

1 WILLIAM D. KELLER
 2 United States Attorney
 3 FREDERICK M. BROSIO, JR.
 4 Assistant United States Attorney
 5 Chief, Civil Division
 6 JAMES STOTTER II
 7 Assistant United States Attorney
 8 1100 United States Courthouse
 9 312 North Spring Street
 10 Los Angeles, California 90012
 11 Telephone: (213) 688-2449

12 Attorneys for Defendants.

13 UNITED STATES DISTRICT COURT
 14 CENTRAL DISTRICT OF CALIFORNIA

15 CHURCH OF SCIENTOLOGY OF)
 16 CALIFORNIA, INC., a non-)
 17 profit corporation,)
 18)
 19 Plaintiff,)
 20)
 21 v.)
 22)
 23 ENERGY RESEARCH AND DEVELOPMENT)
 24 ADMINISTRATION; ROBERT C. SEAMANS,)
 25 JR., ADMINISTRATOR,)
 26)
 27 Defendants.)

FILED
 SEP 20 1976
 CLERK, U. S. DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 BY
 DEPUTY
 ENTERED
 SEP 27 1976
 CLERK, U. S. DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 By
 Deputy

No. CV 76-0011-R
FINDINGS OF FACT AND
CONCLUSIONS OF LAW

28 Trial on this case was held on September 8, 1976 in the
 29 above-entitled Court for the Honorable Manuel L. Real, United
 30 States District Judge, the plaintiff appearing through its counsel,
 31 Barry Leigh Weissman and the defendants appearing through their
 32 counsel, William D. Keller, United States Attorney, Frederick M.
 Brosio, Jr., Assistant United States Attorney, Chief, Civil
 Division, by James Stotter, II, Assistant United States Attorney.
 The Court, having considered all the pleadings, affidavits and
 other documents filed herein as well as the exhibits and the oral
 arguments of counsel presented at the time of trial, hereby makes
 its Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The plaintiff, through his former attorney, Joel Kreiner, brought this action pursuant to the Freedom of Information

S:11

1 Act (FOIA), 5 U.S.C. §552, in order to obtain all records of
2 Scientology, all Scientology organizations, and L. Ron Hubbard,
3 the Founder of Scientology in the possession of the defendant
4 Energy Research and Development Administration (ERDA) predecessor
5 agency (the Atomic Energy Commission) (Exhibit A to the Complaint)

6 2. In accordance with the provisions of the Freedom of
7 Information Act and the applicable ERDA's regulation, this request
8 was duly processed and all requested documents when located were
9 disclosed to the plaintiff with the exception of copies of
10 Federal Bureau of Investigation (FBI) reports. Copies of these
11 FBI reports which had been loaned to ERDA from the FBI are the
12 only documents in issue in this case.

13 3. The FBI documents were properly referred by ERDA to
14 the Federal Bureau of Investigation pursuant to defendant ERDA's
15 regulations 10 C.F.R. 709.7(g) promulgated pursuant to the FOIA.
16 The plaintiff was referred to the FBI.

17 4. Each of the ERDA copies of the FBI reports contained
18 the following or a similar statement:

19 "Property of FBI - This confidential report and
20 its contents are loaned to you by FBI and are
21 not to be distributed outside agency to which
22 loaned."

23 5. The copies of the six FBI documents in the possession
24 of ERDA are not the defendant's documents, but are records of the
25 FBI. The legends on the documents prevent any agency from dis-
26 closing their contents, pursuant to a FOIA.

27 6. There is now pending in the case of The Founding
28 Church of Scientology of Washington, D. C., Inc. v. Edward H. Levi,
29 et al., in the United States District Court for the District of
30 Columbia (Civil Action No. 75-1577) on FOIA request for numerous
31 FBI documents. The six documents involved in this case all part
32 of the subject documents being litigated in that Freedom of

1 Information Act case in Washington, D. C. between Scientology
2 and the FBI. This is a related matter.

3 7. The plaintiff herein, Church of Scientology of
4 California is related to the Founding Church of Scientology of
5 Washington, D. C., Inc. The Church of Scientology of California
6 is the senior body of Scientology in the United States, and as
7 such, its Officers are knowledgeable of all the affairs of
8 Scientology in the United States.

9 8. If the six documents in questions are to be released,
10 they should be released through related action of Scientology
11 v. Levi, supra.

12 9. The defendant, government agency, processed the
13 plaintiff's FOIA request promptly and correctly once they were
14 able to locate documents responsive to the request. They were
15 correct in referring copies of the FBI documents to the agency
16 who had originated them. Such a procedure prevents the possibility
17 of anomalous results if more than one agency has the same infor-
18 mation, and tends to efficiency by leaving disclosure decisions
19 with the originating agency, which knows most about the matter.

20 10. The following Conclusions of Law, to the extent they
21 are deemed to be findings of fact are incorporated into these
22 Findings of Fact.

23 CONCLUSIONS OF LAW

24 1. The foregoing Findings of Fact to the extent that
25 they are deemed to be conclusions of law, are hereby incorporated
26 into these Conclusions of Law.

27 2. The defendant ERDA fully complied with the provisions
28 of the Freedom of Information Act, as amended, 5 U.S.C. § 552.

29 3. The plaintiff did not substantially prevail in this
30 action and no fees or costs will be assessed against defendants.
31 U.S.C. 552(a) (4) (E).

32 / / /

1 4. Having found that none of the documents in question
2 sought by the plaintiff have been improperly withheld from them,
3 judgment will be for the defendants.

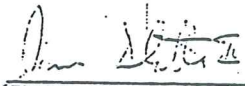
4 DATED: This SEP 22 1978 day of September, 1976.

5
6 MANUEL L. REAL

7 Manuel L. Real
8 UNITED STATES DISTRICT JUDGE

9 Presented by:

10 WILLIAM D. KELLER
11 United States Attorney
12 FREDERICK M. BROSIO, JR.
13 Assistant United States Attorney
14 Chief, Civil Division

15 
16 JAMES STOTTER II
17 Assistant United States Attorney

18 Attorneys for Defendants.
19
20
21
22
23
24
25
26
27
28
29
30
31
32