

1 JUN 1 1977  
2 U. S. ATTORNEY  
3 LOS ANGELES, CALIF.

Chief Assistant	
Chief-Civil Div.	
Chief-Crim. Div.	
Chief-Tax Div.	
Chief-Lands Sec.	
Admin. Officer	
Cims-Jdgmts Sec.	
Docket-Civil	
Docket-Criminal	
Shelton	50

FILED

JUN 2 1977

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

8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

11 CHURCH OF SCIENTOLOGY OF )  
12 CALIFORNIA, etc., )  
13 Plaintiff, )  
14 v. )  
15 DEPARTMENT OF DEFENSE, )  
16 et al., )  
17 Defendants. )

No. CV 78-4072-F

MEMORANDUM OPINION

18 On May 27, 1977 at 10:00 a.m. this court met in  
19 chambers with Assistant United States Attorney James Stotter II  
20 and Nephi P. Ipsen, Head, Research and Production Department,  
21 Naval Investigative Service Headquarters, and Charles W. Hinkle,  
22 Director for Freedom of Information and Security Review, Office  
23 of the Assistant Secretary of Defense (Public Affairs), Depart-  
24 ment of Defense, for an in camera inspection of nine documents  
25 which have not been released to the plaintiff pursuant to the  
26 complaint filed in this action.

27 Mr. Ipsen and Mr. Hinkle have presented to the court  
28 two files containing the nine documents. The court has read,

1 inspected and studied the documents with regard to the claimed  
2 exemptions under the Freedom of Information Act (FOIA), 5 U.S.C.  
3 § 552, and in accordance with the in camera determination the  
4 court now makes the following rulings.

5 1. Document No. 1 is United States Naval Investiga-  
6 tive Service (NIS) Office Europe message 301407Z October 1974.  
7 All of the document has been released by the defendants to the  
8 plaintiff with the exception of one word. The court finds  
9 that the deletion of that word, an acronym, is proper in  
10 accordance with 5 U.S.C. § 552(b)(1) of the Freedom of Infor-  
11 mation Act.

12 2. Document No. 2 consists of four letters:

13 (a) The first is a letter from the Naval Inves-  
14 tigative Service dated September 22, 1971 in which  
15 two lines have been excised and not disclosed to  
16 the plaintiff. The court finds that the deletion  
17 of these two lines is within the exemption provided  
18 in 5 U.S.C. § 552(b)(7)(C) in that it is an inves-  
19 tigatory record, compiled for law enforcement pur-  
20 poses, the release of which would constitute an  
21 unwarranted invasion of personal privacy.

22 (b) The second is a letter from the Naval  
23 Investigative Service dated November 12, 1971.  
24 The entire letter consisting of two pages, has  
25 been released to the plaintiff by the defendants  
26 with the exception of two lines. The court finds  
27 that the two lines have been properly excised for  
28 the reasons set forth in subparagraph (a) above.

1 (c) The third letter is from the Naval Inves-  
2 tigative Service dated December 3, 1971 and consists  
3 of one page, two lines of which have been excised.  
4 The court finds that the two lines have been properly  
5 excised for the reasons set forth in subparagraph (a)  
6 above.

7 (d) The fourth letter is from the Defense  
8 Supply Agency dated December 1, 1971, consisting  
9 of one page, three lines of which have been excised.  
10 The court finds that these three lines have been  
11 properly excised for the reasons set forth in sub-  
12 paragraph (a) above.

13 3. Document No. 3 consists of a 17-page Naval Inves-  
14 tigative Service investigative report, dated 4 April 1967, a  
15 3-page investigative request from the Naval Investigative Ser-  
16 vice Headquarters, dated 17 October 1966, and a 2-page letter  
17 from the U. S. Naval Investigative Service Office Europe, dated  
18 October 18, 1966, substantial portions of which have been ex-  
19 cised by the defendants. The court finds that the excised  
20 portions have been properly deleted pursuant to 5 U.S.C. §§  
21 552(b)(6), (b)(7)(C), and (b)(7)(D) in that disclosure of the  
22 deleted portions would constitute a clearly unwarranted inva-  
23 sion of personal privacy. These documents are investigatory  
24 records compiled for law enforcement purposes and the release  
25 of the deleted portions would disclose the identity of confi-  
26 dential sources by an agency conducting a lawful national  
27 security investigation and would disclose confidential infor-  
28 mation furnished only by confidential sources.

1                   4. Document No. 4 is a memorandum prepared by the  
2 Naval Investigative Service, Section Op-921D3, dated March 24,  
3 1961. The memorandum has been released to the plaintiff with  
4 the exception of eleven deletions. The court finds that the  
5 deletions are proper in accordance with the provisions of 5  
6 U.S.C. §§ 552(b)(6), (b)(7)(C), and (b)(7)(D), for the rea-  
7 sons set forth in paragraph No. 3 of this order.

8                   5. Document No. 5 is a 2-page naval message from  
9 Commander-in-Chief U. S. Naval Forces Europe to U. S. Defense  
10 Attache Office Copenhagen, date-time group 101644Z FEB 71.  
11 This message has been entirely withheld by the defendants and  
12 the court finds that the withholding is lawful pursuant to the  
13 provisions of 5 U.S.C. §§ 552(b)(1) and (b)(7)(D) in that it is  
14 classified confidential and determination of this classifica-  
15 tion was made in the interest of national defense under Execu-  
16 tive Order No. 11652 of 8 March 1972. The message is an inves-  
17 tigatory record compiled for law enforcement purposes, the  
18 release of which would disclose the identity of confidential  
19 sources by an agency conducting a lawful national security  
20 investigation and would disclose confidential information  
21 furnished only by confidential sources.

22                   6. Document No. 6 is a 2-page letter from the Deputy  
23 Assistant Secretary of Defense, Security Policy, dated July 23,  
24 1963. The entire document has been released to the plaintiff  
25 with the exception of seven deletions. The court finds that  
26 the deletions are proper pursuant to the provisions of 5 U.S.C.  
27 §§ 552(b)(6) and (b)(7)(C) in that the disclose of the deleted  
28 portion would constitute a clearly unwarranted invasion of

1 personal privacy from investigatory records compiled for law  
2 enforcement purposes.

3 7. Document No. 7 is a letter from the Chief,  
4 Security Office, Central Contract Management Region (AFSC),  
5 United States Air Force, dated April 24, 1963, which contains  
6 one deletion. The court finds that the deletion is proper for  
7 the reasons set forth in the preceding paragraph.

8 8. Document No. 8 is a memorandum from the Chief,  
9 Industrial Security Branch, Security and Law Enforcement Divi-  
10 sion, Office of the Inspector General of the Air Force, dated  
11 April 30, 1963, which contains one deletion. The court finds  
12 that the deletion is proper for the reasons set forth in  
13 paragraph No. 6 of this order.

14 9. Document No. 9 is a letter from the Department  
15 of the Air Force dated 8 May 1963 which contains one deletion.  
16 The court finds that the deletion is proper for the reasons  
17 set forth in paragraph No. 6 of this order.

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

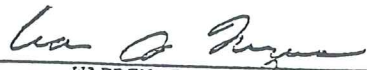
21 IT IS THEREFORE ORDERED that the action be dismissed  
22 with prejudice for the reason that the defendants have fully  
23 complied with the provisions of the Freedom of Information Act,  
24 as amended, 5 U.S.C. § 552. Each party shall bear its own  
25 costs.

26 IT IS FURTHER ORDERED that the Naval Investigative  
27 Service Headquarters and the Office of the Secretary of Defense  
28 shall retain in their respective possession the documents

1 referred to in this order, in the same form, for inspection and  
2 determination of the validity of this order by any court of  
3 competent jurisdiction until such time as the case has been  
4 fully adjudicated.

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

8 Dated this 2nd day of June, 1977.

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11 WARREN J. FERGUSON  
12 United States District Judge  
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