined, or listed, however. Webster's 3rd New International Unabridged Dictionary(1961) defines dianetics as "An extrascientific system likening the brain to a computing machine, and holding that engrams which cause mental illnesses can be eradicated by psychotherapy". Webster's defines the word "engram" as " A protoplasmic change in neural tissue hypothesized to account for the persistence of memory".

Webster's defines the word "extrascientific" as "lying outside the province of science".

The word "scientology" does not appear in Webster's 3rd New International Unabridged Dictionary.

It should be noted that, although Webster refers to dianetics as an "extrascientific" system - the reference is to its hypothetical (outside the realm of human experience) rather than its religious character. Nowhere, in Webster's or the other sources that I have consulted, is there any identification of the words "dianetics" or "scientology" with words commonly associated with religious movements, i.e. God, church, prayer, faith, etc.

I visited this bureau in order to check on possible of the present (to our knowledge) leaders of the organization; as well as to any may have taken against the Founding Church of Scientology, or its local branch. I saw and spoke with told me that all fraud actions, with the exception of those involving are handled by his office. At my request, checked his files, but was unable to locate any reference to either the organization or its principals. suggested that I see for possible fraud actions taken by the state against the subject group, and its principals. (Supt).

At suggestion, I visited the and spoke with confirmed the fact that he is in charge of investigations involving fraudulent He stated that he makes these investigations himself, and therefore is familiar with anything of a regulatory nature instituted by him. stated that both the names of the organizations, and the principals, were totally unknown to him, and that he had never received a complaint that might serve as a basis for investigation. The failure to receive a complaint did not surprise him, however, since only a very small percentage of people admit to being "rooked" by illegal schemes (less than 1% he stated), or ever disclose that fact to enforcement bodies. This statement, he told me, was made on the basis of 15 years of first-hand investigational experience. was quite interested in checking on the operations of the subject group, from the standpoint of possible violation of the State Laws. I furnished with the names and addresses of the leaders locally, and promised to inform the Dist rict of the results of his investigation. assured me that their attempt to cloak the operation with a "church" designation would not legally bar him from making a physical inspection of the premises, together with interrogation of the people involved at least until he was satisfied that it was, in fact, a church. had strong reservations, from the description that I furnished him of the movement, that it could come within the scope of a "church", within the meaning of the I asked in

conducting his personal investigation, to be particularly alerted to the possible presence of electrometric devices on the premises, since our information was that these are being used currently, and that they served as the basis for our jurisdiction and interest in the matter.

Acting on the possibility that the subject organization and/or its principals may have I visited the and spoke with was very sympathetic, but told me that, under the State law, he was prohibited from divulging to me. He stated, however, that this prohibition did not apply to disclosure of suggested that I contact through whose office all investigations of petitions for promised to check the records for any actions that may have been taken by the against the Founding Church of Scientology, et al., or its principals for and to forward the information to the District. In a subsequent telephone conversation informed me that he had checked through on the individual officials, and the organization and had found that no action had been XXXXXXXXX taken by the State against them. He did not, however, rule out any contemplated action vs the group or its principals.

At the I spoke with checked his office records under the various names assumed by this organization. records disclosed that no petitions had been entered for either in the name of the organization, or its individual officers.

POST OFFICE DEPT. POSTAL INSPECTORS' OFFICE, ST. PAUL, MINN.

In connection with my investigation, I also visited the Postal Inspectors Division on the chance possibility that the subject organization (and its responsible officials) may have been charged with "using the mails to defraud". I saw and spoke with M. M. Denk, Examiner and Mr. Kasberg, Supt. These gentlemen advised me that the inspector in charge of "fraud" cases was absent, but, at my request, they checked their records for any actions taken against the organization, without success.

As I have pointed out earlier, one of the responsible officials of Scientology-Twin Cities, Wallace M. Handeland, is listed in Polk's St. Paul Directory as a Post Office Clerk. Since neither Mr. Denk nor Mr. Kasberg requested the names of the leaders of the local group; I did not volunteer this information pending further instructions from Washington. (See Conclusions).

MINNEAPOLIS AND ST. PAUL TELEPHONE DIRECTORIES (1962)

There is no listing of "Scientology-Twin Cities" in either of these two telephone Directories.

STATEMENT

As mentioned earlier, one of the principals in the local chapter, Warren F. Schei, operates a Television Repair Shop with a Robert A. Schei, under the name of Schei'sTV Clinic. While reviewing the files of the Minneapolis Better Business Bureau, I came across a record of a judgment against the Schei Television Clinic, obtained on Dec. 15, 1959 in the Conciliation Court by the Messenger Printing Inc., in the amount of $39.00.

I also found a file on this individual and firm, at the Mpls. Better Business Bureau, containing two complaints registered with the Bureau by private individuals who had contracted with the company for television repair service, and felt that they had been cheated.

The answers filed by the Scheis, I noted were curt, sharply worded, and offensive.

I checked through(relative to against the organization and its principals locally. advised me that he had no record of any of the individuals (i.e. Handelands, Warren Schei) or the organization which they represent.

No record of individuals or organization.

In the course of his investigation, Inspector Loucks learned that the St. Paul Better Business Bureau had, on file, a questionnaire prepared by the parent organization, the Founding Church of Scientology* and dated Sept. 11, 1961. This questionnaire bears the signature of a John Fudge, D.D., the D. D. presumably standing for"Doctor of Divinity".

*Washington, D.C.

Dr. Fudge answers Question #7 - NATURE OF BUSINESS - in part, as follows: "The teaching of Scientology, defined as "Knowing how to know - a religious philosophy....." and continues "Church services. Semi-Annual meetings.....". Question #8 is answered as follows: "We have no St. Paul organization, just some members of the Church, who are accredited members of the Church".

To further check on the validity of its claims as an established church, I spoke with [redacted] told me that the title "D.D." was an honorary title, and had become so commonplace as to be virtually meaningless in this country. In England, on the other hand, it has more prestige, [redacted] stated. [redacted] stated that, in his judgment, the criteria of validity of a religious movement is whether or not it had an ordained clergy. Therefore, he said, if he were making an evaluation, he would check among other things on the principals of the organization, from the standpoint of their educational background and training. He pointed out that the usual ordained title in the ministry was Reverend, although other titles are also used. When I mentioned the name of the "Founding Church of Scientology" to him, he failed to recognize it as a religious movement - nor did he recognize the word "Dianetics" *associated with religion in any way. *as

INSPECTOR'S CONCLUSIONS

There is evidence to indicate that the Founding Church of Scientology has been operating a local shapter under the name of Scientology-Twin Cities.

There is a report, unconfirmed, that the local group consists of 50 to 60 members, and that it is equipped with diagnostic devices.

According to the St. Paul Directory, one of the principals locally is a Postal Clerk by the name of Wallace M. Handeland, residing at 1035 Arkwright Ave., St. Paul, Minnesota. This is the same address as that of the alleged leader of the local Chapter, Geraldine Handeland.

It is believed that meetings, treatments, etc. are held in Geraldine Handeland's apartment.

There is no evidence, at least on the local scene, that the Dianetics movement was promoted originally as a "religious" movement.

To date, we have been unable to uncover any information relating to the local activities of the Dainetics or Scientology movement between the years 1954 and 1961. We believe that much useful information relative to the local chapter and its predecessor could probably be obtained, through interrogation of Wallace Handeland by Postal Inspectors.

Israel Bearon

IB:gc

EXHIBITS

Exhibit A - Photocopy of Minneapolis Better Business Bureau file on "Dianetics, Inc.".

Exhibit B - Photocopy of entry in Minneapolis Better Business Bureau's file on Warren Schei.

Exhibit C - Ltr from Spec. Ass't. Atty Gen'l. [redacted] to Director, M. District - 2/16/63.

Document H-189. This document is a two page memorandum dated 2/26/63 to Director, Baltimore District from Washington Resident Station. Subject: L. Ron Hubbard. This memorandum describes the inspection of a non-government organization and several complaint letters concerning dianetics.

This document is released with deletions. On page 1, the deleted materials found in paragraphs 1 and on line 1 paragraph 3 are exempt under 5 U.S.C. 552(b)(7)(D), because release would disclose the identity of a confidential source. The deleted materials found in paragraph 2 and in line 2 and 5 in paragraph 3 and in the fourth paragraph consist of names and addresses of specific individuals which, if released, would constitute an unwarranted invasion of personal privacy. These portions are exempt under 5 U.S.C. 552(b)(7)(C).

On page 2 the deleted portions found in lines 1 in paragraph 1, lines 2, 6 and 7 in paragraph 2 and all the deleted material in paragraph 3 are exempt under 5 U.S.C. 552(b)(7)(D), because release would disclose the identity of a confidential source. The remaining deleted materials on this page consist of names and addresses of specific individuals which, if released, would constitute an unwarranted invasion of personal privacy. These portions are exempt under 5 U.S.C. 552(b)(7)(C).

OPTIONAL FORM NO. 10
5010-104

UNITED STATES GOVERNMENT

Memorandum

A 189

TO : DIRECTOR, BALTIMORE DISTRICT

DATE: February 26, 1963

FROM : Washington Resident Station

SUBJECT: L. Ron Hubbard

Founding Church of Scientology
Distribution Center, Inc., et al

I visited [redacted] today to review their records concerning Dianetics, which [redacted] had obtained on request, for our review. Information in the files was from correspondents in the early 1950's, but contained some information which might be of value in our current investigation.

A copy of a letter dated February 19, 1951, written by [redacted] to [redacted] had this to say about Dianetics: "xxxThere are dangers in the hasty application of psychological ideas to sick people, without adequate psychiatric study of the individual patient and without thorough scientific testing of the underlying hypothesis."

A letter to [redacted] dated June 20, 1950, written by [redacted] indicates that he has a patient currently under therapy, who had become convinced of the usefullness of Dianetics and had given him the Dianetics book to read. [redacted] requested information concerning the organization. He may have information that his patient was undergoing therapy by the Dianeticist.

DIVISION OF REGULATORY MANAGEMENT, ATTN: MR. SWAIN:

For your information. We will attempt to contact [redacted]

Gordon G. Thompson
GORDON G. THOMPSON
Chief Inspector
3-4-63

GGT:fw

O&cc-DRM
cc-BFA
GDT
DEP

A letter to [redacted] dated February 27, 1951, written by [redacted], indicates that the Dianetic people requested that they be permitted to test a group of chronic schizophrenics at the state hospital. [redacted] may have additional information concerning this group and their proposed cures of schizophrenia.

In a letter from [redacted] dated July 17, 1950, [redacted] indicates that they have an inquirer who states that the Hubbard Dianetic Research Foundation undertakes to "affect a cure for epilepsy". He indicates that the charge would be $500.00 for a one month period. In answering this letter, [redacted] indicates that the normal cost of psychiatric care ranges from $150.00 to $250.00 per month, depending upon the locale and further indicates that the methods employed by the organization are unethical, if not unscientific.

I have requested copies of these various letters from [redacted] however, the individuals contacted wished to discuss the matter with [redacted] legal counsel, prior to supplying us with copies. I plan to contact them later this week, to determine whether copies can be obtained.

I plan no further follow up on this information.

GEORGE D. TILLOT
Inspector, Balt. Dist.

GDT:blc/dict.

Document H-190; is a one-page memorandum, dated 3/22/63, to the Director, Baltimore District from, George D. Tilroe, Washington Resident Post. Subject; E-Meter Investigation. It describes the necessary procedures to be used in order to obtain copies of documents from the files of a non-government organization.

This document is released with deletions. The deleted portions are exempt under 5 U.S.C. 552 (b) (7) (D) because, release would disclose the identity of a confidential source.

OPTIONAL FORM NO. 10
5010-106

UNITED STATES GOVERNMENT

Memorandum

#190

TO : DIRECTOR, BALTIMORE DISTRICT

DATE: March 22, 1963

FROM : George D. Tilroe
Washington Resident Post

SUBJECT: E-Meter Investigation

L. Ron Hubbard, Distribution Center, Inc., Founding Church of Scientology, etc.

As a follow up to my memorandum to Director, Baltimore District of February 26, 1963, concerning my visit to [redacted] I contacted [redacted] legal counsel, [redacted] on March 20, 1963, to determine if copies of the letters referred to in my memorandum, could be obtained. [redacted] indicated that I would be free to make any notes from the letters for our own use, however, he felt that he should not supply copies of these letters unless correct legal procedures were instituted. He stated that if we desired the copies, supoenas should be obtained. [redacted] indicated that he had informed [redacted] that he should allow us to make any notes that we deem desirable from any of the information in [redacted] files.

As my memorandum of February 26 indicates the pertinent information is contained in the file of [redacted] I intend no further follow up. If copies of these letters are desired they should be obtained through supoena.

GEORGE D. TILROE

GDT/blc/dict.

DIVISION OF REGULATORY MANAGEMENT, ATTN: MR. SWAIN:

For your information. If you desire the documents in question, it will be necessary to issue a subpoena.

Gordon G. Thompson
GORDON G. THOMPSON
Chief Inspector
3-26-63

GGT:fw

Dscc-DRM
cc-BFA
GDT

Document H-191; is a two-page memorandum of a telephone conversation dated 4/3/63 between George T. Daughters, Director; Irving Pollack, Inspector, Detroit District and W. N. Swain, Division of Regulatory Management. It consists of a discussion regarding steps to be taken in proposed investigation.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (7) (E) because release would disclose investigative techniques and procedures.

Document H-192; is a two-page memorandum dated 6/16/71 to The General Counsel, to the attention of Mrs. Sisk, from B. T. Loftus, Division of Cost Guidance. It consists of the author's personal opinions and suggestions regarding points to be included in the attorney's Scientology brief.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product.

Document H-193. This document is a one page memorandum of telephone conversations dated 5/10 and 5/13/63 between George T. Daughters, Director, Detroit District and W. N. Swain, Division of Regulatory Management. This memorandum discusses specific aspects of the Scientology investigation and a portion of this document also relates solely to the internal personnel rules and practices of the agency.

This document is released with deletions. Approximately one percent of the deleted material in this document consists solely of the internal personnel rules and practices of the agency which is exempt under 5 U.S.C. 552(b)(2). The remaining 90 percent pertains to the investigation conducted on Scientology which includes the name of two inspectors who are involved in this investigation. These portions are exempt under 5 U.S.C. 552(b)(7)(E) and (F), because release of any portion would not only disclose investigative procedure but also endanger the life or physical safety of law enforcement personnel.

4-093 V
Hubbard E Meter
FDC 48405

The Distribution Center
Washington, D. C.

#193

May 10 and 13, 1963

MEMORANDUM OF TELEPHONE CONVERSATIONS

Between: George T. Daughters, Director, Detroit District

W. N. Swain, Division of Regulatory Management, BE

Mr. Daughters' call of May 10 was returned on May 13, in response to his inquiry

[redacted]

W. N. Swain

cc Balt
cc Dt
cc BFA
cc GC

WNSwain:lls:jaf:5-15-63

Document H-195(a); is a two-page memorandum dated 5/8/70 to Charles C. Edwards, M.D., Commissioner of Food and Drugs, thru: Henry E. Simmons, M.D., Director, Bureau of Drugs, from T.E. Byers, Director, Office of Compliance. It is a request for a decision of which course of action to follow concerning contested detention of "Hubbard E. Meter". It also discusses options available to the FDA in the pending litigation.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes an inter-agency memorandum involving a decision making process which, would not be available by law to a party other than an agency in litigation with the agency.

Document H-195 (b); is a four-page memorandum dated 5/19/70 to Charles C. Edwards, M.D., Commissioner of Food and Drugs, thru: Henry E. Simmons, M.D., Director, Bureau of Drugs, from: T. E. Byers, Director, Office of Compliance. It is a discussion of the background and options available for pending litigation involving the Church of Scientology and the Hubbard E. Meter.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes an inter-agency memorandum (involving a decsion making process) which would not be available by law to a party other than an agency in litigation with the agency.

Document H-196; is a three-page memorandum dated 6/11/71 to the General Counsel, to the attention of Mrs. Sisk, from B. T. Loftus, Division of Case Guidance. This memorandum is an attorney work product, specifically, discussion and opinions regarding the next steps to be taken in pending litigation, as well as a report and opinions regarding a meeting in the judge's chamber.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product.

Document H-197; is a three-page memorandum dated 6/16/71 to The General Cousnel, to the attention of Mrs. Sisk, from B. T. Loftus, Division of Case Guidance. This memorandum is an attorney work product, specifically, it is a summary of telephone conversations with the Assistant United States Attorney regarding the process of litigation and the next steps to be taken regarding same.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product.

Document H-200; is a two-page written list of names and addresses of three potential witnesses.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5), (7) (C) and (D) because it constitues: (1) attorney work product; (2) an unwarrented invasion of personal privacy; (3) disclose the identity of a potential witness who is a confidential source.

Document H-201; consists of eighteen pages of personal correspondence, dated 8/8/62, 8/9/62, 8/24/62, 8/10/62, 8/20/62, 8/23/62, 10/18/62, 11/1/62, 11/12/62, 1/22/63, 1/24/63, and 1/25/63, between a specific individual and persons associated with Scientology.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (7) (D) because, release of any portion of this document would immediately disclose the identity of a confidential source.

Document H-202; is a two page memorandum dated 11/6/68, to The General Counsel, to the attention of Mrs. Joanne Sisk, from Los Angeles District. This memorandum is an attorney work product because it is a discussion of answers for plaintiff's interrogatories in connection with E-Meter Injunction.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product.

Document H-203; is a seven-page memroandum dated 11/4/68, to the Los Angeles District, to the attention of Dave Holliday, Food and Drug Officer, from San Francisco District. The memorandum is an attorney work product which pertains to a discussion of answers for interrogatory.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product.

Document H-204; is a two-page memorandum dated 6/11/71 to The General Counsel, to the attention of Mrs. Sisk, from B. T. Loftus. This memorandum is an attorney work product because it presents the details of telephone conversation with the Assistant United States Attorney regarding progress on litigation.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product.

Document H-205; is a three-page rough draft memorandum to The General Counsel's Office from W. N. Swain. It is a request for counsel's advice regarding detained E-Meters.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product.

Document H-206; is an undated seventeen-page rough draft memorandum to File from Joanne Sisk. It consists of the attorney's recommendations of steps to be taken in the pending E-Meter litigation.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product.

Document H-207; is a three-page correspondence dated 9/9/70 addressed to the Honorable Thomas A. Flannery, United States Attorney, 3600 District Court Building, Washinton, D.C. 20001, to the attention of Nathan Dodell, A. U.S.A., from William W. Goodrich, Assistant General Counsel, Food, Drug and Environmental Health Division. It consists of the attorney's opinions and dissatisfaction with the proposed consent decree regarding United States N---E-Meter; Civil No. D.C. 1-63; FDC 48405. It also treats these dissatisfactions in a basic by line basis.

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product, and is an internal document.

Document H-208. This document is a one page rough draft, undated intra-agency communication to the U.S. Patent Office, Department of Commerce from G.S. Goldhammer, Director. This letter is a request for information in that agency's files regarding the E Meter.

This document is released with deletions. The deleted portion in paragraph 1 is exempt under 5 U.S.C. 552(b)(5), because it constitutes an opinion. The remainding deleted portion in this letter is exempt under 5 U.S.C.552(b)(7)(E), because release would disclose investigative techniques and procedures.

4-093 V
Hubbard E meter
FDC 48 405

The Distribution Center
Washington, D. C.

U. S. Patent Office
Department of Commerce
Washington 25, D. C.

Attention: Mr. Joseph Schimmel

Gentlemen:

In connection with a contested ~~court action~~ case now pending in the District Court for the District of Columbia in which the United States is a party,

Sincerely yours,

G. S. Goldhammer, Director
DRM
BE

cc Balt
cc BFA
cc GC
WNSwain:ms 03-20-63

Document H-211(a); is a three-page hand-written note dated 3/18/71, to Bud from Nate (both attorneys). It is a request for comments on the draft letter described in Document H-211(b).

This document is exempt in its entirety under 5 U.S.C. 552 (b) (5) because it constitutes attorney work product.

Church of Scientology – Folder 29

JOANNE

ROUTING AND TRANSMITTAL SLIP		ACTION
1 TO (Name, office symbol or location) General Counsel Health, Education & Welfare	INITIALS	CIRCULATE
	DATE	COORDINATION
2 For D	INITIALS	FILE
	DATE	INFORMATION
3	INITIALS	NOTE AND RETURN
	DATE	PER CONVERSATION
4	INITIALS	SEE ME
	DATE	SIGNATURE

REMARKS

Attached for your information is a copy of Plaintiff's Cross Motion for Summary Judgment in Scientology v. Califano, et al.

Do NOT use this form as a RECORD of approvals, concurrences, disapprovals, clearances, and similar actions.

FROM (Name, office symbol or location)	DATE
Carol Buehrens	6/9/77
	PHONE 739-5353

OPTIONAL FORM 41
AUGUST 1967
GSA FPMR (41CFR) 100-11.206

GPO 043—16—81418-1 419-015 5041-101

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE UNITED STATES ATTORNEY
FOR
DISTRICT OF COLUMBIA
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AMERICAN REVOLUTION BICENTENNIAL 1776-1976

87

76-1005

Misc. 385 Church of Scientology of Wash. Vol. II

Case file
[Scientology - DHEW]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

FEB 28 1978

JAMES F. DAVEY, CLERK

CHURCH OF SCIENTOLOGY :

Plaintiff :

v. : Civil Action No. 76-1005

JOSEPH A. CALIFANO, JR., et al :

Defendants :

ORDER

Upon consideration of plaintiff's motion to compel defendants to meet Mead Data standards and make a further showing of exemption under (b)(5) and defendants' supplemental memorandum filed September 23, 1977 in response to this Court's order of September 8, 1977, the Court having found that defendants' memorandum adequately complies with its previous order, it is by the Court this 28th day of February 1978,

ORDERED that plaintiff's motion is hereby denied.

JUNE L. GREEN
U.S. District Judge

FILED

FEB 28 1978

JAMES F. DAVEY, Clerk

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHURCH OF SCIENTOLOGY :

Plaintiff :

v. : Civil Action No. 76-1005

JOSEPH A. CALIFANO, JR., et al :

Defendants :

JUDGMENT AND ORDER

Upon consideration of the parties' cross-motions for summary judgment; supporting and supplemental memoranda; affidavits and exhibits, there being no genuine issues of material fact, and the Court having found for the reasons set forth in the accompanying memorandum opinion that defendants are entitled to judgment as a matter of law except as to two (2) of the documents in dispute, it is by the Court this 28th day of February 1978,

ORDERED that defendants' motion for summary motion is denied as to document S-5 (except for the last three paragraphs) and document S-20 (page 1, paragraph 2 down to last sentence, and all excerpts from plaintiff's literature found on pages 3, 6, 7, 8 and 9); and it is further

ORDERED that defendants shall release said material to plaintiff; and it is further

ORDERED that as to documents S-3, S-15 (last two pages), S-42, S-54 and S-55, defendants shall provide plaintiff with additional information as to corresponding portions of the public record as more fully set forth in the accompanying memorandum opinion; and it is further

ORDERED that in all other respects defendants' motion for summary judgment is hereby granted; and it is further

ORDERED that plaintiff's cross-motion for summary judgment is hereby granted as to portions of documents S-5 and S-20 as indicated above; and it is further

ORDERED that in all other respects plaintiff's cross-motion for summary judgment is hereby denied; and it is further

ORDERED that this case is hereby dismissed.

JUNE L. GREEN
U.S. District Judge

FILED

FEB 3 0 1978

JAMES F. DAVEY, Clerk

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHURCH OF SCIENTOLOGY :

Plaintiff :

v. : Civil Action No. 76-1005

JOSEPH A. CALIFANO, JR., et al :

Defendants :

MEMORANDUM OPINION

This matter is before the Court on cross-motions for summary judgment, additional supporting memoranda, affidavits and exhibits. Plaintiff is seeking to compel disclosure of certain documents pursuant to the Freedom of Information Act (hereinafter FOIA), 5 U.S.C. § 552 (Supp. IV. 1974) which relate to itself; its founder, L. Ron Hubbard; the Church of American Science; Hubbard Dianeticists and Scientologists; the American Society of Civilian Defense; and the Freudian Foundation of America. The documents were contained in the Food & Drug Administration's (FDA) litigation files pertaining to the case of United States v. Articles of Device . . . Hubbard Electrometer, No. 1-63 (D.D.C. 1968), rev'd sub nom. Founding Church of Scientology v. United States, 409 F.2d 1146 (D.C.Cir. 1969), cert. denied, 396 U.S. 963 (1969) on remand, 333 F.Supp. 357 (D.D.C. 1971), aff'd. in part, (D.C.Cir. 1973) involving the seizure and detention of devices called E-Meters. A number of documents have already been released, and plaintiff no longer seeks access to others. Consequently, 47 documents, or portions thereof, remain in dispute.

Defendants claim that the material for the most part is properly withheld pursuant to Exemption 5. 5 U.S.C. § 552(b)(5). Exemptions 6 and 7 have also been claimed as to some of the documents. 5 U.S.C. § 552(b)(6) and (7). Pursuant to the Court's instructions,

defendants have submitted all of the disputed documents for in camera inspection. 5 U.S.C. § 552(a)(4)(B).

Exemption (b)(5)

Exemption 5 covers "inter-agency or intra-agency memorandums or letters which would not be available by law to a private party in litigation with the agency."

The goal of this exemption is to protect the integrity of the agency decision-making process by permitting a free flow of information to those charged with making policy. At the same time, the FOIA emphasizes disclosure and its exemptions are to be narrowly construed. Vaughn v. Rosen (Vaughn I), 484 F.2d 820, 823 and n.11 (D.C.Cir. 1973), cert denied, 415 U.S. 977 (1974).

Exemption 5 encompasses "those documents and only those documents, normally privileged in the civil discovery context." NLRB v. Sears, Roebuck & Co., 421 U.S. 132, 149 (1975). Those privileges which defendants have invoked are (1) the attorney work product privilege; (2) the attorney-client privilege; and (3) that privilege which protects intra-governmental communications expressing predecisional deliberations. The Sears decision clearly contemplates the inclusion of these privileges within the exemption.

(1) Attorney Work Product Privilege

In Sears, the Supreme Court set forth its views on the scope of Exemption 5 with regard to the attorney work product privilege:

> "The Senate Report states that Exemption 5 'would include the working papers of the agency attorney and documents which would come within the attorney-client privilege if applied to private parties,' S.Rep. No. 813, p.2; and the case law clearly makes the attorney's work product rule of Hickman v. Taylor, 329 U.S. 495 (1947) applicable to government attorneys in litigation with private parties. [citation omitted.] Whatever the outer boundaries of the attorney work product rule are, the rule clearly applies to memoranda prepared by an attorney in contemplation of litigation which set forth the attorney's theory of the case and his litigation strategy." Id. at 154

The requirements of Hickman have been embodied in Rule 26(b)(3) Fed.R.Civ.P. This Rule provides that all documents and tangible things "prepared in anticipation of litigation or trial by or for another party or by or for that other party's representative (including his attorney, consultant, ...) ... "are within the scope of work product. Such materials can only be discovered upon a showing of "substantial need." The "need" of the party seeking discovery, however, does not enter the Court's consideration in the context of an FOIA request. See EPA v. Mink, 410 U.S. 73 (1973); Merrill v. Federal Open Market Committee of the Federal Reserve System, 565 F.2d 778 (D.C.Cir. 1977). Only documents which would "routinely be disclosed" in private litigation must be released. Sterling Drug, Inc. v. FTC, 450 F.2d 698, 704-705 (D.C.Cir. 1971). In addition, Rule 26(b)(3) absolutely protects from disclosure the "mental impressions, conclusions, opinions or legal theories of an attorney or other representative of a party concerning the litigation."

One further consideration which must enter in to an examination of these documents is whether the factual/deliberative dichotomy set forth in EPA v. Mink, supra, 410 U.S. at 89-91, for a claim of executive privilege under Exemption 5 is also to be applied to cases involving the work product privilege. The emerging trend indicates that this distinction ought to apply across the board where Exemption 5 is claimed. Robbins Tire & Rubber Co. v. NLRB, 563 F.2d 724 (5th Cir. 1977); Cuckian v. GSA, Civil No. 75-2156, at 10-11, 38 Ad.L. 2d 1061, 1068 (D.D.C. 1976); Fonda v. CIA, 434 F.Supp. 498 (D.D.C. 1977). However, where a document is considered "deliberative" in nature, factual matters may be so intertwined with "mental impressions, conclusions, opinions [and] legal theories as to preclude segregation. In such a case they will be protected. 1/

1/ This same principle is applicable to documents for which executive privilege, or predecisional deliberation privilege, is claimed. Mead Data Central, Inc. v. United States Department of the Air Force, [illegible] cited therein.

But where the documents consist of "primary information, such as verbatim witness testimony or objective data," they would not be exempt from disclosure. Kent Corp. v. NLRB, 530 F.2d 612, 624, (5th Cir. 1976), cert. denied, 429 U.S. 920 (1976).

The Court has carefully examined the documents submitted for in camera inspection. The attorney work product privilege is claimed for all withheld portions of 39 of the 47 documents. [2/] The Court finds that all but portions of two documents are protected under this privilege, and hence, under Exemption 5.

First, the documents were prepared "by or for" FDA attorneys in that they were either prepared by attorneys in HEW's Office of General Counsel (OGC) or in the Justice Department, or they were prepared for OGC attorneys by FDA employees working under their direction. Document S-9 was prepared by FDA employees for recommendation to OCC. Accordingly, the requirements of Rule 26(b)(3) concerning the source of the documents have been met.

Secondly, these documents were prepared in anticipation of the E-Meter litigation either at the trial or appellate stages. 27 of the documents [3/] are clearly "deliberative" in nature and properly withheld. Of these, 12 [4/] are "handwritten notes and working papers

2/ For the sake of clarity, these documents are: S-1, S-2, S-3, S-5, S-6, S-8, S-9, S-14, S-15, S-20, S-21, S-26, S-27, S-30, S-31, S-39, S-42, S-45, S-47, S-48, S-49, S-50, S-51, S-54, S-55, S-58, S-64, S-65, S-66, S-67, S-68, S-74, S-78, S-84, S-88, S-98, S-101 S-107, and S-108.

The third Sisk affidavit contains an itemized description of each disputed document. The Court has found it to be accurate. In the interest of judicial economy, it is hereby incorporated by reference.

3/ These documents are: S-1, S-2, S-6, S-8, S-9, S-14, S-15 (except last two pages), S-21, S-26, S-27, S-45, S-47, S-48, S-49, S-50, S-51, S-58 (except for the first nine pages), S-64, S-65 (part), S-66 (part), S-67 (part), S-68 (part), S-74, S-78, S-84 (part), S-88, and S-107.

4/ These are documents S-2, S-6, S-14, S-45, S-47, S-48, S-49, S-50, S-51, S-58 (except for the first nine pages) S-74 and S-107.

. . . containing the attorneys' . . . notations and observations intended for their personal use in analyzing the evidence and legal issues ...." and are accordingly exempt. National Public Radio v. Bell, 431 F.Supp. 509 (D.D.C. 1977). There are no factual portions which can be reasonably segregated.

Six documents [5/] are not clearly identified as pertaining directly to the same piece of litigation. Nonetheless, they too, meet the aforementioned criteria for protection under the attorney work product privilege. Additionally, the fact of their inclusion in the file as bearing on issues pertinent to this litigation reflects the legal reasoning of the attorneys.

However, with regard to documents S-5 and S-20, which were also prepared in anticipation of litigation or for trial, the Court concludes that there are factual portions which are reasonably segregable without infringing on the author's deliberations. The following portions should be released:

(a) Document S-5: All but last three paragraphs;

(b) Document S-20: Page 1, paragraph 2 except for last sentence; pages 2, 3, 6, 7, 8 and 9, all excerpts from plaintiff's literature.

Certain documents contain substantive information which would have been discoverable by plaintiff in the prior suit or which is a matter of public record. In their present handwritten or rough draft form, the documents themselves are protected as work product. However, to the extent they have not already done so, defendants can give plaintiff certain additional information about these documents without offending the policies behind the work product privilege. Specifically, documents S-3 (that part still in dispute) and S-42 contain names of witnesses. Document S-42 also consists of

5/ These are documents S-30, S-31, S-39, S-93, S-104 and S-108.

a list of specified portions of a trial transcript. Document S-54 again refers to a transcript and S-55 is a list of exhibits in evidence. The last two pages of document S-15 contain a list of exhibits and reference pages in a deposition. Defendants should identify for plaintiff which transcript or deposition is referred to in each case. Additionally, they should indicate where in the course of discovery or pretrial plaintiff was given a list of proposed witnesses and exhibits. The first nine pages of document S-58 are pages 3-11 of a document dated February 1, 1971 and authored by the claimant in the litigation. Plaintiff presumably already has this document. 6/

Having determined whether these documents fall under the attorney work product privilege, it is necessary to address plaintiff's argument that this protection is lost if the documents were prepared in the context of previous litigation. This problem has received little attention by the courts, and Rule 26(b)(3) does not provide any answers. Those courts which have addressed the issue in the context of civil discovery utilized three different approaches: (1) They have allowed such discovery in the later suit without question; Hanover Shoe, Inc. v. United Shoe Machinery Corp., 207 F.Supp. 407 (M.D. Pa. 1962); Honeywell, Inc. v. Piper Aircraft Corp., 50 F.R.D. 117 (M.D. Pa. 1970); United States v. IBM, 66 F.R.D. 154 (S.D.N.Y. 1974); (2) They have extended work product protection to subsequent "closely related" cases, Midland Investment Co. v. Van Alstyne, Noel & Co., 59 F.R.D. 134 (S.D.N.Y. 1973); Philadelphia Electric Co. v. Anaconda American Brass Co., 275 F.Supp. 146 (E.D. Pa. 1967); or (3) They have held that the work product of an attorney is protected from discovery in all subsequent litigation. Duplan Corp. v. Moulinage et Retorderie de Chavanoza (Duplan I), 487 F.2d 482 (4th Cir. 1973) (dealing with work product documents prepared incident

6/ The handwritten notations consist primarily of dates. Any other notations are privileged as mental impressions.

to litigation); and Duplan II , 509 F.2d 730 (4th Cir. 1974), cert. denied, 420 U.S. 997 (1975)(dealing with opinion work product); La Rocca v. State Farm Mutual Automobile Insurance, 47 F.R.D. 278 (W.D.Pa. 1969); United States v. O.K. Tire & Rubber Co., 71 F.R.D. 465 (D. Idaho 1976); Burlington Industries v. Exxon Corp., 65 F.R.D. 26 (D.Md. 1974); See Note, Discovery of an Attorney's Work Product in Subsequent Litigation, 1974 Duke L.J. 799.

Because of the general policy reasons underlying Hickman; namely, that unrestricted discovery would deter adequate preparation, thereby having a harmful effect on the adversary system, plaintiff's argument must be rejected. Additionally, National Public Radio, supra, 431 F.Supp. at 512, in holding that Exemption 5 encompasses litigation related notes even when no further legal action is foreseeable, supports this conclusion in the context of an FOIA suit.

(2) The Attorney-Client Privilege

This aspect of Exemption (b)(5) has been claimed along with the attorney work product privilege as to the withheld portions of documents S-64, S-65, S-66, S-67 and S-84.

The United States Court of Appeals for this Circuit addressed this issue in Mead Data , supra, 566 F.2d at 252-255. Pursuant to this Court's Order of September 8, 1977, defendants submitted a supplemental memorandum following reconsideration of their claims of exemption under (b)(5) in light of Mead Data. After reviewing their claims, they concluded that except as to documents S-8 and S-9 [7], Mead Data either had no effect, or in fact, reinforced certain of their claims. [8]

7/ Defendants withdrew their assertion of attorney-client privilege as to these two documents.

8/ The Court has rejected plaintiff's motion to compel defendants to meet Mead Data standards and make a further showing of [illegible] under (b)(5). Defendants' prior submission on this matter was all that was required.

The Court has already determined that these documents are exempt as attorney work product, but in light of its Order of September 8, 1977, it will also consider whether the attorney-client privilege is applicable thereto. The Court concurs that the withheld portions of the documents are further protected under this privilege. 3/

Under Mead Data and previous case law cited therein, this privilege is applicable to "confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice." (footnote omitted). Id. at 252. The privilege extends both to communications from client to attorney and vice versa. Furthermore, it clearly applies to communications between a government agency and its attorneys and between two attorneys acting as counsel for the client agency.

As defendants point out, the primary concern of the Court of Appeals in Mead Data was the confidentiality requirement. The Court finds that the information deleted from these five documents is such that one would naturally infer their confidential nature. There is nothing in the record with regard to actual or potential revelation to third parties. Finally, with regard to all but document S-84, the Sisk Third Affidavit specifically states that the intent was for the communications to remain confidential.

(3) The Predecisional Deliberation Privilege

This privilege was also analyzed by the Court in Mead Data, and again defendants reconsidered their claims in light of that decision. They continue to assert its applicability to the withheld portions of documents S-30 (part), S-84, S-88 and S-93, all of which the Court has already deemed exempt as work product. Again, the Court concurs that these documents are further protected by this privilege.

3/ Defendants are partially entitled to contend that a document is exempt pursuant to more than one recognized privilege. See section 3.

The privilege, and concomitantly Exemption 5, includes "materials reflecting deliberative or policy-making processes" as distinguished from "purely factual matters." EPA v. Mink, supra, 410 U.S. at 89.

The first clause of the first sentence of documents S-30, S-84 and S-88 concern recommendations with regard to the advisability of seeking appellate review. Document S-98 contains a proposal for action in another suit. Such communications were clearly contemplated as falling under the protective wing of this privilege and under Exemption 5.

Only document S-88 withholds what might be considered "factual" passages. However, the Court is convinced that further disclosure of any of this factual material "may so expose the deliberative process within an agency" that it, too, must be deemed exempt. Mead Data, supra, 566 F.2d at 256 and cases cited therein.

Exemption(b)(6)

This exemption permits defendants to withhold material from "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." It has been claimed as to parts of documents S-2, S-3, S-15, S-42, S-57(a), S-57(b), S-77(a), S-80, S-81, S-82, DS-2 and OI-3. In documents S-3 and S-42, only the home addresses of government employees is withheld pursuant to this exemption. Plaintiff does not contend that this information should be disclosed. Plaintiff's Cross-Motion for Summary Judgment, at 25. Documents 57(a) and 57(b) have been released in their entirety except for the names of individuals. Plaintiff again has disclaimed any interest in this information. Plaintiff's cross-motion for summary judgment, at 27. There is thus nothing left to litigate with respect to these documents. The Court has already determined that

documents S-2 and S-45 (except the last two pages) are work product and as such are exempt. Therefore, a determination of the applicability of other exemptions to these documents is unnecessary. The exemption is properly invoked as to the withheld portions of document S-77(a). As set forth below, documents DS-2, OI-3, S-80, S-81 and S-82 are more appropriately withheld under Exemption 7.

In analyzing Exemption 6, the emphasis clearly has been on the privacy interests at stake rather than on strict adherence to the form of the record or the nature of the "files" involved. Rural Housing Alliance v. United States Department of Agriculture, 498 F.2d 73, 77 (D.C.Cir. 1974). In that case, the Court of Appeals discussed the balancing test inherent in the "clearly unwarranted invasion" language of Exemption 6 and defined it as a "balancing of the interests of the individuals in their privacy against the interests of the public in being informed." Id. at 77.

All that is withheld in document S-77(a) is the financial status of a person known to plaintiff. The release of this information would constitute an invasion of privacy which is not outweighed by the public interest in such a disclosure.

Exemption (b)(7)

Exemption 7 protects from disclosure "investigatory records compiled for law enforcement purposes but only to the extent that the production of such records would ... (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source ...."

With regard to documents DS-2 and OI-3, plaintiff again indicates it has no interest in the identity of any individuals involved. Plaintiff's Cross-Motion for Summary Judgment, at 3 and 7. Document DS-2 is a four-part document from a file which concerns a

security or suitability investigation under Executive Order 10450, of an individual being considered for an appointment. The Court finds that the material deleted comports with the detailed itemization and justification set forth in the Affidavit of Anne Elledge; namely, that it consists solely of personal information about individuals including their names, addresses, employment, associations, and other information tending to identify them, and that it is not further segregable. To release such information would constitute an unwarranted invasion of personal privacy. Therefore, the Court upholds the Exemption 7 (and in particular, 7(C)) claim as to this document.

Document OI-3 contains both Exemption 7(C) and (D) claims. Plaintiff questions whether the document is actually 'an investigatory record compiled for law enforcement purposes." In the Court's view, this document was compiled by defendants' investigative staff based on information forwarded to it because it involved possible violations of the law. There is no further segregable material which can be released without revealing the identity of the source. In addition, the personal privacy of individuals mentioned other than the source is at stake. Therefore, Exemption 7(C) amd (D) are properly invoked.

The Court also agrees that documents S-80, S-81 and S-82 are properly withheld pursuant to Exemption 7(C) and (D). They were obtained by FDA as part of its ongoing program to detect and prevent violations of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 et seq. In addition, the information if released would constitute an unwarranted invasion of privacy. This conclusion is shared by another Court which has previously found these documents to be exempt from disclosure under both Exemptions 7 and 7. Church of Scientology of California v. Internal Revenue Service, No. 74-3465 (C.D. Cal. Oct. 29, 1976), appeal docketed, No. 77-1365

(9th Cir. Feb. 9, 1977).

Since this prior judgment was on the merits pursuant to defendant's motion for summary judgment, and it "disposed of the same issues between sufficiently related parties," Wright & Miller, Federal Practice & Procedure, § 4735, at 668 (1970), then defendants are entitled to judgment in this action as well under principles of res judicata. The fact that a different government agency was involved in the prior suit is immaterial since defendants are in privity with each other. Sunshine Anthracite Coal Co. v. Adkins, 310 U.S. 381, 402-03 (1940). Nor does the pendency of an appeal affect the finality of the district court's judgment. Huron Holding Corp. v. Lincoln Mine Operating Co., 312 U.S. 183, 189 (1941).

Conclusion

For the foregoing reaons, there being no genuine issues of material fact, defendants are entitled to judgment as a matter of law except as to the specified portions of documents S-5 and S-20, which should be released to plaintiff. In addition, defendants should provide plaintiff with the additional information indicated as to the contents of documents S-3 (part), S-13, S-42, S-54 and S-55. An appropriate Judgment and Order is entered herewith.

JUNE L. GREEN
U.S. District Judge

Dated: February 28, 1978

Food + Drug file
MISC 325
Sept 714

DEPUTY GENERAL COUNSEL

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA,

Plaintiffs,

v.

JOSEPH A. CALIFANO, JR., et al.,

Defendants.

CIVIL ACTION NO. 76-1005

PLAINTIFF'S SUPPLEMENTAL MEMORANDUM

This memorandum is submitted in response to the defendants' Supplemental Memorandum of September 23, 1977, which in turn was submitted in compliance with the Court's order of September 8, 1977.

In large measure, plaintiff is not in a position to comment adequately on the statements in defendants' Supplemental Memorandum since it has not had access to the documents in question. However, two points should be noted.

First, as defendants themselves recognize, the Court Appeals in the Mead Data case set forth two requirements for the invocation of the attorney-client privilege: the communication must have been intended to be confidential and it must in fact not have been communicated to third parties. Further, the defendants recognize that the burden is upon the party claiming the privilege to establish both requirements in order to invoke the privilege. Defendants claim that these requirements have been satisfied in the present case because the third affidavit of Joanne Sisk asserts that the communications withheld in documents S-64, S-65, S-66, S-67 and S-84 were intended to be confidential and because "as far as the record

indicates the communications from FDA (by its house counsel) to the Department of Justice were not revealed to third parties." (Defendants' Supplemental Memorandum at 4-5). It is true that the record does not establish that the information being withheld was communicated to any third parties. However, the silence of the record on this point does not establish that the information was not so communicated. Thus defendants clearly have not carried their burden under the FOIA and the Mead Data case to justify the invocation of the attorney-client privilege as to the documents in question.

Second, with respect to the documents withheld under the "pre-decisional deliberation privilege," plaintiff adheres to its position asserted in the papers supporting its motion for summary judgment and opposing the defendants' motion for summary judgment, that this privilege is but one aspect of "executive privilege" and that the procedural requirements for the invocation of executive privilege have not been met in this case.

Respectfully submitted,

Earl C. Dudley, Jr. /mo

Earl C. Dudley, Jr.

Robert A. Seefried /mo

Robert A. Seefried

DATED: October 26, 1977

SEYMOUR & DUDLEY
1225 Connecticut Avenue, N. W.
Washington, D. C. 20036
202-452-1711

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing copy of Plaintiff's Supplemental Memorandum has been mailed to Karen I. Ward, Esquire, Assistant United States Attorney, United States Department of Justice, United States Courthouse, Room 3431, 3rd and Constitution Avenue, N. W., Washington, D. C. 20001, this 24 day of October, 1977.

Earl C. Dudley, Jr.

Earl C. Dudley, Jr.

HEW

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, Plaintiff, v. JOSEPH A. CALIFANO, JR., et al., Defendants.	CIVIL ACTION NO. 76-1005

PLAINTIFF'S CROSS MOTION
FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and the evidentiary record before this Court, plaintiff hereby moves this Court for an order granting plaintiff summary judgment with respect to the documents remaining in dispute and an order requiring defendants to disclose the documents to plaintiff to the extent requested herein.

Defendants have been afforded an adequate opportunity to submit all evidence they deemed appropriate and have moved for summary judgment on the merits on the basis of the record before the Court. Plaintiff opposes defendants' motion and has cross-moved for summary judgment on the basis of the record and on the ground that legally and factually it is entitled to judgment on the merits.

Pursuant to Local Rule 1-9(g), plaintiff states that all facts material to a decision on the merits are contained in the answers to interrogatories filed by defendants, the affidavits submitted by defendants, the deposition of Joanne Sisk and the exhibits attached to plaintiff's accompanying memorandum of points and authorities. Plaintiff knows of no issues of fact that remain to be litigated. Plaintiff is satisfied that the

record supports, legally and factually, its motion for summary judgment and its opposition to defendants' motion for summary judgment.

The documents encompassed within plaintiff's motion are set forth in the accompanying memorandum of points and authorities, and the Court is respectfully referred to that memorandum for the arguments in support of plaintiff's motion.

Plaintiff respectfully requests oral argument with respect to this motion.

Respectfully submitted,

Samuel H. Seymour

SAMUEL H. SEYMOUR

Robert A. SeeFried

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Attorneys for Plaintiff

Dated: April 30, 1977

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, Plaintiff, v. JOSEPH A. CALIFANO, JR., et al., Defendants.	CIVIL ACTION NO. 76-1005

ORDER

Upon consideration of the record before the Court, and defendants' motion and plaintiff's motion for summary judgment, and the papers filed in support of and in opposition thereto, it is by this Court this .day of 1977,

ORDERED that defendants' motion for summary judgment is denied, and that plaintiff's motion for summary judgment is granted, and it is

ALSO ORDERED that within 10 days of the date of this Order, defendants release to plaintiff all documents that remain in dispute, consistent with plaintiff's representations, and it is

FURTHER ORDERED that within 20 days of the date of this Order, plaintiff file its petition for attorney fees and litigation costs pursuant to 5 U.S.C. §552 (a)(4)(E).

United States District Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, Plaintiff, v. JOSEPH A. CALIFANO, JR., et al., Defendants.	CIVIL ACTION NO. 76-1005

PLAINTIFF'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT AND IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Plaintiff has brought this action under the Freedom of Information Act, 5 U.S.C. § 552, to compel disclosure of documents or portions thereof which defendant, Department of Health, Education and Welfare, has withheld from disclosure. The parties have had an adequate opportunity to produce evidence to support their respective arguments.[1/] The evidentiary record is now closed and this Court is requested by both sides to rule on the merits in light of the evidence.

On the basis of the record before this Court, defendants have moved for summary judgment, contending that the documents or portions thereof withheld from disclosure to plaintiff are exempt from disclosure under one or more of the provisions of 5 U.S.C. § 552 (b). The Act makes clear that the "burden is on the agency to sustain its actions." 5 U.S.C. § 552(a)(4)(B). Plaintiff opposes defendants' motion and has itself moved for summary judgment with respect to the documents remaining in dispute. Plaintiff contends

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1/ Plaintiff has filed two sets of interrogatories and defendants responded under oath to the extent they saw fit. Defendants' Answers to Plaintiff's First Set of Interrogatories (hereinafter referred to as "Defs.' Ans. Interrog."); and Defendants' Answers to Plaintiff's Supplementary Set of Interrogatories (hereinafter referred to as "Defs.' Ans. Supp. Interrog."). In addition, Plaintiff has taken a deposition and defendants have filed several affidavits.

that the documents have wrongfully been withheld from disclosure under the Act on either or both of the following grounds: (1) the evidence does not support, and defendants have failed to adequately justify, the exemption or exemptions claimed by defendants for withholding the documents from disclosure; and, (2) defendants improperly have asserted an exemption to withhold material from disclosure.

This memorandum constitutes Plaintiff's response to defendants' motion for summary judgment and its brief in support of its own motion for summary judgment.

The Number of Documents In Dispute
Are Fewer Than Those Indicated By Defendants

In their motion for summary judgment defendants have identified approximately 105 documents that have been withheld in whole or in part from disclosure to plaintiff. In fact, plaintiff, on its own initiative, has eliminated from dispute a substantial number of the documents from the Food and Drug Division of the Office of General Counsel of HEW, which have been identified by defendants as S-1 to S-108. (See Exhibit A attached hereto.) In addition, plaintiff hereby informs the Court that it disclaims any further interest in the material that has been withheld from disclosure in documents identified by defendants as OI-1, OI-2 and DS-1.

Since a substantial number of documents have been eliminated from controversy, and the Court only has to rule on the merits with respect to a limited number, plaintiff sets forth herein precisely the documents that it contends have improperly been withheld from disclosure. For purposes of consistency, plaintiff refers to the documents in the same manner in which they have been identified by defendants.

OI-3	S-45	S-3[2/]	S-74	S-9	S-96-99
DS-2	S-47-52	S-5	S-77	S-14	S-101
S-1	S-54	S-6	S-78	S-15	S-103
S-2	S-55	S-8	S-80	S-20	S-104
S-21	S-57(a)	S-61	S-81	S-88	S-105
S-24-32	S-57(b)	S-62	S-82	S-90	S-107
S-39	S-58	S-64-68	S-84	S-91	S-108
S-42	S-60	S-71	S-86	S-92	

In their memorandum, defendants have broken their argument down by exemption claimed and have largely ignored a discussion of the reasons justifying the application of the exemption with respect to each document for which it has been claimed. In addition, defendants have made only sweeping references to the evidence they claim supports their argument. This approach is somewhat confusing since in some instances defendants have asserted more than one ground or exemption for withholding documents from disclosure. To a large extent plaintiff has adopted defendants' approach, except in those instances where more than one exemption has been claimed, or the documents themselves signify that special discussion is warranted.

Insufficient Justification Has Been Given For Substantially All Of The Material Deleted From Documents DS-2 and OI-3

Document Identified as DS-2.

This document consists of ten pages which have been disclosed in part to plaintiff. Defendants argue that the material that has been deleted is exempt from disclosure under 5 U.S.C. §§552(b) (6) and (7)(C), but have only provided a cryptic description of the material withheld and a conclusory assertion of each exemption.

Attached as Exhibit B hereto is a copy of document DS-2 as released to plaintiff by defendants. It is readily apparent that document DS-2 is, in fact, comprised of four separate documents consisting of ten pages in total.

Plaintiff does not dispute the discretionary right of defendants to delete information contained in "investigatory records compiled for law enforcement purposes (which) constitute an unwarranted invasion of personal privacy." 5 U.S.C. §552(b)(7)(C). But plaintiff

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2/ The document identified by defendants as a S-3 apparently consists of twenty pages, 15 of which are proposed answers to interrogatories in the E-meter seizure litigation. Plaintiff has specifically disclaimed any interest in these 15 pages of S-3. (See Exhibit A.)

does question the exercise of that discretion in this instance and contends that defendants have failed to sustain their burden of proof for withholding all of the material that has been deleted.

Each of these documents were prepared on or before June 29, 1957, almost 20 years ago. The legislative history behind the 1974 amendments to the Act makes clear, however, that Congress was skeptical of the propriety of claiming exemptions for investigatory records over 15 years old.

> Finally, the conferees express approval of the present Justice Department policy waiving legal exemptions for withholding historic investigatory records over 15 years old, and they encourage its continuation. H.R. Rep. No. 1380 and S. Rep. No. 93-1200, 93d Cong., 2d Sess. (1974). (Emphasis added)

Defendants have provided no explanation for their sudden departure from this policy with respect to these documents. Plaintiff and this Court, however, are certainly entitled to one. Indeed, in light of the twenty years since these documents were prepared, plaintiff submits that none of these deletions can be, or have been, properly justified by defendants on the ground that disclosure would constitute an "unwarranted invasion of personal privacy." Nevertheless, plaintiff expressly disavows any interest in the identity of the individual involved, but contends that the other information deleted from the documents is not exempt from disclosure.

1. The first document of DS-2 is one page in length and is a Civil Service Commission report titled "Record Search Information," to which the other three documents are attached. It was prepared on June 29, 1957. Except for the printed material on the form, virtually everything else on the entire page was deleted on the basis of (b) (7) (C). Defendants, however, have given no indication what the information concerns, other than to say disclosure of it would disclose the identity of an individual. Does the information contain the person's name, address, date of birth? If so, plaintiff will not contest its non-disclosure. But what other information is provided? Surely, plaintiff and the Court are entitled to more information with respect to this deleted material than the bare conclusory statements provided by defendants.

Moreover, there is nothing in the record which indicates the "law enforcement purpose" for which this document was compiled by the Civil Service Commission or HEW. Establishing that the document was compiled for a "law enforcement purpose" is clearly a prerequisite to claiming Exemption 7 (C). Plaintiff submits that defendants' ipse dixit is simply not evidence. Certainly plaintiff has no obligation to prove that the record was not compiled for a specific law enforcement purpose.

> The burden of proof is placed upon the agency which is the only party able to justify the withholding. A private citizen cannot be asked to prove that an agency has withheld information improperly because he will not know the reasons for the agency action. (H.R. Rep. No. 1497, 89th Cong., 2d Sess. 9 (1966).)
>
> The Government should be given the opportunity to establish by means of testimony or detailed affidavits that the documents are clearly exempt from disclosure. The burden remains on the Government under this law. (H.R. Rep. No. 93-1380 and S. Rep. No. 93-1200, 93d Cong., 2d Sess. 8 (1974) (Emphasis added).

Plaintiff submits that defendants have had an ample opportunity to establish that the material withheld from this document is clearly exempt from disclosure. They have failed to do so. The proper recourse is for disclosure of the deleted information except for the name, address and similar personal information of the individual identified.

2. The second document, two pages in length, was prepared on June 29, 1957. Three full paragraphs were deleted on the basis on (b) (7) (C). In addition, at the bottom of both pages of this document, information was deleted which apparently indicates the identity of an organization and not an individual.

Once again defendants have provided no inkling as to the type of information deleted from paragraphs 2, 3 and 4 of this document or the law enforcement purpose for which the document was prepared. In sum, plaintiff's position with respect to this deleted material is the same as above.

With respect to the information deleted from the bottom of pages 1 and 2, the personal privacy provisions of (b)(7)(C) are not applicable to non-individuals. See Robertson v. Department of Defense, 402 F. Supp. 1342 (D.D.C. 1975).

3. This portion of document DS-2 is four pages in length and concerns the Colorado Institute of Humanics and Dianetics, a subject specifically referred to in plaintiff's FOIA request. The document apparently was prepared some time around 1955 and additional information added in late 1956 and early 1957.

Plaintiff does not contend that all of the material deleted in this document should be disclosed. But plaintiff does question the reasons justifying the deletion of certain specific material. For example, in paragraph 9 on page 3 of this document, the entire last three lines are deleted without any appropriate explanation. In addition, on page 4, a statement of someone is quoted with certain deletions, a portion of which is as follows:

> Because much of (deleted) information was from (deleted) could not give details but recommended I read the Canwell Report (Report of the Washington State Legislature's Subversive Activities Committee for 1947). From reading this report at the Public Library it appeared that (deleted) had been a COMMUNIST from at least (deleted) until an undetermined date (deleted) according to the papers last year.*****

It is certainly difficult to comprehend the justifications, and none are given, for deletion of information, which was clearly a matter of public record, on the ground that disclosure would be "an unwarranted invasion of personal privacy."

4. This is a three-page document containing only a limited amount of deletions. Certain identifying information has been deleted at the bottom of each of the three pages.

Plaintiff submits that if this is not the name of an individual, Exemption 7(c) has been improperly claimed to justify its deletion. Plaintiff also points out that the name of Carl Harvey Jackins is disclosed on pages 1 and 2. A reading of the remainder of this document suggests that in other instances Jackins' name has been deleted. If true, defendants have inconsistently, without justification, disclosed names and identifying information about Jackins in one place and deleted it in another.

Consistent with the foregoing representations, plaintiff requests that its motion for summary judgment with respect to document DS-2 be granted and that defendants be ordered to release the material being withheld from disclosure.

Document Identified as OI-3.

Document OI-3, as released to plaintiff, is attached as Exhibit C hereto. Document OI-3 also referred to as the "FDA document," is in fact two separate documents consisting of a total of four pages and portions of each have been disclosed to plaintiff. The deleted portions are claimed to be exempt from disclosure under (b)(7)(C) and (b)(7)(D). Only some deletions are claimed to be exempt under 7(C) (Defs.' Ans. Interrog. at 19), but defendants also claim that "all deleted portions of the FDA document are exempt under Exemption 7(D)." (Id.) Defendants, however, do not specify which deletions are exempt under (b)(7)(C). Thus, plaintiff has no way of knowing whether the exemption has been properly asserted. Nevertheless, plaintiff will not contest the withholding of the private individual's name, address, telephone number or similar information from these documents. But there is no evidence of record to suggest that disclosure of other information that has been deleted would constitute "an unwarranted invasion of personal privacy." Defendants have made no effort to specify precisely what type of information has been deleted pursuant to 7(C), and they have the statutorily imposed burden of justifying such withholding.

Plaintiff will treat both documents of OI-3 separately.

1. The first document is a memorandum dated October 19, 1971, from Richard Bunoski, Director, Policy Management Staff of HEW, to Roger Boger, Chief, Investigative Staff HEW Audit Agency. No detailed description is provided respecting the information that has been deleted. Rather, defendants merely state in conclusory fashion that disclosure would invade the personal privacy of an individual or reveal the identity of a confidential source. These conclusory statements are quite clearly insufficient.

The threshold question with respect to this document is whether it constitutes an "investigatory record compiled for law enforcement purposes." 5 U.S.C. §552(b)(7). If not, the Co[illegible]

never reaches the issue of whether (b) (7) (C) or (b)(7)(D) have been properly asserted. This is an intra-agency memorandum, transmitting a three page memorandum of a phone conversation an employee of FDA had with an individual. There is nothing to suggest that this document is "investigatory" in nature or that it was prepared for a specific law enforcement purpose. In fact, the memorandum merely suggests to Boger that the information contained in the attached memorandum "may be of interest from an information standpoint to the Federal Bureau of Investigation." (See Exhibit C., p.1.)

Even assuming that defendants can establish that the document is an investigatory record within the meaning of the Act, they have proffered no credible evidence concerning the second prerequisite to the application of Exemption 7, i.e., that the document was compiled for a specific law enforcement purpose.

Defendants argue that OI-3, which includes this document, was "compiled by HEW pursuant to its general law enforcement responsibilities under 28 U.S.C. §535 (b) and Title 18, United States Code." (Defs.' Memo at 15.)[3/] Plaintiff has no idea what law enforcement responsibilities defendants have with respect to Title 18 and they have cited no provision. Defendants' argument insofar as it relies upon 28 U.S.C. §535(b) is patently frivolous. Section 535(b) provides in pertinent part:

3/ Defendants also argue that "OI-3 was sent from FDA to the HEW Office of Investigations for purposes of a possible criminal investigation." (Defs.' Memo at 15.) Defendants have cited no statute specifically authorizing HEW to conduct criminal investigations. The facts do not support the sweeping deletions made by defendants under the guise that this document was prepared for law enforcement purposes. Moreover, the record before this Court plainly shows that "the information was not referred to the FBI, nor was any further investigation undertaken by that Office (including its predecessor and successor)." (Defs.' Ans. Supp. Interrog. at 10.)

> Any information, allegation, or complaint received in a department or agency...relating to violations of Title 18 involving Government officers and employees shall be expeditiously reported to the Attorney General by the head of the department or agency... (Emphasis added.)

There is not a scintilla of evidence that the information deleted concerns violations of the criminal code by a Government officer or employee.

Plaintiff's arguments with respect to (b)(7)(C) and (b)(7)(D), concerning the other document identified as part of OI-3, infra, are equally applicable to the deletions made in this document, if this Court finds that defendants have sustained their burden of proof concerning the threshold questions to the application of Exemption 7.

2. The second document comprising part of OI-3 is a three page memorandum prepared by Bernard T. Loftus of the Office of Compliance of the FDA, concerning a telephone conversation between Loftus and someone else on September 24, 1971. The subject of the conversation with the unidentified individual was "Scientology-Hubbard E-Meters." (Exhibit C, p.2.) Substantial portions of this document have been deleted under (b)(7)(C) and (b)(7)(D). (Id. at p.3.) Once again defendants claim that everything deleted is exempt under 7(C). Defendants simply do not bother to correlate the various deletions with their assertion of 7(C). Such an incoherent explanation of the justifications for withholding material from disclosure hardly comports with the standards required of agencies under the Act.

Defendants' claim of Exemption 7(D) for all deletions is equally unsupported by the evidence of record. Nevertheless, plaintiff will not contest the non-disclosure of the name, address or similar such information identifying the person who Loftus talked to. In so doing, plaintiff does not concede, however, that deletion of this information is appropriate under 7(D). Indeed,

plaintiff contends that the person with whom Loftus conversed on the telephone was not a "confidential source" within the meaning of Exemption 7(D). There is no evidence that an express or implied assurance of confidentiality was given the individual, either to perserve the confidentiality of his/her identity or the information provided. H.R. Rep. No. 1380, 93d Cong., 2d Sess. 13 (1974); see Chavkin v. Alexander 401 E. Supp. 817 (S.D.N.Y. 1975).

Even assuming arguendo that the identity of the individual is exempt from disclosure under 7(D), the evidence clearly does not support a claim that the information provided Loftus was "furnished only by the confidential source" and "compiled by a criminal law enforcement authority in the course of a criminal investigation." 5 U.S.C. §552(b) (7)(D). The caption "SUBJECT" on the document plainly reveals that the document was compiled in connection with "Scientology-Hubbard E-Meters." (Exhibit C, p.2.) In fact, the FDA was involved in litigation with the Church of Scientology concerning the seizure of the so-called "E-Meters" at the time this memorandum was prepared.[4/] The evidence adduced during the deposition of Joanne S. Sisk, Associate Chief Ccunsel, HEW Office of General Counsel, quite clearly shows that the E-Meter litigation was not a criminal case.

> Q (by counsel for plaintiff): Is that the so-called E-Meter case?
>
> A (by Ms. Sisk): That is the E-Meter seizure action.
>
> Q Is that a criminal action?
>
> A No. (Sisk Tr. at 107.)
>
> * * *
>
> Q Is the E-Meter seizure case a criminal case?
>
> A It was not, no. (Id. at 297)

4/ United States v. Article of Device....Hubbard Electrometer, Civ. No. 1-63, (D.D.C.1968), rev'd sub nom. Founding Church of Scientology v. United States, 409 F.2d 1146 (D.C. Cir.), cert. denied, 396 U.S. 963 (1969), on remand, 333 F.Supp. 357 (D.D.C. 1971), aff'd in part (D.C.Cir. 1973).

Furthermore, no evidence has been proffered which demonstrates that the FDA is a criminal law enforcement authority or that the Loftus memorandum was prepared in the course of a criminal investigation. Absent such evidence defendants can hardly justify the wholesale deletion of information provided by the individual on the ground of Exemption 7(D).

There is an additional matter indicative of the carelessness with which exemptions have been asserted by defendants herein. At the bottom left-side of page 3 of the Loftus memorandum eight lines of deletions appear. (Exhibit C, p. 4.) It is absurd to suggest that this information, presumably indicating the routing of copies of Loftus' memorandum, is information that would reveal the identity of the purported confidential informant or was information furnished only by the confidential source. Yet that is precisely what defendants argue (Defs.' memo at 15-16), and what the "evidence," relied upon by defendants, suggests. (Defs.' Ans. Supp. Interrog. at 9: "The Department has claimed that Exemption 7(D) protects all withheld portions of the FDA document." (Emphasis added.))

Consistent with the foregoing representations, plaintiff requests that its motion for summary judgment with respect to each document identified as OI-3 be granted and that defendants be ordered to release the material being withheld from disclosure.

Defendants' Refusal To Disclose Documents Identified With The Prefix "S" Is Inconsistent With The Thrust Of The Act And Not Justified Either Factually Or Legally

Before plaintiff discusses the documents identified by defendants with the prefix "S," it is important that the Court be aware of the confusion that has been generated by the defendants with respect to the description of these documents and the exemptions claimed. In addition, this background information clearly illustrates the frustration plaintiff has experienced in attempting to get a detailed description of the documents withheld from dis-

closure and a detailed explanation of the justifications relied upon by defendants for refusing to disclose these documents. The circumstances surrounding the withholding of these documents "raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding, "5 U.S.C. §552(a)(4)(F), and plaintiff respectfully suggests to the Court that a Civil Service Commission investigation, authorized by the Act, ought to be instituted.

Shortly after filing its complaint in this action, plaintiff filed and served on defendants a set of interrogatories designed to get a detailed description of the documents withheld from disclosure and a detailed explanation of the exemptions and justifications relied upon by defendants for refusing to disclose the material. Interrogatory number 4 was in part directed to the Office of General Counsel (OGC), and requested that office to identify the records searched for documents in response to plaintiff's FOIA request and to state the approximate date on which the search was made. It also asked OGC to describe the procedures undertaken with respect to the search made. In the sworn answers filed by the defendants, the defendants identified the OGC records searched as "files of the Food and Drug Division of the office." (Defs.' Ans. Interrog. at 6.) Joanne Sisk was identified as the individual that conducted the search for documents within the OGC, and defendants described the steps taken by Sisk as follows:

> Ms. Sisk knew that all records in the division's files were either documents of which Joel Kreiner or the Church of Scientology had copies (e.g., correspondence between the Government and the Church or its agents or affiliates, documents filed in court in litigation between the Government and the Church), documents subject to the attorney-client privilege and exempt under the Freedom of Information Act (communications among the Food and Drug Administration, the Food and Drug Division, and officials of the Department of Justice), or duplicates of documents from the files of the Food and Drug Administration. (Defs.' Ans. Interrog. at 6.)

Plaintiff's interrogatory number 7 of the first set asked essentially for a detailed description of each document that the defendants had withheld from disclosure. The defendants' answers to this interrogatory provide absolutely no information respecting

the documents withheld from disclosure from the records within the Office of General Counsel of HEW.

Interrogatory number 9 asked whether the defendants were claiming that any document or portion thereof withheld from disclosure was exempt from disclosure under 5 U.S.C. §552(b)(6). The defendants did not answer that they were claiming that any of the documents in OGC were being withheld from disclosure under exemption 6.

Interrogatory number 10 asked the defendants to state what other exemptions if any they were claiming for withholding documents from disclosure and to provide a detailed justification for claiming each exemption with respect to each document. The defendants answered that they were claiming exemption 5 for documents in the Office of General Counsel, specifically those in the files of the Food and Drug Division of OGC. Nowhere did the defendants answer how many documents were involved; the justification for withholding these documents was that they consisted of "legal advice and other attorney-client communications concerning litigation and other relationships between HEW and the Church of Scientology or its affiliates." (Defs.' Ans. Interrog. at 21.)

Plaintiff was understandably dissatisfied with these answers in that they failed to comply with the clear mandate of Vaughn v. Rosen and its progeny. Therefore, plaintiff filed and served a supplemental set of interrogatories.

Interrogatory number 1 of plaintiff's supplementary set requested certain information "with respect to each document" which defendants claimed was exempt from disclosure under exemption 5. Specifically, plaintiff requested the defendants to "identify each privilege relied upon for withholding the material from disclosure and give a detailed statement, in nonconclusory terms, of the justification for relying thereon." Again, defendants answered under oath. They did not identify document by document the material being withheld from disclosure, but instead answered that "the documents are all intra-agency and inter-agency memoranda." (Defs.' Ans. Supp. Interrog. at 3.) They also answered that no portions of the document were reasonably segregable and

that "the attorney-client privilege applies to all of each document." No mention was made of the attorney work product or the executive privileges. In interrogatories 4 and 5 of the supplementary set, plaintiff inquired as to whether defendants were claiming exemption 7(C) or 7(D) with respect to any of the documents being withheld from disclosure. Defendants' answers clearly indicate that they were not claiming these exemptions for any of the documents located in the files of the OGC.

Still frustrated by not having any idea of the number or precise nature of documents being withheld from disclosure by the OGC, plaintiff noticed and took the deposition of Joanne Sisk, the person identified in defendants' answers as being the individual who searched the files for documents responsive to plaintiff's request.[5/] At the deposition it was apparent that over 100 documents were being withheld from disclosure to plaintiff.[6/] To the surprise of plaintiff it was revealed for the first time that the defendants were now seeking to claim that a substantial number of documents were exempt from disclosure by application of the attorney work product doctrine, and not the attorney client privilege. Defendants also sought to claim the "Sears" or executive privilege as an additional ground for withholding some documents. Moreover, defendants claimed that other documents were exempt from disclosure under Exemptions 6 and 7.

5/ It is patently clear from the transcript of the Sisk deposition that she never looked at the files in the Food and Drug Division for documents responsive to plaintiff's FOIA request at the time the request was sent to HEW. In fact, Ms. Sisk testified that she never looked at the documents in the Food and Drug Division files until sometime either shortly before or around the notice of the deposition.

6/ During the course of the deposition 111 pages of documents not identified as being withheld from disclosure were, in fact, disclosed to plaintiff. Subsequently, defendants released an additional 15 pages of documents from the files of OGC.

A. Defendants Should Be Precluded From Claiming Exemptions 6 and 7.

On two separate occasions defendants were asked in interrogatories propounded by plaintiff whether they were claiming (b)(6) or (b)(7) as a ground for withholding from disclosure documents, or portions thereof, within the files of OGC. On each occasion defendants answered under oath and did not claim either exemption. No explanation or justification for not doing so has been given. Plaintiff submits that by not answering truthfully defendants have waived their claims under Exemption 6 and 7. Plaintiff respectfully requests this Court to preclude defendants from now seeking to assert either exemption as a ground for withholding documents from disclosure.

With respect to four documents, S-81, S-82, S-77(a) and S-77(d), Exemptions 6 and/or 7 are the only exemptions defendants seek to assert as a justification for withholding the documents from disclosure. Plaintiff requests that summary judgment be granted plaintiff with respect to these documents and defendants be ordered to release them to plaintiff.

With respect to other documents for which Exemptions 6 and 7 have been asserted, S-2, S-3, S-15, S-42, and S-57(a), defendants have also asserted Exemption 5. Plaintiff requests that defendants be precluded from relying on either Exemption 6 or 7 for withholding these documents or portions thereof from disclosure.[7/]

B. The Qualified Immunity From Disclosure For Attorney Work Product Documents Is Inapplicable To The Documents Involved In This Litigation

Defendants argue that the following "S" documents are "attorney work product" and therefore are exempt from disclosure under 5 U.S.C. §552(b)(5). (Defs.' Memo at 2-5.)

7/ Plaintiff has also argued in the alternative, infra, that on the merits the evidence does not support defendants' claim of Exemptions 6 and 7, or that the Exemptions have no application in the context in which they have been asserted.

1	8	21	45	60-62	84	92
2	9	24-27	47-52	64-68	86	96-99
3	14	28-32	54	71	88	101
5	15	39	55	74	90	103-105
6	20	42	58	78	91	107
						108

Plaintiff does not dispute that the attorney work product doctrine is encompassed within the meaning of Exemption 5. NLRB v. Sears, Roebuck & Co., 421 U.S. 132 (1975). But it is the agency's application of this doctrine to the documents sought to be withheld from disclosure that this Court must scrutinize; otherwise the very purposes for which the FOIA was enacted will be frustrated. And in undertaking this examination the Supreme Court has held that disclosure is the dominant objective of the Act and that the exemptions must be narrowly construed. Department of Air Force v. Rose, __ U.S. __, 96 S. Ct. 1592, 1599 (1976).

The critical fact, which defendants have failed to mention, is that every document they claim to be attorney work product was prepared in connection with litigation that has been concluded for several years. None of the documents in dispute involve investigations or litigation that have not been terminated. It is in this light that the attorney work product doctrine in an Exemption 5 context must be evaluated.

Exemption 5 only exempts from disclosure "inter-agency or intra-agency memorandum or letters which would not be available by law to a party other than an agency in litigation with the agency. 5 U.S.C. §552(b)(5). It is quite apparent from the legislative history surrounding the enactment of exemption 5 that Congress intended to exempt from disclosure documents or information which an agency "received or generated before it completes the process of awarding a contract or issuing an order, decision or regulation." H.R. Rep. No. 1497, 89th Cong., 2d Sess., 10 (1966) (Emphasis added.) Once the process for which the document has been generated is completed, the test of whether or not the document is nevertheless properly exempt under (b) (5) turns on whether disclosure whould interfere with the deliberative processes of the agency involved. See Davis, Administrative Law Treatise, Freedom of Information Act, §3A.21-2 at 97 (1976 Supp.).

It is clear from the Supreme Court's decision in Sears, supra, that the Court was applying "Exemption 5's protection of an attorney's work product," 421 U.S. ,95 S. Ct. at 521, to documents that had been "prepared in contemplation of the upcoming litigation." (Id.) The Court was not faced with the question of whether the doctrine could be applied to withhold from disclosure documents that had been prepared in connection with litigation that had long since concluded.

The attorney work product doctrine only offers a qualified immunity from disclosure. A party in litigation with the agency can discover the work product of attorneys, prepared in connection with the litigation, if the party makes a sufficient showing that he "has substantial need of the materials in preparation of his case and that he is unable to obtain the substantial equivalent of the materials by other means." F. R. Civ. P. 26(b)(3). But the rule only refers to material "prepared in anticipation of litigation or for trial" and does not have any application to work product in a litigation that has concluded which is sought by a party in subsequent litigation.[9/] Rule 26(b)(3) is a codification of the Supreme Court's landmark decision in Hickman v. Taylor, 329 U.S. 495 (1947).[10/] The rationale in Hickman[11/] for affording a qualified protection from disclosure of an attorney's work product prepared in anticipation of or during litigation is grounded in (1) "avoidance of needless interference with the orderly prosecution and defense of legal claims" and (2) "the encouragement of proper preparation of a client's case within the framework of our adversary system of jurisprudence."[12/]

Since the litigation involving the documents here has been

9/ Indeed the rule was drafted without consideration of the "subsequent litigation" problem. See Advisory Committee on Rules of Civil Procedure, Proposed Amendments to the Federal Rules of Civil Procedure Relating to Discovery, 48 F.R.D. 487, 499-503 (1970).

10/ See 8 Wright & Miller, Federal Practice & Procedure: Civil §2023 at 193 (1970).

11/ 329 U. S. 510-11.

12/ Taine, Discovery of Trial Preparation in Federal Courts, 50 Colum. L. Rev. 1026, 1042 (1950).

concluded for several years, the Hickman rationale for protecting attorney work product is not applicable. In Wood v. Breier, 54 F.R.D. 7 (E.D. Wis. 1972), the court ordered disclosure of attorney work product on the following grounds:

> The great majority of cases which have addressed themselves to the propriety of discovery of law enforcement investigation have found that while in general discovery should be barred from on-going investigations, once the investigation and prosecution have been completed discovery should be permitted. Id. at 11.

Accord, Swanner v. United States, 406 F.2d 716, 719 (5th Cir.1969); see Tobacco & Allied Stocks, Inc. v. Transamerica Corp., 16 F.R.D. 534, 537 (D. Del. 1954).

In Hanover Shoe, Inc. v. United Shoe Machinery Corp., 207 F. Supp. 407 (M.D. Pa. 1962) and Honeywell, Inc. v. Piper Aircraft Corp., 50 F.R.D. 117 (M.D. Pa. 1970), the court held:

> There is nothing in the Hickman case which extends the work product principle to preclude discovery of a lawyer's memorandum, prepared during a prior case, in a subsequent action between different parties. 207 F. Supp. at 410.

Indeed, the Department of Justice has successfully argued that the work product doctrine has no application to the work product of attorneys prepared in connection with litigation that has terminated. United States v. International Business Machines, 66 F.R.D. 154, 178 (S.D.N.Y. 1974) and 71 F.R.D. 376, 378 (S.D.N.Y. 1976).[13/] Plaintiff submits that the Department's position is equally applicable here and these documents are not exempt from disclosure as attorney work product.

Defendants argue that "when the discovery protection which is claimed under Exemption 5 is the work product immunity...a court should apply only the tests for work product." (Defs.' Memo at 3, n.1.) Those traditional "tests" have no application to documents prepared in connection with completed investigations or

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13/ On July 19, 1976, the Court of Appeals for the Second Circuit Court denied IBM's petition for a writ of mandanus vacating the order.-F.2d-,(2d Cir., No.76-3035.)

litigation.[14/]

In large part, the withholding of these documents is predicated solely upon Ms. Sisk's personal concern to jealously protect from public scrutiny documents that have no current significance whatsoever. The evidence relied upon by defendants to support the claim of the work product doctrine is based entirely on the testimony of Ms. Sisk, who was one of the attorneys involved in the prosecution of the E-Meter case, and who quite obviously has a personal interest in the application of the Act to these documents, since she was involved with the preparation of a majority of them. Her personal interests in withholding these documents simply do not comport with the mandate of the Act requiring full disclosure wherever possible.

The indiscriminate withholding of these documents has not been justified. Judge Gesell in Morton-Norwich Products v. Matthews, 415 F. Supp.78 (D.D.C. 1976), summed up the growing dissatisfaction by courts with the restrictive application of exemptions, by agencies, without sufficient evidentiary support:

14/ The thrust of defendants' argument is premised upon disclosure of the "mental impressions" of attorneys. The mental impressions and legal theories of an attorney are certainly not immune from discovery even in litigation that has not concluded. The functional operation of both Rules 33(b) and 36(a) require the attorney to disclose his mental impressions and legal theories. And once the litigation has concluded the mental impressions and legal theories are history and to the extent contained in documents, those documents are only of historical interest.

> It is also obvious from the experience under the Act that much material for which exemptions are now being claimed has no current value or significance whatsoever. Demands are being made for disclosure of documents that go far back in time and which truly have lost any practical consequence. Indeed, it is difficult to understand why the Government has preserved many of these papers...A more enlightened policy would be one that asserted exemption only when genuinely important...Most importantly, such an approach would promote the purposes underlying the Act and bring about a far healthier understanding of governmental process. Id. at 82.

Defendants have claimed that the attorney work product doctrine exempts the above listed documents from disclosure. No credible evidence of record has been specifically cited to support their broad, conclusory claims for withholding these documents on this basis, although they have been afforded an adequate opportunity to do so. Plaintiff respectfully requests that summary judgment with respect to these documents be entered in its favor.

C. Defendants Have Not Justified Withholding Documents From Disclosure On the Ground Of Executive Privilege

Defendants argue that the following documents are exempt from disclosure under (b)(5) because of the privilege which protects the decision making processes of government agencies. (Defs.' Memo at 7).

S-20	S-31	S-68
S-28	S-57(a)	S-78
S-29	S-57(b)	S-84
S-30	S-62	

Defendants argue that "the terminology for this privilege is confusing." (Defs.' Memo at 7, n.4). Plaintiff submits the confusion is generated by defendants' counsel who realized that the privilege, no matter how described, has not been properly invoked and these documents cannot be withheld from disclosure on this basis.

In NLRB v. Sears, Roebuck & Co., 421 U.S. 132 (1975), the Court held:

> [I]t is reasonable to construe Exemption 5 to exempt those documents, and only those documents, normally privileged in the civil discovery context. 95 S. Ct. 1515-16. (Emphasis added.)

The Court went on and referred to the privilege claimed here by defendants as the "executive privilege." Id.

In determining whether this "privilege" exempts these documents from disclosure, this Court must rule on defendants' contentions in light of the evidence and the "civil discovery context" in which the privilege has been used. The seminal decision involving application of this privilege to withhold documents from disclosure is United States v. Reynolds, 345 U.S. 1 (1953). There, the Supreme Court held that a claim of executive privilege cannot

> . . . be lightly invoked. There must be a formal claim of privilege, lodged by the head of the department which has control over the matter, after actual personal consideration by that officer. 345 U.S. at 8-9.

Although the Reynolds decision dealt with military secrets, its prerequisites for formal invocation of the privilege have been uniformly applied, irrespective of the nature of the claims advanced. Committee for Nuclear Responsibility, Inc. v. Seaborg, 463 F.2d 788 (D.C. Cir. 1971); Carr v. Monroe Mfg. Co., 431 F.2d 384 (5th Cir. 1970); Black v. Sheraton Corp., 371 F. Supp. 97 1974); Carter v. Carlson, 56 F.R.D. 9 (D.D.C. 1972); Center on Corporate Responsibility, Inc. v. Schultz, 368 F. Supp. 863, 872-73 (D.D.C. 1973); Thill Securities Corp. v. New York Stock Exchange, 57 F.R.D. 133 (E.D. Wis. 1972); Garber v. United States, 73 F.R.D. 364 (D.D.C. 1976).

In Black v. Sheraton Corp., supra, this Court held that in addition to the requirement that a claim of executive privilege be asserted by the head of the agency,

> A formal and proper claim of executive privilege requires a specific designation and description of the documents within its scope as well as precise and certain reasons for preserving their confidentiality. . . . An improperly asserted claim of privilege is no claim of privilege. Id. at 101. (Emphasis added.)

Accord, A. O. Smith Corp. v. FTC, 403 F. Supp. 1000, 1016, 1017 (D. Del. 1975).

This long line of authority has been ignored by defendants. They have not submitted any affidavit by the head of HEW, or his designated representative with authority to assert the privilege, claiming that upon personal consideration disclosure of these documents would interfere with the consultative or decision-making processes of the agency. Ms. Sisk does not have that authority and her testimony is irrelevant. Indeed, her personal interest precludes her from asserting the privilege for these documents. See Thill Securities Corp. v. New York Stock Exchange, supra.

Defendants rely heavily on a student note in the Columbia Law Review[15/] to support their contention that the privilege being claimed is not the "executive privilege" but, rather, an "official information privilege." [Defs.' Memo at 7, n.1.] Whatever the "privilege" is called, the author correctly recognized that when the government seeks to resist disclosure of official information in discovery proceedings, a formal claim of privilege must be made by the head of the department which has control over the matter after he has personally considered the document and evaluated the risks of disclosure. Note, at 166.

The facts here are clear. Formal and appropriate invocation of the privilege has not been made, although a full and adequate opportunity to do so has been provided. Plaintiff respectfully requests that it be granted summary judgment with respect to these documents.

15/ Note, Discovery of Government Documents and the Official Information Privilege, 76 Colum. L. Rev. 142 (1976).

D. Documents Which Defendants Contend Are Exempt From Disclosure Under Exemptions 6 And 7 As Well As 5.

For a limited number of documents, defendants claim that non-disclosure is justified on the bases of Exemptions 6 and 7 in addition to Exemption 5. These documents are listed below and will be discussed separately by plaintiff:

S-2
S-3
S-15
S-42
S-57(a)

1. Document S-2: This document consists of 17 handwritten pages prepared by Ms. Sisk concerning the Church of Scientology and probable witnesses for the E-Meter seizure litigation filed by the government in January 1963. This document reflects Ms. Sisk's notes of a conversation she had with an FDA investigator who was present at the seizure of the E-Meters. [Sisk Affidavit at 6.] The document refers to "individuals affiliated with Scientology who were present either at the execution of the monition or at the inspection of the Scientology offices or who were discussed during the visit." Id.

Defendants claim that the document is exempt from disclosure under (b)(5), (b)(6) and (b)(7)(C). First, defendants cite no evidence to support their conclusions that disclosure of the names or any other information contained in this document would constitute an unwarranted invasion of privacy. Surely, Exemption 6 has no application to this document. The exemption only applies to "personnel and medical files and similar files." This document was in the E-Meter case litigation file. It is plainly frivolous to suggest that this file is similar to a personnel or medical file.

Furthermore, there is no evidence to support defendants' broad assertion that "the nature of the Government's accusations against Scientology in the E-Meter case make it easy to understand the privacy interest an individual would have in preventing disclosure of his/her past affiliation with the organization." [Defs.' Memo at 12.] If defendants are going to justify a claim of exemption, they ought to do so on the bases of facts which are of record, not counsel's personal predilections. "Exemption 6 was directed at threats to privacy interests more palpable than mere possibilities." Department of Air Force v. Rose, 425 U.S. 352, 96 S. Ct. at 1608, n.19 (1976).

Moreover, with respect to individuals identified in the document who testified at the trial of the E-Meter case [Defs.' Memo at 13], the agency certainly has no cognizable claim for refusing to disclose the document on the ground that disclosure would be an unwarranted invasion of personal privacy.

A similar analysis with respect to Exemption 7(c) clearly dictates that withholding this document cannot be justified on this basis.16/

Defendants also claim that the document constitutes attorney work product. It contains purely factual information and no sufficient justification, consistent with the purpose of the Act, has been presented for withholding it from disclosure. (See plaintiff's discussion, supra, concerning defendants' claim of work product.)

2. Document S-3: This document dated February 25, 1963, includes 15 pages of proposed answers to interrogatories and five

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16/ Plaintiff also questions whether the claims of (b)(6) and (b)(7) represent the official agency position. Defendants answered under oath two sets of interrogatories propounded by plaintiff and never once indicated that either of these exemptions were being relied upon to withhold this document, or any of the others in this group, from disclosure.

pages of probable witnesses for the E-Meter trial. [Sisk Tr. at 126-28.] Plaintiff has specifically disavowed any interest in the 15 pages of interrogatory answers (see Exhibit A), and Ms. Sisk testified that the five pages of probable witnesses were separate from the proposed answers. [Sisk Tr. at 128.] To the extent these five pages also contain the home addresses of government employees [Defs.' Memo at 13], plaintiff does not contend that that information should be disclosed. However, with respect to defendants' Exemption 6 and 7(C) claims, there is no invasion of a government employee's personal privacy by disclosure of either his name or office address. Moreover, by indicating their willingness to testify at the trial, these witnesses clearly were not interested in protecting their personal privacy.

Similarly, if any of the witnesses listed in the document did testify, Exemption 6 and 7(C) are inapplicable. Defendants also claim that Exemption 7(D) exempts this document from disclosure, as "shown by Joanne Sisk's affidavit." [Defs.' Memo at 15.] The claim is plainly frivolous. Ms. Sisk does not attest in her affidavit that disclosure of S-3 would tend to identify a confidential source.

3. Document S-15: Ms. Sisk's description of the document in her affidavit certainly does not support the conclusion defendants seek to have this Court endorse; i.e., that (b)(7)(D) exempts this document from disclosure.

First, the document consists of a proposed affidavit for the purported "confidential informant" to sign. [Sisk Tr. at 141.] Obviously, since the government had prepared an affidavit for the person to sign, it could not have been terribly concerned about protecting the confidentiality of either the identity of the "informant" or the information as to which the "informant" was willing to testify. In fact, Ms. Sisk could not remember whether

the "informant" signed the affidavit. [Sisk Tr. at 141.] Simply because Ms. Sisk states that "the informant received an explicit promise of confidentiality" [Sisk Affidavit at 7], that, in and of itself, is not conclusive of the issue whether the exemption applies. Ackerly v. Ley, 420 F.2d 1336, 1340 (D.C. Cir. 1969). Moreover, when plaintiff's counsel asked Ms. Sisk at her deposition whether the witness testified at the trial, Ms. Sisk refused to answer the question [Sisk Tr. at 141], even though that information was critical to plaintiff's contention that Exemptions 6, 7(C) or 7(D) were inapplicable.

In any event, the information attributed to the "confidential informant" is not exempt from disclosure under (b)(7)(D) because the E-Meter seizure case was not a criminal case [Sisk Tr. at 107, 297], and quite plainly, the information was not "compiled by a criminal law enforcement authority in the course of a criminal investigation." 5 U.S.C. § 552 (b)(7)(D).

The remainder of the document apparently consists of questions which were prepared for an interview with the witness. This information is only of historical significance at best and is precisely the kind of work product which plaintiff contends is not exempt from disclosure under Exemption 5.

4. Document 42: This document is described by Ms. Sisk as containing a "List of Witnesses" and home addresses of government employees. [Sisk Affidavit at 166.] At her deposition, she refused to answer whether the witnesses testified at the E-Meter trial or whether any of these witnesses were listed in a document filed with the Court. [Sisk Tr. 168.] Obviously, an affirmative answer to either of these inquiries would moot the (b)(6) and (b)(7) claims of defendants for refusing to disclose the document.

5. Document 57(a): To the extent that the document contains the name, address and other specified information concerning the identity of the private individual, plaintiff disclaims any interest in this information. Plaintiff contends, however, that after the appropriate deletions are made, the remainder of the document is not exempt from disclosure.

Ms. Sisk's inconsistent testimony about the document plainly reveal that the entire document is not exempt from disclosure udner (b)(6) or (b)(7) as defendants contend. [Defs.' Memo at 13.] For example, Ms. Sisk testifies that the document "consists entirely of information tending to identify a private individual." [Sisk Affidavit at 7.] Earlier, Ms. Sisk stated that "one sentence expresses a recommendation of the author, Mr. Loftus, regarding a response." [Id. at 3.] Nor does the Sisk affidavit justify the claim of attorney-client privilege for the document. There is no evidence suggesting that Mr. Loftus was seeking legal advice.

E. Defendants Have Provided Insufficient Justifications for Withholding In Their Entirety Documents S-81, S-82, S-77(a), and 77(d) from Disclosure.

Documents S-81 and S-82.

Defendants claim that documents 81 and 82 are exempt from disclosure pursuant to 5 U.S.C. § 552(b)(6) and (b)(7). In addition, they argue that these documents, in addition to S-80, are exempt because of res judicata principles.

Document S-80 has been partially disclosed to plaintiff and is attached as Exhibit D hereto. It is a memorandum dated September 19, 1972, from Scott Crampton, Tax Division, Department of Justice, to the Commissioner of the FDA concerning the Church of Scientology. Attached to this memorandum are two letters,

S-81 and S-82, which defendants have refused to disclose to plaintiff. Mr. Crampton states that the attached letters are "for your information and for whatever action you deem appropriate." (See Exhibit D.)

Res judicata principles do not apply to either S-81 or S-82 because the issue of whether or not these documents, located in HEW files, are exempt from disclosure was not litigated in Church of Scientology v. IRS, Civ. No. 74-3465 (C.D. Cal. 1976), appeal pending (9th Cir.). Application of res judicata requires an identity of issues as well as parties. The only issue decided by the lower California Court was that the exemptions claimed by the IRS to withhold these documents from disclosure had been properly asserted. The issue before this Court with respect to S-81 and S-82 is whether the exemptions claimed by HEW for withholding these documents has been properly asserted.

S-81 and S-82 are not documents that originated at IRS or the Tax Division. They were letters sent by a private individual to the government. If defendants cannot support the exemptions claimed for withholding these documents, then the Act mandates that they be released to plaintiff.

Defendants argue that (b)(6) and (b)(7)(C) and (D) entitle them to withhold from disclosure the entire document. The evidence does not support their argument. Plaintiff disavows any interest in the name, address, telephone number and similar specific information which would reveal the identity of the purported confidential source. But plaintiff submits that all other information contained in documents 81 and 82 are not exempt from disclosure.

By eliminating the identity of the private individual, defendants are left with the argument that all information contained in the documents are exempt under (b)(7)(D), which provides

that investigatory records are exempt but only to the extent that disclosure would disclose

(1) the identity of a confidential source, or

(2) confidential information furnished only by the confidential source to a criminal law enforcement authority in the course of a criminal investigation.

It is the information furnished, not the identity of its source, that plaintiff contends is not exempt from disclosure.

Ms. Sisk testified that the documents were "compiled" by FDA in connection with the E-Meter seizure litigation [Sisk Tr. at 293, 295], but that that litigation was not a criminal case. [Id. at 297.] Moreover, Ms. Sisk either could not or would not state the "criminal investigation" which FDA was conducting and for which this information was purportedly furnished. [Id. at 297, 300.]

> Q To what law enforcement proceeding does the letter [S-81] relate?
>
> MR. FRIEDMAN: There we objected. I have instructed Mrs. Sisk not to answer. [Sisk Tr. at 252.]

Her testimony, however, plainly reveals that these documents were sent to FDA in September 1972, related to the E-Meter seizure litigation, and that that litigation was not the result of a criminal investigation.

The legislative history with respect to Exemption 7(D), however, is clear:

> Under this category, in every case where the investigatory records sought were compiled for law enforcement purposes--either civil or criminal in nature--the agency can withhold the names, addresses, and other information that would reveal the identity of a confidential source who furnished the information. However, where the records are compiled by a criminal law enforcement authority, all of the information furnished only by a confidential source may be withheld if the information was compiled in the course of a criminal investigation . . . The conferees intend the term 'criminal law enforcement authority' to be narrowly construed to include the Federal Bureau of Investigation and similar investigative authorities. H.R. Rep. No. 1380; S. Rep. No. 1200, 93d Cong. 2d Sess., 13 (1974).

Plaintiff submits that the evidence does not support the confidentiality status claimed for the information contained in either document. With respect to S-81, Ms. Sisk was asked whether she gave the purported "confidential source" an express assurance that the information he provided would remain confidential and she answered, "No." [Sisk Tr. at 250.] Similarly, with respect to S-82, Ms. Sisk testified that she did "not know" whether an express communication of confidentiality was given the source for information contained in S-82. [Sisk Tr. at 256.] Defendants' broad assertion of (b)(7)(D) cannot be supported on such doubtful testimony. See Title Guarantee Co. v. NLRB, 534, F.2d 484, 489 n.11 (2d Cir. 1976).

In addition, when plaintiff inquired as to whether the "confidential source" testified during the E-Meter litigation, Ms. Sisk refused to answer, even though that information is plainly relevant to defendants' claim of Exemption 7(D). [Sisk Tr. at 261.] And when plaintiff attempted to probe as to whether or not the information provided by the source became a matter of public record in the E-Meter or some other litigation, Ms. Sisk refused to answer.

> Q Did you use any of the information that was provided in that letter in the course of the prosecution of the E-Meter case?
>
> MR. FRIEDMAN [counsel for defendants]: I would object and instruct Mrs. Sisk not to answer, on the grounds that whether the information was in fact used --
>
> MR. SEEFRIED: Is highly relevant, because I would contend that the confidential nature of the information has been waived and it should be now disclosed to the plaintiff. It is highly relevant to this inquiry.
>
> You are claiming that that information cannot be disclosed because it is confidential information provided by a confidential source.

Now, if that source was used as a witness in a trial of the E-Meter litigation, if that witness testified during the trial, if that witness' information that was provided was used during the course of that trial, you have waived your confidentiality for that information.

I would like an answer to my question, please.

MR. FRIEDMAN: I would still object and instruct Mrs. Sisk not to answer. To disclose whether the information was in fact used during the trial might tend to indicate who the confidential source was.

MR. SEEFRIED: Would that not also, counsel, be true if in fact the information was released during the course of the trial?

(No response.) [Sisk Tr. at 292-93.]

It is not plaintiff's burden to prove that documents have been improperly withheld from disclosure; rather, it is defendant's burden to prove that they have been properly withheld. In so doing, defendants cannot preclude relevant inquiry by plaintiff and yet claim that the documents are exempt from disclosure. Plaintiff submits that defendants have not sustained their burden of proof with respect to S-81 and S-82, and requests the Court to grant summary judgment in plaintiff's favor.

Documents 77(a) and 77(d).

Both documents are letters from private individuals to the Council of Better Business Bureaus of Washington, D. C.[17/] Document 77(a) is a three-page letter dated January 23, 1973, to BBB and was contained in the E-Meter seizure litigation file in the HEW Office of General Counsel. Defendants contend that the entire document is exempt from disclosure under (b)(6). Plaintiff expressly disavows any interest in the name, address, and telephone number of the individual, but contends that the other information in the letter is not exempt from disclosure.

17/ Once again, Ms. Sisk's affidavit does not paint the full picture. [Sisk Affidavit at 7.] During her deposition, both 77(a) and 77(d) were identified as letters to the Council of Better Business Bureaus of Washington, D. C., and these letters were maintained in the E-Meter litigation files. [Sisk Tr. at 220, 282.]

Document 77(d) is a follow-up letter dated February 20, 1973, by the same individual who authored 77(a). [Sisk Tr. at 223-24.] No description of the information contained in either 77(a) or 77(d) is provided by defendants. In addition, there is no evidence that disclosure of the segregable information would constitute a clearly unwarranted invasion of personal privacy. Moreover, there is no justification given for denominating the E-Meter seizure litigation file as a "similar file" within the meaning of Exemption 6.

Plaintiff requests that it be granted summary judgment and that documents 77(a) and 77(d) be released to it after deletion of the private individual's name, address and similar identifying information.

F. Defendants Have Relied Improperly on the Attorney-Client Privilege to Withhold Documents from Disclosure.

Defendants contend that the following 14 documents are exempt from disclosure under (b)(5) because they constitute privileged communications between an attorney and his client:

8	32	67
9	57(a)	68
20	64	78
29	65	84
31	66	

Remarkably, defendants have also claimed that the work-product doctrine permits them to withhold these documents from disclosure. The two concepts are entirely different and defendants cannot have it both ways. See Hickman v. Taylor, 329 U.S. 495, 508 (1947). This lack of specificity permeates the entire brief filed by defendants and has required this lengthy response by plaintiff. The entire section of defendants' memorandum concerning the attorney-client privilege, for example, involves a rambling

discussion of broad principles involving application of the privilege. Defendants totally ignore any discussion of whether or not the privilege has been properly claimed with respect to any of the 14 documents withheld from disclosure.

The evidence quite clearly shows that no conceivable attorney-client privilege claim has been made for any of these documents. The privilege only applies to communications made by the client to his lawyer for the purpose of securing legal advice. 8 Wigmore, Evidence § 2292 (McNaughton rev. ed. 1961). A lawyer's communications are privileged only to the extent that they reveal confidential information communicated by the client. United States v. Silverman, 430 F.2d 106 (2d Cir. 1970); United States v. International Business Machines, 66 F.R.D. 206, 212 (S.D.N.Y. 1974). Thus, the privilege extends to protect communications between co-counsel only to the extent necessary to protect the client's communications. Gardner, Agency Problems in the Law of Attorney-Client Privilege, 42 U. Det. L. J. 1, 122 (1965). Furthermore, the privilege does not apply to information communicated by the client which are matters of public record. United States v. Silverman, supra; United States v. United Shoe Machinery Corp., 89 F. Supp. 357 (D. Mass. 1950).

Plaintiff will briefly note the factual and legal reasons why, under these universally accepted principles, none of these documents involve attorney-client privilege communications. There is no evidence that Document S-8 was sent to its FDA house counsel for purposes of legal advice. In fact, Ms. Sisk testified that it was work product prepared at her direction in anticipation of litigation. [Sisk Tr. at 134-35.] Document S-9 is an eight-page memorandum between two FDA employees, neither of whom are attorneys. [Sisk Affidavit at 5.] Obviously, it is not a communication between a lawyer and client. Document S-20 does not consist of confidential information supplied by a client, but rather,

information of a public nature. [Sisk Affidavit at 2.]

Document S-29 is an internal memorandum of the Office of Solicitor General. There is no evidence that disclosure of this document would reveal confidential information supplied by FDA, the "client" in the attorney-client privilege relationship.

Document S-31 is a post-trial memorandum concerning the E-Meter case, prepared by someone in the Department of Justice Criminal Division for the Solicitor General. It was not prepared for the client [Sisk Tr. at 160-62], and there is no evidence that disclosure would reveal confidential information of the client, FDA, rather than facts in the public record of the E-Meter case. Document S-32 is a similar memorandum.

S-57(a) is an internal memorandum which does not seek legal advice. S-64, S-65, S-66, S-67 and S-68 are all communications between lawyers reflecting non-confidential information, but involving a policy decision regarding enforcement of a district court order in the E-Meter litigation. There is no evidence that any of the information contained therein is confidential, non-public information furnished by the client. If these documents are exempt at all, it is by reason of the executive privilege and not the attorney-client privilege. Defendants have totally failed to satisfy the prerequisites for asserting the executive privilege. See discussion in Section C, supra.

Document S-78 is a one-page letter from the Acting Assistant Attorney General to Harold Titus of the United States Attorney's Office concerning a discussion of the enforcement of a district court order pending appeal in the E-Meter case. [Sisk Tr. at 232.] It does not give legal advice to the client. [Sisk Affidavit at 4.] There is no evidence that disclosure would reveal the confidential communications of a client.

Document S-84 is also a communication between lawyers concerning possible further court proceedings in the E-Meter case. [Sisk Tr. at 323.] There is no evidence that this involves anything but a discussion of legal strategy.

Plaintiff submits that a proper claim of the attorney-client privilege has not been made with respect to any of these documents. Therefore, plaintiff requests that the documents be released to plaintiffs.

CONCLUSION

Defendants have not supported, factually or legally, the exemptions claimed for refusing to disclose to plaintiff any of the foregoing documents, or portions thereof. Plaintiff respectfully requests that defendants' motion for summary judgment be denied and that plaintiff be granted summary judgment and the documents be ordered disclosed to plaintiff after appropriate deletion of the specific information plaintiff has expressly disavowed any interest in obtaining.

Respectfully submitted,

Samuel H. Seymour
SAMUEL H. SEYMOUR

Robert A. Seefried
ROBERT A. SEEFRIED

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Dated: April 30, 1977

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HAND DELIVERED

February 25, 1977

Karen I. Ward, Esquire
Assistant United States Attorney
U. S. Courthouse, Room 3431
Washington, D. C. 20001

Re: Church of Scientology of California
v. F. David Mathews, et al.,
Civil Action No. 76-1005

Dear Karen:

As you will recall, at the deposition of Joanne Sisk an index of documents being withheld from disclosure to plaintiff was provided. The following is a list of those documents identified on the index which plaintiff will not argue should be released under the Freedom Of Information Act. We are providing you this list in order to facilitate your preparation of your motion for summary judgment in this case.

By excluding these documents from this litigation, we are not conceding that any of them are exempt from disclosure under the Act or that any of the documents have been properly classified as attorney work product or attorney-client documents. I will prepare an appropriate affidavit attesting to the facts set forth herein and will file it along with my response and cross-motion for summary judgment.

The above-referenced documents are:

S3 (Only to the extent it refers to proposed answers to interrogatories. Plaintiff will argue that the 5 handwritten pages of probable witnesses indicated as part of S3 are not exempt from disclosure under the Act.

S4	S17	S35	S44	S70	S85
S7	S18	S36	S46	S72	S87
S10	S19	S37	S53	S73	S89
S11	S22	S38	S56	S75	S93
S12	S23	S40	S59	S76	S94
S13	S33	S41	S63	S79	S100
S16	S34	S43	S69	S83	A102
					A106

EXHIBIT A

PAGE 1

I have decided not to file plaintiff's motion for summary judgment at the same time as you file defendants' motion. Rather, I will do as you suggested and file a cross-motion for summary judgment at the time I file plaintiff's response to your motion.

Sincerely,

Bob

RAS:jam

Robert A. Seefried

EXHIBIT A

PAGE 2

U[illegible] STATES CIVIL SERVICE C[illegible]SION
BUREAU OF DEPARTMENTAL OPERA[illegible]
WASHINGTON 25, D. C.

RECORD SEARCH INFORMATION

The information on this Form DI-34 and the attached Form(s) DI-35, is supplied solely as an aid in an inquiry or the conduct of an investigation. The information is not to be considered as having been positively identified by the Commission with either the person(s) or organization(s) named in the request for search since the identity of the person and the credibility of the information has not been established or verified. Further, the mention of an organization is not to be taken as a characterization by the Commission of either the nature or purpose of such organization.

This information has been deleted since disclosure would result in an unwarranted invasion of the personal privacy of a third party. (Section 552 (b) (7) (c))

See also attached SUMMARY OF INFORMATION on: COLORADO INSTITUTE OF [illegible]
(DIABETICS) [illegible]

CITIZENS COMMITTEE TO PRESERVE
AMERICAN FREEDOMS

EHcDrob 6/29/57

DI 34
MAY 1955

EXHIBIT B

PAGE 1

[All underscoring and capitalization supplied, unless otherwise noted.]

1. Hearings before the Subcommittee on Immigration and Naturalization of the Committee on the Judiciary United States Senate, 81st Congress, First Session, "Communist Activities Among Aliens and National Groups," September 1949, Pages 806-810-811, reflects the testimony of Larry E. Kerley, Editorial Staff, New York Journal-American (previously with the Federal Bureau of Investigation from 1937 to 1945). Mr. Kerley testified in part as follows:

"Mr. Kerley: "* * * West-coast COMMUNIST espionage centered in Gregori Markovich Kheifets, Soviet vice consul at San Francisco. He came to the United States in 1941 and left for Russia July 6, 1944. In San Francisco, he used the cover name 'Mr. Brown'. Born in Moscow May 15, 1899, he performed special work in Germany for the Russians from 1934 to 1938, turning up many of the names who became victims of the Russian blood purge in 1938. He claimed to have been at one time the secretary to the widow of Lenin. Kheifets operated an illegal radio station from his consulate, making contact with similar station in the New York consulate and another near Moscow. It was monitored as early as 1943, with both the War Department and State Department aware of it. He was given NKVD inspection, along with other Russian set-ups in this country and Mexico, in 1943. Olga Khlopkova, clerk in the consulate under Kheifets, was an NKVD agent.

"* * * *

"Kheifets' contacts from the San Francisco consulate and elsewhere:

"* * * *

"DR. CHARLES GURCHOT, alias ABLE GERCHOWICH, naturalized Frenchman; instructor in pharmacology at University of California Medical School. Research expert on treatment of wounds and vernereal disease.

"All the above were San Francisco contacts of Kheifets, and when he left to return to Russia he turned them over to his successor, Gregori Pavlovich Kasparov * * *."

This information has been deleted since disclosure would result in an unwarranted invasion of the personal privacy of a third party (Section 552 (b) (7) (c))

Approved for release to CSC Regions, & FBI..... 7/1/57
GPO 912839 (Initials)

Page 1 on

SCSC--WASHINGTON

DI 35
AUGUST 1955

EXHIBIT B

PAGE 2

The files reflect the following information on [redacted]

[illegible underscoring and editorializations appear, unless otherwise indicated.]

This information has been deleted since disclosure would result in an unwarranted invasion of the personal privacy of a third party. (Section 552 (b) (7) (c))

The DAILY PEOPLE'S WORLD is the official organ of the Communist Party on the West Coast.

5. Unified Communications Series, Combined Alphabetical List 'A' used as a mailing list in conjunction with the activities of the COLORADO INSTITUTE OF HUMANICS, page 7, is noted to include the name of one [redacted]

See attached Summary of Information on COLORADO INSTITUTE OF HUMANICS (DIANETICS).

FWCD - 6/29/57
rob - 6/29/57

Approved for release to CSC Regions, & FBI..... 6/29/57
GPO 912839 (Initials)

Page 2 on [redacted]

USCSC--WASHINGTON D C

DI 35
AUGUST 1955

EXHIBIT B

PAGE 3

SEARCH INFORMATION - See introductory sheet on Form DI-30)

[Re: report the following information only [illegible] INSTITUTE OF HUMANICS

[All underscoring and capitalization supplied, unless otherwise indicated.]

1. [redacted] was the Subject of a Top Secret Investigation [redacted] during [redacted] CIC Investigator [redacted] report at Colorado Springs and Denver, Colorado, dated [redacted] partially covers the SUBJECT's employment with the COLORADO INSTITUTE OF HUMANICS, Colorado Springs, Colorado, from approximately [redacted]

2. Investigator [redacted] report, ibid, contained information received from the Denver AREA BETTER BUSINESS BUREAU, INC., Denver, Colorado, indicating:

> "The mystery surrounding this Colorado Springs organization /COLORADO INSTITUTE OF HUMANICS/ and its relation or non-connection with DIANETICS recall to mind the ill-fated ALLIED SCIENTISTS OF THE WORLD, which opened briefly in Denver and died when exposed by the Better Business Bureau. ALLIED SCIENTISTS was the brain child of LAFAYETTE RON HUBBARD, creator of DIANETICS! /INSTITUTE OF HUMANICS was the brain child of [redacted], reported to be a DIANETIC protege. Both organizations dealt in abstract antinomy both appeared to have an unrevealed source of financing both created waves of national interest; both refused full disclosure of its backing; both shed the spotlight of publicity in a hurry."

3. Investigator [redacted] report, ibid, contained the testimony of one [redacted], disclosing:

> "...As I understand it and many of their group have tried to convert me to DIANETICS, DIANETICS is a combination of yogi plus Christian Science plus psychology plus free love plus the release of inhibitions, and that their top individuals are known as auditors...However, I would hesitate to recommend anyone associated in this group for employment involving national security. I heard that these people used hypnosis or carbon dioxide gas or some barbiturates to remove inhibitions and recorded reactions and answers on some kind of recording machine tape and sent these tapes to various people for psychoanalysis."

4. Investigator [redacted] report contained attached thereto a 53-page list of names and addresses of organizations and individuals, entitled "[redacted] COMBINED ALPHABETICAL LIST 'A'," used by the SUBJECT [redacted] as a mailing list in conjunction with the activities of the COLORADO INSTITUTE OF HUMANICS. Code numbers on the right hand margin of this list are believed to indicate the level of knowledge in DIANETICS of the persons listed on the same line. A copy of this list is available in this office.

5. CIC Investigator [redacted] report at Phoenix and Sunnyslope, Arizona

EXHIBIT E

PAGE 1

RE: [illegible] SEARCH INFORMATION - (See Introductory [illegible] at [illegible] Form DI-34)

The files reflect the following information on: COLORADO INSTITUTE OF HUMANICS

(All underscoring and capitalization supplied, unless otherwise indicated.)

[SUBJECT'S name], dated [illegible] contained the testimony of [illegible], Phoenix, Arizona, p. 1, disclosing:

"While he [SUBJECT] was here in Arizona he was not employed. However, as a hobby, he is extremely interested in DIANETICS, which is a method of treating mental and emotional maladjustments. He spent most of his time with a group of people who experimented in this field, and he participated in the experiments. [illegible] was experimenting with the use of carbon dioxide and oxygen in order to produce what is called a DIANETIC 'revery'. In this revery the inhibitions tend to fall away, and the mental balls run freely....."

6. Investigator [illegible] report, ibid, contained the testimony of [illegible], Phoenix, Arizona, page [illegible] reflecting:

"...[illegible] with whom the SUBJECT was associated, operated what [illegible] called the 'INSTITUTE OF APPLIED PSYCHOLOGY', which had a $250 a month grant from the INSTITUTE OF HUMANICS, INCORPORATED, of Colorado Springs, Colorado. It came to the attention of the State Medical Association because of some suspicion [illegible] was practicing medicine without a license. [illegible] made an investigation to determine whether there had been any violation of The Medical Practices Act. The investigators stated they were taken into the house of [illegible] who displayed to them an old mattress on the floor of one of the rooms, a tank of carbon dioxide, a tank of oxygen, and a mask for inhalation of these gases. [illegible] stated to them that the persons involved in the experiment inhaled these gases while lying on the mattress and that a tape recorder was used in making the record of their conversation. [illegible] stated that sometimes these persons lost consciousness, but that they continued reliving and talking about their past experiences and that the screams, cursing, and other disturbing noises, reported by the neighbors, came about when these persons were 'living their lives over from childhood....."

7. A photostat copy of ST. LOUIS FACSIMILE, a newsletter prepared and released by the St. Louis Dianetic Society, Vol. 2, No. 1, January 28, 1953, page 1, under the subheading "Williams on Colorado Springs", reflects as follows:

"January 7, 1953--Seventeen of us in the ST. LOUIS DIANETIC SOCIETY gathered to hear BOB (ROBERT MOORE) WILLIAMS' new data from Colorado Springs. In four weeks there, BOB saw RON HUBBARD six times for a total of about 2 3/4 hours. During two sessions, BOB was exposed to the 'noisemaker', as he dubbed it. Headphones fed a series of varying sounds--random

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Page 2 on COLORADO INSTITUTE OF HUMANICS

281

DI 99

USCSC-WASHINGTON D C

EXHIBIT [illegible]

PAGE

files reflect the following information on: COLORADO INSTITUTE OF [illegible]

(All underscoring and capitalization supplied, unless otherwise indicated.)

auditory stimuli--to his ears. The sounds varied from high to low in pitch. The intensity also varied from barely audible to disturbingly loud. The sound was not always the same in each ear. There were loud 'pops' from time to time....BOB surmised that this sonic treatment produced a sub-shock condition....."

"RON HOWE also used the Gestalt Therapy approach, as can be gathered from his latest book, Dia Home Electronic Hypnosis (See above). BOB said that RON is doing a terrific amount of processing during his evening 'leisure' time, with from five to seventeen people constantly in his living room and overflowing into the kitchen. These people vary from those who have been in DIANETICS for the last two years to those who just heard of it last week."

8. [redacted], DOB: [redacted], submitted SF-57, dated [redacted] in connection with CSC [redacted] indicating employment with the HUBBARD DIANETIC RESEARCH FOUNDATION, Old Pali Rd. and Waialae Ave., Honolulu, T. H., under the supervision of [redacted] during the period [redacted] It is important to note that the name of one [redacted] appeared on a list, entitled "UNIFIED COMMUNICATION SERIES - COMBINED ALPHABETICAL LIST 'A'", (See Item 4 above.) Furthermore, it is to be noted that during the course of the investigation on [redacted] a Confidential Informant, a Government Agency, which conducts personnel and intelligence type investigations, reported that [redacted], then an employee of HAWAIIAN NETWORK LIMITED, was in [redacted] denied a pass to enter a local military installation; that denial was based on [redacted] "known past association with questionable individuals and organizations - [redacted] identified members of the COMMUNIST PARTY; [redacted], a known COMMUNIST in the HAWAIIAN YOUTH FOR DEMOCRACY; [redacted] known COMMUNIST; attended fund raising party at [redacted] home to defend [redacted] was a member of the HAWAIIAN YOUTH FOR DEMOCRACY, an infiltrated organization; and attended meetings of the HAWAII CIVIL LIBERTIES COMMITTEE, organization cited by the Attorney General. SUBJECT'S [redacted] activities extended back to [redacted]

9. [redacted] was the Subject of a Full Field Investigation [redacted] presented [redacted] at the [redacted] FBI and in a signed voluntary statement admitted participation in the field of psychotherapy and realized that [redacted] efforts to help people without proper guidance of some sort were in vain. [redacted] further stated that [redacted] was interested in DIANETICS because of [redacted] own personal problems [redacted] the COLORADO INSTITUTE OF HUMANICS and employed various techniques of various psychoanalytical schools and psychodynamic theories on intoxated individuals who were "emotionally disturbed". [redacted]

WJZ:lt 11/14/55
RHF:lt 10/13/56

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EXHIBIT E

PAGE 6

RECORD SEARCH INFOR[illegible] - - - (See introductory [illegible] sent on form DI-34)

DIA[illegible]

(10) [illegible] reflect the following information on: COLORADO INSTITUTE OF DIANETICS

(All underscoring and capitalization supplied, unless otherwise indicated.)

[illegible] indicated the following, in part:

"For approximately [illegible] months beginning about [illegible] I had a certain amount of group contact with a man named [illegible] under the following circumstances:

"Late in [illegible] I became seriously but not fanatically interested in the theories of L. RON HUBBARD as propounded in his bestseller of that year, 'DIANETICS.' After a certain amount of disappointing research in the field I enrolled in a short [illegible] course at the DIANETICS INSTITUTE OF SEATTLE, [illegible] The instructor was [illegible] of whom I had no other knowledge that he lectured on this subject in an articulate and interesting manner.

* * * * * "Early in [illegible] At that time I was first informed as to [illegible] part by [illegible] who had been a [illegible] Because much of [illegible] information was from [illegible] could not give details but recommended I read the Canwell Report (Report of the Washington State Legislature's Subversive Activities Committee for 1947). From reading this report at the Public Library it appeared that [illegible] had been a COMMUNIST from at least [illegible] until an undetermined date [illegible] according to the papers last year.) * * * * *."

NOTE: The names and addresses of [illegible] appear on the "UNIFIED COMMUNICATION SERIES - COMMUNICATION SERIES - COMBINED ALPHABETICAL LIST 'A'" (See Item 4 above). LAFAYETTE RON HUBBARD is mentioned in Item 2, above.

See attached DI-35 on [illegible]

1-30-57 AF
2- 4-57 chf

Approved for release to CDC Regions, FBI [illegible]

Initials

Page 4 on DIANETICS

COLORADO INSTITUTE OF DIANETICS

DI-33

EXHIBIT B

PAGE 7

SEARCH INFORMATION - - - - (See introductory statement on page 1)

Please report the following information re: [redacted]

(Underscoring and capitalization supplied, unless otherwise indicated.)

The Hearings before the House Committee on Un-American Activities, House of Representatives, 83rd Congress, 2nd Session, Hearings Regarding Investigation of Communist Activities in the Pacific Northwest Area, Part 2 (Seattle), Testimony of BARBARA HARTLE, former COMMUNIST PARTY leader in the State of Washington serving prison term for Smith Act Violation, June 14, 15, 1954, Pages 6067 and 6068, read, in part, as follows:

"Mr. KUNZIG (HCUA Counsel): Mrs. HARTLE, did you have occasion in your youth work to know a CARL HARVEY JACKINS?

"Mrs. HARTLE: I knew of HARVEY JACKINS as being involved in COMMUNIST youth work some years ago.

"Mr. KUNZIG: Mr. Chairman, this is CARL HARVEY JACKINS, of 6753 32nd Avenue, N. W., Seattle. We have already had two other identifications in executive session of this Mr. JACKINS as a member of the COMMUNIST PARTY."

The Hearings Regarding Investigation of Communist Activities in the Pacific Northwest Area, Part 4, ibid, Pages 6235 to 6249, reflect the testimony of CARL HARVEY JACKINS, AKA: HARVEY JACKINS, June 16, 1954. Mr. JACKINS, when questioned concerning his membership in the COMMUNIST PARTY and his past employment, invoked the Fifth Amendment to the Constitution of the United States. Mr. JACKINS stated that "for the past three and a half years, approximately, he had been employed as a personal counsellor" and described his work as follows:

"I am working with a very new approach to the problem of individual human beings. We have discovered, a group of us, that apparently anything wrong with an individual human - any limitation on his ability, his enjoyment of life, his ability to be intelligent in any situation - is purely and solely the result of the experiences of hurt which he has endured, including emotional distress, quite as important as experiences of physical pain; that anything less than rational or able about an individual human being can be traced as the literal expression by experiences when has been hurt, beginning very early and accumulating, and that it is possible in a teamwork relationship for one person's intelligence as a counselor to be linked with that of the person who is enduring the difficulty or the limitation or the emotional problem - to go back in memory, in effect, and, by repetitively seeking out those experiences of hurt, discharging them through over and over and over again, it is possible to free an individual from the inhibiting effects of the distresses which have stored up on him during life.

Approved for release to CSC Regions, FBI

Initials [redacted] 2-5-57

GPO 912639

Page 1.

EXHIBIT B

PAGE 8

(Specimen Introductory ... tion Form 11-31).

... the following information ...

(All underscoring and capitalization supplied, unless otherwise indicated.)

"Now this is a very exciting field; the possibilities implicit in it - and we are pioneering in the group with which I work - are amazing."

NOTE: It is noted that while HARVEY JACKINS described his work as a Counsellor in detail in the foregoing testimony, he failed to state the name of his employer. However, he does state that he had been so engaged for a period of approximately three and one-half years which would indicate he entered this employment sometime in 1950.

In the statement of ..., which follows immediately, ... states that ... not ... when ... was an instructor in the DIANETICS INSTITUTE OF SEATTLE, Washington. ... says further ... attended a lecture given ... as late as ... and did not see ... thereafter.

It thus seems that ... was employed by DIANETICS as an instructor as stated by ... at the same time he was engaged as ... Since the information available does not in either case stated the exact length of either association it is not possible to say that they were co-extensive, however, a definite overlapping of time over a period of years is shown. Attention is also called to the similarity of duties in each employment.

3. ... submitted the following statement ...

"Late in ... I became seriously but not fatally interested in the theories of L. RON HUBBARD as propounded in his textbooks of that year, DIANETICS. After a certain amount of disappointment ... in the field I enrolled in a short ... course at the DIANETICS INSTITUTE OF SEATTLE, ... was instructor ..., of whom I had no other knowledge than that he lectured on this subject in an articulate and interesting manner. The course ... Interested in the subject ... joining the SEATTLE DIANETICS ASSOCIATION for a few months, meeting and studying by ... establishment for informal discussion with other interested persons every so often when I had time to spare. Early in ...

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Page 2 ... on ...

EXHIBIT B

PAGE 9

RECORD SEARCH INFO A - - - (See Introductory statement on Form DI-34)

The files reflect the following information on:

(All underscoring and capitalization supplied, unless otherwise indicated.)

"At the time I was first informed as to [redacted] post by [redacted] who has been a [redacted] Because much of [redacted] information was from [redacted] could not give details but recommended I read the Canwell Report (Report of the Washington State Legislature's Subversive Activities Committee for 1947). From reading this report at the Public Library it appeared that [redacted] had been a COMMUNIST from at least [redacted] until an undetermined date [redacted] according to the papers last year). I attended one more of [redacted] lectures [redacted] to see whether or not I had stupidly been overlooking overt signs, and still didn't hear anything out of him except his usual bossy attitude. That is the last time I ever saw the man.

"The present address of [redacted] is now acting as [redacted] Either of them can corroborate the above account. One other individual who might recall the situation in [redacted] I do not have his address, but [redacted] is listed in the latest Seattle telephone directory.

"If I can be of any further help on this I would appreciate being asked. I can probably recall other people for reference given time, and I do not intend that there be any doubt whatsoever as to where I stood and stand."

See attached summary of information on COLORADO INSTITUTE OF HUMANICS.

DR 1-22-57
AF 2-4-57
rhf 2-5-57

Approved for release to CSC Regions, FBI 2-5-57

Initials

Page 3 on [redacted]

281

DI 35

EXHIBIT B

PAGE 10

MEMORANDUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
PUBLIC HEALTH SERVICE
FOOD AND DRUG ADMINISTRATION

UNCLASSIFIED

Mr. Robert Boger
Chief, Investigative Staff
HEW Audit Agency

DATE: October 19, 1971

Director, Policy Management Staff

SUBJECT: (1) Church of Scientology,
(2) [redacted]

1. The attached copy of a memorandum of telephone conversation between Mr. Bernard T. Loftus, Office of Compliance, FDA, and [redacted] relates to continuing problems with the Church of Scientology which may be of interest from an information standpoint to the Federal Bureau of Investigation.

2. [redacted]

3. In [redacted] and [redacted], was interviewed by FDA [redacted]. Although [redacted] volunteered to testify at the trial [redacted] was not asked to do so.

4. Our Compliance Branch suspect that [redacted] They do not believe [redacted] that the threats that [redacted] talks about are necessarily figments of [redacted] imagination. They have had more than a few complaints through the years from individuals who have told them that their lives and families have been threatened and property was in one way or another put in jeopardy because they had in some way or other disagreed with L. Ron Hubbard, the founder of Scientology.

5. FDA files on Scientology are voluminous, but we do not have any type of file which goes directly to threats or harm to individuals. However, one could "dig" into these files and find them. If the FBI is interested in obtaining additional information regarding threats, robberies, and/or criminal activities directed toward [redacted] they could contact our office and we will make arrangements for interviews with the knowledgeable parties. The matter is of an interstate nature.

Richard L. Bunoski

Richard L. Bunoski

Attachment

UNCLASSIFIED

EXHIBIT C

PAGE 1

[redacted] Church of Scientology

[redacted]

MEMORANDUM OF TELEPHONE CONVERSATION

September 24, 1971

BETWEEN: [redacted]

AND : Bernard T. Loftus
Office of Compliance(BO-300)

SUBJECT: Scientology - Hubbard E-Meters

1. At 1:00 PM on 9/24/71, I returned [redacted] telephone call to me of 9/23/71. [redacted] said that [redacted] life had been [redacted] said [redacted] had been warned [redacted] said they had made threatening phone calls to [redacted] have been most cooperative yesterday at [redacted] request and having done some [redacted] to protect [redacted]

2. [redacted] said that L. Ron Hubbard has an intelligence division that would 'shock you'. [redacted] said they get information against people they are after by rifling their cabinets. They do this in various ways. They get attractive young women to obtain jobs as stenographers with people they want to persecute, and these girls rifle the filing cabinets to get information for the Hubbard Intelligence people.

3. [redacted] said that [redacted] does not [redacted] whom [redacted] described as being just like L. Ron Hubbard. [redacted] said [redacted] thinks [redacted] is good. [redacted] said (and [redacted] repeated several times) that [redacted] wished that [redacted] could have seen me later [redacted] because [redacted] had so many things to tell me that [redacted] did not want to say in front of [redacted] I suggested that [redacted] get in touch with Inspector DiGrazia at our [redacted] office and have a discussion with him, and that Mr. DiGrazia would pass on the comments to us here. [redacted] felt that Mr. DiGrazia either does not take [redacted] seriously or suspects that [redacted] I attempted to assure [redacted] that Inspector DiGrazia considers seriously everything that [redacted]

EXHIBIT C

PAGE 2

4. [redacted] said that [redacted]

5. [redacted] said that what [redacted] wants is for people to become more [redacted] of the fact that Scientology is an addiction. [redacted] called it a superior [redacted] posed technology. [redacted] feels a great deal of guilt because [redacted]

6. [redacted]

7. [redacted] said that [redacted] has a lawyer by [redacted] who is trying to [redacted] said [redacted] is not able to get [redacted]

8. [redacted]

9. [redacted] said that [redacted] is a friend of [redacted] said [redacted] and [redacted] had worked together [redacted]

10. [redacted] said [redacted] has been and is looking for employment [redacted] said that through auditing [redacted] has been able to help [redacted] and others [redacted]

11. [redacted] said: [redacted] said [redacted]

EXHIBIT C

PAGE 3

12. [redacted] said that L. Ron Hubbard [redacted] died recently [redacted] under mysterious circumstances (which [redacted] did not describe).

13. I advised [redacted] that [redacted] did the right think in getting in touch with the local police officials when [redacted] life was threatened. I suggested that [redacted] believes the Scientologists have some sort of [redacted] group that is destroying people that [redacted] story to the FBI. I explained the limitations of the FD&C Act and the FDA with regard to police matters.

COMMENT

I suspect that [redacted] was probably leading up to asking me (or FDA) for some sort of [redacted] but [redacted] are not so. I have advised [redacted] Inspector Don Zicarrai of the [redacted] District to have Inspector DiGrazia keep up the contact with [redacted] but not to become involved in "cops and robbers". There is probably truth in [redacted] statement that [redacted] has been threatened by the Scientologists (local people have told us they were threatened), but this is a police matter not properly a matter that can be handled by FDA.

Bernard T. Loftus

[redacted]

EXHIBIT C

PAGE 4

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF JUSTICE

148405

TO : Charles C. Edwards
Commissioner
Food and Drug Administration

DATE: SEP 19 1972

FROM : Scott P. Crampton
Assistant Attorney General
Tax Division

SPC:MR:sph
5-21-422

SUBJECT: Church of Scientology
L. Ron Hubbard

Attached, for your information and for whatever action you deem appropriate, are the following: (1) a copy of a letter dated September 3, 1972, from

September 3, 1972, (2) a copy of a letter dated

Copies of the above letters have been submitted to the following: the Acting Director, Federal Bureau of Investigation; the Chief Counsel, Internal Revenue Service; the Chairman, Federal Communications Commission; and the Assistant Attorney General, Civil Division, Department of Justice.

The Tax Division has been and is presently involved in civil litigation relating to the tax-exempt status of the Church of Scientology.

We will be pleased, at your request, to submit information concerning the Church of Scientology cases within our jurisdiction, should that be relevant for your purposes.

EXECUTIVE SECRETARIAT
Food and Drug Administration

Routing	Action	Info	Coord
GC-1	✓		

☐ Prepare for Signature of: ☐ Direct Reply

Remarks:
necessary action as appropriate

EXHIBIT D

PAGE

76-1005

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served the foregoing motion, memorandum of points and authorities, and proposed order on Karen I. Ward, counsel for defendants, by causing true copies thereof to be delivered by hand to her office at Room 3431, United States Courthouse, this 2nd day of May 1977.

Robert A. Seefried

Robert A. Seefried

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, Plaintiff, v. JOSEPH A. CALIFANO, JR., et al., Defendants.	CIVIL ACTION NO. 76-1005

STIPULATION

Counsel for plaintiff and defendants hereby stipulate that plaintiff may have to and including April 29, 1977, within which to respond or otherwise move with respect to defendants' motion for summary judgment.

Robert A. Seefried
SEYMOUR & DUDLEY
1225 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 452-1711

Counsel for Plaintiff

Karen I. Ward
Assistant U.S. Attorney
U.S. Courthouse
Washington, D.C. 20001
(202) 426-7121

Counsel for Defendants

Dated: _____

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, Plaintiff, v. JOSEPH A. CALIFANO, JR., et al., Defendants.	CIVIL ACTION NO. 76-1005

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(202) 452-1711

Counsel for Plaintiff

Karen I. Ward
Assistant U.S. Attorney
U.S. Courthouse
Washington, D.C. 20001
(202) 426-7121

Counsel for Defendants

Dated: _____

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAY 2 1977

JAMES F. DAVEY, Clerk

CHURCH OF SCIENTOLOGY OF CALIFORNIA, Plaintiff, v. JOSEPH A. CALIFANO, JR., et al., Defendants.	CIVIL ACTION NO. 76-1005

ORDER

It is by the Court this 2nd day of May, 1977,

ORDERED that plaintiff may have an extension of time, to and including May 2, 1977, within which to file its Cross Motion for Summary Judgment and its Memorandum of Points and Authorities in Support of Its Motion for Summary Judgment and in Opposition to Defendants' Motion for Summary Judgment.

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

APR 25 1977

JAMES F. DAVEY, Clerk

CHURCH OF SCIENTOLOGY OF CALIFORNIA, Plaintiff, v. JOSEPH A. CALIFANO, JR., et al., Defendants.	CIVIL ACTION NO. 76-1005

STIPULATION

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Robert A. Seefried
SEYMOUR & DUDLEY
1225 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 452-1711

Counsel for Plaintiff

Karen I. Ward
Assistant U.S. Attorney
U.S. Courthouse
Washington, D.C. 20001
(202) 426-7121

Counsel for Defendants

Dated: Apr 25, 1977

UNITED STATES DISTRICT JUDGE

5/10/77

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

CHURCH OF SCIENTOLOGY of California,

Plaintiff,

v.

Joseph CALIFANO, et al.,

Defendants

Civil Action No. 76-1005

Erratum

There is an erratum in the Memorandum on Points and Authorities Supporting Defendants' Motion for Summary Judgment, which Memorandum was filed with the court on March 4, 1977. On page 1 of the Memorandum, the last sentence on the page should read as follows:

> Documents S-57(b), S-80, and S-97 have been released in part.

Respectfully submitted,

Earl J. Silbert
United States Attorney

Robert N. Ford
Assistant United States Attorney

Karen Ward
Karen Ward
Assistant United States Attorney

Richard M Friedman
Richard M. Friedman
Of Counsel to Defendants
Office of General Counsel
Department of Health, Education,
and Welfare, Room 5362 North
330 Independence Av., S.W.
Washington, D.C. 20201

Certificate of Service

I HEREBY CERTIFY that service of the foregoing notice of an Erratum has been made upon plaintiff by mailing a copy thereof to Robert Seefried, Law Offices of Samuel H. Seymour, 1125 Connecticut Avenue, N.W., Washington D.C. 20036.

Date: May 9

Karen Ward
Karen Ward
Assistant United States Attorney

attached thereto, and the answer to said complaint are the pleadings which raise issues in this action.

II. Federal jurisdiction and venue are invoked under 5 U.S.C. § 552(a)(4)(B) on the ground that this action is one to enjoin an agency from withholding agency records and to order the production of agency records improperly withheld. Venue against the Food and Drug Administration lies in this court under 5 U.S.C. § 552(a)(4)(B) on the grounds that the plaintiff has its principal place of business in the Central District of California.

Defendants deny the Court has any jurisdiction in this matter over defendant Alexander M. Schmidt, Commissioner of Food and Drugs. Defendants contend that he is not a proper party to this action since the Freedom of Information Act, 5 U.S.C. § 552, grants jurisdiction to the Federal district courts "to enjoin the agency from withholding agency records improperly withheld from the complaint." 5 U.S.C. § 552(a)(4)(B) Mr. Schmidt is is not an "agency" within the meaning of the Act and, therefore, should be dismissed as a party defendant in this action.

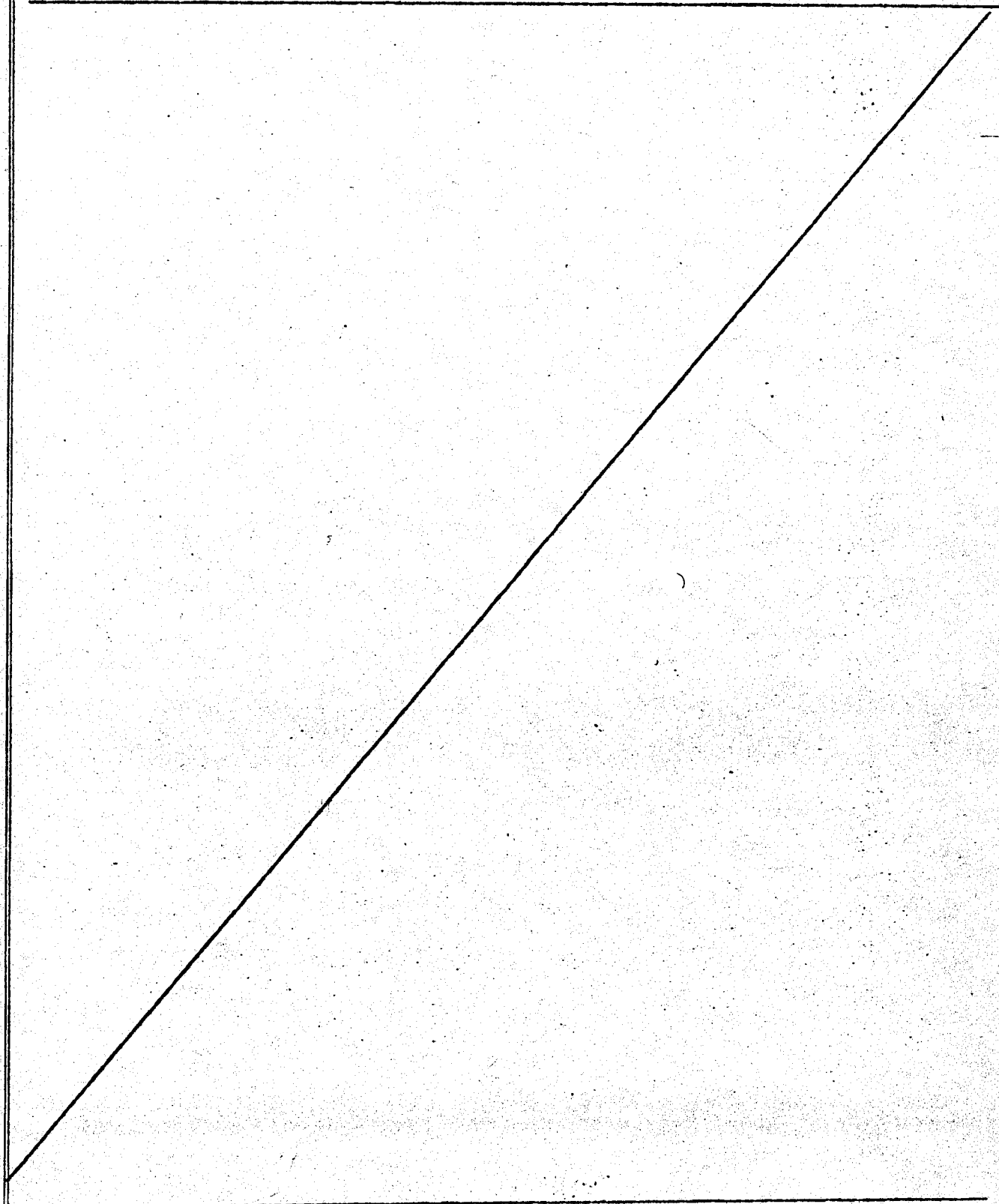
III. The following facts are admitted and require no proof:

A. Plaintiff is a person within the meaning of 5 U.S.C. § 552.

B. Defendant Food and Drug Administration has certain documents, documentation and records, which fall within plaintiff's Freedom of Information Act request as set forth herein.

C. Certain correspondence between the parties relating to the plaintiff's Freedom of Information Act request may

Plaintiff notes in this regard, and in regard to its list of prospective exhibits, that should defendants move for summary



judgment herein, plaintiff will cross-move for summary judgment, in which exhibits and witnesses, by affidavit will be contained as part of such cross motion.

Defendant's Witnesses

It is anticipated at this time that the government will not be required to call any witnesses based on the expectation that the matter will be decided by summary judgment. If trial is deemed necessary, the government may call the witness who will be executing the affidavits in connection with the summary judgment motion and/or are familiar with the basis for defendant's invoking the exemptions of 5 U.S.C. §552(b).

XII. The foregoing admissions having been made by the parties and the parties having specified the foregoing issues of fact and law remaining to be litigated, this order shall supplement the pleadings and govern the course of the trial of this cause, unless modified to prevent manifest injustice.

Dated this 15 day of April, 1977.

United States District Judge

APPROVED AS TO FORM AND CONTENT:

Barry Leigh Weissman
BARRY LEIGH WEISSMAN
Attorney for plaintiff

Date: 3-10-77

WILLIAM D. KELLER,
United States Attorney
FREDERICK M. BROSIO,
Assistant U.S. Attorney
JAMES STOTTER II,
Assistant U.S. Attorney

James Stotter II
JAMES STOTTER II
Attorneys for Defendants

Date: 3/15/77

be admitted into evidence except as to any objections as to relevancy. Some of this correspondence includes Exhibits "A" through "G" attached to plaintiff's complaint.

D. Plaintiff had exhausted its administrative remedies prior to the filing of the instant action.

IV. There are no reservations as to the facts recited in Paragraph III.

V. There are no facts not admitted but which are not to be contested at the trial by evidence to the contrary.

Plaintiff's Contentions

A. Plaintiff is in no way involved, concerned with, or connected with the foreign affairs or relations of the United States and in no way intends to attempt to influence or upset the operations of defendants in this regard.

B. Plaintiff believes that it is being injured by the existence of the documents sought in the files of defendant which contain false, misleading or inaccurate information with respect to Scientology and which are disseminated and/or transmitted to other Federal agencies, state, local or world-wide agencies, United States Embassies and Consulates, and to foreign governments and representatives thereof.

C. Whether each and every document in the possession of defendants which come within plaintiff's request for documents, and which have not heretofore been made available to plaintiff in their entirety, is exempt from disclosure under the Freedom of Information Act.

Defendant's Contentions

1. Defendant contends that plaintiff's contentions A and B

BARRY LEIGH WEISSMAN
Attorney at Law
9595 Wilshire Boulevard, Suite 710
Beverly Hills, California 90212
(213) 274-6885

Attorney for plaintiff

71B
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4/15
CLERK, U. S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY
MAR 15 4 51 PM '77
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CAL.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, INC., a non-profit corporation,

Plaintiff,

vs.

FOOD AND DRUG ADMINISTRATION, et al.,

Defendants.

NO. CV 76-0122 DWW

PRE-TRIAL CONFERENCE ORDER

Following pre-trial proceedings pursuant to Rule 16 of the Federal Rules of Civil Procedure and Local Rule 9 of this Court,

IT IS ORDERED:

I. This is an action brought by plaintiff Church of Scientology of California against the United States Food and Drug Administration, et al. pursuant to the Freedom of Information Act, 5 U.S.C. §552 to enjoin the defendants from withholding certain records requested by the plaintiff pursuant to the Freedom of Information Act. The complaint, including the exhibits