

1 accordance with the in camera determination the court now makes
2 the following rulings.

3 1. Document No. 1 is a Report of Investigation dated
4 22 May 1968 prepared by the Inspector General, Office of Special
5 Investigations, United States Air Force, classified confidential.
6 This document is presently the subject of litigation in the
7 United States District Court for the District of Columbia in an
8 action entitled Church of Scientology of California vs. Depart-
9 ment of The Air Force, et al., Civil Action No. 76-1008. In
10 order to avoid possible conflicting decisions regarding that
11 document between this court and the United States District
12 Court for the District of Columbia this court abstains from
13 making any determination regarding whether the document should
14 be released. The United States District Court for the District
15 of Columbia has primary jurisdiction and the determination whe-
16 ther the document should be released should be made by that
17 court.

18 2. Document No. 2 is a memorandum dated February 15,
19 1968 prepared by the Federal Bureau of Investigation. That
20 document is a document subject to litigation in the United
21 States District Court for the District of Columbia in an action
22 entitled The Founding Church of Scientology of Washington, D.C.
23 vs. Edward H. Levy, et al., Civil Action No. 75-1577. This
24 document should not be released by this court for the reason
25 set forth in the preceding paragraph of this order.

26 3. Document No. 3 is a one page agent report dated
27 January 30, 1969 prepared by Special Agent Harold G. Davis,
28 116th MI Group. The entire document has been released previously

1 by the defendant to the plaintiff with the exception of five
2 minor deletions. The court finds that the deletions were proper
3 and those withheld portions are exempt from disclosure pursu-
4 ant to 5 U.S.C. §§ 552(b)(6) and (b)(7)(C) in that their dis-
5 closure would constitute a clearly unwarranted invasion of the
6 personal privacy of the individuals named therein.

7 4. Document No. 4 is an 18-page memorandum dated
8 December 12, 1968 on scientology and dianetics bearing a number
9 designated "009575." The entire document has been released
10 previously by the defendant to the plaintiff with the exception
11 of three minor deletions on page 14, six minor deletions on
12 page 15, and one minor deletion on page 16. The court finds
13 that the deletions were proper in accordance with the FOIA sec-
14 tions and reasons set forth in the preceding paragraph of this
15 order.

16 5. Document No. 5 is a 2-page agent report dated
17 October 25, 1968 prepared by Special Agent Ralph M. DeGagne,
18 115th MI Group (CI) (IPA). This document constitutes an in-
19 terview of an individual to determine whether that person
20 should be given access to classified information. That docu-
21 ment has been released to the plaintiff by the defendant with
22 the exception of 25 lines and the subject block on page 1 and
23 all of page 2. The portions withheld go into extensive detail
24 concerning that individual's affiliation with certain religious
25 and other groups. The court finds that the deletions are proper
26 in accordance with the FOIA sections and the reasons set forth
27 in paragraph No. 3 of this order.

28 6. Document No. 6 consists of a cover sheet and a

1 5-page "Statement By Accused Or Suspect Person" dated October
2 24, 1968. A great deal of that document has been excised in-
3 cluding the cover sheet, all of page 1 of the statement, 38
4 lines and the deponent's initials on page 2 of the statement,
5 25 lines and the deponent's name and initials on page 3 of the
6 statement, and all of pages 4 and 5 of the statement. The
7 court finds that the deletions are proper in accordance with
8 the FOIA sections and the reasons set forth in paragraph No. 3
9 of this order.

10 This memorandum shall constitute findings of fact and
11 conclusions of law in accordance with Rule 52(a) of the Federal
12 Rules of Civil Procedure.

13 IT IS THEREFORE ORDERED that the action be dismissed
14 with prejudice for the reason that the defendants have fully
15 complied with the provisions of the Freedom of Information Act,
16 as amended, 5 U.S.C. § 552. Each party shall bear its own costs.

17 IT IS FURTHER ORDERED that the Department of the Army
18 shall retain in its possession the documents referred to in
19 this order, in the same form, for inspection and determination
20 of the validity of this order by any court of competent juris-
21 diction until such time as the case has been finally adjudicated.

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

25 Dated this 2nd day of June, 1977.

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WARREN J. FERGUSON
United States District Judge