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COMMITTEE PRINT

**THE ASSASSINATION OF REPRESENTATIVE
LEO J. RYAN AND THE JONESTOWN,
GUYANA TRAGEDY**

**REPORT
OF A
STAFF INVESTIGATIVE GROUP
TO THE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES**



MAY 15, 1979

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FOREWORD

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C., May 15, 1979.

This investigative factfinding report has been submitted to the Committee on Foreign Affairs by the Staff Investigative Group. Per my directives and pursuant to the committee's investigative authority, the Staff Group conducted a comprehensive inquiry into the international relations aspects of the activities of the People's Temple, the tragic events that led to the murder of Representative Leo J. Ryan and other members of his party, and the mass suicide/murder of the followers of People's Temple that occurred in Jonestown, Guyana on November 18, 1978.

The findings and recommendations in this report are those of the Staff Investigative Group and do not necessarily reflect the views of the membership of the Committee on Foreign Affairs.

CLEMENT J. ZABŁOCKI, *Chairman.*

(iii)

LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C., May 15, 1979.

HON. CLEMENT J. ZABLOCKI,
*Chairman, Committee on Foreign Affairs,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Based on your directives, we are enclosing the results of the inquiry you ordered into the assassination of Representative Leo J. Ryan and related events. We believe we have accomplished your objective in conducting an initial but comprehensive fact-finding investigation into this matter.

This report summarizes the highlights of the investigation and presents our findings and recommendations. All documents and material generated in the course of the investigation are available in the committee's files for more complete examination and review by the members of this committee and others with appropriate security clearances.

In isolated cases, documentation provided to the Staff Investigative Group and contained in the appendixes to this report are of poor legibility as a result of several reproductions. Nonetheless, the documentation is important to various aspects of the investigation and is therefore included.

This has been one of the most challenging and difficult assignments any of us has ever undertaken in our work as congressional staff employees. Your consistent and enthusiastic support greatly facilitated the success of this effort. Equally generous encouragement and help has been provided by Representatives Dante B. Fascell, William S. Broomfield, Edward J. Derwinski, and John H. Buchanan, Jr., as well as the Committee on House Administration. All assistance we felt necessary to request of the Congress in the fulfillment of this undertaking has been provided.

This report is submitted to you and the committee with the hope it will provide a sound and adequate basis on which the committee's collective judgment can now be made on whether any future action is warranted or necessary.

GEORGE R. BERDES,
Staff Consultant,

Ivo J. SPALATIN,

*Staff Director, Subcommittee on
International Security and Scientific Affairs,*

THOMAS R. SMEETON,
Minority Staff Consultant.

CONTENTS

	Page
FOREWORD.....	III
LETTER OF TRANSMITTAL.....	v
I. INTRODUCTION.....	1
A. Ryan trip background.....	1
B. Summary of events of November 14-19, 1978.....	3
C. Chairman Zablocki's mandate for an investigation.....	6
II. THE INVESTIGATION.....	8
A. Preparation.....	8
B. Washington activities—I.....	9
C. California activities.....	9
D. Washington activities—II.....	11
E. Guyana activities.....	12
F. Washington activities—III.....	14
G. Information management.....	14
H. Miscellaneous information.....	14
I. Statistical summary of interviews.....	15
III. FINDINGS.....	16
A. Jim Jones and People's Temple.....	16
Background.....	16
Tactics of Jim Jones.....	17
Motivation of People's Temple members.....	19
People's Temple as a "church".....	20
B. Conspiracy against Jim Jones and People's Temple?.....	20
C. Opponents and media intimidated; public officials used.....	22
D. Awareness of danger, predicting the degree of violence.....	24
E. U.S. Customs Service investigation.....	25
F. Conspiracy to kill Representative Ryan?.....	26
G. The Privacy Act and the Freedom of Information Act.....	27
H. Role and performance of U.S. Department of State.....	29
I. Involvement of the Government of Guyana.....	32
J. Social security; foster children.....	33
K. Future status of People's Temple.....	35
IV. RECOMMENDATIONS.....	36
(1) Review of exemption provisions under the Privacy Act and Freedom of Information Act.....	36
(2) Review of Internal Revenue Service rules and regulations regarding churches.....	36
(3) State Department organization and procedures.....	36
(4) Concentrated program of research and training on cults needed.....	37
(5) Inclusion of the subject of cults on the agenda of the White House Conference on the Family.....	37
APPENDIXES ¹	
I. Introduction.....	39
A. Ryan trip background.....	43
1. Correspondence between Hon. Leo J. Ryan and various members of the Committee on Foreign Affairs.....	43
(a) October 4, 1978 letter from Hon. Leo J. Ryan to Hon. Clement J. Zablocki.....	43
(b) October 12, 1978 letter from Hon. Clement J. Zablocki to Hon. Leo J. Ryan.....	44

¹ Appendixes II-A-1; II-B, II-C, II-D, II-E-2, II-E-3, II-F-1, III-A-1, III-A-2, III-B-1, III-C, III-D, III-E, III-F, III-G-1, III-H, III-I, III-J-1, III-J-3, III-K, and parts of appendixes I-C-1 and III-G-3 remain classified and are retained in committee files on a confidential basis.

VIII

I. Introduction—Continued

A. Ryan trip—Continued

1. Correspondence between, etc.—Continued

	Page
(c) October 17, 1978 letter from Hon. Leo J. Ryan to Hon. Clement J. Zablocki.....	45
(d) October 18, 1978 letter from Hon. Leo J. Ryan to Hon. William S. Broomfield.....	46
(e) October 18, 1978 letter from Hon. Leo J. Ryan to Hon. Clement J. Zablocki.....	47
(f) October 24, 1978 letter from Hon. Clement J. Zablocki to Hon. Leo J. Ryan.....	48

2. Correspondence between Hon. Leo J. Ryan and the U.S. Embassy in Guyana, Jim Jones and Mark Lane

(a) November 1, 1978 letter from Hon. Leo J. Ryan to Jim Jones.....	49
(b) November 1, 1978 letter from Hon. Leo J. Ryan to Ambassador John R. Burke.....	50
(c) November 5, 1978 State Department cable describing conditions the People's Temple had established for Ryan Codel visit to Jonestown.....	51
(d) November 6, 1978 letter from Mark Lane to Hon. Leo J. Ryan.....	52
(e) November 10, 1978 letter from Hon. Leo J. Ryan to Mark Lane.....	54

B. Summary of events of November 14–19, 1978

1. List of People's Temple members who chose to leave with Ryan Codel on November 18, 1978.....	57
2. List of injured persons during attack on Port Kaituma airstrip.....	57
3. Time chart illustrating the sequence of events on November 18, 1978, culminating in the attack on the Ryan Codel according to various individuals interviewed by the staff investigative group.....	58

C. Chairman Clement J. Zablocki's mandate for an investigation

1. Correspondence between Hon. Clement J. Zablocki, Chairman of the Committee on Foreign Affairs, and the Department of State, and State Department materials provided to the committee at the request of the Staff Investigative Group.....	60
(a) November 21, 1978 letter from Hon. Clement J. Zablocki to the Department of State.....	60
(b) December 8, 1978 interim response from the Department of State to the November 21, 1978 letter from Hon. Clement J. Zablocki.....	63
(c) December 12, 1978 letter from Hon. Clement J. Zablocki to the Department of State.....	64
(d) December 13, 1978 final response from the Department of State to the November 21, 1978 letter from Hon. Clement J. Zablocki.....	65
(e) November 28, 1978 letter from Hon. Clement J. Zablocki to the Department of State.....	81
(f) December 19, 1978 interim response from the Department of State to the November 28, 1978 letter from Hon. Clement J. Zablocki.....	82
(g) January 9, 1979 final response from the Department of State to the November 28, 1978 letter from Hon. Clement J. Zablocki.....	85
(h) December 28, 1978 letter from the Department of State providing various materials requested by the Staff Investigative Group. (Materials include a chronology of significant events with respect to the People's Temple settlement in Jonestown from 1974 to 1978, guestbook of the Jonestown settlement, and a list of the deceased.).....	88

I. Introduction—Continued

C. Chairman Clement J. Zablocki's mandate for an investigation—Con.

1. Correspondence between, etc.—Continued

Page

- (i) January 4, 1979 letter from the Department of State providing information and materials requested by the Staff Investigative Group. (Materials include a series of memoranda detailing impressions of U.S. Government officials who had visited Jonestown since 1974 and a Department of State cable related to the visit of Lt. Gov. Mervyn Dymally of California to Guyana in 1976. Other materials provided in the January 4, 1979 letter from the Department of State are retained in the committee files on a confidential basis.)----- 127
- (j) January 31, 1979 letter from Hon. Clement J. Zablocki to the Department of State----- 150
- (k) February 11, 1979 interim response from the Department of State to the January 31, 1979 letter from Hon. Clement J. Zablocki----- 151
- (l) March 2, 1979 final response from the Department of State to the January 31, 1979 letter from Hon. Clement J. Zablocki----- 152
- (m) February 2, 1979 letter from Hon. Clement J. Zablocki to the Department of State----- 153
- (n) March 14, 1979 final response from the Department of State to the February 2, 1979 letter from Hon. Clement J. Zablocki. (Materials contained in this response include statements of U.S. Embassy personnel in Georgetown, Guyana who had contact with the People's Temple and a copy of the land lease for the Jonestown settlement agreed to by the People's Temple and the Government of Guyana. In addition to the documents shown here, a number of classified documents pertinent to appendix I-C-1 are maintained on a confidential basis in the committee files.)----- 155

2. Memorandum from Hon. Clement J. Zablocki to the Staff Investigative Group establishing the parameters of the Jonestown inquiry-----

183

II. The investigation-----

185

A. Preparation-----

193

1. (In classified version only.)

2. Correspondence between Hon. Clement J. Zablocki and various executive branch agencies and information and materials provided by various executive branch agencies at the request of the Staff Investigative Group. The December 11 letter from Chairman Zablocki to Department of Health, Education, and Welfare and other related materials do not appear in this appendix. They appear in appendix III-J-2 in connection with the Investigative Group's findings entitled "Social Security, Foster Children".)-----

193

- (a) December 11, 1978 letter from Hon. Clement J. Zablocki to the Department of Justice----- 193
- (b) December 28, 1978 letter from the Department of Justice to Hon. Clement J. Zablocki----- 194
- (c) March 30, 1979 letter from Hon. Clement J. Zablocki to the Department of Justice----- 195
- (d) April 12, 1979 interim response from the Department of Justice to the March 30, 1979 letter from Hon. Clement J. Zablocki----- 197
- (e) April 19, 1979 final response from the Department of Justice to the March 30, 1979 letter from Hon. Clement J. Zablocki----- 198

II. The Investigation—Continued
 A. Preparation—Continued

	Page
Correspondence between, etc.—Continued	
(f) December 11, 1978 letter from Hon. Clement J. Zablocki to the Department of the Treasury...	200
(g) January 5, 1979 letter from the Department of the Treasury to Hon. Clement J. Zablocki.....	201
(h) March 21, 1979 letter from the Department of the Treasury providing information and materials requested by the Staff Investigative Group. (Materials include a synopsis of the investigative activities carried out by the U.S. Customs Service concerning the People's Temple.).....	202
(i) March 30, 1979 letter from Hon. Clement J. Zablocki to the U.S. Customs Service.....	205
(j) December 11, 1978 letter from Hon. Clement J. Zablocki to the Federal Communications Commission.....	206
(k) January 5, 1979 letter from the Federal Communications Commission to Hon. Clement J. Zablocki.....	207
(l) December 11, 1978 letter from Hon. Clement J. Zablocki to the National Security Agency.....	208
(m) December 29, 1978 letter from the National Security Agency to Hon. Clement J. Zablocki.....	209
(n) December 11, 1978 letter from Hon. Clement J. Zablocki to the Central Intelligence Agency.....	210
(o) December 28, 1978 letter from the Central Intelligence Agency to Hon. Clement J. Zablocki.....	211
(p) February 28, 1979 letter from the Department of State to the Staff Investigative Group providing materials requested by the staff investigative group. (Materials provided include two Department of State documents related to the <i>Stoen Custody</i> case.).....	212
(q) April 19, 1979 letter from the Department of State to the Staff Investigative Group providing materials and information requested by the Staff Investigative Group. (Materials include the lease agreement executed by the People's Temple and the Government of Guyana, the December 19, 1978 visa application of Mrs. Pat Small and Department of State memoranda and cables concerning various aspects of the Jones-town incident.).....	217
3. Legal opinions concerning constitutional limitations on Congressional investigations of religious groups and the feasibility of distinguishing between bona fide religious groups and religious "cults".....	236
(a) December 21, 1978, letter from Hon. Clement J. Zablocki to Prof. Richard Delgado.....	236
(b) January 8, 1979, letter from Prof. Richard Delgado to Hon. Clement J. Zablocki. (Professor Delgado also provided materials related to the issue of defining and investigating religious "cults.").....	238
(1) "Religious Totalism: Gentle and Ungentle Persuasion Under the First Amendment," Richard Delgado, Los Angeles Daily Journal Report, December 1, 1978.....	241
(2) "Investigating Cults," Richard Delgado, New York Times, December 7, 1978..	273
(3) "Psyching Out the Cults Collective Mania," Louis Jolyan West and Richard Delgado, Los Angeles Times, November 26, 1978.....	274

XI

II. The Investigation—Continued

A. Preparation—Continued

3. Legal opinions, etc.—Continued

	Page
(c) Staff Investigative Group summary of January 15, 1979, letter and enclosures from Prof. Richard Delgado to Hon. Clement J. Zablocki	277
(d) December 21, 1978, letter from Hon. Clement J. Zablocki to Prof. Norman Dorsen	280
(e) January 25, 1979, letter from Prof. Norman Dorsen to Hon. Clement J. Zablocki	281
(f) Staff Investigative Group summary of January 25, 1979, letter from Prof. Norman Dorsen to Hon. Clement J. Zablocki	283
(g) March 8, 1979, letter from Hon. Clement J. Zablocki to Leo Pfeffer, attorney at law	284
(h) March 26, 1979, letter from Leo Pfeffer to Hon. Clement J. Zablocki	285
(i) Staff Investigative Group summary of the March 26, 1979, letter from Leo Pfeffer to Hon. Clement J. Zablocki	289
(j) March 8, 1979, letter from Hon. Clement J. Zablocki to Prof. Arthur Miller	291
(k) March 19, 1979, letter from Prof. Arthur Miller to Hon. Clement J. Zablocki	292
(l) Staff Investigative Group summary of the March 19, 1979, letter from Prof. Arthur Miller to Hon. Clement J. Zablocki	293
B. (Washington activities—I: In classified version only.)	
C. (California activities: In classified version only.)	
D. (Washington activities—II: In classified version only.)	
E. Guyana activities	294
1. Correspondence between Hon. Clement J. Zablocki and the Government of Guyana	294
(a) March 2, 1979 letter from Hon. Clement J. Zablocki to Prime Minister Forbes Burnham, Government of Guyana	294
(b) March 13, 1979 letter from H. E. Dyett, Ministry of Foreign Affairs, Government of Guyana, to Hon. Clement J. Zablocki	296
(c) March 16, 1979 letter from Hon. Clement J. Zablocki to Prime Minister Forbes Burnham, Government of Guyana	298
(d) March 28, 1979 letter from H. E. Dyett, Ministry of Foreign Affairs, Government of Guyana, to Hon. Clement J. Zablocki	299
2. (In classified version only.)	
3. (In classified version only.)	
F. Washington activities—III:	300
1. (In classified version only.)	
2. Relevant newspaper and magazine articles, key documents, and affidavits	300
April 10, 1978 affidavit of Yolanda D. A. Crawford	300
May 12, 1978 affidavit of Debbie Layton Blakey	304
Letter from Jeffery Haas, attorney at law to Elizabeth Powers, Special Consular Services, Department of State, enclosing the affidavit of the June 15, 1978 affidavit of Debbie Layton Blakey	306
"Inside People's Temple," Marshall Kilduff and Phil Tracy, New West Magazine, August 1, 1977	319
"Ukiah Weekly Target of \$5 Million Lawsuit," George Hunter, Ukiah Daily Journal, August 23, 1977	327
"Charles Garry Visits Jonestown: 'I Have Been to Paradise,'" the Sun Reporter, November 10, 1977	328
"Scared Too Long," Tim Reiterman, San Francisco Examiner, November 13, 1977	329

XII

II. The Investigation—Continued

F. Washington activities—Continued

2. Relevant newspaper, etc.—Continued

	Page
"Jones Temple Asked to Return Child," Tim Reiterman, San Francisco Examiner, November 10, 1977.	335
"People's Temple in Guyana Is 'Prison,' Relatives Say," Bob Klose, Santa Rosa Press Democrat, April 12, 1978.	337
"Grim Report From Jungle," Marshall Kilduff, San Francisco Chronicle, June 15, 1978.	340
"People's Temple Harassed," San Francisco Examiner, October 4, 1978.	342
"Ryan To Visit Reverend Jones' Jungle Refuge," Marshall Kilduff, San Francisco Chronicle, November 8, 1978.	343
"Probers Head for a Reluctant Rev. Jim Jones," Tim Reiterman, San Francisco Examiner, November 15, 1978.	344
"Expedition to Reverend Jones' Refuge," Ron Javers, San Francisco Chronicle, November 15, 1978.	345
"Temple Probe Hits Wrangling," Tim Reiterman, San Francisco Examiner, November 16, 1978.	347
"Ryan, at People's Temple, Learns Jones Is Very Ill," Tim Reiterman, San Francisco Examiner, November 16, 1978.	349
"Reporter's Account of Guyana Detention," Ron Javers, San Francisco Chronicle, November 16, 1978.	351
"Ryan's Ready To Lead Group to Temple Base," Tim Reiterman, San Francisco Examiner, November 17, 1978.	353
"Angry Meeting in Guyana," Ron Javers, San Francisco Chronicle, November 17, 1978.	355
"A Visa Error and People's Temple Is More Remote Than Ever," Tim Reiterman, San Francisco Examiner, November 17, 1978.	357
"People's Temple Invites Ryan in and Nobody Else," Tim Reiterman, San Francisco Examiner, November 17, 1978.	359
"Reporter's Account: Guyana Adventure," Ron Javers, San Francisco Chronicle, November 17, 1978.	360
"Reverend Jones Became West Coast Power," Larry Kramer, Washington Post, November 20, 1978.	361
"Cult Head Leads 408 to Deaths in Suicide-Murders," Leonard Downie, Jr., Washington Post, November 21, 1978.	363
"Suicide Carnage Follows Jones' Tribute to Death," Baltimore Sun, November 21, 1978.	368
"People's Temple Had History of Threats, Violence," Art Harris, Washington Post, November 21, 1978.	371
"Survivor: They Started With The Babies," Charles A. Krause, Washington Post, November 21, 1978.	373
"Bodies in Guyana Cause Confusion," Charles A. Krause, Washington Post, November 22, 1978.	375
"Son Depicts Leader of Cult As a Fanatic and a Paranoid," Jon Nordheimer, New York Times, November 22, 1978.	378
"Cult Chief's Beginning in Indianapolis Recalled," James Feron, New York Times, November 22, 1978.	380
"Indianapolis to Guyana: A Jim Jones Chronology," Washington Post, November 22, 1978.	382
"I Never Once Thought He Was Crazy," Jon Nordheimer, New York Times, November 27, 1978.	383
"Suicides Called 'Punishment,'" Karen DeYoung, Washington Post, November 27, 1978.	385

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

XIV

II: The Investigation—Continued	
F. Washington activities—Continued	
2. Relevant newspaper, etc.—Continued	Page
"Type Hints Early Decision by Jones on Mass Suicide," the Baltimore Sun, March 15, 1970.....	509
"Jones Aids Dies After Shooting Himself," the Balti- more Sun, March 15, 1970.....	511
"Hurry My Children, Hurry" Nation, March 26, 1978.	512
"Reverend Jones Accused of Coercion," New York Times April 12, 1979.....	515
"Real Story Behind the 900 Guyana Suicides," Jeanne Mills, National Enquirer, April 17, 1979.....	510
"Voices From Guyana Back Reverend Jones," San Francisco Chronicle, April 18, 1979.....	521
III. Findings	527
A. Jim Jones and the People's Temple	527
1. (Tactics: In classified version only.)	
2. (Motivations: In classified version only.)	
3. Staff Investigative Group internal memorandum describing Internal Revenue Service (IRS) rules and regulations concerning tax exempt status of religious organizations.	527
B. Conspiracy against Jim Jones and the People's Temple?	531
1. (In classified version only.)	
2. Executive Orders 11905 and 12036 limiting and defining CIA responsibilities with respect to intelligence gathering on U.S. citizens.....	531
C. (Opponents and media intimidated, public officials used: In classi- fied version only.)	
D. (Awareness of danger, predicting the degree of violence: In classi- fied version only.)	
E. (U.S. Customs Service investigation: In classified version only.)	
F. (Conspiracy to kill Representative Leo Ryan? In classified version only.)	
G. The Privacy Act and the Freedom of Information Act	566
1. (In classified version only.)	
2. Correspondence between the Department of State and Hon. Clement J. Zablocki. (The correspondence con- tained in this appendix was generated as a result of the February 2, 1979 letter from Hon. Clement J. Zablocki to the Department of State found in appendix I-C-1.)..	566
3. Department of State implementation of the Privacy Act and the Freedom of Information Act.....	570
(a) Materials provided to the Staff Investigative Group stemming from the February 2, 1979 letter from Hon. Clement J. Zablocki. (Materials include guidelines and information provided to U.S. Embassy in Georgetown, Guyana with respect to implementation of Privacy Act and Freedom of Information Act and internal memoranda regarding Department of State processing of Privacy Act requests made by legal counsel for the People's Temple.).....	570
(b) Staff Investigative Group internal memorandum describing the general provisions of the Privacy Act and the Freedom of Information Act and the Department of State's performance in implementing those two acts.....	699
(c) Staff Investigative Group memorandum elaborat- ing on the provisions of the Freedom of Informa- tion Act and exemptions from agency disclosure of information under the Freedom of Informa- tion Act.....	705
H. (Role and performance of the U.S. Department of State: In classi- fied version only.)	
I. (Involvement of the Government of Guyana: In classified version only.)	

	Page
III. Findings--Continued	
J. Social security and foster children.....	700
1. (In classified version only.)	
2. Correspondence between Hon. Clement J. Zablocki and the Department of Health, Education, and Welfare on the issue of the alleged theft or fraudulent use of social security payments to members of the People's Temple...	700
(a) December 11, 1978 letter from Hon. Clement J. Zablocki to the Department of Health, Education, and Welfare.....	700
(b) March 7, 1979 response from the Department of Health, Education, and Welfare to Hon. Clement J. Zablocki providing materials and information related to the responsibilities of the Social Security Administration in paying benefits to members of the People's Temple.....	710
(c) February 1, 1979 letter from the Staff Investigative Group to the Social Security Administration....	716
(d) February 12, 1979 interim response from the Social Security Administration to the Staff Investigative Group.....	718
(e) February 23, 1979 final response from the Social Security Administration to the Staff Investigative Group providing materials and information. (Materials provided include names of social security recipients living in Georgetown or Jonestown, Guyana, whose Social Security checks were cashed or undeposited as of November 18, 1978.).....	719
(f) Listing of social security beneficiaries who were in Jonestown, number of social security beneficiaries who are confirmed deceased, total of social security beneficiaries who were in Jonestown that are deceased but remain unidentified and total of social security beneficiaries who were in Jonestown that are known survivors.....	775
(g) April 20, 1979 letter from the Department of Health, Education, and Welfare to the Staff Investigative Group.....	776
3. (In classified version only.)	
K. (Future status of the People's Temple: In classified version only.)	
IV. Statement of Hon. Joseph H. Blatchford concerning his involvement with Jonestown survivors.....	777

I. INTRODUCTION

A. RYAN TRIP BACKGROUND

The chain of events which led to Representative Leo J. Ryan's death in Guyana on November 18, 1978 began 1 year earlier almost exactly to the date. The spark that ignited his interest was a San Francisco Examiner article of November 13, 1977, involving an old friend and constituent, Mr. Sam Houston of San Bruno, Calif. Headlined "Scared Too Long," the story recounted the death of Sam Houston's son, Bob, beneath the wheels of a train on October 5, 1976, 1 day after he had announced his decision to leave the People's Temple. The article explained that Mr. Houston was "speaking out" because he was outraged by the way the Temple had treated his son, about whose "accidental" death he had lingering doubts. He was also speaking out because his two granddaughters, who were sent to New York on a "vacation," ended up at the People's Temple agricultural mission in Jonestown, Guyana—never to return. Sam Houston was also described as speaking out because he didn't have much time left. Doctors would be removing his cancer-choked voice box within a few days. Finally, Sam Houston said he was speaking out because he was "tired of being scared."

Representative Ryan read that story and soon thereafter took the initiative to contact the Houstons and visited their home. Reinforced by the fact that a relative had been involved in an unusual church group, Mr. Ryan decided at that time that the matter needed to be looked into.

Over the next 6 to 8 months several other developments took place which increased his interest in the activities of the People's Temple. One was another San Francisco newspaper story recounting the defection from People's Temple of Debbie Blakey, including excerpts from her sworn affidavit of June 15, 1978, noting mass suicide rehearsals at Jonestown. Further impetus came in letters he received from concerned relatives of People's Temple members, some of whom were constituents, asking his assistance and alleging, among other things, social security irregularities, human rights violations, and that their loved ones were being held in Jonestown against their will. He subsequently met with a group of these concerned relatives in August 1978. As his interest in People's Temple became more widely known, he also began receiving extensive mail and petitions favorable to People's Temple. Throughout this period he directed his staff to begin compiling information on the People's Temple. He also hired a young California attorney to interview former People's Temple members and concerned relatives. His specific instruction was to look for possible violations of Federal and California State laws.

The cumulative effect of this effort undertaken by Representative Ryan led him to request a meeting on September 15, 1978, with Viron P.

Vaky, Assistant Secretary, Bureau of Inter-American Affairs, U.S. Department of State, and other State Department officials. What he had earlier considered merely the "possibility" of going to Guyana appears to have become firm in his mind at that meeting. On October 4, 1978, he requested House Foreign Affairs Committee Chairman Clement J. Zablocki's permission to go to Guyana. He explained his interest in part stemmed from his membership on this committee's Subcommittee on International Operations, as a result of which he had become increasingly aware "of the problems related to protecting the lives and property of U.S. citizens abroad." A key paragraph in his letter stated:

It has come to my attention that a community of some 1,400 Americans are presently living in Guyana under somewhat bizarre conditions. There is conflicting information regarding whether or not the U.S. citizens are being held there against their will. If you agree, I would like to travel to Guyana during the week of November 12-18 to review the situation first-hand.

In response to Chairman Zablocki's request, and in compliance with committee travel guidelines, Mr. Ryan subsequently attempted to interest other committee members in accompanying him. (See Appendix 1-A-1.) Although Hon. Edward J. Derwinski was originally scheduled to do so, he subsequently had to cancel those plans because of unavoidable conflicts in his schedule.

Prior to his departure for Guyana on November 14, Mr. Ryan and members of his staff and this committee's staff received briefings and met with State Department officials on October 2, 25, and November 9 and 13. Chief among the topics discussed in those briefings was the Privacy Act because both the Embassy and the State Department were highly sensitized by legal actions taken under this statute by the People's Temple and because some 1,000 Americans living in Jonestown were protected by the provisions of this act. Logistical problems in getting to Jonestown and other related matters were also reviewed.

During approximately this same period the media became aware of Mr. Ryan's trip as did members of the Concerned Relatives of People's Temple members in San Francisco. By the time he departed for Guyana on November 14, the group of newspaper and television media representatives accompanying him grew to 9 and the Concerned Relatives delegation numbered 18. In this connection, it is important to note that neither the media nor Concerned Relatives were a part of Mr. Ryan's official Codel.¹ Rather, the official party was made up of Mr. Ryan, Mr. James Schollaert, staff consultant for the House Foreign Affairs Committee; and Miss Jackie Speier, of Mr. Ryan's personal staff and whose expenses were not paid for by the U.S. Government.

On November 1, Mr. Ryan sent a telegraph to Jim Jones outlining his plans and expressing his desire to visit Jonestown. On that same date, Mr. Ryan wrote to Hon. John Burke, U.S. Ambassador to Guyana, informing the Ambassador of his proposed date of arrival in Georgetown (November 14), and relaying to Ambassador Burke the text of his telegram to Jones. On November 5 the U.S. Embassy advised Mr. Ryan that the People's Temple wanted Mr. Ryan to work with People's Temple legal counsel, Mark Lane, on the appropriate arrangements for the Ryan Codel to visit Jonestown.

¹ "Codel" is an abbreviation for an official Congressional Delegation traveling overseas.

The Embassy also relayed to Mr. Ryan that the People's Temple had informed an Embassy official that Mr. Ryan could visit Jonestown provided: (1) that the Codel was "balanced"; (2) that there would be no media coverage associated with the visit; and (3) that Mr. Lane be present during the visit. Attempts by Mr. Schollaert to negotiate these matters with Mr. Lane on Representative Ryan's behalf were unproductive.

On November 6, Mr. Lane wrote a letter to Mr. Ryan outlining logistical difficulties if the Ryan Codel decided to visit Jonestown and informing Ryan that Lane would be unable to be in Jonestown at the time Ryan wished to visit the settlement. Lane also made inferences in the letter to a "witchhunt" against the People's Temple by the U.S. Government. On November 10, Mr. Ryan responded to Lane's letter, expressing regret at Lane's remarks about the Codel's motives and informing him that despite Lane's scheduling conflicts, the Codel planned to leave for Guyana on November 14. Further negotiations between Representative Ryan and Messrs. Lane and Charles Garry, also legal counsel to the People's Temple, resumed in Georgetown after the Codel's arrival. (See Appendix I-A-2.)

B. SUMMARY OF EVENTS OF NOVEMBER 14-19, 1978

The Ryan Codel, together with its unofficial contingent of media and Concerned Relatives, arrived in Georgetown, Guyana at approximately midnight November 14. The official Codel group proceeded into Georgetown where Mr. Ryan was a house guest of U.S. Ambassador John Burke and Miss Speier and Mr. Schollaert registered at the Pegasus Hotel. Despite confirmed reservations, the Concerned Relatives group was unable to obtain rooms at the same hotel and spent the night in the lobby. With one exception, the media group cleared customs and took rooms at the Pegasus Hotel. The exception, Mr. Ron Javers of the San Francisco Chronicle, was detained overnight at the airport because he lacked an entry visa and for what was later described as on orders from "higher ups."

Over the next 2½ days the following incidents took place:

- With the assistance of Embassy personnel, Mr. Javers was eventually allowed to enter, other members of the media group were summoned to the Ministry of Immigration, and attempts were made to shorten their visas from 5 to 1 day;
- Representative Ryan, Miss Speier, and Mr. Schollaert received briefings from members of the U.S. Embassy team;
- Mr. Ryan paid a courtesy call on Guyanese Foreign Minister Rashleigh Jackson to discuss United States-Guyanese bilateral relations;
- Mr. Ryan arranged a meeting between Ambassador Burke and the Concerned Relatives group at which they voiced their concerns and allegations regarding their relatives in Jonestown;
- Mr. Ryan made an unannounced visit to the People's Temple Headquarters in Georgetown at 41 Lamaha Gardens; Mr. Charles Krause of the Washington Post accompanied Mr. Ryan but did not enter the headquarters;
- Some of the Concerned Relatives groups also attempted to talk with People's Temple representatives at the Lamaha Gardens People's Temple facility but were generally unsuccessful;

- Because negotiations between Representative Ryan and Messrs. Lane and Garry were still unresolved, the plane originally chartered to go to Jonestown on Thursday, November 16, was rescheduled for Friday, November 17;
- By late Friday morning Mr. Ryan advised Messrs. Lane and Garry that he was leaving for Jonestown at 2:30 p.m. regardless of Jones' willingness to allow the Ryan party to visit Jonestown. He also assured Lane and Garry of two seats on the plane if they decided to accompany him;
- Mr. Ryan, Miss Speier, Deputy Chief of Mission Richard Dwyer, Messrs. Lane and Garry, all nine media representatives, four individuals representing the Concerned Relatives group, and Mr. Neville Annibourne, a Guyanese Information Officer, left for Jonestown at approximately 2:30 p.m., Friday, November 17, Guyana time (12:30 p.m., e.s.t., Washington, D.C.).

On the group's arrival at the Port Kaituma airstrip the chronology of events which ensued was as follows:

- They were met initially by a Corporal Rudder, described as a Guyanese Regional Official assigned to the Northwest territory. He advised them that he had orders "from Jonestown" not to allow anyone off the plane except Messrs. Lane and Garry. Representatives of the Jonestown People's Temple facility also at the airstrip met privately with Lane and Garry and it was eventually decided that only they together with Mr. Ryan, Miss Speier, Mr. Dwyer, and Mr. Annibourne could proceed into Jonestown;
- Mr. Ryan eventually obtained Mr. Jones' approval for the media group and Concerned Relatives to enter Jonestown and the People's Temple truck was sent back to Port Kaituma to transport them. They arrived in Jonestown after dark. Only Mr. Gordon Lindsay, a former free-lance reporter for the National Enquirer, and on this trip, working as a consultant to NBC, was denied entry. A previous unpublished story by Mr. Lindsay critical of People's Temple had incurred Jim Jones' wrath and accounted for the refusal to allow him into Jonestown. Mr. Lindsay thereupon immediately returned with the plane to Georgetown;
- Dinner was served to the entire delegation and they viewed a musical presentation by People's Temple members. Throughout this period the reporters were casually interviewing Mr. Jones; Mr. Ryan and Miss Speier were contacting and talking to People's Temple members whose names had been provided them by relatives in the United States. Although the evening was generally informal and casual, the emotional atmosphere was described as at a "fever pitch." At one point, Mr. Ryan addressed the assembled People's Temple audience of approximately 900 and received an extended, standing ovation in response to his comment that "for some of you, for a lot of you that I talked to, Jonestown is the best thing that ever happened to you in your lives";
- Sometime during the evening, a People's Temple member passed a note to NBC Reporter Don Harris indicating the individual's desire to leave Jonestown. Harris hid the note and later showed it to Mr. Ryan. That same evening another People's Temple member made a similar verbal request of DCM Dwyer to leave "immediately," which he passed on to Mr. Ryan;

- At approximately 11 p.m. the media group and Concerned Relatives were returned to Port Kaituma for makeshift accommodations after Jim Jones refused to allow them to spend the night in Jonestown. Only Ryan, Speier, Dwyer, Annibourne, Garry, and Lane stayed in Jonestown the night of Friday, November 17;
- Following their arrival in Port Kaituma, three members of the media were approached by local Guyanese, including one reported to be a local police official. The Guyanese related stories of alleged beatings at Jonestown, complained that local Guyanese officials were denied entry to and had no authority in Jonestown, and described a "torture hole" in the compound.

On Saturday, November 18, the following chronological order of events took place:

- Following breakfast, Ryan, Speier, and Dwyer continued their round of interviews with People's Temple members in the process of which they were approached by a People's Temple member who indicated to them secretly that she and her family wished to leave Jonestown;
- The media group and Concerned Relatives returned to Jonestown from Port Kaituma aboard the People's Temple truck at approximately 11 a.m., several hours later than the schedule promised by Mr. Jones on Friday night. The media began to seek access to various Jonestown facilities. They also continued their interviews of Jim Jones and People's Temple individuals;
- At about 3 or 3:30 p.m. a total of some 15 People's Temple members who had indicated their desire to leave boarded the truck for return to the Port Kaituma airstrip. (See Appendix I-B-1.) Only Mr. Ryan and People's Temple lawyers Lane and Garry planned to remain in Jonestown 1 more night. It was at this point that an unsuccessful knife attack was made on Mr. Ryan's life. The attacker, identified as Don Sly, was fended off by Mr. Lane and others but cut himself in the process and Mr. Ryan's clothes were spattered with blood. After receiving Mr. Jones' assurance that the incident would be reported to local police, Mr. Ryan assured Jones that the attack would not substantially influence his overall impression of People's Temple. Despite the attack, Mr. Ryan reportedly planned to remain in Jonestown and eventually left only after virtually being ordered to do so by DCM Dwyer. In turn, Mr. Dwyer planned to return to Jonestown later in an effort to resolve a dispute between a family who was split on the question of leaving Jonestown;
- Because of the unanticipated large number of defectors, an unexpected request was made to the Embassy in Georgetown at about noon Saturday for a second plane. A considerable effort was required by Embassy personnel to obtain the aircraft on such short notice;
- The entire group, including the defectors, arrived at the Port Kaituma airstrip between 4:30 and 4:45 p.m. The planes, which were scheduled to be there on the group's arrival, did not arrive until approximately 5:10 p.m. A six-passenger Cessna was loaded and had taxied to the far end of the airstrip when one of the passengers in that plane, Larry Layton, a self-declared "defector," opened fire on its passengers. At approximately the same time, a

People's Temple tractor and trailer which had arrived at the airstrip shortly before, was positioned near the twin-engine Otter aircraft onto which some had already boarded. The trailer occupants waved off local Guyanese who had gathered about and opened fire on the Ryan party. Mr. Ryan, three members of the media, and one of the defectors were killed; Miss Speier and nine others were wounded—five seriously. (See Appendix I-B-2.) According to information received by the Staff Investigative Group, the shooting started at 5:20 p.m. (3:20 p.m. Washington time) and lasted about 4 to 5 minutes. (See Appendix I-B-3.) The larger aircraft was disabled but the smaller Cessna took off in the ensuing confusion. The attackers left the airstrip and the survivors sought various cover and protection through the night under the direction of DCM Dwyer;

- The evidence the Staff Investigative Group has indicates that very shortly after the Ryan group left Jonestown, Jones was in a highly agitated state. In an apparent attempt to calm the situation his wife, Marceline, urged everyone to go to their cabins to rest. But shortly thereafter everyone was ordered back to the Pavilion. On the basis of the evidence we estimate that the mass suicide/murder ritual began at about 5 p.m. on Saturday afternoon, Guyana time. It ultimately claimed 909 lives, including that of Jim Jones. Word of the Jonestown deaths reached Port Kaituma about 2 a.m. Sunday morning with the arrival of two survivors, Stanley Clayton and Odell Rhodes. At approximately 7:40 p.m., Saturday, Sherwin Harris, a member of the Concerned Relatives Group, was informed by Guyanese police officials that his ex-wife Sharon Amos and three of her children were found dead at the People's Temple headquarters in Georgetown;
- Shortly after takeoff the Cessna aircraft radioed the Georgetown tower with news of the attack and Guyanese officials were informed. At about 6 p.m. Saturday, Prime Minister Forbes Burnham telephoned Ambassador Burke to request that he come immediately to his residence where he received word of the shooting. Ambassador Burke returned to the Embassy at 7:55 p.m., dictated a cable to the State Department which was sent at 8:30 p.m. (6:30 p.m., e.s.t. Washington time). The text of that cable was subsequently read over the phone to a State Department official in Washington at approximately 8:40 p.m.;
- The first contingent of Guyanese Army rescue forces arrived in Port Kaituma shortly after dawn (approximately 6 a.m.) on Sunday, November 19. The complete contingent of about 120 soldiers were on the scene 1 hour later. The first Guyanese rescue aircraft landed at Port Kaituma without medical supplies or personnel at about 10 a.m. All of the wounded and most of the survivors were airlifted by Guyanese from Port Kaituma before the end of the day. On arrival in Georgetown, the wounded were transferred to waiting U.S. Air Force medical evacuation aircraft.
- Earlier reports of the mass suicide/murders at Jonestown were confirmed late Sunday morning when Guyanese Army contingents arrived there.

C. CHAIRMAN ZABLOCKI'S MANDATE FOR AN INVESTIGATION

On Tuesday, November 21, 1978, Chairman Zablocki wrote the Department of State posing 13 specific questions regarding Mr. Ryan's death and the resulting tragedy at Jonestown. Further, the chairman's letter noted that "In determining what steps might be taken in the wake of this matter, the committee intends to look into all of the circumstances which might have a bearing on this tragic incident. It is therefore essential that the Department of State cooperate fully with the committee in the conduct of this inquiry." Additional letters from the chairman specifying further detailed requests were sent to the State Department during the course of the investigation and eventually answered. (See Appendix I-C-1.)

As a complement to Chairman Zablocki's November 21 letter to the State Department he ordered a Staff Investigative Group "to conduct a comprehensive inquiry into the international relations aspect of the activities of the People's Temple and the tragic events that led to the murder of Congressman Leo Ryan and other members of his party and the mass suicide/murder of the followers of the People's Temple that occurred in Jonestown on November 18, 1978." (See Appendix I-C-2.)

II. THE INVESTIGATION

A. PREPARATION

Under the parameters set out in Chairman Zablocki's mandate for a comprehensive inquiry, the Staff Investigative Group began meeting with appropriate State Department officials on December 5, 1978, to lay out the specific dimensions of the House Foreign Affairs Committee's interests and objectives. As a result of those meetings and in response to the chairman's request of November 21, the State Department subsequently provided the committee with 902 pertinent cables, correspondence, and related materials. The documents spanned the period of June 7, 1974, through November 29, 1978, and dealt with various contacts which the Department had with People's Temple since its establishment in Guyana. Organized chronologically by log number, the 902 documents were read, analyzed, and summarized. Throughout the course of the investigation they provided a repeated base of reference and resource for information. (See Appendix II-A-1 for document summaries, in classified version only.)

On December 11, 1978, Chairman Zablocki wrote to 10 Federal departments and agencies requesting that the committee be supplied with "any and all information and documents" in their files relating to the People's Temple and the murder of Representative Ryan. The requests were directed to the Department of Justice and the Federal Bureau of Investigation, the Central Intelligence Agency, the Federal Communications Commission, the Department of the Treasury, and the U.S. Customs Service, the Department of Health, Education, and Welfare, and the Social Security Administration, and the National Security Agency. The responses provided by those departments and agencies ultimately generated countless phone calls, correspondence exchanges, and meetings between their representatives and the Staff Investigative Group. (See Appendix II-A-2.)

In cooperation with the American Law Division of the Library of Congress, Chairman Zablocki also wrote on December 21, 1978, and March 8, 1979, to 10 American constitutional experts, law scholars, and practicing attorneys. (See Appendix II-A-3.) Carefully selected for the varied and balanced perspectives they might hold on the issues involved, the legal community was invited to address two key questions articulated in the following pertinent paragraphs from Mr. Zablocki's letter:

Because of pertinent jurisdictional and other important considerations, the Committee will be only tangentially concerned with the beliefs and dogmas of the People's Temple. However, given the primacy of the First Amendment religion guarantees in our jurisprudence, we do feel the necessity of acquainting ourselves with the Constitutional principles limiting and shaping Congressional power to inquire into the workings of an organization that has been denominated a religious group. In addition, we are also interested in learning how you might distinguish between a bona fide religious group and what in the current context has been described as a cult.

I recognize that there is little blackletter law that can be cited on the issue. Rather, we are much more concerned with the best assessment you can give to guide us in making as complete an inquiry as possible without needlessly intruding into areas of religious principle marked off by our Constitution from government regulation.

B. WASHINGTON ACTIVITIES—I

Having assimilated the State Department's 902 documents and a variety of other preliminary background materials, the Staff Investigative Group began to conduct on-the-record interviews classified "Confidential" with individuals related to the incident. Between December 4, 1978, and January 2, 1979, the Group interviewed:

- Galen W. Holsinger, administrative assistant to Representative Ryan.
- Mr. James Schollaert, staff consultant, Foreign Affairs Committee, who assisted Mr. Ryan before the trip and who accompanied him to Guyana.
- Miss Jacqueline Speler, Mr. Ryan's legislative assistant, who also staffed prior trip arrangements, performed much of the research, and accompanied Mr. Ryan to Jonestown where she was seriously wounded.
- Mr. Richard McCoy, State Department Foreign Service officer who served in Guyana, had extensive contacts with People's Temple as a Consular Officer during that time, and subsequently served as Guyanese Desk Officer in which capacity he contributed to briefings for Mr. Ryan and otherwise assisted in making arrangements for the Codel's trip to Guyana. Mr. McCoy was interviewed by the Staff Investigative Group on three different occasions between December 4, 1978, and January 2, 1979.

This initial series of interviews established basic background information. (See Appendix II-B for transcript summaries, in classified version only.) Simultaneous to this effort, the Staff Investigative Group maintained repeated contacts with State Department and other Federal agency officials, culled through a variety of other sources of information including hundreds of newspaper articles, and listened to tapes of interviews conducted by Mr. Ryan's staff prior to the tragedy. In addition, the Group laid the groundwork for the second phase of its investigation in California.

C. CALIFORNIA ACTIVITIES

Between January 3-19, 1979, the Staff Investigative Group conducted interviews in three different locations in California. A total of 29 individuals in San Francisco, Ukiah, and Los Angeles, Calif. provided on-the-record accounts of their involvement with the matter. (See Appendix II-C for transcript summaries, in classified version only.)

Those interviewed in California were:

In San Francisco

- Ms. Rosalie Wright, Editor for New West magazine.
- Mr. Will Holsinger (son of G. W. Holsinger), attorney hired by Mr. Ryan to conduct interviews with former People's Temple members and Concerned Relatives.
- Mr. Joseph Freitas, Jr., District Attorney for the County of San Francisco.
- Mr. and Mrs. Howard Oliver, who had visited Guyana on two occasions, the final time with Mr. Ryan, in an unsuccessful attempt to urge their two sons to leave Jonestown. Mrs. Oliver also accompanied Mr. Ryan to Jonestown on November 17-18 and was wounded in the Port Kaituma shooting.

- Ms. Clare Bouquet, whose son, Brian, was at Jonestown and who accompanied Mr. Ryan to Guyana.
- Mr. Jim Hubert, U.S. Customs Service, San Francisco office.
- Mr. and Mrs. Sam Houston, whose son, Bob, was a former People's Temple member killed under questionable circumstances in a train accident and whose two granddaughters were at Jonestown. Mrs. Houston accompanied Mr. Ryan to Guyana.
- Ms. Carol Boyd, daughter of Mr. and Mrs. Houston, who accompanied Mr. Ryan on the trip to Jonestown.
- Mr. Al Mills, former People's Temple member, a member of the Concerned Relatives, and head of the Human Freedom Center in San Francisco.
- Mr. Tim Stoen, former People's Temple member and legal adviser to Jim Jones. He and his wife, Grace Stoen, took legal action to regain custody of their son, John Victor Stoen, from Jim Jones.
- Mr. Dale Parks, a People's Temple defector who, together with four members of his family, left Jonestown with Mr. Ryan. Mr. Parks' mother, Patricia, was subsequently killed in the shooting at Port Kaituma.
- Mr. Marshall Kilduff, reporter for the San Francisco Chronicle and writer for Now West magazine who coauthored the magazine's article on Jones in August 1977, the anticipated publication of which apparently caused Jim Jones to leave the United States for Guyana on July 16, 1977.
- Ms. Debbie Layton Blakey, who defected from People's Temple in Guyana in May 1978 and subsequently filed an affidavit alleging among other things, the existence of guns in Jonestown, mass suicide rehearsals at Jonestown and staged scenarios for visits to Jonestown by U.S. Embassy officials and others. Ms. Blakey's husband, Phillip, her mother Lisa Layton, and her brother, Larry Layton, remained in Jonestown as members of the People's Temple.
- Mr. Ron Javers, reporter for the San Francisco Chronicle who accompanied Mr. Ryan to Jonestown and was wounded in the shooting at Port Kaituma.
- Mr. Mark Lane, legal counsel for the People's Temple who accompanied Mr. Ryan to Jonestown.
- Ms. Terri Buford, self-described People's Temple defector in October 1978, who was one of Jim Jones' most trusted aides, responsible principally for People's Temple financial matters.
- Mr. Bob Flick, NBC producer who accompanied Mr. Ryan to Jonestown and was present at the Port Kaituma shooting.
- Ms. Grace Stoen, former People's Temple member, mother of John Victor Stoen and wife of Mr. Tim Stoen.
- Mr. Jeffrey Haas, and Ms. Margaret Ryan, legal counsel to Ms. Grace Stoen in her child custody suit. Mr. Haas went to Guyana in September 1977 relative to this legal action and visited Jonestown twice.
- Mr. Charles Garry, legal counsel for the People's Temple, as well as several surviving People's Temple members based in San Francisco, who accompanied Mr. Ryan to Jonestown.

In Uklah

- Mr. Steven Katsaris, father of People's Temple member Maria Katsaris and of Anthony Katsaris, who accompanied Mr. Ryan to Jonestown and was wounded at Port Kaituma. Mr. Steven Katsaris, as a leader of the Concerned Relatives, visited Guyana in September-October 1977 prior to accompanying Mr. Ryan there in November 1978.
- Ms. Kathy Hunter, former reporter for the Uklah Daily Journal, who had previously written People's Temple stories while Jim Jones maintained his organization there and went to Guyana in May 1978 in an unsuccessful attempt to interview Mr. Jones.
- Ms. Jan Kespohl, Deputy Sheriff for the Mendocino County Sheriff's Department who had investigated several incidents starting in 1972 relating to People's Temple while the organization was located in Uklah.
- Ms. Pat Small, a Guyanese citizen, former self-described quasi-official receptionist for visiting VIP's to Guyana, who, together with her six children and one grandchild, is currently in the United States seeking political asylum.

In Los Angeles

- Mr. Steve Sung, NBC sound technician who accompanied Mr. Ryan to Jonestown and was wounded at the Port Kaituma shooting.

Mr. Gordon Lindsay, former free-lance reporter for the National Enquirer who attempted unsuccessfully to visit and report on the People's Temple facility in Jonestown in June 1978. In November 1978 he accompanied Mr. Ryan to Guyana as a consultant to NBC but was denied entry to Jonestown by Jim Jones.

Mr. Phil Tracy, contributing editor for New West magazine who coauthored the magazine's article on Jones in August 1977.

In addition to these various on-the-record interviews four individuals declined to be interviewed and two failed to appear for scheduled interviews. The Group also solicited statements for the record from individuals related to the matter in lesser degrees.

Finally, while in California the Staff Investigative Group met for background purposes with 25 officials and individuals representing the U.S. Attorney's Office, the San Francisco office of the FBI, the San Francisco Police Department, the Mayor's Office, and the California State Attorney General's Office.

D. WASHINGTON ACTIVITIES—II

Following their return to Washington and between January 20 and March 17, 1979, the Staff Investigative Group's interviews concentrated chiefly on State Department personnel but also included sessions with two journalists: Mr. Tim Reiterman, reporter for the San Francisco Examiner who accompanied Mr. Ryan to Jonestown, and Mr. Lester Kinsolving, a former religion journalist for the San Francisco Examiner who unsuccessfully attempted to expose Jim Jones and People's Temple in 1972. The Investigative Group also interviewed Miss Jackie Speier for the second time and Mr. Richard McCoy for the fourth time. (See Appendix II-D for transcript summaries, in classified version only.)

Other State Department officials interviewed were:

- Mr. Frank Tumminia, Romanian Desk Officer, Department of State, former Guyanese Desk Officer from July 1976 to July 1978. Visited Jonestown in February 1978.
- Mr. Dan Weber, State Department Foreign Service officer assigned to the U.S. Embassy in Georgetown, Guyana as Vice Consul and Third Secretary from October 1976 through December 1978. Assisted U.S. Consul Richard McCoy in facilitating Ms. Debbie Blakey's defection from People's Temple in May 1978.
- Ms. Barbara Watson, Assistant Secretary of State for Consular Affairs.
- Mr. Robert Dalton, Assistant Legal Adviser, Bureau of Consular Affairs.
- Mr. Alan Glise, Deputy Assistant Secretary, Bureau of Consular Affairs and Director, Office of Special Consular Services.
- Mr. Ashley Hewitt, Director, Office of Caribbean Countries, Bureau of Inter-American Affairs.
- Mr. Stephen Dobrenchuk, Director of Emergency Services, Office of Special Consular Services, Bureau of Consular Affairs.
- Mr. Richard Belt, Chief of the Welfare and Whereabouts Division in the Office of Emergency Services, Bureau of Consular Affairs.
- Ms. Eileen O'Kane, Consular Affairs Officer in the Special Consular Services Office, Bureau of Consular Affairs.
- Mr. John Blacken, Chargé, U.S. Embassy, Georgetown from June 1976 to March 1978. Visited Jonestown in February 1978.
- Ms. Joyce Gunn, Consular Affairs Officer, Office of Special Consular Services, Bureau of Consular Affairs.
- Mr. Jack Komitor, Consular Affairs Officer, Office of Special Consular Services, Bureau of Consular Affairs.

- Mr. Rudolph Henderson, Deputy Assistant Legal Adviser, Bureau of Consular Affairs.
- Mr. Rudolph Rivera, formerly assigned as Chief of Correspondence, Bureau of Consular Affairs, Special Consular Services.
- Ms. Michele Bova, Foreign Service Officer currently assigned to the Bureau of Human Rights and Humanitarian Affairs.
- Mr. John Griffith, Alternate Director in the Office of Caribbean Affairs, Bureau of Inter-American Affairs.
- Mr. Fred Henneke, Foreign Service Officer on leave from Department of State. Assigned in September 1977 to Welfare and Whereabouts Division of Office of Special Consular Services, Bureau of Consular Affairs.

E. GUYANA ACTIVITIES

Given the fact that the tragedy occurred in Guyana, the need for the Staff Investigative Group to visit there was almost inevitable from the start. That need was reinforced by a progressively mounting array of evidence collected by the Group which required interviews, confirmation, and on-site inspection. In fact, shortly after the tragedy Guyanese Ambassador Laurence Mann met with Chairman Zablocki both to express his country's sympathy and also to pledge Guyana's full cooperation to what was seen as mutually desirable interests to investigate the matter fully. Thus, it was assumed that the Staff Investigative Group's visit to Guyana would be greatly facilitated.

Accordingly, on March 2, 1979, Chairman Zablocki cabled Guyanese Prime Minister Forbes Burnham recounting the progress of the committee's inquiry. In a pertinent passage from his letter of March 2, Chairman Zablocki said:

The Committee staff inquiry has now reached the point at which the Committee believes it is necessary to talk with various officials of the Guyanese Government. I am therefore respectfully requesting your cooperation in agreeing to allow our staff group to interview certain Guyanese Government officials during the week of March 11, 1979.

Upon receipt of your hopefully positive reply to this request it is my urgent desire that this investigation can be completed in the near future. If you agree, I will contact Ambassador Mann to inform him of the people we would like to see and to work out mutually satisfactory procedures for carrying out the interviews.

In their response of March 13, 1979, the Guyanese Government reiterated and confirmed Ambassador Mann's earlier pledge of "full cooperation" to make a full investigation of the tragedy. It further noted the cooperation which the Guyanese Government had already extended to the FBI and other U.S. agencies. The reply also cited the fact that Guyanese law enforcement authorities had initiated court action seeking the application of Guyanese laws to several aspects of Jonestown, including the death of Representative Ryan. Finally, the Guyanese reply stated that the Government was undertaking its own judicial inquiry,¹ before which some of the Guyanese officials which the Staff Investigative Group hoped to interview would be required to testify. As an alternative, an exchange of investigative reports was suggested.

A response to the Guyanese Government's letter was made by Chairman Zablocki on March 16, 1979, pertinent portions of which were as follows:

¹ The Guyanese inquiry is expected to begin on or about May 15, 1979. Indications are that it may not be completed for several months.

I deeply appreciate your government's reaffirmed pledge of full cooperation with the Committee on Foreign Affairs investigation into the death of Representative Leo J. Ryan and the resulting events at Jonestown on November 18, 1978. Also to be commended is your government's decision to begin a judicial inquiry of this tragedy. As you know, however, our own investigation has been underway since November 21, 1978 and the investigative group's visit to Guyana is the last phase of that effort.

Given the enormity of the events of November 18, 1978, which you so aptly describe as "the greatest single tragedy which has ever occurred in the history of Guyana," it is urgent that the investigation be concluded in a timely and complete fashion. Surely, the prospect of delay or incompleteness is one which the U.S. Congress and the American people would find difficult to understand.

The suggestion to exchange our respective investigative reports is certainly acceptable. At the same time, I am compelled to respectfully reiterate my firm belief that a thorough investigation still requires that our investigators talk with officials in Guyana who can help the Committee complete its investigation. While I understand the legal import of the fact that those officials may be required to testify before your own inquiry I am deeply concerned that the lack of information that they should be able to provide to this Committee would leave a conspicuous void in the report of the Committee's investigation.

Accordingly, I have directed the Staff Investigative Group of this Committee to visit Guyana the week of March 18 for the purpose of interviewing U.S. embassy personnel and others. Your kind cooperation in making it possible for the group to come to Guyana is deeply appreciated.

Ultimately, in a response dated March 28, 1979, the Guyanese Government cited protocol reasons for their inability to comply with Chairman Zablocki's request to allow the Staff Investigative Group to talk with Guyanese officials. (See Appendix II-E-1.)

The Staff Investigative Group arrived in Guyana at 11:30 p.m. on March 17, 1979. Prior to its departure on March 23, the Group interviewed the following officials of the U.S. Embassy (see Appendix II-E-2 for transcript summaries, in classified version only):

Hon. John Burke, U.S. Ambassador to Guyana.

Mr. Richard Dwyer, Deputy Chief of Mission who first visited Jonestown on May 10, 1978 together with Richard McCoy. Mr. Dwyer also accompanied Mr. Ryan to Jonestown on November 17-18, 1978 and was wounded at the Port Kaituma shooting.

Mr. Douglas V. Ellice, Jr., Consular Officer who had visited Jonestown on November 7, 1978.

Mr. T. Dennis Reece, Third Secretary/Vice Consul who had visited Jonestown on November 7, 1978.

Mr. Stepney C. Kibble, Public Affairs Officer.

Mr. Joseph W. Hartman, Vice Consul.

Ms. Nancy M. Mason, Vice Consul.

Mr. Leonard K. Barrett, Political Officer.

The Staff Investigative Group's desire to interview private Guyanese citizens was unfulfilled in view of the fact that the permission of the Guyanese Government would have been required to do so. The Government of Guyana's position was that such interviews would be contrary to "questions of protocol" and their "own judicial inquiry of senior government officials." Consequently, Ambassador Burke's judgment was that it was highly unlikely the Guyanese Government would agree to such a request, and therefore permission was not sought.

On Tuesday, March 20, 1979, the Staff Investigative Group went to Port Kaituma and Jonestown on a visit that was facilitated by the Guyanese Government. They were accompanied by DCM Dwyer and a Mr. Simon, the Government-appointed Conservator of Jonestown. The visit included extensive and detailed explanations from Mr.

Dwyer regarding the shooting at the Port Kaituma airstrip and a comprehensive tour of Jonestown in the company of Mr. Simon and Guyanese police and army representatives.

While the Staff Investigative Group's extensive interviews with U.S. Embassy personnel were productive, the Group's inability to talk with Guyanese officials and private citizens was regrettable. That fact has resulted in a conspicuous void in the committee investigation and, on that one count, precluded the Staff Group from fulfilling Chairman Zablocki's mandate for a "comprehensive inquiry." A memorandum to Chairman Zablocki from the Group dated March 28, 1978, details those and other related matters. (See Appendix II-E-3 in classified version only.)

F. WASHINGTON ACTIVITIES—III

Following its return from Guyana on March 23, the Staff Investigative Group conducted two more on-the-record interviews. These interviews were with former People's Temple members Stanley Clayton and Odell Rhodes, both of whom escaped Jonestown on the night of the mass suicide/murder ritual. In addition, the Staff Investigative Group began the process of reviewing and analyzing the evidence it had accumulated in preparation for the writing of this report. (See Appendix II-F-1 in classified version only.)

G. INFORMATION MANAGEMENT

Over the course of the committee's investigation, the amount of documentation, transcripts, letters, and other pertinent material massed considerably. Literally thousands of names, dates, and places important to the inquiry had accumulated in the Group's files. In order to conduct a thorough and effective investigation it soon became apparent that this extensive and varied material had to be carefully managed if it was to remain a solid resource and ultimately be preserved meaningfully in the National Archives.

Accordingly, in early February 1979, all of the documents and other materials relating to the investigation were carefully cataloged and computerized. Work on that project continues.

H. MISCELLANEOUS ACTIVITIES

In the course of conducting this investigation the Staff Investigative Group came into possession of a variety of materials relating to the inquiry. Some of these items were sought out; other were voluntarily provided to the committee by interested and concerned individuals. What follows is merely a representative sampling of the items involved:

- Taped radio and television interviews, the transcripts of which were typed by the committee's minority staff assistant;
- A detailed 200-page memo log of short wave radio conversations between the People's Temple facilities in Jonestown, Guyana and San Francisco monitored by a private citizen ham operator;

- Taped portions of similar conversations monitored by the Federal Communications Commission;
- The tape and transcript of the mass suicide/murder ritual at Jonestown;
- Portions of the film footage shot by the NBC crew that visited Jonestown with Representative Ryan;
- A variety of letters and statements from interested individuals and members of the Concerned Relatives group;

Under the rules of the Committee on Foreign Affairs all of these materials remain classified "Confidential." They have been duly cataloged and remain in the files of the committee's investigation. In this connection, it should be noted that NBC, in response to a committee request for all of the footage relevant to Jonestown, furnished only the televised portion. NBC refused to provide the committee with the balance of the footage and advised that it had been turned over to the Justice Department through which it could be acquired. The committee therefore, formally requested the untelevised footage which the Justice Department refused to supply on the grounds that "the secrecy provisions of Rule 6 of the Federal Rules of Criminal Procedure limit the extent of information and evidence that may be disclosed at this time."

I. STATISTICAL SUMMARY OF INTERVIEWS

In an attempt to carry out Chairman Zablocki's mandate for a comprehensive inquiry, the Staff Investigative Group conducted a total of 155 hours of on-the-record interviews with a total of 62 persons resulting in a total of 5,038 pages of transcript.

Every attempt possible was made to interview individuals on all sides of the issue. In this regard, the Staff Investigative Group also drew on a number of newspaper and magazine articles, affidavits, and key documents which were relevant to various aspects of the Jonestown incident. (See Appendix II-F-2.)

III. FINDINGS

On the basis of the factual evidence obtained by the Staff Investigative Group, we render the following findings. In doing so we recognize that we are the beneficiaries of retrospect on the events which preceded November 18, 1978. In this respect, we have striven to utilize these advantages without falling victim to the pitfalls accompanying them. We have sought to be objective and balanced but not frozen from judgment. In attempting to be fair and understanding, we have not been timid. (Appendix references confirm and/or elaborate on the findings made and are to be found in the interview transcripts in the classified version only.)

A. Jim Jones and People's Temple

BACKGROUND

Whatever Jim Jones ultimately became and whatever can be said of him now, there is little clear insight into what motivated him to begin his ministry in Indianapolis in the mid 1950's. Some contend he was always a committed Socialist who used religion as a vehicle to further his political beliefs and objectives. Others hold that Jones began as a genuine believer in Christianity but eventually became a nonbeliever or an agnostic. His own often-expressed claim that he was the dual reincarnation of Christ and Marx reflects the dichotomy. Wherever the truth may lie on his religious beliefs, at the outset, he was seemingly genuine in his ardent support for such social causes as the welfare of older people, racial integration, and rehabilitation of alcoholics and drug addicts. His advocacy of such causes singled him out, and partially in response to the resistance he encountered in established churches where he had accepted pastorates, he began his own church, the People's Temple. By 1965 he had generated enough notoriety and displeasure in Indiana to cause him to decide to move his activities to California accompanied by a small band of Indiana followers. One reason he chose Ukiah, Calif. and its Redwood Valley area was because he had once read that its unique geographical assets made it one of three locations in the world thought to be safe from a possible nuclear holocaust.

By 1972 he decided to once again relocate People's Temple to the richer and more active political pastures of San Francisco and bought an old church building on the edge of the black ghetto area. A second People's Temple church was established in Los Angeles. In 1974 he

began creating in the jungles of Guyana the agricultural community known as Jonestown. What finally drove him there together with the majority of his flock in mid-1977 was the publication of a New West magazine article which exposed many of his operations, a fact which he saw as part of the alleged mounting conspiracy against him.

TACTICS OF JIM JONES

The mental deviations and distortions and the psychological tactics which culminated and were most manifest in the holocaust of Jonestown on November 18 were rooted in Indiana and perfected in California. Who and what was Jim Jones? We believe it is accurate to say he was charismatic in some respects; in fact, he was especially adroit in the area of human psychology.

As we have studied him and interviewed those who knew him well and had come under his influence, we have concluded that he was first and foremost a master of mind control. Among the tactics he practiced with engineered precision are the following recognized strategies of brainwashing (for further elaboration, see Appendix III-A-1 in classified version only):

- Isolation from all vestiges of former life, including and especially all sources of information, and substituting himself as the single source of all knowledge, wisdom, and information;
- An exacting daily regimen requiring absolute obedience and humility extracted by deception, intimidation, threats, and harassment;
- Physical pressure, ranging from deprivation of food and sleep to the possibility and reality of severe beatings. As a complement to the physical pressures, he exerted mental pressures on his followers which he subsequently relieved in an effort to demonstrate and establish his omnipotent "powers." For example, he inculcated fictional fears which he would eventually counterpoint and dispel and thereby establish himself as a "savior." One of his favorite tactics was to generate and then exploit a sense of guilt for clinging to life's luxuries, for wanting special privileges, and for seeking recognition and reward;
- So-called "struggle meetings" or catharsis sessions in which recalcitrant members were interrogated, required to confess their "wrongdoing," and then punished with alternate harshness and leniency. Interrogation could be gentle and polite, but more often it involved harassment, humiliation, revilement, and degradation. Vital to this strategy were two of Jones' favorite techniques. The first involved an exhaustive and detailed record for each member kept on file cards and generated by his vast intelligence network. A member would suddenly be confronted by Jones with knowledge of some action he was unaware had been observed. Jones would stage his "mystic" awareness of that action and then direct the outcome to his desired end. The second technique was to establish in each of his followers a mistrust of everyone else. Consequently, no one dared voice a negative view—even to the closest family member or friend—for fear of being turned in. Often as not, trusted aides were directed to test individuals by expressing

some comment critical of Jones or the lifestyle in Jonestown to see if that person would report the incident. The end result was that no one person could trust another. As a result everyone feared expressing even the slightest negative comment. The system was so effective that children turned in their own parents, brothers informed on sisters, and husbands and wives reported on spouses.

Inherent in these principles which Mr. Jones masterfully and regularly employed was his central strategy of "divide and conquer" through which he consolidated his power over people.

In addition to these tactics, however, Mr. Jones regularly used other devices and methods to achieve his ends:

- Requiring People's Temple members to contribute as much as 25 percent of their income and sign over to the People's Temple their properties and other assets;
- At times dictating marriage between unwilling partners and at other times not allowing cohabitation between married couples;
- Undermining and breaking a child's ties with parents. In progressive degrees the child was led to mistrust the parents and become more and more secretive in his actions and evasive to his parent's questions;
- As a symbol of their trust in him, followers were required to sign statements admitting homosexuality, theft, and other self-incriminating acts; often as not People's Temple members would also sign blank pages which could be filled in later. Depending on Jones' need or objective, such documents were frequently used in attempts to defame defectors;
- Rumor spreading in an attempt to ruin reputations or generally implant disinformation, thereby making the true facts difficult if not impossible to establish;
- Infiltration of groups opposed to People's Temple and surveillance of suspected People's Temple enemies;
- Intense public relations efforts ranging from letter-writing campaigns to attempted control of news media in an effort to influence public opinion with a favorable image of People's Temple; likewise, an aggressive program of seeking out political leaders and other influential members of a community in order to cull their favor and establish identification with them.

In the process of manipulating the control board of this extraordinary system Jones suffered extreme paranoia. One can speculate that while it may have been initially staged, his paranoia ultimately became a self-created Frankenstein that led not only to his fall but the tragic death of more than 900 others, including Representative Leo J. Ryan. His paranoia ranged from "dark unnamed forces," to individuals such as Tim Stoen and other defectors from the People's Temple, to organizations such as the Concerned Relatives group, and ultimately to the U.S. Government in the form of the CIA and the FBI—all of which he ultimately believed were out to destroy him.

Further, in establishing this analysis of Jim Jones it is worth noting that he apparently had several bisexual perversions. Finally, there is some irony in the fact that although he controlled considerable wealth (estimated at \$12 million) he sought out special privileges but none

of the usual trappings of wealth such as fancy cars or expensive houses. In short, Mr. Jones was more interested in ideas than in things. He was not driven by greed for money but for power and control over others. That control continues to be exerted even after his death on the minds of some of his followers. It is graphically illustrated by the suicide of Michael Prokes, one of Jones' closest associates, during a March 13, 1970, press conference in California in which he defended Jones and cited the achievements of People's Temple and Jonestown.

MOTIVATION OF PEOPLE'S TEMPLE MEMBERS

The tactics and techniques of Jim Jones outlined above found fertile ground and were greatly facilitated because of the background and motivation of those who joined People's Temple (for further elaboration, see Appendix III-A-2 in classified version only). Generalities, of course, are always difficult if not dangerous. However, on the basis of the information which has come to us in the course of this investigation one can draw the following general profile of many who became People's Temple members and followers of Jim Jones:

- Some of the young adults were college graduates out of upper-middle-class backgrounds which provided privilege and even luxury. Their parents were often college-educated professionals or executives. Frequently, their families were active in demonstrations against the Vietnam war, campaigns for racial equality, and other social causes. In some cases, the young People's Temple member had been alienated by the "emptiness" of his family's wealth.
- A larger number, especially young blacks, had their roots in the other end of the American social and economic spectrum. The products of poor ghetto neighborhoods and limited education, some had been drug addicts, prostitutes, and street hustlers.
- An even greater percentage were elderly, again predominately black, who had come out of the San Francisco ghetto. They found in Jim Jones an abiding and protective concern. Despite the harshness of life in Jonestown, they regarded it as preferable to the poor housing they had left behind. They also found a warm sense of family and acceptance within the People's Temple community that they did not have before joining.
- A goodly number of middle-class blacks and whites came out of strong fundamentalist religious family backgrounds and were attracted by what they saw as the evangelical nature of People's Temple.
- By contrast, many of the younger people had little if any religious motivation in joining People's Temple. Rather, they tended to be compelled by humanitarian interests. Altruistic and idealistic, they were impressed by Jones' involvement in social causes and what they saw as the "political sophistication" of People's Temple. To the extent that a religious motivation was involved, it was seen chiefly in terms of Jones' seeming concrete application of Judeo-Christian principles. Over time, the dimension of their motivation was not only nonsectarian but eventually became embodied in the Socialist-Marxist-agnostic philosophy which Jones espoused.

PEOPLE'S TEMPLE AS A "CHURCH"

Out of the findings outlined above regarding Jim Jones and members of his People's Temple, emerges one additional finding. It relates to the question of whether or not People's Temple was a "church" in the generally accepted sense of that word. Again, on the basis of testimony and compelling evidence collected in the course of this investigation we offer the following conclusion on that question:

- Although People's Temple may have been a bona fide church in its Indiana and early California origins, it progressively lost that characterization in almost every respect. Rather, by 1972 and following in progressive degrees, it evolved into what could be described as a sociopolitical movement. Under the direction and inspiration of its founder and director and the Marxist-Leninist-Communist philosophy he embraced, People's Temple was in the end a Socialist structure devoted to socialism. Despite that fact, People's Temple continued to enjoy the tax-exempt status it received in 1962 under Internal Revenue Service rules and regulations. (See Appendix III-A-3.) The issue of People's Temple's status as a "church" is also significant in connection with First Amendment protections it sought and received. Obviously, the latter issue is a difficult and complex matter beyond the purview of this committee and its investigation.

Also outside the parameters of this committee's inquiry is whether in fact People's Temple was a "cult." Once again, recognizing that the problem is complex and laced with emotions and strong connotative overtones, the committee's investigation went only to the extent of seeking the opinions of respected legal scholars. (See Appendix II-A-3.)

B. Conspiracy Against Jim Jones and People's Temple?

Was there a conspiracy against Jim Jones perpetrated by the U.S. Government or some other organization? That was one of the questions on which the Staff Investigative Group attempted to obtain evidence during the course of this inquiry (for further elaboration see Appendix III-B-1 in classified version only). On the basis of the information received, the following findings are offered:

- Jones' idea that there were elements opposed to his views and objectives dates back to his early days in Indiana. In fact, it was the adverse reaction he encountered relative to his racial integration and other policies that led him to establish his own church, the People's Temple.
- When the People's Temple relocated in Ukiah, Calif. in 1965 Jones' complaints of opposition increased. They ranged in progressive degree from alleged vandalism against People's Temple property, poisoning of his pets, and various threats against Jones, to a shooting attack on Jones' life (from which he "miraculously" recovered by his own power). No substantiation was ever found on any of these complaints reported to and investigated by Ukiah police.
- The mood of Jones' allegations of anti-People's Temple conspiracy grew darker when the group moved to San Francisco in 1972. At that time its chief target was the media as well as unspecified

"forces." Reported attempts to dissuade Jones from the notion were apparently unsuccessful.

—Jones' idea of a U.S. Government plot against him, embodied mainly in the CIA and FBI, took full bloom after he and the vast bulk of People's Temple members moved to Guyana in 1977. Opposition of the Concerned Relatives group was eventually attributed to CIA backing as were periodic "alerts" he called to protect the People's Temple Jonestown community from mercenaries in the jungle around Jonestown.

—Jones' two lawyers offer contradictory opinions on the question of a possible conspiracy against People's Temple and Jones. For example, Mark Lane told the committee's investigators: "* * * there is no doubt in my mind that various people sought to destroy Jonestown and that people in various government agencies manipulated Jones. Jones, himself, saw the efforts to manipulate him into an overreaction but somehow he was unable to control his own responses * * *. I believe that a responsible investigation by the Congress would seek to determine why various elements within the United States Government including those in the State Department withheld from Congressman Ryan and the rest of us who accompanied him to Jonestown the fact that they knew the place was an armed camp and that Jones was capable of killing the Congressman and many others." On the other hand, Charles Garry said: "* * * I want to unequivocally tell you in the year and a half since July 1977, with the years of experience I have had with governmental conspiracy and government wrongdoing, particularly the FBI, I found no evidence to support any of the charges that were made by People's Temple. I found no evidence to support any of that."

—Granting the strong likelihood of Jones' paranoia, compounded by his manipulative abilities, Jones staged and exploited the idea of a conspiracy as a means of generating fear in his adherents and thereby gaining further control over them. The tactic also served to keep any opponents on the defensive and even had the apparent effect of sensitizing the U.S. Embassy in Guyana.

—No conclusive evidence is available to indicate that the CIA was acquiring information on Mr. Jones or People's Temple. In this same connection it should be noted that under Executive Orders 11905 of February 18, 1976 and 12036 of January 24, 1978 (see Appendix III-B-2), which prohibit intelligence gathering on U.S. citizens, the CIA was legally proscribed from engaging in any activities vis-a-vis People's Temple.

—The Department of Justice, on the other hand, has indicated to the Staff Investigative Group that the FBI did look into an allegation from a constituent of Senator S. I. Hayakawa that "Jim Jones was coaxing individuals into traveling to Georgetown, Guyana, where they were being held against their will for unknown reasons." The FBI interviewed the constituent, but found that "relatives of the constituent had traveled to Guyana voluntarily, and no evidence of forced confinement was developed." The investigation was thereupon terminated "because no violation of the Federal kidnaping statute had occurred."

The Staff Investigative Group was also informed by the Criminal Division of the Justice Department that it received a "citizen com-

plaint" in December 1977, claiming "that a relative was being held in bondage in Georgetown, Guyana by Pastor Jim Jones." The facts spelled out in the complaint indicated no criminal violations within the Justice Department's jurisdiction. Accordingly, Justice's information on the complaint was sent to the State Department. (See Appendix II-A-2.)

C. Opponents and Media Intimidated; Public Officials Used

As part of Jones' constant and pervasive effort to control people and events, the evidence obtained by the Staff Investigative Group established that he persistently intimidated and harassed those who left People's Temple and anyone else, especially the media, who he felt were opposed to his interests. This clear pattern of intimidation and harassment was reinforced and compounded into success by the widely held belief by People's Temple defectors and opponents, that government officials were friendly toward People's Temple or had in some way been compromised. Consequently, attempts at early efforts to alert the public to the nature of People's Temple's activities were largely ignored and/or rejected. (See Appendix III-C in classified version only.)

Typical of some of Jones' tactics to intimidate and harass People's Temple defectors who were actively opposed to him were the following:

- Undermining of their credibility as witnesses by spreading falsehoods and releasing the so-called "confessions" they had signed while members of People's Temple.
- Fear campaigns generated through break-ins, late night phone calls, and unsigned letters threatening beatings and even death. One such break-in carried out against a couple who had left People's Temple was done with the help of their daughter who remained in the organization.

As a result of such tactics People's Temple defectors were frequently frozen in fear and severely hampered in their efforts to counteract Jones. The problem is illustrated in the following example which points up the desperate lengths to which opponents of People's Temple were driven as well as the degree to which officials in San Francisco appear to have been involved. Afraid to contact any public officials for fear that they were tied-in or friendly to Jones, one individual went to the length of writing consumer advocate Ralph Nader because he could not think of anyone else he could trust. The letter to Nader outlined many of the allegations against People's Temple which were later proven true. It also indicated that the letter writer feared for his life. It closed as follows:

If you want to help us, please write in the personal column of the Chronicle to "Angelo" and sign it Ralph and then we will respond and talk to you.

Rather than do that, Nader sent the letter to the District Attorney's Office in San Francisco. By some means, the letter filtered back to People's Temple and the writer soon thereafter received a threatening phone call that said "We know all about your letter to Angelo."

In another instance People's Temple defectors hired a private detective to surreptitiously observe their meeting with Jones' representa-

tives in a public subway station. Their objective was to have an eyewitness in the event of violence.

With respect to Jim Jones' and People's Temple efforts to stifle the San Francisco media some of the following methods were employed:

- The threat of law suits. In almost all instances in which this tactic was used it was based on the People's Temple possession of copies of stories in draft form prior to publication obtained through break-ins or provided to People's Temple by infiltrators within the media's office.
- Threatening phone calls to reporters and their families, accepted by one as serious enough to warrant relocating children, moving into hotels, and obtaining guns for self-protection.
- Extensive letter-writing campaigns intended to dissuade publishers and editors from printing stories being prepared by aggressive reporters. The soft-sell nature of this tactic was aimed at creating diversionary arguments contending that the story in question would reflect badly on San Francisco or prevent People's Temple "from continuing its good work with the 'disaffected and disaffiliated' in society." One such campaign produced letters supportive of People's Temple from San Francisco Mayor George Moscone, Lieutenant Governor Mervyn Dymally, the head of the San Francisco school system, and members of the California State Assembly. It would appear that such campaigns were particularly effective with the San Francisco Chronicle and the National Enquirer.
- Encouraging San Francisco merchants and businesses to remove their advertising from "offending" publications. The chief target of such an effort was the New West magazine immediately prior to its publication in August 1977, of an article critical of Jones. The editors of the magazine persisted and the article is generally credited with breaking Jones' stronghold on San Francisco and led him to go to Guyana immediately before it appeared.
- The picketing of newspaper offices which had run stories on Jones regarded as anti-People's Temple. One such effort, combined with the threat of a law suit, led to the cancellation in 1972 by the San Francisco Examiner of an eight-part series of articles, only half of which had already appeared. The end result was to make most editors and publishers highly sensitive and cautious regarding any critical stories involving Jones and the People's Temple.

Finally, as to the question of whether or not certain officials had in fact been compromised by Jones, the Staff Investigative Group believes the evidence is mixed. What is indisputably clear and solidly based on evidence is that many such officials were perceived of by Jones' opponents as extremely friendly to or enthusiastically supportive of Jones, thereby precluding them or their offices from pursuing actions against Jones in an impartial manner. In this regard, it should be kept in mind that Jones had endowed himself with the cloak of official legitimacy through his appointment by Mayor Moscone as Director of the San Francisco Housing Authority. In addition, political figures in San Francisco appear to have been enticed by Jones' ability to turn out hundreds of his followers to attend rallies, conduct mailings, man phone-banks, and otherwise provide support to political election campaigns, including some direct contributions.

Similarly, the media were not immune from Jones' wiles and attempted flatteries. For example, Jones made contributions of various sums totaling \$4,400 to the San Francisco Examiner, the San Francisco Chronicle, and 10 other newspapers to be used as they saw fit in the "defense of a free press." Although the Examiner returned the money to the People's Temple, the management of the Chronicle sent the check to Sigma Delta Chi, the national journalism society, which in turn rejected suggestions that it be returned to People's Temple.

D. Awareness of Danger; Predicting the Degree of Violence

One area on which this inquiry concentrated under Chairman Zablocki's mandate dealt with the questions of whether (a) Representative Ryan had been adequately advised of the potential for danger, and (b) how accurately anyone could have predicted the degree of violence employed (for further elaboration, see Appendix III-D in classified version only). On the basis of evidence gathered we have reached conclusions on both counts:

- Representative Ryan was advised on more than one occasion of the possibility of violence inherent in his trip to Jonestown. However, he tended to discount such warnings with the thought that his office as a Congressman would protect him. Moreover, he was apparently willing to face whatever danger might be present, citing as a reason his own previous investigative experiences and his determination not to be influenced by fear.
- The warnings Mr. Ryan did receive regarding the prospect for violence came chiefly from his own staff and the Concerned Relatives group. When the issue was raised in the State Department briefings prior to the trip, Mr. Ryan did not challenge State's assessment that potential danger was "unlikely." In fact, State's briefings for the Ryan CodeI dwelled almost exclusively on the legal problems relative to the trip as well as the logistical difficulties involved in reaching the remote and isolated jungle compound.
- No one interviewed by the Staff Investigative Group ever anticipated the degree of violence actually encountered. Many expected that there might be adversarial encounters, arguments, or shouting; the worst anticipated was that someone might "get punched in the mouth."
- From a variety of sources, Representative Ryan and some representatives of the media were cautioned that they were regarded as adversaries of People's Temple and Jones. They were further informed that Jones was paranoid. It is appropriate to note here that Mr. Ryan apparently did not advise anyone in the State Department or the U.S. Embassy in Guyana that one of the purposes of his trip was to help possible defectors leave Jonestown with him on November 18.
- Some members of Mr. Ryan's staff as well as the media group had gut feelings on the possibility for violence. They ranged from advising Mr. Ryan that Jones had a "capacity" for violence, to a general concern based on allegations of guns in Jonestown, and finally, to the thought that a bomb might be placed on the plane on which the entire party flew to Guyana. At the most extreme end of such intuitive hunches and feelings was Miss Jackie Speier's premonition of fear that led her to write her own will.

—To the extent that violence was considered a possibility by the Ryan Codel, there is evidence to suggest that Mr. Ryan may have looked on the accompanying media group as a "shield"; conversely, to the extent there was any apprehension in their ranks, the media regarded Mr. Ryan's status as a Congressman as their best protection. For other members of the media, the principal potential danger considered was the jungle against which they protected themselves by taking special supplies.

E. U.S Customs Service Investigation

One key element relating to the question of whether the Ryan Codel had adequate awareness of the potential for danger as well as the degree of violence which ultimately ensued involves a 1977 U.S. Customs Service investigation of reported illegal gun shipments and other contraband to Jonestown (see Appendix III-E, in classified version only). In the course of this inquiry, therefore, the Staff Investigative Group obtained evidence which warrants the following findings on the subject:

- Working on allegations interspersed amid many "bizarre" tales about People's Temple, the investigation was begun in February 1977. One of the allegations contended that more than 170 weapons once stored in Ukiah had been transferred to People's Temple San Francisco headquarters and then possibly on to Jonestown.
- The investigation was compromised 1 month after it began, not through any inadvertence on the part of the Customs Service, but when an individual conveyed some information on the matter to Dennis Banks, head of the American Indian Movement, in an effort to dissuade Banks from any further contact with Jones. That conversation was apparently taped and word was passed to Jones. Complete details of the investigation's report were further compromised when a copy of the report was sent to Interpol. From Interpol it was, by normal procedure, shared with the Guyanese police. According to information provided us, Guyanese Police Commissioner C. A. "Skip" Roberts reportedly showed a copy to either Paula Adams or Carolyn Layton, two of Mr. Jones' trusted aides, one of whom passed the information to Mr. Jones.
- Although the Customs Service investigation was not diluted or diminished in any way, it is clear that it was carried out in an unusually sensitive mode because of what was perceived to be Jim Jones' considerable political influence in San Francisco. Surveillance relating to the investigation was virtually impossible to carry out because of the tight security screen Jones placed around the Geary Street headquarters of People's Temple in San Francisco.
- The investigation was concluded in August–September 1977 after a shipment of crates destined for Jonestown was opened and inspected by the Customs Service in Miami in August 1977. Shortly thereafter a report on the investigation was filed with negative results. Nonetheless, investigators apparently felt enough residual suspicion to send copies of the report to Interpol and the U.S. Department of State "because (the) investigation disclosed al-

legations that Jones intends to establish a political power base in Guyana, and that he may currently have several hundred firearms in that country * * *."

- The copy of the Customs Service report was received in the State Department's Office of Munitions Control on September 1, 1977 and on September 6, 1977 a copy was forwarded to the Department's Bureau of Inter-American Affairs. Although standard routing procedures provided that a copy should have been sent to the U.S. Embassy in Guyana there is no indication a copy ever was sent. In addition, only the Guyana desk officer saw the report; none of the more than 26 State Department officials we interviewed saw the report until after November 18, 1978, although one professed "awareness" of it earlier.

F. Conspiracy To Kill Representative Ryan?

Relative to the likelihood of a People's Temple-Jim Jones conspiracy to kill Representative Ryan, the Staff Investigative Group has reached the following conclusions based on evidence available to us (for further elaboration, see Appendix III-F in classified version only):

- The possibility of any prior conspiracy tends to be diminished by the fact that Gordon Lindsay, a reporter whom Mr. Jones regarded as an arch enemy of People's Temple, was not allowed to enter Jonestown with the Ryan party.
- Still not to be discounted entirely, however, is the possible existence of a contingency conspiracy. In this connection, there are reports of an "understanding" in Jonestown that if efforts to delude Ryan as to the true conditions at Jonestown failed he would have to be killed, supposedly by arranging for his plane to crash in the jungle after leaving Jonestown. While circumstantial evidence is available on this theory we have not found any hard evidence.
- Providing some moderate credence to the idea of a contingency conspiracy is the fact that the Jonestown mass suicide/murder ritual started before the Port Kaituma assailants returned to confirm the shootings of Representative Ryan and others.
- Also lending some substance to the contingency conspiracy theory are unconfirmed reports that a large shipment of cyanide, used in the mass suicide/murder, arrived in Jonestown 2 days before Ryan's visit. Also related is the reported statement of a Jonestown survivor that several days before Mr. Ryan arrived in Jonestown he heard Jones say that the Congressman's plane "might fall from the sky."
- In an effort to obtain detailed information on Mr. Ryan's upcoming trip, Jones placed a phony defector within the ranks of the Concerned Relatives group in San Francisco 1 month before the Codel's departure for Guyana. The "defector" was seen back in Jonestown when the Ryan party arrived. The late awareness that the defector was false produced a heightened sense of danger in the minds of some making the trip.

G. The Privacy Act and the Freedom of Information Act

Throughout this investigation there were repeated references made as to the pervasive role of the Privacy Act and, to a lesser degree, the Freedom of Information Act in the tragedy at Jonestown. The Staff Investigative Group made a careful and thorough review of the issue which resulted in the following findings (for further elaboration, see Appendix III-G-1 in classified version only):

- The Privacy Act figured prominently in several important aspects of the State Department's and U.S. Embassy's briefings and relations with the Ryan Codel and their handling of all matters relating to People's Temple.
- Officials within both the State Department and the Embassy clearly tended to confuse the Privacy Act with the Freedom of Information Act, thereby inhibiting the comprehensiveness of written reports and exchanges of information.¹ One key Embassy official, for instance, was operating under the mistaken assumption that People's Temple was seeking cables reporting on consular visits to Jonestown under provisions of the Freedom of Information Act.
- Representative Ryan's legal advisers contended that the State Department's interpretation of the Privacy Act was unreasonably narrow and restrictive, and further felt that fact had ramifications on what the Codel wished to accomplish. Those differences, which began in Washington and continued in Guyana, resulted in somewhat strained relations between the State Department and the Codel.
- The State Department's interpretation of the Privacy Act led them to deny Ryan access to certain information and documents relative to People's Temple. That problem could have been avoided or at least alleviated if Mr. Ryan had followed the Department's advice to obtain a letter from the chairman of the Committee on Foreign Affairs authorizing him such access under an exemption clause in the act. That exemption provision permits disclosure to any committee of Congress "to the extent of matter within its jurisdiction." Reflecting the State Department's lack of knowledge of the law and its application, it is pertinent to note that on February 28, 1979, the State Department was unaware of the exemption provision in denying to Chairman Zablocki requested information germane to the investigation. (See Appendix III-G-2.)
- Prior to the Codel's departure, the U.S. Embassy in Guyana reflected its own acute sensitivity regarding the Privacy Act by urging that Mr. Ryan be fully informed of the act's limitations. That sensitivity was reinforced by the Embassy's request that a Department legal expert accompany the Codel, a request denied by State because of travel freeze restrictions and the heavy press of other work.
- Among the Embassy officials interviewed there is almost unanimous agreement that the Privacy Act is complex, difficult to understand, and confusing. Accordingly, they believe that regular guidance is required to guarantee proper implementation.

¹ Much of the confusion over these two acts results from the sometimes conflicting principal purposes for which each was enacted. The Privacy Act guarantees the privacy of public records maintained on an individual and limits access, except for the concerned party, to these records by other individuals and government agencies. The Freedom of Information Act guarantees an individual access to records pertinent to the operations of the Federal Government but safeguards the privacy of individuals cited in those records.

- Initial State Department guidance on the Privacy Act provided to the U.S. Embassy in Guyana was so highly technical and legalistic that it had little if any practical value, a problem compounded by subsequent communications. It was not until November 18, 1977, almost 3 years after the Privacy Act became law, that the Embassy was provided with what could be regarded as practical guidance. (For further elaboration see Appendix III-(1-3.) However, even that communication contained the following prefatory comment: "Due to its rapid passage by Congress in December 1974 without hearings, less than the usual legislative history exists to guide executive departments in interpreting it * * *." Available at that time was a 1,500-page volume, "Legislative History of the Privacy Act of 1974," which incorporated committee reports, markup sessions, excerpts from floor debate and other pertinent source materials.
- In day-to-day operations and application, the Privacy Act impacts more on the State Department's consular section than on its diplomatic officers.
- Given the confusion surrounding the Privacy Act and the lack of practical and understandable guidance, it appears that Embassy consular officers in Guyana found the act difficult to implement properly. In contrast, most of their Washington counterparts, in both the political and consular sections of the Department, did not perceive the Embassy's problems and felt the guidance provided was adequate.
- Also contributing to those officials' ability to effectively implement the Privacy Act vis-a-vis the People's Temple was the understanding they held that as a religious organization People's Temple merited added protection under the act. Disregarding for now the question of whether or not People's Temple was a religion, few of the officials knew that the act's prohibition on maintaining records describing the exercise of the first amendment rights also provides an exception for matters pertinent to law enforcement activities. Further, there appeared to be little general awareness among State Department personnel of other exemptions provided in both the Privacy Act and the Freedom of Information Act from mandatory agency disclosure of information.
- The legal recourse Jones and People's Temple had under the Privacy Act and Freedom of Information Act to obtain Embassy cables had the chilling effect on Embassy personnel of making their communications to the State Department on People's Temple less candid than they might have otherwise been. That effect was reinforced when the Embassy learned on December 2, 1977, that People's Temple had in fact filed a total of 26 actions under the Privacy Act for documents relating to specified People's Temple members. As a byproduct of these restraints it is reasonable to conclude that the Embassy's inhibitions to more candidly and accurately report their impressions of the true situation in Jonestown ultimately influenced the State Department's ability to more effectively brief the Ryan Codel. Also not to be discounted is the strong possibility that, knowing the law and the effect it could produce, Jones used the legal claim actions as a tactic in order to achieve the very effect it did.

—Overall, many State Department officials appeared to be highly aware of the civil and/or criminal penalty provisions of both acts. That fact reinforced their perceived image of both acts as threatening and troublesome in that failure to comply could present them with serious personal legal problems. In turn, that thought made them doubly cautious in their dealings with People's Temple.

H. Role and Performance of the U.S. Department of State

The role and performance of the State Department in this matter was the central issue earmarked for investigation in Chairman Zablocki's mandate to the Staff Investigative Group. The points of reference surrounding that issue span 4 years and are complex and many. (For further elaboration, see Appendix III-H-1 in classified version only.) Given this reality, a major part of the investigation was devoted to this aspect of the issue. The following conclusions and findings based on evidence gathered are:

—The U.S. Embassy in Guyana did not demonstrate adequate initiative, sensitive reaction to, and appreciation of progressively mounting indications of highly irregular and illegal activities in Jonestown. The Embassy's one attempt to confront the situation and affect a solution did not occur until June 1978. Essentially embodying what could at best be described as the Embassy's heightened suspicion of problems with People's Temple, the effort was made in the form of a cable (Log 126) to the State Department requesting permission to approach the Guyanese Government and "request that the government exercise normal administrative jurisdiction over the community, particularly to insure that all of its residents are informed and understand that they are subject to the laws and authority of the Government of Guyana * * *." The State Department, failing to detect any linkage between Log 126 and the then recent defection of Temple member Debbie Blakey and other incidents, rejected the request in a terse cable (Log 130) because such an overture "could be construed by some as U.S. Government interference." (Debbie Blakey defected from the People's Temple in Georgetown, Guyana on May 12, 1978, with the assistance of U.S. Embassy officers Richard McCoy and Daniel Weber. Prior to her departure to the United States, she submitted a written statement to the Embassy warning, among other things, of the possibility of a mass suicide in Jonestown.)

—The Department's negative response to Log 126 had the net effect of reinforcing the Embassy's already cautious attitude in all dealings with the People's Temple. Despite the fact that an affirmative response was anticipated, the Embassy surprisingly made no effort to challenge the Department's negative decision. Equally surprising was the Department's failure to contact the Ambassador and determine what specifically triggered his request. Testimony from Department witnesses indicates that the lack of specificity in Log 126 was the primary reason for the negative response in Log 130. Such specificity (e.g., Blakey defection) was

deliberately avoided, according to the Ambassador, because of Privacy Act considerations. The upshot of this exchange was a lamentable breakdown in communication with neither side making any further efforts to discuss or follow up on the matter.

—Mitigating factors were present which require acknowledgment. For example, it is understandable that the Embassy did not have an investigative or judicial function. It also felt compelled to abide by U.S. laws as well as strict State Department rules and regulations while simultaneously respecting the hospitality of Guyana. Embassy personnel were also faced with the challenge of trying to remain objective in the face of two opposing groups of Americans often presenting contradictory stories; a factor reinforced by numerous letters, articles, and documents reflecting equally pro and con dimensions on Jones and the People's Temple. Out of that balance the Embassy concluded only that People's Temple prior to November 18, 1978, was a "controversial" or "unusual" group.

—Nevertheless, absent in the Embassy's dealings with People's Temple were the vital elements of common sense and an honest and healthy skepticism. Despite the acknowledged handicaps under which it worked the Embassy could have exerted sounder overall judgment and a more aggressive posture. One important result of such an effort would have been more accurate and straightforward reporting on the People's Temple situation which, in turn, could have given the State Department a stronger and wider base on which to draw in briefing Representative Ryan and his staff. In this connection, the Privacy Act and the Freedom of Information Act, each of which was discussed in a previous section, played important roles.

—It is proven beyond doubt that Jones staged a show for selective visitors to Jonestown which made it difficult to get a realistic and accurate picture of what was actually happening there. The ability of the Embassy to break through this facade was severely hampered by several factors. First, the Embassy provided in advance to People's Temple, the names of most but not all of the individuals who were to be interviewed by visiting consular officers. That practice allowed Jones to rehearse those people on what to say and how to act. Second, such "staging" practices were greatly facilitated by the limited time spent in Jonestown by visiting U.S. Embassy officials—an average of 5-6 hours on four different occasions between August 30, 1977, and November 7, 1978.

—In conducting normal consular activities in Jonestown and in other interactions with People's Temple, Embassy officials were restricted by constitutionally mandated safeguards prohibiting interference with free exercise of religious beliefs and with legally sanctioned religious organizations. Recognizing that this issue is not within the direct purview of the committee's investigation, we nevertheless note (as observed earlier) that many People's Temple members were originally motivated less by religious considerations than by a general social idealism. In addition, it is clear that People's Temple had little specific dimension or few surface trappings which would have made it a "church."

- There was a laxness in State Department procedures for distributing certain important documents relative to People's Temple, thereby inhibiting the opportunity for taking appropriate action. Chief among these was the U.S. Customs Service report on possible gun shipments to Jonestown. Others include the April 10, 1978, affidavit by Yolanda D. A. Crawford, a People's Temple defector, describing beatings and abuses in Jonestown; the affidavit signed in May 1978 by Debbie Blakey, another People's Temple defector, describing suicide rehearsals and other serious charges; and finally the New West magazine article of August 1, 1977, which exposed Jones. A wider awareness of these and similar materials would have significantly enhanced the State Department's ability to evaluate the situation. As a reflection of the problem it is interesting to note that a number of State Department officials interviewed readily volunteered the observation that prior to his trip to Guyana "Mr. Ryan knew more about People's Temple and Jonestown than we did."
- State Department organization and day-to-day operations created a distinction between its consular activities and its diplomatic responsibilities. Inadequate coordination between those two functions led to a situation in which matters involving People's Temple were regarded almost exclusively as consular. Despite mounting indications that the People's Temple issue was spilling over into the United States-Guyana diplomatic area, the mentality persisted of relegating it to the consular side.
- In the area of crisis management following the tragedy of November 18 the State Department and Embassy performed with distinction. Particularly praiseworthy in this regard were the brave and dedicated efforts of Richard Dwyer in aiding and providing leadership under trying circumstances to survivors of the Port Kaituma shooting. Equally admirable were the Department's and Embassy's efforts in evacuating the wounded, providing assistance to others, and keeping Washington officials adequately informed of developments. Also commendable was the competent and efficient work of Department of Defense personnel in assisting the wounded and others and returning them to the United States.
- As to allegations that a female member of People's Temple in Guyana had engaged in a sexual liaison with former U.S. Consul Richard McCoy and had made tape recordings of their sexual activities in an attempt to compromise McCoy, it is our firm judgment, based on our findings, that such allegations are false. The woman in question has in fact testified and signed an affidavit categorically denying all such charges. She further stated that, "To the best of my knowledge, no member of People's Temple engaged in any sexual activity with Richard A. McCoy" and that the People's Temple relationship with McCoy was one of "mistrust and strained discussion though not openly hostile." Nor is there any evidence to indicate that any other person affiliated with the U.S. Embassy in Guyana had at any time been compromised by the People's Temple.

I. Involvement of the Government of Guyana

On the issue of People's Temple involvement with the Government of Guyana, the Staff Investigative Group renders the following incomplete findings (for further elaboration, see Appendix III-I in classified version only) :

- There is evidence of a strong working relationship between the People's Temple and some officials of the Government of Guyana, especially in the areas of customs and immigration. It is obvious that a special privileged status allowed People's Temple to bring items into Guyana outside of the usual customs procedures, often with cursory inspection at best. Many shipments were inspected perfunctorily or not at all. It is likely that People's Temple brought large sums of money and guns into Guyana in suitcases and false-bottom crates as a result of such customs inspections. As a matter of fact, some of these concerns were expressed by Guyanese officials.
- Guyanese immigration procedures were also compromised to the advantage of People's Temple on several occasions, chiefly in two key areas. First, People's Temple members were able to facilitate entry of their own members or inhibit the exit of defectors by having access to customs areas at Timehri Airport in Georgetown closed to all other citizens. Second, clearly arbitrary decisions were made to curtail the visas and expedite the exit of individuals regarded as opponents of People's Temple. Only upon the strenuous efforts of the U.S. Embassy were some of these decisions ultimately reversed and then at the last minute.
- There are in the investigative record repeated charges of a sexual liaison between People's Temple member Paula Adams and Laurence Mann, Guyana's Ambassador to the United States. It has been reported that Ms. Adams made tape recordings of her sexual encounters with Mann. Transcripts of some of those tapes were apparently made for Mr. Jones and periodically turned over to high officials in the Guyanese Government.
- There is also evidence, incomplete and inconclusive, that unknown officials of the Guyanese Government may have taken action to influence the outcome of the Stoen custody case proceedings in the Guyanese court system.
- Testimony from some witnesses suggest that support extended to the People's Temple by Deputy Prime Minister and Minister of Development Ptolemy Reid was born of an ideological compatibility with and endorsement of the Temple's Socialist philosophy. While such support was exploited in the sense that it had the ultimate effect of furthering People's Temple objectives, it did not appear to be generated for illegal reasons.

NOTE.—In reference to these findings regarding the relationship of the Government of Guyana to the People's Temple, the Staff Investigative Group was precluded from confirming or dispelling various allegations by the refusal of the Guyanese Government to meet and talk with the Group, per Chairman Zablocki's requests of March 2 and 16, 1979. (See Appendix II-E-1.) Consequently, to our regret, some of the findings noted above must remain partial and incomplete. There is no doubt in our mind, however, that

our inability to interview Guyanese Government officials leaves this report with a conspicuous void.

J. Social Security; Foster Children

SOCIAL SECURITY

Although this inquiry's scope did not require investigating allegations that the People's Temple stole or fraudulently used its members social security benefits, some information regarding these charges did surface during the course of the probe that is worth noting. (For further elaboration, see Appendix III-J-1 in classified version only.)

At the time of the tragedy of November 18, 1978, a total of 199 social security annuitants reportedly lived in Jonestown. Altogether their annuities amounted to approximately \$37,000 per month. It is readily apparent that this income contributed substantially to the maintenance of the Jonestown operations. The Social Security Administration (SSA) is presently conducting a review of its responsibilities and performances in paying benefits to Temple members. In this regard, the Secretary of Health, Education, and Welfare has submitted an interim report to the committee. In essence, the report indicates that to date no wrongdoing on the part of the Temple has been discovered. It does cite, however, four cases that are being investigated because the beneficiaries' checks were being forwarded to Guyana from the United States without Social Security Administration's records revealing their correct addresses. The Social Security Administration review is continuing and upon its completion the committee is to receive a copy of the final report.

The interim report indicates, inter alia, that the Social Security Administration is responsible for administering Section 207 of the Social Security Act (43 U.S.C. 407) which provides, "the right of any person to any future payment under this title shall not be transferable or assignable, at law or in equity * * *." Consequently, whenever a social security annuitant requests that his or her checks be mailed to someone else's address the Social Security Administration looks into the possibility of assignment. Such an inquiry was launched after Temple members moved to Guyana and asked that their monthly payments be mailed in care of the Jonestown settlement's post office box address.

The U.S. Embassy in Georgetown, Guyana was asked by the Social Security Administration to query Jonestown residents as to why they wanted their checks sent to the settlement's post office address and whether any of the beneficiaries had assigned the right to future payments to the People's Temple.

In response to the Social Security Administration's request, U.S. Consul Richard McCoy, during January and May 1978 visits to Jonestown, determined that the post office box address was being used for the convenience of the beneficiaries, that each annuitant interviewed was receiving and controlling the use of his monthly payment, and that none had assigned their checks to the Temple. McCoy's successor, Douglas Ellice, accompanied by Vice Consul Dennis Reece, also checked into social security matters during a November 7, 1978, visit to Jonestown.

McCoy did find Jonestown social security beneficiaries who were heavily influenced to turn over their monthly benefits to the Temple. Nevertheless, in his estimation, these individuals voluntarily gave their money to the Temple. In addition, he reported that all of the beneficiaries he saw in Jonestown appeared to be adequately housed, fed, and in relatively good health. Given these findings, the Social Security Administration decided to continue the procedure of mailing the monthly checks to the Jonestown post office box address.

Section 1611(f) of the Social Security Act (42 U.S.C. 1811(f)) stipulates that:

* * * no individual shall be considered an eligible individual for Supplemental Security Income (SSI) benefits, for any month during all of which such individual is outside the United States * * *.

According to the Social Security Administration interim report:

* * * as soon as it was learned that members of the People's Temple were moving to Guyana, the Social Security Administration district office in San Francisco, working with postal officials and officials of the People's Temple, went to extraordinary lengths to ensure Social Security Administration was notified when a member who was entitled to social security benefits moved abroad. This action proved very effective. When members who had been entitled to SSI benefits left the United States, action was taken to stop the SSI payments.

To date, the Social Security Administration has discovered only one instance of a Temple beneficiary going to Guyana without notifying Social Security Administration authorities. This individual's checks were received and cashed by her husband who continued to live in the United States. The Social Security Administration has found nothing to indicate that the failure to report the wife's move to Guyana involved People's Temple officials.

The Staff Investigative Group has been informed by the Social Security Administration that its ongoing review of payments to Temple members is focusing on the following:

(a) Did any of the Retirement Survivors Disability Insurance (RSDI) beneficiaries living in Jonestown die there before November 18, 1978, without the knowledge of the Social Security Administration?

(b) Were any SSI payments made to a beneficiary for months after the month that individual left the United States? (As mentioned earlier, such payments are illegal.)

Some 656 social security checks were found uncashed and un-deposited in Jonestown after the November 18 tragedy. According to one State Department official, the vast majority of the approximately \$160,000 in checks recovered in Jonestown were August, September, and October 1978 social security checks.

The Social Security Administration claims it will be several months before the process of identifying the remains of the Jonestown dead is finished. At last report, 173 social security beneficiaries have been positively identified as dead. Eight others are known to have survived. The balance of 18 are still unaccounted for but the presumption is that they are among the unidentified deceased. (See Appendix III-J-2.)

FOSTER CHILDREN

Possibly as many as 150 foster children have been alleged to have died in Jonestown during the mass suicide/murder ritual of last No-

vember, Senator Alan Cranston's Subcommittee on Child and Human Development is conducting an investigation of these charges with the assistance of the GAO. Preliminary indications are that 12 California foster children may be identified as having died. Greatly complicating the identification process is the fact that neither dental nor fingerprint records exist on most of the children. At this writing, it is hoped that the GAO investigators may be able to provide at least a preliminary report of their findings to Senator Cranston's subcommittee by the end of May 1979 for a hearing that will be held in Los Angeles.

The Staff Investigative Group was informed by State Department witnesses that the U.S. Embassy in Guyana was never asked by California welfare officials to check on the welfare and whereabouts of California foster children reportedly living in Jonestown. The U.S. Embassy, however, was aware that some foster children may have been living there and asked the Department of State to determine whether it was legal for such wards of the State to leave the United States. One Department witness stated that he queried appropriate California authorities and was told that court permission was required to take them out of the State. This same official also discerned some reluctance on the part of these authorities to talk about the subject. (For further elaboration, see Appendix III-J-3, in classified version only.)

K. Future Status of People's Temple

Although it was beyond the purview of the inquiry as mandated by Chairman Zablocki, the Staff Investigative Group obtained evidence and impressions relative to the possible future status of People's Temple and some related matters which the Group believes are useful to establish for this record. (For further elaboration, see Appendix III-K in classified version only.)

Accordingly, it is our judgment at this time that the possibility of People's Temple being reconstituted cannot be discounted. This belief is based in large measure on the distinction seemingly held by surviving People's Temple members between Jim Jones as an individual and what People's Temple represented as an organization. Thus, while some remaining People's Temple members express varying degrees of regret, dismay, and disapproval over what Jim Jones did, they still seem to embrace the principles and objectives which they believe People's Temple sought to achieve. There is also some evidence to suggest that a power struggle may be underway within the ranks of surviving People's Temple members in an attempt to establish a new leader. Only time will determine whether in fact such a development may take place.

While the existence of a reported "hit squad" whose purported purpose is to eliminate Jones' staunchest opponents cannot be concretely documented it should not be totally discounted. This group has been described as including some of Jones' most zealous adherents. There is evidence to suggest Jones and some of his key lieutenants discussed and had "understandings" to eliminate various individuals, including national political leaders. Time may diminish the possible threat of this factor in any and all future activities and investigations aimed at People's Temple.

IV. RECOMMENDATIONS

On the basis of the findings presented above, as reinforced by other elements of the investigation, we respectfully submit for consideration the following recommendations:

(1) Review of Exemption Provisions Under the Privacy Act and Freedom of Information Act

Without disrupting the basic objectives and purposes of both the Privacy Act and the Freedom of Information Act, we urge appropriate congressional committee review of both statutes in an effort to eliminate or minimize some of the shortcomings and problems cited. Such a review should be carried out in coordination with State Department legal experts and representatives of the Department's Consular Services Section.

In particular, the State Department and the appropriate congressional committees should explore the feasibility of more clearly defining the scope of the exemptions from agency disclosure of records provided under both the Freedom of Information Act and the Privacy Act to determine what, if any, legislative changes may be required with respect to the exemption provisions under both acts or whether some interpretive understandings may be reached as to their scope.

(2) Review of Internal Revenue Service Rules and Regulations Regarding Churches

With respect to the advantages and privileges People's Temple enjoyed as a tax-exempt "church," appropriate congressional committees should consider reviewing pertinent Internal Revenue Service rules and regulations. In particular, it appears desirable to provide for periodic IRS review of qualifying status in order to assure that originally stated purposes and objectives are still being fulfilled and that the nature and general activities of an organization deemed to be a "church" under IRS guidelines have not changed over time. Also possibly worthy of specific review is the procedure whereby exemptions are authorized under a "group ruling" to an association of churches when the members of an association may have little resemblance to each other in terms of doctrine or method of operation.

(3) State Department Organization and Procedures

In terms of State Department organization and procedures, we offer the following recommendations. We do so with the understanding that they are premised on our review of State Department/Embassy performance regarding the People's Temple in Guyana and therefore may not necessarily have the same applicability to all State Department/Embassy operations worldwide.

Accordingly, it is recommended that:

- The present system governing dissemination of documents and information should be revised to insure that relevant information be provided to appropriate State Department and Embassy personnel. Such revisions should contribute to a more candid exchange of ideas and information, thereby enhancing the prospects for a more informed and effective decisionmaking process.
- Contrary to assurances of Department of State witnesses, the Staff Investigative Group found clear deficiencies in the interaction and coordination between the Department's consular and political sections. Given the significant increase in American citizens living and traveling abroad and the resultant consular services they require, it is imperative that this shortcoming be corrected. Especially important in this regard, consular officers should be accorded increased respect and stature vis-a-vis their diplomatic colleagues.
- Every consideration should be given to increasing the availability of legal assistance to Embassy staffs. The increasing complexity of new laws placing added responsibilities on such staffs makes it urgent that legal expertise be more readily available. The implementation of this recommendation should help to minimize confusion, enhance the implementation of new laws, and provide better and more effective service to Americans abroad.

(4) Concentrated Program of Research and Training on Cults Needed

As noted in the body of this report, the subject of cults is complex and laced with strong emotions. Regrettably, too little is known about the phenomenon of cults or the dynamics and methods of such groups and their leaders. Within the mental health community, research and focus on the issue have been minimal and literature is almost nonexistent. It is not unreasonable to conclude, in fact, that cult groups in the United States tend to thrive because of this lack of understanding and information.

We therefore recommend, on an urgent basis, that the professional scientific community undertake a concentrated program of research and training aimed at understanding fundamental questions in this area. Such a program, under the auspices of the National Institute of Mental Health, must be adequately funded and staffed and should be carried out by whatever mechanism will produce practical results as soon as possible.

(5) Inclusion of the Subject of Cults on the Agenda of the White House Conference on the Family

Finally, we believe it would be appropriate to include on the agenda of an upcoming White House Conference on the Family a comprehensive and balanced discussion on the subject of cults with special reference to their mode of operation, the style and tactics of their leaders, and means and methods by which parents and their children can avoid becoming involved with such organizations.

APPENDIX I—INTRODUCTION

Appendix I contains a brief description of the background of the Ryan Codel, a summary of the events of November 14-19, 1978, and Chairman Clement J. Zablocki's mandate for an investigation. In addition to the documents shown here, a number of documents pertinent to appendix I-C-1 are maintained on a confidential basis in committee files.

CONTENTS

	Page
A. Ryan trip background.....	43
1. Correspondence between Hon. Leo J. Ryan and various members of the Committee on Foreign Affairs.....	43
(a) October 4, 1978, letter from Hon. Leo J. Ryan to Hon. Clement J. Zablocki.....	43
(b) October 12, 1978, letter from Hon. Clement J. Zablocki to Hon. Leo J. Ryan.....	44
(c) October 17, 1978, letter from Hon. Leo J. Ryan to Hon. Clement J. Zablocki.....	45
(d) October 18, 1978, letter from Hon. Leo J. Ryan to Hon. William S. Broomfield.....	46
(e) October 18, 1978, letter from Hon. Leo J. Ryan to Hon. Clement J. Zablocki.....	47
(f) October 24, 1978, letter from Hon. Clement J. Zablocki to Hon. Leo J. Ryan.....	48
2. Correspondence between Hon. Leo J. Ryan and the U.S. Embassy in Guyana, Jim Jones, and Mark Lane.....	49
(a) November 1, 1978, letter from Hon. Leo J. Ryan to Jim Jones.....	49
(b) November 1, 1978, letter from Hon. Leo J. Ryan to Ambassador John R. Burke.....	50
(c) November 5, 1978, State Department cable describing conditions the People's Temple had established for Ryan Codel visit to Jonestown.....	51
(d) November 6, 1978, letter from Mark Lane to Hon. Leo J. Ryan.....	52
(e) November 10, 1978, letter from Hon. Leo J. Ryan to Mark Lane.....	54
B. Summary of events of November 14-19, 1978.....	57
1. List of People's Temple members who chose to leave with Ryan Codel on November 18, 1978.....	57
2. List of injured persons during attack on Port Kaituma airstrip.....	57
3. Time chart illustrating the sequence of events on November 18, 1978, culminating in the attack on the Ryan Codel according to various individuals interviewed by the Staff Investigative Group.....	58
C. Chairman Clement J. Zablocki's mandate for an investigation.....	60
1. Correspondence between Hon. Clement J. Zablocki, chairman of the Committee on Foreign Affairs, and the Department of State, and State Department materials provided to the committee at the request of the Staff Investigative Group.....	60
(a) November 21, 1978, letter from Hon. Clement J. Zablocki to the Department of State.....	60
(b) December 8, 1978, interim response from the Department of State to the November 21, 1978, letter from Hon. Clement J. Zablocki.....	63
(c) December 12, 1978, letter from Hon. Clement J. Zablocki to the Department of State.....	64
(d) December 13, 1978, final response from the Department of State to the November 21, 1978, letter from Hon. Clement J. Zablocki.....	65
(e) November 28, 1978, letter from Hon. Clement J. Zablocki to the Department of State.....	81

C. Chairman Clement J. Zablocki's mandate, etc.—Continued

1. Correspondence between, etc.—Continued

	Page
(f) December 10, 1978, interim response from the Department of State to the November 28, 1978, letter from Hon. Clement J. Zablocki.....	82
(g) January 9, 1979, final response from the Department of State to the November 28, 1978, letter from Hon. Clement J. Zablocki.....	85
(h) December 28, 1978, letter from the Department of State providing various materials requested by the Staff Investigative Group. (Materials include a chronology of significant events with respect to the People's Temple settlement in Jonestown from 1974 to 1978, guestbook of the Jonestown settlement, and a list of the deceased.).....	88
(i) January 4, 1979, letter from the Department of State providing information and materials requested by the Staff Investigative Group. (Materials include a series of memoranda detailing impressions of U.S. Government officials who had visited Jonestown since 1974 and a Department of State cable related to the visit of Lt. Gov. Morvyn Dymally of California to Guyana in 1976. Other materials provided in the January 4, 1979, letter from the Department of State are retained in the committee files on a confidential basis.).....	127
(j) January 31, 1979, letter from Hon. Clement J. Zablocki to the Department of State.....	150
(k) February 11, 1979, interim response from the Department of State to the January 31, 1979, letter from Hon. Clement J. Zablocki.....	151
(l) March 2, 1979, final response from the Department of State to the January 31, 1979, letter from Hon. Clement J. Zablocki.....	152
(m) February 2, 1979, letter from Hon. Clement J. Zablocki to the Department of State.....	153
(n) March 14, 1979, final response from the Department of State to the February 2, 1979, letter from Hon. Clement J. Zablocki. (Materials contained in this response include statements of U.S. Embassy personnel in Georgetown, Guyana, who had contact with the People's Temple and a copy of the land lease for the Jonestown settlement agreed to by the People's Temple and the Government of Guyana. In addition to the documents shown here, a number of classified documents pertinent to Appendix I-C-1 are maintained on a confidential basis in the committee files.).....	155
2. Memorandum from Hon. Clement J. Zablocki to the Staff Investigative Group establishing the parameters of the Jonestown inquiry.....	183

A. RYAN TRIP BACKGROUND

1. Correspondence between Hon. Leo J. Ryan and various members of the Committee on Foreign Affairs

A. OCTOBER 4, 1978, LETTER FROM HON. LEO J. RYAN TO HON. CLEMENT J. ZABLOCKI

October 4, 1978

The Honorable Clement Zablocki, Jr.
Chairman, International Relations Committee
2183 Rayburn HOB
Washington, D.C. 20515

Dear Mr. Chairman:

Under the distinguished chairmanship of the Honorable Dante Fascoll, the International Operations Committee, has become increasingly aware of the problems related to protecting the lives and property of U.S. citizens abroad. As a member of the subcommittee, I have had a particular interest in this issue and would like, with your permission, to pursue an investigation focusing on the U.S. government's ability and responsiveness in protecting Americans abroad in a specific case study.

It has come to my attention that a community of some 1400 Americans are presently living in Guyana under somewhat bizarre conditions. There is conflicting information regarding whether or not the U.S. citizens are being held there against their will. If you agree, I would like to travel to Guyana during the week of November 12-18 to review the situation first hand.

I have checked with the Chairman of the two subcommittees with jurisdiction, Dante Fascoll and Gus Yatron, and they have no objections.

Your consideration of my request is appreciated.

Sincerely yours,

LEO J. RYAN
Member of Congress

LJR:JS

(43)

B. OCTOBER 12, 1978, LETTER FROM HON. CLEMENT J. ZABLOCKI TO
HON. LEO J. RYAN

CENTRAL FILE COPY

Committee on International Relations

October 12, 1978

Honorable Leo J. Ryan
U.S. House of Representatives
Suite 137 Cannon Building
Washington, D.C. 20515

Dear Leo:

Thank you for your letter requesting authority to travel to Guyana on a fact-finding mission concerning American citizens living there.

I appreciate your having checked on this matter with the Chairmen of the Subcommittees with interests in this area. May I point out also that the Committee's travel guidelines favor multiple, rather than solo, membership for such missions (Clause (b) says "Every effort should be made, once a mission is approved by the Chairman, to enlist the participation of other Members of the Committee").

Accordingly, I would appreciate your contacting any other Members of the Committee who may be interested in joining you in this mission, letting me know who wishes to go, so that I may grant approval in accord with the intent of the guideline.

With best wishes, I remain

Sincerely yours,

Chairman

CJZ:ljd

C. OCTOBER 17, 1978, LETTER FROM HON. LEO J. RYAN TO HON. CLEMENT J. ZABLOCKI

GOVERNMENT OPERATIONS
 CHILDREN
 ENVIRONMENT, ENERGY AND
 NATURAL RESOURCES
 GOVERNMENT INFORMATION AND
 LANGUAGE RIGHTS
 INTERNATIONAL RELATIONS
 INTERNATIONAL ORGANIZATIONS
 INTERNATIONAL OPERATIONS
 POST OFFICE AND
 CIVIL SERVICE
 PRISON OPERATIONS AND STUDIES
 CRIMINAL AND POPULATION

Congress of the United States
House of Representatives

Washington, D.C. 20515

October 17, 1978

LEO J. RYAN, M.C.
11th DISTRICT, CALIFORNIA

PLEASE REPLY TO:
 DISTRIBUTION OFFICE
 177 CALHOUN HOUSE OFFICE BUILDING
 WASHINGTON, D.C. 20515
 (202) 225-3131

DISTRICT OFFICE
 1725 SOUTH AVENUE CITY BLVD.
 SUITE 219
 SAN MATEO, CALIFORNIA 94402
 (415) 349-1777

CLEMENT J. ZABLOCKI, M.C.

The Honorable Clement J. Zablocki
 Chairman, House International
 Relations Committee
 Room 2170 Rayburn H.O.B.
 Washington, D.C. 20515

Dear Clem:

Enclosed for your information is
 a copy of a letter which I sent to
 Members inviting them to accompany me
 to Guyana in order to comply with the
 guidelines of the House International
 Relations Committee.

Sincerely yours,



LEO J. RYAN

LJR:BAF
Encl.

OCT 2 1978
 COMMITTEE ON
 INTERNATIONAL
 RELATIONS

D. OCTOBER 18, 1978, LETTER FROM HON. LEO J. RYAN TO
HON. WILLIAM S. BROOMFIELD

UNIFIED
GOVERNMENT OPERATIONS
EARTH
MANAGEMENT, ENERGY AND
NATURAL RESOURCES
GOVERNMENT INFORMATION AND
PUBLICATION RIGHTS
INTERNATIONAL RELATIONS
INTERNATIONAL ORGANIZATIONS
POST OFFICE AND
CIVIL SERVICE
POSTAL OPERATIONS AND SERVICES
CIVIL RIGHTS AND POPULATION

Congress of the United States
House of Representatives
Washington, D.C. 20515
October 18, 1978

LEO J. RYAN, M.C.
5114 DISTRICT, CALIFORNIA

PLEASE SEND TO
WASHINGTON OFFICE: ☐
100 E. CAPITOL SQUARE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 555-2321

DISTRICT OFFICE: ☐
1720 SOUTH AMHERST DRIVE
SUITE 319
DOWNEY, CALIFORNIA 90242
(415) 340-4170

Honorable William S. Broomfield
Room 2435, Rayburn H.O.B.
Washington, D.C. 20515

Dear Bill:

I am presently making plans to travel to Guyana on November 13 through 19 for the purpose of investigating the conditions under which approximately 1,200 American citizens live in the nation of Guyana. Many are residents of the San Francisco Bay area. At least some of them are alleged to be held against their will by the leader of a group which refers to itself as the "People's Temple". The pastor is the Reverend Jim Jones.

There may or may not be irregularities in connection with federal assistance such as social security checks. Parents and former members of the religious sect have asked me to look into the matter and have made accusations against the leader, Mr. Jones.

I have requested permission to visit Guyana, and am in need of at least one other Member of Congress to accompany me in order to comply with the guidelines of the House International Relations Committee. I am very anxious to be in compliance with those guidelines, especially since this trip will include others besides the usual congressional staff. We hope to take at least one newswoman, one medical doctor, and other experts to assist in assessing the situation on the plantation presently controlled by the People's Temple. Obviously, since planning for such a trip must begin early, I would appreciate a reply as soon as possible.

Sincerely yours,

LEO J. RYAN
Member of Congress

LJR/sjw

E. OCTOBER 18, 1978, LETTER FROM HON. LEO J. RYAN TO
HON. CLEMENT J. ZABLOCKI

October 18, 1978

The Honorable Clement Zablocki
Chairman, Committee on International Relations
2170 Rayburn HOB
Washington, D.C.

Dear Mr. Chairman:

In compliance with your request that I solicit other members of the Committee to accompany me on the proposed fact-finding mission to Guyana, I am pleased to report that the Honorable Edward Derwinski would like to join me on the study trip. As circumstances and time permit, we would like to visit other countries in the general vicinity on the return trip home.

With your approval, both Ed and I would like to have the assistance of two staff members from the Committee to accompany us on the trip—Jim Schollaert for the Majority and Tom Smeeton for the Minority.

Your cooperation and assistance is greatly appreciated and I look forward to your guidance and recommendations.

Sincerely yours,

LEO J. RYAN
Member of Congress

LJR:JS

F. OCTOBER 24, 1978, LETTER FROM HON. CLEMENT J. ZABLOCKI TO
HON. LEO J. RYAN

CLEMENT J. ZABLOCKI, WIS., CMA 4144

L. I. LU WEL, N. H.C.
DANIEL W. FRIEDEL, FLA.
CAROL E. BASS JR., MICH
ROBERT M. E. HIR JR.
DONALD W. FRISER, MINN
BENJAMIN S. ROSENTHAL, N.Y.
LEE W. HAMPTON, IND.
LESTER L. HANCOCK, N.Y.
JONATHAN S. BINGHAM, N.Y.
GEO VETTER, PA.
MICHAEL MANNINGTON, MASS.
LEO J. RYAN, CALIF.
CAROL G. COLLIER, ILL.
STEPHEN J. SOLAR, N.T.
WILLIAM S. MEYER, N.H.
DON BOWEN, WASH.
GERRY E. STUBBS, MASS.
AMOS HILLMAN, FLA.
DONALD J. PERE, OHIO
ANTHONY C. DELAMATER, CALIF.
WYCKE FAVELLE, JR., GA.
B (ETRA) DE LA GARZA, TEX.
GUYMON S. BARNWELL, CALIF.
JOHN A. CALAMON, N.DAK.

WILLIAM S. BODENFELD, MICH.
EDWARD J. BISHOPSKI, N.H.
PAUL FINDLEY, N.C.
JOHN W. MCCANNAN JR., ALA.
J. HERBERT BURSE, FLA.
CHARLES W. WALKER, JR., OHIO
LARRY WINDY, ID., KANS.
BENJAMIN S. BINGHAM, N.Y.
TIMOTHY SUTER, OHIO
ROBERT S. LAUGHINGLIN, CALIF.
WILLIAM F. GOODLING, PA.
JOEL W. PHELPS, WIS. CON.

JOHN A. BRADY, MD.
CHIEF OF STAFF

Congress of the United States
Committee on International Relations

House of Representatives
Washington, D.C. 20515

October 24, 1978

Honorable Leo J. Ryan
137 Cannon House Office
Washington, D.C. 20515

Dear Leo:

Your request of October 18 for authorization for you and Congressman Dorwinski to conduct a study mission to Guyana during the period November 13-19 is hereby approved.

I have advised the staff to assist in arranging your per diem and transportation expenses.

With best wishes, I remain

Sincerely yours,



Chairman

CJZ:lgi

2. Correspondence between Hon. Leo J. Ryan and the U.S. Embassy in Guyana, Jim Jones, and Mark Lane

A. NOVEMBER 1, 1978, LETTER FROM HON. LEO J. RYAN TO JIM JONES

November 1, 1978

Reverend Jim Jones
People's Temple
Box 893
Mission Village, Guyana
South America

Dear Rev. Jones:

In recent months my office has been visited by constituents who are relatives of members of your church and who expressed anxiety about mothers and fathers, sons and daughters, brothers and sisters who have elected to assist you in the development of your church in Guyana.

I have listened to others who have told me that such concerns are exaggerated. They have been supportive of your church and your work. Your effort, involving so many Americans from a single U.S. geographic location is unique. In an effort to be responsive to these constituents with differing perspectives and to learn more about your church and its work, I intend to visit Guyana and talk with appropriate government officials. I do so as a part of my assigned responsibilities as a Member of the House Committee on International Relations. Congressman Ed Derwinski (R-Ill), also a member of the committee and staff members of the committee will be accompanying me.

While we are in Guyana, I have asked our Ambassador, John Burke, to make arrangements for transportation to visit your church and agricultural station at Jonestown. It goes without saying that I am most interested in a visit to Jonestown, and would appreciate whatever courtesies you can extend to our Congressional delegation.

Please consider this letter to be an open and honest request to you for information about your work which has been the center of your life and purpose for so many years. In the interest of simplifying communications, it will only be necessary for you to respond to Ambassador John R. Burke at the American Embassy in Georgetown. Since the details of our trip are still being arranged, I am sure the Ambassador and his staff will be able to keep you informed.

I look forward to talking with you either in Jonestown or Georgetown.

Sincerely yours,

CC: Congressman Derwinski
John J. Brady, Jr., Chief of Staff
International Relations Committee
James Schollaert

LEO J. RYAN
Member of Congress

**B. NOVEMBER 1, 1978, LETTER FROM HON. LEO J. RYAN TO
AMBASSADOR JOHN R. BURKE**

November 1, 1978

John R. Burke
American Ambassador
American Embassy
Georgetown, Guyana
South America

Dear Mr. Ambassador:

This will confirm earlier reports you have received regarding a proposed congressional delegation trip to Guyana. Congressman Ed Derwinski and I will arrive on November 14 in Georgetown and wish to review with you and other officials the agricultural community operated by Rev. Jim Jones and the People's Temple. I look forward to meeting with you.

Following is the text of a telegram I am sending to Rev. Jones

In recent months my office has been visited by constituents who are relatives of members of your church and who expressed anxiety about mothers and fathers, sons and daughters, brothers and sisters who have elected to assist you in the development of your church in Guyana.

I have listened to others who have told me that such concerns are exaggerated. They have been supportive of your church and your work. Your effort, involving so many Americans from a single U.S. geographic location is unique. In an effort to be responsive to these constituents with differing perspectives and to learn more about your church and its work, I intend to visit Guyana and talk with appropriate government officials. I do so as a part of my assigned responsibilities as a Member of the House Committee on International Relations. Congressman Ed Derwinski (R-Ill), also a member of the committee and staff members of the committee will be accompanying me.

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Please consider this letter to be an open and honest request to you for information about your work which has been the center of your life and purpose for so many years. In the interest of simplifying communications, it will only be necessary for you to respond to Ambassador John R. Burke at the American Embassy in Georgetown. Since the details of our trip are still being arranged I am sure the Ambassador and his staff will be able to keep you informed.

I look forward to talking with you either in Jonestown or Georgetown.

Sincerely yours,

LEO J. RYAN
Member of Congress

CC: Congressman Derwinski
John J. Brady, Jr. Chief of Staff
International Relations Committee
James Schollaert

C. NOVEMBER 5, 1978, STATE DEPARTMENT CABLE DESCRIBING CONDITIONS THE PEOPLE'S TEMPLE HAD ESTABLISHED FOR RYAN CODEL VISIT TO JONESTOWN

INFO 021-01 110-00 550 20 0-01 7817 W
 *****02200 051000 707

0 051000Z NOV 78
 FM AMEMBASSY Georgetown
 TO SECSTATE WASHDC WINFO IMMEDIATE 3002

LIMITED OFFICIAL USE Georgetown 3002

ZEN STAFF/CFR JOHN CRIFFIN

E O 11857 HQ
 TASS, CASE, CIEP (RYAN) (C) BT
 SUBJ: CODEL BORN VISIT TO GUYANA

REF: AMBASSADOR/INCOY TELECOM NOVEMBER 4, 1978

1. AMBASSADOR SPOKE WITH GUYANESE AMBASSADOR TO WASHINGTON LAURENCE PANA AFTERNOON NOV 4 REGARDING PROPOSED VISIT OF CODEL RYAN TO GUYANA FOR THE PURPOSE OF MAKING CONTACT WITH THE PEOPLE'S TEMPLE (PT) COMMUNITY AT JONESTOWN. AMBASSADOR TOLD PANA THAT AMERICAN CONSUL HAD BEEN INFORMED BY PT REPRESENTATIVE IN Georgetown THAT IT WAS NOW PT INTENTION NOT OPT NOT TO RECEIVE CONGRESSMAN RYAN AT JONESTOWN. PANA SAID THAT HE HAD HEARD OF THIS DECISION AND HAD TOLD THE PEOPLE'S TEMPLE THAT HE PERSONALLY CONSIDERED IT TO BE ILLEGITIMATE. NEVERTHELESS, HE WENT ON, IT WAS THEIR DECISION AND GOVERNMENT OF GUYANA COULD NOT FORCE PT TO RECEIVE CODEL WITHIN THEIR COMMUNITY JUST AS GOS COULD NOT DICTATE TO ITS CITIZENS WHEN THEY RECEIVE IN THEIR HOMES. PANA WENT ON TO SAY THAT PT SEEMED CONVINCED THAT CODEL WAS HOSTILE, WOULD BE ARRIVING WITH WELL-DEVELOPED PRE-JUDICES AGAINST PT AND MERELY WANTED AN ON-THE-SPOT VISIT TO ENABLE CODEL TO RETURN TO U.S. AND REITERATE PREJUDICED VIEW OF PEOPLE'S TEMPLE COMMUNITY WITH SOME AUTHORITY THAN BEFORE. PT OFFICIALS HAD APPARENTLY CITED TO PANA CONCLUSION VISIT BY NBC CAMERA TEAM AS PROOF POSITIVE OF CODEL'S BAD FAITH.

2. AMBASSADOR REPEATED FOR PANA'S BENEFIT WHAT CONSUL HAD ALREADY CONVEYED TO PT REPRESENTATIVES RE CODEL'S VISIT. IT WAS TO GIVE CONGRESSMAN RYAN AN OPPORTUNITY TO FAMILIARIZE HIMSELF PERSONALLY WITH A COMMUNITY WHICH HAD GENERATED GREAT INTEREST IN HIS CONSTITUENCY.

INTELLIGENCE, CONGRESSMAN PAN MADE NO SECRET OF HIS INTENTIONS AND IN FACT HAD SENT A MESSAGE DIRECTLY TO THE PT ASKING THAT HE BE PERMITTED TO VISIT JONESTOWN. AMBASSADOR OBSERVED TO PANA, AS HE HAD PREVIOUSLY, THAT CODEL VISIT TO JONESTOWN WOULD APPEAR TO BE AN EXCELLENT OPPORTUNITY FOR PEOPLE'S TEMPLE TO RESPOND TO CRITICISM IN THE U.S. ABOUT THEIR COMMUNITY EFFORT IN GUYANA. ON THE OTHER HAND, A FLAT REFUSAL TO RECEIVE THE CODEL AT JONESTOWN MIGHT HAVE JUST THE OPPOSITE EFFECT. AS FOR THE NBC CAMERA TEAM, AMBASSADOR INFORMED PANA THAT ON THE BASIS OF THE TELEPHONE, IT WAS THE EMBASSY'S CLEAR UNDERSTANDING THAT THE CONGRESSMAN HAD NOT INVITED THE TEAM TO COME AND THAT NBC SAN FRANCISCO HAD ONLY BECOME INTERESTED IN COVERING THE STORY WHEN NEWS OF THE CONGRESSMAN'S PROPOSED TRIP BECAME

KNOWN. FURTHER, IT WAS OUR UNDERSTANDING THAT NBC HAD BEEN TOLD THAT THEY WOULD HAVE TO CLEAR ANY TRIP TO JONESTOWN WITH PEOPLE'S TEMPLE AND NOT VISIT BY A CAMERA TEAM TO THE GUYANESE INTERIORLAND WITHIN THE GOVERNMENT OF GUYANA.

3. AMBASSADOR PANA EXPRESSED TO UNDERSTAND ALL OF THIS BUT REPEATED HIS STATEMENT THAT GOS WAS POWERLESS TO FORCE PT TO RECEIVE CODEL AT JONESTOWN IF TEAM WAS ORIGINALLY OPPOSED. HE EXPRESSED AGAIN HIS PERSONAL VIEW THAT HE

FEEL THAT THE PT WAS UNWILLING TO REFUSE. HE WANTED IT EMPHASIZED TO CONGRESSMAN RYAN THAT GOS, ON IT PART, WOULD WELCOME HIS VISIT TO GUYANA AND THAT FORMER CHAIRMAN JOHNSON AND OTHER OFFICIALS WOULD BE PLEASED TO RECEIVE HIM IF HE DECIDED TO COME.

4. WITHIN AN HOUR OF THE AMBASSADOR'S CONVERSATION WITH PANA, A PT REPRESENTATIVE CALLED THE CONSUL TO TELL HIM THAT AMBASSADOR'S MESSAGE WAS NOT ACCURATE. PT HAD NOT DEFINITELY CLOSED THE DOOR TO A VISIT BY CONGRESSMAN RYAN, BUT WERE SETTING THREE CONDITIONS: A) THAT CODEL MUST HAVE BALANCE IN E. THAT PT INCLUDE REPRESENTATION SYMPATHETICALLY DISPOSED TO PT; B) THAT THERE BE NO MEDIA COVERAGE ASSOCIATED WITH THE CODEL'S VISIT TO JONESTOWN; C) THAT ATTORNEY MARK LAKE BE PRESENT FOR CODEL VISIT TO GUYANA AND JONESTOWN.

5. PT REPRESENTATIVE ALSO INFORMED CONSUL THAT THEIR RESPONSE TO CONGRESSMAN RYAN'S CABLE WOULD BE COMMUNICATED THROUGH ATTORNEY MARK LAKE.
 BUWAK

LIMITED OFFICIAL USE

D. NOVEMBER 6, 1978, LETTER FROM MARK LANE TO HON. LEO J. RYAN

Attorney at Law

Member of the Bar
of the State of New York

1177 Central Avenue
Memphis, Tennessee 38104
901 726-1800

Nov. 6, 1978

Congressman Leo J. Ryan
1720 South Amphlett Blvd.
Suite 219
San Mateo, California 94402

Dear Congressman Ryan:

It is my understanding that you and another member of Congress and possibly two members of the staff of the International Relations Committee of the U.S. House of Representatives wish to visit Jonestown, Guyana due to complaints that have been made about the project there. It is also my understanding that you or members of the staff of the Committee have been briefed by persons hostile to the People's Temple and the project in Jonestown. It would seem to me both fair and appropriate for you to seek information from the other side as well before embarking upon a trip to Jonestown. Since I represent the People's Temple in various matters, I should be happy to meet with you and tell you of my experiences in Jonestown and with Jim Jones and with the People's Temple.

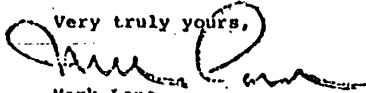
I have been informed that you wish to tour Jonestown during the middle of November. My client has asked that I be present while you make that tour. It seems entirely appropriate and proper that I should be there on that occasion. Accordingly, I placed a telephone call to your San Mateo office at 9 a.m. on Friday, November 3, 1978 to make arrangements for your trip to Jonestown and to discuss the entire matter with you. Your aide stated that you would return my telephone call but I have not as yet heard directly from you. However, I did receive a telephone call from Jim Schollaert who told me that he was a member of the Committee's staff. I informed him that I would be engaged during the middle of November in that I would be representing several witnesses who were to appear in public testimony before the House Select Committee on Assassinations in Washington, D.C. from the middle until the end of November. I suggested to Mr. Schollaert that if you called me we could no doubt work out a date which would be satisfactory to all of us.

You should understand that Jonestown is a private community and that while they appear willing to host your visit there under certain circumstances, courtesy requires that arrangements be made in advance of your visit. For example: there are no hotels or restaurants in the area and you would be the guest of the community during your entire visit. The people of Jonestown have expressed a willingness to care for your needs and the needs of your staff and associates but they suggest, and I certainly agree, that a date which would be convenient to all of us should be arrived at through discussion.

You should be informed that various agencies of the U.S. Government have somewhat consistently oppressed the People's Temple and sought to interfere with the People's Temple, a religious institution. I am now exploring that matter fully in order to bring an action against those agencies of the U.S. Government that have violated the rights of my client. Some of the members of the People's Temple have had to flee from the U.S. in order to experience a fuller opportunity to enjoy rights which were not available to them within the U.S. You should know that two different countries, neither one of which has entirely friendly relations with the U.S., have offered refuge to the 1200 Americans now residing in Jonestown. Thus far the People's Temple has not accepted either of those offers but it is their position that if religious persecution continues and if it is furthered through a witch hunt conducted by any branch of the U.S. Government, that they will be constrained to consider accepting either of the offers. You may judge, therefore, the important consequences which may flow from further persecution of People's Temple and which might very well result in the creation of a most embarrassing situation for the U.S. Government.

I hope that this matter can be resolved in an amicable fashion and I continue to wait for a telephone call from you so that we may discuss this matter more fully.

Very truly yours,



Mark Lane

ML:br
cc: Jean Brown

E. NOVEMBER 10, 1978, LETTER FROM HON. LEO J. RYAN TO MARK LANE

INTERNATIONAL RELATIONS
 INTERNATIONAL OPERATIONS
 POST OFFICE AND
 CIVIL SERVICE
 POSTAL OPERATIONS AND SERVICES
 CUSTOMS AND POPULATION

Congress of the United States
 House of Representatives
 Washington, D.C. 20515

November 10, 1978

DISTRICT OFFICE (2)
 1720 SOUTH ALABAMA BLVD.
 SUITE 219
 SAN MATEO, CALIFORNIA 94403
 (415) 948-1978

Mr. Mark Lane
 Attorney at Law
 1177 Central Ave.
 Memphis, Tenn. 38104

Dear Mr. Lane:

I am in receipt of your letter regarding the proposed visit of a delegation from the House International Relations Committee to the nation of Guyana. While I am pleased to have your offer of assistance to the Committee on behalf of the People's Temple at Jonestown I must respectfully dissent from certain assumptions which were apparent in your letter.

First, the Committee and its staff, as a matter of policy and standard practice, works through our Embassy and the government of the nation which it visits. Second, it is my policy, when I am a delegation Chairman conducting inquiries at home or abroad, to deal with the principals in a given situation. To that end, I sent a telegram on November 1 to Mr. Jim Jones asking for his cooperation in a matter affecting the personal lives of an unknown but large number of U.S. citizens, who are presently residing on his property in Jonestown and in Georgetown. He has not yet replied, but I presume he is in touch with the American Embassy and Ambassador John Burke about this inquiry. It is for this reason that I asked Mr. James Schollaert, as an attorney on the staff of the Committee, to respond to your telephone inquiry, to which you make reference.

I regret that you will not be able to be in Guyana, this next week, but I understand that Mr. Jones has other legal counsel available in the event he feels such counsel is necessary. In a situation where the Committee schedule does not coincide with your own personal schedule, I must obviously resolve such a conflict for the United States House of Representatives. I hope that you will understand.

I am also interested in your statement that "various agencies of the U.S. Government have somewhat consistently oppressed the People's Temple." Any such assumption with regard to our Committee is grossly in error. I am interested in locating and talking to certain persons in that community whose mothers, fathers, brothers, sisters, husbands and wives have asked me to inquire on their behalf.

It is true that most of the comments I have heard from relatives are negative, but that is precisely the purpose of this inquiry. Rather than take the word of relatives who can be presumed to be under some emotional bias, I intend to go to the source and to allow those "on the other side" the opportunity to speak in their own behalf. In this case I have offered Mr. Jones and his supporters the full opportunity to speak for themselves. I presume they will accept such an offer. It is made with the full intention of allowing any and all to speak for the record.

I am at a loss to understand the references on the second page of your letter to members of Mr. Jones' group who have had to "flee from the United States to enjoy their freedom." I certainly hope such persons will be available to give such testimony to support your comment.

I am even more puzzled by your further vague references to one or two other countries that have offered "refuge" to the 1200 Americans in Jonestown. Am I to understand, then, that all 1200 have already been asked if they would be willing to travel to yet another country and begin their lives, under what must already be difficult conditions at best? Perhaps we can learn more about that after we arrive.

Finally, Mr. Lane, I am truly disappointed with your use of the phrase "witch hunt" in connection with an open and honest inquiry of the United States House of Representatives into the welfare of American citizens presently living in Jonestown. The committee asks no more of Mr. Jones than any parent does whose son or daughter is away at school or whose mother or father resides in a distant convalescent home or hospital.

No "persecution", as you put it, is intended, Mr. Lane. But your vague reference to the "the creation of the most embarrassing situation for the American government" does not impress me at all. If the comment is intended as a threat,

I believe it reveals more than may have been intended. I presume Mr. Jones would not be supportive of such a comment.

The Committee does intend to leave as scheduled. It does intend to discuss the whereabouts, living conditions and general welfare of the 1200 Americans you refer to, with our Embassy, with the officials of the nation of Guyana and of course, of course, of course, with Mr. Jones as the leader of the group. We ask for and hope for the cooperation of all. I, too, hope that the inquiry can move ahead in an amicable fashion.

Sincerely yours,

1200 J. Ryan,
Member of Congress

LJP/cc

cc: Reverend Jim Jones
Foreign Minister of Guyana
Prime Minister of Guyana
Ambassador Laurence Mann of Guyana
Ambassador John Purke of United States
Assistant Secretary of State
for Latin American Affairs

BEST AVAILABLE COPY

B. SUMMARY OF EVENTS OF NOVEMBER 14-19, 1978

1. List of People's Temple members who chose to leave with Ryan Codel on November 18, 1978

**Vern Gosney
Monica Bagby
Larry Layton
Dale Parks
Edith Parks**

**Patricia Parks
Brenda Parks
Tracy Parks
Tina Turner
Chris O'Neill**

**Tom Boguo
Jim Boguo
Edith Boguo
Juanita Boguo
Harold Cordell**

2. List of injured persons during attack on Port Kaituma airstrip

**Ron Javers
Tim Reiterman
Steve Sung
Jackie Speler**

**Anthony Katsaris
Beverly Oliver
Monica Bagby
Richard Dwyer**

**Vern Gosney
Charles Krause**

3. Time chart illustrating the sequence of events on November 18, 1978, culminating in the attack on the Ryan Codel according to various individuals interviewed by the Staff Investigative Group

Witness account	Guyana	Time	Washington, D.C.	Time	San Francisco	Time
PART OF RYAN CODEL						
Dick Dwyer: (subsequently verified time frame w/Georgetown Tower.)	Ryan Codel arrives at Port Kaituma Airstrip. Shooting starts.	4:30 p.m.		2:30 p.m.		11:30 a.m.
Dale Parks	do	4:30 p.m.		2:30 p.m.		11:30 a.m.
Jackie Spier	do	4:30 p.m.		2:30 p.m.		11:30 a.m.
Bob Flick	do	4:30 p.m.		2:30 p.m.		11:30 a.m.
Ron Javers	do	4:20 p.m.		2:20 p.m.		11:20 a.m.
EMBASSY PERSONNEL & REST OF CODEL AT PEGASUS HOTEL						
Jim Schoffert	At airport in Geotwn (Timehri) awaiting Ryan Codel arrival, informed by Sharon Amos plane would be delayed.	3:00 p.m.		1:00 p.m.		10:00 a.m.
	Informed by Embassy duty officer (Peter Loudano) of shooting at airstrip.	6:15 p.m.		4:15 p.m.		1:15 p.m.
	Returns to Embassy, tries to contact J. Brady in Washington, D.C., unable to do so.	7-7:30		5-5:30		2-2:30
Embassy Personnel	P. M. Burnham telephones Ambassador Burke and requests him to come immediately to his residence.	6:00 p.m.		4:00 p.m.		1:00 p.m.
	Ambassador Burke sends cable to State Dept./Wash. D.C.	8:20 p.m.	State receives 1st cable re shooting.	6:20 p.m.		3:20 p.m.
	Ambassador Burke instructs his secretary to call Ashley Hewitt at the State Department and read text of message. Also learned of Sharon Amos' death.	8:40 p.m.		6:40 p.m.		3:40 p.m.
Grace Stoen	Hotel manager approaches group and advises them to go to their rooms.	7:30 p.m.		5:30 p.m.		2:30 p.m.
	Learn of possibility of Ryan's death.	10:30 p.m.		8:30 p.m.		5:30 p.m.

Tim Stoen	PT basketball team arrives at Hotel. Asked by Steve Jones why is he causing all the deaths?	7:30 p.m.	5:30 p.m.	2:30 p.m.
	Hotel manager requests that Ryan Codei group go to their rooms.	8:30 p.m.	6:30 p.m.	3:30 p.m.
S. Katsaris	Receives telephone call from nephew in States informing him of Ryan shooting.	11:30 p.m.	9:30 p.m.	6:30 p.m.
Gordon Lindsay	Calls Embassy and talks with Corporal Sherman; learns of Ryan's death.	12 mid-night	10:00 p.m.	7:30 p.m.
		9:00 p.m.	State Dept. notifies Joe Holsinger in California of Ryan shooting.	4:00 p.m.
Will Holsinger, in California		10:30-11 p.m.	8:30-9 p.m.	Joe Holsinger receives call from White House re shooting. 5:30-6 p.m.
		9:30 p.m.	7:30 p.m.	Will receives call from his father Joe in Foster City, informing him of unconfirmed shooting. Will drove down. 4:30 p.m.
		3 a.m. (Sun. 11/19).	11:30-1 a.m.	Mrs. Will Holsinger receives 3 threatening phone calls—message for Will—"tell your husband his meal ticket just had h's brains blown out". 8:30-10 p.m.
Al Mills, in California		Early evening.	Late afternoon.	Mills receives phone call from Walter Jones (former party member) who had received call from either Grace or Tim Stoen stating something weird was going on in Georgetown/Jonestown. Early afternoon.

C. CHAIRMAN CLEMENT J. ZABLOCKI'S MANDATE FOR AN INVESTIGATION

1. Correspondence between Hon. Clement J. Zablocki, Chairman of the Committee on Foreign Affairs, and the Department of State, and State Department materials provided to the Committee at the request of the Staff Investigative Group

A. NOVEMBER 21, 1978, LETTER FROM HON. CLEMENT J. ZABLOCKI TO THE DEPARTMENT OF STATE

November 21, 1978

Honorable Cyrus R. Vance
Secretary of State
Department of State
Washington, D.C. 20520

Dear Mr. Secretary:

The Members of the Committee on International Relations are deeply distressed and concerned over the tragedy which befell the mission to Guyana headed by the late Hon. Leo J. Ryan. As you know, there have been allegations that the Department of State was negligent in this affair.

In determining what steps might be taken in the wake of this matter, the Committee intends to look into all of the circumstances which might have a bearing on this tragic incident. It is, therefore, essential that the Department of State cooperate fully with the Committee in the conduct of this inquiry.

Specifically, we request a copy of the following: all cable traffic between the American Embassy in Guyana and the Department of State regarding the activities of the Peoples Temple Church and its agricultural commune in Jonestown since the establishment of the facility in Guyana; and all communications on the activities of the Peoples Temple Church which the Department has received from the Federal Bureau of Investigation and other government agencies.

Additionally, we need answers to the following questions (unless such answers are contained in the materials requested above):

1. To what extent were the Department of State and the American Embassy in Georgetown, Guyana, aware of the potential physical danger to the Ryan Delegation of a visit by them to Jonestown?

2. What advice did the Department of State and the Embassy in Guyana give Congressman Ryan with respect to the potential violence which could arise as a result of such a visit in view of the presence of weapons in Jonestown and the mood of its inhabitants with respect to visits by outsiders?

3. Once Mr. Ryan made known his intent to visit Jonestown, did the American Embassy request the Government of Guyana to provide the delegation with security protection or other assistance? If not, why not, and if so, what was the nature and extent of the response on the part of the Government of Guyana?

4. What communication facilities were available to the Ryan delegation during the members' stay in Georgetown and Port Kaituma? What special arrangements for communications with Jonestown, if any, were made for the Ryan delegation?

5. How many visits to Jonestown has the American Embassy made on behalf of U.S. citizens' inquiries since the inception of the settlement? What were the specific findings and results of these visits? Did the Embassy representatives have full and complete access to the inhabitants and facilities in Jonestown?

6. What information does the Department of State have with respect to the relationship between the Government of Guyana, its officials, and the Peoples Temple Church settlement in Jonestown and its facility in Georgetown?

7. Was the Department of State and/or the American Embassy aware of the presence in Jonestown of extensive quantities of firearms and ammunition? If so, was this information given to the Ryan delegation? Did the presence of the firearms and ammunition conform to relevant Guyanese laws? If not, what action, if any, did the Government of Guyana take with respect to the presence of the weapons?

8. Were the activities of the Peoples Temple Church investigated by the FBI and/or other U.S. Government agencies and, if so, were their findings made available to the Department of State?

9. What efforts were undertaken by the U.S. Embassy in Guyana to insure that American lives and property of the Jonestown inhabitants were adequately safeguarded?

10. Was the U.S. Embassy in Guyana aware of any reports of physical violence being directed against members of the Peoples Temple Church and, if so, was this information made available to the Department of State in Washington?

11. Was the Government of Guyana ever requested to investigate the activities of the Peoples Temple Church? If not, why not?

12. Did representatives of any U.S. Government agency interview individuals who had "defected" from the Peoples Temple Church in Guyana? If so, was this information made known to Congressman Ryan?

13. Was any consideration given to restricting the passports of potential inhabitants of Jonestown who applied for a passport for the purpose of going to Guyana pursuant to 22 U.S.C. 211a as amended?

It is respectfully requested that the information sought by the Committee be submitted not later than December 1, 1978.

With warm personal regards, I am

Sincerely yours,

Chairman

CJZ:jbd

**B. DECEMBER 8, 1978, INTERIM RESPONSE FROM THE DEPARTMENT
OF STATE TO THE NOVEMBER 21, 1978 LETTER FROM HON.
CLEMENT J. ZABLOCKI**

**THE SECRETARY OF STATE
WASHINGTON**

December 8, 1978

Dear Clem:

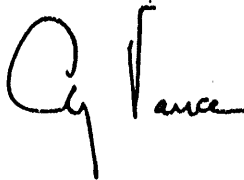
I want to give you an interim reply to your letter of November 21 concerning the deaths of Congressman Ryan and the Peoples Temple members in Guyana.

We are undertaking an exhaustive review of the events leading up to this tragedy. On December 6, we presented to your staff copies of some nine hundred documents in State Department and Embassy Georgetown files.

These events are of great complexity. I hope you are not distressed by our need for a little more time, until early next week, to provide you a reply to your questions.

With warm regards,

Sincerely,

A handwritten signature in cursive script, appearing to read "C. Vance".

The Honorable
Clement J. Zablocki,
Chairman,
Committee on International Relations,
House of Representatives.

**C. DECEMBER 12, 1978, LETTER FROM HON. CLEMENT J. ZABLOCKI
TO THE DEPARTMENT OF STATE**

December 12, 1978

**The Honorable Cyrus R. Vance
Secretary
U.S. Department of State
Washington, D.C. 20520**

Dear Mr. Secretary:

Thank you for your interim reply of December 6 to my November 21 letter regarding the deaths of Congressman Ryan and People's Temple members in Guyana.

As my November 21 letter indicated, the requested report was to have been provided by December 1. I agreed to the extension of the submission of that report until today, December 12, because I concurred in the State Department's desire that it be exhaustive and thorough.

To the extent that any further delay impedes the ongoing investigation which I have ordered Committee staff to conduct, I am keenly disappointed that the report will not be submitted today as agreed. Needless to say, I am fully aware of the complexity of this entire matter but I am also determined to have the Committee's inquiry completed as soon as reasonably possible. To that end I look forward to the prompt receipt of that report.

With best wishes, I am

Sincerely yours,

Chairman

CJZ:abr

D. DECEMBER 13, 1978, FINAL RESPONSE FROM THE DEPARTMENT OF STATE TO THE NOVEMBER 21, 1978 LETTER FROM HON. CLEMENT J. ZABLOCKI

Dear Mr. Chairman:

This responds to your November 21, 1978, letter requesting documents and asking questions with respect to Congressman Ryan's tragic visit to Jonestown, Guyana. In the Secretary's interim reply dated December 8, he noted that the documents had already been delivered to you. As we have indicated, the documents should not be made public without prior consultation with the Departments of State and Justice; some are classified, some contain information protected by the Privacy Act, and others may become important with respect to the ongoing criminal investigation.

We respond below to the Committee's specific questions. The answers are prefaced by a brief background summary that may help put the answers in perspective.

Background

The Department has no first-hand knowledge of the establishment of the People's Temple settlement in Guyana. Representatives of the People's Temple in California apparently visited Guyana initially in 1973 to explore the possibility of establishing an agricultural development there. In February 1974, the People's Temple, through two of its trustees, applied to the Guyanese Government for a long-term lease of 25,000 acres of land near Port Kaituma, approximately 130 miles northwest of Georgetown. This region of Guyana is primarily tropical rain forest, sparsely populated, and inaccessible by land from the capital. People's Temple members began to develop a site in that area some time in 1974, although it was not until February 1976 that the Guyanese Government finally granted the Temple a lease of 3,842 acres.

The Embassy's first recorded contact with members of the People's Temple was in June 1974, when two of its

The Honorable

Clement J. Zablocki,

Chairman,

Committee on International Relations,
House of Representatives.

members appeared before the Consul to sign on an crew aboard a U.S. flag ship just purchased by the Temple, the MS CUDJOB. At about the same time, the Venezuelan Government expressed concern about reports of U.S. citizens establishing communities in Guyana near the Venezuelan border, an area in dispute between the two countries. In July 1974, Embassy officers visited the two agricultural communities being established in the vicinity of Port Kaituma--the People's Temple Agricultural Mission (not yet called Jonestown) and the Shalom Cooperative, which later failed. Nine Americans were then living at the People's Temple site and beginning to clear it for development. They reported that the Mission was expected to have roughly fifty members by mid-1975.

As the Mission grew, members of the People's Temple contacted the Embassy as necessary for consular services. Ambassador Max V. Krebs met with a group from the Temple at his request in Georgetown on January 23, 1975, and visited the project in March of that year, in connection with a trip to a Guyanese livestock project in the same area. The Ambassador found several hundred acres in various stages of clearing, some of them already planted, and fifteen to twenty men living at the site. The visit was without incident.

Sometime in 1975 the People's Temple established an office in Georgetown to carry out administrative tasks, act as liaison with the Guyanese Government, and promote the Jonestown community.

In May 1976, Wade Matthews, then Deputy Chief of Mission, visited the People's Temple along with members of his family. Some 40 individuals appeared to be living there. A number of rustic buildings and sheds had been completed, and a dozen or more pieces of large mechanized agricultural equipment were visible. Residents spoke enthusiastically about their work.

In March 1977, the Embassy learned through the Guyanese Foreign Minister that the People's Temple in California had decided to have 300 of their members immigrate to Guyana. The Guyanese Minister of Home Affairs asked the People's Temple to postpone the arrival of these immigrants so that the Guyanese Embassy in Washington could review their immigration applications. The Guyanese Government subsequently granted permission to immigrate.

In July 1977, an article in Now West magazine accused the People's Temple in California of violating the human rights of members and possibly the criminal laws. Other articles critical of the People's Temple followed. (Questions about the People's Temple in San Francisco and Los Angeles had been raised earlier in 1977 by the California authorities and press, but neither the Department nor the Embassy was aware of them at the time.)

In August 1977, Jim Jones resigned as Housing Director for the City of San Francisco and moved to Jonestown. In September, the attorney for the parents of John Victor Stoen came to Guyana to try to enforce a California court order granting custody of the child to his mother, then living in California. (The Stoen custody case became a major issue in relations among the People's Temple, the Embassy, and the Guyanese Government. The Embassy twice raised the matter with the Guyanese Government to urge an impartial judicial resolution of the dispute. The case was important both to the People's Temple and to the Organization of Concerned Relatives, of which the Stoens were leaders.)

During the fall of 1977, the Department and the Embassy began receiving numerous inquiries from friends and relatives of Jonestown residents indicating concern about their well-being and, on occasion, charging the Temple with specific abuses of its members. The population of Jonestown was then approximately 800. (It eventually approached 1000). The Embassy initiated a policy (not customary in normal Consular practice) of scheduling periodic visits by consular officers to Jonestown to follow up on these inquiries--by interviewing the Jonestown residents who were allegedly being mistreated--as well as to perform other consular functions (i.e., advising on social security, registering births and deaths).

The U.S. Consul, Richard McCoy, conducted some 75 interviews during three visits between August 1977 and May 1978. Because of the nature of the allegations then being made against the Temple, precautions were taken to ensure that the interviewees could speak freely. The people interviewed denied the allegations of mistreatment made by their friends and relatives; so far as could be observed, the denials appeared to be genuine. In no

case did an interviewee accept the Consul's offer to escort him/her from Jonestown and ensure repatriation to the United States. (The interviews are described in greater detail in response to question number 5).

Beginning in the summer and fall of 1977, some working level officials in the Guyanese police and other agencies began to express concern to the Embassy about this large colony of Americans living in a remote area where effective jurisdiction and control was limited. There was some concern that the People's Temple might be smuggling arms, currency, or other contraband or that it might be engaged in other criminal activity. Guyanese authorities began to pay greater attention to People's Temple activities. The trawler belonging to the Temple was required to stop at Port Mabaruma for customs and immigration inspections. So far as we are aware, however, Guyanese authorities were not able to corroborate their suspicions.

In May 1978, Deborah Layton Blakey, a member of the People's Temple living in Georgetown, asked the Embassy to help her return to the United States. The Embassy provided the necessary assistance. In conversations with the Consul, Mr. McCoy, Mrs. Blakey revealed much of the information included in the affidavit she later distributed, including the rehearsal of mass suicide. Mr. McCoy urged Mrs. Blakey to take her information to U.S. law enforcement authorities.

At about the same time, Tim Stoen, father of John Victor, forwarded to the Secretary of State two petitions signed by 57 members of the Organization of Concerned Relatives--one calling on the Secretary to launch an investigation of the People's Temple in Guyana, the other addressed for a similar purpose to the Prime Minister of Guyana. Mr. Stoen also sent copies of the second petition directly to Prime Minister Burnham and the Embassy in Georgetown. Mr. McCoy discussed the second petition with police officials of the Guyanese Government, who said they did not feel that they could pursue the matter without evidence of criminal conduct by the People's Temple.

When Congressman Ryan proposed a visit to Jonestown earlier this year, the Department offered its cooperation

and assistance. Viron P. Vaky, Assistant Secretary for Inter-American Affairs, and other Department officers met with the Congressman and members of his staff on September 15 to discuss the visit. Among the issues discussed were logistical problems of traveling to Jonestown, the importance of gaining permission in advance to visit the community, and the difficulty which might be encountered in obtaining such permission if representatives of the media or concerned relatives of Temple members were in the Ryan party. Additional briefing sessions were held in the Department during October and early November. Mr. McCoy, who had just returned from his tour as Consul in Georgetown to become the Guyana Desk Officer, was in frequent contact with the Congressman's staff.

The People's Temple's representatives initially seemed agreeable to the Ryan visit, but subsequently informed Embassy officials that Congressman Ryan would not be received in Jonestown when they learned that media representatives and concerned relatives would be accompanying him. The Embassy and the Guyanese Government both intervened with the Temple in an effort to persuade it to accept the visit. The Temple then agreed to the visit on the conditions that the delegation include people sympathetic to the Temple, that there be no media coverage associated with the visit to Jonestown, and that the Temple's attorney, Mark Lane, accompany the delegation to Jonestown.

In addition to making arrangements for the delegation's stay in Georgetown, Ambassador Burko and Embassy officers briefed Congressman Ryan and his party after they arrived on the status of the proposed visit to Jonestown as well as the tentative administrative arrangements which had been made for the trip. Congressman Ryan's party, including newsmen and some concerned relatives, left for Jonestown at midday on November 17. At that time, permission had not been received from the People's Temple for the visit. Attorneys Mark Lane and Charles Garry accompanied the group, as did Deputy Chief of Mission Richard Dwyer. That afternoon an Embassy officer went to the People's Temple office in Georgetown and spoke with Mr. Dwyer over the radio link with Jonestown to make sure that the delegation had been admitted to the settlement and that all was going well. Mr. Dwyer

reported that the delegation had been admitted and that press and concerned relatives had also been received. He also reported that, due to the lateness of the delegation's arrival, it had been decided that the Congressman and his staff would spend the night at Jonestown, while others would find quarters in Port Kaituma, seven miles from Jonestown. This was the last word the Embassy had of the delegation until the following afternoon when Ambassador Burke was informed urgently by Prime Minister Burnham that the party had apparently been attacked at the Port Kaituma airstrip while boarding aircraft to return to Georgetown, and that Congressman Ryan and some of those accompanying him might have been killed.

Responses to the Committee's Questions

1. To what extent were the Department of State and the American Embassy in Georgetown, Guyana, aware of the potential danger to the Ryan Delegation of a visit by them to Jonestown?

The Department and the Embassy had no reason to anticipate the possibility of the violent attack against Congressman Ryan's delegation which occurred on November 18, 1978. There was no prior instance--known or alleged--of the use of physical violence against a visitor.

We were aware of allegations that the People's Temple used corporal punishment to maintain discipline among community members, but we had had no reports of physical violence directed against outsiders.

Prior to the visit of the Ryan delegation, the Department and the Embassy had received information concerning a large number of visits to Jonestown by outsiders. In addition to visits by Embassy officers and by officials of the Government of Guyana, we had received reports concerning visits by private individuals, several of whom were regarded as antagonistic. In none of these cases, so far as we were aware, was physical violence directed or threatened.

2. What advice did the Department of State and the Embassy in Guyana give Congressman Ryan with respect to the potential violence which could arise as a result of

such a visit in view of the presence of weapons in Jonestown and the mood of its inhabitants with respect to visits by outsiders?

We did not specifically advise Congressman Ryan with respect to potential violence because, as indicated in our answer to question 1, we did not anticipate violence.

Embassy officers were aware that the Jonestown community had some weapons; neither the quantity nor the type of weapons was unusual for a frontier settlement in a jungle region. (Weapons are discussed in more detail in our response to question 7 below.) The presence of weapons at the settlement was discussed with Congressman Ryan at a meeting attended by representatives of the Department and two "defectors" from the People's Temple on November 13, 1978. At that meeting, Ms. Deborah Blakey noted that there was a squad of security guards at Jonestown who often carried pistols. A Department representative asked Ms. Blakey whether to her knowledge the guards had ever drawn their weapons to injure or intimidate people. Ms. Blakey responded in the negative.

The mood of the People's Temple members toward outsiders was also discussed with Congressman Ryan and members of his staff. The Department and the Embassy had emphasized that the Congressman could not compel the People's Temple to grant him access to the Jonestown community, and that the Temple's consent to his visit would therefore be necessary. We advised the Congressman that the People's Temple was antagonistic towards and suspicious of the "Concerned Relatives" group and the press, and that including these groups on the delegation would be an obstacle to obtaining the Temple's consent.

3. Once Mr. Ryan made known his intent to visit Jonestown, did the American Embassy request the Government of Guyana to provide the delegation with security protection or other assistance? If not, why not, and if so, what was the nature and extent of the response on the part of the Government of Guyana?

The Government of Guyana was not asked to provide security protection to the Ryan delegation. The delegation did not request protection; the Embassy had no

reason to believe that it would be necessary. We had had no indications of potential violence from the residents of that community or from other sources. (See our responses to questions 1 and 2 above).

With respect to other forms of assistance, the Embassy informed the Government of Guyana of the delegation's visit well in advance. The Guyanese Ambassador to the U.S. urged officials of the Temple to receive the delegation. The Foreign Ministry of Guyana received the Congressman for an hour-long meeting on November 15. The Guyanese Airways Corporation provided an aircraft to the delegation on a charter basis. Neville Annibourne, an official of the Guyanese Ministry of Information, accompanied the delegation to Jonestown.

4. What communication facilities were available to the Ryan delegation during the member's stay in Georgetown and Port Kaituma? What special arrangements for communications with Jonestown, if any, were made for the Ryan delegation?

The Ryan delegation had access to commercial and Embassy communications facilities while in Guyana. Georgetown is reasonably well served by international telephone and telegraph companies, and the Embassy made its full communication apparatus available to the Congressman. The Embassy explained to him that the only direct link between Georgetown and Jonestown was by amateur radio operated by the People's Temple. Jonestown did not have telephone service. The aircraft used by the Ryan party had the usual radio equipment, but it was of limited utility on the ground.

The Congressman did not request any special communications arrangements for his trip to Jonestown. In any event, the Embassy had no mobile radio equipment capable of reaching Georgetown from either Jonestown or Port Kaituma.

5. How many visits to Jonestown has the American Embassy made on behalf of citizens' inquiries since the inception of the settlement? What were the specific findings and results of those visits? Did the Embassy representatives have full and complete access to the inhabitants and facilities in Jonestown?

Representatives of the Embassy and the Department made eight visits to Jonestown since the community was founded in 1974. Four were carried out by U.S. consular officers for the purpose of making inquiries on behalf of relatives as to the welfare of individual members of the community and of performing other consular functions, such as registering births and deaths of U.S. citizens. These four visits took place on August 30, 1977, January 11, May 10, and November 7, 1978.

Our consular officers adopted a procedure for these visits designed to assure full access to inhabitants of the community. To minimize the possibility that Jonestown residents whom the Consul wished to see would be absent from the community during his visit, or that they could be concealed during a visit on the pretense that they were absent, he orally gave a list of such persons to the Georgetown office of the People's Temple. However, he withheld some names of interviewees and asked to see them only after he arrived at Jonestown. Those he wished to interview, both those on the list he previously provided and those whose names he had withheld, were produced and he was able to interview them. He further required that interviewees produce their passports to avoid any possibility of substitutions or incorrect identifications.

During his three visits to Jonestown, Consul Richard McCoy conducted some 75 interviews of Jonestown residents as a result of inquiries from concerned relatives. On each occasion, he was accompanied by a Guyanese official. More than 40 of these interviews were conducted under circumstances designed to assure privacy. Most of these interviews were conducted in an open space at a distance from any structure and with unimpeded vision in all directions. Other interviews were conducted in a corner of the Jonestown Pavilion, a large open structure which permitted privacy and minimized the possibility of electronic surveillance.

In conducting interviews, the Consul would look for signs of mistreatment in cases where physical abuse of an individual had been alleged by concerned relatives. He would ask the individual to describe his general situation and would state the specific concerns that had been raised by his friends or relatives. He would then

ask the person if those allegations were true. He would also offer to escort the person from the Jonestown community immediately and to provide the assistance necessary for repatriation to the United States.

The results of these interviews varied in terms of the specific responses of individuals to questions from their relatives or to suggestions that they communicate with their relatives, etc. Those whose relatives had expressed concern that they were being held against their will or otherwise mistreated, denied the allegations.

The Consul's offer of assistance to return to the United States was not accepted by any of the persons interviewed. During a visit in August 1977 Consul McCoy interviewed Leo Broussard a resident of the settlement in Matthews Ridge. At Mr. Broussard's request, Mr. McCoy informed Reverend Jones that he had requested assistance in returning to the U.S. The Embassy later confirmed that the People's Temple assisted Broussard and that he had returned to the U.S. In May 1978, Mr. McCoy assisted Ms. Deborah Blakoy, who resided in Georgetown at the time, to return to the U.S., in the face of apparent disapproval by Temple officials.

6. What information does the Department of State have with respect to the relationship between the Government of Guyana, its officials, and the People's Temple Church settlement in Jonestown and its facility in Georgetown?

The People's Temple of the Disciples of Christ Church was incorporated by act of the Guyanese Parliament on March 7, 1975. After exploratory discussions between representatives of the People's Temple and officials of the Guyanese Ministry of Agriculture and Development, a lease was executed in February 1976 granting the People's Temple use of 3,842 acres of land in the North West District of Guyana. In exchange for a nominal rent, the People's Temple agreed to clear, cultivate, and occupy a minimum of 1/2 of the leased acreage during the initial seven years of the lease period. In seeking approval of the lease, the People's Temple stated its intention to invest approximately \$400,000 U.S. in the project during the initial two years, and deposited a substantial amount of capital

with a government owned bank. The lease required the People's Temple to submit reports on its operations to the Government at intervals of five years.

Aside from the legal relationship established by the act of incorporation and the lease, there were ongoing contacts between representatives of the People's Temple and officials of the Government of Guyana occasioned by the presence of the People's Temple and, ultimately, a large number of its members in Guyana. The documents transmitted earlier to the Committee reflect the extent of the Department's knowledge of such contacts.

In general, the People's Temple appears to have enjoyed good relations with the Guyanese Government. The Government appears to have approved of the group's plans to develop and settle a remote area of the country and of its general philosophy of cooperative socialism. Deputy Prime Minister and Minister of Agricultural Development Ptolemy Reid was regarded as a supporter of the Temple. At the same time, Guyanese police, customs, and immigration officials had some concern about their ability to enforce local laws in a large community of foreign nationals living in a remote area. The transportation and administrative resources of the Government were severely limited; the daily routine of the People's Temple was beyond close scrutiny by the Government.

7. Was the Department of State and/or the American Embassy aware of the presence in Jonestown of extensive quantities of firearms and ammunition? If so, was this information given to the Ryan Delegation? Did the presence of the firearms and ammunition conform to relevant Guyanese laws? If not, what action, if any, did the Government of Guyana take with respect to the presence of the weapons?

Although early media reports referred to large quantities of sophisticated weapons, it is our understanding that in the search of the Jonestown area following the tragedy, the only firearms discovered were 10 pistols, 13 small caliber rifles, and 7 shotguns. Three pistols were taken from members who survived the mass suicide.

As indicated in our response to question 2, the Embassy and the Department were aware that the inhabitants of Jonestown had some firearms, although we did not know how many or what kind. Firearms were discussed during a meeting attended by Congressman Ryan, Department representatives, and "defectors" from the People's Temple community.

During a meeting with Assistant Secretary Vaky on September 15, 1978, Congressman Ryan asked if the Embassy or the Department was aware of reports that there were large stocks of weapons at Jonestown. Department officers replied that they were aware of such reports and had discussed them with Guyanese officials, but that neither we nor the Guyanese had been able to verify them.

A search of our records following the tragedy has revealed a copy of an interim report prepared by the U.S. Customs Service dated August 26, 1977. This report concerns an investigation carried out by the Customs Service between February and August 1977 with respect to the possible illegal export of up to 170 guns from California to Jonestown, Guyana. The Department apparently received no further reports of this investigation. (The Department officers who briefed Congressman Ryan were not aware of the report.) The Customs Service has informed us that subsequent investigations resulted in one search of a shipment bound for Guyana, but that no contraband was discovered.

As regards potential violations of Guyanese law, the Government of Guyana has advised us that it issued four licenses to possess firearms to members of the Jonestown community and that several license applications were pending. Thus, it would appear that the remaining weapons found at Jonestown were not registered in accordance with Guyanese law and procedures. (As noted above, Government officials suspected that the People's Temple might be importing firearms illegally, and instituted customs searches of People's Temple vessels. No evidence was found to support the suspicions.)

8. Were the activities of the People's Temple Church investigated by the FBI and/or other U.S. Government agencies and, if so, were their findings made available to the Department of State?

The Department of Justice has informed the Department that it conducted no investigations of the People's Temple prior to the death of Congressman Ryan. We have been informed that the Federal Communications Commission investigated use of amateur radio stations by the People's Temple to determine whether that use violated the Federal Communications Act of 1934.

The Department is unaware of any other investigations that may have been conducted by other U.S. Government agencies of the People's Temple or its activities other than the single report of the Customs investigation noted in our response to question 7 above.

9. What efforts were undertaken by the U.S. Embassy in Guyana to insure that American lives and property of the Jonestown inhabitants were adequately safeguarded?

In view of the large number of U.S. citizens resident in Jonestown, and the remoteness of the area, the Embassy instituted periodic consular visits to the community in August 1977 to provide normal consular services for the residents. The specific measures taken by the Embassy with respect to individuals allegedly mistreated or held against their will are described in response to question 5.

In response to allegations that elderly members of the community were being defrauded of social security payments, in January of 1978 the Consul personally delivered the payee checks that had been transmitted to the Embassy for delivery. During this visit he also interviewed annuitants at Jonestown who said that they received their checks and personally endorsed them. Many Jonestown residents admitted making donations to the community but said that they were voluntary and that it was their right to make them.

The consular officers also sought to make the residents of the community aware of the types of consular assistance they were in a position to provide to U.S. citizens overseas and to encourage them to take advantage of those services whenever necessary.

10. Was the US Embassy in Guyana aware of any reports of physical violence being directed against members of the People's Temple Church and, if so, was this information made available to the Department of State in Washington?

The Embassy was aware of general allegations that corporal punishment was used by the People's Temple for disciplinary purposes. Specific allegations of such punishment were investigated in the course of the consular visits described in response to question 5, and the results transmitted to the Department. To the extent permissible under the Privacy Act, the results were forwarded to the relatives. The allegations were not corroborated.

11. Was the Government of Guyana ever requested to investigate the activities of the People's Temple Church? If not, why not?

The Government of Guyana was not asked to investigate the activities of the People's Temple. We received allegations that U.S. citizens were being mistreated, and the Guyanese Government had some concerns about possible illegal activities being conducted in Guyana. Allegations called to our attention were investigated during consular visits; the allegations were not corroborated. Similarly, actions taken by the Guyanese Government, such as the customs inspection of the People's Temple trawler did not produce evidence of wrongdoing by the Temple.

In June 1978 our Embassy requested the Department's view regarding the desirability of a request to the Government of Guyana to exercise its jurisdiction in Jonestown more effectively. The Department concluded, however, that absent some credible evidence of wrongdoing or unlawful conduct at Jonestown, a U.S. Government request to investigate the activities of the People's Temple might well have raised legal and policy issues related both to concerns for the privacy of U.S. citizens and for freedoms of association and religion.

12. Did representatives of any U.S. Government agency interview individuals who had "defected" from the People's Temple Church in Guyana? If so, was this information made known to Congressman Ryan?

Richard McCoy, head of the consular section of the Embassy, interviewed Mrs. Deborah Blakey in May 1978 on the plane returning to the United States and had a further conversation with her by telephone after she had returned to California. The Consul's interview with Leon Broussard in August 1977 and his action in assisting Broussard to leave the People's Temple and return to the U.S. is discussed above. The Consul also met with Timothy and Grace Stoen in January 1978. They were defectors of the People's Temple, but had little personal experience with conditions at Jonestown since they left the Temple prior to the mass migration of Temple members to Guyana. They did describe the practices and methods of the People's Temple up to the time they severed relations with the organization.

With the exception of the customs investigation cited above, the Department has received no reports of interviews of former People's Temple members which may have been conducted by other agencies of the U.S. Government.

The Department did not communicate to Congressman Ryan specific interviews between its representatives and former Temple members. As noted above, Congressman Ryan was present at a meeting at the Department on November 13 during which Mrs. Blakey and Mrs. Stoen discussed allegations which they had made earlier concerning the People's Temple.

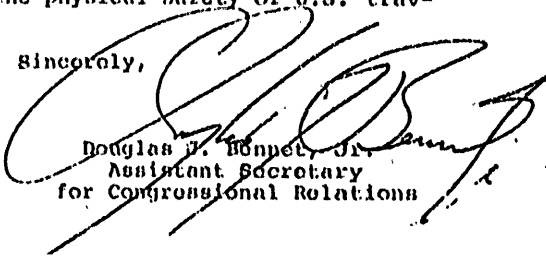
13. Was any consideration given to restricting the passports of potential inhabitants of Jonestown who applied for a passport for the purpose of going to Guyana pursuant to 22 U.S.C. 211a, as amended?

The Department did not consider restricting the issuance of passports to potential Jonestown residents under 22 U.S.C. 211(a), as amended. Section 211(a) was amended only on October 7 of this year--by which time Jonestown had nearly reached its final population. Existing Department regulations, which do not yet reflect the amendment to Section 211(a), provide for area restrictions on passports only upon determination by the Secretary that a country or area is: "(a) a country with which the United States is at war, or (b) a country or area where armed hostilities are in progress, or (c)

a country or area to which travel must be restricted in the national interest because such travel would seriously impair the conduct of U.S. foreign affairs" 22 C.F.R. 51.72. None of these standards is applicable to our relations with Guyana or the situation there since 1974.

The recent amendment to section 211(a) eliminates foreign policy as a grounds for restricting passports and substitutes in place of category (c) above: "[a country] where there is imminent danger to the public health or the physical safety of United States travelers." Public Law 95-426. Even under the new standard, it is unlikely that the Department would have sought to restrict travel to Guyana. Prior to November 18, the Department had no reason to believe that there was "imminent danger" to the physical safety of U.S. travelers to Guyana.

Sincerely,



Douglas T. Bennett, Jr.
Assistant Secretary
for Congressional Relations

E. NOVEMBER 28, 1978, LETTER FROM HON. CLEMENT J. ZABLOCKI
TO THE DEPARTMENT OF STATE

November 28, 1978

The Honorable Douglas J. Bennet, Jr.
Assistant Secretary
Congressional Relations
U.S. Department of State
Washington, D.C. 20520

Dear Mr. Bennet:

In order to further establish the facts relative to the recent tragic incident in Jonestown, Guyana, I would appreciate your prompt and detailed response to the following questions involving the return to the U.S. of the bodies of the Jonestown, Guyana residents.

1. Under what legislative authority was this action ordered?
2. Will the U.S. Government be reimbursed for the costs of the operation and, if so, how?
3. Why were the bodies returned to the U.S. instead of being interred in Guyana?
4. Under what authority were the Jonestown survivors given transportation assistance back to the U.S. and will they be expected to repay the cost of tickets and other expenses involved in their return?

Any additional background information on U.S. policy and procedures relating to the above matter would also be appreciated.

With best wishes, I am

Sincerely yours,

Chairman

CJZ:ghr #

**F. DECEMBER 19, 1978, INTERIM RESPONSE FROM THE DEPARTMENT
OF STATE TO THE NOVEMBER 28, 1978 LETTER FROM HON.
CLEMENT J. ZABLOCKI**

December 19, 1978

Dear Mr. Chairman:

Thank you for your letter of November 28 in which you requested information about the United States response to the Guyana tragedy. As you know, some of the questions in your letter raise issues that require careful answers and we are continuing to address these matters urgently in conjunction with the various interested agencies. Meanwhile, I understand that your office is receiving considerable correspondence regarding the Jonestown affair for which the following information may be useful in preparing responses, while we work on more precise answers to some of your questions.

On Sunday, November 19, it had become clear that the United States Government was facing a major crisis in Guyana. An American Congressman and other Americans in his party had been killed. A settlement believed to include over 1,000 Americans was involved, and its situation was uncertain. It was apparent that the Government of Guyana required assistance in handling a major emergency created by the presence of Americans within its borders.

The President, acting under his constitutional authority as Chief Executive and Commander-in-Chief of the Armed Forces, ordered the departments of our government to take action to deal with this emergency. The operational decisions within the United States Government in this unique situation were made by the Secretary of State in conjunction with some of his Cabinet colleagues.

The Honorable
Clement J. Zablocki, Chairman
Committee on International Relations,
House of Representatives.

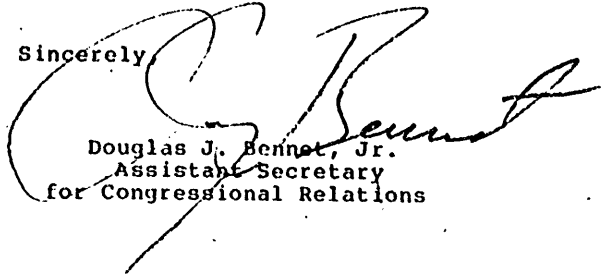
Under the President's Executive authorities, medical evacuation for injured Americans was immediately ordered, and the United States Government offered assistance to the Government of Guyana to prevent further loss of life. As events progressed, it became clear that there were large numbers of Americans dead. For a time, it was believed that there were survivors in the jungle; and the United States adjusted and increased its assistance to help the search by Guyana police and military. Finally, when the full scope of the tragedy of Jonestown was clear, our Government was requested by the Government of Guyana to remove the bodies. This operation was considered essential in handling the emergency situation which existed in Guyana at the time.

The Justice Department is fully exploring possible legal remedies which can be used to recover the cost the United States Government has incurred in removing and processing the bodies of Americans from Guyana. Now that the emergency is substantially over, the Office of Management and Budget and other agencies are reviewing the various operations to determine the exact cost to the United States Government. Although the costs to the United States Government of an effort of this magnitude obviously are considerable, they are substantially less than the \$8 million figure used in some press reports. Please be assured that we will report fully to you as Chairman of the International Relations Committee on these aspects of the operation upon completion of our review. Meanwhile, the Justice Department will make all efforts to recover the costs to the United States Government.

Some survivors were able to pay for their return trip to the United States. Those without funds were given a repatriation loan, normal in such circumstances, against a signed undertaking to repay the United States Government.

If you have any further questions, you may wish to contact Deputy Assistant Secretary John Bushnell in our Bureau of Inter-American Affairs. His telephone is 632-8562.

Sincerely,

A large, stylized handwritten signature in dark ink, appearing to read "D. Bennet, Jr.", is written over the typed name and title.

Douglas J. Bennet, Jr.
Assistant Secretary
for Congressional Relations

G. JANUARY 9, 1979, FINAL RESPONSE FROM THE DEPARTMENT OF STATE TO THE NOVEMBER 28, 1978 LETTER FROM HON. CLEMENT J. ZABLOCKI

JANUARY 9 1979

Dear Mr. Chairman:

Thank you for your letter of November 28 in which you requested information about the United States response to the Guyana tragedy. This letter pertains to your interest in the financial aspects of the tragedy at Jonestown, and particularly to the cost of returning the bodies of American citizens to the United States.

Initially, on November 20-21, the Department of State and the U.S. Embassy at Georgetown had agreed upon local burial of the identified remains in Jonestown as the feasible solution to the existence of such a large number of untended bodies. Accordingly, the Embassy advised the Government of Guyana of the U.S. Government's request, in compliance with local law, that interment should begin at once. However, on November 22 the Government of Guyana officially requested the United States to remove the bodies of American citizens at Jonestown and return them to the United States. Apparently, a basic consideration was the Government's fear that the possible flood of next-of-kin wishing to visit the Jonestown burial site and asking for disinterment of bodies of relatives would overtax the Government's transportation and administrative facilities in that part of Guyana. Repatriation of the bodies, therefore, was a U.S. response to a specific official Guyanese request.

Toward the end of November the Office of Management and Budget, together with the Departments of State and Defense, the Agency for International Development, and the other agencies involved, began reviewing the financial aspects of the entire Guyana tragedy, both as to costs and sources of funds.

The Honorable
Clement J. Zablocki, Chairman,
Committee of International Relations,
House of Representatives.

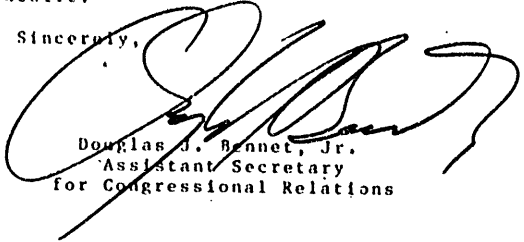
We have concluded that many of the costs should be considered as part of the normal operations of the agencies. For example, the ordinary salaries and expenses of the Embassy officials in Guyana would have been obligated whether or not the tragic events had occurred. Similarly, the Justice Department's investigative costs are simply part of its normal responsibilities to investigate the possible violation of Federal laws. The major unusual costs are those of the Defense Department relative to the assistance provided to the Government of Guyana in connection with searching for possible survivors of the tragedy around Jonestown and in complying with the request to remove the dead. Since activities at the Dover Air Force Base mortuary regarding identification and release of bodies are still continuing, the exact amount of the Defense Department costs is not yet known. But, on the basis of facts currently available, we now expect those costs to be in the range of \$3.5 to \$4 million.

We have examined a number of different sources of funds with which to reimburse the Department of Defense for those costs. We considered, among others, a 1979 supplemental appropriation request, but considered it inappropriate if already appropriated funds could be made available. We have determined that, since the Jonestown catastrophe is totally unparalleled and unexpected and since the major actions of the Defense Department were at the request of the Government of Guyana and were in support of that Government's efforts to maintain internal stability, the most appropriate available funds are the unobligated amounts in the Contingency Fund authorized by the Foreign Assistance Act and, to the degree that they prove insufficient, funds to be reprogrammed from the Economic Support Fund. International disaster assistance funds will not be used.

It is now too early to know whether the legal approaches by the Justice Department regarding the assets of the People's Temple organization will result in recoupment of some or all of the U.S. Government's expenses. The Department is pursuing every available approach. To the degree that it succeeds, the recovered funds will be placed in the general fund of the Treasury. Such funds would not be available for direct reimbursement of agencies' costs unless so appropriated by Act of Congress.

I hope this letter provides you with the information on this subject which you desire.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Douglas J. Bennet, Jr.', is written over the typed name and title.

Douglas J. Bennet, Jr.
Assistant Secretary
for Congressional Relations

**H. DECEMBER 28, 1978, LETTER FROM THE DEPARTMENT OF STATE
PROVIDING VARIOUS MATERIALS REQUESTED BY THE STAFF
INVESTIGATIVE GROUP**

(Materials include a chronology of significant events with respect to the People's Temple settlement in Jonestown from 1974 to 1978, guestbook of the Jonestown settlement and a list of the deceased.)

December 28, 1978

Dear Mr. Chairman:

We have discovered an error in our letter of December 13 responding to your questions with respect to Congressman Ryan's tragic visit to Jonestown. In the last paragraph of the introductory portion of the letter just before the specific replies to the individual questions, the text states:

"This was the last word the Embassy had of the delegation until the following afternoon when Ambassador Burke was informed urgently by Prime Minister Burnham that the party had apparently been attacked at the Port Kaituma airstrip while boarding aircraft to return to Georgetown, and that Congressman Ryan and some of those accompanying him might have been killed."

Actually, as we have since learned, the Embassy received a message from Deputy Chief of Mission Dwyer relayed through the Peoples Temple office in Georgetown on Saturday morning, November 18. DCM Dwyer asked for additional airlift to accommodate those members from Jonestown community who had elected to come out with Congressman Ryan. The Embassy responded to this request by arranging to charter a second aircraft which arrived at Port Kaituma almost coincidentally with the previously-chartered Twin Otter. There were other relayed messages between Mr. Dwyer and the Embassy dealing with the additional airlift before the Ryan party left Jonestown for Port Kaituma.

The Honorable

Clement J. Zablocki, Chairman,
Committee on International Relations,
House of Representatives.

In accordance with the request of the Committee staff, I am enclosing a copy of a chronology of significant events to be used in connection with the documents previously provided to the Committee by the Department. I hope it is helpful.

I am transmitting a photographic copy of the Guest Book of the Jonestown agricultural cooperative which was taken into custody by officers at our Embassy at Georgetown after the tragedy. I am also transmitting a list of those who died at Jonestown. The foregoing documents were requested by the Committee staff. We are not aware of any documents of a restricted nature, such as LIMDIS, EXDIS, or NODIS, bearing on the Jonestown tragedy.

Sincerely,

Douglas J. Bennet, Jr.
Assistant Secretary
for Congressional Relations

Enclosures:

1. Chronology.
2. Guest Book.
3. List of deceased.

Jonestown and the People's Temple
Chronology of Significant Correspondence, 1974-78

- 6-7-74 Embassy requests authority to sign on seamen to a vessel owned by the People's Temple. (Georgetown 930 - Log 1)
- 6-13-74 Embassy describes People's Temple settlement in northwest Guyana. (Georgetown 977 - Log 5)
- 7-2-74 Embassy Caracas makes further inquiries concerning People's Temple settlement. (Caracas 6033 - Log 7)
- 7-13-74 Embassy officers make first visit to People's Temple Community at Jonestown. (Georgetown 1236 - Log 11)
- 2-2-77 U.S. Customs Service launches investigation of possible arms smuggling by the People's Temple from the U.S. to Guyana. (U.S. Customs file SF 23PR780024 - Log 358)
- 4-1-77 Embassy reports GOG concern over large-scale migration to Jonestown and the political orientation of the People's Temple. Report also indicates close working relationships to date between the People's Temple and the GOG, particularly the Ministry of National Development. (Georgetown 671 - Log 14)
- 8-22-77 Embassy reports a telephone call by San Francisco private investigator Joseph Mazor concerning children allegedly brought to Jonestown illegally by the People's Temple. (Georgetown 1981 - Log 15)

- 8-25-77 Embassy discusses potential child custody cases with GOG.
(Georgetown 2010 - Log 16)
- 8-25-77 Department informs Embassy that Caroline Sue Looman reportedly wishes to leave the People's Temple.
(State 202932 - Log 17)
- 8-30-77 Department informs Embassy that Jeffrey A. Haas, attorney for the parents of John Victor Stoen, is traveling to Guyana in an effort to obtain custody of the child pursuant to a California court order.
(Department 206679 - Log 20)
- 8-30-77 Consul travels to Jonestown to interview Caroline Looman and others.
(Georgetown 2079 and 2087 - Logs 21 and 22)
- 9-6-77 Embassy reports further contact with investigator Mazor re custody of children, recounts accusations against the People's Temple from several sources, and comments on the difficulty and delicacy of its role re the People's Temple.
(Georgetown 2132 - Log 24)
- 9-8-77 Embassy confirms the presence of John Victor Stoen in Guyana and reports unsuccessful attempt by attorney Haas to serve papers on Jones.
(Georgetown 2175 - Log 26)
- 9-12-77 Embassy reports failure of further attempt by Haas to serve papers and that the attitude of Jonestown residents toward him was hostile but not violent.
(Georgetown 2206 - Log 28)

- 9-14-77 Embassy reports issuance of an emergency passport to John Victor Stoen in the event Haas is successful in obtaining custody.
(Georgetown 2236 - Log 31)
- 9-19-77 Embassy reports that the Stoen case has entered the political arena, impeding its progress, and that Charge has discussed it with the Foreign Minister and Prime Minister.
(Georgetown 2269 - Log 33)
- 9-22-77 Embassy reports that it has been informed by the Foreign Minister that the GOG has decided to act on court orders issued on September 10 in response to the Embassy's note requesting due process.
(Georgetown 2316 - Log 35)
- 9-23-77 Embassy reports that, while not permitted to attend hearings in the Stoen case which are held in camera, the Consul has been available outside the Judge's Chambers during the hearings. Embassy also reports People's Temple members are circulating a story that the CIA is attempting to assassinate the Rev. Jones.
(Georgetown 2334 - Log 36)
- 10-12-77 Embassy reports that judge ruled against motion submitted by the Stoen's local attorneys on October 6 and that the next hearing would be held on November 18.
(Georgetown 2528 - Log 41)
- 11-25-77 Joseph Freitas, District Attorney of San Francisco, writes the Secretary transmitting the order of the California Superior Court in the Stoen case.
(Log 407)
- 12-8-77 Congressman Ryan writes the Secretary re the Stoen case.
(Log 413)

- 12-8-77 Report by Consul R. McCoy with a general description of Jonestown and surrounding areas.
(Georgetown DS-4 - Log 414)
- 12-15-77 Consul R. McCoy conducts a lengthy interview with representatives of People's Temple concerning their anxiety over his forthcoming visit to Jonestown.
(Log 417)
- 12-23-77 Memo from R. Hennemeyer, Consular Affairs, to S. Shelton, ARA, requesting ARA consult with Guyanese Ambassador Laurence E. Mann urging expeditious handling of child custody matters by the GOG, memo notes Ambassador Mann's interest and previous contact with the People's Temple.
(Log 427)
- 1-5-78 Department informs Embassy of the interest of Congressman Leo J. Ryan of California in the Stoen case and requests that the Embassy attempt to have an observer present during the trial scheduled for January 7, 1978.
(State 2640 - Log 61)
- 1-6-78 Department informs Embassy of criticism of the Embassy's handling of the Stoen case to date received from attorney Haas.
(State 4065 - Log 63)
- 1-9-78 Embassy reports a court hearing in the Stoen case. Consul not allowed to be present.
(Georgetown 9292 - Log 64)
- 1-11-78 Memo from S. Shelton (ARA) to R. Hennemeyer (CA) reports substance of a conversation with Ambassador Mann and indicates that child custody cases are primarily a consular matter.
(Log 435)

- 1-11-78 Memo by Consul R. McCoy reports that visas for Mr. and Mrs. Tim Stoen had been curtailed from one month to two weeks and indicates this is probably a harassment tactic by the People's Temple.
(Log 436)
- 1-11-78 Embassy reports on Stoen case hearing held January 10 and that the judge has reserved his decision on motions and orders.
(Georgetown 147 - Log 66)
- 1-14-78 Embassy sends two Diplomatic Notes to the GOG, one protesting pressure on Mr. and Mrs. Stoen to shorten their stay in Guyana, and the other protesting the apparent intervention of the GOG into the judicial process in the Stoen case.
(Log 438)
- 1-14-78 Embassy reports that Mr. and Mrs. Stoen had been ordered to leave Guyana within 24 hours with no reason being given, but that after its intervention with the Foreign Minister the order was lifted.
(Georgetown 202 - Log 76)
- 1-18-78 Letter from Consul R. McCoy to D. Girdner, Social Security Administrator, explaining steps taken to assure proper handling of social security checks of Jonestown residents.
(Log 439)
- 1-18-78 Embassy summarizes the activities and impressions of Consul R. McCoy during his visits to Jonestown on August 30 and January 11.
(Georgetown 252 - Log 79)

- 1-19-78 Embassy reports that the judge in the Stoen case has not ruled on motions; that the Rev. Jim Jones told the Consul that he is the father of John Victor Stoen and that he can prove it; and that Mr. and Mrs. Tim Stoen departed Guyana on January 18 for business reasons. (Georgetown 270 - Log 80)
- 1-30-78 Department provides informal guidance to the Embassy on the handling of the Stoen case in view of the Privacy Act and constitutional protections. (Log 452)
- 2-1-78 Embassy reports on the status of the Stoen case. (Georgetown 406 - Log 84)
- 2-7-78 Department reports on visit of Mr. Timothy Stoen to the Department (SCS). (State 32341 - Log 88)
- 2-9-78 Department informs Embassy of strong congressional interest in the Stoen case and suggests Embassy may wish to retain local counsel to advise it. (State 34403 - Log 89)
- 2-14-78 Department instructs Embassy to approach the GOG to inquire when a decision can be expected in the Stoen case. (State 39014 - Log 91)
- 2-15-78 Embassy reports advice from Stoen's local counsel that delays are not unusual in such a case and that Consul has an appointment to discuss the case with the Minister of Justice. (Georgetown 549 - Log 92)

- 2-17-78 Embassy advises against its retaining local counsel.
(Georgetown 581 - Log 96)
- 2-17-78 Memo to the files reports on visits of Mrs. Jim Jones to the Department (SCS) and to the staff members of several Senators urging that the U.S. Government stay out of the Stoen case.
(Log 501)
- 2-24-78 Embassy reports meeting of Consul with the Minister of Justice regarding the Stoen case.
(Georgetown 631 - Log 97)
- 3-15-78 Mr. Tim Stoen writes to the Secretary thanking him for the Department's interest in the welfare of John Victor Stoen.
(Log 526)
- 3-17-78 Department informs Congressman Ryan and others of the status of the Stoen case.
(Logs 527-557)
- 4-17-78 Letter from Richard C. Wagner To Whom It May Concern, covering affidavits alleging that residents of Jonestown are being held against their will or otherwise mistreated.
(Log 566)
- 5-3-78 Embassy reports that five members of the People's Temple have applied for Guyanese citizenship.
(Georgetown 1411 - Log 109)
- 5-10-78 Consul meets with several People's Temple members who have applied for Guyanese citizenship to explain the risks of this action.
(Georgetown 1544 - Log 115)

- 5-10-78 Consul meets with several People's Temple members who have applied for Guyanese citizenship to explain the risks of this action. (Georgetown 1544 - Log 115)
- 5-12-78 Mr. Tim Stoen writes to the Secretary forwarding a petition that he protect the human rights of U.S. citizens in Jonestown and a petition entreating Prime Minister Forbes Burnham of Guyana to prevent further violations of human rights at Jonestown. (Log 571)
- 5-15-78 Mrs. Deborah Layton Blakey informs Consul that she wishes to sever her connections with the People's Temple and return to the U.S. Consul issues an emergency passport and assists her to leave the country.
(Georgetown 1545 - Log 116)
- 5-30-78 Embassy reports on its actions in assisting Mrs. Katherine Hunter to leave Guyana and the alleged harassment by the People's Temple of Mrs. Hunter prior to her departure.
(Georgetown 1718 - Log 121)
- 6-6-78 Embassy indicates concern that Jonestown is beyond the effective jurisdiction of Guyanese authorities, and, if appropriate, requests instructions that it urge the GOG to exercise effective jurisdiction.
(Georgetown 1815 - Log 126)
- 6-15-78 Attorney Jeffrey Haas writes to various officials in the Department forwarding an affidavit from Mrs. Deborah Blakey alleging serious mistreatment of members of People's Temple at Jonestown and reporting possibility of mass suicide should the community feel threatened.
(Logs 574 , 575, 578)

- 6-20-78 Embassy reports that two journalists from the National Enquirer who had come to Guyana to do a story on the People's Temple were denied permission by GOG to extend their stay in Guyana.
(Georgetown 2028 - Log 129)
- 6-26-78 Department responds to the Embassy's request for guidance and instructions stating absence credible evidence of unlawful conduct at Jonestown, an approach to the GOG urging it to exercise effective jurisdiction could be construed as U.S. Government interference with the privacy and religious freedom of American citizens.
(State 161993 - Log 130)
- 8-10-78 Embassy reports that a consular visit to Jonestown scheduled for August 2, 1978, had to be postponed because of weather conditions.
(Georgetown 2570 - Log 134)
- 8-10-78 Embassy reports that judge hearing in the Stoen case has disassociated himself from the case and returned it to the Chief Justice alleging harrassment designed to influence the outcome of the case.
(Georgetown 2629 - Log 135)
- 9-8-78 Department informs Georgetown that it has been contacted by Mr. Tim Stoen concerning the withdrawal of the judge hearing in the Stoen case. Department requests the Embassy to discuss the matter informally with the GOG urging due process.
(State 228391 - Log 136)
- 9-22-78 Department informs the Embassy of the call by Congressman Ryan and Ms. Jackie Speier on Assistant Secretary Vaky on Sept. 15 to discuss their forthcoming visit to Guyana and Jonestown. Department asks for Embassy views on handling of the CODEL and possible problems.
(State 241892 - Log 141)

- 9-23-78 Embassy reports a press conference by attorney Mark Lane in Georgetown in which he charges that the U.S. Government is conspiring to destroy the People's Temple in Jonestown. Lane reportedly threatened to file suit against government officials and agencies including the CIA, the FBI, and the Department of State.
(Georgetown 3098 - Log 142)
- 9-25-78 Embassy responds to Department's request for views outlining the logistical problems in visiting Jonestown and emphasizing the need to get prior agreement of the People's Temple.
(Georgetown 3125 - Log 143)
- 10-3-78 Mr. Tim Stoen informs the Department that, in view of the failure of the judicial process in Guyana, he is prepared to retrieve his son by force if necessary.
(Log 507)
- 10-6-78 Department reports receipt of a telegram from Mr. Timothy Stoen threatening to recover his son by any means necessary and expressing alarm at mass suicide rehearsals documented in Blakey affidavit.
(State 255332 - Log 147)
- 10-10-78 Embassy reports that the Stoen case has been assigned to another high court justice and a hearing set for November 7.
(Georgetown 3338 - Log 148)
- 10-10-78 Department reports on a meeting between Department officers and members of Ryan's staff on October 3 to discuss proposed visit to Jonestown.
(State 256273 - Log 149)

- 11-1-78 Department reports on a meeting between members of Congressman Ryan's staff and various Department officers on October 25 to discuss the proposed visit.
(State 277716 - Log 155)
- 11-1-78 Department forwards the text of a letter from Congressman Ryan to the Rev. Jim Jones explaining the reasons for the Congressman's desire to visit Jonestown.
(State 278140 - Log 156)
- 11-2-78 Embassy describes negotiations with the People's Temple and the GOG concerning the forthcoming visit, as well as logistical arrangements and difficulties.
(Georgetown 3600 - Log 158)
- 11-5-78 Embassy reports the People's Temple's initial rejection of Congressman Ryan's visit and subsequent negotiations with the People's Temple leading to its acceptance of the visit.
(Georgetown 3619 - Log 160)
- 11-9-78 Department officers meet with members of Congressman Ryan's staff to discuss various aspects of the forthcoming visit.
(Log 596)
- 11-13-78 Congressman Ryan accompanied by members of his staff, Mrs. Deborah Blakey, a former member of the People's Temple, and other members of the Concerned Relatives Organization, meets in the Department with political, legal, and consular officers to review charges of mistreatment of Jonestown residents and arrangements for the forthcoming trip.
(Log 597)

- 11-14-78 Embassy requests guidance on a statement of its legal position and responsibilities with respect to the People's Temple. (Georgetown 3714 - Log 164)
- 11-14-78 CODEL Ryan arrives in Georgetown. (Georgetown 4114)
- 11-15-78 CODEL Ryan receives extensive briefing from Ambassador Burke and Embassy staff. (Georgetown 4114)
- 11-15-78 Embassy reports difficulties of journalist Ron Javers in entering Guyana and its efforts to assist him. (Georgetown 3729 - Log 165)
- 11-15-78 Embassy reports difficulties of other journalists attempting to enter Guyana without visas and its efforts to assist. (Georgetown 3734 - Log 166)
- 11-15-78 Department approves a statement on the legal position of the Embassy re the Jonestown community and its efforts to assist. (Georgetown 3734 - Log 166)
- 11-16-78 Embassy reports a statement released by the People's Temple denouncing CODEL Ryan as part of the national conspiracy against the People's Temple. (Georgetown 3749 - Log 168)
- 11-16-78 Congressman Ryan meets with his staff and concerned relatives while other members of his staff consult with Embassy officers. (Georgetown 4114)

- 11-16-78 Ambassador meets with concerned relatives accompanying Congressman Ryan. (Georgetown 3761 - Log 169)
- 11-17-78 CODEL Ryan accompanied by press and some concerned relatives depart Georgetown by air for Port Kaituma in Jonestown. (Georgetown 4114)
- 11-18-78 Embassy reports by flash message that CODEL Ryan has been attacked at Port Kaituma airfield and that Congressman Ryan and others may have been killed. (Georgetown 3774 - Log 170)

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10177 R. H. H. T. J. J. J.
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 10183 H. H. H.

GUESTS

2

NAME	RESIDENCE	REMARKS	A
1955 Mr. Henry Dupont	11600 Wood Ridge	...	14
1955 Mr. Robert Jones	14
1955 Mr. John Williams	14
1955 Mr. James Smith	14
1955 Mr. Charles Brown	14
1955 Mr. William Davis	14
1955 Mr. Thomas Miller	14
1955 Mr. Richard Wilson	14
1955 Mr. Robert Taylor	14
1955 Mr. Donald Ford	14
1955 Mr. Jerry Hill	...	Very cooperative	14
1955 Mr. Robert Hill	...	Very good	14
1955 Mr. John Lee	14
1955 Mr. Edward Bryant	14
1955 Mr. John Smith	S.B. 1 East Coast	...	14
1955 Mr. John Foster	AIS American	...	14

GUESTS

3

DATE	NAME	RESIDENCE	REMARKS
7-3-52	Conde Fletcher	455 Amhurst Pl. W. Belmont, Mass.	Wonderful
7-3-52	Tom Fletcher	455 Amhurst Pl. W. Belmont	Very impressive
7-3-52	Tom Fletcher	" "	I AM IMPRESSED
7-3-52	Michael Travell	132 E. 14th E. C. Jamaica	Very impressive
7-3-52	Samuel	Belmont	Very impressive
7-3-52	Robert	" "	Very impressive
7-3-52	James	" "	Very impressive
7-3-52	James	" "	Very impressive
7-3-52	James	" "	Very impressive
7-3-52	James	" "	Very impressive
7-3-52	James	" "	Very impressive
7-3-52	James	" "	Very impressive
7-3-52	MABEL SWOPE	" "	Very impressive
7-3-52	James	" "	Very impressive

105

GUESTS

DATE	NAME	RESIDENCE	REMARKS
11.17.78	Edo R. [unclear]	240 [unclear] St. [unclear]	[unclear]
11.18.78	[unclear]	100 [unclear] St. [unclear]	[unclear]
11.19.78	Paul Rapin	32 [unclear] St. [unclear]	[unclear]
11.20.78	[unclear]	31 [unclear] St. [unclear]	[unclear]
11.21.78	[unclear]	114 [unclear] St. [unclear]	[unclear]
11.22.78	Paul [unclear]	1 [unclear] St. [unclear]	[unclear]
11.23.78	[unclear]	34 [unclear] St. [unclear]	[unclear]
11.24.78	Vinghan [unclear]	135 [unclear] St. [unclear]	[unclear]
	Chairman [unclear]		[unclear]
	W.R.S.M.		[unclear]

GUESTS

DATE	NAME	RESIDENCE	REMARKS
	Jessie K. ...	... U.S.A.	... ... ... ... ...

15/14	Mr. & Mrs. Walter Baldwin	Richmond, Ind., U.S.A.	This is more than we could have imagined. It went as smoothly as could be expected. The young wife and her mother arrived. Indeed more than to time!

1955	Human	Lumpia	4011 E. Houston	St. George
1956	J. A. P.	...	...	...
1957	...	...	...	...
1958	...	...	...	...
1959	...	...	...	...
1960	...	...	...	...
1961	...	...	...	...
1962	...	...	...	...
1963	...	...	...	...
1964	...	...	...	...
1965	...	...	...	...
1966	...	...	...	...
1967	...	...	...	...
1968	...	...	...	...
1969	...	...	...	...
1970	...	...	...	...

GUESTS

NO.	NAME	RESIDENCE
12-11	Nicola Federovskiy	1000 1st St. NW Washington DC
		Dept. of the USR
		1000 1st St. NW Washington DC
	Thomas G. [unclear]	2001 F.O.B. Skell [unclear]
		316 Middle St Georgetown
	Bull [unclear]	196 Conn + Orange Sts NW
		c/o Cultural Center
20-11-18	Djordje [unclear]	1200 G St. NW
		1200 G St. NW
20-11-18	John [unclear]	1200 G St. NW

109

GUESTS

DATE	NAME	RESIDENCE	REMARKS
10/2/46	L. A. ...	Crescent Hotel	Left Hotel ...
10/2/46	D. ...	241 ...	...
"	"	"	...
"	"	"	...
"	Belle ...	"	...
"	"	"	...
"	"	"	...
"	Mike ...	711 ...	...
"	"	"	...
"	"	"	...
"	"	"	...
"	"	"	...
"	"	"	...
"	"	"	...
"	"	"	...
"	"	"	...

	RESIDENCE	REMARKS
1. Wm. L. Mac Allister	14 Gordon St. Hill	Sincere efforts
2. J. J. Mac	120 ...	...
3. Dr. J. J.	...	Excellent
4. Wm. Thomas	100 ...	...
5. Wm. James	110 Regent Road, Bourne, etc.	Excellent
6. Wm. Jackson	20 ...	Very much impressed
7. Wm. Thomas	...	Very much impressed
8. Wm. Thomas	...	...
9. Wm. Thomas	...	...
10. Wm. Thomas	...	...
11. Wm. Thomas	...	...
12. Wm. Thomas	...	...

111

The following list compiled as of 12/17/78 identifies those deceased from Jonestown where the next-of-kin or interested party has been notified. Where available, the person's date and place of birth, and the last city, state, and zip code of residence is shown.

ADDISON, Stephen M. 5/4/44 Mo. (Santa Rosa, Ca. 95401)
 ALBUNDY, Ida M. 8/26/06 Mo. (San Fran., Ca. 94115)
 ANDERSON, Jerome D. 10/30/60 Ca. (San Fran., Ca. 94115)
 ANDERSON, Marice 7/22/62 Ca. (San Fran., Ca. 94115)
 ANDERSON, Orella 6/8/10 La. (L.A., Ca. 90006)
 ANDERSON, Samuel M. 4/12/11 Miss. (Oakland, Ca. 94604)
 ANDERSON, Tommy L. 12/25/59 Ca. (San Fran., Ca. 94115)
 ARNOLD, Luberta 2/27/07 Tx. (L.A., Ca. 90003)
 ARTERBERRY, Linda T. 12/6/48 Ca. (San Fran., Ca. 94115)
 ATKINS, Ruth 3/4/04 Tx. (San Fran., Ca. 94113)
 BACKMAN, Viola E. 3/23/50 S.C. (San Fran., Ca.)
 BAILEY, Geraldine H. 3/23/12 Ok. (San Fran., Ca. 94121)
 BAILEY, Mary J. 9/6/15 Ark. (L.A., Ca. 90006)
 BAKER, Tarik P. 10/29/61 Ca. (Pomona, Ca. 91766)
 BALDWIN, Mary B. 4/8/26 no birth p
 BARGEMAN, Rory L. 6/21/61 Fla.
 BARRETT, Bennie F. 11/18/34 Tx. (Ukiah, Ca. 95482)
 BARRETT, Cathy A. 3/30/53 Ind. (Ukiah, Ca. 95482)
 BARRON, Jack D. 11/9/21 Del. (Redwood Valley, Ca. 95470)
 BATES, Christine 3/22/05 Tx. (Ukiah, Ca. 95480)
 BEAM, Eleanor M. 3/5/61 Ind. (San Fran., Ca. 94115)
 BEAM, Rheaviana W. 8/15/24 Kty. (San Fran., Ca. 94117)
 BEAM, Jack A. 11/25/23 Kty. (Ukiah, Ca. 95482)
 BEIKMAN, Rebecca M. 11/29/40 Ind. (Redwood Valley, Ca. 95470)
 BENTON, Lena C. 2/2/10 Tx. (L.A., Ca. 90006)
 BERRYMAN, Ronnie D. 2/26/52 Ca. (L.A., Ca. 90006)
 BIRKLEY, Julia 7/25/09 Ala. (L.A., Ca. 90611)
 BLACKWELL, Odell 1/13/10 N.C. (L.A., Ca. 90003)
 BLAIR, Ernestine H. 8/9/17 Ark. (L.A., Ca. 90037)
 BOGUE, Marilee F. 3/31/59 Ca.
 BORDENAVE, Selika G. 7/10/18 Miss.
 BOOQUET, Brian 7/20/53 Ca. (Burlingame, Ca.)
 BOUQUOT, Claudia J. 5/1/56 Ca.
 BOUTTE, MARK A. 4/14/57 Ca. (San Fran., Ca.)
 BOWERS, Christine S. 6/22/57 Ca.
 BOWMAN, Anthony 2/7/64, Ca.. (L.A., Ca. 90002)
 BOWMAN, Delores 9/23/49, Ca. (L.A., Ca. 90002)
 BOWMAN, Patricia A. 9/1/57 La. (L.A., Ca. 90002)
 BRADSHAW, Pamela G. 8/17/56 N.Y.
 BRADY, Michaelleen P. 5/14/43 Ca. (San Fran., Ca. 94121)
 BREIDENBACH, Lois F. 5/29/28 Ok. (Redwood Valley, Ca. 95470)
 BREIDENBACH, Melanie L. 9/14/60 Ca. (Redwood Valley, Ca. 95470)
 BREIDENBACH, Wesley K. 9/15/59 Ca.
 BREWSTER, Kimberly L. 8/25/55 Ca. (San Fran., Ca. 94102)
 BREWER, Dorothy A. 10/24/38 Tx. (San Fran., Ca.)
 BRIDGEWATER, Miller 2/11/08 Tx. (Palo Alto, Ca. 94306)
 BRIGHT, Ruby J. 2/12/47 Mo. (San Fran., Ca. 94115)
 BROWN, Jocelyn 4/10/58 Ca.
 BROWN, Johnny Moss, Jr 7/19/50 Tx.
 BROWN, Joyce M. 2/8/60 Ind. (San Fran., Ca. 94107)
 BROWN, Ruletta 12/26/53 Ca.
 BRYANT, Lucioes 6/23/25 Ark. (L. A., Ca. 90011)
 BRYANT, Princeola 10/12/12 Ark. (L.A., Ca. 90018)
 BUCKLEY, Dorothy H. 8/17/61 Miss. (San Fran., Ca. 94107)
 BUCKLEY, Minnie L. 5/6/41 Miss. (Ukiah, Ca. 95482)
 BURGINES, Rosy L. 11/7/53 Ark. (L.A., Ca. 90007)
 BUSH, William P. 11/4/64 Ca. (Ukiah, CA 95482)

CANNON, Thelma M. 7/29/30 Tx. (San Fran, Ca. 94121)
 CAREY, Jeffery J. 12/12/50 Mich. (Redwood Valley, Ca. 95482)
 CARR, Karon Y. 7/18/63 Ca. (San Fran., CA 94102)
 CARROLL, Ruby J. 6/10/37 Tx.
 CARROLL, Mildred A. 2/19/99 Va. (San Fran., CA 94109)
 CARTMELL, Patricia A. 7/31/29 Ohio (San Fran., Ca.)
 CARTMELL, Patricia P. 7/3/54 Ohio (San Fran., Ca.)
 CARTMELL, Walter C. 5/15/28 Kty. (Redwood Valley, Ca. 95470)
 CASTILLO, Mary F. 1/7/20 Md. (L.A., CA 90006)
 CASTILLO, William R. 2/19/44 Tx. (L.A., Ca. 90006)
 CATNEY, Georgia M. 10/26/17 Ark. (Redwood Valley, Ca. 94061)
 CHACON, Stephanie K. 5/27/60 Ca. (Berkley, Ca. 94703)
 CHAIKIN, David L. 1/21/63 Ca. (Redwood Valley, Ca. 95470)
 CHAIKIN, Gail S. 2/26/61 Ca.
 CHAIKIN, Phyllis 5/6/39 Ca. (Redwood Valley, Ca. 95470)
 CHAIKIN, Eugene B. 12/18/32 Ca.
 CHAVIS, Loretta D. 4/1/55 Ca. (L.A., Ca. 90007)
 CHRISTIAN, Vernetta C. 12/25/44 Tx. (San Fran., Ca. 94117)
 CLANCY, Mary L. 4/16/54 Ca.
 CLARK, Joicy E. 10/28/11 Tx. (San Fran, Ca. 94115)
 CLAY, Nancy 5/26/09 Tx. (San Fran., Ca. 94115)
 CLIPPS, Ida M. 12/4/17 Tx. (San Fran., Ca. 94117)
 COBB, Sandra Y. 11/16/56 Ind. (San Fran., Ca 94107)
 COBB, Sharon R. 8/31/48 Ohio (Redwood Valley, Ca. 95470)
 COLE, Arvelle 9/28/06 Miss. (San. Fran., Ca.)
 COLE, Arlander 12/22/06 Miss.
 COLE, Clarence 8/11/63 Ca. (Ukiah, Ca. 95482)
 COLEMAN, Ruth V. 1/3/20 Miss. (L.A., Ca. 90003)
 COLLINS, Susy L. 7/20/00 Tx. (L.A., Ca. 90011)
 CONEDY, Inez S. 3/5/09 Ark. (Palo Alto, Ca. 94306)
 CONLEY, Corlis 3/12/59 Ca.
 COOK, Bertha P. 12/12/12 Ala. (L.A., Ca. 90006)
 COOK, Mary E. 1/26/14 Mo. (L.A., Ca. 90006)
 CORDELL, Barbara J. 8/14/38 Mich. (Redwood Valley, Ca. 95470)
 CORDELL, Candace K. 11/7/60 Ind. (Redwood Valley, Ca. 95470)
 CORDELL, Chris M. 9/13/57 Ind. (Redwood Valley, Ca. 95470)
 CORDELL, Cindy L. 12/8/59 Ind. (Redwood Valley, Ca. 95470)
 CORDELL, Edith E. 2/6/02 Ind. (Redwood Valley, Ca. 95470)
 CORDELL, James J. 10/28/64 Ind. (Redwood, Valley Ca. 95470)
 CORDELL, Loretta M. 11/28/37 Ind. (Redwood Valley, Ca. 95470)
 CORDELL, Teresa L. 3/11/58 Ga. (San Fran, Ca. 94115)
 CORDELL, Julie R. 7/28/61 Ind. (Redwood Valley, Ca. 95470)
 COREY, Carrie L. 1/12/34 N.C. (San Fran, Ca. 94117)
 COTTINGHAM, Mary M. 11/30/99 S.C.
 CRENSHAW, Lucy 1/1/25 Miss. (San Fran., Ca.)
 CUNNINGHAM, Millie S. 12/25/04 Tx. (San Fran., Ca. 94117)

DANIEL, Betty L. 5/4/51 Tx. (San Fran., Ca. 94102)
 DARNES, Velma L. 4/29/36 La. (Santa Rosa, Ca.)
 DARNES, Soarcy L. 4/21/62 Ca. (Santa Rosa, Ca.)
 DASHIELL, Hazel F. 12/16/99 Rhode Is. (San Fran., Ca. 94117)
 DAVIS, Barbara M. 10/3/25 Tx. (L.A., Ca. 90007)
 DAVIS, Cynthia 12/3/49 Tx. (San Fran., Ca.)
 DAVIS, Frances B. 3/14/28 Ca.
 DAVIS, Isabel 12/23/25 Miss.
 DAVIS, Lexie S. 9/22/09 Tx. (L.A., Ca. 90018)
 DAVIS, Minnie (Isabel?)
 DAVIS, Robert E. 4/27/36 Wash. (Ukiah, Ca. 95482)
 DAWKINS, Beatrice 8/31/18 Miss. (L.A., Ca. 90018)
 DEAN, Burger L. 11/14/16 Ark. (L.A., Ca. 90006)
 DELANEY, Edith F. 12/23/09 Kan. (Ukiah, Ca. 95482)
 DENNIS, Eddie L. 7/4/28 La. (L.A., Ca. 90001)
 DENNIS, Ellihue 8/2/48 La. (San Fran., Ca. 94103)
 DENNIS, Orde 10/31/32 La. (L.A., Ca. 90001)
 DE FINA, Lovie H. 10/18/00 S.C. (Ukiah, Ca. 95482)
 DEVERS, Darrell A. 12/6/55 Ill. (L.A., Ca. 90008)
 DICKERSON, Roseana E. 3/26/17 La. (Richmond, Ca. 94801)
 DICKSON, Bessie L. 2/4/14 Tx. (L.A., Ca. 90001)
 DILLARD, Violatt E. 9/16/27 Tx. (San Fran., Ca. 94102)
 DOMINICK, Katherine M. 10/27/94 Tx. (San Fran., Ca. 94121)
 DOUGLAS, Farene 9/10/10 Tx. (L.A., Ca. 90062)
 DOVER, Vicky, L. 1/20/58 Ind. (Redwood Valley, Ca. 95470)
 DOWNS, Nena B. 4/22/28 Tx. (L.A., Ca. 90001)
 DUNCAN, Corrie 11/6/06 Tx. (San Fran., Ca. 94115)
 DUNCAN, Verdella 5/20/24 Tx. (San Fran., Ca. 94102)
 DUPONT, Ellen L. 11/13/30 Arz. (L.A., Ca. 90006)
 DYSON, Florine 12/06/90 Va. (San Fran., Ca. 94109)

EDDINS, Irene 1/4/02 Ark. (San Fran., Ca. 94119)
 EDWARD, Zipprah 5/27/05 Ala. (San Fran., Ca. 94119)
 EDWARDS, James 11/28/20 Miss.
 EDWARDS, Shirley A. 12/14/51 Miss. (San Fran., Ca. 94117)
 EICHLER, Erin J. 3/13/60 Ca. (Redwood Valley, Ca. 95470)
 EICHLER, Evelyn H. 8/19/55 Ca. (Redwood Valley, Ca. 95470)

FAIN, Tinetra L. 11/8/58 Ca. (L.A., Ca. 90008)
 FAIR, Amanda 12/10/08 Ok. (San Fran., Ca. 94121)
 FAIR, Sylvester C. 3/9/08 (San Fran., Ca. 94117)
 FARRIS, Marshall 8/5/07 Ark. (San Fran., Ca. 94124)
 FARRELL, Barbara L. 10/5/33 Ind. (San Fran., Ca. 94115)
 FIELDS, James D. 6/4/32 N.Y. (Northridge, Ca. 91324)
 FIELDS, Lori B. 12/6/65 Ca. (Northridge, Ca. 91324)
 FIELDS, Shirley A. 12/15/37 Mi. (Northridge, Ca. 91324)
 FINNEY, Casey N. 7/15/59 Ca. (L.A., Ca. 90047)
 FITCH, Betty J. 6/2/55 Ca. (San Fran., Ca. 94117)
 FITCH, Donald K. 4/15/46 New Hampshire
 FITCH, Maureen C. 6/13/49 Ca. (Ukiah, Ca. 95482)
 FITCH, Thomas 5/17/49 Mass. (San. Fran., Ca.)
 FLOWERS, Rebecca A. 7/7/53 Ind. (San Fran., Ca. 94115)
 FONZELLE, Toi 1/17/55 Ca. (L.A., Ca. 90011)
 FORD, Fannie 1/9/34 Miss. (L.A., Ca. 90037)
 FORKS, Viola D. 11/3/34 Tx. (Berkeley, Ca. 94703)
 FORTSON, Rhonda D. 8/26/54 CO. (L.A., Ca. 90011)
 FOSTER, Beulah 9/14/03 Miss. (L.A., Ca. 90006)
 FOUNTAIN, Betty J. 8/14/49 Wash. (L.A., Ca. 90003)
 FRANKLIN, Robert E. Jr. 6/17/58 MO. (Oakland, Ca. 94608)
 FROMM, Constance B. 2/9/55 Tx. (Redwood Valley, Ca. 95470)
 FYE, Kim A. 12/10/59 Wash. (Ukiah, Ca. 95482)

GARCIA, Cleveland D. (L.A., Ca.)
 GARCIA, Mary H. (L.A., Ca.)
 GARDENER, John L. 9/20/60 Ca. (Ukiah, Ca. 95482)
 GEE, Hermon W. 3/27/97 Tx. (Oakland, Ca. 94606)
 GIBSON, Mattie 12/24/05 Ark. (San Fran., Ca. 94115)
 GIEG, Renee E. 6/9/55 Ca. (San Fran., Ca. 94115)
 GIEG, Stanley Brian 1/20/59 Ca. (San Fran., Ca. 94115)
 GIEG, Robert W. 7/25/51 Ca. (San Fran., Ca. 94115)
 GILL, Betty Jean
 GODSHALK, Viola M. 2/10/21 Ca. (Redwood Valley, Ca.)
 GOODSPEED, Claude 6/13/05 Tx. (L.A., Ca. 90044)
 GOODSPEED, Lue D. 1/3/07 Tx. (L.A., Ca. 90044)
 GRADY, Willie James 7/4/54 Ark. (L.A., Ca. 90006)
 GRAHAM, Willie Lee 2/9/07 La. (L.A., Ca. 90001)
 GREEN, Juanita 9/5/16 Ok. (Ok., Ca. 94602)
 GREENE, Anitra R. 1/8/61 Ca. (L.A., Ca. 90003)
 GRIFFITH, Amondo 3/10/60 Ca. (San. Fran., Ca. 94124)
 GRIFFITH, Emmett A. Jr. 7/11/58 Ca. (San Fran., Ca. 94124)
 GRIFFITH, Mae K. 12/26/41 Tx. (L.A., Ca. 90037)
 GRIFFITH, Mary M. 1926 (San Fran., Ca.)
 GRIMM, Ronald 1/16/37 Ca. (San Rafael, Ca. 94901)
 GRIMM, Sue L. 3/4/41 Ca. (San Rafael, Ca. 94901)
 GRIMM, Tina L. 5/9/60 Ca. (San Raphael, Ca. 94901)
 GROOT, Pauline 5/30/50 Wash. (Santa Rosa, Ca. 95401)
 GRUBBS, Gerald R. 2/15/45 Wash. (L.A., Ca. 90006)
 GRUBBS, Lemuel T. 11/20/41 Wash. (L.A., Ca. 90006)
 GRUBBS, Sylvia Elaine 11/10/38 Ca.
 GRUNNET, Patricia L. 11/25/41 Ca. (Redwood Valley, Ca. 95470)
 GUIDRY, Mercedese M. 9/6/08 La. (L.A., Ca. 90006)
 GURVICH, Jann E. 11/05/53 La. (Berkley, Ca. 94702)
 GUY, Brian 9/8/66 Ill. (San Fran., Ca. 94134)
 GUY, Keith L. 9/12/67 Ill. (San Fran., Ca. 94134)
 GUY, Kimberly D. 7/29/71 Ill. (San Fran., Ca. 94134)
 GUY, Ottie M. 6/8/44 Miss. (San Fran., Ca. 94134)

HALKMAN, Rochelle D. 9/30/52 Mo. (San Fran., Ca. 94117)
 HALL, Heloise J. 12/7/11 Kan. (L.A., Ca. 90019)
 HALLMON, Eddie J. 4/6/55 Ind. (San Fran., Ca. 94115)
 HARMS, Karen M. 6/14/58 N.C. (Ukiah, Ca.)
 HARPER, Artee 1/28/10 La. (L.A., Ca. 90003)
 HARRINGTON, Ollie B. 11/7/40 Miss. (L.A., Ca. 90003)
 HARRIS, Annie M. 1/22/04 Ark. (L.A., Ca. 90006)
 HARRIS, Lian 11/27/56 Ca. (Redwood Valley, Ca. 95470)
 HARRIS, Linda S. 7/4/36 Ca. (Redwood Valley, Ca. 95476)
 HARRIS, Magnolia C. 12/11/16 Ark. (San Fran., Ca. 94117)
 HARRIS, Nevada 1/21/10 Tx. (L.A., Ca. 90006)
 HARRIS, Willie M. 11/27/32 Ga. (Ukiah, Ca. 95482)
 HAYDEN, Eyvonne P. 9/8/59 Ca. (San Fran., Ca. 94102)
 HEATH, Florence 5/8/28 S.C. (Pittsburg, Ca. 94565)
 HEATH, Michael 4/25/64 Ca. (Pittsburg, Ca. 94565)
 HELLE, Joseph L. III 6/6/50 Ca. (San Fran., Ca. 94115)
 HENDERSON, Beatrice 8/22/03 Ok. (San Fran., Ca. 94117)
 HERRING, Nena D. 1/15/06 La. (San Fran., Ca. 90001)
 HICKS, Marthea A. 5/22/35 Mich. (San Fran., Ca. 94121)
 HILL, Emma M. 12/5/15 Tx. (L.A., Ca. 90047)
 HINES, Mable 1913 Ok.
 HINES, Rosa M. 9/25/08 Tx. (L.A., Ca. 90006)
 HILTON, Osiale 1/4/94 Ark. (L.A., Ca. 90001)
 HOLLEY, Patricia A. 11/18/57 Wash. (San Fran., Ca. 94115)
 HOLMES, Peter Jr. 7/31/32 Tenn.
 HORNES, Hazel L. 6/20/15 La. (L.A., Ca. 90011)
 HOUSTON, Judy L. 11/9/64 Ca. (San Fran., Ca. 94107)
 HOUSTON, Phyllis D. 3/26/44 Ca. (Oakland, Ca. 95482)
 HOWARD, Doris H. 1/27/22 La.
 HOYER, Barbara F. 9/21/48 Md. (San Fran., Ca. 94115)

IJAMES, Judith K. 12/6/49 Ind. (Calpella, Ca. 95418)
 IJAMES, Maya L. 9/8/69 Ca.
 INGRAM, Alice L. 9/24/36 Tx. (Redwood Valley, Ca. 95670)
 INGRAM, Ava J. 7/25/63 Ca. (Redwood Valley, Ca. 95670)

JACKSON, Beatrice 12/22/96 Tx. (San Fran., Ca. 94115)
 JACKSON, Corrine M. 3/11/45 Ind. (Redwood Valley, Ca. 94570)
 JACKSON, Donald 7/13/44 La. (San Fran., Ca. 94102)
 JACKSON, Eileen R. 6/2/65 Ca. (Redwood Valley, Ca. 95470)
 JACKSON, Gladys M. 7/6/19 Tx. (L.A., Ca. 90007)
 JACKSON, Kathryn D. 9/24/52 Ca. (San Fran., Ca. 94115)
 JACKSON, Lourece 12/26/41 La. (San Fran., Ca. 94112)
 JACKSON, Paulette 2/17/51 Ala. (San Fran., Ca. 94117)
 JACKSON, Rosa L. 10/21/39 Tenn. (San. Fran., Ca. 94115)
 JACKSON, Thelma 8/27/36 Ca. (San. Fran., Ca. 94102)
 JAMES, Lavana 2/26/04 Tx. (L.A., Ca. 90001)
 JAMES, Ronald D. 11/1/55 Ca. (San. Fran., Ca. 94117)
 JAMES, Toni D. 7/21/59 Ca. (L.A., Ca. 90011)
 JANARO, Mauri K. 11/20/62 Ca. (Redwood Valley, Ca. 95470)
 JANARO, Daren R. 5/1/64 Ca. (Redwood Valley, Ca. 95470)
 JEFFERY, Eartis 2/18/13 Tx. (L.A., Ca. 90037)
 JEFFERY, Margrette 9/4/13 Tx. (L.A., Ca. 90037)
 JERRAM, Susan J. 4/25/45 Ind. (San. Fran., Ca. 94115)
 JOHNSON, Berda T. 4/2/92 Miss. (L.A., Ca. 90007)
 JOHNSON, Bessie M. 3/26/36 Ark. (San. Fran., Ca. 94117)
 JOHNSON, Clara L. 11/24/32 Tx. (L.A., Ca. 90008)
 JOHNSON, Denise 10/25/61 Ca. (San. Fran. Ca.)
 JOHNSON, Gerald D. 1/17/61 Ca. (L.A., Ca. 90037)
 JOHNSON, Irra J. 7/8/52 La. (San. Fran., Ca. 94115)
 JOHNSON, Janice A. 5/29/60 Tx. (L.A., Ca. 90008)
 JOHNSON, Jessie A. 9/17/00 Ark. (L.A., Ca. 90001)
 JOHNSON, Joe Jr. 7/12/57 Mo. (San. Fran., Ca.)
 JOHNSON, Mahaley 6/5/10 Tx. (L.A., Ca. 90037)
 JOHNSON, Mary 10/20/27 W.Va.
 JOHNSON, Naomi E. 10/15/28 Ill. (San. Fran., Ca. 94115)
 JOHNSON, Richard L. 8/3/58 W.Va. (Daly City, Ca. 94014)
 JOHNSON, Robert 12/8/03 Miss. (Ukiah, Ca. 95482)
 JOHNSON, Ruby L. 12/16/21 Tx. (San. Fran., Ca. 94112)
 JOHNSON, Samuel L. 5/5/52 Ca.
 JOHNSON, Willa J. 5/22/59 Tx. (L.A., Ca. 90008)
 JONES, Agnes P. 2/14/43 Ind. (San. Fran., Ca.)
 JONES, Annette T. 2/25/26 Ill. (L.A., Ca. 90018)
 JONES, Brenda Y. 12/13/48 Tx.
 JONES, Earnest 9/7/22 Miss.
 JONES, Eliza 6/25/10 Ala. (Ukiah, Ca. 95482)
 JONES, Forrest R. 12/12/36 Kty.
 JONES, James (Rev.) 5/13/31 Ind. (Redwood Valley, Ca. 95470)
 JONES, Jessie W. 5/3/24 La. (L.A., Ca. 90001)
 JONES, Larry D. 1/14/53 Tx. (San. Fran., Ca. 94115)
 JONES, Lew E. 11/23/56 Korea (Redwood Valley, Ca. 95470)

JONES, Marceline M. 1/8/27 Ind. (Redwood Valley, Ca. 95470)
 JONES, Nancy M. 5/5/01 Ark. (Pittsburg, Ca. 94565)
 JONES, Timothy B. 6/3/59 Ca.
 JORDAN, Dessie J. 6/1/08 Ark. (San Fran., Ca. 94115)
 JORDAN, Fannie A. 8/6/13 Louisiana (L.A., Ca. 90044)
 JURADO, Emma J. 12/2/08 Miss. (San Fran., Ca. 94117)
 JORDAN, Lula E. 11/25/07 Tx.

KATSARIS, Maria 6/9/53 Pa. (Redwood Valley, Ca. 95470)
 KEATON, Rosa L. 2/20/07 Ark. (L.A., Ca. 90011)
 KEATON, Tommie S. 8/12/14 Tx. (L.A., Ca. 90011)
 KELLER, Darrell E. 7/21/49 Mont. (Oakland, Ca. 94609)
 KELLEY, Viola B. 12/13/06 Louisiana (Redwood City, Ca. 94063)
 KELLY, Anita C. 3/15/50 Ind. (Ukiah, Ca. 95482)
 KEMP, Barbara A. 11/4/40 Ala. (Ukiah, Ca. 95482)
 KENNEDY, Emma A. 10/28/11 Ga. (L.A., Ca. 90008)
 KERNS, Carol A. 1958
 KICE, Robert E. 1/4/48 Ca. (Redwood Valley, Ca. 95470)
 KICE, Thomas D. 11/18/35 Mo. (Redwood Valley, Ca. 95470)
 KING, Charlotte 10/26/97 Ala. (San Fran., Ca. 94109)
 KING, Teresa L. 1/11/47 Tx. (San Fran., Ca. 94107)
 KING, Leola 4/2/13 Louisiana (San Fran., Ca. 94115)
 KING, Wanda B. 7/14/39 Ind. (Ukiah, Ca. 95482)
 KISLINGBURY, Sharon J. 10/16/56 Ca. (San Fran., Ca.)
 KLINGMAN, Martha E. 5/9/46 Ca. (Ukiah, Ca. 95482)
 KUTULAS, Demosthenis 2/20/27 Ca. (Redwood Valley, Ca. 95470)
 KUTULAS, Edith 12/8/29 Ca. (Redwood Valley, Ca. 95470)

LACY, Georgia L. 2/9/10 Tx. (Redwood Valley, Ca. 95470)
 LAND, Pearl 7/20/02 Tx. (San. Fran., Ca. 94102)
 LANGSTON, Marianita 12/10/55 Ca. (Richmond, Ca. 94801)
 LANGSTON, Zuretti J, 7/25/59 Ca. (Richmond, Ca. 94801)
 LAYTON, Carolyn M. 7/13/45 Ca. (San. Fran., Ca.)
 LAYTON, Karen L. 8/10/47 Ca. (Ukiah, Ca. 95482)
 LEE, Daisy 12/5/56 Ca. (San. Fran., Ca. 94133)
 LENDO, Karen M. 10/15/60 Ca. (San. Fran., Ca. 94115)
 LEROY, Laetitia M. 9/14/30 Wash. (San. Fran., Ca.)
 LEWIS, Dorsey J. 10/12/39 Ok. (San. Fran., Ca. 94115)
 LEWIS, Lisa M. 2/2/62 Ca. (San. Fran., Ca. 94115)
 LEWIS, Lue E. 4/21/30 La. (L.A., Ca. 90002)
 LIVINGSTON, Beverly M. 4/15/32 Ca. (Ukiah, Ca. 95482)
 LIVINGSTON, Jerry D. 11/11/41 Ca. (Ukiah, Ca. 95482)
 LOCKETT, Gordon E. 9/23/18 Ok. (Oakland, Ca. 94607)
 LOOMAN, Carolyn S. 5/7/43 Ohio (San.Fran., Ca. 94115)
 LOWERY, Ruth W. 4/26/21 Tenn. (L.A., Ca. 90043).
 LUCAS, Lovie J. 11/16/03. Tenn.
 LUCIENTES, Christine R. 1/22/52 Ca. (Ukiah, Ca. 95482)
 LUNDQUIST, Diane 12/31/46 Ca. (San. Fran., Ca. 94117)
 LYLES, Minnie M. 2/28/28 Tx. (San. Fran., Ca. 94109)

MACON, Dorothy 7/17/45 Tx. (Redwood Valley, Ca. 95470)
 MARCH, Earnestine T. 6/29/30 Tx. (San. Fran., Ca. 94110)
 MARSHALL, Charles 2/16/57 Tx. (San. Fran., Ca. 94132)
 MARSHALL, Danny L. 12/24/54 Tx. (San. Fran., Ca. 94132)
 MARSHALL, Diana L. 2/28/59 Tx. (San. Fran., Ca. 94132)
 MASON, Francine R. 11/21/54 Ca. (San. Fran., Ca. 94117)
 MCCALL, Cheryle D. 12/31/47 Tx.
 MCCALL, Estelle D. 10/7/30 Tx.
 MCCANN, Maria 10/27/52 N.Y. (San Fran., Ca.)
 MCCANN, Eileen K. 1/28/60 Ca. (San Fran., Ca. 94117)
 MCCLAIN, Allie 6/25/90 Ark. (L.A., Ca.)
 MCCOY, Carol A. 9/9/45 Ind. (Redwood Valley, Ca. 95470)
 MCELVANE, James N. 4/13/32 Tx. (Ukiah, Ca. 95482)
 MCGOWAN, Alluvine 3/13/88 Tx. (San. Fran., Ca. 94117)
 MCGOWAN, Annie 4/6/08 Miss. (Redwood Valley, Ca. 95470)
 MCKENZIE, Clara E. 11/26/29
 MCKNIGHT, Diana 9/9/56 Ca. (Oakland, Ca. 94607)
 MCKNIGHT, Earl 2/18/95 Miss. (San. Fran., Ca. 94117)
 MCKNIGHT, Raymond A. 6/1/75 Ca.
 MCKNIGHT, Rose M. 8/23/53 Ca. (Oakland, Ca. 94607)
 MCMURRY, Deldre R. 1/22/61 Germany (Berkley, Ca. 94703)
 MCMURRY, Sebastian R. 3/2/55 Tx. (Berkley, Ca.)
 MCMURRY, Theodore 6/7/58 Washington, (Oakland, Ca. 94609)
 MCNEAL, Jessie B. 6/19/10 Ok. (L.A., Ca. 90011)
 MERCER, Henry 4/3/02 Ga. (San. Fran., Ca. 94119)
 MILLER, Christine 6/4/17 Tx. (L.A., Ca. 90005)
 MILLER, Lucy J. 3/31/13 Ala. (San Fran., Ca.)
 MINOR, Cassandra Y. 10/15/56 Ca. (Redwood Valley, Ca. 95470)
 MITCHELL, Annie L. 7/7/30 Ala. (L.A., Ca. 90011)
 MITCHELL, Beverly D. 11/14/62, Ca. (L.A., Ca. 90011)
 MITCHELL, Lee Charles 7/24/31 Ala. (L.A., Ca. 90011)
 MITCHELL, Shirley A. 3/9/57 Ca. (San. Fran., Ca. 94115)
 MITCHELL, Tony L. 8/15/65, Ca. (L.A., Ca. 90011)
 MOORE, Anne E. 5/12/54 Ca.
 MOORE, Edward 8/26/15 La. (L.A., Ca. 90019)
 MOOREHEAD, Leola K. 2/26/26, Ark. (Oakland, Ca. 94605)
 MORGAN, Oliver Jr. 9/5/49 Ca. (La Palma, Ca. 90623)
 MORGAN, Lydia 10/4/48, Ca. (San Diego, Ca. 92113)
 MORRISON, Lugenia 6/22/27, Tx. (L.A., Ca. 90059)
 MORRISON, Yvonne 10/12/59 Ca. (L.A., Ca. 90059)
 MORTON, Mary N. 1/24/42 S.C. (Pittsburg, Ca. 94565)
 MOSES, Eura L. 9/12/99 Tx. (L.A., Ca. 90003)
 MOTON, Danny M. 12/2/56 Ca.
 MOTON, Glen 10/11/10, S.C. (Phil., Pa. 19121)
 MOTON, Russell 3/2/48
 MOTON, Viola M. 11/7/20 Fla. (Pomona, Ca. 91766)
 MUELLER, Esther L. 3/30/02 Ind. (Redwood Valley, Ca. 95470)
 MULDROW, Yvette L. 10/23/58 Ca. (San. Fran., Ca. 94124)
 MUTSCHMANN, Jane E. 12/27/47 Wisc.

NAILOR, Gertrude 3/21/10 Miss. (Pasadena, Ca. 91103)
 NEAL, Cardell 12/17/54 Ca.
 NELSON, Enola M. 12/9/20 Tx. (L.A., Ca. 90008)
 NEWELL, Christopher 7/10/61 Miss. (L.A., Ca. 90002)
 NEWELL, Hazle M. 6/15/27 Miss. (L.A., Ca. 90002)
 NEWMAN, Darlene R. 3/12/48 Tx. (San. Fran., Ca. 94117)
 NICHOLS, Ida M. 7/31/00 Ok. (San. Fran., Ca. 90006)
 NORWOOD, Fairy L. 1/27/30 Ok. (San. Fran., Ca. 94117)

OLIVER, Bruce H. 3/18/58 Ca. (San. Fran., Ca. 94115)
 OLIVER, Shanda M. 4/4/59 Ca. (San. Fran., Ca. 94117)
 OLIVER, William S. 12/25/59 Ca. (San. Fran., Ca. 94115)
 OWENS, Janie E. 11/14/20 Ark. (San., Fran., Ca. 94117)

PAGE, Rhonda R. 2/10/54 Ca. (Oakland, Ca. 94609)
 PARKER, Beatrice L. 8/27/94 N.C. (San. Fran., Ca. 94109)
 PARKS, Patty L. 4/29/34 Ohio (Ukiah, Ca. 95482)
 PARTAK, Thomas J. 7/16/46 Ill. (San. Fran., Ca. 94117)
 PATTERSON, Carrol A. 8/13/48 Tx. (L.A., Ca. 90018)
 PERKINS, Maud E. 12/4/49 Tx. (Redwood Valley, Ca. 95470)
 PERKINS, Richardell E. 12/21/42 Ca. (San. Fran., Ca. 94115)
 PERRY, Leon 8/8/17 Tx. (San. Fran., Ca. 94115)
 PETERSON, Rosa L. 10/22/00 Ark. (Pasadena, Ca.)
 POLITE, Glenda B. 8/1/57 Ark. (San. Fran., Ca.)
 PONTS, Donna L. 1/17/63 Ca. (Ukiah, Ca. 95482)
 PONTS, Lois A. 1/21/27 Ca. (Ukiah, Ca. 95482)
 PROBY, Bessie M. 11/23/15 La. (L.A., Ca. 90007)
 PURIFOY, Denise E. 11/4/52 Ca. (Ukiah, Ca. 95482)
 PURIFOY, Kathy J. 2/27/59 Ind. (San. Fran., Ca. 94117)
 PURSLEY, Cynthia 4/4/56 Ca. (Berkley, Ca. 94702)

RAILBACK, Estella M. 2/22/04 Tx. (L.A., Ca. 90037)
 RAMEY, Darlene 9/30/59 Ca. (San. Fran., Ca. 94117)
 RANKIN, Robert L. 10/19/39 Tenn. (Redwood Valley, Ca. 95470)
 REED, Willie B. 3/8/13 Ala. (L.A., Ca. 90006)
 REFSE, Bertha J. 4/18/09 Tx. (L.A., Ca. 90059)
 RHEA, Jerome O., Jr. 3/30/52 Md. (Ukiah, Ca. 95482)
 ROBERSON, Odenia A. 3/10/05 La. (L.A., Ca. 90006)
 ROBERTSON, Acquinetta E. 5/16/54 Tx. (L.A., Ca. 90001)
 ROBINSON, Lee O. 5/11/19 La. (San. Fran., Ca. 94117)
 ROBINSON, Shirley A. 12/24/55 Ga. (L.A., Ca. 90019)
 ROCHELLE, Anthony E. 3/30/72, Ca. (San. Fran., Ca. 94102)
 ROCHELLE, Jackie 4/20/56 Mo. (San. Fran., Ca. 94102)
 ROCHELLE, Tommie C. 11/28/50 Ark. (San. Fran., Ca. 94102)
 RODGERS, Mary F. 9/16/92 La. (L.A., Ca. 90003)
 RODGERS, Mary J. 1/25/26 La. (San. Fran., Ca. 94117)
 RODGERS, Ophelia 12/26/20 Ala. (L.A., Ca. 90006)
 RODRIGUEZ, Gloria M. 3/23/52 Ca. (Santa Barbara, Ca. 93103)
 ROLLER, Edith F. 12/18/15 Co. (San. Fran., Ca. 94117)
 ROLLINS, Dorothy J. 1/10/56 Ca. (Richmond, Ca. 94804)
 ROSA, Santiago A. 12/2/54 Honduras
 ROSS, Elsie Z. 7/15/89 La. (San. Fran., Ca. 94117)
 ROZYNKO, Annie J. 6/2/24 N.J. (San. Fran., Ca. 94117)
 ROZYNKO, Christian L. 5/20/54 Wash. (San Fran., Ca. 94117)
 ROZYNKO, Michael T. 9/12/56 Wash. (Redwood Valley, Ca. 95470)
 RUBEN, Lula 6/1/07 La. (L.A., Ca. 90037)
 RUGGIERO, Elizabeth 8/8/54 N.Y. (Eagle Rock, Ca.)
 RUGGIERO, Roseann 6/12/59 Ca. (Eagle Rock, CA.)
 RUNNEL, Judy A. 9/13/66 Tx. (San Fran., Ca. 94115)

SADLER, Linda C. 3/9/57 Tenn. (San Fran., Ca. 94121)
 SANDERS, Dorsey J. 6/10/47 Ca. (Bakersfield, Ca. 93304)
 SANDERS, Douglas 6/27/50 Ca. (Bakersfield, Ca. 93304)
 SANDERS, Flora B. 4/23/10 Miss. (Ukiah, Ca. 95482)
 SCHAET, Lawrence 10/2/48 Tx. (Redwood Valley, Ca. 95470)
 SCHEID, Don E. Jr. 7/22/61 Ca. (San Fran., Ca. 94117)
 SCHROEDER, Deborah F. 7/12/49 Ca. (San Fran., Ca. 94102)
 SCOTT, Pauline 4/30/21 W. Va (L.A., Ca. 90006)
 SHAVERS, Mary L. 10/19/25 Louisiana (Ukiah, Ca. 95482)
 SHELTON, Rose J. 10/21/02 Missouri (Redwood Valley, Ca. 95470)
 SIMON, Alvin H. 1/13/45 Ca. (Cottati, Ca. 94928)
 SIMON, Bonnie J. 3/23/49 Ohio (Cotati, Ca. 94928)
 SIMON, Anthony J. 7/22/54 Ca. (L.A., Ca. 90002)
 SIMON, Barbara A. 10/11/55 Ca. (San Fran., Ca. 94117)
 SIMON, Jerome M. 4/17/58 Ca. (San Fran., Ca. 94117)
 SIMON, Jose 8/20/16 Ca. (Middletown, Ca. 95461)
 SIMON, Marcia A. 10/11/55 Ca. (San Fran., Ca. 94117)
 SIMON, Melanie W. 11/7/55 Louisiana (San Fran., Ca. 94117)
 SIMON, Pauline L. 11/6/32 Ill. (San Fran., Ca. 94115)
 SIMPSON, Dorothy G. 9/2/22 Montana (Bakersfield, Ca. 93304)
 SIMPSON, Jewell J. 12/31/21 Ok. (Bakersfield, Ca. 93304)
 SINES, Nancy V. 9/25/49 Ca. (Redwood Valley, Ca. 95470)
 SINES, Ronald B. 2/18/48 Ca. (Redwood Valley, Ca. 95470)
 SLY, Donald E. 3/3/36 Ca. (Redwood Valley, Ca. 95470)
 SLY, Mark 3/30/61 Ca. (L.A., Ca. 90020)
 SMART, Alfred L. 6/3/60 Ca. (L.A., Ca. 90008)
 SMITH, Barbara A. 10/6/44 Ca. (Ukiah, Ca. 95482)
 SMITH, Bertha C. 9/2/02 Louisiana (L.A., Ca. 90006)
 SMITH, David E. 9/17/26 Col. (L.A., Ca. 90011)
 SMITH, Egreña D. 10/4/58 Ca. (San Fran., Ca. 94117)
 SMITH, Gladys 1/11/46 Tx. (Redwood Valley, Ca. 95470)
 SMITH, James A. 12/25/59 Ca. (San Fran., Ca. 94115)
 SMITH, Jerry G. 4/17/51 Ca. (San Fran., Ca. 94117)
 SMITH, Kevan D. 5/21/61 Ca. (Ukiah, Ca. 95482)
 SMITH, Ollie 11/6/59 Tx. (San Fran., Ca.)
 SMITH, Shirley F. 2/3/48 Tx. (Redwood Valley, Ca. 95470)
 SMITH, Vernon
 SMITH, Winnie F. 1/11/23 Louisiana (L.A., Ca. 90062)
 SNEED, Cleveye L. 8/14/20 Tenn. (Pasadena, Ca. 91103)
 SNEED, Eloise 5/18/07 Tx. (L.A., Ca. 90008)
 SNEED, Novella N. 6/18/07 Tx. (Redwood Valley, Ca. 95470)
 SNEED, Willie D. 8/1/19 Ill. (Pasadena, Ca. 91103)
 SNELL, Helen 2/28/02 Tx. San Fran., Ca. 94115)
 SOLOMON, Dorothy P. 9/19/40 Ga. (Redwood Valley, Ca. 95470)

SOLOMON, Syria L. 9/29/59 N.J. (Ukiah, Ca. 95482)
 SOUDER, Martha M. 3/5/16 Ark. (L.A., Ca. 90002)
 SOUDER, Wanda K. 12/17/53 Ca. (San Fran., Ca.)
 STAHL, Alfred R. 7/24/11 Kty. (Ukiah, Ca. 95482)
 STAHL, Bonnie L. 10/20/70 Ca. (Ukiah, Ca. 95482)
 STAHL, Carol A. 10/28/38 Ca. (Ukiah, Ca. 95482)
 STALLING, Lula M. 9/23/24 OK. (L.A., Ca. 90006)
 STATEN, Abraham L. 4/10/12 Va. (L.A., Ca. 90037)
 STEWART, Aurora M. 9/17/67, Ca. (Santa Barbara, Ca. 93103)
 STEWART Terry F. Jr. 3/21/69 Ca.
 STEVENSON, Francis L. 7/30/16 Ind. (San Fran., Ca. 94115)
 STONE, Sharon L. 12/13/42 Ca. (San Fran., Ca. 94117)
 SWANEY, Nathaniel B. 7/5/22 Ohio (Redwood Valley, Ca. 95470)
 SWINNEY, Cleave L. 4/5/11 Missouri (Redwood Valley, Ca. 95470)
 SWINNEY, Timothy M. 9/28/38 Ind. (Redwood Valley, Ca. 95470)
 SWINNEY, Wanda S. 8/20/47 Wyo. (Redwood Valley, Ca. 95470)

TALLEY, Ronald W. 10/15/45 Ca. (Ukiah, Ca. 95482)
 TALLEY, Vera M. 2/3/03 Tx. (Ukiah, Ca. 95480)
 TARDY, Armella 2/12/46 Miss. (San Fran., Ca. 94115)
 TARDY, Bernell M. 8/12/14 Ark. (San Bruno, Ca. 94066)
 TAYLOR, Lucille B. 2/3/98 Tenn. (Redwood Valley, Ca. 95470)
 TAYLOR, Virginia V. 7/29/94 Ohio (San Fran., Ca. 94109)
 THOMAS, Bernice 1/7/10 Louisiana (San Fran., Ca. 94103)
 THOMAS, Caroline A. 12/3/49 Tx. (San Fran., Ca. 94102)
 THOMAS, Ernest 10/20/19 Louisiana (L.A.; Ca. 90022)
 THOMAS, Gabriel 3/13/19 Ark. (San Fran., Ca.)
 THOMAS, Scott Jr. 6/19/57 Louisiana (San Fran., Ca. 94124)
 THOMAS, Willie A. 7/28/60 Ca. (San Fran., Ca. 94115)
 THOMPSON, Vennie 4/3/02 Louisiana (San Fran., Ca. 94121)
 TOUCHETTE, Albert A. 9/13/54 Ind. (Redwood Valley, Ca. 95470)
 TOUCHETTE, Carol J. 5/14/33 Ind. (Redwood Valley, Ca. 95470)
 TOUCHETTE, Michelle E. 7/21/58 Ind. (Redwood Valley, Ca. 95470)
 TOWNS, Essie M. 7/3/03 Okla. (L.A., Ca. 90029)
 TROPP, Harriet S. 4/16/50 N.Y. (San Fran., Ca. 94117)
 TROPP, Richard D. 10/9/42 N.Y. (Redwood Valley, Ca. 95470)
 TRUSS, Cornelius L. Jr. 9/20/60 Ca. (Oakland, Ca. 94619)
 TSCHETTER, Alfred W. 6/19/21 S. Dak. (Ukiah, Ca. 95482)
 TSCHETTER, Betty J. 8/17/59 Korea (Ukiah, Ca. 95482)
 TSCHETTER, Mary A. 6/7/28 Ind. (Ukiah, Ca. 95482)
 TUCKER, Alleane 4/1/29 Tenn. (Ukiah, Ca. 95482)
 TUPPER, Mary E. 12/16/60 Ca. (Redwood Valley, Ca. 95470)
 TUPPER, Rita J. 6/14/33 Iowa (Redwood Valley, Ca. 95470)
 TUPPER, Ruth A. 11/4/56 Iowa (Redwood Valley, Ca. 95470)
 TURNER, James E. Jr. 5/5/59 Ca. (L.A., Ca. 90059)

TURNER, Roosevelt 8/4/26 Ok. (Long Beach, Ca. 90813)
 TURNER, Syola W. 6/27/12 Tx. (L.A., Ca. 90016)
 TYLER, Gary 8/3/58 Ca. (San Fran., Ca.)

VICTOR, Lillie h. 2/2/58 Ca. (San Fran., Ca. 94115)
 WADE, Roberta L. 12/12/10 Tx. (Richmond, Ca. 94801)
 WAGNER, Inez J. 12/13/27 Ok. (San Fran., Ca. 94112)
 WAGNER, Mark S. 1/7/62 Ca. (San Fran., Ca. 94112)
 WAGNER, Michelle 5/18/54 Ca.
 WALKER, Barbara 10/25/53
 WALKER, Gloria D. 11/4/37 Kan. (Inglewood, Ca. 90301)
 WALKER, Mary N. 2/17/04 Ark.
 WALKER, Newhuanda R. 11/14/59 Ca.
 WALKER, Tony G. 12/29/57 Ca. (Inglewood, Ca. 90301)
 WARREN, Brenda A. 11/9/61 Miss. (San Fran., Ca. 94115)
 WARREN, Gloria F. 1/9/59 Miss. (San Fran., Ca. 94115)
 WARREN, Janice M. 3/23/60 Miss. (San Fran., Ca. 94115)
 WASHINGTON, Annie B. 5/24/12 Ala. (L.A., Ca. 90006)
 WASHINGTON, Grover 6/27/27 S.C. (Pittsburg, Ca. 94565)
 WASHINGTON, Huldah E. 7/27/01 Tx. (L.A., Ca. 90011)
 WATKINS, Gregory L. 11/9/55 Miss. (San Fran., Ca.)
 WESLEY, Bessie M. 10/8/15 Ala. (Richmond, Ca.)
 WHEELER, Marlene D. 2/11/47 Ca. (Redwood Valley, Ca. 95470)
 WHITMIRE, Lisa A. 3/30/66 Ca. (Santa Barbara, Ca. 93103)
 WILHITE, Cheryl G. 8/10/55 Ca. (San Fran., Ca. 94115)
 WILLIAMS, Charles W. 9/8/42 Tx. (San Fran., Ca. 94115)
 WILLIAMS, Louise T. 1/31/13 Tx. (San Fran., Ca. 94117)
 WILLIS, Mary P. 12/21/40 Louisiana (L.A., Ca.)
 WILSEY, Janice L. 9/23/49 Ca. (San Fran., Ca.)
 WILSON, Jerry 2/14/61 Ca. (San Fran., Ca. 94112)
 WILSON, Jewell L. 6/24/29 Ark. (San Fran., Ca. 94109)
 WILSON, Joseph L. 6/29/54 Ga. (Redwood Valley, Ca. 95470)
 WILSON, Shirley M. 1/14/45 Ark. (San Fran., Ca. 94109)
 WOTHERSPOON, Mary B. 10/26/49 Mich. (Ukiah, Ca. 95482)
 WOTHERSPOON, Mary M. 11/7/70 Ca. (Ukiah, Ca. 95482)
 WOTHERSPOON, Peter A. 5/5/47 Chile (Ukiah, Ca. 95482)
 WRIGHT, Arlisa L. 7/23/61 Ca. (L.A., Ca. 94117)
 WRIGHT, Leomy 5/22/21 Tx. (L.A., Ca. 90037)
 WRIGHT, Stanley G. 6/11/60 (L.A., Ca. 90037)
 YOUNG, Elois C. 3/29/28 Ind. (San Fran., Ca.)

I. JANUARY 4, 1979, LETTER FROM THE DEPARTMENT OF STATE PROVIDING INFORMATION AND MATERIALS REQUESTED BY THE STAFF INVESTIGATIVE GROUP

(Materials include a series of memoranda detailing impressions of U.S. Government officials who had visited Jonestown since 1974 and a Department of State cable related to the visit of Lt. Gov. Mervyn Dymally of California to Guyana in 1976. Other materials provided in the January 4, 1979, letter from the Department of State are retained in the committee files on a confidential basis.)

JANUARY 4 1979

UNCLASSIFIED
(CONFIDENTIAL ENCLOSURE)

Dear Mr. Chairman.

I am enclosing a series of memoranda written by various officials of the U.S. Government who had visited Jonestown in Guyana since its inception in 1974. In carrying out our own investigation of the tragic events in Guyana, we had asked these officers to describe their visits and their impressions as best they could given the fact that they were working from memory, and in several cases, a considerable period of time had elapsed since their visit. You will note that the memorandum from John Blacken, formerly our Deputy Chief of Mission in Guyana, is classified CONFIDENTIAL because it contains material relating to the Government of Guyana which might affect relations between the U.S. Government and the Government of Guyana if it were disclosed.

I am also enclosing three cables relating to the visit of Lt. Governor Mervyn Dymally of California to Guyana in December 1976. These cables were not discovered in our initial computer search because their access code related to VIP visits rather than to Jonestown, the Peoples Temple, or other access codes clearly applicable which were searched during the initial run. We have now searched other access codes beyond the obvious ones which might contain material relating to the Peoples Temple without discovering any.

The Committee staff also requested information on the author of Log 448 in the documents made available to the Committee by the Department, an unsigned memorandum headed Stone/Katsaris (sic) dated January 1, 1978. We believe the author to have been Elizabeth Powers, who was then the consular officer in the Department responsible for following the Stoen case. Ms. Powers is currently

The Honorable
Clement J. Zablocki, Chairman,
Committee on International Relations,
House of Representatives.

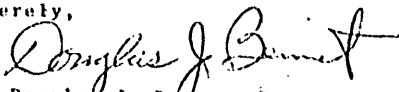
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UNCLASSIFIED

assigned to the American Embassy at Jidda in Saudi Arabia. If the Committee has inquiries relating to this memorandum, we would be glad to forward them to Mr. Powers by cable.

The staff of the Committee also asked if we could identify the Guyanese marshal who accompanied Jeffery Raas in his attempts to serve papers on Reverend Jim Jones in Jonestown. We can find no record identifying the marshal by name.

Sincerely,



Douglas J. Bennet, Jr.
Assistant Secretary for
Congressional Relations

Enclosures:
As stated

UNCLASSIFIED
(CONFIDENTIAL ENCLOSURE)

1/27/78

PT 3 of 3505

Stone / Katsaris

Katsaris: Maria looked very busy, not slept days. Accused further - said had info from 'official USG source' that further working w/ CIA in right way. Copy plot as People's Temple. Very hostile.

Stone - called by Hydas. Went down '77 hearing. Has also attended. Proceeding went well; appeared have best of case. Procedural q's. Continued from Sat - Tues. Tues. Stone got favorable rulings. Hydas expected favorable rulings within days.

Complaint by People's Temple that Stone misrepresented as members. Denied. That mentioned PT as part of reason - dispute visas reduced 1 man → 2 wts. (Sat.)

Judge stated receiving many calls from Pegasus Hotel. Depreciated to saying earlier's

- Sat. - Immigration officer returned; said had to leave. Stone refused. No expl given. Sunday took Mrs to airport. While waiting, said order canceled. No exp.

- Wed. at airport. Took Mrs to plane. She left, he surrounded by PT members and threatened. Also threatened Mrs.

Stone notified authorities w/ Immigration and G-town Police. PT made complaint

- Thurs - Stone to Emb. Battered Stone.

- Fri - left. At Haas advice, went to Cong. to lobby. Claims that all former PT members, etc. All wants is child, no revenge w/ PT.

- Seen actress child get carried by Jones daughter. Shows Jones mental deterioration through rumors of contact w/ West-East terrorists. Paranoid schizophrenia

- Claims Amb Mann sleeps w/ pros- who Jones controls. Reports to Jones who manipulates Dr. Road, Farber. Prost is Paula Adams.

- Starn left 3/29. Tried to Cor yrs before but too loyal to create trouble. Sent child to PT.

- SAD suggested Starn write to Congress and suggest they express inter in case to Amb Mann. Will also write Van. Possibly Amb Burke in G'Town.

* - Asks USG ask GOG to guarantee speedy and wholehearted enforcement of order vs Jones.

Harmony Society!

DEPARTMENT OF STATE

MEMORANDUM TO: ARA/CAR - Mr. Ashley Hewitt

FROM: D - Marsha E. Barnes *MB*

SUBJECT: Contacts with Peoples Temple

I was assigned to Embassy Georgetown as a consular officer from July 1973 until August 1975. I had limited contact with the Peoples Temple in the course of my official duties as Vice Consul. I recall speaking with Earl Adams on more than one occasion in 1974, but I could not characterize my contacts as frequent. During those conversations I learned that the group which called itself the Peoples Temple Agricultural Mission had some affiliation with the Disciples of Christ, and was based in California. I encouraged the group to register with the Embassy as American residents in Guyana, a normal practice. There was notable reluctance to do this. I explained the advantages and explained that the information would not be made available to other government agencies or individuals. The Peoples Temple agreed to register. It was agreed that as a matter of convenience members would not be required to appear personally in order to register. I provided a number of registration cards to Mr. Adams. I urged that the group be certain to act in accordance with Government of Guyana regulations. I mentioned the need to be careful about land grants, leases or concessions as I had heard of possible problems with overlapping grants arising from faulty surveying.

The weekend of July 13, 1974, I traveled to Matthews Ridge in the company of another Embassy officer, an official of the Guyanese Ministry of Agriculture and an Israeli citrus fruit expert. I traveled to the Northwest to familiarize myself with that area and view two settlements of Americans in that area. I felt that any grouping of Americans held a potential for Consular work, or problems, and that the more I knew the better able I would be to discharge my duties. My visit to the Peoples Temple clearing was very brief. Reports submitted at the time indicate that there were nine Americans living near Port Kaituma (there was no settlement; rather a clearing; it was not called Jonestown). The group was making progress in clearing the forest, although only a small area had been cleared. It was a racially mixed group. The people appeared earnest, well organized and well financed.

During my assignment in Guyana, to my knowledge there were no allegations of mistreatment or bondage involving the Peoples Temple. There was a service conducted by the Rev. Jim Jones at the Roman Catholic Sacred Heart Church which turned into a so-called faith-healing service. I believe this took place in the six months prior to my departure in 8/75.

MEMORANDUM

December 3, 1978

To: Mr. Ashley Hewitt, Director, ARA/GAR, Department of State

From: Ambassador Max V. Krebs (retired)

Subject: Contacts with the People's Temple During my Tenure in Guyana
(March 1974 to June 1976)

I cannot recall when I first became aware of the People's Temple project in Guyana, but it must have been fairly soon after my arrival. There were actually two rather similar agricultural projects getting under way during 1974, both located on large tracts of land (over 1000 acres) situated on the northwest side of the highway linking Matthews Ridge and Port Kaituma. Both tracts had been obtained reportedly on long-term leaseholds (for nominal or no fee) from the Government of Guyana. The sponsors proposed to clear the jungle and engage in large-scale agricultural production, an activity which coincided with the Guyanese authorities' objective of making the country self-sufficient in food, clothing and shelter.

There was a stark contrast in the initial reports reaching me about the two projects, both incidentally completely American in personnel and financing. Both our own officers (including at least two who had visited the projects) and Guyanese familiar with that isolated region (accessible from the capital only by small aircraft or coastal steamers), were of the opinion that the People's Temple (PT) project was well-organized, well-financed and making substantial progress. The other project, which I believe was called "Shalem", was reported to be in serious financial difficulties, if not bankrupt; with little accomplished in the way of clearing and cultivating its tract, and with a steady stream of defectors from its original complement of around 20-30 remnants of the 1960's hippie movement. At least one of the women who decided to return to the U.S. had to be assisted financially through the good offices of the consular section. There were also vague intimations that the Guyanese suspected the promoters of the project were really (or hoped to be) engaged in the cultivation of marijuana. By mid-1975 the entire "Shalem" project was defunct. The PT project never suffered from these problems or suspicions; in fact its image among Guyanese and Americans alike in Guyana was enhanced by contrast.

The PT organization in Guyana at that time (1974 and early 1975) consisted of an administrative headquarters in Georgetown, a field support (or rest) house in Port Kaituma, and a work camp at the project site. Its total personnel in Guyana never to my knowledge exceeded 100 people up to the time of my departure in mid-1976. It also owned a second-hand shrimp trawler, the MA CUDJOE, which was being used during that period to bring supplies and equipment into Port Kaituma destined for the project site; it plied between Port Kaituma and Georgetown, Port of Spain (Trinidad) and Florida and Gulf Coast ports in the U.S.

The PT people maintained contact with the Embassy, but the contacts were irregular and principally with the consular section. When I learned that there were a number of women in the Georgetown headquarters, I passed the word to Mrs. Krebs and she and Mrs. Matthews (wife of Wade Matthews, Deputy Chief of Mission) saw to it that the PT ladies were invited to attend meetings and other activities of the American Women's Group. Mrs. Paula Adams and Miss Bobbie Touchette subsequently took some part in AWG activities; they were the only more or less "regulars".

One controversial incident occurred, I believe, in the summer of 1974

during one of the Reverend Mr. Jimmie Jones' infrequent visits to Guyana. One of his objectives during this visit was to dispel any questions or doubts which might lurk in the minds of the largely church-affiliated Guyanese public concerning the PT, its origins, religious philosophy and mission in Guyana. To do this Jones proposed to hold a public meeting heralded by advance publicity via radio, leaflets and pulpit announcements in as many Guyanese churches as would cooperate. Jones' representatives in Georgetown persuaded the Roman Catholic authorities to allow them to use the Sacred Heart Church, located in the center of Georgetown directly across Main Street from the American Embassy chancery. Without advance notice of any kind, I was informed later (I was out of the country during Jones' visit), Jones introduced the subject of faith healing into his talk at the meeting about the PT, parading before the assemblage persons allegedly cured of normally fatal diseases through the "laying on" of hands.

This episode left a sour taste not only among the Catholic hierarchy and communicants but also in the Protestant community. Still, after a cooling-off period and vigorous efforts by the PT to reassure their religious conferees, the PT was accepted in 1975 as a member church of the Guyana Council of Churches, representing virtually all the Protestant denominations. I have been told since leaving Guyana (1978) by the Reverend Mr. Paul Tidemann, an American Lutheran missionary and Secretary (1976-78) of the Board of Directors of the Council of Churches, that the PT was active in the Council mainly in building public confidence and support for itself. To this end, inter alia, it contributed US\$2,000 each to the work of the Council and to a Seminary being launched by the Council, and a further large sum to the fund for restoration of the Episcopal cathedral. PT participation dropped off in 1977 after Jones came to Guyana and the PT absented itself completely during the Council's very difficult wrestling with the constitutional referendum issue in 1977-78, which the Council openly opposed.

Beginning in the fall of 1974 I made discreet overtures through intermediaries to the effect that I was interested in learning more about the PT and that I hoped one day to visit the project site. As a result of these feelers, arrangements were made for a delegation of the PT to call on me in my office. The call took place on Thursday, January 23, 1975. The delegation consisted of Messrs. Gene Chaikin and John Brown and Messrs. Paula Adams and Karen Layton. They spent most of an hour with me. They described in some detail what Jones and the PT hoped to accomplish in Guyana, the progress achieved up to that point, and the expected total investment in both people and equipment. They were forthcoming in answering my questions about the mother church in California and about the practice of faith healing (I told them in a friendly way that I was aware of negative reactions among Guyanese to this aspect of their practices growing out of the episode at Sacred Heart Church). I also told them I would probably be making a trip soon to Matthews Ridge and the nearby region and would like very much to visit the project. They assured me I would be welcome and we agreed I would give them advance notice via their Georgetown office.

The trip to Matthews Ridge materialized on March 13, 1975, at the invitation of the Chief Veterinarian of the Government of Guyana, Dr. Peter

Fernandes, who had several livestock development projects in that area in which I had also expressed an interest. Dr. Fernandes arranged passage to Matthews Ridge in a Guyanese Air Force 10-passenger aircraft. Also in the party were Mrs. Jane Fernandes (an American and our Embassy nurse), their two children (pre-school) and Mr. and Mrs. Milton Lew (owner of a ship building and repair yard and neighbors and close friends of the Fernandes). From the airstrip at Matthews Ridge we travelled in Land Rovers belonging to the Ministry of Agriculture. We visited briefly two or three livestock and other agricultural projects along the road from Matthews Ridge to Port Kaituma. When we came to the entrance to the PT project, about 5 miles from Port Kaituma, at around 10:00 a.m., we were met, as pre-arranged, by a wheeled tractor hauling a high-bed wagon from the PT project.

I should explain that at that stage (probably about 9 months from the inauguration of the project), the principal activity was still clearing the jungle. So far, a strip about 50 yards wide had been cleared to a depth of some 6 miles, and at that distance work had commenced on clearing the tracts which would be used for the village and for cultivation, with several hundred acres in various stages of clearing and perhaps 25 acres actually planted, mostly on an experimental basis. The access road was little more than a couple of muddy ruts through the cleared strip, with at least one stream crossed by a sort of makeshift-log causeway. We had been advised that the road was impassable even for four-wheel-drive vehicles (it was then the end of the rainy season), and it soon became apparent that the advice was accurate. We jolted along at a snail's pace; it began to rain and we huddled under sheets of plastic as best we could; we cheered when our caravan by a narrow squeak made it safely over the makeshift causeway; we stopped to chat briefly with a sodden group of some 20-25 Guyanese hired workers engaged in planting a cover crop in the just-cleared part of the strip and later to shake hands with a couple of young men of the PT operating bulldozers. Altogether it took us 45 minutes to traverse these 6 miles!

At the camp site we were greeted by the resident supervisor, a man somewhat past middle age whose name I cannot recall, and by what I took to be most of the contingent living and working there. I recall about 15-20 people, all male, mostly in their 20's, with at least one apparently still in his teens (son of the resident supervisor). The men were mostly white but there was more than a token sprinkling of blacks. We were received very cordially, especially Dr. Fernandes who had been advising them regarding their proposed entry into livestock rearing. We were shown around the two buildings then constructed, very primitive combination dormitory-kitchen-storage structures, and the comparatively sumptuous roofed cage in which was housed a chimpanzee (or some other kind of primate), reportedly rescued from an unkind fate with a circus or zoo in California and brought to Guyana.

The atmosphere was quite relaxed and informal. We talked freely with several of the "pioneers" about their living conditions (uncomfortable), work (tough), aspirations (high), etc. My impression was of a highly motivated, mainly self-disciplined group, and of an operation which had a good chance of at least initial success. We wandered around looking at the planted plots and the little else there was to see. The whole visit was conducted in the most natural and normal way one could have expected of an encounter between fellow Americans in such a remote subject. We stayed altogether only about 45 minutes because we had other places to visit before

our scheduled pre-sundown return to Georgetown (no landing lights). The project head thanked us warmly for coming and for our interest in the ET, and we were on our way.

The only other note I might add is that we saw the MS GUDJOE in Fort Kaituma, but we were in a hurry by that time and did not board the vessel or meet any of the crew. Nor did we visit the rest house in Fort Kaituma, which was reportedly run by ET women, some of them wives of the "pioneer" workers at the site.

I seem to recall getting a letter subsequently from Jim Jones thanking me for my visit and hoping we might meet on one of his visits to Guyana. For one reason or another that meeting never materialized, nor did I have any further contact with the ET people during the rest of my stay in Guyana.

There were only two aspects of PT activities in Guyana in my time which raised doubt or suspicion in my mind. One was the church's practice of faith healing, which many of my informants believed to be phony. The other was the source of the several million dollars the Church was investing in Guyana and in an area of that country neither notably salubrious or endowed with natural resources. However, neither of these reservations was such as to warrant investigation or intervention by the Embassy. There was no shred of evidence that any of the PT members was present in Guyana except of his or her own volition, and the Embassy's overtures of a friendly nature received a more or less normally friendly response.

DRAFT MEMORANDUM - EUR/EE:FTumminia:mw:12/6/78

To: The Record
From: Frank Tumminia
Subject: Visit to Jonestown February 2, 1978

During my orientation trip to Guyana January-February 1978, I visited Jonestown together with the Embassy's DCM, John Blacken. During the visit we held a 3-hour discussion with Jim Jones. Jones appeared quite rational, though he exhibited a distinct persecution complex. Several times during the talks, which he monopolized, Jones referred to right-wing forces in the United States which were determined to destroy the Peoples Temple and all it stood for. On the other hand, however, during the meeting Jones pointed out that he was convinced the U.S. Government was not involved in any plots against him.

During the visit, the reporting officer and Mr. Blacken had the opportunity to visit a number of facilities within the settlement. Since the tour of the settlement was made together with Jones and a number of his close advisors, including Mike Prokes, Tim Carter and Maria Katsaris, there was little opportunity to determine whether or not we were seeing the real thing. My general impression of the facility was a favorable one. It contrasted vividly with the surrounding area -- totally undeveloped, as well as the Guyanese

own facilities in Port-Kaituma, the nearest town to the settlement.

One of the things that struck me at the time and upon which I remarked to Embassy staff as well as Department officials, was my feeling that many of the people with whom I met and spoke appeared drugged and robot-like in their reactions to questions and, generally, in their behavior toward us visitors. In view of my short stay in the settlement -- a total of about four hours -- and my lack of training in what would amount to be psychiatric skill, I must qualify the above statement by saying that it was a personal reaction probably influenced by what I had read about religious brain-washing.

I could not detect any sign of violence, indication that people were being held against their will or the presence of weapons. Because my trip was not specifically of a consular nature but merely one of orientation, I made no attempt to talk with any resident of the settlement alone. The only time I had the opportunity to have what amounted to a semi-private conversation with a resident, whose name I do not recall, he indicated to me that he was satisfied with conditions and had no desire to leave Jonestown.



DEPARTMENT OF STATE

Washington, D.C. 20520

December 4, 1978

UNCLASSIFIED

TO: ARA/CAR - Mr. Howitt

FROM: ARA/CEN - Wade Matthews *WM*

SUBJECT: My Personal Knowledge of People's Temple
Activities in Guyana

You requested a memorandum on any personal knowledge I might have had on People's Temple activities in Guyana. As you know, I was Deputy Chief of Mission at Georgetown, Guyana from June 1974 to July 1976.

During that time, the People's Temple mission received a land grant in the Matthews Ridge area, brought in one boat (my recollection is that it was a converted trawler, the Cudjoe) and set up the nucleus of their colony. I believe they had one or two people more or less permanently in Georgetown when I arrived, and shortly thereafter sent an advance party up to Matthews Ridge. This number increased to a total of about 60 at the Matthews Ridge colony and 2 in Georgetown by the time I left.

During the time that I was at Georgetown, I was not aware of any complaints from U.S. citizens either at the colony or in the U.S. regarding people being held against their will by the People's Temple in Georgetown. I have no recollection of any complaint on any matter from an American citizen in the U.S. regarding the People's Temple mission. There were several complaints, however, from Guyanese ministers of other religions and one U.S.C. Protestant minister in Georgetown regarding a faith healing service which the Reverend Jim Jones conducted at the Sacred Heart Roman Catholic Church. The complaints were along the line that this was supposed to be an ecumenical service, that no advance mention had been made of faith healing, and that the Roman Catholic Bishop would not have given his permission had he known that faith healing would have been a part of the service or that faith healing was a part of normal People's Temple ritual. These complaints were not directed at the Embassy, of course, but were passed to us for our information. The Guyanese ministers of religion and others making them were fully aware that the Embassy had nothing to do with arranging for this particular service, as well as that the Embassy had nothing to do (to my knowledge and recollection) with facilitating

the lease for the People's Temple mission in the Matthews Ridge area.

During much of my stay in Georgetown, the two People's Temple representatives in that city were Paula Adams and Debbie Touchette. These two women came by the Embassy on several occasions, usually to inform us of their plans for the agricultural colony, to inquire as to the identity of Guyanese officials to see regarding land leases, etc. I do not recall their requesting our assistance with the Guyanese Government, and I do not recall our extending any. I believe they had more frequent contact with our consular section regarding extension of passports and information on the proper channels in the Guyanese Government to obtain residence visas by U.S. citizen People's Temple personnel.

The consular officer during most of my stay in Georgetown was Mr. William Colwell. He might recall more about their contacts in the consular section.

Ms. Touchette and Ms. Adams conducted themselves in a normal manner and did not appear to be unduly secretive. They were businesslike, but did not eschew normal social contact. My wife informed me that they attended at least one meeting of the American Women's Group in Georgetown. I believe that the Reverend Jim Jones came by the Embassy on at least one occasion accompanied by Ms. Adams and/or Ms. Touchette, and met with Ambassador Krebs. My recollection is that he discussed their plans for the colony in general terms. If he made any specific request for U.S. Embassy assistance at that time, I do not recall Ambassador Krebs mentioning it to me.

Ambassador Krebs visited the People's Temple mission in the Matthews Ridge area on one occasion, I believe, in late 1975 or early 1976. It is possible that one of the consular officers at the Embassy may have visited it as well during that period.

My only visit to the People's Temple mission (it was not at that time called "Jonestown") was on May 1976. I had flown to Matthews Ridge on a working vacation of several days with my wife and three children to learn more about the area and to visit a Guyanese National Service training camp some 25 miles from the location of the People's Temple mission which was alleged to have a contingent of Cuban military personnel among the cadre. We visited the People's Temple mission for only about

45 minutes on the afternoon of May ____, since the Government of Guyana driver of the Land Rover in which we were traveling could spare no more time for the stopover. My arrival at the mission was unannounced, although I had told Ms. Touchette in Georgetown a few days prior to my visit that I hoped to visit Matthews Ridge shortly and, if I did, I would try to drop by the mission. Ms. Touchette, normally stationed in Georgetown, was at the Mission when I visited (she said she had come up on business and to visit her husband), so it is possible that they were expecting me, though they would presumably have had no way of knowing the date or time of my arrival.

I found what appeared to be a frontier-type, active, new agricultural settlement with perhaps half a dozen rustic buildings and metal-roofed open-sided sheds. My recollection is that there were 100 or more acres cleared at that time with clearing proceeding on more and with various crops, notably cassava, planted and seemingly growing well. The mission had a dozen or so tractors and other pieces of mechanized agricultural equipment, the people talked as though they were enthusiastic about their work, and, from outward appearances, seemed happy enough. The group at that time was about 2/3 white and 1/3 black (I vaguely recall a couple of apparent Orientals). There were a number of children who acted normally and who accompanied my own children down to a large and well-built cage to see their chimpanzee which had been brought from California.

One thing struck me as quite unusual. When I arrived, I introduced myself to a man who exited the rustic house which appeared to be the headquarters of the Temple colony. He was followed almost immediately by Jim Jones, dressed in a shirt-jac, wearing sun glasses and accompanied by a 16 mm. movie camera grinding away as he walked over to shake my hand. A second individual stuck a mike of a tape recorder between us and the camera continued to film as we introduced ourselves and as I queried him about the mission, its crops and its personnel. He responded with apparent pride and optimism and queried me on how I thought the political situation in Guyana was going. Since we were at a point of some tension in our bilateral relations and since the camera and tape recorder continued in operation, my response was obviously relatively non-committal. Aside from the presence of the camera and recorder, the visit was friendly enough, though without any special warmth. Either Jones or one of the other

personnel showed me about the few buildings and made no attempt that I recall to restrict my movements or those of my wife and children.

I do not recall having any further contact with the People's Temple group between the date of my visit and my departure from Georgetown on transfer in late July, though Ms. Touchette or Ms. Adams could have dropped by the Embassy to see me or another officer some time during those two months.

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UNCLAS SECTION 1 OF 1 GEORGETOWN 0100

E. O. 12958 HQ
TAGS CASE, 07, PEOPLE'S TEMPLE
SUBJ: SUMMARY OF CONSULAR OFFICERS' VISIT TO JONESTOWN NOVEMBER 3, 1978

REF: NEWYORK/ELLICE TELECOM/12/27/78

ON NOVEMBER 3, 1978 CONSUL ELLICE AND VICE CONSUL REECE VISITED THE PEOPLE'S TEMPLE AGRICULTURAL PROJECT AT JONESTOWN. THEY FLEW TO PORT KAITUMA AIRSTRIP EARLY THURSDAY MORNING ON A PLANE THAT THE EMBASSY HAD CHARTERED FROM THE CUYANA SUGAR CORPORATION (CUSCOCO). IN ACCORDANCE WITH PAST PRACTICE, PASSAGE WAS OFFERED ON A SPACE AVAILABLE BASIS TO PEOPLE'S TEMPLE MEMBERS WHO MIGHT WISH TO TAKE ADVANTAGE OF THE TRIP.

THE EMBASSY OFFICERS MET THE PLANE AT OGLE AIRFIELD OUTSIDE OF GEORGETOWN AT ABOUT 8:00 A.M. IN THE MORNING. THERE THEY MET A VEHICLE FROM THE PEOPLE'S TEMPLE THAT HAD BROUGHT JAMES JONES, JR. AND MARIA BATSAKIS TO FLY WITH THEM. UPON THEIR ARRIVAL AT PORT KAITUMA AIRSTRIP THEY WERE MET BY TWO VEHICLES, A LAND ROVER, WHICH HAD BEEN SUPPLIED BY PRE-ARRANGEMENT FOR THE GOVERNMENT OF CUYANA, AND A BUMP TRUCK BELONGING TO THE PEOPLE'S TEMPLE. THE EMBASSY OFFICERS AND THE PILOT OF THE CUYANOCO PLANE BARRED THE LAND ROVER AND PAID A COURTESY CALL ON MR. ROBERT THOMAS, THE PORT KAITUMA REGIONAL OFFICER. THE PEOPLE'S TEMPLE BUMP TRUCK TOOK MR. JONES AND MISS BATSAKIS TO THE FRONT GATE OF THE PROJECT AND WAITED THERE AFTER THE COURTESY CALL, WHICH LASTED LESS THAN 10 MINUTES. THE LAND ROVER OBTAINED THE EMBASSY OFFICERS AND THE PILOT OF THE FRONT GATE, WHERE THEY ALSO BARRED THE BUMP TRUCK. BECAUSE OF THE CONDITION OF THE ROAD LEADING INTO THE PROJECT FROM THE FRONT GATE, ONLY THIS LARGE TRUCK COULD GET IN.

CONSUL ELLICE AND VICE CONSUL REECE WERE GIVEN A GUIDED TOUR OF JONESTOWN BY SEVERAL MEMBERS OF THE PEOPLE'S TEMPLE. THE GUIDES INCLUDED, AT ONE TIME OR ANOTHER, MARCELINE (THE WIFE OF REV. JAMES JONES), EUGENE CHATWIN, HANRIET TROPP, DEBBIE TOUCHETTE, SHARON AMOS, MICHAEL PRODER AND MARIA BATSAKIS. ONE GUIDE, WHOSE NAME THE OFFICERS DO NOT RECALL, WAS INTRODUCED TO THEM AS THE PROJECT'S AGRICULTURAL EXPERT. THE TOUR AT JONESTOWN INCLUDED VISITS TO THE HARBOR, THE COMMUNICATIONS SACKS CONTAINING THE SHORT WAVE RADIOS JONESTOWN USED TO COMMUNICATE WITH SAN FRANCISCO AND GEORGETOWN, THE SACK CONTAINING THEIR PET MONKEY, THE MEDICAL CLINIC, THE COMBINATION, THE METAL-WORKING SHOP, THE COOKING AREA, THE DIBDAL DISTRICT, AND THE PARAKEET. JONESTOWN, IT WAS EXPLAINED, WAS A CARELESS COMMUNITY, AND THE COMBINATION DISPLAYED GOOD TO THE RESIDENTS ON THEIR SIGNATURES. AT ABOUT 11:00 A.M. AFTER ALMOST TWO HOURS OF TOURING, MR. ELLICE REQUESTED ANY FURTHER SIGNIFICANT POINTS THE OFFICERS COULD COMPLETE THEIR WORK. THE EMBASSY OFFICERS RETURNED TO THE PAVILLION WHERE THEY WERE TO HAVE LUNCH AND BEGAN INTERVIEWING SOME OF THEIR GUIDES. A FEW MEMBERS CAME TO SEE THEM IN ORDER TO HAVE STATEMENTS NOTARIZED. A DESCRIPTION OF WHO INTERVIEWED WHOM AND THE RESULTS OF THESE INTERVIEWS WILL BE APPENDED TO THE END OF THIS SUMMARY.

MR. ELLICE AND MR. REECE INTERVIEWED THE PEOPLE'S TEMPLE MEMBERS AT THE SOUTH-EAST CORNER OF THE PAVILLION, WELL AWAY FROM ANY THIRD PERSONS, IN ORDER TO ASSURE PRIVACY. APPROXIMATELY 3/4 OF THE WAY THROUGH THE INTERVIEWS THEY DROVE OFF FOR LUNCH, WHICH WAS SERVED AT A LARGE SQUARE TABLE UNDER THE PAVILLION.

AND MR. ELLICE WERE SEATED AT OPPOSITE CORNERS OF THIS TABLE. MR. ELLICE'S IMMEDIATE NEIGHBORHOODING UNCONVERT, REV. JAMES JONES, HIS WIFE MARCELINE JONES, SHARON AMOS, HANRIET TROPP AND MARIA BATSAKIS. SOME OF THE MEMBERS NEAR MR. ELLICE WERE: MICHAEL PRODER, DEBBIE TOUCHETTE, JONATHAN JONES AND JONATHAN BROWN, AND THE CUYANOCO PILOT. AS LUNCH WAS SERVED, JONESTOWN EXPRESSED A MUSICAL GROUP, PLAYED "AMERICA THE BEAUTIFUL" AND ALL THE PEOPLE'S TEMPLE MEMBERS PRESENT STOOD, PALMED THEIR HANDS OVER THEIR HEARTS, AND SANG ALONG. REV. JONES APPEARED FOR THE FIRST TIME JUST AS LUNCH WAS BEING SERVED WITH PEOPLE ON EACH ARM WHO APPEARED TO BE STEADYING HIM. THE CONSULAR OFFICERS WERE TOLD THAT JAMES JONES HAD RECENTLY SUFFERED A HEART ATTACK AND HAD A FEVER OF 105 DEGREES. HE WAS WEARING A

WHITE GAZE MASK OVER HIS FACE. BOTH OF THE OFFICERS NOTED DURING THEIR VARIOUS CONVERSATIONS WITH HIM BEFORE, DURING, AND AFTER LUNCH THAT REV. JONES' SPEECH WAS HARBORLY SLURRED. DURING HIS LUNCH CONVERSATION WITH MR. ELLICE, REV. JONES TRIED AT ONE POINT TO SPELL A WORD THAT HE DID NOT WANT A NEARBY CHILD TO HEAR. HE WAS UNABLE TO SPELL THE WORD CORRECTLY AND GAVE UP IN APPARENT CONFUSION. BOTH OFFICERS NOTED THAT NEITHER MR. JONES' FOREHEAD NOR PALM WAS PERSPIRING AND MENTIONED TO EACH OTHER LATER THAT HE NOT APPEAR TO HAVE THE CLIMED FEVER. AFTER LUNCH REV. JONES WAS HELD AWAY FROM THE AREA BY TWO ATTENDANTS AND THE CONSULAR OFFICERS CONTINUED THEIR INTERVIEWS. DURING LUNCH, THE OFFICERS MET JONATHAN BROWN, WHO WAS BROUGHT TO THE TABLE ESPECIALLY FOR THIS PURPOSE. BY THE TIME THE INTERVIEWS WERE FINISHED IT WAS MID-AFTERNOON, AND, AS THE PILOT WAS ANXIOUS TO TAKE OFF SOON DUE TO AN APPROACHING THUNDERSTORM, THE OFFICERS WENT BY BUMP TRUCK FROM JONESTOWN BACK TO THE PORT KAITUMA AIRSTRIP. THEY THEREFORE DID NOT HAVE TIME TO VISIT THE AREA OF THE COMPOUND NEARING THE RESIDENTIAL COTTAGES, OR THE PIGGERY/LIVESTOCK AREA; THEY DID, HOWEVER, FLY OVER THESE AREAS IMMEDIATELY AFTER THEIR DEPARTURE FROM PORT KAITUMA. SHARON AMOS AND JIM JONES, JR. REMAINED WITH THE OFFICER FROM PORT KAITUMA TO OGLE AIRPORT. AT NO TIME DID THE OFFICERS FOR NOVEMBER 3 SEE ANY BARBED WIRE, ANY GUARDS, ARMED OR OTHERWISE, OR ANY OTHER PHYSICAL SIGN THAT PEOPLE WERE BEING HELD AT JONESTOWN AGAINST THEIR WILL, NOR DID ANY OF THE CONVERSATIONS BY THE CONSULAR OFFICERS WITH THE PEOPLE'S TEMPLE MEMBERS AT JONESTOWN REVEAL ANY INDICATION THAT THE INHABITANTS OF JONESTOWN WERE RECEIVING ANYTHING LESS THAN NORMAL GUAYANAN STANDARDS OF FOOD, CLOTHING, SHELTER, AND MEDICAL ASSISTANCE.

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UNCLAS SECTION 2 OF 3 GEORGETOWN 0100

MR ELLICE AND MR REECE SHARED THE SAME GENERAL IMPRESSIONS AS FOLLOWS: THE PARENTS THEY MET APPEARED TO BE IN GOOD HEALTH, MENTALLY ALERT, CONSIDERING THE ADVANCED AGE OF SOME OF THEM, AND GENERALLY HAPPY TO BE AT JONESTOWN. THEY ALL SEEMED TO BE ABSTAINING IN THEIR VARIOUS DAIETIES SUCH AS SPOON WORK, TEACHING OR COUNSELING. NO ONE INDICATED ANY DESIRE TO RETURN TO THE UNITED STATES. SUMMARIES FOLLOW ON THE DEPARTURE AND WHEREABOUTS INTERVIEWS CONDUCTED BY THE CONSULAR OFFICERS:

CASE NO. 1 - MR REECE:

LORETTA CHARIS: MS CHARIS SAID SHE HAD WRITTEN HER MOTHER SEVERAL MONTHS AGO AND HAD NOT RECENTLY RECEIVED A REPLY. SHE THEREFORE DISCOUNTED THE ASSERTION OF HER MOTHER (IN THE LATTER'S LETTER TO THE EMBASSY OF 5/20/78) SAYING THAT SHE WAS SICK. MR REECE ADVISED MS CHARIS OF HER MOTHER'S INTEREST IN HER AND ASKED LORETTA TO WRITE HER AGAIN SOON.

CASE NO. 2 - MR REECE:

MARSHALL FABRIS: MR REECE ADVISED MR FABRIS THAT HIS SISTER WOULD LIKE TO HAVE A RECENT PICTURE OF HIM. HE SAID THAT HE HAD RECENTLY SENT A PHOTOGRAPH OF HIMSELF TO HIS MOTHER. REALIZING THAT MR FABRIS WAS BORN IN 1907, MR REECE ASKED HIM IF HIS MOTHER WAS STILL LIVING AND HE REPLIED YES. HE SAID HE THOUGHT HIS MOTHER MAY HAVE SHIPPED THE PICTURE TO HIS SISTER. MR REECE ADVISED HIM TO SEND A PICTURE OF HIMSELF TO HIS SISTER ANYWAY. IN VIEW OF GEORGETOWN TELEGRAM 2210 OF 1978 NO COMMUNICATION WAS SENT BY THE EMBASSY TO MR FABRIS' SISTER AFTER THE NOVEMBER 3 MEETING.

CASE NO. 3 - MR REECE:

RONDA ALE AKA RONDA FORTSON: WE HAD RECEIVED A LETTER FROM MS FORTSON'S MOTHER-IN-LAW INDICATING CONCERN FOR THE WELFARE OF MS FORTSON AND HER HUSBAND, DAVE FORTSON. THE RESULTS OF MR REECE'S CONVERSATION WITH MS FORTSON ARE CONTAINED IN A MEMO IN THE FORTSON'S FILE IN THE EMBASSY DATED NOVEMBER 8, 1978. IN SUMMARY, THE MEMO SAYS THAT RONDA FORTSON DID NOT HAVE HER PASSPORT WITH HER SO THAT POSITIVE IDENTIFICATION COULD NOT BE MADE. MS FORTSON SAID THAT

HER HUSBAND WAS IN THE UNITED STATES, AND THAT SHE HAD RECEIVED A LETTER DIRECTLY FROM HER MOTHER-IN-LAW SINCE HER MOTHER-IN-LAW'S WELFARE INQUIRY WAS SENT TO US. MS FORTSON PROMISED TO WRITE HER MOTHER-IN-LAW SOON. MS FORTSON REFUSED TO SIGN THE PRIVACY ACT RELEASE, THEREFORE THE EMBASSY DID NOT SEND A COMMUNICATION TO ANY OF MS FORTSON'S RELATIVES AFTER THE NOVEMBER 3 INTERVIEW.

CASE NO. 4 - MR REECE:

MR & MRS CLAUDE GOOSPEEDS: THE RESULT OF MR REECE'S INTERVIEW WITH THE GOOSPEEDS ARE CONTAINED IN A LETTER TO MR & MRS MELVIN HARRIS DATED NOVEMBER 8, 1978 A COPY OF WHICH WE WILL POUCH IF THE DEPARTMENT SO DESIRES. THE GOOSPEEDS INFORMED MR REECE THAT THEY ENJOYED THEIR RETIREMENT IN JONESTOWN. THEY WENT FISHING AND WERE INVOLVED IN OTHER ACTIVITIES. THE GOOSPEEDS ALSO REMARKED THAT THE HARRIS' WERE NEVER PARTICULARLY INTERESTED IN THEIR WELFARE BEFORE THE GOOSPEEDS WENT TO JONESTOWN.

CASE NO. 5 - MR REECE:

ARLENE HARPER: MS HARPER WAS THE SUBJECT OF AN INQUIRY DURING JUNE 1978 BY HER SON, MR CHARLES WHITE. MS HARPER SAID SHE

RECEIVED A LETTER FROM MR WHITE DATED MARCH 20, 1978 IN EITHER MAY OR JUNE OF THIS YEAR. MS HARPER SAID SHE ANSWERED THE LETTER IN JUNE AND WROTE AGAIN TO HER SON DURING THE WEEK PRIOR TO NOVEMBER 3, 1978. THE EMBASSY SENT A DIRECT RELAY TELEGRAM TO MR WHITE ON NOVEMBER 8, 1978 INFORMING HIM THAT HIS MOTHER APPEARED TO BE FINE.

CASE NO. 6 - MR ELLICE:

LIAM HARRIS: EMBASSY OFFICERS WILL AT JONESTOWN ON NOVEMBER 3, 1978 WERE INFORMED BY HARRIS' MOTHER, SARAH AMOS AKA SARAH HARRIS, THAT LIAM WAS NOT IN JONESTOWN AT THAT TIME. HOWEVER, SARAH AMOS SAID THAT LIAM WOULD COME TO GEORGETOWN DURING THE WEEK OF NOVEMBER 13, 1978 AND WOULD THEN SEE A CONSULAR OFFICER REGARDING THE WELFARE AND WHEREABOUTS INQUIRY FROM SPIRIT HARRIS, LIAM'S FATHER.

CASE NO. 7 - MR ELLICE:

DR. BRAD BRYAN: BRYAN'S MOTHER HAD TRANSMITTED A LETTER FOR BRYAN TO US THROUGH CONSULMAN MCLEOD'S OFFICE. MR ELLICE SAID BRYAN THIS LETTER AND HAD BRYAN OPEN AND READ IT IN HIS PRESENCE. BRYAN HAD NO PARTICULAR REACTION TO THE LETTER BUT INDICATED THAT HE WAS WELL AND HAPPY AT JONESTOWN AND WOULD SOON CORRESPOND WITH HIS MOTHER. BRYAN WAS A MEMBER OF THE JONESTOWN EXPRESS, PLAYING THE SAZOOPHONE.

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CASE NO. 8 - MR. ELLICE!

RONALD FIELDS (RONALD'S FATHER, MS. MAE FIELDS, HAD ASKED THE DEPARTMENT TO ASCERTAIN THE CONDITION OF HER SON. MR. ELLICE SPOKE TO MR. FIELDS, WHO ASKED HIM TO ASSURE HIS FATHER THAT HE WAS WELL AND HAPPY. THIS WAS DONE BY DIRECT RELAY TELEGRAM TWO DAYS LATER. MR. FIELDS WORKED IN THE PROJECT'S PHARMACY.

CASE NO. 9 - MR. ELLICE!

BETTY GILL, MS. GILL HAD AN OUTSTANDING SOCIAL SECURITY CLAIM. THE JOHNSON COMMUNITY HIGH SCHOOL HAD FAILED TO COMPLETE THE SOCIAL SECURITY FORMS PROPERLY AND MR. ELLICE GAVE MS. GILL ANOTHER COPY OF THE FORM WITH MORE DETAILED INSTRUCTIONS.

CASE NO. 10 - MR. ELLICE!

TINA GRIMM: THE EMBASSY HAS BEEN CONTACTED BY THE OFFICE OF CONGRESSMAN JOHN BLATCH AND REQUESTED TO RELAY A LETTER TO MS. GRIMM FROM HER FIANCÉ IN CALIFORNIA. AT MR. ELLICE'S REQUEST, MS. GRIMM OPENED AND READ THE LETTER IN HIS PRESENCE. SHE INDICATED THAT SHE HAD NO PLANS TO RETURN TO THE UNITED STATES, THAT SHE NO LONGER CONSIDERED HERSELF ENGAGED TO HER FORMER FIANCÉ, AND THAT SHE HAD MARRIED A FELLOW JONESTOWN RESIDENT AND WAS EXPECTING A CHILD. THE CONSUL OFFERED TO AMEND HER PASSPORT AND ASKED TO SEE HER MARRIAGE LICENSE. MS. GRIMM THEN INDICATED THAT SHE WAS NOT, IN FACT, MARRIED, AND WOULD AMEND HER PASSPORT IF THE FUTURE OF SHE WOULD MARRY THE FATHER OF THE EXPECTED CHILD. THE CONSUL SENT A LETTER TO THE OFFICE OF THE CONGRESSMAN REPORTING DELIVERY OF THE LETTER.

CASE NO. 11 - MR. ELLICE!

LARRY LAYTON: MR. LAYTON (AND HIS WIFE) ASKED TO SPEAK TO THE CONSUL ABOUT THE RECENT DEATH OF LARRY'S MOTHER, LISA LAYTON. IT WAS AGREED THAT MR. LAYTON WOULD INFORM ALL OF HIS RELATIVES ABOUT THE

DEATH AND WOULD CONTACT THE EMBASSY SOONER TO ASSIST IN COMPLETING THE FS-102.

CASE NO. 12 - MR. ELLICE!

MARY ROGERS: THE CONSUL SPOKE TO MS. ROGERS AS THE RESULT OF A LETTER HE HAD RECEIVED FROM HER DAUGHTER, SAMANTHA TUCKER. MS. ROGERS INDICATED THAT SHE WAS WELL AND ENJOYED HER LIFE AT JONESTOWN. A LETTER TO THAT EFFECT WAS SENT TO MR. TUCKER THAT FOLLOWING DAY.

CASE NO. 13 - MR. ELLICE!

BONNIE SIMON: THE CONSUL SPOKE TO MS. SIMON AS THE RESULT OF A WELFARE INQUIRY FROM HER STEP-FATHER, MRS. WAYNE STUDY. THE CONSUL SENT A LETTER THE NEXT DAY TO MRS. WAYNE STUDY REVIEWING THE SUBSTANCE OF THE INTERVIEW.

CASE NO. 14 - MR. ELLICE!

BENJAMIN WILHITE: THE CONSUL SPOKE TO THE PARENTS OF THE INFANT BENJAMIN WILHITE IN CONNECTION WITH AN OUTSTANDING PASSPORT APPLICATION. HE ASSISTED THEM BY MAKING CLEAR THE PHOTOGRAPH REQUIREMENT, AND THEY INDICATED THAT AS SOON AS PROPER PHOTOGRAPHS WERE AVAILABLE THEY WOULD PROCEED WITH THE APPLICATION.

CASE NO. 15 - MR. ELLICE!

EARL MCNIGHT: MR. MCNIGHT WAS THE SUBJECT OF A REQUEST FOR ASSISTANCE FROM THE SOCIAL SECURITY ADMINISTRATION. BOTH

CONSULAR OFFICERS VISITED MR. MCNIGHT AT HIS QUARTERS BECAUSE OF HIS ADVANCE AGE (83). HE IDENTIFIED HIMSELF, WHICH IN AND OF ITSELF CLEARED UP THE PROBLEM. SINCE THIS WAS THE LAST OUTSTANDING CASE, THE OFFICERS DEPARTED JONESTOWN.

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TO SECSTATE WASHDC IMMEDIATE 0304

MURKIN GEORGETOWN 0371

C. O. 10000: 04
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SUBJ: RECOLLECTIONS OF OCH DUYER ON HIS VISIT TO
PEOPLE'S TEMPLE WITH CONSUL MCCOY

1. FOLLOWING IS TEXT OF OCH DUYER'S RECOLLECTIONS OF HIS
VISIT WITH CONSUL MCCOY TO JONESTOWN, ON MAY 10. BEGIN TEXT:
CONSUL MCCOY HAD RESERVED THE CIVILIAN SUGAR CORPORATION'S
CESSNA 400 AIRCRAFT FOR THE TRIP, AND WE LEFT OGLE AIRPORT
IN THE EARLY MORNING HOURS TOGETHER WITH A YOUNG INDIVIDUAL
FROM THE PEOPLE'S TEMPLE WHOM I DO NOT RECALL BUT WHO MIGHT
HAVE BEEN TIM CARTER. WE ARRIVED AT PORT KAITUMA AT ABOUT
0930 ON 1000 AND WERE MET AT THE AIRSTRIP BY THE DRIVER AND
LANDOWNER ASSIGNED TO THE ASSISTANT DISTRICT OFFICER FOR
PORT KAITUMA, MR. ROBERT THOMAS. ON OUR WAY OUT TO JONESTOWN,
WE STOPPED AT PORT KAITUMA TO MAKE A BRIEF CHECKOUT CALL ON
MR. THOMAS, WHO WAS NEWLY ASSIGNED TO THE AREA. CONSUL MCCOY,
I RECALL, PARTICULARLY REQUESTED MR. THOMAS' ASSISTANCE IN
ASSEMBLING THAT THE APPROPRIATE PROPER CUSTOMS OFFICIALS
CERTIFIED AND REGISTERED PROPERLY CERTIFICATES OF BIRTH AND
DEATH OF AMERICANS, WITHOUT WHICH THE AMERICANS COULD NOT
PROCEED PROPER AMERICAN DOCUMENTATION.

2. AT THE ENTRANCE TO THE JONESTOWN PROPERTY THERE WAS A
CHAIN OR ROPE STRETCHED ACROSS THE ROAD, WITH A SMALL SHACK.
AT ONE SIDE MARKED BY YOUNG WOMAN AND A MAN. UPON
RECOGNIZING OUR JONESTOWN ESCORT, THE MAN DETACHED THE CHAIN
AND THE LANDOWNER PROCEEDED THROUGH.

3. THE REVEREND AND MRS. JIM JONES, TOGETHER WITH SEVERAL
MEMBERS OF THE PEOPLE'S TEMPLE, MET US UPON OUR DESCENT FROM
THE LANDOWNER AT THE SETTLEMENT PROPER, ABOUT 3 1/2 MILES
FROM THE GATEWAY, ACCORDING TO ONE TEMPLE MEMBER AS I HAD
NO OCCASION TO MEET MEMBERS OF THE TEMPLE PREVIOUSLY, I DID
NOT KNOW ANY OF THOSE WHO ACCOMPANIED US. I BELIEVE MARIA
RIZABARIS, TIM CARTER, RIDE PROCKE WERE AMONG THESE INDIVIDUALS.
WE TOURNED THE NURSERY, CHILDREN'S DAY CARE CENTER, AND SCHOOL,
AFTER WHICH MR. MCCOY ASKED TO BE EXCUSED TO CONDUCT HIS
CONSULAR BUSINESS IN THE OPEN-CALLED MAIN PAVILLION OF
JONESTOWN. IT SHOULD BE NOTED THAT THIS BUILDING WAS LOCATED
AT THE HIGHEST POINT OF JONESTOWN, AND FORMED THE CENTER OF THE
COMMUNITY. I COULD THEREFORE OBSERVE MR. MCCOY AS HE
CONDUCTED HIS AFFAIRS WHILE I CONTINUED THE TOUR WITH THE JONESES.
WE VISITED THE MEDICAL CARE FACILITIES, BATHS, WOOD SHOP,
MACHINE SHOP, GARDEN AREAS, ETC. AND STOPPED IN AT SOME
ELDERLY MEMBERS CALLED "AUNTIES" IN THEIR SMALL HOUSES. WE
THEN PROCEEDED TO THE CENTRAL PAVILLION TO EXAMINE AN
EXHIBITION OF HANDICRAFTS WHICH HAD PRESUMABLY BEEN SET UP
FOR OUR VISIT. A SIMILAR EXHIBIT WAS SET UP IN MY PRESENCE
AND THAT OF CAMEL RYAN ON NOVEMBER 10 IN ANTICIPATION OF THE
ARRIVAL OF MEMBERS OF THE PRESS.

4. MR. MCCOY AT THIS TIME WAS ADDRESSING A GROUP OF NEW
AND EXPECTANT PARENTS REGARDING THE PROCEDURES TO BE
COMPLETED FOR THE REGISTRATION OF BIRTH AND THE ISSUANCE OF
PASSPORTS. AS I RECALL, MR. MCCOY PERFORMED OTHER CONSULAR

DUTIES SUCH AS THOSE CONNECTED WITH SOCIAL SECURITY BENEFITS,
PERHAPS PASSPORTS, ETC. I RECALL DISCUSSING WITH HIM ONE
INSTANCE OF AN ENQUIRY INTO THE HEALTH AND WELL BEING OF A
JONESTOWN RESIDENT ON BEHALF OF A RELATIVE OR FRIEND IN THE
UNITED STATES, BUT I DO NOT RECALL HOW MANY SERVICES OF THIS
TYPE THAT MR. MCCOY PERFORMED THAT DAY.

5. LUNCH, A REASONABLY ATTRACTIVE MEAL FEATURING POKE, WAS
SERVED TO MR. MCCOY, MYSELF, THE JONESSES, AND FIFTEEN OR SO
OTHER PERSONS IN THE MAIN PAVILLION. MR. MCCOY RETURNED TO
HIS CONSULAR DUTIES AND I CONTINUED TO CONVERSE WITH THE
JONESSES AND A FEW OTHERS. JIM JONES WAS CONCERNED ABOUT
THE FUTURE OF THE TEMPLE AFTER HE SHOULD PASS FROM THE
SCENE; HE SPoke AT SOME LENGTH ABOUT THE PROBLEM OF MOTIVATION
AND REWARD IN A COMMUNAL NON-MONETARY SOCIETY; ABOUT PROBLEMS
WITH THE DEER CATTLE WHICH WERE NOT GAINING WEIGHT; ABOUT
FOREST PROBLEMS (E. G., SHORT WOODS FOR LUMBER); ETC. JIM
JONES WAS THEN CALLED AWAY BY ANOTHER PERSON, AND MR. JONES
IN WHAT MAY WELL HAVE BEEN A PRE-ARRANGED POKE SAID SHE
WISHED TO TAKE THE OPPORTUNITY OF JIM'S ABSENCE TO TELL ME
OF WHAT A FINE MAN HE WAS, AND TO INSURE THAT I UNDERSTOOD
THAT SHE FULLY SUPPORTED JIM JONES THROUGHOUT ALL ASPECTS
OF BIRTH, REARING, AND CUSTODY OF THE CHILD JOHN STONE, A
MATTER THEN BEFORE THE DISTRICT COURTS. JIM JONES RETURNED,
WELT ON THE STONE CASE FOR A FEW MOMENTS, YOUNG MEN WERE
VOLUNTARILY GIVEN BY CUSTODY OF THE CHILD AND THEN TURNED TO
OTHER SUBJECTS, AMONGST WHICH WERE EXAMPLES OF ALLEGED
CALUMNIES CIRCULATED ABOUT THE PEOPLE'S TEMPLE BY "PROTESTANTERS"
AND APPEARED TO BE DEFINED AS THOSE PERSONS BELIEVING IN
VIOLENT ACTION AND OPPOSED TO JIM JONES AND THE PEOPLE'S
TEMPLE.

6. WHEN MR. MCCOY COMPLETED HIS CONSULAR WORK WE LEFT
JONESTOWN TOGETHER WITH THE DRIVER AND HIS INFANT SON WHO
ACCOMPANIED US BACK TO GEORGETOWN, ARRIVING ABOUT 1200 HOURS.

7. WHILE AT JONESTOWN I SPENT BRIEFLY AND CASUALLY TO
BETWEEN 15 AND 25 RESIDENTS. I ACCUSED TO THOSE WHO
PARTICIPATED IN THE TOUR OF ME TO US FOR LUNCH. AS IT WAS
A WORKING DAY IN JONESTOWN, MANY RESIDENTS OF VARIOUS AGES
WERE WORKING AWAY FROM THE CENTRAL PART OF THE SETTLEMENT,
AND THERE REMAINED A PROPORTION RELATIVELY HIGH NUMBER OF OLD
AND YOUNG PEOPLE. ON THE TOUR, JIM JONES MADE A PARTICULAR
POINT OF TELLING ME IN THE PRESENCE OF THE PERSONS CONCERNED
THAT THE INDIVIDUAL PREVIOUSLY HAD BEEN INVOLVED WITH DRUGS,
HAD BEEN A PROSTITUTE, HAD HAD MENTAL PROBLEMS, HAD BEEN AN
ALCOHOLIC, ETC. EACH OF THESE PERSONS AGREED WITH JONES'
DESCRIPTION OF HIS PREVIOUS LIFE AND HIS IMPROVEMENT
BROUGHT ABOUT BY JIM JONES AT JONESTOWN. IT APPEARED TO BE
AN EXHIBITION WHICH JONES HAD STAGED FOR VISITORS BEFORE,
PERHAPS TO REINFORCE HIS PREVIOUS ALLEGATIONS THAT THE UNITED
STATES GOVERNMENT SHOULD BE PUNISHED BY JIM JONES AND JONESTOWN
AS THE TRAMPAYED WERE ALLEGED. I AM NOT SURE THAT WORDS HAVE
HAD TO BE SAID ON SUBJECTS OF THIS OR RESTRICTION OF THOSE
INDIVIDUALS WHO WERE CONTINUED TO BE PREVIOUSLY EXPELLED TO
THE UNITED STATES. IN SUMMARY, ALTHOUGH THERE WERE CERTAIN
ASPECTS OF THIS INFORMAL VISIT TO JONESTOWN WHICH WERE
PLAINLY STAGED FOR THE VISITOR'S CRAFT PURPOSES, CERTAIN
INDIVIDUALS, AND MUSIC WITH LUNCH, CAREFULLY SELECTED TOUR
GUIDES WITH CAREFULLY PREPARED SPIELERS, JONESTOWN APPEARED
TO BE MUCH MORE THAN A POTEMKIN VILLAGE.

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P R 291940Z DEC 76FM AMEMBASSY GEORGETOWN
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STATE PASS TO USIA/ILA

E.O. 11652: N/A
TAGS: PFOR, SOPM, OY, US
SUBJECT: DYMALLY VISIT TO GUYANA

1. LT. GOV. DYMALLY DURING HIS VISIT TO GUYANA HELD A SHORT PRESS CONFERENCE ON DEC. 28, REPORTED IN DAILY CHRONICLE ON DEC. 29 DYMALLY ANNOUNCED TO PRESS THAT HE PLANS TO URGE DEPARTMENT TO WORK TOWARDS GOOD RELATIONS WITH CARIBBEAN COUNTRIES. ARTICLE REPORTED THAT DYMALLY INTENDS TO MEET WITH THE QUOTE STATE DEPARTMENT CARIBBEAN DESK UNQUOTE SOMETIME AFTER CARTER INAUGURATION.

2. DYMALLY WAS ALSO QUOTED AS SAYING THERE WAS BASIC GOODWILL IN THE CARIBBEAN TOWARD U.S. AND THE QUESTION IS WHETHER THE U.S. WANTS TO PURSUE A POLICY REFLECTING THIS GOODWILL. DYMALLY CONTINUED THAT THERE WAS GREAT MISUNDERSTANDING BETWEEN THE

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CARIBBEAN COUNTRIES AND THE U.S. CARIBBEAN COUNTRIES FEAR

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DESTABILIZATION IN THIS REGION AND WHAT WAS NOW NEEDED WAS THE USHERING IN OF A NEW ERA OF UNDERSTANDING. DYMALLY STATED THAT HE HAD MET AIDES OF PRESIDENT-ELECT CARTER BEFORE THE NOVEMBER ELECTIONS AND WAS GIVEN ASSURANCES THAT THE U.S. UNDER A CARTER ADMINISTRATION WOULD NOT INTERFERE IN THE DOMESTIC AFFAIRS OF OTHER NATIONS.

3. REMAINDER OF ARTICLE DEALT WITH DYMALLY'S BACKGROUND AND PURPOSE OF TRIP WHICH WAS TO VISIT PEOPLE'S TEMPLE AGRICULTURAL MISSION AT PORT KAITUMA. DYMALLY IS SCHEDULED TO MEET TODAY WITH PRIME MINISTER AND ATTEND A LUNCHEON HOSTED BY DEPUTY PRIME MINISTER.

4. CHARGE MET WITH DYMALLY FOR SHORT PERIOD UPON HIS ARRIVAL IN GEORGETOWN DEC 27 AND AGAIN FOR LONGER PERIOD ON DEC 28. BISHOP JIM JONES, LEADER OF PEOPLE'S TEMPLE CHRISTIAN CHURCH, WAS ALSO PRESENT AT SECOND MEETING WHEN CHARGE SUMMARIZED PRESENT STATE OF U.S.-GEO RELATIONS. CHARGE EMPHASIZED TO BOTH DYMALLY AND JONES USG ANGER OVER BURHAM'S OCT 17 SPEECH WHEN BURHAM IMPLIED U.S. COMPLICITY IN CUBANA AIRLINE CRASH DESPITE REPEATED ASSURANCES OF U.S. NON-INVOLVEMENT FROM HIGHEST LEVEL OF USG. CHARGE CONTINUED THAT RECENT HARSH GOG RHETORIC IN LOCAL PRESS AND OTHER FORA CHARGING U.S. WITH DESTABILIZATION OF GUYANA AND CHARACTERIZING U.S. AS ENEMY HAS FURTHER HAMPERED NORMALIZATION OF RELATIONS. JONES AND DYMALLY BOTH STATED THAT THEY HAD MET ON DEC. 28 WITH FOWHIN WILLS WHO EXPRESSED FEAR THAT USG WOULD DESTABILIZE GUYANA LIKE HE DID CHILE. JONES ALSO INDICATED THAT THERE WAS REAL FEAR AMONG GOG THAT CIA WAS SUPRANATIONAL AGENCY ANSWERABLE TO NO ONE, WHO WERE ACTING AGAINST GUYANA UNBEKNOWNST TO OTHER AGENCIES OF USG. CHARGE CATEGORICALLY DENIED ANY AGENCY OF USG INCLUDING CIA WERE ACTING AGAINST GUYANA. CHARGE INDICATED THAT GUYANESE SIMPLY REFUSE TO BELIEVE OUR DENIALS EVEN THOUGH THEY HAVE NO EVIDENCE ON WHICH TO BASE THESE FEARS AND ACCUSATIONS. ON THE CONTRARY, GOG RECENTLY HAS GONE OUT OF ITS WAY TO BE ABRASIVE IN ITS RELATIONS WITH U.S. CHARGE THEN STATED PROBLEM IS WHY IS GOG SEEMINGLY SO HOSTILE ESPECIALLY SINCE THERE DOES APPEAR TO BE GENUINE REGARD
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PAGE 03 GEORGE 02637 292009Z

FOR AND GOODWILL TOWARD U.S. BY AVERAGE GUYANESE.

5. DURING COURSE OF CONVERSATION JONES APPEARED TO QUESTION CREDIBILITY OF USG ESPECIALLY CONCERNING CIA ACTIVITIES AND OUR SUPPORT FOR REGIMES THAT SEVERELY RESTRICT HUMAN RIGHTS. CHARGE REPLIED UNFORTUNATELY MOST COUNTRIES IN WORLD TODAY RESTRICT AND VIOLATE HUMAN RIGHTS. BUT THAT DEPARTMENT HAS TAKEN LEAD IN

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IDENTIFYING PROBLEM AND PRESSING FOR AMELIORATION OF CONDITIONS WHERE POSSIBLE. JONES ALSO MENTIONED HE HAD MET WITH MRS. CARTER AND VICE PRESIDENT-ELECT MONDALE EARLIER WHO ASSURED HIM CARTER ADMINISTRATION WOULD NOT INTERFERE IN DOMESTIC AFFAIRS OF GUYANA. JONES INTENDS TO PASS THIS MESSAGE TO BURNHAM TODAY (DEC 29) WHEN HE SEES HIM.

6. DYMALLY STATED HE WILL CONTACT COUNTRY DIRECTOR HEAVNER SOMETIME AFTER JANUARY 20 TO DISCUSS THE RESULTS OF HIS VISIT TO EASTERN CARIBBEAN.
MCCOY

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**J. JANUARY 31, 1979, LETTER FROM HON. CLEMENT J. ZABLOCKI TO
THE DEPARTMENT OF STATE**

CLEMENT J. ZABLOCKI, SENATOR

J. W. F. STANLEY, JR., ILL.
 LARRY A. PAVEL, ILL.
 LEO J. COFFEY, JR., MICH.
 D. LINDA E. HIGGINS, PA.
 STANLEY M. FRISER, MICH.
 LINDA M. ROSENTHAL, N.Y.
 LEE H. HAMILTON, IOWA
 EDWARD S. WOLFE, N.Y.
 JONATHAN S. BIRNBAUM, N.Y.
 GUS FRISON, PA.
 MICHAEL W. BRISTON, ILL.
 BOB J. BISH, CALIF.
 EDWARD TULLOCH, ILL.
 STEPHEN J. SOLARI, N.Y.
 WILLIAM S. MERRILL, N.J.
 SCHWENKER, WASH.
 GERRY S. STUCKE, MASS.
 ANNE HILLARD, FLA.
 STANLEY J. REESE, OHIO
 ANTHONY E. FLECKNER, CALIF.
 WYATT EDGEMER, JR., CALIF.
 P. (NINA) DEER GAZEL, TEX.
 GEORGE S. DANIELSON, CALIF.
 JOHN J. CAVANAGH, ILL.

WILLIAM S. BUCKLEY, ILL. MEM.
 CLAUDE E. WOODRUFF, ILL.
 PAUL SIMS, ILL.
 JOHN RICHMOND, JR., ILL.
 J. HERBERT BLAKE, ILL.
 CHARLES W. WHELEN, JR., OHIO
 LARRY WAIN JR., OHIO
 BENJAMIN S. STEWART, N.Y.
 TERENCE GAYE, OHIO
 ROBERT S. SCHERER, CALIF.
 WILLIAM P. GARDINO, PA.
 JAC. PATERNAS, WASH.

**Congress of the United States
Committee on International Relations**

**House of Representatives
Washington, D.C. 20515**

January 31, 1979

JOHN J. TRACY, JR.
CHIEF OF STAFF

**Honorable Cyrus R. Vance
Secretary of State
U.S. Department of State
Washington, D.C. 20520**

Dear Mr. Secretary,

The staff investigation of Congressman Ryan's murder in Guyana has reached the point where it may be necessary to interview, both here and abroad, a number of Guyanese officials. This effort will require the cooperation of the Department. I would, therefore, appreciate your suggestions as to how best to coordinate this stage of the investigation with appropriate Department officials.

With best wishes, I am

Sincerely yours,



Chairman

CJZ:nlb

**K. FEBRUARY 11, 1979, INTERIM RESPONSE FROM THE DEPARTMENT
OF STATE TO THE JANUARY 31, 1979, LETTER FROM HON. CLEMENT
J. ZABLOCKI**

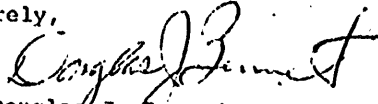
Dear Mr. Chairman:

The Secretary has asked me to thank you for your letter of January 31 regarding the possibility of interviewing Guyanese officials, both here and abroad, in connection with Congressman Ryan's death.

In order to determine the best approach on this matter, we have cabled our Embassy in Georgetown requesting their comments.

Please be assured that we will be in touch with you again as soon as this information is available.

Sincerely,



Douglas J. Bennet, Jr.
Assistant Secretary for
Congressional Relations

The Honorable
Clement J. Zablocki, Chairman,
Committee on Foreign Affairs,
House of Representatives.


**L. MARCH 2, 1979, FINAL RESPONSE FROM THE DEPARTMENT OF STATE
TO THE JANUARY 31, 1979 LETTER FROM HON. CLEMENT J.
ZABLOCKI**

Dear Mr. Chairman:

As a result of your letter of January 31, 1979, we have been in close communication with members of the Committee staff, and have also been in touch with our Embassy in Georgetown, Guyana. Our Ambassador in Georgetown is scheduled to meet with Prime Minister Burnham on March 3 to deliver a letter from you requesting agreement to members of the Committee staff traveling to Guyana to interview Guyanese Government officials and others. He will also inform the Prime Minister of some of the people whom the Committee staff wish to interview. Once the Prime Minister's agreement in principle has been obtained, I understand detailed procedures for conducting the interviews will be worked out between the Committee staff and the Embassy of Guyana here in Washington.

I trust this initiative will produce the desired results and lead to an early conclusion of the Committee staff investigation of the circumstances surrounding the tragic death of Congressman Leo J. Ryan.

Sincerely,


Douglas J. Bonnet, Jr.
Assistant Secretary for
Congressional Relations

The Honorable
Clement J. Zablocki,
Chairman, Committee on
International Relations,
House of Representatives.

**M. FEBRUARY 2, 1979, LETTER FROM HON. CLEMENT J. ZABLOCKI TO
THE DEPARTMENT OF STATE**

CLEMENT J. ZABLOCKI, MR. CHIEFMAN
 L. H. FOX, DEAN, N.Y.
 FAYE D. TAVEL, N.Y.
 CHARLES F. T. S. S. S. S.
 ROBERT M. L. S. S. S.
 DONALD W. BROWN, D. W. W.
 BENJAMIN S. BROWN, N. Y.
 LEO M. HANLON, IND.
 LESTER L. HAYES, N. Y.
 JEROME S. B. HANSEN, N. Y.
 G. B. HANSEN, N. Y.
 MICHAEL HENRICH, MASS.
 LEO J. HENRICH, CALIF.
 CAROLINE COLLINS, ILL.
 STEPHEN J. HARRIS, N. Y.
 WILSON S. HARRIS, N. Y.
 DONALD HENRICH, MISS.
 BERTIE HENRICH, MISS.
 ANDREW HENRICH, ILL.
 DONALD J. HENRICH, OHIO
 ANTHONY C. HENRICH, CALIF.
 WYNE HENRICH, N. Y.
 S. (WIFE) DE LA GRADA, TEX.
 STUART S. HANLON, CALIF.
 JAMES J. HANLON, MISS.

WALTER BRADY, JR.
 CHIEF OF STAFF

**Congress of the United States
 Committee on International Relations**

House of Representatives
 Washington, D.C. 20515

February 2, 1979

The Honorable Cyrus R. Vance
 Secretary
 U.S. Department of State
 Washington, D.C. 20520

Dear Mr. Secretary:

In connection with the continuing staff inquiry which I have ordered into the death of Representative Leo J. Ryan and the resulting incidents at Jonestown, Guyana, the Committee respectfully requests the following additional information and materials:

- (1) As a part of a series of memoranda partially submitted under cover of Mr. Douglas Bonnet's January 4 letter to me it was the Committee's understanding that all U.S. Government officials affiliated with the U.S. Embassy who had any kind of contact with the People's Temple organization in Guyana, including representatives of the Central Intelligence Agency, would submit statements summarizing that contact. On the basis of that understanding the Committee assumes that additional statements will be provided. This request applies to the period from the inception of People's Temple activities in Guyana in 1974 through November 18, 1978.
- (2) Copies of State Department legal interpretations of and guidelines for implementation of the Privacy Act with particular reference to the question of whether, in the opinion of the Department of State, the Act applied to minors. In this same connection the Committee would require an explanation of the timeframes within which such interpretations and guidelines were formulated and provided to consular and embassy officials abroad.
- (3) Any information which the Department of State may have regarding the exit from the United States and the arrival in Guyana of a minor child by the name of Dana Griffith.
- (4) As of November 14, 1978, what was the State Department's and the U.S. Embassy's in Guyana understanding regarding the legal arrangement under which the People's Temple established and operated Jonestown? Also did that arrangement limit or preclude entry by any individual or group? Lastly, would you provide us with a copy of the arrangement document?

(4) A report on whether any foreign passports were found among the files in Jonestown, Guyana.

(5) A complete and detailed report on any Freedom of Information Act, filed with the Department of State involving People's Temple between 1974 and November 18, 1978, including an indication of the time lapsed between the filing of such reports and compliance with them.

(6) Any information the State Department may have regarding the visits to any foreign countries, especially those in Eastern Europe, of Mr. Jim Jones and Mr. Tim Stoen.

(7) During the period of February-September 1977 the U.S. Customs Service undertook an investigation of allegations that People's Temple was smuggling guns and other contraband into Jonestown. The final report was subsequently submitted to Interpol. Relative to the Customs Service report the Committee is interested in learning (a) if the report was provided to State and when and what distribution was made of it; and (b) if any subsequent Interpol action relative to the Customs report became known to the State Department, including the U.S. Embassy in Georgetown.

(8) The precise time and the method by which the U.S. Embassy in Georgetown learned of the shooting at the Port Kaituma airstrip. Also, the precise time and method by which that same information was conveyed for the first time to U.S. Government officials in Washington.

(9) Beyond the Jonestown guestbook, copies of which you have already provided, please provide information on any additional visitors to Jonestown of which you may be aware.

(10) The source of your understanding in your December 13 report that there were 33 weapons found in Jonestown after the tragedy. In addition, please indicate whether any new information has come to light which would change the total number of weapons found at Jonestown.

As always, your cooperation in responding to these questions will be deeply and genuinely appreciated.

With best wishes, I am

Sincerely yours,

Chairman

CJZ:ghr

**N. MARCH 14, 1979, FINAL RESPONSE FROM THE DEPARTMENT OF
STATE TO THE FEBRUARY 2, 1979 LETTER FROM HON. CLEMENT
J. ZABLOCKI**

(Materials contained in this response include statements of U.S. Embassy personnel in Georgetown, Guyana who had contact with the People's Temple and a copy of the land lease for the Jonestown settlement agreed to by the People's Temple and the Government of Guyana. In addition to the documents shown here, a number of classified documents pertinent to appendix I-C-1 are maintained on a confidential basis in the committee files. Materials and information on the Privacy Act and the Freedom of Information Act referred to in this letter are found in appendix III-G-3.)

Dear Mr. Chairman:

This letter, along with my interim reply of February 28, completes the Department's response to your letter of February 2. The answers to your questions, information, and enclosures follow the order and format used in your letter.

(1) At Tab A are the statements you requested. To the best of our knowledge you now have the statements of everyone currently at the Embassy in Georgetown who had contact with the People's Temple. Your staff investigators have already met with Department personnel who had contact with the People's Temple.

(2) The material at Tab B contains guidelines issued by the Department and the Office of Management and Budget for implementation of the Privacy Act. In this connection included at Tab C is a compilation of Privacy Act requests received by the Department from the People's Temple. You will note that the Department received twenty-six such requests. The material at Tab C also contains an explanation of how these requests were processed.

Regarding your request for information on whether the Department believed the Privacy Act applied to minors, we have followed the guidelines issued on July 9, 1975 and supplemented on November 21, 1975 by the Office of Management and Budget. These guidelines state in part: "It should be noted that this provision is discretionary and that individuals who are minors are authorized to exercise the rights given to them by the Privacy Act or, in the alternative, their parents or those acting in loco parentis may

The Honorable
Clement J. Zablocki, Chairman,
Committee on Foreign Affairs,
House of Representatives.

exercise them in their behalf. This is not intended to suggest that minors are precluded from exercising rights on their own behalf. Except as otherwise provided the Act (e.g., general or specific exemptions) a minor does have the right of access to a record pertaining to him or herself (40 Federal Register 28970, as supplemented).

(3) The Department has not been able to locate any record of passport issuance to Dana Griffith. Our Embassy at Georgetown has also reported that Guyanese immigration authorities could find no record of entry for Dana Griffith, although their immigration records did show that other Griffith family members arrived in Guyana on August 11, 1977. As I mentioned in my previous letter to you of February 28, there is currently no method by which we can determine when Ms. Griffith departed the United States.

(4) As of November 14, 1978 the Department understood that the People's Temple occupied Jonestown and the surrounding agricultural lands under a lease agreement with the Government of Guyana. This understanding was provided by Guyanese officials to our Embassy in Georgetown. Although the Department was not aware of the precise details of the lease, we were informed that it granted the People's Temple the right to occupy a large tract of land in the Northwest District of Guyana. The Temple, in return, was obligated to clear specified portions of the land and to develop it for agricultural use. The Temple's rights, in a general sense, were understood to be those of any other lessee. Accordingly, the Guyanese Government stated that the Temple had the right to exclude from the lease-hold persons or groups attempting to enter without its permission.

A copy of a specimen lease, found in the files of the Temple at Jonestown, is enclosed at Tab D. We are attempting to obtain a copy of the specific lease from the Government of Guyana.

(5) Our Embassy reports that, to the best of its knowledge, of the 803 passports turned over by the Guyanese Police only two were British Honduran (Belizean) and one British:

(6) Attached at Tab K is a complete and detailed report of Freedom of Information Act requests filed with the Department of State between 1974 and November 18, 1978 relating to the People's Temple.

(7) The following information has been developed about Jim Jones' foreign travel since my last letter. Our Embassy has informed us that it had heard rumors that Jim Jones may have visited Cuba in October, 1976. However, we have reviewed the three Jones passports in our possession, and they do not contain any Cuban entry or exit stamps. This is not surprising since in 1976 a U.S. passport could not be used for travel to Cuba. The passports do show numerous visits to Guyana between August, 1974 and July 16, 1977, a 9-day stay in the United Kingdom from August 28 to September 6, 1974, and a 3-day stop in Grenada from May 5 to May 7, 1977. One of Jones' passports also has Kenyan, Zambian, and Tanzanian visas issued in 1973, but there is no evidence to show he ever visited those countries.

(8) (a.) The Office of Munitions Control in the Department received the Customs Service report of investigation on September 1, 1977 and forwarded a copy to the Bureau of Inter-American Affairs on September 6, 1977. The Bureau made no further distribution within the Department or to our Embassy in Georgetown. Mr. Clyde G. Bryant, Jr. of the Office of Munitions Control recalled that he was informed by the U.S. Customs Service by telephone around September, 1977 that a search of household effects being exported through Miami and belonging to members of the People's Temple had failed to uncover any firearms. Since there was no evidence of a violation of Section 38 of the Arms Export Control Act (22USC 2778), no further action by the Office of Munitions Control was taken.

(b.) The Department was aware that the Customs Service report was being forwarded to INTERPOL. However, neither the Department nor our Embassy in Georgetown was informed by either the U.S. Customs Service or the Guyanese Government of any subsequent INTERPOL action relative to the report. Our former Consul in Georgetown was aware that the Guyanese Customs Service had closely inspected some shipments destined for the People's Temple, but he was never told that this inspection was a result of a request by INTERPOL.

(9) A detailed recapitulation of the events of November 18 follows. The recapitulation begins, at the time the Embassy learned of the shooting at the Port Kaituma airstrip. It includes information on the movement of the Guyana Airways' twin otter that was sent to pick up the Congressional party at Port Kaituma.

Guyana Airways Corporation (GAC) records show that the GAC twin otter left Georgetown's Timehri airport at 1552 hours November 18 and arrived at Port Kaituma at 1647 hours local time. The single engine Cessna arrived in Port Kaituma at the same time. The attack on the Congressional party took place approximately a half hour later.

At approximately 1800 hours, Prime Minister Forbes Burnham telephoned the Ambassador and requested that the Ambassador come immediately to the Prime Minister's Georgetown residence. At approximately 1815 hours, Embassy Second Secretary Joseph Hartman, who earlier in the day had helped to arrange the charter of the Cessna, was telephoned by a representative of the owner of the aircraft who informed Mr. Hartman that he had heard from a civil aviation official that there had been a shooting incident at the Port Kaituma airstrip.

Mr. Hartman immediately called Consul Douglas Ellice. He then went to Mr. Ellice's house, approximately 150 yards from his own. He informed Mr. Ellice of the telephone call he had received from the owner

of the Casana. Mr. Ellice immediately telephoned the Ambassador, but the Ambassador had already left to go to the Prime Minister's residence. Second Secretary Peter Londono was at Timehri Airport together with HPAC Staff Member James Scholleart to meet the delegation upon its return from Port Kaituma. He was informed by the airport authorities at approximately 6:15 PM that a shooting had occurred at Port Kaituma and that the Ambassador was at that moment on his way to meet with the Prime Minister.

After receiving an initial briefing from the Prime Minister on the shooting at Port Kaituma as well as on what the Government of Guyana (GOG) planned to do to get security forces into the area, the Ambassador went directly to the Chancery, arriving at 7:55 PM according to the log book of the Marine Security Guard, and dictated 78 Georgetown 3774 which was sent at 2030 hours local time (6:30 Washington time). The Ambassador also placed an overseas call to Ashley Hewitt, the Director of the Office of Caribbean Affairs. The call could not be completed immediately. Therefore, when the Ambassador left the Chancery to return to the Prime Minister's residence at 8:30 PM, he instructed his Secretary to read the text of his message to Hewitt when the call went through. This was done at approximately 8:40 PM.

(10) In addition to the visitors cited in the Jonestown guest book already provided to the committee, the following individuals are known also to have visited Jonestown: GOG Chief Medical Officer; GOG Minister of Foreign Affairs Fred Wills and Minister of Education Vincent Teekah; GOG Northwest Regional Development Officer; British High Commissioner Peter Gautrey; Chancellor of the University of Guyana; GOG Permanent Secretary of the Ministry of Public Works; GOG Assistant Director-General of National Service; GOG Northwest Regional Minister; a Dr. Albert Greenfield; Attorney Charles Garry; Guyanese Dental Surgeon Dr. Ng-A-Fook; the Reverend and Mrs. John Moore (whose two daughters perished on November 18 at Jonestown); GOG Permanent

Representative to the UN Rashleigh Jackson (before his appointment as Minister of Foreign Affairs).

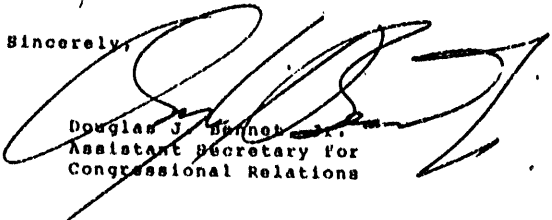
(11) The Department's information concerning the number of weapons found by the Guyanese Police was supplied by the FBI Legal Attache on temporary duty in Georgetown. The Attache was informed by the Guyanese Police that thirty-two weapons, including one signal flare pistol, were recovered by the Police at Jonestown. Together with the pistol allegedly taken from Lawrence Layton by Dale Parks at Port Kaituma on November 18, this makes a total of thirty-three weapons. In addition, two weapons were seized by the Police in Port Kaituma from Tim and Michael Carter and Michael Prokes. This makes a total of thirty-five weapons taken from People's Temple members. Guyanese Police officials have informed our Embassy that they have no knowledge of any other weapons at Jonestown.

I hope this information meets your requirements. I assure you that the Department will continue to assist in every way possible your inquiry into the tragic events that occurred last November.

Enclosures:

As stated above.

Sincerely,



Douglas J. Bennett
Assistant Secretary for
Congressional Relations

MEMORANDUM FOR THE FILESStatement: Contacts with Representatives of the Peoples Temple.

On January 23, 1978 three members of the Peoples Temple (Mr. Timothy Carter, Ms. Sharon Amos and Ms. Paula Adams) paid a courtesy call on me at the Embassy. I was joined in this meeting by DCM John Blacken and Consul Richard McCoy. The meeting took place some three months after my arrival and was at the request of the Peoples Temple representatives. Its purpose appeared to be to acquaint me with their work and especially their activities in connection with the agricultural mission at Jonestown. I recall little of the substance of the meeting, merely that I indicated briefly to the group what the Embassy's consular responsibilities were vis-a-vis private American citizens living abroad. I do not recall the meeting lasting more than half an hour.

On June 26, 1978 Mrs. Marceline Jones (wife of Reverend Jim Jones), accompanied by Ms. Sharon Amos and one other Peoples Temple representative (whose name I do not recall), paid a courtesy call on me at my office. DCM Richard Dwyer and Consul McCoy sat in on this meeting. The purpose of the call, which had been requested by Peoples Temple, was to give Mrs. Jones -- who was in Georgetown on a brief visit -- an opportunity to explain to me the activities of the organization in Guyana. I recall that most of the conversation dwelt on their efforts to expand agricultural production at Jonestown and particularly the various crops which they were endeavoring to grow. I do recall asking Mrs. Jones when Jonestown expected to be self-sufficient in terms of food production to which she replied that it would be another three to five years. I recall nothing further of substance discussed at the meeting.

John R. Burke
Ambassador to Guyana

15 Feb 79.

CONTACTS WITH THE PEOPLE'S TEMPLE

RICHARD A. DWYER
Deputy Chief of Mission

I arrived in Guyana on April 14, 1978. My first meeting with representatives of the People's Temple was coincident with a visit to Jonestown on May 10 with Consul McCoy, reported in detail in 78 Georgetown 4401. Not very long after the visit to Jonestown I received by telephone an invitation from Mr. Tim Carter to dinner at the Georgetown headquarters of the People's Temple which I declined.

On June 26, 1978, I attended a meeting requested by the People's Temple for Mrs. Marcelline Jones with Ambassador Burke. Mrs. Jones was accompanied by Mrs. Sharon Amos and one other Temple member. Mrs. Jones described the progress of the settlement at Jonestown and stressed that the group wished to be a credit to both the United States and Guyana.

In the course of the summer months I recall that the People's Temple members called on me at least twice at the office. On the two occasions which I recall, I requested Embassy Third Secretary T. Dennis Reece to attend the meetings. Messrs. Tim Carter and Michael Prokes were present at both meetings as I recall, together with a third Temple member who was on one occasion Mrs. Deborah Touchette. During one meeting the Temple members complained that they had reports that an American "ham" radio operator named Malcolm operating in Georgetown had been overheard to denigrate the People's Temple in radio conversations with other amateur radio operators in the United States. (Mr. Malcolm Jensen, Agency for International Development Executive Officer in Georgetown at the time, was licensed to operate amateur radio equipment. Mr. Jensen's supervisor discussed the report with him in which discussion Mr. Jensen stated that he could not recall any comment of his which might be considered derogatory to the People's Temple.) At both meetings with the Temple representatives they expressed concern that the Embassy was in some manner taking sides against them. I assured the representatives that the American Embassy in Georgetown, in common with all other American Embassies, had as its objective to provide scrupulously impartial consular services to all American citizens abroad, irrespective of their personal, political or religious convictions.

In September Mr. Mark Lane, an American attorney for the People's Temple, visited Guyana. After visiting Jonestown for a few days he returned to Georgetown and held a press conference on September 19 at which he stated that the Reverend Jim Jones and the People's Temple were the victims of a conspiracy to

destroy them and that a number of United States agencies, including intelligence agencies, were the primary organizers of the conspiracy. (See 77 Georgetown 3098 and 3174) At about 1300 hours on September 20 in the lobby of the Hotel Pegasus I met by chance People's Temple member Mr. Tim Carter who introduced me to his companion whom he identified as Mr. Mark Lane. I mentioned to Mr. Lane that I had heard reports of his press conference and that I would look forward with interest to hearing a fuller report of it. Mr. Lane made no substantive reply.

That evening, I believe, I received a call from the Marine Security Guard at the Embassy stating that Mr. Mark Lane wished to speak with me. I returned his call at a telephone number which proved to be that of the People's Temple headquarters in Georgetown. I spoke, I believe, to a Ms. Casanova who told me that Mr. Lane had had to leave for the airport but had left a message for me. The message appeared to be garbled but the inference seemed to be that Mr. Lane did not believe the American Embassy in Georgetown was part of the conspiracy of which he had spoken.

The next morning I received a call from Mr. Tim Carter of the People's Temple who asked if I would meet with him and Mr. Mark Lane. A meeting was arranged for 0800 the following morning, September 22. Messrs. Carter and Lane did not keep the appointment. Instead, Mr. Carter called me at about 0830 to say that Mr. Lane and he had become aware of the Embassy's efforts to suppress accounts of Mr. Lane's press conference in the local press, and that Mr. Lane had therefore revised his thinking that the Embassy was not an active participant in the alleged conspiracy. I told Mr. Carter that this was utter nonsense; that the Embassy had no control over the local press (which is quite often critical of the US); that Mr. Lane had requested to meet with me, not I with him; and that if he did not wish to meet with me I would appreciate the courtesy of a timely cancellation of the appointment.

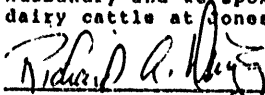
A few days later, possibly on September 25, Mr. Carter called again to ask if he might bring to the office a cassette recorded message from the Reverend Jim Jones to me and I agreed.

Mr. Carter was accompanied by one or two other People's Temple members when he came to the Embassy, of whom I believe Mr. Prokes was one. Mr. Carter brought with him a small, portable cassette recorder with a headset. Jones' message, with the exception of a reference to my May 10 visit to Jonestown, was largely impersonal. (Whether the message had been recorded directly by Jones or had been broadcast to Georgetown via the People's Temple radio and then recorded I could not tell.) He expressed the hope that Jonestown would be a credit to both the US and Guyana, but complained of the "lies" and "conspiracies" directed against the Temple and himself. He claimed to have been

open in his dealings with the Embassy but had heard that the Embassy was spreading calumnies against the Temple. He stated that he had been ill and that the plots against him made it difficult to recover quickly. I told Mr. Carter and his colleagues that there was no foundation to the allegations that the Embassy was attempting to undermine the People's Temple, and reiterated American policy to treat all Americans abroad with fairness and scrupulous impartiality in accordance with the relevant laws and regulations. I noted that I found the utilization of recorded messages rather strange and that I should prefer to have written communications in the future.

I do not recall further contacts with the People's Temple until preparations began for the visit of Congressman Ryan to Guyana. On November 2 I called Mrs. Sharon Amos to offer to make available to her a copy of the message sent the Reverend Jim Jones by Congressman Ryan, stating that the Embassy had received a copy and thought that the People's Temple might not yet have received the original message by commercial means. Mrs. Amos said that they had not got the message. I read it to her on the telephone, and made a copy for the Temple to pick up from the Embassy receptionist. I had other conversations with Mrs. Amos regarding the Congressional delegation prior to November 15 when the Congressman and members of his staff began direct conversations with members of the People's Temple in Georgetown. On November 9, for example, I telephoned Mrs. Amos to say that the Embassy had received official confirmation of the visit of Congressman Ryan (State 281974 of November 6, 1978) and inquired as to whether it would be possible for the Congressman to visit Jonestown. Mrs. Amos reiterated conditions for the visit (presence of attorney Mark Lane, a balanced and integrated delegation, etc.), said that she had heard from San Francisco that the Congressman would be accompanied by an NBC television crew, and that the People's Temple considered Congressman Ryan to have proved himself antagonistic to the Temple as he had some months before written a letter to a constituent saying he favored the return of the child John Stoen to his mother although the Stoen custody case was before the Guyanese courts. Therefore, Mrs. Amos felt that the Congressman would not be permitted to visit Jonestown. I promised to keep Mrs. Amos informed of the official composition of the delegation who desired to visit Jonestown and on November 13 I again spoke with Mrs. Amos to say that I had received information from Washington that the Congressman would be accompanied by two staff members whose names I spelled out for her. I added that we were aware that members of the "Concerned Relatives" might be in Georgetown at the same time as the Congressman and that while the Department of State had no official word on travel of media to Guyana, I would not be surprised should members of the press or other media arrive in Georgetown during the Congressman's visit.

On November 7 at the Soviet national day reception, I introduced myself to two or three individuals of a conversational group one of whom stated that he was an American, a Mr. Mitchell, of the People's Temple. Mr. Mitchell stated that his principal work was in animal husbandry and we spoke briefly about the development of dairy cattle at Jonestown.


Richard A. Dwyer

February 16, 1979

STATEMENT OF CONTACTS BY DEEN CONSUL AND PEOPLE'S TEMPLE

I arrived at post July 29, 1978 and assumed charge of the Consular Section of the Embassy on August 4, upon the departure of my predecessor, Mr. McCoy. My first meeting with representatives of the People's Temple took place on August 3 when 3 members of the organization paid a call on Mr. McCoy and myself.

In the months that followed I had dozens of meetings and/or telephone conversations with PT members. Among these were: Tim Carter, Sharon Amos, Maria Edwards, Marceline Jones, Guy Mitchell, Jim Jones, Jr., Terri Carter Jones, and Mary Ann Casanova. These meetings were generally concerned with Consular Affairs: drafts and births of American citizens, planned visits to Jonestown, passport applications, and notarial services. It is not now possible to provide the dates and subjects of all of the meetings. Nonetheless, there follows a general description of the nature of some of the activities that stand out in my memory.

August 3, 1978: This was the first meeting I had with PT members. One of the three callers (they almost always come in threes) was Sharon Amos. He caller had little substance, being mainly an introduction. Sharon Amos had Consul Richard McCoy to sign a statement she had prepared regarding conditions in Jonestown. He refused to sign it, which disturbed the Temple representatives.

August 22, 1978: I met Tim Carter and Marceline Jones in my office. Tim had called me the day before, told me that Mrs. Jones was in town, and invited me to join them that evening "for a drink." I declined, but indicated that I would be willing to see them in the office during normal duty hours, which they did. Mrs. Jones invited me to come up to Jonestown as soon as possible so that I could "see it for myself."

September 8, 1978: This meeting was to discuss my first trip to Jonestown which had been postponed at the request of the People's Temple (see 78 Georgetown 4173 of Dec. 8, 1978).

October 26, 1978: At this session Sharon Amos, Guy Mitchell and I discussed the visit to Jonestown which I now planned to make on November 7. They asked me to postpone this trip, saying that Dick Gregory and Beharred Ali (the boxer) were going to be visiting on that day. I insisted on going and they finally agreed. A few minutes after they had left, Sharon Amos returned to my office and corrected herself, saying that Ali was going to visit the San Francisco branch, not Jonestown.

November 7, 1978: The trip to Jonestown was reported at length in 78 Georgetown 4109.

There were, in addition to the above, other meetings the dates of which I do not recall. Some meetings, which took place in September/October, concerned the public image of the PT and their allegations that I or one of my staff were trying to "recruit" them. Tim Carter led a delegation to my office one day in early September to complain

that "someone in the Library" was "speaking lies" about them "in public". He was unable to say exactly who, but he protested very strongly that the Zerkow Library should not be publicly criticizing private Zerkow citizens. I assured him that the Library did not do so, and told him that unless he could make a specific allegation there was no comment I could make. His complaint cropped up again during the weeks that followed. At one meeting I was told that the alleged remark had been made "to a ABC official at a reception." Again I asserted that I could not respond to charges against unnamed employees for unspecified remarks.

On October 14, 1976 I began receiving a large number of letters from individuals along the same lines, except that the letters stated that the majority remarks were originating from the Circular Section. At a meeting shortly thereafter we discussed these letters. Tim Carter, who had written the letter writing campaign was being waged and stated that the letters were probably coming from anti people's people forces.

In late October/early November I had a series of meetings and telephone calls with individuals with the planned visit to Guyana (including the Rev. Dr. M. M. Taylor, who had been designated central figure in the visit). At the time of these meetings I was called by a woman who asked me to go on the visit. On November 3, 1976 I was informed by a woman who told me that the group was bringing a file away with her and that she would not be permitted to visit Guyana.

On November 17, 1976 I visited the reception headquarters of the people's people as the Congress and the party were arriving at Georgetown. After ascertaining that almost the entire group (including relatives and all but one journalist) had in fact been admitted to Georgetown, I briefed the Zerkow staff by telephone and left.

WVJ

Robert V. Allison, Jr.

February 15, 1979

CONTACTS WITH THE PEOPLE'S TEMPLE

T. DENNIS HERCE
Third Secretary/Vice Consul
Ambassy GEORGETOWN

Between May 2, 1977 and May 1, 1978 I sat in on several conversations American Consul Richard A. McCoy had with members of People's Temple in his office. Some of the conversations concerned refutations by the Temple members of various allegations made against the People's Temple but I do not remember other specifics of these conversations.

While acting Consul, I once had a call after hours via Chargé John D. Blacken, from People's Temple members concerning the death of an Amcit at Jonestown. They wanted to know if it was possible to cremate the deceased. I advised them to contact their local Government of Guyana health officer.

Between May 2, 1978 and November 17, 1978, I had approximately two conversations with People's Temple members in the office of DCM Richard A. Dwyer. Tim Carter and Michael Prokes were participants in one of the conversations. There may have been a third People's Temple member present, but I do not recall his or her name. The conversation, I believe, concerned the relationship of the U.S. Government and American press to the People's Temple. I had at least one other meeting with People's Temple members and Mr. Dwyer in the latter's office, but I do not remember the names of the People's Temple participants, the date(s) of the meeting(s), or the subject(s) of the conversation(s).

Between August 1978 and November 17, 1978 I sat in on at least two conversations between Consul Ellice and People's Temple members. One conversation concerned allegations by People's Temple members that members of the US Mission in Georgetown were conducting a "smear" campaign against People's Temple. Several members of the People's Temple were present, but the only one whose name I recall was Guy Mitchell. Approximately two to three weeks before CODEL Ryan arrived, I sat in on a conversation between Consul Ellice and Maria Casanova. The conversation concerned the Rev. James W. Jones' health and preparations for Congressman Ryan's visit to Jonestown. Ms. Casanova said that the Rev. Jones had apparently recently suffered a heart attack and that he might not be able to arrange for a visit.

On November 7, 1978 I accompanied Consul Ellice to Jonestown. The results of our visit are summarized in 1978 Georgetown telegram number 4109.

During the afternoon of November 18, 1978 I made numerous telephone calls to the People's Temple Georgetown headquarters to coordinate transportation and other arrangements for People's Temple members who wished to leave Jonestown that day via Port Kaituma, N.W.P.

Lastly, on a sunny, Sunday afternoon some time in 1977, while walking on Duke Street, betwixt Lamaha and Cowan Streets, Georgetown, I was stopped by at least two People's Temple members who appeared to be between the ages of 12 and 14. They had some brochures and said they wanted to tell me all about the People's Temple. I said I was not interested and continued on my way.

T. Dennis Reece
T. Dennis Reece

February 16, 1979



United States International
Communication Agency

EMBASSY OF THE
UNITED STATES OF AMERICA

Georgetown, Guyana

February 15, 1979

CONTACTS BY ICA OFFICERS IN GEORGETOWN, GUYANA
WITH MEMBERS OF THE PEOPLE'S TEMPLE

Stepney Cortez KIBBLE, Public Affairs Officer, FS10-3, ICA Georgetown

1. I met Tim Stoen, former member of and ex-attorney for the People's Temple, informally in November 1976 when he attended a Rotary Club meeting at the Pegasus Hotel. At that time, Stoen was still a People's Temple member.
2. On at least two occasions, ICA films on science, agriculture and general panorama of the U.S. were borrowed by People's Temple representative, Michael Prokes, for showing at Jonestown. On May 31, 1978 I personally met Prokes in my office when he requested permission to use the films.
3. I again met Prokes, in the company of Michael Carter, another People's Temple member, when they came to my office on December 1, 1978 to seek permission to use our library.

Stepney C. Kibble
Stepney C. Kibble
Public Affairs Officer



United States International
Communication Agency

EMBASSY OF THE
UNITED STATES OF AMERICA
Georgetown, Guyana

February 15, 1979

CONTACTS BY ICA OFFICERS IN GEORGETOWN, GUYANA
WITH MEMBERS OF THE PEOPLE'S TEMPLE

Thavanh SVENGSOUK, Assistant Public Affairs Officer, FSIO-5,
ICA Georgetown

1. On at least two occasions, ICA films on science, agriculture and general panorama of the U.S. were borrowed by People's Temple representative, Michael Prokes, for showing at Jonestown. On May 31, 1978 I personally met Prokes in my office when he requested permission to use the films.

A handwritten signature in cursive script, appearing to read "Thavanh Svengsouk".

Thavanh Svengsouk
Assistant Public Affairs Officer

EMBASSY OF THE
UNITED STATES OF AMERICA

CONTACTS WITH PEOPLE'S TEMPLE

NANCY H. HASON, VICE CONSUL

1. In late March, 1978, Sharon Amos stopped in my office following a meeting with Consul Richard A. McCoy, and offered me tickets to a show they (People's Temple) were having on April 1, 1978 at the Cultural Center. I declined the offer on the basis of a previous engagement.
2. Some time between April and May, 1978, I was in Richard McCoy's office, at his request, during a visit by members of the Temple. I do not recall the reason for the visit.
3. In late August or early September, 1978, I again "sat in" during a meeting between the Consul, at that time Mr. Douglas V. Ellice, and members of the organization. The visit was in the nature of a courtesy call on Mr. Ellice, who had just arrived in the country.
4. In September, 1978, I notarized affidavits executed by several members of the People's Temple.
5. Again in September, 1978, I authenticated the signature of a local notary public at the request of Mr. Timothy Carter, a member of the People's Temple.


Nancy H. Hason

CONTACTS WITH THE PEOPLE'S TEMPLE

ARVID G. HOLM, Vice Consul

From June 14, 1978, the date of my arrival on TDY in Georgetown, until the departure of Consul Richard McCoy in early August, I sat in on Mr. McCoy's meetings with representatives of People's Temple as an observer at his request. I did not participate in any manner whatsoever in the discussions which took place between Mr. McCoy and the People's Temple members. To the best of my recollection, there was usually one meeting a week.



Arvid G. Holm

February 16, 1979

Statement: Contact with the Peoples Temple in Guyana.

On April 1, 1978 I went to the National Cultural Center in Georgetown, Guyana, in company with Mr. Daniel Weber and Miss Anne Marie Weiss (also of the American Embassy Georgetown) to hear "A Cooperative Feeling: Cultural Review 1978" presented by The Peoples Temple Agricultural Project at Jonestown. As we were leaving I exchanged a few remarks with Miss Deborah Touchette who was standing at the exit door. As nearly as I can recall I told her I had enjoyed the musical program and she asked me if I had ever visited the Peoples Temple at Jonestown. I said that I had not, that I had not heard of it until I came to Georgetown. She said I would be welcome to visit there and mentioned that it was a pioneer agricultural project by Americans coming from the U.S. I believe I asked her if they came for a tour of duty as we did in the Department and then went home. She said they could go home if they wished but a great many of them had no home to go to.

That was the gist of our exchange as nearly as I can recall it, but it was almost a year ago, and I really gave it little thought.


Ardith H. Miller
Ardith H. Miller
Secretary to the Ambassador

15 Feb 79

20 February 1979

Leonard K. Barrett
Political Officer

I arrived at post on 11 June 1977, and assumed duties as a political officer at the U.S. Embassy in Georgetown. The only contact I had with a People's Temple member was in April 1978, at the bar of the Rum and Raleigh Room of the Hotel Pegasus. While in a conversation with a friend, I was referred to by the friend as a "colleague from the American Embassy." A young white female standing nearby presumably overheard my friend's reference to the American Embassy whereupon she introduced herself as Paula Adams from the People's Temple. I acknowledged her introduction but did not converse with her. When I turned to resume the conversation with my friend, Ms. Adams walked away. I had no further contact with her nor other People's Temple members prior to November 18, 1978.


Signed: Leonard K. Barrett

22 February 1979

Joseph W. Hartmann
Vice Consul

I arrived at post on 26 September 1976, and assumed duties as a Vice Consul at the U.S. Consulate in Georgetown. On 7 December 1977, two members of the People's Temple (PT) came to my residence as part of their routine to inform the people in Georgetown of the activities of the PT. They identified themselves as Joan Pursley and Bob Stroud. I introduced myself as an American Vice Consul, invited them inside and gave Mr. Stroud my calling card. Conversation was mostly limited to Mr. Stroud and Ms. Pursley describing life in Jonestown and listing People's Temple activities. Ms. Pursley asked a question about consular services available to them and any children they might have while residing in Guyana. (I understood that Mr. Stroud and Ms. Pursley were married.) I gave them a complete explanation of the consular services to which they were entitled. The encounter was friendly throughout and both Mr. Stroud and Ms. Pursley seemed to appreciate the information I had given them.

During 1977, I met PT member Ms. Paula Adams while attending an afternoon tea hosted by Mr. Mohamed Khan, a Guyanese citizen. Ms. Adams was in the company of Guyanese Ambassador to the United States, Lawrence Mann. During the course of our conversation, Ms. Adams posed several questions to me related to consular services available to Americans overseas. I responded to each of her questions. At no time did we discuss the People's Temple. I departed the tea party with my date, Ms. Rita Ramdayal, and never saw Ms. Adams again. I had no other contacts with the members of the PT.


Joseph W. Hartmann

GUYANA**LEASE OF STATE LAND FOR GRAZING PURPOSES
ON THE COASTLANDS**

Issued under Section 3(b) of the State Lands Ordinance
Chapter 175

hereinafter called the "Lessor" which term whenever the context permits or required shall be deemed to include the successor or successors in the said office do hereby in consideration of the covenants, provisions and rents hereinafter reserved, and subject to the State Lands Ordinance, Chapter 175, and the State Lands Regulations made thereunder in force at the date of the signing of this lease in so far as they are applicable to the same and not in conflict with any of the expressed or implied provisions of this lease, lease unto

herein termed the "Lessee" which term shall be deemed to include heirs, executors, administrators, representatives and assigns, and the said do hereby take on lease the natural surface of all that piece or parcel of State Land situated on the in the County of and State aforesaid, and more fully described as follows.--

containing

acres as shown on a diagram by

Government Surveyor, dated

the day of

Nineteen Hundred and hereunto attached, a duplicate of which diagram along with a duplicate of this lease is recorded in the office of the Department of Lands and Mines, Georgetown, Demarara.

TO HOLD the said premises for twenty-five years commencing from upon the following terms and conditions:

1. (1) Subject as hereinafter provided the Lessee shall pay to the Commissioner of Lands and Mines thereafter referred to as "the Commissioner", or to any officer duly authorized in that behalf an annual rent at the following rate per acre of the land hereby leased:

cents per acre for the first 5 years
cents per acre for the second 5 years

(2) Thereafter the rate at which rent is payable shall be liable to revision by the Government at five yearly intervals during the currency of the lease.

Provided that the Commissioner shall give to the Lessee at least six months notice in writing of any intended revision of the rent

(3) If any scheme is approved by the Government for empoldering or draining or irrigating any area of which the land hereby leased forms part of the rate at which rent is payable shall be liable to be increased to such rate as the Government may determine with effect from the first day of January next following the notification to the Lessee of such increase. If the Lessee gives to the Commissioner notice in writing of his refusal to pay the increased rent the lease shall be forfeited at the expiration of a period of six months from the date of the notification to the Lessee of the increase, and in such case the Lessee shall have the right within such period to remove any building or other erections existing on the land hereby leased and to receive compensation from a succeeding Lessee in the term of Clause 12 hereof.

(4) Rent shall be payable in advance without demand on the first day of January in each year until the termination of the lease.

2. Works to be carried out

(1) In this lease land capable of being drained means land from which water can be discharged into the sea or into any river, creek or other sufficient channel (whether natural or artificial) without the construction of any works outside the limits of the land hereby leased other than works for the purpose of discharging water across any adjacent reserve (or part thereof) or across the foreshore.

(2) Where at the commencement of this lease the land hereby leased is capable of being drained, the Lessee shall at his own expense carry out the works necessary for proper drainage of the land which works shall be completed to the satisfaction of the Commissioner within two (2) years of the date of commencement of this lease.

(3) Where at the commencement of this lease —

(a) the land hereby leased is not capable of being drained, and

(b) the Chief Works and Hydraulics Officer has certified that in his opinion it is likely that the land will at some future date become capable of being drained by reason of the construction of new drainage works by any authority or otherwise, and

(c) the said Chief Works and Hydraulics Officer has prescribed that in such event drainage works necessary for proper drainage of the land shall be carried out by the Lessee within such period as is therein prescribed, and where at any future date the said Chief Works and Hydraulics Officer certifies to the Commissioner that the land has become capable of being drained, the Commissioner may serve upon the Lessee a notice in writing to that effect, and the Lessee shall thereupon carry out the said works within the prescribed period, which shall be reckoned from the date of service of the notice.

- (4) Immediately upon the completion of any works required to be carried out by the Lessee under paragraphs (2) or (3) of this Clause, the Lessee shall bring the whole of the land hereby leased into a state fit for beneficial occupation as pasture land, and shall take all necessary steps to keep up, maintain and improve the pasture grasses thereon to the satisfaction of the Commissioner.

Provided that if the Commissioner is satisfied that from the nature of the land or the composition of the soil or for any other cause that the utilisation of certain portions of the land as pasture land is impracticable or uneconomical he would deduct the area of such portions i.e. not fit for beneficial occupation from the area which the Lessee is required to improve and maintain as pasture land.

- (1) The Lessee shall at his own expense enclose the whole of the land hereby leased with a fence to the satisfaction of the Commissioner and carry out such other works as may be reasonable for the control and management of livestock which fence and works shall be completed within two years of the commencement of the lease.

Provided that such fence may be erected jointly with an adjoining Lessee and provided further that the Commissioner may grant the Lessee exemption from fencing any part of the land which has frontage to a river or creek or other natural feature which in the opinion of the Commissioner serves the purpose of a fence.

- (2) The Lessee shall be responsible for the upkeep and maintenance of all such fences and other works as aforesaid to the satisfaction of the Commissioner.

- (3) The Lessee shall --

(a) within five (5) years of the commencement of this lease have and thereafter maintain upon the land not less than two (2) head of livestock for each acre of grazing land comprised in the area hereby leased (whether of his own stock or by way of agistment), provided that he shall not being to receive livestock for agistment without the consent in writing of the Commissioner which consent shall not be given until after the whole of the land hereby leased has been brought by him into a state fit for beneficial occupation as pasture land;

(b) control and manage such livestock in a husband-like manner.

(c) take all necessary steps to control pests and diseases on the land or among the livestock; all to the satisfaction of the Commissioner.

- (4) This lease is subject to the right of any person lawfully entitled to use a cattle-brand or his representative to enter on the land hereby leased to search for strays, provided that no such person shall enter upon such land without first notifying the Lessee, or his representative of his intention so to do, and that no stray shall be removed therefrom before it has been produced to the Lessee or his representative for inspection.

- Subletting 4. The Lessee shall not sublet the land hereby leased or any part thereof.
- Transfer and mortgage 5. The Lessee shall not transfer nor mortgage his interest in the lands comprised in this lease or any part thereof except in accordance with the provisions of the State Lands Regulations for the time being in force.
- Rates and taxes 6. The Lessee shall bear, pay and discharge all existing and future rates, taxes, assessments and outgoings imposed or charged upon the holding by any local or other statutory authority or in accordance with the provisions of any ordinance.

Note

Boundary
Pails

7. The Lessee shall be bound during the continuance of this lease to keep the boundary lines of the land hereby leased clear and open, to keep the boundary pails thereon in their correct positions and to place and maintain on the front of the tract at or near to each boundary pail a board on which shall be painted in legible letters and figures the name of the Lessor and the number and date of this lease.

As entry
by Lessor

8. The Lessor shall have full power and authority at all times during the term of this lease, to resume and enter into possession of any part or parts of the Land hereby leased which he may deem necessary to resume for any town site, village, railway, tramway, canal, telegraph line, roads, wireless or radio station, or power transmission and generally for any works or purposes of public use, utility or convenience, or to sell, lease, licence or otherwise dispose of to any person or persons any part or parts of the said land for any purpose as aforesaid without making to the Lessee any compensation in respect of any part so resumed or sold, leased, licensed or otherwise disposed of.

Provided that the lands to be so resumed or disposed of shall not exceed one-twentieth part of the whole of the land hereby leased.

And provided further that no such resumption or disposition of any part of the said lands upon which any buildings or works have been erected or carried out or which may be enclosed and in use for the more convenient occupation of any building shall be made without the payment to the Lessee of Compensation as provided in Regulation 41 of the State Lands Regulations.

And provided further that where any part or parts of the lands comprised in this lease is or are resumed, or possession taken of or sold, leased, licensed or otherwise disposed of as herein provided, this lease shall immediately determine over such part or parts and the rental reserved by this lease shall be proportionately reduced.

Works to
be carried

Inspections

9. (1) The Lessee shall in the month of December at the end of the second year and thereafter at the end of every fifth year during the continuance of this lease submit in writing to the Commissioner a report stating

- (a) the length, width, depth and condition of each trench and drain and the length, width height and condition of each dam constructed or erected,
- (b) the total area not under beneficial occupation as a pasture, the condition and reasons therefor,
- (c) the total area fenced, and the nature and length of the fence used,
- (d) the total number of livestock kept with respect to each kind of livestock,
- (e) the state of pests and diseases and the steps if any taken against the same.

(2) On the Lessee failing to submit the aforesaid reports as required or in the event of the said report being false in any material particular, the Lessee shall on demand pay a sum of _____ cents per acre of the land hereby leased with a minimum charge of _____ dollars in respect of any inspection carried out in connection with such default under paragraph (3) of this Clause:

Provided that nothing in this paragraph shall be deemed to limit the right of inspection conferred by paragraph 9 aforesaid.

(3) Any officer of the Government authorised in that behalf by the Commissioner, shall be entitled to enter upon the land hereby leased at such times as may be reasonable to inspect the cultivation or stock and the works, boundary lines, notice boards and pails thereon and to do all things necessary to ascertain whether the conditions under which this lease is held are being complied with.

Minerals 10. This lease shall not confer on the Lessee the right to any gold, silver or other metals, minerals, orcs, bauxite, rock, gem or precious stones, coal, mineral oil or radioactive minerals in or under the land leased which shall be saved and reserved to the Lessor with the right to enter upon any part or parts of the land hereby leased whether by himself or by his servants or agents or by any persons authorised by him in that behalf to search and mine therefor subject, however, to the payment to the Lessee of compensation as provided in Regulation 43 of the State Lands Regulations.

Notice of forfeiture 11. For the purposes of this lease any notice shall be deemed to be duly served on the Lessee or the mortgagee as the case may be if sent to him by registered post or if service in this manner cannot be made by posting a copy of the notice in a conspicuous place on the land hereby leased.

Termination of lease 12. On the expiry of this lease by effluxion of time or upon the surrender or forfeiture thereof of all building, or erections and all improvements on the land hereby leased shall belong absolutely to the Government of Guyana.

Provided that if the land hereby leased is again leased within two years of the date of expiry, surrender or forfeiture as aforesaid the Lessee shall be entitled to receive from the succeeding Lessee the full value of all lawful improvements existing on the land computed as at the date of such renewal, and the amount of compensation payable in respect of such improvements shall be determined subject to the provisions of Regulation 43 of the State Lands Regulations and in the manner therein provided.

Breach of terms and conditions 13. (a) Where any instalment of rent payable hereunder is three (3) months or more overdue the Commissioner may give to the Lessee notice in writing to pay the arrears of rent within three (3) months of the date of such notice. If the lease has been mortgaged in accordance with the requirements of the State Lands Regulations for the time being in force a similar notice shall be given to the mortgagee. If either the Lessee or the mortgagee complies with such notice the Lessee shall continue to hold the land hereby leased as if no breach had been committed. If neither the Lessee nor the mortgagee complies with such notice this lease and the lands comprised therein and all improvements therein may be forfeited forthwith.

(b) Where the Lessee has committed any breach of the conditions of Clause 3 of this lease, the Commissioner may give to the Lessee notice in writing to remedy the same within such period as the Commissioner may prescribe and if the Lessee fails to remedy the breach within such period this lease and the lands comprised therein and all improvements therein may be forfeited.

(c) Where the Lessee has committed any other breach of the conditions of this lease, the lease and the lands comprised therein and all improvements thereon may be forfeited forthwith.

Provisions as to waiver 14. (1) The Lessor or Commissioner may exercise his right to enforce any condition of this lease notwithstanding that he may have omitted to exercise such right on any previous occasion.

(2) The receipt by the Commissioner (or by any officer duly authorised in that behalf) of any rent or other money payable by the Lessee shall not affect the right of the Lessor or the Commissioner to enforce the conditions of this lease in respect of any breach committed by the Lessee and whether or not known to the Commissioner before such receipt.

Quiet possession and renewal 15. The Lessee paying the rent and other sums of money hereby reserved and performing all the covenants and conditions herein contained and to be by him observed and fulfilled shall and may peaceably and quietly possess and enjoy the land hereby leased without any undue interference by the Lessor or any person claiming to be lawfully acting under him and upon giving three (3) months' notice in writing to the Commissioner shall be entitled to a renewal of this lease for a further period of twenty-five (25) years upon the same terms and conditions including this present condition but at the rent fixed by the Government under the provisions of paragraph 2 of Clause 1 of this lease.

IN WITNESS whereof the parties hereto have signed these presents at the City of Georgetown on the

day of _____ in the year 19____, and at _____ in

the State aforesaid on the _____ day of

in the year 19____, in the presence of the undermentioned witnesses

Commissioner of Lands and Mines.

Lessee.

Witnesses to the signature of the Lessee this _____ day of _____, 19____.

1.

2.

Commissioner of Lands and Mines

.....

2. Memorandum from Hon. Clement J. Zablocki to the Staff Investigative Group establishing the parameters of the Jonestown inquiry

Committee on International Relations

December 28, 1978

MEMORANDUM

TO: George R. Berdes, Full Committee Staff Consultant
 R. Michael Finley, Staff Director, Subcommittee on International Operations
 Ivo J. Spalatin, Staff Director, Subcommittee on International Security and Scientific Affairs
 Thomas R. Smeeton, Minority Staff Consultant

FROM: Honorable Clement J. Zablocki, Chairman

SUBJECT: Guyana Inquiry

Per my verbal instructions of November 24, 1978, and pursuant to H.Res. 981, you are to conduct a comprehensive inquiry into the international relations aspect of the activities of the People's Temple and the tragic events that led to the murder of Congressman Leo Ryan and other members of his party and the mass suicide/murder of the followers of the People's Temple that occurred in Jonestown on November 18, 1978.

The inquiry should focus on the following:

What did the Department of State know about the activities of the People's Temple in Guyana?

Did the U.S. Government or the Government of Guyana have any evidence to suggest that there was a potential for violence at Jonestown?

Was the Government of Guyana ever requested to investigate the activities of the People's Temple Church? If not, why not? If so, was this information conveyed to Congress?

What was the relationship between the Government of Guyana, its officials and the People's Temple?

Was the Department of State, the U.S. Embassy in Georgetown or any other U.S. Government department or agency aware of the presence of firearms and ammunition at Jonestown? What coordination, if any, took place within the U.S. Government prior to the tragedy, and if so, was this information made available to Congressman Ryan?

What did the U.S. Embassy and its personnel do to determine what was going on at Jonestown?

What efforts were undertaken by the U.S. Embassy in Guyana to insure that American lives and property of the Jonestown inhabitants were adequately safeguarded?

Was the U.S. Embassy in Guyana aware of any reports of physical violence being directed against members of the People's Temple Church, and, if so, was this information made available to the Department of State in Washington?

Did representatives of any U.S. Government agency interview individuals who had "defected" from the People's Temple Church in Guyana? If so, was this information made known to Congressman Ryan?

Other matters of interest to the Committee which might arise in the course of the inquiry.

In the conduct of this inquiry, I authorize you to seek the cooperation of all agencies of the Executive branch, particularly the Departments of State, Justice, including the FBI, and Treasury, and the Central Intelligence Agency.

You are also authorized to meet with and take statements from those individuals who have knowledge of the People's Temple and its activities who can contribute to your inquiry.

It is my desire that this inquiry be conducted as soon as possible so that your findings can be reported to the Committee on International Relations in late January or early February.

APPENDIX II—THE INVESTIGATION

Appendix II contains correspondence pertaining to the preparation for the investigation, the opinions of legal scholars on the investigation of religious organizations, and the activities of the Staff Investigative Group. Also included in this appendix are newspaper and magazine articles, key documents and affidavits.

CONTENTS

	Page
A. Preparation -----	193
1. (In classified version only.)	
2. Correspondence between Hon. Clement J. Zablocki and various executive branch agencies and information and materials provided by various executive branch agencies at the request of the Staff Investigative Group. (The December 11, 1978, letter from Chairman Zablocki to Department of Health, Education, and Welfare and other related materials do not appear in this appendix. They appear in appendix III-J-2 in connection with the Investigative Group's findings entitled "Social Security, Foster Children.")	193
(a) December 11, 1978, letter from Hon. Clement J. Zablocki to the Department of Justice	193
(b) December 28, 1978, letter from the Department of Justice to Hon. Clement J. Zablocki	194
(c) March 30, 1979, letter from Hon. Clement J. Zablocki to the Department of Justice	195
(d) April 12, 1979, interim response from the Department of Justice to the March 30, 1979, letter from Hon. Clement J. Zablocki	197
(e) April 19, 1979, final response from the Department of Justice to the March 30, 1979, letter from Hon. Clement J. Zablocki	198
(f) December 11, 1978, letter from Hon. Clement J. Zablocki to the Department of the Treasury	200
(g) January 5, 1979, letter from the Department of the Treasury to Hon. Clement J. Zablocki	201
(h) March 21, 1979, letter from the Department of the Treasury providing information and materials requested by the Staff Investigative Group. (Materials include a synopsis of the investigative activities carried out by the U.S. Customs Service concerning the People's Temple.)	202
(i) March 30, 1979, letter from Hon. Clement J. Zablocki to the U.S. Customs Service	205
(j) December 11, 1978, letter from Hon. Clement J. Zablocki to the Federal Communications Commission	206
(k) January 5, 1979, letter from the Federal Communications Commission to Hon. Clement J. Zablocki	207
(l) December 11, 1978, letter from Hon. Clement J. Zablocki to the National Security Agency	208
(m) December 29, 1978, letter from the National Security Agency to Hon. Clement J. Zablocki	209
(n) December 11, 1978, letter from Hon. Clement J. Zablocki to the Central Intelligence Agency	210
(o) December 28, 1978, letter from the Central Intelligence Agency to Hon. Clement J. Zablocki	211
(p) February 28, 1979, letter from the Department of State to the Staff Investigative Group providing materials requested by the Staff Investigative Group. (Materials provided include the Department of State documents related to the <i>Stoen custody</i> case.)	212

A. Preparation—Continued

Page

2. Correspondence between Hon. Clement J. Zablocki and, etc.—
Continued

(g) April 19, 1979, letter from the Department of State to the Staff Investigative Group providing materials and information requested by the Staff Investigative Group. (Materials include the lease agreement executed by the People's Temple and the Government of Guyana, the December 19, 1978, visa application of Mrs. Pat Small and Department of State memoranda and cables concerning various aspects of the Jones-town incident.) 217

3. Legal opinions concerning Constitutional limitations on congressional investigations of religious groups and the feasibility of distinguishing between bona fide religious groups and religious "cults" 236

(a) December 21, 1978, letter from Hon. Clement J. Zablocki to Prof. Richard Delgado 236

(b) January 8, 1979, letter from Prof. Richard Delgado to Hon. Clement J. Zablocki (Professor Delgado also provided materials related to the issue of defining and investigating religious "cults.") 238

(1) "Religious Totalism: Gentle and Ungentle Persuasion Under the First Amendment," Richard Delgado, Los Angeles Daily Journal Report, December 1, 1978 241

(2) "Investigating Cults," Richard Delgado, New York Times, December 7, 1978 273

(3) "Psyching Out the Cults Collective Mania," Louis Jolyan West and Richard Delgado, Los Angeles Times, November 26, 1978 274

(c) Staff Investigative Group summary of January 15, 1979, letter and enclosures from Prof. Richard Delgado to Hon. Clement J. Zablocki 277

(d) December 21, 1978, letter from Hon. Clement J. Zablocki to Prof. Norman Dorsen 280

(e) January 25, 1979, letter from Prof. Norman Dorsen to Hon. Clement J. Zablocki 281

(f) Staff Investigative Group summary of January 25, 1979, letter from Prof. Norman Dorsen to Hon. Clement J. Zablocki 283

(g) March 8, 1979; letter from Hon. Clement J. Zablocki to Leo Pfeffer, attorney at law 284

(h) March 26, 1979, letter from Leo Pfeffer to Hon. Clement J. Zablocki 285

(i) Staff Investigative Group summary of the March 26, 1979, letter from Leo Pfeffer to Hon. Clement J. Zablocki 289

(j) March 8, 1979, letter from Hon. Clement J. Zablocki to Prof. Arthur Miller 291

(k) March 19, 1979, letter from Prof. Arthur Miller to Hon. Clement J. Zablocki 292

(l) Staff Investigative Group summary of the March 19, 1979, letter from Prof. Arthur Miller to Hon. Clement J. Zablocki 293

B. Washington activities—I: (In classified version only.)

C. California activities: (In classified version only.)

D. Washington activities—II: (In classified version only.)

E. Guyana activities 294

1. Correspondence between Hon. Clement J. Zablocki and the Government of Guyana 294

(a) March 2, 1979, letter from Hon. Clement J. Zablocki to Prime Minister Forbes Burnham, Government of Guyana 294

(b) March 13, 1979, letter from H. E. Dyett, Ministry of Foreign Affairs, Government of Guyana, to Hon. Clement J. Zablocki 269

	Page
E. Guyana activities—Continued	
1. Correspondence between Hon. Clement J. Zablocki and the Government of Guyana--Continued	
(c) March 16, 1979, letter from Hon. Clement J. Zablocki to Prime Minister Forbes Burnham, Government of Guyana.....	298
(d) March 28, 1979, letter from H. E. Dyett, Ministry of Foreign Affairs, Government of Guyana, to Hon. Clement J. Zablocki.....	299
2. (In classified version only.)	
3. (In classified version only.)	
F. Washington activities—III	300
1. (In classified version only.)	
2. Relevant newspaper and magazine articles, key documents and affidavits.....	300
April 10, 1978 affidavit of Yolanda D. A. Crawford.....	300
May 12, 1978 affidavit of Debbie Layton Blakey.....	304
Letter from Jeffery Haas, attorney at law, to Elizabeth Powers, Special Consular Services, Department of State, enclosing the affidavit of the June 15, 1978 affidavit of Debbie Layton Blakey.....	306
"Inside People's Temple," Marshall Kilduff and Phil Tracy, New West Magazine, August 1, 1977.....	319
"Ukiah Weekly Target of \$5 million Lawsuit," George Hunter, Ukiah Daily Journal, August 23, 1977.....	327
"Charles Garry Visits Jonestown: 'I Have Been to Paradise'," the Sun Reporter, November 10, 1977.....	328
"Scared Too Long," Tim Reiterman, San Francisco Examiner, November 13, 1977.....	329
"Jones Temple Asked to Return Child," Tim Reiterman, San Francisco Examiner, November 19, 1977.....	335
"People's Temple in Guyana is 'Prison,' Relatives Say," Bob Klose, Santa Rosa Press Democrat, April 12, 1978.....	337
"Grim Report From Jungle," Marshall Kilduff, San Francisco Chronicle, June 15, 1978.....	340
"People's Temple Colony 'Harassed'" San Francisco Examiner, October 4, 1978.....	342
"Ryan To Visit Reverend Jones' Jungle Refuge," Marshall Kilduff, San Francisco Chronicle, November 8, 1978.....	343
"Probers Head for a Reluctant Rev. Jim Jones," Tim Reiterman, San Francisco Examiner, November 15, 1978.....	344
"Expedition to Reverend Jones' Refuge," Ron Javers, San Francisco Chronicle, November 15, 1978.....	345
"Temple Probe Hits Wraangling," Tim Reiterman, San Francisco Examiner, November 16, 1978.....	347
"Ryan, At People's Temple, Learns Jones Is Very Ill," Tim Reiterman, San Francisco Examiner, November 16, 1978.....	349
"Reporter's Account of Guyana Detention," Ron Javers, San Francisco Chronicle, November 16, 1978.....	351
"Ryan's Ready To Lead Group to Temple Base," Tim Reiterman, San Francisco Examiner, November 17, 1978.....	353
"Angry Meeting in Guyana," Ron Javers, San Francisco Chronicle, November 17, 1978.....	355
"A Visa Error and People's Temple is More Remote Than Ever," Tim Reiterman, San Francisco Examiner, November 17, 1978.....	357
"People's Temple Invites Ryan in and Nobody Else," Tim Reiterman, San Francisco Examiner, November 17, 1978.....	359
"Reporter's Account: Guyana Adventure," Ron Javers, San Francisco Chronicle, November 17, 1978.....	360
"Reverend Jones Became West Coast Power," Larry Kramer, Washington Post, November 20, 1978.....	361

F. Washington Activities—III—Continued

2. Relevant newspaper and magazine articles, key documents and affidavits—Continued

	Page
"Cult Head Leads 408 to Deaths in Suicide-Murders," Leonard Downie, Jr., Washington Post, November 21, 1978.....	363
"Suicide Carnage Follows Jones' Tribute to Death," Baltimore Sun, November 21, 1978.....	368
"People's Temple Had History of Threats, Violence," Art Harris, Washington Post, November 21, 1978...	371
"Survivor: They Started With The Babies," Charles A. Krause, Washington Post, November 21, 1978.....	373
"Bodies in Guyana Cause Confusion," Charles A. Krause, Washington Post, November 22, 1978.....	375
"Son Depicts Leader of Cult As a Fanatic and a Paranoid," Jon Nordheimer, New York Times, November 22, 1978.....	378
"Cult Chief's Beginnings in Indianapolis Recalled," James Feron, New York Times, November 22, 1978...	380
"Indianapolis to Guyana: A Jim Jones Chronology," Washington Post, November 22, 1978.....	382
"I Never Once Thought He Was Crazy," Jon Nordheimer, New York Times, November 27, 1978.....	383
"Suicides Called 'Punishment,'" Karen DeYoung, Washington Post, November 27, 1978.....	385
"Note Found on Jones' Body," Nicholas M. Horrock, New York Times, November 27, 1978.....	388
"Consular Officers: Babysitters, Etc.," Graham Hovey, New York Times, November 29, 1978.....	390
"Jersey Psychiatrist, Studying the Guyana Survivors, Fears Implications for U.S. Society from Other Cults," Jon Nordheimer, New York Times, November 30, 1978.....	392
"What the Media Did," Charles B. Seib, Washington Post, December 1, 1978.....	393
"* * * And What Government Can't Do," William Raspberry, Washington Post, December 21, 1978...	395
"The Cult of Death," Newsweek, December 4, 1978...	397
"Saturday Night Horror," Neville Annibourne, the Guyana Chronicle, December 6, 1978.....	436
"Jones' Suicide Calls, Gunshots Heard on Tape Recording Found at Jonestown," the Baltimore Sun, December 8, 1978.....	441
"Jones' Tape of 'White Night' Reveals Dissent to Suicides," Leonard Downie, Jr., Washington Post, December 9, 1978.....	443
"Paper Calls Jones Communist in 1950's," Nicholas M. Horrock, New York Times, December 20, 1978.....	445
"Mass Cult Immigration Violated Jones' Agreement With Guyana," Nicholas M. Horrock, New York Times, December 24, 1978.....	447
"Jonestown Explosion May Be Yet To Come," Bill Rhoden, the Baltimore Sun, December 28, 1978...	451
"Jones Commune Found Stocked With Drugs To Control the Mind," New York Times, December 29, 1978...	455
"Profiles of Seven Whose Faith in Jim Jones Carried Them to Death in Guyana," New York Times, December 29, 1978.....	456
"The Appeal of the Death Trip," Robert J. Lifton, New York Times Magazine, January 7, 1979.....	461
"Practices of Cults Receiving New Scrutiny," Miss Jo Thomas, New York Times, January 21, 1979.....	466
"DA Accuses Deputy of Pro-Temple Ploy," James A. Finefrock, San Francisco Examiner and San Francisco Chronicle, January 21, 1979.....	469

F. Washington Activities—III—Continued

2. Relevant newspaper and magazine articles, key documents and affidavits—Continued

	Page
"Some in Congress Seek Inquiries on Cult Activities," Miss Jo Thomas, New York Times, January 22, 1979.....	472
"Many Find Coercion in Cults' Hold on Members," Nathaniel Sheppard and Jo Thomas, New York Times, January 23, 1979.....	475
"FBI Has Copy of Cults' Radio Order To Kill," Charles A. Krause, Washington Post, January 29, 1979.....	478
"Jones' Last Will: Estate to Wives of 7 Children," Tim Reiterman, San Francisco Examiner, Febru- ary 8, 1979.....	480
"Why 900 Died in Guyana," New York Times Maga- zine, February 25, 1979.....	483
"Jonestown," Michael Novak, American Enterprise Institute, Reprint No. 94, March 1979.....	495
"Portions of a Transcript of Tape From Jonestown," New York Times, March 15, 1979.....	505
"Copy of Jonestown Tape Reveals How Jones Per- suaded 900 To Die," New York Times, March 15, 1979.....	507
"Tape Hints Early Decision by Jones on Mass Suicide," Baltimore Sun, March 15, 1979.....	509
"Jones Aide Dies After Shooting Himself," Baltimore Sun, March 15, 1979.....	511
"Hurry, My Children, Hurry", Nation, March 26, 1978.....	512
"Reverend Jones Accused of Coercion," New York Times, April 12, 1979.....	515
"Real Story Behind the 900 Guyana Suicides," Jeanne Mills, National Enquirer, April 17, 1979.....	516
"Voices From Guyana Back Reverend Jones," San Francisco Chronicle, April 18, 1979.....	521

A. PREPARATION

1. (In classified version only)

2. Correspondence between Hon. Clement J. Zablocki and various executive branch agencies and information and materials provided by various executive branch agencies at the request of the Staff Investigative Group. (The December 11, 1978, letter from Chairman Zablocki to the Department of Health, Education, and Welfare and other related materials do not appear in this appendix. They appear in Appendix III-J-2 in connection with the Investigative Group's findings entitled "Social Security, Foster Children.")

A. DECEMBER 11, 1978, LETTER FROM HON. CLEMENT J. ZABLOCKI TO THE DEPARTMENT OF JUSTICE

The Honorable Griffin B. Bell
Attorney General
Department of Justice
Washington, D.C. 20530

Dear Mr. Bell:

The Members of the Committee on International Relations are deeply distressed and concerned over the tragedy which befall the mission to Guyana headed by the late Honorable Leo J. Ryan.

In determining what steps might be taken in the wake of this matter, the Committee is examining all of the circumstances which might have a bearing on this tragic incident. It is therefore essential that the Department of Justice and the Federal Bureau of Investigation cooperate fully with the fact-finding efforts of the Committee in its investigation of the incident.

In this respect, your cooperation in making available to the Committee any and all information and documents pertinent to this matter would be appreciated. If you need additional details, please have your staff contact George Berdas, Staff Consultant, who is conducting the Committee inquiry.

Thanking you in advance for your cooperation and assistance, I am

Sincerely yours,

Chairman

cc: Hon. William Webster

CJZ:gbr

B. DECEMBER 28, 1978, LETTER FROM THE DEPARTMENT OF JUSTICE
TO HON. CLEMENT J. ZABLOCKI



United States Department of Justice

ASSISTANT ATTORNEY GENERAL
CRIMINAL DIVISION
WASHINGTON, D.C. 20530

Honorable Clement J. Zablocki
Chairman
Committee on International Relations
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Your letter of December 11, 1978, to Attorney General Bell, regarding the investigation of the tragic murder of Congressman Leo J. Ryan in Guyana, has been referred to the Criminal Division for our consideration and reply.

The Department of Justice wishes to provide as much cooperation as possible in connection with your committee's investigation of this incident. However, because of restrictions on our ability to disseminate investigative information with respect to active criminal investigations, there necessarily will be limitations on the extent of the cooperation we are permitted to give your committee.

In order to more fully discuss these limitations and to establish lines of communication to facilitate the exchange of information, it is suggested that you or the staff of your committee contact either Deputy Assistant Attorney General Robert L. Keuch (633-2333) or Michael Abbell (633-3729), who is coordinating this investigation for the Criminal Division, to set up a meeting for that purpose.

We hope to be of as much assistance in this unfortunate matter as possible.

Very truly yours,

Philip B. Heymann
Assistant Attorney General
Criminal Division

FF 1446

C. MARCH 30, 1979, LETTER FROM HON. CLEMENT J. ZABLOCKI TO THE
DEPARTMENT OF JUSTICE

CLEMENT J. ZABLOCKI, WIS, CHAIRMAN

L. H. POMERAY N.H.
DAVID D. PARCELL FLA.
CHARLES E. BRADB JR. MICH.
BRADWIN B. ROBINSON, N.Y.
LEE W. HAMILTON, IND.
LESTER L. WOLFF N.Y.
JONATHAN B. DUGANIAN N.Y.
BUD WATSON PA.
LAWRENCE COLLINS AL.
STEPHEN J. BOLARE, N.Y.
LOR DONNAN WASH.
GARRY E. BRUDS MASS.
ANDY WELAND FLA.
DONALD J. PEASE, OHIO
DAN WICK, FLA.
MICHAEL D. BARBER, MD.
WILLIAM H. GRAY JR., PA.
TOMMY P. HALL, OHIO
HOWARD WOLFE, MICH.
DAVID B. BORNDEL, MISS.
FRANK J. FITZMA, IND.

WILLIAM B. BRIDGEMAN, N.H.
EDWARD J. BERGMAN, AL.
PAUL FINELEY AL.
JOHN W. BUCHANAN, JR., ALA.
LARRY WYNN, JR., GARY
TENNISON BATES, OHIO
ROBERT J. ABBONARINO, CALIF.
WILLIAM F. BRONKHORST, PA.
JUL. PRINCEARD, WASH.
MILKENT PENNICK, N.J.
DAN QUAYLE, IND.

Congress of the United States
Committee on Foreign Affairs

House of Representatives
Washington, D.C. 20515

March 30, 1979

JOHN J. BRADY, JR.
CHIEF OF STAFF

Mr. Benjamin R. Civiletti
Assistant Attorney General
Criminal Division
Department of Justice
Washington, D.C. 20530

Dear Mr. Civiletti:

In connection with the comprehensive staff inquiry I have ordered into the death of Representative Leo J. Ryan and the resulting incidents at Jonestown, Guyana, the Committee respectfully requests the following information and materials:

- (1) The tape and transcript of the final hours at Jonestown;
- (2) Internal People's Temple memoranda concerning the Jonestown visits of U.S. Foreign Service Officers Richard McCoy, Richard Dwyer, Frank Tuminia, John Blacken, Doug Ellice, T. Dennis Reece and U.S. citizens, Mark Lane, Charles Garry, Joseph Mazor and Walter Thain;
- (3) Any data germane to shipments of cyanide and/or other toxic material to Jonestown, especially in the period shortly before November 18, 1978;
- (4) People's Temple ham radio code book found in Jonestown and provided to you by the Department of State;
- (5) Pre-tragedy knowledge and investigation of the People's Temple by the Department of Justice and Federal Bureau of Investigation;
- (6) Copy of the People's Temple Jonestown guest book;
- (7) Copy of all NBC films taken in Guyana; and
- (8) Copy of Richard McCoy's interview and statements submitted to the FBI. Herein enclosed is a copy of Mr. McCoy's waiver of the Privacy Act requirements.

Thanking you in advance for your cooperation and assistance, I am

Sincerely yours,

Chairman

Enclosure
cc: Hon. William Webster
CJZ:gbr

March 30, 1979

I, Richard McCoy, waive all requirements of the Privacy Act to the House Committee on Foreign Affairs of any testimony or other types of reports or written materials regarding my experiences with and/or my knowledge of People's Temple and Jim Jones.


Richard McCoy

D. APRIL 12, 1979, INTERIM RESPONSE FROM THE DEPARTMENT OF JUSTICE TO THE MARCH 30, 1979, LETTER FROM HON. CLEMENT J. ZABLOCKI

OFFICE OF THE DIRECTOR



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, DC 20535

April 12, 1979

Honorable Clement J. Zablocki
Chairman
Committee on Foreign Affairs
U.S. House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

I have received a copy of your letter of March 30, 1978, to Deputy Attorney General Benjamin R. Civiletti requesting information and materials concerning the death of Representative Leo J. Ryan and activities relating to the People's Temple.

A response to your request is being prepared and will consist of those materials and information agreed upon during a meeting of your staff with Mr. Robert L. Keuch, Deputy Assistant Attorney General, Department of Justice, members of Mr. Keuch's staff, and FBI representatives on March 29, 1979.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "William H. Webster".

William H. Webster
Director

E. APRIL 19, 1979, FINAL RESPONSE FROM THE DEPARTMENT OF JUSTICE TO THE MARCH 30, 1979, LETTER FROM HON. CLEMENT J. ZABLOCKI

DEPUTY ASSISTANT
ATTORNEY GENERAL
CRIMINAL DIVISION

Department of Justice
Washington 20530

April 19, 1979

Honorable Clement J. Zablocki
Chairman
Committee on Foreign Affairs
House of Representatives
Washington, D. C.

Dear Mr. Chairman:

This is in response to your letter of March 30, 1979, requesting certain items of information and evidence in the possession of the Department of Justice, relating to the investigation of the assassination of Congressman Leo Ryan at Port Kaituma, Guyana, on November 18, 1978. As you know, this matter was discussed at a meeting on March 29, 1979, between staff members of the Committee and representatives of the Department.

The assassination of Congressman Ryan and related matters presently are being investigated by a Federal grand jury in the Northern District of California. Therefore, the secrecy provisions of Rule 6 of the Federal Rules of Criminal Procedure limit the extent of information and evidence that may be disclosed at this time. Upon completion of the grand jury investigation and any resulting criminal proceedings, the Department would be pleased to share with the Committee any information developed in the course of our investigation.

The transcript of the Jonestown "Death Tape" was furnished to Committee staff members on March 29, 1979. A copy of the actual tape is being prepared by the Federal Bureau of Investigation Laboratory and will be furnished in the near future.

With regard to pre-tragedy knowledge and investigation of the People's Temple by the Department of Justice, a search of our records developed the following information. In June 1978, the FBI received a communication from the office of Senator S. I. Hayakawa concerning an allegation by a constituent that Jim Jones was coaxing individuals into traveling to Georgetown, Guyana, where they were being held against their will for unknown reasons. The constituent was contacted by the FBI and during a personal interview it was

determined that relatives of the constituent had traveled to Guyana voluntarily, and no evidence of forced confinement was developed. Because no violation of the Federal kidnapping statute had occurred, no further investigation was conducted. Additionally, the Criminal Division received a citizen complaint in December 1977, alleging that a relative was being held in bondage in Georgetown, Guyana by Pastor Jim Jones. Because the facts set forth by the citizen indicated no criminal violation within our jurisdiction, the information was forwarded to the State Department.

With regard to the People's Temple Jonestown guest book, we prefer not to release a copy of the book at this time. However, the book may be viewed by representatives of the Committee at a mutually agreeable time by contacting Donald W. Moore, Jr., Assistant Director, Criminal Investigative Division, FBI Headquarters, telephone 324-4260.

Attached hereto is a copy of the NBC video tape film footage of the crime scene at Port Kaituma. Other portions of the NBC video tape cannot be disclosed at this time because they are not in the public domain and are among the items of evidence being considered by a Federal grand jury.


At the March 29, 1979 meeting, Committee staff members expressed interest in ascertaining the present locations of Odell Rhodes and Stanley Clayton. The last known address for Odell Rhodes is 1530 LaSalle Street, Apartment B5, Detroit, Michigan, telephone 313-345-3490. The last known address for Stanley Clayton is 920 39th Street, Oakland, California, no telephone number. An additional address for Clayton is c/o Patricia Clayton, 910 Rosemary Lane, Cummingsburg, Guyana. The remaining items in your request cannot be disclosed at this time because they concern matters under consideration by the grand jury.

I hope the foregoing information will be of some assistance.

Sincerely,

PHILIP B. HEYMANN
Assistant Attorney General
Criminal Division

By:


ROBERT L. NEUCH
Deputy Assistant Attorney General
Criminal Division

Attachment

F. DECEMBER 11, 1978, LETTER FROM HON. CLEMENT J. ZABLOCKI
TO THE DEPARTMENT OF THE TREASURY

December 11, 1978

The Honorable W. Michael Blumenthal
Secretary
U.S. Department of the Treasury
Washington, D.C. 20220

Dear Mr. Secretary:

The Members of the Committee on International Relations are deeply distressed and concerned over the tragedy which befell the mission to Guyana headed by the late Honorable Leo J. Ryan.

In determining what steps might be taken in the wake of this matter, the Committee is examining all of the circumstances which might have a bearing on this tragic incident. It is therefore, essential that the Department of the Treasury cooperate fully with the fact-finding efforts of the Committee in its investigation of the incident.

In this respect, your cooperation is requested in sharing any information your Department has on requests or charges of allegations of illegal shipments of guns, money, and other materials to the People's Temple settlement in Jonestown, Guyana. In addition, your cooperation in advising the Committee as to the status and eventual disposition of People's Temple bank accounts in the U.S. and foreign countries is also requested. If you need additional details, please have your staff contact George Berdes, Staff Consultant, who is conducting the Committee inquiry.

Thanking you in advance for your cooperation and assistance, I am

Sincerely yours,

Chairman

CJZ:gbx

G. JANUARY 5, 1979, LETTER FROM THE DEPARTMENT OF THE
TREASURY TO HON. CLEMENT J. ZABLOCKI



THE SECRETARY OF THE TREASURY
WASHINGTON

Dear Mr. Chairman:

We share your sense of tragedy over the recent events in Guyana, and, in particular, over the untimely death of Congressman Ryan.

As you may know, various agencies within the Department of the Treasury are involved in inquiries related to the events in Jonestown. In order to facilitate whatever assistance we may be able to provide to your Committee Assistant Secretary (Enforcement and Operations) Richard J. Davis will coordinate responses to any requests your Committee may make. I have also asked him to coordinate with the Department of Justice in order to avoid interfering with any of the ongoing investigations of these events, while cooperating with your Committee to the extent possible.

Sincerely,

Robert Carswell
Acting Secretary

The Honorable
Clement J. Zablocki
Chairman, Committee on
International Relations
House of Representatives
Washington, D. C. 20515

II. MARCH 21, 1979, LETTER FROM THE DEPARTMENT OF THE TREASURY PROVIDING INFORMATION AND MATERIALS REQUESTED BY THE STAFF INVESTIGATIVE GROUP

(Materials include a synopsis of the investigative activities carried out by the U.S. Customs Service concerning the People's Temple.)

Dear Mr. Chairman:

In connection with the Committee's inquiry into events relating to the People's Temple settlement in Jonestown, Guyana, Mr. Smeeton of the Committee's staff has recently contacted Mr. McBrien of my staff in order to clarify certain matters in which the Committee is interested. These involve possible illegal shipments to Guyana of guns, money and other materials.

We believe that the enclosed synopsis of the investigative activities carried out by the Customs Service concerning the People's Temple before the tragedy in Jonestown will assist the Committee in its endeavors to reach a fuller understanding of that incident.

We understand that the Committee has in its possession a Customs Service Report of Investigation dated August 26, 1977, discussing allegations against individuals involved in the People's Temple. Another agency erroneously released the report without our authorization. We request your consulting with us prior to the release or publication of any information contained in that report since it contains both criminal allegations against individuals and the identification of confidential sources.

If you have any further questions, please contact me; or you may wish to have your staff contact Mr. McBrien of my office (566-8534).

Sincerely,

Richard J. Davis
Richard J. Davis
Assistant Secretary
(Enforcement & Operations)

The Honorable
Clement J. Zablocki, Chairman
Committee on Foreign Affairs
House of Representatives
Washington, D. C. 20515

Enclosure

SYNOPSIS

For more than a year, the law enforcement community in Northern California has received varieties of unconfirmed information, regarding unorthodox tactics utilized by the People's Temple Church to expand their holdings and control the activities of their members. Members of the Temple were required to relinquish all personal property to the Temple which in turn provided totally for the welfare of its members. Many relatives of members objected to this transfer of assets, particularly title to real estate. All earnings from conventional employment were considered the property of the Temple. There were numerous allegations that the Temple was encouraging welfare fraud in addition to the use of corporal punishment by Temple authorities. Many of these types of allegations were also reported in the San Francisco based media during this period.

In February of 1977, an unpaid informant of the Office of Investigations, U.S. Customs Service, offered to arrange a meeting between Special Agents and a group of former Temple members. It was alleged that the Temple was violating statutes related to the illegal export of firearms and negotiable instruments to the Temple's mission in Guyana.

A meeting was arranged with approximately 12 former members. The former members discussed several instances wherein they had witnessed the collection of weapons and currency which they believed had been illegally exported. They made further allegations regarding welfare frauds, civil rights violations, Temple association with right-wing extremists and political influence exercised at various levels of local, state, and Federal Government.

All the former members present were adamant in their belief that such violations had occurred, but the information was dated. None were able or willing to provide specific details sufficient to obtain search or arrest warrants.

The results of these meetings were provided to the BATF, FBI, Secret Service, Department of State and the California Department of Justice as well as various state and local law enforcement agencies.

Efforts were undertaken to cultivate sources of current information from Temple members and others relevant to the Customs violations, but proved unsuccessful. Surveillance activity identified several target vehicles, but there was no indication of illegal activity.

In early August of 1977, one of the former members who participated in the February meeting advised that she had identified a truck which had departed San Francisco with supplies for Guyana. She believed that crates of missionary supplies might also contain weapons or unreported currency. Lookouts were established and 90 crates of supplies were located. This shipment was examined in Miami with negative results. The American Embassy in Guyana was advised and responded that they had notified Guyanese authorities who would again search the shipment upon arrival. Guyanese authorities were also advised of the allegations and status of the Customs investigation via INTERPOL in late August.

During August and September of 1977, the majority of the Temple members joined Reverend Jones in an exodus from the San Francisco area to the mission in Guyana. Due to the subsequent lack of activity by remaining members, the Customs investigation was terminated.

Subsequent to the report of the murder of Representative Leo J. Ryan and the mass suicide in Guyana, U. S. Customs reopened the investigation. Presently, the Office of Investigations is cooperating with ongoing investigations by the FBI and Secret Service as well as debriefing returning Guyana survivors relative to Customs violations. Federal Grand Jury inquiries concerning the People's Temple and the Jonestown incident are also under way in San Francisco and New York.

**I. MARCH 30, 1979, LETTER FROM HON. CLEMENT J. ZABLOCKI TO THE
U.S. CUSTOMS SERVICE**

CLEMENT J. ZABLOCKI, MR. CHAIRMAN

L. W. TOLSON, DC	WILLIAM B. BROOKFIELD, MD, MD.
DAVID E. JOHNSON, FLA.	STANLEY J. DORRANCE, AL.
CHARLES C. D'OLIVIA, JR., MD.	PAUL FINCH, MD.
BENJAMIN S. ROSENTHAL, N.Y.	JOHN H. BUCHHEIM, ID., ALA.
LEE H. WASHINGTON, IND.	LOREY WING, ID., OREG.
LESTER S. WOLFF, NY	BENJAMIN S. GULMAN, NY
JONATHAN S. DEMARCO, NY	TENNISON GAYLE, OHIO
CHRIS TESTANO, PA.	ROBERT J. LAUGHERING, CALIF.
CAROLINE COLLINS, N.C.	WILLIAM F. GOODWIN, PA.
STEPHEN J. BOLJAZ, NY	JIM PRITCHARD, WASH.
DON SUMNER, WASH.	MILKENT FENNERS, N.J.
GERRY E. STOODS, MASS.	DAN QUARLES, IND.
JOEY WELAND, FLA.	
RONALD J. PEARL, OHIO	
DAN BROWN, FLA.	
MICHAEL D. BARNES, MD.	
WILLIAM H. GRAY, JR., PA.	
TOMY F. HALL, OHIO	
HOWARD WEAVER, MICH.	
DAVID R. BEATRICE, MISS.	
FLOYD J. FITZMAN, MISS.	

**Congress of the United States
Committee on Foreign Affairs**

**House of Representatives
Washington, D.C. 20515**

March 30, 1979

JOHN J. BAIRD, JR.
CHIEF OF STAFF

Mr. Robert E. Chasen
United States Commissioner
of Customs
1301 Constitution Avenue, N.W.
Washington, D.C. 20229

Dear Mr. Chasen:

The staff inquiry I have ordered into the death of Representative Leo J. Ryan has required the close cooperation of a number of Executive branch agencies. Needless to say, such cooperation is essential to the successful conclusion of the probe.

I am, therefore, grateful for the cooperation the Customs Bureau has extended to the Committee thus far. In this regard, I wish to call to your special attention the exemplary way Mr. James Hubert of your San Francisco office has assisted this inquiry. His insightful testimony has proven to be most helpful and worthy of commendation.

In closing, I wish to request that this letter be shown to Mr. Hubert and made a part of his personnel file. He is an extraordinarily able and dedicated public servant.

Sincerely yours,

Chairman

cc: Honorable Michael Blumenthal

CJZ:tsr

J. DECEMBER 11, 1978, LETTER FROM HON. CLEMENT J. ZABLOCKI TO
THE FEDERAL COMMUNICATIONS COMMISSION

December 11, 1978

The Honorable Charles D. Ferris
Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20534

Dear Mr. Ferris:

The Members of the Committee on International Relations are deeply distressed and concerned over the tragedy which befell the mission to Guyana headed by the late Honorable Leo J. Ryan.

In determining what steps might be taken in the wake of this matter, the Committee is examining all of the circumstances which might have a bearing on this tragic incident. It is therefore, essential that the Federal Communications Commission cooperate fully with the fact-finding efforts of the Committee in its investigation of the incident.

In this respect, your cooperation is requested in sharing any documentation or other evidence the Commission has regarding the existence (including recordings) of radio transmissions by the People's Temple in San Francisco and Georgetown and Jonestown, Guyana. If you need additional details, please have your staff contact George Berdes, Staff Consultant, who is conducting the Committee inquiry.

Thanking you in advance for your cooperation and assistance, I am

Sincerely yours,

Chairman

CJZ:gr

**K. JANUARY 5, 1979, LETTER FROM THE FEDERAL COMMUNICATIONS
COMMISSION TO HON. CLEMENT J. ZABLOCKI**

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

IN REPLY REFER TO:

7100-A

Honorable Clement J. Zablocki
Chairman, Committee on International Relations
House of Representatives
Washington, D.C. 20515

Dear Congressman Zablocki:

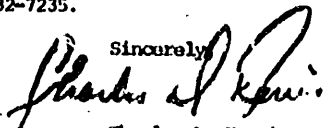
This is in response to your letter of December 11, 1978, which concerns your Committee's inquiry into the Jonestown tragedy. We appreciate your concern and stand ready to provide you with any and all the information we have that would be useful to you.

The Commission has two files relating to Peoples Temple. Our concern, however, was with individuals whose amateur stations were being used for transmissions between California and Guyana. One of these files is situated in the Field Operations Bureau and the other is in the Safety and Special Radio Services Bureau. These files contain investigative materials as well as correspondence with the licensees. In addition to the two files, the Safety Bureau has over a file drawer of letters from members of the Peoples Temple.

The Field Bureau has four tapes (approximately four hours each) and 25 cassettes (one to two hours each) of monitored transmissions made by the Commission as part of its investigation. The Safety Bureau has one cassette which was mailed to the Commission by an Amateur operator. These tapes and cassettes are copies since the originals were subpoenaed by the grand jury in San Francisco. The tapes and cassettes are available to you. However, Section 605 of the Communications Act prohibits the divulgence of their content to the general public and we trust you would treat them accordingly.

If you have any further questions or if you wish to make arrangements to examine the Commission's files in this matter, please contact Gerald Zuckerman at 632-7235.

Sincerely,



Charles D. Ferris
Chairman

I. DECEMBER 11, 1978, LETTER FROM HON. CLEMENT J. ZABLOCKI TO
THE NATIONAL SECURITY AGENCY

December 11, 1978

Vice Admiral B.R. Inman
Director
National Security Agency
2800 Savage Road
Fort Meade, Maryland

Dear Admiral Inman:

The Members of the Committee on International Relations are deeply distressed and concerned over the tragedy which befell the mission to Guyana headed by the late Honorable Leo J. Ryan.

In determining what steps might be taken in the wake of this matter, the Committee is examining all of the circumstances which might have a bearing on this tragic incident. It is therefore essential that the National Security Agency cooperate fully with the fact-finding efforts of the Committee in its investigation of the incident.

In this respect, your cooperation in making available to the Committee any and all information and documents pertaining to this matter would be appreciated. If you need additional details, please have your staff contact George Herdes, Staff Consultant, who is conducting the Committee inquiry.

Thanking you in advance for your cooperation and assistance, I am

Sincerely yours,

Chairman

CJZ:gbt

M. DECEMBER 29, 1978, LETTER FROM THE NATIONAL SECURITY
AGENCY TO HON. CLEMENT J. ZABLOCKI



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755

Serial: N1453
29 December 1978

The Honorable Clement J. Zablocki
Chairman,
Committee on International Relations
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

In reply to your letter of December 11, 1978 regarding the Jonestown tragedy, I wish to inform you that the National Security Agency has conducted a thorough search of its records and that that search has revealed no information that is relevant to the investigation being conducted by your Committee.

Please let me know if I can be of any further assistance in this matter.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "B. R. Inman".

B. R. INMAN
Vice Admiral, U. S. Navy
Director, NSA/Chief, CSS

**N. DECEMBER 11, 1978, LETTER FROM HON. CLEMENT J. ZABLOCKI
TO THE CENTRAL INTELLIGENCE AGENCY**

December 11, 1978

**The Honorable Stansfield Turner
Director
Central Intelligence Agency
Washington, D.C. 20505**

Dear Director Turner:

The Members of the Committee on International Relations are deeply distressed and concerned over the tragedy which befell the mission to Guyana headed by the late Honorable Leo J. Ryan.

In determining what steps might be taken in the wake of this matter, the Committee is examining all of the circumstances which might have a bearing on this tragic incident. It is therefore essential that the Central Intelligence Agency cooperate fully with the fact-finding efforts of the Committee in its investigation of the incident.

In this respect, your cooperation in making available to the Committee any and all information and documents pertaining to this matter would be appreciated. If you need additional details, please have your staff contact George Berdes, Staff Consultant, who is conducting the Committee inquiry.

Thanking you in advance for your cooperation and assistance, I am

Sincerely yours,

Chairman

CJZ:gr

O. DECEMBER 28, 1978, LETTER FROM THE CENTRAL INTELLIGENCE
AGENCY TO HON. CLEMENT J. ZABLOCKI

The Director
Central Intelligence Agency



Washington, D.C. 20505

28 December 1978

Honorable Clement J. Zablocki, Chairman
Committee on International Relations
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter of 11 December 1978 requesting the cooperation of this Agency in your inquiry into the mission to Guyana by the late Representative Leo J. Ryan.

We will be pleased to assist in whatever way we can. I have asked my Legislative Counsel, Frederick P. Hitz, to contact Mr. George Berdes of your staff in this regard.

Sincerely

A handwritten signature in cursive script, appearing to read "Stan Turner".

STANSFIELD TURNER

**P. FEBRUARY 28, 1979, LETTER FROM THE DEPARTMENT OF STATE TO
THE STAFF INVESTIGATIVE GROUP PROVIDING MATERIALS RE-
QUESTED BY THE STAFF INVESTIGATIVE GROUP**

**(Materials provided include two Department of State documents related to
the Stoen custody case.)**

February 28, 1979

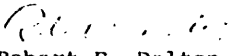
Mr. George Berdes
Staff Consultant
Committee on Foreign Affairs
2170 Rayburn Building
Washington, D. C. 20515

Dear Mr. Berdes:

Earlier this month you requested Alan Gise to make an effort to send you two documents relating to your inquiry concerning Guyana. They were a reply to Mr. Haas' letter of March 16, 1978 to Mr. Bennet and the briefing papers prepared for Miss Watson's meeting with Ambassador Burke on February 23, 1978.

Mr. Gise has informed me that he has located copies of the documents; they are enclosed herewith.

Very truly yours,


Robert E. Dalton
Assistant Legal Adviser
for Consular Affairs

Enclosures

1. Letter of April 18, 1978 from
Mr. Dobrenchuk to Mr. Haas
2. Three Briefing Papers Prepared for
Miss Watson on or about February 20, 1978

April 18, 1978

Dear Mr. Haas:

I have been asked to reply to your letter of March 16 addressed to Assistant Secretary Douglas J. Kennet, Jr. I regret that you found our responses to congressional inquiries on the John Victor Stoen custody case unsatisfactory.

The attorney's favorable opinion expressed in these responses is that of Clarence Hughes, the Stoens' attorney in Guyana.

On February 24 the American Consul in Georgetown, Guyana met with the new Minister of Justice, Mohamed Shahabuddeen who stated that child custody cases are civil disputes and there is no legal requirement that hearings be scheduled within a specific time period. Further, the Minister indicated that a judge's written opinion may take at least four months to compose and release. Consequently, the delay to date in this case is not considered excessive.

The Department appreciates the Stoens' desire to be reunited with their son. Although the Department cannot intervene in this case, it will continue to take appropriate measures to ensure that the decision is reached fairly and in accordance with the laws of Guyana.

I am forwarding a copy of your letter to the Department's Office of the Legal Advisor for comment on the issue of the interpretation of international law. If you have further questions, please contact our Office of Special Consular Services on 632-3015.

Sincerely,

Stephen A. Dobrenchuk
Chief
Emergency and Protection
Service Division

Jeffrey A. Haas, Esquire
3609 Sacramento Street
San Francisco, California 94118

CA:SCS:EHO'Kane:js:wp 4/14/78

PEOPLE'S TEMPLE

The People's Temple is a religious cult organization that originated in the San Francisco area under the guidance of its "bishop", Jim Jones. Mr. Jones at one time was a prominent political figure in the Bay area, serving as the appointed chairman of the San Francisco Housing Authority. He still has many supporters in prominent positions in California, including the Lieutenant Governor, Hervyn Dynally.

The People's Temple purchased 23,000 acres of land in Guyana and, under a cloud of accusations of beatings, fraud and financial improprieties by former members moved the headquarters of the Temple to Jonestown, where they have established an agricultural commune. The Embassy presently estimates that there are 400-500 Americans, living and working at the People's Temple Agricultural Community. CA/SCS has received approximately twenty inquiries from concerned parents or other relatives of persons living at Jonestown. Richard McCoy, Consul at the Embassy, has made two trips in the past four months to investigate the charges that persons were being detained against their will or being mistreated. His personal observations and conversations with local officials who deal with the People's Temple have convinced him that no one is being held against his/her will or in bondage. The people at the Agricultural Community appeared healthy, well-fed and satisfied with their lives as agricultural workers.

The desk officer informs us that the Government of Guyana is sympathetic and supportive to the People's Temple as their commune (established in 1973) is very successful and is being used as an example by the local government.

CHILD CUSTODY CASE: JOHN VICTOR STOEN

This case involves a dispute over the custody of John Victor Stoen, age 6, who is the legal son of two former members of the People's Temple. He was born while his parents were active members of the Temple. At one time, the mother signed power of attorney concerning John to a member of the People's Temple. Jim Jones showed papers to the desk officer and the DCI when they recently visited the commune which he states were signed by Mr. Stoen. One paper allegedly asks Mr. Jones to sire a child for Mr. Stoen. The other states that Jones is the father of the child. We note also that the Stoens effectively abandoned the child when they left the group. After leaving the group in 1976, Mrs. Stoen began court proceedings in 1977 to regain the custody of her son. Her husband joined her in these proceedings. After obtaining custody through the courts in California the legal process in Guyana was instituted last September. Hearings on the question of the validity of an arrest warrant for Jim Jones based upon his evasion of a habeas corpus order directing him to produce the child have been held periodically since September, the last hearing concluding January 10. Only after resolution of this dispute will the court turn to the actual custody question.

The case has created considerable public interest. Mr. Stoen has lobbied extensively with the Congress and to date SCS has received inquiries from 28 members of Congress. On the other side, the Guyanese desk and SCS have received in excess of 500 letters from members or supporters of the People's Temple. To the Congress, the general public and both parties, the Department and the Embassy have emphasized that the USG has no position on the merits of the case but is only concerned that the decision be reached fairly and impartially. To better assist us in monitoring the progress of the dispute, we have asked the Embassy to seek impartial legal advice regarding the procedural aspects of the case.

Based upon the progress of the dispute to date and the personalities involved, both SCS and the Guyana desk believe it likely that the court proceedings in Guyana will drag on for an indeterminate time. Furthermore, it is our private opinion that custody of John Victor very likely could be awarded to Jim Jones. Should there be a long delay or Jones be awarded the child, Mr. Stoen is certain to demand that the Department intervene with the Government of Guyana to force the return of his child. This demand undoubtedly will be accompanied by strong Congressional pressure on the Department.

In your conversations with Ambassador Burke, we recommend that you discuss fully the domestic consequences of such adverse results as opposed to the consequences in Guyana should the Stoens be granted custody. You should emphasize to the Ambassador that, failing clear proof of any outside interference with the decision of the courts, the USG will decline to intervene in behalf of either party.

SCS has recommended that the Embassy consider hiring independent counsel to monitor legal developments; the Embassy is reluctant to take this action (See Georgetown 851 and State 34403 and 41710). Embassy contacts with the government to obtain information are misinterpreted by Peoples Temple supporters in the United States as interference in the internal affairs of Guyana. However the Department supports the Embassy's efforts to obtain information from the government. Although the Embassy should continue to speak with both attorneys the Embassy should not rely upon the attorneys' beliefs as definitive concerning the procedures in the case.

Q. APRIL 19, 1979, LETTER FROM THE DEPARTMENT OF STATE TO THE STAFF INVESTIGATIVE GROUP PROVIDING MATERIALS AND INFORMATION REQUESTED BY THE STAFF INVESTIGATIVE GROUP

(Materials include the lease agreement executed by the People's Temple and the Government of Guyana, the December 19, 1978, visa application of Mrs. Pat Small and Department of State memoranda and cables concerning various aspects of the Jonestown incident.)



DEPARTMENT OF STATE

Washington, D.C. 20520

April 19, 1979

Mr. George Berdes
Committee on Foreign Affairs
House of Representatives
Room 2170
Rayburn Building
Washington, D.C. 20515

Dear George:

You will find enclosed the following materials which your delegation requested during its visit to Georgetown, Guyana:

1. Copy of the lease agreement executed by the Peoples Temple and the Government of Guyana.
2. Georgetown telegram #4173 dated December 8, 1978.
3. A copy of the December 19, 1978 visa application of Mrs. Pat Small.
4. A copy of a rough draft of Georgetown telegram #4109, sent on December 5, 1973.
5. A legal memorandum describing the respective rights of Cong. Ryan and the U.S. Consul to obtain access to Jonestown.
6. A memorandum regarding the release of specified documents under the Privacy Act.

Georgetown telegrams #0671 of April 1, 1977, and #2010 of August 25, 1977, ~~have previously been provided to you. They are log #'s 14 and 16, respectively.~~ It is my understanding that requests for a memorandum from Mr. Hartmann to Mr. Dwyer, and for information on the "Sing memorandum" have been withdrawn.

During the course of interviews here at the Department, several questions were taken for answer at

a later date. During the interview of Michelle Bova on March 2 (trans. pps. 13-14) you asked Mr. Henderson to determine whether an "answer" was sent by the Department to log 571. A review of our files indicates that no communication was sent specifically in response to log 571.

During the interview of Mr. Dobrenchuk, Mr. Belt and Ms. O'Kane on February 15 (trans. p. 46-47) you inquired whether the telegram designated as log 140 was sent in response to an inquiry from the Department. It was sent in response to the telegram from the Department designated as log 136.

Finally, during the same interview (trans. p. 72), you inquired whether the Department disseminated any material concerning the Privacy Act prior to the November 1977 airgram. Subsequently, you requested and received all material disseminated concerning the Privacy Act, some of which, as you know, predates the airgram.

I believe this takes care of all of your outstanding requests. Please let me know if I can be of any further assistance.

Sincerely,



Terence Fortune
Office of the Legal Adviser

cc - L/T - Ms. Baumann
ARA/CAR - Mr. McCoy

No. 7390

17/10/73

MINISTRY OF LANDS AND MINING DEPARTMENT
and under Section 3 (b) of the State Lands Act, Chapter 62:01

I, Arthur Chung, President
and Constitution-in-Chief
of Guyana,

do hereby, on behalf of the State of Guyana, hereinafter called the "Lessor" which term shall include permits or licences shall be deemed to include the successor or successors of the said office and the person for the time being performing the functions of the said office to enjoy in consideration of the covenants, provisions and rents hereinafter set forth the piece of parcel of State Land situated in the Mathabara Ridge and to be known as case no.

TERMS AND CONDITIONS OF THE DISPOSITION OF CHURCH

1. The term "Lessee", which term shall be deemed to include Heirs/their heirs and assigns, representatives and assigns and the said

TERMS AND CONDITIONS OF THE DISPOSITION OF CHURCH

1. This lease is for the piece of parcel of State Land situated in the Mathabara Ridge

in Guyana and more fully described as follows:

along the left bank of the Mathabara Ridge and being
situated between the Mathabara Ridge and the
left bank of the Mathabara Ridge and being
situated between the Mathabara Ridge and the
left bank of the Mathabara Ridge and being

about 5,000 Acres
more or less unsubstantiated Terrain - 052 Acres Plan No. 16767
of which 5,000 Acres as shown on the diagram by C.D. Robinson
is owned by the Government Surveyor dated the
19th day of November 1973 Nineteen Hundred and Seventy-three thence
of which 5,000 Acres together with a duplicate of this lease is on record
at the Department of Lands Georgetown Demerara

BEST AVAILABLE COPY

TO HOLD the said premises for twenty-five years commencing from 10th April, 1974 upon the following terms and conditions:

1. (1) Subject as hereinafter provided the lessee shall pay to the Commissioner of Lands (hereinafter referred to as "the Commissioner") or to any officer authorised in that behalf, an annual rent for the land hereby leased as follows:
- \$30
per acre for the first 3 years
\$100 per acre for the second 3 years

(2) Hereafter the rate at which rent is payable shall be liable to revision, the President of Guyana at five yearly intervals during the currency of the lease.

2. The lessee shall within two years from the date of the commencement of the lease cultivate and beneficially occupy at least one-fifth part of the area of the land hereby leased and shall thereafter annually increase the cultivated and beneficially occupied area by not less than one-tenth part of the area of the land hereby leased. In the first three years he shall have not less than one-half part of the area of the land hereby leased cultivated and beneficially occupied, and shall be bound at all times during the continuance of this lease to maintain the said cultivation in good order and in a husbandlike manner to the reasonable satisfaction of the Commissioner or such Officer as may from time to time be deputed by the Commissioner to inspect the said cultivation:

Provided that where the Commissioner is satisfied from the nature of the land or the composition of the soil or for any other cause that the cultivation of any portion of the land hereby leased is impracticable or unremunerative he would deduct the area of such portions from which the lessee is required to improve and cultivate.

- (2) The lessee shall be bound at all times to:
- (a) comply with any directions given by the lessor for the preparation and submission of plans for the drainage and irrigation of the land hereby leased; provided that such plans are jointly agreed upon by the lessee and lessor
- (b) carry out at his own expense to the satisfaction of the Drainage and Irrigation Board all drainage and irrigation works as may from time to time be specified by the said Board, lessor, as approved in sub-paragraph (a)
- (3) The lessee shall be responsible for the upkeep and maintenance of all works and shall immediately remedy any defect therein all to the satisfaction of the Drainage and Irrigation Board. If the lessee fails to remedy any defect, it may be remedied by the Commissioner or by the Chief Works and Hydraulics Officer or his agent and the cost recovered from the lessee without prejudice to the liability of the lease to forfeiture under clause 13 hereof, consequence of the lessee's failure to remedy such defect.

The lessee shall be bound at all times to:

- (a) cultivate and maintain in a husbandlike manner all or any crops that from time to time be specified by the lessor, jointly approved by the lessor and lessor.
- (b) take all necessary steps to control pests, diseases and weeds on the land
- (c) keep his livestock under proper control and for that purpose may be required by the Lessor to erect and maintain such fences either by himself or together with an adjoining tenant or tenants, as may be necessary.

The lessee shall not sub-let or give possession of the land hereby leased in any part thereof.

The lessee shall not transfer or mortgage his interest in the lands comprised in this lease or any part thereof except in accordance with the provisions of the State Land Regulations for the time being in force.

FEES PAYABLE	DATE PAID	HOW COLLECTED
Filing of Application	5/17 5/17 5/27 - 32700 42	200 100
Survey Fees — acres (not exceeding 10 acres)		
acres at cents per acre		
Inspection Fees		
acres		
Plans		
Copy of Diagram		
Rent — \$1750.00 3500 acres at 50 cents per acre		
10-4-74 — 10-4-76 = 2 yrs 1500.00		
10-4-76 — 3-16-76 = 365 days 545.00		
Purchase Money at \$2.40 per acre		
Purchase of Privilege		
Auction Dues		32.00 5.00 1.00 7.00
LANDS AND MINES — 19. 35		

221

6. The lessee shall bear, pay and discharge:

- (a) all existing and future rates, taxes, assessments, and outgoings imposed or charged upon the land hereby leased by any local or other statutory authority or, in accordance with the provisions of any Ordinance.
- (b) the cost on a pro rata basis or on such other basis as may, from time to time, be decided upon by the Lessor or such local or other statutory authority, the cost of all or any improvement works carried out at public expense or by such local or other statutory authority, and in the event of the failure of the lessee to pay, such amount may be recovered by Parato Execution or any other process of Law.

7. The lessee shall be bound during the continuance of this lease to keep the boundary lines of the land hereby leased clear and open, to keep the boundary posts thereon in their correct positions and to place and maintain on the front of the tract at or near to each boundary post, a board on which shall be painted in legible letters and figures, the name of the lessee and the number and date of this lease.

8. The Lessor shall have full power and authority at all times during the term of this lease, to resume and enter into possession of any part of the land hereby leased which he may deem necessary to resume for any town site, village, railway, tramway, canal, telegraph line, road, wireless or radio station, or power transmission or for any other public work or purpose of public use, utility or convenience; or to sell, lease, licence or otherwise dispose of any portion or parts of the said land for any purpose as aforesaid, without making to the lessee any compensation in respect of any part so resumed or sold, leased, licensed or otherwise disposed of:

Provided that the lands to be so resumed or disposed of shall not exceed one-twentieth of the whole of the land hereby leased;

And provided further that no such resumption or disposition of any part of the said lands upon which any buildings or works have been erected or carried out or which may be enclosed and in use for the mere convenient occupation of any building shall be made without the payment to the lessee of compensation provided in Regulation 43 of the State Lands Regulations:

And provided further that where any part or parts of the lands comprised in this lease is or are disposed of as herein provided, this lease shall immediately determine over such part or parts and the rental received by this lease shall be proportionately reduced.

9. (1) The lessee shall in the month of December, at the end of every fifth year during the continuance of this lease submit in writing to the Commissioner a report stating:-

- (a) the total acreage under cultivation in respect of each crop grown;
- (b) the condition of the total acreage not under cultivation and the reasons therefor.
- (c) the amount of livestock reared.

(2) On the lessee failing in any year to submit the aforesaid report, or in the case of the said report being false in any material particular, the lessee shall on demand from the Commissioner, or to any officer duly authorized to that behalf, a sum of fifty cents per acre of the land hereby leased in respect of any inspection carried out in connection with such default under paragraph (3) of this clause:

Provided that such sum payable by the lessee shall not be less than \$10.00 and shall not exceed \$250.00.

Provided that nothing in this paragraph shall be deemed to limit the right of inspection conferred by paragraph 3 hereunder,

(3) Any officer of the Government authorised in that behalf by the Commissioner shall be entitled to enter upon the land hereby leased at such times as may be reasonable to inspect the cultivation or stock and the works, boundary lines, notice boards, fences and posts thereon and to do all things necessary to ascertain whether the conditions under which this lease is held are being complied with.

10. This lease shall not confer on the lessee the right to any gold, silver, or other minerals, ores, boulders, rock, gems or precious stones, coal, mineral oil or radio-active minerals, or under the land leased which shall be saved and reserved to the Lessor with the right to search upon any part or parts of the land hereby leased (whether by himself or by his servants or agents or by any persons authorised by him in that behalf) to search and mine therefor, and to the payment to the lessee of compensation as provided in Regulation 43 of the State Lands Regulation.

11. For the purpose of this lease any notice shall be deemed to be duly served on the lessee or the mortgagee as the case may be if sent to him by registered post or a notice in this regard cannot be made by posting of a copy of the notice in a conspicuous place on the land hereby leased.

12. On the expiry of this lease by effluxion of time or upon the surrender or forfeiture thereof, all buildings or erections and all improvements on the land hereby leased shall belong to the Lessor.

Provided that if the land hereby leased is upon lease within two years of the date of expiry, surrender or forfeiture as aforesaid, the lessee shall be entitled to receive from the succeeding lessee the full value of all buildings or improvements existing on the land computed as at the date of such renewal: the amount of compensation payable in respect of such improvements shall be determined subject to the provisions of Regulation 43 of the State Lands Regulations and in the manner therein provided.

13. (a) Where any instalment of rent payable hereunder is three months or more overdue, the Commissioner may give to the lessee notice in writing to pay the arrears of rent within three months of the date of such notice. If the lease has been mortgaged in accordance with the requirements of the State Lands Regulations for the time being in force, similar notice shall be given to the mortgagee. If either the lessee or the mortgagee complies with such notice the lessee shall continue to hold the land hereby leased as if no breach has been committed. If neither the lessee nor the mortgagee complies with such notice, the lease and the land comprised therein and all improvements thereon may be forfeited forthwith.

(b) Where the lessee has committed any breach of the conditions of clause 12 of this lease, the Commissioner may give to the lessee notice in writing to remedy the same within such period as the Commissioner may prescribe and if the lessee fails to remedy the same within such period this lease and the lands comprised therein and all improvements thereon may be forfeited.

(c) Where the lessee has committed any other breach of the conditions of this lease, the lease and the lands comprised therein and all improvements thereon may be forfeited forthwith.

14. (1) The Commissioner may exercise his right to enforce any condition of his lease notwithstanding that he may have omitted to exercise such right on any previous occasions.

(2) The receipt by the Commissioner (or by any officer duly authorized in that behalf) of any rent or other moneys payable by the lessee shall not affect the right of the Commissioner to enforce the conditions of this lease in respect of any breach committed by the lessee whether or not known to the Commissioner before such receipt.

15. The lessee paying the rent and other sums of money hereby received and performing all the covenants and conditions herein contained and to be by him observed and fulfilled shall and may peaceably and quietly possess and enjoy the land hereby leased without any undue interference by the Lessor or any person claiming to be lawfully acting under him, and upon giving three months notice in writing to the Commissioner shall be entitled by renewal of this lease for a further period of twenty-five years upon the same terms and conditions including this present condition but at the rent fixed by the President of Ceylon under the provisions of paragraph (2) of clause 1 of this lease.

IN WITNESS whereof the parties hereto have signed these presents at

the town of Georgetown on the 25th day of February

in the year 1976 and at Georgetown in the County of Demerara

beginning on the 25th day of February

In the year 1976 in the presence of the undermentioned witnesses

Commissioner of Lands and Surveys
for the President of Guyana.

Witness

Lessee

Daniel Adams

Signature of the lessee this

25th day of February

25th day of February,

1976 and

[Signature]
Commissioner of Lands and Surveys.

day of

25/2/76

NON-IMMIGRANT VISA APPLICATION

PART I

IMPORTANT: ALL APPLICANTS MUST READ AND ANSWER THE FOLLOWING

(1) U.S. law prohibits the issuance of a visitor visa to persons who plan to remain in the United States indefinitely or who will accept employment there. A VISITOR MAY NOT WORK.

(2) A visa may not be issued to persons who are within specific categories defined by law as inadmissible to the United States (except when a waiver is obtained in advance). Complete information regarding these categories and whether any may be applicable to you can be obtained from this office. Generally, they include persons afflicted with contagious diseases (such as tuberculosis) or who have suffered serious mental illness; persons with criminal records involving offenses of certain kinds, including offenses against public morals, narcotics addicts or traffickers; persons who have been deported from the U.S.A.; persons who have sought to obtain a visa by means of misrepresentation or fraud; and persons who are, or have been members of certain organizations, including communist organizations and those affiliated therewith.

DO ANY OF THE FOLLOWING RESTRICTIONS APPLY TO YOU?

YES NO

If YES, or if you have any question in this regard, personal appearance at this office is recommended. If it is not possible at this time, attach a statement of facts in your case to this application.

PART II

PLEASE PRINT THE FOLLOWING INFORMATION

1. LAST NAME		FIRST NAME	MIDDLE NAME
Dodd		Leona	Esther S. B.
2. OTHER NAMES (Maiden, Professional, Religious, aliases)		3. NATIONALITY	
Mrs. Leona		American	
4. DATE OF BIRTH (Month, day, year)		5. PLACE OF BIRTH (City, State, Country)	
Mar 1929		Chicago, Pennsylvania	
6. PASSPORT NUMBER	7. DATE PASSPORT ISSUED	8. DATE PASSPORT EXPIRES	9. PASSPORT ISSUED AT
12552	2 Feb 1974	2 Feb 1974	Chicago

DO NOT WRITE IN THIS SPACE

B-1, ~~B-2~~ OTHER
 MULTIPLE OR 1 APPLICATIONS
 INDEF., 48 MOS., OR 3 MOS.
 LO VISA NO.
 ISSUED/REFUSED ON Refused
 REFUSED SECTION INA
 REVIEWED BY

10. RESIDENTIAL ADDRESS (Include apartment number and postal zone)		11. HAVE YOU EVER APPLIED FOR A UNITED STATES VISA OF ANY KIND? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If YES, state where, when and type of visa)
407 Republic Park E. 20 Home Telephone Number: <u>697-7</u>		
12. NAME AND ADDRESS OF EMPLOYER OR SCHOOL		13. INDICATE WHETHER: <input type="checkbox"/> Visa was granted <input type="checkbox"/> Visa was refused <input type="checkbox"/> Application was abandoned <input type="checkbox"/> Application was withdrawn
Dodd & Company 100 East 10th Street Business Telephone Number: <u>697-7</u>		
14. HAS YOUR U.S. VISA EVER BEEN CANCELED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	15. HAVE YOU EVER BEEN THE BENEFICIARY OF AN IMMIGRANT VISA PETITION OR INDICATED TO A U.S. CONSULAR OFFICER A DESIRE TO IMMIGRATE TO THE U.S.A.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
16. HAVE YOU EVER BEEN IN THE UNITED STATES (If YES, when and for how long?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

OPTIONAL FORM 15B (Rev. 2-76)
 (Formerly Form IS-257a)
 Department of State
 50156-102

(This form is free of charge)

COMPLETE ALL QUESTIONS ON REVERSE OF FORM

17. TITLE AND DESCRIPTION OF OCCUPATION (If retired, state that): <i>Self-employed</i>	18. SEX 12 Female 13 Male	19. RACE, STATUS 14 Married 15 Single 16 Widowed 17 Divorced 18 Separated
20. COLOR OF HAIR 21. COLOR OF EYES 22. HEIGHT <i>Dark brown Blue 4' 11"</i>	23. COMPLEXION <i>Light</i>	
24. MARKS OF IDENTIFICATION <i>None</i>		

25. WHAT IS THE PURPOSE OF YOUR TRIP?
Visiting

26. HOW LONG DO YOU PLAN TO STAY IN U.S.A.?
10 days

27. AT WHAT ADDRESS WILL YOU RESIDE IN THE U.S.? <i>20 Highland Drive, Wash D.C. 20540</i>	28. NAME, RELATIONSHIP, AND ADDRESS OF SPONSOR, SCHOOL, OR FIRM IN U.S.A. <i>Washington State School of Fine Arts, 1400 15th St NW, Wash D.C.</i>
---	--

29. WHEN DO YOU INTEND TO ARRIVE IN THE U.S.A.? <i>6/11/68</i>	30. DO YOU INTEND TO WORK OR STUDY IN THE U.S.A.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	31. WHO WILL PAY FOR YOUR TICKETS TO LEAVE THE U.S. AT THE END OF YOUR TEMPORARY VISIT? <i>Self</i>
32. WHO WILL FURNISH FINANCIAL SUPPORT? <i>Self</i>	33. HOW MUCH MONEY WILL YOU TAKE? <i>\$100</i>	

34. ARE ANY OF THE FOLLOWING IN THE U.S.A. (If YES, what is their status, i.e., student, working, etc.)

HUSBAND/WIFE FIANCEE/FIANCEE BROTHER/SISTER

FATHER/MOTHER SON/DAUGHTER

35. NAMES AND RELATIONSHIPS OF PERSONS TRAVELING WITH YOU <i>None</i>	36. HOW LONG HAVE YOU LIVED IN THIS COUNTRY (Country where you are applying for nonimmigration visa) <i>All my life</i>
--	--

37. PLEASE LIST THE COUNTRIES WHERE YOU HAVE LIVED FOR MORE THAN SIX MONTHS DURING THE PAST FIVE YEARS

Countries	Cities	Approximate Dates
/		

38. TO WHICH ADDRESS DO YOU WISH YOUR VISA AND PASSPORT SENT?
20 Highland Drive, Wash D.C.

39. I certify that I have read and understood all the questions set forth in this application, and the answers I have furnished on this form are true and correct to the best of my knowledge and belief. I understand that possession of a Visa does not entitle the bearer to enter the United States of America upon arrival at a port of entry if he or she is found inadmissible.

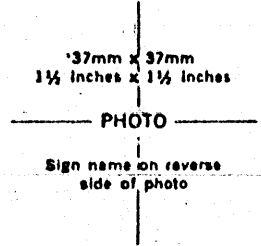
DATE OF APPLICATION *5/26/68*

APPLICANT'S SIGNATURE *[Signature]*

If this application has been prepared by a travel agency or another person in your behalf, the agent should indicate name and address of agency or person with appropriate signature of individual preparing form.

SIGNATURE OF PERSON PREPARING FORM _____

DO NOT WRITE IN THIS SPACE



BEST AVAILABLE COPY



DEPARTMENT OF STATE

OFFICE OF THE LEGAL ATTACHE

MEMORANDUM

SUBJECT: Right of American Consul to Obtain
Access to Jonestown

The rights of the United States Consul are established by the Consular Convention in force between the United States and Guyana. The Consul is officially accredited through exchange of diplomatic notes and is thus empowered to exercise functions specified in the Convention. Article 5 of the Convention states that the Consul "shall be entitled to special protection and to the high consideration of all officials of the receiving state (Guyana) with whom he has official intercourse." Under Article 15 of the Convention, the United States Consul has a right to "interview, communicate with and advise any national" of the United States. That article gives nationals of the United States the right to communicate with the Consular officer "at all times". The United States Consul thus had a right under the Convention to request and receive the assistance of the Government of Guyana, if such assistance were necessary, in order to obtain access to Jonestown for the purpose of performing duties described in Article 15 of the Convention.

Other U.S. citizens or officials, including Congressman Ryan, are not entitled by the Convention to communicate with American citizens and thus could not demand assistance in obtaining access to Jonestown as a matter of right. Such persons have no greater rights than those of any other non-resident alien in Guyana. Congressman Ryan could have and did request assistance in traveling to Jonestown.

April 25, 1979
Date

Terence J. Fortune
Terence J. Fortune
Attorney-Adviser
Office of the Legal Adviser

UNCLASSIFIED
Department of State

INCOMING
TELEGRAM
2304

PAGE 01
ACTION ~~ABA-18~~ GEORGE 04173 091040Z

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FOR ARA/CAR - HEWITT

E.O. 12958: NA
TAGS: OREP, OY
SUBJ: SCHEDULE OF TRIPS TO JONESTOWN

- RZ RM*
1. FOLLOWING THE CONSUL'S MAY 10 TRIP TO JONESTOWN, THE NEXT TRIP WAS SCHEDULED FOR THE FIRST WEEK IN AUGUST SO THAT DEPARTING CONSUL MCCOY MIGHT INTRODUCE HIS SUCCESSOR, CONSUL ELLICE. THE AIRSTRIP AT PORT KAITUMA WAS CLOSED, HOWEVER, DUE TO UNSEASONABLY HEAVY RAINS, AND REMAINED CLOSED UNTIL THE END OF AUGUST.
 2. A TRIP THEN WAS SCHEDULED FOR AUGUST 31, WHICH HAD TO BE CANCELLED DUE TO THE UNAVAILABILITY OF THE CHARTER AIRCRAFT. TRIPS SCHEDULED FOR SEPTEMBER 8 AND AGAIN FOR SEPTEMBER 12 WERE POSTPONED AT THE REQUEST OF THE PEOPLE'S TEMPLE SO THAT THE CONSULAR VISIT MIGHT CONCLUDE WITH THE PROJECTED VISIT OF PEOPLE'S TEMPLE LAWYER CHARLES GARRY WHO WAS DUE IN COUNTRY TO PREPARE PEOPLE'S TEMPLE DESPOSITIONS WITH REQUIRED NOTARIZATION BY A CONSUL. THE CONSUL WAS OUT OF GUYANA FOR A WEEK IN MID-SEPTEMBER TO ATTEND A CONSULAR CONFERENCE. SUBSEQUENTLY THE CHARTER AIRCRAFT WAS FLOWN OUT OF THE COUNTRY FOR REPAIRS AND MAINTENANCE.
 3. A THREE DAY TRIP VIA MATTHEWS RIDGE BY COMMERCIAL TRANSPORT WAS SCHEDULED FOR SEPTEMBER 27-29 AND THEN CANCELLED WHEN THE AIRLINE WAS UNABLE TO CONFIRM RETURN RESERVATIONS. NO TRIP WAS SCHEDULED IN OCTOBER BECAUSE OF A SHORTAGE OF STAFF DUE TO THE LABOR CONFERENCE OUTSIDE OF GUYANA AND A LONG SCHEDULED RECREATION AND REHABILITATION LEAVE. THE NEXT VISIT WAS PANNED TO TAKE PLACE AS SOON AS STAFFING RETURNED TO NORMAL AND IN FACT OCCURRED ON NOVEMBER 7.
- BURKE

UNCLASSIFIED

DRAFT

Subject: Visit of Douglas V. Ellice, Jr., and T. Dennis Reece to
Jonestown on November 7, 1978.

~~Messrs. Ellice and Reece~~ ^{Mr. Ellice and myself} were taken to Ogle by ^{Niipond} Embassy driver on the morning of November 7, 1978; There ^{was} met a vehicle from the People's Temple with approximately three passengers and a driver. ^{James} Jim Jones, Jr. and Maria Katsaris went with ^{us} on the ^{Geysco} plane to Port Kaituma. Upon our arrival at Port Kaituma airstrip, we were met by both the GOG land rover, ^{and} dump truck from the People's Temple. ^{Mr. Reece} Ellice and ^{Reece} went from the airstrip by land rover to pay a courtesy call on Mr. Thomas, the Regional Officer of that district. ^{He} then went by the same land rover to the gate of the People's Temple Agricultural Project. The People's Temple dump truck took Mr. Ellice, ^{Mr. Reece} Maria Katsaris, and Jim Jones, Jr., and several other members of People's Temple into the Project itself. In the past, Embassy Officers who had visited Jonestown had gone by GOG land rover into the People's Temple Project itself; however, because the trail from the entrance gate of People's Temple into the compound itself was in such poor condition we had to take the dump truck in. Mr. Ellice and Mr. Reece were then given a tour of Jonestown by several members of People's Temple Project. These members included, ^{at one time or another} Marceline Jones, Eugene Chaikin, ^{Harriet} Debbie, ^{Sharon Dimes} Michael Prokes and Maria Katsaris. Another ^{Mr. K. Roberts} member who accompanied us was introduced as their Agricultural expert, ^{whose name I do not remember.} His first name was Russell, and he was a male of African descent, medium built with glasses, about 5'6" tall. The tour of Jonestown included visits to a nursery building located to the east of the pavilion, the ^{communications} ~~communications~~ ^{hut}, the cage of J. Fred Maggs, the hospital, the comm-

last

isagry, the metal-working building, ~~the~~ herbal building and cooking area. At this point Mr. Ellice and Mr. Reece returned to the pavillion and ^{Harriet Bryan Chalko} Shamus Tropp and ~~perhaps one other Peoples Temple member~~ brought to the pavillion people whom we had requested to see in response to ^{and passport applications, to the American Service,} welfare and whereabouts inquiries, In addition, several people whom ~~we~~ ^{we} had not requested to see came to the pavillion in order to have statements notarized. ^{and} ~~In addition,~~ Mr. & Mrs. Larry Layton came to ask questions about the recent death of Mr. Layton's mother. Mr. Ellice and Mr. Reece ~~attended the~~ ^{interviewed the PT members} these persons at the south-east corner of the pavillion. The welfare and whereabouts inquiries were conducted on a bench at the edge of the pavillion, so situated, ~~so~~ that privacy was assured. Approximately 3/4 way through ~~our~~ ^{the} interviews, ~~work~~ broke off ^{their} ~~our~~ business and had lunch in the pavillion. Mr. Reece sat on one corner of the large, lunch table arrangement, to his left was Michael Prokes, next on his left was Debra Touchette, on the left of Debra Touchette were other People's Temple members whose names were either not given Mr. Reece or whose names Mr. Reece cannot remember, ~~and~~ ^{Frankie Davis, the only 540 pilot.} To Mr. Reece's right was Johnny Jones, across the table from Mr. Reece were Reverend Jim Jones, Maria Katsaris, Sarah Tropp and other People's Temple members whose names Mr. Reece was not given or whose names Mr. Reece could not remember. ^{Just} ~~After~~ ^{before} lunch was served, ^{the} ~~the~~ "Jonestown Express" played America the Beautiful. The People's Temple members present at the table, ^{stood and} sang words to the song with their hands over their hearts. ^{the} Mr. ~~and~~ Ellice and Mr. Reece had been told several days prior to their visit by ^{Marta Casanova} a ~~People's Temple representative in Georgetown~~ that Reverend Jim Jones had suffered a heart attack. Shortly before Reverend Jim Jones came to lunch on November 7, 1978 the Consular Officers were told that he had a temperature of 105° and was not feeling well. Mr.

En 6, 1975

Emb 6/78

to 1 light of Johnny Jones sent

Mr. Ellice,

and Mr. Jones.

Reece could not hear most of Reverend Jones' conversation during lunch because they were sitting across the table from each other, however, Mr. Reece talked briefly to Reverend Jones immediately after lunch. Reverend Jim Jones' speech was slurred. It was also evident that Reverend Jones was not perspiring and, therefore, obviously did not have a fever. Reverend Jones was helped away from the table by two People's Temple members. During the beginning portion of the lunch Reverend Jim Jones wore a surgical mask. ^{in fact,} ~~Consular Officers~~ were told this was because Reverend Jones had a cold and did not want to spread germs, however, Jones took the mask off during the course of the meal. After lunch was over the ^{Consular} ~~Consular Officers~~ finished their interviews at the pavillion. ^{the} ~~the~~ ^{contents} of the welfare and whereabouts inquiries handled by Mr. Reece on that day are summarized further below, however, Mr. Reece's general impressions of the People's Temple members he talked to both during the interviews and while walking around Jonestown are as follows: The members appeared to be in good health, mentally alert with due exception being made for advanced ages of some members. The members seemed generally happy to be at Jonestown and absorbed in their various jobs such as metal working or teaching. Following are summaries of welfare and whereabouts interviews conducted by Mr. Reece.

Case No. 1 (Mr. Reece)

Name: Loretta Chavis. Loretta said she had written her mother several months ago and had not recently received a reply. She therefore discounted the ascertainment of her mother in the latter's letter to the Embassy of 5/30/78 saying that she was sick. ^{to know} ~~to~~ advised Ms. Chavis of her mother's interest in her and asked Loretta to write her again soon.

Case No. 2 (Mr. Reece)

Name: Marshall Paris. ^{Rece} ~~to~~ advised Mr. Paris that his sister would like to have a recent picture of him. He said that he had recently sent a photo-

graph of himself to his mother. Seeing that Mr. Faris was born in 1907, ^{year} I asked him if his mother was still living and he replied yes. He said he thought his mother may have shown the picture to his sister. ^{Recce} I advised him to send a picture of himself to his sister anyway. In view of Georgetown Telegram 2219 of 1978 no communication was sent ~~about~~ by the Embassy to Mr. Faris' sister after the November 7 meeting.

Case No. 3 (Mr. Recce)

Name: Rhonda Hue aka Rhonda Fortson. We had received a letter from Ms. Fortson's mother-in-law indicating concern for the welfare of Ms. Fortson and her husband, Hue Fortson. The results of Mr. Recce's conversation with Ms. Fortson are contained in a memo in the Fortson's file in the Embassy dated November 8, 1978. In summary, the memo says that Rhonda Fortson did not have her passport with her. Ms. Fortson said that her husband was now in the United States and that she had received a letter from her mother-in-law since ^{last} July. Ms. Fortson promised to write her mother-in-law soon. Ms. Fortson refused to sign the Privacy Act Release, therefore, the Embassy did not send a communication to any of Ms. Fortson's relatives after the November 7, interview.

Case No. 4 (Mr. Recce)

Name: Mr. & Mrs. Claude Goodspeed. The result of Mr. Recce's interview with the Goodspeeds are contained in a letter to Mr. & Mrs. Melvin Harris dated November 8, 1978 a copy of which we will pouch if the Department so desires. ~~Apparently~~ The Goodspeeds informed Mr. Recce that they enjoyed their retirement in Jonestown. They went fishing and were involved in other activities. The Goodspeeds also remarked that the Harris' were never particularly interested in their welfare before the Goodspeeds went to Jonestown.

Case No. 5 (Mr. Reece)

Name: Artee Harper. Ms. Harper was the subject of an inquiry during June 1978 by her son, Mr. Charles White. Ms. Harper said she received a letter from Mr. White dated March 23, 1978 in either May or June of this year. Ms. Harper said she answered the letter in June and wrote again to her son during the week prior to November 7, 1978. The Embassy sent a direct relay telegram to Mr. White on November 9, 1978 informing him that his mother appeared to be fine.

Case No. 6 (Mr. Ellice)

Name: Liane Harris. Embassy Officers while at Jonestown on November 7, 1978 were informed by Harris' mother, Sharon Amos aka Sharon Harris, that Liane was not in Jonestown at that time. However, Sharon Amos said that Liane would come to Georgetown during the week of November 12, 1978 and would then see a Consular Officer regarding the welfare and whereabouts inquiry from Sherwin Harris, ^{Liane's} father, of Liane.

At the end of the W/M interviews, Messrs. Ellice and Roscoe, accompanied by several PT members, went to see Mr.

the subject of an inquiry from the Social Security Administration.

Mr. lived in one of the trailers reserved for PT members who needed special supervision because of their advanced age and declining health.

X
~~By this time it was mid-afternoon, and, as the pilot was anxious to take off soon due to an approaching thunderstorm, ~~we~~ ^{the pilot} went by dump truck from Jonestown back to the Port Kaituma airstrip. Therefore, ~~the~~ ^{the pilot} ~~did not~~ ^{did not} have the time to visit the area of the compound housing the residential cottages, or the piggery/livestock area.~~

They therefore
~~did, however, fly over this area ~~immediately~~ ^{immediately} after ~~our~~ ^{their} departure from Port Kaituma. Sharon AMOS and JIM JONES, Jr. returned with the Emboffs from Port Kaituma to Ogle Airport.~~

At no time did the Emboffs on Nov. 7 see any barbed wire, any ~~gun~~ ^{guards}, ~~armed~~ ^{armed} or otherwise or any other physical sign that ~~people~~ ^{people} were being held at Jonestown against their will. Nor did any of the conversations by the Emboffs with PT members at Jonestown reveal any indication that the inhabitants of Jonestown were receiving anything less than normal Guyanese standards of food, clothing, ~~and~~ ^{and} shelter, and medical assistance.

41



DEPARTMENT OF STATE

Washington, D C 20520

April 16, 1979

MEMORANDUM

TO: ARA/CAR - Richard A. McCoy

THROUGH: FADRC/DR - Frank M. Machak *FM*

FROM: FADRC/DR/PAS - Mary A. Petrino *MAP*

SUBJECT: Release of Documents Pertaining
to People's Temple Requesters

In response to your recent inquiry on the release of Department records, the Privacy Staff has not released the following documents under the provisions of the Privacy Act:

1. 77 Georgetown 671 (LOU) 4/1/77
2. 77 Georgetown 2010 (CONF) 8/25/77
3. Diplomatic Note, dated 9/16/77

As noted in the attached memorandum and tracking list, neither these documents nor any other documents forwarded by Georgetown in its Operations Memorandum dated March 23, 1978 have been released to date.

Furthermore, we find that Documents Nos. 1 and 2 (above) also appear among the collection of documents which the Retrieval Division has compiled as a result of Congressional and Freedom of Information Act inquiries. After a cursory inspection of this collection, we do not find that Document No. 3 (above) is included in that compilation. As you know, ARA has completed its initial review of material requested pursuant to the FOIA; and we anticipate that CA will soon complete a similar review. However, please note that FADRC has not released any of this material to those FOIA requesters. To date, the only release the Department has made has been the release of Guyana documents to Congress.

3. Legal opinions concerning Constitutional limitations on Congressional investigations of religious groups and the feasibility of distinguishing between bona fide religious groups and religious "cults"

**A. DECEMBER 21, 1978, LETTER FROM HON. CLEMENT J. ZABLOCKI TO
 PROF. RICHARD DELGADO**

December 21, 1978

Richard Delgado, Esq.
 Assistant Professor
 University of Washington
 School of Law
 Condon Hall
 Seattle, Washington 98105

Dear Professor Delgado:

The Committee on International Relations is conducting an inquiry into certain aspects of the assassination of Congressman Leo Ryan and the resulting tragedy at Jonestown, Guyana. A fuller and more formal hearing into the matter may be required after the 96th Congress convenes January 15, 1979.

Because of pertinent jurisdictional and other important considerations, the Committee will be only tangentially concerned with the beliefs and dogmas of the People's Temple. However, given the primacy of the First Amendment religion guarantees in our jurisprudence, we do feel the necessity of acquainting ourselves with the constitutional principles limiting and shaping Congressional power to inquire into the workings of an organization that has been denominated a religious group. In addition, we are also interested in learning how you might distinguish between a bona fide religious group and what in the current context has been described as a "cult".

I recognize that there is little blackletter law that can be cited on this issue. Rather, we are much more concerned with the best assessment you can give to guide us in making as complete an inquiry as possible without needlessly intruding into areas of religious principle marked off by our Constitution from government regulation.

Any response you may kindly see fit to provide will remain in the confidential control of the Committee unless and until we would ask your permission to do otherwise.

With best wishes, I am

Sincerely yours,

Chairman

CJZ:gd

**B. JANUARY 8, 1979, LETTER FROM PROF. RICHARD DELGADO TO HON.
CLEMENT J. ZABLOCKI**

**(Professor Delgado also provided materials related to the issue of defining and
investigating religious "cults")**

SCHOOL OF LAW
LOS ANGELES CALIFORNIA 90024

January 8, 1979

The Honorable Clement J. Zablocki
Congress of the United States
Committee on International Relations
House of Representatives
Washington, DC 20515

Dear Congressman Zablocki:

I infer from your question about distinguishing cult from noncult groups that your inquiry potentially extends beyond the Jonestown tragedy and the activities of the Peoples Temple that led up to it. Moreover, I assume from the nature of the committee and its responsibility that your interest in religious groups and cults lies in their potential for embarrassing the United States or interfering with the attainment of U.S. foreign policy objectives. If I am incorrect in these assumptions, please feel free to clarify for me further the nature of your inquiry, and I will endeavor to supplement my response.

With regard to your question whether an inquiry is constitutionally defensible, I conclude that it is. In Jonestown, you have the proverbial "smoking gun."

NOTE.—By agreement with Professor Delgado, the elements of the letter to Chairman Zablocki that Professor Delgado wished to keep confidential have been deleted from this Appendix. The entire text will remain in committee files on a confidential basis.

With regard to the constitutionality of an inquiry, it must be borne in mind that religious freedom in our system embraces two aspects. The first, the right to believe, is absolute. Thus, a cult may believe in suicide, human sacrifice, or that the means justify the ends, and the government, including Congress, is powerless to interfere. Although case law is sparse, I would assume that the prohibition against interference with religious belief would also extend to Congressional hearings on the subject. Thus, the committee should emphasize that any inquiry is not directed at the belief system of any group nor is intended to derogate or cast doubt on the veracity of its teachings.

The inquiry should be framed exclusively in terms of conduct falling within the Committee's purview. Religiously motivated conduct, unlike belief, is not protected absolutely. Rather, courts assess the legitimacy of official action that infringes on religious conduct by means of a balancing test, in which the state's interests in regulating or limiting the conduct are balanced against the interest of the religious organization in carrying it out. Applying this standard to the case at hand, it appears to me that your inquiry will stand scrutiny. The harms--possible impairment of United States international relations--are of the highest order, while the infringement on religious liberty likely to arise from a Congressional hearing is minimal. Conducting hearings is one of the most important functions in our system of government. It is a prelude to legislation, to the formation of domestic and foreign policy, and is a prerequisite to enlightened and informed policymaking. Hearings can, of course, be abused, transformed into "witch hunts" used to discredit persons or organizations who hold unpopular views. But after Jonestown, the Ahanda Marga suicides, and other recent manifestations of extremist activity with clear criminal overtones, I suspect that any criticism of your committee will be muted. If the government may regulate religiously motivated behaviors, such as snake handling, polygamy, or refusal of medical treatment for sick children, which, compared to these other threats seem mild, I do not think a serious argument could be made that a hearing which looked to possible regulation would be unconstitutional.

To address your second question briefly, I do not think that defining the term "cult" serves much purpose legally or constitutionally. Sociologists and anthropologists offer various definitions, and I enclose a copy of an opinion editorial I co-authored with Dr. Louis Jolyon West that contains some criteria for distinguishing cults from other organizations.

My view is that the only legally significant fact is activity-- activity that impinges on legitimate state interests, such as health, welfare, or the nation's image in the international community. If it appears that a group--of any kind, cult or noncult--is interfering with these interests, then scrutiny is warranted. I think it would be a mistake to concentrate attention on an organization simply because it seemed unusual, new, different, peculiar, or "cultic." I trust your committee is more concerned with specific conduct than the peculiarities of an organization's structure or beliefs. With this proviso, my conclusion is that an inquiry would be constitutional.

Sincerely,

Richard D. Delgado

Richard Delgado
Visiting Professor of Law

RD:ep
Enc.

P.S. As per your letter of December 21, I would appreciate your keeping this reply confidential.

(1) "Religious Totalism: Gentle and Ungentle Persuasion Under the First Amendment," Richard Delgado, Los Angeles Daily Journal Report, December 1, 1978

REPORT

The Los Angeles Daily Journal

Friday, December 1, 1978

RELIGIOUS TOTALISM: GENTLE AND UNGENTLE PERSUASION UNDER THE FIRST AMENDMENT*

RICHARD DELGADO**

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TABLE OF CONTENTS

I. REGULATION OF RELIGION-BASED PROSELYTIZING. FIRST AMENDMENT LIMITATIONS	4
A. THE STATE'S INTEREST	4
1. Harm to the Individual	4
a. Preceptual, and psychiatric and physical disorders	4
(i) Psychiatric disorders	4
(ii) Guilt, suicide, and self-mutilation	6
(iii) Maturational arrest	6
(iv) Physical distress and injury	7
b. Impairment of autonomy	9
2. Societal Harms	9
a. Harm to the family as an institution	9
b. Conflict with social and legal norms	11
c. Potential for violence	11
d. Aftereffects of the cult experience—social impact	12
II. THE CULT'S INTEREST	13
1. Honesty and Sincerity	13
a. Deception in the recruitment process	13
b. Deception in other areas	14
c. Innocently arising from an admittance of secular and religious aims	14
2. Political objectives	14
(i) Economic aims	16

2. Centralty—The Requirement of a Core Belief	15
3. Promotion of Values Fundamental to the First Amendment	16
4. Correspondence with Societal Norms	16
II. PATERNALISM AND CONSENT—LIMITATIONS ON THE DECISION TO JOIN BASED ON VOLUNTARINESS	17
A. TRADITIONAL FACTORS	17
1. Coercion and Duress	17
2. Deception	17
3. Physical and Mental Debilitation	18
4. Abuse of a Fiduciary Capacity	18
B. FACTORS PECULIAR TO RELIGIOUS CULTS	18
1. Manipulation of Responsibility and Capacity	18
2. Segmentation of the Isolation Process	18
C. ASSESSING VOLUNTARINESS: IDENTITY CHANGE AND THE ALIQUENT INDOCTRINE	19
III. THE BOUNDS OF INTERVENTION—PRINCIPLES OF EXCLUSION AND INCLUSION	21
A. ON DRAWING THE LINE	21
B. THE CULT INDOCTRINE SYNDROME: TYPE I AND TYPE II ERROR	23
IV. REMEDIES	24
A. PREVENTIVE REMEDIES	24
1. Identification	24
2. "Cooling-off" Period	25
3. Public Education	25
4. Prohibition of Proselytizing by Certain Groups	25
5. Licensing	25
6. Request for Review	25
B. POST-INDUCTION REMEDIES	26
1. Self-Help and Deprogramming	26
a. The defense of necessity	27
b. Assessment of deprogramming	28
2. Co-stewardship and Guardianship	29
3. A Contract-Based Remedy—"Mutual" Resignations"	30
4. Remedies Against the Cult or Cult Leaders	31
a. Civil remedies	31
(i) Tort actions	31
(ii) Actions for the return of money or objects consigned to the cult	31
b. Criminal remedies	31
CONCLUSION	32

* The author gratefully acknowledges the support afforded him by the Program in Law, Science & Medicine at Yale Law School, where a portion of the research leading to this Article was completed. In addition, thanks are due the following individuals for assistance rendered at different points during the preparation of the manuscript: Professor Michael H. Shapiro, University of Southern California Law Center, who discussed the problem of brainwashing with me and made many trenchant comments and suggestions; Dr. Robert Jay Lifton, Professor of Psychiatry, Yale Medical School, who helped me to understand the psychology of isolation; and Professor William Powers, University of Washington Law School, who made a number of helpful and constructive suggestions in connection with my treatment of consent and identity change.

Throughout this Article, references to confidential sources has been indicated by surrogates or initials rather than by names. Other sources comprising confidential information have been referred to by the author. For the protection and privacy of the individuals concerned, the author assumes sole responsibility for the content of interviews quoted and REPRODUCED HEREIN (or referred to) by the author and other confidential material on file with the author.

** Associate Professor of Law, University of Washington, B.A. 1961, University of Washington; J.D. 1974, University of California, Berkeley.

prevailing society.²⁰ Critics charge that religious cults recruit young persons when they are especially vulnerable²¹ and entrap them by a sophisticated process that exploits known human weaknesses and propensities.²² Cult leaders respond that they are bringing religious values to spiritually starved youths and that they are doing nothing that is not done by other highly regimented organizations, such as established religious orders or military academies.²³ It was recently estimated that one to three million Americans, mostly in their 20's or late teens, are members of these 200 to 1,000 religious cults.²⁴ Although this figure is probably an overestimate,²⁵ the

Because many jurisdictions deny prospective relief, parents have resorted to hiring lay "deprogrammers," such as Ted Patrick, who physically abduct cult members from street corners and religious communities and attempt to reverse the cult's influence in encounter-style therapy carried out in locked motel rooms.²⁶ Although many youths appear to have been successfully deprogrammed,²⁷ and have subsequently expressed fervent gratitude at being freed,²⁸ deprogramming methods have resulted in violence,²⁹ bitter criticism,³⁰ and criminal prosecutions of deprogrammers.³¹

This Article considers a number of the legal and social issues posed by the recruiting and indoctrinating activities of religious cults, particularly those raised by the prospect of state intervention. The Article consists of four parts. Since religious values are implicated—values that are ordinarily afforded substantial protection—a balancing test must be applied. There thus arises the important threshold issue of balancing the harmfulness of the techniques used in obtaining and exercising control over members. The first part accordingly reviews the psychiatric and medical literature relating to religiously motivated thought reform and the hazards associated with it.³² The proper weight to be assigned the sect's interest in carrying out thought reform is then considered.³³ First amendment cases have upheld limitations on religion-based behavior where it has been shown that the behavior was socially harmful, not essential to the group's system of religious belief, and motivated by political or economic, rather than religious, concerns.³⁴ The degree to which cults meet these criteria is explored.³⁵

Concluding that a showing of physical and psychological harm sufficient to override a cult's interest in practicing thought control can be made, the Article then raises a further question: Might the harm be considered consensual? Because our legal system is reluctant to impose limits on the self regarding actions of competent adults, the voluntariness of the joining process becomes critical. Accordingly, the next section considers the process by which young persons are drawn into, and induced to remain in, religious cults.³⁶ It is seen that this process involves features that seriously erode the voluntary quality of their choice. These include coercion, deception, and conscious manipulation of knowledge and capacity in such a way that the convert's knowledge of the cult and his future role in it is increased only at his capacity to act intelligently and independently on that knowledge.³⁷ A related problem is the segmentation of the joining process into a succession of stages, with the ultimate objective concealed from view. If there is harm of sufficient gravity to trigger scrutiny despite the protection ordinarily afforded religious conduct, and if this harm is not consensual, an additional question arises and is examined in the next section: Is it possible to disentangle—to "draw the line"—between illegitimate uses of control technology and those we normally accept?³⁸ Our society has traditionally tolerated certain areas and degrees of relative restrictions on freedom; accordingly, it is necessary to ask whether it is possible to distinguish the mind control techniques practiced by religious cults from those utilized, for example, in military training institutions, established religious orders, or advertising. Although the mind- and behavior-altering processes carried out by religious cults share certain elements in common with those that appear elsewhere, they are distinguishable by reason of the intensity and the pervasiveness with which they are applied. In assessing the intensity and pervasiveness of brainwashing processes, a scale of "ideological totality," derived from the work of psychiatric and psychological theorists, enables distinctions to be drawn between mild and extreme degrees of coercive persuasion.

A final question concerning choice of remedy is discussed in the next section.³⁹ Assuming that society may, consistently with the first amendment, impose limitations on privately imposed psychological bondage, and that meaningful distinctions may be drawn among the various degrees of influence, how are these limits to be enforced? It is proposed that the various stages in the brainwashing process call for differing legal solutions in order that the remedy encroach as little as possible on religious practice and belief. At early stages preventive remedies, such as a requirement of

20 See text accompanying notes 157-208 *supra*.
21 Vermont Hearings, *supra* note 16, at 13 (unrevised statement of Dr. Peter Laquer, psychiatrist); 11 (revised statement of Dr. John O. Clark, Jr., psychiatrist); see Ouchter, *Brainwashing: Perspectives by Propagandists*, *Icon's HEALTH*, Feb. 1976, at 16, 33. See generally W. C. Cline, *The Psychology of Religion* 111, 121, 307-08 (1976).
22 E.g., *Children and the Young, Back to Back: Progress at Paris*, Sept. 1, 1976, at 1, 3. 1 (revised text as *FORWARD OF PARIS*); Vermont Hearings, *supra* note 16, Letter from Dr. Stanley H. Cobb, psychiatrist, to author (Apr. 16, 1976); Opus letter from Jay Morris, psychiatric social worker (Aug. 3, 1975).
23 See, e.g., *Dynasty Hearings*, *supra* note 16, at 31 (statement of Rev. Dennis Sampson); *Religious Cults: Never Forget For Youth*, U.S. NEWS & WORLD REP., June 16, 1976, at 34 (federal investigation stood as stymied by drawing the line problem); *Deprogrammer's Code as Religious Cult's Cure*, *Playing the Devil's Advocate At Work*, N.Y. TIMES, Feb. 16, 1977, at A 21, col. 1 (new age cults viewed as alternative religious institutions for youth); Letter from Stephen Kalla, Alliance for the Preservation of Religious Liberty, to members of the Judiciary Committee—Vermont State Senate (Jan. 27, 1977) (argues that proposed statutory remedy for religious mind control would be equally applicable to adult males who are indoctrinated by television or clergy guidelines who succumb to temptation to buy a new automobile) (on file with author).
24 *Religious Cults*, *supra* note 23, at 32. The movement is worldwide. See, e.g., *EXPERIMENT REPORT*, *supra* note 16, at 37 (Children of God has 120 communes throughout the world); *Belmont: A Roman Empire Movement in the West*, in *ACTS OF THE 17TH INTERNATIONAL CONFERENCE ON THE SCIENTOLOGY OF RELIGION* 319, 321 E (1975) (Moon's Church has "branches or communities in all European countries"); and has a large following in Korea and Japan; Harris & Richardson, *A MAN HEARD AND OBSERVED Lead in the Children of God*, in *SO'N* 5, 6 (a New York State statute on the basis of *REASON*, *ACTS OF MISTAKING* 1 (1975) (Children of God centers in over 65 countries); *The Dark Side of Sun Moon*, TIME, Jan. 16, 1976, at 49 (Moon influence in France, West Germany, Japan); *It's Times* (Boston, Colorado), May 1, 1975, at 1, col. 1 (Oral battle over American mother's attempt to remove daughter from local colony of New Testament Missionary Fellowship, a New York state based cult); *New Haven Advocate*, Sept. 17, 1975, at 4, col. 3 (Moon has training centers at 500 camps); Address by Paul B. Rasmussen, Member of Parliament, Official Record (Oct. 22, 1975) (speaking concern over Unification Church's activities in England) (transcript on file as *Rasmussen*); Transcript of NBC News show "Weekend" (May 17, 1975) (Moon's organizations used as focus for 4000 converts) (transcript on file as *Weekend*).
25 The actual number is probably on the order of 300,000 to 750,000. Precise estimates are made difficult by the tendency of both cult and anti-cult sources to distort the figures according to their own purposes.
26 Cf. Briggs, *New Spiritual Organizations Considered Liable to Lead*, N.Y. TIMES, Jan. 27, 1977, at A15, col. 1 (Gallo poll suggests six million Americans have some level interest with transcendental meditation, three million with charismatic renewal, three million with mysticism, and two million with "Oriental religions").
27 See notes 393-420 *supra*. Ted Patrick's career is described in T. PATRICK, *LET OUR CULTS GO* (1976).
28 Patrick claims to be responsible for over 1,000 deprogrammings over the last few years. T. Patrick, *supra* note 27, at 37. Joe Ablesander, another deprogrammer, claims to have deprogrammed about 600 individuals during the last 5 years. L.A. TIMES, Jan. 5, 1977, at 1, col. 1. Alexander, who works in concert with a clinical psychologist and refers to deprogramming as "relaxing inducing therapy," *Id.* at 3, col. 2.
29 E.g., W. T. Frazier, *supra* note 16, at 54-55; T. PATRICK, *supra* note 27, at 77, 79. Letter from Don J. Rasmussen, former Hare Krishna member and cult leader, to Hare Krishna Embassy, 50 Foster Harcourt (Oct. 2, 1977). ("I thank you, because after 10 years being in meditation, for giving me a chance to live free . . . to be my own person with my job, my family").
30 *Real For Deprogrammers*, at 17, *People's Choice*, Vol. 1 (P.O. Box 1009, Orange County, Calif.) App. Oct. 26, 1976) (complaints written and verified that they were "reprogrammed, brainwashed, and well and good for 10 years in a family controlled by deprogrammers"); Y. Patrick, *supra* note 27, at 14-16.
31 *Id.* (letter from deprogrammers of St. People's Choice, No. 1009, Orange County, Calif.) App. Oct. 26, 1976) (they found deprogramming policy of law enforcement);

New Haven Advocate, Sept. 16, 1975, at 1, col. 2, at 7, cols. 5. (charging deprogramming "the most horrible thing in the whole world. *CONSENT* [redacted], *REASON* [redacted]"; *Id.* notes 116-18 and accompanying text) (see *Indoctrination: Critical Review of "Deprogramming"*, 12 *J. of Religion* 100-101 (1976)).
32 See notes 416-57 *supra* and text accompanying notes 420-29 *supra*.
33 See text accompanying notes 45-239 *supra*.
34 See text accompanying notes 311-77 *supra*.
35 See text accompanying notes 216-76, 240, 250-55, 260-69 *supra*.
36 See text accompanying notes 111-71 *supra*.
37 See text accompanying notes 272-73 *supra*.
38 See text accompanying notes 326-50 *supra*.
39 See text accompanying notes 372-521 *supra*.

disclosure, might be imposed in order to ensure that potential converts are aware of the possible risks of proceeding to membership in the cult. After induction, when the conditioning process has progressed further and it appears that the members' choice to join has not been freely made, reverse efforts might be appropriate. Some of the remedies that have been developed or proposed are set out and evaluated under relevant trust amendment doctrine. These include conservatorship proceedings, trust actions by parents and ex-members, consumer protection legislation, and self-help, including abduction and deprogramming.

Postinduction remedies that risk overriding competent objection require consideration of the possibility of error.⁴⁰ Since no set of screening procedures designed to diagnose mind control can work perfectly, errors of two types may result. Type I error consists of overriding decisions to join that have been freely and voluntarily made. Type II error consists of withholding relief in cases where the individual's decision to join has resulted from illegitimate pressure and coercion's influence. Since both types of error can result in serious losses of personal autonomy, it is essential that the consequences of both types of error be weighed in order that the resulting criteria be as risk-free as possible. Existing methods for diagnosing brainwashing are discussed, and recommendations are made concerning judicial mechanisms that might be used to assure that these procedures are applied fairly, and that the right to make a competent decision to refuse induction is preserved.

1. REGULATION OF RELIGION-BASED PROSELYTING: FIRST AMENDMENT LIMITATIONS

While religious belief is protected absolutely,⁴¹ religiously motivated conduct is subject to a balancing analysis in which the interest of the religious group is weighed against the state's legitimate interest in regulating or forbidding the activity.⁴² In addition, "the religious group's interest in free exercise of its beliefs giving rise to the conduct is outweighed by the state's interest in regulating the conduct if the practice is not central to the group's system of belief."⁴³

A. THE STATE'S INTEREST

The state's interest in regulating the recruiting and indoctrinating practices of extremist religious groups varies according to the harmfulness of these practices.⁴⁴ A review of legislative hearings, reports of attorneys general, lower court opinions, and the writings of clinical psychologists and psychiatrists suggests that the harms can be classified into several categories. These include harm to the individual and harm to certain societal groups and institutions.

1. Harms to the Individual

a. *Prevalence of psychiatric and physical disorders.* (i) *Psychiatric disorders.*⁴⁵ The pressure, anxiety, and intense guilt manipulation characteristic of the cult induction process have been found to induce mental and emotional disorders in relatively well-adjusted youths. Individuals who have more severe personality problems at the beginning of the induction process may become acutely ill or suffer psychotic breakdowns.

At a recent Vermont Senate hearing,⁴⁶ a number of psychologists and psychiatrists testified about the mental health implications of cult membership. A Harvard University assistant professor of psychiatry testified that the dangers, which he found generally to be "extreme,"⁴⁷ vary according to whether the convert's decision to remain with the group is an expression of "restrictive" or "adaptive" forces.⁴⁸ The restrictive group is composed of persons who are, at the outset, borderline personalities. These individuals tend to be "seekers" who are uncomfortable with themselves and with reality, and are attempting to restore themselves by finding a place in a different reality.⁴⁹ In this respect, their effort is like that of schizoprenics who create a new, simplified world and style of thinking in place of the complex world they wish to leave. Approximately half of the cult inductees the psychiatrist examined fell into this group.⁵⁰ A second group, the adaptive individuals, were relatively free from pathology at the start. These were normal, developing young people, frequently college students, who were going through ordinary postadolescent difficulties or crises at the time they were inducted into the cult.⁵¹

The psychiatrist found that individuals in the restrictive group are "very much at risk," since the victim's tendency to find refuge in an unreal, fixed thought system is accelerated by living with a group whose thoughts, speech, and behavior patterns encourage these traits.⁵² He compared the storming phases of members of this group to regain a relationship with outer reality with those of schizophrenics of past years whose condition deteriorated, as a result of confinement to the back wards of mental hospitals, to the point where they could no longer think or act effectively.⁵³

Individuals from the adaptive group present a somewhat different picture. Relatively normal at the outset,⁵⁴ these youths join a cult as a result of the combination of opportunity—a missionary state of discouragement or depression—and contact with a recruiter.⁵⁵ Lured into the cult by false representations and enticed to remain through the initial stages of indoctrination by flattery, offers of friendship, and peer pressure, members of this group find themselves confronted with a series of problems posed by the demands of cult membership.⁵⁶ Desiring to preserve the psychic rewards of membership, these individuals respond to the challenges the cult presents to them by undergoing social, physiological, and psychological changes which, while not so blatantly pathological as those of the restrictive group, are nevertheless alarming and, if not interrupted, potentially irreversible.⁵⁷

The unceasing sensory barrage,⁵⁸ physiological depletion,⁵⁹ absence of

40. See text accompanying notes 375-71 (supra).
41. U.S. CONST. amend. 1.
42. See *Wisconsin v. Yoder*, 406 U.S. 320 (1977); *Sherbert v. Verner*, 374 U.S. 398 (1963).
43. See text accompanying notes 510-55 (supra).
44. See text accompanying notes 134-61 (supra).
45. Courts that have considered limitations on religious practices have done so in light of the harmfulness of such practices to individuals or institutions. See, e.g., *Wisconsin v. Yoder*, 406 U.S. 320 (1977) (refusal to send children to public or private schools); *Prince v. Massachusetts*, 321 U.S. 153 (1944) (child labor); *Reynolds v. United States*, 98 U.S. 145 (1878) (polygamy); *United States v. Galt*, 200 F.2d 862 (9th Cir. 1955) (obscenity); *United States v. Quisenberry*, 674 F.2d 646 (9th Cir. 1982) (LSD use); *United States v. Reich*, 678 F.2d 88 (8th Cir. 1981), 809 F.2d 962 (8th Cir. 1986) (polygamy); *See* *Auton v. A.S. 254* (1976).

47. Vermont Hearings, supra note 16.
48. Id. at 17 (verbal statement of Dr. John O. Clark, Jr., psychiatrist). John O. Clark, Jr., a psychiatrist associated with Harvard Medical School and the Massachusetts General Hospital, R. E. FINESTE, supra note 14, at 155, has had extensive experience in examining and treating cult victims and has testified as a member of legislative and judicial hearings on the cult problem.
49. Vermont Hearings, supra note 16, at 17.
50. Id.
51. Id.
52. Id.; see notes 230, 233 (supra); Shapiro, *Destructive Cults*, 13 AM. FAM. PSYCHIATRY 68-81, 81 (1977).
53. Vermont Hearings, supra note 16, at 17. See generally notes 62-67 (supra) and sources cited therein.
54. Vermont Hearings, supra note 16, at 17.
55. R. FINESTE, supra note 14, at 154-56. One psychological child specialist of interest, Meehan, said a desire to improve the world by propagating factors. Vermont Hearings, supra note 16, at 64-65; see Meehan, *Phases of a "Mosaic"—Three Years with the Unification Church*, *Arizona Republic*, May 7, 1977, at C-1, col. 2 ("The Church seduces you by your own hands"); See also FINESTE, *supra* note 22, at 2 (Culting overlaps on propagating influence, since this can create anxiety in the youth over apparent incongruities between ideals and world as it really is).
56. Vermont Hearings, supra note 16, at 17, see, e.g., ALL ODOM COLEMAN, supra note 9, at 68-69. See also R. FINESTE, supra note 14, at 154; Shapiro, supra note 32, at 85.
57. Vermont Hearings, supra note 16, at 17. See also Shapiro, supra note 32, at 86-87.
58. Vermont Hearings, supra note 16, at 67; see note 63 (supra). The charges are typically difficult to verify, since they are spread broadly without the kind of independent investigation that one might expect. *Psychiatric Casebooks*, *Psychiatry*, Mar. 10, 1974, at 10-15 (quoting a number of Green Mountains (Vermont) residents). See also *Verdict*, supra note 14, at Vermont Senate Judiciary Committee.
59. Vermont Hearings, supra note 16, at Vermont Senate Judiciary Committee, supra note 16, at 15 (quoting a number of Green Mountains (Vermont) residents); R. FINESTE, supra note 14, at 176-77. *Psychiatric Casebooks*, *Psychiatry*, New York 130 (1977) (describing hypochondriac

mental privacy,⁵¹ and lack of opportunity for reality testing⁵² combine to produce in these individuals a state of narrowed attention and heightened suggestibility that the psychiatrist compared to a trance.⁵³ Once in this condition, the victims are compelled to reorganize their past lives and relationships into stereotyped patterns of right and wrong, good and evil.⁵⁴ The victims are compelled to sever all attachments to friends and family,⁵⁵ a decision which becomes easier by virtue of the remote setting in which indoctrination is carried out.⁵⁶ This forced rejection of the past, together with the intense focus on the present, makes it progressively more difficult for the recruit to identify with or reconstruct, in his imagination, his past

life.⁵⁷ The only reality becomes the present, with its intense preoccupation with the supernatural.⁵⁸ Cosmic struggles between good and evil and with the convert's growing dependence on the group for a framework in which to resolve the most frightening problems.

The victim's dependence on the group and the thought structures it offers results in gradual changes in the language base in which discourse and thought are carried out.⁵⁹ Old, emotion laden words are given new, rigid, simplified meanings.⁶⁰ The new vocabulary is at once literal, magical, and talk-oriented. Converts' speech patterns demonstrate a lack of humor,⁶¹ and an inability to appreciate and use metaphor.⁶² Critical thinking and the asking of questions is discouraged, converts are taught to feel rather than think.⁶³

When this adaptation process has progressed through a period lasting from a few days to several weeks, the convert may be judged by the elders as ready to assume the duties of full-fledged membership. These include proselytizing, money-raising on street corners, and scavenging for oddball garbage.⁶⁴ At this stage, complex rational thought, a career, and ordinary love relationships become impossible.⁶⁵ The member appears simplistic in his thought processes, stereotyped in his responses to questions,⁶⁶ and unable to make even simple decisions. The recruit's impaired intellectual functioning appears to reflect a loss of many I.Q. points,⁶⁷ the possibilities of human uteracy are impaired, and the victim's judgment about events in the world is damaged because of a constricted ability to perform ordinary reality testing functions.⁶⁸

In addition to these impairments of mental and emotional functioning, the final stage for both groups is often accompanied by classic psychotic or neurotic symptoms.⁶⁹ A psychiatric social worker with extensive experience in treating cult members implied at a meeting convened by a United States Senator that half of the individuals suffered from "schizophrenia or borderline psychosis" as a result of the cult experience.⁷⁰ Many had suicidal impulses; others required hospitalization.⁷¹ Recovery was believed to require a year or more, which the social worker compared to the length of time required by brainwashed prisoners of war to return to normalcy.⁷²

51. "Frequent bombardment of Bible" verses at Children of God training camp. All Gods Children, supra note 9, at 5-6 ("hours of one stop activity"). Shapiro, supra note 32, at 81 ("stands on the narrow system"). Meeting Report, supra note 18, pt. 7, at 6 ("sessions past 3, 11" repetitive lecture that never ceased, 7, 14 ("constant singing"), 21 ("constantly drilled with the philosophy of the Frontline"). Letter from Joan Morris, psychiatric social worker, to the Honorable Harry Hagg, Los Angeles, Cal. Super Ct. (Jan. 12, 1978) (indictment returned out through incoming secretary brought James Morris in the head of a Boston-based group of medical professionals that is studying the cult problem and has had intensive experience in working with cult victims and their families). Transcript of NBC News show "Whodunnit" (June 4, 1977) (constant playing of tape recorded message of Mary Kathleen Murphy). Cf. Healy, supra note 6, at 250-57 ("intensity of indoctrination produced by the constant play of the radio and by professed and purported improvisation" need to convert victim into glib and confident confidante), 291 ("sometimes they'd have two radios and the television on at the same time").

52. Vermont Hearings, supra note 16, at 17. Vermont Senate Judiciary Committee, supra note 16, at 19. R. Eason, supra note 14, at 109. Uniforms Church, 120-Day International Training Camp (Burrville, N.V.) Workshop Manual 43, 74, 75 (undated, on file with author) (listing techniques in Uniforms Church) (hereinafter cited as Manual). Cf. source cited note 128 (who "prevents of one, distant survival syndrome"). See also notes 107-68, 158, 162, 228 (supra).

53. Vermont Hearings, supra note 16, at 17. R. Eason, supra note 14, at 39-40, 228 (victim is never allowed to be alone). Jaffe & Metzger, Constant Pressure Almost Irresistible: U.S. Cults of the 1970s, supra note 14, at 109. Uniforms Church, 120-Day International Training Camp (Burrville, N.V.) Workshop Manual 43, 74, 75 (undated, on file with author) (listing techniques in Uniforms Church) (hereinafter cited as Manual). Cf. source cited note 128 (who "prevents of one, distant survival syndrome"). See also notes 107-68, 158, 162, 228 (supra).

54. Vermont Hearings, supra note 16, at 17. R. Eason, supra note 14, at 139. Lipton Report, supra note 16, at 30-39. Shapiro, Inside a Menace Camp: A Week at Bonville Training Camp, S.F. Chronicle, Dec. 11, 1975, at 1, col. 1 (names never left alone). Galper, Indications Methods of the Uniforms Church 6 (Mar. 13, 1977) (pages prepared at Annual Meeting, Calif. State Psych. Ass'n) (CASA) high level of affective control is generated and maintained. The highly structured program permits no leeway or private time to engage in personal reflection. Thus the recruit has minimal opportunity to evaluate or integrate his experiences with the content of his previously established frame of reference"). Meeting Report, supra note 18, at 2, at 12, 13.

55. Vermont Hearings, supra note 16, at 17. All Gods Children, supra note 9, at 159 ("abused states of consciousness"). Cf. Monaghan, MENTAL 105, 1-8, 212-18 (1974) (conference, additional, stability by dangerous loss and distortions from reality). 117 (America during fourth week of ordeal "I lived in a kind of twilight state"). Cf. Shapiro, supra note 32, at 81. Galper, supra note 62, at 11 ("on ongoing trace... emerged as the most subtle feature"). Healy, supra note 6, at 233 (conference, poor concentration, polarity emotion). Farber, Harlow, & West, Brainwashing, Conditioning and DDD (Doubly, Dependency, and Dread), 20 SCIENTIST 211 (1975) (responsibility of Constant pressure to returning resulting from psychic conditioning). See also Luby, Effects of Physical Restraint and of Reduction of Ordinary Levels of Physical Stimuli on Inbred, Healthy Persons: Alternative Strategies for Research on Psychopathology in Mental Health, Group for the Advancement of Psychiatry Symposium No. 2, 11, 16, 18 (1956) (conclusion, sensory deprivation causes increase in susceptibility; produces borderline mental state between sleep and wakefulness).

56. Vermont Hearings, supra note 16, at 17. J. Lipton, DOOMDAY CULT 197 (1968) (anything that helps the cult in Canada, all also in Canada). Lipton Report, supra note 16, at 29, 30, 34-35. Waldman, supra note 14, at 11-13 (Uniforms Church Young women receive division of world forces into "good versus evil," "God against Satan," training continues for "18 to 20 hours a day"). Meeting Report, supra note 18, pt. 2 at 14, 22, of R. Lipton, THOUGHT REPORT AND THE RECOVERY OF TOTALITY: A STUDY OF "BRAINWASHING" IN CANADA (Harvard U., 1961) (these 6 episodes of totalistic impulses, the psyche need to see world in black-and-white terms). Healy, supra note 6, at 237, 311 (only black-and-white view used to justify legal and deceptive practices), notes 192-206 (same).

57. Vermont Hearings, supra note 16, at 17. R. Eason, supra note 14, at 162, see notes 157-68, of R. Lipton, supra note 14, at 67-70 (prisoners subjected to constant domination of friends and colleagues). Healy, supra note 6, at 228, 317 (victim subjected to "negative persuasion" by captives, denunciations peers and family).

58. Vermont Hearings, supra note 16, at 17. Vermont Senate Judiciary Committee, supra note 16, at 19-20 (New Testament testimony of former Uniforms Church members). See Vermont Hearings, supra note 16, at 79 (undated listing, 15-70 miles from town, one hours transportation provided), note 143 (supra). Jaffe & Metzger, supra note 14, at 7, col. 2 (Uniforms Church training carried out in small island in Puget Sound). Meeting Report, supra note 18, pt. 1, at 7, 21 (Uniforms Church recruit "received hundred radio" away from recruit's home). Cf. R. Lipton, supra note 64, at 428-33 (index covered, allegedly control of communication and movement, by constant vigilance of covertly permeable), 7. Shapiro, COGNITIVE PERMEATION

198 (1961) (degree of physical or psychological confinement as dampening feature of the brainwashing process). Healy, supra note 6, at 317 (removal of communication is "the basis for the whole [mind reform] process").

59. Vermont Hearings, supra note 16, at 17. Cf. Healy, supra note 6, at 288 (associative schemas of 40 days learned from listening about 19 parts of the "script", 298 (associative schema "script" on the reality is), 318-19 (traumatic trauma, and survivor syndrome). See also R. Eason, supra note 14, at 111-13.

60. Vermont Hearings, supra note 16, at 17, see All Gods Children, supra note 9, at 171. Waters, supra note 11, at 96-99.

61. Vermont Hearings, supra note 16, at 17. Meeting Report, supra note 18, pt. 1, at 32; see R. Eason, supra note 14, at 139 (teaching of "thought reforming chemicals"), Eason, The Seduction of the Seer, Esoteric Magazine, Sept. 24, 1974, at 1, col. 2 (Described the need to Seduction of the Seer).

62. Vermont Hearings, supra note 16, at 17.

63. Id.

64. See also sources cited note 102 (supra).

65. Vermont Hearings, supra note 16, at 17; see Dynamis Hearing, supra note 16, at 57-58; Lipton Report, supra note 16, at 31; note 229 (supra). Cf. R. Lipton, supra note 64, at 66-63 (prisoners learn to "feel" guilty; fear and self betrayal lead to artificial acceptance of captor's demands). Healy, supra note 6, at 237-58, 300 (trauma and fear of death at the hands of the captors increase dependence on captors and result in unquestioning compliance with their demands).

66. All Gods Children, supra note 9, at 5-11 (Overnight), 121-33 (Undertaking); Meeting Report, supra note 18, pt. 1, at 62 (using from garbage can). See also notes 107-68 (supra).

67. Id.

68. Cf. Klamoff, McDougall, Clark, Kramas, & Morgan, The Neurophysiology of Psychiatric and Physical Effects of Prolonged & Severe Stress: 30 Years of Data, 163 J. Nervous & Mental Disease 246, 248 (1974) (long-term type of intellectual function reported in prison camp survivors).

69. Vermont Hearings, supra note 16, at 17.

70. R. Eason, supra note 14, at 319 (visions, hallucinations, hearing voices), 321 ("cognitive processes were scrambled"), see James 80, 83-87, 92, 108-92, 130-41 (supra).

71. N.Y. Times, Feb. 19, 1976, at 18, col. 1; Meeting Report, supra note 18, pt. 1, at 31.

72. Open letter from Morris, supra note 22.

73. All Gods Children, supra note 9, at 775-77 (methodology problems of brainwash methods), 179, 262, 265; Open letter from Morris, supra note 22.

Courts deciding cases involving conservatorship, habeas corpus, and child custody have considered the varieties and extent of psychiatric harm resulting from cult membership. A psychiatric disposition introduced in a conservatorship hearing spoke of the victim's "altered mental state, in which normal thought processes are obstructed by the presence of a structured and induced delusional system."⁸¹ The victim showed "characteristic manifestations" of cult-induced psychic alteration: "a prepetual, quizzical smile, a mood of false euphoria; a . . . glassy eyed stare; and clipped, repetitive speech patterns."⁸² The psychiatrist found the young person "flustered—almost hypnotically—with a perception of all people and things cast in a bitter conflict between 'good' and 'evil'."⁸³ The implantation of these ideas "has resulted in a drastic and harmful distortion of Mr. . . . 's reality testing," and "memory of his past human interaction with the ordinary world has been re-worked into a conception of guilt and self-worthlessness."⁸⁴ The victim had suffered loss of ego boundaries and impaired reality testing to the extent that he demonstrated "intense confusion and consequent helplessness to differentiate between reality and fantasy."⁸⁵

These findings, which are illustrative of the psychiatric and psychological evidence relating to the effects of cult membership, suggest that the State can demonstrate a substantial case, based on the risks to mental health, for interference with the cult functions that result in such effects.

(ii) *Guilt, suicide, and self-mutilation*: Cults have been found to utilize intensive exploitation of guilt to induce compliance, enhance their control over converts, and facilitate a break with the past.⁸⁶ Ex-cult members also may experience personal guilt for having led to their friends and family, or for having assisted in recruiting new members into the sect. Aftereffects related to guilt include terrifying dreams,⁸⁷ often of suffering an illness or accident as punishment for having led the cult.⁸⁸

While in the cult, the forced preoccupation with guilt and damnation drives some members to engage in self-mutilative behavior,⁸⁹ sometimes as demonstrations of faith. One youth committed suicide by lying down on the tracks in the path of an oncoming train after running away from a Unification Church training center.⁹⁰ Physicians and residents of Duchesne County,

New York, site of one of Reverend Moon's training centers, have noted the large number of trauma cases and suicide attempts seen in local hospitals.⁹¹ Activities at the center were reported to be under investigation by the county's district attorney.⁹²

The Unification Church teaches that the individual must "pay indemnity" for his sins, which include thinking evil thoughts. An individual who discovers himself to owe indemnity is required to do something painful,⁹³ such as forfeit a night's sleep. One who wishes to become a core member of the Unification Church must fast at least 7 days.⁹⁴ Psychiatrists who have dealt clinically with ex-cult members find that the feelings of guilt and worthlessness induced by the cult experience are often long-lasting and can contribute to depression, feelings of impending doom, and apathy toward one's surroundings months after release.⁹⁵

(iii) *Monstrous crimes*: The limitations placed on language, thought, and experience; the loss of ego functioning; physical stress; and the forced acquiescence in the will of the leaders gradually reduce the decision-making ability of cult members to such a degree that their behavior comes to resemble that of much younger persons.⁹⁶ As the developmental process ceases, the cult maintains the individual in a regressed state by "recapitulation of themself" from early stages of life.⁹⁷ In this condition the possibilities for individual growth and development are severely impaired.⁹⁸ Occasional university scholars have written letters of childhood obliquity to their siblings or parents.⁹⁹ Parents who have visited their offspring while in the

85. Waters, *supra* note 13, at 100; N.Y. Times, Sept. 30, 1973, at 41, col. 7; see Waters, *supra* note 13, at 100 (physical injuries at Berrytown and one suitably by deception of made Moon follow-up as was taken over Berrytown).
84. N.Y. Times, Sept. 30, 1973, at 41, col. 7.
83. See, e.g., B. Emswiler, *supra* note 14, at 74 (fasting for 5 days to crucify the flesh).
114. Waters, *supra* note 13, at 99 ("Some kids showed their hands into the saw-wood they couldn't feel any longer"); Mammì, *supra* note 68, at 74, 75, 78; Minding Report, *supra* note 14, pt. 2, at 6, 11; cf. Vermont Hearings, *supra* note 16, at 71-72 (devilish members told the murder of six million Jews in Nazi Germany was testimony for Jews' role in crucifixion of Christ); Minding Report, *supra* note 14, pt. 1, at 77 (same).
86. Mammì, *supra* note 68, at 63.
87. See, e.g., Vermont Hearings, *supra* note 16, at 17.
88. For discussion of the state's interest in protecting children against developmental injury, see *Whitman v. Fisher*, 488 U.S. 131, 711 (1977); Prince v. Massachusetts, 311 U.S. 158, 165-70 (1942); Pierce v. Society of Sisters, 268 U.S. 379, 314 (1925).
89. Vermont Hearings, *supra* note 16, at 13 (former testimony of Dr. Peter Laguerre, psychiatrist); see B. Emswiler, *supra* note 14, at 133-44 ("Changes in voice, posture, mannerisms, and even handwriting," loss of reading and simple arithmetic skills in extreme cases); *Footprints of Faith*, *supra* note 72, at 1; Sage, *The War on Cults*, *Peterborough, Dec. 1976*, at 47; Letter from Dr. H. O. Moulder, psychiatrist, to H.C. (Sept. 22, 1974) (see file with notes); cf. R. Larson, *supra* note 64, at 57 (refusal to allow Communist promises to recover his adult daughter); HASKIN, *supra* note 8, at 124 (expression of victim to state of "beliefs derangement"); *Worshiper's Guide*, Minding Report, & Waters, *Crucifixion of Christ*, 194 J. NERVOSA & MENTAL DISEASE 330, 370 (1946) (combat soldiers' experience a spiritual breakdown when collection of their group is disrupted); Bonifacio, *Individual and Mass Behavior in Extreme Situations*, 20 J. ABNORMAL & SOC. PSYCH. 117, 644-67 (1947) (soldiers' regression to infantile behavior); Fulky, *Harlow, & West, supra* note 62, at 273 (examples of regressed mind).
90. J. Anderson, *Children of the Second Advent: A Study of Conversion Patterns in Sun Myung Moon's Unification Church* 55 (April 27, 1976) (unpublished senior essay, Yale University); see Collier, *supra* note 62, at 6 (individual "voluntarily so gravely injured in the periphery of the ritual group" and manifestation of "various desires for interpersonal contact or fusion"); Roberts, *Our Son's New "Nearby Family"*, BAYVIEW EVIDENCE FOR. Sept. 1976, at 80; *Footprints of Faith*, *supra* note 22, at 7, col. 4, of Minding, *supra* note 52, at 85-81 (assertions that all one's needs will be met).
91. See Vermont Hearings, *supra* note 16, at 13 (former testimony of Dr. Peter Laguerre, psychiatrist); 17 (former statement of Dr. John O. Clark, Jr., psychiatrist); interview with Dr. John O. Clark, Jr., psychiatrist, in Boston, Mass. (May 2, 1976) (see file with notes).
92. See, e.g., Letter from H.C. (Oct. 13, 1976) (quoting letter from H.C.'s daughter, a member of a West Coast sect).
93. See, e.g., Vermont Hearings, *supra* note 16, at 13 (former testimony of Dr. Peter Laguerre, psychiatrist); 17 (former statement of Dr. John O. Clark, Jr., psychiatrist); interview with Dr. John O. Clark, Jr., psychiatrist, in Boston, Mass. (May 2, 1976) (see file with notes).
94. See, e.g., Letter from H.C. (Oct. 13, 1976) (quoting letter from H.C.'s daughter, a member of a West Coast sect).
95. See, e.g., Vermont Hearings, *supra* note 16, at 13 (former testimony of Dr. Peter Laguerre, psychiatrist); 17 (former statement of Dr. John O. Clark, Jr., psychiatrist); interview with Dr. John O. Clark, Jr., psychiatrist, in Boston, Mass. (May 2, 1976) (see file with notes).
96. See, e.g., Letter from H.C. (Oct. 13, 1976) (quoting letter from H.C.'s daughter, a member of a West Coast sect).
97. See, e.g., Vermont Hearings, *supra* note 16, at 13 (former testimony of Dr. Peter Laguerre, psychiatrist); 17 (former statement of Dr. John O. Clark, Jr., psychiatrist); interview with Dr. John O. Clark, Jr., psychiatrist, in Boston, Mass. (May 2, 1976) (see file with notes).
98. See, e.g., Letter from H.C. (Oct. 13, 1976) (quoting letter from H.C.'s daughter, a member of a West Coast sect).
99. See, e.g., Vermont Hearings, *supra* note 16, at 13 (former testimony of Dr. Peter Laguerre, psychiatrist); 17 (former statement of Dr. John O. Clark, Jr., psychiatrist); interview with Dr. John O. Clark, Jr., psychiatrist, in Boston, Mass. (May 2, 1976) (see file with notes).

81. Deposition of Dr. Stanley H. Cash, psychiatrist, in Middlesex, Mass. 3 (Jan. 12, 1974).
82. *Id.* at 4.
83. *Id.* at 4; cf. Williams, *Agony of Eleven Days at Isenhart*, *Hartford Courant*, June 18, 1974, at 15, col. 1 (depicting of Unification Church accused of murder by reason of insanity, following testimony of psychiatrist that defendant's religious experiences in the organization had made him think that he could feel no difference from others).
84. Deposition of Cash, *supra* note 81, at 6-7.
85. *Id.* at 6.
86. See, e.g., B. Emswiler, *supra* note 14, at 160-61, 171, 172 (SCOTT REPORT, *supra* note 16, at 56, *Emathy Healing*, *supra* note 16, at 70-71, 130; Vermont Hearings, *supra* note 16, at 17, Minding Report, *supra* note 14, pt. 2, at 7, 14, 31, 33. For an account of a Kansas State University student's "suicidal thoughts" in a Unification Church training center, see *New Haven Advocate*, Sept. 10, 1973, at 6, col. 1. For 16 hours she was faced by a group of leaders demanding that she "believe what you are thinking." She completed, even to the point of lying, in order to satisfy them. "The demands of cult life finally" drove her close to mental breakdown or suicide. She protested to the leaders that one member was not being treated as a human being. The reply was: "That's not a valid statement. There's nothing in the Principles (Moon's Bible about human beings." See also Letter from Kevin O'Connell, court psychiatrist, in Middlesex County, Mass. (July 12, 1974) (witness combines with previous testimony that told her in the "dark world," the confession process facilitates an individual's dependence on the group for a value system that condones past behavior and misconceptions and recognizes the validity of making her cult experience, beliefs, and relationships); E. S. Coates, *supra* note 66, at 143-56; HASKIN, *supra* note 8, at 119-21 (one of guilt as concept (technology), one 158 and recovery (step 161) (step 162) (step 163) (step 164) (step 165) (step 166) (step 167) (step 168) (step 169) (step 170) (step 171) (step 172) (step 173) (step 174) (step 175) (step 176) (step 177) (step 178) (step 179) (step 180) (step 181) (step 182) (step 183) (step 184) (step 185) (step 186) (step 187) (step 188) (step 189) (step 190) (step 191) (step 192) (step 193) (step 194) (step 195) (step 196) (step 197) (step 198) (step 199) (step 200) (step 201) (step 202) (step 203) (step 204) (step 205) (step 206) (step 207) (step 208) (step 209) (step 210) (step 211) (step 212) (step 213) (step 214) (step 215) (step 216) (step 217) (step 218) (step 219) (step 220) (step 221) (step 222) (step 223) (step 224) (step 225) (step 226) (step 227) (step 228) (step 229) (step 230) (step 231) (step 232) (step 233) (step 234) (step 235) (step 236) (step 237) (step 238) (step 239) 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cult have found them unable to make simple decisions.¹⁰⁵ A psychobiologically oriented physician has likened the processes involved to those exploited by a totalitarian society.¹⁰⁶ Other psychiatrists believe some youths unconsciously use cult membership as a means to escape the responsibilities of adulthood.¹⁰⁷ The awareness of their own motivation, these youths became entrained in an unreal world from which their "escape from freedom" is very difficult.¹⁰⁸

(iv) *Physical disease and injury* The health threatening effects of a low protein and very high carbohydrate diet,¹⁰⁹ insufficient amount of sleep,¹¹⁰ overwork,¹¹¹ and substandard, cramped living conditions¹¹² are compounded by the belief, common to most cults, that medical science is useless and that illness is a sign of spiritual shortcomings.¹¹³ In addition, a number of cults, including the Unification Church, encourage self-mortification as a means of purging the self of sin.¹¹⁴ Members of one cult ingest dangerous substances in order to attain spiritual insights.¹¹⁵

Understanding and creative learning require young people to think for themselves before they can be cults. In later correspondence, many of those who had overcome the most alarming brain and personality changes were unable to brief some full of children.

105 Interview with Dr. John O. Clark, Jr., supra note 101, at 88; *Enoch*, supra note 14, at 154; *Letter from Moore*, supra note 22 ("The sign appears to work like a muscle, if not a second or a third").

106 *Shapiro*, supra note 32, at 81.
107 *Quasha*, supra note 21, at 53; *Portrait of Peter*, supra note 22, at 7; *Open letter from Dr. John O. Clark, Jr.* (Aug. 6, 1975), see *Conf. Factors Child and Women Culture: Why Parents Monitor the Young Oriental Religion*, *Pittsburgh Courier*, July 1977, at 46. (Harvard Professor of Chemistry expresses concern that some young people are leaving non-Oriental religions in the search for easy answers that will enable them to postpone maturity and avoid "the demands of making decisions").

108 See Vermont Senate Judiciary Committee, supra note 52, at 23, 43 (concerns testimony of "several Unification Church members). Without outside help, self-education is rare. See Vermont Hearings, supra note 18, at 87-88 (testimony of Dr. George Swopes, psychiatrist); *Quasha*, supra note 21, at 3 (participants who attended Unification Church meetings estimate that 90-95% of members are uneducated and working men and for the additional work of training of the latter group, 90-95% become full-time members). *Ref. I Was Brainwashed by the Followers of Rev. Sun Myung Moon (But I Wrote Up)*, *Harvard Crimson*, Sept. 30, 1973, at 1, col. 1 (of 70 recruits, most 2 weeks earlier was only due to love, "Many at all times"). *I Was Brainwashed by the Followers of Rev. Sun Myung Moon (But I Wrote Up)*, *Harvard Crimson*, Sept. 30, 1973, at 1, col. 1 (of 70 recruits, most 2 weeks earlier was only due to love, "Many at all times"). *I Was Brainwashed by the Followers of Rev. Sun Myung Moon (But I Wrote Up)*, *Harvard Crimson*, Sept. 30, 1973, at 1, col. 1 (of 70 recruits, most 2 weeks earlier was only due to love, "Many at all times"). *I Was Brainwashed by the Followers of Rev. Sun Myung Moon (But I Wrote Up)*, *Harvard Crimson*, Sept. 30, 1973, at 1, col. 1 (of 70 recruits, most 2 weeks earlier was only due to love, "Many at all times").

109 See, e.g., Vermont Hearings, supra note 18, at 63; R. ENOCH, supra note 14, at 160; *ALL GOD CHILDREN*, supra note 9, at 106-07 (during cold weather and 10 hours a day, we had to eat and concentrate on each grain of rice... a member who lost 60 pounds in her 6 months with the group stated "I think drugs got through that winter"). *Letter from Deborah*, supra note 30; *Meeting Report*, supra note 14, at 7, 12, 24, 36, 71.
110 Vermont Hearings, supra note 18, at 50; R. ENOCH, supra note 14, at 75, 160; *ENRICHMENT REPORT*, supra note 14, at 38; *The Fall of Sun Moon*, N.Y. TIMES, May 30, 1976 (Magazine), p. 33; see *Letter from Deborah*, supra note 30; *Meeting Report*, supra note 14, at 1, 25, 37, 41, 42.

111 R. ENOCH, supra note 14, at 99, 64; *Ref.*, supra note 100, at 23-24; *Meeting Report*, supra note 14, at 22 (round-trip 10 hours a day), 23, at 11 (12 to 16 hours per day by bus on the streets), 24 (round-trip 14 to 16 hours a day), 24, 26 (substance and pushing up to 16 hours a day), 30.

112 See, e.g., *Dynasty Hearing*, supra note 14, at 30, 39; R. ENOCH, supra note 14, at 63, 64-100 (living in a 4-room house of wood, unheated basements, "these discards of the trash and unwholesome that is a waste going through to make us strong"); *Shapiro*, supra note 32, at 82 (debilating psychiatric disorders); L. A. TIMES, Apr. 7, 1976, p. 2, at 1, col. 1, 6.

113 *Dynasty Hearing*, supra note 14, at 37; R. ENOCH, supra note 14, at 49, 99; *ALL GOD CHILDREN*, supra note 9, at 130; *Meeting Report*, supra note 14, at 11, 24, 34.
114 R. ENOCH, supra note 14, at 178-79.

115 *ALL GOD CHILDREN*, supra note 9, at 106-07; *Seattle Post-Intelligencer*, Jan. 30, 1972, at A-1, col. 5 (two deaths in Lava Family cult from inhaling tobacco, an industrial solvent); *Letter from Beverly P. Randall*, Chief Criminal Investigator, Law Enforcement Advisory Service, Office of the Attorney General, Seattle, Wash., to Charles A. Vande, Member of Congress (Aug. 13, 1976) (Lava Family cult suffered three deaths, two by tobacco inhalation, one by fall from a tree).

From our first experiences with the unprovoked violence of cult-to-cult violence in the spring of 1977, we discovered that this violence was being perpetrated by believing people from indoctrinated from the extreme fan of religious belief in religious cults. The violence was not a result of religious fanaticism but of religious fanaticism. The violence was not a result of religious fanaticism but of religious fanaticism. The violence was not a result of religious fanaticism but of religious fanaticism.

Letter from Church of Armageddon founded and named by Lavo based following publicity of the two tobacco-related deaths. R. ENOCH, supra note 14, at 37; see R. ENOCH, supra note 14, at 28 (Lavo Krishna devotees considered it an honor to drink and ingest containing a small amount of opium which had been used to induce Krishna state. See also *ALL GOD CHILDREN*).

At a recent meeting convened by a United States Senator, statements were made concerning an untreated eye condition¹¹⁶ (the young woman had been told her liver retina was an indemnity she must pay because her ancestor "was a peapog Tom"); an improperly set broken limb¹¹⁷ (the cult did not believe in doctors, so the boy's broken arm was set by other cult members), and an account of a young woman who suffered from an ovarian cyst so large that she appeared to be pregnant.¹¹⁸ Other cult members suffered loss of feeling in their feet and toes from long hours of standing on street corners while fundraising or proselytizing.¹¹⁹ One Hare Krishna follower, just after working in the streets, fainted in the presence of her visiting mother. On waking, she told her mother that her body consisted of nothing but stool and urine and was of no concern to her.¹²⁰ Many members lost large amounts of weight,¹²¹ often accelerated by ritual fasting.¹²² One colony was afflicted with hepatitis, which went untreated because Satan, not germs, was thought to cause illness.¹²³ Women ceased having menstrual cycles,¹²⁴ men suffered a slowing of facial hair growth¹²⁵ and loss of sexual interest.¹²⁶ One cult, until stopped apparently by publicity resulting from a number of deaths, realized the inhalation of the industrial solvent toluene, which they called "moll-ol", is attempts to produce states of enlightenment.¹²⁷

Children born to cult members often suffer from neglect and inadequate medical attention. During a hearing conducted by a California legislative subcommittee, the runaway daughter of the leaders of the Alamo cult told of a case of a boy who died of malnutrition, colitis, and dysentery; medical advice had not been sought.¹²⁸ Another report described children with fevers of 104 to 105 degrees who were not permitted to be taken to the hospital and babies who were denied medication needed to combat disease.¹²⁹ Chronic vitamin deficiency and protein deprivation are common.¹³⁰

116 *Enoch*, supra note 9, at 6 (Guru Maharaj Ji's Divine Light Mission encourages abstinence from drugs).

117 *Meeting Report*, supra note 14, at 2, at 11.

118 *Id.* at 61.

119 *Id.* at 54.

120 *Id.* at 15, at 21; see R. ENOCH, supra note 14, at 111 (female member, exhausted from long hours of fundraising, with an intractable gag, requested a far man to love her against will, hallucinated for a few hours, and blacked out).

121 *People v. Florence*, No. 8699; *People v. Purlich*, No. 8688; *People v. Sachs*, No. 8686; *Court Transcript*, at 27 (San Jose, Cal.) Nov. 21, May 1, 1975 (offer of plea of defendant-priest).

122 *J. & R. ENOCH*, supra note 14, at 64; L.A. TIMES, April 7, 1976, p. 11, at 1, col. 1, at 1; *One Hare Krishna cult member lost 34 pounds and became anemic because of lack of protein*, *Letter to A. Attorney* (May 19, 1976) (on file with author) (letter writer's sister lost 30 pounds, now weighed 90 pounds, a vitiated thyroid affect, and was "basically a non-personality"). *Meeting Report*, supra note 14, at 2, at 26.

123 *Meeting Report*, supra note 14, at 1, at 25.

124 Vermont Hearings, supra note 18, at 43-45. See also R. ENOCH, supra note 14, at 95.

125 Vermont Hearings, supra note 18, at 43; R. ENOCH, supra note 14, at 183 (on menstrual periods for 2 years—considered "miracles" to have a menstrual period); *ALL GOD CHILDREN*, supra note 9, at 109; *J. Social, Low-Tribal Psychological and Physical Effects of the PUM Movement: A Review of the LITERATURE* 23-24 (1977) ("disappearance of the menstrual period and of the ovulation function in the case of the majority of women, with hair unresponsive to hormonal effects"); *Meeting Report*, supra note 14, at 2, at 15.

126 Vermont Hearings, supra note 18, at 101; *Meeting Report*, supra note 14, at 101.

127 Interview with Clark, supra note 14, at 101; *Meeting Report*, supra note 14, at 101.

128 See R. ENOCH, supra note 14, at 87-88; note 113 supra. See also R. ENOCH, supra note 14, at 88-89 (alleged daily use of hashish, 5 day "trips" from flower based hallucinations, "beats" current from wall switch transmitted among circle of members holding hands); *ALL GOD CHILDREN*, supra note 9, at 108-07 (drugs allegedly mixed with food).

129 *Dynasty Hearing*, supra note 14, at 71.

130 *Id.* at 76.

131 See, e.g., Vermont Senate Judiciary Committee, supra note 52, at 31 (gross depression) (several testimony); *Shapiro*, supra note 32, at 82; L.A. TIMES, April 7, 1976, p. 11, at 1, col. 1, at 1; *Meeting Report*, supra note 14, at 2, at 24, 72.

Compare physiological effects, such as a generalized fear with symptoms such as sweating, P.O.M. and capabilities such as violent nature. See, e.g., J. Social, supra note 125, at 67-68 (of the sexual fasting, personality aspects, "development of anorexia," "extreme self-denial," "increase in incidence of neurotic and psychiatric disorders," *Chowdhury, Effects of Religious Conversion and Oppressive Fear*, in *3rd. Symposium on Psych. 300 (1976) (Cuba, Latin America of Stratification 17 Men, University of Calif. 13 (1964), *Kaplan, Malignant, Child, Religious, Marriage*, supra note 77; See also *Strategic & Behavioral Aspects of War Neurosis*, *Int. J. Psycho-Neurology and Psych. 221, 224 (1964) (Lava Family cult's effects on children's mental health)*).*

b. **Impairment of autonomy.** One of the most striking outcomes of the cult indoctrination process, observed by psychiatrists, family members, and a cult member alike, is a severe impairment of autonomy and the ability to think independently.¹¹⁰ A typical observation is that of an African rosent psychologist that physiological debilitation, guilt, and anxiety "gradually reduce the decision-making process, the ego functioning, till the person almost becomes 'autistic'." He doesn't go outside his little self-encapsulated beliefs,¹¹¹ but instead accepts automatically the views and commands of the leaders.¹¹² Other observers have recognized that long-term cult members appear "zombie-like,"¹¹³ or "programmed."¹¹⁴ Others described qualities such as a "glassy eye stare," a "fixed facial smile," and stereotyped, robotic responses.¹¹⁴

Ext-members have likened the loss of autonomy and decision-making ability to what one psychologist labels "psychological kidnapping."¹¹⁵ In a

recent account in the *Harvard Crimson*, a university undergraduate described the manner in which a week's stay with a group of Reverend Moon's disciples posed the most severe challenge to his independence he had ever faced.¹¹⁶ After a week he was ready to join, to "give up the complexities of Harvard, my thesis and my General Education requirements and live the life of a cult member."¹¹⁷ When he announced after the first few days that he was considering leaving the cult, his "spiritual brother" threatened to break both his legs, if that was what was necessary to win the student over to the family.¹¹⁸ He was told that the devil was in him, and that he was damaging his own life and his ancestors by leaving.¹¹⁹ Although by this time he "believed (his) self had been abandoned," he still managed to expatriate himself from the cult.¹²⁰ Even after leaving the cult, he reported impaired mental functioning; he recoiled at sexual references, "couldn't converse socially, and was basically a zombie. In two weeks I had been programmed into not thinking, just believing."¹²¹

Psychological submission is an essential step in preparing a recruit for membership since the cult requires him to subordinate his will to that of the leaders in virtually every aspect of life.¹²² Members live in the commune, wherever their mail and telephone calls are monitored.¹²³ Some may not receive visitors or speak with their parents unless an elder is present.¹²⁴ Meetings are arranged by the leaders,¹²⁵ who also assign members to daily tasks.¹²⁶

produced by traumatic religious experience), Smith, *Conduct Enhancement*, 199 J. Nervous & Mental Disease 475-50 (1991) (psychological reactions to prolonged seclusion).

110. The interest in probing claims from religious devotion received considerable attention as Reynolds v. United States, 98 U.S. 145, 186-87 (1877). The state's interest in prosecution can also be grounded on the right of privacy, see Scahy v. George, 794 U.S. 377 (1991) (discussing numerous precedents), Katz v. United States, 389 U.S. 347 (1967) (Fourth Amendment), *Prosser, Privacy*, 77 YALE L.J. 393 (1968); *Consent, Ascertained Reproduction and Genetic Engineering: A Constitutional Assessment of the Feasibility of Cloning*, 47 CUL. L. REV. 676, 917-18 (1974) (commenting on precedent); the thoroughness of a probe of a state's interest in a religiously motivated crime is limited by *United States v. Ballard*, 364 U.S. 409 (1960) (upholding an attempt to prosecute converts to the Church of Christ, Inc.); *People v. United States*, 146 F.3d 84 (5th Cir. 1994) (civ. rights statute prohibiting persons held in custody from religious activities); *United States v. Schachtel*, 920 F.2d 1009 (7th Cir. 1991) (no exemption for doctrine such as ritual wifehood or divorce, e.g., 17 W. PAGE, ON THE LAW OF WILLS §§ 11-17, 12, at 312-43 (West Publ. Co. 1966)).

111. See, e.g., R. ENFON, supra note 14, at 121 ("I couldn't see. I was like all those completely sane systems as my brain was just fractured... observation of an ill-defined follower..."). *How do I Work a Job for San Jose?*, *Cult*, supra note 99, at 40-41 (psychologist says Obama's congress cult indoctrination to mental debilitation cult members are "hard" signs that will before the cognitive and volitional state leaves at will removed from the individual 7). *Selection of the Same Role*, supra note 49, at 10 ("Many of cult members report feeling 'switched out' or being in a state of mind where beyond thought to its immediate but next of the region of round the cult's activities, including teaching and communication systems"). RUFF, supra note 106, at 3, col. 1 ("I had been programmed into not thinking"). Open letter from Clark, supra note 105, ¶ 13 (members "give up free choice as well as their individual reality testing functions..."). Individual thought or independent action are rendered inoperable.

112. Sage, supra note 99, at 41 (during interview with Rev. Albert Einstein, court psychologist, Penn County, Arizona), see Letter from Gabriana, supra note 98 (cultists use a third and final stage of "placating conditioning," so as to place the potential member or spouse in terms of black-and-white categories and reactions of each party. Repetition of phrases is often accompanied by holding or touching back and forth, activates which generally an unacted occasion as opposed to an external, readily observed, one"). R. ENFON, supra note 14, at 72 (Alto Foundation leader presyd in presence of members: "Make us unique people of God..."). Make us robots for God).

113. MARGI RYAN, supra note 16, pt. 3, at 63; S. F. ENFON, Nov. 30, 1975, at 1, col. 1 (query completed that children have been "turned into zombies and tricked into performing this labor that parents Moon is live like a pharaoh").

114. MONTAG REPORT, supra note 14, pt. 3, at 77, 84; CALVIN, *The Cult Indoctrination: A New Church Syndrome* (June 24, 1976) (abstract of paper presented at meeting of American Psychiatric Association, Wash DC, 1976) (abstract of paper presented at meeting of American Psychiatric Association, Wash DC, 1976) (not for with author) (cult members appear cognitively impaired, with limited ability and shallow, programmed, responses); *Communist Infiltration, Induction and Exploitation of American Military* (John Cronin, President, Hearings before the Permanent Subcomm. on Investigations of the Senate Comm. on Government Operations), 84B CONG. 2d Sess. 23 (1976) (substantive address, focus on mental and emotional therapy [historical trend in Communist Foreign Propaganda]); HARRIS, supra note 8, at 11 ("ceased phrase of thought reform," even after release from China to prison); See also *RECOVER REPORT*, supra note 14, at 11 (evidently every parent testified that his or her child appeared not to be human; "dragged," "in a trance," or in a "typical state" after going to Children of God); WELLS, supra note 44, at 10 (co-founder of Reverend Moon's United States Church, a. h. a. cult, felt that "the '70s try to take over, not to let us think, make us feel that it's God's work... in other words, you should be a robot"); MONTAG REPORT, supra note 14, pt. 3, at 14, 15 ("glassy eye stare"); 57 ("robot like" - trace like man"); 64 ("like a robot or a retarded person").

115. MONTAG REPORT, supra note 14, pt. 3, at 14, 15, 18, 23, 28, 58, 64, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

116. MONTAG REPORT, supra note 14, pt. 3, at 114, 115; MONTAG REPORT, supra note 14, pt. 3, at 115; MONTAG REPORT, supra note 14, pt. 3, at 116; MONTAG REPORT, supra note 14, pt. 3, at 117; MONTAG REPORT, supra note 14, pt. 3, at 118; MONTAG REPORT, supra note 14, pt. 3, at 119; MONTAG REPORT, supra note 14, pt. 3, at 120; MONTAG REPORT, supra note 14, pt. 3, at 121; MONTAG REPORT, supra note 14, pt. 3, at 122; MONTAG REPORT, supra note 14, pt. 3, at 123; MONTAG REPORT, supra note 14, pt. 3, at 124; MONTAG REPORT, supra note 14, pt. 3, at 125; MONTAG REPORT, supra note 14, pt. 3, at 126; MONTAG REPORT, supra note 14, pt. 3, at 127; MONTAG REPORT, supra note 14, pt. 3, at 128; MONTAG REPORT, supra note 14, pt. 3, at 129; MONTAG REPORT, supra note 14, pt. 3, at 130; MONTAG REPORT, supra note 14, pt. 3, at 131; MONTAG REPORT, supra note 14, pt. 3, at 132; MONTAG REPORT, supra note 14, pt. 3, at 133; MONTAG REPORT, supra note 14, pt. 3, at 134; MONTAG REPORT, supra note 14, pt. 3, at 135; MONTAG REPORT, supra note 14, pt. 3, at 136; MONTAG REPORT, supra note 14, pt. 3, at 137; MONTAG REPORT, supra note 14, pt. 3, at 138; MONTAG REPORT, supra note 14, pt. 3, at 139; MONTAG REPORT, supra note 14, pt. 3, at 140; MONTAG REPORT, supra note 14, pt. 3, at 141; MONTAG REPORT, supra note 14, pt. 3, at 142; MONTAG REPORT, supra note 14, pt. 3, at 143; MONTAG REPORT, supra note 14, pt. 3, at 144; MONTAG REPORT, supra note 14, pt. 3, at 145; MONTAG REPORT, supra note 14, pt. 3, at 146; MONTAG REPORT, supra note 14, pt. 3, at 147; MONTAG REPORT, supra note 14, pt. 3, at 148; MONTAG REPORT, supra note 14, pt. 3, at 149; MONTAG REPORT, supra note 14, pt. 3, at 150; MONTAG REPORT, supra note 14, pt. 3, at 151; MONTAG REPORT, supra note 14, pt. 3, at 152; MONTAG REPORT, supra note 14, pt. 3, at 153; MONTAG REPORT, supra note 14, pt. 3, at 154; MONTAG REPORT, supra note 14, pt. 3, at 155; MONTAG REPORT, supra note 14, pt. 3, at 156; MONTAG REPORT, supra note 14, pt. 3, at 157; MONTAG REPORT, supra note 14, pt. 3, at 158; MONTAG REPORT, supra note 14, pt. 3, at 159; MONTAG REPORT, supra note 14, pt. 3, at 160; MONTAG REPORT, supra note 14, pt. 3, at 161; MONTAG REPORT, supra note 14, pt. 3, at 162; MONTAG REPORT, supra note 14, pt. 3, at 163; MONTAG REPORT, supra note 14, pt. 3, at 164; MONTAG REPORT, supra note 14, pt. 3, at 165; MONTAG REPORT, supra note 14, pt. 3, at 166; MONTAG REPORT, supra note 14, pt. 3, at 167; MONTAG REPORT, supra note 14, pt. 3, at 168; MONTAG REPORT, supra note 14, pt. 3, at 169; MONTAG REPORT, supra note 14, pt. 3, at 170; MONTAG REPORT, supra note 14, pt. 3, at 171; MONTAG REPORT, supra note 14, pt. 3, at 172; MONTAG REPORT, supra note 14, pt. 3, at 173; MONTAG REPORT, supra note 14, pt. 3, at 174; MONTAG REPORT, supra note 14, pt. 3, at 175; MONTAG REPORT, supra note 14, pt. 3, at 176; MONTAG REPORT, supra note 14, pt. 3, at 177; MONTAG REPORT, supra note 14, pt. 3, at 178; MONTAG REPORT, supra note 14, pt. 3, at 179; MONTAG REPORT, supra note 14, pt. 3, at 180; MONTAG REPORT, supra note 14, pt. 3, at 181; MONTAG REPORT, supra note 14, pt. 3, at 182; MONTAG REPORT, supra note 14, pt. 3, at 183; MONTAG REPORT, supra note 14, pt. 3, at 184; MONTAG REPORT, supra note 14, pt. 3, at 185; MONTAG REPORT, supra note 14, pt. 3, at 186; MONTAG REPORT, supra note 14, pt. 3, at 187; MONTAG REPORT, supra note 14, pt. 3, at 188; MONTAG REPORT, supra note 14, pt. 3, at 189; MONTAG REPORT, supra note 14, pt. 3, at 190; MONTAG REPORT, supra note 14, pt. 3, at 191; MONTAG REPORT, supra note 14, pt. 3, at 192; MONTAG REPORT, supra note 14, pt. 3, at 193; MONTAG REPORT, supra note 14, pt. 3, at 194; MONTAG REPORT, supra note 14, pt. 3, at 195; MONTAG REPORT, supra note 14, pt. 3, at 196; MONTAG REPORT, supra note 14, pt. 3, at 197; MONTAG REPORT, supra note 14, pt. 3, at 198; MONTAG REPORT, supra note 14, pt. 3, at 199; MONTAG REPORT, supra note 14, pt. 3, at 200; MONTAG REPORT, supra note 14, pt. 3, at 201; MONTAG REPORT, supra note 14, pt. 3, at 202; MONTAG REPORT, supra note 14, pt. 3, at 203; MONTAG REPORT, supra note 14, pt. 3, at 204; MONTAG REPORT, supra note 14, pt. 3, at 205; MONTAG REPORT, supra note 14, pt. 3, at 206; MONTAG REPORT, supra note 14, pt. 3, at 207; MONTAG REPORT, supra note 14, pt. 3, at 208; MONTAG REPORT, supra note 14, pt. 3, at 209; MONTAG REPORT, supra note 14, pt. 3, at 210; MONTAG REPORT, supra note 14, pt. 3, at 211; MONTAG REPORT, supra note 14, pt. 3, at 212; MONTAG REPORT, supra note 14, pt. 3, at 213; MONTAG REPORT, supra note 14, pt. 3, at 214; MONTAG REPORT, supra note 14, pt. 3, at 215; MONTAG REPORT, supra note 14, pt. 3, at 216; MONTAG REPORT, supra note 14, pt. 3, at 217; MONTAG REPORT, supra note 14, pt. 3, at 218; MONTAG REPORT, supra note 14, pt. 3, at 219; MONTAG REPORT, supra note 14, pt. 3, at 220; MONTAG REPORT, supra note 14, pt. 3, at 221; MONTAG REPORT, supra note 14, pt. 3, at 222; MONTAG REPORT, supra note 14, pt. 3, at 223; MONTAG REPORT, supra note 14, pt. 3, at 224; MONTAG REPORT, supra note 14, pt. 3, at 225; MONTAG REPORT, supra note 14, pt. 3, at 226; MONTAG REPORT, supra note 14, pt. 3, at 227; MONTAG REPORT, supra note 14, pt. 3, at 228; MONTAG REPORT, supra note 14, pt. 3, at 229; MONTAG REPORT, supra note 14, pt. 3, at 230; MONTAG REPORT, supra note 14, pt. 3, at 231; MONTAG REPORT, supra note 14, pt. 3, at 232; MONTAG REPORT, supra note 14, pt. 3, at 233; MONTAG REPORT, supra note 14, pt. 3, at 234; MONTAG REPORT, supra note 14, pt. 3, at 235; MONTAG REPORT, supra note 14, pt. 3, at 236; MONTAG REPORT, supra note 14, pt. 3, at 237; MONTAG REPORT, supra note 14, pt. 3, at 238; MONTAG REPORT, supra note 14, pt. 3, at 239; MONTAG REPORT, supra note 14, pt. 3, at 240; MONTAG REPORT, supra note 14, pt. 3, at 241; MONTAG REPORT, supra note 14, pt. 3, at 242; MONTAG REPORT, supra note 14, pt. 3, at 243; MONTAG REPORT, supra note 14, pt. 3, at 244; MONTAG REPORT, supra note 14, pt. 3, at 245; MONTAG REPORT, supra note 14, pt. 3, at 246; MONTAG REPORT, supra note 14, pt. 3, at 247; MONTAG REPORT, supra note 14, pt. 3, at 248; MONTAG REPORT, supra note 14, pt. 3, at 249; MONTAG REPORT, supra note 14, pt. 3, at 250; MONTAG REPORT, supra note 14, pt. 3, at 251; MONTAG REPORT, supra note 14, pt. 3, at 252; MONTAG REPORT, supra note 14, pt. 3, at 253; MONTAG REPORT, supra note 14, pt. 3, at 254; MONTAG REPORT, supra note 14, pt. 3, at 255; MONTAG REPORT, supra note 14, pt. 3, at 256; MONTAG REPORT, supra note 14, pt. 3, at 257; MONTAG REPORT, supra note 14, pt. 3, at 258; MONTAG REPORT, supra note 14, pt. 3, at 259; MONTAG REPORT, supra note 14, pt. 3, at 260; MONTAG REPORT, supra note 14, pt. 3, at 261; MONTAG REPORT, supra note 14, pt. 3, at 262; MONTAG REPORT, supra note 14, pt. 3, at 263; MONTAG REPORT, supra note 14, pt. 3, at 264; MONTAG REPORT, supra note 14, pt. 3, at 265; MONTAG REPORT, supra note 14, pt. 3, at 266; MONTAG REPORT, supra note 14, pt. 3, at 267; MONTAG REPORT, supra note 14, pt. 3, at 268; MONTAG REPORT, supra note 14, pt. 3, at 269; MONTAG REPORT, supra note 14, pt. 3, at 270; MONTAG REPORT, supra note 14, pt. 3, at 271; MONTAG REPORT, supra note 14, pt. 3, at 272; MONTAG REPORT, supra note 14, pt. 3, at 273; MONTAG REPORT, supra note 14, pt. 3, at 274; MONTAG REPORT, supra note 14, pt. 3, at 275; MONTAG REPORT, supra note 14, pt. 3, at 276; MONTAG REPORT, supra note 14, pt. 3, at 277; MONTAG REPORT, supra note 14, pt. 3, at 278; MONTAG REPORT, supra note 14, pt. 3, at 279; MONTAG REPORT, supra note 14, pt. 3, at 280; MONTAG REPORT, supra note 14, pt. 3, at 281; MONTAG REPORT, supra note 14, pt. 3, at 282; MONTAG REPORT, supra note 14, pt. 3, at 283; MONTAG REPORT, supra note 14, pt. 3, at 284; MONTAG REPORT, supra note 14, pt. 3, at 285; MONTAG REPORT, supra note 14, pt. 3, at 286; MONTAG REPORT, supra note 14, pt. 3, at 287; MONTAG REPORT, supra note 14, pt. 3, at 288; MONTAG REPORT, supra note 14, pt. 3, at 289; MONTAG REPORT, supra note 14, pt. 3, at 290; MONTAG REPORT, supra note 14, pt. 3, at 291; MONTAG REPORT, supra note 14, pt. 3, at 292; MONTAG REPORT, supra note 14, pt. 3, at 293; MONTAG REPORT, supra note 14, pt. 3, at 294; MONTAG REPORT, supra note 14, pt. 3, at 295; MONTAG REPORT, supra note 14, pt. 3, at 296; MONTAG REPORT, supra note 14, pt. 3, at 297; MONTAG REPORT, supra note 14, pt. 3, at 298; MONTAG REPORT, supra note 14, pt. 3, at 299; MONTAG REPORT, supra note 14, pt. 3, at 300; MONTAG REPORT, supra note 14, pt. 3, at 301; MONTAG REPORT, supra note 14, pt. 3, at 302; MONTAG REPORT, supra note 14, pt. 3, at 303; MONTAG REPORT, supra note 14, pt. 3, at 304; MONTAG REPORT, supra note 14, pt. 3, at 305; MONTAG REPORT, supra note 14, pt. 3, at 306; MONTAG REPORT, supra note 14, pt. 3, at 307; MONTAG REPORT, supra note 14, pt. 3, at 308; MONTAG REPORT, supra note 14, pt. 3, at 309; MONTAG REPORT, supra note 14, pt. 3, at 310; MONTAG REPORT, supra note 14, pt. 3, at 311; MONTAG REPORT, supra note 14, pt. 3, at 312; MONTAG REPORT, supra note 14, pt. 3, at 313; MONTAG REPORT, supra note 14, pt. 3, at 314; MONTAG REPORT, supra note 14, pt. 3, at 315; MONTAG REPORT, supra note 14, pt. 3, at 316; MONTAG REPORT, supra note 14, pt. 3, at 317; MONTAG REPORT, supra note 14, pt. 3, at 318; MONTAG REPORT, supra note 14, pt. 3, at 319; MONTAG REPORT, supra note 14, pt. 3, at 320; MONTAG REPORT, supra note 14, pt. 3, at 321; MONTAG REPORT, supra note 14, pt. 3, at 322; MONTAG REPORT, supra note 14, pt. 3, at 323; MONTAG REPORT, supra note 14, pt. 3, at 324; MONTAG REPORT, supra note 14, pt. 3, at 325; MONTAG REPORT, supra note 14, pt. 3, at 326; MONTAG REPORT, supra note 14, pt. 3, at 327; MONTAG REPORT, supra note 14, pt. 3, at 328; MONTAG REPORT, supra note 14, pt. 3, at 329; MONTAG REPORT, supra note 14, pt. 3, at 330; MONTAG REPORT, supra note 14, pt. 3, at 331; MONTAG REPORT, supra note 14, pt. 3, at 332; MONTAG REPORT, supra note 14, pt. 3, at 333; MONTAG REPORT, supra note 14, pt. 3, at 334; MONTAG REPORT, supra note 14, pt. 3, at 335; MONTAG REPORT, supra note 14, pt. 3, at 336; MONTAG REPORT, supra note 14, pt. 3, at 337; MONTAG REPORT, supra note 14, pt. 3, at 338; MONTAG REPORT, supra note 14, pt. 3, at 339; MONTAG REPORT, supra note 14, pt. 3, at 340; MONTAG REPORT, supra note 14, pt. 3, at 341; MONTAG REPORT, supra note 14, pt. 3, at 342; MONTAG REPORT, supra note 14, pt. 3, at 343; MONTAG REPORT, supra note 14, pt. 3, at 344; MONTAG REPORT, supra note 14, pt. 3, at 345; MONTAG REPORT, supra note 14, pt. 3, at 346; MONTAG REPORT, supra note 14, pt. 3

Life consists of an unvarying routine of fundraising on the streets, proselytizing for new members, and carrying out household chores.¹¹⁷ New converts are required to donate all their possessions to the elders;¹¹⁸ they may also be required to make a will in favor of the cult and sign a power of attorney authorizing the cult leaders to act for them in legal matters.¹¹⁹ The new member is taught that obedience to the elders is God's will and that leaving the cult or being disobedient will result in terrible punishment.¹²⁰

This obedience in the physical sphere is carried over into the mental life of the new convert. As his external world becomes regimented and his actions become like those of the other members, his inner life ceases to be his own, and the cult's leaders gain control of the new member's thoughts. Questioning or critical thinking is seen as evidence of Satanic influences.¹²¹ This member is taught to permit the leaders to do his thinking. Phrases such as "I am your brain" recur frequently in cult literature and teaching.¹²²

2. Social Harms

Apart from the dangers that cult membership poses for the well-being and autonomy of the individuals involved, cult recruitment and indoctrination practices threaten certain societal institutions. These dangers include harm to the family relationship,¹²³ the exposure of illegal and harmful practices,¹²⁴ a potential for violence,¹²⁵ and the social impact of the aftereffects of the cult experience.

a. Harm to the family as an institution.¹²⁶ Cult membership is almost invariably followed by abrupt withdrawal from and limited communication

with the family,¹²⁷ apart from periodic efforts to obtain monetary donations or to convert siblings will at home.¹²⁸ Parents, particularly if they show concern or attempt to persuade the young person to leave the sect, are said to be agents of Satan.¹²⁹ If the cult believes a parent is contemplating legal action to remove the new member, it will often hide the convert or send him to remote colony.¹³⁰ Passages from Scripture, particularly Matthew 10:36 ("A man's enemies will be the members of his own household"), are utilized to justify these practices.¹³¹ Old member justified his rejection of

U.S. 396, 399-400 (1973). The law of torts in some jurisdictions affords protection to the family from interference by outsiders. See, e.g., *Pichler v. Page*, 132 N.Y. 476, 481-83, 160 N.E. 430, 633 (1936) (family members entitled to damages for emotional injury arising from abduction of a child); W. Prosser, *Handbook of the Law of Torts*, § 114-13, at 817-97 (1968, 1971). This protection has been extended to a minor, who was permitted to recover against a defendant who seized the mother away from the home. *Muller v. Messers*, 228 Mass. 408, 409-83, 37 N.W.3d 341, 342 (1997). A parent's right to the custody and companionship of his children has been described by the Supreme Court as "more precious . . . than property rights." *May v. Anderson*, 345 U.S. 528, 131 S.Ct. 1191, and these rights have been held protected by the due process clause against state interference. *Stanley v. Illinois*, 404 U.S. 645, 651 (1972); cf. *Mims v. Karchemian*, 199 Conn. 77, 84, 145 A. 733, 733 (1979) (following action by child against parent would disrupt family unit); *Hanson v. Hanson*, 139 N.J. 488, 66, 76, 129 A. 431, 431-32 (Ct. App. N.J. 1933) (same). See also *In re President & Directors of Georgetown College, Inc.*, 311 F.2d 1008, 1008 (D.C. Cir.) (grantation of family bill upheld against religiously based insurances of members in refusing medical treatment); *see* *dated*, 377 U.S. 478 (1964).

Although courts and statutes reward marriage and the family have changed since the 1773 Reynolds decision, and the family interest may be somewhat less protected than before, see, e.g., *Planned Parenthood v. Danforth*, 428 U.S. 52, 73 (1976) (right to an abortion overrides former interest in protection of family harmony and "cohesivity" of parents); *Davis, Family Marriages & Religious Freedom: The Impact of Reynolds v. United States*, 13 *Am. L. Rev.* 287, 302-03 (1977), society's interest still appears to be entitled to some weight. This would appear particularly true where the group's interest in entering the child away from the family and its interest in protection of family harmony and "cohesivity" of parents are at issue. The family unit is not freely and voluntarily made, and least accompanying notes 272-322 note, and the processes by which recruitment is effected are psychologically and physically harmful, see text accompanying notes 65-132 supra.

Some have merely argued that the state has no interest in preserving family stability once children attain the age of majority. This is incorrect. Reynolds favored adult behavior that restricted the marital relationship, the fate of children—minor or otherwise—played no part in the opinion. The law of torts generally provides remedies for wrongful interference with the marital relationship without regard to the ages of the parties involved. W. Prosser, *supra* § 124, at 874. The protection afforded the parent-child relationship ends at adulthood, however, in jurisdictions that retain the "blackmail in services" rationale. *Id.* at 864.

117. See, e.g., R. EMMETT, *supra* note 14, at 99 (will become insane, harmed like a "cancerous cell" or "naked eye to a reproachful smile"); Meeting Report, *supra* note 14, pt. 2, at 6, 11-13 (fear of hell); 78 (fear of death).
118. R. EMMETT, *supra* note 14, at 78 (the mind equated with the Devil); see J. LEPLAND, *supra* note 64, at 266 (one cult follower so afraid of spirits he slept with lights on and copy of "The Book of Job" under his chest, and under bed was forced since it might attract evil spirits); See also R. EMMETT, *supra* note 14, at 21, 22-24 (one speech or thought other than "that which" with the teachings of Krishna (Kṛishṇa) Consciousness or with the discussion of it is observed in Hare Krishna group, such speech considered a forbidden "misery" or "mental speculation"); ALL GREAT CHANGES, *supra* note 9, at 124 (Christians must be asked to hold their objections and to drop them behind them. They soon, if they returned around, there would be a large pile of questions setting them back toward "7").
119. T. PETERS, *supra* note 17, at 129; see, e.g., R. EMMETT, *supra* note 14, at 39; T. PETERS, *supra* note 17, at 82 (requiring financial records); W. KENNEDY, *supra* note 34, at 14. Other statements of R. EMMETT in the same vein are:
"I will do what you wish."
"I will do what you wish when my words will harm more as law if I ask a certain thing I will do."
"The whole world is my hand, and I will conquer and subjugate the world."
supra note 14, at 39.
120. Text accompanying notes 136-42 *supra*.
121. Text accompanying notes 183-97, 203-11 *supra*.
122. Text accompanying notes 195-208 *supra*.
123. As far back as the mid-19th century, the United States Supreme Court has held that members of the family's reasonable interest in adult behavior of the member of the family (e.g., plural marriage) is a matter of United States concern. See, e.g., *Reynolds v. United States*, 98 U.S. 145, 147 (1877) (family members were entitled to compelling education); *see* *Reynolds v. United States*, 98 U.S. 145, 147 (1877).

117. See Vermont Statute Judiciary Committee, *supra* note 56, at 20; Beckford, *supra* note 24, at 117 (not schedule, division of labor).
118. See, e.g., L. A. TIMES, *supra* note 11, at 1, col. 1 (Hare Krishna devotee had more and possessions, one a 30-year-old member donated his savings of \$30,000); Office of Investigation, Chapter 11 (1971) (Love Family sect requires that "members of the Church of Armageddon (Love Family) will give all they possess to the Church upon joining. . .") (on file with author); Letter from Russell, *supra* note 113 (Love Family requires new members to donate possessions to the cult; leaders live in luxurious surroundings); Meeting Report, *supra* note 14, pt. 2, at 28, 44, 56, 58.
119. LEPLAND, *supra* note 64, at 18 (each new member of the Children of God signs written agreement to give all future income and goods to Church). An example of a similar will is at 104.
(history)
120. See, e.g., R. EMMETT, *supra* note 14, at 99 (will become insane, harmed like a "cancerous cell" or "naked eye to a reproachful smile"); Meeting Report, *supra* note 14, pt. 2, at 6, 11-13 (fear of hell); 78 (fear of death).
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124. See, e.g., R. EMMETT, *supra* note 14, at 60-61, 174-75 (family so threat to group norms, soldiers); Vermont Statute Judiciary Committee, *supra* note 56, at 6-7; Letter from Spencer, *supra* note 102 (Kṛishṇa member said that his parents were "influenced by the demands [of] 'secular' demands"); R. EMMETT, *supra* note 24 (Unification Church's rejection of the family with *id.*; Meeting Report, *supra* note 14, pt. 4, at 37, 203.
125. Vermont Statute Judiciary Committee, *supra* note 56, at 6-7; Meeting Report, *supra* note 14, pt. 2, at 27; 11 (meeting); *supra* note 14, pt. 2, at 27; 11 (meeting); *supra* note 14, pt. 2, at 27; 11 (meeting).
126. 1. EMMETT, *supra* note 14, at 18 (Luther 10:36 and Matthew 10:36 to deny the children of God to stimulate devotion from their parents); 23 (if phobias are to be completely overcome from a child's parents self-discipline with "parents to be" (Luther 10:36 and Matthew 10:36); *supra* note 14, at 131.

his parents by declaring "You [his parents] are no longer part of my life. I have a new family—the Unification Church. Reverend Moon and his wife are now my true heavenly parents."¹⁴² Words such as "father," "mother," "love," and "family" are given new meanings.¹⁴³ In Reverend Moon's organization, for example, "Father" means Reverend Moon and "Mother" means Moon's wife.¹⁴⁴

Although most cults now exercise at least some care to ensure that only persons who have attained the age of majority are admitted to full time membership, many still accept minors.¹⁴⁵ Others promote actively among high school and even junior high school age youth.¹⁴⁶ When a seemingly happy, well-adjusted son or daughter abruptly disappears and refuses to communicate with his parents, the emotional shock the parents experience is often intense.¹⁴⁷ High achieving, popular, well-adjusted youths¹⁴⁸ disappear without notice or explanation; if the parents succeed in locating the child, he may behave like a stranger.¹⁴⁹ As one parent has observed, there is in reality a double trauma: grief at seeing the son or daughter disappear, and shock at realizing that often little can be done about it.¹⁵⁰ Parents have donated large sums of money in unavailing efforts to induce cults to release their children, or have expended thousands of dollars in attempting to have them "deprogrammed."¹⁵¹ Others have suffered mental and physical illnesses as a result of the stress of forced separation from and concern over the welfare of a loved child.¹⁵²

Within the cult, the relationships that replace those that are destroyed display some unusual characteristics. Cult elders select and marry, often at religious ceremonies, couples who possibly have not met before the ceremony. These marriages often are performed without legal sanction, while remarriages take place without a prior legal dissolution or divorce.¹⁵³ Sex is

rigidly regulated.¹⁵⁴ In some cults women are treated as inferiors, taught to be subservient, and relegated to the performance of domestic tasks.¹⁵⁵ Infants are raised communally and are not considered to belong to their biological mothers.¹⁵⁶ Their training and discipline are carried out in rigidly regimented fashion, with harsh punishment for behavior that impinges on the adult business, prayer, or consensus.¹⁵⁷ Babies are born without the benefit of medical care.¹⁵⁸ Children rarely receive immunizations, dental care or pediatric examination.¹⁵⁹ In some cults children of school age are not permitted to attend public schools since this might expose them to improper thoughts and ideas. Instead, they attend a school organized by the cult itself.

142. See ROBERT, supra note 100, at 37.
 143. See *Day Daily News*, Aug. 19, 1973, at 1, col. 1 ("mother" an abbreviation of Love Family cult); Meeting Report, supra note 14, pt. 1, at 12.
 144. Vermont Senate Judiciary Committee, supra note 58, M-2, Manual, supra note 60, at 9, 61.
 145. See, e.g., R. ENGLISH, supra note 14, at 20 (16-year-old in Hare Krishna sect); LARRY W. FINNEY, supra note 16, at 53 (Children of God leader expelled from Epau 60 expansion in Montreal for trying to convince 9 year old youth to leave home and join the sect); See also *Witness Hearings*, supra note 18, at 73 (high school group that introduces students to Moon's ideas to facilitate their joining when they attain the age of majority).
 146. Vermont Senate Judiciary Committee, supra note 58, at 2, M (publication of under-age youth by Unification Church); SHAWNEE, supra note 52, at 61.
 147. See, e.g., ALL GODS CHILDREN, supra note 9, at 227-28 (parent's response to "I love in the city" chant, confusion, anger and pain, and indignation); *Letter to a Father: My Son From Home*, *Honor Thy Father and Mother*, PITCH TODAY, May 1976, at 8. 11 (16-year-old father expresses concern over loss of son in "that vicious cult" (Moon's group); ROBERT, supra note 100, at 37 (mother told "Moon, you've got to accept it. I have to give up everything I love for Reverend Moon and his Divine Principle. My art, my girlfriends. . . You are no longer part of my life"); 80 (parent was "physically and emotionally exhausted by experience of seeing daughter abandon family cult, began to suffer chest pains and reported hypochondria"); N. V. LANE, Dec. 29, 1976, at 14 col. 6. 5 (as executive director of the National Council of Churches of Christ expressed concern that Unification Church poses grave threat to families "I have a bagful of the postal letters, very thoughtful letters, written by anguished parents"); *See* also *Witness Hearings*, Sept. 19, 1976, at 7, col. 1 (a member of New Testament Movement justifies her parents but says she never "trains" when they last contact with her, had no idea of where she was, later they learned the cult had sent her to Latin America to live on cult's ranch); See generally SHAWNEE, supra note 52, at 61; R. ENGLISH, supra note 14, at 11, 184-201.
 148. See, e.g., ROBERT, supra note 100, at 8 (bright youth, who had finished high school in 15 years and was a cheerleader, left to join Moon's group); ROBERT, supra note 100 (author found many Moon followers to be well educated, with graduate degrees); Meeting Report, supra note 14, pt. 2, at 63 (honors student); 31 (novel); Many cults seek out such children, hoping thereby to increase their economic and political potential. See notes 144-47 and accompanying text *supra*.
 149. See, e.g., ROBERT, supra note 100, at 37 ("You are no longer part of my life"). See also note 137 *supra*.
 150. Letter from R. E. [unclear], Dec. 12, 1976 (on file with author).
 151. See, e.g., R. ENGLISH, supra note 14, at 196-200 (deprogramming fees range from \$1,000 to \$10,000, need one may approach \$100,000 and more if the youth requires psychiatric hospitalizations); WATSON, supra note 103, at 166, 167 (total spent \$30,000 in unsuccessful efforts to reverse discipline, unrequited love, unfulfilled promises);
 152. See, e.g., R. ENGLISH, supra note 14, at 204; ROBERT, supra note 100, at 37, 38; WATSON, supra note 103, at 61 (convulsion and hypoglycemia syndrome that accompanying a child's death).
 153. See, e.g., R. ENGLISH, supra note 14, at 64-65 (marriages "regularly performed on children without ceremony or having intercourse with spirituality"); 91-92 ("Sponsoring" by cult leaders); 116-117 (REPORT, supra note 14, at 48-50; ALL GODS CHILDREN, supra note 9, at 11, 119).

174. See, e.g., J. BROTHERS & S. WOLF, THE CHILDREN OF THE COMEBOUT (1976) (Krishta couples don't believe in intercourse except to have children); ALL GODS CHILDREN, supra note 9, at 23 (14-year-old girl reportedly raped by members of Children of God sect to "increase the tribe"); 146 (11 required for purposes of Krishna cult); ROBERT, supra note 100, at 21. Poles, supra note 106, at 134 (most couples decide who marries whom, and the partners remain celibate for first forty days of marriage, the wife then becomes a "Life Machine").
 175. R. ENGLISH, supra note 14, at 25 (female subordinates in Krishna cult); W. PETERSON, supra note 19, at 141 (1971); ALL GODS CHILDREN, supra note 9, at 14 (misrepresentation of women in Hare Krishna sect); WATSON, supra note 103, at 149 (as *Florida Spirit* Sec. 11, 118-19, Dec. 1975, at 29. 30 (Krishta cult recruits mothers, believes 15 the ideal age for women to marry; women are trained to be submissive and obey the husband); Letter from H. C. [unclear], 1976 (on file with author) (discussing incident in which bystanders attempted to intervene on behalf of Krishta woman, obviously ill, carrying a heavy load of books); A Krishna man rejected the expression of concern, stated "I own her" and refused offers of medical treatment for woman); *Witness Hearings*, supra note 74, at 19 (Unification Church books: "If you see me in a marriage, you woman must be absolutely obedient to your husband"); See also ROBERT, supra note 100, at 21 (wife as "body machine").
 176. See, e.g., J. BROTHERS & S. WOLF, supra note 174, at 136-43 (Krishta children interviewed with M.G. by Alan Kline, attorney in Tampa, Fla. 49 (Dec. 13, 1972) (on file with author) (excerpt) (children of God consider children not to "belong" to their biological mothers); *Witness statement of S.F.* (Dec. 23, 1977) (on file with author) (Love Family sex encourages children at age 3 to realize that they belong to the Family and that the mother has special chores on that); See also WATSON, *Hare Krishna: Scandal in the Coast*, 19/76, 1976, (Australia), Jan. 1977, at 7 (former cult member speaks of instances in which children was taken or abducted by cult fathers from Germany to Hare Krishna in India in Texas); ALL GODS CHILDREN, supra note 9, at 109.
 177. R. ENGLISH, supra note 14, at 52 (one Children of God group abandoned young children as "young adults"); J. BROTHERS & S. WOLF, supra note 174, at 119-60, was, supra note 174, at 24, 26 (Krishta children trained to be independent of biological parents, with 16 one of two Hindu-sect cases, according to their "propensities"); *Statement of S.F.* (Feb. 1977) (on file with author) (Love Family sect expects children to behave according to what standards of a child, like adults, are considered of God); Misbehavior is seen as evidence of Satan operating within the child, and it can be for harsh punishment of babies who cried were frequently or punished with sticks); R. ENGLISH, supra note 14, at 68-69 (love 7-year-old child who was left the bed was made to sleep on the floor and in a hot bed, cold without clothes during the winter); ALL GODS CHILDREN, supra note 9, at 109.
 178. *Statement of S.F.*, supra note 177, at 2 (one Family's feeding ritual abusive during the year. A 16-month-old child, who was described as "terrified," was placed in a big chair for his meal. The child was required to sit motionless while the adult slowly dipped 12 spoon into the dish. The child was seen to struggle visibly to control his crying as he was fed his food. Finally, his lower lip trembled slightly, and he hiccupped and sneezed. The adult replaced the spoon, removed the child from the high chair, and spanked him soundly. This child was replaced in the high chair and the ritual repeated. The child "kept making facial twitching motions toward the food," and when this happened the adult sat motionless and if child stopped if the child showed distress, or cried, he was spanked. While the witness spoke, the child was removed from the high chair for speaking approximately 10 times. He received no more than three bites of food. . . . speaking could quiet the child so [the adult] got up abruptly and carried [the baby] over the empty bedroom." 18 purpose of the ritual is to teach the children not to "wail." See R. ENGLISH, supra note 14, at 68 (similar incident described). See also HELEN DAVIS, *Beauty For Aches* (Catering Book (1977)) (on file with author) (Children of God coloring book explaining that children must be taught to be obedient to make them virtuous and pious).
 179. See, e.g., *Dynasty Hearing*, supra note 14, at 37.
 180. *Dynasty Hearing*, supra note 14, at 76; *Statement of S.F.*, supra note 177 (child he continued happy until age 2 months, cult would not feed medical help until age 10 months as required by parents); J. BROTHERS & S. WOLF, supra note 174, at 143 (Krishta child sent young mother garden on basement floor, and children forced to attend class, for the parents stars if it would become especially ill, rejected Krishna's wife the physical mother. 18 18 parents to get the child have also been imprisoned in a number of divorce and child custody proceedings. See, e.g., *Carter v. Carter*, 156, 12-1978 (Ore. Ct. App. (Seppel), Wash. 1 Sup. Ct. July 16, 1978); *Book v. Book*, No. D-12000 (King County (Seattle, Wash.) Super. Ct. Mar. 1974); *Rightfather v. Rightfather*, No. D-4743 (King County (Seattle, Wash.) Super. Ct. Aug. 30, 1977); *Rightfather and Book v. Book*, No. D-4743 (King County (Seattle, Wash.) Super. Ct. Aug. 30, 1977). *Rightfather and Book v. Book* was a child custody case in which the court ordered removal of the child to the custody of the parent who did not get custody, based on the likelihood that if the child if he were to return to the sect. Cultury ordered visitation rights to the outside spouse specifying his authority to obtain needed medical treatment for the child.

are educated according to a highly restricted curriculum.¹¹⁰ Although not enough time has elapsed for the results of these approaches to childrearing,¹¹¹ to be fully evaluated, physicians familiar with the processes involved are concerned that the rigidity, lack of emotional support, and inattention to ordinary developmental needs may well prevent severe personality distortion, if not overt psychosis, later in life.¹¹²

b. **Conflict with social and legal norms:** Other aspects of cult indoctrination and organization pose additional conflicts with societal norms and rules. Cramped quarters, inadequate plumbing and ventilation, and communal living, necessary to provide the continual reinforcement essential to the maintenance of group solidarity, cause friction with public health and zoning authorities.¹¹³ The sickness that often results¹¹⁴ is aggravated by the cult's belief that illness is a sign of infidelity, and that the remedy lies in prayer, chanting, or self-mortification, rather than in medical attention.¹¹⁵ Education, like medical science, is scorned since it can only help perfect "animal propensities."¹¹⁶ Careful employment outside the cult is forbidden.¹¹⁷

The view that the outside world represents the forces of evil creates a "we they" attitude that permits dealings with persons outside the cult to be carried out according to ethical standards lower than those adhered to within the group.¹¹⁸ Because the world outside the cult is Satan's realm, it is permissible for cult members to employ deceptive means to forward the goals of the sect.¹¹⁹ These may include (limiting by deceptive means)

- 110. See e.g. T. PETERSON, supra note 27, at 183-84; R. BORNHARDT & S. WOLF, supra note 114, at 14 (description of Krishna's impersonal school for children in Texas); WAT, supra note 115, at 28-29 (Krishna children trained for one of four Hindu-oriented careers, "according to [the program's?] Statement of S.P.," supra note 117 (description of Love Family's approach to childrearing)).
- 111. The Love Light Mission Library School in Denver reportedly offers a "progressive elementary education." ALL GOOD CHURCHES, supra note 9, at 152.
- 112. Interview with Clark, supra note 101; Interview with Dr. Stanley Cash, psychiatrist, in Boston (May 7, 1976) (on file with author); see ALL GOOD CHURCHES, supra note 9, at 112 (Child Protective Service of one state announced involvement of Love Family cult in one case of child abuse).
- 113. See Vermont Hearings, supra note 16, at 44 (New York Krishna commune suffered epidemic of infectious hepatitis, see L. A. TIMES, Apr. 7, 1976, p. 11, col. 1 (130 members living in a jail and an overcrowded building with poor plumbing and heating); Meeting Report, supra note 16, p. 1, at 21 (130 people living in one family dwelling)).
- 114. See text accompanying notes 107-20, supra.
- 115. People v. Florence, No. 8099, People v. Peter, No. 8088, People v. Sacks, No. 8086, Court Transcript at 32 (Fulton County Court, Albany, N.Y., 1975); see Meeting Report, supra note 14, p. 2, at 7 (See generally LESTER, supra note 16, at 36-37 (Children of God annals reveal infidelity); BORNHARDT & WOLF, supra note 114, at 134-46 (Education of Krishna children)).
- 116. See R. BORNHARDT, supra note 14, at 40 (Children of God); see ALL GOOD CHURCHES, supra note 9, at 112 (most Church of Scientology members work outside cult); Meeting Report, supra note 16, p. 2, at 7.
- 117. See e.g., Vermont Hearings, supra note 16, at 81-82; R. BORNHARDT, supra note 14, at 40 (anyone not a member of God considered a servant of Satan); Clapper, supra note 53, at 3 (Heavenly Deception is based on the view that the community is large as determined by Satan); LESTER, supra note 16, at 34-35, 38 ("ripping off" the system is good, since the system belongs to Satan); Fulford Tribune, Jan. 9, 1977, at 25C, col. 2, at 2; Hays 6, 1977, at 1, col. 3, at 7, 1977, at 7, col. 1, Hays 8, 1977, at 7, col. 1; Meeting Report, supra note 16, p. 1, at 32 (Instructed and deceptive practices in fundraising and recruiting "related to loving them").
- 118. See note 110, supra; R. BORNHARDT, supra note 14, at 27 (for the "Buddhistal Communist" for "loving people in India"; "Have Krishna, 001" "stay change for last"); "Children of God: 111 for a young people's drug program—Children of God, 111" (camp for rehabilitating young people—Unification Church), 111 (discussing affairs with their sect were aided by personal donors).
- 119. See e.g., Vermont Senate Judiciary Committee, supra note 58, at 7 (Infructuous decision of the court on the merits by the Unification Church); ALL GOOD CHURCHES, supra note 9, at 112 (revelation of identity of Unification Church); Rubin, supra note 100, at 37, 31 (70% were said to say in favor of drug factory); "No valley, judge says 176 in 66," Ostrman 16, 1976, at 1, col. 3, at 7; large number of Ostrman and Ferguson's supporters by Hays 10 (see note under this heading); Princeton plans to petition court to appoint a public agency to distribute the \$100 for the purpose for which it was alleged to have been collected, principally to aid the children in India; L. A. TIMES, Apr. 7, 1976, p. 11, col. 1, at 3 (Krishna members said to tell the public they are collecting for a "world relief program"); N.Y. TIMES, Oct. 29, 1976, at 11, col. 1 (Unification Church's use of "Tel Aviv Quarter" concert to solicit money from members of Israeli community "surprised" Jews when they discovered group was, Hays 10; organization had conveyed impression that it was sponsored by a local

avoidance of military and selective service obligations,¹²⁰ defaulting on education loans,¹²¹ failure to pay utility and other bills when due,¹²² driving without a license,¹²³ and failure to comply with municipal zoning and parking ordinances.¹²⁴

c. **Potential for violence:** Ex-cult members report that while in the group their state of induced obedience was so absolute that they would have willingly killed their parents or others if commanded by their leaders to do so.¹²⁵ One member told a prospect who was determined to leave that he would break both the prospect's legs if that would change his mind.¹²⁶ Some members have expressed the view that the struggle between the forces of Satan and the forces of God may soon break out into physical warfare; if it comes, they are prepared to fight and die as "heavenly bullets"¹²⁷ for their cause.¹²⁸ A tract from the leader of the Children of God sect, "The American Way," described in a recent California hearing, implies that the cult could demoralize America through acts of sabotage, poisoning water supplies, poisoning rapists on rooftops, and destroying gasoline supplies.¹²⁹ Some cults, including Reverend Moon's organization and the Hare Krishna,

- (March) J. ANDERSON, supra note 100, at 8 (former black member reported he collected \$15,000 from black communists for a nonexistent satellite commune program); Letter from M. O'Neil, New York Deputy Attorney General (Dec. 2, 1976) (on file with author) (Krishnas collecting donations directed at Black Caucus in violation of Salvation Army collection); WELLS, supra note 24, at 20-21 (Moon's followers told to say they are saving for a [communist] youth center for a drug program, etc.); ALL GOOD CHURCHES, supra note 9, at 221 ("young members" of Children of God followers are encouraged to use their sex to entice to recruit followers); TAMPA TRIBUNE, Feb. 7, 1976, at 3, col. 1 (I thought to see would like "anyway," "yeah," "Christine" to get divorce); Meeting Report, supra note 16, p. 1, at 32 (I'm trying women taught to tell Moon's products to men by their "falls notes" (ethnic)).
- 121. LESTER, supra note 16, at 18-19 (draft evasions by Children of God); Interview with Sam Berg by A. K. KENNEDY, in TAMPA, Fla. (Dec. 16, 1975) (on file with author) (Children of God forged draft cards); Letter from J. M., supra note 103 (Children of God forming cells within Armed Forces); Letter from G.W. to Commander C. (Oct. 11, 1977) (cult had fallen behind on Reserve meeting obligations, requested to be excused because of "an ordinary work" (on file with author)); Letter from M.N. (Oct. 9, 1976) (Hare Krishna recruited soldiers from base in Panama, encouraged them to move off base in order to increase cult activities) (on file with author).
- 122. Meeting Report, supra note 16, p. 2, at 32.
- 123. M. in Denver had telephone bills, arrears to see no one others whose credit was still good, 111 (can't to practice acceptance of bills and parking tickets as aspect of "heavenly deception"); Vermont Hearings, supra note 16, at 82 (cult their way unpaid parking tickets, occasionally defaulted on rent and telephone bills); THE OREGONIAN, May 16, 1977, at 2, col. 1 (Some members took cult members to a hospital for treatment in an incident, "though they had \$1,000 in their van").
- 124. Vermont Hearings, supra note 16, at 81 ("Well, that doesn't make a make any difference to the Lord's work . . . you can go out and drive without a license" (Member had no deep perception because of eye problem, had been told by leaders that God would take care of her); THE OREGONIAN, May 16, 1977, at 2, col. 1 ("we were in a lot of accidents because people were so lost. They were always because somebody felt sorry").
- 125. See e.g., Vermont Senate Judiciary Committee, supra note 58, at 21 (recruiting in college dorms in violation of rules); WOODS, supra note 57, at 2 (Cultists influenced expect to induce 73 followers of Hare Krishna cult, abortions include child abduction, tax evasion, illegal collection of money, possession of weapons and ammunition in violation of law, and falsification of passports) (Letter from M. M. to Hon. Chairman, Director, Interstate K-9 Department of Consumer Affairs (Feb. 9, 1976) (on file with author) (Unification Church charged on collection permit, continued fundraising over after creation); Meeting Report, supra note 16, p. 1, at 31-32 (padding and falsifying in violation of ordinances of THE OREGONIAN, May 16, 1977, at 2, col. 1 (a member's journal contains list of 18 ways that members routinely broke the law, including failing to report traffic accidents, lying on written applications, and driving without insurance)).
- 126. Dallas Morning News, Oct. 19, 1975, at 3A, col. 1 ("I would have liked for [Moon's?], Letter from Speaker, supra note 29 (I'll join him someone for Krishna as a convenience to him you would be doing a good for that person?); Letter from Richard S. Finkle, Lt. Col. USAF, to Hon. Abraham Ribicoff, United States House of Representatives (July 1, 1977) (on file with author) (Congressman reported she would gladly have listed if commanded by Moon leaders and that anyone who is Satanist "should be killed"); Meeting Report, supra note 16, p. 2, at 29 (I if my father proved to be a threat to the mission of the Messiah, I would murder him"); see WASH. POST, Aug. 20, 1975, at C1, col. 4, at C1, col. 4 (psychiatrist who said former cult members had shattered they didn't usually kill if ordered to by the cult).
- 127. Hays 6, supra note 10, at 20 (The Unification Church told us that we were heavenly bullets who should kill for God if necessary, and I would have" (emphasis in original); Meeting Report, supra note 16, p. 2, at 27, WOODS, supra note 54, at 30 (idea of 1st) followers to use "the old way to teach").
- 128. Dynamis Hearings, supra note 16, at 10-9.

on belief in a supreme being, or in a supernatural form of existence, church attendance. Thus, religious cults may not be excluded from constitutional status merely because they are different or because their practices and beliefs appear heretical and strange. Indeed, if constitutional guarantees of religious freedom mean anything, they must include the protection of newly established and unpopular groups, who will ordinarily lack allies in government and in the established churches, and will thus be in special need of political protection.

Because religious thought and practice historically have been afforded great deference under our scheme of government, it could be argued that non-interference is the only position that is consistent with American constitutional and political traditions. When religiously motivated conduct is involved, however, courts have afforded a lesser standard of protection where the underlying belief was found to be inane or only incidentally religious. These and other factors weaken the degree of protection that should be afforded to a cult's use of mind control techniques in expanding its size and its political and financial power.

Honesty and Sincerity

Conscientious objection and other religious exemption cases establish that religious practices are entitled to constitutional protection only if the individual practicing them are sincerely held.²¹⁰ To the extent that a practice involves fraud or deception, it is not a practice of predominantly religious interest, and will receive little or no constitutional protection. Standing that the practice may tend to benefit a given religious group or sect.

Deception in the recruitment process: Deception enters the recruiting process at several stages. It is often particularly flagrant during the initial recruitment period. Except in the rare case in which the recruiter perceives that the victim is extraordinarily receptive to being converted,²¹¹ the recruit

never informs the individual that he is being asked to attend a function of a religious organization, nor advises him that the purpose of the meeting is to initiate a process that will change the prospect's mental processes and his relationship with the rest of the world.²¹² Some cults utilize front groups with famous sounding names in order to allay the possible suspicion of potential converts that the organization might have overtones of religious fanaticism.²¹³ Frequently, potential converts are told that the group is concerned only with "making the world a better place,"²¹⁴ or addressing the problems of disease, poverty, war, drug addiction, immorality, or racism.²¹⁵ Another ploy that evidences an attempt on the part of cults to bypass the rational processes of their victims is the selection of potential converts. Recruiting guides include instructions to concentrate on "the hungry" and on those individuals whose resistance is temporarily lowered because of loneliness, worry over estate, or other adolescent crises.²¹⁶

Deception continues after the youth has been attracted into accepting his first contact with the group. At the first meeting, he finds himself surrounded by smiling, friendly young persons, very much like himself, who look at him sincerely in the eye and who appear to demonstrate great interest in him, his studies, and his ideas.²¹⁷ The initial picture that recruit

210. See, e.g., *United States v. Ballard*, 322 U.S. 78 (1944).
211. *Id.*, at 110 (concurring opinion). See generally *Terrence J. The First Fourteen*, 58 U.S.L.W. 348 (1983).
212. *United States v. Sarge*, 380 U.S. 161, 198 (1965). For a comprehensive discussion of modern U.S. Supreme Court decisions of religion, see Hollingsworth, *Constitutional Religion: An Expanded History of the Religion*, 34 Ohio St. L.J. 13 (1973); *Weller, The Supreme Court of the Religion*, 61 Geo. L.J. 1111 (1973).

213. *Id.*, at 169 (concurring opinion).
214. *Id.*, at 170 (concurring opinion).
215. *Id.*, at 171 (concurring opinion).
216. *Id.*, at 172 (concurring opinion).
217. *Id.*, at 173 (concurring opinion).

218. *Id.*, at 174 (concurring opinion).

219. *Id.*, at 175 (concurring opinion).

220. *Id.*, at 176 (concurring opinion).

221. *Id.*, at 177 (concurring opinion).

222. *Id.*, at 178 (concurring opinion).

223. *Id.*, at 179 (concurring opinion).

224. *Id.*, at 180 (concurring opinion).

225. *Id.*, at 181 (concurring opinion).

226. *Id.*, at 182 (concurring opinion).

a particular group or claimed religion is "a distinct business, our legal system sometimes requires a *de facto* distinction. See generally *Terrence J. The First Fourteen*, 58 U.S.L.W. 348 (1983).

210. *United States v. Sarge*, 380 U.S. 161, 198 (1965). For a comprehensive discussion of modern U.S. Supreme Court decisions of religion, see Hollingsworth, *Constitutional Religion: An Expanded History of the Religion*, 34 Ohio St. L.J. 13 (1973); *Weller, The Supreme Court of the Religion*, 61 Geo. L.J. 1111 (1973).

211. *Id.*, at 170 (concurring opinion).
212. *Id.*, at 171 (concurring opinion).
213. *Id.*, at 172 (concurring opinion).
214. *Id.*, at 173 (concurring opinion).
215. *Id.*, at 174 (concurring opinion).
216. *Id.*, at 175 (concurring opinion).
217. *Id.*, at 176 (concurring opinion).

218. *Id.*, at 177 (concurring opinion).

219. *Id.*, at 178 (concurring opinion).

220. *Id.*, at 179 (concurring opinion).

221. *Id.*, at 180 (concurring opinion).

222. *Id.*, at 181 (concurring opinion).

223. *Id.*, at 182 (concurring opinion).

224. *Id.*, at 183 (concurring opinion).

225. *Id.*, at 184 (concurring opinion).

226. *Id.*, at 185 (concurring opinion).

218. *Id.*, at 177 (concurring opinion).

219. *Id.*, at 178 (concurring opinion).

220. *Id.*, at 179 (concurring opinion).

221. *Id.*, at 180 (concurring opinion).

222. *Id.*, at 181 (concurring opinion).

223. *Id.*, at 182 (concurring opinion).

224. *Id.*, at 183 (concurring opinion).

225. *Id.*, at 184 (concurring opinion).

226. *Id.*, at 185 (concurring opinion).

227. *Id.*, at 186 (concurring opinion).

228. *Id.*, at 187 (concurring opinion).

229. *Id.*, at 188 (concurring opinion).

230. *Id.*, at 189 (concurring opinion).

231. *Id.*, at 190 (concurring opinion).

revels is that of a group of happy young people primarily involved in secular aims and ideals. The first lectures tend to be little more than denunciations of the impersonality and immorality of modern life. There is little reference to religion, topics such as the spirit world, the apocalypse, and salvation, as well as the role of the cult's messiah, are introduced in a carefully staged sequence, when the recruit is perceived to be "ready" for them.¹¹⁷ and in physical circumstances designed to lessen the probability that he will withdraw.¹¹⁸ If the candidate asks questions or expresses doubts, he is encouraged to suspend these and told that they will be answered during later lectures.¹¹⁹

These practices are justified by the group as "heavenly deception."¹²⁰ The cults contend that candidates are, at the start, under the influence of evil forces, and may thus have a negative attitude toward religion in general or the cult in particular. For these reasons, the cults believe that concealment and deception are excusable.¹²¹ When the individual learns about the group's nature, he is often unable to confront this knowledge because of impaired judgment resulting from lack of sleep, isolation, peer pressure, and guilt.¹²²

The final act of commitment is made at a time when the individual is exhausted, surrounded by young persons who press him feverishly to make a commitment, and as the culmination of a series of carefully staged peak experiences designed to reduce objectivity and generate a state of induced excitement and gullibility.¹²³ Thus, deception is utilized at the outset to attract potential converts to participate in a process that they would not otherwise be likely to choose. From this point, techniques that bypass reflection and rational thinking are utilized to consolidate membership. All of these factors militate in favor of reduced first amendment protection.

b. Deception in other areas: Although not directly related to the indoctrination process, cults regularly practice dishonesty or deception in

Casper, supra note 61, at 4 (Unification members refuse to target individuals in an activity aimed at converting members, and contrary to the impression that their motivation is primarily self); *The Cults of America*, supra note 9, at 7, 30; Harjoto, supra note 130, at 217; *Religious Cults*, supra note 11, at 52; *Talks by Mr. J. J. Harjoto, Past President of the Unification Church, U of C, The Emerald*, Apr. 27, 1977, at 3, col. 11 (attributing to J. J. Harjoto, supra note 130, at 15, 16; Harjoto, supra note 62, at 18 (Unification Church members use of "sweepstakes" as a bait to lure members—beneficial use of flattery ("I was told I had a very good dad, a happy face, my interest was wonderful, my shoes were nice and I was unique, I possessed interest, affection, understanding, kindness, respect, and love..."));

117. Harjoto, supra note 62, at 67; Harjoto, supra note 130 at 136 (requiring) *Return to the Moon Through History* by WALTER, Dec. 1, 1975, at 3, col. 1 (requiring); Smith, supra note 61, at 10, col. 13.

118. These include physical isolation, e.g., Harjoto, supra note 34 (listing home rule of Moon leaders. Students may not leave the property during first week or without authorized permission); *Merry Report*, supra note 14, at 7, col. 7, last of sleep; *Merry Report*, supra note 14, at 7, col. 11, 12, 17, 18, and all absence of privacy or opportunity for reflection; cf. at 7, 21, 66; *Vermond Hearing*, supra note 18, at 56-61 (childhood from seeking medical care); R. E. Egan, supra note 14, at 19-49, 19. See also note 60 (same isolation, restricted communication with outside, lack of opportunity for ready return).

119. Smith, supra note 62, at 10, col. 7. See also note 73 (same). If doubts persist, the doctor can be relied on to increase "strong emotions." E.g., Harjoto, supra note 130, at 134, 139 (not tried to leave people alone after he tried to talk to one staying. They put me in a room and wouldn't let me leave until they had had one more session. They completely overpowered you.) *Returnation*, supra note 227, at 9, col. 1, at 18, col. 1 (Moon reports "light to eyes" "inflamed" statements concerning doubt—about to be told statement by Divine Light (messiah) New Moon Address, Sept. 16, 1975, at 6, col. 1 (struggle between... "I do not know what you are thinking"...) *Journal* 3 (8 hours).

120. See Casper, supra note 61, at 10 (stating "The community at large is deceived by Satan. God must rely on deception in winning souls"). Note 100 supra. See also R. Egan, supra note 14, at 11.

121. See note 130 supra. 122. E.g., *Vermond Hearing*, supra note 18, at 56, 58. Written statement of Dr. Robert L. Egan, physician (Feb. 9, 1976) (on file with author). For discussion of factors used to reduce ability of members to make intelligent decisions, note e.g., *Merry Report*, supra note 14, at 9, col. 11, 12, 34, 35 (conspicuous then); at 7, 11, 12, 32, 36, 41 (distraction of sleep); at 11, 12 (Casper had recovery through); at 14, 15, 16, 22, 32, 36 (guilt manipulation and fear) at 7, 21 (lack of privacy and opportunity for reflection); at 11, 24, 31, 34, 36 (overload of information). For statement of effect church leaders have on freedom of choice, see *Notes* 279-313 and accompanying text here.

123. See note 227 supra. The Moon cult seems to have a particular fondness for emotional sales. E.g., Harjoto, supra note 130, at 236 (sales of health products to consultants).

dealing with creditors,¹²⁴ immigration¹²⁵ and military authorities,¹²⁶ parents,¹²⁷ the news media,¹²⁸ and local merchants.¹²⁹ These practices, a number of which have already been described in greater detail, are mentioned here only to illustrate that "we they" absolute facilitates a double ethical standard in which one set of moral laws governs relationships within the group, while another, lower standard is observed in dealings with individuals and institutions outside the sect.¹³⁰ Deception in the recruiting process is thus only one aspect of a world view that encourages cheating, lying, stealing, and other dubious or illegal practices if they are helpful to the cult in achieving its mission of spiritual hegemony.

c. Insincerity arising from an admixture of secular and religious aims: That and its exemption cases demonstrate that ostensibly religious conduct will be considered insincere if the underlying motivation is dominantly secular, rather than religious. Particularly suspect is activity motivated by political or pecuniary considerations.¹³¹

(i) Political objectives: Although some religious cults are wholly apolitical and show little interest in national and civic affairs, others are intensely active in lobbying and other attempts to affect the political process.¹³² Moon's organization, with its recently publicized ties to a foreign government and possible involvement in covert intelligence operations, is a prime example.¹³³ Its political interest is tied to a belief that the world, to be

124. Note 195 supra.

125. E.g., *Pa.*, supra note 100, at 19 (the Immigration & Naturalization Service (INS) has ordered deportation of 600 Moon followers who were present in the United States on visas granted for "religious education and training." 1978 found these visas issued primarily of solicitation of funds and selling across the street); W. V. Thoon, Apr. 24, 1977, at 25, col. 1 (INS deportation proceedings against 178 Japanese members of Moon's Church); *4 Morning Report*, supra note 14, at 1, at 10 (explaining that Unification Church only mass migration 300000 for foreign sales and United States for fundraising purposes); *Working*, supra note 176, at 6 (for mass authorities expect to prosecute 173 Korean followers on charges that include falsification of passports, as well as child abuse, fraudulent collection of money, and possession of firearms).

127. See, e.g., *Clyde Hearing*, supra note 16, at 123 (parent told that if he did not sell everything he owned and join cult he would never see his daughter again); *Vermond Hearing*, supra note 18, at 17, 31 (marriage children in order to lure them from parents); *RETURNATION REPORT*, supra note 16, at 16, 17, 23; *Temple Tribune*, Feb. 7, 1976, at 3 (with home at Christmas presented one member only if parents had money to exploit and parents "might come around to CUK (Children of God) values");

128. E.g., R. Egan, supra note 14, at 7-10 (media and others give "shower" treatment); *RETURNATION REPORT*, supra note 16, at 30 (Children of God have catalogue of recent assaults to be given to the press); *Egan & Ma Pluribus*, supra note 150, at 106A, 106B (list of typical questions and prescribed answers for press in cult inductions).

129. E.g., *RETURNATION REPORT*, supra note 16, at 12 (Children of God deceptive practices).

130. See notes 125-95 supra.

131. E.g., *Wish v. United States*, 390 U.S. 111, 342 (1978); *United States v. Rogers*, 390 U.S. 183, 185-86 (1978); *Washington State Soc'y v. District of Columbia*, 397 U.S. 127 (1970); *C. C. v. Washington Church of Scientology v. United States*, 629 F.2d 1146, 1150 (11th Cir.) cert. denied 396 U.S. 963 (1970).

132. N.Y. *Times*, Mar. 30, 1973, at 1, col. 2 (listing reports that Moon chose the United States for his operations because his goal toward religious freedom offered where there were no Unification Church's economic and political barriers; Moon used attractive young females in cultural friendship with society); *Ann. Archives of the Korean Central Intelligence Agency to the United States: History Before the Subcomm. on International Organizations of the House Comm. on International Relations*, 96th Cong., 2d Sess., at 7, at 36 (1979) (Sun's church is the largest and most respected form of cult organization. Mr. Moon founded the church in 1954 to have the greatest freedom of service); *Children of God, 'Mo's Army'* (June 12, 1976) (largest cult members to work for named presidential candidate); *Merry Report*, supra note 14, at 9, col. 8 (political aspirations of Moon, including "If tens of thousands each are recruited in each of the 50 states, we can do anything with senators and congressmen, we can influence them... We must have an intricate bureaucracy to rule the world... The operation of religion and politics is what Satan has used... The present U.S. must be abolished by our power. We must make a new U.S. Then, I can be able to make out of the world revolutionary" (emphasis in original), at 7, at 11 (Moon followers ordered to meet Congressmen and Senators on bus, to be taken to Hilton Hotel for dinner, (date, time), I [representing] to obtain invitation of Moon to speak at [Moon's] prayer breakfast at 3300 Howard, District of Columbia, New Chapter Open [Moon's] Address of Henry 11 (July 2, 1976) (explaining that "it appears you for a religious group failed to fully appreciate the potential of people, hoping for some kind of uniform, especially in for sure. It is political organization, something to the personal wealth and power of its leader. And... presenting his personal and political philosophy").

133. E.g., N.Y. *Times*, May 23, 1974, at 1, col. 4, at 16, col. 2 (ties with South Korean government); *Japan* (LA, whistleblower Japanese press breaks disclosed to E. J. [redacted]

age²¹¹ may be tolerated if they are... to the practice of the religious group involved... But, where the nonmember... represents only an optional or minor aspect of the belief system... it is not... likely to be denied complete first amendment protection.²¹²

Under this test, cults' use of deception and intensive mind control techniques to attract and indoctrinate new members falls outside the perimeter of first amendment coverage.²¹³ Refusing to allow a cult to use these techniques does not prevent it from continuing to believe in its beliefs, or to engage in ceremonies and rituals of its own choosing, of maintaining its communal living arrangements... It simply draws the cult's only truly effective means of expanding the circle of adherents... Ordinary methods of persuasion, education, and propaganda remain available, as they are to other religious denominations that wish to increase their memberships.²¹⁴ It seems unlikely that the interest of any religious group in utilizing extraordinary methods of assuring membership growth can be shown to be so central to its belief system that it warrants first amendment protection.

3 Promotion of Values Fundamental to the First Amendment

An analytically related approach asks whether protection of mind control techniques in connection with religious proselytizing promotes or frustrates the fundamental values sought to be protected by the first amendment. Since legal values are ordinarily applied in light of the purposes or interests they are designed to serve, it becomes necessary to ask whether extending constitutional coverage to coercive persuasion utilized by religious groups as a membership-increasing device is consistent with the values sought to be forwarded by the religious liberty clause.²¹⁵

There exist a number of values concerning the objectives of the religious liberty clause. According to one view, a central purpose is the protection of the individual's right of privacy in making fundamental decisions concerning the conduct of his personal life.²¹⁶ In this view, it seems unlikely that protection would be extended to mind control techniques, since these diminish, rather than increase, the ability of the victim to make private decisions about his life.²¹⁷

According to another view, the protection of religious liberty is designed to prevent oppression of small, struggling minorities, who might suffer intolerant treatment at the hands of the majority.²¹⁸ But this notion

seems aimed at preventing the extinction of such groups, rather than offering them a right to become more powerful relative to other groups. Hence, that theory likewise offers little support for the defense of mind control practices by religious cults.

A final view sees religious freedom as an aspect of freedom of the mind. Thomas Jefferson, for example, viewed freedom of religion as equivalent to freedom of the mind.²¹⁹ Since the end result of the process of persuasion utilized by cults is a diminution of the scope of the mental processes, it appears unlikely that the practices that facilitate this result are strong candidates for protection under the Jeffersonian view of religious toleration. This view is echoed by leaders of established religious organizations who view Moon's organization in particular, and most cults in general, as "spiritual fascists" bent on depriving their members of the ability to make free, individual decisions in religious matters.²²⁰ This view is also espoused by ex-cult members who state that they were denied freedom of thought and choice while within the cult, and were made to adhere to every detail of the official theology on pain of spiritual--and sometimes physical--punishment.²²¹

4 Correspondence with Societal Norms

Although not often articulated, one consideration affecting the determination of whether to afford constitutional protection to religious practices is the extent to which the religious group's impact on society is seen as beneficial or detrimental.²²² Where the group's influence is seen as essentially positive, courts show a tendency to overlook borderline deviations with regard to societal laws or ordinances. But where a group's overall effect on society is seen as detrimental, the willingness to afford protection decreases.²²³ This test thus requires an assessment of the broad convergence or divergence of a group's practices with societal norms. Many areas in which cults have generated controversy--including drug usage, tax and welfare cheating, fraudulent fundraising, and violation of immigration and draft laws--while not intrinsic to the assessment of mind control and forced indoctrination practices, are nevertheless relevant to a determination of the degree of tolerability to be allowed.²²⁴ Because many of the activities cults engage in are deviant and have a negative impact on society, and since cults, by definition, differ, often in socially useful programs,²²⁵ it is unlikely that the degree of toleration would be great, particularly if it appears that the practices in question are not demonstrably essential to the groups' survival.

211 W. Cassin v. Yoder, 708 U.S. 705, 215 (1977).
212 People v. Woody, 41 Cal. 2d 714, 120 P.2d 974, 22 A.L.R.2d 811, 317 P.2d 46, 60 Cal. App. 2d 72 (1954); see Marsh v. Providence, 319 U.S. 109, 108 (1943); Leary v. United States, 381 F.2d 811, 40 (1967); see also Johnson v. United States, 439 F.2d 1109, 1110 (1970); In re President and Faculty of Georgetown College, Inc., 311 F.2d 1000, 1008 (D.C. Cir. 1962); In re United States, 317 U.S. 529 (1942).
213 See generally In re United States, 317 U.S. 529 (1942).
214 See generally In re United States, 317 U.S. 529 (1942).
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II. PATERNALISM AND CONSENT—LIMITATIONS ON THE DECISION TO JOIN BASED ON VOLUNTARINESS

The earlier discussion of state versus private interests suggests that the balance tips toward state intervention. The harms appear substantial, while the interests of the religious groups appear to be seriously weakened by such factors as their lack of certainty and an advantage of secular concerns. Some of the harms, particularly those affecting only the individual convert rather than society at large, are themselves subject, however, to a further limitation. If it were to appear that the individual harms caused by the induction and conversion process were harms incurred freely and voluntarily by competent adults, the case for intervention would be much weaker.²⁷² Accordingly, it becomes necessary to examine the claim, made by defenders of religious cults, that decisions to join are made freely by competent adults and are thus entitled to the respect we normally afford such decisions.²⁷³

A. TRADITIONAL FACTORS

Coercion, deception, physical or mental weakness, and abuse of a fiduciary capacity traditionally have been held to militate against a finding of voluntary choice in a variety of contexts, ranging from consent to medical procedures to waiver of constitutional rights.

1. Coercion and Duress

Coercion sufficient to override the will of an individual is generally recognized as a factor negating his free choice,²⁷⁴ although other requirements, such as the duty of reasonable resistance, vary from one context to another.²⁷⁵ Coercion may be based on the actual use of power to subordinate the will of another, or on a reasonable fear that the individual in the superior position will use that power to harm the other.²⁷⁶

The cult induction process may at times involve the threat of physical harm, particularly if the individual, after the cult begins to feel an investment in his membership, threatens to leave.²⁷⁷ The isolated setting in

which indoctrination is carried out makes resistance more difficult.²⁷⁸ More frequently, however, the pressure to join, although intense,²⁷⁹ takes less physical form. The candidate is told that his salvation depends upon remaining with the group and that leaving will result in spiritual punishment.²⁸⁰ It is warned that leaving the cult may cause him to be struck down with cancer, become insane, or suffer a fatal accident within a year.²⁸¹ Cult members are told that their loved ones may fall ill and suffer a lingering death.²⁸²

Apart from a few cases involving witchcraft and voodoo,²⁸³ there are few decisions concerning the legal effect of a threat of spiritual or physical sanctions which are inherently unlikely but known to be believed by the victim. Cases turning on undue influence hold that when a spiritual or religious advisor convinces a believer that failure to make a gift to the advisor will result in spiritual penalties—even though these may be inherently improbable—the victim's act will be set aside.²⁸⁴ Since the cult is responsible for the content of the victim's unreasonable belief as well as the erosion of his mental processes leading to his believing the threat, it seems reasonable to deny the persons responsible the argument against setting aside the victim's act that he acted voluntarily and freely in acquiescing in the pressure brought to bear on him.²⁸⁵ Of course, when physical pressures accompany the spiritual threats—the likelihood that a court would find conduct invalid increases in proportion to the strength and immediacy of the threat.²⁸⁶

2. Deception

Deception vitiates consent, since an individual cannot be said to have

272. The clear view of the appropriate law that informs our legal and moral intuitions is that the latter, which argues:

"[I]f we are to do such work and are organized, individually or collectively, in writing with the view of the loss of any of these powers, [the individual] self-protection [is] the only power for which power can be rightfully exercised over the member of a voluntary community, against his will, to prevent harm to others. No one has a right to force another to act in a selfless manner."

273. Max. On Liberty, in THE GREAT PRINCIPLES OF LAW (1948) (W. E. Gladstone ed. 1919). A controversy exists as to whether the individual's reluctance to label "harm" to mean that the individual affected does not regard as harmful (noted note 27 supra).

274. In setting out characteristics of the cult joining process that support the conclusion that cult membership is not freely entered into, it is suggested that the state need, of course, become involved in certifying the accuracy with which the average cause joins organizations, whether they be churches, private clubs, or the PTA. In the usual case, such checks will be free cost, and individuals would be indulged the presumption that they express their autonomous rights freely and voluntarily. Indeed, it may even be difficult to give meaning to the notion of a fraud free religious doctrine. See S. FRANK, THE FUTURE OF FREEDOM (1967) at 191-5. It is far simpler to recognize choices that are not free than to certify a given choice as devoid of fraud or external compulsion. Thus, it is unnecessary to assert that (1) individuals ought not to be required to defend their beliefs or nonreligious choices, and (2) certain methods of making beliefs or preventing differences are imposed and deserve state scrutiny. See notes 116-17 and accompanying text supra.

275. E.g., *Block Island Reversion Commission v. Anson Co. & Son Co.*, 177 F.2d 681, 695 (1st Cir. 1949) (defense of coercion a criminal case); see *Moore v. Huntington*, 276 F.2d 341 (9th Cir. 1955) (breach of contract); *Pace v. Georgia Pub. Corp.*, 233 Or. 348, 433 P.2d 931 (1968) (breach of contract); *P. W. Pace*, supra note 129, § 114, at 744; W. PROSSER, supra note 156, § 118 at 104-07; B. FRANK, *CRIMINAL LAW* § 911 (1948), 1969.

276. E.g., *Commonwealth v. Griffin*, 149 Ky. 300, 305-06, 148 S.W. 2d, 38 (1912) ("action of robbery (fraud)").

277. *Id.* (reference to threat).

278. E.g., *Dynasty Housing*, supra note 16, at 167 (member testified that since she joined the cult she had not had a child and that she did not intend to have a child because of her husband's 87 unsteady daughter of Alamo cult leaders testified that cult threatened her 24 and 3-year old children, and that the cult "We are going to find you and bury you and your children alive"; 90 (unsteady) husband drove, brought her to cult, and kidnapped her); *id.*, supra note 130, at 216, 218 (cult leader's church members put recruit in room, would not let her leave the room until she agreed to stay in the cult. "The completely unresponsive young girl, P. Griffin, supra note 108, at 4, told [inductees] church member informed by her spiritual brother that the brother thought that by breaking both the member's legs to lock her in a room in the family, he would die." J. ANDERSON, supra note 108, at 30 (reference to cult's lack of a child); testimony by Aaron Rabin, attorney, with J. A. S. in Kingston, N. H.,

see file with author (member received physically to remain with cult, held, pulled to meetings, guarded, prevented from leaving).

279. See, e.g., *Vermond Housing*, supra note 16, at 79; *LEAVERTY REPORT*, supra note 16, at 35-36; *Meeting Report*, supra note 14, pt. 7, at 31. Many training centers are located in remote rural areas, and candidates are not permitted to drive there in cars; the cult transports them to buses and vans. Frequently, there is no public transportation available in the area the member desires to return home, and thus he may be obliged on the cult for a return trip. See also notes 66 supra.

280. E.g., *Selection of the Secretary*, supra note 16, at 1 ("compared to the 'Idiot's' and the 'COC' (Children of God), Jehovah's Witnesses come across more like emperors, not pebbles in the sand. While Mormons and Jehovah's Witnesses remain a part of the larger society and had more-or-less conventional lives, the new religions represent a totalistic lifestyle and represent a world view change so radical that the convert literally assumes a new identity.")

281. E.g., *Vermond Housing*, supra note 16, at 59-60 (member told if she called her father or left cult, she would have HIV, her brother's son's sister, and her parents, and she would be "responsible for 11 generations to get them out of bed"); *Shapiro*, supra note 33, at 21; *Metzger*, supra note 51 (Lutheran Church victims released pursuant to San Francisco County Superior Court proceeding reported that "the sect's moral control techniques induce the most credibly intense fear and path to anyone considering leaving"; *Woolhead*, supra note 24, at 11, 14 ("We had a little meeting with James B. or 9 of their leaders. . . . [We were told] you might be killed if you go back! Susan is going to attack you!"). See also notes 95-97 and accompanying text supra.

282. B. ANDERSON, supra note 14, at 39 (would become insane, turned into a human tank, or "summed over to a reprobate mood"); *LEAVERTY REPORT*, supra note 16, at 36 (inductees of Children of God told that cult would work him dead if he left).

283. *Interstate v. Mead*, supra note 117, see *Vermond Housing*, supra note 16, at 76-80; *Meeting Report*, supra note 14, pt. 2, at 6 (indemnity punishment on parents).

284. *Boggs v. Macintosh*, 18 Cal. 309 (1957) (father who failed another, believing him to be an evil spirit, held improperly converted of manhood); *Kane, Practitioner Psychiatry and Witchery Four Essays to Criminal Responsibility in East Africa*, 61 S.C. & REV. 343, 356-58 (1964) (East African courts have accepted no prosecution or self-defense plea that the victim was believed to be having them through witchcraft).

285. *Conover v. Sledge*, 72 Cal. 316, 11 P. 308 (1887) (testimonial agreement produced on belief in spiritualism); *Casper v. First Church of the New Jerusalem*, 32 Mo. 640 (1864), aff'd 13 Mo. App. 793 (1882); *Corrigan v. Flynn*, 48 N.J. Eq. 697, 23 A. 331 (1891); *Hobbs v. Dwyer*, 76 N.E. 1, 66 S.W.2d 11 (1936) (threat of damnation); *see Coleman v. Lee*, 127 Ill. 402, 66 N.E. 3rd (1902) (warning parents not to follow an undue influence); *Brown v. Fisher*, 173 Mass. 102, 18 N.Y.S. 3d 341, aff'd, 260 App. Div. 443, 23 N.Y.S.2d 116, reh. denied, 360 App. Div. 1006, 34 N.Y.S.2d 993 (1963).

286. Apart from such informal inducements, they are also given to which people are told that to protect persons from the possibility of a spiritual being's influence. See, e.g., *Interstate v. Mead*, supra note 117, 77 U.S. 281, 226-29 (1863) (Dawson, J., concurring) (spiritual prayer); *id.* at 286-90 (Brown, J., concurring); *Washburne Bible & Tract Soc'y v. Massachusetts Ind. Ed. Co.*, 397 N.Y. 339, 79 N.E.2d 433 (1947). See also *Quinn-Simpson v. Quinn-Simpson*, 52 U.S. 70 (1840) (English law).

287. Note 176-77 and accompanying text supra.

converted to an act when he has been deceived as to the essential nature of that act.²⁴¹ The use of front groups,²⁴² concealment of the identity and purpose of the organization to newcomers,²⁴³ and various techniques to ensure that trainees do not have an opportunity for reality testing²⁴⁴ all combine to make it highly likely that the recruiting and indoctrinating process will be found repressively²⁴⁵ because of concealment of material elements from the potential convert.²⁴⁶

3 Physical and Mental Depletion

Courts have found in a number of contexts that mental or physical debility, particularly where known and exploited by one who receives the benefit of an action, is an important element militating against voluntariness.²⁴⁷ Because, as has been seen, cults systematically maintain conditions designed to weaken resistance and induce a state of physiological and psychic depletion in new members,²⁴⁸ the victim's capacity to cooperate with the cult's processes becomes open to scrutiny.

4 Abuse of a Fiduciary Capacity

Gifts to doctors, nurses, and religious advisers have been regarded with skepticism by courts when it appeared that the gift was initiated or solicited by the beneficiary, and when that person occupied a position of special trust with respect to the giver.²⁴⁹ Because cult leaders, at the time they solicit a commitment to membership, pose as and perhaps may be regarded as spiritual advisers, it seems likely that they will be held to the high standard of integrity and fair dealing developed by courts in these cases. As a result, any finding of impropriety, a pecuniary motive, or exploitation will cause the "gift" of the new member's resources and energies to be set aside.

B. FACTORS PECULIAR TO RECRUITING CURTS

1 Manipulation of Knowledge and Capacity

The process by which an individual becomes a member of a cult is arranged in such a way that knowledge and capacity, the classic ingredients of an informed consent, are maintained in an inverse relationship. When capacity is high, the recruit's knowledge of the cult and its practices is low; when knowledge is high, capacity is reduced.²⁵⁰

When the newcomer attends his first meeting, his capacity to make rational choices is relatively unimpaired. He may be experiencing a momentary state of depression or suggestibility,²⁵¹ nevertheless, his rational faculties are relatively intact, and it could be expected that were he to be given full information about the cult and his future life in it should he choose to join, he would react by leaving.²⁵² For this reason, the cult keeps secret its identity as a religious organization, the name of its leader or messiah, and the more onerous conditions of membership until it perceives that the victim is "ready" to receive this information.²⁵³ These details are parceled out gradually as the newcomer, as a result of physiological debilitation, guilt manipulation, isolation, and peer pressure, loses the capacity to evaluate them in his ordinary frames of reference.²⁵⁴ The recruit thus never has full capacity and full knowledge at any given time. One of the other is always impaired to some degree by cult design.

2 Segmentation of the Joining Process

Related to this manipulation of capacity and consent is the intentional segmentation of the joining process into a series of steps or stages, whereby the convert's assent is obtained before proceeding to the next step, but the final step or end result is concealed from view.²⁵⁵ Thus, the individual at the end of the initial meeting is persuaded to join the cult at their 3-day retreat, at the end of the retreat, he is urged to commit himself to attend a longer, 7-day training session. At the end of this session, he is encouraged to agree to attend an even longer training camp, generally of 1 to 2 months' duration. At each step the intensity of the indoctrination and guilt manipulation increases, together with the pressure to make a permanent commitment to the group.

241. *Hobbs v. Rizo*, 130 F. 861 (9th Cir. 1918) (consent to medical procedure obtained by fraud). *Barth v. State*, 106 Wis. 342, 82 N.W. 142 (1895) (lack of consent in "induced" thefts). Because parent obtained fraudulent statement that they were part of medical treatment, *W. Phillips*, *supra* note 136, § 10 at 105.

242. *Notes 222-10* and accompanying text *supra*.

243. *Notes 221-11, 223* and accompanying text *supra*.

244. *Notes 222-13* and accompanying text *supra*. *John Dantery*, such as telling the object, "We think you are better than you actually think you are" when accompanied by deceit or seduction, has been held to weaken will by means of undue influence. *W. Pace*, *supra* note 129, § 157, at 717; cf. use of Dantery described in notes 77, 78 and accompanying text *supra* for undue present (but to remain).

245. Text accompanying note 2, 2021 *supra*.

246. A cult might conceivably concede that its recruiting and indoctrinating practices were repressively and free choice, but argue that it would not try to make disclosure or disclosure. There are three arguments the cult might advance. (1) Its subject to the medical therapeutic privilege, see *F.D. LINDSAY & M. WILKINS, MEDICAL MALPRACTICE* § 22 (2d ed. 1975), could argue that disclosure is unnecessary since informing the potential convert of this fact if membership could cause him to freeze conventional treatment. (2) It could also argue by analogy to the therapeutic privilege that it need not inform the victim since full disclosure could cause him to omit unnecessarily. (3) It could argue that disclosure should not be required since it would violate the organization's right to preserve religious secrets, or mystique, which according to its practice are only revealed to adherents who have attained a required level of enlightenment.

Although this argument might be carried to some weight in a discussion of remedies, see text accompanying notes 372-373 *supra*, at this stage they are unavailing since they assume the actor at issue. Lack of the argument assumes that the cult's practice of inducing members who consent is proleptically by reason of the religious nature of the enterprise. At this stage, however, the issue is whether the proselytizing process is, in fact, protected by the First Amendment. This requires balancing of the harms caused by that process against the strength of the First Amendment's covering and the process that took place in each case.

247. *E.g. Methodist Mission Home v. N.A. - B. - 511 F.W. 24379, 541 Tex. Cr. App. 1937*. The court found undue influence in the case of a husband of a home for aged mothers who had been subjected to an extensive day campaign designed to induce him to give her half of her net worth. The woman was weak, was deprived of sleep, and was misled by the activities concerning her right to keep the child. The court found the above conditions sufficient to establish on plaintiff's will. See *M. DOWD & J. HENRY, 113 Cal. App. 2d 483, 128 P.2d 1119* (1943) (right to attorney from client who suffering from brain condition), *Waters v. Pitt*, 148 W. 264, 179 N.W. 990 (1919) (right to care by specialty of parents), *Casey v. First Church of the New Jerusalem*, 82 Mo. 607 (1865) (right to religious advice from non-member ally); *1 Mo. App. 291* (1887); *W. Phillips*, *supra* note 136, § 10, at 102-03 (reversal of gift made of real estate to possible religious convert). *Wheat, The Forfeiture of Money Received by a Religious Convert*, 9 N.W. 2. 219 (1875).

248. *Notes 23, 26-28, 178-180* and accompanying text *supra*.

249. See note 291 *supra*.

250. *E.g. All Good Churches*, *supra* note 9, at 64-72; *Wash. Post*, Aug. 24, 1975, at A-1, col. 4, at A-11, col. 2 (former cult member stated: "For me the indoctrination started with treachery with friendship, with things that aren't easily defensible. They they put in a little that's fact, and it's clouded. But you say, 'Well, the rest of it is weak.' And you trust them, so you say, 'Well, I'll accept that.' They show a little more in it, and I believe. *supra* note 108, at 12 (knowledge of unpalatable or bizarre details postponed until end of indoctrination session, by which "the candidate's impression of [subject] is normally near total, to the point of taking over the Church's known lies to him calmly in stride.")

251. *E.g. notes 56, 713* and accompanying text *supra*.

252. See note 370 *supra*.

253. *B. ENGLISH, supra* note 16, at 42-43, 109-111; notes 220-23 and accompanying text *supra*, note 301 *supra*. See also *Clapper, supra* note 62, at 8 ("The target individual generally has no awareness that he is participating in various activities of an aggressive proselytizing religion in preparation until the conclusion of the weekend rural camp experience. He is not overtly pressured with . . . reports for conscious reflection and deliberation. . . . There are no signs in the exterior building facade or at the interior walls that identify the cause as property of the Unification Church.")

254. *Notes 63-71, 110-11* and accompanying text *supra*, see *Clapper, supra* note 62, at 6-7, *Smith, supra* note 62, at 11, col. 1 (sharing of unpalatable information, "That afternoon we learned for the first time that we could expect a new messiah soon. He one said it would be soon, but we were assured that if we would just stay another week we would have more letters that would make everything fall into place.")

255. The "stages" aspect of the conversion process is best seen in accounts of the Unification Church's process. *E.g. Vermont State Judiciary Committee, supra* note 38, at 21-22; *Clapper, supra* note 62, at 21 ("The potential recruit is invited to attend a dinner . . . At the conclusion of the dinner he is invited to participate in a weekend experience in a so-called rural setting. . . . At this conclusion of the weekend experience reports are provided to him as the camp for a week-long training session.") and (at another point) *supra* note 62, at 21-22; *Clapper, supra* note 62, at 21, col. 1, at 11, col. 4, *Post, supra* note 106, at 12 (pertaining to the first training camp) "The first night of religious training, various members' testimonies were not been both of sleep, numbed by endless lectures, cut off from family or friends, and lulled by the embracing warmth of the group"; *Waters, supra* note 119, at 97; *W. Jaffe & Halperin, supra* note 136, at 3, col. 2.

What is distinctive about this process is that, although the potential consent may be given a general idea of the activities and teachings that will be offered at the next stage, at no point early in the process is he given an opportunity to elect to embark on the entire program. The consequences of the final step are thus concealed until the victim reaches the penultimate stage, at which time he has been "primed up" to such a degree that committing his life and fortune to the cult seems but a small step. The process could be compared to a hypothetical one in which a patient visits a physician for treatment of an abscess. The physician first obtains the patient's agreement to disinfest and examine the affected area. Next, the physician obtains the patient's consent to administer a local anesthetic, then to make a small incision. By stages, the physician proceeds until he has amputated the patient's limb—his undisclosed objective since the inception of treatment.³⁰⁷

This example, outrageous in the context of the ethical standards we require in the physician-patient relationship, is certainly no less offensive when the relationship is that of pastoral trust and confidence,³⁰⁸ nor is the betrayal of confidence any less extreme. If, under the circumstances described, the law protects the patient from the harm of an unconsented-to invasion of his body, it seems equally likely that the law should protect the cult victim or potential recruit when the invasion is an invasion of his mind and psychic autonomy.³⁰⁹

C. ASSESSING VOLUNTARINESS, IDENTITY CHANGE AND THE ACQUISITION INDUCTIONS

The presence of deceptive, coercive, and manipulating elements, suggests that the indoctrination process carried out by cults is not fully consensual. Accordingly, the scope of permissible state intervention should be relatively great. Nevertheless, the conclusion that the harm is nonconsensual is complicated by a further circumstance peculiar to situations involving mind control: the very factors of stress, coercion, and psychic bombardment that

cast doubt on the validity of consent can also give rise to a new, if temporary, identity on the part of the individuals whose consent is under examination. Further, the new individual, if asked, may state—with apparent sincerity—that he acquiesces to the changes that have been wrought in him. If by personal identity we mean that which is uniquely characteristic of a person—his values, his life plan, and his sense of himself as an entity enduring over time—then the cult conditioning process may be said, in many cases, to induce dramatic and often nonconsensual changes from which a new identity emerges.³¹⁰

Cult members who have been deprogrammed or have left the cult of their own accord report that the events that took place during their period in the cult seemed to happen to a different person.³¹¹ While with this group, their previous life seemed to recede and previous values and goals as the pre-cult individual had ceased to exist.³¹² Previous values and goals are disavowed, and the individual's dissatisfaction with his previous self, his family, roles, career, and studies may be strikingly complex.³¹³

For purposes of assessing the voluntariness of consent, this dissatisfaction presents a unique problem: the individual's acquiescence or nonacquiescence in his present role becomes a function of time and of his

307. E.g., *Rice*, supra note 108, at 21 (if everybody was rendering each other all the love and you just began to feel high. After seven days of emptying your body and manipulating your mind, they took you, and you stop on).
308. *CF* *Walt v. Dean*, 114 P.2d 612 (1942) (surgeon operated on patient for small cyst. During operation physician discovered cyst was larger than expected and extended down to facial nerve. Without warning parent and obtaining additional consent for more risky operation, and in absence of emergency situation, physician carried out the more risky procedure. Held—doctor was under duty to have obtained parent's consent before speaking on operation that exceeded usual degree of expected risk). *rev. denied*, 324 U.S. 837 (1945). See also *Tabor v. Sabine*, 124 S.W.2d 614 (47 1941).
309. The fiduciary relationship between religious advisors and their followers, as well as that between physicians and their patients, implies a higher standard of disclosure and honesty than the usual man-to-man market transaction. Text accompanying note 293 supra. See also A. HOLLER, *MIND CONTROL* 133 (1975). The requirement of disclosure has been extended to psychologists. E.g., *Woods v. Brainerd*, 71 N.M. 321, 375 P.2d 330 (1962). More, *The Fort Lauderdale Psychiatric Hospital*, 18 STANFORD L. REV. 891 (1967).
310. General and distinctive requirements are set in proportion to the risk to the individual. See A. HOLLER, supra note 306, at 126, as to the extent to which the right to informed consent, e.g., *Miranda v. Arizona*, 384 U.S. 436 (1966) (right of parole against self-incrimination).

Some medical specialists have suggested that the observed personality alterations may be attributable to physical changes in the central nervous systems of its members. E.g., interview with *Cult*, supra note 182 (cult regimen establishes triggering mechanisms by which brain sends responsible for critical thinking are rendered less active, hence responsible for emotional); see *Woods* supra note 309, at 311 (certainly methods on the nervous system, combined with inducing insidious mental conflicts, result in sudden changes in faith and belief); *Letter from Chikara*, supra note 36 (induction, physiological depletion combined with chanting and "plateau conditioning" to produce a kind of psychotic state in which several related organic processes such as blood pressure, brain activity, and respiration are altered). *Letter from Dr. William J. Hunter* (Jan. 15, 1977) (on file with author) (pathologist stated that "the problem is one in which the individual becomes a subject of controlled emotional and intellectual behavior of a [sic] basic psychomotoric structural system leads to the inhibition of much of the neocortical discriminatory and cognitive functions"). At the time of this writing, the physiologically based explanation seems to be a minority view among psychologists and psychiatrists familiar with the cult phenomenon.

311. *CF*, e.g., *Vermont Hearings*, supra note 16, at 17 ("reported" personality and mental world substituted for member's "original" personality and mental world); R. LITTON, supra note 6, at 87, 81-81, 84-85, 86-87 (cognitive processes resulting in changed identity in captive population); note 67 supra (dissociation reactions). See also R. ENOCH, supra note 13, at 3 (like a fog... it's almost like a dream").

312. *E.g.*, *Vermont Hearings*, supra note 16, at 17.
313. Note 306 supra (Reverend's language is frequently used by ex-cult members to describe their release from a combination of mind control. All GOOD CHANGES, supra note 9, at 158 (after years in cult the "dead to harvest," after which they "observed a new identity"); "One point was kind... numbers were not permitted to speak about the past). *Hartley*, supra note 116, at 216 (ex-member reports the was under mind control and expresses doubts to parents and deprogrammers about the state of psychological control by cult elders); *CF* W. S. YOUNG, *The Mind Power* 31 (1977) (after period of use or abuse of cult techniques in one's "sensitivity" workshop" need understanding of behavior patterns); (1977). *Supra* note 6, at 213, 206, 218 (three inductions of an alternate personality); *Chikara*, [The Linking of State Information, Personal Identity and Life Style] *Artwork* 83 (Jan. 1 1976, 87, 84, 85) (1976) (young student, showing that brains and deeper vectors had been affected with their earlier selves). See also LITTON, supra note 6, at 247-48 (Chikara breaks down mind of bringing about a shift in identity).

Consent to participation in the joining process, see *Carstairs v. Spencer*, 844 P.2d 772, 781 (U. Ct. 1993) (physician was under duty to disclose risks patient would become "under control" or in combination with other risks); *rev. denied*, 400 U.S. 1268 (1977). *Febich v. Jewell* (Ches. Circuit Court of Appeals, 47 App. Div. 2d 199, 206, 346 N.Y.S.2d 163, 170 (1972)) (duty to inform encompasses risk that "single or in combination" will materially affect the parent's decision whether to consent). *CF* *Pott v. American Channing Equip. Corp.*, 417 S.W.2d 516, 520 (Ky. 1967) (wrong to say off grass would not suffice to warn of dangerous tool). *STANFORD L. REV.* Address to Annual Convention of American Trial Lawyers Ass'n (Aug. 4, 1976), cited in Note, *Conditioning & Other Techniques Used to "Train" "Wakened"*, *ETHICS* 17 (1977) (primary and mental powers); 43 S. Cal. L. Rev. 416, 420 (1977) (warning that individuals who consent to voluntary mental hypnosis may, unknowingly, be taking a "first fearful step" along the road to permanent incarceration or other deleterious consequences). In *MacKey v. Precourt*, 477 F.2d 877 (9th Cir. 1973), an inmate challenged the use by unsworn members of his prison labor, a parody on including drug and a group of behavior sessions. The medical authorities sought to justify the use of the drug as a behavior conditioner by pointing out that it had been used in connection with state treatment therapy for physical injury to inmates and inmates during construction for many years and that the patients who brought the claim had consented to its use in connection with electroconvulsive therapy. The court rejected the physicians' position which agreement, found that consent was inadequate and concluded that use of the drug raised issues of "impermissible meddling with the mental processes." 477 F.2d 877.

exposure or lack of exposure to deprogramming or other restorative psychiatric treatment.¹¹⁰

Where the individual has been rendered mentally disordered as a result of his brainwashing experience, the problem has a corrective solution—he can be declared incompetent. But if the deceptive or coercive processes have produced—even nonconsensually—a stable, enduring personality who resists returning to his former identity and refuses to characterize the acts that have been done to him as harms, then the case for intervention becomes more difficult. On the one hand, the legal system has been traditionally reluctant to protect individuals from harms they have incurred freely, or do not see as harms. On the other hand, the individual's perception of himself as unharmed may itself appear "programmed in."¹¹¹ Should society interfere where when it appears that substantial numbers of individuals are in danger of undergoing nonconsensual changes—which in many cases include harmful consequences—from which they will not willingly return because the very preference rationales that would formerly have labelled the changes as harms have themselves been changed?

The refusal of treatment by an indoctrinee may be overridden, consistently with traditional notions of liberty and nonsubstitution of judgment, if it appears that the indoctrinee is incapable of fully understanding the conditions to which he has been subjected that account for his recent change of outlook.¹¹² These conditions would include the conditions under which the change took place, the extent of the individual's vulnerability at the beginning of the recruitment process, and the psychological dynamics of the conversion itself. The indoctrinee's understanding of the change that has occurred should be tested by societal standards, rather than by those of the group with whose values he now identifies.¹¹³ If, viewing the processes from the perspective of an outsider, the indoctrinee demonstrates that he understands the forces that have been brought to bear upon him, yet desires to remain with those who have brought him to his present condition, it then seems reasonable to allow him to remain where he is.¹¹⁴ Since most cult indo-

ctrinees who have been willing to submit to psychiatric examination lack this insight,¹¹⁵ this rationale suggests that their present preference may be ignored. If so, the only factors relevant to assessing voluntariness or consent are the standard tests of duress, deception, and manipulation discussed earlier. Since each of these figures prominently in the recruitment and indoctrination process, it is expected that any harms resulting from that process would be found to be nonconsensual.

But if a cult indoctrinee, sharing our view of events, admits that he was subjected to coercive influence, but desires to remain with those who are responsible for his present condition, we may conclude he should be permitted to remain with the cult, since the present individual would seem to have surmised his brainwashing and acquiesced in it.¹¹⁶

Aside from the view that cult recruits rarely choose membership freely, an argument can be made that such choices should not be honored because of going to rewards cults for engaging in brainwashing. Brainwashing enables cults to create individuals who will choose to repudiate their pasts for a present that is more restricted and that contains extraordinary physical and psychological risks. It could be argued that society has an interest in preventing the unconsented-to severing of the continuous thread of memories, roles, and expectations that are central to accepted notions of human personality. While a full discussion of these matters is beyond the scope of this Article, major components can be sketched of an argument for rejecting programs of forceful persuasion that result in sharp, discontinuous personality changes.¹¹⁷

(1) Many social roles rely on the existence of continuous, although gradually developing, personalities in order to make reliance on role functioning possible. Thus, sudden personality changes can be resisted because they disrupt the reliance that the rest of society relies on in performing such roles as father, mother, creditor, friend, and teacher.¹¹⁸

(2) In order to plan their futures, individuals themselves need the reassurance that they will not be subjected to sudden, unconsented-to change.¹¹⁹

(3) The right to resist such changes—on behalf of both the individual involved and society—increases when the new role appears intrinsically inferior to the old. Such might be the case if the new personality appears less autonomous¹²⁰ than the old, or more likely to incur physical and psychic damage.¹²¹

110 Interview with Don Watkins, office of Kansas Attorney General (Apr. 11, 1976) (on file with author) (discussing the justifying intervention because victims, when in the cult, say they do not know what they are doing). Cf. B. ENGLISH, *supra* note 10, at 73 (expressing confidence of members who are questioned about cult life attributable to mind control and peer pressure "every day it took an ordeal—the work, the people, the reading. You just [sometimes] the opportunity to be the center of anything. The reason you get that opportunity to speak . . . [is] that your ego gets crushed out and you feel a definite glow, because the rest of your life is so miserable . . . Also, the group pressure is the kind of a temptation in reality potential. You know that everyone around you is pressing you to perform . . .").

111 See DORVILLE, *Autonomy and Behavioral Control*, 7 *THE HERITAGE CENTER REP.*, Feb. 1976, at 13, 21-27; SLAGER, *Legislating Control*, *supra* note 10, at 101-07 (choice-theoretic model of behavior altering therapies); *of India, Profile to State of the State* (S. K. BHOWMIK on the Commission Report of the Commission on the Situation of the State); *of India, Report on the Report of the Commission on the Situation of the State*, 30 *INDIA J. CONTEMP. LEGAL STUD.* 179 (1974) (expressing concern that governmental use of behavior modification may permit "one man to impose his views and values on another. In our democratic society, values such as political and religious preferences are expressly left to individual choice").

112 DORVILLE, *supra* note 111, at 12-23 (arguing that a person could just be said to be acting autonomously despite behavioral influences if (1) he understands what those influences are, and (2) accepts them).

113 This interest was suggested by my colleague, William Powers, Professor of Law, University of Washington. His purpose is to avoid the dilemma posed by the following hypothetical exchange:

Psychiatrist: "Do you understand that you have been subjected to influences A, B, and C?"

Victim: "Yes, but they really were not a form of brainwashing; they were simply educational experiences that were necessary to help me to bring the light."

Psychiatrist: "No, they could have been done in any ordinary educational experience."

Victim: "For me, they were meant to be learning experiences."

114 DORVILLE would view this rule, though it differs at some points, as he understands the forces that have acted on him and accepts them. DORVILLE, *supra* note 111, at 23. In DORVILLE's understanding view, this is the greatest degree of freedom the human condition allows. Compare HOPPER, *What About This Freedom?*, in *DETERMINISM AND FREEDOM: THE ART OF LIBERTY* 50 (1971) (1972, Harv. ed. 1967) (proposing that an individual has freedom to the extent that he believes in free will, and that the degree of belief is the degree of freedom; he believes in free will, and therefore believes free, although a philosophical problem has been identified which is brought to light. See also P. HARRIS, *From The Mind To The Computer* 17-21, 27-31 (1974) (1975) (1976) (1977) (The Computer Perspective); *supra* note 10, at 117 (standard ed. 1972).

115 Interview with Clark, *supra* note 109. Religiously few cult members have permitted themselves to be subjected to psychological or psychiatric assessment. But prisoners of war captives and spies taken by the *Ho Chi Minh* suggest that a common response is to recede one's own volition in order, or even favorable, terms. LITTON, *supra* note 109, describes Western victims of Chinese re-education camps who expressed gratitude to their captors for helping them realize their own complexity in complex linguistic relations; others emerged in a very good mood about their own problems and unable to understand fully what had been done to them. LITTON, *supra* note 109, at 33-35, 66-117. Phyllis HERRN, immediately after her release, evidenced some of the same confusion and a tendency to recall her own experiences in foreign language which distorted the reality of her own treatment. HERRN, *supra* note 6, at 311; see R. LITTON, *supra* note 109, at 7-20 (Western captives, including priests and missionaries, made hard conditions, returned to the West deeply confused about their own beliefs). O. S. STRUSS, *supra* note 66, at 15-16 ("Before I was arrested in my heart I knew it was partly of being a spy, but I wouldn't have admitted it." "The People's Government took care of us so well . . . We had no pressure put on us").

116 See note 114 *supra*.

117 For a discussion of the interest in preserving personal identity, see CHAMBERS, *supra* note 209.

118 See generally POWERS, *Autonomy and the Legal Control of Self-Regarding Conduct*, 51 *WASH. L. REV.* 33, 51-52 (1975).

119 Cf. RESTATEMENT OF TORTS § 61 (1934).

120 Where it is a crime to inflict a particular violation of an interest of personality upon a particular class of persons, interference of their state, and the policy of the law is primarily to protect the interest of such a class of persons from their liability to a negligent or negligent act of such an invasion, and it is not solely to protect themselves from the possibility of such a violation. *See* RESTATEMENT OF TORTS § 61 (1934).

121 See *supra* note 110 and accompanying text. *See* also POWERS, *supra* note 110, at 117 (standard ed. 1972).

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(4) The concepts advanced above are essentially utilitarian in nature in addition to them, reasons based on standards of justice could be advanced for refusing to permit nonconsensual identity change, i.e., if it is simply unjust to the victim, and to others, to permit sudden, discontinuous changes that amount to the destruction of the former self and the creation of a new one in its place.¹⁰¹

A review of both traditional and nontraditional factors involved in the thought control process thus suggests that these processes, as carried out by religious cults, are not fully consensual¹⁰² and that any harms that result from these processes are assessable to those who inflict them, rather than to the individuals who "elect" to undergo them.

III THE BOUNDS OF INTERVENTION—PRINCIPLES OF EXCLUSION AND INCLUSION

Assuming that intervention is both permissible and desirable, it remains to determine the extent and limits of intervention which intervention should be carried out.¹⁰³ This involves two inquiries. One concerns the conceptual problem of differentiating between those forms of mind control that are so extreme and so harmful that we should not tolerate them, and those milder forms that we are prepared to accept. This is, of course, the familiar "drawing the line" problem that defenders of cults that utilize mind control have often raised.¹⁰⁴ How can one condemn the forceful persuasion practices of Reverend Moon's Unification Church, for example, while overlooking the "renewal" of an advertising campaign, a military school, or a Jewish seminary?

Even assuming that one has succeeded in delineating a point beyond which coercive persuasion is no longer tolerable, and proving that a given cult's practices fall outside the tolerable region, a second practical question remains: How can one distinguish the individual who stays in the cult as a result of mind control from one who is there because of freely adopted religious conviction? In the selection of a remedy, it will be desirable to utilize procedures that trench as little as possible upon religious belief,¹⁰⁵ hence, the remedy selected should be narrowly tailored so as to affect only

those individuals whose membership in the organization is the result of illegitimate, deceptive, or manipulative practices that "short-cut" the autonomy of the victim. This requires an analysis of the types of error that may arise and of the results of erroneous decisions to intervene or not to intervene.

A. ON DRAWING THE LINE¹⁰⁶

The argument that meaningful distinctions cannot be drawn between the processes of persuasion practiced by religious cults and the practices of religiously accepted institutions¹⁰⁷ proceeds by observing that each element of practice utilized in cults (forced mind control) is also found elsewhere. Religious orders often impose a high degree of isolation or cloistering. Military recruiters, Madison Avenue copywriters, and campaigning politicians use exaggeration, concealment, and "puffing" to make their product appear more attractive. Revisionist war guilt manipulation. Office training schools, Outward Bound, and executive training institutes sometimes cause psychological and physical casualties. Thus, the thought-control processes engaged in by religious cults, it could be argued, are indistinguishable from those of these other groups.

There are, in fact, many examples of this argument. The first is that religious cults employ their indoctrination in a greater variety¹⁰⁸ of classic mind control

101. See alternative means of accomplishing its legitimate objectives. *Whitcomb v. Yoder*, 400 U.S. 213, 215 (1972); *Shaworth v. Vener*, 134 U.S. 798, 807 (1903).

102. It is significant that the drawing-the-line argument, together with its "chilling effect" corollary, has often been advanced by moderate religious denominations. These groups have had no difficulty in perceiving fundamental differences between their practices and those of cults. *N.Y. Times*, Dec. 19, 1970, at 18, col. 4 (quoting 4 Roman Catholic, Protestant, and Jewish leaders condemned Unification Church as anti-Jewish and anti-Semitic in its language and heretical in the eyes of the Catholic Church. American Jewish Committee director alleged that Unification Church theological writings contain over 125 anti-Jewish passages, including the claim that the Jews were responsible for Jesus' crucifixion, and that the Khat holocaust, in which six million Jews died, was their punishment for the transgression). *New Haven Advocate*, Sept. 16, 1971, at 1, 6-7 (same issue Unification Church in particular, and cults in general, national factors who seek to recruit their converts and deny their religious shock); see B. ENGLISH, *supra* note 14, at 13 (comparing and contrasting Christian witness teams like World, Children of God, Alamo Christian Foundation, Love Family, Unification Church, The Way, and Divine Light Mission cults "spiritual counterattacks"); W. PETERSON, *supra* note 39, at 123-24 (uses Movement not others known to Children of God); *Water*, *supra* note 11, at 61 (Moon's organization, called a "psychoengineering movement" by some Satans," had been rejected by Roman Catholics); *Kansas State Collegian*, Mar. 31, 1971, at 1, col. 1 (director of religious activities at state university criticizes cult's use of misleading "newscast" and indoctrination of individuals who are weak, dependent, and burdened with personal problems); *Massing Report*, *supra* note 14, at 1, at 17 (criticizes cults if it is possible to draw line between cults and other religious groups); B. ENGLISH, *supra* note 14, at 10 (states Moon's Church has not been accepted by any body of Christian churches, and would not be accepted by any reputable Christian theologian, 37 40 (cites quotations within Unification Church a religion of 400, p. 2, at 23 (criticizes and dispraises are found elsewhere "But they are not so all encompassing to us to leave the quality of human life below the actual standards which others are for questioning and reason"); *But See Statement, Religion Liberty for Young People Too* (submitted by the Governing Board of the National Council of Churches, Feb. 28, 1974), reprinted in ACU Unification Church Conference, *supra* note 137, at 152-64 (reproving Unification Church practice as a means of changing religious beliefs).

103. See note 23 *supra*. Of course, opponents of religious cults have their own version of the drawing-the-line argument. It consists of pointing out similarities between cult indoctrination practices and those of NAACP, however; *FOROW* camp indoctrination, and the three practices to ensure that we would obviously not permit them to exist in a free society, even under the guise of religion. Both arguments rest on a degree of value, and to a degree upon the coercive persuasion carried out by cults is not identical with that perpetrated on prisoners of war or by Chinese indoctrination, about its quality of liberality. But it is certainly more than what goes on in universities advertising campaigns or military prep schools, and it is certainly harmful to those who undergo it. When it is seen that cult practices are along a continuum and share features of both very mild and very extreme practices, the temptation is to resort to simplistic line drawing arguments that discuss the problems on though it should not exist should cease to be one of addressing a more complex and troubling dilemma. What should be done about this case? The drawing-the-line argument, as advanced by certain growth advocates, has introduced a troubling overtones. It suggests that state intervention or cult pose problems in other areas, it leaves the conclusion that human lives may properly be sacrificed for results by profited can appear completely or are victims about persuasion and influence. This violates the intuition that human beings should be treated as ends in themselves, rather than as means. If, on the other hand, the cults are being damaged and lives blighted as a result of nonconsensual cult indoctrination practices, a refusal to intervene because of the possibility that other difficult, or overlooked, cases may arise is simply inhuman.

104. Coercive persuasion does not operate at a single threshold or set of boundaries. See H. ENGLISH, *supra* note 6, at 117-18, 127-28 (interviews of Dr. Robert J. Lifson, personality cultist).

(1968), *New York State Reports and the Constitutionality of Self Protection Legislation*, 30 *Over 51*, p. 2, 133 (1968) (same's interest in protecting ourselves derives from fearing the results in accidents as justification for competing the wearing of helmets); *Comment: The Paradox of a Single-Axis Road for Change*, 16 *Vt. L. Rev.* 683 (1969) (local prohibition against nonusers of J. Roads); *A Theory of Justice*, 248-50 (1971) (arguing that a just prohibition would be authorized and sometimes required to a certain permissible intervention on behalf of individuals who believe reasonably).

102. See last accompanying note 129-32 *supra*.

103. A final argument that cult membership is consensual is the "psychological" argument. See *Vermeir*, *supra* note 16, at 128-30. *Acta Criminologica*, *supra* note 8, at 221 ("cultural" view of religious history). See generally, *Psychic Movements in Contemporary America* (J. Farwell & M. Leone eds. 1974). The psychological argument can be summarized by leveling the proposition that (1) in certain times in history, fundamentalist religious cults have flourished, (2) these periods coincide with times of social dislocation and rapid change, (3) the rise of religious cults is thus simply an expression of large social and historical forces, (4) therefore, the organizations that develop in response to these forces are not responsible for their actions in accommodating individuals who are propelled into their midst by such forces.

To the extent that the argument is an attempt to justify nonintervention into the affairs of cults that are thus described earlier, at least two responses are possible.

(1) The legal system, in order to justify intervention, need not assign blame. It is enough that the practices have demonstrable harm. Cf. *Jacobson v. Massachusetts*, 197 U.S. 11 (1905) (religious group not responsible for epidemic outbreaks held obligated to cooperate with public health authorities engaged in preventive measures). Society frequently intervenes in situations where, *substantive* matter, its interests is jeopardized by harmful factors, such as health, fire, epidemics, etc.

(2) That a more global solution to a grave problem may be conceivable does not preclude asking more limited, interim measures aimed at ameliorating part of the problem. An ultimate solution to the cult problem might involve: (a) raising the family as a viable institution; (b) solving the problem of intergenerational conflict; (c) providing legitimate outlets for the needs of the young for adventure, for moral commitment, etc.; (d) offering creative alternatives to monetary success as a way of life; (e) solving the problems of racism, war, and unequal distribution of the world's resources.

It seems manifestly unreasonable to insist that the state is permitted to adopt more limited, or interim, measures designed to minimize the numbers of young people likely to be entrapped in destructive cults while broad based reforms are (eventually) being carried out.

104. See note 117 *supra*.

105. Some have had trouble on religious belief or practice must accept the least restrictive

inches than other groups, and apply these techniques to the... intensity... And of other religious training institutions may isolate the... termination from the rest of the world at various stages of the training period... but the training does not involve physiological depletion... not does the... order deplete the rate of loss concerning the duties required of members... Most religious orders are careful to set out the obligations and vows of... presented in advance, a lengthy examining the convictions of the candidate to... determine whether the candidate is best for him and for the church... Nor do the major denomination, concentrate, as do religious cults, on the weak... the depressed, or the psychically vulnerable... A number of orders, in... fact, utilize psychiatric screening to eliminate those whose interest is an... expression of psychiatric or emotional problems... Others require a waiting... or "cooling-off" period...

Executive training programs... outward-bound, and military-reflex... training will use peer pressure to induce the individual to adopt new patterns... of thinking and behavior... but they rarely, if ever, seek to facilitate the... process by prolonged-physiological depletion... the use of... and indulgence to make the... more acceptable to the new view of the world...

...military and other... youth at an early age when it might be... expected that the students are more vulnerable to indoctrination and... less able to resist pressures to change... Even here, however, the set of means... employed if not to a sensitive and pervasive as that utilized by cults... The...

...as personal experiences derived from a pattern of events, experiences, and processes of... the personality... to the particular combination and the intensive concentration on... life or death content... that... constitutes thought control... Huxley, supra note 10, at 117 ff. of *Shogun*, *Thompson's Foundations...*

129. R. H. Gardner, *Harbor & Suncoast*, *Thought Systems and the Inner Mission* (Yonkers... & Son, Inc., Dec. 1977, 111, 187-200, see *Seduction of the Sensitive*, supra note 89, at 1... Compared to the Marxist and the COG (Children of God), Jehovah's Witnesses come... more from the energetic psychological techniques... using use of high pressure tactics, con... trol, deception, and shifts of the language base).

130. Interview with Father John Lecher, Society of Jesus (Jesuits), Seattle, U.S.A., in Seattle... Wash. (Feb. 11, 1977) (on file with author) (seminarians afforded a frequent opportunity for... rest, reflection, and recreation, they eat well... "at sea" with... Company Seduction of the... Sensitive, supra note 89, at 1 (Jesuits were disapproved of physiologically depleting reg... imens used by cult training institutions as means of increasing control) with All Group... (Seattle), supra note 9, at 14-15 (distinguishing religious orders from Moon's training institu... tions).

131. Interview with Lecher, supra note 130, see Bar, *Seduction of Sensitive*, in *Sens... and Excitement in The Church* (1979), 111-91 (Lecher & Lecher, eds.) (1979) (working... across procedures for pastoral seminarians); Whelan, *Judging the Character of a Semina... rian*, in *National Catholic Educ. Ass'n Proceedings & Address*, 39th Annual Meeting 103... (1981). See also All Group Conference, supra note 9, at 14 (leadership for Roman Catholic... context).

132. E.g., All Group Conference, supra note 9 at 14.

133. Bar, supra note 131, at 174-204 (Hogarty, *Today's Beyond Conduct: Psychological & Emotional Commitments*, in *National Catholic Educ. Ass'n Proceedings & Address*, 39th Annual Meeting 111, 115, 117 (1981); Schumaker, *The Use of the Burner Personality Inventory in a Seminary Program of Personality Appraisal & Guidance*, in *National Catholic Educ. Ass'n Proceedings & Address*, 39th Annual Meeting 93 (1981)).

134. Interview with Lecher, supra note 130 (long application process, many steps... included process of "sifting" applicants by interviews and review of letters both before... individual application is accepted); see Bar, supra note 131 at 192 (CMA candidates are... urged to attend a seminary for 1 or 2 weeks at a "try-out" period in order to gain a re... vision of the intended life. They then have the seminary reflect on what they have seen, and... decide whether or not to proceed with their application. Interviews with Father John... Lecher, supra note 130).

135. E.g., Lecher, *They're Only Saying Some Strange Things* (Journal of Theological Studies), Feb... 1979, at 178, at 182, 183 (describes training program, *TIME*, Dec. 16, 1978, at 24 (on the... Bound executive training program); Fort Lecher, *NOTIC: Hypnotism*, *Advanced* (Sept 9-10... (1978) (long reports agrees to establishing office *Lecher*...).

136. Lecher, supra note 135, at 182 (describes interview; *TIME*, Dec. 16, 1978, at 24... (describes final and opportunity for rest and reflection); see Lecher, *NOTIC: Hypnotism*, Feb. 14... 1978, at 23 (describes 10 hours training program for 100-150 recruits)...).

137. Cf. Lecher, supra note 135, at 186, 188-89 (describes required to reveal personal... problems and scheme to guide day-to-day, but accepted not carried out in order to reduce... individual to need of dependency or self-reliance).

...shelters are normally used here for holidays and vacations... State require... ments ensure that diet, hours of sleep, and living conditions are adequate to... maintain health... Although peer pressure may be exploited to promote... conformity to the school's goals, such pressure is generally applied on a... simple reward-punishment basis, rather than by means of sophisticated... psychological techniques aimed at tapping subconscious fears, anxieties, and... guilt feelings...).

Thus, few, if any, other societal institutions approach either the internal... ly, sophistication, or completeness of the cult conditioning process... A decision to intervene to prevent abuses in this area thus does not by its own... logic require intervention in other areas where the abuses are milder and... more easily resisted.

The second answer considers the end-state, or result, of religious mind... control... If it should appear that the harm brought about to individuals and... societal institutions is more extreme and less controllable for nature than... changes produced by everyday communications such as advertising, then... the case for intervention is compelling, even though there may be some... incidental overlap in the means utilized. The legislative and judicial findings... summarized in the first Article, first-person accounts by ex... cult members, and case studies by psychiatrists and psychologists... dispel any possibility of equating the effects of cult brainwashing with those of... other groups and institutions. Television commercials may induce anger and... torpor, but they rarely cause mental breakdowns; Jesuit training rarely... results in broken bones, scabbies, or suicide. Even military training, with its... emphasis on replacing civilian values and thought processes with those of... the military,¹³⁸ does not begin to approximate the far-reaching changes... induced by a lengthy stay in a Unification Church or Hare Krishna training... environment.

Useful approaches to distinguishing among the varying degrees of... "neological totalitarianism" have been developed by Dr. Robert J. Lifton, professor of psychiatry at Yale Medical School. In a classic study of... Chinese brainwashing,¹³⁹ Dr. Lifton identifies a series of elements critical to... coercive persuasion, which have been adopted with varying degrees of... modification by other students of the subject.¹⁴⁰ These elements form a...

138. Ogilvie, *Military Schools in America*, in *Types of Schools* (see Box 74 (M. O'Shea ed. 1971)).

139. *Id.* at 67, 69, 74-75.

140. *Id.* at 64, 76, 102-12 (research system).

141. See with Fort, June 29, 1973, in A-13, vol. 1 (New York Council of Churches rejects... Unification Church's request for membership, citing treatment of new converts and particular... concern at alleged "brainwashing" practices); Interview with Dr. Lance Wright, psychiatrist, in... Marcus Siskin, Pa. (Mar. 24, 1976) (on file with author) (cult's use of persuasion is... distinguishable from that of other organizations because of their greater use of physical... isolation, sequestration, and psychological and physical restraint); Open letter from Cheryl... Lecher, supra note 101 (it is not difficult to differentiate the dangerous cults from accepted religious... orders which do not employ members' minds by such sophisticated techniques or deliberately... isolate and alienate subjects from family, law, country, or reality. Such tactics are direct... assaults on society which can seriously restrict future personality development); SUNDY... Memo, supra note 111 (I know of no other organizations, even considering analogies to... universities, the military, and religions... that effect a person's thoughts and mood base... below the CARP (Catholic Association for the Research of Principles, a Unification Church... from group) does' (1976) (see also, *U.S. v. Clark*, supra note 31, at 234-37 (1974) (criteria for... a "master" religion include total effect on reality, freedom from logical thinking, cross-refer... ence to encourage more repetition of views of others, and tendency of the belief... system to encourage personal growth)).

142. Notes 41-113 and accompanying text supra.

143. See U.S. Army, *West Point: Experimentally Assesed Questions* (1977); U.S. Army, *Senior ROTC Program—Organization, Administration & Training* (AR 143-1, Jan. 15, 1975). See also Nash, *A Study of the Blood Aims & Programs of Military Science & Tactics and... Physical Education in the East Coast Colleges of the United States 49-66* (Columbia College, Columbia University, Contribution to Education No. 614 (1934)).

144. E.g., *Id.* supra note 44.

145. E.g., E. Sperry, *From July 48 to 1954* (which "selects" study of accounts... perception, Dr. Sperry, professor of psychology of Tulane University, thought of Tulane... activities under the professor's name to Dr. E. Sperry's analysis, *Id.* at 231-25, and constructs a... model that covers steps of advertising, change, and (referring, *Id.* at 134-36) and *Id.* at 196... Some of the participants in the study include, which are used to facilitate conversion, are... psycho-physiological series, *Id.* at 190-96, and social compliance, *Id.* at 195, complete... detachment and identity complexity, *Id.* at 217-22, and peer pressure, *Id.* at 24-25.

threefold matrix, the first part of which consists of eight "themes" that are characteristic of brainwashing and that serve to identify with it... These themes include future control (which Dr. Lifton believes to be the key ingredient in coercive persuasion), mystical manipulation, a demand for purity, insistence on confession (there is no emotional bondage greater than that of the man whose entire guilt potential, nevrotic and existential, has become the property of ideological reality...), inculcation of belief in a "sacred science", use of cliches and thought terminating phrases to capture the vehicles of thought and communication, "id's time over reality" (which includes the re-writing of history and retention of one's past), and dispensation of existence-- by which the victim comes to believe that the totalist controls his very destiny and existence...

Dr. Lifton also has described a series of steps that the subject of coercive persuasion typically undergoes, beginning with assault on identity, and continuing with establishment of guilt, self betrayal, arrival at a "breaking point," leniency and opportunity, compulsion to confess, reintegration of the past, reeducation, acceptance and reward, final confession, and rebirth... After traversing these steps the individual who emerges carries elements of the old self, but the imposed thought reform elements dominate the new combination... This confluence of identities constitutes a "rebirth," or basic modification of the former self... in which the victim "reinterprets his thought and behavior, shifts his values, [and] recodes his sense of reality..." He "identifies with his captors, and is happy in his faith..."

The final element of the matrix looks at the coercive persuasion process, not from the viewpoint of the subject, but from that of the individuals who are striving to induce the changes, it consists of a series of psychological techniques, including degradation, sleep and other physiological deprivation, and guilt manipulation; which are utilized to precipitate movement from step to step on the path toward value and identity change... Later commentators have noted the striking correspondence between Dr. Lifton's model and thought-reform as carried out by religious cults... Dr. Lifton himself has stated that he finds many similarities between them...

Although exact quantification and sharply drawn lines will probably forever remain elusive, Dr. Lifton's criteria appear to offer a means by which extreme totalistic environments may be distinguished from those that also involve the use of influence, but are nevertheless within tolerable limits... Dr. Lifton has widened his model to differentiate in convincing fashion between brainwashing and education, psychotherapy, and self-actualization--processes that are also aimed at producing changes in values and beliefs...

346 See All. Oron Chulstein, supra note 9, at 111-16.
347 R. LIFTON, supra note 64, at 123.
348 HIGLEY, supra note 6, at 127.
349 *Id.* at 67-68.
350 *Id.* at 83.
351 *Id.*
352 *Id.* at 81-84.
353 *Id.* at 84.
354 *Id.* at 20-21.
355 *Id.* p. R. EMMETT, supra note 14, at 177-79, 161. ALL GOOD CHRISTIANS, supra note 9, at 169-70. RABANUS, HARPER, & SUMMERS, supra note 129, at 183, 187.
356 HIGLEY, supra note 6, at 111. Interview with Dr. Robert J. Lifton, *psychiatrist in New Haven, Conn.* (Apr. 29, 1974) (on file with author). Letter from Lifton supra note 221. Open letter from Dr. Robert J. Lifton (May 26, 1973) (on file with author) stating part of the "true convertible resembles in the human context I had encountered in my study of Chinese thought reform"; cf. G. BROWN, *Whisper to Eve*, 370 (1963). Charles Manson reportedly frequently expressed by the process of the Chinese thought reform views on psychological mechanisms by which cults infect and indoctrinate members; see notes 47-52, 95-100, 130-31 supra.
357 See note 126 supra; of All Onon Chulstein, supra note 9, at 161 (initially attributing to the author of this Article the view that quantification is possible).
358 R. LIFTON, supra note 64, at 248-56.

THE CULT BEHAVIOR SYNDROME: TYPE I AND TYPE II FROM

Investigation reveals that a given cult utilizes thought control practices so harmful that no real individual appears to be nearly as concerned with the maintenance of his own identity as he is with the maintenance of the identity selected by the cult... The aspect of this requirement is that the remedy be tailored so that, if possible, it will not only produce the desired effect but also will not injure the individual's personality... If a parent comes into court alleging that his child is being held in a remote religious commune, that the child is unable to exercise his own will, and that the child is in danger of both physical and mental harm, it becomes essential that diagnostic procedures exist for determining the validity of the parent's claims... If the victim is indeed being held prisoner to mind control and is in danger of suffering physical and mental damage, then the parent should have a remedy... But, it is also possible that the parent merely should be told that his child is well and free of any restrictions on his health and freedom... If, as a different set of moral considerations would be presented, and if the parent might well regard his own welfare... Psychologists, psychiatrists, and psychiatric social workers have suggested factors that indicate a cult indoctrination syndrome... These include:
1. Sudden, drastic alteration of the individual's value hierarchy, including abandonment of previous academic and career goals. The changes are sudden and catastrophic, rather than the gradual ones that result from maturation or education.
2. Reduction of cognitive flexibility and adaptability. The victim answers questions mechanically, substituting stereotyped cult responses for his own.
3. Narrowing and blunting of affect. Love feelings are repressed. The victim appears emotionally flat and lifeless.
4. Regression of behavior to childlike levels. The victim becomes dependent on the cult leaders and desires that they make all decisions for him.
5. Physical changes including weight loss and deterioration in the

359 Note 123 supra.
360 See W. G. S. YERKS, 40 U.S. 291, 213 (1972); M. H. YERKS, 37 U.S. 296, 407 (1963); *Corcoran v. Harris*, 419 F.2d 637, 633 (D.C. Cir. 1969).
361 The only remaining indications would appear to be presence of self-harm and presence of "obscure harm to society and the cult member's family by his withdrawal." See notes 119-22 and accompanying text supra. These criteria are clearly broader than those that appear when the individual's membership in the voluntary...
362 Psychiatric expertise in recognizing and treating the brainwashing victim has been added by studies of POW returnees and survivors of mass disasters, e.g., note 4 supra; see HIGLEY, supra note 6, at 117. The Harell trial included evidence of psychological tests, such as the Wechsler Behavior Personality Test, which has the built-in capability to distinguish between the genuine victim and the liar... (1) story changes very fast, happens and fearful of the truth and punishment of others; (2) story changes very fast, happens, and aversions of details; (3) in a number of occasions test her answers more like those of a small child or a person suffering a momentous sense of self-excess; (4) her Bernbaum test showed amplified answers and susceptibility to external forces and influences; See generally Bernbaum, supra note 97 (Ducken and Bernebaum's perspectives); Lifton, *Notes by Ship*, *Prisoner Patterns of American Prisoners of War Report* from North Korea, 110 Am. J. Psych. 112 (1954); Grossman, Thaler, & Klein, *A Prisoner of War Syndrome: A Study of a Reaction to Seven Years*, 112 Am. J. Psych. 998 (1956); Barber, Murphy, & West, supra note 63. Group for the Advancement of Psychiatry, *Psychological Aspects of Personal Indebtedness*, *Characteristics of Conversion* (1972). See also Ruffin & Mader, 12 *Cont. Educ.* 299, 295 A 163 (1973). (1973) psychological test results showed elevated scores on personality traits that are indicative of persons in authority, resulting in a stereotypical response, and who identify...
363 See *Vandenberg*, supra note 16, at 17; "Inability" supra note 1 at 200 (1968), supra note 21, at 81 (personality change, loss of personal identity, a change in definitions, lack of personal psychological self are noted at the specific opportunity of the post-indoctrination syndrome); see also accompanying notes 98, 103 supra.

victim's physical appearance and expression

(6) Possible pathological symptoms including dissociation, delusional thinking, and various other types of thought disorder.¹⁰⁴

At the previous discussion suggests, many of these changes are so dramatic and unmistakable that a medical judgment is not required to discern that something is wrong, they are readily apparent to lay persons who have known the victim in his earlier life.¹⁰⁵ In these cases there is little likelihood of error.¹⁰⁶

Nevertheless, mistaken diagnoses are possible. The pathology may be borderline, the examiner may be inexperienced with thought control.¹⁰⁷ The parent may be attempting to regain control for reasons unrelated to the welfare of the child, whose conversion may be genuine.

Such cases raise the problem of accommodating the risks of the two types of possible errors. In Type I error, a competent individual is treated as though he is incompetent. In Type II error, upon the remedy, he may be confined and subjected to therapeutic treatment designed to cure a problem that does not exist. Although he will presumably be discharged eventually, in the meantime he suffers a loss of personal liberty and is compelled to speak with or listen to psychiatrists or psychologists who will ask him questions about his most private thoughts and feelings.

In Type II error, an incompetent individual is presumed to be competent, and his refusal of treatment is respected.¹⁰⁸ As a result, parents are

104. In addition to the above mentioned criteria, an examination of the individual's complete past history can supply additional evidence strengthening a diagnosis of a state of mind control. Open letter from Clark, supra note 101.

(1) The person or group involved in recruitment will often have a record of a need for extreme behavior control over followers.

(2) The individual will often be found to have been passing through a difficult developmental period. Highly sensitive, creative people are among the most vulnerable.

(3) There will be evidence of severe dietary and sleep deprivation.

(4) There will be [sic] one diagnosis or another to others even if not separation from the group, even [sic] individuals who, upon the encounter with the cult, had demonstrated independence in their daily lives.

105. E.g., *Dynally Hwang*, supra note 16, at 29-31; *Moving Report*, supra note 14, at 2, at 12-24 (physical and personality changes noted by parents).

106. The problem of devising reliable procedures for detecting mind controlled cult

members is simpler than the comparable problem posed by the criminal defendant who wishes to assert his own innocence as a defense. Cult inducements have been exposed to public that have been studied and that are known to involve thought-control techniques. See generally, *LEWIS & CLARK*, supra note 18 (detailing use of modernism techniques by "Children of God"); By contrast, the criminal defendant's history may be less well known and he may complain of mistreatment by a group about which he knows little. That, attempts to accept possibly imperfect procedures might be expected to be greater in the criminal context. Additionally, deficiencies in the historical standards affecting the two contexts may color the outcome.

The criminal law assumes, initially, that persons act freely; a defendant must therefore show that coercive persuasion has been sufficient to render him nonresponsible. To justify incarceration in the civil context, on the other hand, only requires a showing of harm, presumably a considerably lower burden of proof. Finally, the criminal law has traditionally been reluctant to recognize non-defenses, in part because they reduce the certainty and the deterrent effect of criminal punishment. Compare *United States v. Alexander*, 411 P.2d 923, 563 So.2d (Cv.) (Burrton, C.) (considering the implications of judicially imposed representations on a criminal defendant who waived the defense of nonresponsibility) *see also*, 608 U.S. 1044 (1977) with *Beck*, *Brainwashing, Psychology, and the Law*, N.Y. Times, May 29, 1974, at 23, col. 1 (brainwashing would constitute a major crime in the legal fabric of free will).

107. Other psychiatrists and psychologists may be wary of reporting a finding of mental

control for fear of seeming to participate in an attack on religious belief. Interview with

Cult, supra note 181 (some psychiatrists would refuse to label thoughts and behavior aberrant, even in the face of clear, severe pathology of the individual expressed a claim that these were part of a religious system). Letter from Dunagan, supra note 217 (expressing belief that religious thought control must not be tolerated even though it is harmful, since intervention would open the way to interference in the affairs of legitimate organizations. Analytically derived

therapy may be better, following Freud, than religious belief in pathological, and, hence, that religious institutions cannot be decried among the various religious practices and beliefs).

Finally, a group of psychologists known as the "unconfronting school" views devout daughters of fundamentalist sects as they believe all psychiatric judgments are political. E.g., *Beck*, supra note 8, at 11 (brainwashing is personal influence of a kind that we disapprove of, psychologists

deny for whatever reason) 9.

108. See *Shapiro*, supra note 72B, at 729-30.

See, also, at 730.

taken to bring about his release, and the individual's stay with the cult will, therefore, perhaps indefinitely. The longer he remains with the group, the more entrenched the cult's control over his psyche will become and the lower the probability will be that he will be able to leave of his own accord. Since the risks of continued membership by an unconvinced individual appear to exceed those of treatment, and the time period during which those risks will operate is far longer, it appears reasonable to accept small numbers of Type I error if this is factually necessary to minimize convincing large numbers of unconvinced individuals to types that they have not freely chosen. (Type II error).¹⁰⁹ The risk assessment that we ordinarily afford to decisions to impose treatment on possibly competent objecting adults is overturned by consideration of the greater risk of withholding treatment.¹¹⁰ This conclusion, of course, assumes that relatively mild, noninvasive remedies are possible, a question which must now be addressed.

IV. REMEDIES

The foregoing analysis suggests that the cult's brainwashing experience is harmful, that society has compelling interests favoring intervention, and that these respect the interests of the religious groups in continuing such practices. Moreover, the harm produced is not consensual and is capable of being differentiated from that caused by other societal institutions that utilize some degree of coercive influence in promoting their objectives. It has been suggested that noninvasive individualized remedies should be applied only to individuals whose need for them is demonstrable. While errors may occur, the cost of such errors can be kept within acceptable bounds by adopting appropriate procedures for diagnosis and judicial review.

In the following discussion of remedies, two assumptions are made. First, it is assumed that the appropriate remedy varies with the stage of the process at which it is aimed.¹¹¹ Second, it is assumed that first amendment constraints require that the remedy utilized at each stage be that which is least harmful in its impact on individuals in the religious group.¹¹²

A. PREVENTIVE REMEDIES

1. Identification

Perhaps the least-onerous remedy is a requirement that cult proselytizers identify themselves at an early stage and outline to the candidate what his life will be like should he join the cult, including a description of the duties to be performed and the benefits he will receive from membership.¹¹³ Such a requirement would be analogous to and consistent with consumer protection rulings that require door-to-door salesmen to identify themselves and give their affiliation.¹¹⁴ In addition to obtaining a permit,¹¹⁵ there is, in fact, evidence that the Unification Church abides by this requirement when soliciting funds in places that have such requirements.¹¹⁶ There is no

110. See *id.* of *In re Winship*, 397 U.S. 510, 343 (1970) (proof beyond a reasonable doubt standard in criminal cases is designed to reduce the risk of erroneous convictions).

111. The standard of proof required for imposing restrictions on personal liberty—a principal determinant of the "risk quotient" of any remedy—depends largely on consideration of the gravity of the effect of an erroneous determination. *In re Winship*, 397 U.S. 510, 342, 344 (1970); see *Shapiro*, supra note 32B, at 740.

112. In general, under remedies are available at earlier stages of the mind-control process, their stages require more drastic intervention.

113. *Notes* 321, 340 supra.

114. E.g., *Psychiatric Brainwashing, Inc.*, 87 F.T.C. 421, 516, 524-26, 531 (Mar. 6, 1976) (final order to cease and desist) (after lengthy testimony ordered to present to consumers, at time of initial contact, a 3 x 5 in. card containing name of the corporation, name of the salesman, and the statement: "The purpose of this representative's call is to solicit the sale of our products." The corporation had visited deceptive practices in the past, including a standardized sales approach to which customers were encouraged to believe the representative's purpose was to conduct a marketing survey or give away free books).

115. See, e.g., *Wyman Sherry Authority* (Chicago), supra note 20, at 12 (publishing of group distribution authorized) Letter from 20-0004 (copy dated 10/19/76) (discussing, among other things, the group's policy of requiring a permit to enter a state for the purpose of soliciting contributions).

116. Interview with *Small Dunagan*, at Philadelphia, Pa. (Oct. 29, 1976) (on the cult's authority (Unification Church) permission to organize Street Corner entries and other public identity activities as requested by the State).

evidence, however, that they feel under a similar duty of disclosure when proselytizing for new members. It would appear a simple matter to amend existing statutes to require the same disclosure by cults when they are recruiting new members as is required when they are fundraising...

2. "Cooling-off" Period

Other preventive remedies might include a mandatory "cooling-off" period in which prospective members are required to leave the group. During this time they could reconsider their situation, seek advice, and decide whether to return for additional indoctrination. Such a requirement would be more coercive in its effect on religious cults that practice thought control since it interrupts the continuity of the process. It is intrusive only in that it affords an opportunity to leave to individuals who do not truly wish to join. Further, such a requirement is aimed at a group of individuals whose progress toward a condition of psychic servitude has proceeded further than that of individuals who are at the point of first contact with a recruiter. Hence, a slightly more intrusive remedy seems justified.

3. Public Education

Another preventive remedy the state could employ is public education, an approach used by a recent New York State Attorney General report on the Children of God.¹¹⁷ Health authorities could launch educational campaigns designed to acquaint school-age children with the risks of associating with cults that utilize thought-reform methods. Such campaigns may be compared to present efforts by the state to discourage young people from smoking, drinking, and using addictive drugs.¹¹⁸

4. Distribution of Proselyting by Certain Groups

An additional preventive remedy which is clearly good persons is a distribution of proselyting by groups that utilize thought-reform methods. Extension of these restrictions seems to be the remedy upon which university organizations have acted in expelling Reverend Moon's cover groups from certain campuses.¹¹⁹ Such a remedy would permit the groups to continue to exist at their present levels, but it would deprive them of an opportunity to solicit new members so long as they continued to utilize

mind control techniques. Such rules may be compared to existing quarantine statutes,¹²⁰ under which the state acts to prevent contamination of outsiders by those known to have infectious diseases. Such a ban would also be similar in rationale to "no-ride cases"¹²¹ and others which have upheld a public nuisance rationale to prevent exposing the public to harmful influences. Alternatively, the state's power to regulate in the interest of public health¹²² could be asserted to deny to "no-ride cases" the ability to utilize debilitating techniques used to facilitate mind control, while forbidding the use of purely psychological procedures such as hypnosis, isolation, deprivation, and so on.

5. Licensing

Another approach would utilize not outright prohibition, but the licensing power to forbid unqualified individuals from engaging in psychologically intensive practices.¹²³ Such practices could be considered examples of the illegitimate use of behavior modification techniques by persons who are not qualified psychologists or psychiatrists. Failure to abide by these restrictions would be punishable as practicing psychiatry or psychology without a license. Many states have such statutes,¹²⁴ and at least one, the State Board of Psychology, was reported to be developing rules relating to public use of behavior modification, intended to be applicable to religious mind control.¹²⁵ Because of the widespread concern over the prohibition of unlicensed encounter group leaders and lay therapists,¹²⁶ such an application appears feasible.

6. Request for Review

A final prospective remedy of device, reminiscent of a "living will,"¹²⁷ consists of a statement in which the individual expresses a desire to be

117. For rules and standards in "cooling-off" periods in a commercial setting, see P. Berman & M. Saxon, "Protecting and Not Coercing the Injured Practices 416-41 (1973), 34 Vand. L. Rev. 416-417. See also the cooling-off period for door-to-door sales, 3 Consumer's Rep. 112 (1974). As with the no-identification requirement, 108 supra note 174, this requirement could be limited to organizations that had been shown to engage in deceptive or high-pressure tactics.

118. See *Florida Hearing*, supra note 16, at 120-21 (need for cooling-off remedy). Smith, supra note 12, also speaks after spending a weekend at the camp, managed to be alone for several hours and decided not to return. "As soon as I had a chance to think to myself what had happened and how everything was controlled, I felt free and able again to walk a step or two freely and a deprogrammer, who realized that I was deprogrammed and struck by the intensity of it at 47.

119. Cf. NY Times, the 14 1978, at 37, col. 1 (Assembly General Lefkowitz asserts that altering the public in one of the unquoted benefits of the Final Report on the Activities of the Children of God, Lefkowitz Report, supra note 131, note 134 (from former university candidates encouraged to attend classes for brief "cooling-off" periods, they then leave the seminar, reflect and consider whether to return).

120. For the opinion that a single disclosure would prove helpful, see *Vermont Hearing*, supra note 16, at 77-78 (college guidance professor and therapist testified that "if they told their young people the first time they saw them what it was all about, they would never go to it. They would say that is a lot of hogwash"). Vermont Senate Judiciary Committee, supra note 16, at 217 (comments on consideration of an ordinance requiring members of the Unification Church to file identifying papers of United States v. An Article of Verme... Hubbard (February 1, 1978), 137 F. Supp. 117, 164 63 O.D.C. 1973 (reporting blocking of Scientology Bulletin equipment to protect public from unqualified sermons claims).

Note that what there is a constitutional issue of free exercise of religion in each of the enumerated remedies here there is also an establishment of religion issue. The same constitutional issue of free exercise readily apply to both issues.

121. P. U. of R. D. Terry, Apr. 16, 1975, at 1 (reporting student was made to drop a campus statue to California Ave for the Research of Practices, a Unification Church from group. This case would not be in the lower courts of the students"). 54 NY Times, supra note 115 (describing campus statue 13 Stone Court, and recommending that it must not be given a U.A. (Unification Association) response or any opportunity to form on campus' case was withdrawn. Amended to include).

122. P. U. Cal. Health & Safety Code 414 10-3001 (West 1976), Mich. Code, Laws 11 129-1, 11 (1976).

123. P. U. State of Texas, Pub. 377 S.W. 2d 90, 111 (Tex. 1975), cert. denied, 426 U.S. 914 (1975). See also *Harlow v. State*, 180 Tenn. 17, 18 S.W. 2d 208 (1948) (based on statute rather than public nuisance rationale). Although *Law* has been restricted as to applying a questionable state interest, 1976 Supp. 11 E. Q. 111, 101-6 (arguing that state has no less dangerous than the court assumed, and is failing to protect less restricted activities, 41 at 362-63 (use of rape, prohibition of attendance by children and outsiders), these restrictions would not be applicable here of the state's interest in preventing harm is adequately substantiated, see notes 106 and accompanying text 101 supra, and the remedy selected represents the least coercive available, see notes 172-73 and accompanying text supra.

124. The state has the power to regulate activity in the interest of the physical health and well-being of its citizens. See *Prince v. Massachusetts*, 321 U.S. 156, 166-67, rehearing denied, 321 U.S. 304 (1944); *Jacobson v. Massachusetts*, 197 U.S. 11, 25-26 (1905).

125. See *Vermont Hearing*, supra note 16, at 14 (suggesting such practices be in the hands of the state of profession under the sign of the law). See generally notes 48-119 supra.

126. Encouraging citizens, and their varying interests, are discussed in Comment, *Standard of Care in Advertising Non-Traditional Psychotherapy*, 7 U. Cal. D. Rev. 34, 77-81 (1974). These statutes fall into two principal groups, including acts which ban the unlicensed practice of psychology and certification acts, which permit the use of certain titles or words in describing the services offered by unlicensed individuals. Licensing statutes generally include a comprehensive definition of the practice and forbid unlicensed persons from engaging in the practice falling under the definition. 16 at 77-78. For this reason, licensing statutes will constitute more effective bars to the unlicensed practice of behavior modification by cults. Twenty states and the District of Columbia presently have statutes of this type. 16 at 78-81. In some of these states, practicing psychology without a license is a misdemeanor, and the unlicensed practitioner is held to the same standard of skill and care as one who is qualified to practice under the statute. 16 at 78-79. In other states, the unlicensed practitioner is conclusively presumed to be negligent and is not given the opportunity to show that the professional standard of care was met. 16 at 79.

127. Letter from David D. Byrth, President, Ohio State Board of Psychology, (Feb. 27, 1977) (see text with authority). Ohio has a background-records statute, see note 106 supra. Ohio Rev. Code Ann. § 4712-1 (1973) (1975).

128. P. U. Vermont, supra note 106, at 62-67; *Hearings on Abuse by Unlicensed Therapists in the Mental Health Field*, before Louis J. Lefkowitz, Attorney General of the State of New York (DEC 13, 1974).

129. Compare Cal. Health & Safety Code § 7363 (1975) (from Sept. 1970) (prohibiting individual of certain cults who shall not be directed in any one setting that he shall observe the do not with banner, *Don't Preach of Cults*); The *Unification Church*, 80 Cal. L. J. 339, 343-34 (1962).

A model instrument, prepared by a parent's organization, reads as follows:
I, _____, know all men by these presents, that I, _____, do hereby irrevocably and exclusively assign, transfer, convey, and give unto the _____, all my right, title, and interest in and to the _____, together with all my right, title, and interest in and to the _____, and I hereby authorize the _____ to do all things necessary to carry out the purposes of this instrument, and I hereby agree to indemnify and hold the _____ harmless from and against all claims, damages, and expenses, including reasonable attorneys' fees, which may be asserted against or incurred by the _____ in connection with the performance of its duties hereunder. My life will be required by the group, and I will

required should be done under the influence of a religious cult, together with a recitation that membership in any such group would be contrary to his wishes. This technique is sometimes used in connection with individuals who have recently left religious cults and are afraid that they might be tempted to rejoin the group in a moment of psychological weakness.²⁵⁵

Although it could be argued that this approach simply shifts the problem of ascertaining an individual's wishes to a more remote point, the method when he signed the document, the procedure has the advantage that, properly used, it can avoid the problem of the deliberately altered personality whose profession of loyalty fit itself programmed in. When used by ex-members, such "living wills" can give courts an indication of what the signer's wishes were at a time when both knowledge and capacity were presumably unaffected by others.²⁵⁶

Of course, nothing prevents cult leaders from requiring their followers to sign similar statements indicating that membership in the group is an individual's free decision, resulting in a parental "battle of the forms." Still, if it should appear to the court that the first document, unlike the second, was signed at a time when the individual was under no pressure and was making a free choice, the decision expressed by this document should be respected. This conclusion expresses an intuition that individuals should be permitted personal choice among possible futures and that these choices are entitled to legal protection against influences that can reverse such choices by making the individual less autonomous.²⁵⁷

B. POST-INDUCTION REMEDIES

Once decision is made by the cult, extraction generally requires legal intervention, by either the state or a private individual, and that is less-accordingly, because unethical—these may provide self help remedies. A cult is active in such various types of physical assistance as sought.

1. Self-Help and Deprogramming

Focus to the development of a mentorship proceedings to remove cult victims from the group, the main remedy available to a parent of friend was self help. This remedy is still used in jurisdictions where conservatorship and civil remedies are not available.

Self help, the parents of a cult youth abduct the member from the cult's base of from a street corner, usually by force, and transport him to a center of self help or "deprogramming," a form of marathon counter therapy designed to neutralize the effects of cult conditioning and restore the victim's mental independence.²⁵⁸ The deprogrammer, who may himself be

an ex cult member,²⁵⁹ typically challenges the basis of the adherent's dependence upon and trust in the cult leaders and attempts to show him that he has been manipulated and duped.²⁶⁰ He may demonstrate that the cult leaders live in luxury—a fact some members do not know—while the member's own standard of living and that of the rank and file members has been extremely austere.²⁶¹ He may point out inconsistencies in the cult's theological beliefs or attempt to show that they are contradicted by biblical passages.²⁶² He may also attempt to show that certain of the cult's teachings are false, such as that the young person's parents have and reject him.²⁶³ Some deprogrammers adopt an abusive and confrontational tone,²⁶⁴ although the use of physical force appears to be rare. During the deprogramming the individual is not free to leave the room, except for sleeping and attending to personal needs.²⁶⁵

The typical cult member at first responds passively, by chanting, or pretending not to hear what the deprogrammer is saying.²⁶⁶ Generally, however, the deprogrammer will succeed in engaging the individual's attention and will manage to draw him into an exchange—often an angry one.²⁶⁷ Once the person "opens up," the deprogramming proceeds rapidly, as layers of false beliefs and programmed-in responses are peeled away.²⁶⁸ Soon there comes a "breaking point," often a highly emotional scene during which the individual may laugh, weep, rebuke the deprogrammer, or request to see his parents.²⁶⁹ At this point, the individual often expresses indignation at the cult for the theft of his mind and personality.²⁷⁰ After a successful deprogramming there usually follows a period of several months during which the individual undergoes a painful readjustment to life outside the cult.²⁷¹ Until full integration occurs, the individual may experience

...and he said to my mind: I wanted to believe that whatever was said to me was intended for me by the leaders of the cult, and was I ought to believe that I was under the control of a state of the leaders without question.

I was living constantly under psychological control and at such time was not aware of such control.

... For the first time I ... I am able to think for myself and deal with life on my own. It is now my wish and desire to live the rest of my life without being directed by anyone else and to exercise my full rights as an individual. I should thank my family and am interested in what they have done for me and would like to see them. If I can get them ... I am not aware of any physical damage or what has been done to me and I am not aware of any damage to the other persons in the cult and I am not aware of any damage to the other persons in the cult. It is not the policy of any cult to harm any of its members.

AWAKEN TO AND SUBSCRIBED BEFORE ME ON THIS — DAY OF — (Signatures)

Witnessed at ... April 1976. Republics Camp 1, near Feb 1976. ...

... April 1976. Republics Camp 1, near Feb 1976. ...

... April 1976. Republics Camp 1, near Feb 1976. ...

... April 1976. Republics Camp 1, near Feb 1976. ...

... April 1976. Republics Camp 1, near Feb 1976. ...

... April 1976. Republics Camp 1, near Feb 1976. ...

... April 1976. Republics Camp 1, near Feb 1976. ...

256. E.g., R. F. ... 1976, University Herald, June 3, 1976, reproduced in ACLU ...

257. See ... 1976, University Herald, June 3, 1976, reproduced in ACLU ...

258. ... 1976, University Herald, June 3, 1976, reproduced in ACLU ...

259. ... 1976, University Herald, June 3, 1976, reproduced in ACLU ...

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280. ... 1976, University Herald, June 3, 1976, reproduced in ACLU ...

periods of introspection and depression, during which he is again susceptible to an approach by the cult.⁴⁰⁹ Its members frequently band together in discussion groups to aid each other's progress toward self insight and readjustment to life in the community.⁴¹⁰

Although accurate estimates are difficult to obtain, it appears that approximately 1,000 deprogrammings have been attempted in the last few years, a majority of them successful.⁴¹¹ Perhaps partly because of their success, deprogrammings have been severely criticized by religious cults, who have filed both civil and criminal actions against parents and deprogrammers in several parts of the country.⁴¹² Law enforcement authorities frequently decline to proceed with charges on the ground that these are "family matters" best resolved outside the courts.⁴¹³ In some cases, grand juries have refused to indict,⁴¹⁴ and in one case, after hearing the evidence, a grand jury decided instead to proceed with an indictment against the cult leaders for maintaining the youths in a state of unlawful imprisonment by psychological means.⁴¹⁵

Critics of deprogramming argue that these methods amount to no more than an attack on freedom of religion,⁴¹⁶ that they in themselves constitute a brainwash,⁴¹⁷ and that they promote violence,⁴¹⁸ as well as distrust between cult children and their parents.⁴¹⁹ Finally, some consider deprogramming to be simply a tool by which some parents seek to insulate their influence over children who reject them and their values.⁴²⁰

Defenders counter that strong measures are necessary to counteract the effects of months or years of conditioning,⁴²¹ and that virtually all those who

complete deprogramming subsequently praise it and declare that without it their freedom would have been impossible.⁴²² Deprogrammers assert that their methods do not seek to destroy religious belief, pointing out that many ex cult members remain devout, although they may well reject the programmed in values and catch phrases learned from the cult.⁴²³ Deprogramming, they argue, seeks instead to release the individual from a state of psychological bondage which has nothing to do with true religious belief or practice.⁴²⁴ In response to the argument that deprogramming is simply a "second brainwash," they point out that deprogramming only attempts to return the individual to his former condition, it does not seek to implant new values, impose a new set of loyalties, or compel the young person to become a compliant son or daughter.⁴²⁵

Psychiatrists and psychologists are divided on the subject of forcible deprogramming carried out by lay personnel. Many, while mindful of the dangers of stressful approaches, believe deprogramming offers the only effective therapy for cases of hardened, long term indoctrination.⁴²⁶ Others feel that a more gradual approach is preferable—one in which the deprogrammer does not press for an immediate breakthrough and accepts the legitimacy of the spiritual quest that prompted the young person's journey.⁴²⁷ All agree that an attempt to utilize the therapeutic encounter to force the subject to accept his parents' control or values is illegitimate.⁴²⁸ A minority believe that encounter type therapy may be unnecessary and that simple supportive therapy conducted in a neutral environment will permit the victim's personality to reassert itself in time.⁴²⁹ All agree that deprogramming must never include an attack on all religion or religious belief.⁴³⁰

a The defense of necessity: Many of these claims and counterclaims have been tested in cases where an unsuccessful deprogramming attempt has resulted in criminal charges being lodged against the deprogrammer, his assistants, or the parents.⁴³¹ The charges, which may range from unlawful imprisonment to kidnapping, are often answered by a defense of justification or necessity. Sometimes called the "choice of evils" defense, necessity is

⁴⁰⁹ In order of events to be hospitalized, meaning process must be gradual and normal eye functions restored. One letter from Clark, supra note 101 (most ex cult members experience psychic trauma and depression lasting 1 to 18 months, as time passes their emotional responses begin to become stable as reality "resists traumatic impact").

⁴¹⁰ One letter from Clark, supra note 102.

⁴¹¹ Interview with Clark, supra note 102.

⁴¹² T. PATERA, supra note 27, at 177 (naming over 1,000 deprogrammings); ACLU FREEDOM OF INFORMATION CONFERENCE, supra note 137, at 89-99 (report of Mass. Senate deprogramming study were successful); WATERS, supra note 11, at 100 (citing deprogrammings in recent years were successful); see ALL OTHER CHOICES, supra note 9, at 101, 113, 117-121; ACLU FREEDOM OF INFORMATION CONFERENCE, supra note 137, at 83-127.

⁴¹³ E.g. United States v. PATERA, No. 87-1003 (W.D. Wash. Dec. 11, 1977) (deprogramming excluded, defense of necessity upheld); Fed. v. Trumbull, No. 88-1789 (Atlantic County (Cal.) Sup. Ct., filed Aug. 20, 1978) (not competent for false imprisonment); People v. Berne, No. 88W (Friedman (Cal.) Sup. Ct. May 9, 1978) (deprogramming convicted, parents free).

⁴¹⁴ T. PATERA, supra note 27, at 197 (citing where public took such an attitude, telephone interview with Max Phelan, supra note 200 (on file with author) (cultural police take a hands off posture toward deprogramming's work, even absent such a situation).

⁴¹⁵ Interview with Patrick Wall (narrowly), in New York, N.Y. (Apr. 9, 1978) (on file with author) (Judge Jones frequently refuses to indict).

⁴¹⁶ Interview with Michael Schwab, Attorney General's Attorney in Queens, N.Y. (Dec. 29, 1978) (on file with author); see note 200-16 and accompanying text supra.

⁴¹⁷ Various litigants, supra note 10, at 111, 120-137, 139-143 (deprogram deprogramming and Religious Liberty, 26 Children & State 233 (concluding that cults may abuse and/or high pressure techniques and indoctrination tactics, but arguing that the core-deprogramming is to separate them from the doctrine).

⁴¹⁸ ACLU FREEDOM OF INFORMATION CONFERENCE, supra note 137, at 83-136, 138 (citing Patrick's style in Freedom News).

⁴¹⁹ See Letter from Michael Posner, ACLU attorney, to H.C. (Sept. 7, 1975). But see THE ORGANIZATION, May 17, 1977, at 6, col. 1 (charges of motives in deprogramming described by cult propaganda to ex cult members).

⁴²⁰ E.g., ACLU FREEDOM OF INFORMATION CONFERENCE, supra note 137, at 100 (interviewed ex cult member's testimony to communications between cult youth and family); see ALL OTHER CHOICES, supra note 9, at 106 (deprogramming of unsuccessful, too damage family relationship).

⁴²¹ Brief For Respondents, People v. Banks, supra note 30, Christian Sci. Monitor, Feb. 9, 1977, at 1, col. 1. 2 (citing various cases of child abuse brought in "the right to go to the church you want and not the church your parents want you go"); see generally ACLU FREEDOM OF INFORMATION CONFERENCE, supra note 137, at 136, 150-151 ("The parents' desperation over them to the deprogrammings' persistence and any blame or guilt is shifted to a whole new group the cult or deprogrammer may have joined.... Parents want to believe in something to badly believe otherwise they have to submit to themselves that the cult they desired 11 or 20 years to have rejected them and their values. That's a bitter drug for a parent to have to drink....")

⁴²² E.g., A. HUNDL, 25 AMERICAN, Sept. 11, 1974, at A7 (and 7) (psychological deprogramming methods help ex cult members gain self confidence); see DEPROGRAMMING: REVEALING THE TRUTH ON CULTS, supra note 10, at 7; R. BARBER, supra note 14, at 79; Interview with Clark, supra note 101, note 94 (father (helplessness of) voluntary departure from religious cults).

⁴²³ Note 401 supra. Of course, it can be argued that this proves it is not the product of the deprogramming, but an adequate response to this objection is that (1) the deprogrammed individual understands his own deprogramming and its effects thoroughly and with full understanding the procedures used, notes 306-18 and accompanying text supra; (2) the procedure is not aimed at reeducating, hypnosis or erasing, the individual's personal faculties, notes 99-102, 120-123 supra; (3) the individual votes his personal deprogramming's conduct as the "natural" state, i.e., as a return to the way he thought and felt formerly; see Shapiro, deprogramming, supra note 1, at 215, 224, 303 (see generally R. BARBER, supra note 14, at 65-83; "I would never have left my own.... No way"; 130 ("I would have never left by myself").

⁴²⁴ R. BARBER, supra note 14, at 80; T. PATERA, supra note 27, at 77; ALL OTHER CHOICES, supra note 9, at 130-31, 299. But see R. BARBER, supra note 14, at 34 (ex cult member who did not undergo deprogramming "now is not concerned about religion... I've had no interference").

⁴²⁵ The Organization, May 17, 1977, at 4, col. 1 (statement of Margaret Singer, psychologist, that ex cult members continue to be "deeply religious").

⁴²⁶ R. BARBER, supra note 14, at 193 (citing that deprogramming is not a second brainwashing, deprogrammings do not use some techniques as such, purpose of deprogramming is to "neutralize" coercive persuasion techniques and their effects); see also note 88 supra.

⁴²⁷ Interview with Clark, supra note 101. See also ALL OTHER CHOICES, supra note 9, at 130 (charges of culpable deprogrammings who "double in the safety of... young people", 360).

⁴²⁸ Letter from Clark, supra note 22 (suggesting that placing individuals in several atmospheres is designed to protect them from such contact and dehumanization).

⁴²⁹ Interview with Clark, supra note 101; Interview with Clark, supra note 101; Interview with Maxvat, supra note 137.

⁴³⁰ SHEPHERD B. PATERA, How to Remove Your Child from a Cult, Oakland Tribune, June 19, 1977; Maxvat, at 18, col. 1. But see ALL OTHER CHOICES, supra note 9, at 120.

⁴³¹ E.g., Interview with Clark, supra note 101; Interview with Clark, supra note 101; Interview with Maxvat, supra note 137; cf. T. PATERA, supra note 27, at 53 (deprogrammings who had no emotional response "wondering that the justice of the being admitted").

⁴³² E.g., L. GREGORY PATERA, THE CULTS (N.Y.: New York Times, 1978) (deprogrammings) at 164-165; Interview with Clark, supra note 101; Interview with Clark, supra note 101; Interview with Maxvat, supra note 137.

⁴³³ You find that [cult members] participated in the deprogrammings were just not in a bad way but that's not [deprogrammed] demonstrated by the [New York Times] [deprogrammings] July 11, 1975, at 42, col. 1; note 87, T. PATERA, supra note 27, at 129-30. With respect to alleged indoctrination charges, the judge in the case of the cult to follow:

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recognized by the Model Penal Code⁴⁰⁰ and has been adopted, either statutorily or by judicial act, in about one half of the American jurisdictions.⁴⁰¹

To be successfully asserted, the defense of necessity requires that the rescuer act under a belief that his intervention is necessary to avoid a evil greater than that likely to result from inaction.⁴⁰² The purpose of the defense is to prevent individuals from being forced to make a Hobson's choice: break the law, or obey the law and permit a greater harm.⁴⁰³ Accordingly, the remedy is not applicable where the actor has available a third choice that would have averted the evil without violating a statute.⁴⁰⁴ The defense is thus available only when a parent or other rescuer can demonstrate that no legal remedies were available.⁴⁰⁵

Trial courts that have entertained such cases have split widely. Some, faced with expert testimony concerning the harmfulness of cult life, have permitted the defense to go forward.⁴⁰⁶ Others have denied the defendant an opportunity to present such a defense.⁴⁰⁷ Often out of a concern that doing so would violate religious liberty.⁴⁰⁸ In those cases where the defense has been permitted to go forward, it generally appears to have been believed by the jury, as these cases have usually resulted in acquittal.⁴⁰⁹

Because of the development of remedies that do not require the parent to take the law into his own hands, it seems likely that the defense of necessity will recede in importance in the future. In the meantime, however, one observation may be made concerning its appropriate use.

The fear that permitting a defense of necessity uniquely raises first amendment problems is unnecessary. The harm that mind control techniques can cause has been documented in a number of legislative and

attorney general reports,⁴¹⁰ and is supported by a substantial body of psychological and psychiatric literature.⁴¹¹ Thus, the courtroom is unlikely to hear statements that have not already appeared elsewhere. Moreover, defense of necessity will not ordinarily be allowed in religious belief cases,⁴¹² but rather at practices that are utilized to spend the members' power of groups that happen to be religious. Religious practice or cult has historically been afforded a much lower standard of protection if religious belief is a subject of a balancing test in which the harmfulness of the practice is weighed against the interest of the group in practicing it. This inquiry, which courts have pursued countless times, involves considerations no different from those likely to be considered in a defense of necessity.

Permitting the defense to go forward thus raises no fourteenth amendment problems under first amendment doctrine. The defense will involve less expert testimony by psychologists, psychiatrists, and anti-cult members in regard to the practices of the group in question. The judge can easily but material he deems scandalous, extraneous, or prejudicial.

b. Assignment of deprogramming: Whether pursued through channels or as part of a self-help rescue attempt, deprogramming or a similar form of confrontation therapy may well prove to be the only certain victims can be relieved from a state of mind control. If so, therapy will best avoid conflict⁴¹⁴ with first amendment principles.

been deprogrammed by the defendant, then you may assess the conduct of the defendant as if he had been deprogrammed.
People v. Patrick, 1100 F.2d (N.Y. Crim. Ct. Mar. 30, 1973), transcript at 4. The judge summarized a number of considerations relevant to the jury's determination of a condition of necessity that would warrant the parent's acts. These included domination by the elders of the youth's mental processes, starting of relationships with the world outside the cult, including the boy's parents, and instilling of fear of demons and gods over past sins. *Id.* at 2A. The defense of necessity has been rejected in a number of cases on various grounds. E.g., People v. Patrick, 111 F.2d 320 (4th Cir. 1973) (denial of necessity to protect jury on choice of evils defense because it is believed that, while there existed danger to the young woman, there was no evidence of an imminent public or private injury on the day the action was carried out, testimony with John Smith, attorney, in Boulder, Colo. (July 2, 1973) (on the with another) People v. Florence, No. 8000; People v. Patrick, No. 8040; People v. Smith, No. 8040; Court Transcript (Offense) (Cal.) (Mar. Ct. May 6, 1973) (Judge refused to permit defense of necessity, since doing so would infringe religious freedom and since the court would be unable to "draw the line" between cult's beliefs and practices and those of other groups).

410 Model Penal Code § 1.02 (Proposed Official Draft, 1962).
411 See sources and cases cited in Arnold & Gifford, *The Defense of Necessity in Criminal Law: The Right to Choose the Lesser Evil*, 61 J. Crim. L. & Criminology 119 (1974).
412 *Id.* (citing Penal Code § 3.02) (Proposed Official Draft, 1962) (condition which the state believes to be necessary to avoid "some violent offense" standard in which the evil confronted must actually exceed the harm resulting from intervention. E.g., N.Y. Penal Law § 35.02) (McKinney 1973); see W. LAFAVE & A. SCOTT, *HANDBOOK ON CRIMINAL LAW* § 181 (1973) (condition justified "if the harm which will result from compliance with the law is greater than that which will result from violation of it").

413 See W. LAFAVE & A. SCOTT, *supra* note 412, at 161. If the child is an unaccompanied minor, the parent may simply request his right to custody, indeed, the parent, if he knows his son or daughter is being signored to hazardous conditions outside the cult, may be under an affirmative duty to rescue the child. W. PATRICK, *supra* note 116, at 342. For parent's right to control religious training of their minor children, see *Whitcomb v. York*, 406 U.S. 303 (1972), West Virginia State Bd. of Educ. v. Barnette, 319 U.S. 624 (1943), *Parent v. Society of Sisters*, 268 U.S. 310 (1925).
414 W. LAFAVE & A. SCOTT, *supra* note 412, at 347.
415 Note 414 (b) and accompanying text *supra*.
416 See, e.g., United States v. Patrick, No. CR 74-1203 (W.D. Wash. Dist. 11, 1974) (holding defense of necessity); People v. Patrick, No. 1100 F.2d (N.Y. Crim. Ct. Mar. 30, 1973); N.Y. Times, July 24, 1973, at 41, col. 1, 2, reported in part by T. PATRICK, *supra* note 37, at 154-55.
417 See, e.g., People v. Florence, No. 8000; People v. Patrick, No. 8040; People v. Smith, No. 8040; Court Transcript (Offense) (Cal.) (Mar. Ct. May 6, 1973); People v. Patrick, 111 F.2d 320 (4th Cir. 1973).
418 See note 417 *supra*.
419 See, e.g., People v. Patrick, No. 1100 F.2d (N.Y. Crim. Ct. Mar. 30, 1973), reported in part by T. PATRICK, *supra* note 37, at 154-55.

420 See generally Vermont Hearings, *supra* note 16; LAFAVE'S REPORT, *supra* note 411; Notes 47, 75, 81, 88-89, 99, 101, 103, 105, 130-31 *supra*.
421 Note 41 and accompanying text *supra*.
422 Note 41 and accompanying text *supra*.
423 Although there are clear differences between deprogramming and cult conduct both in motives and methods, as well as in the type of changes that each produces, there is a number of interesting similarities, particularly in case of lay deprogramming such as Patrick. Physical or legal coercion is necessary to the beginning of a deprogramming, if cult members cannot be induced to enter into the process voluntarily. Discipline is necessary to insure contact between the deprogramming team and the subject. Discipline as employed during the deprogramming itself. Ted Patrick, for example, sometimes with cult members that the process may take months, when in fact it is normally accomplished in hours or days. T. PATRICK, *supra* note 37, at 16-17. Deprogramming, like cult conduct, is only to be accomplished in a controlled environment. Locked rooms are essential, and the room is located on an upper story, all windows are sealed to prevent escape. The other persons of the subject house are not heard by police or passively who might choose to call and disturb the deprogramming. At times, Ted Patrick limits the hours of sleep of his subject in order to provide greater continuity to the process. *Id.* at 16-17; All. Conn. and, *supra* note 9, at 16 (cult members reported being "deprived all sleep").
424 In times, some deprogramming teams set a timetable over toward the cult, consisting of "no they" attitude of cult toward life outside the cult, some positive aspects of cult and cult, if there are any, are ignored, and the needs and leaders of the cult are ridiculed instead. The deprogramming may use up images of the cult's leader, T. PATRICK, *supra* note 37, at 179; also a David's caricature on his photograph, *Id.* at 24, or insult him ("Merry is . . . and you're nothing but a male prostitute," *Id.* at 23). Practices such as these—like if speaking in tongues are omitted and mocked.
425 Ted Patrick sometimes accomplishes psychological attacks with the use of physical. Though he argues that he sometimes uses only to respond to violence by the subject may also be used to frighten him into leaving a situation. The deprogramming of one Krishna member, for example, began with the forcible casting of his pistol, the membership. *Id.* at 187-88.
426 The manipulation of guilt and battery that characterizes cult indoctrination also characterizes in Ted Patrick's arsenal. The subject's feelings of guilt toward his fans sometimes shared up and pressed by the deprogramming. *Id.* at 33-34. Cults over full achieve to life may be replaced by the deprogramming's charges that the cult is the most life away. After the "breaking point" is reached, the young subject is kept away from contact letters and kept busy, preferably in the company of other anti-cult members in a establish peer pressure to continue to reject the cult. It is even thought, by Patrick, w "I keep him away from the Bible," *Id.* at 33.
427 Patrick's methods are clearly among the most extreme and are rejected by most deprogrammingers. See notes 415-16 *supra*. Even so, it must be concluded that there is a difference between his approach and that of religious cults.
428 The goal of deprogramming is to produce an autonomous individual able to make a free choice. The deprogramming—end, generally, the parent is well—does not a control of the letters after the process is finished. There is no continuing financial and deprogramming, such through lay may have relative freedom beyond that that lay, by which "partial results" in deprogramming may be shown to the individual periodically a self pressure on the child to feel that cult and to understand. In practice, most parents appear to believe that their children are by no means "breaking out" in that they are fully aware by the fact that

progress in other states,⁴⁶⁵ and a California appellate court recently declared deprogramming carried out under a state conservatorship statute unconstitutional under the circumstances of the case.⁴⁶⁶ The team has successfully performed extractions of cult members in California, Texas, New Mexico, Arizona, and Washington, D.C.⁴⁶⁷

Given the resistant nature of mind control and the very low probability that a victim will leave the cult without outside assistance,⁴⁶⁸ a remedy like conservatorship for individuals already inside the group appears to be unavoidable. As carried out by the Arizona prosecutor's team, it also seems to accord with the least restrictive alternative requirement.⁴⁶⁹ The order will

not issue unless a prima facie case is established that the victim has been deprived of his free will and is under the control of others.⁴⁷⁰ The order provides for the conservator to be produced in court immediately upon removal from the cult.⁴⁷¹ Although the writ is issued following an ex parte proceeding, this procedure is justified by the demonstrated propensity of cults to conceal the individual upon receiving notice that legal action is contemplated.⁴⁷² At the proceeding the judge questions the victim, observes his demeanor, and hears psychiatric testimony.⁴⁷³ If conservatorship orders issue, they spell out the powers of the parent or conservator, including the location and type of any treatment to be given.⁴⁷⁴ The treatment proceeds under the supervision of the court, which may question the treating physician, observe progress, or order the treatment discontinued.⁴⁷⁵ At the end of the conservatorship period, the conservator is again brought into court, questioned by the judge, and permitted to make his own choice concerning his future.⁴⁷⁶

Thus, the procedure at each stage provides protections designed to ensure that the individual's autonomy is respected and that the therapy aims only at restoration of freedom of choice. The confinement continues only for a limited period of time, under conditions monitored by the court. Individuals who have been rehabilitated by such means have praised them, stating that "When the moral issue lies in preserving the freedom to choose and associate with whom we want, our parents are correct in allowing the kids to decide. The church takes that right away."⁴⁷⁷

3. A Contract-Based Remedy—Mutual "Reassessments"

A recent development is the use of a mutual reassessment procedure to prompt reconsideration of a recruit's decision to join the organization.⁴⁷⁸ In this procedure, a parent or friend who seeks to question a cult member's membership in the organization approaches the member with the promise of a bargain: e.g., "If you intend to spend the rest of your life in that group, you owe us a week (or two weeks) of your time."⁴⁷⁹ The resulting meetings are carried out not under lock and key, but voluntarily, with each side attempting to listen and understand the other's position.⁴⁸⁰ Often, parents find it necessary to modify their own views during the encounter and agree to changes in the parent-child relationship.⁴⁸¹ An Bam Coast rabbi reports over 100 "rescues" that resulted in this manner,⁴⁸² although the approach appears to be feasible only during the first few days or weeks of the young person's involvement with the cult, since after that time the relationship is so cemented as to be unsusceptible to modification by voluntary means.⁴⁸³ The remedy also depends on the cult's willingness to permit the member to meet with the parents, a willingness which is unlikely to be forthcoming if the group suspects the parents plan to attempt a deconversion. Although this remedy offers the promise of avoiding some of the harsher and more objectionable features of involuntary deprogramming, it appears likely to prove useful only in a limited number of cases.

466. *McIntosh*, Feb. 21, 1972, at 46 (quoting by five courts).
467. E.g. *In re Trumble*, No. 043779 (Alameda County (Cal) Super. Ct., filed Aug. 29, 1972). See also ACLU *Deconversion Committee*, supra note 137, at 136-41 (summary of 18 extractions based on the consent that use of California conservatorship proceedings in deprogramming cases is a viable alternative. These include that (1) the law was designed with the spirit of the law; (2) cult leaders do not constitute emergency situations sufficient to justify abbreviated procedure, including issuance of temporary orders without notice to conservator; (3) the conservator has provided a court of the legitimacy of the procedure. The attorney concludes that while conservators are not available in every case, at least in those cases where there is a strong possibility since the "right of a person to change his religion has always been central to the American understanding of religious liberty.")
468. *In re Superior Court*, 1 Civ. 11663 (Ct. App. Cal. 1st Dist. Oct. 4, 1975). A California trial court, after hearing testimony from both sides, had issued a conservatorship order in the case of the "Mojave Five," *supra* note 10, N.Y. Times, Mar. 15, 1977, at A1, col. 1; at A3, col. 3. Superior Court Judge J. Leo Varner's order specified that deprogramming might be carried out, but required that the parents be physically present during such proceedings. N.Y. Times, *supra*. The Court of Appeal subsequently issued a stay and ordered that no deprogramming be carried out pending further hearings, *supra* note 23, 131 *Am. Jur. 2d* 109 (1977). Four of the five youths changed their minds and decided to remain with their parents, *supra* note 23, N.Y. Times, Apr. 15, 1977, at B1.
469. In *re* the Court of Appeal vacated the order with respect to the remaining members, finding that:
(1) "The provisions of the state's conservatorship statute (which is amended) were too vague to be applicable in the context of the case," *supra* note 23.
(2) "The trial court violated an improper standard of proof, the opinion at 36, 65 (temporary restraining order) and 36, 65 (conservatorship order) was based on a preponderance of the evidence, but failed to show they were 'gravely disabled')."
(3) "The court had not been shown that the conservators were 'gravely disabled.' The state had no compelling interest in the protection of health sufficient to override the cultists' interest in remaining with the group," *supra* note 23, at 64-65.
470. This is under the circumstances of this case; the appointment of temporary conservators involved the religious liberty of the remaining members, *supra* note 23.
471. Counsel for the parents were planning an appeal to the California Superior Court. Telephone interview with Dr. Shapiro, attorney in San Antonio, Cal. (Oct. 17, 1977) (on file with author).
472. *Am. Daily Star*, Feb. 13, 1974, at C, col. 1.
473. *Verona Heights*, supra note 18, at 47-68 (low probability of return); B. L. ENOCH, *supra* note 14, at 20 (low turnout after five weeks in cult); *Reilly*, supra note 10, at 3, col. 1 (a "10 minutes" subject who only stays to leave without training camp); N.Y. Times, Mar. 15, 1977, at 1, col. 3 (13 of 315 members says outside intervention is necessary because parents of cult members are overbearing); The Oregonian, May 15, 1977, at B1, col. 1 (college student leaving team during an Unification Church outbreak in pressures to join); J. ANDERSON, supra note 19, at 3; Letter from Clark, supra note 106 (cult members do not want to leave and tend to continue over very long periods even without apparent encouragement); Meeting Report, supra note 11, pt. 2, at 21 ("unable to leave on their own free will"); 7, 61 (same).
474. Anderson describes the result of a single meeting session conducted by the Unification Church in California: The group of parents consisted of 30 Stanford University students, all of whom accepted the Church's offer to be included in the next step, a week long retreat. "Anders' extensive commitment to the week long session at the retreat, was almost all of them through this stage consent with the group indefinitely." Anderson, supra note 100, at 11, col. 1; *in re*, supra note 64, at 236 (no "total conversion" was effected from text); *Reynolds*, supra note 217, at 1, col. 1, at 10, col. 1 (80% of those who attended formal deprogramming became converted); *Mooney*'s Open letter from Merritt, supra note 22 (a war of only two individuals who were able to leave cult without some form of outside assistance); J. H. HARRIS, supra note 6, at 113 (Cultists' Confessions "books," and made confessions that he was an American spy and a criminal after 11 weeks of coercive indoctrination in communist prison); 261 (effectiveness of CIA mind to education program); 212-11 (one's reports are sufficiently deprogrammed "they can't break down anymore"); But see ALL OTHER CULTS, supra note 9, at 106, col. 1, 113; *supra* note 106 (high).
475. *In re*, supra note 23 (The grounds on which guardianship and conservatorship orders will be granted ordinarily have included: (1) disposition of property, e.g., *Chardine v. Chardine*, 39 B. 1. 110, 106 A. 621 (1929); (2) incapacity to influence or deprive, e.g., *Jew v. Cohen*, 153 Cal. 202, 131 P. 351 (1913); and (3) "anomalous" e.g., *Inland Nat'l Bank v. Central Bank*, 131 Cal. 202, 131 P. 351 (1913)). See *Universal Park, Case 3* (1-81) (orderly to manage property and affairs due to mental illness, physical illness, or mental illness; not of best interest of property).

469. See generally notes 416-59 and accompanying text *supra*.
470. E.g., *In re Superior*, No. 02 946 (Palm County (Ana.) Super. Ct. Oct. 24, 1972) (order for writ of habeas corpus).
471. Vermont Senate Judiciary Committee, supra note 36, at 17 ("warranted testimony of former Unification Church member"); U.S. News & World Report, June 14, 1976, at 33-34.
472. U.S. News & World Report, supra note 471, at 34.
473. E.g., *In re Post*, No. INC-7-2178 (E. A. County (Cal) Super. Ct. Mar. 1, 1974) (order provides for counseling, examination, and treatment by psychiatrists and psychologists); *In re Coleman*, No. 16186 (Merced County (Cal) Super. Ct. Dec. 3, 1973) (order provides that conservator shall have power to take conservator into personal custody and obtain medical and psychiatric treatment with the consent).
474. Interview with Michael Trumble, attorney, in Tucson, Ariz. (Oct. 7, 1976) (on file with author).
475. *Id.*, *supra* note 474 *supra*.
476. *Id.*, *supra* note 474, at C, 1, col. 4.
477. ALL OTHER CULTS, supra note 9, at 234-35, 267, 268; *Shovel at Parke*, supra note 427, at 1, col. 1.
478. *Id.*, *supra* note 427.
479. ALL OTHER CULTS, supra note 9, at 241; *Shovel at Parke*, supra note 427, at 1, col. 1.
480. *Id.*, *supra* note 427.
481. Interview with Carol Bonner, in Philadelphia, Pa. (Dec. 10, 1974) (on file with author).
482. *Id.*, *supra* note 427, at 241.
483. See ALL OTHER CULTS, supra note 9, at 244.

Internal status forbidding peonage and slavery.⁵⁰⁴ Although actions have been brought successfully against cult leaders for violations other than those arising from maintaining members in a state of mind control - among them, violations of the unemployment law,⁵⁰⁵ parading statutes,⁵⁰⁶ and health and safety violations,⁵⁰⁷ - at the time of writing only a handful of criminal actions are known to have been brought based on brainwashing.⁵⁰⁸

In one case,⁵⁰⁹ parents had abducted two young members of a Hindu Krishna temple and attempted a deprogramming, which failed when the young persons escaped and returned to the cult.⁵¹⁰ The suit's leaders persuaded the two to cooperate in bringing charges against the parents and deprogrammers. The case was heard by a grand jury, which refused to indict, the grand jury instead indicted the cult leaders for maintaining the two in a state of unlawful imprisonment by psychological means. The charge was later expanded to include extortion, based on an attempt by the cult leader to obtain \$20,000 from one of the families on the threat that they would never see their son again.⁵¹¹ On a motion to inspect the minutes of the grand jury, the presiding judge rejected the prosecution's theory of the case and dismissed the indictment.⁵¹² Although the court conceded that intensive psychological indoctrination such as that alleged to have been utilized in connection with the two young people may prove devastating⁵¹³ and "cause an inability to think, to be reasonable or logical,"⁵¹⁴ and "may even destroy healthy brain cells,"⁵¹⁵ the court held that this does not constitute a crime. Thus, the court held that present criminal laws do not proscribe proselytu-

ing of regimented religious practices in the absence of fraud, deception, intimidation, or restraint.⁵¹⁶

In cases involving clear cut fraud or coercion, indictments should withstand scrutiny. The Supreme Court has held that religious beliefs do not absolve one from liability under kidnapping laws.⁵¹⁷ The same should be true in prosecutions for false imprisonment and involuntary servitude. The remedy, however, is relatively onerous. Long prison sentences are possible,⁵¹⁸ thus it is likely that successful prosecution will only be feasible in cases where the abuse is extreme and the harm clear cut. Also, the sheer number of possible cases poses a potential burden on law enforcement authorities and courts⁵¹⁹ that considerably exceeds that imposed by civil remedies, such as conservatorship or guardianship, which utilize streamlined procedures and summary trials, and which rely on private parties to supply much of the motivating power and energy.

Nevertheless, in proper cases criminal prosecutions offer a potent weapon for discouraging psychic mayhem. New legislation, similar to that in effect in other countries⁵²⁰ dealing with the threat of private use of coercive persuasion, would make criminal remedies even more feasible. A number of groups have urged the adoption of such new statutes by the federal government or amendments of current kidnapping statutes to include kidnapping carried out exclusively by mental means.⁵²¹

CONCLUSION

A review of the literature suggests that religion-motivated thought reform is occurring, that it affects substantial numbers of young persons and their families, and that the medical, psychological, and societal harms it causes are severe. Although recruitment and indoctrination are carried out under colorably religious auspices, the rights to constitutional protections is diminished because of innocence and deception, and because thought reform techniques are not essential to the functioning of most of the religious groups involved. Since the harms produced are irreparably inflicted upon unsuspecting individuals, the state may interfere without violating the principle that, constitutionally, self-regarding action should be free from state regulation. A variety of remedies, such as restraining orders, summary proceedings, equitable injunctions, procedures aimed at restraining activities, and psychiatric diagnostic procedures are available that enable the examiner to distinguish, within an acceptable margin of error, between the individual who is in the cult pursuant to mind control and the individual who remains there by free choice. Moreover, it is possible to differentiate the harmful thought control practiced by such cults as the Unification Church, Hare Krishna, and the Children of God from other, milder forms of influence that are usually tolerated within our society.

Consequently, there appear to be no insuperable constitutional, moral, or public policy obstacles in the way of state or federal action designed to curb the abuses of religious groups that utilize brainwashing, hypnotic, and deceptive tactics for recruiting and indoctrinating new members. So long as remedies comport with the least-restrictive-alternative requirements and provide adequate due process procedures and judicial oversight, measures aimed at regulating the private use of mind control by religious or pseudo-religious groups appear to be fully permissible and, indeed, desirable.

504. 18 U.S.C. §§ 1591, 1592, 1593, 1594 (1976). At the time of writing there are no known civil-related provisions for violation of these statutes, although a bill recently filed in the House of Representatives appears to be prepared, in part, on involuntary servitude. It is possible that the criminal counterpart of 18 U.S.C. § 1593(a)(1) (1976), 18 U.S.C. § 1541 (1976), could be used to prosecute private conspirators to violate First Amendment rights. See *Allen v. US*, 501 F. Supp. 1246, 1247 (S.D. Cal. 1980), modified in part, 639 F.2d 1327 (9th Cir. 1981) (First Amendment rights demonstrators who disrupted church members' services violated church members' civil rights); *Conrad*, 41 N.Y.U. Rev. 381, 392 (1972).

505. Reported statutes indicate that cult leaders may subject converts to involuntary servitude. E.g. *Reber, Mamas Affair* (Springing Ready), 1st *Outpost*, May 13, 1977, at 1, col. 1.

506. *People v. ...* (The article mentions that the cult leader was charged with kidnapping for her activities in the United States. It also mentions that the cult leader was charged with kidnapping for her activities in the United States. It also mentions that the cult leader was charged with kidnapping for her activities in the United States.)

507. *People v. ...* (The article mentions that the cult leader was charged with kidnapping for her activities in the United States. It also mentions that the cult leader was charged with kidnapping for her activities in the United States. It also mentions that the cult leader was charged with kidnapping for her activities in the United States.)

508. *People v. ...* (The article mentions that the cult leader was charged with kidnapping for her activities in the United States. It also mentions that the cult leader was charged with kidnapping for her activities in the United States. It also mentions that the cult leader was charged with kidnapping for her activities in the United States.)

516. *Id.*
517. *Charvat v. United States*, 326 U.S. 451, 460 (1946).
518. E.g., N.Y. Penal Law §§ 70.15, 131.60 (1967) (second degree unlawful imprisonment, punishable by term of up to one year); §§ 70.08, 131.10 (first degree unlawful imprisonment, punishable by term of up to four years); §§ 70.05, 131.20 (second degree kidnapping, punishable by term of up to 25 years). Section 131.10 is the section under which the New York Hare Krishna case, note 509 supra, is being brought.
519. See note 34 supra.
520. See *Baroness*, supra note 131 (review of 14 papers, questions the meaning of a human being, all but proscribe, or at a minimum of her probed, and ...).
521. See note 30 supra.

Investigating Cults

By Richard Delgado

LOS ANGELES — In the aftermath of the Jonestown tragedy in Guyana, many critics have demanded United States Government intervention in connection with such groups as the Unification Church, Synanon and Revue Krievie, claiming that they preach distrust of society, demand absolute obedience of their members, and use psychologically manipulative tactics in recruiting and indoctrinating new members.

Government spokesmen have replied that without evidence of specific criminal activity, the state cannot act, for several reasons:

The First Amendment forbids all interference with religious liberty; persons who undergo cultist indoctrination do so willingly and freely, regarding thought reform by cult groups as a central tenet of their spiritual religion, and indoctrination is a well-known and established religious practice.

These American courts analyze, if only because of the unending questions to be drawn from them: If convert groups may refuse to a certain location, subject their followers to intensive conditioning designed to compromise their psychological integrity, and indoctrinate them in a world view in which the ends (isolation, the establishment of a theocracy) justify the means (deceptive recruitment, fraudulent fund-raising, violence), then society may fear for its safety.

A substantial body of evidence that has appeared in hearings, reports and court cases involving religious cults, and considerable clinical material suggests that the indoctrination activities of these groups are not de-

ministrative. They include physical injury (resulting from inadequate diet and sleep, self-mutilation and in some cases drug usage) and psychiatric harm (thought disorders, guilt, depression, suicidal behavior).

The deliberate conformity affected religiously motivated conduct is reduced with these groups by their lack of "altruism" (a requirement deriving from conscientious objector cases) and "consistency" — the requirement that the act conforms to an overall, rather than merely optional, part of practice.

Measured by the standard of the Amish parents, members of a religious community with a long tradition of rejecting indoctrination, who refused to send their children to high school for fear that they would learn worldly ways, or the California Indians who practiced blood poisoning as a central tenet of their spiritual religion, cultists' thought-reform practices do not present a very convincing case for protection.

The balance would thus appear to tip toward intervention. It could be argued, however, that some of the harms by which intervention is justified are incurred freely by consenting adults who do not see them as harms at all. Because our political and legal traditions discourage intervention based solely on the desire to protect in-

dividuals from themselves, a finding that the harms were voluntarily incurred would greatly weaken the case for intervention.

The process by which cults attract and indoctrinate new members is arranged so that when the capacity for voluntary choice is high, knowledge of the cult and its practices is low; when knowledge is high, capacity is reduced. At the outset, the target person's decision-making ability is unimpaired, and it is predictable that if he was informed that the group whose membership he is asked to attend is a well-known cult, he would react by leaving.

Later, he is given information about the identity of the group and the conditions of membership, but he is permitted to learn this information only as the cult perceives that he has become so weakened by fatigue, sensory bombardment, peer pressure and induced guilt and anxiety that he has lost the ability to assess it in his ordinary frames of reference.

The convert thus never has full capacity and knowledge simultaneously; one or the other is limited in a manner prearranged by the cult.

A final, practical objection is the purported difficulty of distinguishing — of "drawing the line" — between the thought-reform practices of cults and the "brainwashing" of Jesuits, military schools, missionaries and others who

use some degree of persuasion, influence, or moral exhortation in their dealings with others. Jesuits impose cloistering or isolation of the seminarian from the outside world. Revivalists stir up feelings of guilt and anxiety. Salesmen and missionary recruiters use exaggeration or concealment to make their product seem more attractive than it is.

But while other institutions may use some of the techniques of classic thought reform, few apply them in such a variety or with such intensity as do cults.

Jesuits may isolate the seminarian to promote reflection and a deepening of his spiritual resources. But the isolation is temporary, and the order does not seek to accelerate the process by physiological depletion or sensory overstimulation. Nor do mainstream denominations conceal the duties and obligations of the priesthood.

Military schools use peer pressure and isolation. But diet, hours of rest, and sanitary conditions are maintained at an adequate level, often enforced by state law.

Thus few, if any, other social institutions use conditioning techniques as pervasively, intensively or deceptively as do religious cults.

Decisions to intervene in connection with these latter groups do not, therefore, require by their logic alone intervention in other areas where the pressures are milder and more easily resisted.

Richard Delgado is visiting professor of law at the University of California at Los Angeles.

(3) "Psyching Out the Cults Collective Mania," Louis Jolyon West and Richard Delgado, Los Angeles Times, November 26, 1978

BY LOUIS JOLYON WEST
and RICHARD DELGADO

Just a week ago yesterday, the ambush of Rep. Leo J. Ryan and three newsmen at a jungle airstrip set off a terrible sequence of events that left many hundreds of people dead in the steamy rain forests of Guyana. The horrible social mechanism that ground into motion in the Peoples Temple camp that day seems inexplicable to many and has focused attention on the murky world of cults, both religious and nonreligious.

Historically, periods of unusual turbulence are often accompanied by the emergence of cults. Following the fall of Rome, the French Revolution and again during the Indus-

Louis Jolyon West is director of UCLA's Neuropsychiatric Institute. Richard Delgado is a visiting professor of law at UCLA.

trial Revolution, numerous cults appeared in Europe. The westward movement in America swept a myriad of religious cults toward California. In the years following the Gold Rush, at least 60 utopian cults were established here. Most were religious and lasted, on the average, about 20 years; the secular variety usually endured only half that long.

The present disturbances of American culture first well up during the 1960s, with the expansion of an unpopular war in Southeast Asia, massive upheavals over civil rights and a profound crisis in values in response to unprecedented affluence, on the one hand, and potential thermonuclear holocaust, on the other. Our youth were caught up in three rebellions: red (the New Left), against political and economic monopolies; black, against racial injustice; and green (the counterculture), against materialism in all its manifestations, including individual and institutional struggles for power.

Drug abuse and violent predators took an awful toll among the counterculture's hippies in the late 1960s. Many fled to farm colonies, now generally called communes. Others turned to the apparent security of paternalistic religious and secular cults, which have been multiplying at an astonishing rate ever since.

Those communes that have endured—perhaps two of three thousand in North America—can generally be differentiated from cults in three respects.

—Cults are established by strong or charismatic leaders of power hierarchies controlling resources, while communes tend to minimize organizational structure and to reject all forms of social power.

—Cults possess some revealed or revealed form of a

book, manifesto or doctrine, whereas communes rarely invoke general commitments to peace, humanitarian freedoms and distaste for the parent culture's establishments.

—Cults create, fortify, boundaries, confining their members in various ways and attacking those who would leave as defectors, deserters or traitors; they recruit new members with ruthless energy and raise enormous sums of money, and they tend to view the outside world with increasing hostility and distrust as the organization advances. In contrast, communes are like nodes in the far-flung network of the counterculture. Their boundaries are permeable membranes through which people come and go relatively unimpeded, either to continue their pilgrimages or to return to a society regarded by the communards with feelings ranging from indifference to amusement to pity. Most communes thus defined seem to pose relatively little threat to society. Many cults, on the other hand, are increasingly perceived as dangerous both to their own members and to others.

A recent estimation placed more than 2 million Americans, mostly age 18 to 25, in some way affiliated with cults and, by using the broadest of definitions, there may be as many as 2,500 cults in America today. If the total seems large, consider that L. Ron Hubbard's rapidly expanding Church of Scientology claimed 5.5 million members worldwide in 1972; the Unification Church of Rev. Sun Myung Moon boasts of 30,000 members in the United States alone.

These enterprises may seem respectable and secure compared to the Rev. Jim Jones' tragic Peoples Temple, with its membership of only 2,000 to 3,000. However, the Church of Scientology, the Unification Church and other organizations such as Chuck Dederich's Synanon, have all been under recent investigation by government agencies. Other large religious cults, such as the Divine Light Mission, the International Society for Krishna Consciousness and the Children of God are being carefully scrutinized by the public. For the public is alarmed by what it knows of some cults' methods of recruitment, exploitation of members, restriction on members' freedom, retaliation against defecting members, struggles with members' families engaged in rescue operations (including so-called "deprogramming"); dubious fiscal practices and the like. Safety, death threats against investigative reporters, leaked internal memoranda justifying violence, the discovery of weapons caches, such incidents as the rattlesnake attack against Los Angeles attorney Paul Morantz last month, the violent outbreak of the Hanafi Muslim in Washington, D.C., last year and now the gruesome events in Guyana, have served to increase the public's concern.

Some cults (for instance, Synanon) are relatively passive about recruitment (at all, even when it comes to defections). Others, such as the Unification Church, are three-

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less recruiters. Many employ techniques that in some respects resemble those used in the forcible political indoctrination prescribed by Mao Tse-tung during the communist revolution and its aftermath in China. These techniques, described by the Chinese as "thought reform" or "ideological remodeling," were labeled "brainwashing" in 1950 by the American journalist Edward Hunter. Such methods were subsequently studied in depth by a number of Western scientists and Edgar Schein summarized much of this research in a monograph, "Coercive Persuasion," published in 1961.

Successful indoctrination by a cult of recruits is likely to require most of the following elements:

- Isolation of the recruit or manipulation of his environment.
- Control over channels of communication and information.
- Debilitation through inadequate diet and fatigue.
- Degradation or diminution of the self.
- Early stimulation of uncertainty, fear and confusion, and joy and certainty as rewards for surrendering self to the group.
- Alternation of harshness and leniency in a context of discipline.
- Peer pressure, often applied through ritualized "struggle sessions," generating guilt and requiring open confessions.
- Insistence by seemingly all-powerful bastions that the

Related Story on Page 2

recruit's survival--physical or spiritual--depends on identifying with the group.

- Assignment of monotonous tasks of repetitive activities, such as chanting or copying writer materials.
- Acts of symbolic betrayal or renunciation of self, family and previously held values, designed to increase the psychological distance between the recruit and his previous way of life.

As time passes, the new member's psychological condition may deteriorate. He may become incapable of complex, rational thought; his responses to questions may be stereotyped, and he may find it difficult to make even simple decisions unaided. His judgment about events in the outside world will likely be impaired. At the same time, there may be such a reduction of insight that he fails to realize how much he has changed.

After months or years of membership, such a former recruit may emerge from the cult--perhaps "rescued" by friends or family, but more likely having escaped following

prolonged exploitation, suffering and abuse. Many such refugees appear dazed and confused, unable to resume their previous way of life or fearful of being captured, punished and returned to the cult. "Rejection" is a frequent phenomenon, with the ex-cultist drifting off into disassociated states of altered consciousness. Other frequent symptoms of the refugees include depression, indecisiveness and a general sense of disorientation, often accompanied by frightening impulses to return to the cult and throw themselves on the mercy of the leader.

This suggests that society may well wish to consider ways of preventing its members, particularly the young, from unwittingly becoming lost in cults that are psychologically and even physically harmful. Certainly parents can inform themselves and their children about cults and the dangers they pose; religious and educational leaders can teach the risks of associating with such groups. However, when prevention fails and intervention assumes an official character--as through legislation or court action--it is necessary to consider the potential impact of such intervention on the free exercise of religion as guaranteed by the First Amendment.

Under the U.S. Constitution, religious liberty is of two types--freedom of belief and freedom of action. The first is, by its nature, absolute. An individual may choose to believe in a system that others find bizarre or ludicrous; society is powerless to interfere. Religiously motivated conduct, however, is not protected absolutely. Instead, it is subject to a balancing test, in which courts weigh the interest of society in regulating or forbidding the conduct against the interest of the group in carrying it out.

How can society best protect the individual from physical and psychological harm, from stultification of his ability to act autonomously, from loss of vital years of his life, from dehumanizing exploitation--all without interfering with his freedom of choice in regard to religious practices? And, while protecting religious freedom, how can society protect the family as a social institution from the impact of the cult as a competing super-family?

A number of legal cases involving polygamy, blood transfusions for those who object to them on religious grounds and the state's interest in protecting children from religious zealotry suggest that the courts will hold these interests to be constitutionally adequate to check the more obvious abuses of the cults. Furthermore, the cult's interest is likely to be found weakened by lack of "sincerity," a requirement deriving from conscientious objector and tax

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PSYCHING OUT THE CULTS' MANIA

Continued from First Page

exemption cases, and lack of "centrality," or importance of the objectionable practices to such essential religious functions as worship.

To be protected by the First Amendment, religious conduct must stem from theological or moral motives rather than advance personal convenience, or a desire for power. Such conduct must also constitute a central or indispensable element of the religious practice.

Many religious cults demonstrate an extreme interest in financial or political aggrandizement, but little interest in the spiritual development of the faithful. Because their religious or theological core would not seem affected by a prohibition against deceptive recruiting methods and coercive techniques to indoctrinate and retain members, it is likely that the courts would consider the use of such methods neither "sincere" nor "central."

Thus, the constitutional balance appears to allow intervention, though it could be objected that obnoxious practices which might otherwise justify intervention should not be considered harmful if those experiencing them do so voluntarily and do not see them as harmful at the time.

But is coercive persuasion in the cults inflicted on persons who freely choose to undergo it—who decide to be unfree—or is it imposed on persons who do not truly know it of their own free will? The decision to join a cult and undergo drastic reformation of one's thought and behavioral processes can be seen as similar in importance to decisions to undergo surgery, psychotherapy and other forms of medical treatment. Accordingly, it should be protected in the same manner and to the same degree as we protect the decision to undergo medical treatment. This means the decision must be fully consensual. This entails, at a minimum, that those making such decisions do so with both full mental "capacity" and with a complete "knowledge" of the choices offered them. In other words, they should give "fully informed consent" before the process of indoctrination can be initiated.

A review of legislative reports, court proceedings (including cases involving conservatorships, or the "defense of necessity" in kidnapping prosecutions), and considerable clinical material makes clear that the cult-joining process is often not fully consensual. It is not fully consensual because "knowledge" and "capacity"—the essential elements of legally adequate consent—are not simultaneously present. Until cults obtain fully informed consent from prospective members giving permission in advance to apply the procedures of indoctrination, and warning of the potential risks and losses, it appears that society may properly take measures to protect itself against cultist indoctrination without violating the principle, central to American jurisprudence, that the state should not interfere with the voluntarily chosen religious behavior of adult citizens.

Most young people who are approached by cultist recruiters will have relatively unimpaired "capacity". They may be undergoing a momentary state of fatigue, depression, or boredom; they may be worried about exams, a separation from home or family, the job market, or relations with the opposite sex—but generally their minds are intact. If the recruiter were to approach such a person and introduce himself or herself as a recruiter for a cult, such as the Unification Church, the target person would likely be on guard.

But recruiters usually conceal the identity of the cult at

first and the role the recruit is expected to play in it until the young person has become fatigued and suggestible. Information is imparted only when the target's capacity to analyze it has become low. In other words, when the recruit's legal "capacity" is high, his "knowledge" is not, later the reverse obtains. Consent given under such circumstances should not deserve the respect afforded ordinary decisions of competent adults.

If intervention against cults that employ coercive persuasion is consistent with the First Amendment, a line must be drawn between cults and other organizations. But it is possible to impose restrictions on the activities of cults that use coercive persuasion without imposing the same restraints upon other societal institutions—TV advertising, political campaigns, army training camps, Jesuit seminaries—that use influence, persuasion and group dynamics in their normal procedures.

Established religious orders may sequester their trainees to some extent. Military recruiters and Madison Avenue copywriters use exaggeration, concealment and "padding" to make their product appear more attractive than it is. Revivalists invoke guilt. Religious mystics engage in ritual fasting and self-mortification. It has been argued that the thought-control processes used by cults are indistinguishable from those of more socially accepted groups.

Yet it is possible to distinguish between cults and other institutions—by examining the intensity and pervasiveness with which mind-influencing techniques are applied. For instance, Jesuit seminaries may isolate the seminarian from the rest of the world for periods of time, but the candidate is not deliberately deceived about the obligations and burdens of the priesthood; in fact, he is warned in advance and is given every opportunity to withdraw.

In fact, few, if any, social institutions claiming First Amendment protection use conditioning techniques as intense, deceptive, or pervasive as those employed by many contemporary cults. A decision to intervene and prevent abuses of cult proselytizing and indoctrinating does not by its logic alone dictate intervention in other areas where the abuses are milder and more easily controlled.

To turn again to the sad case of the Peoples Temple, it seemed to be, for some years, a relatively small and, in its public stance, moderate cult. Its members differed from those of most cults. Many were older people, many were black, many were enlisted in family units. Nevertheless, from its origins, based on professed deals of racial harmony and economic equality, the cult gradually developed typical cultist patterns of coercive measures, harsh practices, suspicions of the outside world and a siege mentality.

It may be that these developments comprise an institutional disease of cults. If so, the recent events in Guyana pose a new warning of continuing dangers from cults. For as time passes, leaders may age and sicken. The cult's characteristically rigid structure and its habitual deference to the leader as repository of all authority leaves the membership vulnerable to the consequences of incredible errors of judgment, institutional paranoia and even crazed behavior by the cult's chief.

Perhaps the tragedy of Jim Jones' Peoples Temple will lead to more comprehensive and scientific studies of cult phenomena. Perhaps it will lead our society to a more reasoned public policy of prevention and intervention against further abuses by cults in the name of freedom of religion. If so, then perhaps the disaster in Guyana will have some meaning after all.

**C. STAFF INVESTIGATIVE GROUP SUMMARY OF JANUARY 15, 1979,
LETTER AND ENCLOSURES FROM PROF. RICHARD DELGADO TO
HON. CLEMENT J. ZABLOCKI**

Committee on International Relations
MEMORANDUM

January 23, 1978

TO: Files of the Guyana Investigation
FR: Bob Huber
RE: Delgado Legal Opinion on the Constitutionality of a Committee Inquiry into
Jonestown Incident

BACKGROUND

On January 15, 1979 the Committee received from Richard Delgado, Visiting Professor of Law, UCLA, a legal opinion regarding the constitutionality of any future Committee inquiry into the Jonestown tragedy. Delgado also gave his view on the feasibility of distinguishing between a bona fide religious group and a religious "cult." Delgado's opinion was in response to Chairman Zablocki's letter of December 21, 1978 requesting Delgado to address those particular issues.

DELGADO RESPONSE

Delgado's response is based on two assumptions. First, the future inquiry may extend beyond the Jonestown inquiry and second, the Committee's interest in religious groups and cults lies in their potential for embarrassing the U.S. or interfering with the attainment of U.S. foreign policy objectives. Delgado's response can be summarized as follows:

- A committee inquiry is constitutionally defensible since the activities of cultist organizations pose potential, if not actual, problems for U.S. international relations;
- Religious freedom embraces 2 aspects. The first, the right to believe, is absolute. The assumption, is therefore, that the prohibition against interference with religious belief would also extend to Congressional hearings on the subject. The second aspect, religiously motivated conduct, unlike belief, is not protected absolutely. Courts assess the legitimacy of official action that infringes on religious conduct by means of a balancing test, in which the state's interests in regulating or limiting the conduct are balanced against the interest of the religious organization carrying it out. Applying this standard to the case of the People's Temple, the future inquiry would stand scrutiny. The harms- possible impairment of U.S. international relations- are of the highest order while the infringement on religious liberty likely to arise from a Congressional hearing is minimal. However, the Committee's inquiry should be framed exclusively in terms of conduct falling within the Committee's purview to avoid any significant interference with religious belief;
- Defining the term "cult" serves little purpose legally or constitutionally. The only legally significant fact is activity. If it appears that a group of any kind, cult or non-cult, is interfering with legitimate state interests (including the conduct of international relations) then scrutiny is warranted. It would be a mistake to concentrate attention on an organization simply because it seemed "cultic". The Committee should be more concerned with specific conduct that with the peculiarities of an organization's beliefs.

ENCLOSURES

Delgado provided several enclosures with respect to First Amendment limitations in investigating cults or legal remedies against certain practices of religious cults. The enclosures also attempted to draw some distinctions between "cults" and other religious organizations. The enclosures are briefly summarized as follows:

- Cults are characterized by strong leaders, possess some revealed "word" in the

Committee on International Relations

form of a book, manifesto or doctrine, create fortified boundaries confining their members in various ways and attack those who would leave as defectors. The cults tend to view the outside world with increasing hostility as time passes and as the organization ossifies.

- Recruits are successfully indoctrinated by isolation, manipulation of the environment, control over communication, early stimulation of uncertainty and fear as well as joy and certainty as rewards for surrendering self to the group and through renunciation of self, family and previously held values, designed to increase the psychological distance between the recruit and his previous way of life.
- Religious conduct, if it is to be protected by the First Amendment, must stem from theological or moral motives rather than avarice or a desire for power. Such conduct must also constitute a central or indispensable element of the religious practice. As such, because their religious or theological beliefs would not seem affected by a prohibition against deceptive recruiting methods and coercive techniques to indoctrinate and retain members, it is likely that the courts would consider the use of such methods neither "sincere" nor "central". Secular, rather than religious objectives such as amassing of wealth, political aims etc., lack this centrality as well.
- The decision to join a cult, and the free choice to undergo a cult's indoctrination process should be protected if the decision is fully consensual. This involves full mental capacity and complete knowledge of the choices offered them. However, the cult joining process is not fully consensual. Knowledge and capacity, the essential elements of legally adequate consent are not simultaneously present. When capacity is high, knowledge is not. At later stages of indoctrination, the reverse is the case. Until cults obtain fully informed consent from prospective members in advance to apply indoctrination, the society may properly take measures to protect itself against cultist indoctrination without violating the principle of non-interference in voluntarily chosen religious behavior by adult citizens.
- If intervention against cults that employ coercive persuasion is consistent with the First Amendment, a line must be drawn between cults and other organizations. It is possible to make such a distinction. Few, if any other social institutions use conditioning techniques as intense, deceptive, or pervasive as those employed by many contemporary cults. These conditioning techniques include such practices as insistence on confession, use of clichés and thought-terminating phrases, self-betrayal, degradation, sleep deprivation, and other techniques designed to precipitate movement from step to step on the path toward value identity change.
- The conclusion that harm to the individual due to cultist indoctrination is nonconsensual and therefore justifies societal intervention is complicated by a further circumstance peculiar to situations involving mind control. The very factors of stress, coercion, etc., that cast doubt on the validity of consent also give rise to the possibility of the presence of individuals, who because of "programming", no longer view the indoctrination process as harmful. In this case, societal intervention is justified if it appears the indoctrinee is incapable of fully understanding the conditions to which he has been subjected that account for his recent change. Factors that indicate this possibility include sudden, drastic alteration of the individual's value hierarchy, reduction of cognitive flexibility (e.g. the individual gives stereotyped cult responses to questions posed to him), repression of love feelings, childlike regression behavior, physical changes (i.e. weight loss) and possible pathological symptoms.

Committee on International Relations

- In diagnosing nonconsensual behavior resulting from cultist indoctrination, two possible errors can result. First, a competent individual may be treated as incompetent and may be subjected to cure a problem that does not exist. Second, an incompetent individual is presumed to be competent, his refusal of treatment is respected, and no measures are taken to bring about his release from the religious cult. Since the risks of continued membership by an unconsenting individual appear to exceed those of treatment, it appears reasonable to accept small numbers of the first type error in order to minimize the second type error. This assumes remedies are relatively mild.
- Remedies to cultist indoctrination of individuals must be utilized in a manner which is least harmful in its impact on individuals in the religious group. Remedies include two types, preventive and post-induction. Preventive remedies include requiring cult proselytizers to identify themselves and the requirements and benefits of membership, a requirement for a cooling-off period in which prospective members must leave the group in order to reconsider cult membership, public education to acquaint school-age children with the risks of cult membership, a prohibition on proselytizing by groups that utilize intensive psychological indoctrination of their members, licensing of individuals engaged in behavior modification techniques, and the use of "living wills", where an individual states that he wishes to be rescued from a religious cult should he join any such group. Post-induction remedies include self-help and deprogramming, conservatorship and guardianship proceedings (proceedings permitting family members, interested persons, or the state to take control over an indoctrinated cult member for a designated period of time), mutual reassessment (a process by which a parent or friend questioning an individual's choice in joining a religious cult can, with the consent of the individual, meet with the individual for a short period of time in an attempt to understand and listen to the problems of the individual in a non-coercive attempt to change his mind about cult membership), and legal remedies against the cult or cult leaders. Legal remedies can include tort actions, actions for the return of money or objects donated to the cult and criminal remedies, including prosecutions of cult leaders for unlawful imprisonment, kidnapping, health and safety violations and other violations of various statutes. This final legal remedy is relatively onerous, involves stiff penalties, and as a result successful prosecution will only be feasible in cases where the abuse is extreme and the harm clear-cut. Additionally, the sheer number of possible cases poses a potential burden on law enforcement authorities and courts as opposed to the streamlined procedures of conservatorship and guardianship. New legislation which would amend current kidnapping statutes to include kidnapping carried out exclusively by mental means might make this remedy more feasible.
- In conclusion, there appear to be no insuperable constitutional, moral, or public policy obstacles in the way of state or federal action designed to curb the abuses of religious cults utilizing deceptive and harmful tactics in recruiting and indoctrinating young members.

The full text of the letter and enclosures supplied the Committee on the subjects discussed in this memorandum will be maintained in Committee files on a confidential basis, per the request of Professor Delgado.

**D. DECEMBER 21, 1978, LETTER FROM HON. CLEMENT J. ZABLOCKI TO
PROF. NORMAN DORSEN**

Committee on International Relations

December 21, 1978

Norman Dorsen, Esq.
Professor and Director
New York University School
of Law
40 Washington Square South
New York, N.Y. 10012

Dear Professor Dorsen:

The Committee on International Relations is conducting an inquiry into certain aspects of the assassination of Congressman Leo Ryan and the resulting tragedy at Jonestown, Guyana. A fuller and more formal hearing into the matter may be required after the 96th Congress convenes January 15, 1979.

Because of pertinent jurisdictional and other important considerations, the Committee will be only tangentially concerned with the beliefs and dogmas of the People's Temple. However, given the primacy of the First Amendment religion guarantees in our jurisprudence, we do feel the necessity of acquainting ourselves with the constitutional principles limiting and shaping Congressional power to inquire into the workings of an organization that has been denominated a religious group. In addition, we are also interested in learning how you might distinguish between a bona fide religious group and what in the current context has been described as a "cult".

I recognize that there is little blackletter law that can be cited on this issue. Rather, we are much more concerned with the best assessment you can give to guide us in making as complete an inquiry as possible without needlessly intruding into areas of religious principle marked off by our Constitution from government regulation.

Any response you may kindly see fit to provide will remain in the confidential control of the Committee unless and until we would ask your permission to do otherwise.

With best wishes, I am

Sincerely yours,

Chairman

**E. JANUARY 25, 1979, LETTER FROM PROF. NORMAN DORSEN TO HON.
CLEMENT J. ZABLOCKI**

AMERICAN CIVIL LIBERTIES UNION

22 East 40th Street New York, New York 10016 (212) 725-1222

Norman Dorsen

Please reply to

1. ACLU
X N.Y.U. Law School
New York, N.Y. 10012
(212) 598-2555

January 25, 1979

Hon. Clement J. Zablocki
Chairman
Committee on International Relations
House of Representatives
Washington, D.C. 20515

Dear Rep. Zablocki:

This is in reply to your letter of December 21, 1978, addressed to me at New York University Law School concerning the Committee's inquiry into certain aspects of the assassination of Congressman Leo Ryan and the resulting tragedy at Jonestown. I am responding in my capacity as Chairman of the Board of Directors of the American Civil Liberties Union.

The ACLU's view of the principles that ought to govern any investigation into so-called "cults" is as follows:

1. Investigations of "cults" by appropriate law enforcement officials are legitimate, within the bounds of normal constitutional standards. If the required threshold of evidence exists to justify a criminal investigation, including the use of subpoenas and search warrants, then a claim of religious freedom should not insulate a group or organization from such an investigation.

2. On the other hand, constitutional standards, including the required threshold of evidence, that normally govern criminal investigations must not be lowered when the object of an investigation is a "cult" or other unpopular group whose beliefs the majority may find bizarre or repulsive. American history is replete with unconstitutional governmental investigations of unpopular political or religious groups on a basis that would not justify the investigation of more traditional political or religious groups. The long history of government infiltration of the Socialist Workers Party by the FBI now being documented before Judge Griesa in the

Norman Dorsen, Chairperson, Board of Directors Ira Glasser, Executive Director
Ramsey Clark, Chairperson, Harriet F. Pipel, First Vice Chairperson, National Advisory Council
Alan Reitman, Associate Director Bruce J. Ennis, Legal Director

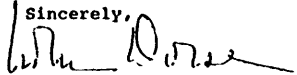
Southern District of New York is an example. Unconstitutional intrusions were undertaken because of legitimate concerns of national security, but they were not limited by the legal standards governing such investigations. As a result, an unpopular belief system became the victim of unwarranted and unconstitutional government inquiry. The same danger exists with respect to unpopular religious belief systems. Their unpopularity, even their apparently bizarre character, cannot alone justify government inquiry. Hard criminal evidence is required of the same kind and to the same degree as would justify a criminal investigation of an established political or religious organization, or indeed of any individual or group.

3. For the above reasons we question any legal distinction between "cults" and "bona fide religious groups." Such distinctions for the purpose of authorizing a government investigation seem no more justified than those between "bona fide political groups" and "fringe" or "splinter" groups. What should govern a decision to launch an investigation is evidence of criminal or other illegal conduct, not the content of a belief system, or vague suspicions of criminal conduct that may be based in part on fear and unpopularity.

4. Most of the above comments refer to the legitimacy of law enforcement investigations. The sphere of proper congressional investigation is also limited -- to the need for legislation. In our view, the legislature may not conduct an investigation that is accusatory or prosecutorial. During the last twenty five years we have witnessed many legislative investigations that exceeded such limits against unpopular political groups. We would not relish a repetition of that history in regard to unpopular religious groups.

In this letter I have set out general principles that we think ought to govern the Committee's inquiry. Should you be interested in a supporting legal memorandum, we will be delighted to provide it.

Sincerely,



Norman Dorse
Chairman

ND:ir

**F. STAFF INVESTIGATIVE GROUP SUMMARY OF JANUARY 25, 1979,
LETTER FROM PROF. NORMAN DORSEN TO HON. CLEMENT J.
ZABLOCKI**

Committee on Foreign Affairs

MEMORANDUM

January 31, 1979

TO: Files of the Guyana Investigation
FROM: Bob Huber, Staff Consultant
SUBJECT: Dorsen Legal Opinion on the Constitutionality of a Committee Inquiry into the Jonestown Incident.

BACKGROUND:

On January 25, 1979 the Committee received from Norman Dorsen, Chairman of the American Civil Liberties Union (ACLU), a legal opinion regarding the constitutionality of any future Committee inquiry into the Jonestown tragedy. Dorsen also gave his view of the feasibility of distinguishing between a bona fide religious group and a religious "cult." Dorsen's opinion was in response to Chairman Zablocki's letter of December 21, 1979 requesting Dorsen to address those particular issues.

DORSEN REPOSENSE

Dorsen, acting in his capacity as Chairman of the ACLU, made the following observations:

-- Investigations of "cults" by appropriate law enforcement officials are legitimate within the bounds of normal constitutional standards. If the required threshold of evidence exists to justify a criminal investigation, including the use of subpoenas and search warrants, then a claim of religious freedom should not insulate a group or organization from such an investigation. However, constitutional standards, including the required threshold of evidence, that normally govern criminal investigation must not be lowered when the object of an investigation is a "cult" whose beliefs the majority may find bizarre or repulsive. Unpopular, bizarre views cannot alone justify government inquiry;

-- An legal distinction between "cults" and bona fide religious groups must be questioned. Such distinctions for the purpose of authorizing a government investigation seem no more justified than those between bona fide police groups and "splinter" groups. What should govern a decision to launch an investigation is evidence of criminal or other illegal conduct not the content of a belief system or vague suspicions of criminal conduct that may be based in part on fear and unpopularity;

-- The sphere of proper Congressional investigation should be limited to the need for legislation in this area. Such an investigation should not be accusatory or prosecutorial;

Dorsen is willing to provide a supporting legal memorandum of ACLU's views should the Committee request it.

G. MARCH 8, 1979, LETTER FROM HON. CLEMENT J. ZABLOCKI TO LEO
PFEFFER, ATTORNEY AT LAW

March 8, 1979

Leo Pfeffer, Esquire
15 East 84th Street
New York, New York 10028

Dear Mr. Pfeffer:

The Committee on Foreign Affairs is conducting an inquiry into certain aspects of the assassination of Congressman Leo Ryan and the resulting tragedy at Jonestown, Guyana. A fuller and more formal hearing into the matter may be required in the near future.

Because of pertinent jurisdictional and other important considerations, the Committee will be only tangentially concerned with the beliefs and dogmas of the People's Temple. However, given the privacy of the First Amendment religion guarantees in our jurisprudence, we do feel the necessity of acquainting ourselves with the constitutional principles limiting and shaping Congressional power to inquire into the workings of an organization that has been denominated a religious group. In addition, we are also interested in learning how you might distinguish between a bona fide religious group and what in the current context has been described as a "cult."

I recognize that there is little blackletter law that can be cited on this issue. Rather, we are much more concerned with the best assessment you can give to guide us in making as complete an inquiry as possible without needlessly intruding into areas of religious principle marked off by our Constitution from government regulation.

Any response you may kindly see fit to provide will remain in the confidential control of the Committee unless and until we would ask your permission to do otherwise.

With best wishes, I am

Sincerely yours,

Chairman

CJZ:bhr

H. MARCH 26, 1979, LETTER FROM LEO PFEFFER TO HON. CLEMENT J. ZABLOCKI

LEO PFEFFER

ATTORNEY AT LAW
18 EAST 84 STREET
NEW YORK, N. Y. 10048
TRAFALGAR 8-4900

March 26, 1979

Hon. Clement J. Zablocki
Chairman, Committee on Foreign Affairs
House of Representatives
Washington, D. C. 20515

Dear Sir:

I am responding to your letter of March 8, in which you request my views regarding the First Amendment principles applicable to a Congressional inquiry into the assassination of Congressman Leo Ryan "and the resulting tragedy at Jonestown, Guyana." In accordance with that request, I suggest the following as my views on the relevant First Amendment principles applicable to the situation, noting, however, that my knowledge of what occurred is limited to what I have read in the press.

1. Initially, I think that there can be little doubt regarding the power of Congress to investigate all aspects of the assassination of Congressman Ryan, including those that concern the events that took place within Guyana, if for no other reason than their obvious relation to the inherent power of Congress to take necessary measures for the protection of its members while engaged in pursuing their Congressional duties. While this factor might not encompass the mass suicide aspects of the events, I have little doubt that there is sufficient nexus between the suicides and the Ryan assassination to justify Congressional inquiry into the former. Moreover, since the participants and victims of the mass suicide were American citizens and the church to which they belonged had a situs in the United States, the power of Congress to investigate would seem to be clear. Even if Congress may not investigate where it has no power to legislate, it undoubtedly does have power to legislate for the protection of American citizens while they are outside the United States.

2. The fact that the beliefs of the People's Temple may appear bizarre and unacceptable to the great majority of Americans, has no relevancy to First Amendment protection. The Amendment protects the free exercise of all religions, including bizarre and unpopular ones. "The term 'religion,' the Supreme Court said in Davis v. Beason (1890), "has reference to one's views of his relations to his Creator, and to the obligations they impose of reverence for his being and character, and of obedience to his will." True enough, the Court in the same decision said that to call the Mormons' advocacy of polygamy "a tenet of religion is to offend the common sense of mankind," and in the same decision the Court said that the term "religion" could not encompass the belief of the "Thugs of India" in assassination or the belief in "human sacrifices by our ancestors in Britain." Nevertheless, it is generally accepted by courts and

and constitutional scholars that the beliefs of Mormons, "Thugs of India," and of "our ancestors in Britain" in respect to human sacrifices are religions and within the compass of the Free Exercise Clause, although, as will be indicated below, not therefore completely immune from governmental restraints.

It must be noted that in defining the term religion in the draft law exemption of persons whose objection to war was based on religious training and belief, Congress designated it as "belief in relation to a Supreme Being involving duties superior to those arising from any human relation, but not including essentially political, sociological, or philosophical views of a merely personal code." It is conceivable that a court might hold that in view of Jones' dissatisfaction with America's capitalist economy and his considering migration to the Soviet Union, his beliefs and those of his followers were basically political and did not qualify as "religious." However, I doubt that the Supreme Court would accept so narrow a definition in passing upon the applicability of the Free Exercise Clause to the Jonestown tragedy.

3. I can see no constitutional distinction between religions and cults, and I am not aware of any court decision, at least at the appellate level, that makes such a distinction in applying the Free Exercise Clause. Assuming that Jones and his followers were sincere in their beliefs regarding the dogmas of the People's Temple - whatever those dogmas might be - and these beliefs encompass views on man's relation to his Creator, the Free Exercise Clause is applicable to them to the same extent as it is to adherents of the most orthodox and respected religious creeds. Both homicide and suicide, even mass suicide, have a long and respected tradition in the history of religions. See, Numbers, ch. 25; 1 Maccabees, ch. 2; 2 Maccabees, ch. 7. The First Amendment test is sincerity of belief not its acceptability to others, even if they be the majority of the nation. See United States v. Ballard (1944).

4. Since Congressional power to investigate the operations of groups is as broad as its power to legislate on the basis of its findings, it follows that its power to inquire into the workings of religious groups depends on the scope of its power to legislate in respect to its findings. The legislative power of Congress encompasses protection of the life and safety not only of a member of Congress abroad in pursuance of his Congressional duties but also of American citizens temporarily resident in another country, at least insofar as the exercise of the power does not infringe upon the sovereignty of the other nation. To bring the issue closer to the Jonestown situation, it would well be within the power of the United States government, acting in the capacity of parens patriae, to deny visas to parents who seek to bring their children into a war zone in another country. See Jacobson v. Massachusetts (1905). It follows from this that in order to exercise that power effectively the Government, including the legislative branch which might determine that appropriate legislation is called for, has constitutional power to make an investigation for that purpose.

5. In respect to private citizens who are adults, governmental power might not be quite as obvious, but it is nevertheless present for at least two reasons: First, what happens to American citizens while they are in another country can certainly affect the relations between the American government and that of the foreign country. Secondly, American lives are assets of the American nation, which therefore has the right to protect them, at least to the extent that its action does not infringe upon the sovereignty of another nation. Denial of a visa to visit a country in which American lives may not be safe is obviously

within the power of the American government. Intelligent exercise of that power may well compel the American government and its legislative branch to conduct investigations for that purpose and to compel the attendance and testimony of witnesses at such investigations.

6. That the government has power to act in respect to the events in Jonestown, and hence power to investigate does not mean that its power to investigate is unlimited. The legislative and subsidiary investigative powers are subject to the First Amendment's restrictions on laws prohibiting the free exercise of religion.

7. On the other hand, it is almost a truism that while the right to believe is absolute, the right to act is not. Cantwell v. Connecticut (1940). Hence it is within the constitutional power of government to restrain action that presents a clear and present danger to a substantial interest which the legislature has the power to protect, or where there is a compelling societal interest justifying restraint upon religiously motivated action in a particular situation. However this test is worded, it seems clear that in the present instance it is within the constitutional power of Congress to seek by legislation to prevent repetitions of the Jonestown incident.

It is well settled that no matter how the Free Exercise Clause is defined there is no constitutional right to exemption from military service because of religious objections to war. Hamilton v. Regents of the University of California (1934). If religion does not immunize a person from prosecution and punishment under the conscription laws, it certainly does not immunize him from responsibility under appropriate laws aimed at protecting the lives of American citizens even while they are within foreign countries. Particularly pertinent is what the Supreme Court said a century ago in the Mormon polygamy case of Reynolds v. United States (1878):

***Laws are made for the government of actions, and while they cannot interfere with mere religious belief and opinions, they may with practices. Suppose one believed that human sacrifices were a necessary part of religious worship, would it be seriously contended that the civil government under which he lived could not interfere to prevent a sacrifice? Or if a wife religiously believed it was her duty to burn herself upon the funeral pile of her dead husband, would it be beyond the power of the civil government to prevent her carrying her belief into practice?

At the very least, it is within Congressional power to explore the practicality of means to prevent such happenings as the Jonestown tragedy.

8. My conclusion, therefore, is that it is well within Congressional power to inquire into the workings of the People's Temple in respect to their relationship to the Jonestown incident. I need hardly add that while the First Amendment does not preclude Congressional investigation into that incident,

under the Fifth Amendment witnesses called to testify in such an investigation may not be compelled to incriminate themselves.

I trust that the views expressed herein will be of some value in the inquiry which your Committee is undertaking.

Respectfully yours,

Leo Pfeffer
Leo Pfeffer

TABLE OF CASES

Cantwell v. Connecticut, 301 U.S. 296 (1940)
Davis v. Beason, 133 U.S. 333 (1890)
Hamilton v. Regents of University of California, 293 U.S. 245 (1934)
Jacobson v. Massachusetts, 197 U.S. 11 (1905)
Reynolds v. United States, 98 U.S. 145 (1878)
United States v. Ballard, 322 U.S. 78 (1944)

**I. STAFF INVESTIGATIVE GROUP SUMMARY OF THE MARCH 26, 1979,
LETTER FROM LEO PFEFFER TO HON. CLEMENT J. ZABLOCKI**

Committee on Foreign Affairs

MEMORANDUM

April 2, 1979

TO: Files of the Guyana Investigation
 FR: Bob Huber, Staff Consultant
 RE: Pfeffer Legal Opinion on the Constitutionality of a Committee Inquiry into the Jonestown Incident

BACKGROUND

On March 26, the Committee received from Leo Pfeffer, Attorney at Law, a legal opinion regarding the constitutionality of any future Committee inquiry into the Jonestown tragedy. Pfeffer also gave his view on the feasibility of distinguishing between a bona fide religious group and a religious cult. Pfeffer's opinion was in response to Chairman Zablocki's letter of March 8, 1979 requesting Pfeffer to address those particular issues.

PFEFFER RESPONSE

Pfeffer made the following observations:

- There is little doubt regarding the power of Congress to investigate all aspects of the assassination of Congressman Ryan if for no other reason than their obvious relation to the inherent power of Congress to take steps necessary for the protection of its members in the performance of their duties. Moreover, since the victims of the mass suicide were American citizens, the power of Congress to investigate would seem to be clear. Even if Congress may not investigate where it has no power to legislate, it undoubtedly does have power to legislate for the protection of American citizens while they are outside the U.S.
- The fact that the beliefs of the People's Temple may seem bizarre and unacceptable has no relevancy to First Amendment protection. It is generally accepted by the courts, however, that the compass of the "free exercise" clause of the First Amendment is not completely immune from governmental restraints.
- There is no constitutional distinction between religions and cults. The test of beliefs under the First Amendment is sincerity of belief not its acceptability to others even if they be the majority.
- Congressional power to inquire into the workings of religious groups depends on the scope of its power to legislate in respect to its findings. Congressional power in this case includes not only the protection of the life and safety of a member of Congress but also of American citizens temporarily resident in another country. In order to exercise Congressional power effectively, Congress can determine what appropriate legislation is called for and has the constitutional power to make an investigation for that purpose.
- What happens to American citizens while they are in another country can certainly affect the relations between the American government and that

Committee on Foreign Affairs

of the foreign country. American lives are assets of the nation, which therefore has the right to protect them, at least to the extent that its action does not infringe upon the sovereignty of another nation. Intelligent exercise of Congressional power to protect U.S. citizens abroad through hearings and legislation is well within the Constitutional power reserved for the Congress. However, this power is not unlimited and both the legislative and subsidiary investigative powers are subject to the First Amendment's restrictions on laws prohibiting the free exercise of religion.

- Under the First Amendment, the right to believe is absolute, the right to act is not. Hence it is within the constitutional power of government to restrain action that presents a clear and present danger to a substantial interest which the legislature has the power to protect, or where there is a compelling societal interest justifying restraint upon religiously motivated action in a particular situation. It is well within the constitutional power of Congress to seek by legislation to prevent repetitions of the Jonestown incident. Freedom of religion does not immunize a person from responsibility under appropriate laws aimed at protecting the lives of American citizens even while they are within foreign countries.

Pfeffer provided the Committee a list of citations substantiating elements of the above observations.

Committee on Foreign Affairs

J. MARCH 8, 1979, LETTER FROM HON. CLEMENT J. ZABLOCKI TO
PROF. ARTHUR MILLER

March 8, 1979

Professor Arthur Salwyn Miller
George Washington University
National Law Center
Washington, D.C. 20006

Dear Professor Miller:

The Committee on Foreign Affairs is conducting an inquiry into certain aspects of the assassinations of Congressman Leo Ryan and the resulting tragedy at Jonestown, Guyana. A fuller and more formal hearing into the matter may be required in the near future.

Because of pertinent jurisdictional and other important considerations, the Committee will be only tangentially concerned with the beliefs and dogmas of the People's Temple. However, given the primacy of the First Amendment religion guarantees in our jurisprudence, we do feel the necessity of acquainting ourselves with the constitutional principles limiting and shaping Congressional power to inquire into the workings of an organization that has been designated a religious group. In addition, we are also interested in learning how you might distinguish between a bona fide religious group and what in the current context has been described as a "cult."

I recognize that there is little blackletter law that can be cited on this issue. Rather, we are much more concerned with the best assessment you can give to guide us in making as complete an inquiry as possible without needlessly intruding into areas of religious principle marked off by our Constitution from government regulation.

Any response you may kindly see fit to provide will remain in the confidential control of the Committee unless and until we would ask your permission to do otherwise.

With best wishes, I am

Sincerely yours,

Chairman

CJE:bar

K. MARCH 19, 1979, LETTER FROM PROF. ARTHUR MILLER TO
HON. CLEMENT J. ZABLOCKI



THE
GEORGE
WASHINGTON
UNIVERSITY

Washington, D.C. 20032 / The National Archives

1106 Flaming St.
Key West, Florida 33040
19th March 1979

Rep. Clement J. Zablocki
Committee on Foreign Affairs
House of Representatives
Washington, D.C. 20515

Dear Mr. Zablocki:

Your letter of 8th March was forwarded to me here in Key West, where I am now living. You ask for my views about your Committee inquiring into the Guyana tragedy. My response, in brief, is this:

1. The Supreme Court has long made a distinction between religious practices and religious beliefs. The former may be regulated, the latter cannot be. Examples: the 19th-century cases involving the Mormon church and the practice of polygamy; the sect in the mountains of Tennessee and Kentucky that handles snakes. The Court upheld making plural marriages a crime; and I believe that the case law upholds regulation of handling snakes in religious ceremonies. Add to those the cases of fluoridation (never ruled on by the Supreme Court, but upheld in the states) and governmental intervention to require medical attention over the protests of husbands and/or parents (e.g., the Georgetown University case decided by Judge Skelly Wright some years ago), plus others, and a clear pattern emerges: there is a bona fide public--i.e., governmental--interest into the workings of an organization that has been denominated a religious group" (to quote your language). If your inquiry, then, applies to practices and not to beliefs, there is no constitutional barrier. I realize, of course, that there is no clear line dividing the two; but that is the nature of most of constitutional law. I believe, furthermore, that Congress is within its constitutional powers to inquire into public funding of religious organizations; and that can, by analogy, be extended to your inquiry.

2. I know of no way to distinguish between a bona fide religious group and a cult. I recommend that you do not get into that question. Asking it serves no useful purpose. Rather, it will merely muddy the waters.

In sum, it is my considered judgment that your Committee is acting within the constitutional powers of Congress by inquiring into the assassination of Mr. Ryan and the practices of the Jonestown, Guyana organization.

Please feel free to write again should you wish.

Sincerely,

Arthur S. Miller, Professor Emeritus

#1004

**L. STAFF INVESTIGATIVE GROUP SUMMARY OF THE MARCH 19, 1979,
LETTER FROM PROF. ARTHUR MILLER TO HON. CLEMENT J.
ZABLOCKI**

Committee on International Relations

MEMORANDUM

March 30, 1979

- TO: Files of the Guyana Investigation
- FR: Bob Baker, Staff Consultant
- RE: Miller Legal Opinion on the Constitutionality of a Committee Inquiry into the Jonestown Incident

BACKGROUND

On March 19, 1979, the Committee received from Arthur S. Miller, Professor Emeritus, George Washington University, a legal opinion regarding the constitutionality of any future Committee inquiry into the Jonestown tragedy. Miller also gave his view on the feasibility of distinguishing between a bona fide religious group and a religious "cult." Miller's opinion was in response to Chairman Zablocki's letter of March 8, 1979, requesting Miller to address those particular issues.

MILLER RESPONSE

Miller made the following observations:

- Supreme Court decisions make a distinction between religious practices and religious beliefs. The former may be regulated, the latter cannot be.
- There is a bona fide public, i.e. governmental interest into the "workings of an organization that has been denominated a religious group" (quotation from March 8 Zablocki letter.) If a Congressional inquiry is directed at practices, not beliefs, the inquiry is constitutional.
- There is no way to distinguish between a bona fide religious group and a "cult."

**B. (WASHINGTON ACTIVITIES—I: IN CLASSIFIED
VERSION ONLY.)**

**C. (CALIFORNIA ACTIVITIES: IN CLASSIFIED
VERSION ONLY.)**

**D. (WASHINGTON ACTIVITIES—II: IN CLASSIFIED
VERSION ONLY.)**

E. GUYANA ACTIVITIES

**1. Correspondence between Hon. Clement J. Zablocki and the
Government of Guyana**

**A. MARCH 2, 1979, LETTER FROM HON. CLEMENT J. ZABLOCKI TO PRIME
MINISTER FORBES BURNHAM, GOVERNMENT OF GUYANA**

ELEMENT J. ZABLOCKI, U.S. CONGRESSMAN
 L. H. FORTSON, N.C.
 DANTE B. FANUILL, FLA.
 EDUARDO C. DODD, JR., NEBR.
 DENNIS M. ROSENTHAL, N.Y.
 LEO H. SWANSON, IND.
 LESTER L. MOFFETT, N.Y.
 DONALD W. DUNBAR, N.Y.
 DON TATUM, PA.
 CAROLIS COLLINS, N.C.
 STEPHEN J. SOLAR, N.C.
 DON BOWLER, WASH.
 GERRY S. STROUD, MISS.
 AMY IRELAND, FLA.
 DONALD J. PLASE, OHIO
 DAN MICA, ILL.
 MICHAEL D. BARNER, W.V.
 WILLIAM H. QUAY, N.C.
 TONY F. HALL, OHIO
 HOWARD WOLFE, N.C.
 DAVID B. BONER, MISS.
 FLOYD J. FLYNN, IOWA

WILLIAM S. BROOKFIELD, N.C.H.
 EDWARD J. DERBOSMAL, N.C.
 PAUL STINECY, N.C.
 JOHN H. BUCHANAN, JR., ALA.
 LEARN BISHOP, JR., PAINE
 BENJAMIN A. GILMAN, N.Y.
 TERRYSON GUYER, OHIO
 ROBERT J. LANGRISH, CALIF.
 WILLIAM F. GOODLAND, PA.
 JOEL FAIRBANK, WASH.
 MILLENTY FEINBERG, N.J.
 DAN QUAYLE, IND.

Congress of the United States
 Committee on Foreign Affairs
 House of Representatives
 Washington, D.C. 20515

March 2, 1979

JOHN J. BRADY, JR.
 CHIEF OF STAFF

His Excellency
 Forbes Burnham
 Prime Minister of Guyana
 Georgetown, Guyana, South America

Dear Mr. Prime Minister:

I am writing you in connection with the tragic events on November 18, 1978 which have affected both our countries. The death of Representative Leo J. Ryan, a member of this Committee, and the events at Jonestown, Guyana, have seriously distressed the U.S. Congress and the American people.

In this respect, I would like to take this opportunity to express my gratitude to you and the Guyanese people for the expression of deep sympathy extended to me in my office at a meeting requested by Ambassador Laurence Mann shortly after the tragedy. At that time, Ambassador Mann also pledged the full cooperation of your government in our mutually desirable interests to fully investigate this tragic event.

During our meeting I advised Ambassador Mann that in an attempt to obtain necessary information in connection with the events of November 18, I had ordered a Committee staff investigation into all of the circumstances which might have a bearing on the death of Congressman Ryan. That investigation has been underway since November 21, 1978, and has included interviews with more than 50 persons both here in Washington and in California.

The Committee staff inquiry has now reached the point at which the Committee believes it is necessary to talk with various officials of the Guyanese Government. I am therefore respectfully requesting your cooperation in agreeing to allow our staff group to interview certain Guyanese Government officials during the week of March 11, 1979.

Upon receipt of your hopefully positive reply to this request it is my urgent desire that this investigation can be completed in the near future. If you agree, I will contact Ambassador Mann to inform him of the people we would like to see and to work out mutually satisfactory procedures for carrying out the interviews.

With best wishes, I am

Sincerely yours,


Chairman

B. MARCH 13, 1979, LETTER FROM H. E. DYETT, MINISTRY OF FOREIGN AFFAIRS, GOVERNMENT OF GUYANA, TO HON. CLEMENT J. ZABLOCKI

Dear Congressman,

Your letter on Jonestown, to the Prime Minister, the text of which was communicated through a letter of March 2, 1979, addressed to the Minister of Foreign Affairs by the United States Ambassador in Georgetown, has been passed to me for reply.

The events which occurred on November 18, 1978, among American citizens on Guyanese soil constituted in their character, scale and dimensions the greatest single tragedy which has ever occurred in the history of Guyana. Nothing in the traditions of our own people had taught us to expect them. The senseless and wasteful loss of life, including that of Representative Leo J. Ryan, a member of your Committee, has deeply saddened the Parliament and the people of Guyana. From the measure of our own grief, I can fully understand and appreciate the distress felt by the United States Congress and the American people; and I would, therefore, like to take this opportunity of confirming and reiterating the pledge given to you by our Ambassador in Washington, Mr. Laurence E. Mann of the full co-operation of the Government of Guyana in our mutually desirable interests to make full investigation of this tragic event.

As you may know, our concern has led to take a number of steps to deal with the aftermath of November 18. Many of these steps, I am happy to say, have involved co-operation with agencies of your Government. Such co-operation has been facilitated by a ministerial level committee which was established with that object as one of its main purposes. It was this committee which arranged for the co-ordination of investigations by the F.B.I. and our own Criminal Investigation Division as well as the joint military/civilian task of body identification and removal. In addition, there have of course been many other steps separately taken by our own agencies. In particular, our law enforcement authorities have initiated action in our courts which seeks the application of our laws to several aspects of Jonestown, including the death of Congressman Ryan. Finally, the Government of Guyana has decided to conduct a judicial inquiry into the circumstances of Jonestown.

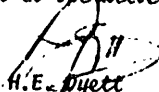
Note has been taken of your decision to order a Committee staff investigation into all of the circumstances which might have a bearing on the death of Congressman Ryan and of your request to allow your staff group to interview certain Guyanese government officials. From the point of view of making a concerted approach, there are two considerations which I in turn invite you to consider. First, and altogether apart from questions of protocol, senior Government officials some of whom your staff may wish to interview, are very likely to be also required to testify before our own judicial inquiry. Secondly, a neater and possibly more convenient way for your Committee to be supplied with their evidence would be through the report and findings

of our own inquiry, to be provided on a basis of reciprocity. May I add that, so far as our inquiry is concerned, no overlapping is likely to occur because it is not contemplated that our inquiry will be seeking to interview Governmental witnesses in the United States.

As you may not have had these circumstances in mind, I wonder whether in the light of them, you may wish to reconsider the necessity for the request made in your letter.

Please accept the assurances of my highest consideration.

Yours co-operatively,


H.E. Pyett
Permanent Secretary
Ministry of Foreign Affairs

The Honourable Clement J. Zablocki,
Chairman,
House Foreign Affairs Committee,
House of Representatives,
Washington D.C.,
U.S.A.

**C. MARCH 16, 1979, LETTER FROM HON. CLEMENT J. ZABLOCKI TO
PRIME MINISTER FORBES BURNHAM, GOVERNMENT OF GUYANA**

CLEMENT J. ZABLOCKI, CHAIRMAN
 J. W. FLEMING, JR.
 GARY D. FINKEL, FLA.
 CHARLES F. GONZALES, JR., WASH.
 BENJAMIN S. GRANTHAUS, N.Y.
 LEO H. HANCOCK, TEX.
 LESTER B. HOLTZ, NY
 JOHN THOMAS B. HUGHES, MD
 GARY VILSON, TX
 GABRIEL COLONEL, NJ
 STEPHEN J. HEN, NJ, NY
 BOB BURGER, OHIO
 GORDON E. STUBBS, MASS.
 ANNET WELAND, FLA.
 DONALD J. FEENEY, OHIO
 DAN O'NEAL, FLA.
 DONALD B. BARBER, MD.
 WILLIAM W. QUINN, JR., PA.
 TONY F. HALL, OHIO
 HOWARD MCKEE, MD, FL.
 BOB A. SMITH, NJ
 FLOYD J. FITZMAURICE, MD.

JOHN J. BRADY, JR.
 CHIEF OF STAFF

**Congress of the United States
 Committee on Foreign Affairs
 House of Representatives
 Washington, D.C. 20515**

March 16, 1979

His Excellency
 Forbes Burnham
 Prime Minister
 Government of Guyana
 Georgetown, Guyana

Dear Mr. Prime Minister:

This is to acknowledge receipt of Mr. H.E. Dyett's response of March 13 to my letter to you of March 2. Please be assured that I appreciate your most thoughtful suggestion that I may wish to reconsider the necessity of my original request. Unfortunately, I regret that it is impossible for me to do so for reasons outlined below.

I deeply appreciate your government's reaffirmed pledge of full cooperation with the Committee on Foreign Affairs investigation into the death of Representative Leo J. Ryan and the resulting events at Jonestown on November 18, 1978. ~~ALSO to be commended is your government's decision to begin a~~ judicial inquiry of this tragedy. As you know, however, our own investigation has been underway since November 21, 1978 and the investigative group's visit to Guyana is the last phase of that effort.

Given the enormity of the events of November 18, 1978, which you so aptly describe as "the greatest single tragedy which has ever occurred in the history of Guyana," it is urgent that the investigation be concluded in a timely and complete fashion. Surely, the prospect of delay or incompleteness is one which the U.S. Congress and the American people would find difficult to understand.

The suggestion to exchange our respective investigative reports is certainly acceptable. At the same time, I am compelled to respectfully reiterate my firm belief that a thorough investigation still requires that our investigators talk with officials in Guyana who can help the Committee complete its investigation. While I understand the legal import of the fact that those officials may be required to testify before your own inquiry I am deeply concerned that the lack of information that they should be able to provide to this Committee would leave a conspicuous void in the report of the Committee's investigation.

Accordingly, I have directed the staff investigative group of this Committee to visit Guyana the week of March 18 for the purpose of interviewing U.S. embassy personnel and others. Your kind cooperation in making it possible for the group to come to Guyana is deeply appreciated.

With best wishes, I am

Sincerely yours,

Chairman

D. MARCH 28, 1979, LETTER FROM H. E. DYETT, MINISTRY OF FOREIGN AFFAIRS GOVERNMENT OF GUYANA, TO HON. CLEMENT J. ZABLOCKI

Dear Congressman,

I have been directed to reply to your further letter to the Prime Minister on Jonestown, the text of which was communicated through letter No. 18 of 16th March, 1979, from the United States Ambassador in Georgetown.

Our regard for the expectations of our own Parliament and people enables us to follow your statement that the prospect of delay or incompleteness in carrying out your decision to order a Committee staff investigation is one which the United States Congress and the American people would find difficult to understand; and I do note the reiteration of your firm belief that a thorough investigation still requires that your investigators talk with officials in Guyana who can help your Committee complete its investigation.

On our part, we are faced with the fact, your understanding of the legal import of which I am glad to note, that some of those officials may be required to testify before our own enquiry. In addition, we have difficulty in resolving the question of protocol, to which I alluded in my previous letter, concerning senior officials of this Government (we understand from your Ambassador that even our Prime Minister is not to be excluded) being in effect interrogated by investigators of an external governmental authority. As I mentioned in my earlier letter, it is not contemplated here that our own enquiry will be seeking to examine governmental officials in your country.


These considerations constrain me to say with the utmost courtesy that the only discoverable method whereby this Government can with propriety satisfy its desire to assist your Committee with relevant evidence of our governmental officials would be by making available to your Committee the report of our own judicial inquiry. I reaffirm the offer which I conveyed to you in my earlier letter to make this material available to you on a basis of reciprocity, and I am happy to note that the proposed exchange is acceptable to you.

Meanwhile, I am glad to be able to say that, in conformity with our pledge of full co-operation, we have facilitated the visit to Guyana of your staff investigating group through the grant of visas and other relevant acts. Further, in response to a request from your Ambassador we have caused arrangements to be made for your Committee staff to visit the site at Jonestown on March 20, 1979.

Accept, Excellency, the assurances of my highest consideration.

Yours co-operatively,

Honourable Clement J. Zablocki,
Chairman,
House Foreign Affairs Committee,
House of Representatives,
Washington.


Permanent Secretary

2. (In classified version only)

3. (In classified version only)

F. WASHINGTON ACTIVITIES—III**(1. In classified version only)****2. Relevant newspaper and magazine articles, key documents and affidavits****APRIL 10, 1978 AFFIDAVIT OF YOLANDA D. A. CRAWFORD**

AFFIDAVIT OF YOLANDA D. A. CRAWFORD SHOWING
THE TEACHINGS AND PRACTICES OF REV. JAMES
WARREN JONES IN GUYANA, SOUTH AMERICA

I, Yolanda D. A. Crawford, certify as follows:

1. I was in Guyana, South America as a member of Peoples Temple from April 1, 1977 until June 29, 1977. Rev. James Warren Jones ("Jim Jones"), the leader of Peoples Temple, was in Guyana most of April and during the latter part of June, at which times I witnessed the following statements and practices by him.

2. Jim Jones said that the United States is the "most evil" nation in the world, referring to its political and industrial leaders as "capitalistic pigs". He said he would rather have his people dead than live in the United States.

3. Jim Jones prior to June said that people would be coming to live in Guyana for a temporary period of time. In June Jim Jones stated that the people he brings over from the United States will be staying in Guyana "permanently".

4. Jim Jones said that nobody will be permitted to leave Jonestown and that he was going to keep guards stationed around Jonestown to keep anybody from leaving. He said that he had guns and that if anyone tries to leave they will be killed ("offed") and their bodies will be left in the jungle and "we can say that we don't know what happened to you." He also said, "I can get a hit man for fifty dollars. It's not hard for me to get a hit man anywhere."

While still in the United States, Jim Jones asked the Temple members to turn all their guns over to him. I also saw ammunition being packed in crates for shipment to Guyana addressed to Peoples Temple from San Francisco. I heard Jim Jones say, "If anyone tries to start anything, we are ready and prepared to die for our cause."

6. Jim Jones said that black people and their sympathizers were going to be destroyed in the United States, that "the Ku Klux Klan is marching in the streets of San Francisco, Los Angeles, and cities back east". There was "fighting in the streets, and the drought in California is so bad, Los Angeles is being deserted".

7. Jim Jones said that everyone should turn in their passports and all their money to him, that nobody is to visit any local Guyanese people unless on a "mission" and in the company of other Temple members, that nobody is to make any telephone calls to relatives, that nobody was to send any mail to the United States without first getting it "cleared". All incoming mail was first received by Temple secretaries and read before being shown to the person addressed.

8. Jim Jones said that "I will lay my body down for this cause" and asked others to make the same promise, which they did by a show of hands, and also asked them to commit themselves to kill anyone attempting to hurt him.

9. Jim Jones ordered all of us to break our ties with families. He said that our highest and only loyalty should be "the cause", and that the only reason for staying in touch with our families was to collect inheritances when "they died off" and to keep them pacified "so as not to make trouble for the cause".

10. Jim Jones ordered us to "report" on one another to prevent "treason". His technique was to have everyone report to him (or his two or three most trusted leaders) all suspicious talk or behavior of others.

11. Jim Jones ordered people punished when they broke his rules. The punishments included food-deprivation, sleep-deprivation, hard labor, and eating South American hot peppers. I saw a teenager, Tommy Bogue, being forced to eat hot peppers at a public meeting.

12. So far as I know, only one person (Leon Brosheard) out of 850 or more residents has dared to leave Jonestown since my mother, husband and I left on June 29, 1977. Before Jim Jones allowed me to leave, I was forced to promise him I would never speak against the church, and that if I did I would lose his "protection" and be "stabbed in the back". Furthermore, Jim Jones ordered me to sign a number of self-incriminating papers, including a statement that I was against the government of Guyana, that I had plotted against that government, that I was part of the PPP (Peoples Progressive Party), which is the opposition party in Guyana, and that I had come to Guyana to help the PPP. Jim Jones said the reason for signing those papers was to discredit me if I ever decided to leave the movement "and talk". Also, before leaving for Guyana, I was ordered to fabricate a story and sign it stating that I killed someone and threw the body in the ocean. I was told that if I ever caused Jim Jones trouble, he would give that statement to the police. He further intimidated me and others in the congregation by saying, "I, (Jim Jones) have Mafia connections, and they will stand with me all the way."

13. I heard him state to the congregation in Guyana that Marshall Kilduff, who wrote the first article exposing him, was dead. He said, "The angels have taken care of him". We all knew the "angels" were his people who would do you in if you crossed Jim Jones.

14. Jim Jones ordered all telephone calls to relatives in the United States to be made in the presence of Temple members and after coaching. When my mother tried to call her brother in the United States and get him to stop criticizing the Temple, Jim Jones stood by her side and told her everything she was to say and then faulted her for not being forceful enough. He ordered us to tell our relatives in the United States to stop criticizing him or we would not be allowed to return home.

15. On numerous occasions I was in the congregation when he told us "I am God" and "there is no other God, and religion is the opium of the people." He stated he used religion only to get to the masses.

16. I recall several instances of Jim Jones stating he could silence critics or defectors by accusing them of being homosexuals, child abusers, terrorists or sexual deviates.

I declare under penalty of perjury that the foregoing is true and correct. Executed at San Francisco, California on April 10, 1978.

Melinda D. A. Crawford
MELINDA D. A. CRAWFORD

STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

IN April 10 1978
before me, the undersigned authority, did appear Melinda D. A. Crawford personally, acknowledged to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.
WITNESS my hand and official seal:



Melinda D. A. Crawford
MELINDA D. A. CRAWFORD

MAY 12, 1978 AFFIDAVIT OF DEBBIE LAYTON BLAKEY

Georgetown, Guyana

I, Debbi Layton Blakey-Kauby swear that the following statement is true and correct to the best of my ability:

I have decided to leave the Peoples Temple Organization because I am afraid that Jim Jones will carry out his threat to force all members of the organization in Guyana to commit suicide if a decision is made in Guyana by the Court here to have John Stoen returned to his mother. I know that plans are being made to carry out this matter and I know that is in progress at Jonestown. I also know that plans are made to kill those members who are unwilling

to voluntarily commit suicide. I believe
 that Hampton will be carried out. I also
 believe that the Organization will physically
 try to prevent any attempt to remove
 John Sison from the custody of the
 Organization. In part for the above
 reasons decided to leave the Peoples Temple.

s/ Charles L. Becker
 1234 1/2 1st St. S.W.

Given to the 15th day of May 1978

Daniel P. Weber

DANIEL P. WEBER
 AMERICAN VICE CONSUL

LETTER FROM JEFFERY HAAS, ATTORNEY AT LAW, TO ELIZABETH POWERS, SPECIAL CONSULAR SERVICES, DEPARTMENT OF STATE, ENCLOSING THE AFFIDAVIT OF THE JUNE 15, 1978 AFFIDAVIT OF DEBBIE LAYTON BLAKEY

100-4100

LAW OFFICE OF
JEFFERY A. HAAS
ATTORNEY AT LAW
433 TURK STREET
SAN FRANCISCO CALIFORNIA 94102
(415) 775 3900

575
RECEIVED
JUN 17 1978

JUNE 15, 1978

MS. ELIZABETH A. POWERS
Special Consular Services
Department of State
Washington, D.C. 20520

Dear Ms. Powers:

I am enclosing an affidavit signed under penalty of perjury by Deborah Blakey. Ms. Blakey recently escaped from the People's Temple and is extremely concerned for the welfare of not only John Victor Stoen, but also the remaining U.S. citizens in Jonestown.

She points out that while the State Dept. has made some contact with American citizens living in Jonestown, its investigation to uncover the actual conditions is inadequate. I continue to regard this matter as extremely important, and again request your assistance in reaching some solution. The Guyanese judge has now had a habeas corpus matter under submission for nearly five months. This is wholly unacceptable under any law with which I am familiar, and I think without question constitutes "excessive delay". Further, referring to paragraph (17) of the enclosed affidavit, Ms. Blakey makes it clear that the delay is due to Mr. Jim Jones threats of mass suicide.

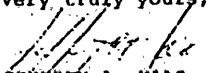
Page Two

June 15, 1978

I have been advised that the State Dept.'s legal advisor would be in contact with me regarding an interpretation of international law governing this case. Our position was enclosed with our letter of March 16, 1978. As of yet, I have received no response.

I look forward to your immediate attention to this most critical situation.

Very truly yours,


JEFFREY A. HAAS

JAH/kh

Enclosure

AFFIDAVIT OF DEBORAH LAYTON BLAETT
 RE THE THREAT AND POSSIBILITY OF MASS SUICIDE
 BY MEMBERS OF THE PEOPLE'S TEMPLE

I, DEBORAH LAYTON BLAETT, declare the following under penalty of perjury:

1. The purpose of this affidavit is to call to the attention of the United States government the existence of a situation which threatens the lives of United States citizens living in Jonestown, Guyana.

2. From August, 1971 until May 13, 1978, I was a member of the People's Temple. For a substantial period of time prior to my departure for Guyana in December, 1977, I held the position of Financial Secretary of the People's Temple.

3. I was 18 years old when I joined the People's Temple. I had grown up in affluent circumstances in the permissive atmosphere of Berkeley, California. By joining the People's Temple, I hoped to help others and in the process to bring structure and self-discipline to my own life.

4. During the years I was a member of the People's Temple, I watched the organization depart with increasing frequency from its professed dedication to social change and participatory democracy. The Rev. Jim Jones gradually assumed a tyrannical hold over the lives of Temple members.

5. Any disagreement with his dictates came to be regarded as "treason". The Rev. Jones labelled any person

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who left the organization a "traitor" and "fair game". He steadfastly and convincingly maintained that the punishment for defection was death. The fact that severe corporal punishment was frequently administered to Temple members gave the threats a frightening air of reality.

6. The Rev. Jones saw himself as the center of a conspiracy. The identity of the conspirators changed from day to day along with his erratic world vision. He induced the fear in others that, through their contact with him, they had become targets of the conspiracy. He convinced black Temple members that if they did not follow him to Guyana, they would be put into concentration camps and killed. White members were instilled with the belief that their names appeared on a secret list of enemies of the state that was kept by the C.I.A. and that they would be tracked down, tortured, imprisoned, and subsequently killed if they did not flee to Guyana.

7. Frequently, at Temple meetings, Rev. Jones would talk non-stop for hours. At various times, he claimed that he was the reincarnation of either Lenin, Jesus Christ, or one of a variety of other religious or political figures. He claimed that he had divine powers and could heal the sick. He stated that he had extrasensory perception and could tell what everyone was thinking. He said that he had powerful connections the world over, including the Mafia, Idi Amin, and the Soviet government.

8. When I first joined the Temple, Rev. Jones

seemed to make clear distinctions between fantasy and reality. I believed that most of the time when he said irrational things, he was aware that they were irrational, but that they served as a tool of his leadership. His theory was that the end justified the means. At other times, he appeared to be deluded by a paranoid vision of the world. He would not sleep for days at a time and talk compulsively about the conspiracies against him. However, as time went on, he appeared to become genuinely irrational.

9. Rev. Jones insisted that Temple members work long hours and completely give up all semblance of a personal life. Proof of loyalty to Jones was confirmed by actions showing that a member had given up everything, even basic necessities. The most loyal were in the worst physical condition. Dark circles under one's eyes or extreme loss of weight were considered signs of loyalty.

10. The primary emotions I came to experience were exhaustion and fear. I knew that Rev. Jones was in some sense "sick", but that did not make me any less afraid of him.

11. Rev. Jones fled the United States in June, 1977 amidst growing public criticism of the practices of the Temple. He informed members of the Temple that he would be imprisoned for life if he did not leave immediately.

12. Between June, 1977 and December, 1977, when I was ordered to depart for Guyana, I had access to coded public broadcasts from Rev. Jones in Guyana to the People's

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Temple headquarters in San Francisco.

13. In September, 1977, an event which Rev. Jones viewed as a major crisis occurred. Through listening to coded radio broadcasts and conversations with other members of the Temple staff, I learned that an attorney for former Temple member Grace Stoen had arrived in Guyana, seeking the return of her son, John Victor Stoen.

14. Rev. Jones has expressed particular bitterness toward Grace Stoen. She had been Chief Counselor, a position of great responsibility within the Temple. Her personal qualities of generosity and compassion made her very popular with the membership. Her departure posed a threat to Rev. Jones' absolute control. Rev. Jones delivered a number of public tirades against her. He said that her kindness was faked and that she was a C.I.A. agent. He swore that he would never return her son to her.

15. I am informed that Rev. Jones believed that he would be able to stop Timothy Stoen, husband of Grace Stoen and father of John Victor Stoen, from speaking against the Temple as long as the child was being held in Guyana. Timothy Stoen, a former Assistant District Attorney in Mendocino and San Francisco counties, had been one of Rev. Jones' most trusted advisors. It was rumored that Stoen was critical of the use of physical force and other forms of intimidation against Temple members. I am further informed that Rev. Jones believed that a public statement by Timothy Stoen would increase the tarnish on his public image.

16. When the Temple lost track of Timothy Stoen, I was assigned to track him down and offer him a large sum of money in return for his silence. Initially, I was to offer him \$5,000. I was authorized to pay him up to \$10,000. I was not able to locate him and did not see him again until on or about October 6, 1977. On that date, the Temple received information that he would be joining Grace in a San Francisco Superior Court action to determine the custody of John. I was one of a group of Temple members assigned to meet him outside the court and attempt to intimidate him to prevent him from going inside.

17. The September, 1977 crisis concerning John Stoen reached major proportions. The radio messages from Guyana were frenzied and hysterical. One morning, Terry J. Buford, public relations advisor to Rev. Jones, and myself were instructed to place a telephone call to a high-ranking Guyanese official who was visiting the United States and deliver the following threat: unless the government of Guyana took immediate steps to stall the Guyanese court action regarding John Stoen's custody, the entire population of Jonestown would extinguish itself in a mass suicide by 3:00 p.m. that day. I was later informed that Temple members in Guyana placed similar calls to other Guyanese officials.

18. We later received radio communication to the effect that the court case had been stalled and that the suicide threat was called off.

19. I arrived in Guyana in December, 1977. I

spent a week in Georgetown and then, refractory to orders, traveled to Jonestown.

20. Conditions at Jonestown were much worse than I had feared they would be. The settlement was swarming with armed guards. No one was permitted to leave unless on a special assignment and these assignments were given only to the most trusted. We were allowed to associate with Guyanese people only while on a "mission".

21. The vast majority of the Temple members were required to work in the fields from 7 a.m. to 6 p.m. six days per week and on Sunday from 7 a.m. to 2 p.m. We were allowed one hour for lunch. Most of this hour was spent walking back to lunch and standing in line for our food. Taking any other breaks during the workday was severely frowned upon.

22. The food was woefully inadequate. There was rice for breakfast, rice water soup for lunch, and rice and beans for dinner. On Sunday, we each received an egg and a cookie. Two or three times a week we had vegetables. Some very weak and elderly members received one egg per day. However, the food did improve markedly on the few occasions when there were outside visitors.

23. In contrast, Rev. Jones, claiming problems with his blood sugar, dined separately and ate meat regularly. He had his own refrigerator which was stocked with food. The two women with whom he resided, Maria Katsaris and Carolyn Layton, and the two small boys who lived with him,

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Kino Prokes and John Siben, dined with the membership. However, they were in much better physical shape than everyone else since they were also allowed to eat the food in Rev. Jones' refrigerator.

24. In February, 1978, conditions had become so bad that half of Jonestown was ill with severe diarrhea and high fevers. I was seriously ill for two weeks. Like most of the other sick people, I was not given any nourishing foods to help recover. I was given water and a tea drink until I was well enough to return to the basic rice and beans diet.

25. As the former financial secretary, I was aware that the Temple received over \$65,000 in Social Security checks per month. It made me angry to see that only a fraction of the income of the senior citizens in the care of the Temple was being used for their benefit. Some of the money was being used to build a settlement that would earn Rev. Jones the place in history with which he was so obsessed. The balance was being held in "reserve". Although I felt terrible about what was happening, I was afraid to say anything because I knew that anyone with a differing opinion gained the wrath of Jones and other members.

26. Rev. Jones' thoughts were made known to the population of Jonestown by means of broadcasts over the loudspeaker system. He broadcast an average of six hours per day. When the Reverend was particularly agitated, he would broadcast for hours on end. He would talk on and on

while we worked in the fields or tried to sleep. In addition to the daily broadcasts, there were marathon meetings six nights per week.

27. The tenor of the broadcasts revealed that Rev. Jones' paranoia had reached an all-time high. He was irate at the light in which he had been portrayed by the media. He felt that as a consequence of having been ridiculed and maligned, he would be denied a place in history. His obsession with his place in history was maniacal. When pondering the loss of what he considered his rightful place in history, he would grow despondent and say that all was lost.

28. Visitors were infrequently permitted access to Jonestown. The entire community was required to put on a performance when a visitor arrived. Before the visitor arrived, Rev. Jones would instruct us on the image we were to project. The workday would be shortened. The food would be better. Sometimes there would be music and dancing. Aside from these performances, there was little joy or hope in any of our lives. An air of despondency prevailed.

29. There was constant talk of death. In the early days of the People's Temple, general rhetoric about dying for principles was sometimes heard. In Jonestown, the concept of mass suicide for socialism arose. Because our lives were so wretched anyway and because we were so afraid to contradict Rev. Jones, the concept was not challenged.

30. An event which transpired shortly after I

reached Jonestown convinced me that Rev. Jones had sufficient control over the minds of the residents that it would be possible for him to effect a mass suicide.

31. At least once a week, Rev. Jones would declare a "white night", or state of emergency. The entire population of Jonestown would be awakened by blaring sirens. Designated persons, approximately fifty in number, would arm themselves with rifles, move from cabin to cabin, and make certain that all members were responding. A mass meeting would ensue. Frequently during these crises, we would be told that the jungle was swarming with mercenaries and that death could be expected at any minute.

32. During one "white night", we were informed that our situation had become hopeless and that the only course of action open to us was a mass suicide for the glory of socialism. We were told that we would be tortured by mercenaries if we were taken alive. Everyone, including the children, was told to line up. As we passed through the line, we were given a small glass of red liquid to drink. We were told that the liquid contained poison and that we would die within 45 minutes. We all did as we were told. When the time came when we should have dropped dead, Rev. Jones explained that the poison was not real and that we had just been through a loyalty test. He warned us that the time was not far off when it would become necessary for us to die by our own hands.

33. Life at Jonestown was so miserable and the

physical pain or exhaustion was so great that this event was not traumatic for me. I had become indifferent as to whether I lived or died.

34. During another "white night", I watched Carolyn Layton, my former sister-in-law, give sleeping pills to two young children in her care, John Victor Stoen and Kim Prekes, her own son. Carolyn said to me that Rev. Jones had told her that everyone was going to have to die that night. She said that she would probably have to shoot John and Kim and that it would be easier for them if she did it while they were asleep.

35. In April, 1978, I was reassigned to Georgetown. I became determined to escape or die trying. I surreptitiously contacted my sister, who wired me a plane ticket. After I received the ticket, I sought the assistance of the United States Embassy in arranging to leave Guyana. Rev. Jones had instructed us that he had a spy working in the United States Embassy and that he would know if anyone went to the embassy for help. For this reason, I was very fearful.

36. I am most grateful to the United States government and Richard McCoy and Daniel Heber, in particular, for the assistance they gave me. However, the efforts made to investigate conditions in Jonestown are inadequate for the following reasons: The infrequent visits are always announced and arranged. Acting in fear for their lives, Temple members respond as they are told. The members appear

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to speak freely to American prosecutors, but in fact they are drilled thoroughly prior to each visit on what questions to expect and how to respond. Members are afraid of retaliation if they speak their true feelings in public.

37. On behalf of the population of Jonestown, I urge that the United States Government take adequate steps to safeguard their rights. I believe that their lives are in danger.

I declare under penalty of perjury that the foregoing is true and correct, except as to those matters stated on information and belief and as to those I believe them to be true.

Executed this ___ day of June, 1978 at San Francisco, California.

DEBORAH LAYTON BLAKEY

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**"INSIDE PEOPLE'S TEMPLE," MARSHALL KILDUFF AND PHIL TRACY,
NEW WEST MAGAZINE, AUGUST 1, 1977**

For Rosalynn Carter, it was the last stop in an early September campaign tour that had taken her over half of California, a state where her husband Jimmy was weak. So Rosalynn gamely encouraged the crowd of 750 that had gathered for the grand opening of the San Francisco Democratic party headquarters in a seedy downtown storefront. She smiled bravely despite the heat.

Mrs. Carter finished her little pep talk to mild applause. Several other Democratic bigwigs got polite receptions, too. Only one speaker aroused the crowd; he was the Reverend Jim Jones, the founding pastor of Peoples Temple, a small community church located in the city's Fillmore section. Jones spoke briefly and avoided endorsing Carter directly. But his words were met with what seemed like a wall-pounding outpour. A minute and a half later the cheers died down.

"It was embarrassing," said a rally organizer. "The wife of a guy who was going to the White House was shown up by somebody named Jones."

If Rosalynn Carter was surprised, she shouldn't have been. The crowd belonged to Jones. Some 600 of the 750 listeners were delivered in temple buses an hour and a half before the rally. The organizer, who had called Jones for help, remembered how gratified she'd felt when she first saw the Jones followers spilling off the buses. "You should have seen it—old ladies on crutches, whole families, little kids, blacks, whites. Made to order," said the organizer, who had correctly feared that without Jones Mrs. Carter might have faced a half-empty room.

"Then we noticed things like the bodyguards," she continued. "Jones had his own security force [with him], and the Secret Service guys were having fits," she said. "They wanted to know who all these black guys were, standing outside with their arms folded."

The next morning more than 100 letters arrived. "They were really all the same," she said. "Thanks for the rally, and, say, that Jim Jones was so inspirational. Look, we never get mail, so we notice one letter, but 100." She added, "They had to be mailed before the rally to arrive the next day."

But what surprised that organizer was really not that special. She just got a look at some of the methods Jim Jones has used to make himself one of the most politically potent religious leaders in the history of the state.

Jim Jones counts among his friends several of California's well-known public officials. San Francisco mayor George Moscone has made several visits to Jones's San Francisco temple, on Geary Street, as have the city's district attorney Joe Freitas and sheriff Richard Hongisto. And Governor Jerry Brown has visited at least once. Also, Los Angeles mayor Tom Bradley has been a guest at Jones's Los Angeles temple. Lieutenant Governor Mervyn Dymally went so far as to visit Jones's 27,000-acre agricultural station in Guyana, South America, and he pronounced himself "impressed." What's more, when Walter Mondale came campaigning for the vice-presidency in San Francisco last fall, Jim Jones was one of the few people invited aboard his chartered jet for a private visit. Last December Jones was appointed to head the city's Housing Authority Commission.

The source of Jones's political clout is not very difficult to divine. As one politically astute executive puts it: "He controls votes." And voters. During San Francisco's run-off election for mayor in December of 1975, some 150 temple members walked precincts to get out the vote for George Moscone, who won by a slim 4,000 votes. "They're well-dressed, polite and they're all registered to vote," said one Moscone campaign official.

Can you win office in San Francisco without Jones? "In a tight race like the ones that George or Freitas or Hongisto had, forget it without Jones," said State Assemblyman Willie Brown, who describes himself as an admirer of Jones's.

Jones, who has several adopted children of differing racial backgrounds, is more than a political force. He and his church are noted for social and medical programs, which are centered in his three-story structure on Geary Street. Temple members support and staff a free diagnostic and outpatient clinic, a physical therapy facility, a drug program

that claims to have rehabilitated some 300 addicts and a legal aid program for about 200 people a month. In addition, the temple's free dining hall is said to feed more indigents than the city's venerable St. Anthony's dining room. And temple spokesmen say that these services to the needy are financed internally, without a cent of government or foundation money.

Jones and his temple are also applauded for their ardent support of a free press. Last September, Jones and his followers participated in a widely publicized demonstration in support of the four Fresno newsmen who went to jail rather than reveal their confidential news sources. The temple also contributed \$4,400 to twelve California newspapers—including the San Francisco *Chronicle*—for use "in the defense of a free press," and once gave \$4,000 to the defense of Los Angeles *Times* reporter Bill Farr, who also went to jail for refusing to name a news source.

In addition, at Jones's direction the temple makes regular contributions to several community groups, including the Telegraph Hill Neighborhood Center and Health Clinic, the NAACP, the ACLU and the farmworkers' union. When a local pet clinic was in trouble, Peoples Temple provided the money needed to keep it open. The temple has also set up a fund for the widows of slain policemen, and the congregation runs an escort service for senior citizens.

To many, the Reverend Jim Jones is the epitome of a selfless Christian.

The reverend was born James Thurman Jones, and grew up in the Indiana town of Lynn. While attending Butler University in Indianapolis, where he received his degree in education, Jones opened his first temple (in downtown Indianapolis). Although he had no formal training as a minister and was not affiliated with any church, his temple grew. It featured an active social program, including a "free" restaurant for the down-and-out. And the congregation was integrated, a courageous commitment in the years before Martin Luther King became a national figure—particularly in Indianapolis, once the site of the Ku Klux Klan's national office.

Then at around Christmas of 1961,

according to a former associate named Ross Case, Jones had a vision: He saw Indianapolis being consumed in a holocaust, presumably a nuclear explosion. Fortunately for him, *Esquire* had just run an article on the nine safest spots in the event of nuclear war. Eureka, California, was called the safest location; another safe area was Belo Horizonte, Brazil. Jones headed for Belo Horizonte, and Case went to Northern California.

Jones eventually returned and visited Case in Ukiah. Jones liked California, and twelve years ago this month, he and his wife Marceline incorporated Peoples Temple in California; Jones and some 100 faithful settled in Redwood Valley, a hamlet outside Ukiah.

Jones's congregation grew, and he soon became a political force in Mendocino County. In off-year elections, where the total vote was around 2,500, Jones could control 300 to 400 ballots, or nearly 16 percent of the vote. "I could show anybody the tallies by precinct and pick out the Jones vote," says Al Barbero, county supervisor from Redwood Valley.

Then, in 1970, Jones started holding services in San Francisco; one year later he bought the Geary Street temple. And later that same year, he expanded to Los Angeles by taking over a synagogue on South Alvarado Street.

One success followed another, and his flock grew to an estimated 20,000. Jones's California mission seemed blessed.

Although Jones's name is well-known, especially among the politicians and the powerful, he remains surrounded by mystery. For example, his Peoples Temple has two sets of locked doors, guards patrolling the aisles during services and a policy of barring passersby from dropping by unannounced on Sunday mornings. His bimonthly newspaper, *Peoples Forum*, regularly exalts socialism, praises Huey Newton and Angela Davis and forecasts a government takeover by American Nazis. And though Jones is a white fundamentalist minister, his congregation is roughly 80 percent to 90 percent black.

How does Jones manage to appeal to so many kinds of people? Where does he get the money to operate his church's programs, or maintain his fleet of buses, or support his agricultural outpost in

Guyana? Why does he surround himself with bodyguards— as many as fifteen at a time? And above all, what is going on behind the locked and guarded doors of Peoples Temple?

Beginning two months ago, when it became known that *New West* was reaching its article on Peoples Temple, the magazine, its editors and advertisers were subjected to a bizarre letter-and-telephone campaign. At its height, our editorial offices in San Francisco and Los Angeles were each receiving as many as 50 phone calls and 70 letters a day. The great majority of the letters and calls came from temple members and supporters, as well as such prominent Californians as Lieutenant Governor Mervyn Dymally, Delancey Street founder John Maher, San Francisco businessman Cyril Magnin, and savings and loan executive Anthony Frank. The messages were much the same: We hear *New West* is going to attack Jim Jones in print; don't do that. He's a good man who does good works.

The flood of calls and letters attracted wide attention, which, in turn, prompted newsman Bill Barnes to report the campaign in the San Francisco *Examiner*. The *Examiner* also reported an unconfirmed break-in one week later at our San Francisco office.

After the Barnes article, we began getting phone calls from former temple members. At first, while insisting on anonymity, the callers volunteered "background" about Jim Jones's "cruelty" to congregation members, in addition to making several other specific charges.

We told the callers that we were not interested in such anonymous whispers. But then a number of them, like Deanna and Elmer Mertle, called back and agreed to meet in person, to be photographed, and to tell their attributed stories for publication.

Based on what these people told us, life inside Peoples Temple was a mixture of Spartan regimentation, fear and self-imposed humiliation. As they told it, the Sunday services, to which dignitaries were invited, were orchestrated events. Actually, members were expected to attend services two, three, even four nights a week—with some sessions lasting until daybreak. Those members of the temple's governing council, called the Plan-

ning Commission, were often compelled to stay up all night and submit regularly to "catharsis"—an encounter process in which friends, even mates, would criticize the person who was "on the floor." In the last two years, we were told, these often humiliating sessions had begun to include physical beatings with a large wooden paddle, and boxing matches in which the person on the floor was occasionally knocked out by opponents selected by Jones himself. Also, during regularly scheduled "family meetings," attended by up to 1,000 of the most devoted followers, as many as 100 people were lined up to be paddled for such seemingly minor infractions as not being attentive enough during Jones's sermons. Church leaders also instructed certain members to write letters incriminating themselves in illegal and immoral acts that never happened. In addition, temple members were encouraged to turn over their money and property to the church and live communally in temple buildings; those who didn't ran the risk of being chastised severely during the catharsis sessions.

In all, we interviewed more than a dozen former temple members. Obviously they all had biases. (Grace Stoen, for example, has sued her husband, a temple member, for custody of their five-year-old son John. The child is reportedly in Guyana.) So we checked the verifiable facts of their accounts—the property transfers, the nursing and foster home records, political campaign contributions and other matters of public record. The details of their stories checked out.

One question, in particular, troubled us: Why did some of them remain members long after they became disenchanted with Jones's methods and even fearful of him and his bodyguards? Their answers were the same—they feared reprisal, and that their stories would not be believed.

The people we interviewed are real; their names are real. They all agreed to be tape-recorded and photographed while telling their side of the Jim Jones story.

Elmer and Deanna Mertle of Berkeley

After Elmer and Deanna Mertle joined the temple in Ukiah in Novem-

ber, 1969, he quit his job as a chemical technician for Standard Oil Company, sold the family's house in Hayward and moved up to Redwood Valley. Eventually five of the Mertle's children by previous marriages joined them there.

"When we first went up [to Redwood Valley], Jim Jones was a very compassionate person," says Deanna. "He taught us to be compassionate to old people, to be tender to the children."

But slowly the loving atmosphere gave way to cruelty and physical punishments. Elmer said, "The first forms of punishment were mental, where they would get up and totally disgrace and humiliate the person in front of the whole congregation. . . . Jim would then come over and put his arms around the person and say, 'I realize that you went through a lot, but it was for the cause. Father loves you and you're a stronger person now. I can trust you more now that you've gone through this and accepted this discipline.'"

The physical punishment increased, too. Both the Mertles claim they received public spankings as early as 1972—but they were hit with a belt only "about three times." Eventually, they said, the belt was replaced by a paddle, and then by a large board dubbed "the board of education," and the number of times adults and finally children were struck increased to 12, 25, 50 and even 100 times in a row. Temple nurses treated the injured.

At first, the Mertles rationalized the beatings. "The [punished] child or adult would always say, 'Thank you, Father,' and then Jim would point out the next week how much better they were. In our minds we rationalized . . . that Jim must be doing the right thing because these people were testifying that the beatings had caused their life to make a reversal in the right direction."

Then one night the Mertles' daughter Linda was called up for discipline because she had hugged and kissed a woman friend she hadn't seen in a long time. The woman was reputed to be a lesbian. The Mertles stood among the congregation of 600 or 700 while their daughter, who was then sixteen, was hit on her buttocks 75 times. "She was beaten so severely," said Elmer, "that the kids said her butt looked like hamburger."

Linda, who is now eighteen, confirms

that she was beaten: "I couldn't sit down for at least a week and a half."

The Mertles stayed in the church for more than a year after that public beating. "We had nothing on the outside to get started in," says Elmer. "We had given [the church] all our money. We had given all of our property. We had given up our jobs."

Today the Mertles live in Berkeley. According to an affidavit they signed last October in the presence of attorney Harriet Thayer, they changed their names legally to Al and Jeanne Mills because, at the church's instruction, "we had signed blank sheets of paper, which could be used for any imaginable purpose, signed power of attorney papers, and written many unusual and incriminating statements [about themselves], all of which were untrue."

Birdie Marable of Ukiah

"I never really thought he was God, like he preached, but I thought he was a prophet," said Birdie Marable, a beautiful woman who was first attracted to Jones in 1968 because her husband had a liver ailment. She had hoped Jones might be the healer to save him.

On one of the trips to services in Redwood Valley, Marable noticed Jones's aides taking some children aside and asking, "What color house did my friend have, things like that," she says. "Then during the services, Jim called [one woman] out and told her the answers that the children had given us though no one had told him."

She became skeptical of Jones after that, and remained skeptical when her husband's health did not improve; the cancer "cures" Jones was performing seemed phony to her. Yet eventually she moved to Ukiah and ran a rest home for temple members at Jim's suggestion.

One summer she was talked into taking a three-week temple "vacation" through the South and East. "Everybody paid \$200 to go on the trip, but I told them I wasn't able to do so," she added.

The temple buses were loaded up in San Francisco, and more members were packed aboard in Los Angeles. "It was terrible. It was overcrowded. There were people sitting on the floor, in the luggage rack, and sometimes people [were] un-

derneath in the compartment where they put the bags," she said. "I saw some things that really put me wise to everything," she added. "I saw how they treated the old people." The bathrooms were frequently stopped up. For food, sometimes a cold can of beans was opened and passed around.

"I decided to leave the church when I got back. I said when I get through telling people about this trip, ain't nobody going to want to go no more. [But] as soon as we arrived back, Jim said, 'don't say nothing.' She left the church in silence."

Wayne Pietila of Petaluma And Chia and Terri Cobb of San Francisco

Wayne Pietila and Jim Cobb guarded the cancers. "If anyone tried to touch them, we were supposed to eat the cancers or demolish the guy," said Cobb, who is six-foot, two-inches tall. Pietila was licensed by the Mendocino County Sheriff's Department to carry a concealed weapon; reportedly he was one of several Jones aides with such a permit.

It was during the Redwood Valley healing sessions in 1970, when nervous hope for relief from the pains of age spread among the congregation, that Cobb and Pietila would guard the cancers. Finally Jones would ask for someone who believed himself to be suffering from cancer. That was the signal for Cobb's sister, Terri, to slip into a side restroom and shut out whoever might be there. Then Jones's wife Marcelline and a trembling excited old woman would disappear into the stall for a moment. Marcelline would emerge holding a foul-smelling scrap of something cupped in a napkin—a cancer "passed." Marcelline and the old woman would return to the main room to screams, applause, a thunder of music. Jim Jones had healed again.

But one time, Terri got a chance to look into the "cancer bag." "It was full of napkins and small bits of meat, individually wrapped. They looked like chicken gizzards. I was shocked."

Wayne Pietila recalled another healing incident. On the eve of a trip to Seattle in 1970 or 1971, as Jones was leaving his house, a shot cracked out and he fell. "There was blood all around and

later, Jones walked out of the house with a clean shirt on." He said he'd healed himself," Pietila said. "He used [the incident] for his preaching during the whole Seattle trip."

Micki Touchette of San Francisco

The Touchette family followed Jones to California in 1970. They lived in Stockton for a while, then moved up to Redwood Valley, where they bought a house and converted it into a home for emotionally disturbed boys.

During 1972 and 1973 Micki and other temple members were expected to travel to Los Angeles services every other weekend. One of her jobs was to count the money after offerings. Micki, a junior-college graduate, had the combination to the temple's Los Angeles safe. She says, "It was very simple to take in \$15,000 in a weekend, and this was [four] years ago. [To encourage larger offerings, Jones] would say, 'We folks, we've only collected \$500 or \$700, and we would have [in reality] several thousand.'"

In addition to attending Wednesday-night family meetings and weekend services, Micki also was part of letter-writing efforts directed by church officials. "We'd write various politicians throughout the state, throughout the country, in praise of something that they had done. I wrote Nixon, wrote Tunney. I remember writing the chief of the San Francisco Police Department," she said. Micki, who lived in temple houses apart from her parents, would often be handed a sheet listing the points she would have to include in the letter. "It would tell you how and what to say and you'd word it yourself." She says she also would regularly use aliases she made up.

When Micki left the church in 1973 along with seven other young people, including Terri and Jim Cobb and Wayne Pietila, none warned their parents or other relatives. "We felt that our parents, our families . . . would just fight us and try to make us stay." Furthermore, they were all frightened. "At one point we had been told that any college student who was going to leave the church would be killed . . . not by Jones, but by some of his followers." Both Terri and Cobb recall the statement being made—by Jones.

Walter Jones of San Francisco

When Walt Jones, who never believed in the church, followed his wife Carol to Redwood Valley in 1974, Jim Jones asked them to take over a home for emotionally disturbed boys. The home belonged to Charles and Joyce Touchette, Micki Touchette's parents. Walt says he was told that the Touchettes were in Guyana, and that the people who had replaced them, Rick and Carol Stahl, had done such a poor job that "the care-home, at that time, was under surveillance of the authorities because of the poor conditions. Some of the boys had scabies due to the filth."

In 1974 and early 1975, before Walt and his wife were granted a license to run the home, county checks (of approximately \$325 to \$350 per month for each child) for the upkeep of the boys were made out to the Touchettes and cashed by a church member who had their power of attorney. "The checks," said Walt, "were turned over to someone in charge of all the funds [for the church's care homes] at the time. [The temple] allotted us what they felt were sufficient funds for the home and supplied us with foodstuffs and various articles of clothing." Jones says the food was mostly canned staples, and the clothes were donations from other temple members. Walt is uncertain how much of the approximate total of \$2,000 a month of county funds earmarked for the upkeep of his boys actually ended up in his hands; his wife kept the books. But he claimed, "it was very inadequate."

After the Joneses were granted their own license in 1975, the checks from theameda County Probation Department (which placed the boys in the home) were made out to him and his wife. "But still the church requested that we turn over what remained of the funds," says Walt Jones. "Approximately \$900 to \$1,000 [per month] were turned over to the church." And he added, "I do remember that there were times when all of the checks were signed over to the church."

Laura Cornelious of Oakland

Laura Cornelious was one of the pioneers in the Peoples Temple's army. She was in the temple about five years before

leaving in 1975—just one of dozens of elderly black grandmothers who attend each meeting of the San Francisco Housing Authority Commission that met in Jones chairs.

The first thing that bothered her was the constant requests for money. "After I was in some time," she says, "it was made known to us that we were supposed to pay 25 percent of our earnings the usual sum, according to practically all the former members that we interviewed." It was called "the commitment." For those who could not meet the commitment, she says, there were alternatives, like baking cakes to sell at Sunday services—or donating their jewelry. "He said that we didn't need the watches—my best watch," she recalls shyly. "He said we didn't need homes—sell the homes, furs, all of the best things you own."

Some blacks gave out of fear—fear that they could end up in concentration camps. The money was needed, she was told, "to build up this other place Guyana—the 'promised land,' so we would have someplace to go whenever [the fascists in this country] were going to destroy us like they did the Jews." Jones said that they would put black people in concentration camps, and that they would do us like the Jews in the gas ovens.

Laura Cornelious was also bothered by the frisking of temple members (but not the dignitaries) before each service. "You even were asked to raise up on your toes [to check] your shoes."

The final straw, she says, came the night Jones brought a snake into the services. "Viola . . . she was up in age, in her eighties, and she was so afraid of snakes and he held the snake close to her [chest] and she just sat there and screamed. And he still held it there."

Grace Stoen of San Francisco

Grace Stoen was a leader among the temple hierarchy, though she was never a true believer. Her husband Tim was the temple's top attorney, and one of its first prominent converts. Later, while still a church insider, he became an assistant D.A. of Mendocino County, and then an assistant D.A. under San Francisco D.A. Joe Freitas. Tim resigned to go to Jones's Guyana retreat in April of this year.

Grace agreed to join the temple when she married Tim in 1970, and gradually she acquired enormous authority. She was head counselor, and at the Wednesday night family meetings, she would pass to Jones the names of the members to be disciplined.

She was also the record keeper for seven temple businesses. She paid out from \$30,000 to \$50,000 per month for the auto and bus garage bills and also doled out the slim temple wages. And she was one of several church notaries. She kept a notary book, a kind of log of documents that she officially witnessed—pages of entries including power-of-attorney statements, deeds of trust, guardianship papers, and so on, signed by temple members and officials.

She recalled why Jones decided to aim for Los Angeles and San Francisco. "Jim would say, 'If we stay here in the valley, we're wasted. We could make it to the big time in San Francisco.'"

And expanding to Los Angeles, Jones told his aides, "was worth \$15,000 to \$25,000 a weekend."

During the expansion in 1972, members would pile into the buses at 5 P.M. on a Friday night in Redwood Valley, stop at the San Francisco temple for a meeting that might last until midnight and then drive through the night to arrive in Los Angeles Saturday in time for six-hour services. On Sunday, church would start at 11 A.M. and end at 5 P.M. Then, the Redwood Valley members would pile back on the buses for the long trip home; they would arrive by daybreak Monday.

Some of the inner circle, like Grace Stoen, rode on Jim's own bus, number seven. "The last two seats and the whole back seat were taken out and a door put across it," she said. "Inside there was a refrigerator, a sink, a bed and a plate of steel in the back so nobody could ever shoot Jim. The money was kept back there in a compartment." According to attendance slips she collected, the other 43-seat buses sometimes held 70 to 80 riders.

Jones's goal in San Francisco, Grace said, was to become a political force. His first move was to ingratiate himself with fellow liberal and leftist figures—D.A. Freitas, Sheriff Hongisto, Police Chief Charles Gain, Dennis Banks, Angela Davis.

Sometimes Jones nearly tripped up. Once, said Grace, when Freitas and his wife dropped in unexpectedly, temple aides quickly pulled them into a side room and sent word to Jones in the upstairs meeting hall. Just in time. The pastor was wrapped up in one of his "silly little things," said Grace. "He was having everybody shout 'Shit! Shit! Shit!' to teach them not to be so hypocritical." When Freitas was shown in, everyone just laughed at the puzzled district attorney. (D.A. Freitas confirms making an unexpected visit to the temple, but does not recall anyone using the word *shit*.)

Jones became impatient at the pace of his success. Eventually Mayor Moscone placed Jones on the Housing Authority Commission, and then intervened to assure him the chairmanship.

Strangely, as Jones's successes mounted, so did the pressures inside his temple. "We were going to more and more meetings," said Stoen. "[And] if anyone was getting too much sleep—say, six hours a night—they were in trouble. On one occasion, she said, a man was vomited and urinated on.

In July of 1976, after a three-week temple bus trip, her morale was ebbing lower, her friends were muttering about her, and there were rumors that Jones was unhappy with a number of members. "I packed my things and left [without telling Tim]. I couldn't trust him. He'd tell Jim."

She drove to Lake Tahoe and spent the July Fourth weekend lying on a warm beach. She dug her toes in the sand, stretched her arms and tried to relax. "But every time I turned over, I looked around to see if any of the church members had tracked me down."

It is literally impossible to guess how much money and property people gave Jim Jones in the twelve years since he moved his Peoples Temple to California. Some, like Laura Cornelious, gave small things like watches or rings. Others, like Walt Jones, sold their homes and gave the proceeds to the temple.

According to nearly all the former temple members that we have spoken with, extensive, continuous pressure was put on members to deed their homes to the temple. Many complied. A brief reading of the records on file at the

Mendocino County recorder shows that some 30 pieces of were transferred from individual temple during the years 1968. Nearly all these parcels were records.

Interestingly, several of the were signed or recorded improper deed to a piece of property signed by Grace and Timothy Stoen was notarized on June 20, 1976. Grace Stoen told New Year that on that date, when she was supposed to be in Mendocino signing the deed before a temple notary, she and several hundred temple members were in New York City. Grace Stoen said she signed the deed under pressure from her husband, Tim, months before it was notarized. And similar irregularities appear on a deed the Mentles turned over to the temple. A thorough investigation of the circumstances surrounding the transfers of the properties is clearly required.

In the last few issues of *Peoples Forum*, the Shiple newspaper, there are several references to the claim that 130 disturbed or incorrigible youths were being sent to the temple's Guyana mission. A church spokesman confirmed that these youngsters were released to the temple by "federal courts, state courts, probation departments" and other agencies. An article in the July issue of the temple newspaper on the Guyana mission's youth program reports that, "In certain cases when a young person is testing the environment... physical discipline has produced the necessary change." The article goes on to describe a "wrestling match" that sounds all too similar to the "boxing matches" some former temple members described. If there is even the slightest chance of mistreatment of the 130 youths the temple claims to have under its guidance in Guyana, a complete investigation by both state and federal authorities would be required.

An investigation of the "care homes" run by the temple of temple members in Redwood Valley may also be in order. Both Wall Jones and Micki Touchette have stated that anywhere from \$800 to \$1,000 of the monthly funds provided by the state for the care of the six boys in the Touchette home were actually funneled to the temple. If those figures are accurate, as much as \$38,000 to \$48,000 may have been channeled into the church's coffers during the four years the Touchette home was open. It is known that at least two other "care homes" for boys were run by the church or its members. In addition, at least six residential homes licensed by Mendocino County were owned or operated by the temple. They housed from six to fourteen senior citizens each, and the county provided upwards of \$325 per month per individual. An investigation

should be launched immediately to determine if any of the money paid for the care of the elderly actually went to the temple.

Files at the Mendocino County recorder's office show that the temple has sold off a number of its properties. The Redwood Valley temple itself is currently for sale for an estimated \$225,000. The Los Angeles temple is also for sale. The three Mendocino "care homes" that are still operating are up for sale. Several former temple members believe Jones and a few hundred of his closest followers may be planning to leave for Guyana no later than September of this year. The ex-members we interviewed had the ability to walk away from the temple once they found the courage to do it. Whether the church will permit those who move to Guyana the option of ever leaving is questionable.

Jones has been in Guyana for the last three weeks and was unavailable to us in this magazine article, went to press. In a phone interview, two spokesmen for the temple, Mike Prokes and Gene Chalkin, denied all of the allegations made by the former temple members we interviewed. Specifically, they denied any harassment, coercion or physical abuse of temple members. They denied that the church attempted to force members to donate their property or homes. They also denied that Jones faked healings. They confirmed that the temple's churches and property in Redwood Valley and Los Angeles are for sale, but went on to deny that Jones's closest followers are planning to relocate in Guyana any time soon.

Finally, something must be said about the numerous public officials and political figures who openly courted and befriended Jim Jones. While it appears that none of the public officials from Governor Brown on down knew about the inner world of Peoples Temple, they have left the impression that they used Jones to deliver votes at election time and never asked any questions. They never asked about the bodyguards. Never asked about the church's locked doors. Never asked why Jones's followers were so obsessively protective of him. And apparently, some never asked because they didn't want to know.

The story of Jim Jones and his Peoples Temple is not over. In fact, it has only begun to be told. If there is any justice to be gained from the tale of exploitation and human foible told by the former temple members in these pages, it is that even such a power as Jim Jones cannot always contain his followers. Those who left had nowhere to go and every reason to fear pursuit. Yet they persevered. If Jones is ever to be stripped of his power, it will not be because of vendetta or persecution, but rather because of the courage of these people who stepped forward and spoke out.

**"UKIAH WEEKLY TARGET OF \$5 MILLION LAWSUIT," GEORGE HUNTER
UKIAH DAILY JOURNAL, AUGUST 23, 1977**

Stoen reacts to Grapevine article

By GEORGE HUNTER

Timothy Oliver "Tim" Stoen, former assistant district attorney for Mendocino County whose beliefs are closely linked to those of the Rev. Jim Jones, pastor of the Peoples Temple Church, is preparing to file a \$5 million lawsuit against the Mendocino Grapevine, a Ukiah weekly.

Stoen, who flew here last weekend from New York City to confer with Ukiah attorney Pat Finnegan, told the Daily Journal that he would also seek damages of some \$13 million from New West, a San Francisco bi-weekly magazine which has carried two "expose" articles relating to Peoples Temple and its pastor.

Stoen said that an article appearing in a recent issue of the Ukiah weekly had damaged his reputation. "I intend to practice law here in Ukiah and it is essential that I clear my name," Stoen said.

"I must show the world that a newspaper cannot wrongfully hurt innocent people without being brought to account."

Noting that he was prepared to do battle on all levels, Stoen said: "I'm a street fighter. People will come to appreciate that fact that I'm a street fighter."

"I feel like Alfred Dreyfus," Stoen said, referring to the French Army officer of the 19th century who was convicted by an Army court and imprisoned on Devil's Island for defending his religious beliefs.

"I'm experienced enough with our jury system to believe in it. I'll put my trust in the system," Stoen said.

Stoen reacted strongly to inferences that he was "afraid" of Rev. Jones. "I want to dispel that allegation," he said. The former assistant district attorney also was sharply critical to charges that he had used his public

office to spy for Jones. "I've always made known my esteem for Jim Jones," he said. "I have nothing to hide and no one can show a single instance where I ever used my public office to show favoritism toward the church."

Stoen charged that the reporting of New West magazine was irresponsible in that the magazine article quoted the Mendocino Grapevine verbatim. Stoen said he would prove the statements to be untrue and malicious in motivation and that the Grapevine violated the newspaper canon of ethics, giving Stoen no chance to reply to the accusations.

The demands for retraction and damages will be contained in a complaint filed here. The suit against New West magazine will be filed in San Francisco.

Stoen was "loaned" to San Francisco city and county in 1975 to prosecute voter fraud after a large-scale scandal surfaced. Out of 39 indictments returned by the Grand jury, 37 convictions were obtained. Stoen was then asked by San Francisco District Attorney Joseph Freitas to accept the post of special prosecutor with a large staff of attorneys to fight organized crime and public corruption. Stoen accepted the post then resigned when he felt that he was needed in Guyana, a small South American country, to help Jones in establishing a communal-type center, Jonestown, for minorities and the underprivileged.

Stoen has established residence in Manhattan in order that he may be admitted to the New York State bar.

"Jones has helped me develop an empathy toward the persecuted," Stoen said. "I intend to develop a national law firm to help people who are prosecuted, on some pretext, for their religious beliefs. Stoen said he was worried about "creeping totalitarianism" that left no room for dissent.

Stoen hopes to attract idealistic young attorneys to his organization.

"CHARLES GARRY VISITS JONESTOWN: 'I HAVE BEEN TO PARADISE,' THE SUN REPORTER, NOVEMBER 10, 1977

On Nov. 6 Peoples Temple welcomed Charles Garry, who represents Peoples Temple as its attorney. Garry has recently returned from a visit to the temple's agricultural project in Guyana, Jonestown (so named by the Guyanese government). He had much information to share.

"Last Monday night I was on a talk show," he began, "and I had the opportunity to tell that I had seen and I had been in paradise. I saw it. It's there for anybody to see, and I'm hopeful that in the next few days or weeks we'll be able to have a documentary, which everyone will be able to see."

"I saw a community where there is no such thing as racism. No one feels the color of his skin, whether he's black, brown, yellow, red, or white. I also noticed that no one thinks in terms of sex. No one feels superior to anyone else. I don't know of any community in the world today that has been able to solve the problem of male sex supremacy completely. That does not exist in Jonestown."

"I also saw something else. There is no such thing as ageism. The community is comprised of the little children, the teen-agers, the young adults, the old aunts, the senior citizens, all together."

"I have never seen so many happy faces in my life as I did in Jonestown the three days I was there. I want that captured (on film) so that skeptical America will know what it is when you live without fear of the rent being due, and all the other problems we're surrounded by."

"There are some 600 persons or more there now. They've got cottages set up that you just could not believe. I saw sanitation there that I had never seen in any part of the world, except Switzerland. You can eat off the ground." He went on to speak of the con-

sistently high level of medical care, organized under a doctor who is "thorough, conscientious and dedicated." The medical team has "the latest in medical equipment and books," and "every person who goes to Jonestown is medically thoroughly examined, and charts are prepared." He recalls that he urged Dr. Schacht to start keeping daily, hourly diaries, to put the operation of the medical compound in writing, so that some of our medical schools, and the American Medical Association, can learn from what is being done at Jonestown.

A high point of his talk related to the care of senior citizens, which he said moved him deeply. "All of the senior citizens' cottages are built around the immediate vicinity of the medical compound. Every single morning a member of the medical team knocks on the cottage of the senior citizen and inquires, 'Did anybody have any problems during the night? Do you have any problems here this morning?' Can you imagine the security that the senior citizens feel with this kind of care? I'd like to have a representative from a body here that's trying to improve the lot of senior citizens who are left to be beggars and paupers to see what is going on in Jonestown."

He spoke of the many agricultural projects, including an improvised method of developing feed from protein food grown in Jonestown. The area of Jonestown devoted to raising animals also drew praise.

"Those pigpens, as we call them, looked like palaces. Many of the homes that I've seen in America could not measure up to the sanitation, the cleanliness, the spaciousness of the place we call a pigpen." The chickens raised and butchered at the project he called "fuscius," and the food generally is "delicate, nourishing, and it's type of food

that will make your blood pressure go down, your diabetes will disappear. It's substantial, nourishing food—the kind that will take away the fat you accumulate by the type of food we eat here."

The project as a whole is described as quite developed: a thriving sawmill, generators to meet electrical needs, wells, streets, refrigeration. The school is open-air, in a large covered area, with 15 to 20 youngsters in a class.

Teachers are drawn, in part, from "at least 50 people there who have advanced degrees." He spoke of the enthusiastic participation and discussion on the part of all the students, which is something he had not seen here, with the exception of the Oakland Community School.

Does Jonestown lack for entertainment and fun? Not at all, Garry says. "There's this beautiful auditorium, and for three-and-a-half hours I saw the most beautiful entertainment in the world. I've never seen such talent in my life. I saw children from toddlers through about the age of seven putting on a demonstration, with voice, and clapping, and marching, and children six and seven years old getting up and reciting poetry with meaning and gusto. It was just remarkable."

"Why are those people so happy?" he mused again. "They are learning a new social order. They are learning an answer to a better life. When I returned to the States, I told my partners in the office that I had seen paradise. From what I saw there, I would say that the society that is being built in Jonestown is a credit to humanity."

And then, as if to reinforce the amazing description, he added, "This is not propaganda. I'm not a propagandist. I'm a hard-hitting, factual-analysis lawyer. I saw this with my own eyes. I felt it."

"SCARED TOO LONG," TIM REITERMAN, SAN FRANCISCO EXAMINER,
NOVEMBER 13, 1977

People's Temple and a father's grief

"I just can't understand how my son, bright as he was, could be taken in by a thing like this. It must be like cancer; it grows slowly and takes a long time to come to a head."

By Tim Reiterman

After 40 years of photographing news and sports events for the Associated Press, Robert "Sammy" Houston was speaking out for the first time as a private citizen.

He was speaking out because he was outraged and wounded by the way People's Temple treated his son before he died beneath the wheels of a freight train.

He was speaking out because his dead son's two daughters were sent on a "vacation" to New York and wound up at the church's agricultural mission in Guyana — without their mother.

He was speaking out because he didn't have much speaking time left. Doctors cut out his cancer-choked voice box just a few days later.

"I'm tired of being scared," the 59-year-old photographer rasped, his voice crackling. "I've been scared too long. I might lose my voice and everything else — so I gotta say it now. And I can't say it in a soft tone."

Until now, the wiry little Texan said he has treaded softly around People's Temple for fear his granddaughters would be taken far away from him, for fear he would become estranged from their mother, who still is a church member.

The high-pitched, chattering voice that was so familiar around the dugouts and sidelines of Bay Area ballparks had never before asked the agonizing questions aloud: What prompted his only son, Robert Houston, Jr., to work two jobs and turn over \$2,000 a month to the church? How did his son, a probation officer moonlighting as a railroad worker, end up crushed on the tracks? Are his granddaughters in Guyana of their own free will — and can they get decent medical care, education and love?

Bob Houston's ex-wife, Phyllis, says she is happy her daughters are in Guyana and is convinced their life there is healthy and beneficial. "I last heard from them about a week ago and they said they really like it there," she said in a telephone interview from temple attorney Charles Garry's office in San Francisco. "There also is a condition that if they don't like it there, they can come back."

Phyllis said she had no recollection of Bob Houston being boxed, beaten or berated by anyone in the temple, as reported by several former members. "As far as I know, he was a highly regarded member," she said.

Garry said he recently visited the temple mission in Guyana and found it to be a paradise with good food, housing, education and medical care. He said he saw no evidence of any physical punishment and added that it was prohibited by the temple. "If I had any children, I wouldn't hesitate to send them there," Garry said.

Still, interviews with Bob Houston's family, his widow and friends paint a less than idyllic picture of his involvement with the controversial temple headed by the Rev. Jim Jones.

The terrible incongruity of Bob Houston's death materializes on the pages of the family photo album. Pictures of proud parents — Sam and Nadyne Houston — and a bright, studious son the other kids called the "little professor." School work with A's and B's scrawled by teachers over the years. A photo of an Eagle Scout playing taps at the dedication of a Pacifica cemetery where the father would be buried. A newspaper photo of a school band member shaking hands with John Kennedy.

A smiling young man in glasses standing before the Campanile at the University of California at Berkeley. A baton-flourishing stu-

dent director of the UC marching band. A young married man working his way through school and supporting two baby daughters.

That was Robert Hascue Houston Jr., born March 13, 1943, in Dallas, a descendant of the great Texas general. A gentle fellow who wouldn't fish with a barbed hook; an accomplished musician who was more interested in helping people than being famous.

In 1969, Bob Houston and his wife and first love, Phyllis, joined People's Temple, and became disciples of Jones, the church's charismatic leader. His parents were surprised that their well-educated son, who had belonged to the Methodist and Presbyterian churches at various times, would be attracted to a faith healer. But they were more than dismayed when two years passed without a visit from their son's family.

"The first time we talked, I ridiculed the faith cures and putting the cancers out," Sammy said.

"I wasn't critical of him or what he was doing with the church," he added. "In fact, I was proud of him. I believe we raised him to be a good boy. I admired what he did and was almost envious of what he did to help his fellow man."

* * *

By 1970 Bob and Phyllis were members of the People's Temple band in Redwood Valley in Mendocino County. Bob liked his work as a band leader, but at the same time he was troubled because he felt he was helping people, but he couldn't stomach a later job as a Xerox salesman.

When Joyce Shaw, an A student from Miami University in Oxford, Ohio, attended her first temple meeting in May 1970, Bob Houston was somewhat conspicuous. First, he was visible as a band member at the revival-like meet-

ings. Second, he was one of the few well educated intellectuals in the congregation.

By 1972 Houston's marriage was getting so rocky that it was the subject of at least one "catharsis," or criticism session. (Shaw says Jones told the couple they could each have relations with other members, but Phyllis Houston says Jones encouraged them to stay together for the sake of the children.) Nonetheless, Bob and Joyce spent more and more time together, working long hours on a church publication called "The Living Word." Then their relationship was discouraged.

"In the beginning of 1973 through December, I was working full time in the church publication office," Shaw said recently. "Bob was working for Xerox full time and putting in another 40 to 60 hours doing photography for the church. He also was continuing to play in the band. And he drove the temple bus on trips to San Francisco and Los Angeles. He got three or four hours sleep at the most and was running himself ragged like the rest of us."

In December 1973, Joyce Shaw and Bob Houston were summoned to a meeting of the planning commission, the temple's governing board, and were asked by Jones to marry so they could work as a missionary team.

"Bob and I went off and talked about it," Shaw recalled. "Jones didn't want people in love or with deep feelings to get married; he wanted people married to tie them to the church. But Bob and I decided we'd go ahead and do it."

"We were compatible intellectually and ideologically. I really cared about him."

The divorce of Phyllis and Bob Houston was finalized in September 1974. Then Joyce and Bob brought their marriage papers to Jones. "He

signed them," Joyce said. "And as we were walking away," he said, "What God hath joined together, let no man put asunder." Then he laughed. To him it was a joke. "I don't think we even had time to go to a movie."

Their honeymoon suite was an 800-a-month studio apartment in Fillmore and Baker streets. They used the sofa as their bed and used balloon balloons out of the hallway to defray half their rent, and they worked two jobs each, usually in the

About six weeks after their marriage, the newlyweds were called in the middle of the night by a high-ranking church member and asked to provide a home to a boy who had been in trouble with Utah authorities.

One extra person was no problem, but Shaw says Houston's children were assigned to live with him. "We had no more room," Shaw said. "We rented a big three-story frame house with a garden in back on San Bruno Avenue."

The commune started out with seven children, but soon the total reached 24, most of whom were children living two or three to a room. For a while, it was remarkably harmonious. The Houston made sure the children received good medical and dental care and fed and clothed them.

"Most of them came to us in rags, so I spent hours mending and we went shopping at used clothes stores," Shaw said. "If any of the kids got in trouble at school, Bob went over to talk to the teachers and we did individual tutoring at the house. Four or five of the children were taking music lessons at school. We bought musical instruments for two of them, and Bob would coach them at home."

The couple took the children on birthday outings to drive-in movies, the beach, Chinatown and

ice skating, and they had all they could eat — though the food bill averaged 60 cents a day per person.

Despite his ardor as a worker, Bob Houston was a black sheep in Jones' flock, someone whose intellectualism was mocked, someone reportedly ridiculed by Jones for falling asleep at all-night meetings and branded a "narcoleptic" despite a brutal schedule.

On at least a couple of occasions, his widow recalled, Houston was disciplined in front of his children and the congregation for untimely dozing or showing "male chauvinistic tendencies." His punishment was being boxed by a larger man until Jones saw fit to stop the beating. "In one he got a shiner and was embarrassed," Shaw said. "They beat him to a pulp. He understood the unwritten rule that you weren't supposed to fight back. Jim was sitting up there laughing. It was apparent that Jim was threatened by Bob's intellectualism and education. Jim took special delight in seeing him beaten."

Temple members were urged to turn in each other for various offenses, so Joyce Shaw wrote a letter to church members when she and Bob Houston were in San Francisco now to structure the commune operation. The temple decided that Bob was a destructive influence and, contrary to his wife's intentions, was made to work full time on rebuilding the temple's burned-out San Francisco church. He worked 18 hours a day, living in the church for the sake of convenience.

Bob Houston returned to the church and, as a disciplined and penitent member, he sat in the front row at services, standing and waving his hands to show he had the "spirit."

"He looked on himself as a responsible adult," former church member Gary Lambrev said. "But he was laughed at everywhere,

even at home. He was the traditional beating boy. Everyone tore into him. He was terrorized."

According to former members, Jones had declared open season on Houston, branding him "bourgeois" for expressing intellectual thoughts in front of poorly educated members of the congregation. "Jim Jones was down on him for not talking earthy," recalled Jeanne Mills, an ex-member who ran church publications. "Bob talked on a higher plane, using big words and intellectual concepts. Even the kids were urged to use foul language, but I don't remember Bob ever swearing."

Friends said the scrappy and sometimes argumentative Houston was at the same time a good soldier and faithful to his own intellectual curiosity. In fact, his ability to ask probing questions of Jones and to argue with fellow members got him into trouble more than once.

"Bob believed Jim Jones wanted people to think creatively but this was the last thing Jim Jones wanted," Lambrev said. "Bob was interested in learning and would get up and ask questions — about things like the movement in Portugal and Communist countries, in Western Europe."

Bob Houston — a man dedicated to remedying inequalities — realized he could make more money than less-educated temple members. So he felt it was his duty to work two jobs — days as a counselor at Youth Guidance Center and nights as a switchman in the Southern Pacific railyards.

"At one point in 1976, he alone was turning over \$2,000 a month to the church," according to his widow, Joyce Shaw. "The shame of it was that his counsel to join, given by the board. He never would have taken any of those jobs in terms of fulfilling himself."

"He really thought the temple was a worthwhile organization. He was very entrenched in socialist ideology, and he believed that doing his work would help his daughters and other children find themselves in a better world."

While the private Bob Houston would confide love for his parents, the public Bob Houston infrequently saw them in their neatly conventional San Bruno suburban home. While the private Bob Houston's devotion and love for his daughters was total, the public Bob Houston showed them no favoritism. While the private Bob Houston had a good relationship with his wife, the public Bob Houston had scraps with her.

In January 1976, Jones initiated a rule that commune members had to eat at the temple headquarters on Geary Street to save money.

Rather than shuttling two dozen commune members from Potrero Hill to dinner each day, the temple rented a flat on Sutter Street nearer the church.

Still, long dinner lines, an empty refrigerator and eat-and-run meals eroded the commune's unity. In a planning commission meeting — Houston's first as a member of that elite group — he stood up and backed his wife when she complained about bad nutrition in the temple's high carbohydrate diet. "Bob was intractable," Joyce said. "If he made up his mind, he could not be swayed."

On July 16, 1976, Joyce bought a bus ticket and left in the middle of the night, convinced that the household was breaking up and the temple was a destructive force. "If you leave, it will hurt a lot of people," Bob told her in a phone conversation the next day.

On Oct. 2, 1976, Joyce Shaw called her husband to wish him a

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happy second anniversary and to tell him she wasn't returning to the church.

"There was no disharmony between us, but you're either in the church or out," she said. "It wasn't possible for him to go to church and me to stay away like in other churches. I knew that as a principled person he would realize what was going on and would get out."

* * *

In the small hours of Oct. 5, 1976, there was a knock at Sammy and Nadyne Houston's door. It was one of Sam's golf partners, Ben Rhoten, a railroad worker.

"Sam, I got something to tell you," he began.

Robert Houston Jr., 33, was found mangled along the tracks at Sixth and 16th streets. His light was left on the brake wheel of a flatcar, his glove on the coupler.

After her husband was buried, Joyce Shaw made one of the most difficult decisions of her life. She wrote her in-laws letters telling them what People's Temple was all about — about the control exercised over members, about the false admissions and blank pieces of paper members were required to sign — and about the pressure to avoid all non-members, including relatives.

Then the elder Houstons could better understand why they seldom

were visited, why they were discouraged from taking their granddaughters on shopping outings, why they were required to give presents to all the commune children if they wanted to treat their granddaughters, why their former daughter-in-law and grandchildren did not sit with them at the funeral.

"When I heard about Bobby Jr. getting boxed, I was sick," Nadyne said. "I could not believe it; that one person who was so kind as I was."

After their son's death, the Houstons saw much more of their granddaughters — Patty, 14, and Judy, 13 — but the girls and their mother often were accompanied by a temple chaperone.

And then, in August, the Houstons were told their granddaughters were going on a temple vacation to New York. Less than a month later, the girls were sending letters from the temple's agricultural mission in Guyana.

While his wife is concerned about the physical hazards of jungle life and their granddaughters' emotional and educational well-being, Sammy said, "They are there without their mother. I'm worried there are people there who don't want to be there and shouldn't be there for physical or other reasons. I have hopes my granddaughters will get out of there, and I believe they want to get out."

Temple investigations bogged down

While the Rev. Jim Jones remains in Guyana with no immediate plans to return, several investigations into People's Temple activities continue without tangible results.

"Jim Jones wants to return very badly," said temple attorney Charles Garry. "He's happy there, but he's the kind of person who wants to be involved. He can't come back here for reasons I can't disclose at this time."

Garry indicated the reasons did not involve the ongoing investigations of several government agencies into accusations that the temple beat its members, bilked some out of property and misused public funds in the operation of care homes. The temple has denied all the allegations.

Jones, a faith healer with political clout and a following said to number in the thousands, resigned as head of the San Francisco Housing Authority last summer. He submitted his resignation letter from the temple's agriculture mission in Guyana, where he had been since New West magazine printed sweeping accusations by former members.

Garry said he visited the mission recently and found about 850 persons living there. He described it as a nearly self-sufficient, "paradise."

The San Francisco district at-

torney's office has spent about three months investigating the allegations of dozens of ex-members.

But investigators say they have insufficient evidence to prosecute and have been hampered somewhat by the exodus of many temple members to Guyana.

A report on the investigation is being prepared, but it is not known whether the district attorney will make it public. Some information on the temple has been relayed to other jurisdictions looking into temple activities, investigators say.

The Mendocino County sheriff's office has been investigating allegations by former temple member Marvin Swinney, who said he never signed a legal document that transferred his property to the temple. Sheriff Tom Jondahl said his office and state technical experts detected no evidence of forgery, but he said the investigation is not closed.

Tim Retterman

"JONES TEMPLE ASKED TO RETURN CHILD," TIM REITERMAN, SAN FRANCISCO EXAMINER, NOVEMBER 19, 1977

Parents awarded custody

By Tim Reiterman

Former deputy district attorney Timothy Stoen and his separated wife have been awarded custody of their 5-year-old son and are calling upon the Rev. Jim Jones to return the child from the Peoples Temple agricultural mission in Guyana.

Stoen, a former high ranking temple member said yesterday that he decided to join forces with his wife in the complex custody battle because he received information that their son, John Victor Stoen, was being turned against his mother.

Though they have been separated, the couple appeared before Superior Court Judge Frank G. Finnegan in San Francisco and agreed that Stoen's wife Grace would have physical custody of the boy, that Stoen would share legal custody and that Stoen would have visitation rights.

The judge also ruled that Jones, who joined as a party of interest in the custody fight, had failed to appear as ordered although he had been properly served.

"This means that Jones is required to give up the child immediately," said Grace Stoen's attorney, Jeff Haas.

The question remains whether Guyanese courts will recognize the United States court order.

to respond to the court action and the Stoens' request for return of the child. He said Jones previously has taken the position that he intends to keep the child.

Temple member Joyce Touchette has filed papers with the Guyanese courts alleging that Mrs. Stoen was an unfit mother and had given her power of attorney and permission to take the child to Guyana.

But Grace, 27, and Tim, 40, have revoked any alleged powers of attorney given to Touchette or Jones. And Stoen testified that his wife was an "excellent mother."

In a letter dated Nov. 17, Stoen told Jones: "I have received reliable information to the effect that Grace is being seriously discredited in John's eyes. Not only is this deeply offensive to me, but it could easily cause irreparable emotional harm to John.

"I ask you to immediately reverse the hate campaign and to advise John repeatedly what you and I both know to be true—that Grace loves him deeply and has never abandoned him."

Haas said he will consider contempt proceedings against Jones if the child is not returned by a Nov. 25 deadline in the letter. "That child now is supposed to be with Grace, and anyone who withholds the child is in defiance of a court order."

be back with Grace by Jan. 1. I will personally go down and get him if Jim refuses to cooperate."

He said, "This puts me on a collision course with a man I was so fiercely loyal to. But I'm doing it because it's right."

Stoon is a former Mendocino County deputy district attorney who came to the San Francisco District Attorney's office in 1976 to prosecute voter fraud cases.

He left the San Francisco post earlier this year to devote his efforts to the church mission in South America.

"I left the church because I didn't like the authoritarianism for myself," he said. "I quit in March... Then Jim begged me to come back because he felt I was needed at the mission. I finally left again June 8. I felt that John was being well cared for there at the time."

In 1969, Grace and Tim joined the temple and were married by Jones in Redwood Valley, near Ukiah. They became members of the church hierarchy.

Grace said in an earlier interview that beatings of church members prompted her to leave in 1975. The last time she saw her son was in September 1976 in Los Angeles when her husband and Jones refused to give up the child.

Her attorney flew to Guyana with a court order giving her temporary custody last September.

"PEOPLE'S TEMPLE IN GUYANA IS 'PRISON,' RELATIVES SAY," BOB KLOSE, SANTA ROSA PRESS DEMOCRAT, APRIL 12, 1978

By **BOB KLOSE**
Staff Writer

SAN FRANCISCO -- "Concerned Relatives," a group of Northern Californians with relatives living on the South American agricultural mission of the controversial Peoples Temple Church, Tuesday charged their loved ones are being held captive, possibly under threat of death, by Rev. James Jones.

A long list of accusations, signed by 25 relatives of 37 residents of "Jonestown" in Guyana, was delivered to the Peoples Temple headquarters here.

The group, whose charges were documented by sworn affidavits from at least one former member of the agricultural mission and the Ukiah father of a current mission resident, demanded Jones allow their relatives a one-week visit home at the group's expense.

The group Tuesday said the visit would allow church members to decide freely whether to return to Guyana. If they choose to go back to Guyana, the relatives said they will not interfere.

Peoples Temple spokesman Sandra Ingram today said the accusations are "malicious lies."

"We are looking into suing," she told The Press Democrat. "Those people have talked to their relatives. This is simple harassment."

Ingram cited a purported report by the U.S. Embassy in Guyana which she claimed said: "People are very happy and want to remain in Guyana."

Ingram criticized the group for its tactics and urged no mention of them in the press.

"We do not speak for individuals. Maybe those in the petition do. We do not believe in this kind of dictatorship. We're very concerned that nothing be printed in the press until the whole side of the story is given," she said.

The group Tuesday was led by Steven Katsaris, Ukiah, and Howard Oliver, San Francisco. Katsaris has a daughter in Guyana and Oliver two sons.

Katsaris, director of the Trinity School for children in Mendocino

County, said the group would "employ every legal and diplomatic avenue open to us" to force Rev. Jones to comply with the demands.

Katsaris and about 50 persons, most from the Bay Area and many former members of the church, delivered the demands to an associate pastor who was working a parking lot and storage yard at the rear of the building one Geary Boulevard in San Francisco. Repeated attempts to communicate with church officials at the front entrance failed, although officials watched from Temple windows as Katsaris passed the documents through a chain link fence to church workers.

The introduction to the document said:

"We, the undersigned, are grief-stricken parents and relatives of the . . . persons you arranged to be transported to Guyana . . . We are advised there are no telephones or exit roads from Jonestown, and that you now have more than 1,000 U.S. citizens living with you there.

"We have allowed nine months to pass since you left the United States in June 1977. Although certain of us knew it would do no good to wait before making a group protest, others of us were willing to wait to see whether you would in fact respect the fundamental freedoms and dignity of our children and family members in Jonestown.

"Sadly, your conduct over the past year has shown such a flagrant and cruel disregard for human rights that we have no choice as responsible people but to make this public accusation and to demand the immediate elimination of these outrageous abuses."

The charges said alleged conduct by Jones violates the Universal Declaration of Human Rights, adopted by the United Nations in 1948, and the constitutions of the U.S. and Republic of Guyana.

Jones is accused of using physical intimidation and psychological coercion as part of a mind-programming campaign against mission residents; prohibiting members from leaving Guyana; depriving them their rights to privacy, free speech and freedom of association; and

making a threat designed to cause relatives to fear for the lives of mission residents.

The charges allege Jones prohibits telephone calls and contact with "outsiders," censors all mail, prevents residents from seeing relatives who travel to Guyana and extorts the silence of relatives in the U.S. by threats to stop all communications.

The specter of death is raised by the group using Jones' own words. The group said a letter Jones sent last month sent to members of the Senate and House ended with a "chilling threat."

"It is equally evident that people cannot forever be continually harassed and beleaguered by such tactics without seeking alternatives that have been prevented. I can say, without hesitation that we are devoted to a decision that it is better even to die than to be constantly harassed from one continent to the next," Jones' letter is quoted as saying.

"We frankly do not know if you have become so corrupted by power that you would actually allow a collective "decision" to die, or whether your letter is simply a bluff designed to deter investigations into your practices," the group's charges said Tuesday.

The group demanded Jones clarify the "decision" to choose death over harassment.

Adding credence to their concerns was a sworn statement by Yolanda D. A. Crawford, San Francisco, who spent three months in Guyana last year.

"Jim Jones prior to June said that people would be coming to live in Guyana for a temporary period of time. In June Jim Jones stated that the people he brings over from the United States will be staying in Guyana 'permanently,'" Crawford's statement said.

"Jim Jones said that nobody will be permitted to leave Jonestown and that he was going to keep guards stationed around Jonestown to keep anybody from leaving. He said that he had guns and that if anyone tries to leave they will be killed and their bodies will be left in the jungle and we can say that

we don't know what happened to you," she said.

Crawford also quotes Jones as saying: "I can get a hit man for \$30" and that he had "Mafia connections."

In a sworn statement, Katsaris said he learned his daughter Maria has entered the "innermost governing body" of the church but that steps had been taken to assure her loyalty.

"I ascertained from people who had firsthand knowledge that Maria had been required to sign an undated suicide note that could be used to explain her disappearance should she ever attempt to leave the church," Katsaris said.

Katsaris traveled to Guyana twice last year to see his daughter. He saw her once in the company of two U.S. Embassy officials and four church members.

"It wasn't my daughter I saw but a completely different person," Katsaris told The Press Democrat. In his statement, he declined to return his embrace, was suspicious, hostile and paranoid and accused him of being part of a conspiracy against the church.

Tuesday he said he hasn't heard from her since.

Crawford said Jones has stated he could silence his critics by accusing them of being homosexuals, child abusers, terrorists or sexual deviates.

Katsaris's statement said Maria "had been required to sign statements that the children's residential treatment center that I direct was involved in a gigantic welfare fraud, that it was staffed by child molesters and homosexuals, that I myself was a child molester, and had sexually abused one of the girls in the program . . ."

Katsaris also said church officials told U.S. Embassy officials that Katsaris had sexually molested his daughter.

In San Francisco today, church spokesman Ingram said Katsaris' daughter "will continue to state this because it is the truth."

Also cited was the case of Timothy Stoen, former deputy district attorney for Mendocino and San Francisco counties, and his estranged

wife, Grace, who were deeply involved in the church when it operated its facility in Redwood Valley.

Stoen, present at the confrontation Tuesday but remaining in the background, and his wife, are currently fighting Jones for custody of the Stoen's six-year-old son.

Grace Stoen left the church in 1975. Her husband followed after learning of the alleged physical abuses suffered by church members at the hands of Jones and church leaders.

The Stoen's boy remains in Guyana and Jones claims he is the boy's natural father by Mrs. Stoen. The Stoens brought habeas corpus proceedings in Guyana last year and still are await a decision.

Ingram said today Jones has not returned to the U.S. because of the custody case on the advice of his attorneys.

Stoen said Tuesday's action represents the first organized attempt to determine the status of church members, many of whom reportedly left the U.S. saying they would be back in a few weeks but haven't been seen since.

Previously, Stoen said, relatives were too "terrified" to act.

Signers of the petition include persons with parents, grandparents, sisters and brothers, cousins, even entire families living in Guyana.

The "fear of reprisal" is illustrated in a letter a 15-year-old church member wrote to her grandmother which noted her grandmother's taking her concerns to the media.

The letter concludes:

"I am sorry to hear that you called the radio station but since you did I will not be writing you any more."

"GRIM REPORT FROM JUNGLE," MARSHALL KILDUFF, SAN FRANCISCO
CHRONICLE, JUNE 15, 1978

Ex-Peoples Temple Member

By Marshall Kilduff

The Peoples Temple jungle outpost in South America was portrayed yesterday as a remote realm where the church leader, the Rev. Jim Jones, orders public beatings, maintains a squad of 50 armed guards and has involved his 1100 followers in a threat of mass suicide.

This description was provided by Deborah Layton, 25, who was a top aide of Jones until she asked American consular officials in month to safeguard her departure from Guyana, where the temple has its agricultural mission.

Peoples Temple officers in San Francisco last night relayed — via shortwave radio from Guyana — a refutation of the charges from two of the South American mission's residents, identified as Lisa and Larry Layton, the mother and brother of Deborah Layton.

"These lies are too ridiculous to refute," Lisa Layton said. "We are treated beautifully here."

Larry Layton said, "We are treated beautifully."

San Francisco temple officer Tim Clancy added, "We absolutely refute all the charges. This just makes us believe more than ever that there is a conspiracy against the church."

Jones became the center of a storm of controversy last summer when he slipped out of San Francisco with his followers for Guyana. public charges were made by former followers that Jones had performed false medical cures to win converts, that he oversaw beatings of church members in closed meetings and that he amassed more than \$5 million in donations.

According to Layton, Jones has become a "paranoid" obsessed with "traitors" in his own ranks who question him or do not work hard enough in the farm fields and with an outside world that has publicized his critics.

The fever-pitch emotions of temple members that allowed Jones to dispatch them to civil rights causes and liberal political rallies in California has now turned to a military-style vigilance against an imminent attack by unspecified "mercenaries," Layton said.

The temple fields are patrolled by two rings of khaki-uniformed armed guards, men and women members of "security alert teams" who have access to 200 to 300 rifles, 25 pistols and a homemade bazooka, Layton said.

Discipline, she said, is handled at public gatherings of the entire church community. On one occa-

sion an elderly woman was humiliated by being forced to strip, younger members are "knuckled" by having fists ground into their foreheads, and others are ordered to an underground "box" where they must sit for day at a time, Layton said.

Jones has ringed the work fields with loudspeakers and talks for stretches of up to six hours, she added. Farmhands are expected to work from 5:30 a.m. to 6 p.m. with an hour for lunch and another hour for dinner before more sermons lasting until midnight, Layton said.

The diet consists mostly of rice, purchased in the Guyana capital of Georgetown because the farm is not expected to be self-sufficient for another three years she said.

She said that on the occasion of visits from outsiders whom Jones wished to impress, church members are treated to meat and vegetables. Other trusted followers she claimed were drilled to give optimistic opinions about life at the mission, called Jonestown.

Jones, who often went to elaborate lengths to protect his public image in San Francisco, has remained at the mission, refusing

even to venture into Georgetown, she reported.

Among his concerns has been a pending child custody case in the Guyana capital.

She said the 1100 followers were told to drink a bitter brown liquid potion, after which they supposedly would fall asleep and then be shot by Jones' guards. The rehearsal went as far as having the community drink a phony potion before Jones called it off, Layton added.

Layton said she was able to leave Guyana by wangling a trip to Georgetown. After several days she secretly arranged with American consular officials to obtain an emergency passport and flew to New York on May 13. She is now living in San Francisco.

"Everyone there wants to leave, I'm sure of it," she said. "But you never get a chance to be alone. Everyone is told to spy on other people."

Layton, who was in charge of church finances here before joining the Guyana colony last December, said Jones controls bank accounts in Europe, California and Guyana containing "at least \$10 million."

"PEOPLE'S TEMPLE COLONY 'HARASSED,'" SAN FRANCISCO EXAMINER, OCTOBER 4, 1978

People's Temple, its leader the Rev. Jim Jones and its Jonestown colony in Guyana are under a heavily financed attack by the U.S. intelligence establishment, Mark Lane charged here.

Lane, a Washington lawyer, educator and author whose works include "Rush To Judgment," a book on the John Kennedy assassination, is a director of Citizens Commission Inquiry and was invited by its local chapter to look into temple affairs.

He appeared at a news conference at the temple here yesterday after a trip to Guyana.

Attacks on the colony, both in Guyana and in Congress, have been financed with large sums of money "laundered through banks in neutral countries," and there is evidence of "a concerted effort by the U.S. intelligence establishment to destroy Jonestown," Lane said.

Included in the effort was a trans-jungle trek by a party of 20 men armed with rocket launchers and small arms, Lane said. He declined to name the leader of the group, whom he characterized as an employee of Interpol, the international police coordinating agency.

He said the leader gave him a full statement because "he said he felt misused." The group had been sent to fire on the colony's generator building, darkening the compound, after cutting their way through the supposed barbed wire and minefields around the compound. After darkening the area, Lane said, they had planned to "free the children" from the supposed evil influences of the colony.

When they discovered there were no minefields nor barbed wire, Lane said, they contented themselves with sniping at the compound for six days. Lane related that the patrol leader told him he was amazed to be invited to visit the colony and stayed there several days.

"He told me he was satisfied that the 'concentration camp' charges against Jonestown were false and that he thought he had been misused," Lane said.

Lane declined to name the agent, but hinted that he might be named after the filing of a multi-million-dollar suit against the government, which Lane said could be expected "within 90 days."

The suit will charge, he said, that a host of federal agencies are doing all they can — much of it illegally — to scuttle the Jonestown colony.

To be named as defendants, he said, are the FBI, CIA, Department of State, Internal Revenue Service, Treasury Department, Postal Service and virtually everybody but the Coast and Geodetic Survey.

The motive for the alleged government conspiracy, he said, is that the colony of 1,200 American expatriates is an embarrassment to the government because of its success.

As to charges that people once in the colony are not free to leave, he said that the U.S. Embassy staff has on several occasions sent a car to the colony and offered anyone who wanted one a free ride to the airport and a free flight home.

On the other hand, at another point in his dissertation, he said there are no roads to the colony but that transportation is available by boat or a complicated series of train trips or flights.

Lane was backed up by four persons who had recently returned from the colony, and by Jones wife, Marceline, also recently returned.

Mrs. Jones said that her husband had remained in Guyana because of the advice of his attorneys and because his presence is needed there.

**"RYAN TO VISIT REVEREND JONES' JUNGLE REFUGE," MARSHALL
KILDUFF, SAN FRANCISCO CHRONICLE, NOVEMBER 8, 1978**

By Marshall Kilduff

Congressman Leo J. Ryan (Dem-San Mateo) intends to leave next week on a fact-finding trip to the South American jungle refuge of controversial People's Temple minister Rev. Jim Jones, Ryan said yesterday.

Ryan will fly Tuesday to Georgetown, the capital of Guyana, to investigate the living conditions of "more than a dozen" minor children and other relatives of constituents.

The Jones church quietly left its San Francisco base more than a year ago after media accounts attributed to former members reported faked faith healings, beatings of members and high-pressure money-raising.

Ryan said he and Congressman Ed Derwinski (Rep-Illinois) and staff aides will meet with U.S. Ambassador John Burke and Guyana government officials to discuss the status of the 1000-member church.

Ryan and Derwinski will be making the trip in their official roles as members of the House Committee on International Relations.

Ryan said he will attempt to arrange a visit to the interior of the country where Jones has set up an agricultural outpost for his followers.

Ryan said he sent a telegram to Jones about the planned trip but had not heard directly from the minister.

Last night Temple spokeswoman Jean Brown said Ryan would be permitted into the jungle hideaway only if church attorney Mark Lane was present. In addition, she said the temple wanted to choose "a cross-section of press" on the Ryan visit and wanted to review his record on "African liberation, women's rights, and other concerns that are pertinent to the interests of Third World peoples."

Ryan said he expected a number of reporters, former members of the church and relatives of present followers to accompany him.

"There has been a lot of alarming things said and written about this religious group," Ryan said.

"I intend to stay down there as long as it takes to find out what is going on," he added.

"PROBERS HEAD FOR A RELUCTANT REV. JIM JONES," TIM REITERMAN, SAN FRANCISCO EXAMINER, NOVEMBER 15, 1978

LR/S
By Tim Reiterman
Examiner Staff Writer

NEW YORK — A congressional delegation is embarking today on a long-awaited journey to Peoples Temple's South American mission to check on the welfare of an estimated 1,200 U.S. citizens in the jungle project there.

Rep. Leo Ryan, D-San Mateo, said the delegation from the House International Relations Committee is going ahead with the flight to Guyana tonight, despite warnings that a visit to the mission was impossible at this time.

Taking the same flight will be about a dozen former temple members and other persons from the Bay Area who have relatives of loved ones at the agricultural project run by the temple under the leadership of the controversial Rev. Jim Jones. They are concerned that temple members might be victims of psychological or physical bondage at the remote mission.

"I am going in response to constituent requests," Ryan said in an interview yesterday, hours before the so-called Concerned Relatives group flew here from San Francisco.

"I intend to find out about the temple's activities in Guyana on the spot," Ryan said. "I'll be talking with the Guyanese government and the U.S. Embassy. And I'd like to talk to Mr. Jones."

"I sent him a wire asking to meet with him and asked him permission to see and talk with some of the relatives, close to 20 of them. I want to sit down with them on a one-to-one basis."

Ryan said he hoped to meet with the temple members either in Georgetown, Guyana's capital, or at the temple mission, Jonestown, an hour's plane ride and a nine-mile jeep trip away.

The responses to Ryan's wire as of yesterday were less than encouraging. Two lawyers representing the temple have given negative replies to his overtures, and a statement from the temple set strict conditions and time requirements that don't coincide with plans for the trip.

First, lawyer Mark Lane, the Kennedy assassination conspiracy theorist, wrote Ryan a letter Nov. 6 on behalf of the temple. Lane said the temple has asked that he be present during any congressional delegation visit, and he said his schedule precluded that during November.

"You should understand that Jonestown is a private community and that, while they appear willing to host your visit there under certain circumstances, courtesy requires that arrangements be made in advance of your visit," Lane said.

"You should be informed that various agencies of the U.S. government have somewhat consistently oppressed the Peoples Temple and sought to interfere with . . . a religious institution. I am now exploring that

matter fully in order to bring an action against those agencies of the U.S. government."

Through diplomatic channels, Ryan's office also received word that the temple wanted the delegation of Ryan and Rep. Ed Derwinski, R-Ill., to be balanced with two members of the congressional Black Caucus. The temple also stated that it wanted to choose the press members of the delegation.

In San Francisco, temple lawyer Charles Garry said the first he had heard of the visit was in a newspaper story. He later said he received a statement from the temple that said in part:

"It would be impossible for Mr. Ryan and his company of people to be accommodated at Jonestown at this time. We have received word he is bringing a whole group there to start an incident, provoking a media scene. We know from his own mouth his intentions are negative."

Ryan's office has been able to contact Lane and Garry, but not Jones. "If they set up objections that can't be met without any discussion, the conclusion has got to be obvious," Ryan said, " . . . that they are failing to show cooperation with an honest effort to obtain information. And that indicates they have something to hide."

"I am still making the assumption we can work it out."

Ryan's delegation will have to rely heavily on the cooperation of the Guyanese government and, ultimately, of Jones and the temple.

The congressman and his staff have emphasized that their visit would be an ideal occasion for the temple to allay the fears and concerns of some relatives of members there.

Through Garry, the temple has stated that certain sectors of the news media and some reporters are considered "enemies" of the temple because of reports based on the accounts of former members alleging corporal punishment and poor living conditions at temple facilities in both Guyana and the United States.

Garry has maintained that even the temple's most serious detractors would be impressed if they had the opportunity to see the project firsthand and to talk to members there. But there still are questions about whether reporters on this trip will be admitted to the mission.

The temple, which has claimed 20,000 members, has bases in Los Angeles, San Francisco and a number of other locales in California.

The Rev. Mr. Jones quit as head of the San Francisco Housing Authority in the summer of 1977 and reportedly has remained in Guyana since then.

"EXPEDITION TO REVEREND JONES' REFUGE," RON JAVERS, SAN FRANCISCO CHRONICLE, NOVEMBER 15, 1978

By Ron Javers
Chronicle Correspondent

Georgetown,
Guyana

Twenty Californians on a quest for Jonestown — the isolated jungle settlement where the Rev. Jim Jones and several hundred followers from People's Temple established themselves after leaving San Francisco — arrived late last night at Timehri International Airport here.

The lights of Georgetown, the tropical capital of the sparsely settled country known as British Guiana until it won independence a dozen years ago, could be seen as the Pan Am jet crossed the Atlantic shoreline near the mouth of the Demerara river.

But Jonestown, a place that does not welcome visitors, was off to the northwest, across more than 100 miles of manicole palms, wallaba trees and other exotic growth that flourishes in the dark, almost impenetrable rain forest that surround this former World War II base.

Congressman Leo J. Ryan, the San Mateo Democrat, who is leading a group of friends and relatives of settlers in Jonestown, along with a few reporters and television cameramen, was uncertain when they landed what kind of reception he would get from the People's Temple settlement.

For some, seeking the return of children away from home for a year or more, the mission could be expressed in simple terms.

Tim Stoen, a onetime assistant district attorney in San Francisco, and his estranged wife, Grace, are here hoping to bring John John Stoen, now 6, back to the United States.

"We hope to liberate at least some of the people who are down here against their will," he said.

"This is an outpouring of pure love and affection from concerned friends and relatives of friends in Jonestown."

Before the group from San Francisco began the long trip — first to New York and then nonstop down the coast to Guyana — it was made clear that its members were not welcome.

"Leo Ryan did not see fit to even contact me," said Charles Garry, the lawyer who has represented People's Temple in past legal disputes — including a \$150,5 million suit filed last summer against Stoen.

"For a congressman to barge in there is not the proper way. This is these people's home."

Garry denied that anyone was being held in Jonestown unwillingly or was being coerced to stay there by psychological pressure.

And he repeated the claim that although Grace Stoen is John Stoen's mother, the Rev. Mr. Jones insists that he fathered the child himself.

"The child is the image of Jim Jones," Garry said. "All you have to do is look at him."

There was no such dispute over the parentage of Maria Katsaris, 24-year-old daughter of Steve Katsaris, head of the Trinity School for Children in Ukiah. Katsaris and his teenage son, Anthony, seemed quietly optimistic on the flight south.

"This time it's not just people alone," Katsaris said, recalling his long campaign to get his daughter back home. "It's a congressional delegation and members of the press."

Ryan, representing the House International Relations Committee, was urged to stay away from Jonestown. Mark Lane, another

People's Temple attorney who is best known for his efforts to establish that President Kennedy's death was the result of a conspiracy, sent the congressman a letter listing three "conditions" he wanted Ryan to meet.

Lane said Ryan should make his trip only if Lane could go along too. He also told Ryan the members of the Black Caucus in Congress would have to attend, and he said his group should be allowed to pick the reporters who could accompany Ryan.

"A congressional delegation does not wait upon the pleasure of Mark Lane," replied Joe Holsinger, Ryan's district representative who was a member of the delegation.

Although Ryan still had no assurances that he would be admitted to Jonestown, he said he would attempt to "force" the issue — at least to the extent of obtaining a briefing about the Jonestown settlement from United States officials stationed in Georgetown.

"It all depends on the resolve of Congressman Ryan," Katsaris observed.

The congressman plans to stay in Guyana until Sunday, and some members of the traveling delegation — who each spent about \$600 for round-trip plane fare — said they would remain longer if they had a chance to do so.

"TEMPLE PROBE HITS WRANGLING," TIM REITERMAN, SAN FRANCISCO EXAMINER, NOVEMBER 16, 1978

By Tim Reiterman
Examiner News Staff

GEORGETOWN, Guyana —

Rep. Leo Ryan and members of his congressional delegation began talks with U.S. officials in this South American country today in their effort to investigate a People's Temple mission here.

Ryan, D-San Mateo, met with U.S. Embassy officials before what he hopes will be a trip through the jungle to where some 1,200 Americans live at the temple's agricultural project.

He is accompanied by relatives of some temple members who have complained that members of their families are being kept here against their wills.

Meanwhile, it appeared that a small group of reporters will be allowed to remain in the country, at least temporarily, despite a night of bureaucratic wrangling.

This reporter and Examiner photographer Greg Robinson, who were admitted to the country upon arrival last night, were visited today by an immigration official who altered their passports and reduced the length of their stay from five days to one.

In addition, San Francisco Chronicle reporter Ron Javers was detained for 15 hours at the Timehri International Airport in Georgetown before being released. He apparently was held for currency violations.

A State Department official in Washington said John Burke, U.S. ambassador to Guyana, believes the reporters will be given official clearance to enter the country today.

Deputy Director of Caribbean Affairs John Griffith said Burke is optimistic that the press corps will be allowed to remain in the country and that he will do everything he can to assure that.

The Guayanese government is believed to look favorably on the People's Temple, which has been the subject of numerous accounts describing physical abuse of members as well as financial shenanigans.

Ryan's delegation and the relatives hope to be able to visit the temple's jungle mission where 1,200 North Americans are operating a massive agricultural project under leadership of the Rev. Jim Jones.

Several temple members were at the airport for the arrival of Ryan, House International Relations Committee consultant James T. Schollaert; Ryan's legal aide, Jacqueline Speier, relatives and the small press corps.

The congressional group journeyed to this humid South American country to inquire into the mission, at a 27,000-acre project about an hour's plane ride north of here.

Ryan said his visit was prompted by reports that some of the 1,200 Americans may have been physically or psychologically abused and may not be free to leave the remote settlement.

His efforts to arrange a visit to the mission, described as paradise by temple supporters, have not been well received to date. But Ryan says he is determined, with the help of U.S. and Guyanese diplomats, to persuade Jones to grant his request, made with nearly

20 relatives of the so-called Concerned Relatives Group.

Today Ryan planned to discuss the matter with U.S. Embassy officials, then meet later this week with Guyanese officials.

"The government has been very friendly," he said en route here yesterday. "I intend to do everything I can to cooperate. It's the same as if they came to the U.S. and asked about 1,200 Guyanese (who are) in a colony in my country."

The temple has made statements through attorneys Charles Garry and Mark Lane that the Ryan visit would not be possible at this time.

"They say they can't see us now because they are not ready," the congressman said. "I want them to explain." Added Speler: "They've been non-communicative more than anything."

Ryan revealed that he became interested in the controversy after he was approached by Robert "Sammy" Houston, an Associated Press photographer and a longtime friend.

Houston's son Bob, a temple member and a former Capuchino High School student of Ryan's, died in a train yard accident a few years ago and young Houston's two daughters, Patricia and Judy, reportedly have been at the mission

for some time without their mother.

The temple has a Parliament-approved lease to operate an experimental agricultural project near Kaituma. Under it the temple reportedly can develop the 27,000 acres of densely foliated land.

Work intensified in the summer of 1977 after Jones came here and resigned as head of the San Francisco Housing Authority, in the wake of published reports alleging that the temple used corporal punishment and pressured members into donating homes and property.

At that time the jungle mission's population swelled from roughly 150 to more than 1,000. The temple has said more than \$1 million has been spent to build housing and a sawmill and plant orchards and fields in hopes that the mission will some day make the project self-sufficient.

To temple members, the project was reported to have been a haven in the event of nuclear holocaust or a fascist takeover in the United States.

For Guyana, the mission, some observers say, is an important settlement — an inroad into the country's relatively undeveloped jungle interior.

Roughly 90 percent of Guyana's estimated 822,500 population lives in a less dense 40-mile coastal strip better suited to agriculture.

"RYAN, AT PEOPLE'S TEMPLE, LEARNS JONES IS VERY ILL," TIM REITERMAN, SAN FRANCISCO EXAMINER, NOVEMBER 16, 1978

By Tim Reiterman
Examiner Staff

GEORGETOWN, Guyana

Rep. Leo Ryan plans to fly to the People's Temple jungle mission tomorrow amid reports that the Rev. Jim Jones is "very ill."

Ryan's tentative plans to fly to the 27,000-acre agricultural project today were apparently scotched when he learned that Mark Lane, temple lawyer and conspiracy theorist in the Kennedy assassination, is flying here from Washington, D.C.

Meanwhile, efforts of a group of "concerned relatives" and news people to gain access to temple members here continued to fail.

Ryan, D-San Mateo, who is leading a House International Relations Committee delegation inquiry into conditions at the mission. He said he received an invitation to visit the jungle outpost through diplomatic channels.

His invitation was then confirmed in a spur-of-the-moment visit last night to the temple base here. There Ryan held a "not-unfriendly" meeting with about a dozen temple members.

Ryan said he felt that his efforts to reach the temple mission would be more successful if he could talk with Jones, the former San Francisco Housing Authority member and leader of the church.

Efforts to reach Jones by radio were unsuccessful, Ryan said, so last night "I took the car on a hunch and went to (the temple base here.)"

Once inside, he reported, "I said, 'Hi, I'm Leo Ryan. I'm the bad guy. Does anyone want to talk?'"

About a dozen men and women, led by temple members Tim McElvane and Sharon Amos, agreed to talk to him.

When Ryan asked whether he could contact Jones by radio, Amos said no.

"Why not?" the congressman asked.

"He's very ill," Amos told him.

When Ryan inquired about the nature of Jones' illness, Amos refused to respond.

Former temple members in San Francisco who have monitored communications between Jones and the temple headquarters in The City say there have been indications that Jones is ill.

Ryan said he also suggested to Amos and the others that he fly to the mission today "to see if we can't

establish an agenda for a scheduled meeting (with temple members) on Friday.

It was then that he was told of Lane's imminent arrival. Temple officials earlier had insisted that Ryan couldn't visit the mission until Lane was present, and the lawyer had said he would be unavailable until the end of the month.

Ryan wants to speak with mission residents without any restrictions and also to remain at the project through Saturday.

Summing up his two days in the South American country, Ryan told reporters, "We already found out a good deal about physical conditions (at the mission) but we haven't found out a thing about mental conditions."

Referring to the frustrated relatives group accompanying the delegation, he said, "In a free society, you can't deny access to relatives either here or in the U.S."

Yesterday, the relatives group was turned away from the temple base. And the U.S. Embassy was presented with a petition signed by about 600 of the 1,100 mission inhabitants. The heading on the four large pages of signatures said:

"Resolution of the committee. Many of us, the undersigned residents of Jonestown Guyana, have been visited here by friends and relatives. However, we have not invited and do not care to see Congressman Ryan, media representatives, members of the group of so-called concerned relatives, or any other person who may be travelling with or associated with any of those persons."

The petition was dated Nov. 9. The invitation to Ryan came yesterday.

The temple also released a statement dated Nov. 13, the day the relatives started their long journey here in hopes of hearing first hand from loved ones about mission conditions. The statement labeled the effort an escalation of the group's "malicious campaign of lies and harassment," and it branded Ryan's visit "a contrived media event."

It warned that if either Ryan or the group tried to enter the mission without permission the temple would request police protection.

While most of the news people were trying to avoid expulsion from the country yesterday, U.S. Embassy officials briefed Ryan about the 27,000-acre temple agricultural project.

In meetings with U. S. Amba-

sador John R. Burke, consular aide Douglas E. Ellice Jr. and other officials, Ryan said, he was reminded that "Mr. Jones is a private individual running a private operation in a foreign country."

Ryan said: "I am giving Mr. Jones every possible opportunity while we are here to address any and all of us."

Ryan viewed photo slides of the mission taken during routine consular visits to the mission. He said Jones, who has been reported unwell, looked fairly healthy.

"I didn't see many people in these slides but was impressed by the nature of the construction," Ryan said.

He said he came away from the briefing with the impression that embassy officials thought the project was benign.

Although the slides indicated that tremendous work has been done at the mission, Ryan said, he still intends to find out under what conditions the work was accomplished and to meet face to face with loved ones of the concerned relatives to ask them about their treatment.

Some former members have said the mission inhabitants aren't free to leave and are physically abused and forced to work long hours. The temple and a number of visitors have described the mission as a humane social experiment without urban ills or racism.

Meanwhile, Guyanese immigration officials permitted reporters, including The Examiner's, to remain beyond their one-day visas to cover the Ryan visit.

Two reporters and Examiner photographer Greg Robinson were issued five-day visitor stamps at the airport on arrival here, but seven hours later an immigration officer demanded their passports and changed them to one day.

Victor Forsythe of the Ministry of Information said the reporters' entry permit requests were delayed in transmission from the United States. By late yesterday, the government had agreed to reinstate the five-day allowances.

"REPORTER'S ACCOUNT OF GUYANA DETENTION," RON JAVERS, SAN FRANCISCO CHRONICLE, NOVEMBER 16, 1978

By Ron Javers
Chronicle Correspondent
Georgetown,
Guyana

It took 12 hours of detention before I could make the 30-mile trip through the tall bamboo forests that separate Georgetown from its airport, but there were times when the wait seemed endless.

There was no way of knowing what the authorities planned to do with me after a delegation of 20 Californians on a fact-finding trip to the People's Temple jungle settlement of Jonestown disembarked from a Pan-Am jet at 12:05 a.m. yesterday.

Everyone in the group except me was quickly cleared by immigration authorities and given permission to leave Timehri International Airport for the trip to town.

But my passport was taken from me without explanation, and so was the money I had purchased from Deak and Co. in San Francisco — 330 in Guyana dollars, or about \$75 in U.S. currency.

Khaki-clad uniformed guards took me into a 15-by-15 foot room and told me to wait.

Airline officials attempted to help. Pan-Am offered to take responsibility for my custody overnight — first at a hotel in Georgetown and then, after officials rejected that proposal, in a courtesy

room the line maintains at the airport.

By then, everyone else in the party had left for Georgetown, except Bob Flick, a National Broadcasting Co. producer also covering the delegation. Flick said he intended to stay at my side as long as necessary.

Among those going into Georgetown were Tim Reiterman and Greg Robinson of the San Francisco Examiner, who were cleared at first and were notified later that Guyana authorities wanted them to leave the country immediately. Like mine, their expulsion order was later reversed.

Flick and I sat on a tattered green plastic sofa and talked.

One of the guards assigned to watch over me soon fell asleep. I envied him, but there was no sleep for me. The adrenalin was flowing, and I never felt less sleepy in my life.

At 3:20 a.m. the immigration corporal in charge of keeping me in custody asked Flick if the producer would — "as a special favor to the immigration authorities" — drive one of the officers to Georgetown in his rental car.

Flick tossed the corporal the keys to the car and said he was staying.

At 3:30 a.m. a lone woman began sweeping up the day's litter

In the airy, single-story wooden terminal building. Numerous photographs of Forbes Burnham, prime minister of Guyana, smiled benignly on the beams.

At 4:30 a.m. the corporal, ready to go home himself, had changed out of his uniform and donned an aloha shirt, a pair of slacks and a baseball cap.

By now the second guard in charge of my custody was asleep, but there seemed to be no point in trying to escape.

There was no place to go.

At 5:30 a.m. a workman arrived to run up the green-and-yellow flag of the Republic of Guyana.

At 6:20 a.m. we were getting some daylight. We could see the Pan-Am 707 that I had left, and the only other plane on the field, an old, propeller-driven Cubana airliner. Guyana, a Socialist country, has close ties with Cuba.

At 8:20 a.m. my old guards left, and a new force led by a uniformed man with epaulets on his shoulders took over.

It took until 10:55 a.m. before one of the guards on the day shift fell asleep.

By then, I had been given permission to go to the airport coffee shop. I was looking forward to eating a good breakfast, but the coffee shop turned out to be precisely what the name indicates — it sold coffee and nothing else.

At 11:20 a.m. I was summoned to the Pan-Am desk at the airport to take a call from Congressman Leo J. Ryan (Dem-San Mateo), leader of the delegation I was assigned by The Chronicle to cover.

Ryan, who had slept at the residence of U.S. Ambassador John R. Burke, told me, "I've done everything I can, and I'm going to keep pushing."

He said he was meeting with high Guyanese officials and would ask them to intervene personally to secure my release. (I didn't know it then, but I learned later that Democratic Congressman Phillip Burton of San Francisco had been alerted by The Chronicle and was also working through the State Department in Washington to get me out of the airport.)

At noon I was summoned into the immigration director's office. The director was smiling. He said he was sorry about any difficulties I had encountered. But now, he added, he had received instructions to let me stay in the country for five days.

He stamped my passport and returned it to me.

Flick and I took a taxi along the two-lane curving highway that parallels the Demerara river.

I realized finally that it takes only a few hours of captivity and worry to relish the pleasures of freedom.

I found myself delighted by the sights — the rural houses on stilts, the lithe, machete-wielding farm workers and finally the tropical capital of Georgetown with its brightly painted wooden houses and its wooden, Victorian-style government buildings.

I checked into my hotel, the most modern structure I have seen in the capital.

And looked forward to the chance to freshen up, once the water in the bathroom taps was turned on later in the day. It was

**"RYAN'S READY TO LEAD GROUP TO TEMPLE BASE," TIM REITERMAN,
SAN FRANCISCO EXAMINER, NOVEMBER 17, 1978**

Two mothers at the temple gate
cry for their sons / Page 22

By Tim Reiterman
Examiner Staff Writer

GEORGETOWN, Guyana — Rep. Leo Ryan prepared to lead members of a fact-finding delegation and other observers to the remote People's Temple jungle mission today.

"The matter is fluid and is changing from hour to hour," Ryan said. "We are negotiating with the temple. We have an airplane, but the arrival of the two attorneys (Charles Garry and Mark Lane) may slow the momentum down a bit.

The purpose of the trip is still ahead — to talk to people at the mission.

Garry and Lane, who represent People's Temple, were due to arrive in this South American country today.

Ryan said arrangements for the group may also be hampered by a government requirement for permits to enter the interior of the country.

The temple has insisted in the past that Lane be present for any mission tour by the group. But according to the delegation, the announcement of Lane's arrival was not encouraging.

Ryan, a San Mateo Democrat, said the temple expressed displeasure with some of his statements about the inquiry into mission conditions. In fact, Ryan said, the temple indicated that an invitation for the congressman to visit the agricultural project today might be in jeopardy now.

"The atmosphere began to warm considerably until these two attorneys arrived," Ryan said.

Meanwhile, about 14 concerned relatives of temple members met yesterday for more than an hour with U. S. Ambassador John Burke. Some emerged from the meeting in tears, holding a statement that read in part:

"The embassy does not have any legal right to demand access to any private citizen in Guyana. In light of this, the embassy has no authority to require contact between members of People's Temple and persons whom they do not wish to receive."

Relatives had repeatedly asked that the press observe the session with Burke, but he insisted that it be a private meeting. When it was over, the ambassador got into a car and was quickly driven away.

"It was a useful meeting," he said. When asked whether the concerned relatives will get to see their loved ones at the mission, Burke replied, "It's too soon to say."

Steve Katsaris, Ukiah private school administrator, is in Guyana for the third time to see his daughter Maria. He summed up the meeting: "The ambassador was polite and told us there was no way he legally could do anything. We told him we would go on our own without his help."

Beverly Ollvor, who has two sons at the mission, said, "The ambassador told us that the Guyanese government were the only people who could act without the temple's permission, because it is private property."

The South American country's position on the controversy isn't entirely clear, though the Jonestown jungle settlement is generally regarded as a significant attempt to turn part of Guyana's dense interior into productive land.

One government official expressed great curiosity about allegations published in the American press, particularly those of former members who contend that the mission's 1,200 inhabitants aren't free to come and go.

He also wondered aloud why a congressional delegation and so many relatives would travel thousands of miles to check on the welfare of loved ones if there were no truth whatsoever to the allegations.

After difficulties earlier this week with press corps passports, the Guyanese Information Ministry yesterday extended courtesies to newsmen here. Those included arranging a news conference with Minister of Education Vincent Teekah.

The welfare and education of children at the mission is one facet of Ryan's inquiry, and Teekah was able to offer his observations from a two-hour visit to the mission school earlier this year.

He said the school is being operated as a private school, so he informed the Rev. Jim Jones, the temple leader, that private schools are against Guyanese law.

"They tried to impress me by

what they were doing," Teekah said. "They seemed to be doing a fine job in preparing the children.

"I wasn't there the whole day to see if they flogged them or if children were being beaten. I mention that because you find sometimes in our schools a teacher using the cane directly."

The minister said Jones was quite agreeable to a requirement that the school of about 120 children become a government school, with half its students from the surrounding community, half its teachers from the Guyanese population and a Guyanese administrator.

Teekah, asked why the temple settlers didn't send the children to a school in nearby Port Kaituma, replied: "Jones was trying to make a self-sufficient town, and you notice he named it Jonestown. They have a hospital and almost every little thing. I think that is why he established the school."

The minister said Jonestown is the only such settlement of foreigners in the country. "As far as this ministry is concerned, we are not treating Jim Jones and his people in a favorable or unfavorable way," he said. "This country is a secular state with many religions. I am not the judge whether this religious or political philosophy is right.

Teekah did point out, however, that the area called Jonestown really is Port Kaituma and added: "I am not sure that Jonestown exists in Guyanese law."

"ANGRY MEETING IN GUYANA," RON JAVERS, SAN FRANCISCO
 CHRONICLE, NOVEMBER 17, 1978

People's Temple Mission

By Ron Javers
 Chronicle Correspondent

Georgetown,
 Guyana

Thirteen troubled relatives held a shouting, angry and tearful meeting yesterday with the U.S. ambassador to Guyana, seeking his help in their quest for a meeting with their own family members who are living in a remote communal settlement in the country's interior.

Ambassador John Burke, a 53-year-old career diplomat, agreed to the closed-door meeting at the embassy only after strong pressure by the relatives, who said they intended to stay in Guyana until their goal was attained, and by Congressman Leo J. Ryan.

Ryan, a San Mateo Democrat, is here on an official visit as a member of the House International Relations Committee seeking to check conditions at Jonestown, the People's Temple settlement where 1200 Americans are living.

At the afternoon session in the modest white stucco embassy, tucked next to a row of gutted and decaying storefronts on Georgetown's Main street, Burke stuck to his insistence that Jonestown is a thriving community over which he has no authority.

But both Ryan, his aides and embassy sources said after the meeting that a visit by the congressman and at least some of the relatives was a closer possibility —

coming perhaps as early as today or tomorrow.

The problems of getting to Jonestown, the 2700-acre settlement founded in a move from San Francisco by the Rev. Jim Jones, who heads the People's Temple, are not all political.

The trip entails a one-hour flight from Georgetown to an airport separated from the colony by several miles of dense back country, passable only by four-wheel drive vehicles.

Complicating matters is a shortage of available aircraft with in Guyana capable of carrying Ryan, the relatives and the press — a group numbering 20 people.

After the embassy meeting, Howard Oliver, a watchmaker from San Francisco's Western Addition, echoed the bitterness of many of the relatives on the trip.

Oliver has two sons, Bruce, 18, and Billy, 19, who have been in Jonestown for more than a year.

Oliver described the session as "more of the same old embassy runaround."

His wife, Beverly, 47, was even more blunt: "Bullshit."

Before the meeting with Burke, which Ryan attended as an observer, the congressman stepped

up his rhetoric against the temple.

He said it was possibly a "prison" and hinted at possible violations of United States tax and Social Security laws. Some temple members living there receive government checks of one kind or another, Ryan said.

He said he had heard charges that members of the temple may have been forced by Jones to turn over their government checks to the colony.

Temple spokesmen insist, however, that any money-pooling is totally voluntary, since the agricultural mission is a communal effort.

The temple maintains that Americans living here have a right to privacy as citizens — and that their privacy is being invaded by a congressman whose politics strongly clash with their own socialist views and who has not been invited.

Some 600 of the Jonestown colony's residents, in fact, have signed a petition urging Ryan and the rest of the group to stay away.

Ryan said he made the trip because relatives in the Bay Area, including Associated Press photographer Sam Houston, of San Francisco, a longtime friend, had appealed to him to investigate the conditions.

Houston's wife, Adine, and her daughter, Carol, are part of the concerned relatives group here. They want to visit the Houston grandchildren, Patricia, 16, and Judy, 14, now in Jonestown.

Burke appears clearly troubled by all the furor that Ryan's high-profile visit is causing.

In classic, diplomatic language the ambassador described the talks yesterday as "useful" and left Ryan, reporters and the relatives in the driveway pondering their next move.

"A VISA ERROR AND PEOPLE'S TEMPLE IS MORE REMOTE THAN EVER," TIM REITERMAN, SAN FRANCISCO EXAMINER, NOVEMBER 17, 1978

By Tim Reiterman
Examiner News Staff

GEORGETOWN, Guyana — As the jet banked toward the airport at midnight Tuesday, Georgetown stood out as a strand of lights between the moonlit Atlantic and the black jungle interior.

On the ground, Guyana's heavy air rushed into the plane, hot, wet, sticky air that clung to passengers filling into the airport terminal.

U.S. Embassy officials in powder blue shirt-jackets — businessmen's attire here — made beelines for Rep. Leo Ryan, leader of a small congressional delegation's inquiry into the activities of an urban faith healer who once rubbed shoulders with politicians.

The first indication of the People's Temple's presence was the whispering among the concerned relatives group following Ryan's delegation. To one side of the terminal, several temple members were silently observing.

* * *

In the modest, low-slung terminal reporters sweated their way through immigration and customs, some uncertain that their last-minute planning for entry permits through the Guyanese Embassy in Washington had any effect in the country itself. The inspectors seemed to have known beforehand that the entourage was related to

the People's Temple mission here.

After a while, most reporters were quietly celebrating their smooth trip through the lines. Then a San Francisco Chronicle reporter appeared outside a nearby window, guarded by a policeman.

Newsmen had agreed beforehand to support one another. NBC, which had the strongest credentials, volunteered to stay to help while those reporters on shakier ground went on to Georgetown itself, 26 miles away.

Feeling free and extremely fortunate, one group selected a cabbie from several East Indians and blacks soliciting customers at the curb. After the cabbie was asked to keep his vehicle under 30 miles an hour, he roared off, running the first two stop signs.

A good two-lane pavement carried the group through flatlands, past silvery waterways, bungalows on stilts and some small industry.

At the outskirts of Georgetown the cab cut through the sweet smell of rum from a nearby distillery. At

that late hour the town's few stoplights were working and there were knots of young men conversing on street corners, and some young women and bicyclists traveling the roadsides.

"I'm sorry, sir, but we have no reservations for you," said the desk clerk at the Pegasus Hotel, a cylindrical structure that is Georgetown's finest and a frequent stop-over for airline employees. "We are booked up."

Soon there were others — all from the concerned relatives group

— whose confirmed reservations somehow had vanished. The lobby became a little encampment for a dozen Americans whose immediate needs were cold beer and beds after two days of travel. Some opted for another hotel but most stayed in the lobby in tired protest.

"People's Temple," mused a portly, Guyanese at the hotel. "Of course I've heard of them. The Reverend Jones. They have a radio show and they tell you how wonderful People's Temple is. They also have a band. They used to play here at the hotel but haven't for a while."

"Do I ever visit their mission? No, it is in a very remote area."

The Examiner's reporter and photographer were able to get a room shortly before 4 a.m. yesterday. Before anyone could use it the front desk phone rang.

"Sir," the clerk said, "that was immigration. They say there is some problem with your passports. They will be here within the hour."

Three hours later, up strode a black man in an orange motorcycle helmet, blue T-shirt and jeans. He was barely recognizable as our uniformed immigration inspector of the night before. He demanded the passports, then altered them with his pen. Suddenly an author-

ized stay of five days was reduced to 24 hours.

"I was tired last night," the officer explained. "I made a slight

mistake. You must go to the Home Ministry. It opens at 8 o'clock."

At the Home Ministry, an assistant secretary invited us into his office, inspected the passports and inquired about our business as though he hadn't heard of the congressional delegation's visit and knew little of People's Temple.

After some phone calls, the secretary apologized politely for the delay, but said the decision-making officials would be unavailable for several hours. "Call me at 1 p.m.," he said.

After U.S. officials were informed of the passport difficulties shared by most of the press here, it seemed as though Ryan were about to lose most of his press entourage. The 24-hour stamps were about to expire.

At 4 p.m. yesterday in Guyanese government building, with well-worn wooden stairs and ceiling fans, chief information officer Victor Forsythe explained that some communication delay resulted in the passport problems. He asked several reporters how long they wished to stay. Each said five days. He handed each a press packet on the country and introduced an aide who would assist them.

Finally, he called the Ministry of Home Affairs official and said, "I have spoken with the visiting press and as far as I'm concerned, they can stay five days."

"PEOPLE'S TEMPLE INVITES RYAN IN AND NOBODY ELSE," TIM REITERMAN, SAN FRANCISCO EXAMINER, NOVEMBER 17, 1978

By Tim Reiterman
Examiner News Staff

GEORGETOWN, Guyana — The People's Temple has invited Rep. Leo Ryan, D-San Mateo, to its jungle mission here but hasn't offered to open the gates to reporters or a group of "concerned

relatives," the congressman said today.

Ryan is leading a House International Relations Committee delegation inquiry into conditions at the mission. He said he still has received no direct communication from the temple or its leader, the Rev. Jim Jones. Ryan said his

invitation came through diplomatic channels.

Though the invitation didn't mention the possibility of relatives of temple members accompanying him, Ryan said, there were strong signs that the dozen former members and other "concerned relatives" were unwelcome.

The group was turned away yesterday from the temple base in this capital city, an hour's plane ride from the jungle mission near Port Kaituma.

Furthermore, the U.S. Embassy here was presented with a petition signed by roughly 600 of the 1,100 mission inhabitants. The heading

on the four large pages of signatures said:

"Resolution of the committee: Many of us, the undersigned residents of Jonestown Guyana, have been visited here by friends and relatives. However, we have not invited and do not care to see Congressman Ryan, media representatives, members of the group of

so-called concerned relatives, or any other person who may be traveling with or associated with any of those persons."

The petition was dated Nov. 9. The invitation to Ryan came yesterday.

The temple also released a statement dated Nov. 13, the day the relatives started their long journey here in hopes of hearing first hand from loved ones about mission conditions. The statement labeled the effort an escalation of the group's "malicious campaign of lies and harassment," and it branded the visit "a contrived media

The statement said the visit "is being staged for the purpose of manufacturing adverse publicity for the Jonestown community, hopefully by provoking some sort of incident." It warned that if either Ryan or the group tried to enter the mission without permission the temple would request police protection.

"I want to see what Jonestown has and I don't understand why you can't look over my shoulder," he told reporters.

While most of the press corps was trying to avoid expulsion from this South American country yesterday, U.S. Embassy officials briefed Ryan about the 27,000-acre temple agricultural project.

In meetings with U. S. Ambassador John R. Burke, consular aide Douglas E. Eilico, Jr. and other officials, Ryan said, he was reminded that "Mr. Jones is a private individual running a private operation in a foreign country."

Ryan said, "I am giving Mr. Jones every possible opportunity while we are here to address any and all of us."

"REPORTER'S ACCOUNT: GUYANA ADVENTURE," RON JAVERS, SAN FRANCISCO CHRONICLE, NOVEMBER 17, 1978

Reporter's Account

By Ron Javers
Chronicle Correspondent

Georgetown, Guyana

I hired a car and driver yesterday and made the 20-minute trip from the center of this South American capital city to the local headquarters of the People's Temple.

It is in the Lamaha Gardens section of Georgetown, past dirt roads where men and women herded fat cows along the center of the streets while orderly rows of dark-skinned school children walked home in their neat maroon-and-gold uniforms.

Approaching the large yellow house that is Georgetown headquarters for the temple, I called out "Hello."

Several small dogs played in the sparse grass before the building's low, open gate.

The Temple members here — Americans, and most of them from California — appear frightened and uncertain in the face of Congressman Leo J. Ryan's whirlwind visit accompanied by a gaggle of reporters and television technicians.

Two teenagers greeted me at the door. They did not introduce themselves.

They took me inside through a clean, orderly bedroom, where several other youths, Americans like my guides, sat chatting on bunk beds.

On a side porch, I was introduced to Sharon Amos, one of the temple's leaders in Georgetown.

Amos is a small, pleasant woman of about 40.

At first she didn't want to talk. After all, I had come to her house uninvited, and I was one of the first reporters ever to visit the Temple's headquarters.

I apologized for the intrusion.

"How can we print your side of the People's Temple story if we cannot see you and talk?" I asked.

Things brightened a bit then, and I met Debbie Touchette and Steve Jones, the Rev. Jim Jones' teenage son.

I also talked with John Cobb, 18.

Debbie and John had relatives with the group in Georgetown, who were negotiating for the right to meet with them and talk.

Both Debbie, a smiling young black woman, and Steve, tall and dark like his preacher father,

appeared completely relaxed and at ease — despite the unannounced visit.

John Cobb and three other teenage youths were dressed in shorts and athletic shirts. They said they were on their way to practice basketball. The People's Temple is scheduled to play a team representing Guyana shortly, they told me.

Steve Jones was dressed in camouflage jungle fatigues rolled up to the knees.

While Sharon Amos and I talked, Steve Jones worked out with a set of bar bells.

Amos is a nervous woman, perhaps understandably so, as she copes with the glare of publicity now focused on People's Temple and its unusual way of life in this socialist republic of 800,000 people on the northeast coast of South America.

She told me she thought the press was biased against Jones, a man she said had done only good works all his life.

"It's not just these relatives," she said, referring to the group that has arrived in Georgetown from the States, "but it's a conspiracy to destroy the People's Temple."

She mentioned the CIA as one of the possible conspirators.

As we talked, her nine-year-old son, Martin, played at my feet, listening to his mother's words and wondering.

After about 45 minutes, I said goodby to Sharon Amos and added that I hoped I could visit Jonestown and see conditions in that distant jungle settlement for myself.

I waved goodby to several people now at the side windows of the house, got in my car and drove off.

When I arrived back at the Pegasus Hotel after the 20-minute return trip, Jim Schollares, a Congressional international relations committee staffer traveling with Ryan, told me he had just received a call from the American embassy.

They had a report, they said, from the Guyana foreign minister that I had jumped over a fence at the People's Temple headquarters and forced my way in.

Of course that was not true, but given the atmosphere of tension, distrust and mutual animosity that has pervaded our visit here — it wasn't surprising either.

**"REVEREND JONES BECAME WEST COAST POWER," LARRY KRAMER,
WASHINGTON POST, NOVEMBER 20, 1978**

By Larry Kramer

Washington Post Staff Writer

The saga of the Rev. Jim Jones and his Peoples Temple is a mysterious tale of power and influence—both political and personal.

It involves the meteoric rise of an Indiana farmboy to a position of influence matched by few other citizens in the history of San Francisco.

Jones and the congregation of his self-styled cult-like church first opened doors as the Christian Assembly of God Church in the 1950s in Indianapolis, but moved to the Northern California community of Ukiah about 15 years ago.

Jones appealed to people without a purpose in life. He built a rag-tag band of drifters, old and young, into a powerful church that drew 5,000 people to Sunday services and evening speeches.

Although Jones is white, a majority of his followers are black. Many were ex-convicts or down-and-outers with nowhere else to go, who latched on to the flamboyant Jones.

Jones had a penchant for flashy ties and dark glasses. He was generally soft-spoken except when he addressed crowds with an evangelical flair that often brought them to their feet.

Promoted as a movement striving to deal with man-made problems through the use of moral force and attempting to build a "good society," the Peoples Temple has been embroiled in controversy for the past two years.

Jones, after moving the church's headquarters to San Francisco in 1970, became a powerful force in local politics. He has been visited at his church by such political luminaries as Gov. Edmund G. Brown Jr., San Francisco Mayor George Moscone, Los Angeles Mayor Thomas Bradley and others.

Moscone made him the head of San Francisco's housing authority, a post from which Jones had to resign under the pressure of controversy.

In 1976, when Rosalynn Carter swung through San Francisco for a last-month campaign speech on behalf of her husband, it was Jones who buzzed in nearly 600 of the crowd of 750 persons who heard her talk. And it was Jones who received the loudest ovation.

He had a remarkable ability to pull out campaign workers and votes for candidates he favored. His 180 precinct walkers were considered vital in Mayor Moscone's slim 4,000-vote mayoral victory in 1975.

But despite his political contacts,

Jones' world began to crumble in August 1977, when the first news accounts of alleged horrors within the church were published by New West magazine reporters Marshall Kilduff and Phil Tracy.

Their story quoted 10 former church members who detailed beatings, slave-like working conditions, extortion and death threats to those who attempted to leave the church or discredit it in any way.

The New West report and subsequent articles in the San Francisco Examiner, painted a bizarre picture of hundreds of people apparently willing to sign away all of their material possessions to the church at the time of Jones' arrival.

The accounts led to a public outcry in San Francisco, causing Jones, a 48-year-old father of seven, to leave the United States for a 27,000-acre settlement in Guyana where he said he had begun to establish an agricultural retreat "in order to assist the Guyanese government in a small measure, to feed, clothe, and house its people and at the same time to further the human service goals that have characterized the Peoples Temple for many years."

Hundreds of threats were made against reporters and publications that carried reports of church actions.

Still, they continued in San Francisco area newspapers. And the denials continued. But despite efforts by Rep. Leo J. Ryan (D-Calif.), who was killed in Guyana on Saturday, to interest the national press in the story, public exposure was limited to the bay area.

One account from the Guyana retreat, known as Jonestown, came from former Temple aide Deborah Layton Blakey last summer. In an affidavit she gave the San Francisco Chronicle after fleeing the mission, she described public beatings ordered by Jones and a squad of 50 armed guards who watched over the camp at all times.

Blakey and at least one other church member also described ritualistic mass suicide plans that could be put into effect should the mission or Jones be threatened.

Blakey claimed Jones had "a tyrannical hold over the lives of Temple

members," who had helped him amass more than \$5 million in donations.

Black members of the church were told that if they did not follow him to Guyana, they would be put in concentration camps and killed, Blakey said. "White members were instilled with the belief that their names appeared

on a secret list of enemies of the state that was kept by the CIA and they would be tracked down, tortured, imprisoned, and subsequently killed if they did not flee to Guyana."

Many former members have said they were required to confess, in writing, to crimes they had not committed

—including adultery and molesting their children. These written confessions, the former members say, were then held by the church in case these people turned against Jones.

The former church members claimed most of Jones' followers submitted to his authority because they had become almost totally dependent upon the church financially, and because they had been brainwashed.

Jones has called all of the allegations of former members "outrageous lies." Yesterday a church representative, Archie James, said in San Francisco that the Jones group had nothing to do with the ambush.

"We are a nonviolent people," he said. "Whatever the circumstances of the airstrip incident, it is not the kind of action anyone within the Temple would precipitate."

And, in response to a request from Ryan to check into alleged atrocities at Jonestown the State Department had "looked into" the Guyana mission recently, but reported back that it looked fine. It was after that report

that Ryan, according to his administrative assistant, Joe Holsinger, decided "to go down and look for himself."

It has been reported that the church had already begun to sell off some of its extensive land holdings in California. Property owned by the church in Mendocino and San Francisco counties alone is widely estimated to be worth over \$1.5 million. And it is known to own more property in southern California.

At the San Francisco church headquarters, a converted ballroom in the predominantly black Fillmore district, a large parking lot had been turned into a packing area for packages to be sent to Guyana. It is surrounded by a high wire fence and reportedly guarded round the clock.

But observers say the local church population has shrunk to "the hundreds," with most of the church stalwarts moving to Guyana.

Washington Post staff writer Karlene Barker contributed to this article.

**"CULT HEAD LEADS 408 TO DEATHS IN SUICIDE-MURDERS," LEONARD
DOWNIE, JR., WASHINGTON POST, NOVEMBER 21, 1978**

By Leonard Downie Jr.
Washington Post Foreign Service

GEORGETOWN, Guyana—With exhortations on the "beauty of dying," the Rev. Jim Jones led 409 of his followers in the Peoples Temple Church to a mass suicide-murder and was himself shot to death, according to reports yesterday from the scene of the massacre.

Guyanese authorities said most of the victims appear to have been killed with poison drawn from a vat set fire, clearing in Jonestown, the agricultural settlement where Jones' cult was based. Only three of the bodies had gunshot wounds.

By late yesterday only a dozen of the several hundred residents of Jonestown, who apparently fled into the surrounding forest had returned to the compound. Authorities said the returnees were helping to identify the dead.

A survivor of the mass murder-suicide told an investigating group that visited Jonestown yesterday that the poison consisted of cyanide mixed with Kool-aid in a vat. It was administered by Jonestown's staff doctor and nurses to men, women, children and babies. Those who tried to refuse the poison or escape were forced by armed guards to take it.

It was not known if Jones was shot by someone else or killed himself.

Authorities said Jones, wife and a son were also among the dead.

The authorities who searched Jonestown yesterday found, in addition to the bodies, more than a half million dollars in cash scattered about the compound, a sizable quantity of gold bullion, wallets filled with U.S. Treasury checks, and more than 800 passports. There had been allegations in the U.S. press that Jones' followers had confiscated Social Security checks from Jonestown's older residents.

The macabre mass suicide and murder was directed by Jones Saturday evening after a handful of his most fanatic followers had attacked a congressional fact-finding group that had just left Jonestown.

Rep. Leo J. Ryan, (D-Calif.) three American newsmen and a Peoples Temple defector were shot and killed, and twelve others were wounded, when gunmen ambushed Ryan and about 30 newsmen, government aides, relatives of Peoples Temple members, and defectors from the sect at 4:20 p.m. Saturday. The group was waiting to board two charter planes on the Port Kaituma airstrip near Jonestown, and about 150 miles north of here.

Two other members of the fact-finding group, civil liberties lawyers Mark Lane and Charles Garry, had stayed behind in Jonestown. They escaped into the surrounding tropical forest when Jones ordered that everyone in the compound must die and made their way to Georgetown where they gave a detailed account of the massacre at a press conference and in interviews yesterday.

Lane, 51, and Garry, 69, hid in the forest in a heavy rain Saturday night before finding their way to Port Kaituma on Sunday. They said here yesterday that Jones was unhappy that the two-day meeting with Ryan had ended with a number of Jones' followers asking to leave with Ryan and another, attacking Ryan with a fishing knife. Lane said yesterday that Jones told them some of his men had gone to attack the congressman and his party at the airstrip as they were leaving.

Then Jones, who had threatened in the past to lead his followers in mass suicide because of attacks on him in the U.S. press and courts, gathered Jonestown's residents in a large open-air meeting place and used a loudspeaker to convince them of the "beauty of dying." Lane and Garry, who had been sent under guard to another part of the compound, where they saw men arming themselves with automatic rifles, escaped into the dense underbrush. While hiding, they heard more amplified exhortations from Jones, then silence, and then the sound of sustained gunfire.

They heard screaming people running through the underbrush around them and more scattered sounds of gunfire in the forest.

Officials of this nation and the small U.S. embassy located here have been overwhelmed by the enormity of the mass killings of Americans by Americans at Jonestown and at the Port Kaituma airstrip.

The government is supporting the efforts to determine just what happened at Jonestown and at the airstrip. They were also searching with a 100-man military force for the possibly hundreds of Jonestown residents still scattered in the surrounding jungle.

Guyanese officials on the scene in Jonestown said they also found 30 to 40 weapons and "hundreds of thousands of rounds of ammunition." Among the weapons were automatic rifles, revolvers and other types of guns.

Only one arrest has been made thus far, that of Peoples Temple member

Larry Layton, who was identified by witnesses as among those firing shots at Rep. Ryan's party on the Port Kaituma airstrip.

The Guyanese defense force also has set up a heavily armed guard of at least 20 troops around the Georgetown headquarters of the Peoples Temple on the edge of the city, holding the 30 remaining residents of the large home under virtual house arrest.

Four residents there, Sharon Amos and her three children, were found dead, with their throats cut, inside the house Saturday night at about the same time the violence was occurring in Jonestown and Port Kaituma. Guyanese authorities said the Amos deaths were being investigated as murder or murder-suicide.

The U.S. Embassy prepared yesterday to send home the bodies of the airstrip shooting victims. — Rep. Ryan, NBC news correspondent Don Harris, San Francisco Examiner photographer Greg Robinson, NBC cameraman Robert Brown, and defecting Peoples Temple member Patricia Parks. Autopsies were performed by the Guyanese authorities.

The U.S. Embassy, augmented by State Department employees and military technicians, plus a dozen helicopters, being flown into this capital city, now faces the task of identifying the hundreds of victims in Jonestown and notifying their next of kin. Relatives of Peoples Temple members already have flooded the embassy here with telephone and telegraph inquiries.

Officials of both governments also have been besieged by a burgeoning international press contingent of about 100 reporters, photographers and television technicians, who have virtually taken over this city's two largest hotels.

Guyana's minister of information, Shirley Field-Ridley, said yesterday morning at a press conference, "I really can't find words to describe our reaction to this terrible thing that has happened in Guyana."

She said the Guyanese authorities first heard about the mass suicides in Jonestown Saturday night when a man who had escaped from the compound and walked 20 miles to the outpost of Matthews Ridge told police there that he had seen hundreds of people being administered poison in Jonestown.

Field-Ridley said she and her staff reached Jonestown later Saturday night, and found everyone inside the compound dead. The Guyanese government did not make any announcement of that fact until early Monday morning a few hours before Field-Ridley's press conference.

Although Guyanese authorities also were aware of the shootings at the Port Kaituma airstrip eight miles from Jonestown on Saturday night the Guyanese military did not move in to secure the area and remove the wounded and survivors until Sunday morning. The State Department said in Washington the delay was due to the lack of lights at the Port Kaituma airstrip.

Mark Lane said yesterday that he sensed an undercurrent of danger as soon as the two chartered planes from Georgetown carrying Ryan's party landed on the grass airstrip Friday.

Lane recalled that Jones, who had asked Lane to come to protect him from harassment from Ryan and his

group at first was not going to let anyone into Jonestown.

Lane said Jones had become "paranoid" about stories in the U.S. press that people had been impressed into the cult and were being held against their will under terrible conditions in Jonestown. He said Jones had threatened to have all the Jonestown residents commit suicide about a year ago, but that Jones was talked out of it by long distance pleas from Black Panther Huey Newton, Angela Davis and others.

Once Ryan's party had arrived in Georgetown last week, Lane, communicating with Jones by radio from the Georgetown headquarters of the Peoples Temple, thought he had talked Jones out of his objections to Ryan's visit.

But when the planes landed on the Port Kaituma airstrip Friday, Lane said, they were met by a "group of angry men and women" and a man with a gun.

"This had a chilling effect on the people in the plane," Lane said. More negotiations took place before everyone on the planes was allowed into Jonestown.

On Friday and Saturday morning, things went better at Jonestown, Lane said. Ryan and the others discovered the settlement's clean, modern buildings, good medical care, advanced farming methods and racial harmony.

Ryan drew sustained applause when he told a gathering of Jonestown residents Friday night that the trip had changed his mind about the community. Ryan later told Jones, Lane and Garry that his only concern was free exit for people who no longer wanted to stay in the commune.

Jones eventually became agitated, Lane said, by a number of snowballing incidents on Saturday. A reporter wandering the compound found that he was not allowed into one building where Lane later saw residents living as close together as "slaves on a slave ship." Jones became angry, Lane said, when he insisted Jones allow reporters to tour the buildings.

Later, NBC correspondent Harris "made a peripheral tour and people approached him about leaving Jonestown," Lane said. As Harris and then Ryan gathered their names, Lane and

Garry said, Jones grew more distressed.

When a family of six announced early Saturday afternoon that they were going to leave with Ryan, Garry said Jones told him: "They never stop. This is the finish. It's finished."

Garry and Lane said yesterday they both tried to persuade Jones that even with the defections, he was "going to get a favorable report" from Ryan.

"But Jones was so paranoid," Lane said. "He saw it as a betrayal if anyone wanted to leave."

Then, shortly after most of Ryan's party and those residents Jones allowed to leave had started down the dirt track from Jonestown to the airstrip in a falling rain, came the knife incident.

Lane gave the following account:

One of Jones' top lieutenants, Don Sly, suddenly grabbed Ryan around the neck with his left arm, placed a knife against Ryan's neck with his right hand, and shouted: "Congressman Ryan, you mother--"

While Ryan struggled to push the man's hands away from his neck, Lane grabbed Sly's arms from the front and Garry, 69, grabbed Sly from behind.

Finally, "all kinds of people from the temple moved in," Garry said, and pulled Sly away from Ryan as the congressman fell to the floor. Sly's hand was cut in the struggle and blood from that cut was all over the congressman's clothes. Some Jonestown residents gave Ryan a clean set of clothes to change into later on the plane.

Jones calmly watched this incident from some distance, making no move. Lane and Ryan told Jones that police and a doctor must be called at once. Jones said they would be, but no one came.

Jones, visibly shaken, then sat down to talk to Ryan.

"Does this change things?" Jones asked Ryan, who told Jones that he still saw many positive things in Jonestown but that the knife incident did change his impression.

Ryan then asked Lane, "Are you mad at me?"

"No," Lane said. "I'm so grateful that you came here."

"I'll always be grateful that you saved my life," Ryan told Lane.

Lane said he responded by joking with the congressman: "Now no one can call this trip a junket."

After Ryan left to join the others at the airstrip, Jones took Lane aside and kept repeating, "This is terrible, this is terrible, this is terrible." Lane said he tried to calm Jones down.

Jones then told Lane, "There are things you don't know. Those men who left a little while ago to go into the city are not going there. They love me and they may do something that will reflect badly on me. They're going to shoot at the people and their plane. The way Larry (Layton) hugged me, a cold hug, told me."

Then a woman came over and whispered something to Jones, and Jones told Lane to take Garry and go to the East House on the far side of the compound.

Lane objected because he feared Jones was gathering residents of Jonestown for a mass suicide attempt, but Jones assigned a very tall, tough lieutenant to escort the lawyers away.

Lane and Garry saw eight or ten young men remove automatic rifles from storage near where they were taken. They also heard Jones speaking over a loudspeaker to the Jonestown residents about the "beauty of dying . . . it's an important part of what we've done . . . let's not fight among ourselves."

The guard watching Lane and Garry was then replaced by two young men with automatic weapons. Garry said yesterday that he recognized one of them as a man he had frequently helped when he was in

trouble back in San Francisco.

"They kept saying," Lane said, "We're all going to die. . . . There is great dignity in dying. . . . It is a great way to end our struggle." When he tried to argue them out of this, they merely smiled calmly and repeated, "We're all going to die."

Lane worried that he and Garry would be shot but Garry said he knew these particular men would never do that even if they had been sent there to do so.

Lane asked the two young men: "At least Charles and I will be here to tell the story of what happened, won't we?"

Lane said the men agreed to that, hugged him and Garry and turned to leave, either to join the death ritual or escape.

"Wait," Lane called out, "first how do we get out of here?"

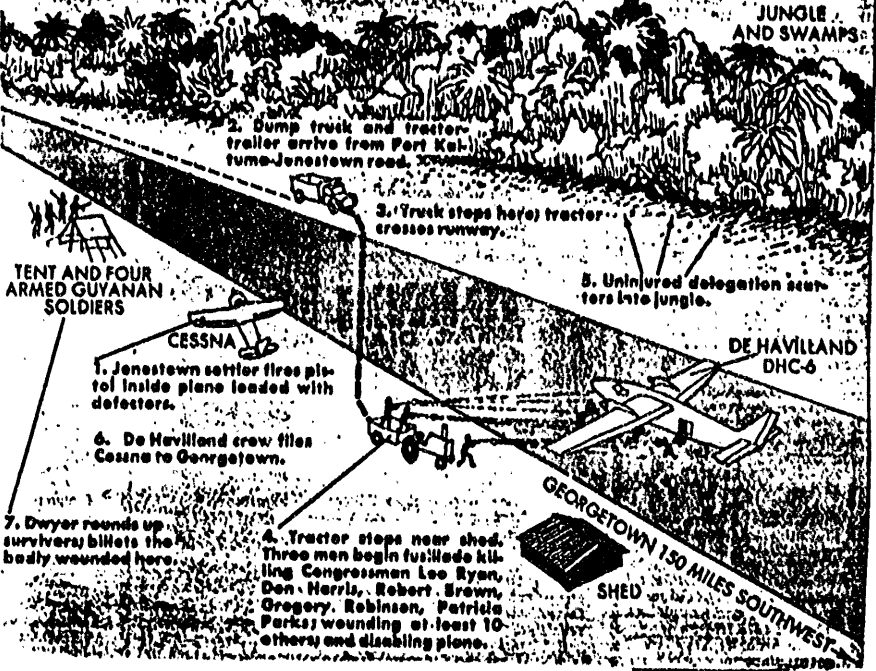
The men told them where to run over a hill and into the forest where Lane and Garry were to spend the next 12 hours in darkness, soaked and chilled by rain, but by the rough underbrush and bitten by insects.

Lane said they could still hear Jones shouting over the loudspeaker and eventually repeating just one word over and over: "Mother, mother, mother. . ." Jones' mother died about a year ago and she was buried in Jonestown.

Finally there was a period of silence and then a large number of shots rang out. The lawyers moved deeper into the underbrush and heard screams and shots around them but saw no one except three Jonestown men rushing down a road out of the compound carrying a large trunk.

The Massacre at Port Kaituma

JUNGLE
AND SWAMPS



2. Dump truck and tractor-trailer arrive from Port Kaituma-Jonestown road.

3. Truck stops here; tractor crosses runway.

5. Uninjured delegation scatters into jungle.

TENT AND FOUR ARMED GUYANAN SOLDIERS

CESSNA

DE HAVILLAND DHC-6

1. Jonestown settler fires pistol inside plane loaded with defectors.

6. De Havilland crew files Cessna to Georgetown.

7. Dwyer rounds up survivors; billets the body wounded here.

4. Tractor stops near shed. Three men begin fusillade killing Congressman Leo Ryan, Don Harris, Robert Brown, Gregory Robinson, Patricia Parks; wounding at least 10 others and disabling plane.

GEORGETOWN 150 MILES SOUTHWEST
SHED

"SUICIDE CARNAGE FOLLOWS JONES' TRIBUTE TO DEATH," BALTIMORE SUN, NOVEMBER 21, 1978

From Wire Services

Georgetown, Guyana—Hundreds of followers of the Rev. Jim Jones gathered in an open-air amphitheater and a nearby compound in the Guyanese jungle Saturday evening to speak for a final time about the dignity of dying and the beauty of death.

And then Jim Jones's words, chanted over a loudspeaker, carried through the isolated camp: "Mother, mother, mother, mother!"

As if on cue, the jungle erupted with bursts of gunfire from automatic rifles, echoed by the screams of children and their parents—the beginnings of a horrifying massacre-suicide ritual that took the lives of at least 383 American members of the cult.

Most of them died by their own hands, as Mr. Jones had often told them they must do. Mark Lane, Mr. Jones's attorney, who fled the camp as the shooting began, said yesterday he was told the cult's medical officers were preparing a large vat of poison to be administered at the final mass meeting. Another witness who also ran away from the camp reportedly told Guyanese police that cult members had lined up to receive doses of poison from a tub, before the shooting began.

Government officials said last night the poison was cyanide, mixed with flavored water. One witness said the poison was spoon fed to babies.

Some of the cult followers were apparently gunned down by Mr. Jones's guards as they tried to flee the camp. Mr. Lane and another attorney, Charles Garry, were permitted to leave when

they promised to "write the story" of Jonestown, the agricultural commune here on the northeast coast of South America, where Mr. Jones and some 1,200 followers had settled in August, 1977.

Shortly before the shooting, Mr. Lane and Mr. Garry had encountered two armed members of the sect, heading for the amphitheater.

"They said to us with smiles on their faces, 'We are all going to die.' They were relaxed and happy and I wondered if they were not doped," Mr. Lane said

"They hugged us and said good-by." The guards pointed out an escape route and the two lawyers ran into the jungle, where they were rescued the next day by Guyanese soldiers.

When troops reached the camp yesterday they found the bodies of 82 children, 163 women and 138 men, all of them apparently Americans. A police spokesman said later the number of dead had climbed to 409 and more bodies were being found. The dead included:

Mr. Jones, his wife, and some of his children. "It appears that they drank some poison," said a Guyanese police chief, C. Augustus. Another report said Mr. Jones had died of a gunshot wound in the head.

The deaths were the final act of defiance by the bizarre sect Mr. Jones had gathered around him, who appeared obsessed with fear that government officials were set to persecute and destroy them.

A fact-finding inspection by Representative Leo J. Ryan (D., Calif.) apparently triggered the suicides. The congressman had questioned sect members about reports that many were kept at the jungle camp against their will and subjected to mental and physical torture to maintain their loyalty.

He was attempting to leave an airstrip near the camp Saturday afternoon with a party of newsmen and aides, and 20 members of the sect, when the group was attacked by armed members of the sect's militia.

Mr. Ryan, three newsmen, and one of the community members were felled by gunfire and then executed at close range, according to the survivors. The slaughter and suicides at the camp began about 5 P.M. Saturday, less than an hour after the attack at the airstrip, according to Mr. Lane, who gave his account at a poolside press conference at his hotel in Georgetown, the capital of the former British colony.

The story of Jonestown that Mr. Lane promised to tell must come to terms with the Jekyll-and-Hyde personality of Mr. Jones that has been described by defectors

from his cult and by prominent officials who were attracted by Mr. Jones's charismatic personality and professed concerns with humanitarian causes.

A writer who visited Mr. Jones in Guyana in August told the Associated Press that Mr. Jones believed he was terminally ill, possibly with cancer.

Donald Freed, the writer, said it appeared that Mr. Jones may have connected his own fate with that of his followers. "His medication intake was very high and he may have confused his personal condition with that of the group," said Mr. Freed, who has written books and plays about the Kennedy assassination, the Black Panthers and Julius and Ethel Rosenberg, who were convicted of spying against the United States.

"He talked like a modern-day Moses," Mr. Freed said. "Then, he would revert to talking about whether an apocalypse was coming. . . . Maybe his own [impending] death triggered him into certain decisions that became mass decisions."

Cult members and their parents have told reporters that "Bishop" Jones was a sexual deviate who used sex to dominate his followers. Steve Katsaris, a psychiatrist from Potter Valley, Calif., was one who made these charges. His daughter, Maria, was a member of the community, and his son, Anthony, was shot in the chest during the attack on Representative Ryan's group. He said that Mr. Jones claimed that he "is the only one capable of giving true love."

Debbie Blakey, a former cult member, told NBC News that children at the Jones-town camp were terrified into obeying Mr. Jones's commands.

Children who misbehaved "are taken into the forest, down by Jones's cabin, to a

well," she said. "Two people would already be in the well swimming. It's dark and you can't see. The child is thrown in there . . . and the people that are in there will be grabbing the child's feet or pulling him down, making sure he comes up for a breath.

"You can hear the child screaming all the way there and . . . back. 'I'm sorry, father. I'm sorry, father. . . .'"

But Mr. Jones sometimes presented another side to the public, said Christopher Nascimento, Guyanese minister of state, in the country's New York city office.

Press accounts suggest that "we allowed a bunch of crazies into Guyana," he said. "But in fact, the Rev. Jones presented references of the highest caliber." He released copies of letters written to Mr. Jones by Rosalynn Carter, Vice President Mondale, Joseph A. Califano, Jr., the Secretary of Health Education and Welfare, and a number of members of Congress and the state and local governments in California.

The first lady's office yesterday released an exchange of letters between Mrs. Carter and Mr. Jones in 1977. He had written a lengthy letter to her, relating his recent visit to Cuba and that nation's need for additional hospital equipment, urging that the U.S. government make the supplies available.

His letter also expressed his disappointment in not meeting Mrs. Carter's sister-in-law, evangelist Ruth Carter Stapleton, during one of Mrs. Stapleton's visits to California.

On April 12, Mrs. Carter replied in a "Dear Jim" letter. "Thank you for your letter. I enjoyed being with you during the campaign--and do hope you can meet Ruth soon.

"Your comments about Cuba are helpful. I hope your suggestion can be acted on in the near future."

Mr. Jones had been a political force to reckon with in California, able to produce sizable numbers of his followers for political rallies.

He was appointed to head the San Francisco Housing Authority in 1976 by Mayor George Moscone, in gratitude for his help in the Democrat's campaign. Political leaders in the state often praised Mr. Jones for his work with former criminals and other outcasts of society, and in 1977, Gov. Edmund G. Brown, Jr., attended a memorial service for the late Rev.

Martin Luther King, Jr., at Mr. Jones's People's Temple in San Francisco.

"If Jones was harboring some deep-seated evil intention at that time, I didn't know about it," Mr. Moscone said.

But reports began surfacing last year that members of his California cult were being beaten to maintain discipline and the group's fund-raising activities were questioned. Mr. Jones abruptly left San Francisco last year with 1,200 cult members to establish the camp in Guyana.

Dr. Katsaris said he believed many of

Mr. Jones's followers were held in sway by mind-programming. A year ago, he went to Guyana to try to see his daughter, who joined the cult in 1974.

"They kept me waiting for days for the meeting. She was extremely paranoid and angry. It appeared she had lost a lot of sleep. She said she had seen proof that I was a CIA agent. She was not my daughter," Dr. Katsaris said in a news conference Monday.

Wanda Johnson, of San Francisco, a former cult member, told reporters yesterday that "Bishop" Jones had warned his followers that a time would come when they would have to kill themselves.

"Any time Jim Jones was attacked or action taken against him, we were told to go out and kill certain officials, to kidnap their children, to kill anyone who had left the organization, then to murder our children and commit suicide," she said.

Fears of oppression were paramount in Mr. Jones's mind on Friday, when he granted an hour-long interview with Ron Javers, a San Francisco *Chronicle* reporter who was shot in the shoulder during Saturday's attack at the airfield.

"I gave all I had to this program," Mr. Jones told Mr. Javers, describing his commune. "But obviously, there is a conspiracy against me." He added that "every agency in the United States government has tried to give me a hard time.

"And they were doing that while I was taking addicts and pushers off the streets and giving them a life here." He said that physical beating had been necessary at times to maintain discipline in a group that included former members of urban street gangs.

"We haven't had beatings for many months—more than a year. Not even spankings. Now we withdraw privileges.

"I have been beaten, too," he said. "I live for the people I'm trying to save."

"PEOPLE'S TEMPLE HAD HISTORY OF THREATS, VIOLENCE," ART HARRIS, WASHINGTON POST, NOVEMBER 21, 1978

By Art Harris

Washington Post Staff Writer

The violence deep in a South American jungle that ended Saturday with the slaughter of hundreds was not an isolated event, but the bloody climax to a history of threats and terror swirling around the Peoples Temple and its charismatic leader, the Rev. Jim Jones.

The religious group's tactics of persuasion ranged from mass letter-writing campaigns and anonymous, late-night telephone calls to reporters and editors warning of unspecified consequences that would follow unwanted publicity; to ritual beatings of members and goon squads dispatched to harass any who sought to leave the fold.

But what began with a few letters to San Francisco publications, and other tactics of intimidation, ended with apparent mass suicide-murders in the Guyanese jungle and an FBI investigation into a reported Peoples Temple plan to kidnap high U.S. government officials in case Jones was arrested in Guyana.

The alleged kidnap plot, revealed to FBI agents Sunday by a number of current and former temple members, apparently was a contingency plan that was never implemented.

"The allegations are not garbage," Charles R. McKinnon, special agent in charge of San Francisco's FBI office, said when asked what credibility he gave the reports. "The information we have is reliable. Whether we'll be able to prove it in court is another matter."

Such threats to his constituents led Rep. Leo J. Ryan (D-Calif.), a 53-year-old California Democrat, to travel to the Peoples Temple jungle agricultural settlement in Guyana to investigate whether Americans were being held against their will. Ryan himself had been threatened.

In fact, the congressman, who was killed for his efforts, received a telegram from Guyana, that was "openly hostile" to his visit, said Dan Cook, a congressional investigator and close personal friend of Ryan's. Cook said Ryan received an unfriendly letter from Peoples Temple Attorney Mark

Lane before the trip. Ryan went anyway.

"He knew he would not be welcomed with open arms, but he certainly didn't expect such a senseless thing as this," Cook said.

Jones, a flamboyant leader who often harped on fears of harassment of his church by unnamed enemies, went so far as to arrange phony assassination attempts on his own life, say cult members. A speech by Jones would be interrupted by the crack of gunfire and he would announce that people were trying to kill him.

"Paranoid" is the term some former members use to describe the man who used ritual spankings and "boxing matches" to discipline followers. Reports reached the United States of an elderly woman being knocked unconscious at one such session in the jungle commune. Jones also exhorted cult members to spy on one another, former members claim.

It was the practice of the 46-year-old leader to pay visits to would-be critics with his attorney, a public relations man and a large, imposing squad of bodyguards. They would be wearing

dark-blue suits and sunglasses.

It was just such a "goon squad" that visited the offices of New West magazine as it was preparing an article critical of Jones and the Peoples Temple for publication in August 1977.

"They threatened us with libel suits if we printed the story," said New West executive editor Rosalie Wright in a telephone interview yesterday. The article described faked faith healings by Jones, members being forced to turn over their property to the church, ritual beatings, shady financial maneuverings and a creed that required total obedience to Jones.

Former members of the cult were quoted in the article as saying that members had been intimidated into signing powers of attorney to Peoples Temple and signing false confessions to such crimes as child molestation, as ways of preventing them from defecting.

No suit was filed against the magazine by the cult, but Wright said she received midnight phone calls warning her not to publish the article.

Members of the cult were exhorted

to deluge New West and other publications critical of their leader with hundreds of letters. Before the article appeared, calls jammed New West switchboards in San Francisco and Los Angeles, said Wright, who moved from her house and sent her children into hiding.

Such tactics had succeeded in having the article killed by a former editor, and had intimidated San Francisco Chronicle reporter Julie Smith to the point that she turned her profile of Jones into "a goddamn valentine," she says.

"It was so distressing," Smith said at the time. "Just this vast thing coming at you. All the letters, all the phone calls, all this murmuring from people in high places. What happened in my case was that I ended up being completely ineffectual."

Under prodding from Jones, businessmen, civic leaders and politicians weighed in to emphasize the free meals and community programs that the Peoples Temple brought into the largely black Fillmore District. It was an impressive show of force.

Letters urging another look at Jones poured into the San Francisco Examiner after the newspaper published an article delving into Jones' activities, and the paper received threats of demonstrations by members of the cult. The life of the paper's editor and publisher, Reg Murphy, who had been kidnaped several years ago and held for \$700,000 ransom by a right-wing terrorist, was threatened again yesterday, said a source close to the paper. The threat was believed to be from someone connected with Jones' group.

Mysterious visitors, assaults in her home and threats against her family have also haunted freelance reporter Kathy Hunter of Ukiah, Calif., since she returned from a futile attempt to interview Jones in Guyana.

Her trip last May turned into a nightmare when fires broke out in adjoining rooms of her quarters. Upon returning home, she was confronted by three men in her living room and warned not to write anything more about Peoples Temple.

"SURVIVOR: THEY STARTED WITH THE BABIES," CHARLES A. KRAUSE, WASHINGTON POST, NOVEMBER 21, 1978

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By Charles A. Krause
Washington Post Foreign Service

JONESTOWN, Guyana — When the Rev. Jim Jones learned Saturday that Rep. Leo J. Ryan had been killed but that some members of the congressman's party had survived, Jones called his followers together and told them that the time had come to commit the mass suicide they had rehearsed several times before.

"They started with the babies," administering a potion of Kool-aid mixed with cyanide, Odell Rhodes recalled yesterday when I revisited Jonestown to view the horrifying sight of 469 bodies—men, women and children, most of them grouped around the altar where Jones himself lay dead.

Rhodes is the only known survivor of Jonestown who witnessed a part of the suicide rite before managing to escape. He was helping Guyanese authorities identify the dead yesterday.

Most of those who drank the deadly potion served to them by a Jonestown doctor, Lawrence Schacht, and by nurses, did so willingly, Rhodes said. Mothers would often give the cyanide to their own children before taking it themselves, he said.

But others who tried to escape were turned back by armed guards who ringed the central pavillion where the rite was carried out, Rhodes said. They were then forced to drink the poisoned Kool-aid and shortly after the mass killing began, Rhodes said, "it just got all out of order. Babies were screaming, children were screaming and there was mass confusion."

It took about two minutes for the liquid to take its final effect. Young and old, black and white, grouped themselves, usually near family members, often with their arms around each other, waiting for the cyanide to kill them.

They would go into convulsions, their eyes would roll upward, they would gasp for breath, and then fall dead, Rhodes said.

All the while, Jones was talking to them, urging them on, explaining that they would "meet in another place." Near the end, Rhodes said, Jones began chanting, "mother, mother, mother"—an apparent reference to his wife who lay dead not far from the altar.

Yesterday, a stilled Jonestown looked much as it must have moments after the mass suicide ended two days earlier. The bodies were where they had fallen, the half-empty vat of cyanide-

laced Kool-aid was still on a table near the altar in the open air pavillion. The faces of the dead bore the anguished expressions of their terrible deaths.

More than 300 of the bodies were grouped around the altar, many of them arm-in-arm. They were so thickly bunched together that it was impossible to see the ground beneath them.

Even the dogs that lived in Jonestown had been poisoned and now lay dead on sidewalks near the pavillion. The Peoples Temple's pet around the altar, many of them arm-in-arm.

In Jones' house, approximately 10 others lay dead. C. A. Roberts, the Guyanese police commissioner in charge of investigating the killings, said his men were "finding new bodies

in isolated places" throughout the Jonestown property.

It was a gruesome scene.

The bodies, which had been on the ground for almost three days in the muggy climate here, were beginning to bloat. A Guyanese doctor was sent in yesterday to puncture them because it was feared many would burst open before today, when U.S. Army medical teams are scheduled to arrive at Jonestown to begin identifying and shipping the back to the United States.

Of the 468 members of the community who died, Jones and two others were shot rather than poisoned, according to C. A. Robert, the chief Guyanese police official at Jonestown yesterday.

Another who was shot was Maria Katsaris, whose brother, Anthony, had come with Ryan Friday to try to persuade their sister to leave Jonestown. Anthony Katsaris was one of those badly wounded during the Saturday massacre that left five dead and approximately 12 wounded.

Rhodes said he managed to escape when the doctor said he needed a stethoscope. Rhodes volunteered to go with a nurse to the infirmary, about 300 feet from the open-air pavillion where the suicides were being carried out.

Rhodes said the armed guards let him through with the nurse and he hid under a building when she went into the doctor's office for the stethoscope. At 7 p.m., when it seemed that the mass suicide had ended, he left his hiding place and walked through the jungle to Port Kaituma, five miles away.

It was Rhodes, according to Roberts, who gave the first hint to Guyanese authorities that hundreds had died in a mass suicide. Rhodes said he had hoped to reach Guyanese officials in time to stop more people from being killed.

Rhodes also recalled yesterday that shortly after Ryan and his party left Jonestown, Jones told his followers that Ryan's plane was going to "fall out of the sky."

The plan, according to Rhodes and other information made available late yesterday, was that one of the defectors, who really was a plant acting on Jones' orders, would shoot the pilot of Ryan's plane after it left the Port Kaituma airstrip.

The person apparently chosen for the task, however, boarded the wrong plane and started shooting before it was off the ground. Two passengers in that plane were badly wounded.

According to Dale Parks, a bona fide defector from Jonestown who was aboard that plane, the man who did the shooting was Larry Layton, a U.S. citizen who is so far the only person under arrest here in connection with any of the violence.

In addition to the man sent to infiltrate the defectors and shoot the pilot, Jones took the extra precaution of ordering a group of his followers to go to the airstrip in a tractor and trailer loaded with guns, apparently to shoot whoever was not aboard the congressman's plane. The clear intent was that everyone who had gone to Jonestown with Ryan was to be killed.

The assailants returned to Jonestown and reported, out of the hearing of lawyers Mark Lane and Charles Garry, who had stayed behind, that the congressman was dead but others had lived. It was then that Jones announced that all of his followers must come immediately to Jonestown's open-air pavilion. There he told them Ryan had been killed and that there would be "trouble."

"We've all got to kill ourselves," Jones told everyone, according to Rhodes. One woman, Christine Miller, protested Rhodes said, "but the crowd shouted her down."

Roberts said that so far the only non-American

found among the more than 400 known dead were seven Guyanese children adopted by the Jonestown community.

As Guyanese police officials continued their search Jonestown yesterday they discovered more than 800 American passports loaded in a trunk. They found cash, checks and valuable jewelry and metals, including gold.

The most perplexing question left to be answered was the whereabouts of the approximately 400 Jonestown residents whose bodies have not been found.

There was speculation that hundreds of people fled to the jungle and simply have not

yet found their way out. But there was also another theory that some of the Jonestown security men took hundreds of the commune's residents to a remote area possibly to be shot. Lending some support to that theory was the fact that Tom Kice, one of those believed to have been among the gunmen who attacked Ryan's party, has not been found.

Also, lawyers Lane and Garry, who escaped into the forest when the killing began, reported yesterday that they heard scattered screaming and shooting in the forest while they were hiding.

According to several of the Jonestown residents who left with Ryan on Saturday and survived the attack at the airstrip, residents of Jonestown had gone through several rehearsals for a mass suicide.

The procedure even had a name. When Jones decided that his church was finished, he had told followers here he would send a coded message to his church's other headquarters in Georgetown, Guyana, and San Francisco that they should join the Jonestown faithful in taking their lives.

They were to wait for the words "white knights."

Ward P
11/21/78

"BODIES IN GUYANA CAUSE CONFUSION," CHARLES A. KRAUSE,
WASHINGTON POST, NOVEMBER 22, 1978

Before the Horror

By Charles A. Krause
Washington Post Foreign Service

GEORGETOWN, Guyana—When Rep. Leo J. Ryan's party first reached Jonestown, we were all struck by the neat wooden structures so far from civilization and by the mix of blacks and whites, young and old—seemingly normal people who, we were told, had willingly chosen to live so far from home.

Marcelline Jones, the Rev. Jim Jones' wife, met us as we left the Jonestown dump truck that had brought us from the Port Kaituma airstrip, where our plane had landed several hours before and where Ryan would be killed along with four others the next afternoon.

Marlie, as everyone called her, invited us to the pavilion, where Jones awaited us and where he would lead his followers in a mass suicide less than 24 hours later. Everything was so alive and so peaceful that Friday night, at least on the surface, that it was impossible to know that this carefully cultivated little world would soon be destroyed by a man gone mad.

Marlie told us that supper—hot pork sandwiches and greens, fruit tarts and coffee—was ready. We would be told proudly by our hosts that everything we ate had been raised in Jonestown, this quasi-religious socialist agricultural commune carved out of Guyana's remote rain forest.

As we walked to the pavilion, residents of the commune greeted us individually and escorted us along. They engaged us in conversation, asking about our trip, telling us how glad they were we would have a chance to see that Jonestown was not the concentration camp its detractors had made it out to be.

Most of the commune residents, those who were not part of the welcoming party, were eating dinner in a nearby dining area, washing clothes in the open-air communal laundry or baking bread.

Children gathered around swings and benches near the pavilion and Jonestown appeared to be just what its brochures said it was: a peaceful place where people of all races and ages could live in peace without the violence and hate they had known in the ghetto and without the materialistic anxieties of their native United States.

Jonestown was an experiment in socialism, we were told, where money, power and elitism had been eliminated. The hundreds of seniors, as the aged were called, got the best medical attention and their lives had new meaning.

For the young blacks among the more than 800 residents, Jonestown offered an escape from the drugs and crime in which we were told many of them had been involved before coming to Guyana. And for the middle class, college-educated whites—who seemed to hold the top leadership positions—Jonestown seemed to be a logical extension of the civil rights and antiwar battles they had fought over the past decade. It was the socialist society that they wanted for their native country, but that they realized was impossible, at least for now.

Although we had been told that once we got to Jonestown we would be free to wander and talk to anyone we wished, we began to feel we were being guided.

First to the pavilion, then to sit down with one of our new "friends," then to meet the leader himself, who sat at the head of our table complaining about a 103 degree fever he said he had suffered from that day. We then went to eat dinner and to watch an elaborate and highly professional two hours of entertainment provided by the Jonestown band and various amateur singers in the commune.

Ryan sat meanwhile to the side of the pavilion interviewing persons he had requested to see. "Concerned relatives" who came with us on the plane were meeting with their sisters, sons, nieces or parents. Some of the conversations were strained. Others animated. But nobody had yet told anyone that he or she wanted to leave Jonestown.

After dinner and during the show, I walked over to Ryan to ask him if he had learned anything. He said no, not very much yet, but pointed to a tall, middle-aged white man with a crew cut who, along with all of the more than 700 Jonestown residents in the pavilion that night, moved to the soul music played so loudly that it was difficult to hear, to talk, to ask questions—or to have them answered...

Ryan said there was something very unnatural about the middle-aged and older people, black and white, standing, clapping and living to music that may have appealed to the young, but not to the old.

It was an observation I would not forget. It was the first real sign that maybe these people had been either programmed or somehow forced to act in a way that conformed to an image Jones wanted to project.

I also wouldn't forget the man whom the congressman pointed out. His name, I later learned, was Tom Kice Sr., and he would be shooting at me and the others at the airstrip the next afternoon.

As I walked around the pavilion, I noticed that most people scattered as soon as I came near. I also noted that someone would always come along and be friendly. "Hi, how are you doing? Don't you want to listen to the music?"

"Sure," I said, "but I can hear it from here. I'm curious to see your facillities."

The usual response was that there would be a tour the next day, that people probably were asleep in the cabins. Or some other reason was given why I really shouldn't wander around on my own.

I decided to return to the table where Jones was talking to some of the other reporters who had come along. Mark Lane and Charles Garry, Jonestown's two lawyers, were there, as were several young people who I would later learn were Jones' principal lieutenants.

"People here are happy for the first time in their lives," Jones was saying. "When can this dialogue [between Jonestown and its detractors] stop so we can all live in peace? I don't want to tear these people up."

"We can do a good job for Guyana and for the United States if they would just leave us alone," he said.

He was asked if his Peoples Temple was a religious movement, and he looked to Lane and Garry for a moment before answering.

"Yes, very much," he said. But then he said he was a Marxist, too, "in the sense that I believe in living together, sharing work, goods and services."

I was sitting right next to Jones and I remembered something Grace Stoen, a former Peoples Temple member by whom Jones claimed to have fathered a son, had told me. She told me Jones, for all his insistence that he was a caring, unselfish man, was in fact incredibly vain and power hungry.

"Just look at his sideburns," she said. "He fills them with eye liner." I was curious.

It was true. Suddenly, as I was staring at Jones' sideburns, his demeanor turned. I didn't hear the question he had just been asked, but the answer, I thought, was revealing. "Threat, threat, threat of extinction!" he raged. "I wish I wasn't born, at times. I understand hate, love and hate. They are very close."

"They can have me," he said. "In many ways I feel like I'm dying. I've never felt this way before."

Someone asked Jones about the beatings that reportedly took place at Jonestown, about the black box that residents were said to be placed in for days at a time when they did some-

thing Jones didn't like, about the endless sermons he preached that kept his people, even the aged, up until 2 or 3 in the morning even though they had to rise again at 6 a.m. to begin work.

This prompted another rage and I almost felt sorry for the man. He was obviously sick physically and some of what he said seemed incoherent at times.

"I do not believe in violence!" "Violence corrupts. And then they say I want power. What kind of power do I have walking down the path talking my little old seniors?"

"I hate power," he continued, his rage growing.

"I hate money. The only thing I wish now that I was never born. All I want is peace. I'm not worried about my image. If we could just stop it, stop this fighting. But if we don't, I don't know what's going to happen to 1,200 lives here."

The music had ended. The interview had ended. Except for, Ryan, Jones' aides, Lane, Garry and a representative of the Guyanese government, the rest of us were soon on

our way back to Port Kaituma, where Jones had arranged for us to sleep on the floor of a discotheque.

It was the last place Don Harris and Bob Brown of NBC and Greg Robinson, a photographer for the San Francisco Examiner, would sleep; they would die the next afternoon.

That night, we were sitting around having a drink when a local policeman came to the discotheque. He sought us out and told us some things, one of which was particularly interesting. He said he knew for sure that there was at least one gun in Jonestown, an automatic rifle, that had been registered with the Guyanese government.

Don Harris asked Jones about the gun in an interview that he taped when we returned to Jonestown the next morning.

"A bold-faced lie!" Jones thundered. "It seems like we are defeated by lies."

Jones said he believed there was a conspiracy against him and against the Peoples Temple, a conspiracy that he blamed for a number of law suits that he said prevented him from returning to the United States.

"I wish somebody had shot me dead," he said again. "Now, we're substituting a media smear for assassinations."

Suddenly, the word came that several families had decided to leave with Ryan. People were gathering. Tension, for the first time, was so apparent that it could be felt.

Circumstances were pressing in. Facts were beginning to overcome Jones' denials as fast as he could make them. Don Harris was throwing questions at Jones, hard questions that events were making even harder to answer.

"The more that leave, the less responsibility we have," Jones was saying after denying that anyone wanted to leave the idyllic life Jonestown offered. "Who in the hell wants people?"

Harris returned to the question of guns at Jonestown. "This is rubbish. I'm defeated," Jones said, clearly near the breaking point. "I might as well die. The guns have never been used to intimidate people. Anyone is free to come and go.

"The only thing I feel is that every time they go, they lie. What I thought was keeping them here was the fear

of the ghetto, alienation, the fear of industrialized society.

"I must have failed somehow.

"I want to hug them before they leave," he said as events were quickly moving beyond his control. More people wanted to go. "I will let them. But they will try to destroy us. They'll try. They always lie when they leave."

People were crying. Families were divided, with some members wanting to go, but others not—or fearing they couldn't.

Al Simon packed up his three kids and wanted to leave. As we were walking back to the dump truck for the final trip to Port Kaituma airstrip, Simon's wife began screaming, "No, no, no!" Someone whispered to her: "Don't worry, we're going to take care of everything."

Ryan returned to the pavilion. We went to the truck. A few minutes later, as we waited, we heard a commotion. The newsman ran to the pavilion, but were stopped by mean-looking security men.

Harris was allowed in as our representative. He came back to say that someone had tried to kill Ryan.

Suddenly, the congressman emerged and walked towards the truck. His clothes were covered with blood. The other man had been cut by his own knife as Lane and others wrestled with him to save Ryan's life.

Ryan was OK. But the violence had started. It was about 3 p.m. Saturday. Within 3½ hours, three gunmen would attack us as we tried to board chartered aircraft and then, in a final act of desperation, Jones would order the mass suicide his people had rehearsed so many times before.

Steven Jones, 19, who was in Georgetown when the suicides took place, said yesterday that his father had gone crazy and that Jonestown had reflected his paranoia. But Jones said his father's dream of a socialist unity was still valid, that it had proved that socialism could work.

Asked if Jonestown had not been an experiment in fascism — with its armed guard and other means of preventing people from leaving — rather than an experiment in socialism, Jones replied: "My father was the fascist. Jonestown was and still could be beautiful."

"SON DEPICTS LEADER OF CULT AS A FANATIC AND A PARANOID,"
JON NORDHEIMER, NEW YORK TIMES, NOVEMBER 22, 1978

By JON NORDHEIMER

Special to The New York Times

GEORGETOWN, Guyana, Nov. 21 — Jim Jones, the cult leader who died along with 408 of his American followers in a mass suicide rite in the Guyanese jungle, was described by his surviving son today as a fanatic in ill health who had turned paranoid in recent years.

"I can almost say I hate this man because he has destroyed everything I've worked for," said Stephan Jones, 19

A former colleague of the cult leader recalls an "intelligent, eager" Jim Jones of the 1950's who lived simply and helped the needy. Page A10.

years old, who has spent his entire life within the cult called People's Temple.

The young man's mother and half-brothers, all perished in the ritual, which took place after several cult members had killed Representative Leo J. Ryan and four other Americans. The son said he had escaped being caught up in the suicide because he had traveled to Georgetown with the commune's basketball team for games in the Guyanese capital.

At a news conference he said the commune members had been drilled by his father in drinking what he said was a deadly poison, but proved harmless after they had swallowed it.

"I never took them seriously," the son said about these practice sessions, adding that he could not bring himself to believe that nearly half of the members had voluntarily ended their lives.

"There was no way it could be suicide," he said at one point in a 45-minute interview. "They had to be forced."

Yet when he struggled to come up with a theory to explain the mass sui-

cide, he speculated it might have been an act of "blind faith."

"I would never say there was any kind of brainwashing," he said in response to one question. He agreed that the commune members might have swallowed the poisonous drink without being convinced that it was genuine.

In the end he came back to the explanation deemed most reasonable here — that his father had convinced his followers that the slaying of the visitors at Port Kaituma airstrip meant the commune would be destroyed.

The younger Mr. Jones indicated that there had been growing dissension with his father's leadership, which he characterized as being mostly "bravado and show," attributable to failing health and dependence on drugs. Jim Jones said he had a heart condition and various ailments ac-

ording to the son, and had become dependent on drugs prescribed by a commune physician.

Father Termed a Frightened Man

"He claimed he was afraid of nothing, which I know was bull," the son said, his face tightening. "My father was a very frightened man. He claimed he didn't have an ego, and the opposite was true. He had one of the biggest egos I ever saw in my life."

The commune became a reflection of his father's frightened visions, the son continued, adding, "Half of Jonestown was Jim Jones's genius and the other half was his paranoia."

He described the commune in terms of a split personality. On one hand, he said, "so many beautiful things" were being produced by hard work. On the other, his father and his inner circle "overreacted" to wild fantasies of oppressive enemies on the outside.

The son conceded that some ugly things had happened at Jonestown. It was possible, he said, that children were disciplined by tying a rope around their bodies and throwing them into a deep well. He also thought possible that unruly teen-agers or runaways had been placed in "intensive care" and treated with drugs. But he said he knew nothing of locking children in a packing crate for long periods of time to discipline them or of rumors that the commune had created an assassination squad from among the younger men.

Stephan Jones is being detained with 45 other commune members at the cult's Georgetown headquarters, where four others — two young women and two children — had their throats slit on Saturday night.

Another cult member at the news conference, Paula Adams, 29 years old, of Lucaya, Calif., said she had fallen out of favor last winter after four years in the commune and had been ordered transferred to the Georgetown office. "I had questioned too many things," she said. "I was not trusted."

When she moved to Georgetown she was not permitted to take her 2-year-old child with her. "Loved ones were always left in the interior when a cult member was sent to Georgetown," she said, because Mr. Jones was thus assured that those absent would return.

Children Were Kept as Hostages

"Were the children hostages?" she was asked.

"Yes," she said in a low voice.

"And where is your baby now?" a reporter asked.

Her voice failed her. Her lips moved, but no sound came out. Her body shook and her face was frozen in horror. "I don't know," she said at last, her voice breaking on the last word. "I don't know."

At the Jonestown settlement, 130 miles away in the northwest, the bodies of the mass suicides, including 83 children, remained on the dusty ground in the central square.

"CULT CHIEF'S BEGINNINGS IN INDIANAPOLIS RECALLED," JAMES FERON, NEW YORK TIMES, NOVEMBER 22, 1978

By JAMES FERON

NYACK, N.Y., Nov. 21 — As a young churchman in Indianapolis the Rev. Jim Jones was "an obviously intelligent, eager, concerned person of great initiative" who lived simply, organized soup kitchens and nursing homes, and helped minorities, a former church leader recalled today.

"That was in the 1950's, when Jim Jones first came to public attention," said Barton Hunter, executive director of the 18,000-member Fellowship of Reconciliation, a 63-year-old pacifist organization.

A decade later, however, Mr. Jones was the leader of a new People's Temple and was "healing" the ill instead of simply caring for them, recruiting minority members to his church rather than just welcoming them, and reaching beyond local concerns to grapple with larger issues.

The charismatic leader had taken on a messianic role and, with 70 families who gave up their jobs and homes, he left for California because of what he felt was harassment in Indiana. In another decade he would move with an even larger group to Guyana, feeling that his group was harassed in California.

'Cosmic Proportions'

Mr. Jones had "come to see himself in cosmic proportions" even in Indianapolis, Mr. Hunter said. Last weekend the cult leader led hundreds of members of his cult into suicide after the slaying of Representative Leo J. Ryan and four other Americans who visited the jungle site of the People's Temple.

"You ask yourself, 'What happened? Where did it all go wrong?'" Mr. Hunter said in an interview at the converted Hudson River mansion that serves as headquarters of his fellowship. His wife, Dorothy, sat at his side, and Mr. Hunter recalled their first meeting with Mr. Jones:

"I was executive secretary of the Church in Society of the Christian Church, Disciples of Christ, and a social worker who was a member of our congregation said, 'I'd like you to meet a young man; he has similar interests.'

"He was a minister, a Methodist pastor, with a congregation that included a small ecstatic group of people. He was involved in peace and social justice and he was in touch with depressed people. He lived with them," Mr. Hunter said.

Eventually, Mr. Hunter said, Mr. Jones withdrew from the Methodist fold and set up his own temple in a former synagogue on North Delaware Street in Indianapolis. His congregation, consisting of more black than white members, began to appeal also to fringe groups.

Synagogue Purchased

Mr. Jones purchased the building from a congregation headed by Rabbi Maurice Davis, now of White Plains, for \$50,000 "which he paid back over the course of several years."

The rabbi, ironically, has since become prominent in organizing families to fight religious cults. "Jones's name kept cropping up in the work I do in deprogramming," Rabbi Davis said, "but there was no indication of his organizing such a cult in Indianapolis."

Mr. Jones, in his People's Temple, found transients and set up a soup

kitchen. He visited a congregant in a badly run nursing home, "carried her out in a blanket," according to Mr. Hunter, and started his own nursing homes.

"They were crowded, but clean and humane, and for a while they were among the best in the city," the executive director said. "Soon he began to demand sacrifices — members of his church gave more liberally of their time and money than those of other churches.

Mr. Jones had what Mr. Hunter calls a "very positive personality" and seemed to be able to raise money easily. "He once said, 'Everything I touch turns to money. I'd have been a millionaire if I had not been called this way,'" Mr. Hunter said.

Demands for Social Justice

Mr. Hunter, whose Fellowship of Reconciliation organized some of the first freedom rides in the South and spawned both the American Civil Liberties Union and the National Conference of Christians and Jews, said that Mr. Jones demanded much from his members in the fields of social and racial justice.

"He once told me he demanded that each member of the congregation write a letter about some social issue," Mr. Hunter recalled. The pastor had set up shelters for brutalized animals, initiated a job rehabilitation program and sent young people to college.

Mr. Hunter shook his head. "Jim had ambitions and he was autocratic. The idea of that community in Guyana was not evil, hacking out a community of love. But bodyguards to enforce love?"

Rabbi Davis said, "I keep thinking what happens when the power of love is twisted into the love of power."

Then he recalled an incident in Indianapolis: "When he bought our temple we had an eternal light going. Jim asked us to leave it. He wanted to keep it burning as a sign of our friendship and what we stood for. All last night I kept wondering, where did it go out?"

'More Committed Than Some'

Mr. Jones was named head of the Indianapolis human-rights organization, Mr. Hunter recalled, and "he was seen by many as a person much more heavily committed to social concerns than the average, but a person with driving desire."

Rabbi Davis recalls Mr. Jones as being primarily involved in interracial matters. "He had an interracial family," he said. "He was part Indian, his wife was white, they adopted children of different races" — one was black and one was Korean — "and finally, in about 1964, he left Indiana, saying it was too racist for him."

Mr. Hunter recalled that, too, and more: "Jim had also become interested in the atomic bomb, Vietnam, and other matters. He had left for a while to teach at the University of Hawaii and he spent two years in Brazil organizing orphanages and a mission."

The Indianapolis church was disbanded after Mr. Jones and his followers left for California. "We visited them there once," Mr. Hunter said. "He had built a church and included a swimming pool in the sanctuary. It was supposed to be for baptisms but he told the kids to use it after school."

**"INDIANAPOLIS TO GUYANA: A JIM JONES CHRONOLOGY,"
WASHINGTON POST, NOVEMBER 22, 1978**

Here is a chronology of events in the life of the Rev. Jim Jones, head of the Peoples Temple.

1953—Jim Jones, a 22-year-old unordained minister, opens a small interdenominational church in Indianapolis, selling monkeys to raise money for a church.

1961—Jones, an advocate of civil rights, is named director of the Indianapolis Human Rights Commission.

1961-1963—Jones spends two years as a missionary in Belo Horizonte, Brazil. He pays a brief visit to Guyana.

1963—Jones returns to his Indianapolis church, now called The Peoples Temple Full Gospel Church, affiliated with the Disciples of Christ.

1964—Jones is ordained as a Disciples of Christ minister.

1965—Jones moves with about 100 followers to Redwood Valley, 100 miles north of San Francisco, claiming that the secluded area will be safe in the event of a nuclear war.

1966-1969—Jones purchases a church and other property.

1971—Peoples Temple purchases the Albert Pike Memorial Temple in San Francisco and a second church in Los Angeles.

1973—A church party of 20 visits Guyana.

1974—Jones negotiates a lease with the Guyanese government covering 27,000 acres in the jungle.

1975—Jones becomes involved in

San Francisco politics, winning the friendship of several major political figures for his support of their campaigns.

1976—Mayor George Moscone names Jones to the San Francisco Housing Authority and Jones' lawyer, Tim Sioen, is hired by District Attorney Joseph Freitas.

1977—Articles critical of Jones, based on interviews with former Peoples Temple members, appear in New West magazine and in local newspapers. They charge that Jones has hoarded \$5 million in property and cash and is beating members and taking advantage of the elderly. Jones resigns from the Housing Authority by shortwave radio from Jonestown in Guyana.

Nov. 7, 1978—Rep. Leo J. Ryan (D-Calif.) announces he plans to visit Jonestown to investigate charges made by constituents.

Nov. 13, 1978—Ryan and his group visit Jonestown, are entertained and invited to stay overnight. The next day, while waiting for transport out of the area with a number of members who asked for help in leaving Jonestown, Ryan and four others are slain and a dozen others are injured in a barrage of gunfire. A short time later, some 400 Peoples Temple members commit suicide by drinking a blend of soft drink and cyanide. Jones' body is found with a bullet wound in the head.

**"I NEVER ONCE THOUGHT HE WAS CRAZY," JON NORDHEIMER,
NEW YORK TIMES, NOVEMBER 27, 1978**

By JON NORDHEIMER

Special to The New York Times

GEORGETOWN, Guyana, Nov. 26 — "It may sound funny," said Tim Carter as he slumped, bone-tired in both body and mind, in a chair on a breeze-swept veranda of an ancient colonial hotel and reflected today on the Rev. Jim Jones, "but I never once thought he was crazy until I saw my wife and 15-month-old son dying of convulsions last Saturday."

Looking back on it now, after the events at the People's Temple jungle commune at Jonestown, the strange behavior that had become a part of everyday life for the sect has taken on new meaning and shadings.

There was the leader who wanted to be called "dad" by his flock.

"Dad knows best," the people would say when there was disagreement inside the commune. "Just do as dad tells you."

That was the approach, said Mr. Carter, that Mr. Jones would take when he had sex with the women of the commune. "He told their husbands that he only did it to help the woman," he said, "but he also did it to emasculate the men of Jonestown."

Claims of Superiority

Mr. Jones would claim a sexuality superior to that of all men everywhere, according to Mr. Carter, who supervised customs and shipping for the commune's commercial maritime activities. "Sex was competition for him, and the women who slept with him always went around telling everyone he was the best lover they had ever been with. We thought that he put them up to that kind of talk."

"Everyone had to admit they were homosexual, even the women," said Jerry Parks, whose wife was killed along with Congressman Leo J. Ryan and three American newsmen when cult members tried to prevent the Parks from leaving the commune, the incident that triggered the mass murder-suicide at Jonestown.

"He was the only heterosexual, that's what he said," remarked Mr. Parks, who had turned over his home and everything he owned in California to the People's Temple.

Yet Jones was also a bisexual who had relations with some men in the commune, according to Mr. Carter.

Unlimited Power in Commune

"He had unlimited power in Jonestown," said Chris O'Neal. "He had set up his own empire and he could do just about anything he wanted and no one could stand in his way."

Not only did most of the Jonestown residents not complain, they applauded his strength.

Why had they done it? It was a question

no one could adequately answer as the dazed survivors awaited transportation back to the United States, where they would try to piece together new lives from the wreckage they carried away from Jonestown.

"This is an example of what some Americans will subject themselves to in order to bring some structure to their lives," said Sherwin Harris, a nonmember who had lost his 21-year-old daughter and former wife in the Saturday-night convulsion of death. "We do so many things in our society that detracts from the value of the family that people want the state, or an individual, to do everything for them."

Jim Jones called himself a socialist; his son said he had become a fascist by the time he died. Whatever the label, he embraced a form of totalitarianism that reduced the lives of his followers to that of a useful instrument to serve a single master.

An Addict's Story

Such was his control that in a matter of hours on a single day he could use this power in a murderous affront against outsiders, and then turn it against himself and his followers.

Odell Rhodes believed he had a reason for surrendering his will to Jim Jones, except for that final, fateful moment when the cups of cyanide were being passed around to the faithful. Odell Rhodes broke his bonds then.

He had been a heroin addict from the Detroit ghetto. For 10 years he had fought his habit, always losing. Heroin was too big for him alone, Mr. Rhodes explained in an interview.

One day a man he knew told him that People's Temple had helped him with drugs. Mr. Rhodes investigated. The notion of life in a jungle commune attracted him. "When I was small I used to spend time on my granddaddy's farm in South Carolina," he said. "I knew I had to get out of Detroit if I was going to lick heroin. I needed to change my environment drastically."

He was told it was going to be difficult. He said he did not mind. The harder the work the less time he would have to think about drugs. For two years he labored, toiling like a slave on the Jonestown farm, never getting wages. So with the help of Jim Jones's power he had beat heroin, he said. He felt he needed his mentor to keep him straight.

A Sense of Dedication

Chris O'Neal wanted to help the people of the world, but he could not help himself too well. He was a poor kid, part Indian, and he had epilepsy. Mr. Jones had seemed so kind, "so fatherly," in California. The slides and film clips of Jonestown looked beautiful. He arrived in

Guyana brimming with good cheer and dedication seven months ago.

"Jones met us at the gate of Jonestown," he recalled. "He was all smiles."

The smiles stopped a few days later. Chris O'Neal discovered he was in a prison. "Once you got here, you kicked yourself in the pants for getting yourself in this mess."

Tim Carter was heavily involved in drugs in California. His mother died when he was 15; his father was an alcoholic. He had been with the Marines in Vietnam during the Tet offensive in 1968. Until Saturday he believed he had lost the instinct for survival.

"There's no question that Jim Jones was a father figure for most of us," he acknowledged. "Some felt it more strongly than others."

Will to Live Prevails

These were the survivors. Their will to live was stronger than their leader's passion for their death. But what about the others? Were they coerced to die, as some have suggested, or did they welcome death?

There is Sharon Amos, the former wife of Sherwin Harris, found with her three daughters in the cult's Georgetown house, their throats slit. She was a bright Jewish girl from Berkeley who had lost her father at 12 years of age, had married at 18, became a mother at 19, and had labored faithfully in the vineyards of the cult for the last 10 years. Had she arranged her own death?

And what of Brian Bouquet and his wife, Claudia, presumed dead in the pile of humanity taken from Jonestown? He was blond and tall and she was pretty and black. He played the saxophone in the commune band and she was supervisor of a cottage for younger girls. His mother had been instrumental in getting Congressman Ryan to investigate Jonestown. "I am convinced that the situation is very critical," she had written Mr. Ryan in June. "The very lives of 1,100 Americans may be in jeopardy." Did Brian and Claudia go willingly with beatific smiles?

And what of John Vincent Stoen, 6 years old, for whom, it is said, Mr. Jones cared as if he were his own child. His mother, Grace, a former cult member, filed suit in Guyana to try to force the People's Temple to give up the child. A Guyanese judge ruled he had no authority.

In June another former cult member had testified in a deposition that one of Mr. Jones's mistresses had rehearsed for suicide by giving the boy a sleeping tablet to make it easier to kill him.

John Vincent Stoen's body now is in an Air Force morgue in Delaware, not far from the coffin bearing the remains of the man he called dad.

"SUICIDES CALLED 'PUNISHMENT'," KAREN DEYOUNG,
WASHINGTON POST, NOVEMBER 27, 1978

By Karen DeYoung
and Paul Grabowicz

Special to The Washington Post

Fear of widespread defections from his Peoples Temple, and particularly the threatened loss of one 6-year-old child to two disillusioned former members, was one of the catalysts that drove the Rev. Jim Jones to order the mass suicide of his congregation 10 days ago, according to a well-informed source close to the temple.

The source, who has been in close contact with Jones, and the temple over the last several years, says Jones was convinced that defections would fuel growing public criticism of his cult and bring on the demise of his 20-year-old movement. He ordered the destruction of his church, this source believes, as a final collective "punishment" for the "sins" of defectors who had "betrayed" him and turned against the church.

A central figure in this unfolding drama, according to this source, was John Victor Stoen, 6, whom Jones claimed he had fathered. Stoen's parents, Grace and Timothy Stoen, had been highly respected members of the Peoples Temple. Jones considered Tim one of the most knowledgeable people about the inner workings of the church. After they left the temple in 1976 and 1977, the Stoens waged a bitter custody fight to regain their son from Jones, and were a major factor in prompting Rep. Leo Ryan's ill-fated fact-finding mission to Guyana this month.

For Jones the battle with the Stoens for custody of the child apparently became the ultimate symbol of his life-and-death struggle against defectors, with the very existence of his congregation hanging in the balance.

It was Jones' fear over a year ago that he was in danger of losing John and the exposure that the Stoens' efforts to win him back would bring on the church that prompted Jones' first threat to order mass suicide in his Guyana congregation, according to a former temple member and to temple attorney Charles Garry.

And 10 days ago, according to the source close to the temple, it was the Stoens' renewed attempts to win their

child back that played a key role in triggering Jones' decision to self-destruct his church.

According to this source, a church doctrine required "group punishment" for the "sins" of those who threatened the cohesion of the group. (Errors deserving punishment committed by any member were considered errors committed by, and against, the congregation as a whole. To symbolize punishment of the group, Jones would sometimes be beaten before the individual offender.)

During Ryan's visit, it appeared that a number of church members, including young John Stoen, would commit the ultimate sin of defection.

The ultimate punishment of the group was therefore deemed necessary by Jones who, according to this source, proclaimed the mass suicide the "will of the people" to self-destruct.

The Stoen family role in the evolution of the Peoples Temple dates to 1970 when Grace Stoen joined her husband as a member of Jones' congregation in Ukiah, Calif. Timothy Stoen, then in his early 30s, rose quickly in the ranks, becoming the temple's prime legal counsel and a trusted adviser to Jones.

"I did nothing either with respect to the church or with respect to my own personal legal affairs without first consulting" Tim Stoen, Jones stated in a court affidavit unrelated to the custody issue early this year. "I am sure over the years he . . . gained more confidential information about Peoples Temple and its members than any other living person."

Grace Stoen, who was only 19 when she joined the church, also rapidly assumed a position of importance. She became a close confidante of Jones, and as the temple's "bookkeeper" gained an intimate knowledge of the complicated financial operations.

On Jan. 25, 1972, Grace Stoen gave birth to a son, John Victor Stoen, who was brought up in the temple, and raised by Grace, Jim Jones and other members of the congregation. In 1974 and early 1976, Grace Stoen signed documents, later ruled invalid, turning custody of her son over to the temple.

Grace, however, became increasingly disenchanted with Jones' operation of the church. In a court declaration in 1977 she charged that members were subjected to "beatings" and "public humiliation," and that Jones became consumed by a "paranoid world vision" and "claimed at various times to be the reincarnation of Buddha, Jesus Christ and Lenin."

"Thoroughly disillusioned," she stated, she "secretly departed" from the church in July 1976, leaving behind her son and husband. Four months later, Jones sent the child to Guyana.

After what she said were repeated unsuccessful efforts to persuade her husband and Jones to give back her son, Grace Stoen filed for divorce and custody of the child in San Francisco Superior Court in February 1977.

It was in the course of protracted legal wrangling over the case, according to Grace's attorney, Jeffrey Haas, that Jones first made the allegation that he was the actual father of John Victor. The claim was heatedly denied by the Stoens, however, and was never made an issue in the custody proceedings.

On Aug. 26, 1977, Grace Stoen obtained a preliminary ruling from Superior Court Judge Donald King in San Francisco granting her custody of the child and ordering Jones' appearance in the court. Armed with a judge's order, attorney Haas says, he flew to Guyana within days to launch court proceedings there and secure John Victor's release from Jonestown.

It was Haas' appearance and initial success in the Guyanese courts in Sep-

tember 1977 that reportedly led Jones to issue his first threat to self-destruct his church.

Temple attorney Garry said in a recent interview that he was contacted at the time by the San Francisco temple office and was told that Jones had threatened mass suicide if the Stoens were not stopped. Garry said he linked up with Jones' wife, Marcie, in Chicago and "made a telephone radio patch to Jonestown."

"I told Jones it was madness," Garry recalled. "He said the people had demanded [suicide] and that he, as their leader, had to give in."

Supporting Garry's account is a June 1978 sworn affidavit of Deborah Layton Blakey, the temple's former "finance secretary." Blakey, who was in the San Francisco temple office during the September "crisis," said Jones was bitter over Grace Stoen's defection and fearful of what Timothy, who was then also defecting, might say about the church. Jones "believed that he would be able to stop Timothy Stoen," Blakey said, "from speaking against the temple as long as the child was being held in Guyana."

With the arrival of attorney Haas at Jonestown, Blakey recalled, "the radio messages from Guyana were frenzied and hysterical." She and another temple member "were instructed to place a telephone call to a high-ranking Guyanese official who was visiting the U.S. and deliver the following threat: Unless the government of Guyana took immediate steps to stall the Guyanese court action regarding John Stoen's custody, the entire population of Jonestown would extinguish itself in a mass suicide by 5:30 p.m. that day."

Both Garry and Blakey stated that after the suicide threat they tried to contact Guyanese officials to stop the court action. "Basically at that point,"

according to attorney Haas, "the court process shut down" and the Stoens' legal efforts to regain John Victor came to a standstill.

The Stoens turned to the State Department and members of Congress to put pressure on the Guyanese government and get the proceedings moving. Their efforts bore no fruit until August 1978 when Grace found a receptive ear in Congressman Ryan.

Haas says that Grace Stoen "met with Leo Ryan two or three times" to plead her case and describe her experiences inside Jones' church. She was "one of the central figures" in the California Democrat's ultimate decision to lead his fateful fact-finding mission to Jonestown, according to Haas. The Stoens also traveled separately to Guyana during Ryan's visit.

According to the source close to the temple, the threat that Ryan's mission would reopen the custody proceedings and force the release of John, plus Jones' fear of other defections to Ryan's contingent, triggered the "punishing mechanism" and the collective suicide in Jonestown.

Six-year-old John Victor Stoen is believed to have been among the victims of the mass poisoning. Grace and Timothy Stoen, according to Haas, are now in the San Francisco Bay area. They could not be reached for comment.

"NOTE FOUND ON JONES' BODY," NICHOLAS M. HORROCK, NEW YORK TIMES, NOVEMBER 27, 1978

By **NICHOLAS M. HORROCK**

Special to The New York Times

WASHINGTON, Nov. 27 — The Federal Bureau of Investigation released today the contents of what appeared to be a suicide note by a woman follower of the Rev. Jim Jones that was found on the cult leader's body by Federal officials.

The handwritten note said:

"Dad — I see no way out — I agree with your decision — I fear only that without you the world may not make it to Communism.

"For my part — I am more than tired of this wretched, merciless planet & the hell it holds for so many masses of beautiful people — thank you for the only life I've known."

The F.B.I. would not rule out that the note was written by Mr. Jones even though its tone appeared to be that of someone writing to him. The note was signed by a woman, an F.B.I. spokesman said, but the bureau withheld the name pending a positive handwriting identification.

The note was found on Mr. Jones's body when it was examined at the United States Air Force mortuary at Dover, Del. last Friday.

F.B.I. sources said that the signature was not the full name of Mr. Jones's wife, Marceline. It appeared to be a short nickname or endearment for a female.

The message was written on lined notebook paper that had been torn and folded. The word "Dad," a name many in the People's Temple called Mr. Jones, had also been written on one side of the folded paper as though it were being addressed.

[In Georgetown today, The Associated Press reported that it had learned that aides of Mr. Jones had met at least twice with an official of the Soviet Embassy to discuss the possibility of moving the entire Jonestown colony to Russia. Page A13.]

The F.B.I. made available photocopies

of the note found in Mr. Jones's pocket from which the signature had been cut. It is part of the growing evidence and documents the bureau is accumulating as it continues its investigation of the murder of Representative Leo J. Ryan of California in the hours before the deaths of more than 900 members of the People's Temple in Guyana.

A Letter Alleging Bondage

Meanwhile, a Department of Justice spokesman said that the more than 400 complaints it had received about religious cults disclosed that in the last three years it only received one letter alleging bondage at the People's Temple community and that this letter was turned over to the Department of State.

Robert Havel, the spokesman, said that the department had received only three letters in the last three years pertaining to the People's Temple. In two letters, he said, the writers said they were unhappy about alleged harassment of the organization by the United States Government.

The Justice Department answered the one letter that made allegations about conditions in the Temple by noting that, since the letter dealt with incidents abroad, it came under the State Department's jurisdiction. The Justice Department opened investigations of only 30 of the more than 400 other complaints about religious cults that it received in the same 1975-1978 period.

The House International Affairs Committee, meanwhile, expects a preliminary report on Friday from the State Department about how the department handled the two-year controversy over the People's Temple settlement in Guyana.

Congressman Requests Data

The committee chairman, Representative Clement J. Zablocki, Democrat of Wisconsin, wrote to Secretary of State Cyrus Vance last Monday, asking him to forward information on a range of questions raised by the tragedy at Jonestown.

His committee is seeking to learn about

whether Representative Ryan was properly warned about the dangers of visiting Jonestown; what the State Department knew and did about conditions at the colony, and details about firearms and large amounts of cash that have turned up at the colony. Mr. Zablocki and his staff warned that this was, at this juncture, not a "Congressional investigation" but simply an attempt to gather information.

Once the committee members receive the basic information from the State Department, a committee spokesman said, they will determine whether a full-scale investigation should be launched.

Late today, the F. B. I. was still preparing to conduct interviews with survivors of the Jonestown deaths as they arrived in Charleston, S. C.

Cult Members Wanted. Coast Inquiry Dropped

LOS ANGELES, Nov. 27 (AP) — A recent letter from 653 members of the Peoples Temple in Guyana asked the Los Angeles County District Attorney to drop an investigation of the cult and threatened forcible resistance. The Los Angeles Times reported today.

The signers are believed to have been among the more than 900 Americans who died at Jamestown, Guyana, last week.

In the letter to District Attorney John Van de Kamp in September, they vowed to resist any attempt to jail the Peoples Temple leader, the Rev. Jim Jones, or other church members. Mr. Van de Kamp's office has been investigating claims that Mr. Jones threatened to kill an elderly couple unless they sold their property and turned it over to him.

"We want to make it clear that we have been pushed to the wall," the letter said, "that we have gone very far in this cause, which for us is identified with our very lives. . . We will very actively, dramatically and forcefully resist any attempts, from whatever quarter, to put members of our organization in jail."

"CONSULAR OFFICERS: BABYSITTERS, ETC." GRAHAM HOVEY,
NEW YORK TIMES, NOVEMBER 29, 1978

And Confessors, Psychiatrists and Social Workers, Official Says After Guyana Criticism

By GRAHAM HOVEY

Special to The New York Times

WASHINGTON, Nov. 29 — After the State Department was badgered for days because its consular officers had failed in periodic visits to discover the repression in the People's Temple settlement in Guyana, one official said in exasperation, "We're not babysitters."

However, in a private conversation later, a high-ranking department official involved in consular affairs took issue. "That's exactly what we are — baby sitters," he said, referring to the 750 consular officers spread thinly over 250 United States diplomatic missions in 118 countries around the world.

"We also have to try to be father confessors, psychiatrists, social workers and what have you," he added.

A Fact of Life

It seems to be a fact of life that consular officers can rarely perform promptly or extensively enough to satisfy either the steadily increasing numbers of Americans who get into serious trouble abroad or their families and relatives back home.

In addition to these frustrations, there has been a steady increase in the consular officer's routine chores, such as issuing visas and passports, serving as notary public and acting as "provisional conservator" of the property of Americans who die abroad. In addition, he also often suffers from morale problems.

"It is unfortunate but true that a number of our consular officers feel that they are treated as 'second-class citizens' by their counterparts in the foreign Service and by top management in the department," Barbara M. Watson, Assistant Secretary of State for Consular Affairs, told a House subcommittee last year.

Quarters Unattractive

"Abroad, they often find themselves cramped, unattractive, and ill-suited quarters, sometimes located blocks from the embassy. When the 'country team' meets to discuss the overall policies and goals of the mission, the senior consular officer may be conspicuous by his or her absence.

"Promotional opportunities within the consular cone are not in step with other areas of the Foreign Service because of a lower rank structure assigned to consular work. Many of our better officers find they must transfer to political, administrative and other cones to attain senior grades or to qualify for the choice assignments."

One result is that there are more consular positions in United States missions overseas than there are consular officers to fill them. However, a senior official said, "there is always a surplus of political officers."

Not Everyone Agrees

Miss Watson was in a familiar role, testifying at hearings called to investigate charges by bitter parents and relatives about the failure, as they viewed it, of United States consular officers to perform adequately with regard to Americans killed, imprisoned or missing in foreign countries.

Not all consular officers agree with Miss Watson that their service has unique morale problems. "It may sound like a gruesome job, but most consular officers enjoy their work because they are doing something, helping someone to solve his problems," an official said.

But Foreign Service professionals, reached in a week in which the State Department found itself on the defensive every day about the tragedy in Guyana, felt strongly that most Americans had no understanding of the limits of diplomatic and consular authority.

"They are not F.B.I. agents," said John A. Bushnell, Deputy Assistant Secretary of State for Inter-American Affairs. He was referring to the consular officers who had carried out 75 interviews with members of the People's Temple without finding one who would admit to being held against his will or who wished to leave.

Not Police, Not Judges

"We are not police officers, and we are not judges," another high-ranking State Department official said. He referred to the fact that the first involvement of embassy and consular personnel with the People's Temple in Jonestown had been in connection with a legal fight over custody of a child between two factions of an American family.

Some officials admit privately that the State Department ought to have acted more vigorously on the warning it received last summer about the mass suicide pact of the People's Temple, but they say the warning was delivered to the Guyanese Government and they ask, in effect, what else would you have had us do?

"I don't know how we could have prevented this, short of going in with troops and police," a senior official said, "and, of course, in a foreign country, you have to rely on that country's troops and police."

Laws Must Be Obeyed

Running through all comments by officials on public complaints about services furnished by embassy or consular officers is the belief that a great many among the 10 million Americans who now travel abroad each year simply do not realize that they must obey the laws and adhere to the customs of the countries they visit.

In a recent year, more than 7,500 Americans were arrested in other countries; and more than 1,600 are now in foreign jails, most of them young people.

Older Americans are also traveling abroad in ever increasing numbers and this, too, adds to the work of the consuls. In 1976, more than half a million passports were issued to Americans over 60 years old. On the average, 10,000 Americans die abroad each year and 10,000 others are reported missing.

"JERSEY PSYCHIATRIST STUDYING THE GUYANA SURVIVORS, FEARS IMPLICATIONS FOR U.S. SOCIETY FROM OTHER CULTS," JON NORDHEIMER, NEW YORK TIMES, NOVEMBER 30, 1978

By JON NORDHEIMER

Special to The New York Times

GEORGETOWN, Guyana, Nov. 30 — A psychiatrist working with survivors of the People's Temple tragedy said today that there was little likelihood that any of the other 1,500 cults estimated to be currently active in the United States could be capable of similar acts of self-destruction.

There was a greater risk, Dr. Hardat A. S. Sukhdeo said, that American cults might be more of a threat to society than to themselves.

Dr. Sukhdeo is the deputy chairman of the Department of Psychiatry and Mental Health Science at the College of Medicine and Dentistry of the New Jersey School of Medicine, Newark, a sister school to Rutgers University. He is also chief of service of psychiatry at Martland Hospital, the teaching hospital affiliated with his school.

After interviewing the survivors and inspecting the recent writings of those residents of Jonestown, the People's Temple commune in Guyana, who died, he said that what happened there was an aberration, but it had disquieting implications for the rest of American society.

"Our society is so free and permissive," he said, "and people have so many options to choose from that they cannot make their own decisions effectively. They want others to make the decision and they will follow."

The commune at Jonestown was dominated by whites working under the cult's charismatic leader, the Rev. Jim Jones, a man of enormous organizing powers.

Under Mr. Jones, who died in the killings and suicides at the camp Nov. 18, the sect turned from its quasireligious, civil-rights origins to a complete rejection of American value systems.

The cult preached absolute faith and

dependence on Mr. Jones, and he apparently wielded complete control over the will of his adherents.

"In all the cults you are not permitted to express feelings," Dr. Sukhdeo explained.

"In the Moonies, for example" — a reference to the followers of the Rev. Sun Myung Moon, spiritual leader of The Unification Church — "no sexual feelings are permitted. It is considered bad.

"In the People's Temple you could only feel the way Jones wanted you to. You had to submerge all of the feelings."

The doctor's review of the letters of self-criticism written by cult members convinced him that the writers unwittingly permitted their anxieties and unhappiness to be expressed by saying they accepted what they actually resented deeply.

Psychiatrist Acted on His Own

Dr. Sukhdeo, who is organizing a private research group called the Center for Coercive Persuasion, came to Guyana on his own to investigate the pathology of the sect.

His greatest concern, he said, was that his Government was planning only for the physical return of the survivors, not doing anything to prepare them to assume control over their own lives once more.

"They've lost the underpinnings of their whole life," Dr. Sukhdeo said.

Their despair and the trauma of the last two weeks have deeply depressed them, he said, and "many may feel it's easier to commit suicide." However, he went on, Mr. Jones programmed them only for an act of mass suicide and had actually inveighed against individual acts of suicide.

Guilt and Being 'Reborn'

"He told them an individual act of suicide meant that they would have to be reborn 500 times before they could work off their guilt," the New Jersey psychiatrist said, adding that consequently, many have expressed feelings summed up in the phrase "I wouldn't mind being killed." This led Dr. Sukhdeo to speculate that those individuals may have engaged consciously in suicidal behavior back in the United States.

"WHAT THE MEDIA DID," CHARLES B. SEIB, WASHINGTON POST,
DECEMBER 1, 1978

The spinoffs have begun. Even before the headlines fade from memory, the horror of Jonestown has become a marketable commodity.

Late last week, a team of Washington Post staffers holed up in the Madison Hotel to grind out an instant book to be called "Guyana Massacre: The Eyewitness Account." Thanks to the miracles of technology, you may be able to buy it today.

Across the country, a San Francisco Chronicle team has produced "Suicide Cult: The Inside Story of the Peoples Temple Sect and the Massacre in Guyana." That, too, should be for sale today.

So in the book department, at least, Jonestown has been reduced to a contest between two fast-moving publishers—Berkley, which put out The Post's book, and Bantam, which handled the Chronicle's—to see who could tap the morbidity market first.

There may be other book projects in the works. And I suppose that in the show-biz warrens of New York and Los Angeles the possibilities of film or television docu-dramas on Mad Jim Jones and his cult are being run up the flagpoles.

That's the way it is these days, and there is no point in decrying it. But before the entrepreneurs take over, there are a few things that should be said about the coverage of Jonestown by the print and broadcast news media.

It was what we call in this business a hell of a story. And that is the way we covered it. Acres of newsprint, hours of air time were devoted to it. All the shocking developments—the airport murders, the nightmare of mass suicide at the Jonestown pavilion, the escalating body counts, the sickening task of removing the dead—were reported at length.

Never was the ability of television to destroy the insulation of distance more dramatically demonstrated. Because of

The News Business

the remarkable performance of NBC's Robert Brown, who kept his camera operating until he was gunned down, we saw the airport massacre a matter of hours after it happened—and in full color. And soon thereafter we were taken—and retaken, again and again—to the body-heaped pavilion.

Barely had the television and newspaper assaults on our senses abated when Time and Newsweek hit us with their dreadful color pictures, more horrible in a way than the television pictures because they wouldn't go away. Both news magazines displayed bodies on their covers and proudly promoted what was inside under identical titles: "The Cult of Death." Newsweek topped Time, incidentally, with 28 pages on the story to Time's 9.

Getting back to the daily coverage, the hype level was mercifully low. That favorite and, in this case, totally inadequate word "bizarre" was overworked, of course. And there were a few attempts at sensationalizing a story that was sensational enough. For example, a Chicago Tribune banner headline: "Reporters Visit 'City of the Dead.'"

As the week wore on there were the inevitable what-does-it-all-mean articles, discoursing learnedly on cults and previous mass suicides and mixing reassurances (it has happened before) with foreboding (today's society encourages this sort of thing).

One eminent purveyor of the big picture managed to relate Jonestown, the Middle East negotiations and the SALT talks, the common denominator being a decline of manners and a confusion of responsibility and authority.

In assessing the coverage, a nagging

question surfaces: Would it have turned out differently if reporters and cameramen had not accompanied Rep. Leo Ryan on his mission? Was it the presence of the press that drove the paranoid Jim Jones to his final madness?

It is a legitimate question but an unanswerable one.

Often the presence of reporters and cameras can be a deterrent to violent or irrational acts. But in this instance, there was a fatal, unknown ingredient. Jones was mad.

It could be—we'll never know—that, when he became aware that the reporters were finding members of his community who wanted out, he realized his world was crumbling and decreed its destruction.

The media have told us what happened at Jonestown. But the larger question remains: What enabled a suicidal madman to take 900 people with him? The psychiatrists, the behaviorists, the religionists and even the philosophers will be chewing on that one for a long, long time.

I hope they also give some thought to what Jonestown and its vivid media coverage did to the rest of us. Can a society take bloated bodies and trailerloads of shiny corpse containers with its evening meals and be unchanged? How much can one read and hear about the stench of death and grisly mortuary logistics and come out unscathed?

Are we emerging from the shared experience of Jonestown more caring and more aware of our common humanity? Or have we, in self-defense, become harder and more isolated?

The answers to those questions are important to the public and the media. But they must come later. For now we can say that the media did what they were supposed to do. As society's messengers, their job was to deliver a terrible and frightening message. And they did it well.

“ . . . AND WHAT GOVERNMENT CAN'T DO,” WILLIAM RASPBERRY,
WASHINGTON POST, DECEMBER 21, 1978

One of the persistent threads running through conversations about the mind-numbing tragedy at Jonestown, Guyana, is that the U.S. government was somehow at fault.

The FBI, the CIA, the State Department—*somebody*—should have done something to stop Jim Jones and his followers before they went off the deep end.

Perhaps the clearest statement of the theme came in a recent column by Carl T. Rowan:

“The gruesome tragedy in Guyana is an appalling example of governmental failure to act,” he wrote, “primarily because government officials are timid about breaching sanctuaries of ‘religion’”

“It is easy enough for the State Department, the FBI, the army and a host of other agencies to spring to action after a congressman and a news team are murdered and more than 700 [now at least 912] members of the Peoples Temple are found dead.”

No less than Rowan and others who are faulting the timidity of the government, I wish the stupefying tragedy in Guyana could have been averted. Perhaps it could have been, if there had been some solid evidence that Jones had threatened beforehand to do in 800—or nine or even one—of his followers.

We did know some things that were deeply disturbing to a lot of us. We knew that Jones's followers seemed to have an unhealthy commitment to him, that thousands and thousands of dollars in Social Security and welfare checks were being endorsed over to the Peoples Temple, that hundreds of his members were signing their property to the organization and that there exist-

ed the opportunity for someone to become awfully rich as a result.

But what action would we have wanted the government to take?

Before answering that question with regard to Jim Jones and his Peoples Temple, ask yourself what government action you would recommend in the following situation:

You learn that a group of women, all of them single, many of them smilingly naive and some of them, quite frankly, “different,” has been taken to some remote place and hidden away from the public view.

You learn that they have been talked into giving up their personal property for the good of the organization and that they now live in unbelievably modest circumstances, working long, arduous hours for little or no pay. Even on those rare occasions when they are permitted to leave the compound, they must be accompanied by at least one other member.

For all you know, many of them may wish to escape, but perhaps they fear for their lives if they try to get away. Maybe someone has convinced them that some unspeakable thing worse than physical death will be their lot if they turn on their overseers. You simply don't know.

Question: Would you urge a government investigation of the organization to see what was going on? Or would you scream bloody anti-Catholic murder if the FBI raided the convent?

The point is, some things that look terrible when they are done by members of “cults” seem perfectly all right when they are done by members of established religions.

At what point does it become the gov-

ernment's role to decide which religious group is legitimate and which is only a "cult"?

Should Abraham have been convicted of attempted murder when he tricked his son Isaac up the mountain to do him in?

Should Moses have been brought up on charges for taking the children of Israel off into the wilderness, away from the fleshpots of Egypt, risking mass starvation in the process?

Should Jesus of Nazareth have been treated as a public threat (He *was* so treated) for talking ordinary hardworking citizens into quitting their jobs and abandoning their families in pursuit of his farfetched promises?

The point is not that Jim Jones (or Elijah Muhammed or Brother Gene Ewing or Rev. Ike) can be compared with Abraham, Moses or Jesus. The point is that all of these leaders were seen by their contemporaries as smooth-talking slicksters, and their followers were seen as naive fools.

But it is not against the law to be either slick or naive. The government must tread with great care in protecting people who do not wish to be protected.

And it must be a thousand times more careful when the impulse is to protect people from what appear to be misguided religious beliefs.

A lot of things went wrong—inside Jim Jones's head, among his followers and in the American society at large—to produce the tragedy at Jonestown.

But I'm not sure it's fair to lay much of the blame at the feet of governmental "timidity."

There are some things the government can't do for us—and shouldn't even try.

"THE CULT OF DEATH," NEWSWEEK, DECEMBER 4, 1978

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Alert! Alert! Alert! Everyone to the pavilion!" The Rev. Jim Jones was on the loudspeaker, summoning the members of his Peoples Temple to their last communion. Dutifully,

they gathered round; some of them, without a doubt, knew what was in store. "Everyone has to die," said Jones. "If you love me as much as I love you, we must all die or be destroyed from the outside." Mothers grasped their children to their breasts. "What have they done?"

one screamed. Jones ordered his medical team to bring out "the potion," a battered tub of strawberry Flavour-aide, laced with tranquilizers and cyanide. "Bring the babies first," he commanded.

At the fringes of the huge crowd, armed guards fingered guns and bows and arrows. Some families edged forward voluntarily. Others held their ground. The guards moved in, grabbing babies from recalcitrant mothers and holding them up to let "nurses" spray the poison down their throats with hypodermics. A

man shoved a gun into the ribs of Raulette Paul, who was clutching her year-old son, Robert Jr. "You dumb bitch," he shouted. "You better do it or we're going to shoot your ass off." Tears streaming down her face, she shot the poison into the baby's mouth, and he immediately began to scream and go into convulsions.

Many walked willingly up to the poison vat and took away their cups of Flavour-aide. "We'll all fall tonight," said one, "but he'll raise us tomorrow." One old man resisted violently; he was thrown to the ground, his jaws were pulled open, and a cupful of poison was poured down his throat. "It is time to die with dignity," said Jones, on the loudspeaker.

'MOTHER! MOTHER!'

After they had drunk their potions, members of the Peoples Temple were led away by the armed guards and told to lie in rows, face down. Family groups often held hands or embraced. Within minutes, they began to gasp and retch. Blood flowed from their mouths and noses. On his raised chair on the pavilion stage, Jones kept saying, "I tried. I tried. I tried." Then he cried "Mother! Mother!" Finally, there was a shot. Jones toppled over backward, a bullet hole in his head. And a terrible silence began to settle over the camp deep in the South American jungles of Guyana.

The apocalyptic end of Reverend Jones and his Peoples Temple last week was a tragedy that strained all comprehension. The carnage in Jonestown conjured up comparisons with the Zealots of Masada, who killed each other rather than surrender to Rome in A.D. 73, and the 1,000 Japanese civilians who hurled themselves from a cliff in Saipan as American troops took control of the island during World War II. But in this case it was not the passions of war that had prompted the self-slaughter, but rather the paranoid fantasies of a single leader. Somehow, in Jones's twisted reason, a fact-finding mission by U.S. Congressman Leo Ryan became a mortal collision that left more than 900 people—Jones's followers, newsmen, Ryan and Jones himself—dead.

Explanations for the disaster could be drawn only from the murky pathology of madness and mass indoctrination. Jim Jones, 47, was a self-appointed messiah with a vision of a socialist paradise on earth and a lust for dominion over his fellow man (page 54). He attracted hundreds of fanatic followers, whose fierce loyalty and slavish work on his behalf smacked of the psychological disintegration that accompanies brainwashing (page 72). His success, and its awful consequences, posed disturbing questions about the flourishing of cults that has given the U.S. everything from saffron-robed devotees of Lord Krishna to the weird regimen and ugly threats of Synanon (page 78). It was as if all the zany strains of do-it-yourself religion and personality-cult salvation that have built up in America had suddenly erupted with ghastly force. And to add a touch of the macabre to the tragic, the scene was a faraway jungle outpost where corpses bloated under the tropical sun and the pile of bodies was so thick that the original count turned out to be too low by half.

The heart-of-darkness tragedy at Jonestown actually began in San Francisco eighteen months ago when Ryan received some bad news from an old friend named Sam Houston, an AP photographer. Houston's son Bob, 31, had been found dead, his body mangled, in the railroad yard where he worked. The day before, Houston told Ryan, Bob said he planned to quit the Peoples Temple. The police didn't know whether they were dealing with an accident or a murder.

Shaken, Ryan vowed to keep an eye on the Peoples Temple and he hired a special staff investigator. Over the next several months, parents and friends of Jonestown commune members told him that Jones was keeping his followers prisoners in Guyana. A former Jones bodyguard said Jones practiced physical and psychological torture regularly. Tim and Grace Stoen, two dissident communards, claimed Jones was holding their 6-year-old son hostage in Jonestown. And last spring, Debbie Blakey, the colony's financial secretary, fled Guyana with the most chilling report of all: Jones was collecting \$65,000 a month in social-security checks due elderly communards—and running regular mass-suicide drills.

STAFF WARNINGS

Other sources, however, said Jonestown was a counter-culture paradise. Jones's attorney, Charles Garry, a San Francisco radical who had numbered Huey Newton and Angela Davis among his clients, called the colony "a jewel

that the whole world should see." Last summer, Ryan resolved to see it for himself, despite warnings from his staff. "He knew it was relatively dangerous," Ryan's daughter, Pat, 25, said last week.

On Nov. 1, Ryan sent Jones a telegram. "I am most interested in a visit to Jonestown and would appreciate whatever courtesies you can extend," he wired. On Nov. 6, a reply arrived from lawyer Mark Lane, best known for challenging the Warren Commission's report on the John F. Kennedy assassination. Jones had hired Lane to collect evidence proving that intelligence agents were infiltrating and harassing Jonestown. Lane wrote Ryan that if the congressman staged a "witch hunt" in Guyana, Jones might embarrass the U.S. by fleeing to "two anonymous countries" (apparently the Soviet Union and Cuba) that were willing to offer him refuge.

Ryan decided to go ahead with his trip, and he welcomed reporters who asked to go along. "He felt the press was his best protection," said Joe Holsinger, a Ryan aide. The Washington Post assigned its South America correspondent Charles Krause, The San Francisco Examiner sent reporter Tim Reiterman and photographer Greg Robinson and The San Francisco Chronicle sent reporter Ron Javers. NBC News assigned reporter Don Harris and cameraman Bob Brown—both news veterans of Vietnam. "We all assumed they would be pretty safe—since no one would kill a congressman," said West Coast producer Steve Friedman of NBC's "Today" show.

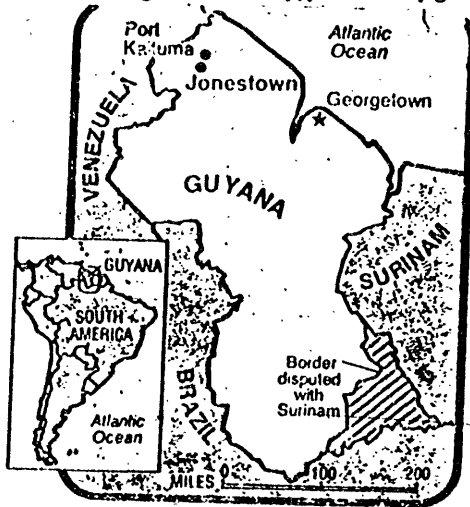
Not all the members of Ryan's party shared the same

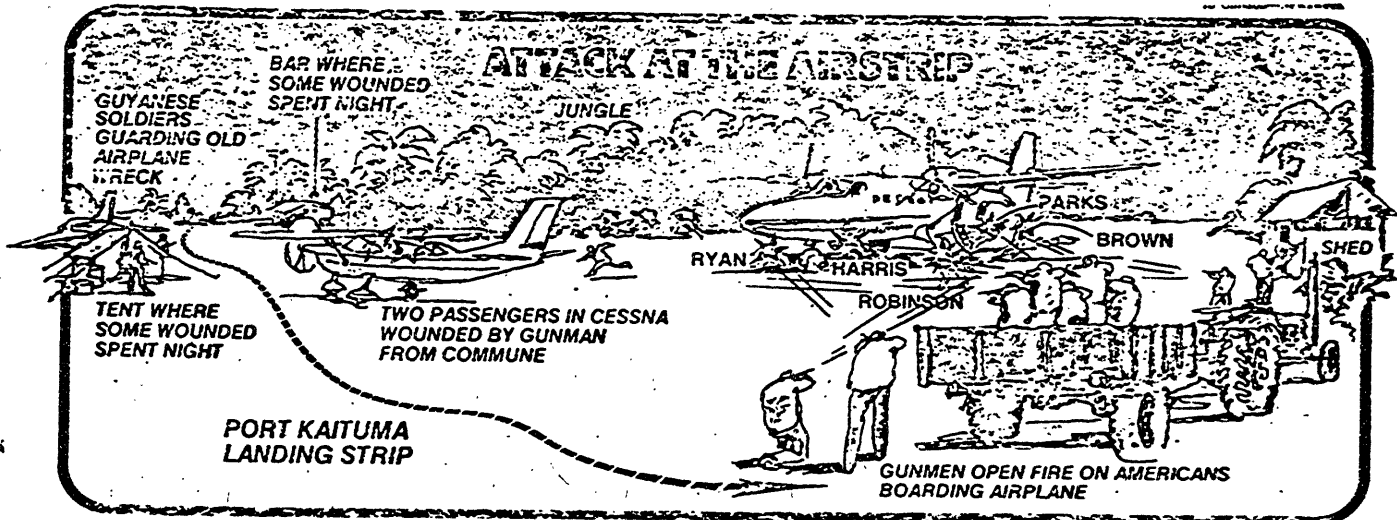
comfortable assumption. In Washington, Ryan's legislative aide Jackie Speler, who was also making the trip, wrote out a will addressed to her parents. Speler, 28, also made sure that Ryan's own will was in order. The day before the trip, she tucked the two wills into envelopes and left them in her desk. Then she packed her bags. In Los Angeles, Bob Brown told his wife, Connie, and adopted Vietnamese daughter, Kim, that he was having frightening premonitions. The day he set off, he had breakfast with a friend. "Goodbye," he said. "I won't see you again."

On Nov. 14, the entire group flew to Georgetown (population: 164,000), the sleepy, tin-roofed capital of Guyana. For a time, it looked as if Ryan might get no further. On Wednesday, he began to flicker for permission to enter Jonestown, a 900-acre enclave carved out of thick jungles 150 miles northwest of Georgetown. His contact was Sharon Amos, one of the commune's public-relations people who presented her unwelcome guest with long scrolls bearing the signatures of hundreds of Jonestowners. They read coldly, "Many of us have been visited by friends and relatives. However, we have not invited, nor do we care to see, Congressman Ryan." Word came that Jones was ill and wouldn't talk. But Ryan decided he would go to Jonestown whether Jones gave permission or not.

Then, Lane and Garry flew in to break up the impasse. The two lawyers, who openly spoke of the commune's commitment to integration and egalitarian values, radiocd Jones. "You have two alternatives," Garry told Jones. "You can tell the Congress of the United States, the press and the relatives to go ---- themselves. If you do that, it's the end of the ball game. The other alternative is to let them in—and prove to the world that these people criticizing you are crazy."

When Garry and Lane promised to escort the party and make sure that things ran smoothly, Jones finally gave in. The





PORT KAITUMA
LANDING STRIP

ATTACK AT THE AIRSTRIP

JUNGLE

BAR WHERE
SOME WOUNDED
SPENT NIGHT

GUYANESE
SOLDIERS
GUARDING OLD
AIRPLANE
WRECK

TENT WHERE
SOME WOUNDED
SPENT NIGHT

TWO PASSENGERS IN CESSNA
WOUNDED BY GUNMAN
FROM COMMUNE

RYAN

HARRIS

ROBINSON

BROWN

PARKS

SHED

GUNMEN OPEN FIRE ON AMERICANS
BOARDING AIRPLANE

Tim Reiterman © 1978, San Francisco Examiner

two lawyers made a dash for the airport and caught up with Ryan. His party had ballooned to nineteen members including nine newsmen and four relatives of commune members. At 3 p.m., their Twin Otter took off for Port Kaituma, a small fishing village with a landing strip nestled in thick jungles 6 miles north of Jonestown. When they landed one hour later, they were greeted by an angry group of Jonestowners, including one man with a gun. After some more bargaining, Ryan's group finally boarded a dump truck for the hour drive to Jonestown on a twisting dirt road bordered with dense jungle brush.

The scene at Jonestown was surprisingly pleasant. They found children on swings in a small playground and cheery communards baking bread and doing laundry. Commune members trotted alongside the guests, smiling and asking polite questions. Jones's wife, Marceline, led the welcoming delegation. "You must be hungry," she said. "The food is waiting at the pavilion." She led the party to a building with a corrugated-tin roof and open walls, where Jones, perspiring and looking ill, was waiting. He sat down with Ryan and the others to a dinner of smoked pork, eddoes (a root vegetable), coffee and tarts. The commune's small band broke into the

Guyanese national anthem—and a chorus of "America the Beautiful."

Jones then threw a two-hour soul review for his guests. There was an eight-man band—made up of electric guitars, drums and saxophones. Old women sang old-fashioned blues. Younger communards wailed modern soul and rock songs. Ryan interviewed 40 commune members as the show went on. Finally, Ryan stood up, took a mike and said, "I can tell you right now that by the few conversations I've had with some of the folks here already this evening that . . . there are some people who believe this is the best thing that ever happened in their whole lives." The crowd cheered for nearly twenty minutes.

BAD VIBES

If the good vibes were thunderous, they soon began to appear a bit suspect to Ryan and the newsmen. At one point, the congressman noticed that all of the commune's elderly white members were mechanically clapping and swaying to the beat of the throbbing soul music. "Look at that man's face, just look at his face," Ryan said to the Post's Krause, pointing out Tom Kice Sr., a middle-aged white in a gray crew cut who was bobbing about with glazed eyes. But when reporters edged out into the crowd to ask a few questions, most

of the communards gingerly moved away.

Krause had been sitting next to Jones. He recalled that Grace Stoen had told him that Jones was vain and power hungry despite all his protestations of humility—and that he filled out his sideburns with eye liner. Krause looked closely. "It was true," he reported to the Post later. Jones suddenly exploded in rage at one of the newsmen's questions: "Threat of extinction! I wish I wasn't born at times. I understand love and hate. They are very close." And when newsmen pressed him on the reports of physical punishments in the camp, he shouted, "I do not believe in violence. . . . I hate power. I hate money. . . . All I want is peace. I'm not worried about my image. If we could just stop it, stop this fighting. But if we don't, I don't know what's going to happen to 1,200 lives here."

OVERNIGHTING AT THE BAR

At 10 p.m., the entertainment ended. One of Jones's lieutenants told Jones that the reporters had secured lodgings in Port Kaituma and would be driven there for the night. The reporters had made no such arrangement; some argued that they wanted to stay overnight to get a better fix on living conditions in the commune. "Get them out of here. I will not have them staying here overnight," Jones whispered to his wife. The newsmen and the relatives were driven to the Weekend Bar, a tiny nightspot in Port Kaituma. They persuaded the owner to let them sleep on the living-room floor of his house nearby. A local cop told the newsmen that the Jonestowners had at least one gun, an automatic rifle, registered with the Guyanese authorities.

Ryan, Speier, Lane, Garry and two others were allowed to spend the night in Jonestown. Lane went to bed early. Garry stayed up into the night, discussing the day's events with Jones, who was in good spirits. His 103-degree fever had vanished and he seemed in control. A red-letter day, Garry told him. Ryan had been impressed—things were going well.

Jones also seemed cheerful the next morning. Ryan and the other overnight guests were given a hearty breakfast of pancakes and bacon. The dump truck went into Port Kaituma to bring back the newsmen. Then the atmosphere began to sour. Krause discovered four barnlike buildings that turned out to be dormitories. When he attempted to get into one of them—Jane Pittman Place—he was turned away. The newsmen protested. After Garry and Lane prevailed on the commune's leaders to let the reporters in, they discovered about five dozen elderly communards jammed into a small room with

long lines of bunk beds. "It was like a slave ship," said Lane.

Things took a turn for the worse when Jones agreed to sit for an interview with Harris. For 45 minutes, he sat stonily under the eye of Bob Brown's mini-camera while Harris peppered him with hard questions about weapons, drugs and corporal punishment. Finally Harris asked about the gun the newsmen had heard about the night before. "A boldfaced lie," said Jones. Then Harris showed him a crumpled note from a communitarian who had asked Harris for help in leaving Jonestown. Jones's eyes narrowed slightly and his voice tightened. "People play games, friend," he said icily. "They lie. What can I do with liars? Are you people going to leave us? I just beg you, please leave us. . . Anybody that wants to can get out of here. . . They come and go all the time."

The possibility of real defections seemed to have rattled Jones badly. After the interview, Ryan told him, "Jim, there's a family of six here that wants to leave." Jones grew furious. "I feel betrayed," he shouted. "It never stops." "He

just freaked out," said Garry. "It was as if all hell broke loose." When Jones began to rant about liars and traitors, Garry stepped in quickly to calm him. "Let them go," he told Jones. "Who gives a shit if six leave or 60? It won't change what you've done here." Jones mumbled that he had been stabbed in the back. Garry grew more and more worried. "I just wanted to get out of there," he recalled.

At 3 p.m. Saturday, Ryan was summoned to the pavilion. An American Indian named Al Simon wanted to leave with his three children; Simon's wife refused to let the children go. Garry and Lane persuaded the parents to let a court decide the matter. Ryan then assured Jones that he would not call a Congressional investigation when he returned home. He had just thanked Lane and Garry for making the trip possible. With no warning, a Jones lieutenant named Don Sly grabbed him around the throat and put a 6-inch fishing knife to his chest. "Congressman Ryan, you are a mother---er," Sly yelled. Garry and Lane grappled with Sly; Ryan fell free; Sly's hand was cut; blood splattered on Ryan's shirt. Jones stood watching. "Does this change everything?" he asked. "It doesn't change everything," said Ryan. "But it changes things."

'THIS IS HELL'

With Ryan finally aboard, the commune dump truck set off for Port Kaituma at 3:15. Near the airstrip, the entire family of Gerry Parks caught up with the truck and begged to be taken along. Parks, his wife, Patty, his brother, Dale, their mother and two children had arrived in Jonestown last spring. Parks had buttonholed the congressman earlier and whispered, "We gotta get outta here, this is hell." But his wife had refused to leave--until she saw the commune's security forces hauling out a stash of automatic weapons. "They started getting out the big stuff and she finally knew it was coming down on us," said Parks.

Another, more sinister latecomer also joined Ryan's party: Larry Layton, 32, a thin, blond, white man who had been one of Jones's close followers. "He's not really going," objected Dale Parks. "This is a plot--something is going to happen." The plea was dismissed, but it was prophetic. After the dump truck left the commune, Jones summoned Lane. He told him that other communards were also bound for the airstrip. "This is terrible, terrible," he said. "There are things you don't know. Those men who left a little while ago to go into the city are not going there. They love me and they may do something that will reflect badly on me. They're going to shoot at the people and their plane. The way Larry hugged me, a cold hug, told me."

At about 4:30 p.m., the Ryan entourage arrived at the Port Kaituma dirt airstrip. At about the same time, a white Cessna six-seater touched down and ten minutes later, a nineteen-seat, twin-engine Otter landed. The planes did not have enough seats for all the members of Ryan's party. He had promised to take all the defectors out first and they crowded nervously forward. "The congressman said I could go on the first plane," grumped Layton as the Otter began to load. He discreetly made for the Cessna when Ryan personally started frisking the passengers boarding the Otter.

The two planes began to warm up their engines. Aboard the Cessna, Layton suddenly whipped out a pistol and fired three shots, wounding two of the other commune defectors aboard the plane. Then his gun jammed. Dale Parks and Vernon Gosney wrestled the gun from his hands. Layton jumped from the plane and fled.

At the same moment, Harold Cordell, another of the commune defectors, looked out of the window of the Otter and saw a Jonestown tractor pulling a trailer onto the runway. Men armed with automatic pistols, semi-automatic rifles and shotguns suddenly stood up in the trailer. Gerry Parks also saw the trailer. "Now we're going

to get it," Parks thought. His wife, Patty, stood in the Otter's doorway. Shots snapped out, her head shattered and blood and brain tissue splashed into Cordell's lap. Tom and Tina Hogue, children of dissident Jones-towners, sprinted to the Otter's door. Both were wounded in a new hail of gunfire but they managed to slam the door shut. "If those children hadn't shut that door," said their mother, Edith, "those gunmen might have gotten on the plane—and we'd all be dead now."

Ryan and the newsmen on the ground outside the Otter were not so fortunate. Waving aside Guyanese civilians on the airstrip, the assassins in the tractor-trailer bore down on the two planes, firing as they came. Reiterman took a slug in his left arm; another fractured his wrist and blew off his watch. Javers was wounded in the shoulder. Krause was wounded slightly in the hip. All three sprinted for cover and survived. But the gunmen cut down cameraman Brown at the tail of the Otter. Photographer Greg Robinson fell near the port engine, his body riddled by bullets. Harris and Ryan dived behind the plane's starboard wheel. The tractor-trailer pulled around the right side of the plane—and the gunmen killed both men.

Steven Sung, 44, an NBC soundman connected to Brown by a cable, fell 2 feet from the cameraman. He put his arm over his head and feigned death. "The next thing I heard, they were walking toward us," he said. "Someone shot Bob Brown in the leg. . . . He screamed 'ouch' or 'shit' . . . and next thing I know, the guy came close and blow his brain off. . . . the next thing I know I have tremendous pressure, explosion right next to my head and my arm feel like falling apart." The gunmen walked up to Ryan, Harris and Robinson and fired point-blank at their heads.

As the shooting erupted, a squad of Guyanese soldiers armed with rifles stood guarding a crippled Guyanese plane at the end of the airstrip. "We need guns," shouted NBC field producer Bob Flick, who rushed up seeking help. The guards

turned away. Oddly enough, the gunmen also withdrew, leaving behind eight wounded. The terrified survivors dragged themselves from the planes. Some fled into the jungle at the edge of the airstrip. Embassy official Richard Dwyer, wounded in the thigh, took charge of the others: Night fell. The survivors huddled miserably, still fearing that the assassins would return to finish the job. A Guyanese nurse refused to come to the field to treat the victims and the local medical dispensary declined to send bandages and medication. Some residents even demanded tips when the survivors asked them to bring water to the airfield. Finally, the most seriously wounded were placed in an army tent at the end of the airstrip, and the others holed up in a nearby saloon called the Rum House.

Back at the commune, Reverend Jones had a very different plan in mind. At about 5 p.m., the camp loudspeaker summoned everyone in Jonestown to the pavilion. Garry and Lane walked over, stopping to talk to Jones. He seemed calm and controlled. "Some of those people who left had no intention of leaving," he said. "They went to kill somebody . . . and they've taken every gun in the place."

'WE ALL DIE'

Jones told the two stunned lawyers to wait at a guest cottage. "Feeling is running very high against you two," he said. "I can't say what might happen at the meeting." At the guest house, two young communards named Pancho and Jim Johnson stood by the door, rifles at the ready. "We all going to die," Pancho said. "It's a great moment—we all die." The two guards explained that Jones was ordering a revolutionary suicide to protest racism and Fascism. "Isn't there any alternative?" asked Lane. When the two said there was none, Lane popped up hopefully: "And Charles and I will write about what you do?" The notion seemed to please the guards. They turned to leave. "How do we get out of here?" asked Lane. Pancho waved some directions, and Garry and Lane ran into the jungle.

In retrospect, Jones's plan seemed clear: Layton was to kill the pilot of the Otter as it was flying over the jungle, causing a crash that would wipe out Ryan, the newsmen and the defectors. Anyone left behind at the airstrip would be finished off by the gunmen in the tractor-trailer.

Afraid that the plan might fail, Jones prepared his followers for death. First he sounded the alarm for a White Night, the sect's suicide plan. With a shock, Stanley Clayton, 25, a cook, realized that this was no drill. Ordinarily, Jones allowed the cooks to skip White Nights because they had to prepare food for the commune when a drill was over. This time, a grim

bodyguard came to the camp kitchen and ordered the cooks to the pavilion.

Standing at his throne, a wooden chair on a raised dais inside the pavilion, Jones told the crowded assemblage that Ryan's plane would fall from the sky. Time passed. Nothing happened. Finally the camp's dump truck returned from the airstrip. Two of Jones's lieutenants rushed up and whispered to him. He grabbed a microphone. "The congressman is dead . . . and the journalists," he said. "The GDF [Guyanese Defense Forces] will be here in 45 minutes . . . We must die with dignity."

A JUG OF CYANIDE

In a tent next to the pavilion, Larry Schact, a medical-school graduate who acted as camp doctor, prepared a vat of strawberry Flavour-aid. He dumped a quantity of painkillers and tranquilizers into the pinkish-purple brew. Finally, Jones ordered Schact and Joyce Touchette, one of the leaders of the commune, to bring forth "the potion." Half-gallon jugs of cyanide was then poured into it. The tub was placed at the edge of the pavilion. Jones ordered the mothers of Jonestown

to bring their children forward, and the killing began.

For a while, Jones sat calmly on his "throne" and watched the carnage unfold. More and more members began to balk. The resistance angered Jones. He finally stepped down from the throne. With guards at his side, he waded among his followers, whipping them on to finish the ghastly rite. "Hurry, hurry, hurry," he shouted. "The man was crazy," said Clayton. "He was out of his mind."

In the swirling confusion, a few of Jones's followers managed to escape. Clayton, a street-wise kid from San Francisco, told guards he had been assigned to count the living; he made his way to the camp's library tent, hid, then fled into the jungle when a guard at the tent door turned aside. Odell Rhodes, 36, leaned against a fence, waiting for his turn at the poison tub and thinking "about a chance to get out of there." When a nurse asked him to go to the camp's nursing station for a stethoscope, he eagerly volunteered; he hid under the building until the enforced suicide ceremony was nearly over. Then he managed to sneak off into the jungle. He made it to Port Kaituma—and sounded the first alarm on the Jonestown apocalypse.

Before Guyanese authorities could reach the camp, Jones and his inner circle completed the suicide pact. A death squad poisoned the commune's water supply in an attempt to kill cattle, chickens and pigs. Mr. Muggs, the camp's mascot monkey, was shot. Two brightly colored parrots, a tankful of fish in the commune's school aquarium and one yellow dog survived, not much more. Jones's mistress, Maria Katsaris, and eleven disciples put their poison cups in a bread pan and small pail and carried them down to Jones's house. Five died in one bedroom, seven in another. Katsaris was shot. When the death trip was nearly complete, Jones finished it: he put a gun to his head and pulled the trigger.

Lane, 51, and Garry, 69, heard the shots as they plunged into the jungle beyond Jonestown. They struck out for the road to Port Kaituma. Emerging on a trail lined with cassava plants, and catching sight of two strange men hauling boxes on their shoulders, they ducked back into the bush and stayed there for 26 hours. Lane ripped strips from some extra sets of underwear to mark a trail, and the two lawyers eventually reached Port Kaituma, considerably on the outs with one another. "It was utter madness to go in there," Garry said in anguish last week. "Mark Lane knew about everything: the guns, the drugs, the suicide pact—and he never told anyone."

It took Guyanese authorities more than twelve hours to reach the stranded survivors of the Ryan party, in part because the Port Kaituma airstrip had no lights for night landings. At about 6 a.m., the first Guyanese Army units arrived. The survivors were flown to Georgetown that afternoon. As the evacuation planes lifted off, the dazed survivors could still see the bodies of Ryan, Harris, Robinson, Brown and Parks lying where they fell. The U.S. Air Force dispatched a C-141 medical plane to Georgetown, and the badly wounded were ferried back to Andrews Air Force Base near Washington, where they were recovering last week.

The sight that met the Guyanese troops when they entered Jonestown was as horrifying as anything out of a Hitlerian death camp. Bodies lay everywhere. The troops also found a trunk crammed with 803 U.S. passports and scores of social security checks that the older members had turned over to Jones. More than \$1 million in cash also turned up.

ANXIOUS RELATIVES

For a time, how many people had died in Jonestown was very much a mystery. After making a preliminary count of the victims, Guyanese officials set the figure first at 373, then at 409. The discrepancy between that number and the total cache of passports sparked rumors that hundreds of communards had fled Jonestown for the jungle. Anxious relatives in Georgetown and the United States cautiously hoped that Jones might not have taken all his flock with him.

Their hopes were dashed. The U.S. Government dispatched a team of graves-registration and body-identification experts to Jonestown to help the Guyanese measure the toll and to return the bodies of the Jonestown victims. In a terse news conference, Air Force Capt. John Moscatelli, spokesman for the body-removal task force, said the initial

count of the Guyanese had been "seriously in error." He set a revised figure of 780 "with more to come." The problem, he explained, was that the bodies had fallen in stacks. Adults lay on top of children, big people on small people, making it easy to miss many of the victims. As the body detail worked its way inward from the perimeter of the dying ground to the center, the stacks grew deeper—and the count rose to more than 900.

Air Force pilots made a last sweep over the jungle beyond the commune looking for survivors. Choppers flew low, announcing over loudspeakers that it was safe to come out of hiding. "There were absolutely no sightings," said one U.S. official. "They must be dead, they must be dead," wept Claire Janaro, who sat sobbing in the Georgetown Hotel as the search went on. She had hoped that her two children, Maury and Daren, had somehow escaped death.

Not all of the communards died in Jones's holocaust. In Washington, the State Department and FBI warned police in San Francisco and Los Angeles to look out for more suicides in the Temple's surviving enclaves. None occurred last week. In Port Kaituma, police arrested Layton and charged him with Ryan's murder. They also took into custody—and later released—three of Jones's lieutenants, Mike Prokes, Tim Carter and Mike Carter, who turned up in Port Kaituma after the deaths. And they arrested Charles Beikman, charging him with the murder of Sharon Amos and her three children.

'AN INSANE ELEMENT'

In Georgetown, the cult's office was sealed off, and 46 followers, including the basketball team, were put under house arrest. Steven Jones, 19, leader of the Georgetown Temple followers, disavowed his father. "There was an insane element in the leadership," he said. Despite the disclaimer, some Jonestown survivors said they feared the younger Jones as much as his father.

A C-141 military air transport brought the bodies of Ryan and the newsmen back to the United States. The congressman's body was in a metal casket. The newsmen were in plain, wooden coffins. Harris was buried in Vidalia, Ga., where he had started out as a local radio broadcaster and where local people still knew him by his original name: Darwin Humphrey. Ryan was buried on a gloomy, rain-washed afternoon in South San Francisco. Dozens of congressmen, and California's Gov. Jerry Brown attended the ceremonies in Golden Gate Na-

tional Cemetery. In the will that aide Jackie Speier had attended to before the trip, Ryan had asked to be buried in that place so his "ghost will be looking out over the bay he loved so much."

Had Ryan and the newsmen really understood what they were getting into when they set off for Jonestown? Some of Ryan's aides charged angrily last week that the State Department should have been more alert to the dangers of the Peoples Temple. State Department officials said that they had warned Ryan of flying in a small plane over uncharted jungle into a dirt airstrip that was remote, far from local police protection and beyond easy reach of the two-man United States mission in Georgetown. They also maintained that they had warned Ryan that the Peoples Temple had become increasingly hostile to outsiders. "But at no time did any of us think that there was any physical danger to his person," said one unhappy department officer.

'JONES BECAME A DEVIL'

The future of the Peoples Temple was another intriguing question. Less than three dozen of Jones's followers were left in the Temple's buff, brick church in San Francisco last week. Eleven adherents turned up there alongside lawyers Lane and Garry for a post-mortem press conference. "Jones became a devil," said Lane. "If you cannot be God, you don't just fall back to the rank and file . . . If you win, you're Moses, if you lose, you're Charles Manson." The remaining communards denied reports that Jones had organized a team of trained assassins. They said they would try to keep up the Temple's anti-racist, humanitarian good works. But from the beginning the Peoples Temple was very much a one-man show and without leader Jones, it seemed unlikely that it could survive.

As for Jones, there was some worry for a time that he wasn't really dead. In the Bay Area last week, worried defectors from the Peoples Temple kept bodyguards posted against the possibility that he still had hit men in place to carry out vengeance against those who had left him. But a metal coffin with the name "Rev Jimmie Jones" scrawled upon it arrived at Dover Air Force Base in Dover, Del., when the Air Force began ferrying the Jonestown victims back home last week. When they opened the coffin, the body inside was unrecognizable. A technician had to peel the skin from one hand to make a set of fingerprints. It was Jones.

—TOM MATHEWS with CHRIS J. HARPER,
TONY FULLER and THAOOTHY NATER in
Guyana, GERALD C. LUBENOW in San
Francisco and bureau reports

WHAT I SAW

By Chris J. Harper

Most of them were lying face down on the lawns near the banana bushes outside the pavilion. Husbands and wives were arm in arm. One man clutched his dead dog to his chest. Children, who only hours before they died were playing on the nearby swings, cuddled next to their parents. Some of the victims wore their best clothes, probably because of Rep. Leo Ryan's visit. A few showed the awful suffering of their last few moments of life, the five minutes or so while the cyanide was taking its effect. Their faces were twisted into violent contortions, and matted blood was smeared over them after it had streamed from their noses and mouths. It was the most gruesome sight I have ever seen.

I had flown out of Guyana's capital of Georgetown, heading to Jim Jones's commune, in the same single-engine Cessna that members of Ryan's party had taken. The bullet holes in the front passenger door had not yet been repaired, and the back of one seat was still smeared with the blood of one of the victims. We landed at Port Kaituma, where the second plane caught in the shoot-out, a Guyana Airways green and yellow twin-engine Otter, had not been moved; its left tire was still flat, punctured by bullets.

We made the final stage of the trip by helicopter. From the air, Jonestown looked like a patchwork quilt: scattered blotches of brilliant reds and yellows and blues, slivers of green and silver, a border of brown. The chopper began its descent, and the scene changed. It now resembled something like the midway at a county fair, with colorfully dressed revelers apparently shoving their way forward to see the attractions in the main tent. Even up close, it seemed surrealistic, perhaps the set of a Hollywood movie after a fierce battle scene.

I spent nearly two hours in Jonestown. It was a steamy, myggy tropical day. The shimmering heat and the stench from about 900 decaying corpses almost overcame me. I devised a makeshift face mask out of a scrap of chamois, then began to walk toward the pavilion where most of the bodies lay. Many were not recognizable as human corpses; they had ballooned to nearly twice their size and resembled some sort of grotesque dolls.

A POISONED FIELD

Amid all the death, I saw occasional, pathetic signs of life. But it was not human life. Two parrots gazed at the bodies from atop a fence. In the classroom of the commune's school, I came across a bowl of tropical fish. And in a nearby field, a scrawny golden-brown mongrel dog was sniffing, obviously searching for food. There was a sign in the field that read: "Danger. Insecticide. Poison." I have had a dog for eight years, and I ran up to this mutt and shooed him out of the field. There was no reason, I thought, that anything else should die at Jonestown. But I knew that once I left, the dog would be back in the poisoned field—and that it too would probably die.

The day that I was in Jonestown—last Tuesday—the American soldiers who would later remove the bodies for shipment back to the U.S. had not yet arrived. A towering, 6-foot 3-inch man with a bandolier strapped across his chest, Pancho Villa style, greeted me cordially as I jumped out of the helicopter. But he and the other 200 Guyanese soldiers sent to guard the camp

kept away from the sights and smells of were together, and had all things com- the corpses. They sat on the porches of mon." For the believers who flocked to the cottages furthest from the pavilion. the Jonestown commune, what they One of them had picked up a crossbow had in common was death.

and a pack of arrows—part of the arsenal maintained by Jonestown's security forces—and was idly shooting arrows into the distance. It was one way to pass the time. One soldier patiently walked with me through the field, explaining that these plants were banana trees, those were "eddoes."

"What are eddoes?" I asked. "Something like potatoes," he answered.

A PERVASIVE STENCH

The soldier was polite, helpful, eager to tell me what he knew. But he would not go near the bodies, and neither would a third soldier I tried to talk to. He concentrated on ignoring everything around him. He had wrapped a fragrant nut in a handkerchief, and stared sullenly ahead, breathing the aroma deeply as if it could eliminate the stench that pervaded the camp.

I walked back to the pavilion, and went inside. About 50 corpses lay facing the stage where Jim Jones had transfixed his congregation with his messianic mix of religion and hatred. It was as if the dead were still worshipping Jones. The cult leader's body lay where it had fallen. He was dressed in a red dashiki and light-colored pants. He had tumbled off the dais on which his "throne" sat and he lay sprawled on his back, the fatal gunshot wound plainly visible in his head. I saw the woefully inapt quotations from Santayana and the Bible: "Those who cannot remember the past are condemned to repeat it." "Where the spirit of the Lord is, there is liberty." "All that believed

A BAG OF DRUGS

Finally, I went into Jonestown's inner sanctum, the cottage where Jim Jones had lived. An array of boots, adults' and children's, was meticulously lined up on a rack, but the rest of the cottage was a shambles. The porch was littered with heaps of letters written by the communards, letters in which they spoke glowingly of Jones and of the Peoples Temple—and admitted their own shortcomings. There was a pitiable quality to them: the handwriting was infantile, the words misspelled as often as not, the phrasing banal. Amid the rubble, there was a large plastic bag. I poked into it. It was filled with drugs: Thorazine, Darvon, Pentothal, Valium.

There were more corpses in the Jones cottage. Twelve commune members—including several of the camp's privileged elite—had carried their doses of poison in a bread pan and a small metal pail into the house. They drank it there and died there. Jones's mistress, Maria Katsaris, lay on a bed, her once attractive face discolored and stained with blood. A family—a man, a woman, a baby—clung to each other on a second bed, and four more victims lay on the floor. A pail of poison was next to the corpses, and a small black and white kitten was crawling among the bodies, whining. And on walls of the bedroom were a smattering of crayon drawings—simple stick figures—done by several of the commune's children. I turned and walked away.

THE EMPEROR JONES

He was a self-proclaimed messiah in a polyester suit, a man who played God from behind mysterious dark glasses that gave his followers the impression that he was omniscient. With Gantreyesque oratory and "miracles" of healing that were pure medicine-show hokum, he mesmerized his flock and demanded fanatical loyalty and adoration. His appeal to the poor, the black and the troubled—and his ability to deliver their votes and their support—made him a friend of public figures. But behind locked temple doors, he flaunted his power over people and forced them to fulfill his consuming needs for financial, egotistical and sexual gratification.

PARANOID ILLUSIONS

Jim Jones wanted to be many things: a con man and a cult hero, a political force in California and a dictator in his own Utopia. But as his public and private lives began to tear him apart and his foulest paranoid illusions loomed as realities, Jones reached out for the one dream that probably dominated all his actions. Godlike, he dealt out death.

Among grieving relatives of the dead, embarrassed friends of Jones's in high places and millions of horrified outlookers, the search for answers will go on long after the last bloated body has been counted. This was no firebrand revolutionary, but a man who preached a nonviolent socialist brand of love and racial equality. This was not a Manson, transforming the wounded birds of society into deadly weapons, but a leader who told young people who felt like "nothing going nowhere" that they

could "be someone" and do good. "He had this soft, beautiful voice," says a former member of his Peoples Temple. In and out of the Temple, it was difficult for many people to recognize the monster that was growing within the man who could always smile and reassure them: "Just call me Jim."

Perhaps the story should begin with the dream. Lynetta Jones was once a young anthropologist, working with primitive tribes in Africa and trying to decide between her career and marriage. Torn, she dreamed repeatedly of her dead mother. Finally, from the far side of a river, Lynetta's mother called to her that she would bear a son who would right the wrongs of the world. Lynetta accepted a proposal of marriage. Her first child was a boy. And she was convinced that James Warren Jones was a messiah.

Jim was born in 1931 in Lynn, Ind., a hamlet of 900 about 70 miles east of Indianapolis. His parents were white and his father, James Thurmond Jones, was a member of the Ku Klux Klan. Young Jim claimed that Lynetta was part Cherokee, and would later refer to himself with pride as "an All-American mongrel." Jim's father was in poor health and

died when he was young. The family was poor, and Lynetta worked occasionally in a factory 20 miles away, leaving her son in the care of a neighbor. But Jim was close enough to his mother to give her reason to keep believing in the dream.

"Jim always had several animals," recalls his cousin Barbara Shaffer. "He took in strays all over town. He befriended everyone, animals and people." Lynetta Jones was thrilled by her son's way with animals. She saw it as a gift from Saint Francis.

SEEDS OF HORROR

Raised as a Methodist, Jim was fascinated by pulpit oratory. "We used to play pretend-church," says Vera Price, who played with him as a child. "He'd always be the preacher, standing up making sermons." Another neighbor says that even when he was only 7, the boy would lace his speeches with calls for strict discipline. "He would have ten or twelve youngsters and put them through their paces," recalls the neighbor, now 73. "He'd hit them with a stick and make them cry. He had a power that most boys don't have."

High-school classmates don't recall any such displays of power. They say that Jones was popular but not a leader. They noticed his growing interest in religion, but never thought of him as a fanatic. Only in retrospect does anyone claim to have spotted seeds of the horror to come. "I had a hunch something bad was going to happen to him," says a middle-aged man in Lynn. "He was smart as a whip. But he had some strange ideas. He never fit in with the town. He was different."

After graduating from Richmond High School, 20 miles from Lynn, Jones required ten years of on-and-off studies before receiving his Bachelor of Arts degree from Butler University. During that decade, he worked part-time as a hospital orderly and met and married nurse Marceline Baldwin. He also became pastor of a Methodist church in Indianapolis, where his strong integrationist views made him a target of bigots who jeered him and even tossed dead cats into his church.

Soon Jones decided that "there was no love" in the Methodist Church. Disenchanted, he carried his message into a church of his own, the Community National Church. He also served briefly as associate pastor of the Laurel Street Tab-

ernacle. But his belief that blacks should be admitted there stirred up a furor on the church board, and he became committed to the idea of his own liberal-minded church. To raise the money, he sold pet monkeys door to door, at \$29 each. When bigots knocked him off his bicycle during his selling rounds, he only grew more determined. By 1956, he opened the doors of his new place of worship on North New Jersey Street in Indianapolis: the first Peoples Temple.

At that site and then at a former synagogue on North Delaware Street, the Temple seemed to flourish as a model of integration and liberalism. A soup kitchen fed anyone who was hungry. An employment desk was staffed with volunteers who helped people to find jobs. A nursing home provided health care. Jones and Marceline, parents of one boy of their own, eventually adopted eight children of varying racial backgrounds; they encouraged members of the racially mixed congregation to follow their example. In 1961, Indianapolis Mayor Charles H. Boswell appointed Jones as director of the city's Human Rights Commission. As his mother's dream had promised, Jones seemed to be making at least a dent in the wrongs of the world.

A STRANGE POWER

But while he remained unshaken by local bigots, Jones appeared vulnerable to forces within his own mind. "I think perhaps he started out to do something good," says the Rev. Raymond Bosler, a retired Roman Catholic priest who served with Jones on the Human Rights Commission. "But he had a strange power over people, and that kind of power tends to go to the head."

Ross Case, a Disciple of Christ minister who worked with Jones for several years, echoes that theme: "I've never seen anyone relate to people the way he could. He would build them up, convince them that anyone as intelligent and sensitive as they were ought to do whatever it was that he wanted them to do."

At about that time, Jones's sense of his own powers drove him toward Father Divine, the famous black cult leader in Philadelphia. He took a group of young people to visit Divine and returned with some of Divine's gospel songs, as well as the evangelist's insistence on fierce personal loyalty. Soon Jones instituted an interrogation committee in the church to question anyone who dared to speak against him. "He said everybody ought to love him," says his former associate minister, Thomas Dickson. "If they didn't, he'd get awfully violent—not physically, but verbally." Adds former disciple Judy McNaulty: "I knew that was when he got his idea to play God. Not too long after that, I got out."

Those who remained witnessed some startling changes: The poor people's socialist set up several corporations and began flexing his capitalist muscle in the real-estate market. Going over the ledgers of Jones's profitmaking Jim-Lu-Mar Corp., one accountant chuckled that he was glad the Internal Revenue Service couldn't see the books. Later, when purchasing a building for one of his two nonprofit corporations, Jones coolly told his friend Case: "We'd better put this one under Christian Assemblies, because Wings of Deliverance won't stand investigation."

Cynicism was also eroding the religious beliefs of the young man who had once loved to play "pretend-church." "He tried to get me to be a minister once," recalls Edward Mueller of Indianapolis. "He said there was no easier way to make it. Once he told me, 'Just look at my hands. They're not dirty.'" If Mueller was put off by that approach, he was even more distraught when his 73-year-old mother turned over \$25,000 in

cash and property to Jones—and then disinherited her son.

By 1961, Jones was going public with his doubts. He confessed to his congregation that he no longer believed in the Virgin Birth—and demanded to know who agreed with him. Only one hand was raised—and that single ally was immediately made a trusted aide to the minister. During other sermons, Jones began to rant against the Bible. His associate Dickson recalls breaking away from Jones after the pastor threw a Bible to the floor and complained, "Too many people are looking at this instead of me." To the consternation of his fundamentalist-style flock, the man who had walked with dignity past segregationists who spat on his adopted black child was now seen spitting at the Bible.

As some followers became uneasy about him, Jones himself grew restless. He said that he had a vision of a nuclear holocaust, and he wanted to find a place that would be safe from bombs as well as bigots. He had read a magazine article about the nine safest spots in the event of nuclear war, and in April of 1962, he moved his family to one of them—Belo Horizonte, a Brazilian industrial city of nearly 2 million people, about 250 miles north of Rio de Janeiro.

MESSIANIC IMPULSES

In Brazil the dream seemed rekindled. Jones and another American, Jack Beam, threw open the doors of their large house to the poor and the desperate. Jones took out newspaper ads offering help to the populace, and spent almost two years

doling out food, clothing and counseling. He also used that period to study the work of the fire-and-brimstone Brazilian faith healer David Martins de Miranda, who is known to his followers as the "Envoy of the Messiah." But Jones's own messianic impulses were never apparent to neighbors. "He told us he was a pastor," said one. "But he mainly preached racial harmony and integration. I wouldn't say he had followers."

Amid all the good works, however, there were hints that Jones was being pursued by darker forces. He was so paranoid about nuclear war, one neighbor says, "There were times when just the sound of an airplane flying overhead would start him crying." He also spoke frequently of health problems. "He told me that he had some sort of skin disease that had turned into cancer," recalls attorney Elza Reis Rocha. "He also talked a lot about having been operated on for some warts and moles on his neck. His big fear was cancer."

In 1963, Jones visited Guyana, where he apparently had his first fleeting vision of a remote utopian settlement. Then his mingled fears and dreams drove him north toward home and Indiana.

There his followers sensed still another change. While his earlier gestures of power grabbing and apostasy had been mercurial and sporadic, he returned in a purposeful mood—a man in a hurry. "If you had money to donate to the church, he would still grab you and hug you," says former disciple Wanda Johnson. "But if you didn't, he would shun you. You weren't welcome if you didn't have any money." His stay in Brazil also seemed to have heightened Jones's gift for exaggeration. "He stretched everything," says Johnson. "If he brought ten people to the altar, he would say there were twenty."

LUSTFUL GIANT

Among intimates, his hyperbole soared even higher. "You go out and preach me," he told black assistant minister Archie James, "and I'll back it up with miracles." Ross Case says that when Jones returned from Brazil, "Jim wasn't even a Christian." But the concept of Christianity was very much with him. Jim Jones began telling friends that he himself was Jesus Christ.

In 1965, the messiah rushed onward to Redwood Valley, a hamlet near Ukiah in far northern California—an area Jones also deemed safe from nuclear holocaust. Only about 100 of the Indianapolis faithful followed him, and many left as the services focused increasingly on Jones as God. But California proved fertile ground for the Peoples Temple. Gradually Jones built a new flock that probably grew to several thousand—about one-fifth of his own inflated estimates.

Among the redwoods, God as played by Jim Jones emerged as an awesome caricature of the Biblical force he scorned—a wrathful, lustful giant who doled out unspeakable punishments along with his "miracles" and appeared before various audiences in whatever shining guise would serve his purpose. To build a just society, he told his flocks, people needed a living God rather than a scriptural one. And Jones was willing to resort to almost anything to seize that role.

The "healings" were strictly carnival stuff. Whitie Freestone, who claims to have been skeptical even while his wife was following Jones west from Indiana, offers an outline of a typical cure: "Jim had people go to a house and use the bathroom. They would look into the medicine cabinet and find medicine for, say, heart disease. Then they'd get this person to come to the church, and Jim would pick the guy out, scare him to death, and say 'You've got heart trouble.' Other times he would tell a person he had cancer. Then they would send the person to the bathroom—usually Jim's wife would go, too—and his wife would carry back a towel with bloody meat in it. Jim would holler, 'Don't get too close, that's cancer.' But I would look right at it and you know, it was the same piece of meat every week. I think they kept it refrigerated."

Eventually Jones refined the cancer act, commanding his top aides to find a better prop. They devised a mixture of chicken entrails and their own blood. Then they left it in a warm room until it congealed into a rancid and apparently convincing mess. Jones also allowed congregations to eavesdrop on his conversations with "spirits"—aides who hid in crawl spaces in the ceiling. Once he even healed himself of a mysterious gunshot wound from an unseen sniper—and he displayed his bloody shirt in a glass case like an icon. The stunts were often orchestrated to suit the audiences. The elderly blacks who formed a majority of his followers usually witnessed old-fashioned tent-revival-style cures, for example, and visiting radical celebrities might be treated to a séance with the soul of sainted labor leader Joe Hill.

INTRAMURAL TERROR

Jones was just as meticulous in structuring his congregation. The paranoia that was his constant companion was also his weapon: he forced loyalty by convincing many members that without him they would be killed or imprisoned by the Ku Klux Klan, the CIA or any number of free-floating forces of evil. But as an extra safeguard, he encouraged intramural terror. Members were encouraged to inform on spouses or children who transgressed, and his supposedly classless society was set up according to a rigid and unforgiving hierarchy.

Closest to Jones were a dozen or more "Angels," who handled Temple finances, acted as advance men when he approached public officials and meted out vengeance and punishment—perhaps including the ambush of Rep. Leo Ryan and his party. The second echelon, the Temple Planning Commission, was assigned many day-to-day chores such as organizing bus pilgrimages to San Francisco and Los Angeles and enforcing

petty rules. But when Jones called for acquisitions of members' property, severe public paddlings or the serving of fake poison in suicide-practice rituals, he usually called on the Angels.

He also called on them for sex. Jones's sexual self-image was as tormented and exaggerated as his religious one. Night after night he would harangue his followers about the "curse" of his huge penis, which he said made women plead constantly for his attentions. To make that particular gospel come true, Jones required every woman who was close to him to have sex with him regularly. Often that idea was instilled early in church training. "Once Jim handed out a questionnaire that asked, 'Do you fantasize about "Father" sexually,'" says former member Sandy Rozyngo Mills, 19, who left the Temple three years ago. "Here I was 14 years old and I was thinking, 'What ... ?' But we all knew we were supposed to say yes, so I said yes."

Jones was also intrigued by homosexuality. "He'd say that everybody else in the Temple was gay and he was the only heterosexual," says Mills. "And we didn't question it. If Father said we were homosexual, then we must have been homosexual." Straight or not, Jones also had several male lovers. But sex with males was used as a tactic to control, humiliate or blackmail them. Often he would require a male follower to engage in sex with him and call in some female member to observe or photograph the act. "He'd explain," says Mills, "that the only reason he went to bed with anyone was to help the cause."

SEXUAL BOASTS

The contradictions in Jones's sex life were as blatant as those in his theology. On his organizational charts he was listed as the "main body," and he took the term literally. Everyone in the cult was expected to recognize "Father" as the only meaningful source of guidance, discipline—and sex. Jones also took pleasure in rising above his own rules.

While underlings were beaten for homosexual acts, Jones would arrogantly flaunt his own such behavior.

Like his crowd estimates at services, however, his sexual boasts may have been exaggerated: he once told his attorney Charles Garry that he had had sex sixteen times in one day—with fourteen women and two men. For all his posturing Jones had a scared and secret side. Five years ago, he was arrested for making a lewd advance to an undercover cop in a Los Angeles adult theater. Charges were dropped because of insufficient evidence.

The sexual theme was central to the survival of the Temple. Young women with posters of movie stars were forced to replace them with huge portraits of Jones. Parents were required to prove

their love for their leader by signing away not only their possessions but their children; some signed bogus confessions claiming that they had hideously molested their kids. In the Temple, no love counted but love of Jim Jones. Those who experienced such twisted love would not leave and expose his secrets. The rest, Jones hoped, could not leave—out of shame and terror of the photographs and documents they would have to leave behind.

While old members hesitated to depart, new members kept joining. In 1971, Jones purchased new temples in San Francisco's Fillmore district and in Los Angeles. To create the impression of vast local followings, he required hundreds of members to ride a fleet of eleven buses to his sermons at the distant temples. The groups traveled in the overcrowded vehicles—with children often sleeping on overhead racks and some members

riding for hours in airless luggage compartments—while Jones alone enjoyed a private compartment at the rear of his bus. Perhaps the enormity of Jones's public mirage can best be shown by the juxtaposition of those nightmarish all-night rides against a state assemblyman's gushing tribute: "Anytime you wanted a crowd, you called Jim."

But the public acclaim of Jones was all too genuine. His people earned much of it by establishing effective drug-rehabilitation programs, clinics and nursing homes—although much of the state funding for the latter appears to have supported Jones rather than elderly patients. Jones also had a keen sense of public relations. He contributed money to local police forces and to newspapers in "defense of the free press"—and received kid-glove treatment in return from both sources. Above all, when a solid liberal politician needed telephone volunteers, enthusiastic crowds or a few hundred crucial votes, Jim Jones was the man who could deliver.

CELEBRITY STATUS

Jones's clout was strikingly illustrated in 1975, when he delivered a bloc of votes that helped liberal Democrat George Moscone to edge a conservative rival in a tough San Francisco mayoralty race. The grateful Moscone offered Jones a seat on his city's Human Rights Commission. Jones thought the reward wasn't good enough, or so it's said, and turned it down. Then he was made chairman of the Housing Authority. He soon turned that fairly routine position into his kind of podium, packing meetings with his supporters and basking in their adulation when he solved what he described as crises.

Such bizarre scenes failed to trouble many politicians. In addition to Mayor Moscone, Temple visitors included San

San Francisco District Attorney Joe Freitas, Assemblyman Willie Brown and Gov. Jerry Brown. When Walter Mondale campaigned for the Vice Presidency in 1976, Jones was invited aboard his plane. When Rosalynn Carter appeared, Jones helped gather one of her largest campaign crowds—and dined with her later at the Stanford Court Hotel.

Ironically, it was his sudden celebrity status that led to Jones's ruin. Apart from an occasional appreciative feature about one of his community projects, the press had largely ignored him until he began to wield political power. But in late 1976, a San Francisco Chronicle reporter, Marshall Kilduff, proposed a probe behind the locked doors of the Temple. His city editor, who had been befriended and frequently praised by Jones, vetoed the idea. So Kilduff took the story to New West. A few months later, Kilduff and magazine staffer Phil Tracy were ready with a piece quoting ten Temple defectors about the beatings and misuse of funds under Jones. As publication neared, New West editors learned even more about Jones's influence: they received protest letters from advertisers, politicians and even the American Civil Liberties Union. "Can you believe it?" says Kilduff. "He had the ACLU trying to kill a news story."

When his pressure tactics failed to squelch what he knew would be a devastating piece, Jim Jones prepared to move on again, this time to his leased tract of 27,000 acres in Guyana. As usual, he built his travel plans on paranoia. Black followers were warned that if they stayed behind they would be put in American concentration camps. Whites were told they were on a CIA "enemies" list. And always, there was the threat of blackmail and violent reprisal against defectors. Finally, with the New West piece due on the stands within weeks, Jones slipped

out of California and went to Guyana. "I'm not running away," he told a friend. "I'll be back." But he never intended to return. And when the Aug. 1, 1977, edition of New West appeared, it was clear why.

In the aftermath of that article, more defectors appeared. One, Gwen Johnson, told The Indianapolis

Star of beatings of children as young as four months old. In California, others recalled that Jones had watched such punishments with a bemused smile. He was discredited, and his temples became little more than supply depots for those who wanted to follow him to his Guyana settlement. And, incredibly, 800-odd souls were ready to do just that.

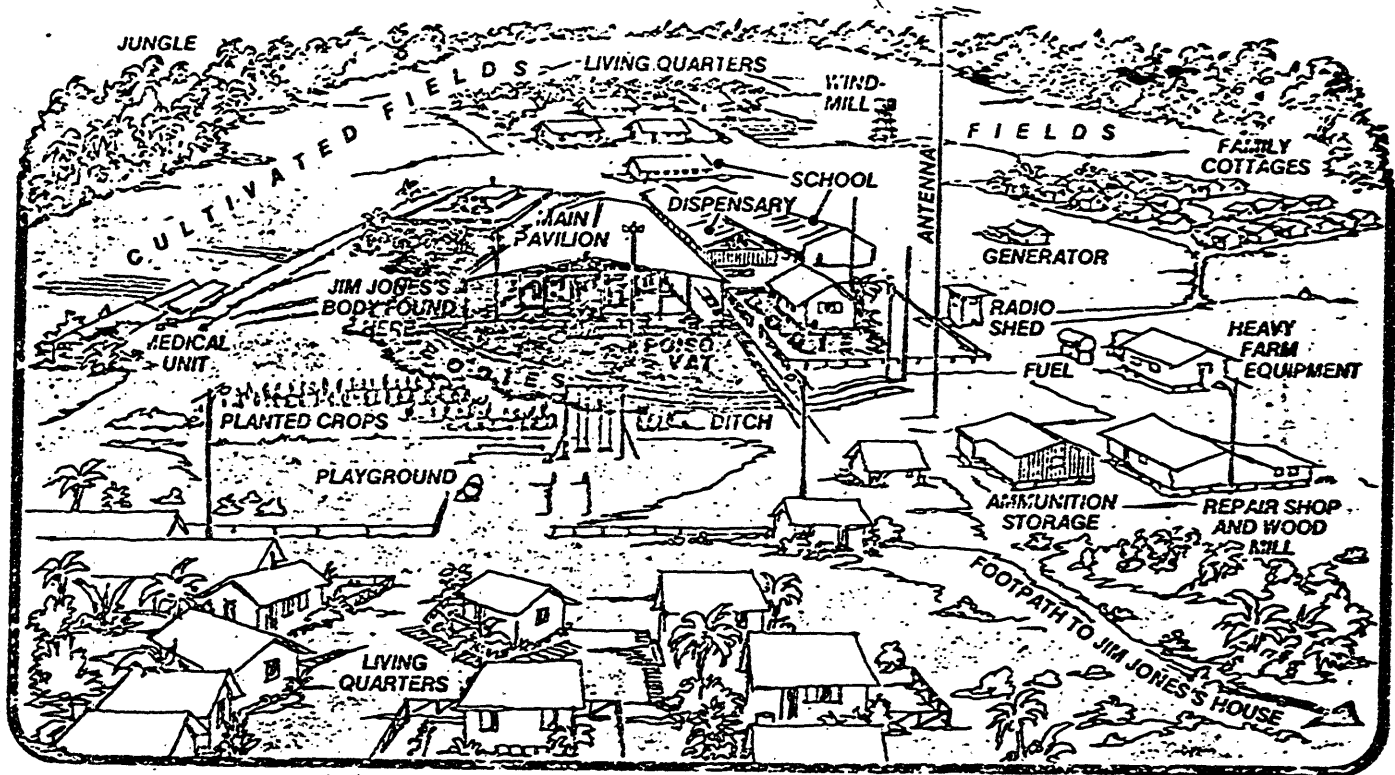
The ultimately tragic exodus began shortly after the article was published, as busloads of believers crossed the country to Miami and flew on to their promised land. They found a hothouse where the evils of the California temples grew like jungle weeds. At the same time, Jones's own health was unraveling. His lungs were racked with a fungus infection. A prostate condition rendered him unable to urinate, and he had to be catheterized. His blood pressure soared and his temperature ranged between 101 and 105, as aides tried desperately to hold it down by packing their leader in ice. Jones was sometimes rambling and incoherent; at other times he was sullen and almost comatose. The "Living God" was subsisting on rising dosages of drugs—and staring wild-eyed at the specter of death.

PARADISE LOST

It arrived in the form of Ryan and his media entourage. Jones sat helplessly through the visit. Then came the airstrip assassinations. Now Jones's most grotesque fears had come true, and the world would know of his secrets. He felt surrounded by real and imagined inquisitors—the media, the CIA, the defectors in his midst. His \$10 million fortune was useless to him now. So were his former friends in high places and his powers over his flock. Paradise was a hideous trap. There was only one exit.

Lynetta Jones had died a year earlier, but perhaps in his last moments her son believed that he could speak to a spirit who wasn't secreted in a ceiling. Just before he put a bullet through his head, Jim Jones cried out to his mother. It could have been the final hopeless shriek of the dream messiah who had long ago lost his way.

—PETE AXTHELM with GERALD C. LUBENOW, MICHAEL REESE and LINDA WALTERS in San Francisco, SYLVESTER MONROE in Indianapolis and bureau reports



Jones's jungle outpost: A tropical socialist commune that turned into a fear-ridden concentration camp

LIFE IN JONESTOWN

The color movies and glossy promotional brochures painted the picture of an idyllic tropical paradise, a love-filled commune dedicated to good works and racial harmony. They showed smiling, suntanned women cheerfully making bread and doing laundry. They showed comfortable, well-furnished cottages, complete with drapes and carpeting. As the leaders of the Peoples Temple told it, their devout and dedicated members had conquered 900 acres of hostile jungle and in its place they built Jonestown—"an interracial, sharing community" with lush fields, a school, a clinic and even the beginnings of industry. And every day at Jonestown, the brochures said, "the laughter of children rings through the air. Our children are our greatest treasure."

There may have been a day when some, perhaps much, of that was true. In 1974, the followers of Jim Jones heeded his call to build a Christian, socialist commune in the wilds of Guyana. They planted their crops and built substantial, if plain, housing. They established medical facilities that were advanced by Guyanese standards. There was little racial friction. Children seemed especially happy. "I just picked up a hurt monkey out of the jungle and he's going to be all mine," Maury Janaro, 16, wrote to her mother in San Francisco. "I love it here."

Then, about a year ago, life at Jonestown began to change. Meat, served twice a day at first, was served once, then

not at all. The workday increased from eight hours to eleven. The commune's security forces began to impose harsher discipline. Jones himself seemed to deteriorate physically; he began gaining weight, he started to slur his words, he looked dazed—and the rumors began to spread that he was on hard drugs, or seriously ill. Last spring, Deborah Blakey, once a trusted aide, escaped from Jonestown and Jones went into a frenzy. He shouted endlessly over the loudspeakers; "I am the alpha and the omega." From then on, well before its grisly end, Jonestown turned into a virtual concentration camp.

RICE AND GRAVY

By day, all but a select handful of Jonestown's residents labored under the broiling sun; by night, they endured endless re-education meetings and sleep-destroying harangues that boomed out over the camp's public-address system. Their living quarters—the pleasant cottages of the film—were crammed with as many as 30 people. Their food was rice and gravy. Their sins—drinking a glass of wine or snatching a packet of powdered fruit-drink mix—were punished by public beatings. Not even the children were exempt. When they misbehaved, they were tied up and left in the jungle at night, or dropped into the waters of a well, to be pulled out only when they screamed for forgiveness. In every sense, says Edith Bogue, who escaped

from the camp hours before the mass suicide, Jonestown was "a nightmare."

Jonestown's day began at 6 a.m. The public-address system blared out the wake-up call, and the communards lined up in a tent for the food they were given at every meal: boiled rice, occasionally flavored with bits of pig oil or a bitter green vegetable that the cult members called "pig weed." Then they set off for the fields, for what was often a futile day's work. "We had agronomists, botanists and chemists out there," recalled Harold Cordell, 42. "But you couldn't make anything grow. The weeds would come back and choke the plants within 24 hours." Each day, Jones's security forces followed the workers to the fields, lurking in the shade of the surrounding jungle to spy on them. "We'd work in temperatures as high as 120 degrees all day with only a ten-minute break," says Bogue's daughter, Juanita, 21. "If you stopped to rest and leaned on your hoe, the security forces would write down the time you wasted."

The commune was billed as an agricultural experiment designed to help the Guyanese people. But there was not even enough food to feed Jonestown's settlers, and the few who escaped last week's mass suicide were undernourished, with half-healed sores covering their bodies. "They just popped out, boils and blisters," says Jim Bogue. "We weren't getting enough protein." There were cattle, pigs and chickens at Jonestown, but meat was either sold or reserved for "selected people"—namely Jones, his family and his favorites. The community's elite enjoyed imported coffee and soft drinks, canned ham and tuna fish. When Jones wanted to reward a cult member, he occasionally did so by passing that person a few leftovers from his second heaping plate of food.

Jones and his handpicked lieutenants regulated every aspect of life at the commune, even the sexual lives of the cult members. A couple who wished to live together applied to the camp's Relationships Committee for approval, and had to spend a three-month trial "dating peri-

od" before they could have sexual relations. Even then, they received no special living arrangements. Like single members of the commune, couples slept on a narrow mattress, separated from others in their living cottages only by a sheet hanging from a cord. "There was no privacy," says Harold Cordell. "People could hear your every noise, cough and whisper. We were packed in like cattle."

PUBLIC HUMILIATION

Interracial "partnerships" were encouraged in Jonestown. Promiscuity was not, and commune members who violated Jones's moral code were subject to beatings and public humiliation. One woman who had had sex with a male cult member without the permission of the Relationships Committee was forced to have sex with a second man—while all other members of the cult watched. At the evening meetings, Jones often ordered women and men to tell of their sexual relations with him. "I've been ----- by Jim Jones and believe me, sisters, it's the best ---- I've ever had," women would say.

In the early years of the commune, the "business meetings," as Jones called them, were held only once or twice a week. In Jonestown's final months, they became a nightly ritual that often lasted from 7:30 until 3 a.m. Jones would ramble on for hours, railing against everything from the white man's sins in Africa to the venality of some communards who balked at giving him their wristwatches. "If you started to nod off, the security people would come up behind you," recalls Cordell. "They would hit your shoulder and tell you, 'Wake up. Stand up if you have to. Stay awake.'" After the exhausted cult members finally went to sleep, Jones would often flick on the public-address system, screaming "Alert, alert, alert!" He would then order all of Jonestown's residents to gather in the commune's pavilion to listen to his warnings about impending attacks by the U.S. Army, the Central Intelligence Agency or other "enemies" of the settlement.

To Jones, almost everyone—including the cult members themselves—was a potential enemy. The inhabitants of Jonestown were unable to communicate with their families, and letters from relatives in the U.S. were never delivered to those in the commune. When Edith Bogue tried to speak to her husband by shortwave radio before she moved to Jonestown from San Francisco, she was invariably told, "Sorry, too much atmospheric static. Maybe next time." Only carefully selected members were allowed outside the camp, and even then their children were kept at Jonestown as hostages to ensure their return.

The strict isolation of the communards was only part of Jones's rule. In the commune's final weeks, rebellious teenagers were put in Jonestown's extended-care unit—isolation cells where they were pumped full of sedatives and other drugs. "When they came out a week later, they were changed," says Cordell. "They couldn't talk to you and they walked around with empty faces." Cult members considered to be guilty of minor infractions, such as faking an extra rest period during the workday, were called on "the floor" at the nightly meetings. Forced to stand in front of the chair

that Jones called his "throne," they were harassed and threatened by the armed security forces until they broke down, wept and pleaded to be forgiven.

More severe "crimes"—attempts to run away, unwillingness to give personal possessions to Jones, direct criticism of Jones—were punished with severe beatings. The beatings were usually administered by the security forces as the other commune members watched. On one occasion, Jones ordered a group of elderly communards to beat a woman with their canes, explaining, as one witness recalls, that "it will be good for your hypertension."

WEIGHTED GLOVES

At other times, transgressors were forced into boxing matches with husky members of the security forces wearing weighted gloves. One woman, whose husband turned her in to the authorities when he caught her drinking wine, was lashed 100 times with a leather belt. When another communard, Tommy Bogue, 17, tried to escape, he was called on the floor and beaten unconscious by a security guard while his fellow commune members were ordered to shout, "Kill the little bastard." After the beating, Bogue was dragged out, shackled in red-hot metal cuffs and put in a hard-labor work detail clearing away a section of the jungle.

There were special tortures reserved for errant children. Sometimes they were taken into a darkened room where electrodes were attached to their bodies; after the electric shocks, they were told that was what happened to children who failed to smile at Jim Jones or forgot to call him "Dad." At other times, they were blindfolded, tied to a stake in the jungle and told they would be left there until poisonous snakes bit them.

When Jones wanted to punish children especially harshly, he threatened them with a mythical creature that the communards called Big Foot. After dark, a child would be tied up and taken to a well in which two commune disciplinarians were hiding. The youngster would be lowered into the well where the cultists would grab his feet, pull him under the water and then let him be pulled out—only to be dragged in again and again. As one commune member recalls:

"You could hear the child screaming all the way there and all the way back, I'm sorry, I'm sorry, Father, I'm sorry, Father. And if he didn't scream loud enough how sorry he was, then [Jones] would send the child back down."

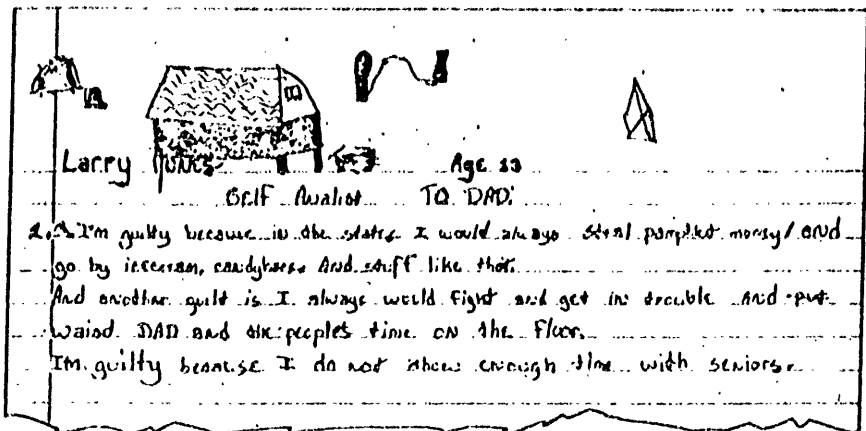
'WOULD YOU KILL?'

Toward the end, Jones called the cultists together for one of his White Nights, this one a three-day period of brainwashing and intimidation. "Would you kill one of your children?" he asked. "You would if you loved them enough." He pointed to people in his captive audience and asked, "How would you kill your child?" When some suggested a violent method, Jones said, "Well, I wouldn't kill them that way.

I would do it gently with a sedative. Just put them to sleep."

Amounting that the commune was on the verge of being destroyed, Jones then ordered a 50-gallon vat filled with orange drink brought into the pavilion. He told the commune members that all must drink, and sacrifice themselves for the Peoples Temple. They would begin to feel dizzy, Jones told them, and when they did, they were to move outside to a grassy area and lie down. The commune members drank. Two women among them, apparently shills, began to moan and toppled over, and suddenly dozens rushed outside and began to keel over. There was no poison in the orange drink—they had been felled by the power of suggestion. That White Night was just a rehearsal for the deadly performance that was to come.

—RICHARD STEELE with TONY FULLER and TIMOTHY WATERS in Georgetown



True confessions: An exercise in self-analysis by a Jonestown youth

LETTERS TO 'DAD'

Newsweek's Chris Harper examined a number of letters that members of the Jonestown commune wrote to Jim Jones. Excerpts:

From Rosa Kouton, 71:

Thanks for all the wonderful opportunities which you have provided for us all who are members of this beautiful Socialist family . . . You, Dad, have bought six months food for us here in Jonestown, at the cost of \$675,000. No one else would do that. You practice the highest principle of Socialism-Communism than anyone else in the entire universe. We should emulate you and Mother because you are the best Father anyone can have. Mother is the best Mother that we can have . . . I have given material things, money and time to the cause, but I will not betray my trust to the cause knowingly. I do not have a commitment to anything but the cause . . . I know that

one is due to obey authority and respect authority. I try daily to be obedient and respectful . . . I have no hostility towards Dad for anything and I do not regret being in the cause. I only am sorry that I did not know about it 20 years ago . . . Up until 1959, I was afraid of death and dying, but since then I have thought of death and dying as just going to sleep . . .

From Larry Jones, 13:

. . . I'm guilty because in the states I would always steal pamphlet money and go by ice cream, candybars. And stuff like that . . . I'm guilty because I do not show enough time with seniors. I tear down structure in class. I take advantage of people kindness. I talk about the states. I gossip about people, specially sisters. I don't like to stop my games and listen to the news, I sleep in service because I like to act bad and tough in front of my friends, I talk

back to my teacher when
he or she confronts me in
class . . .

From Osisloe Hilton, 84:

. . . I am so glad to be in
Jonestown. This is the
happy time of my life.
Started August 18, 1977
when I got here . . . Dad,
you no the first white
night we had here before
then I was asfired to die, I
stood in the rain that
night. I saw divided time
between life and death, I
have not ben aserid etence. I have
something to die for now and some-
thing to live for. I love the little
childrens, see them grow here, them
crying, see them smiling. Watching
the elders, hoping they are glad as I
am because they are here . . . I
brought four blankets here. Have
not got one now, someone els have
them. I love to have one nice blan-
ket. Thank you . . .

*From Stephanie Jones, age
unknown:*

. . . Sometimes I'm over hard on
the children I teach which Im sure
studds their groth. Im lazy in my
work and I dont put your examples
you show me into action . . . I think
that when people say oh I want to
dies its selfish as hell and I hate the
fact that people say it. It pisses me
off because they arn't thinking of the
children that hafe to try to under-
stand it . . . I also think its selfish
because they want to die so bad and
they can take so much pain but they
cant take the pain to work . . .

LEO RYAN'S LAST MISSION

To some of his wary colleagues, Rep. Leo Ryan looked like one of those moral grandstanders not unfamiliar to their ranks—a reformer who liked causes, and liked his publicity, too. Whether donning jailhouse denims for an inmate's-eye view of California prison conditions or wrapping himself in an arctic windbreaker to witness the slaughter of baby seals in Newfoundland, the 53-year-old Democrat seldom failed to get his picture taken in the process. This fall, when he tried to enlist fellow lawmakers for an on-scene investigation of the Peoples Temple colony in Guyana, he didn't get a single taker. Said one Californian who declined the invitation: "I just thought, 'There goes Leo on another one of his things.'"

But to constituents and staffers, Ryan's commitment to oppressed citizens—or seals—seemed genuine. Outrage at the witch hunting of the McCarthy years propelled him into politics, they said. As the son of a crusading Nebraska journalist, he displayed an affinity for press people, and as a Shakespeare buff, he had an admitted instinct for the theatrical. Yet he withheld announcing the Guyana trip until after his landslide reelection last month to avoid any implication of a vote-grabbing ploy, and aides claim that reporters, scenting a good story, joined the journey largely on their own initiative. Ironically, they speculate now, Ryan might have survived the chancy venture had he gone without the newsmen and TV cameras.

EYE-CATCHING SORTIES

Lanky, silver-haired Leo Ryan was a congenital activist. Born in Lincoln, Neb., he emerged from a World War II Navy stint to earn a master's degree in Elizabethan drama and teach English in Nebraska. Moving to California, he embarked on a political career that carried him from the city council of South San Francisco to the state legislature and on to Congress in 1972.

As the first Democrat from San Mateo County in 39 years, he attracted notice with some of his eye-catching investigative sorties: having already taught school in Watts and served eight days in Folsom prison, he rushed off to Newfoundland to denounce the annual seal-pup "harvest." Yet, he was not so much flamboyant as headstrong. "On issues," says California Rep. John Burton, "he would take on anybody, sometimes just for the sake of taking them on."

Even though the Peoples Temple stood outside his district, he took it on at the behest of an old friend whose son had mysteriously died after proposing to quit the cult. San Francisco Examiner reporter Tim Reiterman, who had been following the story closely, got permission to accompany Ryan, together with photographer Greg Robinson. The San Francisco Chronicle asked him to make room for reporter Ron Javers. Meanwhile, West Coast free-lancer Gordon Lindsay, who had been pursuing the story on his own, contacted NBC and The Washington Post. NBC's "Today" show decided to send him as a consultant along with investigative reporter Don Harris and cameraman Robert Brown, and the Post dispatched South America correspondent Charles Krause.

There was a mutual convenience in the suddenly swollen Ryan contingent. For the reporters, the congressman's mission gave them entree to Jonestown. For Ryan, his aides say, the presence of reporters and TV cameras seemed to provide insurance against possible violence. But inevitably the expedition hit Jonestown like a blunderbuss. Reporters began wandering around on their own, asking hard questions. When tough-minded fact-finder Don Harris handed Jones a letter from cult members seeking to leave, it was plainly provocative to a man who seemed explosively primed for provocation. In the violence that followed, Ryan, Harris, 42, Brown, 36, and Robinson, 27, were fatally shot; Krause, Reltzman, Javers, NBC producer Robert Flick and sound man Steve Sung survived (Lindsay had been barred from entry into Jonestown).

After last week's funerals for Ryan and the slain newsmen, there was some agonized reflection in San Francisco city rooms and network studios. Said one NBC staffer: "We had long talks about our fault in sending Harris and Brown. We believe we did the right thing. But the toughest thing to face is the question, would it have happened without a TV camera?" Others argued that violence was implicit in the Jonestown situation and would have burst forth anyway. "Any guy who's going to hold suicide drills and pull a trigger is going to do it whether there are cameras rolling or not," said ABC news producer Av Westin.

'ACTION PEOPLE'

Ryan himself was not insensitive to the dangers, but he followed his usual penchant for investigating things firsthand. "You have to put fear aside and do what you think is right," he told Holsinger on the eve of the trip. Holsinger recalls that when Ryan met Harris and his camera crew, an immediate rapport developed. "They were action people," he said. "You could see the camaraderie forming."

Harris, too, had been troubled by the "gray area" of conflicting reports out of Jonestown. According to co-workers, he was determined to get the answers. But in sad retrospect, it was as if the adventurous group had been drawn together inexorably, for an appointment in Samarra.

—DAVID GELMAN with GERALD
C. LUBENOW in San Francisco,
BEJSEY CARTER in New York
and bureau reports

HOW THEY BEND MINDS

How could more than 900 people be twisted to the point of swallowing fatal doses of poison?

Clearly, the immolation at Jonestown wasn't entirely voluntary. But the orderly rows and heaps of dead and the linked arms of family groups were powerful testimony that Jim Jones's disciples hadn't enough will to resist his orders, backed up by a few armed guards. And perhaps the greatest horror in the scene lay in the realization that more or less ordinary people had been so indoctrinated—and in the seed of fear that nearly anybody might be manipulated the same way.

In a sense, such mind-bending is only an extreme form of familiar human experience. In military training, soldiers are taught to take appalling risks in the name of discipline and love of country; extending that process, Japan's kamikaze pilots in World War II accepted certain death. Jailers can be permitted to abuse and even torture their prisoners, and citizens easily shut their eyes. At the extreme, Adolf Hitler engineered the Holocaust that massacred 6 million Jews. Powerful personalities often gather groups of dependent admirers: the demonic charisma of Charles Manson mesmerized his ghoulish groupies to murder total strangers with sadistic pleasure. Jones was only the latest extreme in the wave of cult leaders of the past decade.

To many scholars who have studied the new American cults—and to many ex-cultists themselves—the behavior of Jones's following was shocking but not surprising. "As a Moonie, I would have done exactly what they did," maintains

Erica Hestmann, 26, who left the Unification Church of self-styled Korean messiah Sun Myung Moon more than two years ago. "I was drilled and instructed to kill." Isolated from the real world and pressured by their peers, converts become wholly accepting of the leader's power—and his paranoia—and they put their welfare and their will totally in his hands. Jones's people even practiced suicide drills, in which they swallowed a drink of bitter liquid he said was poison. "I would think, before being told it wasn't poison, that soon I would be dead," recalls Wanda Johnson, 42, who and lost her youngest child at Jonestown. "I would think, 'It doesn't matter if I'm dead.' I felt relief."

Almost any passionate enthusiasm can generate cultic behavior if there is a charismatic figure to beguile disciples. In recent decades, cults have coalesced around crusading politicians, rock stars, visionary intellectuals and gurus of the human-potential movement.

CHARISMATIC LEADERSHIP

In religion, sociologists typically distinguish cults from mainline churches, which serve as custodians of normative values, and from sects, which partially withdraw from society in order to purify established doctrine. Cults emerge when groups wholly withdraw from prevailing religious practices and members commit themselves completely to the leadership of charismatic and highly authoritarian figures. Although today's cults vary widely in their ideologies, the

most successful use much the same methods of indoctrinating converts.

Most cults know exactly which kind of recruits they are looking for. Synanon guru Charles Dederich prefers drug addicts, whom he can rehabilitate and then bind to his community for life. Jones sought out the oppressed—especially poor blacks, prostitutes and other outcasts—who would welcome his message of egalitarianism and his offer of a communal home. But religious groups such as the Moonies, the Children of God and the Hare Krishnas prefer college students of above-average intelligence and idealism who will be a credit to the cult. In her own interviews with more than 300 former cult members, University of California psychologist Margaret Singer found that no more than a third were suffering from marked psychological distress at the time of their induction.

'A SENSE OF BELONGING'

Timing is the key factor in seeking converts. Religious recruiters like to hit the college campuses at exam time, sit in libraries, waiting to make "eye contact" with students who are having difficulty deciding on a course of major study or recovering from a broken romance. In cities and resort areas, proselytizers seek out footloose backpackers who have taken time off from school to "find" themselves. "These kids are looking for a sense of significance and belonging," says UCLA law professor Richard Delgado, who has been studying cults for years. "Everybody is vulner-

able. You and I could be Hare Krishnas if they approached us at the right time."

Studies indicate that the Moonies have devised the most sophisticated methods of luring converts. They call the first phase "love bombing." Once recruiters spot lonely students, they draw them into friendly conversation that typically ends with an invitation to dinner. Surrounded by smiling strangers who hold their hands and shower them with compliments, the students are then invited to

a weekend retreat. "As instructors, we didn't tell them the truth," recalls Erica Hestmann. "If we had told them that we believed Moon was the Messiah or that we stayed up all night praying in the snow, they'd never join."

During the retreat, guests are subjected to an endless round of games, singing, exercise and vague religious discussions, with little time for sleep. Only the most discerning recruits realize that they are not being allowed to ask probing questions or make close friends. Yet every recruit is assigned a monitor who accompanies him everywhere, even to the bathroom. On Sunday, the potential converts are pressured to stay on for one last party. "Once they called their family or employer and told them they weren't coming in on Monday, we knew we had them for seven full days," says Hestmann. "And if they stayed seven days, they almost always became a member."

Isolation—from family, friends and all contact with the outside world—is the first step in what Los Angeles psychiatrist Frederick Hacker calls "the washing stage" of cultic mind control. Next, recruits are made to feel guilty about their past lives and recognize their need to be reborn like their all-knowing "brothers and sisters" in the new family of the cult. Several cults, such as the Children of God and Hare Krishna, even give recruits new names or devise private measurements of time to underscore the cult's new reality. But the development of a new personality is gradual. It requires various forms of sense deprivation, inculcated through loss of sleep, low-protein diets and exhausting rounds of chanting, praying and indoctrination in the thought of the new father figure.

TOOL OF SATAN

"It's all so simple," observes Tufts University psychiatrist Stanley Cath, who has studied the conversion techniques used by cults. "Converts have to believe only what they are told. They don't have to think, and this relieves tremendous tensions." Indeed, at Synanon, members tell recruits, "We will

do your thinking for you," and inside Moon's camps independent thought is labeled a tool of Satan.

A critical point in the conversion process occurs when recruits are forced to make a major commitment to the cult. This may mean signing over one's property, bank account or children to the group, as in some religious cults, or even joining in drug or sex orgies, as demanded by Charles Manson in his "family." "Once you've done something, that major, it's very hard to admit even to yourself that you've made a mistake, and subconsciously you will go to great lengths to rationalize what you did," explains Stanford University psychiatrist Donald T. Lunde. "It's a very tricky mental-defense mechanism exploited to the hilt by the charismatic leader."

Cults may also exploit members by sending them into the streets to solicit funds or sell things like flowers, usually on behalf of pseudonymous organizations. "The leader tells you to go out and get \$250," says Sherry Dietrich, 28, who joined the Children of God after a divorce in 1974. "Believe me, you beat your brains out to get that \$250, and you don't come home until you get it."

In virtually all cults, sex is a central means of controlling members' lives. Some cult leaders, like Manson and Jones, use some of their followers—both male and female—for their own pleasure. But most religious cults rigidly segregate males and females and teach them that sexuality itself is evil. "Father" Moon not only arranges all marriages but

also demands such powerful repression of sexual feelings that many members revert to pre-puberty innocence. "Women stop having their periods sometimes, and men may find that they do not shave as often," reports ex-Moonie Christopher Edwards, 24. "People begin to look younger. I was 22 when I came out and people told me I looked 15."

OUTLET FOR AGGRESSION

To bind members tighter to the cult, its leaders create the image of an evil out-group that is supposedly trying to destroy them. For Hitler, it was the Jews. For Manson, it was blacks. For Jones, it was the FBI, the CIA and the Ku Klux Klan. For Synanon's Dederich, it is the government and the news

media. And for most of the militant religious cults, the enemy is the members' natural parents. "Cults allow people to hate without feeling guilty and provide a safe, group-sanctioned outlet for aggression against the enemy," observes psychiatrist Hacker. Cult leaders also persuade members that they will die, either at the hands of enemies or cult loyalists, if they defect. The Children of God tell defectors that either God or Satan will strike them dead, and perform exorcisms on those who persist in leaving. Ex-Scientists recall warnings of the "2:45" solution—anyone who drops out should get two .45-caliber slugs.

BASIC NEEDS

What transforms some cult leaders from spirited humanitarians into frenzied despots? Jones, for one, began his career by providing a humane haven for society's outcasts, yet ended up crushing those in his care. In such cases, a charismatic leader, who may be slightly disturbed, discovers that he is fulfilling a basic human need for increasing numbers of people. "Pretty soon, he is believing more and more in his own power, and it grows so that he begins to be burdened by it and a little paranoid," reasons psychiatrist Ari Kiev of the Cornell University Medical College. So he develops new, more punitive measures for binding his followers to him. "And if there comes a threat, a terminal illness or exposure, the leader resents the idea of anyone surviving him," adds New York psychiatrist Herbert Hendin. "He doesn't want any part of whatever is left to survive."

Jim Jones's Peoples Temple differs from other cults because of its emphasis on suicidal imagery, says Yale psychiatrist Robert J. Lifton, a specialist on death and thought control. Last week's atrocity, Lifton believes, "was a mixture of submitting to mass suicide and submitting to murder." As his own mind deteriorated into paranoia, Jones prepared his people for collective death by running them through suicide rehearsals. This enforced group commitment and the illusion that death for them would merely be a transition to an eternal community. "When Jones asked them to die for him, some may have gone willingly with him, but a large number probably just didn't know how to resist," Hendin argues. "You're dealing with a suicide, not of the mass group, but of the leader, who is taking the group with him."

Thus the tragedy at Jonestown was only superficially like past cases of mass suicide—the Jewish Zealots at Masada who killed themselves rather than be captured by the Romans, for example, or the Japanese who died on Saipan rather than surrender to the Americans in World War II. Instead of patriotism, religious faith or a cause larger than themselves, Jones's followers were ensnared by Jones himself. And like most charismatic figures, he left no one who could replace him as the personal embodiment of the cult. Although survivors in San Francisco insist that the Peoples Temple will go on, ex-members say it cannot survive without Jones.

Inevitably, the Jonestown atrocity has triggered national debate over cults and whether they can—and should—be curbed. Church scholars caution that the religions of Jesus, Muhammad and Buddha all began as cults, and civil libertarians warn that religious practices, no matter how odious, are protected by the First Amendment. The only legal way to attack them would be to prove that the psychological techniques practiced by some cults amount to coercive mind

control, leaving their victims legally impaired. But the theory is tenuous. Dr. Stephen P. Hersh, assistant director of the National Institute of Mental Health, believes that the brainwashing attributed to cults is, in most cases, "high-pressure salesmanship." "Just because converts adopt beliefs that seem bizarre to their families, it does not follow that their choices are dictated by cult leaders," he says.

Historians say cults emerge whenever there is a serious break in the structure of society. The Industrial Revolution in England, the French Revolution and the westward movement in the U.S. all spawned new religious sects. Some scholars believe that the traumas of the '60s attracted young Americans to charismatic politicians and then, after the war in Vietnam, to equally charismatic religious figures. Although some experts think the current interest in cults has peaked, most insist that the better-financed groups, such as Moon's, will be around as long as the basic institutions of society—the family, schools and established churches—continue to turn out emotional orphans susceptible to a cult leader's blandishments.

A HEAVY PRICE

Even critics concede that many of today's cults work for social good and individual need by drawing recruits away from drugs and anomie into a steady life of service. But at best, the price is a heavy one in a free society: in joining a cult, the recruit surrenders a large measure of personal responsibility and potential growth in exchange for spiritual security. The mass deaths at Jonestown may yet do some good if they make searching young people think twice before seeking a family among the cultists.

—KENNETH L. WOODWARD with MARY HAGER in Washington, JANET HUCK in Los Angeles, MICHAEL REESE in San Francisco, RACHEL MARK and WILLIAM D. MARBACH in New York and bureau reports

THE WORLD OF CULTS

They crouch in dark basements in New York and San Francisco, worshipping the Devil. They wait patiently for the Second Coming or scan the skies for the spaceship that will bring the New Age. A few practice polygamy in isolated mountain communes. Tens of thousands have abandoned their families, friends, educations and careers to follow the teachings of a leader they will never meet.

By one estimate, 3 million Americans espouse the teachings of 3,000 religious and nonreligious cults. The groups run the gamut from the Bible-toting pacifists of The Way in Ohio to the marijuana-smoking Rastafarians from the Caribbean, who revere the late, deposed Ethiopian Emperor Haile Selassie as the Messiah. Some cults condemn all forms of violence and serve as unquestioned forces for good in the world: The Farm, for example, a 1,200-member commune in Tennessee, has donated more than \$1 million to build homes and hospitals for earthquake victims in Guatemala. The Bible of the Church of Satan, on the other hand, declares: "If a man smite you on the cheek, smash him on the other."

DEFENSIVE ALLIANCES

Cults have ebbed and flowed through American history almost from its beginning, and there are signs that the latest wave may have peaked in the mid-1970s. But after the horror of Jonestown, warns sociology Prof. Jim Richardson of the University of Nevada, "there's a possibility of a backlash. There is already an anti-cult movement that has tried to get investigations and tax rules against cults." In reaction, some cults are exploring defensive alliances; last April, the Church of Scientology, the Unification Church and the Children of God formed APRI, the Alliance for the Preservation of Religious Liberty. Synanon donated at least some supplies and equipment to the People's Temple, and links have

been reported between Synanon and the Hare Krishnas.

Among the more conspicuous—and controversial—cults now active:

SYNANON: When Charles Dederich, a former alcoholic, founded Synanon in 1958, it was considered a revolutionary therapeutic community. Hundreds of alcoholics, drug addicts and down-at-the-mouth toughs moved into the California drug- and alcohol-rehabilitation center and, through a rigorous self-help pro-

gram, emerged healthy and happy. Aided by its skillful PR and contributions from wealthy liberals, Synanon became a \$20 million business.

But as the community grew and prospered, it changed. Dederich, a powerful, hypnotic leader, came to see Synanon as an alternative to the outside world. He ordered his followers to shave their heads and swap spouses. When he decided there were too many children at Synanon, he mandated vasectomies for men (himself excluded) and abortions for women. Dederich, 65, began a campaign of intimidation against the media and anyone else who criticized the community. One lawyer who won a \$300,000 judgment

against Synanon was bitten by a rattlesnake left in his mailbox—allegedly by two members of Synanon. Today, the 900-member community resembles a cult far more than it does a drug center, and Dederich is trying to have it formally incorporated as a religion.

HARE KRISHNA: "We don't consider ourselves something that's sprung up in the '60s, founded by some man, but followers of an ancient tradition stemming from Krishna himself," says Laxmi Nath, president of the Berkeley, Calif., temple of the International Society for Krishna Consciousness. The Hare Krishnas began in the sixteenth century in India, where they were just one of many sects worshipping a reincarnation of the Hindu god of creation. A. C. Bhaktivedanta Swami Prabhupada brought one version of Krishna worship that was never very popular in India to the U.S. in 1965 and it turned into an easily identifiable cult. Young Hare Krishnas shaved their heads, put on saffron robes and took to the streets with their Hindu chants. They studied the ancient Vedic texts and promised their followers inner peace as an alternative to political chaos.

The Krishnas can be aggressive in their repeated requests for money, and some members have had serious run-ins with the law. But for the most part, they live quietly on several large farms they own, or in the houses they rent in metropolitan areas. Since Prabhupada died earlier this year, the group has not had a charismatic leader and may now be becoming more sect than cult. Most members now dress conventionally in public, and have stopped their street-corner chanting. Stillson Judah, who has studied the Krishnas at the Graduate Theological Union in Berkeley, believes the group wants to find a "way of accommodating itself with society."

UNIFICATION CHURCH: South Korean evangelist Sun Myung Moon, 58, controls the lives of 37,000 U.S. followers. When they join the Unification Church, young Moonies (their average age is 24) are encouraged to break all ties with their families and work as long as eighteen hours a day soliciting donations. As is typical of many cult leaders, Moon lives in comfort on a \$625,000 New York estate while his followers reside in communal centers and are encouraged to give all their possessions to the church.

Moon preaches a contorted blend of Christianity, Puritan morality and Oriental philosophy. His followers hardly seem to notice that his spiritual message—that all the world's religions should be merged into a single movement headed by Moon himself—sounds

secondary to his financial and political motives. He controls an empire of at least \$75 million that ranges from a Wyoming delicatessen to a Tokyo trading company, and the U.S. Congress has investigated his ties to the authoritarian government of South Korea. Moon, who came to the U.S. in 1972, does not seem worried.

"God has been very good to me," he says.

CHILDREN OF GOD: They began standing on street corners in the late 1960s, exhorting passers-by to give up their worldly ways and follow God. At first it was hard to tell them from the other Jesus freaks of the time. But the Children of God were clearly different. Their leader, David (Moses) Berg, now 58, taught that doomsday was just around the corner—and that he was God's messenger for the final days. He communicated with his followers through rambling "Mo letters."

Many of these epistles show a preoccupation with sex. In recruiting, Berg urged his female disciples to use their charms: "You roll those big eyes at them and peck them with that pretty little mouth and you flit all around them," advised one Mo letter. By at least one report, things didn't stop there: on the island of Tenerife, COG women were accused of taking prospective recruits to bed. When local prostitutes complained of the competition, Berg reportedly put a curse on the island—and shortly after that, the worst accident in airline history took 583 lives on the runway at Tenerife.

Life with Berg isn't easy. Former COG members tell how they had to memorize Bible verses before they could sleep or eat, and pick through garbage for food and clothes. Berg fled the country in 1974, just before the New York attorney general published a highly critical report on the COG. But the cult still claims 10,000 members in 120 communes around the world, and Berg still keeps in touch with periodic Mo letters.

Some organizations can come to resemble cults even though their members do not live communally or share religious beliefs. Werner Erhard, for example, has impressive power over thousands of Americans who have taken his est courses. He promises them spiritual and emotional fulfillment in 60-hour seminars in which the chief techniques are attacking the ego, restricting food

and drink and inducing mental strain.

Growing numbers of parents of cult members are worried enough about losing their children to take the extreme, and costly, step of kidnapping and "deprogramming" them. Ever since deprogrammer Ted Patrick was sentenced to a year in prison in 1976 for such a kidnapping, many have first sought legal sanction through "conservatorships" to temporarily gain court-ordered custody of their adult children. The process is clearly working. Hundreds of devotees of various cults have been deprogrammed in the last few years. But some cults are fighting back with lawsuits to bar deprogramming as an infringement on religious freedom, and sometimes the faith of the young believer is not shaken. Several have successfully sued their deprogrammers for invasion of privacy.

In desperation, some parents have asked the Federal government for help. But government spokesmen say their hands are tied by the Constitution's guarantee of religious freedom, lack of hard evidence that specific cults are committing crimes, and by agency guidelines. The Justice Department must have information that a "kidnap" victim is being held against his will, for ransom and has been taken across state lines before it can prosecute a case. (Before last week's tragedy in Guyana, the FBI had only one complaint against the Peoples Temple: a letter from the worried mother of a cult member alleging kidnapping, but there was no evidence that he was being held against his will.) The Federal Bureau of Investigation can

monitor a group only when there is evidence that it has broken Federal law or poses a security risk. Many government officials say they would not change the present laws, even if they could. "We can't have it both ways," said Homer Boynton, bureau spokesman. "In a democracy, in order to have freedom and liberty, there has to be a certain amount of risk-taking."

'ATTRITION IS VERY HIGH'

But cults—even the most religious—are not above the law. The government can prosecute a group when it appears to have committed a crime. Last summer, for example, eleven Scientologists—members of the quasi-scientific, self-help cult founded by former science-fiction writer L. Ron Hubbard—were accused of breaking into a government office and were indicted on 28 counts of conspiracy, stealing government property, obstruction of justice and perjury. Six states outlaw use of marijuana and other drugs in cult religious ceremonies.

In the end, the best hope for those concerned about the power of cults may be that many members are dropping out of their own accord. "A lot more people leave these groups voluntarily than they or the deprogrammers would like to admit," says sociologist Richardson. "Attrition is very high." Even within the mind-bending anthills of the cults, Americans seem to retain at least some of their native wit—and their stubborn independence.

—MELINDA BECK and SUSAN FRAXER with ELAINE SHANNON in Washington, JEFF B. COPELAND in San Francisco and bureau reports

"SATURDAY NIGHT HORROR," NEVILLE ANNIBOURNE, THE GUYANA CHRONICLE, DECEMBER 6, 1978

WHEN I was assigned to accompany US Congressman Leo Ryan and his party of "Concerned Relatives" and curious journalists to Jonestown I looked upon the 126-mile trip to Port Kaituma as a pleasant interlude from the hurly-burly of the city. But it turned out to be the most deathly and nightmarish experience in my life.... the scenario played out on a remote blood-spattered airstrip amidst whistling bullets, shrieking voices and falling bodies as twilight engulfed the surrounding jungle.

The party had left Timehri early on the afternoon of Friday, November 14, aboard a chartered Guyana Airways Twin Otter for the one-hour trip to Jonestown the 3,000-acre settlement established on the Guyana-Venezuela border by the semi-religious American sect, People's Temple, and named after its charismatic and controversial leader, Rev. Jim Jones.

Congressman Ryan had come to Guyana to investigate reports of mistreatment and coercion at

the agricultural community the majority of whose approximately 1,000 residents had come from the California constituency which he had represented in Congress for the last six years.

Of course, Temple officials had originally raised all manner of objections to Ryan and the others going in, but on that Friday morning after a meeting with sect lawyers - well known radicals Mark Lane and Charles Garry - the Congressman announced that the greenlight had been given and that a representative few would be travelling later in the day.

The concerned relatives had spoken of large quantities of arms and ammunition. Ryan was aware of this as well as the oft-repeated assertions of Temple spokesmen that should his visit bring the organization into disrepute (as Jones and his lieutenants feared it would) members had taken a collective decision to die rather than be harassed from continent to continent.

But at no stage did Ryan or any of those selected go in fear for their lives. There was more of an air of expectancy as relatives were anxious to see or receive word about their loved ones.

So at around 2:15 p.m. the Twin Otter began its ill-fated journey to Jonestown. Some of those on board would not return... alive.

About an hour later we were over Port Kaituma. Eager anticipation, excited chattering. But their spirits dipped as the pilot announced he had been informed that the airstrip was bad and therefore he would not be able to land. Disconsolate "concerned relatives" disappointment clearly evident on their faces and in their voices, requested the pilot to fly over Jonestown. Suddenly it appears. A tiny speck of civilisation in the dense forests. Necks crane. Cameras click. And perhaps sensing the mood, the pilot decided to take another look at the airstrip and after zooming in low decided to land and do so.

Disembarking, the passengers were told by police corporal Rudder that he was instructed by his superior not to allow anyone to go into Jonestown unless they had permission to do so from Rev. Jim Jones, head of the People's Temple. Failing this they would have to get back on the plane and return to the city.

Meanwhile lawyers of the People's Temple, Mark Layse and Charles Garry, who came on the same plane were holding discussions with a small group from the commune. The lawyers later informed the Congressman that they were going into Jonestown to discuss the matter with Jones.

However, five minutes later the dump truck reappeared and we were informed that only Congressman Ryan, his aides, Deputy US Embassy Chief of Mission Richard Dwyer and myself (after I had indicated that I was from the Ministry of Information) would be permitted to enter Jonestown.

They then informed the journalists and the 'concerned relatives' that they would have to remain at the airstrip until permission was granted for them to proceed to Jonestown.

After a five-minute drive we reached the entrance of Jonestown. At the gate there was a big sign "People's Temple Agricultural Settlement." The chain across the entrance was removed as the unarmed guards received a signal from a female member of the cult on board the dump truck in which we were travelling.

On arrival at Jonestown itself we were met by the wife of Rev. Jones along with other members of the organisation. She informed the Congressman that Rev. Jones who was not in the best of health, would be with us in a short while.

We were then escorted to the main auditorium after which the party was taken on a short conducted tour of the settlement by Mrs. Jones.

On our return to the auditorium Rev. Jones was there to greet us. After a brief introduction we all sat around a large table with Jones and the Congressman sitting at the head.

Congressman Ryan wasted no time in informing Jones that journalists and 'concerned relatives' were at the airstrip awaiting his permission to enter Jonestown.

Jones said that he was perturbed over the fact that the Congressman did not bring along with him journalists from Third World countries.

He said he was not keen on permitting journalists from the US to enter Jonestown because they had been writing "a lot of lies about the place" and he was "fed up" with what they wrote.

Ryan then told Jones that "this place is much too important much too alive to be jeopardised by misinformation." He then pleaded with Jones to allow the journalists in. His plea was reinforced by Garry, one of Jones' lawyers, who was of the opinion that the publicity would do the Temple more good than harm.

Jones succumbed to the pleas and gave permission not only for the journalists to come into Jonestown but also the concerned relatives.

Ryan then began discussions with Jones on the reasons for his visit to Jonestown.

Ryan gave Jones a list of names of residents he would like to interview and told Jones that "you have been accused of having a totally closed shop where no one can leave."

Jones countered by alleging that a lot of lies were being peddled about the place and he invited the Congressman "to see what you want to see. Talk to whom you want to talk... I am sick and tired of all the lies. We have come here to build a peaceful community because it is more comfortable than in San Francisco."

He added: "Guyana is one of the friendliest non-aligned countries. The Guyana people are not anti-American and we have seen no evidence that Guyana is a threat to the U.S."

Ryan, who said he was impressed by the agricultural activities while coming in the hospitality extended to them.

After the show came to an end about 11:30 p.m., Jones continued to answer questions put to him by the journalists.

In answer to a question whether people were free to leave the Temple whenever they wished Jones repeated that they were "free to do so at any time."

Asked who controlled the funds of the Temple and how much money was spent on the project Jones said that "I don't have control over the Temple funds. This is handled by a committee. I cannot say off hand how much money was spent on the project. This could only be answered by the accountant but I know for sure that several million dollars were thrown into it."

RESULT

He however, stated that "we are losing money and as a result we are living on our reserves."

In reply to a question whether he is a Socialist Jones said: "I am a Socialist with a reservation for full democracy."

Concluding the night's interview Jones declared: "We are not seeking attitudes. All we want is to live in peace. I do hope after I

have been gone justice will be seen."

The journalists then asked Jones to allow them to stay on at the Temple for the night because they were not sure of finding accommodation at Port Kaituma at that hour of the night. This request was denied by Jones who told them that accommodation was only provided for the Congressional party and myself and they along with the 'concerned relatives' would have to return to Port Kaituma.

The next day, Saturday, October 18, at about 9.30 a.m. Congressman Ryan and Jones continued their discussion and at about 11.00 a.m. the journalists and 'concerned relatives' returned to Jonestown after spending the night at Port Kaituma.

SUSPICIOUS

They were then taken on a conducted tour of the settlement by Mrs. Jones and some of Jones' chief lieutenants.

During the tour an elderly white woman joined the group and called aside Bob Harris, the NBC reporter and told him something. They both left the party and went back to the auditorium hotly pursued by some Temple members who became suspicious of this strange happening.

The tour did not last long after and as we all returned to the main hall the word was passed around that some members of the cult wanted to defect. From this moment the atmosphere became tense. The expression on Jim Jones' face changed distinctly.

There were about 12 persons at this point in time who had requested to leave. Jones was asked if he would grant them permission to do so. He then said: "I have failed." But the journalists told him that it was just a few persons out of a total of about 1200 and that would not affect his programme. But Jones said "I am a perfectionist and if for that matter one person decides to leave, I have failed."

He however stated that "I do not put pressure on anyone who wants to leave. I promise them transportation from Jonestown to any point of exit from Guyana. I live for my people because they need me but whenever they leave they tell lies about the place. We are an open society and I don't feel anything when they leave."

DRUGS

"What keep people here is because they want to get away from racism, annihilation, crime, drugs and poverty in the U.S. Guns have never been used as a means of intimidation. I live my life. I live for my people. I want to hug them up before they leave."

As we were about to leave Jonestown more people requested to quit numbering about 20. Jones hugged and kissed some of them and asked that they keep in contact with him on their return home.

On our way to join the dump truck, our only means of transportation out, a woman started screaming and shouting not to allow her husband who had defected to take her two children with him.

This caused a hold up in our departure as the father

and the kids along with Congressman Ryan and Jones returned to the auditorium to have the matter resolved.

After waiting in the truck for some time we heard a commotion in the auditorium. We later saw the Congressman accompanied by lawyers Layne and Garry walking at a brisk pace coming towards the truck.

When they arrived those of us who were in the truck waiting learnt that an attempt was made by a cultist to assassinate the Congressman with a knife but he was held back by the lawyers.

As the Congressman got on the truck and we were about to leave a late defector who turned out to be Larry Leyton came on-board. When asked by his fellow defectors how he suddenly decided to quit he said: "I was thinking about it for some time now but I have only now decided to make the move."

Arriving at the airstrip at Port Kaituma at about 4.30 p.m. the planes which should have arrived at 2.00 p.m. were not there.

Richard Dwyer then asked me to accompany him to find the Administrator of Port Kaituma to report the attempt on the life of the Congressman and to have the police sent into Jonestown, for fear of what might happen in there. He was also going to return to Jonestown to look after those defectors who would have to be left behind because all could not be accommodated on the planes.

The same dump truck took us to the Administrator and while Dwyer was speaking to him a trailer with about seven cultists in it passed us on its way to the airstrip. The dump truck left us stranded and followed the trailer. By this time the planes had arrived - a Cessna then the GAC Twin Otter.

On our return to the airstrip a decision had already been taken to put the defectors on the plane before anyone else because of the limited space on the plane with a view to get them out of the area as quickly as possible.

The defectors were being fitted for arms as we returned. It was suspected that a bogus defector was in the group.

CULTISTS

As they all boarded the Twin Otter I went in to leave my traveling bag in the plane and to return to the main party that was yet to board the plane. At the time the Congressman and others were standing and talking around the plane.

I laid down my bag and as I was on my way out I heard strange sounds as if the cultists were stoning the plane as a mark of protest against the defectors.

The people in the plane then shouted at us "duck down they are shooting at us". The women and children began screaming. I decided to lay low on the floor of the plane next to pilot Spence. The shooting stopped for a short while so I raised up to observe what was going on and as I looked through one of the windows up front I saw both black and white cultists in the trailer aiming their guns at the plane and the shooting began again. Both engines of the plane were working at the time but the right side engine went dead after receiving a bullet. The pilot then made several attempts to cut off the other engine but to no avail as the shooting continued.

I suggested to the pilot it was time for us to get out of the plane because if any bullets only hit the gas tank within seconds the plane would be equated in flames, but he did not budge. I then resigned myself to death as the bullets pierced the body of the plane, seeming to get nearer and nearer to where I was. My only thought then was when will the plane explode killing all of us on board. Then there was a sudden lull. The shooting which lasted for about five minutes had stopped.

The pilot got up and I after him. As he tried to get the plane moving I told him that I was getting off and he said go right ahead as he leaned forward to allow me to jump through the door of the cockpit.

As I made it to the ground I ran for the shed which was about 50 feet away from the plane for cover, not knowing whether the assassins had left the area or not. Looking back at the plane I saw people lying on the ground.

Having realized that the gunman had left the scene I along with Dwyer rushed back to the plane only to discover that those persons lying under and around the plane were dead, the Congressman included, but with the exception of NBC's Tape Recorder Operator Sung, who was seriously injured. At first I thought he was dead then I saw him move a little and his eyes opened. I asked him if he was alright and he nodded signifying o.k. I then told him not to move until the all clear.

In the meanwhile other injured persons and even those who had escaped injury sought refuge in the nearby bush. When all was o.k. I assisted in carrying for the injured.

Shooting also took place in the Ceasars plane where Larry Leyton was apprehended and his revolver taken away as he was placed in custody.

The airstrip frame began at 5:00 p.m. so we did not remove the injured persons from the bush until it was dark. Three seriously injured and three were four of them, were placed in a GDF tent which was at the eastern end of the airstrip, for protection by the four soldiers there at the time carrying out repairs to their plane.

The soldiers when asked why they did not come to our assistance said that it was a difficult assignment because the majority of the people were white and they did not know who was shooting at whom. "It was a difficult decision to make," Lieutenant Joseph said.

POYSON

Meanwhile the Ceasars had taken off carrying with it the pilots of the Twin Otter and one of the defectors who had been seriously wounded.

Then came the ordeal of the long night at Port Kaituma airstrip. We could not afford to relax for one minute because no one knew whether or not the assassins from Jonestown would be returning.

First information we had of the massacre events at Jonestown came when we heard from Port Kaituma that some cultists had fled from the settlement in order to escape from the suicide rituals which Jim Jones had enacted there.

We heard that hundreds of the soldiers had been forced to drink poison and those who had refused to drink had been shot. It was believed that armed guards who were enforcing the suicides would be coming back to the airstrip to deal with those defectors who were still alive there.

You can believe me none of us slept a wink that night and with the rising sun we still could not relax because we had no way of knowing that the danger had passed.

Fortunately soon after day break the first members of the GDF arrived at the airstrip by foot from Matthews Ridge and took control.

Not long after a GDF plane and a second QAC Twin Otter arrived and we were able to make arrangements for the seriously wounded and the journalists to be brought to the city. The defectors and concerned families wished to remain behind to learn of the fate of their families who had to remain at Jonestown.

For me it was the end of an ordeal, the like of which I have never before experienced and hope never to experience again.

"JONES' SUICIDE CALLS, GUNSHOTS HEARD ON TAPE RECORDING FOUND AT JONESTOWN," THE BALTIMORE SUN, DECEMBER 8, 1978

Georgetown, Guyana. (NYT).—A tape recording of part of the final night of madness at Jonestown has been found among the ruins of the jungle commune, American government sources disclosed yesterday.

At the same time, a Guyanese government official said that \$2.5 million in cash had also been recovered at Jonestown.

Children's shrieks pervade the tape recording, the Americans said, and gunshots can be heard clearly in the background.

A transcript was not available, but the Americans said that the baritone voice of the Rev. Jim Jones dominated the recording, at several points urging mothers to calm their young.

"He kept telling them, 'Mothers, you must keep your children under control,'" an American said, paraphrasing the recording. "They must die with dignity."

Another American said: "He kept telling them to shoot the poison down the backs of their throats, to get it way down in there. I guess he meant with the syringes."

The Americans said the recording appeared to have been started shortly after Mr. Jones gave the order for the "revolutionary suicide," and the first to die, mothers and children, had begun to drink from the vat of poisoned soft drink.

The recording of the death ceremony was one of hundreds of reel-to-reel tapes and cassettes that government forces and Federal Bureau of Investigation agents have recovered from the commune, along with numerous cartons of directives, memorandums, receipts, commentaries, contracts, deeds and letters.

These are believed to detail the history of a community of more than 900 men, women and children who followed the charismatic Mr. Jones from zealous Christianity to fanatical socialism and, finally, to death.

"Jones was a freak about keeping records of what he did," one American said. "He put everything on paper or tape. He apparently didn't learn his lesson from Nixon."

The recording of the night of November 18 is believed to have been discovered by Guyanese forces in a machine on the stage of the commune's pavilion, near the heavy wooden chair from which Mr. Jones presided. The Guyanese are believed to have turned over the recording, or a copy of it, to United States authorities.

The tape recording appears to confirm in large part statements made earlier by several Jonestown survivors. The paraphrases offered yesterday were in some instances almost verbatim reiterations of statements made by some of the survivors.

Just how complete a picture of Jonestown can be pieced together is an open question, because there has been widespread looting—first by the few Guyanese living nearby, then by government soldiers and police.

By the time a group of more than 40 foreign journalists reached Jonestown, a week after the night of November 18, when the cult members died, they found the tin-roofed houses ringed by papers, clothing, and furniture that had been tossed from windows, as though in a hasty process of sorting.

There still seemed to be plenty of interesting material, though, and the journalists helped themselves.

In an interview at police headquarters, Commissioner Lloyd A. Barker said the \$2.5 million in United States and Guyanese currency had been found in a chicken pen and at several other locations within the commune. He said it included more than \$500,000 that three members of the cult had tried to take with them in a suitcase when they fled as the others were dying.

Commissioner Barker said he did not know how much more money the Peoples Temple might have in the bank accounts that it reportedly kept in Georgetown, the Guyanese capital. He said his officers also had confiscated 19 rifles and shotguns and 13 handguns. Another source said thousands of rounds of ammunition also had been found.

Four agents of the Federal Bureau of Investigation, in jeans and sunglasses, went to Jonestown Wednesday. They stopped first at the airfield at Port Kaituma, where Representative Leo J. Ryan (D., Calif.) and four other Americans were shot to death. The twin-engine de Havilland Otter that the congressman's party had attempted to board remained disabled there. The agents examined the bullet-riddled fuselage.

They then formed a line with the American helicopter crewmen who had flown them from Georgetown and slowly picked their way across the airfield. The sweep, it was reported, netted them two .22-caliber shells, the metal jackets of two high-powered slugs, fragments of shotgun shells, a broken pair of eyeglasses and several bits of Timothy Glear Jones, an adopted son of cult leader Jim Jones, arrives at Kennedy Airport in New York from Guyana. Seventeen Peoples Temple followers who arrived Wednesday were subpoenaed to appear before a San Francisco grand jury to tell what they know about the slaying of Representative Leo J. Ryan (D., Calif.) and of human skull bones.

In Jonestown, they had hoped to recover the bullet that ripped through the head of Jim Jones. But that proved impossible.

A Guyanese detective reportedly stood on the stage of the pavilion in the position he believed Mr. Jones assumed as he—or someone else—angled the barrel of a handgun behind the cult leader's right ear and fired upward. "The bullet went flying out the left side of his head into space," an American said later, "and it just kept going. There was nothing but open space, nothing to stop it."

17 from cult subpoenaed for questioning in Calif.

New York (AP)—Seventeen survivors of the Peoples Temple have been subpoenaed for questioning—some as soon as today—by a San Francisco grand jury investigating the murders of Representative Leo J. Ryan and four other Americans in Guyana.

The cult members were subpoenaed early yesterday after nine hours of questioning by FBI agents following their arrival in New York on Wednesday night. It was the first legal action taken against any of the 44 cult followers who have returned to the United States thus far.

At least seven of the 17 said they were to appear in San Francisco today, tomorrow or next Wednesday. It was not known when they would leave New York.

**"JONES' TAPE OF 'WHITE NIGHT' REVEALS DISSENT TO SUICIDES,"
LEONARD DOWNIE, JR., WASHINGTON POST, DECEMBER 9, 1978**

Arguing in a plaintive voice that "there's no way we can survive" because "we've been so betrayed" by defectors who made it safely out of Jonestown, cult leader Jim Jones had to summon all his oratorical power to shout down dissenters and force his 900 remaining followers to commit mass suicide.

An extraordinary tape recording of the first 45 minutes of the "white night" of Saturday, Nov. 18 — which is filled with children's screams, Jones' amplified exhortations and shouted arguments among his followers — shows that many of them were very reluctant to follow his orders to drink poison.

But Jones told them that Jonestown defectors who had survived an armed ambush of the fact-finding mission of Rep. Leo J. Ryan (D-Calif.) at the nearby Port Kaituma airstrip

would "get back to the states and criticize Jonestown. They'll make our lives like hell ...

"We are sitting on a powder keg," Jones shouted to his followers, who had been massed around him by Jonestown guards armed with guns and crossbows. "If we can't live in peace, let's die in peace."

The tape, which was recorded on a machine Jones kept next to his wooden throne chair on the stage of Jonestown's open-air pavilion to record his almost nightly harangues there, provides U.S. and Guyanese investigators with the best evidence yet of just how the forced mass suicide was carried out.

FBI technicians in Washington and police officials in the Guyanese capital of Georgetown are now studying copies of the tape and making transcripts. The tape was found by a State Department representative on a tour of Jonestown a day or two after the massed

dead were discovered there, according to law enforcement sources who provided The Washington Post with a detailed account of the tape's contents.

U.S. and Guyanese investigators also found "mountains of other tape recordings" and more than 5,000 pages of Peoples Temple Church

FBI says those sought in Rep. Ryan slaying are known to be dead. A12.

"political, financial and internal documents" in Jonestown, according to the sources. Most of this evidence reportedly is still in the hands of Guyanese authorities, who also recovered an estimated \$1 million in U.S. and Guyanese currency in and around Jonestown.

According to the sources familiar with the 45-minute tape recording of Jones urging his followers to take the poison, Jones had considerable difficulty persuading all 900 to join him in death. Sounds of continued arguing made it clear that the killing was far from finished when the tape apparently ran out.

The tape began, according to the sources, with the sounds of church music and children talking and crying. This apparently was when the residents of Jonestown were herded around Jones and encircled by the armed guards at one end of the pavilion, as witnesses have already reported.

Jones' exhortations and the shouted rejoinders and arguments from various individuals in the crowd were punctuated frequently by loud bursts of applause, according to the sources' account of the tape.

"I tried to give you a good life," Jones began. "In spite of all I tried to do, a handful of

our people who are alive have made our lives impossible."

He apparently was referring to the men, women and children who had left Jonestown with Ryan's party that afternoon and had survived the ambush by the gunmen Jones sent to kill them all. Ryan, one of the Jonestown defectors and three journalists were killed in the gunfire at the Port Kaituma air strip. But the rest of the group of about 30 U.S. and Guyanese officials, journalists and Jonestown defectors survived, and Jones had just learned that from the gunmen on their return to Jonestown.

"There's no way to detach ourselves from what's happened today," Jones told his followers. Later in what was described as a very anguished tone of voice, he added: "We've been so betrayed."

After explaining that the surviving defectors

would make too much trouble for Jones after they returned to the United States and told their story, Jones said, "I propose that we not commit suicide but a revolutionary act" by taking the poison.

In "white night" rehearsals in previous months, Jones had told his followers that suicide would be the only way they could deny ultimate victory to enemies who would invade them from the surrounding jungle.

"So my opinion is to be good to the children and seniors," Jones said, as he urged that the babies and elderly be administered the poison first by the able-bodied adults.

When many of the children began screaming, Jones repeatedly asked the adults to settle them down and keep them quiet. He told the adults to administer the poison to the children by spraying it down the backs of their throats, apparently with the syringes found later at the death scene.

Many of the adults also shouted their objections to the mass suicide. One woman said she did not mind dying if her son could live. Others argued that the best way was to stay alive and fight.

But Jones was joined by others in the crowd in shouting down these dissenters.

"Dad," someone shouted, referring to Jones, "has brought us this far. My vote is to go with Dad."

Jones also appeared from the tape to be arguing with his wife, Marceline, about the mass suicide. According to the sources, those who have listened to the tape closely believe Jones was shouting at her scoldingly when he kept repeating the words, "Mother, Mother, Mother . . ."

"Mother" is what Jones and others in Jonestown called Marceline, just as everyone referred to Jones himself as "Father" or "Dad."

Earlier, officials and journalists had theorized that Jones was calling out to his own mother, who had died at Jonestown a year earlier and was buried there.

As the tape ran out, according to the sources, it appeared from the copphony of screaming that many people had drunk the poison, or had it forced down them, while Jones still could be heard arguing with others to take it.

Some listeners also have heard what sounded like gunfire, according to the sources, but they are not certain after repeated hearings of the tape whether it was gunfire or other sounds reverberating in the pavilion. Sounds are somewhat garbled at various places on the tape, according to the sources, although its overall quality is considered remarkably good.

Jones died on the steps of his throne on the pavilion stage of gunshot wounds. Although a handgun was found near him, authorities are not yet certain whether he took his own life.

Two other Jonestown residents were found dead of gunshot wounds elsewhere in the encampment. The rest of the more than 900 victims are believed to have been killed by the poison, including the security guards, whose weapons were found alongside them.

Besides the tape recorder, Jones had filled Jonestown with sophisticated electronic devices. There was a closed-circuit television system, reportedly including video taping capabilities, although no videotapes yet have been reported among the possessions found in Jonestown.

Most of this expensive equipment had been left untouched by Guyanese and U.S. soldiers, Guyanese who lived near Jonestown and journalists. Some of the visitors, including soldiers and journalists, looted the sites of clothes, letters and other documents before Guyanese soldiers finally sealed it off.

Guyanese authorities reportedly have decided to confiscate all of Jonestown's facilities and some, if not all, of the cash found there.

No decision has been made yet on what use to make of Jonestown. Guyanese officials have discussed various possibilities from leaving it as museum or tourist attraction to using it for a military encampment or government-run agricultural installation.

**"PAPER CALLS JONES COMMUNIST IN 1950'S," NICHOLAS M. HORROCK,
NEW YORK TIMES, DECEMBER 20, 1978**

GEORGETOWN, Guyana, Dec. 17 — Jim Jones, whose People's Temple settlement here espoused more socialism than religion, was a Communist from the early 1950's on, according to a rambling, disjointed personal history found among his effects and published by the Government-owned newspaper here.

Carl Blackman, editor of The Chronicle, this nation's largest newspaper, said the document appeared to be legitimate, to be Mr. Jones's personal writing and thoughts, prepared in 1974.

The document implied throughout that Mr. Jones was always a Communist and that he used his religious connections only to further Communist ends and to politicize congregations.

Interviews with members of the People's Temple who survived the Nov. 18 death ritual indicated that the group had not been formally religious for several years, even though it registered as a religion with the state of California and took advantage of the provisions for religious organizations in Federal income tax laws. And they said they heard a great deal of "socialist rhetoric."

Attachment to the Technique

Several survivors, like the former farm manager, Jim Eoge, suggested that Mr. Jones's attachment to religion was not to the substance but to the technique. Mr. Jones, he said, had found evangelical speaking, music, faith-healing and other tent-meeting techniques useful in attracting and controlling the many working-class members, particularly the aged, whose Social Security and Government support checks were an important resource.

According to the document, Mr. Jones, while studying at the University of Indiana, "somewhere along in 1949-1950," became convinced there was a conspiracy in the United States to ostracize Communists.

"And if you had any Communist connections, your grandma or your cousin, or your trade union, you wouldn't get into this country (the United States). Immigration barriers were horrible. But Nazis kept coming in by the umteen thousands. That is why I became very pro-Jewish. The strongest on the Communist side were Jews."

He recalled "I was in a coma when the Rosenbergs [Julius and Ethel Rosenberg, convicted of treason in the sale of atomic secrets to the Soviet Union] were being executed. I was ready to die, infectious hepatitis." Mr. Jones said that he would have "marched till there were holes in my shoes trying to petition" to save them and that he kept asking his wife, Marceline, "Are they dead yet?"

'I Wish I Could Have Died Then'

"I just died a thousand deaths. I wish I could have died then. Hell, you can have only so many revolutionary deaths," he wrote. Some time after the Rosenbergs were executed, Mr. Jones said, "I quit crying. Don't cry any more. Rough being a Communist. Lot of persecutions would make good stories but I don't know how to get them out, too painful.

The document continued: "I'd get picked up hitch-hiking, talking Communism — car would come to a screeching stop, and I'd be ordered out of the car, middle of nowhere. Happened not once but dozens of times."

It said that talking about Communism was what put Mr. Jones in touch with a man he called "Martin," a Methodist superintendent, who put him into his first church.

"He said I want you to take a church. I said, you giving me a church. I don't believe anything. I'm a revolutionary . . . and he appointed me, a Communist, to a church, and I didn't even meet him through the party, I met him in a used car lot. This was in 1953," the document said.

Religious Trappings Absent

At Jonestown, newsmen noticed that there were no religious placards or outwardly religious trappings in the community. There was a map of the Soviet Union; a sign over Mr. Jones's mother's grave read: "Lynette P. Jones, in commemoration of a true fighter for the just, who gave the ultimate, a son, so he could serve the people in the struggle for justice, for freedom from oppression and for the foundations of socialism."

Two survivors, both of whom asked during interviews that their names not be used because they feared retaliation, strongly believe that, even if Mr. Jones did not have a clear ideological position, a tight clique of militant Marxists surrounded him.

Indeed, several Jonestown leaders went to great lengths during the settlement's last hours to bequeath some \$7 million to the Soviet Union. The money, in Panamanian and Venezuelan bank accounts, was placed in the names of several of the Temple's leaders.

The rambling memoir has little detail on Mr. Jones's understanding of Marxist socialist ideology, but it contains a rather superficial view of 20th Century Communist political history:

'I Went With the Maos'

"But when [Mao Tse-tung, the late Chinese leader] turned against the Soviets, I had troubles with that period even though I idolized him for what he did in the long march, I thought that was tremendous; but I had real trouble. Because Mao was the lover of the Soviets, he loved Stalin [Joseph Stalin, former Premier of the Soviet Union]. I never would accept that Stalin was all that bad as he was portrayed."

The document added that when revisionists condemned Stalin "that's when I broke with the C.P. The American C.P. [Communist Party]. I broke all my connections and went with the Maos. Because of loyalty again, deep-seated loyalty."

One long section of the document extols the virtues of Stalin, stating, "If it hadn't been for Stalin, Russia would have never won the war."

"MASS CULT IMMIGRATION VIOLATED JONES' AGREEMENT WITH GUYANA," NICHOLAS M. HORROCK, NEW YORK TIMES, DECEMBER 24, 1978

The following article is based on reporting by Nicholas M. Horrock, Joseph B. Treaster and David Vidal and was written by Mr. Horrock.

GEORGETOWN, Guyana — As the remote agricultural station of Jonestown turned into a crowded armed camp in its last 15 months, the Guyanese Government turned a blind eye to the mass immigration of Jim Jones's followers and a deaf ear to numerous warnings that the camp was out of control, according to interviews and documents.

Interviews with Guyanese and United States officials and with private citizens and survivors of the tragedy indicate that the immigration of some 800 people in 1977, in violation of an agreement with Guyana, set the conditions for deterioration at Jonestown that ended in tragedy.

Threat to Deputy Minister Reported

Mr. Jones seems to have staved off official interference through an inexhaustible public relations campaign to woo public officials and camouflage the People's Temple's shortcomings; through numerous small charitable and political contributions, and through some active domestic political work. There were reports by United States officials that sexual favors had been extended to politicians and that, when other methods failed, threats of mass suicide were issued.

Deborah Layton Blakey, a former member of the People's Temple, said that in September 1977 she and Terri J. Buford delivered a threat of mass suicide to Dr. Ptolemy Reid, the deputy prime minister of Guyana, while he was traveling in the United States.

Dr. Reid denied receiving such a

threat, though he said he was in Washington and New York in early 1977, on a trip to attend the signing of the Panama Canal treaty. One American and one Guyanese Government source, however, said that as far as they knew this threat was delivered and was ignored by Guyana.

Though initially proposed as a model

community that would be integrated with the Guyanese life surrounding it, Jonestown became, after August 1977, an isolated, armed camp to which even Guyanese Government officials did not have full access.

Official sources said the People's Temple was permitted to ignore Government customs requirements and regulations on medical certification, educational standards, internal travel and administration.

Middle-level Guyanese officials, who asked that they not be identified by name, said regional officials in the remote northwestern area around Jonestown had filed written reports expressing concern that the Jonestown settlement was out of control and was involved in questionable activities, but the central Government refused to investigate.

At least two officers who raised questions were transferred, and there is a suspicion that a third senior officer who was transferred was shifted because of his criticism of the community.

The story began five years ago this month when Jim Jones came to Guyana with four members of his Temple and a request to pioneer the largely unsettled hinterland of this country. Mr. Jones went through Claude Worrell, the honorary Guyanese consul in California who had practiced law in Los Angeles for 20 years.

A lot has been written about how Guyana and the People's Temple were suitably matched. This is a virtually non-white, socialist country; Mr. Jones had a following that was roughly 75 percent black, and he espoused a crude Marxist-socialist philosophy.

But Guyana has another tradition: since the days when it hid escapees from the penal colony at nearby French Guiana, it has been a safe haven for those on the run.

The Federal Bureau of Investigation, for instance, has issued arrest warrants for four Americans it believes are living in Guyana with the protection of the Government. Two men are being sought in connection with murder, one on a charge of rape and the fourth on a multiple blackmail conviction.

One Fugitive in National Service.

One of the four, Albert Louis Bradford, who is wanted in St. Louis, Mo., on charges of rape, armed robbery and attempted murder, serves as a senior training official in Guyana's National Service under the name of Paul Adams, according to Guyanese officials and bureau sources.

"This is a position of considerable responsibility," said one Soviet bloc source. "The National Service is an armed paramilitary organization, and the Government wouldn't give him the job if it didn't have faith in him."

Several well-placed Guyanese Government sources, and independent representatives of other governments, said Guyanese officials exact a very heavy price for this kind of hospitality.

Mr. Jones, who fancied himself on the run from harassment from the press; if nothing else, had a lot to offer. He was proposing to clear, plant and develop land in an area the Government had been unable to get its own people to settle.

Plan Approved as Reasonable

Dr. Reid, the Deputy Prime Minister, said in an interview that Mr. Jones was shown some 27,000 acres from which he could choose a parcel. He said the lease was not granted until Mr. Jones had actually created a settlement.

In 1975, in getting preliminary approval for the lease, Mr. Jones filed a plan with the Ministry of Agriculture that committed him to pay all costs in bringing in settlers and making capital improvements and to guarantee the care of his followers. He said that the People's Temple was ready to spend \$1 million on this development.

The proposal also said that between Aug. 1, 1974, and March 1, 1976, there would be 30 workers at Jonestown and that by September 1977 the contingent would be increased to include only the families of workers, or about 200 persons.

Based on this plan, the Government signed a lease with Mr. Jones for 3,852 acres, of which about 3,000 could be developed. The stated scope of the Jonestown project was considered viable and reasonable. Its capital development would be supported by an economically profitable organization in San Francisco. Moreover, though the cultivation at that point would not support 200 persons, the commune was closer to the goal of providing subsistence from its own crops.

Jim Bogue, a survivor of the People's Temple mass deaths and once the group's farm manager, said the plan was developed only to dupe the Government. But, he said, had it been adhered to, there was sufficient production to make a sensible and viable agricultural community. It was not adhered to.

Orders to Process Settlers

Between January and September 1977, some 800 persons migrated from San Francisco and Los Angeles to Jonestown. Vibert Mingo, Minister of Home Affairs, the department that handles immigration, said his office did not impose its normal requirements and restrictions on the Jonestown settlers.

"I was ordered to process them," he said. The order, he added, came from Deputy Prime Minister Reid.

The massive influx doomed Jonestown. Its agricultural base was far too slim to support so large a group; housing was totally inadequate; medical care, particularly considering the large number of elderly settlers, was inadequate, and school facilities were makeshift.

Moreover, Mr. Jones ended up with a population that was untrained to be productive in its environment, with too few young or middle-aged people for a strong work force and too many old, school-age or infirm people.

Guyanese Knew of Press Reports

By mid-1977, the Guyanese Government knew that the California news-media were reporting serious criticisms of the Temple.

Kit Nasclimento, a Minister of State who is in the United States on special assignment, said in an interview that, when his Government learned of the allegations of mistreatment and imprisonment raised by an article in New West magazine in July 1977, it instructed Guyana's Ambassador to Washington, Lawrence Mann, to investigate.

According to Mr. Nasclimento, Mr. Mann reported that he had made inquiries of Joseph Freitas, the District Attorney in San Francisco and had been told the case was closed. "We didn't settle for that," he said. "We stepped up our political intelligence-gathering by having senior political figures pay unannounced visits" to the commune.

But Mr. Jones and his followers seemed to be moving to blunt the criticisms and thwart the intelligence-gathering efforts.

'Provocative' Means Employed

Paula Adams, a member of the Temple's board of directors, said in interviews that during that period she was engaged in a love affair with Ambassador Mann in Georgetown. She said it was a "personal thing" and not done to further the Temple's aims.

But two senior United States officials, who asked not to be identified, said that it was well-known in Georgetown that several women members of the Temple were using "provocative" means, as one source put it, to halt criticism, and they questioned Mr. Mann's ever having conducted an inquiry in the United States.

Mr. Mann, in a statement released by his embassy in Washington, denied that he had an improper relationship with Miss Adams.

Whether the Georgetown Government stepped up inspection visits to the remote settlement cannot be independently established: Mr. Jones kept a visitors' book until mid-January 1978, but it is in the hands of the Guyana police and its contents are not public.

In any case, the trips would not have been unannounced, since the powerful radio receivers that Mr. Jones had could monitor all aircraft radio channels and keep track of when planes were taking off for Jonestown.

Visitors 'Were Never Alone'

Moreover, when the visiting dignitaries got there, they were subjected to pre-arranged theatrics that made it nearly impossible to learn what was going on at the camp, they said. Margaret Ackman, a member of parliament who visited Jonestown only a week before the mass deaths, said that in the camp "you were never alone, there was always someone coming up to you or walking with you."

While she was there, Mr. Jones had a custom-made evening dress sewn for her, and he pledged contributions to several charities she was involved with.

A Guyanese school official, who asked that his name not be used, visited Jonestown four times. He said he, too, felt that his treatment was "faked." On several occasions he recalled, the school classes were teaching the very same thing they were teaching on his previous trips.

Jonestown Special Privileges

Further, according to Guyanese officials and former cult members, the Jonestown settlement continued to enjoy these privileges.

Its school was never integrated with the nearby Port Kaituma school system and was, in effect, the only private school in the entire country. The school issue was apparently one key reason that Mr. Jones was so afraid of the child custody case involving 5-year-old Jon Victor Stoen. The boy's parents, former followers of Mr. Jones, unsuccessfully sued him in San Francisco and Georgetown to regain custody, and a Guyanese judge sought custody of the child in connection with the case. Mr. Jones, who contended that he was actually the boy's father, was worried that if he let the Government take the child, it could result in the Government compelling other children to go to a public school.

The People's Temple was able to sell imported goods on the market at Mabaruma, a port town near the ocean, and receive unchecked night shipments aboard the trawler Cudjo. When officials at the regional level questioned those actions, they were overruled by Georgetown.

Medical authorities were unable to force either the group's doctor, Lawrence Schact, or the women working as nurses, like Ann E. Moore, to complete work in local hospitals for certification.

No Investigation of Beating Report

Two middle-level Guyana Government officials independently confirmed that in either late March or early April of this year a man who had been beaten escaped from Jonestown and was given refuge by the local people. His plight was reported to the central Government in Georgetown, they said, but no investigation was ever launched.

By mid-1978, Mr. Jones appeared to have three practical concerns in wanting to keep the Guyana Government out:

His agriculture experiment was a failure and he was supporting his followers through either cash purchases, begging from merchants in Georgetown or sale of Jonestown products such as stuffed toys sold in Georgetown department stores. If this failure were established, it could well have threatened Mr. Jones's plans to expand the settlement.

Groups of two and three men and women, often led by Mrs. Sharon Amos, went tirelessly from official to official, trying to cajole, threaten or manipulate special treatment, some of the officials recall. Minister Mingo remembered that once, when Mrs. Amos wanted him to stop court action against Mr. Jones, she broke down and cried. He said he resisted her entreaties.

No evidence of large political payments has been found, but there are records of some \$2,000 in Guyanese money being given to organizations of the People's National Congress, the ruling party, in Port Kaituma and Georgetown. The People's Temple also became involved in local political activities in the Port Kaituma area, and May Day ceremonies in Georgetown.

When these methods failed, several separate and reliable Government sources reported, there were heavier-handed tactics. One involved efforts to blackmail officials who may have been to a party at the Georgetown People's Temple headquarters, and others involved threats of mass or individual violence, such as the one said to have been delivered to Mr. Reid.

In the long run, interviews with survivors seem to indicate, Mr. Jones failed to control the Guyanese, and that may explain his stepped-up effort to move to Cuba or the Soviet Union.

He also could not afford to have widespread defections from the colony. The only new income that came in was the Social Security and other payments members were receiving from the United States Government. If they left, the payments left also.

Finally, if Jonestown became a political embarrassment to the Government of Prime Minister Forbes Burnham, he would be forced to either close it down or sharply reduce its size.

Unremitting Campaign Against Visits

For more than a year, Temple representatives in Georgetown kept up unremitting letter-writing, personal visits and parties to try to keep Guyanese Government officials from intruding.

In a country where there is no television, only a handful of newspapers, Government-run radio stations and little modern advertising, the People's Temple public relations campaign was startling.

**"JONESTOWN EXPLOSION MAY BE YET TO COME," BILL RHODEN,
THE BALTIMORE SUN, DECEMBER 28, 1978**

San Francisco—As founder and spiritual leader of the Peoples Temple, the Rev. Jim Jones played a number of roles and played them well.

He was self-proclaimed healer, part-time redeemer, occasional prophet and surrogate father.

In death, the 46-year-old Mr. Jones, who died along with 913 church members in Jonestown, Guyana, last month, continues to dominate the thoughts and actions of his former disciples.

"Jim Jones was not an ordinary man," explained Archie James, a long-time member of the Peoples Temple and the oldest of Mr. Jones's associates.

"The man had the ability to instill fear through unspoken threats. That's why a lot of people are still frightened—because of threats he made."

But in recent weeks, as the reality of Jonestown washes up on relatives of the dead, fear of hit lists and death squads has given way to a new-found sense of outrage.

Recent news of Mr. Jones's million-dollar accounts in foreign banks has only aggravated feelings of deception and exploitation among his former disciples, most of whom were poor and black.

"Most of the victims in Guyana were black," said the Rev. Cecil Williams, of Gilde Memorial Church. "To many of their families, it simply looks like Jim Jones was just another white man who betrayed their trust. They're hurt and angry and frustrated."

At least two observers in San Francisco's Fillmore district, the black ghetto in which Jones established the Peoples Temple in 1971, believe the anger is building. They express anxiety at a possible explosion.

"I'm afraid that the most bitter part of this story hasn't happened yet," said Mr. Williams.

"At first," he said, "with all the media hype and the interviews and talk of hit lists," relatives of those who died "didn't have a chance to really realize what had happened."

"But when they start putting their bodies by brothers and sisters in the ground (most of the 909 bodies flown to Dover, Del., have not yet been claimed, according to United States government officials), the full impact of the tragedy is going to finally hit them. I'm fearful of what will happen after that."

Early last week, a brief but bitter confrontation occurred between remaining temple members, who number between 25 and 30, and relatives of those who died at Jonestown.

The meeting was called to discuss property rights. Many relatives wish to reclaim property signed over to the temple by now-deceased members and they need money to help with burials.

They were told, however, that temple assets are frozen. Estimated conservatively at \$3 million, the assets were ordered frozen by the Superior Court here when the temple petitioned to be dissolved as a church.

"In plain terms," explained Donnetta Lane, director of the San Francisco Council of Churches, "that means the relatives are going to have to pay for the shipment of bodies from Delaware as well as burials."

"Most of these people are poor, and now that there's no money available, some are going to have to take out loans."

"I'm disappointed in the way the temple has handled this," added Ms. Lane, whose organization believes that the temple, as part of the council, has a financial and ethical obligation to help pay for burials.

According to Bishop Paul Miles, who is coordinating the shipment of bodies from Dover to San Francisco, relatives who wish to have remains shipped here must pay \$135 a body and an additional \$67 for each 100 pounds.

According to a spokesman at Dover Air Force Base, only 259 of the 913 bodies have been claimed. "Others have not been identified and others are being readied for shipment," the spokesman added.

"They [Peoples Temple] could have handled the burials of their members before petitioning the court," Ms. Lane said. "It almost seems that they're trying to get out of it. It has really created an explosive situation."

Jim Jones thrived on high drama, and many of his former disciples say that he preached—even promised—an Armageddon. During administrative council meetings, according to former close aides, he would discuss the possibility of mass suicides and contract killings of "defectors," as he called former members.

Some who deserted him before Jonestown say they had come to regard him as a bad dream, and had begun to rationalize his threats as idle lunacy.

But then Jonestown erupted: A congressman was killed, along with members of the press. Within hours more than 900 men, women and children at the Jonestown commune were dead—victims or partners in an apparent mass suicide ritual.

Suddenly, it seemed that everything Mr. Jones had promised was coming to pass.

"In P.C. [Planning Commission] meetings, Jim Jones would always talk about taking contracts out on people, and he'd brag about his connections with the underworld," said Theresa Cobb, 26, who lost three members of her family at Jonestown.

"I knew he had the financial resources to make connections because I used to work in the money room," she added. "I saw so many Social Security checks passing through there that I couldn't even begin to count them."

Ms. Cobb became a member of Peoples Temple at the age of 14. She left it in 1973, when she was 21. She said news of Jonestown reactivated a terror in her she had managed to forget.

"I remembered how back in Indiana

[where Mr. Jones founded the temple in 1960] he would talk about suicides and murders, and I would think, 'That's crazy. This man isn't going to do that.' I was just 16 and I knew I wasn't about to kill myself or let anybody kill me.

"Then this thing happened," she added. "Everything the man predicted—suicide, murders—everything was happening right in line, one two three."

Ms. Cobb's terror was deep enough to make her suspect that her own brother, John, 18, might be planning to kill her after Jonestown. John Cobb, as one of 11 members of the commune's basketball team, which also allegedly served as its "security squad," has been mentioned by federal officials as a possible "death squad" member, if such a squad exists.

The basketball team was away from Jonestown at the time of the carnage, and John Cobb is now back in California.

"I love my brother," Ms. Cobb said, "but I told him that I was frightened because I didn't know what was happening with the temple, and I didn't know where he was coming from."

Ms. Cobb talked with her brother for a week straight, sometimes until 4 and 5 in the morning, meeting in her home outside Berkeley, or near the University of California Berkeley campus at the Human Freedom Center, a privately run center that offers assistance to special cases of poverty or persecution.

"I just wanted to see what he knew," she said. "My older brother, my father and I were the first to leave the temple, and I know Jim Jones never forgave us for it. Our leaving got a lot of other people to thinking that something wasn't right. So I just asked my brother point-blank was he supposed to kill us, or were by-gones by-gones?"

"He finally convinced me that he was still my brother and he loves me. It took a lot of convincing, on both sides because we both were paranoid, and still are."

Ms. Cobb and her brother are not the only "paranoid" former Jones disciples.

In the wake of news describing death squads and hit lists, many temple members, after early interviews with reporters, have decided they will not be interviewed further.

Many relatives of the victims have also withdrawn from circulation, though less because of fear than of grief.

A woman who lost two young brothers and a sister said, "A lot of us talked when this thing first happened because we were confused and hurt and bitter and mad. Then we started reading and watching the reports and, God, they were so cold. It was hard news to them, but they were talking about my brothers and sisters whom I watched grow up. Kids we had bought Christmas gifts for."

The FBI will neither confirm nor deny the existence of a "hit list." But a spokesman adds, "We've been in touch with those people who are supposed to be on such a list, and have warned them of as much."

Last week, Terri Buford, a former top aide to Mr. Jones, told reporters here that Mr. Jones had indeed ordered assassinations if the temple were ever threatened. Targets, she said, included not only temple "defectors" but also public officials such as Senator John C.

Stennis (D., Miss.) and Senator Barry M. Goldwater (R., Ariz.).

She also mentioned Evelle J. Younger, outgoing California attorney general, and G. William Hunter, the U.S. attorney in San Francisco. Assemblyman Willie Brown, who was a Jones supporter, also has been named as an alleged target.

Ms. Cobb, her earlier fears about her brother notwithstanding, says she is "almost sure those guys on the basketball team don't have anything to do with a hit squad. I know them and I've been around them and for the most part, they're just babies. They're into playing basketball and having fun."

But a temple member who asked to remain anonymous disagreed, citing the team's part in discipline sessions in the temple.

"Sometimes there were so-called boxing matches, in which two people would be put against each other. One person, the one to be punished, was always inferior in ability to the other. They created some bloody scenes."

"Jim Jones's entire program was based on intimidation," he added. "That's how a lot of the property was received. Jones's whole program was based on coercion and intimidation. Once you made a commitment to the church you got the impression that requests were commands, and that it would be in your own best interest to do as you were told."

He said that had the basketball team been in Jonestown when the commu- died. "They would have been shooting around like everybody else."

The Rev. Hannibal Williams, pastor of the New Liberation Presbyterian Church in Fillmore, is convinced that a "death squad" exists, and he believes high-ranking temple leaders are mem- bers.

"My secretary has messages which she saved with the names of some of the members who called up to threaten me," Mr. Williams said.

"I was one of the first black men in this city to stand toe to toe against Jim

Jones, and he resented the fact that a black person would have the nerve to challenge him."

Along with the Rev. Amos Brown, of Third Baptist Church, the largest and oldest black church in San Francisco, Mr. Williams called a meeting in 1976 of local black ministers to discuss ways of dealing with the temple, which they saw as a destructive force in the black community.

"When I first came to San Francisco," Mr. Brown recalled, "I would get stacks of letters from people in the temple praising my work in the community and involvement with black people—and I had never even met the man. After our ministers' meeting, the letters suddenly stopped."

Within days of the meeting, Mr. Williams said, he began to receive threats on his life.

Mr. Williams said the threats and harassment by temple members against himself and his family continued with increasing intensity for two years. He said that despite complaints filed with the San Francisco Police Department, nothing was ever done.

According to one source, the Police Department's Internal Affairs Unit is now investigating possible conspiracy between Mr. Jones and high-ranking members of the department, including the chief of police, to prevent investigations into the temple.

"I can't comment on an investigation," said Capt. John Mahoney, head of the Internal Affairs Unit.

Mr. Williams, however, said he has been interviewed by at least one detective from the Internal Affairs Unit since allegations of police coverups surfaced last week.

"People don't understand how deep this thing goes," Mr. Williams said. "We're talking about a man who had connections with everybody from the chief of police to the mayor to businessmen and ministers. If he couldn't get through to you by ego stroking, he'd try to do it through intimidation."

"I know for a fact that there was a contract taken out on me," he added, "and I know that there is a death squad in this country—and they're dangerous."

But to hundreds of families here, the question of hit lists and death squads is irrelevant.

Other damage has already been done.

Part of the damage is the feeling here of betrayal and exploitation, based largely on revelations of Mr. Jones's financial accumulations, which some reports estimate as large \$18 million in banks on three continents. It was acquired, for the most part, from temple members, most of them poor.

"I poured half of my life and savings into this thing because I believed in it," one member said. "Now I find out they've been using us all this time for their own benefit."

Another part is racial bitterness.

The majority of Mr. Jones's dead "foot soldiers"—the men, women and children who made up the bulk of his temple—were black. But most of the Jonestown survivors—including those closest to the millions deposited in foreign bank accounts—are white.

And San Francisco, as a city, has not exhibited deep concern for the families who suffered. Last weekend, a memorial service for the dead held on the steps of City Hall was not covered by the local media—nor was it attended by Dianne Feinstein, the city's new mayor.

"You wonder," a minister said, "what would have happened if 700 white folks had died."

A final aspect of the tragedy is simply the angry pain in the Fillmore district at the loss of loved ones, made worse by the Christmas season, and worse by the attention of the press.

"They (reporters) used to ask me how I felt about what happened when this thing first went down," Theresa Cobb said in a slightly broken voice.

"I think back on what they asked me, it's like 'Damn, man, how do you feel asking me something like that?'"

"The truth is that I don't even know how I feel, because I've gone through every type of feeling there is. Then I wake up and realize there's more. Every day there's something new. There's always something else or someone else, and it keeps coming at me and coming at me."

"I'm just realizing that I lost family, man, and all I really know is that it hurts."

The mother of those children, an older black woman who left a leading church in San Francisco to join Jim Jones's temple, explained that her reasons for remaining silent were not based on fear or paranoia.

"It's just that nothing I can say is going to bring them back, or erase the pain. So why? Why should I?"

"JONES COMMUNE FOUND STOCKED WITH DRUGS TO CONTROL THE MIND, NEW YORK TIMES, DECEMBER 29, 1978

GEORGETOWN, Guyana, Dec. 28 (AP) — The People's Temple commune at Jonestown was stocked with thousands of doses of dangerous drugs, smuggled into Guyana. Two survivors of the sect said at least some of the drugs were used to control those who might defect.

A list of the drug inventory found in Jonestown shows large supplies of depressants. Survivors and law enforcement officials here said at least some of these were used to control the behavior of persons viewed as dangerous by the Rev. Jim Jones, the leader of the Temple.

Included in the drug warehouse were Quaaludes, Demerol, Valium, morphine and 11,000 doses of Thorazine, a drug used to calm people with extreme mental problems.

Checks with medical officials and medical journals produced a profile of a drug supply that promoted suicidal tendencies, could cause hallucinations, blurred vision, confusion, speech disturbances, involuntary movements and emotional euphoria and depression.

Since there were no records, it was impossible to determine how frequently or extensively the drugs were used.

Perhaps Imposed Forcefully

Visitors to Jonestown have reported there were indications that these drugs were used liberally, and perhaps imposed forcefully in some cases, in the hours-long mass killings and suicides in which more than 900 people died. Some had drunk a punch laced with cyanide.

The drug inventory, which has not been completed, is being made by brand names. It shows that the majority of the drugs were manufactured by United States concerns. They were smuggled into Guyana by members of the People's Temple to avert this country's strict importation regulations on pharmaceuticals, officials said.

Drugs bought for use in Guyana must be registered with and cleared through a government agency. None of the drugs found in Jonestown were, according to officials in the drug industry here.

Spokesmen for United States concerns that manufactured the drugs found at Jonestown denied any involvement.

Dr. Joyce H. Lowinson, a psychiatrist and member of President Carter's

Strategy Council on Drug Abuse Prevention, said the list of drugs from the People's Temple indicated "there were a lot of psychotic patients, or they were using them to control people."

Dale Parks, a nursing supervisor at Jonestown who is a trained therapist for respiratory ailments, said that he knew some of the drugs were used to control would-be defectors in the commune's "extended care unit." But he professed shock at the extent of the drugs found there, saying, "Oh, my God, I don't believe it."

Mr. Parks fled Jonestown on Nov. 18 with Representative Leo J. Ryan, a California Democrat who had been there on a fact-finding mission. A short time later, Mr. Ryan, three American newsmen and Mr. Parks's mother were slain at a remote airstrip.

"Those are absolutely hard-line, hard-core drugs," Mr. Parks said when read a partial inventory from Jonestown.

"There's no way that many people were receiving treatment," he said in reference to the amount of drugs found in Jonestown. "I know they were using things to keep people under control, but not like this."

Control Sessions Explained

According to Mr. Parks, the control sessions took place in the extended-care unit of the commune, which consisted of eight beds separated from the regular medical facilities.

"If a person wanted to leave Jonestown or if there was a breach of rules, one was taken to the extended care unit," he said. "It was a rehabilitation place, where one would be reintegrated back into the community. The people were given drugs to keep them under control."

After a few days or weeks, the patients lost their desire to leave and no further behavioral problems were anticipated, Mr. Parks said.

Another former Jonestown resident, who refused to let his name be used, said, "People who wanted to leave were fed drugs like Thorazine."

Many of the drugs are habit-forming, according to medical journals. Some are especially dangerous, according to the journals, and have precipitated unpredictable, severe and occasionally fatal reactions.

"PROFILES OF SEVEN WHOSE FAITH IN JIM JONES CARRIED THEM TO DEATH IN GUYANA," NEW YORK TIMES, DECEMBER 29, 1978

The Rev. Jim Jones, who founded the People's Temple in Indianapolis in 1953 and perished with it last month, in the tropical jungle that became its last refuge, had been followed there by young and old, black and white, the privileged and the poor, the well-educated and the barely literate. Following are closer looks at seven of the more than 900 who died at Jonestown, Guyana, on Nov. 18.

Jann Gurvich, 25; Poet Moved to Politics

Jann Gurvich read Shakespeare, studied law and translated Sanskrit. Everyone who knew her described her as brilliant.

But in a letter she wrote to the Rev. Jim Jones four months before she died in Jonestown, Guyana, the 25-year-old woman declared that that was "just not so."

"I'm educated but I'm not gifted with any extraordinary intelligence, and there's a big difference," she said.

Miss Gurvich grew up in New Orleans in a conservative, upper-middle-class family. Her father, Louis, operates the largest private patrol and detective agency in New Orleans.

The family decided that she should go to the best schools, and for 13 years Miss Gurvich attended a private academy in New Orleans, the Ecole Classique. Mr. Gurvich described it as white, upper-class and "quaint." It was there, he remembered, that she took fourth place in a statewide French contest.

It was also there, her father believes, that were planted the first seeds of the political radicalism she would later embrace: "Instead of turning out conservative, as you might expect from a school like that, she felt she had been given privileges that poorer blacks, for example, were denied."

In 1971, Jann Gurvich entered Newcomb University, which is affiliated with Tulane University in New Orleans. She was an honors student, and she became involved in the civil rights and antiwar movements on campus.

The next year she transferred to Vassar, but became ill and stayed just one semester. She went on to the University

of California at Berkeley, where she majored in comparative literature and took her undergraduate degree in 1975.

Friends who know her then said that she gradually began to read literature less and politics more and to express vaguely defined wishes "to be part of something" and "to be of service to society." She left behind her poetry and entered the Golden Gate University Law School in San Francisco.

Miss Gurvich, friends said, had a succession of boyfriends but no serious relationships. She spent so much time with her law studies and political causes, such as support for Chilean refugees, that she did not eat properly. Her health began to fail and, as school gave way to politics, so did her grades.

At some point she discovered Jim Jones and his peculiar brand of fundamentalist religion and Marxism seemed to fill a void. Carmen Garrett, a law-school classmate, recalled that "all she talked about was the People's Temple."

On Aug. 22, 1977, Jann Gurvich took a bus to Miami and got aboard an airplane for Guyana. As she left, she told Mrs. Garrett that she would try the life in Jonestown for two years, then return to finish her legal studies.

But in the last letter that Mrs. Garrett received from her friend, a few weeks before Jim Jones, Jann Gurvich and most of the rest of Jonestown's residents died, the young woman said that she had decided to abandon the law to spend her life teaching children.

It had been the greatest joy of her life, she wrote, to teach the children of Jonestown and watch them grow up free.

The Willis Sneeds; They Cared for the Infirm

For most of their lives Willie and Cleveyee Sneed didn't have much of their own, but those who knew them say they shared a passion for taking care of the infirm and those who had even less.

Willie Delois Sneed, 59 years old when he died in Jonestown, was born in East St. Louis, Ill., and went to school there. His wife, Cleveyee Louise, one year younger, was born in Covington, Tenn., and studied for a year at Le Moyne College in Memphis.

In the late 1950's, the couple moved to southern California. Mrs. Sneed took a day job as a nurse's aide at Victory Hospital in North Hollywood and another in the evening at a small sanitarium in West Los Angeles.

She liked the work, and after a few years of scrimping and saving she and her husband acquired a financial interest in the sanitarium. It was a financial success, and in 1967 they took over a larger facility, the 100-bed Fair Oaks Convalescent Home in Pasadena, Calif.

By then Mrs. Sneed, who is remembered by friends as an exceedingly pleasant and warm person, had become licensed as a vocational nurse. Although she shared the ownership of Fair Oaks with her husband, it was she who saw to the operation of the home while Mr. Sneed kept his job as a maintenance man for the Bank of America.

But Los Angeles health department officials say that Mrs. Sneed's concern for the sick and aged exceeded her abilities, and records there show that Fair Oaks was cited for a number of violations over the years.

The Fair Oaks home, officials said, was simply not managed well. There were not enough nurses, the medication control log was never up to standards, diets were found inadequate, the home itself fell further and further into

physical decay.

But Fair Oaks was at least a financial success. The Sneeds drove a blue Cadillac and seemed to neighbors to have acquired some money. The Sneeds were well respected in Pasadena's large black community, where they lived in a neat, stucco, ranch-style house on a pleasant, tree-lined street. Through it all, they seemed never to lose sight of their religion.

The office at Fair Oaks was filled with religious pictures and objects, and one county official remembered an incident that showed the depth and nature of Mrs. Sneed's religious commitment.

His department's attention had been attracted to Fair Oaks because no funeral arrangements had been made for a patient who died a few days earlier. The official went to investigate and found the body surrounded by members of the immediate family, who were meditating over it.

The corpse had not been moved, Mrs. Sneed told him firmly, at the request of the family, whose church did not permit such a thing. She added, just as firmly, that she herself was a member of the church.

No one knows whether the Sneeds had joined the People's Temple at that point. But join they did and, with the State of California threatening to put them out of business, sold their falling rest home to a corporation in Seattle.

Whether they were driven to Jonestown by the loss of the home or by a thirst to finally succeed at being of service to the disadvantaged, no one can say. But whatever their reasons, Willie and Cleveyee Sneed were disappointed for the last time in the Guyana jungle. Friends of the Sneeds in Jonestown say they were not at all happy there.

Ellen Dupont, 48; All Her Marriages Failed

By the time Jim Jones found her lying drunk outside his People's Temple in Utah, Calif., Ellen Peterson Kerns Dupont had failed at three marriages and had long since released her dreams of becoming a writer.

But Mr. Jones had a talent for kindling dreams, and Ellen Dupont later told her daughter Jeanette that the preacher with the beneficent smile had been the first man to recognize her literary talents.

"The People's Temple offered my mother all the things she had been looking for," Jeanette said of the woman who had struggled between jobs and household chores to write poems about the pain of raising four children alone.

Ellen Peterson was born in Tucson, Ariz., in November 1930, the third child of a construction worker. She was pretty and popular in high school, was a good student and had ambitions of attending college until, a year after her graduation, she met and married Rollin Kerns, a sailor.

Mr. Kerns was away for long periods

and his wife grew frustrated and lonely. Finally, in 1960, the couple was divorced and the mother and children left their comfortable, middle-class home near Norfolk, Va., for what was to be a far more chaotic life in California.

"I think that's when my mother's problems began," Jeanette said. "Before the divorce, my mother had been a meticulous housekeeper who never drank and who had the time and energy to teach us everything from swimming to playing the guitar. After the divorce she was devastated. She had to work at low-paying jobs she hated because all my father could afford to send was \$200 a month."

After two years on her own, Ellen Kerns married Donald Dupont, a widowed engineer with five children. Mr. Dupont purchased a beautiful home in Lancaster, Calif., but the marriage broke up after only a year over differences on raising the children.

Constance Frohm, 23; Religious and Rootless

When Constance Frohm was attending high school in Houston a few years ago, she must have found the work easy. Her grades, teachers remembered, were well above average, even though she seemed to spend less time studying than writing the poetry for which she was known best.

"She was a very good student," Mary Getty, who taught a creative writing course for seniors at Houston's Austin High School, recalled. "She could finish her work and then start writing these poems. They were all about goodness, God or the bright Hereafter."

"I asked her once why she never wrote about other things, and she told me, 'My mind is mostly with God.'"

Even as a teen-ager, Constance Frohm lacked roots. She did not live at

home with her mother, Mrs. Genevieve Rayford, but with a communal religious group. She told her teachers often of moving from place to place in Houston's black neighborhoods because members of her fundamentalist religious group were not permitted to live with a family for long, certainly not long enough to become close friends.

Mrs. Rayford, who still lives in Houston, refused twice to discuss any aspect of her daughter's life or her death. But records show that Constance was born Feb. 9, 1953, in Louisiana.

In 1973, the year when Constance Frohm graduated from high school with a high "B" average, she was living with N.C. Crain, a Baptist preacher, and his wife. It was that year that Jim Jones held a national convocation of People's Temple members in Houston, and during his stay there he preached at Mr. Crain's church.

A few months later, Miss Frohm left Houston and moved to California, where the Temple was based. The relatives and friends she left behind did not hear much more about her until her body was identified in Guyana.

The Rev. Bill Lawson, a Baptist pastor who conducted a memorial service for Constance Frohm in Houston earlier this month, said that she had seemed to be "a fiercely loyal girl."

"When her family didn't fill her needs, she clung to the pastors, and then transferred her loyalty to Jim Jones. I think she would have been loyal enough to commit suicide," he said.

"I can see why she would get into a group like that, the kind that looked to a brighter time and a better life. She always wrote about a better thing, a happier life. I guess because she didn't have one here."

Richard Tropp, 36; Scholarly, 'Private' Man

When Richard Tropp was pursuing undergraduate studies in English at the University of Rochester in his native New York in the mid-1960's, he left an indelible impression.

"Mr. Tropp," one faculty member there wrote, "is one of the three or four most brilliant students I've ever taught. Truly exceptional."

A member of the history faculty concurred: "Brilliant talents and great independence. He has the capacity to become a great teacher and a fine writer."

Within the People's Temple, according to former members, Dick Tropp's writing talents were put to good use by Jim Jones, who made him chief of the Temple's letter-writing unit, an efficient machine that ground out tens of thousands of missives to the politically powerful and otherwise influential people Mr. Jones wanted to cultivate.

Although Dick Tropp, the 36-year-old son of Jewish parents, was not reluctant to flaunt his academic credentials to the world outside — he received a master's degree in English from the University of California at Berkeley in 1967 — he was defensive about them with other Temple members.

After graduating from Berkeley, Dick Tropp taught English at Fisk University in Nashville and then at a junior college in Oakland, Calif.

In 1969, the year that he joined the People's Temple, Mr. Tropp moved to Ukiah, the northern California community where Jim Jones then had his base. He taught at a private ranch school for a year and then took a job as a machine operator, giving his earnings to the Temple's treasury.

In the fall of 1972, he joined the faculty of nearby Santa Rosa Junior College. Colleagues described him variously as an accomplished professional, a delightful person and a "private man."

During his years at Santa Rosa, Dick Tropp became increasingly involved with Mr. Jones and the Temple, as did his sister, Harriet, 28, who died with her brother at Jonestown, and his wife, Kathy, who is believed to be living in San Francisco.

Lena Pietila, 26, a former Temple member who studied biology and nursing at Santa Rosa, remembered Mr. Tropp as an informal adviser to her and the other Temple members who attended the college.

If a Temple student fell into academic difficulty, she said, Dick Tropp was the one to smooth things out. But he also reported their failings to other Temple officials, who sometimes prescribed "counseling" or discipline.

When Jim Jones left California for Guyana in the summer of last year, Mr. Tropp went along, but, like many of Mr. Jones's other followers, apparently only to see how he liked the communal life in the jungle.

He did not resign his teaching post but quietly took a year's leave of absence, telling his associates only that he was engaging in unspecified religious missionary work.

No one at the college knew he had gone to Guyana until he wrote from Jonestown, asking that some of the well-thumbed books he had left behind be forwarded to him there.

Elaine Keeler, 27; Sought 'Promised Land'

"Well here I am in Jones Town Guyana with all my friends from San Francisco we're all very happy," Elaine Keeler wrote to her "Dear Mommie and Daddy" last month.

The letter arrived at the home of Mr. and Mrs. Irving Keeler at 2569 Seventh Avenue, near 148th Street. Elaine, who was born in New York 27 years ago, visited her parents there in August and September. She told them then that she was going to Guyana, and she tried to reassure them about the People's Temple and its leader, the Rev. Jim Jones.

A week after the letter arrived Elaine was dead and her parents were plunged into anguish. They succeeded in having her body found, identified and brought here for burial.

"She said Guyana was 'the Promised Land,'" Elaine's mother, Ellen Keeler, said in an interview in her office at Modern Photography magazine, where she is an editorial assistant. Mr. Keeler is a bridge operator.

"It's so far away, so far fetched," Mrs. Keeler said that she and her husband told their daughter. "Why don't you come home instead?"

"We tried to argue, but she said no, because Jim said so. She insisted that it was the Promised Land. If you went there, you wouldn't want to leave. It has fresh fruit, fresh air and Jim said it is the only place on earth an atomic bomb cannot do any damage.

"She was the fourth generation of our family to go to the Abyssinian Baptist Church. Our family was never interested in 'off-beat' kinds of religions. We were against it."

Elaine joined the People's Temple three years ago in San Francisco. She had left her parents' home here to "be on her own," according to her mother.

Not long after joining the People's Temple, Elaine went to live in its Redwood Valley commune. She wrote her parents "how she was taking care of animals and the elderly, what compassion the church had, how beautiful all the brothers and sisters were, no racial barriers, everyone the same," Mrs. Keeler said.

The Keelers' only other child, Irving Jr., a high school teacher in Queens, went to California to check on his sister. He reported to his parents that his sister looked well.

When Elaine came back for a month's visit with her parents last summer, "We saw only positive changes," the mother said. "She was calmer, more receptive to her parents, solicitous about her grandmother, willing to do what she was told, willing to do housework."

In her final brief letter to her parents, Elaine, who had hopes of taking up veterinary medicine, wrote: "The dogs are very understanding. I love them and the cats are my heart-warmer. I also love them."

Mrs. Keeler does not know how her daughter died. She has not received a death certificate. She assumes that Elaine was not shot, because among the documents accompanying the body

to New York was one reporting that there were "no obvious signs of trauma."

Elaine Roslyn Keeler, sometimes called "Pat," was born in Morrisania Hospital in the Bronx May 8, 1951. Her parents were then living at 2415 Williamsbridge Road, the Bronx. They moved to Berkeley, Calif., when she was 4 years old. She attended Longfellow Elementary and Willard Junior High Schools there and graduated from Berkeley High School.

She came back to New York with her parents in 1963 and lived with them until 1974, when she moved to California. Surviving Miss Keeler, in addition to her parents and her brother, is her grandmother, Lydia McCloud, also of Manhattan.

"THE APPEAL OF THE DEATH TRIP," ROBERT J. LIFTON, NEW YORK
TIMES MAGAZINE, JANUARY 7, 1979

Was anyone prepared for the Rev. Jim Jones and his People's Temple? The death drama staged in Guyana jolts us not only because of its incredible statistics and the dreadful power of a mad leader over his followers, but because we sense in it a terrible caricature of real struggles taking place in American society. To sort out what happened at Jonestown, it is necessary to examine three basic issues: the pattern of killing and dying that took place there, the quality of obedience behind that pattern, and the psychological and historical readiness of young, and not so young, people for such cult experiences.

The People's Temple is probably unique among contemporary cults in the degree of its preoccupation with suicide. And, as is often the case, this preoccupation turns out to be inseparable from the potential for violence toward others. The suicidal person can create a future only by killing himself. His particular kind of despair becomes associated with a vision beyond the present.

In most cultures, suicide is related to inordinate despair (the depressed individual who feels he has nothing to live for), but in some, like Japan, there is a strong affirmative vision (the samurai who dies for his lord, or kamikaze pilot for his emperor). Yet all suicides involve some combination of both. In the case of Jim Jones and the People's Temple, the two elements were intense and visible. Jim Jones's despair was of

Dr. Robert Jay Lifton, professor of psychiatry at Yale, is author of "Thought Reform and the Psychology of Totalism," among several other books.

"Some survivors claim that Jones began his rehearsals of mass suicide when he felt he was losing his struggle for custody of a 6-year-old boy whom he claimed as his own, after the boy's real father, one of Jones's closest disciples, defected. Jones was quoted as saying that the child "could not go back because it would be ruined," and "we are so solid that if anything happens to one of us, it is happening to us all." When Representative Leo J. Ryan's investigative visit began to result in further defections, Jones spoke of being "betrayed" by "liars and traitors," and said, "I'm defeated. I might as well die." And then, in his increasingly psychotic state: "Threat, threat, threat of extinction. I wish I wasn't born. . . . They can have me. . . . In many ways I feel like I'm dying."

The threat of extinction had to do both with the potential collapse of the cult and Jones's increasing psychological decomposition — with the death of the mind. But Jones's call to collective suicide made specific claim on the future as well. Hence his own and his followers' declarations: "We're going to die for the battle against fascism and racism. . . . In revolutionary suicide with dignity and honor," and, "We'll all fall tonight, but he'll raise us tomorrow." They could say, "It's a great moment — we all die," and speak of the "beauty of dying." Through this collective act the group was to connect itself with socialist and Christian eternity — was to immortalize its otherwise failed visions of a perfect society and equally perfect spiritual purity. The cult would, once and for all, defeat and transcend the evil of the outside world.

But neither individual nor collective suicide tends to be performed on the whim of the moment. Rather it requires an image of possibility that takes shape in the mind, the formation of a suicidal mental construct. For Jones and the People's Temple, that construct became, at least during recent months, what could be called a cult element — that is, an aspect of the

a characteristic kind — not mere hopelessness, but the sense that he, himself, and all that he had created were about to be annihilated.

cult's primitive theology. To be a loyal cult member, one had to be prepared to die for this vision of immortality, however ill-defined it might be.

No other contemporary cult has had this kind of link between suicide and theology. We see, then, that violence

toward Representative Ryan and his party was but a preamble to the more fundamental suicidal project. That project in turn depended upon the special quality of obedience developed in the People's Temple. The suicidal theology, after all, was essentially Jones's own. His influence made it an aspect of cult discipline.

But Jones's spiritual authority wavered as he became more bizarre, and the discipline became increasingly external — guards, strong men, punishments and threats of punishment. During the ceremony of suicide, these enforcers were active in helping along, if not actually killing, those who hesitated or resisted. Indeed, under such conditions, suicide and murder blur into one another. Still, the startling fact was the willingness with which the majority of cult members joined not only in the act of self-annihilation but of killing their own children as well. The level of submission was impressive — despite all of the cult's strains and the madness of its leader.

How did that degree of obedience come about? The People's Temple resembled other cults in its combination of manipulation from above and idealism from below. Its social idealism was greater than that of most cults, as reflected by the diversity of its membership — whole families, older people, large numbers of blacks — and its expressed emphasis on racial harmony. But Jones was characteristic of the kinds of leaders who have emerged in many contemporary cults — in his combination of messianic claim, hypnotic-like skills in winning and controlling followers, financial and sexual self-aggrandizement, and extreme emotional instability.

I believe that the extraordinary degree of psychological submission such leaders can achieve from followers has to do with the promise of transcendence they offer. A disciple who attaches himself to such a leader and a simple, all-clarifying — that is, totalistic — theology, is able to feel part of something larger than himself — something that will never die and will never permit him to die.

Yet this kind of relationship requires

cultivation and maintenance, and that is where thought-reform (or "brain-washing") methods come in. Here, I would mention several psychological principles that messianic leaders learn to apply over the course of their experience. The first is the control of all communication in a given environment — a pattern particularly extreme in an isolated area like the Guyana jungle, but one practiced by virtually all the contemporary cults. The control can extend to the individual's internal communication with himself, making it possible for leaders to apply systematic manipulation from above that can have the appearance of spontaneous behavior from below.

The second principle is the stimulation and manipulation of individual guilt feelings, perhaps the most important form of manipulation that can be exercised over a person. Inner doubts about even the most bizarre cult doctrine and practice are then attributed to one's own evil, the influence of the devil, as represented by the society outside, or in some cases specifically by one's own parents. Control over individual guilt is perpetuated by a variety of small and large group meetings, stressing criticism, self-criticism, continuous confession — and, at times, public humiliation of those who appear to deviate.

Finally, there is the principle of dispensing of existence. According to cult doctrine as usually promulgated by the leader, only those who have seen the light and follow the true path to virtue are entitled to exist. The rest have no such right. This designation is usually social and symbolic, a distinction between God's true children and sinners.

But it can become literal and violent, especially toward cult defectors, who pose a particular threat to the cult's moral and psychological claims, and the further threat of revealing to the outside world the true inner workings of the cult.

The use of "dirty tricks" and other forms of harassment, sometimes violent, against defectors or opponents can be justified by the cult's claim to a "higher purpose." (I described these patterns in a book I wrote years ago, now of interest not only to parents of cult members and defectors but to some of the cults themselves. I have been told that, within one cult, seminars have been held on what I characterized as a "totalistic environment," for the ostensible purpose of denying any such characteristics in their own.)

The People's Temple, however, carried the dispensing of existence to a new extreme. After violently ending the existence of an outside group deemed threatening (the Ryan party) they — that is, mostly Jim Jones — insisted upon a new level of existence for themselves that could be achieved only in dying by their own hands.

Significantly, there were to be no survivors. The Götterdämmerung was to encompass children, animals, even the cult's pet monkey. Jones was in effect perpetuating his own power over life and death by making his offering to the eternal future that of the total cult. Now true existence depended upon becoming a part of that offering. In modified Cartesian sequence, the progression is from "I believe, therefore I am" to "I obey, therefore I am" to "I die, therefore, I am."

Neither Jones nor the People's Temple nor cults in general can be understood apart from the particular currents of our times and apart from the questions of psychological and historical readiness. We may view the cults as a continuation of the experiments and protests of the 1960's. They are a product of historical dislocation — of the loss and frequent dishonoring of traditional symbols of family, religion,

authority, government — the life cycle in general. In the past, these symbols have provided means of continuity beyond the self, or what I call symbolic immortality. That is, they connected ordinary life with eternal structures and spiritual principles.

Doubts about those structures and principles have led many people to what I have called the *Protean style* (after the Greek god Proteus, a notorious shape-shifter who could change himself into virtually any human, animal or natural form, but had difficulty holding onto a single shape, his own.) The Protean style, which seemed to thrive during the 1960's, permits relatively easy shifts in personal involvements and beliefs and enables one to maintain multiple images concerning how one is to live. The Protean style can be highly creative, but also tends to be accompanied by considerable anxiety around rootlessness and diffusion.

Hence the emergence of the seemingly opposite but related tendency — really its mirror image — the *constricted style*. Here the struggle is to hold on to a single, absolutely unchanging sense of self, and to block out or condemn whatever influences might question that self-image. Broadly speaking, the emergence of the cults represents a shift from the Protean style to the constricted style. They are also part of a worldwide impulse toward fundamentalism, or what I call restorationism — an illusory attempt to fend off currents of change through the construction of an airtight moral and social order, through restoring the perfect harmony of a past that never was, or projecting a similar future (as in the case of the

People's Temple) based on imagery of a past golden age.

The Protean and constricted styles involve a hunger for transcendence — indeed, that hunger is central to our age. And the success the cults have had depends no less on their indoctrination procedures than on the quality of transcendence they have promised. They can offer the most intense form of "community high." This consists of an immediate sense of being surrounded by a caring, loving group in sharp contrast to the rootlessness and confusion one has known. More than that, cults provide communal forms of ecstasy — psychic states so intense that time and death disappear.

For the young, these cult experiences can have some of the psychological function of initiation rites in primitive societies — including the sense of being confronted, threatened and challenged, and then ecstatically united with a new group. One of the reasons why cults have helped many people kick drug habits is that they have substituted for them alternative forms of transcendence that can themselves be habit-forming or even addictive. But their success in doing so reflects the impoverishment of opportunities for transcendence in our culture at large.

In this and other ways, contemporary cults can be both radical and reactionary. They can on the one hand mount a

telling critique of the contradictions and hypocrisies of American (or any) society, and on the other hand invoke as their solution a premodern form of authoritarianism — what could be viewed as internal fascism.

The satisfactions and ecstatic experiences offered by cults, moreover, have a built-in contradiction, one that in Jonestown was literally fatal. Consider Jones's words in summoning his followers to death: "Everyone has to die. If you love me as much as I love you, we must all die or be destroyed from the outside." What he really meant was, "If you believe in my divinity, you must die with me."

For while the cult claims a suprapersonal, transcendent vision (in the case of the People's Temple, one combining Marxism and Christianity) as the basis for its existence, its psychological dynamic revolves around the person of the charismatic leader. Increasingly, the large spiritual principle is replaced by deification of a particular, highly imperfect individual.

That process is likely to be as harmful to the leader as to his followers. He cannot psychologically tolerate the level of worship he asks for and receives. He is divested of the grounding and restraint both he and his followers so desperately require. His already existing grandiosity is likely to be accentuated and his potential paranoid psy-

whom he closely identified also had elements of parody — as perhaps did his claim to be part Cherokee and therefore "an all-American mongrel."

Jones's relationship to nuclear war has a similar quality. During the early 1960's, he had a vision of nuclear holocaust, following which he moved his family to a place in Brazil he had read about as one of the nine safest spots in the world should there be a nuclear war. His later choices of areas in northern California and Guayana were also influenced by his fear. "There were times when just the sound of an airplane flying overhead would start him crying" was one description of his anxiety.

While we cannot say that his nuclear fears were totally unfounded, his way of expressing them reflected his general death anxiety, his lifelong psychological sensitivity to the idea of extinction. That sensitivity was expressed in his long-standing personal fear of cancer (which he apparently did not have, although he had other medical conditions toward the end of his life). But as with so much else, he found ways to parlay these fears into manipulative techniques. He would stage

bogus, melodramatic demonstrations of extricating "cancer" — actually chicken gizzards he provided for the occasion — from the bodies of disciples. And by later preaching about the danger of nuclear war, he could evoke further terror in his disciples in ways that tightened his control over them.

The death scene itself was apocalyptic parody. Jones ordered his assistants to bring out "the potion" — an old tub containing a mixture of cyanide, tranquilizers and a strawberry-flavored drink. Jones had instituted a special suicide drill called "white night," but this one was the real thing. From his "throne" on the central pavilion he ordered his disciples to file past and take their portions of the mixture, mothers first.

Then he left the pavilion to exhort people directly: "Hurry, hurry, hurry." This was his last messianic harangue, his ultimate expression of total control over his disciple-victims. (To me, a particularly sinister aspect of the event was its "medical" side. The potion was meant to provide a sweet-tasting, quiet death. It was mixed by the cult's doctor, known in the past as an idealistic medical student, and actively distributed and administered by "nurses." Having been interviewing former Nazi doctors over the past year, I am again struck by the ready collusion between totalistic movements and their physicians in creating a medical aura around mass killing.)

The power of contemporary cults derives from the fear of extinction that haunts our age. As in the case of European terrorists, the cults take hold of the absurdities and threats of our existence in ways that render our world still more absurd and still more threatening. Jim Jones and his disciples went so far as to act out the apocalypse we fear in response to terrors we all share. These terrors extend beyond American shores, but Jones's death scene was quintessentially an American event. We might even see it as an unhinged quest for a new frontier.

We need to make careful distinctions among cults, and restrain them legally when they employ violence, coercion and deception. But we must also probe what is behind them, what they reveal about our time, from what weakness in our society they draw their strength. We may then find alternative means to confront the issues they raise. ■

"PRACTICES OF CULTS RECEIVING NEW SCRUTINY," MISS JO THOMAS,
NEW YORK TIMES, JANUARY 21, 1979

The following article is based on reporting by Jo Thomas and Nathaniel Sheppard Jr. It was written by Miss Thomas.

Some have been highly visible in airports and on street corners, offering flowers and soliciting donations, but until 914 people died in Jonestown, Guyana, most of the thousands of Americans who have joined religious cults in the last decade remained in the nation's peripheral vision.

There were groups that were considered odd, such as the Bo and Peep U.F.O. cult or New York's carpet-cleaning cult. And some practices seemed strange, such as the mass marriages arranged by

the Rev. Sun Myung Moon. As religious groups, however, cults were protected by the First Amendment and by a general feeling that their aura of good intentions might at worst cloak fraud.

Then, last November, the People's Temple collapsed on itself with a violence

Cults in America

First of a Series

that raised fundamental questions about how the nation could deal with religious groups that wooed the young and the idealistic, persuading them to give up

their possessions, their family ties, their freedom and, at Jonestown, their lives.

Webster's New International Dictionary, Second Edition, does not distinguish between a cult and a religious sect, but it does note that any religion regarded as unorthodox or spurious might be called a cult. Groups that find themselves described by outsiders as cults usually object to that designation.

Interviews conducted across the country with leaders and current and former members of groups commonly described as cults, as well as with relatives of the members and with persons who have studied cults, show that the groups share

at least some of the following characteristics:

¶ They have a living charismatic leader who says he has been given new, exclusive revelations about God or reality. Anyone who does not believe his teachings, he says, is not only wrong but also satanic.

¶ The leader creates a family, often a communal living arrangement, and takes a name such as "Dad." Members frequently take new names when they join and sever ties with their real families.

¶ The leader sets absolute rules, but he does not necessarily obey them himself. He usually lives far more luxuriously than his followers.

¶ The group has an apocalyptic view of the world, in which moral rules may be discarded in the service of the leader. Members also discard their belongings, their occupations and, occasionally, their regard for their own physical well-being.

¶ Certain behavior-control techniques are practiced, usually in a setting isolated from the outside world. Members see the techniques as a religious regimen. Outsiders call them brainwashing.

¶ Although the Carter Administration opposes any broad investigation of such groups on constitutional grounds, some members of Congress favor inquiries into their activities abroad and into the tax-exempt status they frequently have at home.

Troubling Signs

Even before the bizarre episode in Guyana, there had been troubling signs.

The complaints came first from parents who said their children had been brainwashed, a charge echoed by former members of some cults. The complaints were denied by the cults and many were virtually impossible to prove in court. A wave of kidnappings by parents ensued, and a new profession appeared—"deprogramming," a way of erasing religious indoctrination.

There were reports that the Children of God had started practicing prostitution and that Synanon had changed from a group treating drug addiction into a cult that ordered mass divorces and vasectomies, abortions and beatings, and that it threatened those who tried to challenge it or to report on its activities.

Paul Morantz, a lawyer who had successfully sued Synanon on behalf of a couple who charged brainwashing, kidnapping and false imprisonment, was bitten by a rattlesnake placed in his mailbox. The rattlesnake attack resulted in charges of attempted murder against Synanon's founder, Charles Dederich.

Raids on Scientologists

The Federal Bureau of Investigation raided the Church of Scientology, charging that church representatives had infiltrated Federal agencies and placed electronic bugs in offices of the Internal Revenue Service. The raids yielded guns, dossiers on the church's enemies, lock-picking and bugging equipment, and such items as a blackjack and a vial labeled "vampire blood."

The House Subcommittee on International Relations, concluding an eight-month study of the Rev. Sun Myung Moon's Unification Church, said it had found evidence that the organization had systematically violated Federal laws on taxes, immigration, banking, currency transactions and foreign-agent registration, as well as state and local laws relating to charity fraud.

The People's Temple was an extreme example of the cults that have flourished in the United States in the 1970's as goals of the drug culture of the 1960's — escape, truth, community, rapture — were reconstituted in the names of all sorts of prophets, messiahs and religions.

Estimates of the number of Americans who belong to cults range from 300,000 to 3 million, depending on who is counting.

Large and Small Followings

The Church of Scientology claims a world membership of 5.4 million. The Unification Church and lesser-known cults, such as The Way International, draw thousands. The Love Family is so small — about 250 — that members can all take the same last name. The Druids, a group that supplied a hotel in Gallup, N.M., with most of its workers, had fewer than 40 members.

"I don't know what a cult is," Attorney General Griffin B. Bell told an audience in Los Angeles early in December. "I am a member of the Baptist Church. I suppose I am in a cult."

The backgrounds of cult leaders are diverse. In recent years, cults have been started by an airline pilot, an engineer, a country-western singer and a real estate salesman, as well as by ministers of established churches.

Bo and Peep, who formed a cult in 1973 based on their prophecy that they would be assassinated, return from the dead and leave the planet in a craft from outer space, were Marshall Herff Applewhite, 47 years old, a musician and opera singer, and Bonnie Lu Trousdale Nettles, 51, a professional nurse.

According to Robert Balch, a sociologist at the University of Montana who studied the group for several years, Bo and Peep videotaped their "final statement to the earth," left it in Oklahoma and disappeared, along with 98 followers. Mr. Balch believes the group has diminished to about 60 to 75 members, organized in three "families."

Bible Cult Sponsored Refugees

Ben Sebastian Sapio, 49, who founded a fundamentalist Bible cult called The Way, The Truth and The Life, was a hairdresser. In 1975, his group asked to sponsor 11 Vietnamese refugees, all Buddhists, at a commune in North Carolina.

The refugees spent a month with the group, and left after complaints about their treatment were made to Senator Jesse A. Helms, Republican of North Carolina. The refugees said through an interpreter that they had been worked hard by day, indoctrinated by night in English they did not understand, and prevented from leaving. Some said the experience had led them to consider suicide.

Mr. Sapio and other leaders of the group announced last year that they were leaving North Carolina. Their whereabouts are unknown.

Stewart Traill, 43, a former vacuum cleaner salesman who teaches that the Bible was written in code, founded a group in Pennsylvania called the Forever Family. After opposition arose from groups of parents of members, the group changed its name to the Church of Bible Understanding and moved to New York City, where members stand on street corners soliciting business for the cult's carpet-cleaning company. The group also has a mission in Haiti.

Characteristics of Cult Members

Who is likely to join a cult? Prof. Ronald Enroth, a sociologist at Westmont College in California and the author of a book about cults, said in an interview that a typical cult member is 18 to 22 years old, white, middle or upper-middle class, and has at least some college education and a nominally religious upbringing.

Shari Smith, now 25, was a lonely 19-year-old freshman at the University of Wisconsin when she struck up a friendship with an older girl who was a member of The Body of Christ, a group founded by Sam Fife, a minister from Miami, and C.E. Cobb, an airline pilot.

Miss Smith joined The Body — for “a sense of security, friendship,” she said — and was sent in January 1973 to a farm it owned near Eupora, Miss. The Body also had wilderness settlements in South America, Canada and Alaska, and a fleet of airplanes to reach them.

“A big thing with this group is demons — people are possessed,” she said. “By hurting the flesh, you can make the spirit overcome the devil. They beat on me because I sassed.”

She described their methods this way: “They tell you to kneel and put your hands on a chair, and then they take a wooden paddle and whip you a few times, three times if you’re lucky. The first time, I got three. Other times, I don’t remember.

Cold Showers for Punishment

“Rebellious people were tied to a bed or chair or on the floor. They put a headset on them and played preachers from the group. The length depended on how long they fought it. One day or two days. They would also throw people in cold showers for running away. They would throw you in with your clothes on and keep you until you hollered ‘Jesus!’ loud enough.

Miss Smith said the longest shower she was ever given lasted four and a half hours.

She said that she stayed at the farm until September 1974, then went to live with Mr. and Mrs. Cobb, where, she said, she was told “not to tell what happened at the farm.” In December 1976, on a visit to her parents, Miss Smith said, she was persuaded during a deprogramming session to leave the cult.

Neither Mr. Fife nor Mr. Cobb could be reached for comment.

In most cases, conversions to cults involve no coercive measures, and law enforcement officials therefore are generally reluctant to intervene. But some cults, usually small ones, have run into trouble with the law over matters concerning their beliefs about health, diet or keeping dead bodies around for a resurrection.

Deaths of Two Children

Raymond Alvin Archer, 29, who sold produce and is the founder of the Theocratic Commune Natural Health Service, was charged last summer with manslaughter after the bodies of his 1-year-old son and 3-year-old daughter were found buried in the commune’s yard on Detroit’s East Side.

A former cult member told the authorities that the group advocated a strict diet of raw fruits and vegetables and that the children were not given meat or dairy products. A medical examiner testified that he believed the girl had died of malnutrition. The cause of the boy’s death could not be determined in an autopsy.

In rural North Webster, Ind., Melvin Greider, a 42-year-old farmer, and Robert Freeman, a theologian, founded the Glory Barn Faith Assembly, which did not believe in doctors. The group attracted 1,000 followers and was the object of public outrage over the deaths in childbirth, between 1975 and 1978, of two mothers and seven infants.

One woman bled to death over a period of two days in the presence of a registered nurse. According to the local authorities, the nurse explained that she was in attendance only as a friend. No charges were ever brought against the Glory Barn.

Plans for Apocalypse

Mr. Freeman could not be reached for comment. Mr. Greider parted ways with the group early last year, because, his wife said, it was following Mr. Freeman more than Jesus. Mr. Greider is planning to build underground houses to survive the final days of the planet, in which the major credit-card companies will allegedly put a laser mark on everyone’s left hand.

In New York, Oric Bovar, a 59-year-old former opera coach who asserted that he was Christ, was found praying over the decomposing body of a follower who had died of cancer and was charged with failing to report a corpse. On April 14, 1977, the day he was to stand trial, he jumped from a 10th-floor window and killed himself. He had once said, according to some reports, that if he jumped out a window, God would bounce him back.

**"DA ACCUSES DEPUTY OF PRO-TEMPLE PLOY," JAMES A. FINEFROCK,
SAN FRANCISCO EXAMINER AND SAN FRANCISCO CHRONICLE,
JANUARY 21, 1979**

Former Deputy District Attorney Timothy Stoen tried to interfere with an investigation involving Peoples Temple in 1978, according to San Francisco District Attorney Joseph Freitas.

Freitas said he learned of the attempted interference, which he termed a firing offense, during a recent in-house review of Stoen's conduct while a deputy district attorney.

At the time, Stoen was a temple member and served as the Rev. Jim Jones' top legal adviser. He later defected and became one of the temple's most bitter opponents.

The 1978 case, assigned to DA's

something of a rivalry with Jones' for members, told The Examiner that he had been given the "brush-off" by the DA and other agencies, including the San Francisco police and the FBI, to which he made complaints.

Corrlea said he neglected to report the Stoen incident to anyone because "it was a matter between him and me."

Through attorney Patrick Hallinan, Stoen denied he had acted improperly in any way while a deputy district attorney. He said he never discussed his job with Jones.

The DA's handling of Hannibal Williams' complaint is part of a massive probe now being conducted by the state attorney general to determine whether Stoen or the DA's office engaged in any cover-up of illegal activities involving Peoples Temple.

The state is focusing its attention on whether Stoen, as Freitas' voter fraud prosecutor, obstructed any investigation at the behest of the temple. The Examiner has learned that the state also is looking into how Stoen won his job in Freitas' office and whether he used his influence to kill other investigations into the temple.

"Our investigation is basically two-pronged," said state Deputy Attorney General Timothy Reardon. "One, we're trying to find out if there was any actual voter fraud by temple members. Two, we're trying to determine if Stoen acted... improperly as a deputy district attorney." Reardon refused to comment further.

The state investigation was prompted by information turned over to it by federal investigators. Freitas

investigator Robert Corrlea, concerned death threats allegedly made by a Peoples Temple member to black minister Hannibal Williams.

In a brief confrontation two days after Corrlea interviewed Williams, Stoen allegedly told Corrlea that Jones was a "fine guy" and questioned why Corrlea was investigating him.

Corrlea said Stoen's attempt to interfere had no influence on the investigation; but he acknowledged that, even though the investigative file was kept open, the allegation was not pursued because of a lack of leads.

Williams, whose church was in

later also asked the state to conduct an independent inquiry.

There have been allegations by former members that Peoples Temple brought busloads of illegally registered voters to San Francisco in 1975 to cast ballots in The City's November general election and December mayoral runoff.

During 1976 Stoen successfully prosecuted about 40 persons, many of them city employees, for voting illegally in those elections. No temple members were prosecuted.

Freitas now says he believes the voter fraud prosecutions carried out by his office had a "therapeutic effect." But critics maintain that allegations that thousands voted illegally in 1975 due to lax procedures in the city registrar's office were never fully explored.

Through Hallinan, Stoen said he was never aware of any voter fraud allegations involving Peoples Temple.

DA voter fraud investigator Bruce Austin said, "Every case we worked up that was a bona fide violation was presented to the grand jury by Stoen. There was no way he covered up anything."

By December 1976, shortly before he left Freitas' office, Stoen had moved on to welfare fraud investigations. In February 1978 the DA's office told the registrar it was no longer necessary to retain 1975 election files. They were subsequently destroyed.

In its own investigation into Stoen's conduct as voter fraud investigator, The Examiner has learned:

- Allegations of voter fraud against hotelier Melvin Swig were turned over to Stoen by Fred Whisman, Stoen's predecessor as voter fraud prosecutor. Former temple adviser Terri Buford has testified to a federal grand jury that Jones was furious when Stoen told him he was going after Swig on voter fraud. She said Jones was afraid Swig would bring down an investigation on Stoen and the temple in return. Swig was not prosecuted. Both Stoen and Freitas say there was no basis for prosecution.

- Some of the DA's voter fraud files, including handwritten notes by Stoen, were discovered by temple members at the Peoples Temple here and turned over to the law office of Charles Garry.

- Freitas traveled to Los Angeles at temple expense on May 23, 1976, to speak at a "spiritual jubilee" co-sponsored by the temple and the Black Muslims. Freitas said he had no qualms about traveling at temple expense to an event aimed at reducing friction between the two groups. Other public officials shared the podium with Jones and him, he said.

- The destruction of 1975 voter rosters by the registrar's office, after it was told by the DA there was no reason to keep them, could now prevent state investigators from determining whether Peoples Temple members committed voter fraud, according to sources in the state attorney general's office.

When Stoen was looking for a job in the San Francisco DA's office, Jones wrote a glowing letter on Stoen's qualifications to Freitas. The Dec. 28, 1973, letter remains a part of Stoen's personnel file.

"SOME IN CONGRESS SEEK INQUIRIES ON CULT ACTIVITIES," MISS JO THOMAS, NEW YORK TIMES, JANUARY 22, 1979

The following article is based on reporting by Jo Thomas and Nathaniel Sheppard Jr. It was written by Miss Thomas.

Despite a number of disturbing reports in recent years about unorthodox religious cults, Congress has generally been reluctant to investigate such groups on the ground that their freedom of belief and practice are constitutionally protected.

But the assassination of Representative Leo J. Ryan and the deaths of some 600 members of the People's Temple in Guyana last November may have

changed that. Congressional inquiries into the People's Temple are under way, and there are signs that Congress may also look into the activities of other cults in the United States and abroad.

Members of the staff of the House Committee on International Relations, of

which Mr. Ryan, Democrat of California, was a member, are interviewing People's Temple members in San Francisco in an attempt to find out whether the Guyana deaths could have been avoided. Representative Clement J. Zablocki, Democrat

of Wisconsin, the committee chairman, has asked the State Department to determine how many other colonies of American cults are in foreign countries.

Mr. Zablocki says he believes that a number of his colleagues intend to take a closer look at "these cults that are not really religions."

Elsewhere on Capitol Hill, Senator Robert Dole, Republican of Kansas, has invited his Senate colleagues to hear a panel of experts on mind control testify at a special hearing on Feb. 5. The hearing, according to persons involved in preparing for it, may be a prologue to an effort to establish a commission that would look

into whether religious cults are a constructive element in American society.

Such inquiries would be at variance not only with Congressional tradition but also with the long-standing position of the Carter Administration, reiterated after the Guyana deaths, that because of constitutional considerations the Government would not embark on broad investigations of religious groups.

The tradition notwithstanding, an investigation into the operations of the Rev. Sun Myung Moon was concluded last October by the House Subcommittee on International Organizations.

That subcommittee reported that it had found evidence that Mr. Moon's international organization had systematically violated United States tax, immigration, banking, currency and foreign-agent registration laws, as well as state and local laws on charity fraud. It also noted that several Federal agencies, including the Securities and Exchange Commission, the Internal Revenue Service and the Department of Justice, were investigating the group.

Senator Dole, a Kansas Republican who is expected to become the ranking minority member of the Finance Committee, cited the Moon report and the Guyana deaths last month in calling on Senator Russell B. Long, Democrat of Louisiana, the committee chairman, to "review the tax-exempt status of certain so-called religious groups as soon as possible."

The concern in Congress over the Jonestown deaths appears to mirror misgivings felt across the country by relatives of persons who have joined religious cults. Depending on the source of the estimate, such cults may have anywhere from 300,000 to three million members.

Attorneys who represent cults report a rash of kidnappings of cult members by their parents. In Island Pond, Vt., the town manager said that a citizens' group had come to him asking how to run a cult out of town.

"We're Scared"

"There are thousands of us parents who don't sleep at night," said a woman whose daughter is a member of the Unification Church. "We're scared. This isn't an act of God. This is something the Government is allowing."

The Justice Department has in the past rebuffed requests by Senator Dole, Mr. Ryan and Representative Robert N. Giammo, Democrat of Connecticut, that it in-

vestigate allegations of brainwashing and physical abuse in cults. It has said such investigations would violate constitutional protections of religious freedom.

Between 1975 and 1978, according to Robert Havel, a Justice spokesman, the department received about 400 letters alleging cult members had been brainwashed, threatened and subjected to extortion.

Most of the allegations did not warrant a formal investigation, Mr. Havel said. The Federal Bureau of Investigation looked into 30 complaints, but none resulted in prosecution.

Warning to Prosecutors

The Justice Department's position is based in part on the New York State Supreme Court decision in a 1976 case in which a grand jury in Queens indicted two leaders of a Hare Krishna group on charges that they illegally imprisoned followers through brainwashing.

In dismissing the case, Justice John J. Leahy said, "Religious proselytizing and the recruitment of and maintenance of a belief through a strict regimen, meditation, chanting, self-denial and the communication of other religious teachings cannot under our laws — as presently enacted — be construed as criminal in nature and serve as the basis for criminal indictment."

He emphasized that his decision was intended as a "dire caveat to prosecutorial agencies throughout the length and breadth of the land."

"There is no way a free society can prohibit an individual from making choices and taking risks that may not be in the person's own interests without jeopardizing the fundamental autonomy a person ought to have," said Barbara Shack, associate director of the New York affiliate of the American Civil Liberties Union.

First Amendment Protection

"All religions are equally good or bad. That's what the First Amendment says," commented Jeremiah S. Gutman of Manhattan, a lawyer who has handled many matters for the A.C.L.U. and is representing a number of cult members in lawsuits charging their parents with kidnapping.

Richard Delgado, a law professor at the University of Washington who has suggested possible legal challenges to cults, disagrees. He says that he believes that meaningful distinctions can be drawn between protected religious practices and the allegedly coercive actions of certain cults.

"Religious cults expose their indoctrines to a greater variety of classic brainwashing techniques and with greater in-

tensity," Mr. Delgado said, and therefore, "two essential elements of informed consent — knowledge and capacity — are not present simultaneously."

Government agencies in California and Vermont have conducted hearings into allegations of brainwashing by a variety of cults. In 1974 the New York Attorney General published an extensive study of the Children of God, an American cult that now has about 80 percent of its membership overseas.

Allegations of Abuse

The report cited allegations of fiscal chicanery, obstruction of justice and mental and physical abuse, including rape. The report concluded, however, that the Attorney General could recommend no direct action "because of the constitutional protection of the First Amendment."

The findings of government investigations commonly are dismissed by the cults as evidence of persecution. The Children of God alleged such persecution on the part of the New York investigators and said their findings were based on testimony from "false witnesses." Similarly, the Unification Church has assailed the House subcommittee's report as evidence of persecution, noting that despite investigations by a number of government agencies, no formal charges have been brought against the church.

First Amendment protections are regarded as insufficient by Mr. Gutman, who said in a recent interview that he is encouraged by the filing of criminal complaints by cult members who have been kidnapped. He said he did not intend to rest until all the most active "deprogrammers" — persons hired to erase religious indoctrination — are in jail.

Such litigation has had some success. Ted Patrick, a widely known deprogrammer, was jailed in Denver for his activities. And in Minnesota, two persons found guilty of intentionally causing emotional distress in connection with a deprogramming case were fined \$10,000.

Training in Weapons Use

Recently there have been reports that a number of cults have weapons and members trained in using them.

The Way International, which has a college at Emporia, Kan., enrolled its student body and faculty in marksmanship and weapons safety classes at the National Guard armory in Emporia in 1976 and 1977. Sgt. Vernon Buck, who said he was present at these classes, said more than 500 people took the 10-hour course with 7.62 caliber rifles. A spokesman for The Way said these were merely hunters' safety classes.

At its headquarters in New Knoxville, Ohio, The Way maintains an arm police force, authorized by a local judge under a 1973 court order providing for security at church gatherings. A spokesman for The Way said that the security force was merely to prevent vandalism of its property.

County police have refused The Way's requests to have its guards deputized and to have use of the county's jail and radio dispatcher.

In Moundsville, W. Va., members of the New Vrindaban Community of the International Society for Krishna Consciousness acquired weapons after two out-of-state men shot and wounded four people on the commune in 1977.

When four armed men in a pickup truck

stormed the commune three years later, the Krishnas met them with guns and called the police, who disarmed both sides.

"We never had guns until we were attacked," said Kuladri Das, president of the community. The guns were bought, he said, "to let people know they can't come in and defile our deities and shoot people up."

A few cults may have used extralegal means to retaliate against criticism and investigation by government agencies or the news media.

According to documents obtained by The New York Times, the Church of Scientology has well-organized and sophisticated plans for retaliating against critics with such efforts as "black PR."

A confidential Scientology board policy letter dated May 30, 1974, on how to handle "hostile contacts" advised that one should "always attack" in a press release, never defend or deny.

"Spot who is attacking us," the letter directed. "Start investigating them promptly for FELONIES or worse using our own professionals, not outside agencies."

The letter also advised, "Start feeding lurid, blood and crime actual evidence on the attackers to the press."

In the letter, reporters were described as "a kite of death, unless one really is an expert PR man himself."

"If truly Friendly they have to be wooed," the policy letter said. "If not they have to be handled. The routine is: whisper of a bad story, get a lawyer, threaten suit, totally discredit...."

In response to inquiries about these practices, the church issued a statement saying that "black PR" was "an intelligence technique of lies or half-truths or exaggerations" that was used for 21 years against the church. The statement denied that Scientologists use such methods.

Files on Critics Found

In raids on Scientology offices in Washington and Los Angeles in 1977, F.B.I. agents seized memorandums and files on writers, parent groups, professors, politicians and others who have criticized the organization.

An affidavit supporting the F.B.I.'s request for search warrants for the raids said a former church official had told the bureau that the church had called for an all-out attack on the Internal Revenue Service in 1974 because the agency had from time to time withheld tax-exempt status from certain church subsidiaries on the ground that they had not satisfied criteria for exemption.

The affidavit also alleged that persons working on behalf of the group had forged I.R.S. credentials and bugged a conference room in which I.R.S. officials were to discuss the tax-exempt status of the church.

The Unification Church has also taken on its critics, notably former Representative Donald M. Fraser of Minnesota, who was chairman of the House Subcommittee on International Organizations during its investigation of the group's political and business activities. During the investigation, according to the committee's report, the church's newspaper, the New York City-based News World, published articles charging that Mr. Fraser was a Soviet agent.

MANY FIND COERCION IN CULTS' HOLD ON MEMBERS," NATHANIEL SHEPPARD AND JO THOMAS, NEW YORK TIMES, JANUARY 23, 1979

The following article was reported and written by Nathaniel Sheppard Jr. and Jo Thomas.

Thomas Paris was 20 years old, at the crossroads of youth and adulthood. He had grown tired of college life in Ohio and set out for the West Coast in search of truth and purpose.

As he eased his van along the snaking Oregon coast highway, he picked up three hitchhikers who appeared poor but

seemed at peace with themselves and the world — the way he would have liked to be. Their names were Innocence, Diligence and Zeal.

They said they followed Love Israel, a man who headed a Christian family that lived faithfully by the principles of the New Testament. Mr. Paris followed the men to Seattle and joined their Church of Armageddon.

A few months later, on Jan. 14, 1972, he watched two members, Solidarity and Reverence Israel, lose consciousness and die during a ritual in which they inhaled fumes from toluene, an industrial solvent used for breaking down rubber.

"We Were So Brainwashed"

"Love Israel did nothing," Mr. Paris recalled. "He wouldn't call the police or emergency squad. He just told us to pray over them and that they would rise again in three days. He explained the incident away by saying they had not been strong of faith. We were so brainwashed nobody questioned this."

Mr. Paris is one of many former cult members who say they were victims of mind control.

Cult leaders deny that they practice brainwashing, and, despite the airing that mind control received as a legal issue in the Charles Manson and Patricia Hearst trials, it is a question that local and Federal authorities have been loath to confront, especially in the conduct of church groups protected by law from interference in the practice of their beliefs.

A number of persons who have studied cults compare their techniques with the brainwashing methods — isolation, sensory deprivation, forced confession — used on American prisoners of war in Korea.

Dr. John G. Clark, assistant clinical professor of psychiatry at the Harvard Medical School at Massachusetts General Hospital, has examined about 60 former and present cult members and has talked with hundreds of their relatives over a five-year period. He said that "coercive persuasion and thought-reform techniques are effectively practiced on naive, uninformed subjects with disastrous health consequences."

A series of interviews by The New York Times with leaders, members and former members of cults, as well as with their relatives and with persons who have studied such groups, showed that cults employ similar techniques in attracting, keeping and manipulating converts.

When recruiting new members, former members said, the cults looked for bewildered young persons who showed signs of being transient or troubled.

A former member of the Unification Church said: "We recruited everywhere — bus terminals, airports, college campuses, and even around military bases, especially naval bases with a lot of changing traffic. Anywhere there would be a lot of kids."

Practices Produce Trances

Dr. Clark attributes the cults' recruitment success to their ability to induce trances without the knowledge or consent of new recruits. Such trances can be brought about, he said, with constant chanting, singing, dancing, preaching, scripture reading and peer pressure in a controlled, isolated setting in which only short periods of sleep — about four hours — are allowed.

"It is the same process as hypnosis, except that with cults you don't have to have willing subjects," he asserted.

Potential converts are commonly greeted with an outpouring of affection, called "love-bombing." Often they are sent to "babes" ranches in secluded areas, such as the The New Ideal City Ranch operated by the Rev. Sun Myung Moon's Unification Church in Booneville, Calif.

The ranch was usually described to potential converts only as a communal farm that would welcome visitors for the weekend. Former followers of Mr. Moon said they were not told that the farm was connected with the church until long after they arrived. This, they said, was later justified by church members as "heavenly deception." Kathie Lowery, a church representative, denied that the church ever uses deception in recruiting.

Once a cult's potential converts are iso-

lated, they get their first exposure to the cult's teachings, combined with more "love-bombing" and intense peer pressure. They are never left alone, and there is no time to talk over doubts with other newcomers.

It is an approach that can overcome strong resistance.

Ford Greene, then 23, was so angry at learning that his younger sister had be-

come a Unification Church member that in 1974 he drove to the Booneville ranch to persuade her to leave. Instead, he joined.

Cults commonly require new members to work long hours at menial jobs or to go out in search of donations and recruits. They are given daily quotas and are chastised if they fail. They are allowed little sleep, and are fed a high-carbohydrate diet based on rice or oatmeal and bread, with little or no protein. Fasts are sometimes mandatory.

In Gallup, N.M., Lindsay McConahy, a teacher, joined a Bible-astrology cult called the Druids and was put to work as an all-night waitress at a hotel for which the cult supplied labor.

Meditation on "Mother"

During the day she was given chores such as sweeping up dirt at the group's desert commune at Witch Wells, Ariz., and was encouraged to meditate for hours on "Mother" — Laura Copeland, born Gerrie Leah Garcia, the cult's high priestess, whose whereabouts are no longer known.

Converts to cults typically are required, as proof of their commitment, to give up their material possessions. In numerous instances they have turned over cars and large sums of money.

Timothy Goodwin, a quadriplegic recruited in Long Beach, Calif., by members of The Way International, was asked for 15 percent of the \$1.4 million settlement he had received in the automobile accident in which he was injured two years earlier.

The members of The Way promised that the power of their prayers would heal Mr. Goodwin so that he could walk within a year, he said, and he signed a contract, the pen in his teeth.

At the end of a year, he was not healed and decided to leave. Members of The Way told him that if he did so, the devil would kill him. By this time, he had made out a will leaving all his money to The Way. He sued and was repaid in an out-of-court settlement.

The charges made in the lawsuit were denied by the Rev. Lonell E. Johnson, a spokesman for The Way, which is based in New Knoxville, Ohio.

Confession is another typical facet of behavior control in cults. It may be called "witnessing," as it is in the Tony and Susan Alamo Foundation, a fundamentalist Christian group in Arkansas, or "sharing," as it is in the Unification Church.

Little Contact With Outsiders

Cult members are encouraged to believe they are wretches, and have little contact with skeptical outsiders who might challenge such beliefs. Former cult members said in interviews that their mail was opened and that they had limited access, if any, to telephones.

A number of former cult members said they were told that it was better to commit suicide than to be "deprogrammed" — that is, persuaded to reject the cult's teachings.

The authority of the leader is absolute within the cult. Doubts are seen by cult members as a sign of weakness or evil. The teachings of the leader, however patent the contradictions they contain, may not be questioned.

Cult leaders can, and often do, use sex as a means of control. They may decree abstinence, marriage, abortion or divorce.

Cult Decrees Prostitution

David Brandt Berg, 59, the leader of the Children of God, has even decreed prostitution, telling women members it is permissible to seduce wealthy and influential businessmen to save souls and raise money for the church.

The Children of God, investigated by the New York Attorney General in 1973 and 1974, began moving its followers abroad in 1972. At that time, a church spokesman said the exodus reflected the group's desire to preach the gospel worldwide, and its conviction that the United States was soon to fall under the judgment of God.

The group, now also called the Family of Love, has a worldwide membership of 8,010 adults and 1,518 children, in 820 colonies, according to a 1978 newsletter. Only about one-tenth are left in the United States.

Mr. Berg, a recluse believed to reside in Switzerland and Spain, extols women members to "be fishers of men," and they are often required to frequent discotheques, singles bars, luxury hotels and other places where they might trade sexual favors for money. Within the cult, the practice is called "flirty-fishing," and it is a serious business.

Women are required to fill out forms for each person they seduce. The form's entries note "the type of fish flirted" — Government officials, including police-

men and military personnel, professionals, journalists, salesmen and others — the amounts of money received, and the amounts spent on clothes, jewelry, perfume, drinks and transportation. The monthly "witnessing" report also requires that women members list their "top three FF winners of the month."

A woman who asked that her name not be used was married to another Children of God member but was still required to "flirty-fish" potential wealthy supporters. She sometimes spent weeks traveling with a regular customer who paid \$500 for each date.

"My husband and I felt terrible about it internally, although we were so brainwashed that we pretended we were glad to have the chance to win over a new soul," the woman said. "We did not dare say anything because our dedication would have been called into question."

Left Cult Over Woman

Thomas Paris — who took the name Enthusiasm Israel, became a trusted member of the Church of Armageddon and was sent to establish a colony in Alaska — said he left the cult because he fell in love with a woman he met in Alaska and Love Israel "gave her to somebody else."

Mr. Paris left the cult two and a half years ago and, even with psychiatric help, still finds himself unable to resume normal relationships with people. He feels they respond just as strangely to him now as they did when he in the cult.

"Tom is not of very sound character. He is mostly confused," Logic Israel, a spokesman for the cult, said in an interview in Seattle. Mr. Israel is the son of Steve Allen, the entertainer.

"We believe in order," Mr. Israel said, when asked about behavior control. "Our family has a head. We're a body. So order is a very important part of our lives. Everyone is here because of exercise of free will. Everyone has to give of him or herself to the family, or there would not be the love that exists between our members. Anyone is free to leave at any time."

"FBI HAS COPY OF CULT'S RADIO ORDER TO KILL," CHARLES A. KRAUSE, WASHINGTON POST, JANUARY 29, 1979

By Charles A. Krause

Washington Post Foreign Service

GEORGETOWN, Guyana, Jan. 28

The FBI has transcripts of at least some of the radio messages sent between Jonestown and the Peoples Temple headquarters in Georgetown during the hours immediately preceding the mass suicide-murder that left more than 900 of the late Rev. Jim Jones' followers dead Nov. 18.

The transcripts have provided the FBI with evidence that Jones or one of his top lieutenants at Jonestown ordered loyalists in Georgetown to kill 10 members of a group of concerned relatives who had stayed behind while others had traveled to Jonestown

with Rep. Leo J. Ryan (D-Calif.) on his ill-fated trip.

The Peoples Temple radio link from the remote agricultural commune to the Georgetown headquarters was monitored during those final hours by an American, who said he copied down the coded messages but could not understand them at the time. He agreed to discuss his activities on the condition that he not be identified.

Now the messages have been decoded, based on a Peoples Temple codebook obtained by the FBI, and are being used in the U.S. investigation of events surrounding the death of Ryan at Port Kaituma and the suicide-murder at nearby Jonestown.

The 10 relatives ordered killed were staying at the Pegasus Hotel here and had not yet learned of the congressman's death.

The message, according to informed sources here, was received probably by Sharon Amos, one of the Temple's leaders in Georgetown, who it is believed ordered the killings to be carried out. Amos and her three children were later found dead; their throats slashed, in a bathroom of the cult headquarters.

Why the 10 members of the concerned relatives group were not killed is still a mystery. It is known that Stephen Jones, the Rev. Jones' only natural son, and a group of other cult members did go to the

Pegasus to meet with some of the concerned relatives after the message was received. What their intentions were is still a matter of speculation, although it is known, from the radio messages, that the temple headquarters here was not stocked with guns or ammunition.

This is now known because members of the temple group in Georgetown, who were ordered to kill themselves after killing the concerned relatives, radioed back to Jonestown saying that they had nothing to kill themselves with.

A message came back again in code, spelling out the beginning of the word "knife." According to sources familiar with the decoded

messages, only three letters "k-n-i" were transmitted — apparently enough to get the message across.

This message was received, according to the sources, by three persons then in the radio room at the Georgetown house. Among those there at the time was Lianne Harris, Amos' daughter by a first marriage, who indicated over the radio that she wanted to die along with those at Jonestown, the sources said.

Charles Beikman, a temple member, and Stephen Jones have been charged by Guyanese police with the murders of Amos and her three children. Sources who have knowledge of the radio message transcripts said that, even if Harris indicated she was pre-

pared to die, that would not necessarily mean she and the others were not aided in killing themselves by someone else. Almost everyone familiar with the manner in which Amos and her children died agrees that they could not all have slashed their own throats without assistance.

According to those familiar with the transcripts now in the FBI's possession, the decision to monitor the Peoples Temple radio link was made more by accident than design. This shortwave radio operator in Georgetown said he had inadvertently learned the frequency used by the Peoples Temple and decided to listen in on the communications being sent

back and forth because the operator knew that Rep. Ryan was at Jonestown.

When the operator sensed that there might be trouble, largely because of the urgency with which the messages were being sent, he began copying down what he was hearing even though he could not break the code. The operator said he did not copy down all of the messages.

However, Mike Carter, who served as Jonestown's chief radio operator, is still alive and is now in the United States. Carter escaped from Jonestown when he was chosen to be one of three cult members to carry more than a million dollars in cash and various letters to the Soviet Embassy in Georgetown.

Although Jonestown is a ghost town peopled only by a detachment of Guyanese police, the headquarters in Georgetown still serves as a residence for about seven cult members who have either chosen not to return to the United States or are being held as material witnesses in the Amos deaths.

Observers here have wondered how remaining members of the Peoples Temple still in Guyana have been supporting themselves. They dine regularly at this city's best restaurants. One of the Georgetown survivors, Paula Adams, still has contacts with prominent Guyanese, including an ambassador and a well-known attorney. She has said she had an affair with the ambassador.

In another development, it was learned here that Rex McKay, the attorney representing Beilman, Jones and Larry Layton, traveled recently to the United States. Layton has been charged with killing Ryan and four others at Port Kaituma and attempt-

ing to kill three other persons in the same attack Nov. 18. McKay reportedly went, in part, to arrange for payment of his legal fees.

Sources said McKay asked one of the defendant's families for \$20,000 to be paid to a bank deposit outside Guyana. Whether he received the money or whether he met with anyone else connected to the Peoples Temple while in the United States is not known, the sources said.

Reports of Jones Fortune Denied by Mother-in-Law

RICHMOND, Ind., Jan. 28 (AP)—The mother-in-law of Peoples Temple leader Jim Jones, the man who led more than 900 followers to their deaths in a mass suicide-murder ritual last year, has denied reports that the cult founder left a multimillion-dollar estate.

"What has been publicized about Jim and his millions just isn't true," said Charlotte Baldwin, mother of Jones' wife, Marceline, who died along with Jones and two of their children at the temple settlement in the steaming jungles of Guyana last November.

Baldwin, who lives in this western Indiana community where Jones and his wife were raised, said Jones' adopted daughter, Susanne, 26, told her a \$17,000 account in Nassau and some property were Jones' only remaining assets.

However, at a hearing held Tuesday in San Francisco to dissolve the church and establish a receivership, it was determined that Peoples Temple had known assets of \$12 million.

Superior Court Judge Ira Brown named Robert Fabian, an attorney and banker, to wind up the temple's financial affairs as its receiver.

BEST AVAILABLE COPY

"JONES' LAST WILL: ESTATE TO WIFE, 5 OF 7 CHILDREN," TIM REITERMAN, SAN FRANCISCO EXAMINER, FEBRUARY 8, 1979

Communists if family didn't live

By Tim Reiterman

Peoples Temple pastor Jim Jones left a will in which he bequeathed his estate to his wife and five of his seven children and, if they did not survive him, to the Communist Party USA.

The value of the estate has not been determined, although sources have said Jones kept a Bahamas bank account containing more than \$200,000.

Three of the five sons named in Jones' will survived the Nov. 18 mass deaths, so the provision referring to the Communist Party will not be implemented. Jones specifically excluded his two daughters without explanation.

John Victor Stoen, the 6-year-old at the center of an international paternity dispute between Jones and former San Francisco Assistant District Attorney Tim Stoen, is not included in the will.

The will, which has not been made public but has been obtained by The Examiner, is dated Aug. 6, 1977.

"This is my will," begins the handwritten, two-page document. Although it is not witnessed or notarized, temple attorney Charles Garry says he believes it is truly Jones' last will and testament.

Garry said that Jones' wife of 30 years, Marceline, hand-delivered the will and an essentially identical will of her own shortly after they were written. He said it was his impression that Jones, who left the United States when allegations of former temple members were published in summer 1977, had written his will in Guyana, then Marceline wrote hers in San Francisco.

Garry said he talked to the couple about the wills but did not discuss the contents in detail. "They (the wills) don't mean anything," he said. "It (the estate) just goes to the children."

The most fascinating feature of the will is the omission of the name of John Victor Stoen, the boy who both Jones and Stoen, who also is a former Mendocino County assistant district attorney, claim to have sired.

At one point in his will, Jones wrote, "I am married to Marceline Mae Jones and I have the following children: Timothy Glen Jones, Stephan G. Jones, Jim W. Jones Jr., Lew Eric Jones, John Moss Jones, Agnes Pauline Jones and Suzanne O. Jones."

It is curious that Jones wrote "I" instead of "we" when he listed the children and that he did not set apart Stephan Jones, his only natural son, from his adopted children.

When the absence of John Stoen's name was pointed out, Garry smiled and said, "That's interesting."

The attorney said that one explanation for the omission — other than the possibility that the boy was not Jones' son — was that Tim Stoen had not yet openly declared himself an enemy of Jones. He could offer no other reason for the phrasing.

Grace and Tim Stoen — the legal parents who are now estranged — claim that the omission means Jones acknowledged indirectly that they also were John's biological parents. The child is believed to have perished with Jones in Jonestown.

"It says a lot, doesn't it?" Grace Stoen said of the will.

"This (omission) was made because Jones' claim to be the father was recently contrived," said Tim Stoen.

In February 1978, in an interview by radio-telephone from Guyana, Jones told The Examiner that he had sired the child at the request of Tim Stoen. Stoen denied that, although he had signed a document stating so. Stoen, a onetime temple leader, contended that he had signed the "false" document as a sign of faith.

Jones had maintained that fear of losing the boy was the only thing preventing him from returning to California.

"The boy was his only reason for staying there," Garry insisted.

In his will, Jones also wrote, "I have intentionally omitted to make any provision for my daughters Suzanne and Agnes."

Garry did not know why Agnes, 34, a Jonestown victim, was excluded. But a source close to the temple said that Jones and his wife omitted Suzanne because she had left the church and had joined the "concerned relatives" anti-temple group.

Jones had planned to parcel his estate among the five children and his widow. To John Moss Jones — an adopted black son and the Jonestown security chief who died in the death ritual — he left 10 percent of the estate. The remaining 90 percent was to be divided equally among Marceline, who died at Jonestown; their natural son Stephan, who was at the temple's Georgetown commune and survived; Lew, an Asian-American adopted son who died; Jim Jones Jr., an adopted black son who was safely in Georgetown; and Tim Jones, an adopted white son who also was in Georgetown.

The will asks that Jones' estate pass to the Communist Party USA if none of the five children or his widow survive his death by six months.

In his last interviews, Jones described himself as a socialist. And in a written interview among documents recovered from Jonestown, he said that he was a "lover of Stalin." Yet he also said that he went with the Maoists and broke all his American Communist Party connections when Mao "turned against the Soviets."

Garry, appointed executor of the estate, said that shortly after the Jonestown deaths Suzanne Jones, Jim Jones Jr. and Tim Jones came to his office for their parents' personal ef-

fects. The attorney said he gave them three boxes of photographs, bank records, and property records and other documents brought over by a Peoples Temple representative.

Garry said that he did not probate the will because it would be a possible conflict with his role as a temple attorney. He said he gave copies of the will to Jones' children.

Among the property listed were a one-family dwelling, a two-family dwelling, a four-family dwelling and an undescribed piece of property, all in Indianapolis, where Jones started his church in the 1950s.

Federal investigators have been unable to determine the person; assets of Jones and his wife. Sources have said that even if the Jonese bank accounts are located, it might be difficult to establish whether the money belongs to them personally or to Peoples Temple.

This is my will. I revoke all
 prior wills and codicils made
 by me. I am married to
 Theresaline Mae Jones and I have
 the following children: Trinity
 Ellen Jones, Stephen E. Jones,
 Jim W. Jones, Jr., Dew Eric Jones,
 John Moses Jones, Agnes Pauline
 Jones & Suzanne O. Jones.
 To my son John Moses Jones
 provided that he survives
 my death by six months I
 give 10% (ten) percent of my
 estate. To three of my wife
 and children (except for
 Agnes Pauline Jones and Suzanne
 O. Jones [Cartmell]) who survive
 my death by six months I
 give equal proportions of the
 remainder of my estate. I
 have intentionally omitted
 to make any provision for my
 daughter Suzanne and Agnes.
 In the event that none of
 the above for whom I made
 provision survive my death by six months
 then I give my estate to the Communist Party
 U.S.A. & appoint my attorney Charles
 10/22/77

II

Garry as my executor to
 serve with full bond.
 Signed on this Saturday
 the 6th day of August of
 the year 1977,
 James Warren Jones Sr.

TEMPLE ATTORNEY GARRY BELIEVES THIS IS JONES' LAST WILL.
 He says that Jones' wife of almost 30 years delivered it to him.

"WHY 900 DIED IN GUYANA," NEW YORK TIMES MAGAZINE,
FEBRUARY 25, 1979

By Carey Winfrey

Why did they die? Perhaps no explanation will ever satisfy completely. But to review the massacre months later through the eyes of those most deeply involved is to discover a dozen different clues in the deadly dynamics of Guyana, from faith to fear to murder.

We know now through firsthand witnesses that once Jim Jones learned of the Port Kaituma killings of a Congressman, three journalists and a "defector," events moved quickly. Jones called his followers to the main pavilion.

According to reports of a tape recording of the commune's last hour, he began by telling them: "I tried to give you a good life. In spite of all I tried to do, a handful of our people who are alive" -- presumably meaning other defectors -- "have made our lives impossible." Then, referring to the earlier airstrip killings, he continued: "There's no way to detach ourselves from what's happened today. We are sitting on a powder keg. If we can't live in peace, let's die in peace."

For some -- their identities irrevocably intertwined with Jones -- his suggestion sufficed. As Odell Rhodes, a survivor who escaped while the killings took place, put it, "Some of these people were with Jim Jones for 10 or 20 years. They wouldn't know what to do with themselves without him." Another voice on the tape: "Dad has brought us this far; my vote is to go with Dad."

Christine Miller, an elderly woman, asked why they couldn't flee instead to Russia. Jones answered calmly that the Russians wouldn't want them now because they had been disgraced by the killings at Port Kaituma. "I want my babies first," he then commanded. "Take my babies and children first."

Stanley Clayton, another eyewitness escapee, testified at the Guyana inquest that many in the commune seemed at first to think it was just another drill. In calling for "babies first," Jones surely knew that mothers duped into killing their children would want to take their own lives.

Clayton testified that, in some cases, "nurses took babies right out of their mothers' arms. The mothers were frozen with shock, scared out of their wits." The nurses then squirted the deadly liquid down the children's throats, sending them into convulsions.

"After you watched your child die," Paula Adams -- a Jones follower who survived because she was in Georgetown that Saturday -- speculated later, "you'd think, 'What's there to live for. I may as well die.'"

When most of the babies were dead or dying, Clayton testified, "people began realizing this was really taking place."

The crowd grew restive. Jones took another tack. "He kept telling them, 'I

Carey Winfrey is a reporter who was part of The New York Times team that covered the events in Guyana.

love you. I love you. It is nothing but a deep sleep," Clayton recalled. "It won't hurt you. It's just like closing your eyes and drifting into a deep sleep."

Then, Clayton said, Jones stepped into the crowd and began guiding people toward the vat of fruit drink and cyanide. Jones's wife, Marceline, also walked among the followers, embracing them and saying, "I'll see you in the next life."

Jones himself did not believe in reincarnation; but he knew that many of his followers did. "We'll all fall tonight," one communist said, stepping forward for his cup of poison, "but he'll raise us tomorrow."

According to Rhodes, Jones told the group that if they didn't drink the poison, they would be tortured and the men castrated by the Guyanese Army. "Troops will come in here," Rhodes quoted Jones as saying. "They will torture our babies. They will kill everybody. It's better that we die with dignity." The many who shared his paranoia about a C.I.A.-Treasury Department-Guyana Defense Forces conspiracy to destroy the Temple undoubtedly believed him.

Jones "made them feel that in a couple of hours the army was going to be there and take them and put them in concentration camps," Stephan Jones said later. Stephan, the cult leader's natural son, escaped the carnage. As a member of the Jonestown basketball team, he had gone to Georgetown for a game.

To those who felt death inevitable, Jones's repeated entreaties to "die with dignity" would have proved powerfully persuasive, former followers agreed. "If I was down there," said Grace Stoen, "I would say I'd rather go down bravely than be shot in the back. That's the choice they had."

Others may have felt that they had run out of alternatives. Virtual prisoners in a jungle outpost 150 miles from a major airport, lacking money, resources or passports, many must have believed they had come too far, repudiated too much, to turn back.

"In San Francisco, they'd have run," said Willard Gaylin, a psychiatrist who is president of the Institute of Society, Ethics and the Life Sciences. "And once a few ran, it would have changed the whole dynamic and power of the group. But where the hell were they going to run to in Guyana?"

For some, a return to the United States was psychologically out of the question, as Dr. Harat Sukhdeo, a Guyanese-born cult specialist now working in New Jersey, observed. "They were people in Jonestown," he said of the survivors he interviewed in Georgetown. "For the first time in their lives they were persons." Michael Carter, one of three who escaped with a suitcase containing more than half a million dollars, offered another version of the same thought. "A lot of the people," he said, "had nothing else but the People's Temple and Jonestown."

One more factor in their acquiescence was Jones's call for "revolutionary suicide"; the belief, as Michael Carter reconstructed it, that "we're

going to show how a force of so many people can do so much to shape the world." Two who apparently shared this belief were the guards sent to warn (or possibly to kill) the two visiting Temple attorneys, Charles Garry and Mark Lane.

"It's a great moment -- we all die," Mr. Garry later reported one of the guards saying. "They had this smile on their faces. They said they were going to die, that it was a pleasure to die for revolutionary suicide, that this is the way it's got to be done as an expression against racism and fascism."

The group need was also critical. For many, the anxiety of being separated from the group -- which even at the last moment represented love and security -- perhaps outweighed fear of death. Odell Rhodes related that, as he was escaping, he came upon a dormitory full of elderly members. They all said they wanted to join in the suicides. Some asked him to escort them to the pavilion. Others, who could walk, picked themselves up and made their own way.

When 74-year old Hyacinth Thrash awoke the next morning, after sleeping through the holocaust, she panicked. "I thought everybody had run off," she explained after she was rescued. "I started crying and wailing, 'Why did they leave me? Why did they leave me?'"

"It may be a less sick thing," Dr. Gaylin said of suicide, "when it's done as part of the group than when it's done individually, because of the immensity of group pressure on insecure people."

The haste inherent in the event, giving the communards little time to think things over, also helps account for the compliance. "If I was one of the first," Michael Carter admitted, "I think I would have done it willingly. I think as things went on, I would have tried to rebel. I can't imagine no one tried to rebel, [at least] 30 or 40. I know a majority followed him willingly." But, given time, Carter said, "there was definitely a minority in Jonestown of at least 30 people who would have rebelled, with a hundred more in the closet."

Some did rebel. In addition to Rhodes and Clayton, 79-year-old Grover Davis simply walked away from the pavilion and hid in a ditch. "I didn't want to die," he said later.

There is evidence that others also didn't want to die. Mr. Clayton testified that Jones, backed by security guards, pulled some people from their seats and propelled them forcibly toward the vats of poison.

A report by Dr. Leslie Mootoo, the Guyana Government's chief medical examiner, noted that several of the 39 bodies he examined showed punctures "consistent" with injections. He and police estimated that at least 70 persons might have received injections. Mr. Rhodes said he saw some people injected when the poison they took orally failed to kill them.

By one reckoning — counting the 70 "rebels" as murdered, as well as 200 children and five elderly women who may have mistaken the poison for routine medication — perhaps a third of those who died at Jonestown were not suicides at all. But by almost any other reckoning, murder and suicide became so hopelessly intermingled that it was impossible to tell which was which.

□

The signs were there for sometime.

Grace Stoen, one of Jim Jones's closest aides, remembers that, in September 1972, Lester Kinsolving wrote a series of skeptical newspaper articles detailing Jones's claims as faith healer and prophet. "That bad press just freaked Jones out and he got even more paranoid."

A year later, by her recollection, Jones expounded the idea of mass suicide. "We've got to go down in history," she recalls him saying in September 1973. "We've got to be in the history books." And he said, "Everyone will die, except me of course. I've got to stay back and explain why we did it: for our belief in integration."

Two days later, the defection of eight Temple teen-agers ushered in a new era at the Temple. "We hated those eight with such a passion because we knew any day they were going to try bombing us,"

Neva Sly, a former member recalled recently. "I mean Jim Jones had us totally convinced of this."

The defections, following so rapidly the first mention of "revolutionary suicide," may also have persuaded Jones to set the notion aside — at least temporarily. For it was not until about three years later, according to Mrs. Stoen, that the idea came up again. On New Year's Day, 1976, Jones told about 30 inner-circle followers that he loved them so much he would lift his abstinence rule and allow them each a glass of wine. When all had drunk, he informed them that they would be dead within an hour. Mrs. Stoen says that while she didn't believe him, others did. She recalls Walter Jones, who was attending his first meeting as a member of the Planning Commission, standing up and saying that he just wanted to know "why we're dying. All I've been doing is working on bus engines ever since I got here and I want to know that I'm dying for something more than being a mechanic working on all these buses."

Mrs. Sly, whose husband, Don, threatened Representative Leo J. Ryan with a knife at Jonestown, also believed Jones that evening. She remembers Jones telling the assemblage that the F.B.I. or the C.I.A. was closing in and

would kill everyone. "I had so much going through my mind that the 30 minutes was like 20 hours." After a while, Mrs. Sly reported, "Jones smiled and said, 'Well, it was a good lesson. I see you're not dead.' He made it sound like we needed the 30 minutes to do very strong, introspective kind of thinking. We all felt strongly dedicated, proud of ourselves."

Today Mrs. Sly, whose son died at Jonestown, says she had not been afraid of death that evening. After all, she says, Jones "taught that it would be a privilege to die for what you believed in, which is exactly what I would have been doing."

Deborah Layton Blakey has an equally chilling memory of the same evening. She said that Jones took her and a handful of other trusted aides into a room and asked their advice about how to kill off the entire Planning Commission. He suggested sending the group on an airplane trip, she said. Once aloft, "one of us would shoot [the pilot] and the whole plane would go down. And that way he'd have the whole P.C. dead. Then he thought of taking all the buses and running them off the Golden Gate Bridge.

"His big concern," Mrs. Blakey continued, "was that people were starting to leave his church, P.C. people. He got scared and thought the best thing to do was just kill them off."

Those gathered on the Golden Gate Bridge for a Memorial Day service for those who jumped from the landmark, might also have heard intimations of things to come. Jones, an invited speaker, departed from his prepared text to extemporize about the depressing effect a New West magazine article, by San Francisco reporters Marshall Kilduff and Philip Tracy, was having on him and his congregation.

"These past few days," Jones said, "we as a congregation of several thousand have undergone a considerable amount of pressure. It seems that there are elements in society, very wrongfully, who want to use us as an embarrassment to this administration. So I can empathize [with suicide victims].

"This week my son said to me," he continued, "For the first time, Dad, I felt like committing suicide . . . Maybe it might cause people to care if I jumped off the bridge while you were speaking.' We worked our way through that, but I think that perhaps we all should identify closely with that kind of personal experience. Because at one time or another we have all felt the alienation and the despair. I think the despair got to me yesterday. If it hadn't been for an Academy Award-winning actress joining our church . . .

I think I would have been in a suicidal mood myself today for perhaps the first time in my life." (Jones was mistaken; Jane Fonda, the "Academy Award-winning actress," visited but did not join the People's Temple.)

Less than a year later, in March 1978, Jones would write a letter to United States Senators and Representatives. "We at People's Temple," he said, "have been the subject of harassment by several agencies of the U.S. Government and are rapidly reaching the point at which our patience is exhausted. . . . I can say without hesitation that we are devoted to a decision that it is better even to die than to be constantly harassed from one continent to the next."



There are further clues to the tragedy in the life histories of the people themselves.

Long before threats of suicide had appeared in letters to Congressmen, the People's Temple had helped drug addicts break their addictions, offered food and shelter to the destitute, run schools and senior-citizen centers, reformed prostitutes and found jobs for the uneducated. It helped an illiterate black woman become a nurse and a heavy drug-user become a doctor. Although the reality never matched the Temple's stated egalitarian aims, and although some racial friction always existed, blacks and whites worked together in considerable harmony.

Neva Sly remembers that, at her first visit to the Temple in 1967, "a force of love just slapped you in the face." Within a month, she and her husband had moved to Ukiah, Calif., to work full time "for the cause. It was the greatest feeling to me, that I was really giving my all to something."

"When we first joined, it was beautiful, interracial humanitarianism," Jeannie Mills, another defector, recalls. "When you walked into the church, everybody greeted you with hugs. I had never experienced this kind of love before."

"I went into this group to serve mankind by building a tightly knit utopian society which would be a model," said Grace Stoen's husband, Tim, a lawyer who was Jones's most trusted adviser until he defected in April 1977 and became his most hated traitor. "I wanted utopia so damn bad I could die. In fact, I fully expected to die. I really took to heart that verse in Ecclesiastes: 'Whatsoever thy hand findeth to do, do it with thy might.'" Mr. Stoen, then an assistant district attorney, gave the Temple his house, turned over his salary, sold his Porsche sports car, and began buying his suits at the Salvation Army.

At the center of the tragic scene, holding it all together, was Jim Jones — darkly handsome, spellbindingly loquacious and, by the evidence available to most members, committed to the ideals he espoused.

"Jim Jones was warm, friendly, outgoing," recalls Harold Cordell, who joined the "church" at the age of 18 in 1956 and stayed for 20 years. "There were outings for young people. He made young people feel they were part of something. He was meeting the needs of senior citizens. There were programs for the poor. It looked like a good thing. I saw

a place I could relate to and feel like I was a part of something. I wanted to feel I was contributing to society. I wanted to do good works."

"Jones was a master myth-maker," adds Stoen. "I've never seen anybody who could weave the tapestry of a utopian dream so beautifully."

But the tapestry never appealed to a broad constituency. In his first four months as a new member, Stoen brought some 35 lawyer friends to hear Jones speak, fully expecting each to be quickly converted, as he had been. To his surprise, not one returned a second time.

Stoen estimates that, in 10 years, somewhere between 50,000 and 100,000 people came to hear Jones speak. But, he says, despite Jones's boasts of 20,000 members, the actual membership never exceeded 3,000.

In the main, the Temple attracted two kinds of people: white, upper-middle-class idealists and uneducated, disenfranchised blacks. The latter outnumbered the former by about 4 to 1; but whites, notably white women, held most of the leadership positions. Jones once referred to

his rank-and-file members as "the refuse of America."

"I remember some black mothers would tell you they had seven sons and five were in prison," says Tim Stoen. "Nobody else had ever taken them and looked them in the eye and said, 'I love you,' which Jim would do. When I saw Jim kiss old black ladies on the cheek and their eyes would light up, I would cry, I was so touched."

In the "self-analysis" letters that Jones asked his Jonestown followers to write to him last July, feelings of guilt and worthlessness run rampant.

"Historically, I have been very insecure," wrote Tom Grubbs, the Jonestown high school principal. "Had a very strong inferiority complex all my life, felt frightfully inadequate. . . . I want to work every damn minute I'm not asleep, largely so I don't have to face my feelings of unworthiness, inadequacy, insecurity."

Agreeing to do whatever the leader asks in exchange for relief from feelings of worthlessness and guilt is a familiar pattern, says Dr. Stanley Cath, a psychiatrist and student of cults at Tufts University.

"Anyone in a group like this says, 'My God, if I'm thrown back on myself, and have to put up with what I put up with before . . .' Then he says of the leader: 'You converted me, you snapped something, you gave me the light and I didn't feel that way anymore. You stopped the pain.'"

The self-analysis letters, rich in avowals of redemption and gratitude, support Dr. Cath's thesis.

"After meeting you I found out that I didn't do anything about love," wrote Odel Blackwell to Jones, "because you are all love. ... I love you & Mother, and what you say do I will do it, because I no what ever you tell me to do, I can do it if I try."

"Jim Jones was the best friend I ever had," said Bea Orsot Grubbs, a survivor. "When I couldn't pay the rent once, he paid the rent. Nobody else ever did that, including my rich relatives."

Returning to the United States on an airplane two weeks after the massacre, Mrs. Grubbs, 52 years old, tried to explain why the year she spent in Jonestown was "the happiest of my life." "I never had the feeling of being treated different because I was a black woman," she said. "I was respected for my mind and what I could offer people as a whole. We lived in a cooperative community. We shared with each other, caring for people other than yourself. That was very fulfilling."

Last July, Mrs. Grubbs had written to Jones that "I would never betray you, no matter what. ... I shall not beg for mercy either in that last moment. I shall proudly die for a proud reason." But Mrs. Grubbs was not called upon to put her loyalty to the ultimate test. She was 150 miles away, in Georgetown to keep a dental appointment, during the mass suicides.

As Jim Jones's message of love turned gradually to one of hate and fear, Grace and Tim Stoen, Alfred Cordell, Deborah Layton Blakey, Neva Sly and others grew disillusioned. But because they were committed followers who had entrusted their identities, as well as their financial resources, to his care — who had sacrificed homes, possessions, husbands and wives to their belief in a higher calling — breaking away was a complicated, painful process.

"Once people have made the commitment," Dr. Gaylin observes, "they've invested in the truth of that decision. They become frightened to go back on it. It's terrifying to go back."

"We always blamed ourselves for things that didn't seem right," Neva Sly remembered. "I think we suffered from a lack of confidence."

Jones seemed to have an answer for everything. His end-justifies-the-means philosophy accommodated most doubts. "He had a vision in his mind of a perfect world," Tim Stoen said, that "will come about only when people destroy their own egos from within and replace them with a collective ego. And in order to get people to do that you sometimes have to play tricks. ... He may have to set you up and embarrass you: Have your spouse attack you in front of everybody so that you can think less of yourself. And after a while, because you think less of yourself, the instinct for self-preservation is more and more destroyed."

Jones dismissed protests against family separations on

the grounds that personal alliances diminish concern for the oppressed. He explained his requests for self-incriminating documents as simple tests of loyalty; tests most were willing to take. "Oh, heavens, yes, I'd totally incriminate myself on anything," Mrs. Sly remembered. "I was loyal. I was dedicated. I believed. I totally believed in this cause. Why wouldn't I go through a loyalty test?"

Mr. Stoen said he agreed to sign a paper certifying that Jones had fathered his child because "I loved the man and I thought, O.K., his reason for asking me to do so was that if I ever defect from the organization, it would cause me embarrassment."

"You didn't know how to get away," said Grace Stoen. "You didn't know where to go. You didn't know who could help you. You always thought you would be found. And there were always these threats that you would be killed."

In the beginning, Jim Jones had little trouble persuading his people to go to Jonestown. As one former communist recalls, "To me, my God, it was the greatest privilege in the world to go to Guyana. Gee whiz, to be able to work to build Paradise. Whooo!"

"Even though everyone is making good reports and making good fronts," a prophetic communist wrote last July, "we could be sliding downhill to sink." The slide would be rapid.

In the beginning, Jones had little trouble persuading his people to go to Jonestown. As Neva Sly recalls, "To me, my God, it was the greatest privilege in the world to get to go to Guyana. Gee whiz, to be able to work to build paradise! Whooo!"

Tim Stoen also remembers Jonestown with something like fondness. "Everything would run pretty happily when Jim was not around," he says of the three months he spent

there in 1977. Deborah Layton Blakey also recalls working in the fields in the summer of 1977 and thinking, "Jonestown would be nice if Jim Jones weren't here."

But Jones was there. He had arrived that June, shortly after delivering his Golden Gate Bridge suicide speech and only days before the New West magazine article he so feared was published. He fled San Francisco telling Temple members there that he would be imprisoned for life if he did not do so.

"I came here with no feeling of a future," he later told a Guyanese interviewer. "Our movement was dead. If I didn't come here, our movement was finished. We would be destroyed in the U.S.A."

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bade the communards to leave the compound without permission. Beatings, sexual humiliations, solitary confinement—all became commonplace. By last September, according to testimony of former residents, all mail into and out of Jonestown was censored by a four-member committee. Five armed guards patrolled the commune each night to prevent defections.

But it was as the only source of news in the isolated jungle compound that Jones derived his final power over men's minds. At last he was able to paint a world entirely in hues of his own choosing. For hours on end, and sometimes all night, Jones used the camp loudspeakers to amplify his nightmare vision of a "fascist, racist, imperialist" United States determined to put black people in concentration camps and to destroy Jonestown. Money his followers had spent in the United States, he told them, had financed C.I.A. killings of black babies and of socialists all over the world. He expressed admiration for Charles Manson and the kidnapers of former Italian Prime Minister Aldo Moro.

Disoriented by the isolation, by low-protein diets and little sleep, the people of Jonestown did not doubt their leader. By September 1977, the communards were starting their days by looking for mercenaries at the jungle's edge and finishing them with self-recriminations. "I feel so guilty," Carrie Langston wrote, "about the money I spent and the food and drinks. I sure didn't know I was helping to murder people."

To commit suicide as an individual, Jones would say, was terrible: You would be reborn into the world of 5,000 years ago and have to live 500 lifetimes just to get back to the 20th century. But a "revolutionary death" put one on a higher plane.

"If I could die," wrote Clifford Geig, expressing a common refrain, "I would like it to be a revolutionary death where I would take some enemies down with me. That would be the final goal of my life."

"I'll be glad to die for Communism," said Maryann Casanova. "I want to help make a world where no one has to be born in a capitalist system."

Eleven-year-old Mark Fields wrote to Jones last July that "if the capitalists came over the hill I'd just drink the poison as fast as I could do it. I wouldn't let the capitalists get me but if they did I'd indour it. I would not say a word. I'd take the pain and when I couldn't stand it anymore I'd pass out."

The attempt by Grace and Tim Stoen to regain custody of their 6-year-old son, known as John-John, hastened the denouement. Jones's rational and irrational fears came into sharp focus. By holding John-John hostage, Jones felt he could keep the Stoens quiet and punish them as well. (Mrs. Stoen says she did not take her son with her when she left the People's Temple in 1976 because she feared for his life. By the time her husband left the Temple, Jones had sent John-John to Guyana.)

In August 1977, the Stoens obtained a ruling from a California judge granting them

custody and ordering Jones's appearance in court. By then, both Jones and the boy were in Guyana where -- with the help of the affidavit Stoen had signed years before as an act of loyalty -- Jones claimed to be the boy's natural father.

In September, Jeffrey Haas, an attorney representing the Stoens, arrived in Guyana. He succeeded in obtaining a bench warrant ordering the child removed from Jonestown. According to Deborah Blakey and Charles Garry, Jones's attorney, the issuance of the bench order led Jones to issue his first threat to destroy the Jonestown commune.

Mrs. Blakey, who was manning the People's Temple radio in San Francisco at the time, remembers that she was told by Jones "to get in touch with [Deputy Prime Minister Ptolemy] Reid, who was in the United States; to call him and tell him that unless something was done in Guyana, they'd have 1,100 people dead in Jonestown. 'They were all in a big circle. Jones said: 'O.K., listen, my people are with me.' You could hear them all saying 'Yeah!' in the background. You could hear them all the way to San Francisco."

"He freaked out," recalls Charles Garry, who spoke to Jones by telephone at the time. "He said, 'This child cannot go because he'll be ruined.' He said, 'We are all so solid that if something happens to any one of us, it's happening to all of us.'"

The Guyanese did not enforce the order for the child's removal, and Jones called off his suicide threat. Later he assured Garry that it had simply been a ploy.

But according to Mrs. Blakey, who came to Jonestown three months afterward, Jones issued similar threats on two other occasions when he felt threatened and under attack: once when Guyanese officials asked that the People's Temple doctor, Laurence E. Schacht, take his internship in a Georgetown hospital and again when the Guyanese asked to place a Guyanese teacher in the Jonestown school.

"If things didn't sound exactly the way he wanted them to be," Mrs. Blakey said, "he'd call for a 'black night' -- a term Jones converted to 'white night' because he considered whites, not blacks, the enemy.

"One time, it was 3 or 4 in the morning," she said. "people had to jump out of their bunks, grab their kids and run up to the main pavilion. They took a head count. You'd give your name to this woman and the guards would go search the cabins. You stayed there 12 hours, maybe 20. He'd discuss how the mercenaries were coming. He'd throw out maybe five variables and ask what you'd rather do: Go to Africa and help the people there fight imperialism? Go to Russia? Go to Cuba? Somebody would say, 'No, no, let's stay here and fight it out to the death.' You never knew if you were going to live through it or not."

On one such night, according to Mrs. Blakey, after telling the group that the situation was hopeless, Jones told everyone to line up. They were all given small glasses containing a red liquid and told it was poison; they would be

dead in 45 minutes. After the line had passed, Jones informed them that they had been through a loyalty test. Now he knew that the communards would do as they were told.

Mrs. Blakey says she had drunk the liquid that night because "the whole pavilion was surrounded by guards. You also knew that if it was not the real thing and you said, 'No,' and lived through it, you'd have your butt kicked severely. After a while, after you continually had these 'white nights,' after you'd seen your best friends beaten up and you were estranged from your family, after a while you just wanted to be dead."

Stephan Jones, the surviving son, says he spoke out against a mass suicide during a "white night" last May. "They're going to say we're fanatics," he told the group. "It's not going to be understood. But I got shut up. I got booted down by everybody."

He reports that his mother, Marcelline Jones, also argued with Jones against a mass suicide, but only in private. "Mother would say, 'You can't kill 914 people. There are going to be people [left] alive, brain-damaged. It's going to be a horrible scene.'" But his father always countered that the only alternative was torture.

By all indications, Jones was deteriorating physically as well as mentally. Three months before the mass suicides, he asked Carlton B. Goodlett, a San Francisco physician, to come to Jonestown to examine him. Jones was a diabetic who had run a 103-degree fever for a month before the examination, Dr. Goodlett said, adding that he suspected a rare, often fatal, but treatable fungal disease (progressive coccidioidomycosis). Jones promised the physician that he would enter the hospital after Representative Ryan's visit. Others, including Odell Rhodes, who knew the signs, said Jones was an amphetamine addict.

"I told myself I was looking at a man in decay," a reporter traveling with Ryan later recounted. At one point, he said, Jones babbled almost incoherently. "Threat of extinction! I wish I wasn't born at times. I understand love and hate. They are very close. . . . I do not believe in violence. I hate power. I hate money. All I want is peace. I'm not worried about my image. If we could just stop it, stop this fighting. But if we don't, I don't know what's going to happen to 1,200 lives here."

In a matter of hours, the world found out. ■

"JONESTOWN," MICHAEL NOVAK, AMERICAN ENTERPRISE INSTITUTE,
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Jonestown: Socialism at Work

If Jonestown was a religious colony, why did it have no church, no chapel, no place of prayer? It had a day-care center, a school, a clinic. The religion of Jonestown was explicitly and unequivocally socialism, not Christianity. The cult in Jonestown was socialism. Jim Jones proclaimed mass suicide under the concept of "revolutionary suicide" and "suicide for the glory of socialism." He chose Guyana, the only socialist nation in Latin America, for his protective cover. At his death, he was negotiating with the Soviet Union for a new home for his "experiment in socialism."

The evidence is overwhelming. But "progressive" writers in the press and in the public at large have failed to identify it, preferring to shuck the blame upon "fundamentalist religion." They do not wish to face the real supply of "true believers" today. Jim Jones easily fooled left-wing, progressive politicians. By his own testimony, Jonestown even fooled eyewitness Charles A. Krause of the *Washington Post*, author of *Guyana Massacre*. Right up until the time a bullet hit his leg, Krause says, he intended to write a piece describing how much he admired the ideals of Jonestown. The religion of Jonestown—as he saw it during two days—was in all its essentials the religion of progressive politics. He was impressed.

Krause tried to win the confidence of radical lawyer Mark Lane, as Lane tried to win his, by saying that he was "open-minded." Lane tried to give him favored access. Krause was captivated by two top aides of Jones, Sarah and Richard Tropp, veteran socialists and participants in the antiwar and civil rights movement. They explained how they had always hated American society. They loved Jonestown, they told him, because there they could build the experimental socialist community they had always worked for. For the Tropps, who were Jews, and others, Jonestown demanded no Christian commitment; its doctrine was "social change."

Other liberal politicians were just as easily fooled. Governor Jerry Brown, Lieutenant Governor Dymally, Mayor Moscone, the social action director for the Council of Churches (until, finally, he awoke, on religious grounds), and many in the liberal establishment of California were deceived by the ideals and principles of Jim Jones. How could they not be? He repeated back to them the catechism of radical politics. He could fill halls with enthusiastic political supporters. He could place 2,000 campaign workers in the fields. He gave money to radical causes. He controlled several thousand bloc votes. Radical politics was his religion, and it was in the air.

Even the name he chose was instructive. His Temple was not God's Temple. It was the People's Temple. Marcelline Jones told the *New York Times* in September 1977 that her husband was a Marxist who held that religious trappings were only useful for social and economic uplift. "Jim has used religion to try to get some people out of the opiate of religion," she said. She told how he had once slammed a Bible on the floor while exclaiming, "Marcie, I've got to destroy this paper idol."

"Neither my colleagues nor I are any longer caught up in the opiate of religion," Jones wrote in his organization's magazine, *People's Forum* (January 1978). After the "socialist suicides," two of his most trusted aides were dispatched with \$500,000 to take to the Soviet embassy in Guyana.

Given a rude shock by nine hundred deaths, Krause dimly saw that he had gone to Jonestown as to a "Potemkin village," as so many "progressive" persons have gone to China, the Soviet Union, Cuba, and other socialist experiments over the years. The capacity of socialists to stage illusions for the true believers of the free world is always underestimated.

The techniques of indoctrination used at Jonestown were not original, but borrowed from those of other socialist experiments, in China, in the Soviet Union, in eastern Europe, in North Vietnam, and elsewhere. People were not permitted to emigrate. Family members were kept hostage. Egalitarianism was effectuated by force. "Socialization" was accomplished by breaking down the individual (bourgeois) ego, by public humiliation, by restricting permissible emotions. Experiments in socialism have, by now, a familiar pattern. Rhetoric which destroys the individual and exalts social consciousness clears the way for the socialization of all emotions and the surrender of individuality. The family is the main institutional defender against the collective; it must be destroyed. From being a bastion of privacy and individuality, sex must become publicly and socially administered.

The logic of socialism is anti-individualistic and leads, unless interrupted, to the submersion of the individual self. Egalitarianism is so opposed to the unequal patterns of natural gifts, to the variety and diversity of consciences, that it can only be imposed by force. Those who are attracted to socialism by its moral ideals--by a kind of religious feeling for equality and justice--find it hard to face its actual practical results. Of Jonestown, Mort Sahl said, "Socialists don't do that." The awful truth is that they do. Millions have died in our century showing that they do. In more places than Jonestown, socialism begins in mysticism and ends in terror. It is the fundamentalism of our time.

December 17, 1978

The Press and the Jonestown Suicides

Suppose that Jonestown had been governed by right-wing rhetoric, and that Jim Jones had modeled himself on Hitler instead of Lenin. Suppose that he had chosen military Chile for a location, instead of socialist Guyana. Suppose that Ronald Reagan and Barry Goldwater had been his sponsors, rather than the liberal politicians of California. Suppose that corporate officers from ITT and the Bank of America had given letters of introduction to Jim Jones, rather than progressive politicians. Would the suicides at Guyana have been treated differently by the press?

Oh, how the presses would have hummed with singing phrases about extremism on the right, about the unreason of right-wing fanatics, about the paranoid style of the right. Instead, what we learn from Jonestown is the vulnerability of the news media to deception from the left. For years, the essential facts about Jim Jones have been available. In 1972, the *San Francisco Examiner* ran four articles exposing the fraudulence at the People's Temple. *New West* magazine ran an exposé in July 1977. Deborah Layton Blakey submitted a sworn public statement, under penalty of perjury, on June 15, 1978, describing the cruel patterns of daily life in Jonestown, the concept and the ritual practices of socialist suicide, and a full 37-point indictment that has proven to be accurate in every detail.

Still, the press would not believe evil of Jim Jones or Jonestown. Why? What faith, on the part of the press, was stronger? If, as you read the eyewitness account of the *Washington Post's* Charles A. Krause, you ask yourself, "What is Mr. Krause's susceptibility?" the answer is dismaying.

Krause was skeptical about the defectors from Jonestown, but impressed by the chief aides to Jim Jones. "I was so skeptical I thought Stoen was crazy," Krause writes of Tim Stoen, a Stanford-trained lawyer among the defectors. "But the settlement itself had left a favorable impression on my mind, as had several of the Temple members who had talked to me, especially the Tropps." The Tropps "impressed me as intelligent, articulate and well-educated people," he writes. They "were prototypes of American intellectuals who had gone through the civil rights and anti-war turmoil of the '60s and '70s and were now seeking the good society they had never found at home. They were dedicated socialists with a very clear idea of what the good society meant to them. It meant Jonestown." He became friendly with them, later even kissed Sarah Tropp goodbye, and intended, even as he approached the airplane just before the shooting, to write very favorably about them.

Why? Because they believed in a religion he found compatible with his own values. Their ideals were rather like his. Their piety—"intelligent, articulate and well-educated"—was of the sort his own spirit resonated to.

The socialist suicides in Guyana were not merely mad, irrational, without meaning. On the contrary, the socialization of consciences at Jonestown had been so thorough that private will and individuality no longer had space to breathe. Jonestown was a lesson in socialist extremism. It was a cult of suffocation of the individual, even unto death.

The techniques for socializing human conscience have been well established in the twentieth century. At Jonestown, the regimen of work went from 7 A.M. until 6 P.M. six days a week, and from 7 A.M. until 2 P.M. on Sunday. Food which gives only minimal energy was served. Long public harangues—often for six hours a night, sometimes all during the night—instilled the social ideology. Public humiliation (beatings, screams, tortures) was administered for "crimes against the community," after which the punished were expected to show gratitude. No technique of the Gulag Archipelago or of the Cultural Revolution appears to have been overlooked at Jonestown.

For outside visitors, Jonestown, warned in advance, conducted a ritual theater of the happy, egalitarian, socialist republic: disciplined, happy people, dancing and eating and singing. Individuals assigned to talk to outsiders were carefully briefed about what to say and to whom. Those predisposed to believe the socialist myth found what they were looking for. The power of socialist illusions over the intellectuals of the free world affords one of the great examples of fundamentalism in recorded history.

So dramatic is the refutation of this gullibility at Jonestown that paragons of progressive politics cannot digest it all at once. They insist that Jonestown was fascist; they never say socialist. Walter Cronkite reported: "At the end, cult leader Jim Jones was described as a drug-crazed, paranoid, power-hungry fascist." In practice, socialist totalitarians and fascist totalitarians are virtually identical. But what is striking is that the press finds it hard to speak ill of one but not of the other.

After having recorded in his own account that Jonestown was a socialist experiment, Krause still tries to evade the evidence and asks Jim Jones's surviving son "if Jonestown had not been an experiment in fascism—with its armed guard and other means of preventing people from leaving—rather than an experiment in socialism." Steve Jones, too, evades the facts of socialism and says: "My father was the fascist. Jonestown was and still could be beautiful."

"Everything beautiful is socialist." Such is our most pervasive fundamentalism, the opiate of the articulate by which the Rev. Jim Jones dazzled progressives even after his death.

December 18, 1978

No Valid Escape from Freedom

The celebration of Christmas offers a perfect occasion for reflection on the socialist suicides at Jonestown, because Jim Jones offered himself to the world as a messiah. Indeed, the cult he represented, socialism, is essentially a messianic cult, diagnosing the malady that afflicts the world as "alienation" and offering a method to remove it. "We have passed beyond alienation," Jim Jones wrote from Jonestown in 1977. "We have found security and fulfillment in collectivism"—even, it was to come to pass, in collective death.

Christianity is a messianic religion, by contrast, in a way that is anti-messianic, that does not promise to remove alienation, that urges us to "take up the cross and follow" the crucified. Christmas celebrates a messiah who does not come as a messiah, but as a child born in mean poverty in a subjugated nation, "abject and despised, and the world esteemed him not" (Isaiah 53). He did not so dazzle others as to take away their liberty. He did not come as a king or general, but as a child. He did not come as blazing God, but as a man. Christmas is the festival of the anti-messianic messiah.

True religion is separated from false by several signs. True religions point beyond any created thing to the Transcendent, in whose light all dishonesties are exposed. False religion makes a god of a leader, of some created object, of some historical system. Thus, Jim Jones referred all things to himself, wishing to be the sole object of desire and power and attention. True religion does not promise to remove all alienation on earth, or to permit human beings to escape from responsibility. It judges even the secret acts of the heart, and scrutinizes every deed, promising a path to be walked in darkness and suffering, as Jesus walked. ("Life is suffering," said the Buddha.) Finally, true religion permits free egress, even apostasy, for it is an affair of conscience. False religions—or true religions corrupted—coerce.

Modern religion—whose most powerful expression is socialism—promises to remove alienation. It promises the beautiful, fulfilled society on earth. It is utopian. Martin Diamond, one of America's most brilliant political philosophers, was for six years of his life a full-time employee of the American Socialist party. He later came to recognize that the very essence of socialism is not its economics or its politics, but its messianic promise. He wrote: "Socialism had initially come to the world messianically proclaiming its unlikeness to all other parties and doctrines and promising the advent of the 'truly human' society. . . . [T]he socialist economic arrangements . . . would transform the human and generate the new human order. The

fullness of the utopian intention must be kept firmly in mind. Socialists did not intend merely to mitigate the evils of capitalism or merely to introduce some regulation and control of the economy. They intended its wholesale replacement. Socialists did not intend merely to improve international relations or to moderate the scale or frequency of war. They intended to create the universal family of mankind and to end war forever. They did not intend merely an extension of democracy and equality, but rather the transcendence of democracy and the creation of a new human order of profoundly equal and elevated mankind."

Christianity shares many of the ideals of socialism —cooperativeness, brotherhood and sisterhood, equality, responsibility for changing history. But Christianity, as the festival of Christmas shows, is not utopian. There was no room for Jesus in the inn. In Bethlehem, he was a stranger, vulnerable to Herod and to Roman rule. Infants were slaughtered in an attempt to do away with him. He himself died on the cross, the starkest symbol both of alienation and of the absurd in human history. (If God so treats his son, shall the rest of us get off more lightly?)

The God of Christianity and Judaism permits his people to wander in history in a wilderness. The sufferings, loneliness, anguish, and misery he permits them to share are fathomless. The Jewish-Christian God is no *deus ex machina*, no Pollyanna, no goody-two-shoes. He obliges each individual, in the darkness, to exert his or her own inner liberty and choice. He is the God of liberty. He exacts enormous and wearying responsibilities. He is the God of humble deeds and hidden virtues, who delights in the motions of the heart even of the most forgotten and most miserable among us, a God who sees not only external circumstance but interior life.

The God we turn to on Christmas is not a God made in our measure, nor is he a function of our needs, personal or social. He does not rescue us from our responsibilities, mistakes, or betrayals. For our ideas, we bear the consequences. He offers no escape from the toils of history, chance, and contingency. He is the Lord of the absurd, hidden from view, not understandable. He transcends our purposes and our needs.

Many cults today, political and pious, offer an easier messianism, a happier salvation, a more utopian political and social hope. The God of Jews and Christians obliges us to struggle and to suffer, even when there is no hope. There is no valid escape from freedom, even in despair; such is the anti-messianic messianism of Christmas.

December 23-24, 1978

Why Jonestown Destroyed the Family

Many commentators seem not to wish to understand how nine hundred persons could voluntarily go to their deaths at Jonestown. But Jim Jones understood well enough how to organize collective death, so the answer cannot be all that mysterious.

Beginning in September 1977, more than a year before the actual suicide, Jim Jones held late-night emergency alerts at Jonestown at least once a week. His collectivists had worked in the field six days a week from 7 A.M. until 6 P.M., had been kept awake for as long as six hours a night for public harangues, were poorly fed on rice, beans, and weak tea, and in this condition were told, week after week, that they were about to die. In sworn testimony on June 15, 1978, which the press refused to take seriously, Deborah Layton Blakey, one of Jim Jones's closest aides, testified as follows: "Life at Jonestown was so miserable and the physical pain of exhaustion was so great that . . . I had become indifferent as to whether I lived or died."

On many occasions, Jim Jones made all of his followers drink a red liquid. Sometimes he told them in advance that they were about to drink poison, sometimes he told them after they had drunk it that they would die in fifteen minutes. Thus, socialist suicide was enacted not once but many times. The early rituals, Jones explained, were a "loyalty test." "There was constant talk of death," Mrs. Blakey testified in June 1978. "In the early days of the People's Temple, general rhetoric about dying for principles was sometimes heard. In Jonestown, the concept of mass suicide for socialism arose."

Jim Jones taught the evil of individual will. He supplanted many individual wills with one socialized will. The techniques for doing this have been known since at least the time of Plato's *Republic*, although modern collectivized states have routinized the science. The first and chief obstacle that must be eliminated before individual liberty can be destroyed is the family.

This, no doubt, is why the People's Temple depended on the destruction of the family. The family is a mediating institution, a center of resistance to the collective. It is a source of noncollectivist loyalties, a protector of linked individuals, a haven of privacy, common sense, and self-determination. Through a grave weakness of political thought since Hobbes, only two poles of human reality are analyzed carefully, the individual and the state, while the family and other mediating institutions are tragically neglected. Jonestown flashes glaring light on this inadequacy.

Jim Jones subjected marriage, child-bearing, and child-rearing to collectivist controls. He imposed marriages. He forced them to dissolve. He bred different men with the same woman, different women with the same man. He instructed family members to spy upon each other. He took children from their mother, from their father, or from both. He forced women to watch their men have sexual intercourse with other women or with men. He forced men to watch their wives submit to other men or women. He placed all women and men on call to himself, so that he might be the sole legitimate and overriding object of desire. He wished to be, not only the community's one true god, but also its one true center of sexual will. He wished to destroy individualism.

In destroying family relationships, Jones "deprivatized" sexual relationships. He destroyed not only family loyalties, but sexual privacy, and—in the process—self-determination. For in reality there is a complicated mystery to human sexual relations, little understood in these days of playmatehood and popular mechanics. In ways difficult to analyze, our own freedom and identity are deeply affected by sexual communion. Sexual communion is a unique symbol of free giving and free belonging. Rape is so brutal an act because it violates this liberty, destroys this symbol of freely given friendship, and for the person raped injures it for many long years.

What appears to have motivated Jones is not solely lust, nor solely the power over women and men that sexual commerce provided him. Rather, it was the profound knowledge that to socialize sexuality was to destroy individuality. Sexual identity is a citadel of self-determination. To destroy the self in sex is to destroy the self. To destroy the family is to rob sex of its protective institution and its lovely symbol of abiding friendship. To destroy the family is to destroy a pattern of loyalties and interests potentially hostile to those of the collective. In this sense, the family—that bond of permanent friendship between a man and a woman, poignantly expressed by the communion of male and female body, and expressive of the survival of the human race through procreation—is the strongest single source of individualism. Strong families nourish strong individuals, even against the state.

Thus, Jones had to destroy the family: first, to wipe out individual will, so that into its empty place might sweep collective will; and, secondly, to break the ties of one generation to the next, and thus abort his community. Then and only then could nine hundred former individuals, in ranks of fifty, be led to fall face-down, embracing one another in collective death.

December 30, 1978

Guyana and Liberty's Results

People I know who wouldn't dream for a moment of subscribing to the notion of original sin in individuals far too easily see sin and sickness in society. They read every new event as fresh evidence that this society is sick. Crime rates prove that America is sick. The Symbionese Liberation Army and the Manson gang prove that this society is sick. The mass suicide of 909 emigres in Guyana shows that America is sick. Tom Wicker has even written that genocide in Cambodia is due to sickness here.

One would have thought that any free society would permit rather ample exhibition of sickness among human individuals. Such evidence would serve to measure the health of liberty in that society. For a free society does not accept responsibility for every pathological expression of human liberty in its own midst. It yields its freedoms not only to those whose health is certified but also, without discrimination, to all.

In an odd way, then, the suicides in Guyana are a tribute to the health of liberty in the United States. Liberty is an instrumental good. It does not, of itself, command that those under its regimen must act in such and such a manner, doing only thus and so. It does not give one answer only to the question, Liberty for what? It permits to individuals a staggering array of choices.

The members of the People's Temple who died in Jonestown did not represent the first radical utopian community upon these shores. Their stated beliefs and principles up to the time of the mass suicide were a pastiche of utopian socialism, fundamentalist religious piety, and sexual experimentation. They were free to practice—even to invent—a political life, a religion, and a sexual practice of their own. For the most part, apparently, they were law-abiding, good, well-meaning persons, manifesting evidences of idealism.

Such people might a form of communal life they felt could be better practiced in the outlands of Guyana than here. Their leader, Jim Jones, going mad, apparently had plans for a community that could not survive the scrutiny of the free institutions of the United States. Far from the press, far from congressional committees, far from public supervision of any sort, he obscurely felt, practices could be developed that a free society would judge as less than free. Indeed, the extension of the institutions of a free society into his midst triggered the final madness. Better death, he seems to have concluded, than the argument, scrutiny, and criticism of a free society.

Had the disaster occurred within the continental United States, under

the sway of our free institutions, even that mass suicide would have been a mad, erroneous, but clear tribute to liberty. So long as institutions do not harm others or the basic practices of liberty, such institutions are permitted to grow here. For generations, serious thinkers argued that no democracy could survive the madnesses harbored in the human breast. Popular excesses would destroy democracies, such thinkers believed: The noble experiment conducted on these shores for some two hundred years has proved this pessimism wrong.

Yet the price we pay for our liberties is high. Each of us is assaulted, night and day, by conduct and ideas we feel instinctively "there should be a law against"—conduct and ideas we find corrupt, unfree, destructive, dangerous. Still, our institutions properly instruct us to be tolerant, to live and to let live, to concentrate upon our own moral visions, without undue efforts to force others to conform to ours. We suffer many fools, much madness, and an uncommon fund of criminality.

A free society is not a society in which every person is healthy and good (according to one vision of health and moral goodness). It is a society in which competing visions clash, in which individuals find their own way through countless mazes, in which confusions multiply and insecurities abound, in which the experiences of nothingness and alienation and loneliness are, for many, daily bread. But these are signs of health. These are the necessary accompaniments of liberty on earth.

Liberty means, in practice, the right to sin, the right to err, the right to do what is (in the eyes of others) corrupt and even self-destructive. Liberty does not make humans good. It permits what humans are to express itself and to become visible. That is why free societies must, necessarily, seem shocking. That is why they must seem to those brought up under more severe traditions scandalous, of flagrant wickedness. For what individuals in their liberty decide to do with their lives cannot reasonably be expected to be in all cases saintly, good, enlightened, or even reasonable.

The power of goodness and reason in individual human lives has always been weaker than optimists have longed for. Yet, given the powerful support of traditions, rituals, and institutions that try to teach, instruct, and strengthen enlightenment and moral goodness, individuals in a free society do give evidence of an astonishing degree of goodness and reason. "In political life, one should expect," Aristotle taught, "only a tincture of virtue." Our institutions have trained us to strive for more than a tincture of virtue. Many attain it. Yet precisely because our institutions are free, they also permit us to see the worst that liberty can lead to, even the horrors.

December 9, 1978

**"PORTIONS OF A TRANSCRIPT OF TAPE FROM JONESTOWN,"
NEW YORK TIMES, MARCH 15, 1979**

Following are excerpts from a transcript of a tape recording obtained by The New York Times from the International Home Video Club Inc. of New York. It purports to be a recording of the final 43 minutes of the mass deaths at Jonestown, Guyana, last Nov. 18 in which the followers of the Rev. Jim Jones died. Sources who are familiar with investigations of the People's Temple have indicated that the contents of this tape are identical with portions of the Government-held tape that have been disclosed over the last few months.

JONES: I've tried my best to give you a good life.

In spite of all that I've tried, a handful of our people, with their lies, have made our life impossible. There's no way to detach ourself from what's happened today.

Not only are we in a compound situation; not only are there those who have left and committed the betrayal of the century; some have stolen children from others and they are in pursuit right now to kill them, because they stole their children. And we are sitting here waiting on a powder keg. I don't think this is what we want to do with our babies. I don't think that's what we had in mind to do with our babies. It was said by the greatest of prophets from time immemorial: no man takes my life from me, I lay my life down.

So, to sit here and wait for the catastrophe that's going to happen on that airplane — it's going to be a catastrophe. It almost happened here. Almost happened when the Congressman was nearly killed here. You can't steal people's children. You can't take off with people's children without expecting a violent reaction. And that's not so unfamiliar to us, either, even if we — even if we were Judeo-Christian — if we weren't Communists, The world opinion suffers violence and the violent shall take it by force. If we can't live in peace then let's die in peace. [Applause.]

We've been so betrayed. We have been so terribly betrayed. [Music and singing.]

But we've tried. And as Jack Dean Maufin said — I don't know where he's at right this moment — hi, Jack — he said if this only worked one day, it was worthwhile. [Applause.] Thank you.

Predicted Downing of Plane

What's going to happen here in a matter of a few minutes is that one of those people on that plane is going to shoot the pilot — I know that. I didn't plan it, but I know it's going to happen. They're gonna shoot that pilot and down comes that plane into the jungle. And we had better not have any of our children left when it's over. Because they'll parachute in here on us.

I'm going to be just as plain as I know how to tell you. I've never lied to you. I never have lied to you. I know that's what's gonna happen. That's what he intends to do; and he will do it. He'll do it.

What's with being so bewildered with many, many pressures on my brain seeing all people behave so treasonous — there was just too much for me to put together. But I now know what he was telling me. And it'll happen. If the plane gets in the air even.

So my opinion is that you be kind to children, and be kind to seniors, and take the potion like they used to take in Ancient Greece, and step over quietly; because we are not committing suicide — it's a revolutionary act. We can't go back; they won't leave us alone. They're now going back to tell more lies, which means more Congressmen. And there's no way, no way we can survive.

Anybody. Anyone that has any dissenting opinion, please speak. Yes. You can have an opportunity, but if the children are left, we're going to have them butchered. We can make a strike, but we'll be striking against people that we don't want to strike against. We'd like to get the people who caused this stuff; and some — if some people here are

prepared and know how to do that, to go in town and get Timothy Stone, but there's no plane. There's no plane. You can't catch a plane in time.

He's responsible for it. He brought these people to us. He and Deanna Myrtle. The people in San Francisco will not — not be idle. Or would they? They'll not take our death in vain, you know. Yes.

WOMAN: Is it too late for Russia?

Too Late for Russia

JONES: At this point, it's too late for Russia. They killed. They started to kill. That's why it makes it too late for Russia. Otherwise, I'd say, yes, sir, you bet your life. But it's too late. I can't control these people. They're out there. They've gone with the guns. And it's too late. And once we kill anybody — at least, that's the way I've always — I've always put my lot with you. If one of my people do something, that's me.

And they say I don't have to take the blame for this — but I don't live that way. They said, deliver up Ejar; we tried to get the man back here. Ejar, whose mother's been lying on him, and lying on him, and trying to break up this family. And they've all agreed to kill us by any means necessary. Do you think I'm going to deliver them Ejar? Not on your life.

MAN: I know a way to find Stone if it'll help us.

JONES: No. You're not going. You're not going. You're not going. I can't live that way. I cannot live that way. I've lived with — for all; I'll die for all. [Applause.]

I've been living on hope for a long time, Christine and I appreciate — you've always been a very good agitator. I like agitation, because you have to see two sides of one issue — two sides of a question.

But what those people are gonna get done; and what they get through will make our lives worse than hell. Will make us — will make the rest of us not accept it. When they get through lying.

They posed so many lies between there and that truck that we are — we are done in as far as any other alternative.

WOMAN: Well, I say let's make an air — airlift to Russia. That's what I say. I don't think nothing is impossible, if you believe it.

JONES: How are we going to do that? How are you going to airlift to Russia?

WOMAN: Well, I thought they said if we got in an emergency, they gave you a code to let them know.

Death Not Fearful

JONES: No, they didn't. They gave us a code that they'd let us know on that issue; not us create an issue for them. They said that we — if they saw the country coming down they'd give us a code. They'd give us a code. We can check on that and see if it's on the code. Did you check with Russia to see if they'll take us in a minute but otherwise we die?

I don't know what else to say to these people. But to me death is not a fearful thing. It's living that's cursed. I have never, never, never, never seen anything like this before in my life. I've never seen people take the law and do — in their own hands and provoke us and try to purposely agitate mother of children. There is no need to finish us; it's not worth living like this. Not worth living like this.

"COPY OF JONESTOWN TAPE REVEALS HOW JONES PERSUADED 900 TO DIE, NEW YORK TIMES, MARCH 15, 1979

By JOSEPH B. TREASTER

In an apparently complete copy of the tape recording made as more than 900 persons died at Jonestown, Guyana, last Nov. 18, the Rev. Jim Jones is heard exhorting his followers to poison themselves.

"You'll regret it if you don't," he says fervently and beseechingly, because Guyanese paratroopers are on the way to torture and murder the comrades, he says.

The copy of the tape, which has been withheld by the governments of Guyana and the United States, runs 43 minutes, suggesting that the deaths occurred in much less time than the earlier estimates of several hours. The tape matches almost exactly the length of the tape that the two governments have refused to release, and persons who are familiar with

Excerpts from tape, page B8.

Investigations of the Jonestown deaths have indicated that the contents of the tape obtained by The New York Times are identical to material from the Government-held tape that has been disclosed at various times in the last several months.

The tape begins with the avuncular voice of Mr. Jones and ends with a faint cry, a sigh and then nothing more than the soft, recorded chords of an organ and a funeral choir.

The eerie chronicle of one of the largest mass deaths in history runs out with no sound of the gunshots that reportedly killed Mr. Jones, his personal nurse and a still unidentified man.

The tape was made available to The New York Times by Beau Buchanan of the International Home Video Club, Inc.,

at 237 West 54th St., who said he obtained it from "someone who was in Guyana" shortly after the deaths last fall and "didn't know what to do with it."

Mr. Buchanan said he plans to begin selling phonograph records and tape cassette copies of the final evening at Jonestown in the next 10 days for \$9.95 each. He said he decided to turn the tape over to The Times after a brief segment, obtained through another source, was broadcast yesterday morning on the National Broadcasting Company's Today show.

Less than 24 hours earlier, Michael Prokes, a principal aide to Mr. Jones, shot himself to death after walking out of a news conference he had called to protest the withholding of the tape by authorities. Mr. Prokes had said that, as the others were dying, he was sent out of Jonestown with a suitcase containing more than \$500,000 intended for the Soviet Embassy in Guyana.

A spokesman for the Federal Bureau of Investigation and Christopher Nascimbeno, Guyana's Minister of State in the office of the Prime Minister, said both governments had refused to make the tape public because of "investigations in progress."

'A Delicate Political Matter'

Last December senior government officials in Georgetown said they had hoped to play the tape for a coroner's jury but had been denied permission "because it's a very delicate political matter."

Before he shot himself, Mr. Prokes contended that the tape would show that cult members had not been coerced into dying.

From the beginning of the tape, however, Mr. Jones insists to his followers that torture and death are inevitable and that the only dignified solution for them is to take their own lives.

At least twice he calls himself a prophet, saying at one point, "Christian life without me has no meaning."

"This is a revolutionary suicide," he says at another juncture, "this is not a self-destructive suicide."

He talks about reincarnation and a better life awaiting "on the other side," adding, "If you knew what was on the other side, you'd be glad to be stepping over tonight."

Bursts of Temper

Several times, his strikingly calm demeanor is disrupted with bursts of temper. "Adults, adults," he screams well into the ceremony, "I call on you to stop this nonsense. I call on you to quit exciting your children when all they're doing is going to a quiet rest. Quit telling them they're dying. All they're doing is taking a drink they take to go to sleep. That's what death is: sleep."

What the tape seems to show most clearly, through the chilling cries and moans, the bursts of applause and cheering, and the screams of dying children, is a man gone mad.

"I've tried my best to give you a good life," Mr. Jones says in the first words on the tape. "In spite of all that I've tried, a handful of our people, with their lies, have made our life impossible. . . . We're sitting on a powder keg. . . . If we can't live in peace, then let's die in peace. We've been betrayed, so, terribly betrayed."

**"TAPE HINTS EARLY DECISION BY JONES ON MASS SUICIDE,"
BALTIMORE SUN, MARCH 15, 1979**

New York (AP)—A tape recording that NBC says was made during the last moments of the People's Temple commune indicates the Rev. Jim Jones had decided on mass suicide before he learned a plan to kill all members of a visiting congressman's party had gone awry.

After the cult leader learned the congressman had been killed on the ground—not in the air as planned—the tape indicates he urged others to "get moving, get moving, get moving" with the "medication" which would kill them in a mass poisoning.

More than 900 persons died the weekend of November 18 and 19 in a mass suicide-murder at the cult's agricultural colony in Guyana, most from drinking a fruit-flavored drink laced with cyanide.

Yesterday, NBC-TV broadcast on its "Today" show 4 minutes excerpted from a 43-minute tape recording it said Robert Hager, an NBC News correspondent, obtained from sources close to an investigation of the tragedy.

The mass deaths occurred after Representative Leo J. Ryan (D., Calif.) and

several others had visited the settlement, Jonestown, to investigate charges of coercion. Survivors have said there was a plan to sabotage Mr. Ryan's flight home by causing a crash in which all in his party would die.

As things worked out, though, the party was attacked on the ground Saturday, November 18. Mr. Ryan and four others, among them an NBC newsman and an NBC cameraman, were killed by gunfire at the airstrip, but several others survived.

In obtaining the tape, Mr. Hager had to agree to not disclose how he got it, and to only make public four minutes from it, NBC said.

The transcript of the tape reads:

"Jones: 'What's going to happen here in a matter of a few minutes is that one of a few on that plane is gonna . . . gonna shoot the pilot. I know that. I didn't plan it but I know it's gonna happen. They're gonna shoot that pilot and down comes the plane into the jungle. And we had better not have any of our children left

when it's over cause they'll parachute in here on us.

... So, my opinion is that we'd be kind to children and be kind to seniors and take the potion, like they used to take in ancient Greece and step over quietly, because we are not committing suicide. It's a revolutionary act.'

"Woman (identified as Christine Miller): 'I feel like that as long as there's life, there's hope. There's hope. That's my feeling.'

"Jones: 'Well, someday everybody dies. Someplace that hope runs out 'cause everybody dies.'

"Crowd noise: 'That's right, that's right!'

"Christine Miller: 'I said I'm afraid to die.'

"Jones: 'I don't think you are. I don't think you are.'

"Christine Miller: 'But, uh, I look at all the babies and I think they deserve to live.'

"Jones: 'I agree.'

"Christine Miller: 'Yunno.'

"Jones: 'But also they deserve much more. They deserve peace.'

(Noises of approval can be heard from crowd)

"Unidentified man: 'It's over sister, it's over. We've made that day, we made a beautiful day. And let's make it a beautiful day.'

(Again, crowd shouts approval)

"Unidentified woman (sobbing): 'We're all ready to go. If you tell us we have to give our lives now, we're ready.'

(Crowd shouts approval)

"Another unidentified woman: 'So we might as well end it now, because I don't...'

"Jones: (interrupting): 'Keeping talking, the congressman has been murdered . . . the congressman's dead. Please get us some medication. It's simple. It's simple, there's no convulsions with it, it's just simple. Just please get it before it's too late. The GDF (Guyanese Army) will be here. I tell you, get moving, get moving, get moving.' . . . How many are dead? Aw, God Almighty, God Almighty. . . . It's too late, the congressman's dead. The congressman's aide's dead. Many of our traitors are dead. They're all layin' out there dead.'

"Nurse: 'You have to move, and the people that are standing there in the aisle, go stay in the radio room yard. So everybody get behind the table and back this way, O.K.? There's nothing to worry about. So everybody keep calm, and try to keep your children calm. And the older children are to help lead the little children and reassure them. They aren't crying from pain. It's just a little bitter tasting but that's . . . they're not crying out of any pain.'

"Another unidentified woman: 'I just wanta say something to everyone that I see that is standing around and, uh, crying. This is nothing to cry about. This is something we could all rejoice about. We could be happy about this.'

• • •
 "Jones: 'Please, for God's sake let's get on with it. We've lived. . . . Let's just be done with it, let's be done with the agony of it.'

(Noise, confusion and applause)

' . . . Let's get calm, let's get calm.'

(Screams in background)

'I don't know who fired the shot, I don't know who killed the congressman. But as far as I'm concerned, I killed him. You understand what I'm saying? I killed him. He had no business coming. I told him not to come.

' . . . Die with respect. Die with a degree of dignity. Lay down your life with dignity. Don't lay down with tears and agony. Stop this hysterics. This is not the way for people who are socialistic communists to die. No way for us to die. We must die with some dignity.

' . . . Children, it's just something to put you to rest. O, God!'

(More crying in background)

' . . . I tell you, I don't care how many screams you hear, I don't care how many anguished cries, death is a million times preferable to 10 more days of this life.

' . . . If you'll quit telling them they're dying. If you adults will stop this nonsense. I call on you to quit exciting your children when all they're doing is going to a quiet rest.

' . . . All they're doing is taking a drink they take to go to sleep. That's what death is, sleep.'

' . . . Take our life from us. We laid it down. We got tired. We didn't commit suicide. We committed an act of revolutionary suicide protesting the conditions of an inhuman world.'

(No more talking on tape, just noise of music from speakers at Jonestown, going on for another several minutes.)

**"JONES AIDE DIES AFTER SHOOTING HIMSELF," THE BALTIMORE
SUN, MARCH 15, 1979**

Modesto, Calif (AP)—"I guess he finally made the decision he couldn't make in Guyana," said a reporter who talked with Michael Prokes moments before the former Peoples Temple spokesman killed himself.

Kent Pierce, bureau chief in Stockton, Calif., for KCRA-TV in Sacramento, who had worked with Mr. Prokes, was among those at a news conference that Mr. Prokes had called Tuesday night at a motel in Modesto, his hometown.

At the end of the news conference Mr. Prokes, 31, walked into a bathroom, closed the door, turned on the water and shot himself. He died at a hospital several hours later.

Other reporters surmised that Mr. Prokes might have felt guilty being alive when his Peoples Temple friends were dead.

"He was one of the few survivors of Guyana. He lost his adopted son there and he lost most of the people he knew," said Richard Ibarra, of KOVR-TV in Stockton, who was at the news conference. Mr. Prokes's wife, Carolyn, was also among the victims.

A suicide note found in the bathroom said Mr. Prokes was not depressed over the Jonestown tragedy.

It added, "If my death doesn't prompt another book about the end of Jonestown, it wasn't worth living."

Mr. Prokes had called the news conference to charge that the Federal Bureau of Investigation and the Central Intelligence Agency were withholding a tape recording of the final moments in Jonestown that he said would show the cult members were not coerced into dying.

Ironically, a transcript of a tape made public by NBC News has Mr. Jones exhorting his followers to "take the potion . . . and step over quietly."

Several of the reporters present when Mr. Prokes shot himself had worked with him when he was a TV reporter and cameraman in Stockton for KXTV, a Sacramento station. It was as a reporter that he met Mr. Jones in 1972, later joining the church.

Mr. Prokes became the Peoples Temple's chief press spokesman. He was one of 80 temple members in Guyana to survive last November 18 when more than 900 persons perished in a murder-suicide ritual after Representative Leo J. Ryan (D., Calif.) and four other Americans were killed in an ambush near the jungle commune.

"HURRY MY CHILDREN, HURRY" NATION, MARCH 26, 1979

A recording reveals the death throes of the Jim Jones cult

First had come the numbing photos: nearly 900 colorfully clad bodies clustered near a vat of poison. Next, the anguished accounts of the bewildering tragedy by its few survivors. Last week, nearly four months after they had occurred, the mass deaths at Jonestown in the remoteness of Guyana's jungles took on a new and far more personal dimension. Americans sat in their living rooms and heard the actual sounds of the Peoples Temple dying.

In an incredible aftermath to a bizarre event, NBC television broadcast a tape recording of the Rev. Jim Jones' pleading with his followers to "die in dignity" by sipping a cyanide-laced drink. A few of the cultists protested. Some women screamed. Children cried. Armed guards took up positions around the camp to keep anyone from escaping. Other cultists, assembled around their leader's wicker-chair throne in an open hall, applauded as Jones implored in a high-pitched, agitated voice: "Please, for God's sake, let's get on with it."

Someone in the schizophrenic California-based cult, which hacked a spare living out of the Guyana soil while banking millions in secret Swiss accounts, had recorded the final 43 minutes of the colony's existence. The tape was found by a U.S. consular employee in Guyana and turned over to the FBI. Guyanese officials were given a copy. While both Guyana and the U.S. Justice Department refused to release the tape, copies somehow proliferated. The one obtained by TIME last week discloses that Jones' death decree was met with stubborn resistance as well as fatal acquiescence.

Jones had called his followers together after a two-day visit by California Congressman Leo Ryan. The Temple leader was outraged by the fact that a score of the cultists had asked Ryan to help them escape the colony. Ryan's party and the

defectors had left Jonestown to fly home from a nearby airstrip. Jones knew of a plot by his group to shoot the pilot of one of the visitors' two planes. He was not aware, at first, that Ryan and four others in the party had already been ambushed and slain at the airfield.

Jones: We are sitting here, waiting on a powder keg. To sit here and wait for the catastrophe that's going to happen on that airplane—it's going to be a catastrophe. It almost happened here when the Congressman was nearly killed here. [A cultist had attacked Ryan with a knife.] You can't take off with people's children without expecting a violent reaction. [Some of the defectors were children whose parents had split on whether to flee or stay.] We've been so terribly betrayed.

What's going to happen here in a matter of a few minutes is that one of those people on the plane is going to shoot the pilot. I know that. I didn't plan it, but I know it's going to happen. And we better not have any of our children left when it's over. Because they'll parachute in here on us. [He feared the Guyanese army would retaliate.] So you be kind to the children and be kind to seniors, and take the potion like they used to take in ancient Greece, and step over quietly, because we are not committing suicide—it's a revolutionary act.

Cultist Christine Miller: Is it too late for Russia? [The colony had considered fleeing to Russia if life became too difficult in Guyana.]

Jones: It's too late. I can't control these people. They've gone with the guns. And it's too late.

Miller: Well, I say let's make an airlift to Russia. I don't think nothing is impossible, if you believe it.

Jones: How are we going to do that? How are you going to airlift to Russia?

Miller: Well, I thought they said if we got in an emergency, they gave you a code to let them know.

Jones: No, they didn't. [Apparently to pacify the woman, Jones said he would try to check with the Russians, but doubted it would help.] To me death is not a fearful thing. It's living that's cursed. It's not worth living like this.

Miller: I think that there were too few who left for 1,200 people to give their lives for those people that left.

Jones: Do you know how many left?

Miller: Oh, 20-odd. That's small compared to what's here.

Jones: 20-odd. But what's gonna happen when they don't leave? When they get on the plane and the plane goes down? That plane'll come out of the air. There's no way you fly a plane without a pilot. You think Russia's gonna want us with all this stigma? We had some value, but now we don't have any value.

Miller: Well, I don't see it like that. I mean, I feel like that as long as there's life there's hope.

Jones: Well, everybody dies. I haven't seen anybody yet didn't die. And I like to choose my own kind of death for a change. I'm tired of being tormented to hell. Tired of it. [Applause.]

Miller: But I look at all the babies and I think they deserve to live.

Jones: But don't they deserve much more? They deserve peace.

Miller: I think we all have a right to our own destiny as individuals. And I have a right to choose mine, and everybody else has a right to choose theirs.

Jones: The best testimony we can make is to leave this goddam world. [After applause, more argument breaks out in the crowd. Jones' voice, remarkably controlled, begins to rise.] Everybody hold it! Hold it! Hold it! Lay down your burdens. Down by the riverside. Shall we lay them down here by the side of Guyana? When they start parachuting out of the air, they'll shoot some of our innocent babies. Can you let them take your child?

Voices: No! No! No!

Man: I'm ready to go. If you tell us we have to give our lives now, we're ready; all the rest of the sisters and brothers are with me.

Jones: I've tried to keep this thing from happening. But I now see it's the will of sovereign Being that we lay down our lives in protest against what's been done. If they come after our children, and we give them our children, then our children will suffer forever. [Cultists returning from the airstrip tell Jones that Congressman Ryan has been killed.]

Jones: Please get us some medication. It's simple, there's no convulsions with it. Just, please get it. Before it's too late. The G.D.F. [Guyanese army] will be here. Get movin', get movin'. Don't be afraid to die. Are you going to separate yourself from whoever shot the Congressman? I don't know who shot him.

Voices: No! No! No!

Jones: How many are dead? [One of the airstrip party reports that others were killed.] Aw, God, Almighty God. It's too late. They're all laying out there dead. Please, can we hasten our medication?

Woman: O.K. There's nothing to worry about. Everybody keep calm and try and keep your children calm. Let the little children in and reassure them. [The children are given the poison first.] They're not crying from pain; it's just a little bitter-tasting.

Jones: It's hard only at first. Living is much, much more difficult. Raising in the morning and not knowing what the night's bringing.

Woman: This is nothing to cry about. This is something we could all rejoice about. I'm looking at so many people crying. I wish you would not cry. [Applause.]

Jones: Please, for God's sake, let's get on with it. We've lived as no other people lived and loved. We've had as much of this world as you're gonna get. Let's just be done with it. I want to see you go. They can take me and do what they want, whatever they want to do. I don't want to see you go through this hell no more. No more.

Man: The way the children are laying there now, I'd rather see them lay like that than to see them have to die like the Jews did, which was pitiful. Like Dad [the cultists called Jones "Dad"] said, when they come in, they're going to massacre our children. And the ones that they take capture, they're gonna just let them grow up and be dummies. And not grow up to be a person like the one and only Jim Jones. [Applause.]

Jones: Let's get gone. Let's get gone. We tried to find a new beginning. But it's too late. I don't know who killed the Congressman. But as far as I'm concerned I killed him. He had no business coming. I told him not to come.

Lay down your life with dignity. Don't lay down with tears and agony. It's just stepping over into another plane. [Crying and screaming in background.] Stop this hysterics. This is not the way for people who are socialistic Communists to die. Children, it's just something to put you to rest. Oh, God. [Continued crying.]

Mother, mother, please. Don't do this. Lay down your life with your child. Free at last. Keep your emotions down. Children, it will not hurt. If you be quiet. [Music in background. Children still crying.] I don't care how many screams you hear; death is a million times preferable to spend more days in this life. If you knew what was ahead of you, you'd be glad to be stepping over tonight.

I call on you to quit exciting your children. Stop this nonsense. Hurry, my children, hurry. Quickly. Quickly. Quickly. No more pain. No more pain. All they do is take a drink to go to sleep. That's what death is, sleep. Have trust. You have to step across. This world was not our home.

The tape ends in a long period of silence broken only by mournful music that is made more eerie as the tape recorder's batteries seem to run down. The sound stops before the crack of the pistol shot that killed Jim Jones, presumably fired by his own hand. ■

Following the Flock

He had called the press conference, he said, to charge that the U.S. Government was withholding a tape recording that would show that no one had coerced the members of the Peoples Temple colony in Guyana into killing themselves. On the contrary, contended Michael Prokes, 32, who had been one of Jim Jones's top aides, the tape would prove that "they chose to die because it was an act of courage and a commitment to their beliefs."

Eight newsmen crowded into the motel room in Modesto, Calif., to hear Prokes read his statement. A former TV reporter, he had gone to Guyana with Jones in August 1977. Prokes had fled Jonestown just before the mass deaths. While carrying some \$500,000 of the Temple's cash through the jungle, he and two others were arrested by Guyana police. They claimed they had been ordered by Jones to deliver the money to the Soviet embassy in Georgetown. Released by Guyana officials, Prokes had returned to California.

At his press conference, Prokes spoke for 25 minutes, defending Jones and insisting that the tape would show that the followers had gone serenely to their deaths. Then he walked into an adjoining bathroom, closed the door, placed a Smith & Wesson .38 against his right temple and killed himself.

Next day, when NBC-TV broadcast portions of the tape, it became clear that the mass suicides were not entirely voluntary. If Prokes had known that the tapes were about to become public, said his tearful mother, "he would, at the least, have waited" before joining his fellow cultists in death.

"REVEREND JONES ACCUSED OF COERCION," NEW YORK TIMES,
APRIL 12, 1979

SAN FRANCISCO (AP)

— Peoples Temple leader Rev. Jim Jones is using intimidation and coercion to keep followers on his agricultural religious center in Guyana, a group of parents and relatives of Temple members says.

"It is our belief that they do not know the full Peoples Temple story and have been prejudiced against their families," the group said, referring to the estimated 1,000 persons in Guyana.

The group accused Jones of using physical intimidation, psychological coercion and other steps to help keep followers in Guyana.

Twelve persons who said they had children or relatives living at Jones' jungle encampment attempted to present "demands for relief" to local Temple officials Tuesday, but gave it to a young man guarding the gated grounds at the rear of the church after they found the building locked.

In the petition, the group said it is "bewildered and frightened by circumstances apparently set up by the Rev. Jim Jones that have torn the very fabric of our families' lives."

Led by Tim Stoen, a former church member and onetime assistant district attorney in San Francisco and Mendocino counties, and Steve Katsaris, a Ukiah educator, the group asked that their relatives be allowed home for a one-week visit.

The relatives said they would provide round trip air fare "and not interfere with their return to Guyana at the end of the family visit should they so choose."

"REAL STORY BEHIND THE 900 GUYANA SUICIDES," JEANNE MILLS,
NATIONAL ENQUIRER, APRIL 17, 1979

Ever since the shocking tragedy in Guyana, when more than 900 people slavishly followed madman Jim Jones to their deaths, the world has wondered — what made them do it? Here, exclusively in The ENQUIRER, is the untold story of how cult members were beaten, humiliated and degraded so completely that they were willing to commit murder and suicide at Jones' command. Al and Jeannie Mills lived under Jones' evil spell for six years, and Jeannie has written a chilling account of how the self-proclaimed Peoples Temple "God" bent his followers to his satanic will. In this first installment from her new book, "Six Years With God," Mills recounts a vicious, ghastly prank Jones pulled three years before Jonestown — telling his congregation that he'd poisoned their wine, and they would all die within minutes.

By JEANNIE MILLS

Jim Jones' eyes slowly scanned the people seated in the room. He announced in a matter-of-fact voice, "Now that you have all finished your wine, I have something to say to you. The wine you just drank has a slow-acting poison in it.

"Within 45 minutes each of you will begin to get very sick, and soon after that you will die. I have drunk the same wine and I will die with you."

I glanced around the room to see how the other Temple members were reacting.

Patty Cartmell was the first to break and run for the door, and the guards grabbed her. They brought her back to the front of the room.

"Where were you going, Patty?" Jim asked innocently.

"I'm sorry, Father, but I don't want to die. I know I've always told you I was willing to get out of here right now. Patty was fighting off the guards who were attempting to hold her. At a nod from Jim, another guard stepped forward with a rifle and shot her in the arm. She fell down and was quickly carried out of the room.

"Are there any other traitors in here who want to try to get to a doctor?" Jim taunted.

No one moved. He had produced the desired effect. Fear was on every face. Jim had always said that people could be ruled by fear, and now he had proved it to himself. Forty-five minutes passed, and Jim finally announced that it had only been a test. Patty was returned to the room. The guard had shot her with a blank.

"I have tested you all tonight. I know now which of you can be trusted and which of you cannot. We will never mention this night to anyone, Patty. I hope you've learned a lesson about yourself. You are still enamored with life, and until you are so tired of living that you want to die, you can never be trusted to do great things for this cause."

That was 1976. Even then I wanted to leave the Peoples Temple, but it wasn't that easy. Once in it, it was tough to get out. People on the outside don't understand. They can't. Maybe this formal letter we prepared on Oct. 10, 1976, after we did break from the Temple will help you understand a little. It was addressed:

**"TO WHOM IT
MAY CONCERN:**

"This document and supporting papers are prepared in evidence against Pastor James W. Jones (a.k.a. Jim V. Jones), pastor of Peoples Temple Christian Church of the Disciples of Christ Denomination.

"We, Al J. Mills and Jeannie Mills, formerly known as Elmer J. Mertle and Deanna M. Mertle, were members of this group from November 2, 1969, until October 16, 1975. Five of our children were also members of the church during that time period: Steve, Linda, Diana, Eddie and Daphene. Linda Mertle is currently still a member of the church.

"Because of many of the documents we were forced to write and sign, under threat of punishment or humiliation, we have had to legally change our names. We changed our names because we had signed blank sheets of paper which could be used for any imaginable purpose, signed power of attorney papers, and written and signed many unusual and incriminating statements, all of which were untrue. These statements include statements that we had molested our own children; statements that we had asked Pastor Jones to have sexual intercourse with us; statements that we had conspired to do

harm to the President; statements that we were communists; statements indicating that we were unfit parents; blank statements, and a host of other statements.

"The scope and number of these papers are impossible to imagine. We had to sign different statements whenever Pastor Jones felt that it was necessary to 'protect himself' by having more incriminating statements against us.

"After we left this church, Eugene Chalkin, attorney-at-law, member of the board of this church, took one of these letters which had been signed 'Mert' (nickname for Elmer Mertle) and showed it to a Mr. Johnson (not a member of the group), father of Nichol Johnson, a foster child who has lived with us for five years and still lives with us.

"This letter had been written by Elmer Mertle (Al Mills) at the insistence of Jim Jones and stated that 'Mert' had molested his children and was an unfit parent. Mr. Johnson asked Nichol about this letter. She assured him it was untrue and that all members of Peoples Temple had had to write similar letters at the insistence of Jim Jones.

"It is a common practice in the Peoples Temple Church to have people write things and for them to notarize it afterward without the consent or knowledge of the person who has written the statement. It is also a common practice in the Peoples Temple Church to notarize statements that are unsigned and then have someone forge the signature of another person. In evidence of this practice we have included notarized statements like this that could be used to take children out of the country without their parents' consent.

"This minister, Pastor Jim Jones, has a strange power over his members. The power is fear, guilt and extreme fatigue. While we were in it we did many strange things. We each had to admit that we were homosexual or lesbians. We were forced to stop all sexual activities with our marriage partners. Pastor Jim Jones claimed that he was the only person who knew how to love, and frequently had the women and men he had had sexual relations with stand up and testify to what an excellent lover he was. We had to participate in humiliating and often painful punishments for various things that Pastor Jones felt were 'bad.'

"Some of the punishments were boxing matches (unevenly matched by Pastor Jones), beatings, strappings, humiliating people by making them take off their clothes in front of the members of the church, making young and old alike stand for six to eight hours during a meeting, giving them medications that made them appear to 'drop dead' as a lesson to others (to be 'resurrected' later by Jim Jones' 'metaphysical' power). There were 'purification' meetings where one person would be brought 'on the floor' for all the people in the church to humiliate and embarrass.

"These disciplines were for such minor things as forgetting to call Jim Jones 'Father' or for talking about the church to an 'outsider' or for losing secret church papers, for giving a piece of candy to one child and not to another, and other trivial things.

"The beatings were indeed very brutal. They used large people such as Jack Beam and Ruby Carroll, both of whom weigh about 200 pounds. Many times the beatings would be done on children 4 and 5 years old. The board they used was three-quarters of an inch thick and about 2½ feet long. Children were beaten the number of times decided by Pastor Jones, often as many as 150 times. During the beating, Jim Jones would demand that a microphone be held to the child's mouth so that the audience could hear the groans of pain.

"The microphone was unnecessary as the screams could be heard throughout the entire building. After the beating the child or adult would be held up and forced to say, 'Thank you, Father.' If they didn't say this, they would be beaten again. During these brutal punishments, guards would be stationed around Jim Jones in case he became overcome with anger — to keep him from personally attacking the person. One person, Pauline Groot, was not protected quickly enough, and Jim Jones had to be pulled away from choking her.

"Pastor Jim Jones operates through fear and through irrationality. His members are praised for staying awake far into the night. His meetings have been known to last all night and his counselors' meeting always lasts all night long. He is a professed healer, and most counselors are expected to act for a fake healing or to testify to something that didn't really happen. Each of us was told that

we were doing this 'for our pastor' and we were the only ones that did it.

"He claims to be 'God Almighty' and to have power over life and death. He claims that if any person ever leaves the group, and does harm to the group, he will 'get him.' He has men go to people who have left the church and threaten them with torture or death if they ever dare to do anything to harm the church or Pastor Jones.

"While we were in the church, we were so frightened of him and his power that we would have sworn to anything he asked. He (Pastor Jones) uses this fear to protect himself. We would have perjured ourselves in court to swear that he was innocent of whatever charge was brought before him, as would most of the people who are still in the church now. We sincerely believed that he would always take care of us and would never do anything to hurt us, even though we'd witnessed daily atrocities that should have convinced us otherwise. It is impossible to explain the effect of his brainwashing. We do know that it took about two months after we were out of the church before we were able to think and act as normal people.

"Since we have left the church, we have truly seen the cruelty and insanity of Jim Jones. Our children have been harassed, threatened, and intimidated. Pastor Jones sent some of his counselors to our house, to threaten that if we ever spoke against the church, his wife, Marceline Jones, would have our rest home license revoked. She is an employee of the State of California as an inspector of nursing homes, and she could possibly do this to us, leaving us without any means to support our family. They threatened to beat us up, and to kill us if we did anything to expose them.

"They took a vote in the church to cut off Deanna's ear because they felt that she (Jeannie Mills) might expose them. They also have sent anonymous threatening letters to our home. These letters were left in our home (after they broke in through a bathroom window), on our porch, or in or on our mailbox.

"The church operates a mission field in Jonestown, Guyana (near Georgetown). Members of the church, who have gotten in legal difficulties or who are beginning to act hostile against the church, are sent there to work. Once there, it is impossible to contact them or for them to contact anyone else, except through carefully censored letters by one of the church secretaries. . . . Mysteries surround the deaths of some of the previous members of the church, such as Maxine Harp in Redwood Valley, who supposedly committed suicide after an altercation with members.

"Emily Leonard, who was trying to recover some of the property the church had taken from her, died the day she was supposed to go to court against Jim Jones. Curtis Buckley, a minor child, while he was away from his parents, died without being taken to a doctor when he was sick. His guardians were told to place Jim Jones' picture on the child rather than find him medical help.

"Most recently, Robert Houston died under unusual circumstances two weeks ago, while working for Southern Pacific. He had been called 'treasonous' by the church. His wife, Joyce, had left the church a few weeks before this time. One of the threatening letters to us makes reference to the death of Max-

Ine Harp, These are some of the reasons that the more than 60 persons who have left the church in the past three years have not come forward to prosecute the church and try to recover the money they have lost.

"We fear for the lives and well-being of our families and ourselves. Pastor Jim Jones is a wise and shrewd man. He is making powerful political connections.

"To try to fight Jim Jones in court would be useless. Every person who is still in the church would be forced to swear to anything he asked, even going to their death to protect him. This letter is prepared and kept in

evidence only as a defensive measure, in the event that Jim Jones or his members should carry out his threat to 'kill every person who has ever left the church.' It is also a defensive measure if he should try to accuse us of some wrongdoing based on the letters he forced us to write and sign. We do not want to use it to place our lives, or the lives of our children, in jeopardy, unless it is the only alternative in an altercation started by Pastor Jim Jones and Peoples Temple Church.

"We, Al J. Mills and Jeannie Mills, swear that the above statements are true. We swear that we have never molested

our children, plotted against the government or the President, conspired to bomb trains, sent out mailings that were not approved by Jim Jones, had sexual intercourse with Jim Jones, or did any of the other things we had to write and sign in Jones' presence. We are not communists. We love the government of the United States and would fight to keep it a free country."

NEXT WEEK: Jones stuns members by reciting intimate details of their lives — gleaned by secretly going through their garbage.

From the book **25 YEARS WITH GOD** by Jeannie Mills
© 1970 Mills/Archon Books, Inc. To be published by Ark
Publishers, Inc.

"VOICES FROM GUYANA BACK REVEREND JONES," SAN FRANCISCO
CHRONICLE, APRIL 18, 1979

About a dozen persons, all of them claiming to be members of the Rev. Jim Jones' People's Temple project in Guyana, South American, called San Francisco on short-wave radio yesterday to claim their happiness with the controversial minister.

The event took place in the offices of attorney Charles Garry, the San Francisco counsel for the Rev. Mr. Jones.

Last week about 25 persons with relatives living with the Rev. Mr. Jones in Guyana appeared at the San Francisco temple at 1859 Geary and demanded they be allowed to visit their kin at his project, named Jonestown.

The group accused the Rev. Mr. Jones of "human rights" violations including prohibition of telephone calls, personal visits and the censorship of mail.

Garry, at the time, called the charges "bull—"

Yesterday's press conference consisted of Jonestonians, included the voices of several teenagers, who denounced their parents and praised their leader.

Another voice, identified as that of Marie Katsaris, 25, whose Ukiah father, Steven A. Katsaris, has helped form Concerned Parents to fight the Rev. Mr. Jones, said, "I can come and go as I please. I want no part of my father. Leave me alone."

The Guyana mission regularly keeps in touch with the San Francisco Temple by shortwave radio.

APPENDIX III—FINDINGS

Appendix III contains the supporting documents to the findings of the Staff Investigative Group.

CONTENTS

	Page
A. Jim Jones and the People's Temple.....	527
1. (Tactics: In classified version only.)	
2. (Motivations: In classified version only.)	
3. Staff Investigative Group internal memorandum describing Internal Revenue Service (IRS) rules and regulations concerning tax exempt status of religious organizations.....	527
B. Conspiracy Against Jim Jones and the People's Temple?.....	531
1. (In classified version only.)	
2. Executive Orders 11905 and 12036 limiting and defining CIA responsibilities with respect to intelligence gathering on U.S. citizens.....	531
C. (Opponents and media intimidated, public officials used: In classified version only.)	
D. (Awareness of Danger, Predicting the Degree of Violence: In classified version only.)	
E. (U.S. Customs Service Investigation: In classified version only.)	
F. (Conspiracy to Kill Representative Leo Ryan: In classified version only.)	
G. The Privacy Act and the Freedom of Information Act.....	560
1. (In Classified version only.)	
2. Correspondence between the Department of State and Hon. Clement J. Zablocki. (The correspondence contained in this Appendix was generated as a result of the February 2, 1979, letter from Hon. Clement J. Zablocki to the Department of State found in Appendix I-C-1.).....	566
3. Department of State implementation of the Privacy Act and the Freedom of Information Act.....	570
(a) Materials provided to the Staff Investigative Group stemming from the February 2, 1979, letter from Hon. Clement J. Zablocki. (Materials include guidelines and information provided to U.S. Embassy in Georgetown, Guyana with respect to implementation of Privacy Act and Freedom of Information Act and internal memoranda regarding Department of State processing of Privacy Act requests made by legal counsel for the People's Temple.).....	570
(b) Staff Investigative Group internal memorandum describing the general provisions of the Privacy Act and the Freedom of Information Act and analyzing the Department of State's performance in implementing those two acts.....	699
(c) Staff Investigative Group memorandum elaborating on the provisions of the Freedom of Information Act and exemptions from agency disclosure of information under the Freedom of Information Act.....	705
H. (Role and Performance of the U.S. Department of State: In Classified version only.)	
I. (Involvement of the Government of Guyana: In Classified version only.)	

	Page
J. Social security and foster children.....	700
1. (In classified version only.)	
2. Correspondence between Hon. Clement J. Zablocki and the Department of Health, Education, and Welfare on the issue of the alleged theft or fraudulent use of social security payments to members of the People's Temple.....	709
(a) December 11, 1978, letter from Hon. Clement J. Zablocki to the Department of Health, Education, and Welfare.....	709
(b) March 7, 1979, response from the Department of Health, Education, and Welfare to Hon. Clement J. Zablocki providing materials and information related to the responsibilities of the Social Security Administration in paying benefits to members of the People's Temple.....	710
(c) February 1, 1979, letter from the Staff Investigative Group to the Social Security Administration.....	716
(d) February 12, 1979, interim response from the Social Security Administration to the Staff Investigative Group.....	718
(e) February 23, 1979 final response from the Social Security Administration to the Staff Investigative Group providing materials and information. (Materials provided include names of social security recipients living in Georgetown or Jonestown, Guyana, whose social security checks were cashed or undeposited as of November 18, 1978.....)	719
(f) Listing of social security beneficiaries who were in Jonestown, number of social security beneficiaries who are confirmed deceased, total of social security beneficiaries who were in Jonestown that are deceased but remain unidentified and total of social security beneficiaries who were in Jonestown that are known survivors.....	775
(g) April 29, 1979 letter from the Department of Health, Education, and Welfare to the Staff Investigative Group.....	776
3. (In classified version only.)	
K. (Future Status of the People's Temple: In classified version only.)	

A. JIM JONES AND THE PEOPLE'S TEMPLE

1. (Tactics: In classified version only.)

2. (Motivations: In classified version only.)

3. Staff Investigative Group Internal Memorandum Describing Internal Revenue Service (IRS) Rules and Regulations Concerning Tax Exempt Status of Religious Organizations

Committee on Foreign Affairs

MEMORANDUM

April 2, 1979

TO: George Berdes, Ivo Spalatin, Tom Smeaton
 FROM: Bob Huber
 SUBJECT: Tax-Exempt Status of Religious Organizations

The information provided in this memorandum attempts to lay out general information without attempting to demonstrate an "expert's" knowledge of the difficult subject matter involved.

BACKGROUND AND PURPOSE

This memorandum is a revised version of my February 14 memo on this subject and will lay out my findings with respect to Internal Revenue Service (IRS) policies and procedures regarding the granting of tax-exempt status of religious organizations. The information contained in this memo is the result of discussions with relevant representatives of IRS and the Joint Committee on Taxation and will remain in contact with them as questions arise. I have attempted to examine all the relevant rules and regulations to determine the advantageous rules and regulations with respect to churches.

GRANTING OF A TAX-EXEMPT STATUS TO A RELIGIOUS ORGANIZATION

Churches are granted an exemption from tax under Section 501(c)(3) of the IRS Code. Churches seeking a tax exemption will usually file an exemption form with the IRS although they are not required to do so. To be granted tax exempt status, a church must demonstrate in filing an exemption from that (1) no part of their net earnings are inured for the benefit of any private shareholder or individual, (2) no substantial part of their activities involve carrying on propaganda or attempting to influence legislation, and (3) the church does not participate in or intervene in (including the publishing or distributing of statements on any political campaign or on behalf of any candidate for public office). It is difficult for the IRS to make such determinations and there appears to be few objective standards to measure the above three requirements. The application for an exemption is usually processed through the IRS at the local level with uncertain or questionable cases referred to the national level for a decision. If IRS approves the exemption, a group ruling is given to the Church and all its auxiliaries. This is a vague type of classification that will exempt not only the parent church but all auxiliaries listed by the church in its application for exemption. Over a period of years, as churches take on more auxiliaries, churches must furnish an annually updated list of auxiliaries. Nonetheless, enormous administrative difficulty exists in determining whether a certain group

is an auxiliary of a church exempted in a group ruling or is a bogus auxiliary involved in a tax evasion scheme. For example, the People's Temple received its tax-exempt status due to its membership in an association of churches referred to as the International Convention-Disciples of Christ. The International Convention Disciples of Christ was granted tax-exempt status on February 23, 1962.

TYPES OF TAX-EXEMPT ORGANIZATIONS

There are about 21 or 22 categories of tax-exempt organizations in Section 501. Section 501(c)(3) groups are one of these categories; however, 501(c)(3) groups are exempt from certain taxes other Section 501 groups are not (e.g., taxes on private foundations) and certain employment taxes. Section 501(c)(3) groups include groups organized and operated exclusively for one or more of the following purposes: religious, charitable, scientific, testing for public safety, literary, educational, fostering national or international sports competition, or prevention of cruelty to animals. While some guidance exists in IRS regulation for defining some of the 501(c)(3) groups, including definitions of charitable, educational, and scientific organizations, no such guidance exists for religious organizations. Guidance to IRS administrators is not fixed in the IRS Code or IRS rules and regulations. Presently, operational guidance is in the form of a speech by the IRS Commissioner, Jerome Kurtz. Kurtz listed in his January 9, 1978 speech, 14 characteristics that are applied on a case-by-case basis. They include a distinct legal existence, a recognized creed and form of worship, established places of worship, regular congregations and religious services. To add to the definitional problem, the IRS does not maintain an active roster of churches per se. There is only a master list of group rulings which have been made granting tax exempt status to churches and their integrated auxiliaries.

OTHER STATUTES OF THE INTERNAL REVENUE CODE RELATED TO CHURCHES

Other provisions of the Internal Revenue Code which provide special advantages to churches include:

Sec. 403(b) - This section, which relates to annuity plans offered by churches, exempts from taxes taxable income contributed by an employee of a church to a church-sponsored annuity plan. (i.e., employees of a church may elect to have their wages garnished to pay for premiums on an annuity plan offered by a church. These wages are excluded from the gross income of the employee for each taxable year such contributions are made.

Sec. 414(e) - This section exempts churches from vesting standards with respect to annuity plans (vesting standards involve certain requirements employers must meet in the operation of an annuity plan, including steps to keep the plan solvent.) Churches, in order to protect their employees, may elect to have such vesting standards apply through Sec. 410(d) of the Code.

Section 1402(c)(4) - exempts from the definition of "trade or business" relating to self-employment income, the performance of service by a duly ordained commissioned or licensed minister of a church in the exercise of duties required by such order.

The exercise of duties by a minister is interpreted broadly by the IRS to involve anything that could be interpreted as related to the duties required of a minister of a church. The potential for abuse would seem to be substantial.

Sec. 1402(g) - This section provides individuals the right to file a statement (form 4029) conscientiously objecting to acceptance of any public or private insurance, including Social Security payments, which would pay benefits to him. The Secretary of Health, Education, and Welfare must certify that it has been the practice of the sect to which the person has been a member to make provision for dependent members and such section or division has been in existence at all times since December 31, 1950.

Sec. 1402(e) - This section provides duly ordained ministers of a church to file a statement (form 4361) conscientiously objecting to the receipt of public or private insurance payments to him with regard to services performed by him. An exception from the tax imposed on an individual receiving insurance payments is also provided to the individual filing this form.

Sec. 512(b)(12)(14) - This subsection allows a deduction the lower of \$1,000 or the gross income derived from any unrelated trade or business regularly carried on by such local unit for each parish, individual church, district, or other local unit of a diocese, province of a religious order or a convention or association of churches. Additionally, under Sec. 512(b)(14) all gross income derived by a church from a trade or business and all deductions directly connected with the carrying on of such trade or business are exempt from taxes if they were carried on by the church in question before May 27, 1969.

ACCOUNTABILITY OF CHURCHES GRANTED TAX-EXEMPT STATUS

Accountability with respect to the tax-exempt status of churches is limited by the fact that the statutes requiring the filing of forms detailing the activities of 501(c)(3) groups need not be filed by churches. For example, sec. 508 of the Internal Revenue Code sets forth the requirements for notification to the IRS of a group seeking tax exempt status under sec. 501(c)(3). The form required Form 1023, is a general descriptive document detailing activities and operational information and includes various organization documents. Form 1023 provides the general information for IRS Publication 78, a listing of all 501(c)(3) groups, contributions to which are tax deductible. While it behooves churches to file Form 1023, since its parishioners would receive faster processing of their claims for tax deductible contributions, churches are not required to file Form 1023.

Similarly, sec. 6033 also requires an annual 990 to be filed by all 501(c)(3) groups. This form, more detailed than Form 1023, includes a group's income, balance sheet, list of substantial contributors and other detailed information. Form 990 is a very important document since it is open to public scrutiny and the information contained in it often provides the IRS with leads for possible audits to prevent abuses of the tax-exempt status. Like Form 1023, churches are not required to file Form 990.

In performing audits on churches, the IRS is also restricted by sec. 7605(c) of the IRS Code, mandated by the Tax Reform Act of 1969. Although the Act permits churches for the first time to be taxed on unrelated trade or business income, the difficulty of proving a church is involved in such an activity or defining what in unrelated income is great. Before the IRS can conduct an audit on unrelated trade or business income of a church, they must first write to the church on two separate occasions, detailing their evidence and asking the church for clarification. If the church does not cooperate, the IRS auditors must seek the permission of the IRS regional commissioner in the region the church is located to proceed with an audit. If permission is granted, IRS auditors still must wait 30 days before commencing the audit.

POSSIBLE IRS ACTIONS AGAINST CHURCHES

In spite of these encumbrances, a number of actions can be taken against abuses of the tax-exempt status of churches. If the IRS discovers unrelated trade or business income, a church will be taxed on such income. The exempt status, however, will be maintained. The IRS may also disqualify a group from 501(c)(3) exemption if the group is engaged in efforts to substantially influence legislation, intervenes on behalf of a particular political candidate or is organized for the private financial benefit of an individual (see categories 1, 2, and 3 under "Granting of a Tax-Exempt Status to a Religious Organization" in this memorandum). In such cases, however, demonstrating what is "substantially influencing" legislation of what constitutes "intervention" is difficult and given First Amendment sensitivities, shielded away from. An IRS ruling disqualifying a group from tax-exempt status can be appealed through the tax courts and appeals courts. In these cases, the disqualified organization has 90 days to appeal an IRS ruling. The courts can overturn an IRS ruling and return the tax-exempt status to the organization. During the time the court is considering such cases, individual contributions of up to \$1,000 to the organization appealing the IRS ruling remain tax deductible.

IRS PROGRAM OF ACTION IN CONDUCTING AUDITS OF TAX-EXEMPT RELIGIOUS ORGANIZATIONS

The IRS does have a continuing interest in monitoring the activities of tax-exempt religious organizations. Priority in conducting audits appears not to be reserved for audits of churches. An excise tax has been levied on all private foundations, the receipts of which are used to set up improved auditing and monitoring of 501(c)(3) groups. A special branch has also been organized within IRS to coordinate 501(c)(3) audit activities.

B. CONSPIRACY AGAINST JIM JONES AND THE PEOPLE'S TEMPLE?

1. (In classified version only)

2. Executive Orders 11905 and 12036 Limiting and Defining CIA Responsibilities With Respect to Intelligence Gathering on U.S. Citizens

Executive Order 11905—United States foreign intelligence activities

SOURCE. The provisions of Executive Order 11905 appear at 41 FR 7703, 3 CFR, 101A Comp., p. 90, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and statutes of the United States, including the National Security Act of 1947, as amended, and as President of the United States of America, it is hereby ordered as follows:

TABLE OF CONTENTS

Section	Description	Page
1	PURPOSE.....	[535]
2	DEFINITIONS.....	[535]
3	CONTROL AND DIRECTION OF INTELLIGENCE ORGANIZATIONS.....	[536]
	(a) National Security Council.....	[536]
	(b) Committee on Foreign Intelligence.....	[536]
	(c) Operations Advisory Group.....	[537]
	(d) Director of Central Intelligence.....	[538]
4	RESPONSIBILITIES AND DUTIES OF THE INTELLIGENCE COMMUNITY.....	[539]
	(a) Senior Official of Each Organization of the Intelligence Community.....	[539]
	(b) Central Intelligence Agency.....	[540]
	(c) Department of State.....	[541]
	(d) Department of the Treasury.....	[542]
	(e) Department of Defense.....	[542]
	(f) Energy Research and Development Administration.....	[543]
	(g) Federal Bureau of Investigation.....	[543]
5	RESTRICTIONS ON INTELLIGENCE ACTIVITIES.....	[544]
6	OVERSIGHT OF INTELLIGENCE ORGANIZATIONS.....	[547]
7	SECURITY PROTECTION.....	[548]
8	ENABLING DATA.....	[549]

SECTION 1. *Purpose.* The purpose of this Order is to establish policies to improve the quality of intelligence needed for national security, to clarify the authority and responsibilities of the intelligence departments and agencies, and to establish effective oversight to assure compliance with law in the management and direction of intelligence agencies and departments of the national government.

SEC. 2. *Definitions.* For the purpose of this Order, unless otherwise indicated, the following terms shall have these meanings:

(a) *Intelligence* means:

(1) *Foreign intelligence* which means information, other than foreign counterintelligence, on the capabilities, intentions and activities of foreign powers, organizations or their agents; and

(2) *Foreign counterintelligence* which means activities conducted to protect the United States and United States citizens from foreign espionage, sabotage, subversion, assassination or terrorism.

(b) *Intelligence Community* refers to the following organizations:

Modification of Presidential Proclamations and Executive Orders

- (1) Central Intelligence Agency;
- (2) National Security Agency;
- (3) Defense Intelligence Agency;
- (4) Special offices within the Department of Defense for the collection of specialized intelligence through reconnaissance programs;
- (5) Intelligence elements of the military services;
- (6) Intelligence element of the Federal Bureau of Investigation;
- (7) Intelligence element of the Department of State;
- (8) Intelligence element of the Department of the Treasury; and
- (9) Intelligence element of the Energy Research and Development Administration.

(c) *Special activities in support of national foreign policy objectives* means activities, other than the collection and production of intelligence and related support functions, designed to further official United States programs and policies abroad which are planned and executed so that the role of the United States Government is not apparent or publicly acknowledged.

(d) *National Foreign Intelligence Program* means the programs of the Central Intelligence Agency and the special offices within the Department of Defense for the collection of specialized intelligence through reconnaissance programs, the Consolidated Cryptologic Program, and those elements of the General Defense Intelligence Program and other programs of the departments and agencies, not including tactical intelligence, designated by the Committee on Foreign Intelligence as part of the Program.

SEC. 3. Control and Direction of National Intelligence Organizations.

(a) National Security Council.

(1) The National Security Council was established by the National Security Act of 1947 to advise the President with respect to the integration of domestic, foreign, and military policies relating to the National security. Statutory members of the National Security Council are the President, the Vice President, the Secretary of State, and the Secretary of Defense.

(2) Among its responsibilities, the National Security Council shall provide guidance and direction to the development and formulation of national intelligence activities.

(3) The National Security Council shall conduct a semi-annual review of intelligence policies and of ongoing special activities in support of national Foreign policy objectives. These reviews shall consider the needs of users of intelligence and the timeliness and quality of intelligence products and the continued appropriateness of special activities in support of national Foreign policy objectives. The National Security Council shall consult with the Secretary of the Treasury and such other users of intelligence as designated by the President as part of these reviews.

(b) Committee on Foreign Intelligence.

(1) There is established the Committee on Foreign Intelligence (hereinafter referred to as the CFI), which shall be composed of the Director of Central Intelligence, hereinafter referred to as the DCI, who shall be the Chairman; the Deputy Secretary of Defense for Intelligence; and the Deputy Assistant to the President for National Security Affairs. The CFI shall report directly to the National Security Council.

(2) The CFI shall (1) control budget preparation and resource allocation for the National Foreign Intelligence Program.

(A) The CFI shall, prior to submission to the Office of Management and Budget, review, and amend as it deems appropriate, the Budget for the National Foreign Intelligence Program.

(B) The CFI shall also adopt rules governing the reprogramming of funds within this budget. Such rules may require that reprogrammings of certain types or amounts be given prior approval by the CFI.

(ii) Establish policy priorities for the collection and production of national intelligence.

(iii) Establish policy for the management of the National Foreign Intelligence Program.

(iv) Provide guidance on the relationship between tactical and national intelligence; however, neither the DCI nor the CFI shall have responsibility for tactical intelligence.

(v) Provide continuing guidance to the Intelligence Community in order to ensure compliance with policy directions of the NSC.

(3) The CFI shall be supported by the Intelligence Community staff headed by the Deputy to the Director of Central Intelligence for the Intelligence Community.

(4) The CFI shall establish such subcommittees as it deems appropriate to ensure consultation with members of the Intelligence Community on policies and guidance issued by the CFI.

(5) Decisions of the CFI may be reviewed by the National Security Council upon appeal by the Director of Central Intelligence or any member of the National Security Council.

(c) The Operations Advisory Group.

(1) There is established the Operations Advisory Group (hereinafter referred to as the Operations Group), which shall be composed of the Assistant to the President for National Security Affairs; the Secretaries of State and Defense; the Chairman of the Joint Chiefs of Staff; and the Director of Central Intelligence. The Chairman shall be designated by the President. The Attorney General and the Director of the Office of Management and Budget or their representatives, and others who may be designated by the President, shall attend all meetings as observers.

(2) The Operations Group shall (1) consider and develop a policy recommendation, including any dissents, for the President prior to his decision on each special activity in support of national foreign policy objectives.

(ii) Conduct periodic reviews of programs previously considered by the Operations Group.

(iii) Give approval for specific sensitive intelligence collection operations as designated by the Operations Group.

(iv) Conduct periodic reviews of ongoing sensitive intelligence collection operations.

(3) The Operations Group shall discharge the responsibilities assigned by subparagraphs (c)(2)(i) and (c)(2)(iii) of this section only after consideration in a formal meeting attended by all members and observers; or, in unusual circumstances when any member or observer is unavailable, when a designated representative of the member or observer attends.

(4) The staff of the National Security Council shall provide support to the Operations Group.

(d) *Director of Central Intelligence.*

(1) The Director of Central Intelligence, pursuant to the National Security Act of 1947, shall be responsible directly to the National Security Council and the President. He shall:

(i) Chair the CFI.

(ii) Act as executive head of the CIA and Intelligence Community staff.

(iii) Ensure the development and submission of a budget for the National Foreign Intelligence Program to the CFI.

(iv) Act as the President's primary adviser on foreign intelligence and provide him and other officials in the Executive branch with foreign intelligence, including National Intelligence Estimates; develop national intelligence requirements and priorities; and supervise production and dissemination of national intelligence.

(v) Ensure appropriate implementation of special activities in support of national foreign policy objectives.

(vi) Establish procedures to ensure the propriety of requests, and responses thereto, from the White House Staff or other Executive departments and agencies to the Intelligence Community.

(vii) Ensure that appropriate programs are developed which properly protect intelligence sources, methods and analytical procedures. His responsibility within the United States shall be limited to:

(A) Protection by lawful means against disclosure by present or former employees of the Central Intelligence Agency or persons, or employees of persons or organizations, presently or formerly under contract with the Agency;

(B) providing leadership, guidance and technical assistance to other government departments and agencies performing foreign intelligence activities; and

(C) in cases involving serious or continuing security violations, recommending to the Attorney General that the case be referred to the Federal Bureau of Investigation for further investigation.

(viii) Establish a vigorous program to downgrade and declassify foreign intelligence information as appropriate and consistent with Executive Order No. 11652.

(ix) Ensure the existence of strong Inspector General capabilities in all elements of the Intelligence Community and that each Inspector General submits quarterly to the Intelligence Oversight Board a report which sets forth any questionable activities in which that intelligence organization has engaged or is engaged.

(x) Ensure the establishment, by the Intelligence Community, of common security standards for managing and handling foreign intelligence systems, information and products, and for granting access thereto.

(xi) Act as the principal spokesman to the Congress for the Intelligence Community and facilitate the use of foreign intelligence products by Congress.

(xii) Promote the development and maintenance by the Central Intelligence Agency of services of common concern to the Intelligence

Community organizations, including multi-discipline analysis, national level intelligence products, and a national level current intelligence publication.

(xiii) Establish uniform criteria for the identification, selection, and designation of relative priorities for the transmission of critical intelligence, and provide the Secretary of Defense with continuing guidance as to the communications requirements of the Intelligence Community for the transmission of such intelligence.

(xiv) Establish such committees of collectors, producers and users of intelligence to assist in his conduct of his responsibilities as he deems appropriate.

(xv) Consult with users and producers of intelligence, including the Departments of State, Treasury, and Defense, the military services, the Federal Bureau of Investigation, the Energy Research and Development Administration, and the Council of Economic Advisors, to ensure the timeliness, relevancy and quality of the intelligence product.

(2) To assist the Director of Central Intelligence in the supervision and direction of the Intelligence Community, the position of Deputy to the Director of Central Intelligence for the Intelligence Community is hereby established (Committee on Foreign Intelligence).

(3) To assist the Director of Central Intelligence in the supervision and direction of the Central Intelligence Agency, the Director of Central Intelligence shall, to the extent consistent with his statutory responsibilities, delegate the day-to-day operation of the Central Intelligence Agency to the Deputy Director of Central Intelligence (50 U.S.C. 403(a)).

(4) To assist the DCI in the fulfillment of his responsibilities, the heads of all departments and agencies shall give him access to all information relevant to the foreign intelligence needs of the United States. Relevant information requested by the DCI shall be provided, and the DCI shall take appropriate steps to maintain its confidentiality.

SEC. 4. Responsibilities and Duties of the Intelligence Community.
Purpose. The rules of operation prescribed by this section of the Order relate to the activities of our foreign intelligence agencies. In some instances, detailed implementation of this Executive order will be contained in classified documents because of the sensitivity of the information and its relation to national security. All such classified instructions will be consistent with this Order. Unless otherwise specified within this section, its provisions apply to activities both inside and outside the United States, and all references to law are to applicable laws of the United States. Nothing in this section of this Order shall be construed to interfere with any law-enforcement responsibility of any department or agency.

(a) *Senior Officials of the Intelligence Community.* The senior officials of the CIA, Departments of State, Treasury and Defense, ERDA and the FBI shall ensure that, in discharging the duties and responsibilities enumerated for their organizations which relate to foreign intelligence, they are responsive to the needs of the President, the National Security Council and other elements of the Government. In carrying out their duties and responsibilities, senior officials shall ensure that all policies and directives relating to intelligence activities are carried

out in accordance with law and this Order, including Section 5, and shall:

(1) Make appropriate use of the capabilities of the other elements of the Intelligence Community in order to achieve maximum efficiency.

(2) Contribute in areas of his responsibility to the national intelligence products produced under auspices of the Director of Central Intelligence.

(3) Establish internal policies and guidelines governing employee conduct and ensuring that such are made known to, and acknowledged by, each employee.

(4) Provide for a strong and independent organization for identification and inspection of, and reporting on, unauthorized activity.

(5) Report to the Attorney General that information which relates to detection or prevention of possible violations of law by any person, including an employee of the senior official's department or agency.

(6) Furnish to the Director of Central Intelligence, the CFI, the Operations Group, the President's Foreign Intelligence Advisory Board, and the Intelligence Oversight Board all of the information required for the performance of their respective duties.

(7) Participate, as appropriate, in the provision of services of common concern as directed by the Director of Central Intelligence and provide other departments and agencies with such mutual assistance as may be within his capabilities and as may be required in the interests of the Intelligence Community for reasons of economy, effectiveness, or operational necessity.

(8) Protect intelligence and intelligence sources and methods within his department or agency, consistent with policies and guidance of the Director of Central Intelligence.

(9) Conduct a continuing review of all classified material originating within his organization and promptly declassifying such material consistent with Executive Order No. 11652, as amended.

(10) Provide administrative and support functions required by his department or agency.

(b) *The Central Intelligence Agency.* All duties and responsibilities of the Central Intelligence Agency shall be related to the foreign intelligence functions outlined below. As authorized by the National Security Act of 1947, as amended, the CIA Act of 1949, as amended, and other laws, regulations, and directives, the Central Intelligence Agency shall:

(1) Produce and disseminate foreign intelligence relating to the national security, including foreign political, economic, scientific, technical, military, sociological, and geographic intelligence, to meet the needs of the President, the National Security Council, and other elements of the United States Government.

(2) Develop and conduct programs to collect political, economic, scientific, technical, military, geographic, and sociological information, not otherwise obtainable, relating to foreign intelligence, in accordance with directives of the National Security Council.

(3) Collect and produce intelligence on foreign aspects of international terrorist activities and traffic in narcotics.

(4) Conduct foreign counterintelligence activities outside the United States and when in the United States in coordination with the FBI subject to the approval of the Attorney General.

(5) Carry out such other special activities in support of national foreign policy objectives as may be directed by the President or the National Security Council and which are within the limits of applicable law.

(6) Conduct, for the Intelligence Community, services of common concern as directed by the National Security Council, such as monitoring of foreign public radio and television broadcasts and foreign press services, collection of foreign intelligence information from cooperating sources in the United States, acquisition and translation of foreign publications and photographic interpretation.

(7) Carry out or contract for research, development and procurement of technical systems and devices relating to the functions authorized in this subsection.

(8) Protect the security of its installations, activities, information and personnel. In order to maintain this security, the CIA shall conduct such investigations of applicants, employees, and other persons with similar associations with the CIA as are necessary.

(9) Conduct administrative, technical and support activities in the United States or abroad as may be necessary to perform the functions described in paragraphs (1) through (8) above, including procurement, maintenance and transport; communications and data processing; recruitment and training; the provision of personnel, financial and medical services; development of essential cover and proprietary arrangements; entering into contracts and arrangements with appropriate private companies and institutions to provide classified or unclassified research, analytical and developmental services and specialized expertise; and entering into similar arrangements with academic institutions, *provided* CIA sponsorship is known to the appropriate senior officials of the academic institutions and to senior project officials.

(c) *The Department of State.* The Secretary of State shall:

(1) Collect, overtly, foreign political, political-military, sociological, economic, scientific, technical and associated biographic information.

(2) Produce and disseminate foreign intelligence relating to United States foreign policy as required for the execution of his responsibilities and in support of policy-makers involved in foreign relations within the United States Government.

(3) Disseminate within the United States Government, as appropriate, reports received from United States diplomatic missions abroad.

(4) Coordinate with the Director of Central Intelligence to ensure that United States intelligence activities and programs are useful for and consistent with United States foreign policy.

(5) Transmit reporting requirements of the Intelligence Community to our Chiefs of Missions abroad and provide guidance for their collection effort.

(6) Contribute to the Intelligence Community guidance for its collection of intelligence based on the needs of those responsible for foreign policy decisions.

(7) Support Chiefs of Missions in discharging their responsibilities to direct and coordinate the activities of all elements of their missions.

(d) *The Department of the Treasury.* The Secretary of the Treasury shall:

- (1) Collect, overtly, foreign financial and monetary information.
- (2) Participate with the Department of State in the overt collection of general foreign economic information.
- (3) Produce that intelligence required for the execution of the Secretary's interdepartmental responsibilities and the mission of the Department of the Treasury.
- (4) Contribute intelligence and guidance required for the development of national intelligence.
- (5) Disseminate within the United States Government, as appropriate, foreign intelligence information acquired.

(e) *Department of Defense.*

(1) The Secretary of Defense shall:

(i) Collect foreign military intelligence information as well as military-related foreign intelligence information, including scientific, technical, political and economic information as required for the execution of his responsibilities.

(ii) Produce and disseminate, as appropriate, intelligence emphasizing foreign military capabilities and intentions and scientific, technical and economic developments pertinent to his responsibilities.

(iii) Conduct such programs and missions necessary to fulfill national intelligence requirements as determined by the CFI.

(iv) Direct, fund and operate the National Security Agency, and national, defense and military intelligence and reconnaissance entities as required.

(v) Conduct, as the executive agent of the United States Government, signals intelligence activities and communications security, except as otherwise approved by the CFI.

(vi) Provide for the timely transmission of critical intelligence, as defined by the Director of Central Intelligence, within the United States Government.

(2) In carrying out these assigned responsibilities, the Secretary of Defense is authorized to utilize the following:

(i) The Defense Intelligence Agency (whose functions, authorities and responsibilities are currently publicly assigned by Department of Defense Directive No. 5105.21) to:

(A) Produce or provide military intelligence for the Secretary of Defense, the Joint Chiefs of Staff, other Defense components, and, as appropriate, non-Defense agencies.

(B) Coordinate all Department of Defense intelligence collection requirements and manage the Defense Attache system.

(C) Establish substantive intelligence priority goals and objectives for the Department of Defense and provide guidance on substantive intelligence matters to all major Defense intelligence activities.

(D) Review and maintain cognizance over all plans, policies and procedures for noncryptologic intelligence functions of the Department of Defense.

(E) Provide intelligence staff support as directed by the Joint Chiefs of Staff.

(ii) The National Security Agency, whose functions, authorities and responsibilities shall include:

(A) Establishment and operation of an effective united organization for the signals intelligence activities of the United States Government, except for certain operations which are normally exercised through appropriate elements of the military command structure, or by the CIA.

(B) Exercise control over signals intelligence collection and processing activities of the Government, delegating to an appropriate agent specified resources for such periods and tasks as required for the direct support of military commanders.

(C) Collection, processing and dissemination of signals intelligence in accordance with objectives, requirements, and priorities established by the Director of Central Intelligence.

(D) Dissemination of signals intelligence to all authorized elements of the Government, including the Armed Services, as requested.

(E) Serving under the Secretary of Defense as the central communications security authority of the United States Government.

(F) Conduct of research and development to meet the needs of the United States for signals intelligence and communications security.

(iii) Special offices for the collection of specialized intelligence through reconnaissance programs, whose functions, authorities, and responsibilities shall include:

(A) Carrying out consolidated programs for reconnaissance.

(B) Assigning responsibility to the various departments and agencies of the Government, according to their capabilities, for the research, development, procurement, operations and control of designated means of collection.

(iv) Such other offices within the Department of Defense as shall be deemed appropriate for conduct of the intelligence missions and responsibilities assigned to the Secretary of Defense.

(f) *Energy Research and Development Administration.* The Administrator of the Energy Research and Development Administration shall:

(1) Produce intelligence required for the execution of his responsibilities and the mission of the Energy Research and Development Administration, hereinafter referred to as ERDA, including the area of nuclear and atomic energy.

(2) Disseminate such intelligence and provide technical and analytical expertise to other Intelligence Community organizations and be responsive to the guidance of the Director of Central Intelligence and the Committee on Foreign Intelligence.

(3) Participate with other Intelligence Community agencies and departments in formulating collection requirements where its special technical expertise can contribute to such collection requirements.

(g) *The Federal Bureau of Investigation.* Under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the Director of the FBI shall:

(1) Detect and prevent espionage, sabotage, subversion, and other unlawful activities by or on behalf of foreign powers through such lawful counterintelligence operations within the United States, including electronic surveillance, as are necessary or useful for such purposes.

(2) Conduct within the United States and its territories, when requested by officials of the Intelligence Community designated by

the President, those lawful activities, including electronic surveillance, authorized by the President and specifically approved by the Attorney General, to be undertaken in support of foreign intelligence collection requirements of other intelligence agencies.

(3) Collect foreign intelligence by lawful means within the United States and its territories when requested by officials of the Intelligence Community designated by the President to make such requests.

(4) Disseminate, as appropriate, foreign intelligence and counterintelligence information which it acquires to appropriate Federal agencies, State and local law enforcement agencies and cooperating foreign governments.

(5) Carry out or contract for research, development and procurement of technical systems and devices relating to the functions authorized above.

SEC. 5. Restrictions on Intelligence Activities. Information about the capabilities, intentions and activities of other governments is essential to informed decision-making in the field of national defense and foreign relations. The measures employed to acquire such information should be responsive to the legitimate needs of our Government and must be conducted in a manner which preserves and respects our established concepts of privacy and our civil liberties.

Recent events have clearly indicated the desirability of government-wide direction which will ensure a proper balancing of these interests. This section of this Order does not authorize any activity not previously authorized and does not provide exemption from any restrictions otherwise applicable. Unless otherwise specified, the provisions of this section apply to activities both inside and outside the United States. References to law are to applicable laws of the United States.

(a) *Definitions.* As used in this section of this Order, the following terms shall have the meanings ascribed to them below:

(1) "Collection" means any one or more of the gathering, analysis, dissemination or storage of non-publicly available information without the informed express consent of the subject of the information.

(2) "Counterintelligence" means information concerning the protection of foreign intelligence or of national security information and its collection from detection or disclosure.

(3) "Electronic surveillance" means acquisition of a non-public communication by electronic means, without the consent of a person who is a party to, or, in the case of a non-electronic communication, visibly present at, the communication.

(4) "Employee" means a person employed by, assigned or detailed to, or acting for a United States foreign intelligence agency.

(5) "Foreign intelligence" means information concerning the capabilities, intentions and activities of any foreign power, or of any non-United States person, whether within or outside the United States, or concerning areas outside the United States.

(6) "Foreign intelligence agency" means the Central Intelligence Agency, National Security Agency, and Defense Intelligence Agency; and further includes any other department or agency of the United States Government or component thereof while it is engaged in the collection of foreign intelligence or counterintelligence, but shall not include any such department, agency or component thereof to the

extent that it is engaged in its authorized civil or criminal law enforcement functions; nor shall it include in any case the Federal Bureau of Investigation.

(7) "National security information" has the meaning ascribed to it in Executive Order No. 11652, as amended.

(8) "Physical surveillance" means continuing visual observation by any means; or acquisition of a non-public communication by a person not a party thereto or visibly present thereat through any means which does not involve electronic surveillance.

(9) "United States person" means United States citizens, aliens admitted to the United States for permanent residence and corporations or other organizations incorporated or organized in the United States.

(b) *Restrictions on Collection.* Foreign intelligence agencies shall not engage in any of the following activities:

(1) Physical surveillance directed against a United States person, unless it is a lawful surveillance conducted pursuant to procedures approved by the head of the foreign intelligence agency and directed against any of the following:

(i) A present or former employee of such agency, its present or former contractors or their present or former employees, for the purpose of protecting foreign intelligence or counterintelligence sources or methods or national security information from unauthorized disclosure; or

(ii) a United States person, who is in contact with either such a present or former contractor or employee or with a non-United States person who is the subject of a foreign intelligence or counterintelligence inquiry, but only to the extent necessary to identify such United States person; or

(iii) a United States person outside the United States who is reasonably believed to be acting on behalf of a foreign power or engaging in international terrorist or narcotics activities or activities threatening the national security.

(2) Electronic surveillance to intercept a communication which is made from, or is intended by the sender to be received in, the United States, or directed against United States persons abroad, except lawful electronic surveillance under procedures approved by the Attorney General; *provided*, that the Central Intelligence Agency shall not perform electronic surveillance within the United States, except for the purpose of testing equipment under procedures approved by the Attorney General consistent with law.

(3) Unconsented physical searches within the United States; or unconsented physical searches directed against United States persons abroad, except lawful searches under procedures approved by the Attorney General.

(4) Opening of mail or examination of envelopes of mail in United States postal channels except in accordance with applicable statutes and regulations.

(5) Examination of Federal tax returns or tax information except in accordance with applicable statutes and regulations.

(6) Infiltration or undisclosed participation within the United States in any organization for the purpose of reporting on or influencing

its activities or members; except such infiltration or participation with respect to an organization composed primarily of non-United States persons which is reasonably believed to be acting on behalf of a foreign power.

(7) Collection of information, however acquired, concerning the domestic activities of United States persons except:

(i) Information concerning corporations or other commercial organizations which constitutes foreign intelligence or counterintelligence.

(ii) Information concerning present or former employees, present or former contractors or their present or former employees, or applicants for any such employment or contracting, necessary to protect foreign intelligence or counterintelligence sources or methods or national security information from unauthorized disclosure; and the identity of persons in contact with the foregoing or with a non-United States person who is the subject of a foreign intelligence or counterintelligence inquiry.

(iii) Information concerning persons who are reasonably believed to be potential sources or contacts, but only for the purpose of determining the suitability or credibility of such persons.

(iv) Foreign intelligence or counterintelligence gathered abroad or from electronic surveillance conducted in compliance with Section 5(b)(2); or foreign intelligence acquired from cooperating sources in the United States.

(v) Information about a United States person who is reasonably believed to be acting on behalf of a foreign power or engaging in international terrorist or narcotics activities.

(vi) Information concerning persons or activities that pose a clear threat to foreign intelligence agency facilities or personnel, *provided*, that such information is retained only by the foreign intelligence agency threatened and that proper coordination with the Federal Bureau of Investigation is accomplished.

(c) *Dissemination and Storage.* Nothing in this section of this Order shall prohibit:

(1) Lawful dissemination to the appropriate law enforcement agencies of incidentally gathered information indicating involvement in activities which may be in violation of law.

(2) Storage of information required by law to be retained.

(3) Dissemination to foreign intelligence agencies of information of the subject matter types listed in Section 5(b)(7).

(d) *Restrictions on Experimentation.* Foreign intelligence agencies shall not engage in experimentation with drugs on human subjects, except with the informed consent, in writing and witnessed by a disinterested third party, of each such human subject and in accordance with the guidelines issued by the National Commission for the Protection of Human Subjects for Biomedical and Behavioral Research.

(e) *Assistance to Law Enforcement Authorities.*

(1) No foreign intelligence agency shall, except as expressly authorized by law (i) provide services, equipment, personnel or facilities to the Law Enforcement Assistance Administration or to State or local police organizations of the United States or (ii) participate in or fund any law enforcement activity within the United States.

(2) These prohibitions shall not, however, preclude: (i) cooperation between a foreign intelligence agency and appropriate law enforcement agencies for the purpose of protecting the personnel and facilities of the foreign intelligence agency or preventing espionage or other criminal activity related to foreign intelligence or counterintelligence or (ii) provision of specialized equipment or technical knowledge for use by any other Federal department or agency.

(f) *Assignment of Personnel.* An employee of a foreign intelligence agency detailed elsewhere within the Federal Government shall be responsible to the host agency and shall not report to such employee's parent agency on the affairs of the host agency, except as may be directed by the latter. The head of the host agency, and any successor, shall be informed of the detailee's association with the parent agency.

(g) *Prohibition of Assassination.* No employee of the United States Government shall engage in, or conspire to engage in, political assassination.

(h) *Implementation.*

(1) This section of this Order shall be effective on March 1, 1976. Each department and agency affected by this section of this Order shall promptly issue internal directives to implement this section with respect to its foreign intelligence and counterintelligence operations.

(2) The Attorney General shall, within ninety days of the effective date of this section of this Order, issue guidelines relating to activities of the Federal Bureau of Investigation in the areas of foreign intelligence and counterintelligence.

SEC. 6. *Oversight of Intelligence Organizations.*

(a) There is hereby established an Intelligence Oversight Board, hereinafter referred to as the Oversight Board.

(1) The Oversight Board shall have three members who shall be appointed by the President and who shall be from outside the Government and be qualified on the basis of ability, knowledge, diversity of background and experience. The members of the Oversight Board may also serve on the President's Foreign Intelligence Advisory Board (Executive Order No. 11460 of March 20, 1969). No member of the Oversight Board shall have any personal contractual relationship with any agency or department of the Intelligence Community.

(2) One member of the Oversight Board shall be designated by the President as its Chairman.

(3) The Oversight Board shall:

(i) Receive and consider reports by Inspectors General and General Counsels of the Intelligence Community concerning activities that raise questions of legality or propriety.

(ii) Review periodically the practices and procedures of the Inspectors General and General Counsels of the Intelligence Community designed to discover and report to the Oversight Board activities that raise questions of legality or propriety.

(iii) Review periodically with each member of the Intelligence Community their internal guidelines to ensure their adequacy.

(iv) Report periodically, at least quarterly, to the Attorney General and the President on its findings.

(v) Report in a timely manner to the Attorney General and to the President any activities that raise serious questions about legality.

(vi) Report in a timely manner to the President any activities that raise serious questions about propriety.

(b) Inspectors General and General Counsels within the Intelligence Community shall:

(1) Transmit to the Oversight Board reports of any activities that come to their attention that raise questions of legality or propriety.

(2) Report periodically, at least quarterly, to the Oversight Board on its findings concerning questionable activities, if any.

(3) Provide to the Oversight Board all information requested about activities within their respective departments or agencies.

(4) Report to the Oversight Board any occasion on which they were directed not to report any activity to the Oversight Board by their agency or department heads.

(5) Formulate practices and procedures designed to discover and report to the Oversight Board activities that raise questions of legality or propriety.

(c) Heads of intelligence agencies or departments shall:

(1) Report periodically to the Oversight Board on any activities of their organizations that raise questions of legality or propriety.

(2) Instruct their employees to cooperate fully with the Oversight Board.

(3) Ensure that Inspectors General and General Counsels of their agencies have access to any information necessary to perform their duties assigned by paragraph (4) of this section.

(d) The Attorney General shall:

(1) Receive and consider reports from the Oversight Board.

(2) Report periodically, at least quarterly, to the President with respect to activities of the Intelligence Community, if any, which raise questions of legality.

(e) The Oversight Board shall receive staff support. No person who serves on the staff of the Oversight Board shall have any contractual or employment relationship with any department or agency in the Intelligence Community.

(f) The President's Foreign Intelligence Advisory Board established by Executive Order No. 11460 of March 20, 1969, remains in effect.

SEC. 7. Secrecy Protection.

(a) In order to improve the protection of sources and methods of intelligence, all members of the Executive branch and its contractors given access to information containing sources or methods of intelligence shall, as a condition of obtaining access, sign an agreement that they will not disclose that information to persons not authorized to receive it.

(b) In the event of any unauthorized disclosure of information concerning sources or methods of intelligence, the names of any persons found to have made unauthorized disclosure shall be forwarded (1) to the head of applicable departments or agencies for appropriate disciplinary action; and (2) to the Attorney General for appropriate legal action.

(c) In the event of any threatened unauthorized disclosure of information concerning sources or methods of intelligence by a person who has agreed not to make such disclosure, the details of the threatened disclosure shall be transmitted to the Attorney General

for appropriate legal action, including the seeking of a judicial order to prevent such disclosure.

(d) In further pursuit of the need to provide protection for other significant areas of intelligence, the Director of Central Intelligence is authorized to promulgate rules and regulations to expand the scope of agreements secured from those persons who, as an aspect of their relationship with the United States Government, have access to classified intelligence material.

Sec. 8. Enabling Data.

(a) The Committee on Foreign Intelligence and the Director of Central Intelligence shall provide for detailed implementation of this Order by issuing appropriate directives.

(b) All existing National Security Council and Director of Central Intelligence directives shall be amended to be consistent with this Order within ninety days of its effective date.

(c) This Order shall supersede the Presidential Memorandum of November 5, 1971, on the "Organization and Management of the U.S. Foreign Intelligence Community."

(d) Heads of departments and agencies within the Intelligence Community shall issue supplementary directives to their organizations consistent with this Order within ninety days of its effective date.

(e) This Order will be implemented within current manning authorizations of the Intelligence Community. To this end, the Director of the Office of Management and Budget will facilitate the required realignment of personnel positions. The Director of the Office of Management and Budget will also assist in the allocation of appropriate facilities.

United States Foreign Intelligence Activities

Executive Order 12036. January 24, 1978

UNITED STATES INTELLIGENCE ACTIVITIES

By virtue of the authority vested in me by the Constitution and statutes of the United States of America including the National Security Act of 1947, as amended, and as President of the United States of America, in order to provide for the organization and control of United States foreign intelligence activities, it is hereby ordered as follows:

TABLE OF CONTENTS

SECTION I	DIRECTION, DUTIES AND RESPONSIBILITIES WITH RESPECT TO THE NATIONAL INTELLIGENCE EFFORT.....	[195] ¹
1-1	National Security Council..	[195]
1-2	NSC Policy Review Committee.....	[195]
1-3	NSC Special Coordination Committee.....	[196]
1-4	National Foreign Intelligence Board.....	[197]
1-5	National Intelligence Tasking Center.....	[197]
1-6	The Director of Central Intelligence.....	[198]
1-7	Senior Officials of the Intelligence Community ...	[200]

¹ Editor's Note: The page numbers of the above table of contents reflect page citations in this publication. The page numbers which they replace were references to pages in the original document.

1-8	The Central Intelligence Agency.....	[201]	SECTION 3	OVERSIGHT OF INTELLIGENCE ORGANIZATIONS..	[210]
1-9	The Department of State..	[202]	3-1	Intelligence Oversight Board.....	[210]
1-10	The Department of the Treasury.....	[202]	3-2	Inspectors General and General Counsel.....	[210]
1-11	The Department of Defense.	[202]	3-3	Attorney General.....	[211]
1-12	Intelligence Components Utilized by the Secretary of Defense.....	[203]	3-4	Congressional Intelligence Committees.....	[211]
1-13	The Department of Energy.	[205]	SECTION 4	GENERAL PROVISIONS.....	[212]
1-14	The Federal Bureau of Investigation.....	[205]	4-1	Implementation.....	[212]
1-15	The Drug Enforcement Administration.....	[205]	4-2	Definitions.....	[212]
SECTION 2	RESTRICTIONS ON INTELLIGENCE ACTIVITIES.....	[206]	SECTION 1		
2-1	Adherence to Law.....	[206]	DIRECTION, DUTIES AND RESPONSIBILITIES WITH RESPECT TO THE NATIONAL INTELLIGENCE EFFORT*		
2-2	Restrictions on Certain Collection Techniques.....	[206]	1-1. <i>National Security Council.</i>		
2-201	General Provisions.....	[206]	1-101. <i>Purpose.</i> The National Security Council (NSC) was established by the National Security Act of 1947 to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security. The NSC shall act as the highest Executive Branch entity that provides review of, guidance for, and direction to the conduct of all national foreign intelligence and counterintelligence activities.		
2-202	Electronic Surveillance....	[206]	1-102. <i>Committees.</i> The NSC Policy Review Committee and Special Coordination Committee, in accordance with procedures established by the Assistant to the President for National Security Affairs, shall assist in carrying out the NSC's responsibilities in the foreign intelligence field.		
2-203	Television Cameras and Other Monitoring.....	[207]	1-2. <i>NSC Policy Review Committee.</i>		
2-204	Physical Searches.....	[207]	1-201. <i>Membership.</i> The NSC Policy Review Committee (PRC), when carry-		
2-205	Mail Surveillance.....	[207]	-----		
2-206	Physical Surveillance.....	[207]	*Certain technical terms are defined in Section 4-2.		
2-207	Undisclosed Participation in Domestic Organizations..	[207]			
2-208	Collection of Nonpublicly Available Information...	[208]			
2-3	Additional Restrictions and Limitations.....	[209]			
2-301	Tax Information.....	[209]			
2-302	Restrictions on Experimentation.....	[209]			
2-303	Restrictions on Contracting.	[209]			
2-304	Restrictions on Personnel Assigned to Other Agencies.....	[209]			
2-305	Prohibition on Assassination.....	[209]			
2-306	Restrictions on Special Activities.....	[209]			
2-307	Restrictions on Indirect Participation in Prohibited Activities.....	[209]			
2-308	Restrictions on Assistance to Law Enforcement Authorities.....	[209]			
2-309	Permissible Assistance to Law Enforcement Authorities.....	[209]			
2-310	Permissible Dissemination and Storage of Information.....	[210]			

ing out responsibilities assigned in this Order, shall be chaired by the Director of Central Intelligence and composed of the Vice President, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Assistant to the President for National Security Affairs, and the Chairman of the Joint Chiefs of Staff, or their designees, and other senior officials, as appropriate.

1-202. *Duties.* The PRC shall:

(a) Establish requirements and priorities for national foreign intelligence;

(b) Review the National Foreign Intelligence Program and budget proposals and report to the President as to whether the resource allocations for intelligence capabilities are responsive to the intelligence requirements of the members of the NSC.

(c) Conduct periodic reviews of national foreign intelligence products, evaluate the quality of the intelligence product, develop policy guidance to ensure quality intelligence and to meet changing intelligence requirements; and

(d) Submit an annual report on its activities to the NSC.

1-203. *Appeals.* Recommendations of the PRC on intelligence matters may be appealed to the President or the NSC by any member of the PRC.

1-3. *NSC Special Coordination Committee.*

1-301. *Membership.* The NSC Special Coordination Committee (SCC) is chaired by the Assistant to the President for National Security Affairs and its membership includes the statutory members of the NSC and other senior officials, as appropriate.

1-302. *Special Activities.* The SCC shall consider and submit to the President a policy recommendation, including all dissents, on each special activity. When meeting for this purpose, the members of

the SCC shall include the Secretary of State, the Secretary of Defense, the Attorney General, the Director of the Office of Management and Budget, the Assistant to the President for National Security Affairs, the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence.

1-303. *Sensitive Foreign Intelligence Collection Operations.* Under standards established by the President, proposals for sensitive foreign intelligence collection operations shall be reported to the Chairman by the Director of Central Intelligence for appropriate review and approval. When meeting for the purpose of reviewing proposals for sensitive foreign intelligence collection operations, the members of the SCC shall include the Secretary of State, the Secretary of Defense, the Attorney General, the Assistant to the President for National Security Affairs, the Director of Central Intelligence, and such other members designated by the Chairman to ensure proper consideration of these operations.

1-304. *Counterintelligence.* The SCC shall develop policy with respect to the conduct of counterintelligence activities. When meeting for this purpose the members of the SCC shall include the Secretary of State, the Secretary of Defense, the Attorney General, the Director of the Office of Management and Budget, the Assistant to the President for National Security Affairs, the Chairman of the Joint Chiefs of Staff, the Director of Central Intelligence, and the Director of the FBI. The SCC's counterintelligence functions shall include:

(a) Developing standards and doctrine for the counterintelligence activities of the United States;

(b) Resolving interagency differences concerning implementation of counterintelligence policy;

(c) Developing and monitoring guidelines consistent with this Order for the maintenance of central records of counterintelligence information;

(d) Submitting to the President an overall annual assessment of the relative threat to United States interests from intelligence and security services of foreign powers and from international terrorist activities, including an assessment of the effectiveness of the United States counterintelligence activities; and

(e) Approving counterintelligence activities which, under such standards as may be established by the President, require SCC approval.

1-305. *Required Membership.* The SCC shall discharge the responsibilities assigned by sections 1-302 through 1-304 only after consideration in a meeting at which all designated members are present or, in unusual circumstances when any such member is unavailable, when a designated representative of the member attends.

1-306. *Additional Duties.* The SCC shall also:

(a) Conduct an annual review of ongoing special activities and sensitive national foreign intelligence collection operations and report thereon to the NSC; and

(b) Carry out such other coordination and review activities as the President may direct.

1-307. *Appeals.* Any member of the SCC may appeal any decision to the President or the NSC.

1-4. *National Foreign Intelligence Board.*

1-401. *Establishment and Duties.* There is established a National Foreign Intelligence Board (NFIB) to advise the Director of Central Intelligence concerning:

(a) Production, review, and coordination of national foreign intelligence;

(b) The National Foreign Intelligence Program budget;

(c) Interagency exchanges of foreign intelligence information;

(d) Arrangements with foreign governments on intelligence matters;

(e) The protection of intelligence sources and methods;

(f) Activities of common concern; and

(g) Other matters referred to it by the Director of Central Intelligence.

1-402. *Membership.* The NFIB shall be chaired by the Director of Central Intelligence and shall include other appropriate officers of the CIA, the Office of the Director of Central Intelligence, the Department of State, the Department of Defense, the Department of Justice, the Department of the Treasury, the Department of Energy, the Defense Intelligence Agency, the offices within the Department of Defense for reconnaissance programs, the National Security Agency and the FBI. A representative of the Assistant to the President for National Security Affairs may attend meetings of the NFIB as an observer.

1-403. *Restricted Membership and Observers.* When the NFIB meets for the purpose of section 1-401(a), it shall be composed solely of the senior intelligence officers of the designated agencies. The senior intelligence officers of the Army, Navy and Air Force may attend all meetings of the NFIB as observers.

1-5. *National Intelligence Tasking Center.*

1-501. *Establishment.* There is established a National Intelligence Tasking Center (NITC) under the direction, control and management of the Director of Central Intelligence for coordinating and tasking national foreign intelligence collection activities. The NITC shall be staffed jointly by civilian and military personnel including designated representa-

tives of the chiefs of each of the Department of Defense intelligence organizations engaged in national foreign intelligence activities. Other agencies within the Intelligence Community may also designate representatives.

1-502. *Responsibilities.* The NITC shall be the central mechanism by which the Director of Central Intelligence:

(a) Translates national foreign intelligence requirements and priorities developed by the PRC into specific collection objectives and targets for the Intelligence Community;

(b) Assigns targets and objectives to national foreign intelligence collection organizations and systems;

(c) Ensures the timely dissemination and exploitation of data for national foreign intelligence purposes gathered by national foreign intelligence collection means, and ensures the resulting intelligence flow is routed immediately to relevant components and commands;

(d) Provides advisory tasking concerning collection of national foreign intelligence to departments and agencies having information collection capabilities or intelligence assets that are not a part of the National Foreign Intelligence Program. Particular emphasis shall be placed on increasing the contribution of departments or agencies to the collection of information through overt means.

1-503. *Resolution of Conflicts.* The NITC shall have the authority to resolve conflicts of priority. Any PRC member may appeal such a resolution to the PRC; pending the PRC's decision, the tasking remains in effect.

1-504. *Transfer of Authority.* All responsibilities and authorities of the Director of Central Intelligence concerning the NITC shall be transferred to the Secretary of Defense upon the express direction of the President. To maintain readiness

for such transfer, the Secretary of Defense shall, with advance agreement of the Director of Central Intelligence, assume temporarily during regular practice exercises all responsibilities and authorities of the Director of Central Intelligence concerning the NITC.

1-6 *The Director of Central Intelligence.*

1-601. *Duties.* The Director of Central Intelligence shall be responsible directly to the NSC and, in addition to the duties specified elsewhere in this Order, shall:

(a) Act as the primary adviser to the President and the NSC on national foreign intelligence and provide the President and other officials in the Executive Branch with national foreign intelligence;

(b) Be the head of the CIA and of such staff elements as may be required for discharge of the Director's Intelligence Community responsibilities;

(c) Act, in appropriate consultation with the departments and agencies, as the Intelligence Community's principal spokesperson to the Congress, the news media and the public, and facilitate the use of national foreign intelligence products by the Congress in a secure manner;

(d) Develop, consistent with the requirements and priorities established by the PRC, such objectives and guidance for the Intelligence Community as will enhance capabilities for responding to expected future needs for national foreign intelligence;

(e) Promote the development and maintenance of services of common concern by designated foreign intelligence organizations on behalf of the Intelligence Community;

(f) Ensure implementation of special activities;

(g) Formulate policies concerning intelligence arrangements with foreign governments, and coordinate intelligence relationships between agencies of the Intel-

ligence Community and the Intelligence or Internal Security Services of foreign governments;

(h) Conduct a program to protect against overclassification of foreign intelligence information;

(i) Ensure the establishment by the Intelligence Community of common security and access standards for managing and handling foreign intelligence systems, information and products;

(j) Participate in the development of procedures required to be approved by the Attorney General governing the conduct of intelligence activities;

(k) Establish uniform criteria for the determination of relative priorities for the transmission of critical national foreign intelligence, and advise the Secretary of Defense concerning the communications requirements of the Intelligence Community for the transmission of such intelligence;

(l) Provide appropriate intelligence to departments and agencies not within the Intelligence Community; and

(m) Establish appropriate committees or other advisory groups to assist in the execution of the foregoing responsibilities.

1-602. National Foreign Intelligence Program Budget. The Director of Central Intelligence shall, to the extent consistent with applicable law, have full and exclusive authority for approval of the National Foreign Intelligence Program budget submitted to the President. Pursuant to this authority:

(a) The Director of Central Intelligence shall provide guidance for program and budget development to program managers and heads of component activities and to department and agency heads;

(b) The heads of departments and agencies involved in the National Foreign Intelligence Program shall ensure timely

development and submission to the Director of Central Intelligence of proposed national programs and budgets in the format designated by the Director of Central Intelligence, by the program managers and heads of component activities, and shall also ensure that the Director of Central Intelligence is provided, in a timely and responsive manner, all information necessary to perform the Director's program and budget responsibilities;

(c) The Director of Central Intelligence shall review and evaluate the national program and budget submissions and, with the advice of the NFIB and the departments and agencies concerned, develop the consolidated National Foreign Intelligence Program budget and present it to the President through the Office of Management and Budget;

(d) The Director of Central Intelligence shall present and justify the National Foreign Intelligence Program budget to the Congress;

(e) The heads of the departments and agencies shall, in consultation with the Director of Central Intelligence, establish rates of obligation for appropriated funds;

(f) The Director of Central Intelligence shall have full and exclusive authority for reprogramming National Foreign Intelligence Program funds, in accord with guidelines established by the Office of Management and Budget, but shall do so only after consultation with the head of the department affected and appropriate consultation with the Congress;

(g) The departments and agencies may appeal to the President decisions by the Director of Central Intelligence on budget or reprogramming matters of the National Foreign Intelligence Program.

(h) The Director of Central Intelligence shall monitor National Foreign In-

telligence Program implementation and may conduct program and performance audits and evaluations.

1-603. *Responsibility For National Foreign Intelligence.* The Director of Central Intelligence shall have full responsibility for production and dissemination of national foreign intelligence and have authority to levy analytic tasks on departmental intelligence production organizations, in consultation with those organizations. In doing so, the Director of Central Intelligence shall ensure that diverse points of view are considered fully and that differences of judgment within the Intelligence Community are brought to the attention of national policymakers.

1-604. *Protection of Sources, Methods and Procedures.* The Director of Central Intelligence shall ensure that programs are developed which protect intelligence sources, methods and analytical procedures, provided that this responsibility shall be limited within the United States to:

(a) Using lawful means to protect against disclosure by present or former employees of the CIA or the Office of the Director of Central Intelligence, or by persons or organizations presently or formerly under contract with such entities; and

(b) Providing policy, guidance and technical assistance to departments and agencies regarding protection of intelligence information, including information that may reveal intelligence sources and methods.

1-605. *Responsibility of Executive Branch Agencies.* The heads of all Executive Branch departments and agencies shall, in accordance with law and relevant Attorney General procedures, give the Director of Central Intelligence access to all information relevant to the national intelligence needs of the United

States and shall give due consideration to requests from the Director of Central Intelligence for appropriate support for CIA activities.

1-606. *Access to CIA Intelligence.* The Director of Central Intelligence, shall, in accordance with law and relevant Attorney General procedures, give the heads of the departments and agencies access to all intelligence, developed by the CIA or the staff elements of the office of the Director of Central Intelligence, relevant to the national intelligence needs of the departments and agencies.

1-7. *Senior Officials of the Intelligence Community.* The senior officials of each of the agencies within the Intelligence Community shall:

1-701. Ensure that all activities of their agencies are carried out in accordance with applicable law;

1-702. Make use of the capabilities of other agencies within the Intelligence Community in order to achieve efficiency and mutual assistance;

1-703. Contribute in their areas of responsibility to the national foreign intelligence products;

1-704. Establish internal policies and guidelines governing employee conduct and ensure that such are made known to each employee;

1-705. Provide for strong, independent, internal means to identify, inspect, and report on unlawful or improper activity;

1-706. Report to the Attorney General evidence of possible violations of federal criminal law by an employee of their department or agency, and report to the Attorney General evidence of possible violations by any other person of those federal criminal laws specified in guidelines adopted by the Attorney General;

1-707. In any case involving serious or continuing breaches of security, recommend to the Attorney General that the

case be referred to the FBI for further investigation;

1-708. Furnish the Director of Central Intelligence, the PRC and the SCC, in accordance with applicable law and Attorney General procedures, the information required for the performance of their respective duties;

1-709. Report to the Intelligence Oversight Board, and keep the Director of Central Intelligence appropriately informed, concerning any intelligence activities of their organizations which raise questions of legality or propriety;

1-710. Protect intelligence and intelligence sources and methods consistent with guidance from the Director of Central Intelligence and the NSC;

1-711. Disseminate intelligence to cooperating foreign governments under arrangements established or agreed to by the Director of Central Intelligence;

1-712. Execute programs to protect against overclassification of foreign intelligence;

1-713. Instruct their employees to cooperate fully with the Intelligence Oversight Board; and

1-714. Ensure that the Inspectors General and General Counsel of their agencies have access to any information necessary to perform their duties assigned by this Order.

1-8. *The Central Intelligence Agency.* All duties and responsibilities of the CIA shall be related to the intelligence functions set out below. As authorized by the National Security Act of 1947, as amended, the CIA Act of 1949, as amended, and other laws, regulations and directives, the CIA, under the direction of the NSC, shall:

1-801. Collect foreign intelligence, including information not otherwise obtainable, and develop, conduct, or provide support for technical and other programs

which collect national foreign intelligence. The collection of information within the United States shall be coordinated with the FBI as required by procedures agreed upon by the Director of Central Intelligence and the Attorney General;

1-802. Produce and disseminate foreign intelligence relating to the national security, including foreign political, economic, scientific, technical, military, geographic and sociological intelligence to meet the needs of the President, the NSC, and other elements of the United States Government;

1-803. Collect, produce and disseminate intelligence on foreign aspects of narcotics production and trafficking;

1-804. Conduct counterintelligence activities outside the United States and coordinate counterintelligence activities conducted outside the United States by other agencies within the Intelligence Community;

1-805. Without assuming or performing any internal security functions, conduct counterintelligence activities within the United States, but only in coordination with the FBI and subject to the approval of the Attorney General;

1-806. Produce and disseminate counterintelligence studies and reports;

1-807. Coordinate the collection outside the United States of intelligence information not otherwise obtainable;

1-808. Conduct special activities approved by the President and carry out such activities consistent with applicable law;

1-809. Conduct services of common concern for the Intelligence Community as directed by the NSC;

1-810. Carry out or contract for research, development and procurement of technical systems and devices relating to authorized functions;

1-811. Protect the security of its installations, activities, information and

personnel by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the CIA as are necessary;

1-812. Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections 1-801 through 1-811 above, including procurement and essential cover and proprietary arrangements;

1-813. Provide legal and legislative services and other administrative support to the Office of the Director of Central Intelligence.

1-9. *The Department of State.* The Secretary of State shall:

1-901. Overtly collect foreign political, sociological, economic, scientific, technical, political-military and associated biographic information;

1-902. Produce and disseminate foreign intelligence relating to United States foreign policy as required for the execution of the Secretary's responsibilities;

1-903. Disseminate, as appropriate, reports received from United States diplomatic and consular posts abroad;

1-904. Coordinate with the Director of Central Intelligence to ensure that national foreign intelligence activities are useful to and consistent with United States foreign policy;

1-905. Transmit reporting requirements of the Intelligence Community to the Chiefs of United States Missions abroad; and

1-906. Support Chiefs of Mission in discharging their statutory responsibilities for direction and coordination of mission activities.

1-10. *The Department of the Treasury.* The Secretary of the Treasury shall:

1-1001. Overtly collect foreign financial and monetary information;

1-1002. Participate with the Department of State in the overt collection of general foreign economic information;

1-1003. Produce and disseminate foreign intelligence relating to United States economic policy as required for the execution of the Secretary's responsibilities; and

1-1004. Conduct, through the United States Secret Service, activities to determine the existence and capability of surveillance equipment being used against the President of the United States, the Executive Office of the President, and, as authorized by the Secretary of the Treasury or the President, other Secret Service protectees' and United States officials. No information shall be acquired intentionally through such activities except to protect against such surveillance, and those activities shall be conducted pursuant to procedures agreed upon by the Secretary of the Treasury and the Attorney General.

1-11. *The Department of Defense.* The Secretary of Defense shall:

1-1101. Collect national foreign intelligence and be responsive to collection tasking by the NITC;

1-1102. Collect, produce and disseminate foreign military and military-related intelligence information, including scientific, technical, political, geographic and economic information as required for execution of the Secretary's responsibilities;

1-1103. Conduct programs and missions necessary to fulfill national and tactical foreign intelligence requirements;

1-1104. Conduct counterintelligence activities in support of Department of Defense components outside the United States in coordination with the CIA, and within the United States in coordination with the FBI pursuant to procedures agreed upon by the Secretary of Defense

and the Attorney General, and produce and disseminate counterintelligence studies and reports;

1-1105. Direct, operate, control and provide fiscal management for the National Security Agency and for defense and military intelligence and national reconnaissance entities;

1-1106. Conduct, as the executive agent of the United States Government, signals intelligence and communications security activities, except as otherwise directed by the NSC;

1-1107. Provide for the timely transmission of critical intelligence, as defined by the Director of Central Intelligence, within the United States Government;

1-1108. Review budget data and information on Department of Defense programs within the National Foreign Intelligence Program and review budgets submitted by program managers to the Director of Central Intelligence to ensure the appropriate relationship of the National Foreign Intelligence Program elements to the other elements of the Defense program;

1-1109. Monitor, evaluate and conduct performance audits of Department of Defense intelligence programs;

1-1110. Carry out or contract for research, development and procurement of technical systems and devices relating to authorized intelligence functions;

1-1111. Together with the Director of Central Intelligence, ensure that there is no unnecessary overlap between national foreign intelligence programs and Department of Defense intelligence programs and provide the Director of Central Intelligence all information necessary for this purpose;

1-1112. Protect the security of Department of Defense installations, activities, information and personnel by appro-

priate means including such investigations of applicants, employees, contractors and other persons with similar associations with the Department of Defense as are necessary; and

1-1113. Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections 1-1101 through 1-1112 above.

1-12. *Intelligence Components Utilized by the Secretary of Defense.* In carrying out the responsibilities assigned in sections 1-1101 through 1-1113, the Secretary of Defense is authorized to utilize the following:

1-1201. *Defense Intelligence Agency*, whose responsibilities shall include:

(a) Production or, through tasking and coordination, provision of military and military-related intelligence for the Secretary of Defense, the Joint Chiefs of Staff, other Defense components, and, as appropriate, non-Defense agencies;

(b) Provision of military intelligence for national foreign intelligence products;

(c) Coordination of all Department of Defense intelligence collection requirements for departmental needs;

(d) Management of the Defense Attache system; and

(e) Provision of foreign intelligence and counter-intelligence staff support as directed by the Joint Chiefs of Staff.

1-1202. *National Security Agency (NSA)*, whose responsibilities shall include:

(a) Establishment and operation of an effective unified organization for signals intelligence activities, except for the delegation of operational control over certain operations that are conducted through other elements of the Intelligence Community. No other department or

agency may engage in signals intelligence activities except pursuant to a delegation by the Secretary of Defense;

(b) Control of signals intelligence collection and processing activities, including assignment of resources to an appropriate agent for such periods and tasks as required for the direct support of military commanders;

(c) Collection of signal's intelligence information for national foreign intelligence purposes in accordance with tasking by the NITC;

(d) Processing of signals intelligence data for national foreign intelligence purposes consistent with standards for timeliness established by the Director of Central Intelligence;

(e) Dissemination of signals intelligence information for national foreign intelligence purposes to authorized elements of the Government, including the military services, in accordance with guidance from the NITC;

(f) Collection, processing, and dissemination of signals intelligence information for counterintelligence purposes;

(g) Provision of signals intelligence support for the conduct of military operations in accordance with tasking, priorities and standards of timeliness assigned by the Secretary of Defense. If provision of such support requires use of national collection systems, these systems will be tasked within existing guidance from the Director of Central Intelligence;

(h) Executing the responsibilities of the Secretary of Defense as executive agent for the communications security of the United States Government;

(i) Conduct of research and development to meet needs of the United States

for signals intelligence and communications security;

(j) Protection of the security of its installations, activities, information and personnel by appropriate means including such investigations of applicants, employees, contractors and other persons with similar associations with the NSA as are necessary; and

(k) Prescribing, within its field of authorized operations, security regulations covering operating practices, including the transmission, handling and distribution of signals intelligence and communications security material within and among the elements under control of the Director of the NSA, and exercising the necessary supervisory control to ensure compliance with the regulations.

1-1203. *Offices for the collection of specialized intelligence through reconnaissance programs*, whose responsibilities shall include:

(a) Carrying out consolidated reconnaissance programs for specialized intelligence;

(b) Responding to tasking through the NITC; and

(c) Delegating authority to the various departments and agencies for research, development, procurement, and operation of designated means of collection.

1-1204. *The foreign intelligence and counterintelligence elements of the military services*, whose responsibilities shall include:

(a) Collection, production and dissemination of military-related foreign intelligence, including information on indications and warnings, foreign capabilities, plans and weapons systems, scientific and technical developments and narcotics production and trafficking. When collection is conducted in response to national

foreign intelligence requirements, it will be tasked by the NITC. Collection of national foreign intelligence, not otherwise obtainable, outside the United States shall be coordinated with the CIA, and such collection within the United States shall be coordinated with the FBI;

(b) Conduct of counterintelligence activities outside the United States in coordination with the CIA, and within the United States in coordination with the FBI, and production and dissemination of counterintelligence studies or reports; and

(c) Monitoring of the development, procurement and management of tactical intelligence systems and equipment and conducting related research, development, and test and evaluation activities.

1-1205. *Other offices within the Department of Defense* appropriate for conduct of the intelligence missions and responsibilities assigned to the Secretary of Defense. If such other offices are used for intelligence purposes, the provisions of Sections 2-101 through 2-309 of this Order shall apply to those offices when used for those purposes.

1-13. *The Department of Energy.* The Secretary of Energy shall:

1-1301. Participate with the Department of State in overtly collecting political, economic and technical information with respect to foreign energy matters;

1-1302. Produce and disseminate foreign intelligence necessary for the Secretary's responsibilities;

1-1303. Participate in formulating intelligence collection and analysis requirements where the special expert capability of the Department can contribute; and

1-1304. Provide expert technical, analytical and research capability to other agencies within the Intelligence Community.

1-14. *The Federal Bureau of Investigation.* Under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the Director of the FBI shall:

1-1401. Within the United States conduct counterintelligence and coordinate counterintelligence activities of other agencies within the Intelligence Community. When a counterintelligence activity of the FBI involves military or civilian personnel of the Department of Defense, the FBI shall coordinate with the Department of Defense;

1-1402. Conduct counterintelligence activities outside the United States in coordination with the CIA, subject to the approval of the Director of Central Intelligence;

1-1403. Conduct within the United States, when requested by officials of the Intelligence Community designated by the President, lawful activities undertaken to collect foreign intelligence or support foreign intelligence collection requirements of other agencies within the Intelligence Community;

1-1404. Produce and disseminate foreign intelligence, counterintelligence and counterintelligence studies and reports; and

1-1405. Carry out or contract for research, development and procurement of technical systems and devices relating to the functions authorized above.

1-15. *The Drug Enforcement Administration.* Under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the Administrator of DEA shall:

1-1501. Collect, produce and disseminate intelligence on the foreign and domestic aspects of narcotics production and trafficking in coordination with other agencies with responsibilities in these areas;

1-1502. Participate with the Department of State in the overt collection of general foreign political, economic and agricultural information relating to narcotics production and trafficking; and

1-1503. Coordinate with the Director of Central Intelligence to ensure that the foreign narcotics intelligence activities of DEA are consistent with other foreign intelligence programs.

SECTION 2

RESTRICTIONS ON INTELLIGENCE ACTIVITIES

2-1. *Adherence to Law.*

2-101. *Purpose.* Information about the capabilities, intentions and activities of foreign powers, organizations, or persons and their agents is essential to informed decision-making in the areas of national defense and foreign relations. The measures employed to acquire such information should be responsive to legitimate governmental needs and must be conducted in a manner that preserves and respects established concepts of privacy and civil liberties.

2-102. *Principles of Interpretation.* Sections 2-201 through 2-309 set forth limitations which, in addition to other applicable laws, are intended to achieve the proper balance between protection of individual rights and acquisition of essential information. Those sections do not authorize any activity not authorized by sections 1-101 through 1-1503 and do not provide any exemption from any other law.

2-2. *Restrictions on Certain Collection Techniques.*

2-201. *General Provisions.*

(a) The activities described in Sections 2-202 through 2-208 shall be undertaken only as permitted by this Order and by procedures established by the head of the

agency concerned and approved by the Attorney General. Those procedures shall protect constitutional rights and privacy, ensure that information is gathered by the least intrusive means possible, and limit use of such information to lawful governmental purposes.

(b) Activities described in sections 2-202 through 2-205 for which a warrant would be required if undertaken for law enforcement rather than intelligence purposes shall not be undertaken against a United States person without a judicial warrant, unless the President has authorized the type of activity involved and the Attorney General has both approved the particular activity and determined that there is probable cause to believe that the United States person is an agent of a foreign power.

2-202. *Electronic Surveillance.* The CIA may not engage in any electronic surveillance within the United States. No agency within the Intelligence Community shall engage in any electronic surveillance directed against a United States person abroad or designed to intercept a communication sent from, or intended for receipt within, the United States except as permitted by the procedures established pursuant to section 2-201. Training of personnel by agencies in the Intelligence Community in the use of electronic communications equipment, testing by such agencies of such equipment, and the use of measures to determine the existence and capability of electronic surveillance equipment being used unlawfully shall not be prohibited and shall also be governed by such procedures. Such activities shall be limited in scope and duration to those necessary to carry out the training, testing or countermeasures purpose. No information derived from communications intercepted in the course of such training, testing or use of counter-

measures may be retained or used for any other purpose.

2-203. Television Cameras and Other Monitoring. No agency within the Intelligence Community shall use any electronic or mechanical device surreptitiously and continuously to monitor any person within the United States, or any United States person abroad, except as permitted by the procedures established pursuant to Section 2-201.

2-204. Physical Searches. No agency within the Intelligence Community except the FBI may conduct any unconsented physical searches within the United States. All such searches conducted by the FBI, as well as all such searches conducted by any agency within the Intelligence Community outside the United States and directed against United States persons, shall be undertaken only as permitted by procedures established pursuant to Section 2-201.

2-205. Mail Surveillance. No agency within the Intelligence Community shall open mail or examine envelopes in United States postal channels, except in accordance with applicable statutes and regulations. No agency within the Intelligence Community shall open mail of a United States person abroad except as permitted by procedures established pursuant to Section 2-201.

2-206. Physical Surveillance. The FBI may conduct physical surveillance directed against United States persons or others only in the course of a lawful investigation. Other agencies within the Intelligence Community may not undertake any physical surveillance directed against a United States person unless:

(a) The surveillance is conducted outside the United States and the person being surveilled is reasonably believed to be acting on behalf of a foreign power, engaging in international terrorist activities,

or engaging in narcotics production or trafficking;

(b) The surveillance is conducted solely for the purpose of identifying a person who is in contact with someone who is the subject of a foreign intelligence or counterintelligence investigation; or

(c) That person is being surveilled for the purpose of protecting foreign intelligence and counterintelligence sources and methods from unauthorized disclosure or is the subject of a lawful counterintelligence, personnel, physical or communications security investigation.

(d) No surveillance under paragraph (c) of this section may be conducted within the United States unless the person being surveilled is a present employee, intelligence agency contractor or employee of such a contractor, or is a military person employed by a non-intelligence element of a military service. Outside the United States such surveillance may also be conducted against a former employee, intelligence agency contractor or employee of a contractor or a civilian person employed by a non-intelligence element of an agency within the Intelligence Community. A person who is in contact with such a present or former employee or contractor may also be surveilled, but only to the extent necessary to identify that person.

2-207. Undisclosed Participation in Domestic Organizations. No employees may join, or otherwise participate in, any organization within the United States on behalf of any agency within the Intelligence Community without disclosing their Intelligence affiliation to appropriate officials of the organization, except as permitted by procedures established pursuant to Section 2-201. Such procedures shall provide for disclosure of such affiliation in all cases unless the agency head or

a designee approved by the Attorney General finds that non-disclosure is essential to achieving lawful purposes, and that finding is subject to review by the Attorney General. Those procedures shall further limit undisclosed participation to cases where:

(a) The participation is undertaken on behalf of the FBI in the course of a lawful investigation;

(b) The organization concerned is composed primarily of individuals who are not United States persons and is reasonably believed to be acting on behalf of a foreign power; or

(c) The participation is strictly limited in its nature, scope and duration to that necessary for other lawful purposes relating to foreign intelligence and is a type of participation approved by the Attorney General and set forth in a public document. No such participation may be undertaken for the purpose of influencing the activity of the organization or its members.

2-208: *Collection of Nonpublicly Available Information.* No agency within the Intelligence Community may collect, disseminate or store information concerning the activities of United States persons that is not available publicly, unless it does so with their consent or as permitted by procedures established pursuant to Section 2-201. Those procedures shall limit collection, storage or dissemination to the following types of information:

(a) Information concerning corporations or other commercial organizations or activities that constitutes foreign intelligence or counterintelligence;

(b) Information arising out of a lawful counterintelligence or personnel, physical or communications security investigation;

(c) Information concerning present or former employees, present or former intel-

ligence agency contractors or their present or former employees, or applicants for any such employment or contracting, which is needed to protect foreign intelligence or counterintelligence sources or methods from unauthorized disclosure;

(d) Information needed solely to identify individuals in contact with those persons described in paragraph (c) of this section or with someone who is the subject of a lawful foreign intelligence or counterintelligence investigation;

(e) Information concerning persons who are reasonably believed to be potential sources or contacts, but only for the purpose of determining the suitability or credibility of such persons;

(f) Information constituting foreign intelligence or counterintelligence gathered abroad or from electronic surveillance conducted in compliance with Section 2-202 or from cooperating sources in the United States;

(g) Information about a person who is reasonably believed to be acting on behalf of a foreign power, engaging in international terrorist activities or narcotics production or trafficking, or endangering the safety of a person protected by the United States Secret Service or the Department of State;

(h) Information acquired by overhead reconnaissance not directed at specific United States persons;

(i) Information concerning United States persons abroad that is obtained in response to requests from the Department of State for support of its consular responsibilities relating to the welfare of those persons;

(j) Information collected, received, disseminated or stored by the FBI and necessary to fulfill its lawful investigative responsibilities; or

(k) Information concerning persons or activities that pose a clear threat to any facility or personnel of an agency within

the Intelligence Community. Such information may be retained only by the agency threatened and, if appropriate, by the United States Secret Service and the FBI.

2-3. Additional Restrictions and Limitations.

2-301. Tax Information. No agency within the Intelligence Community shall examine tax returns or tax information except as permitted by applicable law.

2-302. Restrictions on Experimentation. No agency within the Intelligence Community shall sponsor, contract for, or conduct research on human subjects except in accordance with guidelines issued by the Department of Health, Education and Welfare. The subject's informed consent shall be documented as required by those guidelines.

2-303. Restrictions on Contracting. No agency within the Intelligence Community shall enter into a contract or arrangement for the provision of goods or services with private companies or institutions in the United States unless the agency sponsorship is known to the appropriate officials of the company or institution. In the case of any company or institution other than an academic institution, intelligence agency sponsorship may be concealed where it is determined, pursuant to procedures approved by the Attorney General, that such concealment is necessary to maintain essential cover or proprietary arrangements for authorized intelligence purposes.

2-304. Restrictions on Personnel Assigned to Other Agencies. An employee detailed to another agency within the federal government shall be responsible to the host agency and shall not report to the parent agency on the affairs of the host agency unless so directed by the host agency. The head of the host agency, and any successor, shall be informed of the

employee's relationship with the parent agency.

2-305. Prohibition on Assassination. No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination.

2-306. Restrictions on Special Activities. No component of the United States Government except an agency within the Intelligence Community may conduct any special activity. No such agency except the CIA (or the military services in wartime) may conduct any special activity unless the President determines, with the SCC's advice, that another agency is more likely to achieve a particular objective.

2-307. Restrictions on Indirect Participation in Prohibited Activities. No agency of the Intelligence Community shall request or otherwise encourage, directly or indirectly, any person, organization, or government agency to undertake activities forbidden by this Order or by applicable law.

2-308. Restrictions on Assistance to Law Enforcement Authorities. Agencies within the Intelligence Community other than the FBI shall not, except as expressly authorized by law:

(a) Provide services, equipment, personnel or facilities to the Law Enforcement Assistance Administration (or its successor agencies) or to state or local police organizations of the United States; or

(b) Participate in or fund any law enforcement activity within the United States.

2-309. Permissible Assistance to Law Enforcement Authorities. The restrictions in Section 2-308 shall not preclude:

(a) Cooperation with appropriate law enforcement agencies for the purpose of protecting the personnel and facilities of

any agency within the Intelligence Community;

(b) Participation in law enforcement activities, in accordance with law and this Order, to investigate or prevent clandestine intelligence activities by foreign powers, international narcotics production and trafficking, or international terrorist activities; or

(c) Provision of specialized equipment, technical knowledge, or assistance of expert personnel for use by any department or agency or, when lives are endangered, to support local law enforcement agencies. Provision of assistance by expert personnel shall be governed by procedures approved by the Attorney General.

2-310. *Permissible Dissemination and Storage of Information.* Nothing in Sections 2-201 through 2-309 of this Order shall prohibit:

(a) Dissemination to appropriate law enforcement agencies of information which indicates involvement in activities that may violate federal, state, local or foreign laws;

(b) Storage of information required by law to be retained;

(c) Dissemination of information covered by Section 2-208 (a)-(j) to agencies within the Intelligence Community or entities of cooperating foreign governments; or

(d) Lawful storage or dissemination of information solely for administrative purposes not related to intelligence or security.

SECTION 3

OVERSIGHT OF INTELLIGENCE ORGANIZATIONS

3-1. *Intelligence Oversight Board.*

3-101. *Membership.* The President's Intelligence Oversight Board (IOB) shall function within the White House. The IOB shall have three members who shall be appointed by the President and who

shall be from outside the government and be qualified on the basis of ability, knowledge, diversity of background and experience. No member shall have any personal interest in any contractual relationship with any agency within the Intelligence Community. One member shall be designated by the President as chairman.

3-102. *Duties.* The IOB shall:

(a) Review periodically the practices and procedures of the Inspectors General and General Counsel with responsibilities for agencies within the Intelligence Community for discovering and reporting to the IOB intelligence activities that raise questions of legality or propriety, and consider written and oral reports referred under Section 3 201;

(b) Review periodically for adequacy the internal guidelines of each agency within the Intelligence Community concerning the legality or propriety of intelligence activities;

(c) Report periodically, at least quarterly, to the President on its findings; and report in a timely manner to the President any intelligence activities that raise serious questions of legality or propriety;

(d) Forward to the Attorney General, in a timely manner, reports received concerning intelligence activities in which a question of legality has been raised or which the IOB believes to involve questions of legality; and

(e) Conduct such investigations of the intelligence activities of agencies within the Intelligence Community as the Board deems necessary to carry out its functions under this Order.

3-103. *Restriction on Staff.* No person who serves on the staff of the IOB shall have any contractual or employment relationship with any agency within the Intelligence Community.

3-2. *Inspectors General and General Counsel.* Inspectors General and General

Counsel with responsibility for agencies within the Intelligence Community shall:

3-201. Transmit timely reports to the IOB concerning any intelligence activities that come to their attention and that raise questions of legality or propriety;

3-202. Promptly report to the IOB actions taken concerning the Board's findings on intelligence activities that raise questions of legality or propriety;

3-203. Provide to the IOB information requested concerning the legality or propriety of intelligence activities within their respective agencies;

3-204. Formulate practices and procedures for discovering and reporting to the IOB intelligence activities that raise questions of legality or propriety; and

3-205. Report to the IOB any occasion on which the Inspectors General or General Counsel were directed not to report any intelligence activity to the IOB which they believed raised questions of legality or propriety.

3-3. *Attorney General.* The Attorney General shall:

3-301. Receive and consider reports from agencies within the Intelligence Community forwarded by the IOB;

3-302. Report to the President in a timely fashion any intelligence activities which raise questions of legality;

3-303. Report to the IOB and to the President in a timely fashion decisions made or actions taken in response to reports from agencies within the Intelligence Community forwarded to the Attorney General by the IOB;

3-304. Inform the IOB of legal opinions affecting the operations of the Intelligence Community; and

3-305. Establish or approve procedures, as required by this Order, for the conduct of intelligence activities. Such procedures shall ensure compliance with law, protect constitutional rights and privacy,

and ensure that any intelligence activity within the United States or directed against any United States person is conducted by the least intrusive means possible. The procedures shall also ensure that any use, dissemination and storage of information about United States persons acquired through intelligence activities is limited to that necessary to achieve lawful governmental purposes.

3-4. *Congressional Intelligence Committees.* Under such procedures as the President may establish and consistent with applicable authorities and duties, including those conferred by the Constitution upon the Executive and Legislative Branches and by law to protect sources and methods, the Director of Central Intelligence and heads of departments and agencies of the United States involved in intelligence activities shall:

3-401. Keep the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate fully and currently informed concerning intelligence activities, including any significant anticipated activities which are the responsibility of, or engaged in, by such department or agency. This requirement does not constitute a condition precedent to the implementation of such intelligence activities;

3-402. Provide any information or document in the possession, custody, or control of the department or agency or person paid by such department or agency, within the jurisdiction of the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate, upon the request of such committee; and

3-403. Report in a timely fashion to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence

of the Senate information relating to intelligence activities that are illegal or improper and corrective actions that are taken or planned.

SECTION 4

GENERAL PROVISIONS

4-1. Implementation

4-101. Except as provided in section 4-105 of this section, this Order shall supersede Executive Order 11905, "United States Foreign Intelligence Activities," dated February 18, 1976; Executive Order 11985, same subject, dated May 13, 1977; and Executive Order 11994, same subject, dated June 1, 1977.

4-102. The NSC, the Secretary of Defense, the Attorney General and the Director of Central Intelligence shall issue such appropriate directives and procedures as are necessary to implement this Order.

4-103. Heads of agencies within the Intelligence Community shall issue appropriate supplementary directives and procedures consistent with this Order.

4-104. The Attorney General shall have sole authority to issue and revise procedures required by section 2-201 for the activities of the FBI relating to foreign intelligence and counterintelligence.

4-105. Where intelligence activities under this Order are to be conducted pursuant to procedures approved or agreed to by the Attorney General, those activities may be conducted under terms and conditions of Executive Order 11905 and any procedures promulgated thereunder until such Attorney General procedures are established. Such Attorney General procedures shall be established as expeditiously as possible after the issuance of this Order.

4-106. In some instances, the documents that implement this Order will be classified because of the sensitivity of the information and its relation to national security. All instructions contained in

classified documents will be consistent with this Order. All procedures promulgated pursuant to this Order will be made available to the Congressional Intelligence committees in accordance with Section 3-402.

4-107. Unless otherwise specified, the provisions of this Order shall apply to activities both within and outside the United States, and all references to law are to applicable laws of the United States, including the Constitution and this Order. Nothing in this Order shall be construed to apply to or interfere with any authorized civil or criminal law enforcement responsibility of any department or agency.

4-2. *Definitions.* For the purposes of this Order, the following terms shall have these meanings:

4-201. *Communications security* means protective measures taken to deny unauthorized persons information derived from telecommunications of the United States Government related to national security and to ensure the authenticity of such telecommunications.

4-202. *Counterintelligence* means information gathered and activities conducted to protect against espionage and other clandestine intelligence activities, sabotage, international terrorist activities or assassinations conducted for or on behalf of foreign powers, organizations or persons, but not including personnel, physical, document, or communications security programs.

4-203. *Electronic Surveillance* means acquisition of a nonpublic communication by electronic means without the consent of a person who is a party to an electronic communication or, in the case of a nonelectronic communication, without the consent of a person who is visibly present at the place of communication, but not including the use of radio direction finding equipment solely to deter-

mine the location of a transmitter.

4-204. *Employee* means a person employed by, assigned to, or acting for an agency within the Intelligence Community.

4-205. *Foreign Intelligence* means information relating to the capabilities, intentions and activities of foreign powers, organizations or persons, but not including counterintelligence except for information on international terrorist activities.

4-206. *Intelligence* means foreign intelligence and counterintelligence.

4-207. *Intelligence Community* and *agency* or *agencies* within the *Intelligence Community* refer to the following organizations:

(a) The Central Intelligence Agency (CIA);

(b) The National Security Agency (NSA);

(c) The Defense Intelligence Agency;

(d) The Offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(e) The Bureau of Intelligence and Research of the Department of State;

(f) The intelligence elements of the military services, the Federal Bureau of Investigation (FBI), the Department of the Treasury, the Department of Energy, and the Drug Enforcement Administration (DEA); and

(g) The staff elements of the Office of the Director of Central Intelligence.

4-208. *Intelligence product* means the estimates, memoranda and other reports produced from the analysis of available information.

4-209. *International terrorist activities* means any activity or activities which:

(a) involves killing, causing serious bodily harm, kidnapping, or violent destruction of property, or an attempt or credible threat to commit such acts; and

(b) appears intended to endanger a

protectee of the Secret Service or the Department of State or to further political, social or economic goals by intimidating or coercing a civilian population or any segment thereof, influencing the policy of a government or international organization by intimidation or coercion, or obtaining widespread publicity for a group or its cause; and

(c) transcends national boundaries in terms of the means by which it is accomplished, the civilian population, government, or international organization it appears intended to coerce or intimidate, or the locale in which its perpetrators operate or seek asylum.

4-210. *The National Foreign Intelligence Program* includes the programs listed below, but its composition shall be subject to review by the National Security Council and modification by the President.

(a) The programs of the CIA;

(b) The Consolidated Cryptologic Program, the General Defense Intelligence Program, and the programs of the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance except such elements as the Director of Central Intelligence and the Secretary of Defense agree should be excluded;

(c) Other programs of agencies within the Intelligence Community designated jointly by the Director of Central Intelligence and the head of the department or by the President as national foreign intelligence or counterintelligence activities;

(d) Activities of the staff elements of the Office of the Director of Central Intelligence.

(e) Activities to acquire the intelligence required for the planning and conduct of tactical operations by the United States military forces are not included in

the National Foreign Intelligence Program.

4-211. *Physical surveillance* means an unconsented, systematic and deliberate observation of a person by any means on a continuing basis, or unconsented acquisition of a nonpublic communication by a person not a party thereto or visibly present thereat through any means not involving electronic surveillance. This definition does not include overhead reconnaissance not directed at specific United States persons.

4-212. *Special activities* means activities conducted abroad in support of national foreign policy objectives which are designed to further official United States programs and policies abroad and which are planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such activities, but not including diplomatic activity or the collection and production of intelligence or related support functions.

4-213. *United States*, when used to describe a place, includes the territories of the United States.

4-214. *United States person* means a citizen of the United States, an alien lawfully admitted for permanent residence, an unincorporated association organized in the United States or substantially composed of United States citizens or aliens admitted for permanent residence, or a corporation incorporated in the United States.

JIMMY CARTER

The White House,
January 24, 1978.

[Filed with the Office of the Federal Register,
11:12 a.m., January 25, 1978]

C. (In classified version only)

D. (In classified version only)

E. (In classified version only)

F. (In classified version only)

G. THE PRIVACY ACT AND THE FREEDOM OF INFORMATION ACT

1. (In classified version only)

2. Correspondence Between the Department of State and Hon. Clement J. Zablocki. (The Correspondence Contained in This Appendix Was Generated as a Result of the February 2, 1979, Letter From Hon. Clement J. Zablocki to the Department of State Found in Appendix I-C-1.)



DEPARTMENT OF STATE
WASHINGTON

FEBRUARY 28 1979

Dear Mr. Chairman:

The Secretary has asked me to thank you for your letter of February 2 requesting additional information for your staff inquiry into the death of Representative Leo J. Ryan and the resulting incidents at Jonestown, Guyana.

The Department is in the process of gathering most of the information you requested and has asked appropriate posts abroad for additional material. It will be forwarded to you as soon as possible.

In regard to question number ^{SIX} ~~seven~~, the only information we have concerning foreign travel by Jim Jones pertains to a note in the files of the Central Intelligence Agency dated September 1960. This note indicated that Jones and his wife were planning a trip to the Soviet Union, Finland, and Poland. There is no information to indicate that the trip was actually made. The only other information available to the Department is a press report that appeared in the Guyana Chronicle on December 6 in which Jones is reported to have lived in Brazil for a short period and to have visited Guyana on his way back to the United States. The Department is precluded by the Privacy Act from releasing without Timothy Stoen's concurrence any information relating to visits he made to foreign countries.

Concerning question number 3, an earlier search of the Department's files failed to disclose any information pertaining to Dana Griffith. We have requested our Embassy at Georgetown to contact the Guyanese authorities to determine when she arrived in Guyana. We are also conducting an additional search of the Department's passport

The Honorable

Clement J. Zablocki, Chairman,
Committee on Foreign Affairs,
House of Representatives.

507

records in the event our earlier search overlooked this information. As you may know, no official record is kept by any government agency on the departure of American citizens from the United States.

You may be assured that we will forward the additional information as soon as it is received.

Sincerely,

Douglas J. Bennet, Jr.
Assistant Secretary for
Congressional Relations

LEGISLATIVE BUREAU OF THE HOUSE

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Congress of the United States
Committee on Foreign Affairs

House of Representatives
Washington, D.C. 20515

March 13, 1979

JOHN J. BADDY, JR.
CHIEF OF STAFF

The Honorable Douglas J. Bennet
Assistant Secretary
Congressional Relations
U.S. Department of State
Washington, D.C. 20520

Dear Doug:

This is to acknowledge and thank you for your letter of February 28 in partial response to my request of February 2 for additional information relative to this Committee's inquiry into the death of Representative Leo J. Ryan.

With respect to the Department's constraints under the Privacy Act relating to information on Tim Stoen, I am aware the Privacy Act does not authorize the disclosure of a record to Members of Congress acting in their individual capacities without the consent of the individual. However, I am sure you are aware that under 5 U.S.C. 552a(b)(9), the Act does permit such disclosure to any Committee of Congress to the extent to which such information is within the jurisdiction of such Committee.

The Committee on Foreign Affairs is presently investigating all the internationally-related aspects of the Jonestown incident and all events and factors that might have a bearing on this tragic incident. Accordingly, as Chairman of the Committee on Foreign Affairs, I respectfully request the information in question and regard such information as important to the Committee's inquiry on this subject.

With best wishes, I am

Sincerely yours,

Chairman

CJZ:grb



DEPARTMENT OF STATE

Washington, D.C. 20520

MARCH 28 1979

Dear Mr. Chairman:

Thank you for your letter of March 13 requesting whatever information the Department may have on foreign travel by Mr. Timothy Stoen as part of your official inquiry into the death of Congressman Ryan and the subsequent murder/suicides in Jonestown, Guyana. A review by our Legal Advisor's Office of the provisions of the Privacy Act cited in your letter has determined that 5 U.S.C. 552a(b)(9) does permit disclosure to your Committee in this instance.

Apart from his most recent passport application, which was filed in February 1977 and which stated the purpose of this travel was to visit Guyana, the Department has no other record of planned foreign travel by Mr. Stoen. Previous passport applications have been retired and are not readily available. Our former Consul in Guyana recalls that People's Temple members told him that Mr. Stoen had visited the German Democratic Republic sometime between 1973-75. They gave the Consul some poorly reproduced handwritten notes that were illegible and allegedly made by Mr. Stoen during this purported visit. Mr. Stoen did not discuss any previous travel when he met with the Consul in January 1978.

If your Committee desires a review of Mr. Stoen's previous passport applications, please let us know.

Sincerely,



Douglas J. Bennet, Jr.
Assistant Secretary for
Congressional Relations

The Honorable
Clement J. Zablocki, Chairman,
Committee on Foreign Affairs,
House of Representatives.

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3. Department of State Implementation of the Privacy Act and the Freedom of Information Act

A. MATERIALS PROVIDED TO THE STAFF INVESTIGATIVE GROUP STEMMING FROM THE FEBRUARY 2, 1979 LETTER FROM HON. CLEMENT J. ZABLOCKI

(Materials include guidelines and information provided to U.S. Embassy in Georgetown, Guyana with respect to implementation of Privacy Act and Freedom of Information Act and internal memoranda regarding Department of State processing of Privacy Act requests made by legal counsel for the People's Temple.)

Attached is a copy of the Privacy Act of 1974 and guidelines for its implementation issued by the Office of Management and Budget. It is required that all employees of the post be made aware of the provisions of the Act and the guidelines. Administrative personnel, records management officers, security officers, and others who are responsible for maintaining records containing personal information about individuals should familiarize themselves with all provisions of the Act since they will likely be involved in processing Privacy Act requests.

The Director, Foreign Affairs Document and Reference Center (O/FADRC) has been designated the Coordinator for the implementation of the Privacy Act in the Department of State. A Privacy Act Working Group has been formed and Departmental regulations implementing the Act are near completion. Any comments or questions you may have concerning implementation of the Act should be addressed to the Director, O/FADRC.

KISSINGER

Attachments:

1. Privacy Act
2. OMB Guidelines

ivfh	DRAFTING DATE 7/16/75	PHONE NO. 23411	CONTENTS AND CLASSIFICATION O/FADRC - Mr. Pruden	APPROVED BY Pruden
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OFFICE OF MANAGEMENT AND BUDGET

(Circular No. A-106)

HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

Responsibilities for the Maintenance of Records About Individuals by Federal Agencies

1. *Purpose.* This Circular defines responsibilities for implementing the Privacy Act of 1974 (Public Law No. 93-579, 5 U.S.C. 552a) to assure that personal information about individuals collected by Federal agencies is limited to that which is legally authorized and necessary and is maintained in a manner which precludes unwarranted intrusions upon individual privacy.

2. *Background.* a. The Privacy Act of 1974, approved December 31, 1974, set forth a series of requirements governing Federal agency personal record-keeping practices.

b. The Act places the principal responsibility for compliance with its provisions on Federal agencies but also provides that the Office of Management and Budget shall "develop guidelines and regulations . . . and provide continuing assistance to and oversight of the implementation of the . . ." operative provisions of the Act by the agencies.

3. *Definitions.* For the purpose of this Circular:

(1) the term "agency" means agency as defined in section 552(e) of this title; ("The term agency includes any executive department, military department, Government corporation, Government controlled corporation or other establishment in the executive branch of the Government (including the Executive Office of the President, or any independent regulatory agency." (5 U.S.C. 552 (e)))

(2) the term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(3) the term "maintain" includes maintain, collect, use, or disseminate;

(4) the term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph; and

(5) the term "system of records" means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

(5 U.S.C. 552a(a))

4. *Coverage.* a. This Circular applies to all agencies as defined in the Act.

b. It applies to all agency activities related to the maintenance of systems of records subject to the Act; i.e., groupings of personal data about identifiable individuals. See definitions paragraph 3, above.

5. *Responsibilities.* a. Each agency head shall establish and maintain procedures, consistent with the Act, OMB guidelines,⁶ and related directives issued pursuant to this Circular, to

(1) Identify each system of records which the agency maintains and review the content of the system to assure that only that information is maintained which is necessary and relevant to a function which the agency is authorized to perform by law or executive order (5 U.S.C. 552a(e)(1)) and that no information about the political or religious beliefs and activities of individuals is maintained except as provided in 5 U.S.C. 552a(e)(7).

2. Prepare and publish a public notice of the existence and character of those systems consistent with guidance on format issued by GSA. See 5 U.S.C. 552a(e)(4) and (11).

(3) Collect information which may result in an adverse determination about an individual from that individual wherever practicable (5 U.S.C. 552a(e)(2)) and inform individuals from whom information about themselves is collected of the purposes for which the information will be used and their rights, benefits, or obligations with respect to supplying that data (5 U.S.C. 552a(e)(3)).

(4) Revise any personal data collection forms or processes which they may prescribe for use by other agencies (e.g., standard forms) to conform to the requirements of 5 U.S.C. 552a(e)(3). (Agencies which use such forms to collect information are nevertheless responsible for assuring that individuals from whom information about themselves is solicited are advised of their rights and obligations.)

(5) Establish reasonable administrative, technical, and physical safeguards to assure that records are disclosed only to those who are authorized to have access and otherwise "to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained." See 5 U.S.C. 552a(b), and (e) (10).

(6) Maintain an accounting of all disclosures of information from systems of records except those to personnel within the agency who have an official need to know or to the public under the Freedom of Information Act, and make that accounting available as provided in 5 U.S.C. 552a(c) (1), (2), and (3).

(7) When using a record or disclosing it to someone other than an agency, assure that it is as accurate, relevant, timely and complete as is reasonably necessary to assure fairness to the individual. See 5 U.S.C. 552a(e) (5) and (6).

(8) Permit individuals to have access to records pertaining to themselves and to have an opportunity to request that such records be amended. See 5 U.S.C. 552a(d) (1), (2), and (3).

(9) Inform prior recipients when a record is amended pursuant to the request of an individual or a statement of disagreement has been filed, advise any subsequent recipient that a record is disputed, and provide a copy of the statement of disagreement to both prior and subsequent recipients of the disputed information. See 5 U.S.C. 552a(c) (4) and (d) (4).

(10) Publish rules describing agency procedures developed pursuant to the Act and describing any systems which are proposed to be exempted from provisions of the Act including the reasons for the proposed exemption consistent with guidance on format issued by OMA. See 5 U.S.C. 552a(f), (j), and (k).

(11) Review all agency contracts which provide for the maintenance of systems of records by or on behalf of the agency to accomplish an agency function to assure that, where appropriate and within the agency's authority, language is included which provides that such systems will be maintained in a manner consistent with the Act. See 5 U.S.C. 552a(m).

(12) Refrain from renting or selling lists of names and addresses unless specifically authorized by law. See 5 U.S.C. 552a(n).

(13) Prepare and submit to the Office of Management and Budget and to the Congress a report of any proposal to es-

tablish or alter a system of records in a form consistent with guidance on content, format and timing issued by OMB. See 5 U.S.C. 552a(o).

(14) Prepare and submit to the Office of Management and Budget, on or before April 30 of each year, a report of its activities under the Act consistent with guidance on content and format issued by OMB. See 5 U.S.C. 552a(p).

(15) Conduct training for all agency personnel who are in any way involved in maintaining systems of records to apprise them of their responsibilities under the Act and to indoctrinate them with respect to procedures established by the agency to implement the Act. See 5 U.S.C. 552a(e) (9).

(16) Establish a program for periodically reviewing agency record-keeping policies and practices to assure compliance with the Act.

b. The Secretary of Commerce shall, consistent with guidelines issued by OMB, issue standards and guidelines on computer and data security.

c. The Administrator of General Services shall, consistent with guidelines issued by OMB:

(1) Issue instructions on the format and timing of agency notices and rules required to be published under the Act. See 5 U.S.C. 552a (e) (4) and (f).

(2) Not later than November 30, 1975 and annually thereafter compile and publish a compendium of agency rules and notices and make that publication available to the public at low cost. See 5 U.S.C. 552a(f).

(3) Issue and/or revise procedures governing the transfer of records to Federal Records Centers for storage, processing, and servicing pursuant to 44 U.S.C. 3103 to ensure that such records are not disclosed except to the agency which maintains the records, or under rules established by that agency which are not inconsistent with the provisions of the Act. It should be noted that, for purposes of the Act, such records are considered to be maintained by the agency which deposited them. See 5 U.S.C. 552a(l) (1).

(4) Establish procedures to assure that records transferred to the National Archives of the United States pursuant to 44 U.S.C. 2102, are properly safeguarded and that public notices of the existence and character of such records are issued in conformance with 5 U.S.C. 552a (1), (2), and (3).

(5) Revise procedures governing the clearance of interagency data collection forms for which it is responsible to assure that those requesting information

from individuals are revised in conformance with 5 U.S.C. 552a(e)(3).

(6) Revise procurement guidance to incorporate language consistent with 5 U.S.C. 552a(m); i.e., to provide that contracts which provide for the maintenance of a system of records by or on behalf of an agency to accomplish an agency function includes language which assures that such system will be maintained in conformance with the Act.

(7) Revise computer and telecommunications procurement policies to provide that agencies must review all proposed equipment and services procurements to assure compliance with applicable provisions of the Act; e.g., Report on New Systems.

d. The Civil Service Commission shall, consistent with guidelines issued by OMB;

(1) Revise civilian personnel information processing and record-keeping directives to bring them into conformance with the Act.

(2) Devise and conduct training programs for agency personnel including both the conduct of courses in various substantive areas (e.g., legal, administrative, ADP) and the development of materials which agencies can use in their own courses.

e. The Director of the Office of Telecommunications Policy shall, consistent with guidelines issued by OMB, issue and/or revise policies governing government data telecommunications consistent with the Privacy Act.

f. The Director of the Office of Management and Budget will:

(1) Issue guidelines and regulations to the agencies to implement the Act. While the application of the requirements of the Act is the agency's responsibility, interpretive guidelines have been devised to:

Assist agencies in interpreting the requirements of the Act;

Establish minimum standards or criteria, where appropriate, in applying the Act;

Provide illustrative examples of the application of the Act; and

Assure a uniform and constructive implementation of the Act.

(2) Provide assistance, upon request, to agencies.

(3) Review proposed new systems or changes to existing systems.

(4) Compile the annual report to the Congress on agency activities to comply with the Act in accordance with 5 U.S.C. 552a(p).

(5) Revise procedures governing the clearance of data collection forms and reports for which it is responsible to as-

sure that those requesting information about individuals are revised in conformance with 5 U.S.C. 552a(e)(3).

6. Reports: Agencies are required to submit the following reports consistent with guidance on format, content, and timing to be issued under separate transmittal.

a. Reports on new systems to the Congress, OMB, and, for the period of its existence, the Privacy Protection Study Commission. Reports shall be submitted not later than 60 days prior to the establishment of a new system or the implementation of a change to an existing system.

b. Annual report on agency activities to comply with 5 U.S.C. 552a to OMB not later than April 30 of each year.

7. Effective Date. The provisions of this Circular are effective on September 27, 1975 except that:

a. Reports on new systems which cover the implementation of new or altered systems of records proposed to be effective after September 27, 1975 shall be submitted not later than 60 days before the effective date of those new systems or changes; and

b. Rules and notices prescribed by the Act and regulations and guidelines to be issued by the responsible agencies shall be issued in advance of the effective date where required by law (e.g., the Administrative Procedures Act, 5 U.S.C. 553) or as otherwise necessary to permit timely and effective compliance.

8. Inquiries. Inquiries concerning this Circular may be addressed to the Information Systems Division, Office of Management and Budget, Room 9002, NEOB, Washington, D.C., 20503, telephone 202 395-4814.

JAMES T. LYNN.
Director.

PRIVACY ACT GUIDELINES—JULY 1, 1975 Implementation of Section 552a of Title 5 of the United States

1. The following introductory text, which was inadvertently omitted, should be inserted immediately after the headings and before "Table of Contents":

This memorandum forwards guidelines for implementing Section 3 of the Privacy Act of 1974 (5 U.S.C. 552a, P.L. 93-579) pursuant to OMB Circular No. A-108 dated July 1, 1975. These guidelines were developed to assist agencies in complying with the Act in an effective and timely manner.

The guidelines will be revised and expanded as necessary and as experience in implementing the Act suggests the

need for further interpretation and guidance. Although these guidelines are not issued pursuant to 5 U.S.C. 553 (the Administrative Procedures Act) we invite public comment on them.

JAMES T. LYNN,
Director.

¹ Section 3 of the Privacy Act of 1974, Pub. L. 93-579.

TABLE OF CONTENTS

Subsection

- (a) DEFINITIONS.**
- (1) Agency.
 - (2) Individual.
 - (3) Maintain.
 - (4) Record.
 - (5) System of Records.
 - (6) Statistical Record.
 - (7) Routine Use.
- (b) CONDITIONS OF DISCLOSURE.**
- (1) Disclosure within the Agency.
 - (2) Disclosure to the Public.
 - (3) Disclosure for a "Routine Use".
 - (4) Disclosure to the Bureau of the Census.
 - (5) Disclosure for Statistical Research and Reporting.
 - (6) Disclosure to the National Archives.
 - (7) Disclosure for Law Enforcement Purposes.
 - (8) Disclosure under Emergency Circumstances.
 - (9) Disclosure to the Congress.
 - (10) Disclosure to the General Accounting Office.
 - (11) Disclosure Pursuant to Court Order.
- (c) ACCOUNTING OF CERTAIN DISCLOSURES.**
- (1) When Accounting is Required.
 - (2) Retaining the Accounting of Disclosures.
 - (3) Making the Accounting of Disclosures Available to the Individual.
 - (4) Informing Prior Recipients of Corrected or Disputed Records.
 - (d) ACCESS TO RECORDS.
 - (1) Individual Access to Records.
 - (2) Requests for Amending Records.
 - (A) Acknowledgment of Requests to Amend Records.
 - (B) Actions Required on Requests to Amend Records.
 - (3) Requesting a Review of the Agency's Refusal to Amend a Record.
 - (4) Disclosure of Disputed Information.
 - (5) Access to Information Compiled in Anticipation of Civil Action.
 - (e) AGENCY REQUIREMENTS.
 - (1) Restrictions on Collecting Information about Individuals.
 - (2) Information is to be Collected Directly from the Individual.
 - (3) Informing Individuals from whom Information is Requested.
 - (4) Publication of the Annual Notice of Systems of Records.
 - (A) Describing the Name and Location of the System in the Public Notice.
 - (B) Describing Categories of Individuals in the Public Notice.
 - (C) Describing Categories of Records in the Public Notice.
 - (D) Describing Routine Uses in the Public Notice.
 - (E) Describing Records Management Policies and Practices in the Public Notice.
 - (F) Identifying Officials (a) Responsible for the System in the Public Notice.
 - (G) Describing Procedures for Determining if a System contains a Record on an Individual in the Public Notice.
 - (H) Describing Procedures for Gaining Access in the Public Notice.
 - (I) Describing Categories of Information Sources in the Public Notice.
 - (5) Standards of Accuracy.
 - (6) Validating Records before Disclosure.
 - (7) Records on Religious or Political Activities.
 - (8) Notification for Disclosure Under Compulsory Legal Process.
 - (9) Rules of Conduct for Agency Personnel.
 - (10) Administrative, Technical and Physical Safeguards.
 - (11) Notice for New/Revised Routine Uses.
- (f) AGENCY RULES**
- (1) Rules for Determining if an Individual is the Subject of a Record.
 - (2) Rules for Handling Requests for Access.
 - (3) Rules for Granting Access to Records.
 - (4) Rules for Amending Records.
 - (5) Rules Regarding Fees.
- Annual Publication of Notices and Rules**
- (g) CIVIL REMEDIES**
- (1) Grounds for Action.
 - (A) Refusal to Amend a Record.
 - (B) Denial of Access to a Record.
 - (C) Failure to Maintain a Record Accurately.
 - (D) Other Failures to Comply with the Act.
 - (2) Basis for Judicial Review and Remedies for Refusal to Amend a Record.
 - (3) Basis for Judicial Review and Remedies for Denial of Access.
 - (4) Basis for Judicial Review and Remedies for Adverse Determination and Other Failures to Comply.
 - (5) Jurisdiction and Time Limits.
 - (h) RIGHTS OF LEGAL GUARDIANS.
- (i) CRIMINAL PENALTIES.**
- (1) Criminal Penalties for Unauthorized Disclosure.
 - (2) Criminal Penalties for Failure to Publish a Public Notice.
 - (3) Criminal Penalties for Obtaining Records Under False Pretenses.
- (j) & (k) EXEMPTIONS.**
- (j) GENERAL EXEMPTIONS APPLICABILITY AND NOTICE REQUIREMENTS.**
- (1) General Exemption for the Central Intelligence Agency.
 - (2) General Exemption for Criminal Law Enforcement Records.
- (k) SPECIFIC EXEMPTIONS APPLICABILITY AND NOTICE REQUIREMENTS.**
- (1) Exemption for Classified Material.
 - (2) Exemption for Investigatory Material Compiled for Law Enforcement Purposes.

(3) Exemption for Records Maintained to Provide Protective Services.

(4) Exemption for Statistical Records.

(5) Exemption for Investigatory Material Compiled for Determining Suitability for Federal Employment or Military Service.

(6) Exemption for Testing or Examination Material.

(7) Exemption for Material used to Evaluate Potential for Promotion in the Armed Services.

(1) ARCHIVAL RECORDS.

(1) Records Stored in GSA Records Centers.

(2) Records Archived Prior to September 27, 1975.

(3) Records Archived on or after September 27, 1975.

(m) GOVERNMENT CONTRACTORS.

(n) MAILING LISTS.

(o) REPORT ON NEW SYSTEMS.

(p) ANNUAL REPORT.

(q) EFFECT OF OTHER LAWS.

SUBSECTION (A) DEFINITIONS

Subsection (a) "For purposes of this section—"

Agency. Subsection (a) (1) "The term 'agency' means agency as defined in section 552(e) of this title;"

The definition of "agency" is the same as that used in the Administrative Procedures Act as modified by the recently enacted Freedom of Information Act amendments (Pub. L. 93-502): " 'agency' means each authority of the Government of the United States, whether or not it is within or subject to review by another agency . . ." (5 U.S.C. 551(1)). "[T]he term agency . . . includes any executive department, military department, Government corporation, Government controlled corporation or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency." (5 U.S.C. 552(e) as added by Pub. L. 93-702)

Two aspects of this definition require further explanation:

The scope of the term; i.e., what entities are covered, how has the definition of agency been broadened to encompass additional organizations as a result of the FOIA amendments?

Whether or not entities within an agency are to be considered agencies. This is particularly significant in applying subsection (b) (1), in determining what constitutes an interagency transfer.

The first question—the scope of the definition—is covered in the House report on the FOIA amendments quoted below, as modified by the conference report language set out thereafter:

For the purposes of this section, the definition of "agency" has been expanded to include those entities which may not be considered agencies under section 551(1) of title 5, U.S. Code, but which perform governmental functions and control information of interest to the public. The bill expands the definition of "agency" for purposes of section 552, [and 552a] title 5, United States Code. Its effect is to insure inclusion under the Act of Government corporations, Government controlled corporations, or other establishments within the executive branch, such as the U.S. Postal Service.

The term "establishment in the Executive Office of the President," as used in this amendment means such functional entities as the Office of Telecommunications Policy, the Office of Management and Budget, the Council of Economic Advisers, the National Security Council, the Federal Property Council, and other similar establishments which have been or may in the future be created by Congress through statute or by Executive order.

The term "Government corporation," as used in this subsection, would include a corporation that is a wholly Government-owned enterprise, established by Congress through statute, such as the St. Lawrence Seaway Development Corporation, the Federal Crop Insurance Corporation (FCIC), the Tennessee Valley Authority (TVA), and the Inter-American Foundation.

The term "Government controlled Corporation," as used in this subsection, would include a corporation which is not owned by the Federal Government . . . (House Document 93-876, pp. 8-9, Report on the Freedom of Information Act amendments, H.R. 12741).

The conferees state that they intend to include within the definition of "agency" those entities encompassed by 5 U.S.C. 551 and other entities including the United States Postal Service, the Postal Rate Commission, and government corporations or government-controlled corporations now in existence or which may be created in the future. They do not intend to include corporations which receive appropriated funds but are neither chartered by the Federal Government nor controlled by it, such as the Corporation for Public Broadcasting. Expansion of the definition of "agency" in this subsection is intended to broaden applicability of the Freedom of Information Act but it is not intended that the term "agency" be applied to subdivisions, offices or units within an agency.

With respect to the meaning of the term "Executive Office of the President" the conferees intend the result reached in *Soucie v. David*, 448 F. 2d. 1067 (C.A.D.C. 1971). The term is not to be interpreted as including the President's immediate personal staff or units in the Executive Office whose sole function is to advise and assist the President." (House Report 93-1380, p. 14-15)

Whether or not an agency can exist within an agency is a somewhat more complex issue. This is addressed, in part,

in the above quotation from the conference report language in the statement " . . . but it is not intended that the term 'agency' be applied to subdivisions, offices, or units within an agency." The issue was also addressed in debate on

H.R. 16373 on the House floor in a statement by Congressman Moorhead—" . . . 'agency' is given the meaning which it carries elsewhere in the Freedom of Information Act, 5 United States Code, section 551(1), as amended by H.R. 12471 of this Congress, section 552(e), on which Congress has acted to override the veto. The present bill is intended to give 'agency' its broadcast statutory meaning. This will permit employees and officers of the agency which maintains the records to have access to such records if they have a need for them in the performance of their duties. For example, within the Justice Department—which is an agency under the bill—transfer between division of the Department, the U.S. Attorney's offices, the Parole Board, and the Federal Bureau of Investigation would be on a need-for-the-record basis. Transfer outside the Justice Department to other agencies would be more specifically regulated. Thus, transfer of information between the FBI and the Criminal Division of the Justice Department for official purposes would not require additional showing or authority, in contrast to transfer of such information from the FBI to the Labor Department." (Congressional Record November 21, 1974, p. H10962)

In addressing this question the Justice Department has advised that

" . . . It is our firm view that the 1974 [FOIA] Amendments require no change in the original Act, that it is for the over-unit—the Department or other higher-level "agency"—to determine which of its substantially independent components will function independently for Freedom of Information Act purposes. Moreover, as the Attorney General noted in that portion of his Memorandum dealing with the subject, "it is sometimes permissible to make the determination differently for purposes of various provisions of the Act—for example, to publish and maintain an index at the overunit level while letting the appropriate subunits handle requests for their own records." (Attorney General's Memorandum on the 1974 Amendments to the Freedom of Information Act, February, 1975, p. 26). In our view, this practice of giving variable content to the meaning of the word "agency" for various purposes can be applied to the Privacy Act as well as the Freedom of Information Act. For example, it may be desirable and in furtherance of the purposes of the Act to treat the various components of a Department as separate "agencies"

for purposes of entertaining applications for access and ruling upon appeals from denials while treating the Department as the "agency" for purposes of those provisions limiting intragovernmental exchange of records. (Of course, dissemination among components of the Department must still be only on a "need-to-know" basis. 5 U.S.C. 552a(b) (1).) Needless to say, this practice must not be employed invidiously, so as to frustrate rather than to further the purposes of the Act; and there should be a consistency between the practice under the Privacy Act and the practice for comparable purposes under the Freedom of Information Act. For this reason it seems to us doubtful (though not entirely impossible) that a Department or other over-unit which has treated its components as separate agencies for all purposes under the Freedom of Information Act could successfully maintain that all of its components can be considered a single "agency" under the Privacy Act, simply to facilitate the exchange of records (Letter from Assistant Attorney General, Office of Legal Counsel, dated April 14, 1975)

In addition to the matter of determining when a component of an agency is to be considered an agency itself when the entire agency is to be treated as a single entity, the issue arises as to whether an entity or individual serving more than one agency may be considered an "employee" of each agency he serves, for certain purposes. While this is not specifically addressed in the Act, it is reasonable to assume that members of temporary task forces, composed of personnel of several agencies, should usually be considered employees of the lead agency and of their own agency for purposes of access to information. Similarly, members of permanent "strike forces" and personnel crossdesignated to serve the functions of two or more agencies should usually be treated as employees of both the lead agency and their own employing agency, e.g., employees or State or local officials assigned to organized crime, and customs officers cross designated to perform each other's functions.

Individual. Subsection (a)(2) "The term 'individual' means a citizen of the United States or an alien lawfully admitted for permanent residence;"

This definition is intended to "distinguish between the rights which are given to the citizen as an individual under this Act and the rights of proprietorships, businesses, and corporations which are not intended to be covered by this Act. This distinction was to insure that the bill leaves untouched the Federal Government's information activities for such purposes as economic regulations. This definition was also included to exempt from the coverage of the bill intelligence

files and data banks devoted solely to foreign nationals or maintained by the State Department, the Central Intelligence Agency and other agencies for the purpose of dealing with nonresident aliens and people in other countries." (Senate Report 93-1183, p. 79).

The language cited above suggests that a distinction can be made between individuals acting in a personal capacity and individuals acting in an entrepreneurial capacity (e.g., as sole proprietors) and that this definition (and, therefore, the Act) was intended to embrace only the former. This distinction is, of course crucial to the application of the Act since the Act, for the most part, addresses "records" which are defined as " . . . information about individuals" (subsection (a)(4)). Agencies should examine the content of the records in question to determine whether the information being maintained is, in fact, personal in nature. A secondary criterion in deciding whether the subject of an agency file is, for purposes of the Act, an individual, is the manner in which the information is used; i.e., is the subject dealt with in a personal or entrepreneurial role.

Files relating solely to nonresident aliens are not covered by any portion of the Act. Where a system of records covers both citizens and nonresident aliens, only that portion which relates to citizens or resident aliens is subject to the Act but agencies are encouraged to treat such systems as if they were, in their entirety, subject to the Act.

The Act and the legislative history are silent as to whether a decedent may be considered to be an individual and whether anyone may authorize the rights of the decedent to records pertaining to him maintained by Federal agencies. It would appear that the thrust of the Act was to provide certain statutory rights to living as opposed to deceased individuals. But for the provision enabling parents to act on behalf of minors and guardians to act on behalf of those deemed to be incompetent, the rights of an individual provided by the Privacy Act could not have been utilized in their behalf by those interested. The failure of the Privacy Act to so provide for decedents and the overall thrust of the Act—that individuals be given the opportunity to judge for themselves how, and the extent to which, certain information about them maintained by Federal agencies is used, and the implicit personal judgement involved in this thrust—indicates that the Act did not contemplate permitting relatives and other interested parties to exercise rights granted by the Privacy Act

to individuals after the demise of those individuals. These same records, however, may pertain as well to those living persons who might otherwise seek to exercise the decedent's right with regard to that information and thereby be covered by the Privacy Act. Furthermore, access to a decedent's records may be had in various judicial forums as a part of, or ancillary to, other proceedings.

Maintain. Subsection (a)(3) "The term 'maintain' includes maintain, collect, use, or disseminate;"

The term "maintain" is used in two ways in the Privacy Act.

First, it is used to connote the various record keeping functions to which the requirements of the Act apply; i.e., maintaining, collecting, using, or disseminating. Thus, wherever the word "maintain" appears with reference to a record, one should understand it to mean collect, use, or disseminate or any combination of any of these record-keeping functions.

Second, it is used to connote control over and hence responsibility and accountability for systems of records. This is extremely important given the civil and criminal sanctions in subsections (g) and (l) for failure to comply with certain provisions. The applicability of certain provisions, including the exemptions in subsections (j) and (k), can be determined by an agency's ability to demonstrate that it has effective control over a system of records. See, for example, subsections (b)(1), (d), (e)(1), (e)(9), (g), and (l) wherein the term "maintain" clearly means having effective control over a system of records. To have effective control of a system of records does not necessarily mean to have physical control of the system. When records are disclosed to Agency B from a system of records maintained by Agency A, they are then considered to be maintained by Agency B (as well as Agency A) and are subject to all of the provisions of the Act in the same manner as though Agency B had originally compiled them. If one agency turns over a record from its system of records to a second agency and that record is placed in a separate system of records maintained by the second agency, then the record becomes part of the system of records maintained by the second agency and all of the published material, as to the second agency's system of records would apply to the record moved into its system.

The requirements of subsection (m) must also be carefully considered in determining which systems are to be considered as "maintained," i.e., controlled

by an agency within the terms of the Act. Subsection (m) stipulates that systems of records operated under contract or, in some instances, State or local governments operating under Federal mandates "by or on behalf of the agency . . . to accomplish an agency function" are subject to the provisions of Section 3 of the Act. The intent of this provision is to make it clear that the systems "maintained" by an agency are not limited to those operated by agency personnel on agency premises but include certain systems operated pursuant to the terms of a contract to which the agency is a party. The qualifying phrase "to accomplish an agency function" limits the applicability of subsection (m) to those systems directly related to the performance of Federal agency functions by excluding from its coverage systems which are financed, in whole or part, with Federal funds, but which are managed by state or local governments for the benefit of State or local governments.

Record.—Subsection (a) (4) "The term 'record' means any item, collection or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;"

The term "record", as defined for purposes of the Act, means a tangible or documentary record (as opposed to a record contained in someone's memory) and has a broader meaning than the term commonly has when used in connection with record-keeping systems. (It may also differ from the usual definition of a computer record.) An understanding of the term "record", as it is used in the Act, is essential in interpreting the meaning of many of the Act's requirements.

A "record"

Means any item of information about an individual that includes an individual identifier;

Includes any grouping of such items of information (it should not be confused with the use of the term record in the conventional sense or as used in the automatic data processing (ADP) community);

Does not distinguish between data and information; both are within the scope of the definition; and

Includes individual identifiers in any form including, but not limited to, finger prints, voice prints and photographs.

The phrase "identifying particular" suggests any element of data (name, number) or other descriptor (finger print, voice print, photographs) which can be used to identify an individual. Identifying particulars are not always unique (i.e., many individuals share the same name) but when they are not unique (e.g., name) they are individually assigned—as distinguished from generic characteristics.

The term "record" was defined "to assure the intent that a record can include as little as one descriptive item about an individual." (*Congressional Record*, p. S21818, December 17, 1974 and p. H12246, December 18, 1974). This definition "includes the record of present registration, or membership in an organization or activity, or admission to an institution." (Senate Report 93-1183, p. 79). (While this language was written with reference to the definition of the term "personal information" in the Senate bill, it would appear to be equally applicable to the term "record" as used in the Act.)

A record, by this definition, can be part of another record. Therefore prohibitions on the disclosure of a record, for example, apply not only to the entire record in the conventional sense (such as a record in a computer system), but also to any item or grouping of items from a record provided that such grouping includes an individual identifier.

System of Records. Subsection (a) (5) "The term 'system of records' means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;"

The definition of "system of records" limits the applicability of some of the provisions of the Act to "records" which are maintained by an agency, retrieved by individual identifier (i.e., there is an indexing or retrieval capability using identifying particulars, as discussed above, built into the system), and the agency does, in fact, retrieve records about individuals by reference to some personal identifier.

A system of records for purposes of the Act must meet all of the following three criteria:

It must consist of records. See discussions of "record" (a) (4), above.

It must be "under the control of" an agency.

It must consist of records retrieved by reference to an individual name or some other personal identifier.

The phrase " . . . under the control of any agency . . ." was intended to accomplish two separate purposes: (1) To determine possession and establish accountability; and (2) to separate agency records from records which are maintained personally by employees of an agency but which are not agency records.

As previously noted, the definition of "maintain" was broadened to encompass all systems used by Federal agencies. The phrase " . . . under the control of any agency . . ." in the definition of "system of records" was not intended to eliminate from the coverage of the Act any of those systems (which would largely negate the definition of "maintain"), but rather was intended to assign responsibility to a particular agency to discharge the obligations established by the Privacy Act. An agency is responsible for those systems which are " . . . under the control of" that agency. The concept of possession implicit in this phrase is also apparent in the language which begins most of the operative subsections of the Act. For example, the concept is evident although tacit in subsection (b); express in subsection (c) "under its control . . ." " . . . that maintains a system of records . . ." in subsections (d), (e) and (f); "agency records" in subsection (i), and " . . . any system of records within the agency" in subsection (j) and (k).

The intent was, despite the different wording for each subsection, not to have each of the subsections apply to a different roster of systems of records, but to express, in terms of possession, for which systems of records an agency was responsible.

The second purpose of the phrase was to distinguish "agency records" from those records which, although in the physical possession of agency employees and used by them in performing official functions, were not considered "agency records." Uncirculated personal notes, papers and records which are retained or discarded at the author's discretion and over which the agency exercises no control or dominion (e.g., personal telephone lists) are not considered to be agency records within the meaning of

the Privacy Act. This distinction is embodied, in part, in the phrase "under the control of" an agency as well as in the definition of "record" (5 U.S.C. 552(a) (4)).

An agency shall not classify records, which are controlled and maintained by it, as non-agency records, in order to avoid publishing notices of their existence, prevent access by the individuals to whom they pertain, or otherwise evade the requirements of the act.

The "are retrieved by" criterion implies that the grouping of records under the control of an agency is accessed by the agency by use of a personal identifier; not merely that a capability or potential for retrieval exists. For example, an agency record-keeping system on firms it regulates may contain "records" (i.e., personal information) about officers of the firm incident to evaluating the firm's performance. Even though these are clearly "records" under the control of an agency, they would not be considered part of a system as defined by the Act unless the agency accessed them by reference to a personal identifier (name, etc.). That is, if these hypothetical "records" are never retrieved except by reference to company identifier or some other nonpersonal indexing scheme (e.g., type of firm) they are not a part of a system of records. Agencies will necessarily have to make determinations on a system-by-system basis.

Considerable latitude is left to the agency in defining the scope or grouping of records which constitute a system. Conceivably all the "records" for a particular program can be considered a single system or the agency may consider it appropriate to segment a system by function or geographic unit and treat each segment as a "system". The implications of these decisions and some limitations on them are discussed in connection with subsection (e) (4), publication of the annual notice. Briefly, the two considerations which the agency should take into account in its decisions are

Its ability to comply with the requirements of the Act and facilitate the exercise of the rights of individuals; and

The cost and convenience to the agency, but only to the extent consistent with the first consideration.

Statistical Record. Subsection (a) (6) "The term 'statistical record' means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in

part in making any determination about an identifiable individual, except as provided by section 8 of title 13."

A "statistical record", for purposes of this Act, is a record in a system of records that is not used by anyone in making any determination about an individual. This means that, for a record to qualify as a "statistical record", it must be held in a system which is separated from systems (some perhaps containing the same information) which contain records that are used in any manner in making decisions about the rights, benefits, or entitlements of an identifiable individual. The term "identifiable individual" is used to distinguish determinations about specific individuals from determinations about aggregates of individuals as, for example, census data are used to apportion funds on the basis of population.

By this definition, it appears that some so-called "research records" which are only used for analytic purposes qualify as "statistical records" under the Act if they are not used in making determinations. A "determination" is defined as "any decision affecting the individual which is in whole or in part based on information contained in the record and which is made by any person or any agency." (House Report 93-1416; p. 15.)

Most of the records of the Bureau of the Census are considered to be "statistical records" even though, pursuant to section 8 of title 13, United States Code, the Census Bureau is authorized to "furnish transcripts of census records for genealogical and other proper purposes and to make special statistical surveys from census data for a fee upon request." (House report 93-1416, p. 12)

In applying this definition, it might be helpful to distinguish three types of collections or groupings of information about individuals: (1) Statistical compilations which, because they cannot be identified with individuals, are not subject to the Act at all; (2) "records" maintained solely for the purpose of compiling statistics—which are the types of records covered by (a) (6); and (3) "records" on individuals which are used both to compile statistics and also for other purposes, e.g. a criminal history record used both to compile individual statistics and to assist a judge in making a sentencing decision about the individual to whom the record pertains, which is not a "statistical record."

The term "statistical record" is used in subsection (k) (4), specific exemptions.

Routine use. Subsection (a) (7) "The term 'routine use' means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected."

One of the primary objectives of the Act is to restrict the use of information to the purposes for which it was collected. The term "routine use" was introduced to recognize the practical limitations of restricting use of information to explicit and expressed purposes for which it was collected. It recognizes that there are corollary purposes "compatible with the purpose for which [the information] was collected" that are appropriate and necessary for the efficient conduct of government and in the best interest of both the individual and the public. Routine uses include "transfer of information to the Treasury Department to complete payroll checks, the receipt of information by the Social Security Administration to complete quarterly posting of accounts, or other such housekeeping measures and necessarily frequent inter-agency or intra-agency transfers of information." (Congressional Record p. S21816, December 17, 1974 and p. H12244, December 18, 1974)

Additional guidance on the conceptual basis for "routine uses" is found in the statement of Congressman Moorhead on the House floor:

It would be an impossible legislative task to attempt to set forth all of the appropriate uses of Federal records about an identifiable individual. It is not the purpose of the bill to restrict such ordinary uses of the information. Rather than attempting to specify each proper use of such records, the bill gives each Federal agency the authority to set forth the "routine" purposes for which the records are to be used under the guidance contained in the committee's report.

In this sense "routine use" does not encompass merely the common and ordinary uses to which records are put, but also includes all of the proper and necessary uses even if any such use occurs infrequently. For example, individual income tax return records are routinely used for auditing the determination of the amount of tax due and for assistance in collection of such tax by civil proceedings. They are less often used, however, for referral to the Justice Department for possible criminal prosecution in the event of possible fraud or tax evasion, though no one would argue that such referral is improper; thus the "routine" use of such records and subsection (b) (3) might be appropriately construed to permit the Internal Revenue Service to list in its regulations such a referral as a "routine use."

Again, if a Federal agency such as the Housing and Urban Development Department or the Small Business Administration were to discover a possible fraudulent scheme in one of its programs it could "routinely", as it does today, refer the relevant part of the Small Business Administration investigatory arm, the FBI.

Mr. Chairman, the bill obviously is not intended to prohibit such necessary exchanges of information, providing its rule-making procedures are followed. It is intended to prohibit gratuitous, ad hoc, disseminations for private or otherwise irregular purposes. To this end it would be sufficient if an agency publishes as a "routine use" of its information gathered in any program that an apparent violation of the law will be referred to the appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action, or regulatory order. (*Congressional Record, November 21, 1974, p. H10982*)

In discussing the final language of the Act, Senator Ervin and Congressman Moorhead, in similar statements said that "(t)he compromise definition should serve as a caution to agencies to think out in advance what uses it will make of information. This Act is not intended to impose undue burdens on the transfer of information to the Treasury Department to complete payroll checks, the receipt of information by the Social Security Administration to complete quarterly posting of accounts, or other such housekeeping measures and necessarily frequent inter-agency or intra-agency transfers of information. It is, however, intended to discourage the unnecessary exchange of information to other persons or to agencies who may not be as sensitive to the collecting agency's reasons for using and interpreting the material." (*Congressional Record, December 17, 1974, p. S21816 and December 16, 1974, p. H12244*). This implies, at least, that a "routine use" must be not only compatible with, but related to, the purpose for which the record is maintained; e.g., development of a sampling frame for an evaluation study or other statistical purposes.

There are certain "routine uses" which are applicable to a substantial number of systems of records but which are only permissible if properly established by each agency:

Disclosures to a law enforcement agency when criminal misconduct is suspected in connection with the administration of a program; e.g., apparently falsified statements on a grant application or suspected fraud on a contract.

Disclosures to an investigative agency in the process of requesting that a background or suitability investigation be

conducted on individuals being cleared for access to classified information, employment on contracts, or appointment to a position within the agency.

The Act further limits the extent to which disclosures can be made as "routine uses" by requiring an agency to establish the "routine uses" of information in each system of records which it maintains by publishing a declaration of intent in the FEDERAL REGISTER, thereby permitting public review and comment (subsection (c)(11)).

SECTION (b) CONDITIONS OF DISCLOSURE

Subsection (b) "No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be—"

This subsection provides that an agency may not disclose any record contained in system of records, as defined in subsection (a)(5) above, to any person or to any other agency unless the agency which maintains the record is requested to do so by the individual to whom the record pertains or the agency has obtained the written consent of the individual or the disclosure would fall within one or more of the categories enumerated in subsections (b)(1) through (11), below. The phrase "by any means of communication" means any type of disclosure (e.g., oral disclosure, written disclosure, electronic or mechanical transfers between computers of the contents of a record).

Disclosure, however, is permissive not mandatory. An agency is authorized to disclose a record for any purpose enumerated below when it deems that disclosure to be appropriate and consistent with the letter and intent of the Act and these guidelines.

Nothing in the privacy act should be interpreted to authorize or compel disclosures of records, not otherwise permitted or required, to anyone other than the individual to whom a record pertains pursuant to a request by the individual for access to it.

Agencies shall not automatically disclose a record to someone other than the individual to whom it pertains simply because such a disclosure is permitted by this subsection. Agencies shall continue

to abide by other constraints on their authority to disclose information to a third party including, where appropriate, the likely effect upon the individual of making that disclosure. Except as prescribed in subsection (d) (1), (individual access to records) this Act does not require disclosure of a record to anyone other than the individual to whom the record pertains.

A disclosure may be either the transfer of a record or the granting of access to a record.

The fact that an individual is informed of the purposes for which information will be used when information is collected pursuant to subsection (e) (3) does not constitute consent.

There are two instances in which consent to disclose a record might be actively sought by an agency (i.e., without waiting for the individual to request that a disclosure be made).

Disclosure would properly be a "routine use" (b) (3) but disclosure is proposed to be made before the 30 day notice period; e.g., the agency is developing a sampling frame for an evaluation study or a statistical program directly related to the purpose for which the record was established.

Disclosure is unrelated to the purpose for which the record is maintained but the individual may wish to elect to have his or her record disclosed; e.g., to have information on a Federal employment application referred to State agencies or to permit information on such an application to be checked against other Federal agency's records.

In either case, however, care must be exercised to assure that the language of the request is not coercive and that any consequences of refusing to consent are made clear. It is particularly important that the impression not be created that consent to disclose is a prerequisite to obtaining a benefit when it is not.

The consent provision of this subsection was not intended to permit a blanket or open-ended consent clause; i.e., one which would permit the agency to disclose a record without limit. At a minimum, the consent clause should state the general purposes for, or types of recipients, to which disclosure may be made.

A record in a system of records may be disclosed without either a request from or the written consent of the individual to whom the record pertains only if disclosure is authorized below.

Disclosure within the Agency. Subsection (b) (1) "To those officers and employees of the agency which maintains

the record who have a need for the record in the performance of their duties;"

This provision is based on a "need to know" concept. See also definition of "agency," (a) (1). It is recognized that agency personnel require access to records to discharge their duties. In discussing the conditions of disclosure provision generally, the House Committee said that "It is not the Committee's intent to impede the orderly conduct of government or delay services performed in the interests of the individual. Under the conditional disclosure provisions of the bill, 'routine' transfers will be permitted without the necessity of prior written consent. A 'non-routine' transfer is generally one in which the personal information on an individual is used for a purpose other than originally intended." (House Report 93-1416, p. 12).

This discussion suggests that some constraints on the transfer of records within the agency were intended irrespective of the definition of agency. Minimally, the recipient officer or employee must have an official "need to know." The language would also seem to imply that the use should be generally related to the purpose for which the record is maintained.

Movement of records between personnel of different agencies may in some instances be viewed as intra-agency disclosures if that movement is in connection with an inter-agency support agreement. For example, the payroll records compiled by Agency A to support Agency B in a cross-service arrangement are, arguably, being maintained by Agency A as if it were an employee of Agency B. While such transfers would meet the criteria both for intra-agency disclosure and "routine use," they should be treated as intra-agency disclosures for purposes of the accounting requirements (e) (1). In this case, however, Agency B would remain responsible and liable for the maintenance of such records in conformance with the Act.

It should be noted that the conditions of disclosure language makes no specific provision for disclosures expressly required by law other than 5 U.S.C. 552. Such disclosures, which are in effect congressionally-mandated "routine uses" should still be established as "routine uses" pursuant to subsections (e) (11) and (e) (4) (D). This is not to suggest that a "routine use" must be specifically prescribed in law.

Disclosure to the Public. Subsection (b) (2) "Required under section 552 of this title;" Subsection (b) (2) is intended

"to preserve the status quo as interpreted by the courts regarding the disclosure of personal information" to the public under the Freedom of Information Act (*Congressional Record* p. S21817, December 17, 1974 and p. H12244; December 18, 1974). It absolves the agency of any obligation to obtain the consent of an individual before disclosing a record about him or her to a member of the public to whom the agency is required to disclose such information under the Freedom of Information Act and permits an agency to withhold a record about an individual from a member of the public only to the extent that it is permitted to do so under closed (i.e., they are permitted to be 552(b)). Given the use of the term "required", agencies may not voluntarily make public any record which they are not required to release (i.e., those that they are permitted to withhold) without the consent of the individual unless that disclosure is permitted under one of the other portions of this subsection.

Records which have traditionally been considered to be in the public domain and are required to be disclosed to the public, such as many of the final orders and opinions of quasi-judicial agencies, press releases, etc. may be released under this provision without waiting for a specific Freedom of Information Act request. For example, opinions of quasi-judicial agencies may be sent to counsel for the parties and to legal reporting services, and press releases may be issued by agencies dealing with public record matters such as suits commenced or agency proceedings initiated. Records which the agency would elect to disclose to the public but which are not required to be disclosed (i.e., they are permitted to be withheld under the FOIA) may only be released to the public under the "routine use" provision (subsection (b) (3)). Note, however, that an agency may not rely on any provision of the Freedom of Information Act as a basis for refusing access to a record to the individual to whom it pertains, unless such refusal of access is authorized by an exemption within the Privacy Act. See subsections (d)(1) and (g) below.

Disclosure for a "Routine Use". Subsection (b) (3) "For a routine use as defined in subsection (a) (7) of this section and described under subsection (e) (4) (D) of this section;"

Records may be disclosed without the prior consent of the individual for a

"routine use", as defined above, if that "routine use" has been established and described in the public notice about the system published pursuant to subsections (e) (4) (D), and (e) (11) below.

Disclosure to the Bureau of the Census. Subsection (b) (4) "To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;"

Agencies may disclose records to the Census Bureau in individually identifiable form for use by the Census Bureau pursuant to the provisions of Title 13. (Title 13 not only limits the uses which may be made of these records but also makes them immune from compulsory disclosure).

Disclosure for Statistical Research and Reporting. Subsection (b) (5) "To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;"

Agencies may disclose records for statistical purposes under limited conditions. The use of the phrase "in a form that is not individually identifiable" means not only that the information disclosed or transferred must be stripped of individual identifiers but also that the identity of the individual can not reasonably be deduced by anyone from tabulations or other presentations of the information (i.e., the identity of the individual can not be determined or deduced by combining various statistical records or by reference to public records or other available sources of information.) See also the discussion of "statistical record" ((a) (6)), above.

Records, whether or not statistical records as defined in (a) (6), above, may be disclosed for statistical research or reporting purposes only after the agency which maintains the record has received and evaluated a written statement which:

States the purpose for requesting the records; and

Certifies that they will only be used as statistical records.

Such written statements will be made part of the agency's accounting of disclosures under subsection (c) (1).

Fundamentally, agencies disclosing records under this provision are re-

quired to assure that information disclosed for use as a statistical research or reporting record cannot reasonably be used in any way to make determinations about individuals. One may infer from the legislative history and other portions of the Act that an objective of this provision is to reduce the possibility of matching and analysis of statistical records with other records to reconstruct individually identifiable records. An accounting of disclosures is not required when agencies publish aggregate data so long as no individual member of the population covered can be identified; for example, statistics on employee turnover rates, sick leave usage rates.

Viewed from the perspective of the recipient agencies, material thus transferred would not constitute records for its purposes.

Disclosure to the National Archives. Subsection (b) (6) "To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value."

Agencies may disclose records to the National Archives of the United States pursuant to Section 2103 of Title 44 of the United States Code which provides for the preservation of records "of historical or other value". This subsection (b) (6) allows not only the transfer of records for preservation but also the disclosure of records to the Archivist to permit a determination as to whether preservation under Title 44 is warranted. See subsections (1) (2) and (1) (3) for a discussion of constraints on the maintenance of records by the Archives.

Records which are transferred to Federal Records Centers for safekeeping or storage do not fall within this category. Such transfers are not considered to be disclosures within the terms of this Act since the records remain under the control of the transferring agency. Federal Records Center personnel are acting on behalf of the agency which controls the records. See subsection (1) (1), below.

Disclosure for Law Enforcement Purposes. Subsection (b) (7) "To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity

if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought."

An agency may, upon receipt of a written request, disclose a record to another agency or unit of State or local government for a civil or criminal law enforcement activity. The request must specify

The law enforcement purpose for which the record is requested; and

The particular record requested.

Blanket requests for all records pertaining to an individual are not permitted. Agencies or other entities seeking disclosure may, of course, seek a court order as a basis for disclosure. See subsection (b) (11).

A record may also be disclosed to a law enforcement agency at the initiative of the agency which maintains the record when a violation of law is suspected; provided, That such disclosure has been established in advance as a "routine use" and that misconduct is related to the purposes for which the records are maintained. For example, certain loan or employment application information may be obtained with the understanding that individuals who knowingly and willfully provide inaccurate or erroneous information will be subject to criminal prosecution. This usage was explicitly addressed by Congressman Moorhead in explaining the House bill, on the floor of the House:

It should be noted that the "routine use" exception is in addition to the exception provided for dissemination for law enforcement activity under subsection (b) (7) of the bill. Thus a requested record may be disseminated under either the "routine use" exception, the "law enforcement" exception, or both sections, depending on the circumstances of the case. (*Congressional Record* November 21, 1974, p. H10982.)

In that same discussion, additional guidance was provided on the term "head of the agency" as that term is used in this subsection ((b)):

The words "head of the agency" deserve elaboration. The committee recognizes that the heads of Government departments cannot be expected to personally request each of the thousands of records which may properly be disseminated under this subsection. If that were required, such officials could not perform their other duties, and in many cases, they could not even perform record requesting duties alone. Such duties may be delegated, like other duties, to other officials, when absolutely necessary but never below a

section chief, and this is what is contemplated by subsection (b)(7). The Attorney General, for example, will have the power to delegate the authority to request the thousands of records which may be required for the operation of the Justice Department under this section.

It should be noted that this usage is somewhat at variance with the use of the term "agency head" in subsections (j), and (k), rules and exemptions, where delegations to this extent are neither necessary nor appropriate.

This subsection permits disclosures for law enforcement purposes only to governmental agencies "within or under the control of the United States." Disclosures to to foreign (as well as to State and local) law enforcement agencies may, when appropriate, be established as "routine uses."

Records in law enforcement systems may also be disclosed for law enforcement purposes when that disclosure has properly been established as a "routine use"; e.g., statutorily authorized responses to properly made queries to the National Driver Register; transfer by a law enforcement agency of protective intelligence information to the Secret Service.

Disclosure under Emergency Circumstances. Subsection (b)(8) "To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;"

Agencies may disclose records when, for example, the time required to obtain the consent of the individual to whom the record pertains might result in a delay which could impair the health or safety of an individual; as in the release of medical records on a patient undergoing emergency treatment. The individual pertaining to whom records are disclosed need not necessarily be the individual whose health or safety is at peril; e.g., release of dental records on several individuals in order to identify an individual who was injured in an accident.

Disclosure to the Congress. Subsection (b)(9) "To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;"

This language does not authorize the disclosure of a record to members of Congress acting in their individual ca-

pacities without the consent of the individual.

Disclosure to the General Accounting Office. Subsection (b)(10) "To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office;"

Disclosure Pursuant to Court Order. Subsection (b)(11) "Pursuant to the order of a court of competent jurisdiction."

SUBSECTION (c) ACCOUNTING OF CERTAIN DISCLOSURES

Subsection (c) "Each agency, with respect to each system of record under its control, shall—"

When Accounting Is Required. Subsection (c)(1) "Except for disclosures made under subsections (b)(1) or (b)(2) of this section, keep an accurate accounting of—"

"(A) The date, nature, and purpose of each disclosure of a record to any person or to another agency made under subsection (b) of this section; and

"(B) The name and address of the person or agency to whom the disclosure is made;"

An accounting is required

For disclosures outside the agency even when such disclosure is at the request of the individual with the written consent or at the request of the individual;

For disclosures for routine uses (see (b)(3));

For disclosures to the Bureau of the Census (see (b)(4));

For disclosures to a person or another agency for statistical research or reporting purposes (see (b)(5));

For disclosures to the Archives (see (b)(6));

For disclosures for a law enforcement activity consistent with the provisions of subsection (see (b)(7));

For disclosures upon a showing of "compelling circumstances" (see (b)(8));

For disclosures to the Congress or the Comptroller General (see (b)(9) and (10)); or

For disclosures pursuant to a court order (see (b)(11)).

An accounting of disclosures is not required.

For disclosures to employees of the agency maintaining the record who have a need to have access in the performance of their official duties for the agency.

(Agencies are required to establish safeguards, pursuant to subsection (e)(10), to assure that individuals who do not have a "need to know" will not have access.) (see (b)(1)); or

For disclosures to members of the public which would be required under the Freedom of Information Act (see (b)(2)).

(Note: That the accounting requirement is not one from which an agency may seek an exemption under subsections (j) and (k).)

"The term 'accounting' rather than 'record,' [was used] to indicate that an agency need not make a notation on a single document of every disclosure of a particular record. The agency may use any system it desires for keeping notations of disclosures, provided that it can construct from its system a document listing of all disclosures." (House Report 93-1416, p. 14). For example, if a list of names and other pertinent data necessary to issue payroll or benefit checks is transferred to a disbursing office outside the agency, the agency transferring the record need not maintain a separate record of such transfer in each individual record provided that it can construct the required accounting information when requested by the individual (subsection (c)(3)) or when necessary to inform previous recipients of any corrected or disputed information (subsection (c)(4)). The accounting should also provide a cross-reference to the basis upon which the release was made including any written documentation as is required in the case of the release of records for statistical or law enforcement purposes.

In some instances, (e.g., investigation or prosecution of suspected criminal activity) a disclosure may consist of a continuing dialogue between two agencies over a period of weeks or months. In such a situation, it may be appropriate to make a general notation that, as of a specified date, such contact was initiated and will be maintained until the conclusion of the case.

While the accounting of disclosures, when maintained apart from the record, might be considered a system of records under the Act, this could lead to the situation of having to maintain an accounting of disclosures from the original accounting and having to maintain that second accounting for five years, etc. Note that subsection (c)(3) gives an individual a right of access to the accounting which would not have been necessary

if the accounting were considered a separate system of record. Therefore, it would seem that the intent was to view the accounting of disclosures as other than a system of records and to conclude that an accounting need not be maintained for disclosures from the accounting of disclosures.

Retaining the Accounting of Disclosures. Subsection (c)(2) "Retain the accounting made under paragraph (1) of this subsection for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made;"

The purposes of the accounting are (1) to allow individuals to learn to whom records about themselves have been disclosed (subsection (c)(3)); (2) to provide a basis for subsequently advising recipients of records of any corrected or disputed records (subsection (c)(4)); and (3) to provide an audit trail for subsequent reviews of agency compliance with subsection (b) (conditions of disclosure). As discussed above, with respect to maintaining the accounting, the accounting need not be retained on a record by record basis as long as the procedures adopted by the agency permit it to satisfy these objectives. While the accounting is required to be maintained for at least five years, nothing in the Act requires the retention of the record itself where the record could otherwise lawfully be disposed of sooner.

The accounting is required to be retained for five years from the date of the disclosure unless the record is retained longer. Record retention standards remain as prescribed in applicable law and GSA regulations.

Making the Accounting of Disclosures Available to the Individual. Subsection (c)(3) "Except for disclosures made under subsection (b)(7) of this section, make the accounting made under paragraph (1) of this subsection available to the individual named in the record at his request;"

Upon request of the individual to whom the record pertains an agency must make available to that individual all information in its accounting of disclosures except those pertaining to disclosures to another agency or government instrumentality for law enforcement purposes pursuant to subsection (b)(7) unless the system has been exempted from this provision pursuant to subsections (j) or (k). Agencies may wish to maintain the accounting of disclosure in such a manner that notations of disclosures pursuant to (b)(7) are readily segregable in order to

facilitate timely release of the disclosure accounting when requested by the individual. Since the accounting will often not be maintained in a form which is readily comprehensible to the individual, the process of "making the accounting available" may entail some transformation of the accounting by the agency so as to make it intelligible to the individual. This may require the agency to compile, from the accounting, a list of those to whom the record was disclosed.

Informing Prior Recipients of Corrected or Disputed Records. Subsection (c)(4) "Inform any person or other agency about any correction or notation of dispute made by the agency in accordance with subsection (d) of this section of any record that has been disclosed to the person or agency if an accounting of the disclosure was made."

When a record is corrected at the request of an individual acting in accordance with subsection (d)(2) or a statement of dispute is filed as provided in subsection (d)(3), the agency maintaining the record shall notify each agency or person to which the record has been disclosed of the exact nature of the correction or that a notation of dispute has been made. If the recipient was another agency, that agency is required, in turn, to notify those to whom it disclosed the record.

This requirement does not apply to disclosures to personnel within the agency with a "need to know" or to the public under the Freedom of Information Act (subsections (b)(1) and (2)) or to disclosures made prior to September 27, 1975 for which no accounting was made. (Note that the language in subsection (c)(4) differs from the corresponding language in H.R. 16373 so that the House report discussion of this provision is no longer applicable).

Given the definition of "record" (a record may be construed to be a part of another record) and the language of subsection (d)(4), below, it would appear that the notification of correction or of the filing of a statement of disagreement is required only to the extent that the correction or disagreement pertains to the information actually disclosed; i.e., recipients of a portion of a record other than the portion which is subsequently corrected or disputed need not be informed. Where there is any doubt as to whether the corrected information was included in or might be relevant to a previous disclosure, agencies should notify the recipients in question.

The language of this subsection explicitly requires only that prior recipients be notified of corrections made pursuant to a request to amend a record by an individual and does not address records corrected for other reasons; e.g., agency staff detects erroneous data or a third party source provides corrected information. Nevertheless, agencies are encouraged to provide corrected information to previous recipients, irrespective of the means by which the correction was made whenever it is deemed feasible to do so if information included in a previous disclosure was changed particularly when the agency is aware that the correction is relevant to the recipient's uses irrespective of the means by which the correction is made.

SUBSECTION (d) ACCESS TO RECORDS

Subsection (d) "Each agency that maintains a system of record shall—"

Individual Access to Records. Subsection (d)(1) "Upon request by an individual to gain access to his record or to any information pertaining to him which is contained in the system, permit him; and upon his request, a person of his own choosing to accompany him, to review the record and have a copy made of all or any portion thereof in a form comprehensible to him, except that the agency may require the individual to furnish a written statement authorizing discussion of that individual's record in the accompanying person's presence;"

An agency must, upon request: (1) Inform an individual whether a system of records contains a record or records pertaining to him, (2) permit an individual to review any record pertaining to him which is contained in a system of records, (3) permit the individual to be accompanied for the purpose by a person of his choosing, and (4) permit the individual to obtain a copy of any such record in a form comprehensible to him at a reasonable cost. This provision it should be noted, gives an individual the right of access only to records which are contained in a system of records. See (e)(5), above.

This language further suggests that the Congress did not intend to require that an individual be given access to information which the agency does not retrieve by reference to his or her name or some other identifying particular. See subsection (a)(5). If an individual is named in a record about someone else (or some other type of entity) and the agency only retrieves the portion per-

taining to him by reference to the other person's name (or some organization/subject identifier), the agency is not required to grant him access. Indeed, if this were not the case, it would be necessary to establish elaborate cross-references among records, thereby increasing the potential for privacy abuses. The following examples illustrate some applications of this standard.

1. A record on Joan Doe as an employee in a file of employees from which material is accessed by reference to her name (or some identifying number). This is the simplest case of a record in a system of records and Joan Doe would have a right of access.

2. A reference to Joan Doe in a record about James Smith in the same file. This is also a record within a system but Joan Doe would not have to be granted access unless the agency had devised and used an indexing capability to gain access to her record in James-Smith's file.

3. A record about Joan Doe in a contract source evaluation file about her employer, Corporation X, which is not accessed by reference to individuals' names, or other identifying particulars. This is a record which is not in a system of records and, therefore, Joan Doe would not have a right of access to it. If, as in 2, above, an indexing capability were developed and used, however, such a system would become a system of records to which Joan Doe would have a right of access.

Agencies may establish fees for making copies of an individual's record but not for the cost of searching for a record or reviewing it (subsection (f)(5)). When the agency makes a copy of a record as a necessary part of its process of making the record available for review (as distinguished from responding to a request by an individual for a copy of a record), no fee may be charged. It should be noted that this provision differs from the access and fees provisions of the Freedom of Information Act.

The granting of access may not be conditioned upon any requirement to state a reason or otherwise justify the need to gain access.

Agencies shall establish requirements to verify the identity of the requester. Such requirements shall be kept to a minimum. They shall only be established when necessary reasonably to assure that an individual is not improperly granted access to records pertaining to another individual and shall not unduly impede the individual's right of access. Proce-

dures for verifying identity will vary depending upon the nature of the records to which access is sought. For example, no verification of identity will be required of individuals seeking access to records which are otherwise available to any member of the public under 5 U.S.C. 552, the Freedom of Information Act. However, far more stringent measures should be utilized when the records sought to be accessed are medical or other sensitive records.

For individuals who seek access in person, requirements for verification of identity should be limited to information or documents which an individual is likely to have readily available (e.g., a driver's license, employee identification card, Medicare card). However, if the individual can provide no other suitable documentation, the agency should request a signed statement from the individual asserting his or her identity and stipulating that the individual understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to \$5,000. (Subsection (i)(3).)

For systems to which access is granted by mail (by virtue of their location) verification of identity may consist of the providing of certain minimum identifying data; e.g., name, date of birth, or system personal identifier (if known to the individual). Where the sensitivity of the data warrants it; (i.e., unauthorized access could cause harm or embarrassment to the individual), a signed notarized statement may be required or other reasonable means of verifying identity which the agency may determine to be necessary, depending on the degree of sensitivity of the data involved.

Note: That section 7 of the Act forbids an agency to deny an individual any right (including access to a record) for refusing to disclose a Social Security Number unless disclosure is required by Federal statute or by other laws or regulations adopted prior to January 1, 1976.

Agencies are also permitted to require that an individual who wishes to be accompanied by another person when reviewing a record furnish a written statement authorizing discussion of his or her record in the presence of the accompanying person. This provision may not be used to require that individuals who request access and wish to authorize other persons to accompany them provide any reasons for the access or for the accompanying person's presence. It is designed

to avoid disputes over whether the individual granted permission for disclosure of information to the accompanying person.

Agency procedures for complying with the individual access provisions will necessarily vary depending upon the size and nature of the system of records. Large computer-based systems of records clearly require a different approach than do small, regionally dispersed, manually maintained systems. Nevertheless the basic requirements are constant, namely the right of the individual to have access to a record pertaining to him and to have a copy made of all or any portion of such records in a form which is comprehensible to him. Putting information into a comprehensible form suggests converting computer codes to their literal meaning but not necessarily an extensive tutorial in the agency's procedures in which the record is used.

Neither the requirements to grant access nor to provide copies necessarily require that the physical record itself be made available. The form in which the record is kept (e.g., on magnetic tape) or the context of the record (e.g., access to a document may disclose records about other individuals which are not relevant to the request) may require that a record be extracted or translated in some manner; e.g., to expunge the identity of a confidential source. Whenever possible, however, the requested record should be made available in the form in which it is maintained by the agency and the extraction or translation process may not be used to withhold information in a record about the individual who requests it unless the denial of access is specifically provided for under rules issued pursuant to one of the exemption provisions (subsections (j) and (k)).

Subsection (f) (3) provides that agencies may establish "a special procedure, if deemed necessary, for the disclosure to an individual of medical records, including psychological records, pertaining to him." In addressing this provision the House committee said:

If, in the judgment of the agency, the transmission of medical information directly to a requesting individual could have an adverse effect upon such individual, the rules which the agency promulgates should provide means whereby an individual who would be adversely affected by receipt of such data may be apprised of it in a manner which would not cause such adverse effects. An example of a rule serving such purpose would be transmission to a doctor named by the requesting individual. (House Report 93-1416, pp. 16-17)

Thus, while the right of individuals to have access to medical and psychological records pertaining to them is clear, the nature and circumstances of the disclosure may warrant special procedures.

While the Act provides no specific guidance on this subject, agencies should acknowledge requests for access to records within 10 days of receipt of the request (excluding Saturdays, Sundays, and legal public holidays). Wherever practicable, that acknowledgement should indicate whether or not access can be granted and, if so, when. When access is to be granted, agencies will normally provide access to a record within 30 days (excluding Saturdays, Sundays, and legal public holidays) unless, for good cause shown, they are unable to do so, in which case the individual should be informed in writing within 30 days as to those reasons and when it is anticipated that access will be granted. A "good cause" might be the fact that the record is inactive and stored in a records center and, therefore, not as readily accessible. See subsection (l) (1). Presumably, in such cases the risk of an adverse determination being made on the bases of a record to which access is sought and which the individual might choose to challenge is relatively low.

Requests for Amending Records. Subsection (d) (2) "Permit the individual to request amendment of a record pertaining to him and—"

Agencies shall establish procedures to give individuals the opportunity to request that their records be amended. The procedures may permit the individual to present a request either in person, by telephone, or through the mail but the process should not normally require that the individual present the request in person. If the agency deems it appropriate, it may require the requests be made in writing, whether presented in person or through the mail. Instructions for the preparation of a request and any forms employed should be as brief and as simple as possible. If a request is received on other than a prescribed form, the agency should not reject it or request resubmission unless additional information is essential to process the request. In that case, the inquiry to the individual should be limited to obtaining the needed additional information, not resubmission of the entire request. Incomplete or inaccurate requests should not be rejected categorically. The individual should be asked to clarify the request as needed. Requests presented in person

should be screened briefly while the individual is still present, wherever possible, to assure that the request is complete so that clarification may be obtained on the spot.

These provisions for amending records are not intended to permit the alteration of evidence presented in the course of judicial, quasi-judicial or quasi-legislative proceedings. Any changes in such records should be made only through the established procedures consistent with the adversary process. These provisions are not designed to permit collateral attack upon that which has already been the subject of a judicial or quasi-judicial action. For example, these provisions are not designed to permit an individual to challenge a conviction for a criminal offense received in another forum or to reopen the assessment of a tax liability, but the individual would be able to challenge the fact that conviction or liability has been inaccurately recorded in his records.

The agency should also require verification of identity to assure that the requestors are seeking to amend records pertaining to themselves and not, inadvertently or intentionally, the records of other individuals.

Acknowledgement of Requests to Amend Records, Subsection (d) (2) (A)
 "Not later than 10 days (excluding, Saturdays, Sundays, and legal public holidays) after the date of receipt of such request, acknowledge in writing such receipt; and"

A written acknowledgement by the agency of the receipt of a request to amend a record must be provided to the individual within 10 days (excluding Saturdays, Sundays, and legal public holidays). The acknowledgement should clearly describe the request (a copy of the request form may be appended to the acknowledgement) and advise the individual when he or she may expect to be advised of action taken on the request.

No separate acknowledgement of receipt is necessary if the request can be reviewed, processed, and the individual advised of the results of the review (whether complied with or denied) within the 10-day period.

For requests presented in person, written acknowledgement should be provided at the time the request is presented.

Actions Required on Requests to Amend Records, Subsection (d) (2) (B)
 "Promptly, either

(1) Make any correction of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(2) Inform the individual of its refusal to amend the record in accordance with his request, the reason for the refusal; the procedures established by the agency for the individual to request a review of the refusal by the head of the agency or an officer designated by the head of the agency, and the name and business address of that official;

In reviewing an individual's request to amend a record, agencies should, wherever practicable, complete the review and advise the individual of the results within 10 days of the receipt of the request. Prompt action is necessary both to assure that records are as accurate as possible and to reduce the administrative effort which would otherwise be involved in issuing a separate acknowledgement of the receipt of the request and subsequently informing the individual of the action taken. If the nature of the request or the system of records precludes completing the review within 10 days, the required acknowledgement (subsection (d) (2) (A) above,) must be provided within ten days and the review should be completed as soon as reasonably possible, normally within 30 days from the receipt of the request (excluding Saturdays, Sundays, and legal public holidays) unless unusual circumstances preclude completing action within that time. (The number of cases on which the agency was unable to act within 30 days will be included in the annual report (subsection (p)). If the expected completion date for the review indicated in the acknowledgement cannot be met, the individual should be advised of that delay and of a revised date when the review may be expected to be completed.

"Unusual circumstances" can be viewed as situations in which records cannot be reviewed through the agency's normal process. By definition, such cases would, statistically, be the exception. A review which entails obtaining supporting data from retired records or from another agency and which could not, therefore be completed within the required time might qualify.

In reviewing a record in response to a request to amend it, the agency should assess the accuracy, relevance, timeliness, or completeness of the record in terms of the criteria established in subsection (e) (5), i.e., to assure fairness to the individual to whom the record pertains in any determination about that individual which may be made on the basis of that record.

With respect to requests to delete information, agencies must heed the criteria established in subsection (e) (1),

namely, that the information must be " . . . relevant and necessary to accomplish a statutory purpose of the agency required to be accomplished by law or by executive order of the President." This is not to suggest that agencies may routinely maintain irrelevant or unnecessary information unless it is challenged by an individual, but rather that receipt of a request to delete information should cause the agency to reconsider the need for such information. Reviews in connection with the development of a system, the preparation of the public notice and the description of the purposes for which it is maintained and periodic reviews of the system, to assure that only information which is necessary for the lawful purposes for which the system of records was established is maintained in it will be the primary vehicles for assuring that only relevant and necessary information is maintained.

Agency standards for reviewing records in response to a request to amend them may, at the agency's option, be included as part of the rules promulgated pursuant to subsection (f)(4). Generally, it would seem reasonable to conclude that such standards for review need be no more stringent than is reasonably necessary to meet the general criteria in subsections (e)(1) and (e)(5) for accuracy, relevance, timeliness, and completeness.

Judicial review is available for agency determinations to grant an individual access and to amend or not amend a record pertaining to the individual. While the definite burden of proof for granting access is upon the agency in such judicial review, in the judicial review of the refusal of an agency to amend a record there is no similar burden upon the agency. An analogous standard may be utilized by the agencies in establishing standards for review of individual requests for amendments of records. The burden of going forward could be placed upon the individual who in most instances will know better than the agency the reasons why the record should be amended. It would be appropriate, in agency regulations setting forth the standards they will use upon review of such request, that the individual be required to supply certain information in support of his request for amendment of the record. The request would then be

appropriate for resolution upon determination of preponderance of evidence.

If the agency agrees with the individual's request to amend a record, the agency shall—

Advise the individual;

Correct the record accordingly; and

Where an accounting of disclosures has been made, advise all previous recipients of the record of the fact that the correction was made and the substance of the correction.

If the agency, after its initial review of a request to amend a record, disagrees with all or any portion thereof, the agency shall

To the extent that the agency agrees with any part of the individual's request to amend, proceed as described above with respect to those portions of the record which it has amended.

Advise the individual of its refusal and the reasons therefor including the criteria for determining accuracy which were employed by the agency in conducting the review;

Inform the individual that he or she may request a further review by the agency head or by an officer of the agency designated by the agency head; and

Describe the procedures for requesting such a review including the name and address of the official to whom the request should be directed. The procedures should be as simple and brief as possible and should indicate where the individual can seek advice or assistance in obtaining such a review.

If the recipient of the corrected information is an agency and is maintaining the information which was corrected in a system of records, it must correct its records and, under subsection (g)(4), apprise any agency or person to which it had disclosed the record of the substance of the correction. Subsequent recipient agencies should similarly correct their records and advise those to whom they had disclosed it. Agencies are encouraged to establish in their regulations, time limits by which, except under unusual circumstances, transferees of any amendment to a record,

Requesting a Review of the Agency's Refusal To Amend a Record. Subsection (d)(3) "Permit the individual who disagrees with the refusal of the agency to amend his record to request a review of

such refusal, and not later than 30 days (excluding Saturdays, Sundays, and legal public holidays) from the date on which the individual requests such review, complete such review, and make a final determination unless, for good cause shown, the head of the agency extends such 30-day period; and if, after his review, the reviewing official also refuses to amend the record in accordance with the request, permit the individual to file with the agency a concise statement setting forth the reasons for his disagreement with the refusal of the agency, and notify the individual of the provisions for judicial review of the reviewing official's determination under subsection (g) (1) (A) of this section."

An individual who disagrees with an agency's initial refusal to amend a record may file a request for further review of that determination. The agency head or an officer of the agency designated in writing by the agency head should undertake an independent review of the initial determination; if someone other than the agency head is designated to conduct the review, it should be an officer who is organizationally independent of or senior to the officer or employee who made the initial determination. For purposes of this section, an "officer" is defined to be " . . . a justice or judge of the United States and an individual who is—

(1) Required by law to be appointed in the civil [or military] service by one of the following acting in an official capacity—

[*It is assumed that, while the language above does not specifically cover it, a military officer otherwise qualified as the reviewing official would be permitted to serve as the reviewing official.]

- (A) The President;
- (B) A court of the United States;
- (C) The head of an Executive agency; or
- (D) The Secretary of a military department;

(2) Engaged in the performance of a Federal function under authority of law or an Executive act; and

(3) Subject to the supervision of an authority named by paragraph (1) of this section, or the Judicial Conference of the United States, while engaged in the performance of the duties of his office. (5 U.S.C. 2104(a)).

Delegations must be made in writing. In conducting the review, the reviewing official should use the criteria of accuracy, relevance, timeliness, and completeness discussed above. The reviewing official may, at his or her option, seek such additional information as is deemed necessary to satisfy those criteria; i.e., to establish that the record contains

only that information which is necessary and is as accurate, timely, and complete as necessary to assure fairness in any determination which may be made about the individual on the basis of record.

Although there is no requirement for a formal hearing, pursuant to the provisions of 5 U.S.C. 556, the agency may elect generally or on a case by case basis to use such or similar procedures. The procedures elected by the agency, however, should insure fairness to the individual and promptness in the determination. The procedures should provide that as much of the information upon which the determination is based as possible is part of the written record concerning the appeal. The records of the appeal process should be maintained by agencies only as long as is reasonably necessary for purposes of judicial review of the agency's refusal to amend a record upon appeal.

~~If, after conducting this review, the reviewing official also refuses to amend the record in accordance with the individual's request, the agency shall advise the individual:~~

Of its refusal and the reasons therefor;

Of his or her right to file a concise statement of the individual's reasons for disagreeing with the decision of the agency;

Of the procedures for filing a statement of disagreement;

That any such statement will be made available to anyone to whom the record is subsequently disclosed together with, if the agency deems it appropriate, a brief statement by the agency summarizing its reasons for refusing to amend the record;

That prior recipients of the disputed record will be provided a copy of any statement of dispute to the extent that an accounting of disclosures was maintained (see subsection (c) (4)); and

Of his or her right to seek judicial review of the agency's refusal to amend a record provided for in subsection (g) (1) (A), below.

If the reviewing official determines that the record should be amended in accordance with the individual's request, the agency should proceed as prescribed in subsection (d) (2) (B) (1), above; namely, correct the record, advise the individual, and inform previous recipients.

A notation of a dispute is required to be made only if an individual informs the agency of his or her disagreement with the agency's determination under sub-

section (d) (3) (appeals procedure) not to amend a record.

A final agency determination on the individual's request for a review of an agency's initial refusal to amend a record must be completed within 30 days unless the agency head determines that a fair and equitable review cannot be completed in that time. If additional time is required, the individual should be informed in writing of the reasons for the delay and of the approximate date on which the review is expected to be completed. Such extensions should not be routine and should not normally exceed an additional thirty days. Agencies will be required to report the number of cases in which review was not completed within 30 days as part of the annual report (subsection (p)).

Disclosure of disputed information. Subsection (d) (4) "In any disclosure, containing information about which the individual has filed a statement of disagreement, occurring after the filing of the statement under paragraph (3) of this subsection, clearly note any portion of the record which is disputed and provide copies of the statement and, if the agency deems it appropriate, copies of a concise statement of the reasons of the agency for not making the amendments requested, to persons or other agencies to whom the disputed record has been disclosed";

When an individual files a statement disagreeing with the agency's decision not to amend a record, the agency should clearly annotate the record so that the fact that the record is disputed is apparent to anyone who may subsequently access, use, or disclose it. The notation itself should be integral to the record and specific to the portion in dispute. For automated systems of records, the notation may consist of a special indicator on the entire record or the specific part of the record in dispute.

The statements of dispute need not be maintained as an integral part of the records to which they pertain. They should, however, be filed in such a manner as to permit them to be retrieved readily whenever the disputed portion of the record is to be disclosed.

If there is any question as to whether the dispute pertains to information being disclosed, the statement of dispute should be included.

When information which is the subject of a statement of dispute is subsequently disclosed, agencies must note that the in-

formation is disputed and provide a copy of the individual's statement.

Agencies may, at their discretion, include a brief summary of their reasons for not making a correction when disclosing disputed information. Such statements will normally be limited to the reasons stated to the individual under subsection (d) (2) (B) (ii) and (d) (3), above. Copies of the agency's statement need not be maintained as an integral part of the record but will be treated as part of the individual's record for purposes of granting the individual access, subsection (d) (1). However, the agency's statement will not be subject to subsections (d) (2) or (3) (amending records).

Access to information compiled in Anticipation of Civil Action. Subsection (d) (5) "Nothing in this section shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding."

This provision is not intended to preclude access by an individual to records which are available to that individual under other procedures (e.g., pre-trial discovery). It is intended to preclude establishing by this Act a basis for access to material being prepared for use in litigation other than that established under other processes such as the Freedom of Information Act or the rules of civil procedure.

Excerpts from the House floor debate on this provision suggest that this provision was not intended to cover access to systems of records compiled or used for purposes other than litigation.

Mr. ELLENBORN. Mr. Chairman, as I understand it, the purpose of the amendment is to protect, as an example, the file of the U.S. attorney or the solicitor that is prepared in anticipation of the defense of a suit against the United States for accident or some such thing?

Mr. BUTLER. That is the subject we have in mind.

Mr. ELLENBORN. I appreciate the gentleman's concern. I think it is a real concern, and that protection ought to be accorded.

The only problem I find with that amendment is this: It would presuppose we intended the defining of "record system" to preclude that type of record. I do not think we did.

If these sorts of records are to be considered a record system under the act, then the agency would have to go through all the formal proceedings of defining the system, its routine uses, and publishing in the FEDERAL REGISTER.

Frankly, I do not think the attorney's files that are collected in anticipation of a lawsuit should be subject to the application of the act in any instance, much less the access provision. It is our concern in the access provision that it may then presuppose it is covered in the other provisions, and I do not think it should be.

Mr. BUTLER, Mr. Chairman, I share the gentleman's concern. When this amendment was originally drafted, it stated "access to any record" and we struck the word, "record," and inserted "information."

So we made it perfectly clear we were not elevating an investigation with the word, "record," to the status of records. We did want to make it clear there was not to be such access, because that access would be within the usual rules of civil procedure.

Mr. EALLENBORN, Mr. Chairman, if the gentleman will yield further, it is the gentleman's conception, under his interpretation of the act, that the other provisions would not apply to the attorney's files as well; is that correct?

Mr. BUTLER. The gentleman is correct. (Congressional Record, November 21, 1974 p. H10955).

While the above passage refers primarily to the defense of suits by the government it is, of course, equally applicable to the assembly of information in anticipation of government-initiated law suits.

The mere fact that records in a system of records are frequently the subject of litigation does not bring those systems of records within the scope of this provision. The information must be "compiled in reasonable anticipation of a civil action or proceeding" and therefore the purpose of the compilation governs the applicability of this provision. It would seem that in a suit in which governmental action or inaction is challenged the provision generally would not be available until the initiation of litigation or until information began to be compiled in reasonable anticipation of such litigation. Where the government is prosecuting or seeking enforcement of its laws or regulations, this provision may be applicable at the outset if information is being compiled in reasonable anticipation of a civil action or proceeding. The term civil proceeding was intended to cover those quasi-judicial and preliminary judicial steps which are the counterpart in the civil sphere of criminal proceedings as opposed to criminal litigation. Although this provision could have the effect of an exemption it is not subject to the formal rule-making procedures which govern the exemptions set forth in subsection (j) and (k). Nevertheless, agencies should utilize the specific exemptions set forth in subsections (j) and (k) to the extent that they are applicable before utilizing this provision.

SECTION (e) AGENCY REQUIREMENTS

Section (e) "Each agency that maintains a system of records shall—"

Restrictions on Collecting Information about Individuals. Subsection (e)(1) "Maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by executive order of the President;"

A key objective of the Act is to reduce the amount of personal information collected by Federal agencies to reduce the risk of intentionally or inadvertently improper use of personal data. In simplest terms, information not collected about an individual cannot be misused. The Act recognizes, however, that agencies need to maintain information about individuals to discharge their responsibilities effectively.

Agencies can derive authority to collect information about individuals in one of two ways:

By the Constitution, a statute, or Executive order explicitly authorizing or directing the maintenance of a system of records; e.g., the Constitution and title 13 of the United States Code with respect to the Census.

By the Constitution, a statute, or Executive order authorizing or directing the agency to perform a function, the discharging of which requires the maintenance of a system of records.

Each agency shall, with respect to each system of records which it maintains or proposes to maintain, identify the specific provision in law which authorizes that activity. While the Act does not specifically require it, where feasible, this statutory authority should also be cited in the annual public notice about the system published pursuant to subsection (e) (4). The authority to maintain a system of records does not give the agency the authority to maintain any information which it deems useful. Agencies shall review the nature of the information which they maintain in their systems of records to assure that it is, in fact, "relevant and necessary". Information may not be maintained merely because it is relevant; it must be both relevant and necessary. While this determination is, in the final analysis, judgmental, the following types of questions shall be considered in making such determinations:

How does the information relate to the purpose (in law) for which the system is maintained?

What are the adverse consequences, if any, of not collecting that information?

Could the need be met through the use of information that is not in individually identifiable form?

Does the information need to be collected on every individual who is the subject of a record in the system or would a sampling procedure suffice?

At what point will the information have satisfied the purpose for which it was collected; i.e., how long is it necessary to retain the information? Consistent with the Federal Records Act and related regulations could part of the record be purged?

What is the financial cost of maintaining the record as compared to the risks/adverse consequences of not maintaining it?

Is the information, while generally relevant and necessary to accomplish a statutory purpose, specifically relevant and necessary only in certain cases? For example in establishing financial need as part of assessing eligibility for a program for which need is a legitimate criterion, parental income may be relevant only for certain applicants.

Subsection (e) (7), below, provides additional criteria governing the maintenance of records on the activities of individuals in exercising their rights under the First Amendment.

This provision does not authorize agencies to destroy records which they are required to retain under the Federal Records Act.

Agencies shall assess the legality of, need for, and relevance of the information contained or proposed to be contained in each of its systems of records at various times:

In preparing initial public notices (subsection (e) (4)).

In connection with the initial design of a new system of records (subsection (o)).

Whenever any change is proposed in system of records (subsection (o)).

At least annually, as part of a regular program of review of its record-keeping practices. This should be done for each system prior to reissuance of the public notice unless a comprehensive review of the system of records was conducted within the previous year in connection with the initiation of the system or implementation of a change to the system.

This provision does not require that each agency conduct a detailed review of the contents of each record in its possession. Rather, agencies shall consider the relevance of, and necessity for, the general categories of information maintained and, incident to using or disclosing any individual records, examine their content to assure compliance with this provision.

It should be noted that subsection (e) is not intended to interfere with the presentation of evidence by the parties before a quasi-judicial or quasi-legislative body. For example, a quasi-judicial board or commission need not reject otherwise admissible evidence because it is proffered by a party other than the individual to whom it relates or because it is not "necessary" to the decision or is not "complete." The normal rules of evidence would contain to govern in such situations.

Information is to be Collected Directly from the Individual. Subsection (e) (2) "Collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits and privileges under Federal programs;"

This provision stems from a concern that individuals may be denied benefits, or that other adverse determinations affecting them may be made by Federal agencies on the basis of information obtained from third party sources which could be erroneous, outdated, irrelevant, or biased. This provision establishes the requirement that decisions under Federal programs which affect an individual should be made on the basis of information supplied by that individual for the purpose of making those determinations but recognizes the practical limitations of this by qualifying the requirement with the words "to the extent practicable". The notion of protecting the individual against adverse determinations based on information supplied to other agencies for other purposes is also embodied in the provisions of subsection (b) which constrains the transfer of records between agencies; subsection (d) (2), which gives individuals the opportunity to challenge the accuracy of agency records pertaining to them; and subsection (e) (4) which prohibits the keeping of secret files.

Except for certain "statistical records" (subsection (a) (6)), which, by definition, are "not used in whole or in part in making a determination about an individual . . .", virtually any other record could be used, in making a "determination about an individual's rights, benefits, or privileges . . ." including employment. The practical effect of this provision is to require that information collected for inclusion in any system of records, other than "statistical records", should be obtained directly from the individual whenever practicable.

Practical considerations (including cost) may dictate that a third-party source, including systems of records maintained by another agency, be used as a source of information in some cases. In analyzing each situation where it proposes to collect personal information from a third party source, agencies should consider

The nature of the program; i.e., it may well be that the kind of information needed can only be obtained from a third party such as investigations of possible criminal misconduct;

The cost of collecting the information directly from the individual as compared with the cost of collecting it from a third party;

The risk that the particular elements of information proposed to be collected from third parties, if inaccurate, could result in an adverse determination;

The need to insure the accuracy of information supplied by an individual by verifying it with a third party or to obtain a qualitative assessment of his or her capabilities (e.g., in connection with reviews of applications for grants, contracts or employment); and

Provisions for verifying, whenever possible, any such third-party information with the individual before making a determination based on that information.

It should be noted that a determination by Agency (A) that it is in its best interest and consistent with this subsection to obtain information about an individual from Agency (B) instead of directly from the individual does not constitute, in and of itself, sufficient grounds for Agency (B) to release that information to Agency (A). Agency (B) is minimally required to meet the requirements of any statutory constraints on the permissibility of making a disclosure to Agency (A) including the conditions of disclosure, in subsection (b).

The standards and procedures set forth in the Federal Reports Act (44 USC 3501) as they apply to other than individuals as defined by this Act remain the same. When information is sought, however, from ten or more individuals, as defined by the Privacy Act, in response to identical questions, the Federal Reports Act requirement that the reporting burden upon individuals be reduced to a minimum should not be construed to override the later enacted requirement that, to the greatest practicable extent, information pertaining to individuals be collected directly from them.

Informing Individuals from Whom Information is Requested. Subsection (e)

(3) "Inform each individual whom it asks to supply information, on the form which it uses to collect the information or on a separate form that can be retained by the individual—"

This provision is intended to assure that individuals from whom information about themselves is collected are informed of the reasons for requesting the information, how it may be used, and what the consequences are, if any, of not providing the information.

Implicit in this subsection is the notion of informed consent since an individual should be provided with sufficient information about the request for information to make an informed decision on whether or not to respond. Note however, that the act of informing the individual of the purpose(s) for which a record may be used does not, in and of itself, satisfy the requirement to obtain consent for disclosing the record. See subsection (b), conditions of disclosure.

The information called for in paragraphs (A) through (D) below, should be included on the information collection form, on a tear-off sheet attached to the form, or on a separate sheet which the individual can retain, whichever is most practical. When information is being collected in an interview, the interviewer should provide the individual with a statement that the individual can retain. However, the interviewer should also orally summarize that information before the interview begins. Agencies may, at their discretion, ask the individuals to acknowledge in writing that they have been duly informed.

While this provision does not explicitly require it, agencies should, where feasible, inform third-party sources of the purposes for which information which they are asked to provide will be used. In addition, the agency may, under certain circumstances, assure a source that his or her identity will not be revealed to the subject of the record (see subsection (k) (2), (5), and (7)). The appropriate use of third-party sources is discussed in subsection (e) (2) above.

In providing the information required by subsections (e) (3) (A) through (D), below, care should be exercised to assure that easily understood language is used and that the material is explicit and informative without being so lengthy as to deter an individual from reading it. Information provided pursuant to this requirement would not, for example, be as extensive as that contained in the system notice (subsection (e) (4)).

It was not the intent of this subsection to create a right the nonobservance of which would preclude the use of the information or void an action taken on the basis of that information. For example, a failure to comply with this section, in collecting crop yield data from a farmer, was not intended to violate a crop import quota based, in part, upon such information. However, such an individual may have grounds for civil action under subsection (g)(1)(D) if he can show harm as a result of that determination.

Subsection (e)(3)(A) "The authority (whether granted by statute, or by executive order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;"

The agency should cite the specific provision in statute or Executive order which authorizes the agency to collect the requested information (see subsection (e)(1) above), the brief title or subject of that statute or order, and whether or not the collecting agency is required to impose penalties for failing to respond or is authorized to impose penalties. Where the system is maintained pursuant to some more general requirement or authority, it should be cited. The question of whether compliance is mandatory or voluntary is different from the question of whether there are any consequences of not providing information; i.e., the law may not require individuals to apply for a benefit but clearly, for some types of voluntary programs, to apply without supplying certain minimal information might preclude an agency from making an informed judgment and thereby prevent an individual from obtaining a benefit. (See subsection (e)(3)(D) regarding the requirements to inform individuals of the effects, if any, of not providing information.)

In some instances it may be necessary to include required and optional information on the same data collection form. This should be avoided to the extent possible since the likely effect on some respondents may be coercive; i.e., they may fear that, even though portions of an information request are voluntary, by failing to respond, they may be perceived to be uncooperative and their opportunities would thereby be prejudiced. (See 44 U.S.C. 3511, the Federal Reports Act.)

Subsection (e)(3)(B) "The principal purpose or purposes for which the information is intended to be used;"

The individual should be informed of the principal purpose(s) for which the information will be used; e.g., to evaluate suitability, to issue benefit payments. The description of purpose(s) must include all major purposes for which the record will be used by the agency which maintains it and particularly those likely to entail determinations as to the individual's rights, benefits, etc. as in all other portions of the information collection process, purposes should be stated with sufficient specificity to communicate to an individual without being so lengthy as to discourage reading of the notice. Generally, the purposes will be directly related to, and necessary for, the purpose authorized by the statute or executive order cited above.

Subsection (e)(3)(C) "The routine uses which may be made of the information, as published pursuant to paragraph (4)(D) of this subsection; and"

"Uses" can be distinguished from "purposes" in that "purposes" describe the objectives for collecting or maintaining information, whereas "uses" are the specific ways or processes in which the information is employed including the persons or agencies to whom the record may be disclosed. For example, the purposes for collecting information may be to evaluate an application for a veterans' benefit and issue checks. Uses might include verification of certain information with the Department of Defense and release of check-issue data to the Treasury Department, or disclosure to the Justice Department that the applicant apparently intentionally provided false or misleading information.

The term "routine use" is defined in subsection (a)(7) to mean the disclosure of a record: " * * * for a purpose which is compatible with the purpose for which it was collected." A "routine use" is one which is reliable and necessary to a purpose described pursuant to subsection (e)(3)(B), and involves disclosure outside the agency which maintains the record. "Routine uses" must be included not only in the public notice about the system of records published in accordance with subsection (e)(4), below, but also established in advance by notice in the FEDERAL REGISTER to permit public comment. See subsection (e)(11), below.

The description of "routine uses" provided to the individual at the time information is collected will frequently be a summary of the material published in the public notice pursuant to subsection

(e) (4) (D). As with other portions of the notification to the individual, care should be exercised to tailor the length and tone of the notice to the circumstances; i.e., the public notice published pursuant to subsection (e) (4) can be much more detailed than the notice to the individual appended to an information collection form.

Subsection (e) (3) (D) "The effects on him, if any, of not providing all or any part of the requested information";

The intent of this subsection is to allow an individual from whom personal information is requested to know the effects (beneficial and adverse), if any, of not providing any part or all of the requested information so that he or she can make an informed decision as to whether to provide the information requested on an information collection form or in an interview.

The individual should be informed of the effects, if any, of not responding. This should be stated in a manner which relates to the purposes for which the information is collected; e.g., the information is needed to evaluate disabled veterans for special counseling and training and if it is not provided, no additional training will be considered but disability annuities payments will continue. Particular care must be exercised in the drafting of the wording of the notice to assure that the respondent to the information request is not misled or inadvertently coerced.

Publication of the Annual Notice of Systems of Records. Subsection (e) (4) "Subject to the provisions of paragraph (1) of this subsection, publish in the FEDERAL REGISTER at least annually a notice of the existence and character of the system of records, which notice shall include—"

The public notice provision is central to the achievement of one of the basic objectives of the Act; fostering agency accountability through a system of public scrutiny. The public notice provision is premised on the concept that there should be no system of records whose very existence is secret.

The purposes of the notice are to inform the public of the existence of systems of records;

The kinds of information maintained; The kinds of individuals on whom information is maintained;

The purposes for which they are used; and,

How individuals can exercise their rights under the Act.

All systems of records maintained by an agency are subject to the annual public notice requirement. (The general and special exemption sections permit agencies to omit portions of the notice for certain systems. They do not exempt any agency from publishing a public notice on any system of records).

Care must be exercised to assure that the tone, language, level of detail and length of the public notices are considered to assure that the notice achieves the objective of informing the public of the nature and purposes of agency systems of records.

Defining what constitutes a "system" for purposes of preparing a notice will be left to agency discretion within the general guidelines contained herein. (See also subsection (a) (5)). A system can be a small group of records or, conceivably, the entire complex of records used by an agency for a particular program. Several factors bear on the determination by the agency as to what will constitute a system:

If each small grouping of records is treated as a separate system, then public notices and procedures will be required for each. The publication of numerous notices may have the effect of limiting the information value to the public.

If a large complex of records is treated as a single system, only one notice will be required but that notice and the procedures may be considerably more complex.

Agencies can expect to be required to respond to individual requests for access to records pertaining to them at the level of detail in their public notices, i.e., if an agency treats its records for a particular program as a single system, it may be called upon by an individual to be given access to all information in records pertaining to that individual in the system.

The purpose(s) of a system is the most important criterion in determining whether a system is to be treated as a single system or several systems for the purposes of the Act. If each of several groupings of agency records is used for a unique purpose or set of purposes, as delineated in subsection (e) (3) (B) above, each may appropriately be treated as a separate system. Agencies should keep in mind that a major purpose of the Act is not the restructuring of existing systems of records, but rather the publicizing of what those systems are and how they are used. It does

not, of course, preclude such restructuring where otherwise necessary or appropriate such as to reduce the risk of improper access.

Geographic decentralization will not in and of itself be considered a criterion for viewing a system of records as several systems. An agency may treat a decentralized system as a single system and specify several locations and an agency official responsible for the system at each location. See subsections (e) (4) (A) and (F). While the development of central indexes for systems which do not presently require such indexes should be avoided wherever possible, individuals who seek to learn whether a geographically decentralized system of records contains a record pertaining to them (subsection (f) (1)) should not be required to query each location. (In deciding whether or not to construct an index, agencies must weigh the potential threat of misuse posed by making individual records more accessible against the capability to meet the needs of those individuals for access to their records.) It may, however, be possible to guide individuals as to which location may have a record pertaining to them; e.g., systems segmented by location of birth, or by range of identification number. In any case, "if a system is located in more than one place, each location must be listed." (House Report 93-1416, p. 15) See subsection (e) (4) (A).

A major criterion in determining whether a grouping of records constitutes one system or several, for purposes of the Act, will be the ability to be responsive to the requests of the individual for access to records and generally to be informed.

Systems, however, should not be subdivided or reorganized so that information which would otherwise have been subject to the act is no longer subject to the act. For example, if an agency maintains a series of records not arranged by name or personal identifier but uses a separate index file to retrieve records by name or personal identifier it should not treat these files as separate systems.

A public notice is required to be published:

For each system in operation on September 27, 1975 or on or prior to that date and the notice shall be republished, including any revisions, on or before August 30, each year thereafter.

For new systems, before the system of records becomes operational; i.e., before any information about individuals is collected.

It should be noted that each "routine use" of a system must have been established in a notice published for public comment at least 30 days prior to the disclosure of a record for that "routine use" as specified in subsection (e) (11).

For major changes to existing systems, a revised public notice is required before that change is effective. If the change to an existing system involves changes to "routine uses", they are subject to the 30 day advance notice provisions of subsection (e) (11). The nature of the changes in a system which would require the issuance of a revised public notice before the next annual public notice is described for each element of the public notice in the succeeding paragraphs. Generally, any change in a system which has the effect of expanding the categories of records maintained, the categories of individuals on whom records are maintained, or the potential recipients of the information, will require the publication of a revised public notice before the change is put into effect. In addition, any modification that alters the procedures by which individuals exercise their rights under the Act (e.g., for gaining access) will require the publication of a revised notice before that change becomes effective.

Changes of the type described above will typically also require the preparation of a "Report on New Systems" under subsection (o), below. Any other change will be incorporated into the next annual revision of the notice.

The General Services Administration (Office of the Federal Register) will issue more detailed guidance on the formats to be used by agencies in publishing their public notices. The formats prescribed by GSA are to be used to facilitate the annual compilation of the notices and to assure that notices are produced in a consistent manner to make them more useful to the public.

Describing the Name and Location of the System in the Public Notice. Subsection (e) (4) (A) "The name and location of the system"

Agencies will specify each city/town and site at which the system of records is located. For a geographically dispersed system each location should be listed. A change in the list of locations will not require publication of a revised notice.

While the House report language cited above clearly indicated that the location of each site at which the system is maintained is to be listed, exceptional situations may dictate not including the listing in the body of the notice; e.g.,

military personnel records which are kept at several hundred installations or certain former records which are kept at several thousand county extension agent offices. To include the list of locations in each applicable notice would only serve to inflate the size and thereby reduce the readability of the notice. In these instances, it may be appropriate to publish a single list of field stations, or to refer in the notice for all systems at those sites to a list which is generally available.

Describing Categories of Individuals in the Public Notice. Subsection (e) (4) (B)

"The categories of individuals on whom records are maintained in the system;"

"The purpose of this requirement is for an individual to determine if information on him might be in (the) system. The description of the categories should therefore be clearly stated in non-technical terms understandable to individuals unfamiliar with data collection techniques." (House Report 93-1416, p. 15). For example, the notice might indicate that the records are maintained on students who applied for loans under a student loan program, not persons who filed form X or who are eligible under section ABC-000.

Any change which has the effect of adding new categories of individuals on whom records are maintained will require publication of a revised public notice. If, in the absence of a revised notice, an individual who is the subject of a record in the system would not recognize that fact, a revision should be issued before that change is put into effect. A narrowing of the coverage of the system does not require advance issuance of a revised notice.

Describing Categories of Records in the Public Notice. Subsection (e) (4) (C)

"The categories of records maintained in the system;"

This portion of the notice should briefly describe the types of information contained in the system; e.g., employment history or earnings records. As with the previous item, non-technical terms should be used. The addition of any new categories of records not within the categories described in the then current public notice will require the issuance of a revised public notice before that change is put into effect. The addition of a new data element clearly within the scope of the categories in the notice would not require the issuance of a revised notice.

Describing Routine Uses in the Public Notice. Subsection (e) (4) (D) "Each

routine use of the records contained in the system, including the categories of users and the purpose of such use;"

In describing the "routine uses" of the system in the public notice, the notice should be sufficiently explicit to communicate to a reader unfamiliar with the technical aspects of the system or the agency's program.

For a more extensive discussion of "routine uses," see subsections (a) (7) (definitions), (b) (3) (conditions of disclosure), (c) (3) (C) (notification to the individual), and (e) (11) (notice of routine uses).

Any new use or significant change in an existing use of the system which has the effect of expanding the availability of the information in the system will require publication of a revised public notice. Any such change in a routine use must also be described in a notice in the FEDERAL REGISTER to permit public comment before it is implemented.

Describing Records Management Policies and Practices in the Public Notice. Subsection (e) (4) (E) "The policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records";

This portion of the public notice should describe how the records are maintained, how they are safeguarded, what categories of officials within the agency are permitted to have access, and how long records are retained both on the agency's premises and at secondary storage sites.

In describing record "storage", the agency should indicate the medium in which the records are maintained (e.g., file folders, magnetic tape). "Retrievability" covers the capabilities in the system of records to index and access a record (e.g., by name, combinations of personal characteristics, identification numbers). "Access controls" describes, in general terms, what measures have been taken to prevent unauthorized disclosure of records (e.g., physical security, personnel screening) and what categories of individuals within the agency have access. "Retention" and "disposal" cover the rules on how long records are maintained, if and when they are moved to a Federal Records Center or to the Archives, if and how they are destroyed. The description shall not describe security safeguards in such detail as to increase the risk of unauthorized access to the records.

Changes in this item will not normally require immediate publication of a revised public notice unless they reflect an

expansion in the availability of or access to the system of records.

Identifying Official(s) Responsible for the System in the Public Notice. Subsection (e) (4) (F) "The title and business address of the agency official who is responsible for the system of records";

This portion of the notice must include the title and address of the agency official who is responsible for the policies and practices governing the system described in (e) (4) (E), above. For geographically dispersed systems, where individuals must deal directly with agency officials at each location in order to exercise their rights under the Act (e.g., to gain access), the title and address of the responsible official at each location should be listed in addition to the agency official responsible for the entire system. See discussion of subsection (e) (4) (A), above, for special treatment of certain multiple location systems.

A revised public notice shall be issued before the implementation of any change in the address to which individuals may present themselves in person to inquire whether they are the subject of a record in the system or to seek access to a record or in the address to which individuals may mail inquiries, unless the agency has established internal procedures to assure that mail will be forwarded promptly so that the agency will be able to respond to inquiries within the time constraints established in subsection (d). Generally, changes of this type in the interim between the annual publications of the compilation of notices should be avoided if at all possible. Individuals are more likely to rely upon the annual compilation and are not as likely to be aware of modifications publicized only by means of separate notice in the FEDERAL REGISTER.

Describing Procedures for Determining if a System Contains a Record on an Individual in the Public Notice. Subsection (e) (4) (G) "The agency procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;"

This portion of the notice should specify as a minimum, the following:

The address of the agency office to which inquiries should be addressed or addresses of the location(s) at which the individual may present a request in person. Wherever practicable, this list should be the same as the list of officials responsible for the system in subsection (e) (4) (F), above. If this is the case, it need not be reported.

What identifying information is required to ascertain whether or not the system contains a record about the inquirer.

The agency may require proof of identity only where it has made a determination that knowledge of the fact that a record about an individual exists would not be required to be disclosed to a member of the public under section 552 of title 5 of the United States Code (the Freedom of Information Act). For example, an agency may determine that disclosure of a record in a file pertaining to conflicts of interests would be a clearly unwarranted invasion of personal privacy, within the meaning of 5 U.S.C. 552 (b) (6), and in this instance the agency may require proof of identity.

A revised public notice will be issued before effecting any change which meets the criteria outlined in subsection (e) (4) (F), above.

This portion of the notice must be consistent with agency rules promulgated pursuant to subsection (f) (1). Any change in these procedures is subject to the requirements of the Administrative Procedure Act as specified in subsection (f).

Describing Procedures for Gaining Access in the Public Notice. Subsection (e) (4) (H) "The agency procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records, and how he can contest its content; and"

This portion of the public notice must include the mailing address(es) and, if possible, the telephone number(s) of official(s) who can provide assistance; and the location of offices to which the individual may go to seek information.

This provision does not specifically require that the actual procedures for obtaining access or for contesting the accuracy of a record be included in the public notice. It only requires that individuals be advised of the means by which they can obtain information on those procedures. However, it should be noted that, pursuant to subsection (f), agencies are required to publish rules which stipulate the procedures whereby the individual can exercise each of these rights and that these rules are required to be incorporated into the annual compilation of notices and rules published by the Office of the Federal Register.

A revised public notice shall be issued before effecting any change about which the individual would have to know in order to exercise his or her rights under the Act. Changes of this type in the interim between the annual publications of the compilation of notices should be avoided if at all possible.

This portion of the notice must be consistent with agency rules promulgated pursuant to subsections (f) (2) and (3). Any change in these procedures is subject to the requirements of the Administrative Procedure Act as specified in subsection (f).

Describing Categories of Information Sources in the Public Notice. Subsection (e) (4) (I) "The categories of sources of records in the system;"

For systems of records which contain information obtained from sources other than the individual to whom the records pertain, the notice should list the types of sources used; e.g.,

Previous employers,
Financial institutions,
Educational institutions attended, or
Peer reviewers (such as in connection with records of the review of proposals for research projects)

The notice should indicate if the individual to whom the records pertain is a source of the information in the record. Otherwise all the notices will appear to be violating the requirement that individuals be the main source of information pertaining to them.

Specific individuals or institutions need not be identified. Guidance on when the identity of a source may be withheld is contained in subsection (k) (2), (5) and (7).

Standards of Accuracy. Subsection (e) (5) "Maintain all records which are used by the agency in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination;"

The objective of this provision is to minimize, if not eliminate, the risk that an agency will make an adverse determination about an individual on the basis of inaccurate, incomplete, irrelevant, or out-of-date records that it maintains. Since the final determination as to accuracy is necessarily judgmental, it is particularly critical that this judgment be made with an understanding of the intent of the Act.

The Act recognizes the difficulty of establishing absolute standards of data quality by conditioning the requirement with the language "as is reasonably nec-

essary to assure fairness to the individual . . ." This places the emphasis on assuring the quality of the record in terms of the use of the record in making decisions affecting the rights, benefits, entitlements, or opportunities (including employment) of the individual.

A corollary provision (subsection (e) (6), below) requires that agencies apply the same standard to records which are disclosed, except when they are disclosed to a member of the public under the Freedom of Information Act or to another agency. (An agency would be subject to the Act and, therefore, would have to apply its own standards of accuracy, etc.)

Agencies may develop tolerances for "accuracy" and "timeliness" giving consideration to the likelihood that errors within those tolerances could result in an erroneous decision with adverse consequences to the individual (e.g., denial of rights, benefits, entitlements, or employment). For example, for its purposes in determining entitlements based on income, it may only be necessary for an agency to record the fact that income was greater than or less than a stipulated level rather than to ascertain and record the precise amount. In questionable instances, reverification of pertinent information with the individual to whom it pertains may be appropriate.

Useful criteria for assuring "relevance" and "completeness" may be somewhat more difficult to develop. The pursuit of "completeness" could result in the collection of irrelevant information which, if taken into account in making an agency determination could prejudice the decision. Agencies must limit their records to those elements of information which clearly bear on the determination(s) for which the records are intended to be used, and assure that all elements necessary to the determinations are present before the determination is made.

Validating Records Before Disclosure. Subsection (e) (6) "Prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to subsection (b) (2) of this section, make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for agency purposes;"

While the Act recognizes that an agency cannot guarantee the absolute accuracy of its systems of records, any record disclosed to a person outside the agency (except another agency) must

to as accurate as appropriate for purposes of the agency which maintained the record. (See subsection (e) (5)). The only exceptions to this requirement are for disclosures to another agency or to the public under the Freedom of Information Act which may not be delayed or impeded.

Recognizing that an agency properly disclosing information (pursuant to subsection (b), conditions of disclosure) is often not in a position to evaluate acceptable tolerances of error for the purposes of the recipient of the information, the primary objective of this provision is, nonetheless, to assure that reasonable efforts are made to assure the quality of records disclosed to persons who are not subject to the provisions of subsection (e) (5). The agency must, therefore, make reasonable efforts to assure that a record it discloses is as accurate, relevant, timely, and complete as would be reasonably necessary to assure fairness in any determination that it might make on the basis of that record. It may, for example, be appropriate to advise recipients that the information disclosed was accurate as of a specific date, such as the last date on which a determination was made by the agency on the basis of the record or of other known limits on its accuracy e.g., its source.

Records on Religious or Political Activities. Subsection (e) (7) "Maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity;"

Whereas subsection (e) (1) generally enjoins agencies from collecting information not "relevant and necessary to accomplish a purpose of the agency," this provision establishes an even more rigorous standard governing the maintenance of records regarding the exercise of First Amendment rights. These include, but are not limited to religious and political beliefs, freedom of speech and of the press, and freedom of assembly and petition.

In determining whether or not a particular activity constitutes the exercise of a right "guaranteed by the First Amendment", agencies will apply the broadest reasonable interpretation.

Records describing the exercise of these rights may be maintained only if one of the following conditions is met:

A statute specifically authorizes it. Specific authorization means that a statute explicitly provides that an agency may maintain records on activities whose exercise is covered by the First Amendment; not merely that the agency is authorized to establish a system of records. However, the statute need not address itself specifically to the maintenance of records of First Amendment activities if it specifies that such activities are relevant to a determination concerning the individual. For example, since the Immigration and Nationality Act makes the possibility of religious or political persecution relevant to a stay of deportation, the information on these subjects may be admitted in evidence, and therefore would not be prohibited by this provision.

The individual expressly authorizes it; e.g., a member of the armed forces may indicate a religious preference so that, if seriously injured or killed while on duty, the proper clergyman can be called. The individual may also volunteer such information and if he does so, the agency is not precluded from accepting and retaining it. Thus, if an applicant for political appointment should list his political affiliation, association memberships, and religious activities, the agency may retain this as part of his application file or include it in an official biography. Similarly, if an individual volunteers information on civic or religious activities in order to enhance his chances of receiving a benefit, such as executive clemency, the agency may consider information thus volunteered. However, nothing in the request for information should in any way suggest that information on an individual's First Amendment activities is required.

The record is required by the agency for an authorized law enforcement function.

In the discussions on the floor of the House regarding the authority to maintain such records for law enforcement purposes, it was stated that the objective of the law enforcement qualification on the general prohibition was "to make certain that political and religious activities are not used as a cover for illegal or subversive activities." However, it was agreed that "no file would be kept of persons who are merely exercising their constitutional rights . . ." and that in accepting this qualification "there was no intention to interfere with First Amendment rights" (*Congressional Record*, November 20, 1974, H10692 and November 21, 1974, H10952)

Notification for Disclosures under Com-

Compulsory Legal Process. Subsection (e) (8) "Make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record;"

When a record is disclosed under compulsory legal process (e.g., pursuant to subsection (b) (11)), and the issuance of that order or subpoena is made public by the court or agency which issued it, agencies must make reasonable efforts to notify the individual to whom the record pertains. This may be accomplished by notifying the individual by mail at his or her last known address. The most recent address in the agency's records will suffice for this purpose and no separate address records are required. Upon being served with an order to disclose a record, the agency should endeavor to determine whether the issuance of the order is a matter of public record and, if it is not, seek to be advised when it becomes public. An accounting of the disclosure, pursuant to subsection (c) (1), is also required to be made at the time the agency complies with the order or subpoena.

Rules of Conduct for Agency Personnel. Subsection (e) (9) "Establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, and instruct each such person with respect to such rules and the requirements of this section, including any other rules and procedures adopted pursuant to this section and the penalties for noncompliance;"

Effective compliance with the provisions of this Act will require informed and active support of a broad cross section of agency personnel. It is important that all personnel who in any way have access to systems of records or who are engaged in the development of procedures or systems for handling records, be informed of the requirements of the Act and be adequately trained in agency procedures developed to implement the Act. Personnel with particular concerns include, but are not limited to, those engaged in personnel management, paperwork management (reports, forms, records, and related functions), computer systems development and operations, communications, statistical data collec-

tion and analysis, and program evaluation. (The Communications Act of 1934 prescribes standards and penalties for personnel engaged in handling interstate communications and shall also be consulted, where applicable, when agency rules of conduct are being developed).

Activities under this provision will include

The incorporation of provisions on privacy into agency standards of conduct;

The discussion of individual employee responsibilities under the Act in general personnel orientation programs; and

The incorporation of training on the specific procedural requirements of the Act into both formal and informal (on-the-job) training programs.

Concurrently, those agencies with broad policy development and training responsibilities (e.g., the General Services Administration, the Civil Service Commission) will also be revising their programs as appropriate to augment agency activities in this area.

This provision is also important in ensuring that individuals who are potentially criminally liable or whose actions could expose the agency to civil suit (under subsections (i) and (g), respectively) are fully informed of their obligations under the Act.

Administrative, Technical and Physical Safeguards. Subsection (e) (10) "Establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained;"

The development of appropriate administrative, technical, and physical safeguards will, necessarily, have to be tailored to the requirements of each system of records and other related requirements for security and confidentiality. The need to assure the integrity of and to prevent unauthorized access to, systems of records will be determined not only by the requirements of this Act but also by other factors like the requirement for continuity of agency operations, the need to protect proprietary data, ap-

licable access restrictions to protect the national security, and the need for accuracy and reliability of agency information.

While the technology of system security (both for computer-based and other systems of records) is well developed as it relates to materials classified for reasons of national defense or foreign policy, few standards currently exist to guide the "civil" agency in this area. Until such standards are developed and promulgated, agencies will be required to analyze each system as to the risk of improper disclosure of records and the cost and availability of measures to minimize those risks. The Department of Commerce (National Bureau of Standards) will be issuing guidelines and standards to assist agencies in evaluating various technological approaches to providing security safeguards in their system and for assessing risks.

Notice for New/Revised Routine Uses. Subsection (e)(11) "At least 30 days prior to publication of information under paragraph (4) (D) of this subsection, publish in the FEDERAL REGISTER notice of any new use or intended use of the information in the system, and provide an opportunity for interested persons to submit written data, views, or arguments to the agency."

Agencies are required to publish in the FEDERAL REGISTER a notice of their intention to establish "routine uses" for each of their systems of records. Although this provision is designed to supplant the informal rule-making provisions of 5 U.S.C. 553, the accommodation of the public comments in the judicial review of the rule-making exercise was intended wherever practicable. Agencies should furnish as complete an explanation of the routine uses and any changes made or not made as a result of the public comment as possible so that the public will be fully informed of the proposed use. This is to give the public an opportunity to comment on the appropriateness of those uses before they come into effect. This notice should be published sufficiently in advance of the proposed effective date of the use to permit time for the public to comment and for the agency to review those comments, but in no case may a new "routine use" be used as the basis for a disclosure less than 30 days after the publication of the "routine use" notice in the FEDERAL REGISTER. A revised public notice (subsection (e) (4)) must be published before a "routine use" is put into effect; i.e., before a record is disclosed for such a use.

It is clearly permissible to publish the entire system notice (prescribed by subsection (e) (4)) as the notice of "routine use" provided that such "routine uses" are not put into effect until the required 30 day notice period. If an entire system notice is not published, the notice of "routine use" issued pursuant to subsection (e)(11) must, as a minimum, contain

The name of the system of records for which the "routine use" is to be established;

Where feasible, the authority for the system (see discussion of subsection (e) (1), and the required notice to the individual in subsection (e)(3)(A)), above);

The categories of records maintained; The proposed "routine use(s)";

And the categories of recipients for each proposed "routine use".

For new "routine uses" of systems for which a public notice under subsection (e) (4) has already been published, reference should be made to that public notice.

A notice in the FEDERAL REGISTER inviting public comment on a proposed new "routine use" is required.

For all existing systems of records not later than August 28, 1975. (Since 30 days advance notice of a "routine use" is required, an agency that fails to publish necessary notices for existing systems on or prior to August 28 may find that it is precluded from making necessary inter-agency transfers until it has complied with this provision);

For an existing system of records, whenever a new "routine use" is proposed. A new "routine use" is one which involves disclosure of records for a new purpose compatible with the purpose for which the record is maintained or to a new recipient or category of recipients (even if other uses are concurrently curtailed); and

For any new systems of records for which "routine uses" are contemplated.

SECTION (f) AGENCY RULES

Subsection (f) "In order to carry out the provisions of this section, each agency that maintains a system of records shall promulgate rules, in accordance with the requirements (including general notice) of section 553 of this title, which shall—"

Agencies must promulgate rules to implement the provisions of the Act in accordance with the requirements of section 553 of title 5 of the United States Code including publication of the rules in the FEDERAL REGISTER so that inter-

ested persons can have an opportunity to comment. A "rule" is defined as "the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedures, or practice requirements of agency . . ." (5 U.S.C. 551(4)). Formal hearings are not required with respect to rules issued under this section. However, formal hearings are not precluded by this section and, in particular instances, agencies may elect to use the formal hearing procedure.

Two distinct objectives must be satisfied by the rules promulgated pursuant to this subsection:

They must provide the public with sufficient information to understand how an agency is complying with the law; and

They must provide sufficient information for individuals to exercise their rights under the Act.

Rules promulgated under this subsection differ from notices under subsection (e) in several ways:

Rules promulgated under this subsection are subject to requirements of section 553 of the Administrative Procedure Act governing the publication of proposed rules for public comment before issuing them as final rules.

Rules must only be published twice— as notice of rule making and when they are promulgated as final rules—unless they are subsequently modified. (They will, however, be included in an annual compilation published by GSA.)

A separate set of rules need not be published for each system of records that an agency maintains. The development of a single set of agency rules is encouraged wherever appropriate.

Agencies are required to publish proposed rules under this subsection allowing at least 30 days for public comment prior to publishing them as final rules. (For systems which will be in use on September 27, 1975, agencies will have to publish rules not later than August 28, 1975.) No further republication of agency rules is required (other than their inclusion in the annual compilation published by the office of the Federal Register) unless a change is proposed.

The language of subsection (f) explicitly requires "general notice;" i.e., section 553(b) of title 5 which permits agencies not to publish a general notice if "persons subject thereto are named and either personally served or otherwise have actual notice . . ." shall not apply

to rules promulgated under this subsection. Agencies should also be aware of the fact that, although the presumption is of the validity of the proposed rule, judicial review under the Administrative Procedure Act will be available to assure against arbitrary or capricious actions.

Rules for Determining if an Individual is the Subject of a Record. Subsection (f) (1) "Establish procedures whereby an individual can be notified in response to his request if any system of records named by the individual contains a record pertaining to him."

The procedures for individuals to determine if a system of records contains records pertaining to them should be kept as simple as possible. The published procedures should specify—

To whom the request should be directed. As discussed above (subsection (e) (4)), for geographically decentralized systems, the individual should not be required to query each location unless the individual can reasonably be expected to be able to discern which location would have a record if one existed; e.g., by place of birth, place of employment. While the development of central indexes to satisfy the requirements of this provision is discouraged, such indexes may be necessary in some instances.

The information necessary to identify the record. Where the system employs a specialized identification scheme, the individual should not be required to provide such a number or symbol as an absolute requirement, although the individual might be requested to supply it if he or she can reasonably be expected to know it. Instead, alternative combinations of personal characteristics may be used to identify individuals who may have lost, forgotten, or are unaware of their identification numbers or symbols. For example, the combination of name, date of birth, place of birth, and father's first name may be sufficient to identify an individual without the use of a system identification number. As was suggested above, the development of new retrieval and indexing capabilities is not encouraged, rather agencies should exploit existing capabilities to serve individual needs. Restrictions on the use of the Social Security Number as an identifier established by Section 7 of this Act should also be noted where applicable.

Any requirements for verification of identity. These may only be imposed when the fact of the existence of a record would not be required to be disclosed under the Freedom of Information Act (5 U.S.C. 552).

Agency procedures should provide for acknowledgement of the inquiry within 10 days (excluding Saturdays, Sundays, and legal public holidays).

Rules for Handling Requests for Access. Subsection (f) (2) "Define reasonable times, places, and requirements for identifying an individual who requests his record or information pertaining to him before the agency shall make the record or information available to the individual;"

The development of procedures for individuals to identify themselves for the purposes of gaining access to their records will necessarily vary depending on the nature, location, and sensitivity of the records in the system. Care must be exercised to assure that the requirements for verification of identity are not so cumbersome as to prevent individuals from gaining access to records to which they are entitled to have access. The requirements pertaining to verification of identity contained in subsection (f) (1), above, should also be noted.

"Reasonableness" will be measured in terms of

The risk of access being granted to an individual who is not entitled to access weighed against the probable harm (including embarrassment) to the individual to whom the record pertains which would result from unauthorized access; and

The standards for verification of identity which a typical individual about whom record is maintained could be expected to meet.

When agencies specify that individuals may (or must) present themselves in person to verify their identity, hours and locations specified should take into account the kinds of individuals about whom records are maintained. For example, it may be appropriate to ask a current employee who seeks access to his record to present himself to the agency personnel office during normal working hours. No requirements may be established which would have the effect of impeding an individual in exercising his or her right to access.

Agencies which maintain systems of records on widely dispersed groups of individuals and which have field offices equipped to do so, are encouraged to use those offices as sites at which an individual can present a request for access even though his or her records may not be maintained at any one of those field offices. The information necessary to identify individuals should be kept to the absolute minimum and neither this pro-

vision nor any other provision of the Act should be used for the purpose of acquiring and storing additional information about an individual.

The published rules prescribing procedures for verification of identity will include—

A list of the locations and/or mailing addresses of locations to which the request may be presented;

When in-person verification is required or permitted, the hours when those locations are open (including the dates of holidays on which they are closed); and

Documents which the agency will require, if any, to establish the identity of the individual (specifying as many alternatives as possible).

Rules for Granting Access to Records. Subsection (f) (3) "Establish procedures for the disclosure to an individual upon his request of his record or information pertaining to him, including special procedure (sic), if deemed necessary, for the disclosure to an individual of medical records including psychological records, pertaining to him;

Individuals may be granted access to their records either in person or by having copies mailed to them. The nature of the system and of the individuals on whom records are maintained will determine which method is appropriate. If an agency determines that it can grant access to records only by providing a copy of the record through the mail because it cannot provide "reasonable" means for individuals to have access to their records in person, it may not charge a fee for making the copy.

The issue of access to medical records was the subject of extensive discussion during the development of the Act. As written, the Act provides that individuals have an unqualified right of access to records pertaining to them (with certain exceptions specified in subsections (j) and (k), below) but that the process by which individuals are granted access to medical records may, at the discretion of the agency, be modified to prevent harm to the individual. (See subsection (d) (1).)

As a minimum, rules issued pursuant to this subsection shall be consistent with the requirements of subsection (d) (1) and should include—

Some indication, for requests presented in person, as to whether the individual can expect to be granted immediate access to the record and, for written request, the expected time lag, if any, between receipt of a request for

access and the granting of that access (see subsection (d) (2) for guidance on maximum response times); and

The locations at which individuals will be granted access to their records or the fact that access will be granted by providing copies by mail;

Notice that an individual when reviewing a record in person, may be accompanied by another individual of his or her choosing and the agency's requirements, if any, for a written statement authorizing that individual's presence. Such authorization statements, if employed, should be as brief as possible.

Rules for Amending Records. Subsection (f) (4) "Establish procedures for reviewing a request from an individual concerning the amendment of any record or information pertaining to the individual, for making a determination on the request, for an appeal within the agency of an initial adverse agency determination, and for whatever additional means may be necessary for each individual to be able to exercise fully his rights under this section;"

Agency procedures for permitting an individual to request amendment of a record shall be consistent with subsections (d) (2) and (3) and shall as a minimum, specify—

The official(s) to whom the request is to be directed;

The identifying information required to relate the request to the appropriate record;

The official(s) to whom a request for a review of an initial adverse determination on request to amend may be taken; and

Offices/officials from whom assistance can be obtained in preparing a request to amend a record or to appeal an initial adverse determination or to learn further of the provisions for judicial review.

If the agency deems it appropriate to establish (or already has) a formal reviewing mechanism for assessing the accuracy of its records or for reconciling disputes, that mechanism or board should be described in its rules published pursuant to this subsection. This provision does not require the establishment of new, separate review mechanisms where such capabilities exist and are, or can be modified to be, in conformance with this Act.

Rules Regarding Fees. Subsection (f) (5) "Establish fees to be charged, if any, to any individual for making copies of his record, excluding the cost of any search for and review of the record."

Fees may be charged to an individual under this section only for the making of copies of records when requested by the individual. As stated above (subsection (f) (3)), when copies are made by the agency incident to granting access to a record, a fee may not be charged. It should be noted that the provisions on fees charged to an individual under this Act differ from those governing fees charged to the public. See 5 U.S.C. 552, as amended, the Freedom of Information Act, for guidance on fees for copies of records made available to the public.)

"(An) agency may not charge the individual for time spent searching for requested records or for time spent in reviewing records to determine if they fall within the disclosure requirements of the Act." (House Report 93-1416, p. 17.) When an individual requests a copy of a record, pursuant to subsection (d) (1) (access to records), the fee charged may not exceed the direct cost of making the copy (printing, typing, or photocopying and related personnel and equipment costs) and may not include any cost of retrieving the information. In establishing fee schedules, agencies should also consider the cost of collecting the fee in determining when fees are appropriate.

Annual Publication of Notices and Rules. Subsection (f) (final paragraph—unnumbered) "The Office of the Federal Register shall annually compile and publish the rules promulgated under this section and agency notices published under section (e) (4) of this section in a form available to the public at low cost."

The annual compilation of public notices (subsection (e) (4)) and agency rules (subsection (f) (1) through (5)) will be produced in a form which promotes the exercise of individual rights under this Act.

The General Services Administration will issue guidance on the format and timing for submission of rules and notices to reduce the cost of preparing and publishing the rules and notices, to minimize redundancy wherever possible, and otherwise to enhance the utility of these publications. For example, the various provisions of subsection (e) (4) and (f) (1) through (4) calling for lists of names and addresses need not be treated as separate portions of the annual notice for each system.

SUBSECTION (g) CIVIL REMEDIES

This subsection prescribes the circumstances under which an individual may seek court relief in the event that a Fed-

eral agency violates any requirement of the Privacy Act or any rule or regulation promulgated thereunder, the basis for judicial intervention, and the remedies which the courts may prescribe. It should be noted that an individual may have grounds for action under other provisions of the law in addition to those provided in this section. For example—

An individual may seek judicial review under other provisions of the Administrative Procedure Act (APA).

An individual may file a complaint alleging possible criminal misconduct under section (i), below.

A Federal employee may file a grievance under personnel procedures. It should also be noted that an agency/employee responsible for an adverse action against an individual may be personally subject to civil suit, particularly where the agency/employee acted in a manner that was intentional or willful.

Judgments, costs, and attorney's fees assessed against the United States under this subsection would appear to be payable from the public funds rather than agency funds. 28 U.S.C. 2414 and 31 U.S.C. 724a (Payment of Judgments); 28 U.S.C. 1924 (Costs). While it is not the purpose of these guidelines to discuss the jurisdiction of the district courts or the procedures in such cases, it should be noted that most cases arising under subsection (g) will be handled by the General Litigation Section of the Civil Division of the Department of Justice. In these cases, upon receipt of a copy of the summons and complaint served upon the Attorney General and notification of its filing by the United States Attorney (see Rule 4, Federal Rules of Civil Procedure), the General Litigation Section will request the agency to furnish a litigation report.

Some agencies are authorized to conduct their own litigation. Where its authority permits, the agency may decide to handle its own cases under this Act. In view of the general litigation responsibility which the Department of Justice has for all other departments and agencies in the executive branch, it is important that agencies handling their own litigation under this Act keep the Department of Justice currently informed of their progress, and forward to the Civil Division copies of significant documents which are filed in such cases.

Each agency should maintain a complete and careful record of the admin-

istrative procedures followed in processing this statute. The record should be maintained so that it can be readily certified as the complete administrative record of the proceedings as a basis for possible use in litigation.

Grounds for Action. Subsection (g) (1) "Civil Remedies. Whenever any agency"

The subsection authorizing civil actions by individuals is designed to assure that an individual who (1) was unsuccessful in an attempt to have an agency amend his or her record; (2) was improperly denied access to his or her record or to information about him or her in a record; (3) was adversely affected by an agency action based upon an improperly constituted record; or (4) was otherwise injured by an agency action in violation of the Act will have a remedy in the Federal District courts.

Refusal to Amend a Record. Subsection (g) (1) (A) "Makes a determination under subsection (d) (3) of this section not to amend an individual's record in accordance with his request, or fails to make such review in conformity with that subsection;"

An individual may seek judicial review of an agency's determination not to amend a record pursuant to a request filed under subsection (d) (2) under either one of two conditions—

The individual has exhausted his or her recourse under the procedures established by the agency pursuant to subsection (d) (3) (appeals on the agency's refusal to amend) and the reviewing official has also refused to amend the record, or

The individual contends that the agency has not considered the request to review in a timely manner or otherwise has not acted in a manner consistent with the requirements of subsection (d) (3). Such an action could presumably involve a challenge either to the agency's procedures published under subsection (f) (4) or to the agency head's decision to extend the period of review "for good cause shown" under subsection (d) (3).

An individual may also bring a civil action based on allegedly inaccurate records if it can be shown that a decision adverse to the individual resulted from that inaccuracy. See subsection (g) (1) (C). However, no test of injury is required to bring an action under subsection (g) (1) (A).

The basis for judicial review and the

available remedies in actions brought under this subsection are found in subsection (g) (2).

Denial of Access to a Record. Subsection (g) (1) (B) "Refuses to comply with an individual request under subsection (d) (1) of this section."

Under this subsection, individuals may challenge a decision to deny them access to records to which they consider themselves entitled (under subsection (d) (1)). The action giving rise to the suit may be the agency head's determination (pursuant to subsection (k), specific exemptions) to exempt a system of records from the requirements that individuals be granted access. "Since access to a file is the key to insuring the citizen's right of accuracy, completeness, and relevancy, a denial of access affords the citizen the right to raise these issues in court. This would be the means by which a citizen could challenge any exemption from the requirements of [the Act]." (Senate Report 93-1183, p. 32). It should be noted that systems of records covered under subsection (j) (general exemptions) are permitted to be exempted from this provision.

This provision is also the one by which individuals may contest an agency's refusal to grant access as a result of its interpretation of the definitions in the Act as they apply to information maintained by an agency and for the exclusion set forth in subsection (d) (5), denial of access to records compiled in reasonable anticipation of litigation. No test of injury is required to bring action under subsection (g) (1) (B). The basis for judicial review and available remedies are found in subsection (g) (3).

Failure to Maintain a Record Accurately. Subsection (g) (1) (C) "Fails to maintain any record concerning any individual with such accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights, or opportunities, of, or benefits to the individual that may be made on the basis of such record, and consequently a determination is made which is adverse to the individual;" or

An individual may bring an action under this subsection only if it can be shown that the deficiency in the record resulted in an adverse determination by the agency which maintained the record, on the basis of the record. "An action also lies if the agency makes an adverse determination based upon a record which is inaccurate, untimely, or incomplete.

However, in order to sustain such action, the individual must demonstrate the causal relationship between the adverse determination and the incompleteness, inaccuracy, irrelevance or untimeliness of the record." (House Report 93-1416, p. 17)

An adverse action is one resulting in the denial of a right, benefit, entitlement, or employment by an agency which the individual could reasonably have been expected to have been given if the record had not been deficient. This provision, in essence, allows an individual to test the agency's compliance with subsection (e) (5).

It should also be noted that, under this subsection, an agency may be liable as a consequence of its failure to maintain a record accurately only if it is shown that its failure has been "intentional or willful" (subsection (g) (4)). (No such test is required under the provisions of subsection (g) (1) (A), above, under which an individual can seek a review of the accuracy of a record.)

Neither this subsection nor subsection (g) (1) (A) was intended to permit an individual collaterally to attack information in records pertaining to him which has already been the subject of or for which adequate judicial review is available. For example, these provisions were not designed to afford an individual an alternate forum in which he can challenge the basis for a criminal conviction or an asserted tax deficiency.

The basis for judicial review and available remedies are found in subsection (g) (4).

Other Failures to Comply with the Act. Subsection (g) (1) (D) "Fails to comply with any other provision of this section, or any rule promulgated thereunder, in such a way as to have an adverse effect on an individual."

In addition to the grounds specified in subsections (g) (1) (A) through (C) above, an individual may bring an action for any other alleged failure by an agency to comply with the requirements of the Act or failure to comply with any rule published by the agency to implement the Act (subsection (f)) provided it can be shown that—

The action was "intentional or willful";

The agency's action had an "adverse effect" upon the individual; and

The "adverse effect" was causally related to the agency's actions.

The basis for judicial review and available remedies provided by this Act are found in subsection (g) (4).

Basis for Judicial Review and Remedies for Refusal to Amend a Record. Subsection (g) (2) "(A) In any suit brought under the provisions of subsection (g) (1) (A) of this section, the court may order the agency to amend the individual's record in accordance with his request or in such other way as the court may direct. In such a case the court shall determine the matter de novo.

"(B) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this paragraph in which the complainant has substantially prevailed."

When an individual seeks judicial review of the accuracy, timeliness, completeness, or relevance of a record either as a result of a challenge to the agency's refusal to amend a record or because the individual alleges that the agency's process for review does not conform to subsection (d) (3), the court is required to review the matter as if it were an initial determination (de novo). Such a review may extend to the agency's criteria established in conformance with subsections (e) (1) and (5) for "accuracy, relevance, timeliness, and completeness" as they relate to the purposes for which the agency maintains the record.

Unlike the judicial review of a denial of access to a record, in a review of refusal to amend a record the burden to justify its action is not expressly placed upon the agency by the Privacy Act. This was intended to result in placing the burden of challenging the accuracy of the record upon the individual. As a result, agencies should not maintain additional records solely for the purpose of validating the accuracy, timeliness, and completeness or relevance of other records they maintain.

If the court finds for the individual against the agency it may

Direct the agency to amend the record or to take such other steps as it deems appropriate.

Require the agency to pay court costs and attorney fees: "It is intended that such award of fees not be automatic, but rather, that the courts consider the criteria as delineated in the existing body of law governing the award of fees." (House Report 93-1416, p. 17)

Basis for Judicial Review and Remedies for Denial of Access. Subsection (g) (3) "(A) In any suit brought under the provision (g) (1) (B) of this section, the court may enjoin the agency from withholding the records and order the production to the complainant of any

agency records improperly withheld from him. In such a case the court shall determine the matter de novo, and may examine the contents of any agency records in camera to determine whether the records or any portion thereof may be withheld under any of the exemptions set forth in subsection (k) of this section, and the burden is on the agency to sustain its action.

(B) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this paragraph in which the complainant has substantially prevailed.

In conducting its review,

"[T]he court is required to determine such matters de novo and the burden of proof is upon the agency to sustain the exemption." (House Report 93-1416, p. 17) In view of the sensitivity of some of the records to which access may be sought, the court, in examining those records may do so in camera. "A person seeking access to a file which he has reason to believe is being maintained on him for the purposes of determining its accuracy and completeness, for example, or to take advantage of the rights afforded him . . . could raise the question of the propriety of the exemption which denies him access to his files. In deciding whether the citizen has a right to see his file or to learn whether the agency has a file on him, the court would of necessity have to decide the legitimacy of the agency's reasons for the denial of access, or refusal of an answer. The Committee intends that any citizen who is denied a right of access under the Act may have a cause of action, without the necessity of having to show that a decision has been made on the basis of it, and without having to show some further injury, such as loss of job or other benefit, that might stem from the denial of access." (Senate Report 93-1183, p. 82.)

If the court finds for the individual against the agency, it may—

Direct the agency to grant the individual access as provided under subsection (d) (1), above.

Require the agency to pay court costs and attorney fees. "It is intended that such award of fees not be automatic, but rather, that the courts consider the criteria as delineated in the existing body of law governing the award of fees." (House Report 93-1416, p. 17)

Basis for Judicial Review and Remedies for Adverse Determination and Other Failures to Comply. Subsection (g) (4) "In any suit brought under the provisions of subsection (g) (1) (C) or (D) of this section in which the court determines that the agency acted in a manner which was intentional or willful, the United States shall be liable to the

individual in an amount equal to the sum of—

"(A) Actual damages sustained by the individual as a result of the refusal or failure, but in no case shall a person entitled to recovery receive less than the sum of \$1,000; and

"(B) The costs of the action together with reasonable attorney fees as determined by the court."

In any action brought for failure to comply with the provisions of the Act, other than those covered in subsection (g)(1)(A) and (B) (refusal to amend a record or denial of access) it must be shown that—

The failure of the agency to comply was "intentional or willful;"

There was injury or harm to the individual; and

The injury was causally related to the alleged agency failure.

As indicated above, these criteria do not apply to suits brought to amend a record pursuant to subsection (g)(1)(A) so that an individual may, under certain circumstances, properly bring an action either under subsections (g)(1)(A) or (g)(1)(C).

When the court finds that an agency has acted willfully or intentionally in violation of the Act in such a manner as to have an adverse effect upon the individual, the United States will be required to pay

Actual damages or \$1,000, whichever is greater

Court costs and attorney fees.

Unlike subsections (g)(2) and (3) above, which make the award of court costs and attorney fees discretionary in successful suits brought under subsections (g)(1)(A) and (B), such awards are required to be made in actions in which the individual has prevailed under subsections (g)(1)(C) and (D). See House Report 93-1416, pp. 17-18 and the *Congressional Record*, December 18, 1974, P.H. 122445 for further discussion of this point.

Jurisdiction and Time Limits. Subsection (g)(5) "An action to enforce any liability created under this section may be brought in the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, without regard to the amount in controversy, within two years from the date on which the cause of action arises, except that where an agency has materially and willfully misrepresented any information required

under this section to be disclosed to an individual and the information so misrepresented is material to establishment of the liability of the agency to the individual under this section, the action may be brought at any time within two years after discovery by the individual of the misrepresentation. Nothing in this section shall be construed to authorize any civil action by reason of any injury sustained as the result of a disclosure of a record prior to the effective date of this section."

Action may be brought in the district court for the jurisdiction in which the individual resides, or has a place of business, or in which the agency records are situated, or in the District of Columbia.

"The statute of limitations is two years from the date upon which the cause of action arises, except for cases in which the agency has materially or willfully misrepresented any information required to be disclosed and when such misrepresentation is material to the liability of the agency. In such cases the statute of limitations is two years from the date of discovery by the individual of the misrepresentation." (House Report 93-1416, p. 18)

A suit may not be brought on the basis of injury which may have occurred as a result of an agency's disclosure of a record prior to September 27, 1975; e.g., disclosure without the consent of the individual or an adverse action resulting from a disclosure. This language is intended to preclude agencies from being held liable, under this law, for actions taken prior to its effective date.

SUBSECTION (h) RIGHTS OF LEGAL GUARDIANS

Subsection (h) "For the purposes of this section, the parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act on behalf of the individual."

This section is intended to ensure that minors or individuals who have been declared to be legally incompetent have a means of exercising their rights under the Act. It also has the effect of making individuals acting in loco parentis to minors, parents, legal guardians, and custodians the same as the individual for purposes of giving consent for disclosure (subsection (b)) and being informed of the purposes for which records are maintained (subsection (e)(3)).

It should be noted that this provision is discretionary and that individuals who

are minors are authorized to exercise the rights given to them by the Privacy Act or, in the alternative, their parents or those acting in loco parentis may exercise them in their behalf.

(I) CRIMINAL PENALTIES

This subsection establishes criminal sanctions for three possible violations
Unauthorized disclosure.

Failure to publish a public notice or a system of records subject to the Act.

Obtaining access to records under false pretenses.

The first two are directed at actions of officers and employees of Federal agencies and (pursuant to subsection (in)) certain contractor personnel. Agencies should ensure that all personnel are informed of the requirements of the Act and, pursuant to subsection (e) (9), rules of conduct, are given periodic training in this area.

Criminal Penalties for Unauthorized Disclosure. Subsection (I) (1) "Any officer or employee of an agency, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by this section or by rules or regulations established thereunder, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than \$5,000."

It is a criminal violation of the provisions of the Act if an employee, knowing that disclosure is prohibited, willfully discloses a record without the written consent of the individual to whom it pertains, at his or her request, or for one of the reasons set forth in subsections (b) (1) through (11), conditions of disclosure.

Criminal Penalties for Failure To Publish a Public Notice. Subsection (I) (2) "Any officer or employee of any agency who willfully maintains a system of records without meeting the notice requirements of subsection (e) (4) of this section shall be guilty of a misdemeanor and fined not more than \$5,000."

As was discussed in connection with subsection (e) (4), above, a basic objective of the Act is to assure that there is no system of records whose very existence is kept secret. An agency is required to publish a public notice about each system of records which it maintains. It is a

criminal violation of the Act willfully to maintain a system of records and not to publish the prescribed public notice. The exemption provisions, subsections (j) and (k), do not allow an agency head to exempt any system of records from the requirement to publish a public notice of its existence, although that notice may be somewhat abbreviated. (See subsections (a) (5), definitions, and (e) (4), public notice, for guidelines on what constitutes a system.) It should be noted that, under agency procedures, the officer or employee who maintains the system may not be the one who is responsible for publishing the notice. Agency procedures should make the responsibilities of each clear. The officer or employee who maintains the system has an obligation to notify the one responsible for publishing the notice. Similarly the officer or employee responsible for publishing the notice, once notified of the existence of a system, must make that fact public.

Criminal Penalties - for Obtaining Records under False Pretenses. Subsection (I) (3) "Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000."

This provision makes it a criminal act knowingly and willfully to request or gain access to a record about an individual under false pretenses. It is likely that the principal application of this provision will be to deter individuals from making fraudulent requests under subsection (d) (1), access to records.

SUBSECTIONS (J) AND (K) EXEMPTIONS

The drafters of the Act recognized that the application of all of the requirements of the Act to certain categories of records would have had undesirable and often unacceptable effects upon agencies in the conduct of necessary public business.

Two categories of exemptions are established: General exemptions (subsection (j)) and specific exemptions (subsection (k)). The principal difference between the two categories is that systems of records exempted under subsection (j) may be exempted from more provisions of the Act than those exempted under subsection (k). Exemptions under subsection (j) may be exempted from the civil remedies provision and, in particular, the judicial review under subsections (g) (1) (B) and (g) (3), civil remedies.

In applying any of the exemption provisions of the Act, it is important to recognize the following:

No system of records is automatically exempt from any provision of the Act. To obtain an exemption for a system from any requirement of the Act, the head of the agency that maintains the system must make a determination that the system falls within one of the categories of systems which are permitted to be exempted, and publish the determination as a rule in accordance with the requirements (including general notice) of section 553 of the Administrative Procedure Act. That notice must include the specific provisions from which the system is proposed to be exempted and why the agency considers the exemption necessary.

The requirement to publish a public notice (subsection (e) (4), above) applies to all systems of records maintained by an agency. Certain other provisions such as conditions of disclosure (b), accounting for disclosures ((c) (1) and (2)) and restrictions on maintaining records on First Amendment activities ((e) (7)) also apply to all systems of records. Agencies may not exempt any system, as defined in subsection (a) (5) from any of these requirements.

In some instances, systems may contain records which are subject to exemption under more than one subsection in subsections (j) or (k). In those cases the notices claiming exemption should, if possible, specify which types of records are subject to which exemption.

Agency records which are part of an exempted system may be disseminated to other agencies and incorporated into their non-exempt records systems. The public policy which dictates the need for exempting records from some of the provisions of the Act is based on the need to protect the contents of the records in the system—not the location of the records. Consequently, in responding to a request for access where documents of another agency are involved, the agency receiving the request should consult the originating agency to determine if the records in question have been exempted from particular provisions of the Act. A copy of the request may be forwarded to the originating agency for handling of its documents where such a procedure would result in a more rapid response to the request for access but the agency receiving the request remains responsible for assuring a prompt response.

Agencies which elect to invoke exemptions are encouraged to adopt procedures similar to those prescribed by the Act wherever appropriate. For example, it

may be appropriate to seek an exemption from the access provision ((d) (1)) for certain prisoner records because they contain court controlled pre-sentence reports, but a more limited access procedure may be appropriate.

SUBSECTION (J)—GENERAL EXEMPTIONS—APPLICABILITY AND NOTICE REQUIREMENTS

Subsection (j) "The head of any agency may promulgate rules, in accordance with the requirements (including general notice), of sections 553 (b) (1), (2), and (3), (c), and (e) of this title, to exempt any system of records within the agency from any part of this section except subsections (b), (c) (1) and (2), (e) (4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (1) if the system of records is—

"(1)
"(2)

"At the time rules are adopted under this subsection, the agency shall include in the statement required under section 553(c) of this title, the reasons why the system of records is to be exempted from a provision of this section."

This section permits agency heads to exempt systems of records which are maintained by the Central Intelligence Agency or for criminal law enforcement purposes, as further discussed in subsections (j) (1) and (2), below, from all provisions of the Act except the—

Conditions of disclosure, ((b));
Accounting for disclosures and retention of the accounting, ((c) (1) and (2));

Annual public notice except for procedures for identifying a record, gaining access to it, contesting its accuracy, and identifying the sources of records, ((e) (4) (A) through (F));

Obligation to check the accuracy, relevance, timeliness, and completeness of records before disclosing them to a person other than another agency or to the public under the Freedom of Information Act, ((e) (6));

Restrictions on maintaining records on First Amendment activities, ((e) (7));

Establishment of rules of conduct and administrative, technical, and physical safeguards, ((e) (9) and (10), respectively);

Publication of "routine use" notices ((e) (11)); and
Criminal penalties, ((1)).

When the head of an agency determines that a system of records maintained by the agency should be exempted from certain provisions of the Act, a

notice must be published in the Federal Register which specifies, as a minimum:

The name of the system (This should be the same as that given in the annual public notice under subsection (e) (4)); and

The specific provisions of the Act from which the system is to be exempted and the reasons therefor. A separate reason need not be stated for each provision from which the system is being exempted, where a single explanation will serve to explain the entire exemption.

The agency head's determination is considered to be a rule under the Administrative Procedure Act (APA) and is subject to the requirements of general notice and public comment of that Act, 5 U.S.C. 553. While general notice of a proposed rule is not required under the APA when "persons subject thereto are named and either personally served or otherwise have actual notice thereof . . .," the use of the phrase "including general notice" means that individual notifications will not suffice.

The systems of records and the number of records (i.e., individuals) in each, which were exempted from any of the provisions of the Act under this subsection will be required to be included in the annual report prepared as required by subsection (p). It should be emphasized that the exemption provisions are permissive; i.e., an agency head is authorized, but not required, to exempt a system from all or any portion of selected provisions of the Act when he or she deems it to be in the best interest of the government and consistent with the Act and these guidelines. In commenting on this provision, the House Committee noted:

The Committee also wishes to stress that this section is not intended to require the C.I.A. and criminal justice agencies to withhold all their personal records from the individuals to whom they pertain. We urge those agencies to keep open whatever files are presently open and to make available in the future whatever files can be made available without clearly infringing on the ability of the agencies to fulfill their missions. (House Report 93-1416, p. 19)

To the extent practicable, records permitted to be exempted from the Act should be separated from those which are not. Further, while the language permits agency heads to exempt systems of records, agencies should exempt only portions of systems wherever it is possible.

General Exemption for the Central Intelligence Agency. Subsection (j) (1) "Maintained by the Central Intelligence Agency; or"

General Exemption for Criminal Law Enforcement Records. Subsection (j) (2) "Maintained by an agency or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals, and the activities of prosecutors, courts, correctional, probation, pardon, or parole authorities, and which consists of (A) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (B) information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision."

SUBSECTION (k) SPECIFIC EXEMPTIONS

Applicability and Notice Requirements.

Subsection (k) "The head of any agency may promulgate rules, in accordance with the requirements (including general notice) of sections 553(b) (1), (2), and (3), (c), and (e) of this title, to exempt any system of records within the agency from subsections (c) (3), (d), (e) (1), (e) (4) (G), (H), and (I) and (f) of this section if the system of records is—"

"(1) . . .

"(7) . . .

"At the time rules are adopted under this subsection, the agency shall include in the statement required under section 553(c) of this title, the reasons why the system of records is to be exempted from a provision of this section."

This subsection permits agency heads to exempt systems of records from a limited number of provisions of the Act. In addition to the provisions from which no system may be exempted under subsection (j), a system which falls under any one of the seven categories listed in this subsection may not be exempted from the following provisions:

Informing prior recipients of corrected or disputed records, ((c) (4));

Collecting information to be used in determinations about an individual directly from the individual to whom it pertains, ((e) (2));

Informing individuals asked to supply information of the authority by and purposes for which it is collected and whether or not providing the information is mandatory, ((e)(3));

Maintaining records with such accuracy, completeness, timeliness, and relevance as is reasonable for the agency's purposes, ((e)(5));

Notifying the subjects of records disclosed under compulsory process, ((e)(8)); and

Civil remedies, (g).

As with subsection (j), upon determining that a system is to be exempted under this section, the agency head is required to publish that determination as a rule under the Administrative Procedure Act subject to public comment. That notice must, as a minimum, specify

The name of the system (as in the annual notice under subsection (e)(4)); and

The specific provisions of the Act from which the system is to be exempted and the reason therefor.

The agency head's determination is considered to be a rule under the Administrative Procedure Act (APA) and is subject to the requirements of general notice and public comment of that Act, 5 U.S.C. 553. While general notice of a proposed rule is not required under the APA when "persons subject thereto are named and either personally served or otherwise have actual notice thereof . . .", the language "including general notice" means that individual notification will not suffice.

In addition, the systems of records and the number of records in each, which were exempted from any of the provisions of the Act under this section will be required to be included in the annual report required by subsection (p).

It should also be noted that the exemption provisions are permissive; i.e., an agency head is authorized, but not required, to exempt a system when he or she deems it to be in the best interest of the government and consistent with the Act and these guidelines. "Also as with section (j) records, the Committee urges agencies maintaining section (k) records to open those documents to the individuals named in them insofar as such action would not impair the proper functioning of those agencies." (House Report 93-1416, p. 20)

In the process of utilizing any of these exemptions, agencies should, wherever practicable, segregate those portions of systems for which an exemption is

considered necessary so as to hold to the minimum the amount of material which is exempted. While the language permits agency heads to exempt entire systems of records, the language of certain of the specific provisions below suggests that it may, in some instances, be appropriate to exempt only portions of systems where it is not possible to segregate entire systems. For example, records containing classified material to which access may be denied under (k)(1) should be screened to permit access to unclassified material, and only those portions of investigative material which meet all of the criteria in (k)(2) or (5) should be withheld. However, in the case of records which are permitted to be exempted to the extent that their disclosure would reveal the identity of a confidential source, extreme care should be exercised to ensure that the content of any records being segregated does not disclose the identity of the source.

Exemption for Classified Material. Subsection (k)(1) "Subject to the provisions of section 552(b)(1) of this title:"

This subsection permits agency heads to exempt, from certain provisions of the Act, those systems of records which are "(A) specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive Order." (5 U.S.C. 552(b)(1), as amended by Public Law 93-502)

The Freedom of Information Act, as amended by P.L. 93-502, authorizes de novo judicial review of an agency's decision to classify a document, including in camera examination of the document when the court deems it necessary to resolve a dispute as to whether a document is properly being withheld under the provisions of subsection (b)(1) of the Freedom of Information Act. See the Conference Report on H.R. 12471, House Report 93-1380, pp 8-9.

Useful guidance in the application of this provision is found in the Senate Committee report discussion of a similar provision on classified materials:

The potential for serious damage to the national defense or foreign policy could arise if the notice describing any information system included categories or sources of information . . . or provided individuals access to files maintained about them . . .

The Committee does not by this legislation intend to jeopardize the collection of intelligence information related to national defense or foreign policy, or open to inspection

information classified pursuant to Executive Order 11652 to persons who do not have an appropriate security clearance or need to know.

This section is not intended to provide a blanket exemption to all information systems or files maintained by an agency which deal with national defense and foreign policy information. Many personnel files and other systems may not be subject to security classification or may not cause damage to the national defense or foreign policy simply by permitting the subjects of such files to inspect them and seek changes in their contents under this Act. (Senate Report 93-1163, p. 74)

Exemption for Investigatory Material Compiled for Law Enforcement Purposes. Subsection (k) (2) "Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j) (2) of this section: *Provided, however,* That if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

This provision allows agency heads to exempt a system of records compiled in the course of an investigation of an alleged or suspected violation of civil laws, including violations of the Uniform Code of Military Justice and associated regulations, except to the extent that the system is more broadly exempt under the provision covering records maintained by an agency whose principal function pertains to the enforcement of criminal laws (subsection (j) (2)). This exemption was drafted because "(1) individual access to certain law enforcement files could impair investigations, particularly those which involve complex and continuing patterns of behavior. It would alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution." (House Report 93-11416, p. 19.)

The phrase "investigatory material compiled for law enforcement purposes" is the same phrase as opened exemption (b) (7) to the Freedom of Information Act prior to its recent amendment (Public Law 93-502), with the exception of the use of the word "material" in the Privacy Act for the word "files" in the now amended Freedom of Information Act exemption. The intent was to have the same meaning given to this phrase in the Privacy Act as had been given to it in the Freedom of Information Act except that the phrase would apply to material as opposed to entire files. The case law, then, which had interpreted "investigatory" and "compiled" and "law enforcement purposes" for the now amended portions of exemption (b) (7) of the Freedom of Information Act should be utilized in defining those terms as they appear in subsection (k) (2) of the Privacy Act.

It was further recognized that "due process" in both civil action and criminal prosecution will assure that individuals have a reasonable opportunity to learn of the existence of, and to challenge, investigatory records which are to be used in legal proceedings.

To the extent that such an investigatory record is used as a basis for denying an individual any right, privilege, or benefit (including employment) to which the individual would be entitled in the absence of that record, the individual must be granted access to that record except to the extent that access would reveal the identity of a confidential source.

The language permitting an agency to withhold records used as a basis for denying a benefit to the extent that the record would reveal the identity of an individual who furnished information in confidence is very narrowly drawn and must be treated carefully (see also subsections (k) (5) and (7), below). For information collected on or subsequent to the effective date of this section (September 27, 1975) a record may only be withheld to protect the identity of a source if

An express guarantee was made to the source that his or her identity would not be revealed. (Such guarantees should be made on a selective basis; i.e., individuals from whom information is solicited for law enforcement purposes should be advised that their identity may be disclosed to the individual to whom the record pertains unless a source ex-

pressly requests that his or her identity not be revealed as a condition of furnishing the information.); and

The record, if stripped of the identity of the source would nonetheless by its content reveal the identity to the subject.

It was recognized that the type of investigatory record covered by subsection (k) (2) currently contains substantial information which was obtained with the tacit understanding that the identity of the source would not be revealed. For this reason the Act provides that information in such records that was collected prior to the effective date of the Act may be withheld from the individual to whom it pertains to the extent that it was collected under an implied promise that its source would not be revealed and disclosing it would reveal the identity of the source.

The phrase "to the extent that" is particularly important. As implied above, if a record can be disclosed in such a way as to conceal its source, a promise of confidentiality to the source is not sufficient grounds for withholding it. Obviously, the content of certain records is such that it reveals the identity of the source even if the name of the source or other identifying particulars are removed; e.g., the record contains information that could only have been furnished by one individual known to the subject. Only in those cases, may the substance of the record be withheld to protect the identity of a source and then only to the extent necessary to do so. It is recognized, however that it may in some instances be very difficult for an agency to know whether the content of a record would, in and of itself, reveal its source. Therefore, it may be appropriate in light of the intent underlying this exemption, to exempt a record when any reasonable doubt exists as to whether its disclosure would reveal the identity of a confidential source.

Additional guidance on the circumstances under which an agency may withhold a record on the grounds that its disclosure would reveal the identity of a source who provided information under a pledge of confidentiality is found in Senator Ervin's statement on the compromise bill on the floor of the Senate.

The compromise provision for the maintenance of information received from confidential sources represents an acceptance of the House language after receiving an assurance that in no instance would that language deprive an individual from knowing of the existence of any information maintained in a record about him which was received from a "confidential source." The

agencies would not be able to claim that disclosure of even a small part of a particular item would reveal the identity of a confidential source. The confidential information would have to be characterized in some general way. The face of the item's existence and a general characterization of that item would have to be made known to the individual in every case.

Furthermore, the acceptance of this section in no way precludes an individual from knowing the substance and source of confidential information, should that information be used to deny him a promotion in a government job or access to classified information or some other right, benefit or privilege for which he was entitled to bring legal action when the government wished to base any part of its legal case on that information.

Finally, it is important to note that the House provision would require that all future promises of confidentiality to sources of information be expressed and not implied promises. Under the authority to prepare guidelines for the administration of this act it is expected that the Office of Management and Budget will work closer with agencies to insure that Federal investigators make sparing use of the ability to make express promises of confidentiality. (Congressional Record, December 17, 1974, p. S 21816)

The foregoing discussion with respect to confidentiality of sources is also applicable to the provisions of subsections (k) (5) and (7), below.

Exemption for Records Maintained To Provide Protective Services. Subsection (k) (3) "Maintained in connection with providing protective services to the President of the United States or other individuals pursuant to section 3056 of title 18;"

This exemption covers records which are not clearly within the scope of law enforcement records covered under subsection (k) (2) but which are necessary to assuring the safety of individuals protected pursuant to 18 U.S.C. 3056.

It was noted that "access to Secret Service intelligence files on certain individuals would vitiate a critical part of Secret Service work which was specifically recommended by the Warren Commission that investigated the assassination of President Kennedy and funded by Congress." (House Report 93-1416, p. 19)

Exemption for Statistical Records. Subsection (k) (4) "Required by statute to be maintained and used solely as statistical records;"

A "statistical record" is defined in subsection (a) (6) as "a record in a system of records maintained for statistical research or reporting purposes

only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of title 18."

It is the intent of this provision to permit exemptions for those systems of records which by operation of statute cannot be used to make a determination about an individual.

This provision permits an agency head to exempt a system of records which is used only for statistical, research, or program evaluation purposes and which is not used to make decisions on the rights, benefits, or entitlements of individuals except as permitted by section 8 of Title 18. The use of the language "required by statute to be maintained . . . only" suggests that systems of records which qualify to be exempted under this provision are those composed exclusively of records that by statute are prohibited from being used for any purpose involving the making of a determination about the individual to whom they pertain; not merely that the agency does not engage in such uses.

Disclosure of statistical records (to the individual) in most instances would not provide any benefit to anyone, for these records do not have a direct effect on a given individual; it would, however, interfere with a legitimate, Congressional-sanctioned activity. (House Report 93-1416, p. 19)

Exemption for Investigatory Material Compiled for Determining Suitability for Federal Employment or Military Service. Subsection (k)(5) "Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence";

This provision permits an agency to exempt material from the individual access provision of the Act which would cause the identity of a confidential source to be revealed only if all of the following conditions are met:

The material is maintained only for purposes of determining an individual's

qualifications, eligibility or suitability for military service, employment in the civilian service or on a Federal contract, or access to classified material. By implication, employment would include appointments to Federal advisory committees or to membership agencies, whether or not salaried;

The material is considered relevant and necessary to making a judicious determination as to qualifications, eligibility or suitability and could only be obtained by providing assurance to the source that his or her identity would not be revealed to the subject of the record; e.g., for "critical sensitive positions;" and

Disclosure of the record with the identity of the source removed would likely reveal the identity of the source; e.g., the record contains information which could only have been furnished by one of several individuals known to the subject.

(Since information collected prior to the effective date of the Act may have been gathered under an implied promise of confidentiality, that pledge may be honored and those records exempted if the other criteria are met.)

See subsection (k)(2), above, for a more extensive discussion of the circumstances under which records may be withheld to protect the identity of a confidential source.

This language was included to take into account the fact that the screening of personnel to assure that only those who are properly qualified and trustworthy are placed in governmental positions will, from time to time, require information to be collected under a pledge of confidentiality. Such pledges will be limited only to the most compelling circumstances; i.e.,

Without the information thus obtained, unqualified or otherwise unsuitable individuals might be selected; or

The potential source would be unwilling to provide needed information without a guarantee that his or her identity will not be revealed to the subject; or

To be of value in the personnel screening and often highly competitive assessments in which it will be used, the information must be of such a degree of frankness that it can only be obtained under an express promise that the identity of its source will not be revealed.

The Civil Service Commission and the Department of Defense (for military personnel) will issue regulations establishing procedures for determining when

a pledge of confidentiality is to be made and otherwise to implement this subsection. These regulations and any implementing procedures will not provide that all information collected on individuals being considered for any particular category of positions will automatically be collected under a guarantee that the identity of the source will not be revealed to the subject of the record.

This provision has been among the most misunderstood in the Act. It should be noted that it grants authority to exempt records only under very limited circumstances. "It will not be the customary thing to make these promises of confidentiality, so that most all of the information (in investigatory records) will be made available." (Congressional Record, November 20, 1974, p. 10887.)

The term "Federal contracts" covers investigatory material on individuals being considered for employment on an existing Federal contract as well as investigatory material compiled to evaluate the capabilities of firms being considered in a competitive procurement.

Exemption for Testing or Examination Material. Subsection (k) (6) "Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process;"

This provision permits an agency to exempt testing or examination material used to assess the qualifications of an individual for appointment or promotion in the military or civilian service only if disclosure of the record to the individual would reveal information about the testing process which would potentially give an individual an unfair competitive advantage. For example, the Civil Service Commission and the military departments give written examinations which cannot be revised in their entirety each time they are offered. Access to the examination questions and answers could give an individual an unfair advantage. This language also covers certain of the materials used in rating individual qualifications. This subsection permits the agency to withhold a record only to the extent that its disclosure would reveal test questions or answers or testing procedures.

It was not the intent of this subsection to permit exemptions of information which are required to be made available to employees or members or are, in fact, made available to them as a mat-

ter of current practice. The presence of exemption (k) (7) is an indication of the intended narrow coverage of the exemptions set forth in (k) (6) and, similarly, the exemptions of (k) (7) and (k) (8) indicate the intended narrow coverage of the exemption set forth in subsection (k) (5).

Exemption for Material Used To Evaluate Potential for Promotion in the Armed Services. Subsection (k) (7) "Evaluation material used to determine potential for promotion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence."

The discussions of subsection (k) (2) and (5), above, should be reviewed in applying this provision. The same rationale regarding when and how the confidentiality of sources may be protected applies here.

The military departments will publish regulations specifying those categories of positions in the Armed Services for which pledges of confidentiality may be made when obtaining information on an individual's suitability for promotion. These categories will be narrowly drawn.

SUBSECTION (l) ARCHIVAL RECORDS

This subsection addresses the maintenance of those records which are transferred to the General Services Administration. It should be noted that there is a substantial difference between

Records which have been placed in records centers operated by the Administrator of General Services for "storage processing and servicing" pursuant to Section 3103 of Title 44; and

Records which are accepted by the Administrator of General Services "for deposit in the National Archives of the United States (because they) have sufficient historical or other value to warrant their continued preservation by the United States Government" pursuant to Section 2103 of Title 44.

The former, those for which the General Services Administration is essentially a custodian, are addressed in subsection (l) (1). The latter, archival records which have been transferred to the Archives and are maintained by the Archivist, are addressed in subsections (l) (2) and (l) (3).

Records Stored in GSA Records Centers. Subsection (1) (1) "Each agency record which is accepted by the Administrator of General Services for storage, processing, and servicing in accordance with section 3103 of title 44 shall, for the purposes of this section, be considered to be maintained by the agency which deposited the record and shall be subject to the provisions of this section. The Administrator of General Services shall not disclose the record except to the agency which maintains the record, or under rules established by that agency which are not inconsistent with the provisions of this section."

Records which are sent to the General Services Administration for storage as a result of determination by the agency head that to do so would "effect substantial economies or increase operating efficiency," (44 U.S.C. 3103), are deemed to be part of the records of the agency which sent them and are subject to the Act to the same extent that they would be if maintained on the agency's premises.

This language, in effect, constitutes a clarification of the term "maintain" (subsection (a) (3)) with respect to records which have been physically transferred to GSA for storage. While records are stored in a records center, the agency which sent them to storage remains accountable for them and the General Services Administration effectively functions as an agent of that agency and maintains them pursuant to rules established by that agency.

Records stored in records centers often constitute the inactive portion of systems of records, the remainder of which are kept on agency premises; e.g., agency payroll and personnel records. Whenever practicable, these inactive records should be treated as part of the total system of records and be subject to the same rules and procedures. In no case may they be subject to rules which are inconsistent with the Privacy Act.

To assure the orderly and effective operation of the records center and consistent with its authority to issue regulations governing Federal agency records management policies (under title 44 of the United States Code), the Privacy Act and these guidelines; the General Services Administration shall issue general guidelines to the agencies on preferred methods for handling systems of records stored in Federal records centers. In view of the intent underlying this provision, agencies may consider that the records stored in Federal records centers are

transferred intra-agency and need not publish notice of "routine uses" to enable these transfers.

Records Archived Prior to September 27, 1975. Subsection (1) (2) "Each agency record pertaining to an identifiable individual which was transferred to the National Archives of the United States Government as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, prior to the effective date of this section, shall, for the purposes of this section, be considered to be maintained by the National Archives and shall not be subject to the provisions of this section, except that a statement generally describing such records (modeled after the requirements relating to records subject to subsections (e) (4) (A) through (G) of this section) shall be published in the FEDERAL REGISTER."

Records transferred to the Archives for "preservation" pursuant to 44 U.S.C. 2103, prior to September 27, 1975 are considered to be maintained by the Archives but are not subject to other provisions of the Act.

However, the National Archives is required to issue general notices describing its current holdings which cover, to the extent applicable, the elements specified in subsection (e) (4). These should include, as a minimum—

The categories of individuals on whom records are maintained;

The types of information in those records; and

Policies governing access and retrieval.

"It is intended that the notice provision not be applied separately and specifically to each of the many thousands of separate systems of records transferred to the Archives prior to the effective date of this Act, but rather that a more general description be provided which pertains to meaningful groupings of record systems." (Congressional Record, December 18, 1974, p. H12245)

If, for any reason, a record currently in the Archives is disclosed to an agency for use by that agency in making a determination as to the rights, benefits, or entitlements of an individual, it becomes subject to the provisions of the Act to the same extent as any other record maintained by that agency.

Records Archived On or After September 27, 1975. Subsection (1) (3) "Each agency record pertaining to an identifiable individual which is transferred to the National Archives of the United

States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, on or after the effective date of this section, shall, for the purposes of this section, be considered to be maintained by the National Archives and shall be exempt from the requirements of this section except subsections (e) (4) (A) through (C) and (e) (9) of this section."

Records transferred to the Archives pursuant to 44 U.S.C. 2103 (for "preservation") on or after September 27, 1975 are considered to be maintained by the Archives for purposes of the Act but are only subject to selected provisions of the Act. "(They) are subject only to those provisions of this Act requiring annual public notice of the existence and character of the information systems maintained by the Archives, establishment of appropriate safeguards to insure the security and integrity of preserved personal information, and promulgation and implementation of rules to insure the effective enforcement of those safeguards." (Congressional Record, December 18, 1974, p. H 12245.)

The notice required for these records is on a system by system basis. "Since the records would already have been organized in conformity with the requirements of this section by the agency transferring them to the Archives, maintaining them in continued conformity with this law would not require any special effort." (House Report 93-1416, p. 20.)

The exclusion of archival records from the provisions of the Act establishing the right to have access or to amend a record was also discussed in the House Report:

Records under the control of the Archives would not, however, be subject to the provisions of this law which permit changes in documents at the request of the individual named in them. A basic archival rule holds that archivists may not remove or amend information in any records placed in their custody. The principle of maintaining the integrity of records is considered one of the most important rules of professional conduct. It is important because historians quite properly want to learn the true condition of past government records when doing research; they frequently find the fact that a record was inaccurate is at least as important as the fact that a record was accurate.

The Committee believes that this rule is eminently reasonable and should not be created even in the case of individually identifiable records. Once those documents are given to the Archives, they are no longer

used to make any determination about any individual, so amendment of them would not aid anyone. Furthermore, the Archives has no way of knowing the true state of contested information, since it does not administer the program for which the data was collected; it cannot make judgments as to whether records should be altered. (House Report 93-1416, p. 21).

The Archivist is required to establish rules of conduct for GSA personnel to assure that records in the Archives are used only in a manner consistent with 44 U.S.C. 2103 and that Archives personnel are properly instructed in the rules governing access to and use of archival records.

However, when a record which has been deposited in the Archives is disclosed to an agency and becomes part of any agency's records which could be used in making a determination about an individual, that record would again be subject to the other applicable provisions of the Act.

SUBSECTION (m) GOVERNMENT CONTRACTORS

Subsection (m) "When an agency provides by a contract for the operation by or on behalf of the agency of a system of records to accomplish an agency function, the agency shall, consistent with its authority, cause the requirements of this section to be applied to such system. For purposes of subsection (l) of this section any such contractor and any employee of such contractor, if such contract is agreed to on or after the effective date of this section, shall be considered to be an employee of an agency."

The extent to which the provisions of the Act would apply to records other than those physically maintained by Federal agency personnel was one of the principal areas of difference between the Senate and House privacy bills (S. 3418 and H.R. 16373).

The Senate bill would have extended its provisions outside the Federal government only to those contractors, grantees or participants in agreements with the Federal government, where the purpose of the contract, grant or agreement was to establish or alter an information system. It addressed a concern over the policy governing the sharing of Federal criminal history information with State and local government law enforcement agencies and for the amount of money which has been spent through the Law Enforcement Assistance Administration for the purchase of State and local government criminal information systems.

The compromise amendment would now permit Federal law enforcement agencies to determine to what extent their information systems would be covered by the Act and to what extent they will extend that coverage to those with which they share that information or resources.

At the same time it is recognized that many Federal agencies contract for the operation of systems of records on behalf of the agency in order to accomplish an agency function. It was provided therefore that such contracts if agreed to on or after the effective date of this legislation shall provide that those contractors and any employees of those contractors shall be considered to be employees of an agency and subject to the provisions of the legislation. (Congressional Record, Dec. 17, 1974, p. S21818)

It was also agreed that the Privacy Protection Study Commission should be directed to study the applicability of the provisions of the Privacy Act to the private sector and make recommendations to the Congress and the President (See subsection 5(b) of the Act).

The effect of this provision is to clarify, further, the definition of the term "maintain" as it establishes agency accountability for systems of records. (See subsection (a) (3)). It provides that systems operated under a contract which are designed to accomplish an agency function are, in effect, deemed to be maintained by the agency. It was not intended to cover private sector record keeping systems but to cover de facto as well as de jure Federal agency systems.

"Contract" covers any contract, written or oral, subject to the Federal Procurement Regulations (FPR's) or Armed Services Procurement Regulations (ASPR's), but only those which provide " . . . for the operation by or on behalf of the agency of a system of records to accomplish an agency function . . . " are subject to the requirements of the subsection. While the contract need not have as its sole purpose the operation of such a system, the contract would normally provide that the contractor operate such a system formally as a specific requirement of the contract. There may be some other instances when this provision will be applicable even though the contract does not expressly provide for the operation of a system; e.g., where the contract can be performed only by the operation of a system. The requirement that the contract provide for the operation of a system was intended to ease administration of this provision and to avoid covering a contractor's system used as a result of his management discretion. For example, it was not intended that the system of personnel

records maintained by large defense contractors be subject to the provisions of the Act.

Not only must the terms of the contract provide for the operation (as opposed to design) of such a system, but the operation of the system must be to accomplish an agency function. This was intended to limit the scope of the coverage to those systems actually taking the place of a Federal system which, but for the contract, would have been performed by an agency and covered by the Privacy Act. Information pertaining to individuals may be maintained by an agency (according to subsection (e)(1)) only if such information is relevant and necessary to a purpose of the agency required to be accomplished by statute or Executive order of the President. Although the statute or Executive order need not specifically require the creation of a system of records from this information, the operation of a system of records required by contract must have a direct nexus to the accomplishment of a statutory or Presidentially directed goal.

If the contract provides for the operation of a system of records to accomplish an agency function, then " . . . the agency shall, consistent with its authority, cause the requirements of this section to be applied to such system."

The clause " . . . consistent with its authority . . . " makes it clear that the subsection does not give an agency any new authority additional to what it otherwise uses. The subsection clearly imposes new responsibilities upon an agency but does not confer any new authority to implement it. Although the method by which agencies cause the requirements of the section to be applied to systems is not set forth, the manner of doing so must be consistent with the agency's existing authority. The method of causing was envisioned to be a clause in the contract, but as with the "Buy America" provision in Government contracts, the breach of the clause was not necessarily intended to result in a termination of the contract. In addition, several of the requirements of the Privacy Act are simply not applicable to systems maintained by contractors, and this clause was a method of indicating that an agency was not required to impose those new standards. Agencies were given some discretion in determining the method or methods by which they would cause the otherwise applicable requirements to be applied to a system maintained under contract. This subsection does not merely require that an agency include provisions

consistent with the Privacy Act in its contracts. It requires, in addition, that the agency cause the requirements of the Act to be applied, limited only by its authority to do so. Because of this agency accountability—which underlies many of the provisions of the Privacy Act—there should be an incentive for an agency to cause its contractors who are subject to this subsection to apply the requirements of the section in a manner which is enforceable. Otherwise, the agencies may end up performing those functions in other to satisfy the activity of the "cause" requirement.

The decision as to whether to contract for the operation of the system or to perform the operation "in-house" was not intended to be altered by this subsection. Furthermore, this subsection was not intended to significantly alter GSA and OMB authority under the Brooks Act (P.L. 89-306) or Executive Order No. 11717 dated May 9, 1973, concerning the method of ADP procurement. The principles concerning reliance upon the private sector in OMB Circular No. A-76, and related provisions were also not intended to be changed.

The provisions would apply to all systems of records where, for example—

The determinations on benefits are made by Federal agencies;

The records are maintained for administrative functions of the Federal agency such as personnel, payroll, etc; or

Health records being maintained by an outside contractor engaged to provide health services to agency personnel.

The provisions would not apply to systems of records where:

Records are maintained by the contractor on individuals whom the contractor employs in the process of providing goods and services to Federal government.

An agency contracts with a state or private educational organization to provide training and the records generated on contract students pursuant to their attendance (admission forms, grade reports) are similar to those maintained on other students and are commingled with their records on other students.

When a system of records is to be operated by a contractor on behalf of an agency for an agency function, the contractual instrument must specify, to the extent consistent with the agency's authority to require it, that those records be maintained in accordance with the Act. Agencies will modify their procurement procedures and practices to ensure that all contracts are reviewed before

award to determine whether a system of records within the scope of the Act is being contracted for and, if so, to include appropriate language regarding the maintenance of any such systems.

For systems operated under contracts awarded on or after September 27, 1975, contractor employees may be subject to the criminal penalties of subsections (1) (1) and (2) (for disclosing records the disclosure of which is prohibited by the Act or for failure to publish a public notice). Although the language is not clear on this point, it is arguable that such criminal liability only exists to the extent that the contractual instrument has stipulated that the provisions of the Act are to be applied to the contractually maintained system. However, an agency which fails, within the limits of its authority, to require that systems operated on its behalf under contracts, may be civilly liable to individuals injured as a consequence of any subsequent failure to maintain records in conformance with the Act. The reference to contractors as employees is intended only for purposes of the requirements of the Act and not to suggest that, by virtue of this language, they are employees for any other purposes.

SUBSECTION (n) MAILING LISTS

Section (n) "An individual's name and address may not be sold or rented by an agency unless such action is specifically authorized by law. This provision shall not be construed to require the withholding of names and addresses otherwise permitted to be made public."

The language in this section is susceptible of various interpretations and must be read in the context of relevant legislative history. It is clear, however, that this provision seeks to reach the sale or rental of lists of names and addresses for commercial or other solicitation purposes not related to the purposes for which the information was collected.

Language included in the legislation would prohibit the sale or rental of mailing lists, names and addresses, by Federal agencies maintaining them. The philosophy behind this amendment is that the Federal Government is not in the mailing list business, and it should not be Federal policy to make a profit from the routine business of government, particularly when the release of such lists has been authorized under the Freedom of Information Act. In other words, such lists can not be withheld by an agency, unless it determines that the release would constitute

a clearly unwarranted invasion of privacy under section 552(b)(6) of title 5, United States Code.

Thus, the language of the bill before us does not ban the release of such lists where either sale or rental is not involved. (Congressional Record, December 18, 1974, p. H12246).

While the reference to the FOIA speaks only of "a clearly unwarranted invasion of personal privacy" (see 5 U.S.C. 552 (b) (6)) agencies may presumably withhold lists of names and addresses from the public under any of the exemptions to the FOIA (5 U.S.C. 552(b)) when they deem it appropriate to do so.

It is apparent that what is prohibited is "sale or rental" of such lists and the language may be read to prohibit "the sale or rental of lists of names and addresses by Federal agencies unless the sale or rental is specifically authorized by law. (emphasis added)." (Senate Report 93-1183, p. 31)

The Senate report, when read in combination with the House floor discussion cited above, suggests that agencies may not sell or rent mailing lists for commercial or solicitation purposes unless they are authorized specifically by law to sell or rent such lists. It is equally apparent that this language in no way creates an authority to withhold any records otherwise required to be disclosed under the Freedom of Information Act (5 U.S.C. 552). It is problematic whether the language "may not be sold or rented" precludes the changing of fees authorized under the Freedom of Information Act. It would seem reasonable to conclude that fees permitted to be charged for materials required to be disclosed under the Freedom of Information Act are not precluded and that lists, such as agency telephone directories, which are currently sold to the public by the Superintendent of Documents can continue to be sold.

Finally, this provision appears not to have been intended to reach the disclosure of names and addresses to agencies or other organizations other than for commercial or solicitation purposes. Other disclosure (e.g., the disclosures of names and addresses for a statistical study or to issue checks) would be subject to the requirements of section (b).

SECTION (c) REPORT ON NEW SYSTEMS

Section (c) "Each agency shall provide adequate advance notice to Congress and the Office of Management and Budget of any proposal to establish or

alter any system of records in order to permit an evaluation of the probable or potential effect of such proposal on the privacy and other personal or property rights of individuals or the disclosure of information relating to such individuals, and its effect on the preservation of the constitutional principles of federalism and separation of powers."

This subsection is intended to assure that proposals to establish or modify systems of records are made known in advance so that

There is a basis for monitoring the development or expansion of agency record-keeping activity.

The Commission established by section 5 can review trends in the use of personal information and the application of technology.

This provision resulted from the discussions surrounding the need for an independent agency to regulate and oversee the implementation of the Act:

The compromise amendment still would require that agencies provide adequate advance notice to the Congress and to the Office of Management and Budget of any proposal to establish or alter a system of records in order to permit an evaluation of the privacy impact of that proposal. In addition to the privacy impact, consideration should be given to the effect the proposal may have on our Federal system and on the separation of powers between the three branches of government. These concerns are expressed in connection with recent proposals by the General Services Administration and Department of Agriculture to establish a giant data facility for the storing and sharing of information between those and perhaps other departments. The language in the Senate report reflects the concern attached to the inclusion of this language in S.3418. (Senate Report 93-1183, page 64-66).

The acceptance of the compromise amendment does not question the motivation or need for improving the Federal government's data gathering and handling capabilities. It does express a concern, however, that the office charged with central management and oversight of Federal activities and the Congress have an opportunity to examine the impact of new or altered data systems on our citizens, the provisions for confidentiality and security in those systems and the extent to which the creation of the system will alter or change interagency or intergovernmental relationships related to information programs. (Congressional Record, December 17, 1974, p. S 21818)

A report is required to be submitted for each proposed new system of records and for changes to existing systems. The criteria for determining what constitutes a change in an existing system requiring

the preparation of a report under this subsection are substantially the same as those discussed under subsection (e) (4), the public notice; namely any change which:

Increases the number or types of individuals on whom records are maintained;

Expands the type or amount of information maintained;

Increases the number or categories of agencies or other persons who may have access to those records;

Alters the manner in which the records are organized so as to change the nature or scope of those records; e.g., the combining of two or more existing systems;

Modifies the way in which the system operates or its location(s) in such a manner as to alter the process by which individuals can exercise their rights under the Act; e.g., to seek access or request amendment of a record; or

Changes the equipment configuration on which the system is operated so as to create the potential for greater access; e.g., adding a telecommunications capability.

The reports required under this section are to be submitted to the Congress, to the Director of the Office of Management and Budget (Attn: Information Systems Division) and to the Privacy Protection Study Commission.

The Office of Management and Budget will issue, under separate cover, more detailed guidance on the format, timing, and content of the reports.

SUBSECTION (p) ANNUAL REPORT

Subsection (p) "The President shall submit to the Speaker of the House and the President of the Senate, by June 30 of each calendar year, a consolidated report, separately listing for each Federal agency the number of records contained in any system of records which were exempted from the application of this section under the provisions of subsections (j) and (k) of this section during the preceding calendar year, and the reasons for the exemptions, and such other information as indicates efforts to administer fully this section."

This subsection provides that the President submit to the Congress a list of systems exempted from the Act under the terms of section (j) or (k). "Also to be included in the annual report would be the reasons for such exemptions and other information indicating efforts to comply with the law. It is hoped that all such information would be made public. If, however, the nature of any such ex-

emption requires a security classification marking, it should be placed in a separate part of the report so as not to affect the remainder of the annual report." (House Report 93-1416, p. 21.)

Agencies will be required to prepare reports to the Office of Management and Budget (Attn: Information Systems Division) by April 30 of each year (beginning April 30, 1978) covering their activities under the Act during the preceding calendar year. The Office of Management and Budget will analyze data contained in the agency reports and prepare the required Presidential report to the Congress. The information required in the individual agency reports will include not only the minimum information required for inclusion in the report to Congress but also such information as is needed to evaluate the overall effectiveness of the Privacy Act implementation, identify areas in which implementing policies or procedures should be changed, and assess the impact of Federal data management activities.

Agency reports shall include but not be limited to the following:

Summary—A brief management summary of the status of actions taken to comply with the Act, the results of these efforts, any problems encountered and recommendations for any changes in legislation, policies or procedures.

Accomplishments—A summary of major accomplishments; i.e., improvements in agency information practices and safeguards.

Plans—A summary of major plans for activities in the upcoming year, e.g., area of emphasis, additional securing of facilities planned.

Exemptions—A list of systems which are exempted during the year from any of the operative provisions of this law permitted under the terms of subsections (j) and (k), whether or not the exemption was obtained during the year, the number of records in each system exempted from each specific provision and reasons for invoking the exemption.

Number of systems—A brief summary of changes to the total inventory of personal data systems subject to the provisions of the Act including reasons for major changes; e.g. the extent to which review of the relevance of an necessity for records has resulted in elimination of all or portions of systems of records or any reduction in the number of individuals on whom records are main-

tained. Agencies will also be requested to provide OMB with a detailed listing of all their systems of records, the number of records in each and certain other data to facilitate oversight of the implementation of the Act. (Detailed reporting procedures will be issued under separate cover.)

Operational Experiences—A general description of operational experiences including estimates of the number of individuals (in relation to the total number of records in the system) requesting information on the existence of records pertaining to them, refusing to provide information, requesting access to their records, appealing initial refusals to amend records, and seeking redress through the courts.

More extensive data will be requested on those cases where the agency was unable to comply with the requirements of the Act or these guidelines; e.g., access was not granted or a request to amend could not be acknowledged within prescribed time limits.

More detailed instructions on the format, content and timing of these reports will be issued by OMB.

SECTION (q) EFFECT OF OTHER LAWS

Subsection (q) "No agency shall rely on any exemption contained in section 552 of this title to withhold from an individual any record which is otherwise accessible to such individual under the provisions of this section."

This provision makes it explicit that an individual may not be denied access to a record pertaining to him under subsection (d) (1), access to records, because that record is permitted to be withheld from members of the public under the Freedom of Information Act. The only grounds for denying an individual access to a record pertaining to him are the exemptions stated in this Act, subsections (j) and (k), and subsection (l) archival records. In addition consideration may have to be given to other statutory provisions which may govern specific agency records.



Public Law 93-579
93rd Congress, S. 3418
December 31, 1974

An Act

To amend title 5, United States Code, by adding a section 552a to safeguard individual privacy from the misuse of Federal records, to provide that individuals be granted access to records concerning them which are maintained by Federal agencies, to establish a Privacy Protection Study Commission, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Privacy Act of 1974".

SEC. 2. (a) The Congress finds that—

(1) the privacy of an individual is directly affected by the collection, maintenance, use, and dissemination of personal information by Federal agencies;

(2) the increasing use of computers and sophisticated information technology, while essential to the efficient operations of the Government, has greatly magnified the harm to individual privacy that can occur from any collection, maintenance, use, or dissemination of personal information;

(3) the opportunities for an individual to secure employment, insurance, and credit, and his right to due process, and other legal protections are endangered by the misuse of certain information systems;

(4) the right to privacy is a personal and fundamental right protected by the Constitution of the United States; and

(5) in order to protect the privacy of individuals identified in information systems maintained by Federal agencies, it is necessary and proper for the Congress to regulate the collection, maintenance, use, and dissemination of information by such agencies.

(b) The purpose of this Act is to provide certain safeguards for an individual against an invasion of personal privacy by requiring Federal agencies, except as otherwise provided by law, to—

(1) permit an individual to determine what records pertaining to him are collected, maintained, used, or disseminated by such agencies;

(2) permit an individual to prevent records pertaining to him obtained by such agencies for a particular purpose from being used or made available for another purpose without his consent;

(3) permit an individual to gain access to information pertaining to him in Federal agency records, to have a copy made of all or any portion thereof, and to correct or amend such records;

(4) collect, maintain, use, or disseminate any record of identifiable personal information in a manner that assures that such action is for a necessary and lawful purpose, that the information is current and accurate for its intended use, and that adequate safeguards are provided to prevent misuse of such information;

(5) permit exemptions from the requirements with respect to records provided in this Act only in those cases where there is an important public policy need for such exemption as has been determined by specific statutory authority; and

(6) be subject to civil suit for any damages which occur as a result of willful or intentional action which violates any individual's rights under this Act.

SEC. 3. Title 5, United States Code, is amended by adding after section 552 the following new section:

Privacy Act
of 1974.
5 USC 552a
note.
Congressional
findings.
5 USC 552a
note.

Statement of
purpose.

88 STAT. 1896
88 STAT. 1897

88 STAT. 1897

5 USC 552a.

§ 552a. Records maintained on individuals

(a) DEFINITIONS.—For purposes of this section—

5 USC 552.

"(1) the term 'agency' means agency as defined in section 552(e) of this title;

"(2) the term 'individual' means a citizen of the United States or an alien lawfully admitted for permanent residence;

"(3) the term 'maintain' includes maintain, collect, use, or disseminate;

"(4) the term 'record' means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

"(5) the term 'system of records' means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

"(6) the term 'statistical record' means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of title 13; and

13 USC 8.

"(7) the term 'routine use' means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

(b) CONDITIONS OF DISCLOSURE.—No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be

"(1) to those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

"(2) required under section 552 of this title;

"(3) for a routine use as defined in subsection (a)(7) of this section and described under subsection (e)(4)(D) of this section;

"(4) to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

"(5) to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

"(6) to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designees to determine whether the record has such value;

"(7) to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which

December 31, 1974

- 3 -

Pub. Law 93-579

88 STAT. 1898

maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

"(8) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

"(9) to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

"(10) to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

"(11) pursuant to the order of a court of competent jurisdiction.

"(c) ACCOUNTING OF CERTAIN DISCLOSURES.—Each agency, with respect to each system of records under its control, shall—

"(1) except for disclosures made under subsections (b) (1) or (b) (2) of this section, keep an accurate accounting of—

"(A) the date, nature, and purpose of each disclosure of a record to any person or to another agency made under subsection (b) of this section; and

"(B) the name and address of the person or agency to whom the disclosure is made;

"(2) retain the accounting made under paragraph (1) of this subsection for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made;

"(3) except for disclosures made under subsection (b) (7) of this section, make the accounting made under paragraph (1) of this subsection available to the individual named in the record at his request; and

"(4) inform any person or other agency about any correction or notation of dispute made by the agency in accordance with subsection (d) of this section of any record that has been disclosed to the person or agency if an accounting of the disclosure was made.

"(d) ACCESS TO RECORDS.—Each agency that maintains a system of records shall—

"(1) upon request by any individual to gain access to his record or to any information pertaining to him which is contained in the system, permit him and upon his request, a person of his own choosing to accompany him, to review the record and have a copy made of all or any portion thereof in a form comprehensible to him, except that the agency may require the individual to furnish a written statement authorizing discussion of that individual's record in the accompanying person's presence;

Personal
review.

"(2) permit the individual to request amendment of a record pertaining to him and—

Amendment
request.

"(A) not later than 10 days (excluding Saturdays, Sundays, and legal public holidays) after the date of receipt of such request, acknowledge in writing such receipt; and

"(B) promptly, either—

"(i) make any correction of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

"(ii) inform the individual of its refusal to amend the record in accordance with his request, the reason

for the refusal, the procedures established by the agency for the individual to request a review of that refusal by the head of the agency or an officer designated by the head of the agency, and the name and business address of that official;

Review.

"(3) permit the individual who disagrees with the refusal of the agency to amend his record to request a review of such refusal, and not later than 30 days (excluding Saturdays, Sundays, and legal public holidays) from the date on which the individual requests such review, complete such review and make a final determination unless, for good cause shown, the head of the agency extends such 30-day period; and if, after his review, the reviewing official also refuses to amend the record in accordance with the request, permit the individual to file with the agency a concise statement setting forth the reasons for his disagreement with the refusal of the agency, and notify the individual of the provisions for judicial review of the reviewing official's determination under subsection (g) (1) (A) of this section;

Notation of dispute.

"(4) in any disclosure, containing information about which the individual has filed a statement of disagreement, occurring after the filing of the statement under paragraph (3) of this subsection, clearly note any portion of the record which is disputed and provide copies of the statement and, if the agency deems it appropriate, copies of a concise statement of the reasons of the agency for not making the amendments requested, to persons or other agencies to whom the disputed record has been disclosed; and

"(5) nothing in this section shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding.

"(e) AGENCY REQUIREMENTS.—Each agency that maintains a system of records shall—

"(1) maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by executive order of the President;

"(2) collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs;

"(3) inform each individual whom it asks to supply information, on the form which it uses to collect the information or on a separate form that can be retained by the individual—

"(A) the authority (whether granted by statute, or by executive order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

"(B) the principal purpose or purposes for which the information is intended to be used;

"(C) the routine uses which may be made of the information, as published pursuant to paragraph (4)(J) of this subsection; and

"(D) the effects on him, if any, of not providing all or any part of the requested information;

"(4) subject to the provisions of paragraph (11) of this subsection, publish in the Federal Register at least annually a notice of the existence and character of the system of records, which notice shall include—

"(A) the name and location of the system;

Publication
in Federal
Register.

December 31, 1974

- 5 -

Pub. Law 93-579

88 STAT. 1900

"(B) the categories of individuals on whom records are maintained in the system;

"(C) the categories of records maintained in the system;

"(D) each routine use of the records contained in the system, including the categories of users and the purpose of such use;

"(E) the policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;

"(F) the title and business address of the agency official who is responsible for the system of records;

"(G) the agency procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;

"(H) the agency procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records, and how he can contest its content; and

"(I) the categories of sources of records in the system;

"(5) maintain all records which are used by the agency in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination;

"(6) prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to subsection (b) (2) of this section, make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for agency purposes;

"(7) maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity;

"(8) make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record;

"(9) establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, and instruct each such person with respect to such rules and the requirements of this section, including any other rules and procedures adopted pursuant to this section and the penalties for noncompliance;

"(10) establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained; and

"(11) at least 30 days prior to publication of information under paragraph (4) (D) of this subsection, publish in the Federal Register notice of any new use or intended use of the information in the system, and provide an opportunity for interested persons to submit written data, views, or arguments to the agency.

"(f) AGENCY RULES.—In order to carry out the provisions of this section, each agency that maintains a system of records shall promulgate rules, in accordance with the requirements (including general notice) of section 553 of this title, which shall—

"(1) establish procedures whereby an individual can be notified

Rules of
conduct.

Confidentiality
of records.

Publication
in Federal
Register.

5 USC 553.

in response to his request if any system of records named by the individual contains a record pertaining to him;

"(2) define reasonable times, places, and requirements for identifying an individual who requests his record or information pertaining to him before the agency shall make the record or information available to the individual;

"(3) establish procedures for the disclosure to an individual upon his request of his record or information pertaining to him, including special procedure, if deemed necessary, for the disclosure to an individual of medical records, including psychological records, pertaining to him;

"(4) establish procedures for reviewing a request from an individual concerning the amendment of any record or information pertaining to the individual, for making a determination on the request, for an appeal within the agency of an initial adverse agency determination, and for whatever additional means may be necessary for each individual to be able to exercise fully his rights under this section; and

"(5) establish fees to be charged, if any, to any individual for making copies of his record, excluding the cost of any search for and review of the record.

Fees.

Publication
in Federal
Register.

The Office of the Federal Register shall annually compile and publish the rules promulgated under this subsection and agency notices published under subsection (e) (4) of this section in a form available to the public at low cost.

"(g) (1) CIVIL REMEDIES.—Whenever any agency

"(A) makes a determination under subsection (d) (3) of this section not to amend an individual's record in accordance with his request, or fails to make such review in conformity with that subsection;

"(B) refuses to comply with an individual request under subsection (d) (1) of this section;

"(C) fails to maintain any record concerning any individual with such accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights, or opportunities of, or benefits to the individual that may be made on the basis of such record, and consequently a determination is made which is adverse to the individual; or

"(D) fails to comply with any other provision of this section, or any rule promulgated thereunder, in such a way as to have an adverse effect on an individual,

Jurisdiction.

the individual may bring a civil action against the agency, and the district courts of the United States shall have jurisdiction in the matters under the provisions of this subsection.

Amendment
of record.

"(2) (A) In any suit brought under the provisions of subsection (g) (1) (A) of this section, the court may order the agency to amend the individual's record in accordance with his request or in such other way as the court may direct. In such a case the court shall determine the matter de novo.

"(B) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this paragraph in which the complainant has substantially prevailed.

Injunction.

"(3) (A) In any suit brought under the provisions of subsection (g) (1) (B) of this section, the court may enjoin the agency from withholding the records and order the production to the complainant of any agency records improperly withheld from him. In such a case the court shall determine the matter de novo, and may examine the contents of

any agency records in camera to determine whether the records or any portion thereof may be withheld under any of the exemptions set forth in subsection (k) of this section, and the burden is on the agency to sustain its action.

"(B) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this paragraph in which the complainant has substantially prevailed.

"(4) In any suit brought under the provisions of subsection (g) (1) (C) or (D) of this section in which the court determines that the agency acted in a manner which was intentional or willful, the United States shall be liable to the individual in an amount equal to the sum of—

Damages.

"(A) actual damages sustained by the individual as a result of the refusal or failure, but in no case shall a person entitled to recovery receive less than the sum of \$1,000; and

"(B) the costs of the action together with reasonable attorney fees as determined by the court.

"(5) An action to enforce any liability created under this section may be brought in the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, without regard to the amount in controversy, within two years from the date on which the cause of action arises, except that where an agency has materially and willfully misrepresented any information required under this section to be disclosed to an individual and the information so misrepresented is material to establishment of the liability of the agency to the individual under this section, the action may be brought at any time within two years after discovery by the individual of the misrepresentation. Nothing in this section shall be construed to authorize any civil action by reason of any injury sustained as the result of a disclosure of a record prior to the effective date of this section.

"(h) RIGHTS OF LEGAL GUARDIANS.—For the purposes of this section, the parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act on behalf of the individual.

"(i) (1) CRIMINAL PENALTIES.—Any officer or employee of an agency, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by this section or by rules or regulations established thereunder, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than \$5,000.

"(2) Any officer or employee of any agency who willfully maintains a system of records without meeting the notice requirements of subsection (e) (4) of this section shall be guilty of a misdemeanor and fined not more than \$5,000.

"(3) Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000.

"(j) GENERAL EXEMPTIONS.—The head of any agency may promulgate rules, in accordance with the requirements (including general notice) of sections 553 (b) (1), (2), and (3), (c), and (e) of this title, to exempt any system of records within the agency from any part of this section except subsections (b), (c) (1) and (2), (e) (4) (A) through

5 USC 553.

(F), (e) (6), (7), (8), (10), and (11), and (i) if the system of records is—

- "(1) maintained by the Central Intelligence Agency; or
- "(2) maintained by an agency or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals, and the activities of prosecutors, courts, correctional, probation, pardon, or parole authorities, and which consists of (A) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (B) information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision.

At the time rules are adopted under this subsection, the agency shall include in the statement required under section 553(c) of this title, the reasons why the system of records is to be exempted from a provision of this section.

"(k) **SECRETARY EXEMPTIONS.**—The head of any agency may promulgate rules, in accordance with the requirements (including general notice) of sections 553(b) (1), (2), and (3), (c), and (e) of this title, to exempt any system of records within the agency from subsections (c) (3), (d), (e) (1), (e) (4) (G), (H), and (I) and (f) of this section if the system of records is—

"(1) subject to the provisions of section 552(b) (1) of this title;

"(2) investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j) (2) of this section: *Provided, however,* That if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

"(3) maintained in connection with providing protective services to the President of the United States or other individuals pursuant to section 3036 of title 18;

"(4) required by statute to be maintained and used solely as statistical records;

"(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

"(6) testing or examination material used solely to determine individual qualifications for appointment or promotion in the

5 USC 553.

5 USC 552.

18 USC 3036.

December 31, 1974

. 9 .

Pub. Law 93-579

89 Stat. 1894

Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process; or

"(7) evaluation material used to determine potential for promotion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

At the time rules are adopted under this subsection, the agency shall include in the statement required under section 553 (c) of this title, the reasons why the system of records is to be exempted from a provision of this section.

"(1) (1) **ARCHIVAL RECORDS.**— Each agency record which is accepted by the Administrator of General Services for storage, processing, and servicing in accordance with section 3103 of title 44 shall, for the purposes of this section, be considered to be maintained by the agency which deposited the record and shall be subject to the provisions of this section. The Administrator of General Services shall not disclose the record except to the agency which maintains the record, or under rules established by that agency which are not inconsistent with the provisions of this section.

"(2) Each agency record pertaining to an identifiable individual which was transferred to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, prior to the effective date of this section, shall, for the purposes of this section, be considered to be maintained by the National Archives and shall not be subject to the provisions of this section, except that a statement generally describing such records (made after the requirements relating to records subject to subsections (e) (4) (A) through (4) of this section) shall be published in the Federal Register.

"(3) Each agency record pertaining to an identifiable individual which is transferred to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, on or after the effective date of this section, shall, for the purposes of this section, be considered to be maintained by the National Archives and shall be exempt from the requirements of this section except subsections (e) (4) (A) through (G) and (e) (9) of this section.

"(4) **GOVERNMENT CONTRACTORS.** When an agency provides by a contract for the operation by or on behalf of the agency of a system of records to accomplish an agency function, the agency shall, consistent with its authority, cause the requirements of this section to be applied to such system. For purposes of subsection (1) of this section any such contractor and any employee of such contractor, if such contract is agreed to on or after the effective date of this section, shall be considered to be an employee of an agency.

"(5) **Mailing Lists.**— An individual's name and address may not be sold or rented by an agency unless such action is specifically authorized by law. This provision shall not be construed to require the withholding of names and addresses otherwise permitted to be made public.

"(6) **REPORT ON NEW SYSTEMS.** Each agency shall provide adequate advance notice to Congress and the Office of Management and Budget of any proposal to establish or alter any system of records in order to permit an evaluation of the probable or potential effect of such

5 SC 43.

44 USC 3103.

Pub. Law 93-579
in Federal
Register.Notice to
Congress
M9.

proposal on the privacy and other personal or property rights of individuals or the disclosure of information relating to such individuals, and its effect on the preservation of the constitutional principles of federalism and separation of powers.

Report to Speaker of the House and resident of the Senate.

"(p) ANNUAL REPORT.—The President shall submit to the Speaker of the House and the President of the Senate, by June 30 of each calendar year, a consolidated report, separately listing for each Federal agency the number of records contained in any system of records which were exempted from the application of this section under the provisions of subsections (j) and (k) of this section during the preceding calendar year, and the reasons for the exemptions, and such other information as indicates efforts to administer fully this section.

5 USC 552.

(q) EXEMPT OR OTHER LAWS.—No agency shall rely on any exemption contained in section 552 of this title to withhold from an individual any record which is otherwise accessible to such individual under the provisions of this section."

5 USC prec. 500.

Sec. 4. The chapter analysis of chapter 5 of title 5, United States Code, is amended by inserting:

"552a. Records about individuals."

immediately below:

"552. Public information: agency rules, opinions, orders, and proceedings."

Privacy Protection Study Commission Establishment 5 USC 552a note. Membership.

Sec. 5. (a) (1) There is established a Privacy Protection Study Commission (hereinafter referred to as the "Commission") which shall be composed of seven members as follows:

- (A) three appointed by the President of the United States,
- (B) two appointed by the President of the Senate, and
- (C) two appointed by the Speaker of the House of Representatives.

Members of the Commission shall be chosen from among persons who, by reason of their knowledge and expertise in any of the following areas—civil rights and liberties, law, social sciences, computer technology, business, records management, and State and local government—are well qualified for service on the Commission.

(2) The members of the Commission shall elect a Chairman from among themselves.

(3) Any vacancy in the membership of the Commission, as long as there are four members in office, shall not impair the power of the Commission but shall be filled in the same manner in which the original appointment was made.

(4) A quorum of the Commission shall consist of a majority of the members, except that the Commission may establish a lower number as a quorum for the purpose of taking testimony. The Commission is authorized to establish such committees and delegate such authority to them as may be necessary to carry out its functions. Each member of the Commission, including the Chairman, shall have equal responsibility and authority in all decisions and actions of the Commission, shall have full access to all information necessary to the performance of their functions, and shall have one vote. Action of the Commission shall be determined by a majority vote of the members present. The Chairman (or a member designated by the Chairman to be acting Chairman) shall be the official spokesman of the Commission in its relations with the Congress, Government agencies, other persons, and the public, and, on behalf of the Commission, shall see to the faithful execution of the administrative policies and decisions of the Commission, and shall report thereon to the Commission from time to time or as the Commission may direct.

December 31, 1974

- 11 -

Pub. Law 93-579

88 STAT. 1908

(5) (A) Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of that request to Congress.

Budget requests.

(B) Whenever the Commission submits any legislative recommendations, or testimony, or comments on legislation to the President or Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, or testimony, or comments on legislation, to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

Legislative recommendations.

(b) The Commission shall—

(1) make a study of the data banks, automated data processing programs, and information systems of governmental, regional, and private organizations, in order to determine the standards and procedures in force for the protection of personal information; and

Study.

(2) recommend to the President and the Congress the extent, if any, to which the requirements and principles of section 552a of title 5, United States Code, should be applied to the information practices of those organizations by legislation, administrative action, or voluntary adoption of such requirements and principles, and report on such other legislative recommendations as it may determine to be necessary to protect the privacy of individuals while meeting the legitimate needs of government and society for information.

Ante, p. 1897.

(c) (1) In the course of conducting the study required under subsection (b) (1) of this section, and in its reports thereon, the Commission may research, examine, and analyze—

(A) interstate transfer of information about individuals that is undertaken through manual files or by computer or other electronic or telecommunications means;

(B) data banks and information programs and systems the operation of which significantly or substantially affect the enjoyment of the privacy and other personal and property rights of individuals;

(C) the use of social security numbers, license plate numbers, universal identifiers, and other symbols to identify individuals in data banks and to gain access to, integrate, or centralize information systems and files; and

(D) the matching and analysis of statistical data, such as Federal census data, with other sources of personal data, such as automobile registries and telephone directories, in order to reconstruct individual responses to statistical questionnaires for commercial or other purposes, in a way which results in a violation of the implied or explicitly recognized confidentiality of such information.

(2) (A) The Commission may include in its examination personal information activities in the following areas: medical; insurance; education; employment and personnel; credit, banking and financial institutions; credit bureaus; the commercial reporting industry; cable television and other telecommunications media; travel; hotel and entertainment reservations; and electronic check processing.

(B) The Commission shall include in its examination a study of—

(i) whether a person engaged in interstate commerce who maintains a mailing list should be required to remove an individual's name and address from such list upon request of that individual;

Ante, p. 1897.

Religious or-
ganizations,
exception.

Guidelines
for study.

(ii) whether the Internal Revenue Service should be prohibited from transferring individually identifiable data to other agencies and to agencies of State governments;

(iii) whether the Federal Government should be liable for general damages incurred by an individual as the result of a willful or intentional violation of the provisions of sections 552a (g) (1) (C) or (D) of title 5, United States Code; and

(iv) whether and how the standards for security and confidentiality of records required under section 552a (e) (10) of such title should be applied when a record is disclosed to a person other than an agency.

(c) The Commission may study such other personal information activities necessary to carry out the congressional policy embodied in this Act, except that the Commission shall not investigate information systems maintained by religious organizations.

(3) In conducting such study, the Commission shall—

(A) determine what laws, Executive orders, regulations, directives, and judicial decisions govern the activities under study and the extent to which they are consistent with the rights of privacy, due process of law, and other guarantees in the Constitution;

(B) determine to what extent governmental and private information systems affect Federal-State relations or the principle of separation of powers;

(C) examine the standards and criteria governing programs, policies, and practices relating to the collection, soliciting, processing, use, access, integration, dissemination, and transmission of personal information; and

(D) to the maximum extent practicable, collect and utilize findings, reports, studies, hearing transcripts, and recommendations of governmental, legislative and private bodies, institutions, organizations, and individuals which pertain to the problems under study by the Commission.

(d) In addition to its other functions the Commission may—

(1) request assistance of the heads of appropriate departments, agencies, and instrumentalities of the Federal Government, of State and local governments, and other persons in carrying out its functions under this Act;

(2) upon request, assist Federal agencies in complying with the requirements of section 552a of title 5, United States Code;

(3) determine what specific categories of information, the collection of which would violate an individual's right of privacy, should be prohibited by statute from collection by Federal agencies; and

(4) upon request, prepare model legislation for use by State and local governments in establishing procedures for handling, maintaining, and disseminating personal information at the State and local level and provide such technical assistance to State and local governments as they may require in the preparation and implementation of such legislation.

(e) (1) The Commission may, in carrying out its functions under this section, conduct such inspections, sit and act at such times and places, hold such hearings, take such testimony, require by subpoena the attendance of such witnesses and the production of such books, records, papers, correspondence, and documents, administer such oaths, have such printing and binding done, and make such expenditures as the Commission deems advisable. A subpoena shall be issued only upon an affirmative vote of a majority of all members of the Com-

December 31, 1974

- 13 -

Pub. Law 93-579

88 STAT. 1909

mission. Subpenas shall be issued under the signature of the Chairman or any member of the Commission designated by the Chairman and shall be served by any person designated by the Chairman or any such member. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(9) (A) Each department, agency, and instrumentality of the executive branch of the Government is authorized to furnish to the Commission, upon request made by the Chairman, such information, data, reports and such other assistance as the Commission deems necessary to carry out its functions under this section. Whenever the head of any such department, agency, or instrumentality submits a report pursuant to section 552a (c) of title 5, United States Code, a copy of such report shall be transmitted to the Commission.

Reports,
transmittal
to Commission.
Ante, p. 1897.

(B) In carrying out its functions and exercising its powers under this section, the Commission may accept from any such department, agency, independent instrumentality, or other person any individually identifiable data if such data is necessary to carry out such powers and functions. In any case in which the Commission accepts any such information, it shall assure that the information is used only for the purpose for which it is provided, and upon completion of that purpose such information shall be destroyed or returned to such department, agency, independent instrumentality, or person from which it is obtained, as appropriate.

(3) The Commission shall have the power to—

(A) appoint and fix the compensation of an executive director, and such additional staff personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

5 U.S.C. 5101,
5331.

(B) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

5 U.S.C. 5332
note.

The Commission may delegate any of its functions to such personnel of the Commission as the Commission may designate and may authorize such successive redelegations of such functions as it may deem desirable.

(4) The Commission is authorized—

(A) to adopt, amend, and repeal rules and regulations governing the manner of its operations, organization, and personnel;

Rules and
regulations.

(B) to enter into contracts or other arrangements or modifications thereof, with any government, any department, agency, or independent instrumentality of the United States, or with any person, firm, association, or corporation, and such contracts or other arrangements, or modifications thereof, may be entered into without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5);

(C) to make advance, progress, and other payments which the Commission deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 329); and

(D) to take such other action as may be necessary to carry out its functions under this section.

88 STAT. 1909

Compensation.

(f) (1) Each (the) member of the Commission who is an officer or employee of the United States shall serve without additional compensation, but shall continue to receive the salary of his regular position when engaged in the performance of the duties vested in the Commission.

Per diem.

(2) A member of the Commission other than one to whom paragraph (1) applies shall receive per diem at the maximum daily rate for GS-16 of the General Schedule when engaged in the actual performance of the duties vested in the Commission.

5 USC 5332 note.

Travel expenses.

(3) All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

Report to President and Congress.

(g) The Commission shall, from time to time, and in an annual report, report to the President and the Congress on its activities in carrying out the provisions of this section. The Commission shall make a final report to the President and to the Congress on its findings pursuant to the study required to be made under subsection (b) (1) of this section not later than two years from the date on which all of the members of the Commission are appointed. The Commission shall cease to exist thirty days after the date on which its final report is submitted to the President and the Congress.

Penalties.

(h) (1) Any member, officer, or employee of the Commission, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by this section, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than \$5,000.

(2) Any person who knowingly and willfully requests or obtains any record concerning an individual from the Commission under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000.

5 USC 552a note.

Sec. 6. The Office of Management and Budget shall—

(1) develop guidelines and regulations for the use of agencies in implementing the provisions of section 552a of title 5, United States Code, as added by section 3 of this Act; and

(2) provide continuing assistance to and oversight of the implementation of the provisions of such section by agencies.

Ante, p. 1897.

5 USC 552a note.

Sec. 7. (a) (1) It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number.

(2) the provisions of paragraph (1) of this subsection shall not apply with respect to—

(A) any disclosure which is required by Federal statute, or

(B) the disclosure of a social security number to any Federal, State, or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual.

(b) Any Federal, State, or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it.

December 31, 1974

- 15 -

Pub. Law 93-579

Sec. 8. The provisions of this Act shall be effective on and after the date of enactment, except that the amendments made by sections 3 and 4 shall become effective 370 days following the day on which this Act is enacted.

82 STAT, 1910.
Effective date.
5 USC 552a
note.

Sec. 9. There is authorized to be appropriated to carry out the provisions of section 5 of this Act for fiscal years 1975, 1976, and 1977 the sum of \$1,500,000, except that not more than \$750,000 may be expended during any such fiscal year.

Appropriation.
5 USC 552a
note.

Approved December 31, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-1416 accompanying H.R. 16373 (Comm. on Government Operations).

SENATE REPORT No. 93-1183 (Comm. on Government Operations).

CONGRESSIONAL RECORD, Vol. 120 (1974):

Nov. 21, considered and passed Senate.

Dec. 11, considered and passed House, amended, in lieu of H.R. 16373.

Dec. 17, Senate concurred in House amendments with amendments.

Dec. 18, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 1:

Jan. 1, Presidential statement.



Department of State

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PAGE 01 STATE 179746

54
ORIGIN DRC-01

INFO OCT-01 CPR-02 L-03 AF-06 ARA-10 SA-10 EUR-12 NEA-10

OPB-01 SS-15 SCA-01 A-01 H-02 SY-05 SISA-00 PPTC-00

PER-03 AID-05 LSIA-15 PC-05 ACDA-10 ISO-00 DODL-00

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APPROVED BY C/FADRC - MR. McLAUGHLIN, ACTING
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FM SESTATE WASHDC

TO ALL DIPLOMATIC AND CONSULAR POSTS PRIORITY

UNCLAS STATE 179746

INFORM CONSULS

E.O. 11652: N/A

TAGS: AINS, GEN

SUBJECT: IMPLEMENTATION OF THE PRIVACY ACT OF 1974
REFERENCE: STATE 172353IN RESPONSE TO SEVERAL INQUIRIES, FURTHER
CLARIFICATION IS OFFERED:A. ALL NAME-RETRIEVABLE SYSTEMS OF RECORDS INCLUDING
SECURITY FILES MUST BE REPORTED.B. EACH AGENCY IS RESPONSIBLE FOR REPORTING ONLY THAT
AGENCY'S SYSTEMS OF RECORDS.

ENDINSOLL

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Department of State

TELEGRAM

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AND 175026-0000

AMEMB STATE 172353

UNCLAS//NF-01

INFO: OIT-01 OPR-02 I-05 SA-10 AF-06 EUR-12 NSA-10 ARA-10

OMB-01 A-01 55-15 MYS-04 H-02 SF-05 SIS-00 SCA-01

PER-03 PPA-00 AIG-05 ASIA-15 PC-05 AIA-10 IAS-00

INR-07 NSAS-00 DCP-00 FHS-00 ACR-10 TASS-00 NSI-05

SP-02 150-00 7146 R

DRAFTED BY: COL GEORGE S. PROULSTON

APPROVED BY: A/C - MR. D. N. T.

1. BELMONT

2. A. J. MOHR (PHONE)

3. A. J. MOHR (PHONE)

4. J. M. LARSEN (PHONE)

5. R. A. WILLIAMSON (PHONE)

6. A. J. MOHR (PHONE)

7. A. J. MOHR (PHONE) 000710

R 000610Z JUL 75

FM AMEMB WASHDC

TO ALL DIPLOMATIC AND CONSULAR POSTS

UNCLAS STATE 172353

INFORM CONSULS

INFO: 11652: N/A

TASS: AIN, CEN

SUBJECT: IMPLEMENTATION OF THE PRIVACY ACT OF 1974

1. The purpose of this telegram is to inform overseas

posts of the requirements of the Privacy Act of 1974

which becomes effective September 21, 1975. The Act is

intended to safeguard individual privacy from misuse in

federal government. Briefly, the Privacy Act requires

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AGENCIES TO:

- PERMIT AN INDIVIDUAL (DEFINED IN THE ACT AS A CITIZEN OF THE UNITED STATES OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE) TO LEARN OF, GAIN ACCESS TO, AND CONTEST THE ACCURACY OF INFORMATION ON HIMSELF IN FILES;

- PUBLISH ANNUALLY DESCRIPTIONS OF THEIR RECORD SYSTEMS RETRIEVABLE BY INDIVIDUAL NAME AND OF THE "ROUTINE USES" MADE OF THE SYSTEMS;

- ESTABLISH PROCEDURES FOR REVIEWING DISPUTES ABOUT THE ACCURACY OF RECORDS; AND

- CONTROL ACCESS TO RECORDS, PREVENT UNAUTHORIZED DISCLOSURES, AND MAINTAIN A RECORD OF DISCLOSURES.

2. THE OFFICE OF MANAGEMENT AND BUDGET HAS BEEN DESIGNATED THE AGENCY TO OVERSEE THE IMPLEMENTATION OF THE PRIVACY ACT FOR THE EXECUTIVE BRANCH. IN THE DEPARTMENT OF STATE, THE DEPUTY UNDERSECRETARY FOR MANAGEMENT HAS DESIGNATED THE DIRECTOR OF O/FADRC TO COORDINATE THE IMPLEMENTATION OF THE ACT. THE FIRST STEP IS TO DEVELOP DESCRIPTIONS OF THE RECORDS SYSTEMS MAINTAINED BY THE DEPARTMENT OF STATE THAT ARE SUBJECT TO THE ACT.

3. A RECORD COVERED BY THE ACT IS DEFINED TO MEAN "ANY ITEM, COLLECTION, OR GROUPING OF INFORMATION ABOUT AN INDIVIDUAL THAT IS MAINTAINED BY AN AGENCY, INCLUDING, BUT NOT LIMITED TO, HIS EDUCATION, FINANCIAL TRANSACTIONS, MEDICAL HISTORY, AND CRIMINAL OR EMPLOYMENT HISTORY AND THAT CONTAINS HIS NAME; OR THE IDENTIFYING NUMBER, SYMBOL, OR OTHER IDENTIFYING PARTICULAR ASSIGNED TO THE INDIVIDUAL, SUCH AS A FINGER OR VOICE PRINT OR PHOTOGRAPH." THUS, ONE OF THE MAIN CRITERIA USED TO DETERMINE WHETHER A RECORD SYSTEM IS SUBJECT TO THE PRIVACY ACT IS THE MANNER IN WHICH INFORMATION FROM THE SYSTEM IS RETRIEVED. GENERALLY SPEAKING, IF INFORMATION IS RETRIEVED FROM A SYSTEM OF RECORDS ABOUT INDIVIDUALS BY NAME OR SOME PERSONAL IDENTITY SYMBOL, THAT SYSTEM

PAGE 03 STATE 172353

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OF RECORDS IS SUBJECT TO THE ACT AND MUST BE DESCRIBED BY WAY OF PUBLIC NOTICE IN THE FEDERAL REGISTER. THE LEGAL OFFICE HAS ADVISED THAT JUST BECAUSE INFORMATION CAN BE RETRIEVED FROM A SYSTEM OF RECORDS ABOUT AN INDIVIDUAL DOES NOT MAKE IT SUBJECT TO THE PRIVACY ACT, ALTHOUGH THE FREEDOM OF INFORMATION ACT WOULD STILL APPLY. FOR EXAMPLE, AVALS'S AUTHORIZED DECENTRALIZED RECORD SYSTEM CONTAINS INDIVIDUAL ALLOWANCE GRANTS, BUT THEY ARE FILED BY COUNTRY AND POST, RATHER THAN BY NAME OF EMPLOYEE, SO WHILE INFORMATION ABOUT AN EMPLOYEE'S ALLOWANCE COULD BE RETRIEVED IF ONE KNEW HIS POST, IT IS NOT RETRIEVED BY EMPLOYEE NAME AND IS NOT SUBJECT TO THE PRIVACY ACT.

4. IT IS REQUESTED THAT YOU REVIEW YOUR RECORDS AND SUBMIT TO FADRC (CITE THIS MESSAGE REFERENCE) BY AUGUST 4, 1975 A COMPLETE DESCRIPTION OF ALL SYSTEMS OF RECORDS AT YOUR POST THAT ARE RETRIEVBABLE BY NAME AND WHICH MAY BE SUBJECT TO THE PROVISIONS OF THE PRIVACY ACT. THESE DESCRIPTIONS SHOULD FOLLOW THE FORMAT GIVEN BELOW AND SHOULD INCLUDE CONSULAR REGISTRATION FILES, ADMINISTRATIVE FILES ON U.S. EMPLOYEES, AND ANY OTHER FILES RETRIEVBABLE BY INDIVIDUAL NAME. (SEE PARA. 7).

5. IT IS NOT NECESSARY TO DESCRIBE THOSE SYSTEMS OF RECORDS IN WHICH INFORMATION HAS ALREADY BEEN FURNISHED OR IS ON FILE IN THE DEPARTMENT'S CENTRAL FOREIGN POLICY FILE OR IN ONE OF THE DEPARTMENT'S AUTHORIZED DECENTRALIZED FILES. THE OBJECTIVE IS TO IDENTIFY AND DESCRIBE THOSE SYSTEMS OF NAME-RETRIEVBABLE RECORDS WHICH ARE UNIQUE TO OVERSEAS POSTS IN GENERAL OR TO YOUR POST IN PARTICULAR. FOR EXAMPLE, A LIST OF THE ADDRESSES OF U.S. CITIZENS VISITING OR RESIDENT IN A PARTICULAR COUNTRY IS A SYSTEM OF RECORDS UNIQUE TO OVERSEAS POSTS, AND WOULD NOT LIKELY BE MAINTAINED IN THE DEPARTMENT. ON THE OTHER HAND, A U.S. EMPLOYEE'S POST PERSONNEL FILE SHOULD CONTAIN NO INFORMATION WHICH IS NOT ALREADY IN THE OFFICIAL PERSONNEL FILE MAINTAINED IN THE DEPARTMENT.

6. HOWEVER, A PRIME OBJECTIVE OF THE PRIVACY ACT IS

PAGE 04 STATE 172353

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TO ENSURE THAT NO SECRET FILES OF RECORDS ARE MAINTAINED ON INDIVIDUALS, AND THE ACT PRESCRIBES FINES OF UP TO \$5,000 FOR ANY OFFICIAL GUILTY OF MAINTAINING SUCH SECRET FILES. THEREFORE, IF THERE IS ANY QUESTION AS TO WHETHER OR NOT A SYSTEM IS COVERED BY THE PRIVACY ACT, IT IS RECOMMENDED THAT YOU IDENTIFY AND DESCRIBE THE SYSTEM.

7. RECORD SYSTEM DESCRIPTIONS - FORMAT FOR REPORTING

I. NAME OF RECORD

- IF A SYSTEM HAS NO SINGLE OFFICIAL TITLE, GIVE THE MOST COMMONLY USED INFORMAL TERM.

II. CATEGORY OF INDIVIDUAL

- THE PURPOSE OF THIS INDIVIDUAL TO DETERMINE IF A PARTICULAR SYSTEM OF RECORDS MIGHT CONTAIN INFORMATION ON HIM. THEREFORE, IT SHOULD BE WRITTEN IN EASY TO UNDERSTAND AND NON-TECHNICAL TERMS. FOR EXAMPLE, IT WOULD BE BETTER TO DESCRIBE A FILE AS INCLUDING "NAMES OF THOSE PERSONS WHO APPLIED FOR EMERGENCY LOANS AT U.S. EMBASSIES OR CONSULATES FOR TRAVEL TO THE U.S." RATHER THAN AS INCLUDING "NAMES OF APPLICANTS FOR REPATRIATION LOANS UNDER THE PROVISIONS OF 7 FAM 423."

III. CATEGORY OF RECORD

- THIS SHOULD BRIEFLY DESCRIBE THE TYPES OF INFORMATION CONTAINED IN THE SYSTEM OF RECORDS, E.G., EMPLOYMENT HISTORIES, EARNING STATEMENTS. AGAIN, IT SHOULD BE WRITTEN IN CLEAR, NON-TECHNICAL TERMS.

IV. AUTHORITY

- IDENTIFY THE SPECIFIC ORDER WHICH AUTHORIZES THE SOLICITATION OF INFORMATION MAINTAINED IN YOUR OFFICE.

PAGE 05 STATE 172353

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V ROUTINE USES

- LIST ALL AGENCIES AND PERSONS OUTSIDE THE DEPARTMENT OF STATE, INCLUDING AID, USIA, ACTION, AND ACDA, TO WHOM INFORMATION FROM THESE RECORDS IS MADE AVAILABLE. LIST ALSO THE PURPOSE FOR EACH DISCLOSURE.

VI RECORD MANAGEMENT POLICY AND PRACTICE

- STORAGE -- NOTE WHETHER RECORDS ARE MAINTAINED IN HARD COPY, FILE FOLDERS, MICROFICHE, COMPUTER, ETC.

- RETRIEVABILITY -- HOW THE SYSTEM IS INDEXED, I.E., BY NAME, ID NUMBER, ETC.

- SAFEGUARDS -- WHAT MEASURES HAVE BEEN TAKEN TO PREVENT UNAUTHORIZED DISCLOSURE OF RECORDS, I.E., PHYSICAL SECURITY, PERSONNEL SCREENING, ETC.

- RETENTION AND DISPOSAL -- INDICATE HOW LONG RECORDS ARE MAINTAINED.

VII SYSTEM MANAGER

- THIS WOULD NORMALLY BE THE ADMINISTRATIVE OFFICER AT THE POST.

VIII SOURCES

- FOR THOSE SYSTEMS OF RECORDS WHICH CONTAIN INFORMATION OBTAINED FROM SOURCES OTHER THAN THE INDIVIDUAL TO WHOM THE RECORD PERTAINS, PLEASE LIST THE TYPES OF SOURCES INVOLVED. SOURCES MAY BE LISTED IN GENERAL TERMS, I.E., EDUCATIONAL INSTITUTIONS, PREVIOUS EMPLOYERS, ETC.

H. ADDITIONAL GUIDANCE INCLUDING A COPY OF THE ACT AND THE OMB GUIDELINES, IS BEING FORWARDED VIA AIR POUCH.

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PART 6—FREEDOM OF INFORMATION POLICY AND PROCEDURES

Sec.

- 6.1 Definitions.
- 6.2 Availability of records.
- 6.3 Executive Order 11652.
- 6.4 Records which may be exempt from disclosure.
- 6.5 Classified records and information from other agencies.
- 6.6 Authority to release and certify; authority to withhold records.
- 6.7 Time limits.
- 6.8 Appeals.
- 6.9 Public reading room.
- 6.10 Manner of requesting records.
- 6.11 Requests addressed to Foreign Service posts.
- 6.12 Closing requests.
- 6.13 Subsequent requests for same records.
- 6.14 Schedule of fees and method of payment for services rendered.
- 6.15 Opening of records for nonofficial research.
- 6.16 Activities of advisory committees.

AUTHORITY: Sec. 4 of the Act of May 20, 1949, as amended (63 Stat. 111) (22 U.S.C. 2658); E.O. 11652, 37 FR 5209 (5 U.S.C. 552) (Pub. L. 93-502).

SOURCE: Dept. Reg. 108.711, 40 FR 7286, Feb. 19, 1975, unless otherwise noted.

§ 6.1 Definitions.

As used in this part, the following definitions shall apply:

(a) The term "identifiable" means, in the context of a request for a record, a description which reasonably identifies a particular record sought. Such a description, if possible, should include date, format, subject matter, country concerned, office or mission originating or receiving the record, and the name of any person to whom the record is known to relate.

(b) The term "record" includes all books, papers, maps, photographs, or other documentary material, or copies thereof, regardless of physical form or characteristics, made in or received by the Department of State (including Foreign Service posts abroad) and preserved as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Department or the Foreign Service. It does not include copies of the records of other Government agencies (except those which have been expressly placed under the control of the

Department of State upon termination of another agency), foreign governments, international organizations, or non-governmental entities unless they evidence organization, functions, policies, decisions, procedures, operations, or activities of the Department of State. It does not include records in the Berlin Document Center.

§ 6.2 Availability of records.

(a) All identifiable records of the Department of State shall be made available to the public upon compliance with the procedures established in this part, except to the extent that a determination is made to withhold a record exemptable under 5 U.S.C. 552(b). That determination shall be made in accordance with § 6.6(b).

(b) Unclassified information, documents, and forms which have previously been provided to the public as part of the normal services of the Department of State will continue to be made available on the same basis as before. Any Departmental officer who receives a request for records through normal channels of contact with the public, media, or the Congress which would not normally be made available shall advise the requester that, if the requester so wishes, the request will be referred to the Director, Freedom of Information Staff, Bureau of Public Affairs (hereinafter the FOI Director). If the Departmental officer has reason to believe that the request is intended to be one under the Freedom of Information Act (see § 6.10), the officer shall refer it immediately to the FOI Director and so advise the requester.

§ 6.3 Executive Order 11652.

A request for classification review under Executive Order 11652 (37 FR 5209) which is identified as specifically and exclusively so intended will be processed in accordance with that Order and the Implementing National Security Council Directive (37 FR 10053).

§ 6.4 Records which may be exempt from disclosure.

(a) The following categories of records maintained by the Department of State may be exempted from disclosure:

(1) Records specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and in fact properly classified pursuant to such executive order.

(2) Records related solely to the internal personnel rules and practices of an agency.

(3) Records specifically exempted from disclosure by statute. Included in this category are records relating to the officers and employees of the Foreign Service, including efficiency records (§ 612 of the Foreign Service Act of 1946, as amended, 22 U.S.C. 986), the records of the Department of State or of diplomatic and consular officers of the United States pertaining to the issuance or refusal of visas or permits to enter the United States (§ 222(f) of the Immigration and Nationality Act of 1952, as amended, 8 U.S.C. 1202(f)), "Restricted Data" under section 224 of the Atomic Energy Act (42 U.S.C. 2274), and records subject to section 102(d) of the National Security Act of 1947 (81 Stat. 498).

(4) Records of trade secrets and commercial or financial information obtained from a person and privileged or confidential.

(5) Records which are inter-agency or intra-agency memorandums, letters, telegrams, or aigrams which would not be available by law to a party other than an agency in litigation with the agency.

(6) Records such as personnel and medical files and similar files the public disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would: (i) interfere with enforcement proceedings; (ii) deprive a person of a right to a fair trial or an impartial adjudication; (iii) constitute an unwarranted invasion of personal privacy; (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information fur-

nished only by the confidential source; (v) disclose investigative techniques and procedures; or (vi) endanger the life or physical safety of law enforcement personnel.

(8) Records contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

(9) Geological or geophysical information and data, including maps, concerning wells.

(b) Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under paragraph (a) of this section. Normally a portion of a record shall be considered reasonably segregable when segregation can produce an intelligible record which is not distorted out of context and does not contradict the record being withheld.

§ 6.5 Classified records and information from other agencies.

(a) The applicability of the exemption for classified information (§ 6.4(a)(1)) requires a determination that the record in question is specifically authorized under the criteria established by Executive Order 11652 to be kept classified and is in fact properly classified pursuant to that order. This determination shall be made whenever possible before the initial denial under § 6.8(b). It must, in any case, be made prior to the decision of an appeal under § 6.8. No denial should be based solely on the existence of a classification marking on the record, and there shall be a substantive review of the validity of the classification to the maximum extent feasible within the time limits for a denial under § 6.7.

(b) When a request for a Departmental record encompasses classified information originated by another department or agency, the request for that information shall be referred to the originator. The requester should be advised of the date and the addressee of the referral. Classified information involving intelligence sources and methods is, subject to the control of the Director, Central Intelligence Agency; FBI information (whether or

not classified) is subject to the control of the FBI; "Restricted Data" is subject to the control of the Energy Research and Development Administration or the Nuclear Regulatory Commission, as the case may be; and National Security Council documents are subject to the control of the Council. The Bureau of Intelligence and Research shall be consulted on records which appear to be in the first category; the Office of Security shall be consulted on records which appear to be in the second category; and the Executive Secretariat of the Department shall be consulted on records which appear to be in the last category.

(c) Requests for documents of other departments or agencies in the files of the Department of State which are not records of the Department (such as FBI reports) shall be referred to the appropriate department or agency whether or not classified. The requester shall be advised of the date and the addressee of the referral.

§ 6.6 Authority to release and certify; authority to withhold records.

(a) Except as provided in § 6.15, the FOI Director is authorized to furnish copies of any record requested under these regulations which is not the subject of a denial letter under paragraph (b) of this section, and this authority shall include the authority to declassify any such record. The FOI Director is also authorized upon request to provide certified copies of any such record in accordance with Part 131 of this chapter. In order to determine whether a record requested under this Part may be furnished, the FOI Director shall refer the request to the bureau, office, or other unit of the Department of State which he believes has primary responsibility, normally the originating office, or, in the case of documents originated elsewhere, the office with action responsibility for that document. If the office to which the request is referred does not accept responsibility, it shall immediately inform the FOI Director which Departmental office should have responsibility. The office which recommends referral to another office is required to send the request by hand, if possible, to that office. Whichever office accepts responsibility shall examine

the requested record and, in consultation with the Assistant Legal Adviser designated to provide legal advice to the responsible office, determine which, if any, of the exemptions in § 6.4(a) are applicable and determine whether to claim an applicable exemption. If there is no applicable exemption or it is determined not to exercise an exemption, the responsible office shall advise the FOI Director, who will, in turn, so advise the requester of the record and be responsible for collection of any fees and release of the record.

(b) If the responsible office believes that one or more exemptions is applicable and should be exercised, it shall so advise the FOI Director immediately. The responsible office shall also complete whatever coordination within the Department or with other departments or agencies is required under normal Departmental practice. After informing the FOI Director of its intention to recommend denial of a requested record, the responsible office shall send its recommendation, in writing, to the designated Freedom of Information officers of the bureau with supervisory responsibility over the responsible office. (The designated Freedom of Information Officer shall be at the Deputy Assistant Secretary level or equivalent rank.) The designated Freedom of Information Officer shall consult with the FOI Director before making his decision on the recommendation to deny a record. If the Freedom of Information Officer decides to deny a record requested under this Part, he shall directly advise the requester in writing. This shall be considered the initial denial by the Department of State, and the initial denial letter must be sent within 10 working days from the date actually received by the FOI Director, unless the FOI Director grants an extension of time under § 6.7(b). The denial letter shall state that the denial may be appealed to the Council on Classification Policy, the exemption or exemptions claimed, and the reason for doing so; it shall also enclose a copy of the regulation on appeals (§ 6.8). If a request is denied in whole or part but the responsible office is prepared to give further consideration to release of the requested record, the letter shall

also state this fact and indicate the date by which this further consideration is expected to be completed. Whenever it is not possible to complete substantive review of the classification of classified records within the time allocated by the FOI Director, the letter should so state and indicate that this review is continuing and when it will be completed. If the designated Freedom of Information Officer decides that the requested record will not be denied, he shall so inform the FOI Director; this decision must be made also within the time allocated by the FOI Director.

§ 6.7 Time limits.

(a) An initial denial under § 6.6(b) shall be made within 10 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of a request for a record under this part by the FOI Director. An appeal under § 6.8 shall be decided within 20 days (excepting Saturdays, Sundays and legal public holidays) after the receipt of such an appeal by the Assistant Secretary of State for Public Affairs.

(b) In unusual circumstances as specified in this paragraph, the FOI Director may extend the time limits in paragraph (a) of this section by written notice to the person requesting a record under this part, which notice shall set forth the reasons for such extension and the date on which a determination or appeal decision is expected to be dispatched. No such notice shall specify a date which would result in an extension of either the initial determination period, or the appeal period, or both, for a total of more than 10 working days. As used in this paragraph "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request—

(1) The need to search for and collect the requested records from overseas posts or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which

shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the Department of State having substantial subject matter interest therein.

(c) Where the responsible office believes that further consideration of a request may result in the release of additional records or portions thereof, the expiration of the time period allocated by the FOI Director does not require the termination of that consideration, and it should be continued with a view to maximum disclosure of requested records within a reasonable period of time.

§ 6.8 Appeals.

(a) Review of an initial denial under § 6.6(b) may be requested by the person who submitted the original request for a record. The review (hereinafter the appeal) must be requested in writing within 60 days of the date that the requester is informed either: (1) That the request is denied completely, or (2) that all records which are being furnished in response to his request have been released and he has been so informed.

(b) The appeal must be sent by certified mail to the Assistant Secretary of State for Public Affairs, Chairman, Council on Classification Policy, Department of State, Washington, D.C. 20520. The time for decision on appeal begins on the date the appeal is actually received in the Office of the Assistant Secretary. The request shall include a statement of the circumstances, reasons, or arguments advanced for insistence upon disclosure of the originally requested record and a copy of the initial denial letter.

(c) The Council on Classification Policy shall decide the appeal; there shall be a written record of the reasons for the decision and the views of each member. The decision shall be communicated in writing to the requester by a letter from the Assistant Secretary for Public Affairs. If the decision is to withhold, the letter shall identify the exemption or exemptions exercised under § 6.4, the reason, and,

If the Council is prepared to give further consideration notwithstanding expiration of the time allocated for decision, the letter shall so state and indicate when that consideration is expected to be completed.

§ 6.9 Public reading room.

A public reading room or area where records may be made available is located in the Department of State, 2201 C Street, NW., Washington, D.C. 20520. The receptionist will refer the applicant to the proper room. Fees will not be charged for access by the public to this room or the records contained therein, but fees, in accordance with § 6.14, will be charged for furnishing copies thereof. The Assistant Secretary of State for Public Affairs, in his or her discretion, may authorize persons to utilize their own portable copying equipment. Any arrangements for the use of such equipment must be consistent with security regulations of the Department of State and are subject to the availability of personnel to monitor such copying.

§ 6.10 Manner of requesting records.

(a) Identifiable records may be requested by the public in person from 10 a.m. to 4 p.m., Department of State, 2201 C Street, NW., Washington, D.C., where the receptionist will refer the applicant to the proper office for service and the necessary forms for making a request. Requests by mail and referrals from other agencies should be addressed to the Director, Freedom of Information Staff, Bureau of Public Affairs, Department of State, Washington, D.C. 20520.

(b) A request will not be considered as a request under this part until actually received by the FOI Director either under paragraph (a) of this section or by referral under § 6.2(b) or § 6.11.

(c) Original or record copies of records will not be permitted to leave the custody of the lawful custodian thereof. Copies, duly certified upon request, will be furnished in lieu thereof in accordance with established fees.

(d) The burden of adequately identifying the record so requested lies with the requesting person. Such person

may seek appropriate assistance from the FOI Director or a member of his or her staff, in identifying the record sought.

§ 6.11 Requests addressed to Foreign Service posts.

As indicated in § 6.10(b), requests for records will not be considered under this part until actually received by the FOI Director. This is true of requests addressed directly to overseas posts of the Department and Foreign Service. Accordingly, any such post receiving a request for records which it has reason to believe is intended to be a request under this Part shall send that request by the fastest means available to the FOI Director and shall so inform the requester. In the case of a request for a record which is available only at that post, the post shall forward a copy of the requested record, together with its recommendation and a copy of the request, to the FOI Director. The post may submit its recommendations in any case and, in that event, shall do so as soon as possible. A post receiving such a request, however, may review the requested record and, if it is unclassified and the post believes it should be released, the post may forward the record to the requester on its own authority and so advise the FOI Director.

§ 6.12 Closing requests.

(a) The FOI Director is authorized to consider a request closed if, within 60 working days after he has sent a letter to a requester advising the latter either of a complete denial or that some or all of the requested records have been released and are available upon payment of fees, the requester fails to respond.

(b) The Assistant Secretary of State for Public Affairs is authorized to refuse to initiate a search for records requested by any person who has previously made a request under this part and who, upon being informed by letter that some or all of the requested records are available and the fees for services performed, refused to pay or failed to respond within 60 working days from the date of the letter.

§ 6.13 Subsequent requests for same records.

When, pursuant to request under this part, records are released to any person, any other person subsequently

requesting the same records will also receive the records unless there would be an unwarranted invasion of privacy as to one but not to the other. In such cases, search costs for subsequent requests would normally be minimal.

§ 6.14 Schedule of fees and method of payment for services rendered.

(a) The following specific fees shall be applicable with respect to services rendered to members of the public under this Part, except that the search fee will normally be waived when the search involves less than one-half hour of clerical time.

(1) Search for records, per hour or fraction thereof--	
(II) Professional	\$11.00
(III) Clerical	6.00
(2) Computer service charges per second for actual use of the computer central processing unit.....	.35
(3) Copies made by photostat or otherwise (per page); maximum of 3 copies will be provided .....	.10
(4) Certification of each record as a true copy	1.00
(5) Certification of each record as a true copy under official seal.....	1.50
(6) Duplication of architectural photographs and drawings.....	3.00

(b) If records requested under this Part are stored elsewhere than the headquarters of the Department of State at 2201 C Street, NW., Washington, D.C., the special costs of returning such records to the headquarters shall be included in the search costs. These costs will be computed at the actual cost of transportation of either a person or the requested record between the place where the record is stored and Department headquarters when, for time or other reasons, it is not feasible to rely on Government mail service or diplomatic pouch. The most economical means of transportation available and consistent with the purpose of incurring special costs shall be utilized. Such costs will also include the cost of any telegrams sent to the Department's overseas establishments to facilitate timely identification, location, and assembly of records requested. Search costs are due and payable even if the record which was requested cannot be located after all reasonable efforts have been made, or if the Department determines that a record which has been requested, but which

is exempt from disclosure under this Part, is to be withheld.

(c) Where it is anticipated that the fees chargeable under this section will amount to more than \$50 and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the amount of the anticipated fees or such portion thereof as can readily be estimated. In appropriate cases, an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requester to confer with knowledgeable Departmental personnel in an attempt to reformulate the request in a manner which will reduce the fees and meet the needs of the requester. Dispatch of such a notice or request shall suspend the running of the period for response by the Department until a reply is received from the requester.

(d) The Assistant Secretary of State for Public Affairs, or an officer designated by the Assistant Secretary, may waive all or part of any fee provided for in this section when the Assistant Secretary or the designated officer considers it appropriate to do so.

(e) Fees for services performed other than under this part, as described in § 6.2(b), will be charged in accordance with Parts 21 and 22 of this chapter.

(f) When no specific fee has been established for a service, or the request for a service does not fall under one of the above categories due to the amount or size or type thereof, the Assistant Secretary for Public Affairs is authorized to establish an appropriate fee, pursuant to the criteria established in Bureau of Budget Circular No. A-25, entitled "User Charges."

(g) Fees must be paid in full prior to issuance of requested copies.

(h) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, a postal money order, or cash. Remittances shall be made payable to the order of the Treasury of the United States and mailed to the Director, Freedom of Information Staff, Bureau of Public Affairs, Department of State, Washington, D.C. 20520. The Department will assume no responsi-

bility for cash which is lost in the mail.

(i) A receipt for fees paid will be given only upon request. Refund of fees paid for services actually rendered will not be made.

(j) Notwithstanding the foregoing, materials may be furnished without charge to foreign governments, other governmental agencies or units, non-profit educational organizations, or any other applicant whenever the Assistant Secretary for Public Affairs determines that such action would further the performance of the functions of the Department of State.

[Dept. Reg. 108.711, 40 FR 7256, Feb. 19, 1975, as amended by Dept. Reg. 108.717, 40 FR 48503, Oct. 16, 1975; Dept. Reg. 108.723, 41 FR 29100, July 15, 1976]

§ 6.15 Opening of records for nonofficial research.

(a) *General policy.* The Department will open its records on an equitable basis to all individuals engaged in non-official research as soon as such action may be taken without adversely affecting the national security, the maintenance of friendly relations with other nations, and the efficient operation of the Department. The opening of departmental records to nonofficial researchers will ordinarily not take place until after the records have been transferred to the custody of the National Archives and Records Service. The opening of records for nonofficial research will generally take place on the basis of large blocks of records defined by years and/or major subject categories.

(b) *Open records.* (1) The records of the Department, with the exceptions stated in paragraph (b) (2) of this section, shall be automatically declassified and opened to research when such records are 30 years old. The records for an entire year shall be opened normally on the first of January each year.

(2) Certain categories of records falling within the exemptions and specified in § 6.4 and requiring continuing protection under Executive Order 11652 or otherwise, as defined in restriction statements issued by the National Archives and Records Service,

are not open for unofficial research purposes until they are 50 or 75 years old.

(3) When, in the opinion of the Director of the Historical Office, it is administratively feasible and consistent with the national security to open blocks of records less than 30 years old, he shall so recommend to the Council on Classification Policy. On approval by the Council, such records shall be declassified and treated administratively as if they were open records as defined in paragraph (b) (1) of this section, except that classified papers which have been identified as requiring special handling shall not be opened to researchers until they are declassified either by specific action of the Department in each case or by the automatic declassification after 30 years, as provided for in paragraph (b) (1) of this section.

(c) *Restricted records.* (1) Records of the Department other than those declassified and opened in accordance with procedures set forth above are not available to access by nonofficial researchers except to the limited extent that may be permitted under §§ 9.22 and 9.25 of this chapter.

(2) Nothing in this subsection affects the rights of persons to request and to receive copies of identifiable foreign policy documents of any age, unclassified or declassified, in accordance with the procedures set forth in §§ 6.1 through 6.14.

(d) *Information on administration of this section.* Correspondence with regard to open records of the Department should be addressed to the Chief Diplomatic Branch, Civil Records Division, National Archives and Record Service, Washington, D.C. 20400. Correspondence with regard to the availability of other records of the Department under this section should be addressed to the Director, Historical Office, Bureau of Public Affairs, Department of State, Washington, D.C. 20520.

§ 6.16 Activities of advisory committees.

Any determination under section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) that activities of an advisory commit-

tees are concerned with matters listed in section 552(b) of Title 5 of the United States Code and that the Public Interest requires such activities to be withheld from disclosure shall be made by the Deputy Under Secretary for Management. This determination shall be in writing and is final.

Public notice. In view of the imminence of the present compliance date, and since these amendments relate to Departmental organization, procedure and practices, notice and public procedure thereon (except with respect to § 6.14) are found impractical and unnecessary, and they may be made effective in less than 30 days after publication in the FEDERAL REGISTER. On January 13, 1975 (40 FR 2443), the Department published in the FEDERAL REGISTER a "notice of proposed rulemaking with respect to Freedom of Information Fees". Public comments have been received and carefully considered, and the regulation (then § 6.8) described in that notice, subject only to a change in paragraph (b) to more specifically describe fees for special costs, is set forth above as § 6.14. Public comment is invited for consideration in connection with possible further amendments. Such comments may be addressed to the Assistant Legal Adviser for Management, Department of State, Washington, D.C. 20520. Any comments received on or before March 21, 1975, will be considered; comments received after that time may be considered.

Effective date. These amendments are effective February 19, 1975.

Amendments to 22 CFR 6 (Departmental Regulation 108.698) published in the FEDERAL REGISTER on April 22, 1974 (39 FR 14105) are cancelled.

Dated: February 13, 1975.

For the Secretary of State,

LAWRENCE S. EGGLESTON,
Acting Deputy Under
Secretary for Management.

057



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

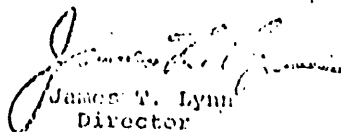
November 21, 1975.

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Supplementary Guidance on Implementing the Privacy Act of 1974

The attached material is provided to address comments and questions of general interest raised since the release of the Office of Management and Budget's guidelines for implementing Section 3 of the Privacy Act of 1974. (Federal Register, Volume 40, Number 132, dated July 9, 1975, pp. 28945-28978.)

Additional supplements will be issued as necessary.


James T. Lynn
Director

Attachments

Collection of newspaper clippings or other published matter about an individual instead of other than in a conventional reference library would normally be a system of records."

2. Routine Use - Intra-Agency Disclosure (5 U.S.C. 552a(e)(7))

On page 28952, first column, after line 17, add:

"Intra-agency transfers need not be considered routine uses. Earlier versions of House privacy bills, from which the routine use concept derives, permitted agencies to disclose records within the agency to personnel who had a need for such access in the course of their official duties thus permitting intra-agency disclosure without the consent of the individual. The concept of routine use was developed to permit other than intra-agency disclosure after it became apparent that a substantial unnecessary workload would result from having to seek the consent of the subject of a record each time a transfer was made for a purpose '...compatible with the purpose for which [the record] was collected' (5 U.S.C. 552a(e)(7)). To deter provisions use of this concept, a further provision was added requiring that routine uses be subject to public notice. (5 U.S.C. 552a(e)(11).) It is our view that the concept of routine use was devised to cover disclosures other than those to officers or employees who have a need to for the record in the performance of their official duties within the agency.

"It is not necessary, therefore, to include intra-agency transfers in the portion of the system notice covering routine uses (5 U.S.C. 552a(e)(4)(D)) but agencies may, at their option, elect to do so. The portion of the system notice covering storage, retrievability, access controls, retention and disposal (5 U.S.C. 552a(e)(4)(E)) should describe the categories of agency officials who have access to the system."

3. Consent for access in response to congressional inquiries (5 U.S.C. 552a(b)(9))

On page 28955, third column, after line 18, add:

To assure that implementation of the Act does not have the unintended effect of denying individuals the benefit of congressional assistance which they request, it is recommended that each agency establish the following as a routine use for: all of its systems, consistent with subsections (a)(7) and (e)(11) of the Act:

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disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

The operation of this routine use will obviate the need for the written consent of the individual in every case where an individual requests assistance of the Member which would entail a disclosure of information pertaining to the individual.

In those cases where the congressional inquiry indicates that the request is being made on behalf of a person other than the individual whose record is to be disclosed, the agency should advise the congressional office that the written consent of the subject of the record is required. The agency should not contact the subject unless the congressional office requests it to do so.

In addition to the routine use, agencies can, of course, respond to many congressional requests for assistance on behalf of individuals without disclosing personal information which would fall within the Privacy Act, e.g., a congressional inquiry concerning a missing Social Security check can be answered by the agency by stating the reason for the delay.

Personal information can be disclosed in response to a congressional inquiry without written consent or operation of a routine use--

-- if the information would be required to be disclosed under the Freedom of Information Act (Subsection (b)(2));

-- if the Member requests that the response go directly to the individual to whom the record pertains;

-- in "compelling circumstances affecting the health or safety of an individual..." (Subsection (b)(6)); or

-- to either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof..." (Subsection (b)(9)).

The routine use recommended above and disclosures thereunder are, of course, subject to the 30 day prior notice requirement of the Act (Subsection (a)(1)). In the interim, however, it should be possible to respond to most inquiries by using the provisions cited in the previous

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paragraph. Furthermore, when the congressional inquiry indicates that the request is being made on the basis of a written request from the individual to whom the record pertains, consent can be inferred even if the constituent letter is not provided to the agency.

"This standard for implied consent does not apply to other than congressional inquiries."

4. Describing the purpose in the accounting or disclosures (Subsection (c)(1))

On page 28956, first column, after line 72, add:

"Agencies which submit inquiries to other agencies in connection with law enforcement or pre-employment investigations (e.g., record checks) are reminded to include the purpose in their record check in order to preclude having record checks returned to them to ascertain the purpose of the check. It is noted that this is necessary whether the inquiry is made pursuant to the subsection (b)(3) or (b)(7) ('routine use' or law enforcement disclosures). At a minimum, the inquiring agency must describe the purpose as, either a background or law enforcement check."

5. Agency procedures for review of appeals of denials of requests to amend a record (Subsection (d)(3))

On page 28959, second column, after line 39, add:

"This does not mean that the officer on appeal must be a justice or judge. Rather, the reviewing official designated by the agency head may be a justice or judge (unlikely in this case) or any other agency official who meets the criteria in 5 U.S.C. 2104a(1), (2), and (3)."

6. Correcting records released to an individual (Subsection (c)(6))

On page 28965, second column, after line 6, add:

"While this language requires that agencies make reasonable efforts to assure the accuracy of a record before it is disclosed, when an individual requests access to his or her record, pursuant to subsection (d)(1), above, the record must be disclosed without change or deletion except as permitted by subsections (j) and (k), exemptions. To avoid requiring individuals to file unnecessary requests for

amendment, however, the agency should review the record and annotate any material disclosed to indicate that which it intends to amend or delete."

7. Rights of parents and legal guardians (Subsection (h))

On page 28970, second column, after line 59, add:

"This is not intended to suggest that minors are precluded from exercising rights on their own behalf. Except as otherwise provided in the Act (e.g., general or specific exemptions) a minor does have the right to access a record pertaining to him or herself. There is no absolute right of a parent to have access to a record about a child absent a court order or consent."

8. Relationship to the Freedom of Information Act (Subsection (q))

On page 28978, third column, after the last line, add:

"In some instances under the Privacy Act an agency may (1) exempt a system of records (or a portion thereof) from access by individuals in accordance with the general or specific exemptions (subsection (j) or (k)); or (2) deny a request for access to records compiled in reasonable anticipation of a civil action or proceeding or archival records (subsection (d)(5) or (1)). In a few instances the exemptions from disclosure under the Privacy Act may be interpreted to be broader than the Freedom of Information Act (5 U.S.C. 552). In such instances the Privacy Act should not be used to deny access to information about an individual which would otherwise have been required to be disclosed to that individual under the Freedom of Information Act.

"Whether a request by an individual for access to his or her record is to be processed under Privacy Act or Freedom of Information Act procedures involves several considerations. For example, while agencies have been encouraged to reply to requests for access under the Privacy Act within ten days wherever practicable, consistent with the Freedom of Information Act (FOIA), the Privacy Act does not establish time limits for responding to requests for access. (See discussion of subsection (d)(1).) The Privacy Act also does not require an administrative appeal on denial of access comparable to that under FOIA although agencies are encouraged to permit individuals to request an administrative review of initial denials of access to avoid,

where possible, the need for unnecessary judicial action. It can also be argued that requests filed under the Privacy Act can be expected to be specific as to the system of records to which access is sought whereas agencies are required to respond to an FOIA request only if it "reasonably describes" the records sought. Further, the Freedom of Information Act permits charging of fees for search as well as the making of copies while the Privacy Act permits charging only for the direct cost of making a copy upon request.

"It is our view that agencies should treat requests by individuals for information pertaining to themselves which specify either the FOIA or the Privacy Act (but not both) under the procedures established pursuant to the Act specified in the request. When the request specifies, and may be processed under, both the FOIA and the Privacy Act, or specifies neither act, Privacy Act procedures should be employed. The individual should be advised, however, that the agency has elected to use Privacy Act procedures, of the existence and the general effect of the Freedom of Information Act, and of the differences, if any, between the agency's procedures under the two Acts (e.g., fees, time limits, access and appeals).

"The net effect of this approach should be to assure the individuals do not, as a consequence of the Privacy Act, have less access to information pertaining to themselves than they had prior to its enactment."

DEPARTMENT OF STATE

AIRGRAM

P760010-1580

HANDLING PRIORITY	CLASSIFICATION UNCLASSIFIED	MESSAGE REFERENCE NO. A-395
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TO: ALL DIPLOMATIC AND CONSULAR POSTS

1976 JAN 23 PM 1:06

FROM: Department of State DATE:

E.O. 11652

N/A

TAGS:

AINP, OGEN

SUBJECT:

Privacy Act Record Systems Descriptions

REF:

N/A

DEPT. DISTRIBUTION

ORIGINATOR: N/PADRC/DR-1			
AD	AF	AG	AM
AN	AO	AP	AR
AS	AT	AW	AX
AY	AZ	BA	BB
BC	BD	BE	BF
BG	BH	BI	BJ
BK	BL	BM	BN
BO	BQ	BR	BS
BT	BV	BW	BX
BY	BZ	CA	CB
CC	CD	CE	CF
CG	CH	CI	CJ
CK	CL	CM	CN
CO	CP	CQ	CR
CS	CT	CU	CV
CW	CX	CY	CZ
DA	DB	DC	DD
DE	DF	DG	DH
DI	DJ	DK	DL
DM	DN	DO	DP
DQ	DR	DS	DT
DU	DV	DW	DX
DY	DA	DB	DC
DD	DE	DF	DG
DD	DD	DD	DD

1. Attached for your review and comment are a copy of the Department of State rules for processing Privacy Act requests and a copy of the descriptions of the Department's 48 name-retrievable systems of records. These were published in the Federal Register on October 2 and 8, 1975.

2. Based upon the submissions of the overseas posts, the Department compiled a general description of all overseas records so as not to inundate the public with numerous descriptions which would be cumbersome to them.

3. Please check STATE 25 - Overseas Records for accuracy and completeness making certain that it adequately covers those records systems which are maintained at your post.

4. You will note that, in addition to the "routine uses" listed in the statement prefacing the system notices, the routine uses of Overseas Records correspond to those appearing in other systems descriptions of the Federal Register.

5. We would appreciate your pointing out to us any errors and/or revisions before March 1, 1976, in order that such alterations can be incorporated in the system description which must be published again this year in the Federal Register.

FISCO, ACTING

PRIORITY

SUGGESTED DISTRIBUTION

ENCLOSURE AS STATED UNCLASSIFIED

DRAFTED BY: Frank Machen	DRAFTING DATE: 1/22/76	PHONE NO.: 23411	COMMENTS AND CLASSIFICATION APPROVED BY: John Pruden
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ELABORATED

FORM 88 11-75

3. Title 22—Foreign Relations
CHAPTER I—DEPARTMENT OF STATE
PART 6a—POLICY AND PROCEDURES
Privacy Act of 1974

On September 3, 1975 the Department of State published a notice of proposed rulemaking in the *Federal Register* (40 FR 4046) setting forth proposed regulations to implement the Privacy Act of 1974 (Pub. L. 93-579). Interested persons were given until October 3, 1975 to submit comments regarding the proposed regulations.

No comments were received by close of business September 25. The Privacy Act enters into full effect on September 27. In these circumstances, and in the absence of other regulations to govern access to and protection of personal information, the Department finds that making these regulations effective on the same date as the Act provides a benefit to the public and to this Department which outweighs the possible benefit of waiting until October 3 for public comment. However, any comments received by October 2 will be considered in connection with possible amendments.

Part 6a is hereby adopted by adding additional systems of records under exemption (§ 6a.6) as set forth below.

Effective date. Part 6a shall become effective on September 27, 1975.

For the Secretary of State.

LAWRENCE S. EAGLEBARGER,
Deputy Under Secretary
for Management.

Sec.	
6a.1	Definitions.
6a.2	Requests for records.
6a.3	Information necessary to locate and identify a record.
6a.4	Access to records.
6a.5	Disclosure of information.
6a.6	Exemptions.
6a.7	Denial of access.
6a.8	Requests for amending records.
6a.9	Appeals.
6a.10	Fees.

Approved: Sec. 4 of the Act of May 26, 1946, as amended (63 Stat. 111; 22 U.S.C. 2656); Pub. L. 93-579, 65 Stat. 1967; 5 U.S.C. 552a.

§ 6a.1 Definitions.

As used in this Part, the following definitions shall apply:

(a) The term "Department" means the Department of State, its offices, bureaus, divisions, field offices, and its overseas posts.

(b) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(c) The term "maintain" includes maintain, collect, use, or disseminate.

(d) The term "record" means any item, collection, or grouping of information about an individual that is maintained by the Department, including, but not limited to, education, financial transactions, medical history, and criminal or employment history that contains the individual's name, or the identifying number, symbol, or other identifying par-

ticular assigned to the individual, such as a finger or voice print or photograph.

(e) The term "system of records" means a group of any records under the control of the Department from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to an individual.

(f) The term "statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided in 18 U.S.C. 8.

(g) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

(h) The term "amend" means to make any correction to any portion of the record which the individual believes is not accurate, relevant, timely, or complete.

(i) The term "personnel record" means any personal information maintained in a system of records as defined in paragraph (e) of this section that is needed for personnel management programs or processes such as staffing, employee development, retirement, and grievances and appeals. Rules and procedures promulgated by the Civil Service Commission under the Privacy Act for personnel records for which it has responsibility will be followed by the Department with regard to such records.

§ 6a.2 Requests for records.

(a) The Department will consider requests received from individuals for records pertaining to themselves as requests made under the Privacy Act of 1974 (5 U.S.C. 552a), whether or not the individual specifically cites the Privacy Act of 1974 when making the request. However, in requests by mail, a notation on the envelope and in the letter that it is a "Privacy Act request" will aid the Department in processing the requests.

(b) Requests under the Privacy Act should be directed to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, Washington, D.C. 20520, who will coordinate the search of all systems of records specified in the request. In addition, requests may be directed to the Department's overseas posts when the individual believes the post has such a record. Routine, unclassified, administrative records available at the post may be released to the individual if the post determines that such release is authorized by the Privacy Act. Any unfiled request shall be submitted by the post to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, Washington, D.C. 20520, and the individual so notified. Guidance for requesting records is contained in § 6a.3 and published in the Department's annual public notice appearing in the *Federal Register*.

(c) In those instances where an individual requests records pertaining to himself or herself as well as records per-

taining to another individual, group, or some other category of the Department's records, only that portion of the request which pertains to records concerning the individual requester will be treated as a Privacy Act request. The remaining portions of such requests will be processed through the Department's Freedom of Information or other public access procedures.

(d) The Department will continue to make available information, documents, and forms which have previously been provided to individuals as part of its normal services.

§ 6a.3 Information necessary to locate and identify a record.

All requests for access to a record or records must reasonably describe the system of records and the individual's record within the system in sufficient detail to permit identification of the requested record(s). System names, descriptions, and the identifying information required for each system are published in the Department's annual public notice of systems of records appearing in the *Federal Register*. As a minimum, requests should include the individual's full name (maiden name, if appropriate), present mailing address (including zip code), and date and place of birth, and other information helpful in identifying the recently search of record systems and assist the Department in locating those records which actually pertain to the individual requester. In certain instances, it may be necessary for the Department to request additional information from the requester, either to ensure a full search or to ensure that a record retrieved does in fact pertain to the individual. This information will facilitate the individual.

§ 6a.4 Access to records.

(a) *Acknowledgement of requests.* All requests from an individual for information on whether or not the Department's system or systems of records contain information about the individual will be acknowledged within 10 days (excluding Saturdays, Sundays, and legal public holidays) after actual receipt of the request by the Director, Foreign Affairs Document and Reference Center.

(b) *Time limits.* Whenever possible, the Department will furnish the requested records within 10 days (excluding Saturdays, Sundays, and legal public holidays) of receipt of the request, except in those instances where it is necessary to:

(1) Search for and collect the requested records from overseas posts or other establishments that are separate from the office processing the request;

(2) Search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request;

(3) Consult, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the Department of State having substantial subject matter interest therein; or

(4) Request additional identifying information as set forth in § 6a.3.

(c) *Verification of personal identity.* The Department will require reasonable identification of individuals to assure that records are disclosed only to the proper person(s).

(1) *Access in person.* When access to a record is granted in person, the Department will require a verification of identity by the individual; employee identification card, driver's license, medicare card, annuitant identification, or passport are examples of acceptable identification.

(2) *Access by mail.* For individuals who seek access by mail the Department will require verification of identity; comparison of signatures of the requester and those in the record, if any, will be used to determine identity.

(3) *Statement verifying identity.* If an individual can provide no suitable documents for identification or a signature is not of record the Department will require a signed statement from the individual asserting his or her identity and stipulating that the individual understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to \$5,000.

(d) *Sensitive records.* In certain cases where the Department determines that the requested record is of sufficient sensitivity, it may require the individual to furnish a signed notarized statement verifying the requester's identity. The Department will inform the individual at the time the record is retrieved whether or not such a statement is necessary.

(e) *Accompanying individual.* If, when exercising physical access to a record, the requester is accompanied by any other person, the Department will require the requester to sign a statement authorizing disclosure of the contents of the record in the presence of the accompanying individual.

(f) *Authorized representatives or designees.* When an individual wishes to authorize another person or persons access to his or her records other than as provided in paragraph (e) of this section, the individual shall submit a signed, notarized statement authorizing and consenting to access by a designated person or persons.

(g) *Guardians.* The parent(s) of any minor, or the legal guardian of an individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act for and on behalf of said individual upon presentation of appropriate documentation of such relationship.

(h) *Medical records.* If, in the judgment of the Deputy Assistant Secretary of State for Medical Services or his designee, the release of medical information directly to the requester could have an adverse effect on the requester, the aforementioned officer will attempt to arrange an acceptable alternative in granting access to such record(s). This will normally involve the release of such

information to a doctor named by the requester.

(i) *Original records.* Originals, or record copies thereof, will not be released from the custody of the records system manager. Copies will be furnished in accordance with § 6a.10 or Parts 21 and 22 of this chapter.

(j) *Records relating to civil actions or proceedings.* The requirements of this section do not entitle an individual the right of access to any information compiled in reasonable anticipation of a civil action or proceeding.

§ 6a.5 Disclosure of Information.

(a) The Department will not disclose any information about an individual to any person, or to another agency without a written request by or the prior written consent of the individual about whom the information is maintained. However, as provided in § U.S.C. 552a(b), written consent is not required if the disclosure is:

(1) To those officers and employees of the Department who have a need for the information in the official performance of their duties;

(2) Required under the provisions of the Freedom of Information Act;

(3) For a routine use as published in the Department's annual public notice in the *Federal Register*;

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

(5) To a recipient who has provided the Department with advance adequate written assurance that the record will be used solely as a statistical research or reporting record and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the Department specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(9) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) To the Comptroller General, or any of his authorized representatives, in

the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

§ 6a.6 Exemptions.

Portions of systems of records maintained by the Department are authorized to be exempted from a limited number of provisions of the Privacy Act. In utilizing these exemptions, however, the Department contemplates exempting only those portions of systems necessary for the proper functioning of the Department and which are consistent with the Privacy Act and these regulations. The following exemptions are authorized under § U.S.C. 552a (j) and (k):

(a) Records specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are, in fact, properly classified pursuant to such Executive order;

(b) Investigatory material compiled for law enforcement purposes, other than material within the scope of § U.S.C. 552a(j)(2): *Provided, however,* That if any individual is denied any right, privilege, or benefit for which he or she would otherwise be eligible as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of the regulations, under an implied promise that the identity of the source would be held in confidence;

(c) Records maintained in connection with providing protective services to the President of the United States or other individuals, pursuant to 18 U.S.C. 3056;

(d) Records required by statute to be maintained and used solely as statistical records;

(e) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, nominations or referrals to international organizations, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of these regulations, under an implied promise that the identity of the source would be held in confidence;

(f) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service which would compromise the objectivity or fairness of the testing or examination process if disclosed; or

(g) Evaluation material used to determine potential of an individual for pro-

mation in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of these regulations, under an implied promise that the identity of the source would be held in confidence; or

(h) Records originated by another agency when that agency has determined that the record is exempt under 5 U.S.C. 552a(j). Also, pursuant to Section (j) (2) of the Act, records compiled by the Passport and Visa Fraud Branch of the Office of Security may be exempted from the requirements of any part of the Act except subsections (b), (c) (1) and (2), (e) (4) (A) through (F), (e) (6), (7), (8), (10), and (11), and (i) to the extent necessary to assure the effective completion of the investigative and judicial processes.

(i) Portions of the following systems of records are exempted under 5 U.S.C. 552a(j) to the extent authorized and determined by the agency originating the records. The names of the systems correspond to those published in the FEDERAL REGISTER on this same date by the Department.

System Name: STATE/DEPT.
 Consular Service and Assistance Records. STATE-8.
 Coordinator for Combatting Terrorism Records. STATE-9.
 Educational and Cultural Exchange Program Records. STATE-8.
 External Research Records. STATE-10.
 Extradition Records. STATE-11.
 Intelligence and Research Records. STATE-18.
 International Organizations Records. STATE-17.
 Law of the Sea Records. STATE-19.
 Overseas Records. STATE-29.
 Passport Records. STATE-36.
 Personality Cross Reference Index to the Secretariat Automated Data Index. STATE-26.
 Personality Index to the Central Foreign Policy Records. STATE-39.
 Security Records. STATE-38.
 Visa Records. STATE-39.
 Munitions Control Records. STATE-43.

(j) Portions of the following systems of records are exempted from 5 U.S.C. 552a (e) (3), (d), (e) (1), (8) (4), (G), (H), and (I), and (f). The names of the systems correspond to those published in the FEDERAL REGISTER on this same date by the Department.

(1) Exempt under 5 U.S.C. 552a (k) (1). The reason for invoking the exemption is to protect the material required to be kept secret in the interest of national defense and foreign policy.

Board of Appellate Review Records. STATE-2.
 Consular Service and Assistance Records. STATE-8.
 Coordinator for Combatting Terrorism Records. STATE-9.
 Educational and Cultural Exchange Program Records. STATE-8.
 External Research Records. STATE-10.
 Extradition Records. STATE-11.
 Foreign Assistance Inspection Records. STATE-48.
 Intelligence and Research Records. STATE-18.

International Organizations Records. STATE-17.

Law of the Sea Records. STATE-19.
 Overseas Records. STATE-29.
 Passport Records. STATE-36.
 Personality Cross Reference Index to the Secretariat Automated Data Index. STATE-26.

Personality Index to the Central Foreign Policy Records. STATE-39.
 Security Records. STATE-38.
 Visa Records. STATE-39.
 Berlin Document Center. STATE-41.
 Munitions Control Records. STATE-43.

(2) Exempt under 5 U.S.C. 552a (k) (2). The reasons for invoking the exemption are to prevent individuals the subjects of investigation from frustrating the investigatory process, to insure the integrity of law enforcement activities, to prevent disclosure of investigative techniques; to maintain the confidence of foreign governments in the integrity of the procedures under which privileged or confidential information may be provided; and to protect the confidentiality of sources of information.

Board of Appellate Review Records. STATE-2.
 Consular Service and Assistance Records. STATE-8.

Coordinator for Combatting Terrorism Records. STATE-9.
 Extradition Records. STATE-11.
 Foreign Assistance Inspection Records. STATE-48.

Intelligence and Research Records. STATE-18.

Overseas Records. STATE-29.
 Passport Records. STATE-36.
 Personality Cross Reference Index to the Secretariat Automated Data Index. STATE-26.

Personality Index to the Central Foreign Policy Records. STATE-39.
 Security Records. STATE-38.
 Visa Records. STATE-39.
 Munitions Control Records. STATE-43.

(3) Exempt under 5 U.S.C. 552a (k) (3). The reasons for invoking this exemption are to preclude impairment of the Department's effective performance in carrying out its lawful protective responsibilities under 18 U.S.C. 3056.

Consular Service and Assistance Records. STATE-8.
 Extradition Records. STATE-11.
 Intelligence and Research Records. STATE-18.

Overseas Records. STATE-29.
 Passport Records. STATE-36.
 Personality Cross Reference Index to the Secretariat Automated Data Index. STATE-26.

Personality Index to the Central Foreign Policy Records. STATE-39.
 Security Records. STATE-38.
 Visa Records. STATE-39.

(4) Exempt under 5 U.S.C. 552a (k) (4). The reason for invoking this exemption is to avoid needless consideration of records which are used solely for statistical purposes and from which no individual determinations are made.

Foreign Service Institute Records. STATE-16.
 Personnel Payroll Records. STATE-30.
 Personnel Records. STATE-31.

(5) Exempt under 5 U.S.C. 552a (k) (5). The reasons for invoking this exemption are to insure the proper functioning of the investigatory process, to insure effective determination of suit-

ability, eligibility and qualification for employment and to protect the confidentiality of sources of information.

Board of the Foreign Service Records.

STATE-3

Equal Employment Opportunity Records.

STATE-9

Foreign Assistance Inspection Records.

STATE-48

Foreign Service Grievance Board Records.

STATE-18

Legal Adviser Personnel Records. STATE-30.

Overseas Records. STATE-38.

Personality Cross Reference Index to the Secretariat Automated Data Index.

STATE-38

Personnel Records. STATE-31.

Security Records. STATE-38.

Senior Personnel Appointment Records.

STATE-47.

(6) Exempt under 5 U.S.C. 552a(k)(6). The reasons for invoking this exemption is to prevent the compromise of testing or evaluation material used solely to determine individual qualification for employment or promotion; and to avoid giving unfair advantage to individuals by virtue of their having access to such material.

Foreign Service Institute Records. STATE-18.
Personnel Records. STATE-31.

(7) Exempt under 5 U.S.C. 552a(k)(7). The reason for invoking this exemption is to prevent access to such material maintained from time to time by the Department in connection with various military personnel exchange programs.

Overseas Records. STATE-38.

Personality Cross Reference Index to the Secretariat Automated Data Index.

STATE-38

Personality Index to the Central Foreign

Policy Records. STATE-38.

Personnel Records. STATE-31.

§ 6a.7 Denial of access.

The decision to deny an individual access to his or her record shall be made by the Department official of a rank not below the Deputy Assistant Secretary or equivalent level who is responsible for the system of records involved. When an authorized official denies access to a record or portion thereof, the official will advise the individual in writing of the denial and the specific reasons therefor. The denial letter will also advise the individual of his right to seek judicial review of the Department's decision.

§ 6a.8 Requests for amending records.

(a) An individual has the right to request that the Department amend a record pertaining to him or her which the individual believes is not accurate, relevant, timely, or complete.

(b) At the time the Department grants access to a record it will also furnish guidelines for requesting amendments to the record. These guidelines will also be available in the public reading room in the Department of State, Washington, D.C. between 10 a.m. and 4 p.m. Monday through Friday, except for legal public holidays, or may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Department of State, Room 1339, Washington, D.C. 20520.

(c) Requests for amending records must be in writing and mailed or delivered to the Director, Foreign Affairs Document and Reference Center, Department of State, Room 1339, Washington, D.C. 20520, who will coordinate the review of the request to amend a record with the appropriate office(s). The Department will require verification of personal identity as provided in § 6a.4(c)(3) of these regulations before it will initiate action to amend a record to ensure that the requester is not deliberately or inadvertently seeking to change records about other persons. Such requests should contain, as a minimum, identifying information needed to locate the record, a brief description of the item or items of information to be amended, and the nature of the requested amendment. The requester should submit as much documentation, arguments or other data as seems warranted to support his request for amendment.

(d) All requests for amendments to records will be acknowledged within 10 days (excluding Saturdays, Sundays, and legal public holidays). Whenever possible all requests for amendments to records will be reviewed within 10 days (excluding Saturdays, Sundays, and legal public holidays) of receipt of the request by the Director, Foreign Affairs Document and Reference Center, and the requester will be advised of the results of the review. In those cases where the review cannot be completed within 10 days, the requester will be so advised and informed when the review will be completed. Except in unusual circumstances, this review will be completed no later than 30 days (excluding Saturdays, Sundays, and legal public holidays) after receipt of the request to amend a record.

(e) In reviewing a record in response to a request to amend, the Department shall determine whether the record is relevant and necessary to accomplish a purpose of the agency and shall incorporate the criteria of accuracy, relevance, timeliness, and completeness of the record in that review.

(f) If the office responsible for the record agrees with an individual's request to amend a record, it shall:

- (1) Advise the individual in writing;
- (2) Amend the record accordingly; and
- (3) If an accounting of disclosure has been made, advise all previous recipients of the record of the amendment and its substance.

(g) If the office responsible for the record, after an initial review of a request to amend a record, disagrees with all or any portion of the requested amendment, an officer at the Deputy Assistant Secretary level or equivalent, shall:

- (1) Advise the individual of its refusal and the reasons for it; and
- (2) Inform the individual that he or she may request a further review in accordance with § 6a.9.

§ 6a.9 Appeals.

(a) Review of an initial refusal to amend a record under § 6a.8(g) may be requested by the individual who submit-

ted the request. The review (hereinafter referred to as the appeal) must be requested in writing within 60 days of the date the individual is informed of the Department's refusal to amend a record in whole or in part. The appeal must be in writing and should be sent by certified mail to the Chairman, Privacy Policy and Appeals Board, Department of State, Room 1239, 2201 C Street, NW., Washington, D.C. 20520.

(b) The time for decision on the appeal begins on the date the appeal is received by the Chairman, Privacy Policy and Appeals Board. The appeal should include any documentation, information or statements advanced for the amendment of the record.

(c) The Chairman of the Privacy Policy and Appeals Board (Assistant Secretary of State for Administration) and two other members of the Board designated by him shall constitute a panel to consider and decide the appeal; there shall be a written record of the reasons for the final determination. The final determination will be made within 30 days (excluding Saturdays, Sundays, and legal public holidays), unless for good cause shown, the Chairman of the Privacy Policy and Appeals Board extends such determination beyond the 30-day period.

(d) When the final determination is that the record should be amended in accordance with the individual's request, the Chairman of the Privacy Policy and Appeals Board shall direct the office responsible for the record to comply. The office responsible for the record shall:

- (1) Amend the record as directed;
 - (2) If an accounting of the disclosure has been made, advise all previous recipients of the record of the amendment and its substance;
 - (3) So advise the individual in writing.
- (e) When the final decision is that the record is refused, the Chairman of the Board shall advise the individual:
- (1) Of the refusal and the reasons for it;

(2) Of his or her right to file a concise statement of the reasons for disagreeing with the decision of the Department;

(3) Of the procedures for filing the statement of disagreement;

(4) That the statement which is filed will be made available to anyone to whom the record is subsequently disclosed together with, at the discretion of the Department, a brief statement of the Department summarizing its reasons for refusing to amend the record;

(5) That prior recipients of the disputed record will be provided a copy of any statement of dispute to the extent that an accounting of disclosures was maintained; and

(6) Of his or her right to seek judicial review of the Department's refusal to amend the record.

(f) When the final determination is to refuse to amend a record and the individual has filed a statement under paragraph (e) of this section, the Department will clearly annotate the record so that the fact that the record is disputed is apparent to anyone who may subsequently have access to, use, or disclose it. When information that is the subject of a statement of dispute filed by an individual is subsequently disclosed, the Department will note that the information is disputed and provide a copy of the individual's statement. The Department may also include a brief summary of the reasons for not making a correction when disclosing disputed information. Such statements will normally be limited to the reasons given to the individual for not amending the record. Copies of the Department's statement shall be treated as part of the individual's record for granting access; however, it will not be subject to amendment by the individual under these regulations.

§ 6a.10 Fees.

(a) The Department will charge no fee for the first copy of an individual's personnel record.

(b) The Department will charge a fee of \$1.00 per page for copies of documents which are identified by an individual and reproduced at the individual's request for retention, except that there will be no charge for requests involving costs of \$1.00 or less.

(c) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, a postal money order, or cash. Remittances shall be made payable to the order of the Treasurer of the United States and delivered to or mailed to the Director, Foreign Affairs Document and Reference Center, Department of State, Room 1239, 2201 C Street, NW., Washington, D.C. 20520. The Department will assume no responsibility for cash sent by mail.

(d) A receipt for fees paid will be given only upon request.

[FR Doc. 76-26376 Filed 9-26-76; 9:07 pm]

NOTE.—Also provided to the Staff Investigative Group and included in this document were rules and regulations published in the Federal Register by the Department of State in implementation of the Privacy Act. The information, which identifies the systems of records maintained by the Department of State as required by the Privacy Act, is not contained in this appendix and may be found in the Federal Register, vol. 40, No. 192, Oct. 2, 1976, pp. 46741-46767.

DEPARTMENT OF STATE
AIRGRAM 0177-0050

MARKING	CLASSIFICATION UNCLASSIFIED	MESSAGE REFERENCE NO. A-4671
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TO: All Diplomatic and Consular Posts for Attention of Consuls

FROM: Department of State

DATE: JUN 5 20

E.O. 11652: N/A

TAGS: COEN

SUBJECT: Privacy Act of 1974 - Guidance for Consular Officers

REF:

DEPT. MAIL ROOM
ORIGIN/ ACTION

- CA
- SCB
- PPT
- VO -
- AF
- AAA
- EA
- EAR
- NEA
- OUT
- PAK/IN
- S/IC

This airgram summarizes for consular personnel the most frequent questions generated by the Privacy Act of 1974 and the Department's responses to those questions. They are based on two years of answering individual telegrams from posts and discussions of the Act at consular conferences. (This airgram also transmits pertinent attachments and the Department's prisoner release form.)

At the outset, all consular personnel should understand that, although the Privacy Act was passed by Congress only one month after the 1974 amendments to the Freedom of Information Act (FOIA), it was not coordinated with the FOIA. Due to its rapid passage by Congress in December 1974 without hearings, less than the usual legislative history exists to guide executive departments in interpreting it. For example, except for brief mention in the legislative history that the name, title, and salary of Federal employees is deemed to be publicly-available information, the Act gives no guidance on what other information about individuals is deserving of privacy protection. The Act's drafters appear not to have considered important societal factors, such as the family, in drafting the Act's restrictive provisions, and this omission is one of the areas that has proved troublesome for the Department.

UNCLASSIFIED

CLASSIFICATION

DRAFTED BY L/M:LAHunmoy <i>lah</i>	DRAFTING DATE 11/18/77 20858	CONTENTS AND CLASSIFICATION APPROVED BY CA - Barbara M. Watson <i>Watson</i>
CLERKING FADRC - F. Machak (drafted <i>lah</i>)	CA - RTHunmeyer <i>W</i>	
L/CA:REDalton (drafted <i>lah</i>)		

There is, as yet, little case law interpreting the Privacy Act: most individuals who choose to sue over denial of documents appear to do so under the provisions of the Freedom of Information Act.

PURPOSE OF THE ACT

The Department issued a detailed summary of the main features of the Privacy Act in A-195 of January 23, 1975. The following section, therefore, is only a capsule summary of the most important points.

The Privacy Act generally requires Federal agencies to:

1. Permit an individual to determine what records pertaining to him are collected, maintained, used, or disseminated by Federal agencies.
2. Permit an individual to prevent records pertaining to him for a particular purpose from being used, or made available for other purposes without his consent.
3. Permit an individual to gain access to information pertaining to him, to have a copy made of it, and to correct or amend it.
4. Collect, maintain, use or disseminate personal information only for a necessary or lawful purpose; keep information current and accurate for its intended use; and provide adequate safeguards to prevent misuse of information.

The Act provides for civil suits against the agency in certain instances, such as denial of access to documents or when an individual alleges he has suffered damage as a result of action based on erroneous information.

The Act also provides for criminal sanctions against Government officials if they willfully and knowingly disclose information about a person entitled to protection of the Act to an unauthorized recipient, and if they willfully and knowingly maintain a system of records about individuals without publishing notice of its existence.

DEFINITIONS

1. Agency - each authority of the Government of the United States, whether or not it is within or subject to review by another agency, including "any executive

department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency."

2. Individual - a citizen of the United States or an alien lawfully admitted for permanent residence. Note: Non-personal entities such as corporations or partnerships, and non-resident aliens are not covered by the Act in any respect. A suit brought under the Privacy Act by the Church of Scientology against the Department was dismissed in March 1976, the court making it clear that only individuals have standing to sue, and only as individuals, not as members of a group or organization, such as a church.

3. Maintain - includes maintain, collect, use or disseminate.

RELATIONSHIP TO FREEDOM OF INFORMATION ACT (FOIA)

Administratively, requests by an individual for records about himself are processed by the Department under the Privacy Act rather than the Freedom of Information Act, unless the individual specifies that his request is to be entertained under FOIA and not the Privacy Act. The Privacy Act does not provide that it is the exclusive vehicle for an individual who requests information about himself. The Act does provide, however, that an individual may not be denied documents under FOIA which would be available to him under the Privacy Act. In other words, some exemptions under FOIA, such as the exemption for withholding inter-agency memoranda generated in the decision-making process, are not available as bases for withholding information to a person about himself.

QUESTIONS

1. Q: If an individual, alleged to be an American citizen, is arrested and imprisoned by a foreign government, does release to that government of proof that the prisoner is an American citizen violate the individual's privacy?

A: The post may inform the foreign government of proof of citizenship if it is relevant and necessary for protection of the interests of the American involved.

2. Q: Can a foreign court obtain information about the existence of a prior criminal record of an American prisoner for use in making a determination about sentencing of the American on local charges?

page 4

A: Generally, yes. Records of arrests and convictions in the United States are public records, and therefore not subject to the consent provision of the Privacy Act. Posts, however, must be cautious about releasing "tap sheets" or other records which show arrests without disposition because some legal systems do not make a presumption of innocence until a person is judged guilty. In those circumstances, a list of arrests could prove unduly and unfairly prejudicial to the individual. Also, if records of prior arrests and convictions are old, an individual might be able to argue that they have, through the passage of time, lost their character as public records, and that their release, therefore, would be an invasion of privacy.

3. Q: May a post, if asked, release to inquirers information concerning the military record of an American citizen prisoner?

A: Yes. The Department of Defense has determined that the Privacy Act does not apply in the case of information in service records, such as what service the American was in, the years he/she served, or the places in which he/she was stationed.

4. Q: Should information about a prisoner be released by a post to interested private citizens, Congressmen, or news media?

A: Generally, yes. The Department of Justice has consistently taken the position that arrest records and records of conviction, in the United States, are public records and therefore not subject to the consent requirements of the Privacy Act. Accordingly, the Department has taken the position that arrests and convictions of Americans overseas, if they are matters of public record in the country in which they are imprisoned, may be released to an inquirer without the consent of the prisoner. The Department realizes that this has not yet been the subject of court reviews, and an American imprisoned in a remote country may be able to argue that he has a reasonable expectation of privacy when the arrest or conviction is in a place remote from the United States and the arrest has not generated publicity in the U.S. Other information about a prisoner such as his well-being, or facts surrounding his offense which are not public knowledge, probably is not releasable without his consent.

However, this does not prevent the consular officer from reporting to interested parties, including Congressmen or representatives of the news media, the steps he takes on behalf of the prisoner in carrying out his statutory protection and welfare functions. Thus, a consular officer may report that he has visited the prisoner, given him a list of attorneys, etc.

5. Q: May information on individuals in consular files be released to representatives of other agencies requesting the information?

A: Yes. The Privacy Act, § Section 552a(b)(7), states information may be provided to other agencies or instrumentalities of governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if:

- (a) the activity is authorized by law; and
- (b) the head of the agency has made a written request which
 - (1) specifies the information requested, and
 - (2) states the law enforcement activity for which the record is sought.

The phrase "head of agency" is interpreted to include regional directors of agencies in the States. A model request of a letter is attached as a guide to determine if letters received at consular offices fulfill the Act's criteria. The letter also should include sufficient data about the individual, i.e., date and place of birth, to identify sufficiently the individual about whom the information is requested.

The Privacy Act requires each agency to keep an accurate accounting of the nature, purpose and date of each such disclosure as well as the name and address of the person or agency to whom the disclosure is made. The accounting must be retained for five years or the life of the record reviewed, whichever is longer. A model accounting record is attached and may be duplicated in sufficient numbers to fill each post's need. The accounting record must be completed by the other agency officer.

Other agency representatives may believe their written requests and accounting records are releasable to the individual named in the record. The Privacy Act, however, specifically exempts disclosures made under Section 552a(b)(7) from being disclosed to the individual.

6. Q: Quite often, a visa applicant at a post will present a copy of the Federal income tax return of a sponsor in support of the application. In checking the financial evidence offered, the consular officer may note that the income tax return may claim more dependents than

actually exist, or various other suspicious items. Several posts have an income tax fraud program where the consular officer, in suspecting a fraudulent return, alerts the IRS office at the Embassy for review and appropriate action. When the person who has filed the return, or who signed a joint return, is a U.S. citizen or resident alien, is his privacy violated by the post's sending a copy of the tax return, without his knowledge and consent, to the IRS office at the Embassy?

A: The post may continue to cooperate with the IRS in identifying potential fraudulent income tax returns. ~~The Department has published as a "routine use" of all the Department's name retrievable records the following: "When a system of records... indicates a violation or potential violation of law, the relevant records may be referred as a routine use, to the appropriate agency... charged with the responsibility of investigating or prosecuting such violation." Post cooperation with IRS falls under this provision.~~ In each case there must be an accounting record made in the post's books, as explained in the answer to question 5. The disclosure to the IRS, however, will be made available to the individual named in the record at his/her request because only disclosures made pursuant to Section 552a(b)(7) are protected from disclosure to the individual.

7. Q: Can information (i.e., names and addresses) from American citizen registration cards at a post be given to the IRS?

A: The Department believes that the IRS falls within the category of government agencies with lawful authority to maintain some of the information contained in passport and nationality cards filled out by citizens overseas. The Treasury Department, of which IRS is a part, is listed as a "routine user" of the consular files, of which the registration cards are a part. However, the authority of the IRS to maintain some of the information does not mean the Department is required to disclose such information to that agency. Disclosure under the Act of information to another agency is permissive and not mandatory. Also, the disclosure to IRS of all the information on all the 558 cards that the post has on files could constitute a violation of the Act.

For example, the disclosure of names and addresses of American citizens registered at the Embassy to IRS may be permitted, but only to the extent that the disclosure is necessary for the IRS to perform its lawful functions.

The post should note the definition of "routine use"; the term "routine use", with respect to the disclosure of a record, means that use of such a record for a purpose which is compatible with the purpose for which it was collected. The individual should be advised of these routine uses at the time the 558

card is filled out. In this manner, the information would have been collected for specific purposes and the individual made aware of them. In addition, A Privacy Act Notice similar to that found in attachment III is being prepared for the 558 cards. Again, there must be an accounting record as explained in the answer to question 5.

8. Q: May posts give to DEA representatives, as a routine use, the names of persons who report to the consular officer that their U.S. passports have been lost or stolen?

A: Generally no. In the absence of any evidence indicating that a substantial number of individuals reporting the loss or theft of passports are engaged in narcotics trafficking, or that lost/stolen passports are being used by others to facilitate the trafficking of narcotics, the blanket release of such information to DEA is not authorized. This is not to say that a nexus does not exist between lost/stolen passports and narcotics trafficking. Cases discovered to date, however, fail to provide a basis sufficiently broad enough to justify release of the information contemplated by DEA's request.

In the event that sufficient evidence of a nexus is submitted to the Department, a DEA request will be considered since it is the Department's belief that all possible legitimate aid should be accorded those agencies responsible for combatting narcotics trafficking.

9. Q: Are prisoners allowed to have access to records maintained on them at post?

A: Yes, prisoners may have access to the records maintained on them at post. Requests can be made either orally or by hand-written letter addressed to the Department or the post. A signed, brief request in the prisoners' own words is acceptable; if the request is oral, the consular officer should note the file. A major concern of the Department has been the verification of the identity of the requester, but of course identity rarely is a problem in these cases.

10. Q: Should the prisoner give the post a statement acknowledging that he/she has read his/her file?

A: No, the individual need not give a statement acknowledging that he/she has been given access to the file. However, the post may find it useful for record purposes to maintain an administrative record of such access.

11. Q: Is a statement for the file necessary for any photocopies of his file given to a prisoner?

A: No, a statement for the file is not mandatory for photocopies given to an individual from his/her own file. However, the Department has found that a listing or inventory of the documents released is useful in retrieving records which the individual may later wish to amend.

12. Q: If the prisoner disagrees with certain statements in his/her file, what procedure should be followed if the prisoner wants to make deletions or corrections?

A: Requests for amending records must be in writing and mailed or delivered to the Director, Foreign Affairs Document and Reference Center, Department of State, Room 1239, 2201 C Street, N.W., Washington, D.C. 20520. The request should contain, at minimum, identifying information needed to locate the record, a brief description of the item or items of information to be amended, and the nature of the requested amendment. The burden shall be upon the individual to support his request for amendment, and he should submit as much documentation, argument or other data as seems warranted to support his request.

13. Q: Once a post/consular officer is notified of an arrest of a U.S. citizen, may the citizen prisoner in a foreign country request that no record on him/her be created or maintained?

A: No, the Privacy Act requires that personal information about individuals collected by Federal agencies be limited to that which is relevant, necessary, and for a lawful purpose. The Department, in its public notices under the Act, has identified the statutory and executive order authority for the collection and maintenance of consular files, and has set forth the uses of such records. The Department has therefore notified the public that such records are relevant and necessary for the Department and are legally authorized. The Department, therefore, may maintain records on any individual whose activities place him within the legitimate reporting interest of consular personnel.

The Act does not explicitly give an individual the right to challenge the maintenance of a record system, but, since the Act permits him to request deletion of information about himself that he asserts is not "accurate, relevant, timely, or complete," he can, if he wishes, request deletion of all information about himself, citing the above criteria. However, the Department can determine that the information is relevant and necessary and decline to delete the information, which the individual can contest through an administrative appeal and, ultimately, in court.

14. Q: May information on individuals arrested for narcotics offenses be released to DEA?

A: Yes. If the arrest is a matter of public record, the particulars of the arrest, i.e., the name and other identifying data of the person arrested, where arrested, and the nature of the charge, may be disseminated to DEA.

Also, at the guidance and request of the Department of Justice, the Department has published a prefatory statement of routine uses that applies to all of the Department's records systems. One of the prefatory routine uses states that "In the event that a system of records maintained by the Department to carry out its functions indicates a violation or potential violation of law...relevant records in the system of records may be referred, as a routine use, to the appropriate agency...charged with the responsibility of investigating or prosecuting such violation..." One of the reasons cited by the Justice Department in requesting all Federal agencies to add this routine use is that, although law enforcement agencies may make written requests for information on an individual, 552a(b)(7), the law enforcement agencies may have no idea relevant information on an individual exists in the files of another agency unless the other agency tells the law enforcement agency that it is in possession of information that seems to be reasonably related to legitimate law enforcement interests.

If there are other facets of a case that go beyond the public arrest record, the consular officer should keep in mind the requirement of the Privacy Act that release of information about an individual must be compatible with the purpose for which the information was collected.

"Compatibility" is not an easy standard to define. "Compatible" is defined as "capable of orderly, efficient integration and operation with other elements..." and the concept of compatibility, therefore, permits a consular officer to make available information about an individual to other government agencies if the information is relevant and necessary for that agency to fulfill its mission to assure that the legitimate interests of the public, which include gaining useful information about possible narcotics traffickers, are not frustrated. The Justice Department guidance takes this approach to compatibility. Thus, if an individual is arrested for a drug offense involving hard drugs, trafficking, or an unusual amount of drugs, it would be proper to notify DEA. DEA, however, should have no need to know whether the arrestee had requested an attorney, or other facts relating to the function of the consular officer in assisting the arrestee. If DEA indicates it has an interest in these or additional facts or if DEA indicates it wants access to an entire file on an individual for investigative purposes, the consular officer should request DEA to submit a written request pursuant to subsection (b)(7) of the Privacy Act, as discussed in 5 above.

15. Q: The Customs Attache in one foreign country requested copies of post cables to the Department on all U.S. citizens arrested in that country "so that the U.S. Customs can focus our narcotics interdiction and enforcement of other customs laws on these individuals when they return to the States." Does this violate the Privacy Act?

A: Generally yes. Even though arrests generally are matters of public record, the Department is aware that dissemination of records of arrest, particularly where there is no disposition of the charge, could result in prejudicial effects on the individual. The Department would, therefore, advise the post to provide Customs only with arrest records which indicate a customs enforcement interest and narcotics involvement.

16. Q: May a post release information regarding an American citizen arrested in one foreign country to the Legal Attache at an Embassy in another country without specific permission from the individual?

A: See answers to questions 5, 14 and 15.

17. Q: An American has been arrested overseas on local charges and the local police have informed us that he is listed with them as a fugitive from justice in the U.S. May the proper U.S. law enforcement authorities be informed by the post about his location and arrest?

A: Yes. If an arrest is a matter of public record in the country where the person has been arrested, the particulars of the arrest, i.e., the name and other identifying data of the person arrested, where arrested, the nature of the charge, etc. may disseminated to other Federal, State or Local law enforcement agencies. If the local arrest is not a matter of public record, the post may still notify the proper U.S. law enforcement authorities about the location of the fugitive. The Department has published a "prefatory routine use" for all its record systems the following: "When a system of records indicates a violation of law, the relevant records may be referred, as a routine use, to the appropriate agency...charged with the responsibility of investigating or prosecuting such violation..." Reporting the whereabouts of a fugitive is thus sanctioned under the Department's published routine use provisions. (An accountability record must be made.) Also, the Department does not believe it was the intent of the Privacy Act to frustrate the operation of extradition treaties, which are negotiated for the express purpose of obtaining the return of fugitives.

18. Q: Since the privacy of other persons must be protected, should the post make available pages in the individual's file pertaining only to him/her, deleting any portions with information from other private parties?

A: Generally yes. But, a distinction must be drawn between information about another individual, and information from another individual. Information about person B in the file of person A may be denied to person A if the information would constitute a clearly unwarranted invasion of the privacy of person B.

Information from person B about person A usually may not be denied to person A unless it is classified information, information compiled for law enforcement purposes, or if B is a confidential source in a suitability/security investigation. There may be unusual instances, however, where the information from person B also relates to person B, in which case the information may be deleted as an unwarranted invasion of B's privacy.

19. Q: If a source of information is another government agency, may the Department delete the name and identification of that agency from documents about the individual?

A: No. The Office of Management and Budget has discouraged agencies from treating other agencies as confidential sources, as this practice could defeat one of the principal purposes of the Act, which is to allow an individual to find out what information an agency holds on him and to what other agencies that information has been disseminated.

20. Q: If an individual requests his file, should portions dealing with comments from and identities of authorities in the host country such as judges or prosecutors or law enforcement officials be deleted? What if information from local officials was furnished the post on a confidential basis or if the source requested that his name be kept confidential?

A: Generally no. Unless the identity of the foreign source can be protected under exemptions [(B)(1), (2) or (5)] there is great likelihood that it would have to be released. Posts are urged not to make the name and status of foreign officials a matter of record in cable, airgrams or other correspondence if there is any sensitivity at all about their cooperation with U.S. authorities. The Department cannot protect the source merely because the cable or message has "protect source" inserted after his name.

21. Q: (a) May a person who is now a resident alien have access to the visa file compiled on him before he obtained resident alien status? (b) Does the confidentiality provision of Section 222(f) of the Immigration and Nationality Act. [8 U.S.C. 1200(f)] take precedence over the access provisions of the Privacy Act?

A: (a) Yes. (b) No. The Department cannot rely upon an exemption applicable in freedom of information requests to withhold from an individual any record which is otherwise available under the Privacy Act.

22. Q: Does a non-citizen or non-resident alien parent of a minor have a right of access to the file of the minor?

A: Yes. The Privacy Act (subsection h) specifies that the parent of any minor may "act on behalf of the individual" for the purposes of the Act, which include requests for access. The Act does not restrict the definition of parent to a U.S. citizen or resident alien parent, and therefore a non-U.S. citizen parent or non-resident alien parent may obtain access to records about his/her minor U.S. citizen or resident-alien child. A post should carefully review a file on a minor, however, before releasing it to a parent, as a minor might well have a legitimate expectation of privacy as to some information in a file as, for example, anything said to a consular officer in confidence. It is the Department's opinion that subsection (h) of the Act was not intended to nullify any and all rights of a minor with respect to parents or guardians.

23. Q: If the parents of a minor are divorced, can the parent who has not been awarded custody of the minor request information about the minor?

A: Yes. Custody makes no difference. If the individual can prove to the satisfaction of a post that he/she is the parent of the minor, he/she may request and receive access to information on the minor.

24. Q: May the post release to anyone the passport number of an American citizen?

A: Yes. Since a passport is the property of the Government, (22 CFR 51.9) and is often used as a document of identification, the passport number is not an item of information about an individual which is subject to privacy protection.

25. Q: May a post reveal that an individual has been granted a visa entitling him to resident alien status and where the visa was issued?

A: Yes. The Department has taken the position that admission of the status of an individual, whether it be citizen or resident alien, is not a clearly unwarranted invasion of privacy, and thus it may be released.

26. Q: Is information about a deceased individual covered by the Privacy Act?

A: No. The Privacy Act, by its terms, pertains only to living individuals. Release of information about a deceased individual is governed by the terms of the Freedom of Information Act. All inquiries about deceased individuals should be addressed to Director, Freedom of Information Staff, Bureau of Public Affairs, Department of State, Washington, D.C. 20520. The inquiries are reviewed on a case by case basis; normally, the next-of-kin of the deceased will be provided with information from the decedent's file, while curious third parties will be denied access to the material where public disclosure would constitute a clearly unwarranted invasion of the personal privacy of the decedent's family and, sometimes, the decedent himself. The decision to deny or release this information can not be made at post, but instead must be made only by designated Freedom of Information Officers who are at the Deputy Assistant Secretary level or equivalent ranks. *secondary*

27. Q: Local authorities have informed us that an elderly and infirm American citizen who is known to have considerable financial resources in the States is not paying her bills or rent, claiming she has no money. She will not authorize the post to contact her bank or attorney or family about obtaining money or about repatriation. Does the post have any recourse?

A: Yes. Section (b)(8) of the Privacy Act authorizes agencies to divulge information about an individual without prior consent in instances of "compelling circumstances affecting the health or safety" of an individual. This situation seems to fall within (b)(8).

28. Q: A parent writes to a post that she has not received any letters from her adult child, known to be living in the consular district, for over 6 months. She also asks the post to tell her where and how her child is. May the post respond if the child won't give consent to tell anything to the mother?

referred to (b)(8) Director
A: No. Since an individual has a right to be let alone and a right to be missing if he chooses, the post may not report his welfare or whereabouts to the mother without his consent. The Department may, however, pass to the mother the information that the child has been contacted, without revealing the location, and inform the mother that the child has not granted the Department his consent to reveal anything about himself to the mother.

29. Q: If an American citizen overseas is in difficulty, either financial or with local law enforcement officials, and appears, in the opinion of a local physician or health care specialist, to be having mental problems, but has not been formally adjudicated as mentally incompetent, may the post and/or the Department notify family or friends in the U.S. of the individual's predicament, and ask for assistance, without the express permission of the individual?

A: Yes. Again, Section (b)(8) authorizes an agency to divulge information about an individual without his/her prior consent where there are "compelling circumstances affecting the health or safety" of the individual.

30. Q: If an American overseas is physically incapacitated, due to accident or illness, may the post and/or the Department contact family or friends here and ask for assistance without the express permission of the individual?

A: Yes. See the answer to question 27, above.

31. Q: (a) If an American overseas is held incommunicado in a hostage situation, such as a hijacking or other terrorist activity, may information concerning that individual be released to the family? (b) May information be released to Congressional offices? (c) May information be released to friends and the media?

W.H. A: (a) Yes. Information which is not classified and which concerns the individuals well being can be released to the immediate family. (b) Yes, if the citizen's family has requested the Congressional office to obtain information. (c) No. Information can be provided explaining the Department's action in hijacker cases and that we are monitoring the situation. Specific details concerning the U.S. citizen involved, however, cannot be released.

32. Q: (a) If an American is considered "missing" abroad, not only by family or friends, but also by local authorities, may information be released on that individual to the immediate family? (b) May information be released to Congressional offices? (c) May information be released to friends and the media?

A: (a) See the answer to question 31(a), above. (b) See the answer to question 31(b), above. (c) See the answer to question 31(c), above.

33. Q: The post maintains a list of attorneys, and some of the attorneys are American citizens. Is the post required to obtain the consent of the citizen attorney before it can publish in its list information about the citizen such as the law school he attended, where he was admitted to the bar, his age, his home telephone number, etc?

A: No. Files are not kept at a post under individual attorneys' names. Thus, the list of attorneys is not name-retrievable and does not fall within the definition of records covered by the post.

-15-

PRISONER RELEASE FORM

The attached release form (Attachment III) must be completed in all cases before any information (other than information already in the public domain) can be released. The prisoner's name should be typed in under the signature to avoid any problems of semi-legible or illegible signatures. The blank spaces after the word "Consulate" are provided so that Consulates General may type in the word "General". The form should be duplicated by each post as needed.

CLARIFICATIONS/ADDITIONAL QUESTIONS

Posts who wish clarification on any questions covered in this Airgram or have other questions they need answered, should direct these inquiries to the Bureau of Consular Affairs (CA), who, after consultation with L/M and PADRC, will provide additional guidance and assistance.

VANCE

Attachments:

- I - Model letter from other government agencies requesting information from consular files
- II - Record of Release of Information form
- III - Prisoner Release Form. (2 pages)

Attachment I (Model Letter from a Law Enforcement Agency)

Drug Enforcement Administration
308 Devey Boulevard
Bangkok, Thailand

Date:

American Embassy
Bangkok, Thailand
Attn: Consular Section

To Whom It May Concern:

In connection with an official investigation being conducted by this Bureau, it is requested that the passport file of the following individual be made available to a representative of this office for appropriate review:

Name:

Date of Birth:
Place of Birth:
Passport Number:
Social Security Number:

Your cooperation in this matter is sincerely appreciated.

Very truly yours,

Name
Title

Attachment II (Record of Release of Information)

DEPARTMENT OF STATE

CONSULAR AFFAIRS

RECORD OF RELEASE OF INFORMATION

Subject File Title: _____

Date and Place of Birth: _____

Name and Title of Reviewer: _____

Date Reviewed: _____ By Whom Released _____

Purpose of Review: _____

Date of request from the head of the requesting agency: _____

Law enforcement activity: Criminal/Civil

Specify statutes _____

Statutory Authority:

As a duly accredited representative of the requesting agency named above I hereby certify, by my signature, that the review of this title is on behalf of the agency I represent, and is for official United States Government use only. All information extracted or obtained will be handled in accordance with its classification. I further understand that no papers are to be taken from the file without the authorization and consent of the officer of the Foreign Service who released this file for review.

Signature of Reviewer_____
Date

American Consulate
Protection and Welfare Section

Address

In accordance with the Privacy Act (PL 93-579) passed by Congress in 1974, the Consulate cannot release any information regarding you that is not considered to be in the public domain to anyone without your written consent except as set forth in the Act. Therefore, it is requested that you complete the authorization below specifying whom the Consulate may contact and release information to with regard to your case. Please return the completed authorization to the Consular Officer or to the address given above.

AUTHORIZATION FOR THE RELEASE OF INFORMATION UNDER THE PRIVACY ACT

_____, do hereby authorize the Consulate
(your name)
_____ of the United States of America at _____
and the Department of State to release information
regarding my _____ to the following;
(specify type of consular assistance)

A. NAMES AND ADDRESSES OF PERSON(S) YOU WISH THE CONSULATE TO CONTACT

(name)

(address)

(name)

(address)

(name)

(address)

B. IN THE EVENT OTHER PERSONS REQUEST INFORMATION REGARDING MY CASE INFORMATION CAN BE RELEASED TO THE FOLLOWING:

Yes No Family (other than those listed under item A)

Yes No Friends (other than those listed under item A)

Yes No Individual members of Congress

Yes No Members of the Press

Yes No The General Public

Information will only be released under Item B if requested and if we have your authorization.

(date and place)

(signature of individual)
(individual's name)

PRIVACY ACT NOTICE FOR USE WHEN REQUESTING INFORMATION
FROM U.S. CITIZENS IN CONNECTION WITH CONSULAR SERVICES

The information requested is authorized by 22 USC 2658
and is voluntary.

The primary purpose for soliciting the information is to
establish your citizenship, identity, and entitlement to
welfare and protection services by the U.S. Government.
The information is also needed to assist you in your
present need for consular services.

This information may be made available on a need-to-know
basis to personnel of the Department of State and other
Government agencies having statutory or other lawful
authority to maintain such information in the performance
of their official duties. It may also be made available
to officials of the host government, should the disclosure
of such information be considered to be in your interest.

Failure to provide the information requested on this form
may make it difficult or impossible for the Department of
State to assist you.

NOV 30 1978

MEMORANDUM

TO: ARA/CAR - Ashley C. Howitt, Jr.
THRU: FADRC/DR - Frank M. Machak
FROM: FADRC/DR/PAS - Mary A. Petrino
SUBJECT: Privacy Act Records on the People's Temple

On Wednesday, November 29, the Privacy Staff forwarded all information pertaining to the People's Temple to the Retrieval Division, Foreign Affairs Document and Reference Center. We have matched and indexed all documents retrieved pursuant to those Privacy Act requests with the material which the Retrieval Division located among the Central Foreign Policy Records.

For your information, I have included a list of those People's Temple members who submitted Privacy Act requests to the Department.

Attachments:
As stated

Drafted by: FADRC/DR:MAPetrino:tb 11/30/78
Approved by: :SBKotok
 :FMMachak



DEPARTMENT OF STATE

Washington D C 20520

NOV 30 1978

MEMORANDUM

TO: FADRC/DR - Frank M. Machak *Ⓢ*

THRU: FADRC/DR/PAS - Sharon B. Kotok, Chief *K*

FROM: FADRC/DR/PAS - Mary A. Petrino *map*
The Privacy Staff

SUBJECT: Privacy Act Requests: Records Pertaining to the
People's Temple of the Disciples of Christ

*Moted Return
Pamgo 12/1*

From early in October through December of 1977, the Department's Privacy Staff received daily requests from the Law Offices of Garry, Dreyfus, McTernan, Brotsky, Herndor, and Pesonen on behalf of members of the People's Temple. The Privacy Staff, according to the Department's regulations, determined that since these letters asked for personal information pertaining to each of the requesters, the requests would be processed under the provisions of the Privacy Act of 1974.

After considering the administrative aspects of a case involving numerous requests, the Privacy Staff assigned the case to one case officer in order to assure continuity in processing these cases. Initially, we determined that the Central Foreign Policy Records and the Security Records would most likely contain information pertaining to the People's Temple requesters.

When our efforts in searching these systems indicated that little if any information existed among these record systems, we contacted Charles M. Garry in order to ascertain what the Department had overlooked in responding to these requests. Mr. Garry indicated that a search of the records at the American Embassy in Georgetown, Guyana could produce documents regarding his clients.

On December 2, 1977, the Department informed the post of the existence of numerous Privacy Act requests from members of the People's Temple. On December 15, the post replied that

material on the People's Temple did indeed exist in the post files. Therefore, on December 14, the Department's Privacy Staff forwarded an Operations Memorandum listing the names and dates and places of birth of all People's Temple requesters.

Georgetown responded to our request for records on March 23, 1978, and pouched copies of memoranda to the files as well as a listing of all telegraphic traffic pertaining to the People's Temple.

For some time following the pouching of this material, considerable question arose as to how to process this material. The Privacy Staff finally determined that, rather than split the case between Privacy and Freedom of Information Staffs, Privacy Staff should continue to process the case.

On October 4, the "no records" requests were confirmed by all offices and replies were forwarded to the appropriate individuals. The attached listing of all People's Temple requests shows five requests still pending since September 25, 1978 in the Office of Special Consular Services and the Bureau of Inter-American Affairs. ARA has agreed to move forward with the processing and conclusion of these outstanding cases. However, SCS has voiced considerable reservation regarding the disposition of the cases in light of the pending Congressional and Federal Bureau of Investigation inquiries. SCS believes that authorities at the highest level of the Department must mandate them to complete the review of these documents, since the release of the documents in question might compromise the effectiveness of the recently-initiated investigations into the murders of Congressman Leo J. Ryan and others in Guyana.

Attachments:

1. Department's OM, December 14, 1977
2. Georgetown's OM, March 23, 1978
3. Compliance List

UNCLASSIFIED**OPERATIONS MEMORANDUM**

TO: ASSISTANT ATTORNEY GENERAL

DATE: 03/14/77

FROM: Department of State (O/FADRC)

SUBJECT: Privacy Act requests of Disciples of Christ Church

REF: STATE 267946

In a request requesting information about Reverend James H. Jones, Jr., FADRC stated that law firm (Garry, Lroyfus, McIverman, Brotsky, Herndon, & Pezonon, Inc.) made requests on behalf of twenty four other individuals who are members of Peoples Temple of Disciples of Christ Church. Attached is a list of the name, date of birth and place of birth for each of those individuals.

If post maintains any material in Department's records on these subjects, FADRC requests copies of this material with any recommendations post may have for release under provisions of Privacy Act of 1974. If no information exists in Department's records, please respond to FADRC ASNF.

LAURC/DR/ET/achak:lb 12/13/77

UNCLASSIFIED

NAME	DATE OPENED	POSITIVE RECORD	NEGATIVE RECORD	DATE OF REPLY	PENDING REVIEW
ADAMS, Elton T.	10/17/77	PPT	A/SY FADRC GTWN	10/4/78	
ADAMS, Paula	12/9/77	GTWN	A/SY FADRC	PENDING IN ARA & SCS	1 MEMO
AMOS, Linda S.	11/30/77		A/SY FADRC GTWN	10/4/78	
BEAM, Rheaviana	11/30/77		A/SY FADRC GTWN	10/4/78	
BRADSHAW, Sandra L.	10/17/77		A/SY FADRC GTWN	10/4/78	
BROWN, Jean F.	10/17/77	FADRC -3	A/SY GTWN	10/4/78	
BUFORD, Teresa J.	10/17/77		A/SY FADRC GTWN	10/4/78	
CHAIKIN, Eugene B.	10/17/77	GTWN -1	A/SY FADRC	PENDING IN ARA & SCS	1 TELEGRAM
CRYM, June B.	10/17/77		A/SY FADRC GTWN	10/4/78	
INGRAM, Marion Lee	10/17/77		A/SY FADRC GTWN	10/4/78	

NAME	DATE OPENED	POSITIVE RECORD	NEGATIVE RECORD	DATE OF REPLY	PENDING REVIEW
JONES, Ava Brown Cobb	10/17/77		A/SY FADRC GTWN	10/4/78	
JONES, Rev. James W.	10/17/77	GTWN - 23 FADRC - 1	A/SY	PENDING IN ARA & SCS	3 MEMOS 20 TELEGRAMS 1 LETTER
JONES, Johnny Moss	10/18/77		A/SY FADRC GTWN	10/4/78	
KATSARIS, Maria	10/17/77	GTWN - 2 FADRC - 3	A/SY	PENDING IN ARA & SCS	2 MEMOS 3 TELEGRAMS
KLINGMAN, Michael	10/18/77		A/SY FADRC GTWN	10/4/78	
LAYTON, Carolyn	10/17/77		A/SY FADRC GTWN	10/4/78	
LAYTON, Karen	10/17/77		A/SY FADRC GTWN	10/4/78	
PROKES, Michale J.	10/17/77		A/SY FADRC GTWN	10/4/78	
PUGH, Eva	10/17/77		A/SY FADRC GTWN	10/4/78	
PUGH, James R.	10/17/77		A/SY FADRC GTWN	10/4/78	

NAME	DATE OPENED	POSITIVE RECORD	NEGATIVE RECORD	DATE OF REPLY	PENDING REVIEW
RANDOLPH, James R.	12/9/77		A/SY FADRC GTWN		
STAHL, Alfred R.	11/30/77		A/SY FADRC GTWN	10/4/78	
STAHL, Carol A.	10/17/77		A/SY FADRC GTWN	10/4/78	
TOUCHETT, Joyce	11/30/77	GTWN	A/SY FADRC	PENDING IN ARA & SCS	2 TELEGRAMS
TROPP, Harriet S.	10/17/77		A/SY FADRC GTWN	10/4/78	
TROPP, Kathryn R.G.	10/17/77		A/SY FADRC GTWN	10/4/78	
TROPP, Richard D.	10/17/77		A/SY FADRC GTWN	10/4/78	

Freedom of Information Act (FOIA) Requests

The two cases listed below are the only two FOIA requests received by the Department pertaining to the People's Temple prior to November 18, 1978.

1. CASE, Ross: Requester

Documents requested:	Affidavit given to US Embassy Guyana on or about May 14, 1978 by Deborah Layton regarding the People's Temple Mission at Jonestown.
July 26, 1978	: Request received in PA/FOI.
August 7, 1978	: Request sent to CA for record search.
October 6, 1978	: Response from CA with notation to try American Embassy Georgetown.
October 20, 1978	: Request sent to Georgetown.
October 25, 1978	: Response from Georgetown enclosing two affidavits.
November 2, 1978	: Affidavits sent to CA for review under FOIA.

- 2 -

Review Pending in CA

2. DOUGHERTY, Paul W. : Requester for National Enquirer.
- Documents requested : All records on Reverend Jim Jones and US citizens in Guyana.
- August 1, 1978 : Request received in PA/FOI.
- August 8, 1978 : Request acknowledged by PA/FOI.
- August 11, 1978 : Request sent to FADRC and ARA for record search.
- August 29, 1978 : Response from FADRC with 17 documents retrieved from the central files.
- August 30, 1978 : Documents located by FADRC sent to ARA for review under FOIA.
- August 31, 1978 : Request sent to CA for record search and review of any documents located in CA.
- September 18, 1978 : Response from ARA with comment of no objection to release of 17 documents provided CA concurs.
- September 18, 1978 : 17 documents sent to CA for review under FOIA.
- September 28, 1978 : Response from ARA to search request of August 11, 1978 with notation of no records located.

Search and Review Pending in CA (SCS)

Please note that our FOI records are kept under the name of the requester and that without the name it is impossible to make a comprehensive search for requests by subject matter (we checked under Garry with negative results).

However, it is the recollection of all staff members that very few, if any, other cases on this subject were received prior to the Jonestown massacre.

1979

B. STAFF INVESTIGATIVE GROUP INTERNAL MEMORANDUM DESCRIBING THE GENERAL PROVISIONS OF THE PRIVACY ACT AND THE FREEDOM OF INFORMATION ACT AND ANALYZING THE DEPARTMENT OF STATE'S PERFORMANCE IN IMPLEMENTING THOSE TWO ACTS

TO: George Berdes, Ivo Spalatin, Tom Smeeton
 FROM: Bob Huber
 SUBJECT: The Privacy Act, the Freedom of Information Act and the State Department

The information provided in this memorandum attempts to lay out general information without attempting to demonstrate an "expert's" knowledge of the difficult subject matter involved.

DESCRIPTION OF THE PRIVACY ACT

The Privacy Act includes the following provisions and requirements:

- Defines the terms "agency," "individual," "record," "system of records," "statistical record," and "routine use," for purposes of the Act.
- Prevents the disclosure of any record contained in a system of records to any person, or to any other agency without the prior written request or consent of the individual involved. This disclosure restriction does not apply to 11 different types of disclosures.
- Requires agencies keep an accounting of disclosures for at least five years on the life of a record whichever is longer and inform any person or other agency to whom the record has been disclosed, any correction of such record.
- Establishes procedures for providing an individual access to records or any information pertaining to him in a system of records and permits the individual to request amendment of such a record. The agency has 10 days after date of receipt of such a request to make corrections if necessary or refuse to amend the record. The individual may request a review of that refusal by the head of the agency involved or his designee. The agency head has 30 days to review the case and if such official refuses to amend the record notify the individual of the provisions for judicial review of the officials determination refusing to amend the record. This section does not allow an individual access to any information compiled in anticipation of a civil action or proceeding.
- Requires agencies to maintain records relevant and necessary to the agency's purposes as established by statute or executive order, collect information to the maximum extent possible from an individual himself, inform individuals asked to supply information the authority purpose for routine uses, and effects on that individual if he provides such information, publish annually in the Federal Register a notice regarding the existence and character of the system of records it keeps, take necessary steps to insure the accuracy of

Page Two

Information kept and disclosed about individuals, maintain no record describing exercise of First Amendment rights except pertinent to law enforcement activities, make reasonable efforts to inform individuals of records disclosed on them under compulsory legal process when such process becomes a matter of public record, and establish rules of conduct for agency personnel handling records and security measures for protection of the records.

-- Requires agencies to promulgate rules establishing procedures whereby an individual can be notified of his request regarding records kept on him, establishing procedures for review of amendment of records and disclosure of information where proper and establishing fees for retrieving records.

-- Establishes civil remedies for individuals seeking amendment and/or disclosure of records kept on him. The district courts of the U.S. have jurisdiction in such cases and determine the matter de novo. Court costs and legal fees may be charged against the U.S. in cases where an individual prevails. Willful or intentional negligence in record keeping by agencies results in agency liability to the individual involved for actual damages sustained by the individual as a result of such negligence.

-- Extends the Act's coverage to include the right of legal guardians to act on behalf of individuals.

-- Establishes criminal penalties for agency employees who when processing or having access to individual records prohibited from disclosure, disclose such records. Also prohibits agency employees from maintaining a system of records without meeting the notice requirements in the Act for the existence of such a system.

-- Exempts from certain requirements of the Act records maintained by the CIA, records maintained by an agency performing as its principal function any activity pertaining to the enforcement of criminal laws and which involves information compiled for purposes of identifying individual criminal offenders, for purposes of a criminal investigation or is a record identifiable to an individual compiled at any state of the process of enforcement of criminal laws. Agencies are required to promulgate rules as to why a system of records would be exempted.

-- Exempts from certain requirements of the Act specific records not included in the above exemption including classified material, investigatory material compiled for law enforcement purposes, information maintained in connection with providing protective services to the President or other individuals and other specific exemptions.

-- Establishes procedures for transfer of records to the National Archives, extends the Act's restrictions to contractors who maintain records for specific agencies, prohibits selling or renting of information on individuals, requires an annual report on number and types of records kept by Federal agencies and establishes a Privacy Protection Study Commission to oversee future development of Federal agency information systems.

Page Three

-- Requires OMB to develop guidelines and regulations for implementing the Act.

DESCRIPTION OF THE FREEDOM OF INFORMATION ACT

The Freedom of Information Act includes the following provisions and requirements:

-- Requires agencies to publish in the Federal Register a description of its central and field organization and how to obtain information or decisions from them, the general course and method by which its functions are channeled, its rules of procedure, statements of general policy, etc.

-- Requires agencies to make available for public inspection and copying final opinions made in adjudication of cases, statements of policy adopted by the agency and administrative staff manuals and instructions to staff that affect a member of the public. Agencies may delete some details to prevent clearly unwarranted invasions of privacy.

-- Requires agencies to make records promptly available to any person. Agencies are required to promulgate regulations regarding retrieval fees.

-- Establishes judicial review and legal remedies with respect to agencies withholding records. Courts may review information in camera to determine whether such record should be released. The burden is on the agency to sustain its action. An agency response is required 30 days after such a complaint is filed in any district court of the United States. The district court is authorized to give such cases precedence on the docket and assess legal fees against the United States in cases where the complainant has prevailed. The Civil Service Commission is empowered to investigate capricious or arbitrary withholding of information and contempt of court may be cited with noncompliance of a court order.

-- Upon a request for records, an agency must determine within ten days whether to comply. A person may appeal to the head of an agency and the agency head is required to respond in 20 days. If he refuses, the judicial review provisions described above may be used by the person requesting the record. Under unusual circumstances, these time limits may be extended by no more than 10 working days.

-- Exempts 9 types of records from the Act's provisions. The exemption includes classified material, information specifically exempted from disclosure by statute, investigatory records compiled for law enforcement purposes and other exemptions.

-- Prohibits agencies from using this Act to withhold information from Congress.

-- Requires an annual report on the agency's record of non-compliance, requests for information, rules of every agency concerning FOI requests, agency retrieval fee schedules, etc.

Page Four

COMMUNICATIONS BETWEEN WASHINGTON AND GEORGETOWN CONCERNING THE PRIVACY ACT

Communications between Washington and Georgetown regarding Privacy Act implementation appears highly technical and legalistic based on the information provided you so far. The Privacy Act became law December 13, 1974. The first communication between Washington and the Embassy occurred on July 17, 1975 in which the post was furnished a copy of the Privacy Act and guidance for its implementation issued by OMB. The State Department also received supplementary guidance on implementing the Privacy Act of 1974 from OMB on November 21, 1975. It is not clear from the information received so far whether this supplementary guidance was sent to the post. Diplomatic and consular posts were provided for their review and comment, the proposed regulations of the Department of State to implement the Privacy Act on September 4, 1975. A copy of the State Department's rules for processing Privacy Act requests and a copy of the Department's 48 name retrievable systems of records were provided to all diplomatic and consular posts in early 1976. Of particular importance was record system No. 25 "Overseas Records" which described in accordance with the Privacy Act, the system location, the categories of individuals covered by the system, the categories of records in the system, the authority for maintenance of the system, etc. The first clarification to the posts with respect to providing guidance on how to handle certain types of Privacy Act requests did not occur until November 18, 1977, according to the information provided us. According to Barbara Watson, she had received "numerous inquiries" on how to comply with such requests between July 17, 1975 when the OMB guidelines were sent and the November 18, 1977 dispatch. This clarifying dispatch represented the first practical day-to-day type guidance for consular officers. Previous communications involved either sending guidelines and rules and regulations to the field concerning the Privacy Act or requesting assistance from the field in isolating categories of individuals or records to fulfill State Department's statutory requirements under the Act. The November 18, 1977 dispatch asked questions and issues faced by consular officers in their dealings with Privacy Act requests. One can probably understand, therefore, the confusion that ensued from time of enactment until the time of November 18, 1977 airgram.

This confusion was best demonstrated by a September 5, 1978 airgram to all diplomatic and consular posts, the partial text of which follows:

"In responding to court complaints, we have been embarrassed by our failure to assure the court that we had retrieved all relevant documents. Frequently, posts have produced additional records after the requester had taken the Department to court. This had led requesters to believe that the Department has willfully withheld documents."

This type of development seems to suggest poor coordination between Washington and the field in general on post responsibilities and requirements with respect to the Privacy Act.

Page Five

PROCESSING OF PRIVACY ACT REQUESTS BY U.S. EMBASSY

According to information supplied by the Department of State, the Department of State received 26 Privacy Act requests from the People's Temple in the period from October-December 1977. Again, the apparent poor lack of communication and coordination is evident. First, records were scanned in Washington and little if any information was found. Upon contact with Charles Garry, whose law firm had made the request for the 26 individuals involved, Garry indicated a search of records in Georgetown would produce documents on his clients. On December 2, 1977 the post was notified of the Privacy Act requests and on December 15 the post replied that information existed in the post files. Georgetown responded on March 23, 1978 with Washington's request for records. For some time after, question of how to process the material resulted in further delay. It was not until October 4, 1978 that information was forwarded to various individuals in some cases. Five records are still pending, pertaining to Paula Adams, Eugene Chaikin, Jim Jones, Johnny Moss Jones, and Joyce Touchette. Thus, there was a considerable delay in the processing of Privacy Act requests with respect to the People's Temple for reasons that are unclear.

U.S. Embassy Georgetown listed 22 telegrams and several memoranda for the file which contained references to one or more of the individuals which Garry's law firm had made Privacy Act requests for. In the March 23 memorandum to Washington, the Embassy indicated that many of the cables and documents also included references to individual American citizens who were not among the 26 individuals making Privacy Act requests. Furthermore, the Embassy emphasized that several of the cables and documents dealt with the Stoen custody case and that if Garry's law firm received these documents, the plaintiffs might register objection to release of the documents. The Embassy also objected to the release of three specific documents that involved classified information that might have an impact on U.S. relations with Guyana.

THE PRIVACY ACT'S IMPACT ON EMBASSY PERSONNEL

For purposes of analyzing the impact of the Privacy Act on the ability of Embassy personnel to candidly report their observations about People's Temple, I have isolated 6 documents that were included in the list of documents listed by the U.S. Embassy as containing information on individuals to whom Privacy Act request had been made by the People's Temple. All 6 were cabled after December 2, the day Washington notified the U.S. Embassy that Privacy Act requests were being made on individuals mentioned in those documents. I have analyzed the tone of the language to better determine how the documents to Washington may have been effected by the possibility. Privacy Act requests might be made on such documents. The 6 documents are Nos. 62, 64, 66, 80, 92, and 94 in the cables provided us by the State Department. While judgments are difficult to make under these circumstances, I offer the following observations.

(1) The tone of the cables seems to be neutral in the sense that the bulk of the information contained represents a simple reporting of information given to Consul by another individual. Few comments are offered.

(2) The cables do not lack useful information. Extensive descriptions of interviews with Haas, Jones and the Minister of Justice are contained and the information does not appear shorn of detail.

Page Six

(3) The cables express impartiality of the U.S. Embassy regarding the parties in the Stoen case. This impartiality does not seem contrived or artificial (for purposes of writing the cable) especially in light of the reporting of Consul's interview with the Minister of Justice concerning the nature of Guyanese law with respect to child custody cases and the options available to both parties.

I will clarify or elaborate on any information contained in this memorandum if you feel necessary.

**C. STAFF INVESTIGATIVE GROUP MEMORANDUM ELABORATING ON
THE PROVISIONS OF THE FREEDOM OF INFORMATION ACT, AND
EXEMPTIONS FROM AGENCY DISCLOSURE OF INFORMATION
UNDER THE FREEDOM OF INFORMATION ACT**

Committee on Foreign Affairs

MEMORANDUM

April 2, 1979

TO: George Berdes, Ivo Spalatin, Tom Sweton
FROM: Bob Huber
SUBJECT: Elaboration of the Provisions of the Freedom of Information Act

Background:

The information provided in this memorandum attempts to lay out general information without attempting to demonstrate an "expert's" knowledge of the difficult subject matter involved.

The purpose of this memorandum is to further elaborate on the provisions of the Freedom of Information Act (FOI) which were briefly summarized in my March 16 memorandum. This memorandum will specifically focus on the exemptions provided with regard to release of information under the FOI Act in order to better understand the nuances and "gray areas" involved in the decision by an agency to release or not to release. Unlike the Privacy Act, the FOI Act has been the subject of extensive litigation regarding the question of disclosure and thus provides agencies with legal precedents to guide their decision to disclose or withhold certain types of information. This, in turn, may guide their actions on collecting information on individuals and groups in the course of day-to-day operations.

Materials Exempted from Disclosure Under the FOI Act:

The nine exemptions to disclosure involve material related to:

- 1) national defense and foreign policy matters that are (a) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (b) are in fact properly classified pursuant to such Executive order.
- 2) internal rules and practices -- matters that are related solely to the internal personnel rules and practices of an agency.
- 3) matters that are specifically exempted from disclosure by statute.
- 4) information given in confidence - matters that are "trade secrets" and commercial or financial information obtained from a person and privileged or confidential.
- 5) internal communications- matters that are "inter-agency or intra-agency" memorandums or letters which would not be available by law to a private party in litigation with the agency.

Page Two

6) protection of privacy -- matters that involve personnel files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

7) investigating records - matters that are "investigatory" records compiled for law enforcement procedures but only to the extent that the production of such records would (a) interfere with enforcement proceedings, (b) deprive a person of a right to a fair trial or an impartial adjudication, (c) constitute an unwarranted invasion of personal privacy, (d) disclose the identity of a confidential source and in the case of a record compiled by a criminal law-enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, disclose confidential information furnished only by confidential source, (e) disclose investigative techniques and procedures, or (f) endanger the life or physical safety of law enforcement personnel.

8) information relative to financial institutions - matters that are "contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency for the regulation or supervision of financial institutions.

9) information concerning wells - matters that are "geological and geophysical information and data including maps, concerning wells."

It would seem that exemptions 1, 4, 5, and 7 have varying degrees of applicability and could possibly have been invoked by the State Department regarding information on the People's Temple. In the case of exemption 1, conversations with Guyanese officials about the People's Temple might have been exempted if the presence of the Temple was considered as having an effect on U.S. foreign policy towards Guyana and the conversations were regarded as privileged discussion with regard to U.S.-Guyanese relations. (It should be noted that the FOI Act requires any segregable portion of a record shall be provided to any person requesting such record after deletion of the portions exempt under the Act.)

In the case of exemption 4 which has been interpreted to extend beyond only commercial or financial information, exemption 4 could be used to protect information that a private individual wishes to keep confidential. Exemption 5 might have been invoked if the State Department in Washington had decided instructions or guidance to the consular officer in Georgetown was required to protect U.S. citizens in Jonestown. Finally, exemption 7 would particularly apply where disclosure of information would deprive a person of a right to a fair trial or an impartial adjudication. Exemption 7 would have definite relevance for example, in the Stoen custody case.

Legal Precedents Supporting Withholding of Disclosure Under Exemptions 1, 4, 5, and 7:

With respect to exemptions 1, 4, 5, and 7, the FOI Act and agency discretion in withholding information under these exemptions, there are a number of legal precedents which establish relatively broad-based discretion to withhold information. While there are also legal precedents narrowly restricting an agency's right to withhold, and every judicial proceeding carries with it special circumstances which might result in adverse decisions requiring agency disclosure, ~~the legal precedents in favor of an agency's right to withhold suggest a certain leeway that agencies can exploit and be cognizant of in the fulfillment of their responsibilities.~~

The following legal precedents exist for supporting broad-based agency withholding of information under exemptions 1, 4, 5, and 7.

Page 3

Exemption 1 - National Defense and Foreign Policy:Epstein vs. Resor - 1970

Background: A historian sought to enjoin the Secretary of the Army from withholding a file entitled "Operation Keelhaul" which was classified as "Top Secret." The Court in refusing to hold a trial on the merits of the classification stated that "the Congress did not intend to subject such classification to judicial scrutiny to that extent. To hold that the agencies have the burden of proving their action proper even in areas covered by the exemptions would render the exemption provision meaningless."

Moss vs. Laird - 1971

Background: Representative John Moss sought the release of the forty-seven volume History of U.S. Decision-Making Process on Vietnam Policy (the Pentagon Papers) after the Defense Department refused to disclose the documents. In upholding the Pentagon's decision Judge Gesell noted that the Pentagon had reviewed the volumes fully earlier that year and declassified large portions already published in newspapers and in book form. Sworn affidavits were submitted to the court which suggested that disclosure of portions still classified would compromise American defense arrangements and military and intelligence plans and strategies. Citing Epstein vs. Resor the court found in camera inspection of documents withheld under exemption (b)(1) unnecessary and inappropriate.

(It should be noted that as a result of the previous two cases and others with similar determinations, the FOI Act Amendments, 1974, authorized in-camera judicial inspection of classified documents with the burden of proof on the agency to demonstrate the documents are properly classified pursuant to Executive Order. Nonetheless, agencies may be at an advantage in in-camera judicial review of documents insofar as the plaintiff does not know what the government is showing the court and consequently, this places a substantial burden on judges).

Exemption No. 4 - Information Given in ConfidenceBarcelonata Shoe Corporation vs. Compton

Background: The Court permitted the National Labor Relations Board, pursuant to its policy to withhold the statements of National Labor Relations Board witnesses until the persons giving the statements have testified at a hearing. This case thus purports to exempt "confidential" information without regard to whether it is commercial or financial information.

Brockway vs. Department of the Air Force - 1975

Background: The Air Force withheld from disclosure an airplane manufacturers findings and opinions as to possible causes of an airplane crash. In response to plaintiff's contention that the report was not "commercial or financial information" the court stated that the phrase must be given a "common-sense interpretation consistent with the purpose of the exemption which is to protect the privacy and competitive position of persons who provide information to assist governmental decision-making under assurances of confidentiality."

Page 4

Exemption 5 - Internal Communications:Renegotiation Board vs. Grumman Aircraft Engineering Corp. - 1975

Background: The Court allowed the withholding of Regional Board and Division Reports since they were used by the full Board as a basis for discussion and were merely recommendations, subject to further consideration by the National Renegotiation Board.

United States vs. J.B. Williams Company, Inc. - 1975

Background: The Court in this case, made a distinction between "decisional memoranda prepared in order to assist an agency decision-maker arriving at his decision, which are exempt from disclosure, and post-decisional memoranda setting forth the reasons for an agency decision already made which are not."

Exemption 7 - Investigatory Records:Rural Housing Alliance vs. Department of Agriculture - 1974

The Court, in reviewing a request for reports of a U.S. Department of Agriculture investigation of governmental housing discrimination in Florida, considered whether the reports were compiled for law enforcement purposes in either civil or criminal matters or as a part of the Department of Agriculture oversight of the performance of duties of its employees.

The Court stated that "if the purpose of the investigation was to consider an action equivalent to those which the Government brings against private parties, thus demonstrating that the "law enforcement purpose was not customary surveillance of the performance of duties by government employees but an inquiry as to an identifiable possible violation of law, then such inquiry would have been "for law enforcement purposes" whether the individual were a citizen or government employee.

Weisberg vs. U.S. Department of Justice - 1973

Background: FBI materials concerning the investigation of President Kennedy's death were sought. The Court held that the files were exempt from disclosure because they were investigating files compiled for law enforcement purposes although no prosecution or other methods of law enforcement were undertaken or pending. The focus here was on "how and under what circumstances the files were compiled."

I will clarify or elaborate on any information contained in this memorandum if you feel necessary.

H. (IN CLASSIFIED VERSION ONLY.)**I. (IN CLASSIFIED VERSION ONLY.)****J. SOCIAL SECURITY AND FOSTER CHILDREN****1. (In classified version only.)****2. Correspondence Between Hon. Clement J. Zablocki and the Department of Health, Education, and Welfare on the Issue of the Alleged Theft or Fraudulent Use of Social Security Payments to Members of the People's Temple****A. DECEMBER 11, 1978, LETTER FROM HON. CLEMENT J. ZABLOCKI TO THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

December 11, 1978

The Honorable Joseph A. Califano, Jr.
 Secretary
 Department of Health, Education and
 Welfare
 Washington, D.C. 20201

Dear Mr. Secretary:

The Members of the Committee on International Relations are deeply distressed and concerned over the tragedy which befell the mission to Guyana headed by the late Honorable Leo J. Ryan.

In determining what steps might be taken in the wake of this matter, the Committee is examining all of the circumstances which might have a bearing on this tragic incident. It is therefore, essential that the Department of Health, Education and Welfare cooperate fully with the fact-finding efforts of the Committee in its investigation of the incident.

In this respect, your cooperation is requested in sharing any information your Department has on the alleged theft or fraudulent use of social security payments to members of the People's Temple in the U.S. and Guyana. If you need additional details, please have your staff contact George Berdes, Staff Consultant, who is conducting the Committee inquiry.

Thanking you in advance for your cooperation and assistance, I am

Sincerely yours,

Chairman

B. MARCH 7, 1979, RESPONSE FROM THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE TO HON. CLEMENT J. ZABLOCKI PROVIDING MATERIALS AND INFORMATION RELATED TO THE RESPONSIBILITIES OF THE SOCIAL SECURITY ADMINISTRATION IN PAYING BENEFITS TO MEMBERS OF THE PEOPLES TEMPLE



THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE
WASHINGTON D C 20201

MAR 7 1979

RECEIVED

The Honorable Clement J. Zablocki
Chairman
Committee on International
Relations
House of Representatives
Washington, D. C. 20515

RECEIVED

MAR 0 1979

Dear Clem:

I share the distress felt by the members of the Committee on International Relations over the tragic death of Congressman Ryan. HEW is anxious to assist in the factfinding efforts of the Committee.

~~SSA has conducted a review of its responsibilities and performance in paying benefits to members of the Peoples Temple. The enclosed statement, "SSA Activities Related to the Peoples Temple," is an interim report of this review.~~

The report indicates that, to date, no basis has been found for concluding that the Peoples Temple stole or fraudulently used social security benefits received by its members. SSA will continue to pursue several avenues to verify whether or not beneficiary fraud existed. I will forward a copy of their final report to you as soon as it is complete.

Please let me know if there is anything further we can do to cooperate in your factfinding effort.

Sincerely,

Joseph A. Califano, Jr.

Enclosure

SOCIAL SECURITY ADMINISTRATION
ACTIVITIES RELATED TO THE PEOPLES TEMPLE

1. Responsibility for Determining Basic Entitlement to Social Security Benefits

The Social Security Administration (SSA) is responsible for making findings of fact and decisions as to the rights of individuals who apply for social security retirement, survivors, disability insurance (RSDI) or supplemental security income (SSI) benefits.

With respect to the claims which have been filed by members of the Peoples Temple, the usual policies and standards of evidence have been applied. SSA maintains a separate claims folder for each account on which applications are filed. Such folders contain the documents used as supporting evidence and the decision of award or disallowance made on each claim.

As of November 1978, benefits had been awarded to 190 members of the Peoples Temple who were receiving checks at addresses in Guyana. According to information available, no fraud was indicated in any of these claims.

At this time, there does not appear to be any basis for believing that fraudulent practices existed with respect to claimants who remained in this country. Thus, no attempt has been made to compile a special listing of the beneficiaries in this country who are members of the Peoples Temple.

2. Responsibility for Determining the Need for a Representative Payee

SSA is responsible for determining whether monthly benefit checks should be issued directly to the beneficiary or to a representative payee on his behalf. The usual policy is to have the monthly checks issued to the beneficiary unless there is some indication that the beneficiary is incapable of managing his own funds.

The claims folders of the 190 beneficiaries receiving checks at the Mission Village contain no indication that any adult beneficiary was incapable of managing his own funds. There are no letters of complaint from relatives or friends concerning how the checks were being used or suggesting the need for a representative payee.

No similar study has been done with respect to members of the Peoples Temple who remained in the United States; however, SSA is not aware of any special problems with such cases.

3. Responsibility for Assuring That There Has Been No Assignment of Benefits

SSA is responsible for administering section 207 of the Social Security Act (42 United States Code 407) which provides, "The right of any person to any future payment under this title shall not be transferrable or assignable, at law or in equity...."

The basic policy of SSA is to inquire into the possibility of assignment whenever a beneficiary requests that his checks be mailed to someone else's address. Members of the Peoples Temple who moved to Guyana requested that their checks be mailed to them at the post office box address of the Mission Village. At SSA's request, a consular officer contacted the first group of beneficiaries to make such requests and asked them why they wished their checks mailed to the box address and whether any assignment of the right to future payments had been made to the Peoples Temple.

The Embassy reported that the box address was being used for the convenience of the beneficiaries, that each was receiving and controlling the disposition of his own checks each month, and that there had been no assignment to the Temple. The report brought out the fact that the social security beneficiaries who were living at the Mission Village were heavily influenced to turn over their monthly benefits to the Peoples Temple after their checks were cashed. The beneficiaries indicated, however, that the money given to the Temple was voluntarily given. It was reported that all of the beneficiaries at the Mission Village seemed to be adequately housed, fed, and in relatively good health. Based on such findings, SSA determined that the benefits should continue to be mailed to the beneficiaries at the Mission Village box address. On October 13, 1978, SSA asked the Department of State to verify again that all beneficiaries were able to control their own funds.

While no special review has been done with respect to the beneficiaries who remained in the United States, it may be assumed that they received their checks at their own homes or gave acceptable explanations for receiving their checks at other addresses. In individual cases when members of the Peoples Temple in the United States have been interviewed by SSA representatives, they have indicated that they control the use of their benefits. Any allegations to the contrary would have been fully investigated.

4. Responsibility for Stopping SSI Payments When Beneficiaries Go Abroad

SSA is responsible for administering section 1611(f) of the Social Security Act (42 United States Code 1811(f)) which provides, "... no individual shall be considered an eligible individual for (SSI benefits) for any month during all of which such individual is outside the United States...."

As soon as it was learned that members of the Peoples Temple were moving to Guyana, the SSA district office in San Francisco, working with postal officials and officials of the Peoples Temple, went to extraordinary lengths to ensure that SSA was notified when a member who was entitled to social security benefits moved abroad. This action proved very effective. When members who had been entitled to SSI benefits left the United States, action was taken to stop the SSI payments.

SSA is currently investigating to determine whether any SSI beneficiary may have falsified the date he went to Guyana or gone without notice to SSA thereby receiving SSI benefits to which he would not have been eligible. Thus far, only one instance has been found where a beneficiary had gone to Guyana without notice to SSA. Her SSI checks were received and cashed by her husband who remained in the United States. In that case, the failure to report the absence from the United States did not involve officials of the Peoples Temple.

5. Responsibility for Establishing Controls on the Continuing Eligibility of RSDI Beneficiaries Who Live Abroad

SSA is responsible for making sure that RSDI benefit payments do not go to ineligible recipients abroad. Generally, the eligibility requirements which apply to payments overseas are the same as in the United States. However, some provisions of law serve to restrict payments outside the United States; e.g., SSI payments are not payable to residents of foreign countries, Medicare benefits are not payable to foreign residents with respect to hospital or medical services obtained outside the United States, RSDI benefits are not payable to aliens who have been deported under certain sections of law, or who have been outside the United States for more than 6 months except when they meet specific exceptions, and a special retirement test applies with respect to noncovered work abroad.

As soon as SSA learns that a beneficiary has gone or intends to go abroad, action is taken to determine whether eligibility continues and, if so, to establish a proper mailing arrangement for the checks. All RSDI beneficiaries who go abroad other than for a visit of 3 months or less are required to complete a form which elicits information about work activity, nationality, and exceptions to the alien nonpayment provisions. Each beneficiary is furnished a booklet which explains the conditions under which payments are made to beneficiaries overseas and the obligation to report specified occurrences that may affect his payments. Once a year, each beneficiary who remains abroad is required to complete an enforcement questionnaire and to have it witnessed by a responsible official. The questionnaire is used to verify that the beneficiary is alive and that he continues to be eligible for the payments being received.

The preceding policies and procedures were applied with respect to each member of the Peoples Temple who went to Guyana. As an additional safeguard, SSA requested the State Department to conduct personal interviews with the beneficiaries at the Mission Village. This was done in January 1978. Based on an SSA letter to the Department of State dated October 13, 1978, it was to have been done again in January 1979. The information now available indicates that each of the 190 beneficiaries whose checks were being sent to the Mission Village was eligible for the payments he received while in Guyana. We have identified four additional beneficiaries whose checks were being forwarded from the United States to Guyana without our records revealing the proper address. These cases will be fully investigated.

6. Responsibility to Check Out Any Possibility of Fraud on the Part of Beneficiaries Who Moved to the Peoples Temple Mission Village in Guyana

In view of the questions that have been publicly raised about the social security benefits that were being paid to members of the Peoples Temple, SSA is in the process of conducting a special review to determine the following:

- a. Were any SSI benefits paid to a beneficiary for months after the month he left the United States? (As explained in 4 above, there could be no eligibility for SSI benefits for such months.)

Residents of Jonestown who previously received SSI payments are being identified. Their SSI termination dates will then be compared with the dates they arrived in Guyana, as evidenced by the Guyanese immigration records. Any material discrepancies will be investigated.

- b. Did any of the RSDI beneficiaries who went to the Mission Village die before November 18, 1978, without the knowledge of SSA? This will be determined by obtaining from the Treasury Department copies of the endorsed checks paid to those beneficiaries who were not among the survivors or the identified deceased. The endorsements will be compared with the signatures in SSA's claims folders. Any indications of forgery will be turned over to the Treasury Department for investigation.

It will be several months before the process of identifying the remains of those who died at Jonestown is completed. Thus far, the bodies of 151 social security beneficiaries have been positively identified. This plus the seven beneficiaries who survived leaves 36 social security beneficiaries still to be accounted for. Presumably they are among the unidentified deceased.

**C. FEBRUARY 1, 1979, LETTER FROM THE STAFF INVESTIGATIVE GROUP
TO THE SOCIAL SECURITY ADMINISTRATION**

ALVIN J. BARKER, MD, CALIF. (M) (M)
 L. W. BENTON, JR., MISS. (M) (M)
 CAROL B. BERRY, FLA. (M) (M)
 LOUISIE CHASE, MD, OHIO (M) (M)
 W. G. D. D. D. PA. (M) (M)
 DONALD W. DAVIS, MISS. (M) (M)
 DONALD W. DAVIS, MISS. (M) (M)
 LEO W. HAMILTON, IOWA (M) (M)
 LESTER W. HAYES, W. VA. (M) (M)
 CHRISTIAN B. HAYES, W. VA. (M) (M)
 G. HAYES, PA. (M) (M)
 MICHAEL HARRINGTON, MISS. (M) (M)
 JERRY HARRIS, CALIF. (M) (M)
 EARL HARRISON, MISS. (M) (M)
 STEPHEN S. HARRIS, W. VA. (M) (M)
 HELEN B. HARRIS, W. VA. (M) (M)
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 ANTHONY C. HARRIS, CALIF. (M) (M)
 WALTER HARRIS, JR., MD. (M) (M)
 S. (M) (M) (M) (M) (M) (M) (M) (M)
 GEORGE S. HARRIS, CALIF. (M) (M)
 JOHN S. HARRIS, MISS. (M) (M)

RODNEY BRADY, JR.
 CHIEF OF STAFF

**Congress of the United States
 Committee on International Relations**

House of Representatives
 Washington, D.C. 20515
 February 1, 1979

(C)

Mr. Stanford Ross
 Commissioner of Social
 Security Administration
 6401 Security Blvd.
 Room 260 Altmeyer Bldg.
 Baltimore, Maryland 21235

Attention Mr. Milton Smoot

Dear Mr. Smoot:

Pursuant to our telephone conversation today, I am requesting that the Social Security Administration provide the International Relations Committee of the U.S. House of Representatives with the following information:

1. The names of those social security recipients living in Georgetown or Jonestown, Guyana whose social security checks were uncashed or undeposited as of November 18, 1978.
2. The names of the above recipients whose checks remain uncashed or undeposited.
3. The date your records show for the death of Lisa Phillip Layton (SS# 064-16-0980) who, according to our information, was born in Hamburg, Germany on July 14, 1915. She reportedly died circa October 30, 1978. We also would like to know the date of the last social security check issued to Lisa Layton and whether it was ever cashed or deposited in an account.

-Continued

717

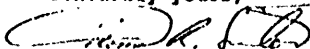
Mr. Milton Smoot

-2-

February 1, 1979

As I explained, these questions arose in connection with the ongoing International Relations Committee investigation of the murder of Congressman Ryan. Your speedy response would be most appreciated.

Sincerely yours,



Thomas R. Smeeton
Minority Staff Consultant

TRS:nls

D. FEBRUARY 12, 1979, INTERIM RESPONSE FROM THE SOCIAL SECURITY ADMINISTRATION TO THE STAFF INVESTIGATIVE GROUP



DEPARTMENT OF HEALTH, EDUCATION AND WELFARE
SOCIAL SECURITY ADMINISTRATION
BALTIMORE, MARYLAND 21201

February 14 1979

OFFICE OF THE COMMISSIONER

REFER TO:
SXQ-1

Mr. Thomas R. Smeeton
Minority Staff Consultant
Committee on International Relations
House of Representatives
Washington, D.C. 20515

Dear Mr. Smeeton:

Thank you for your letter of February 1 requesting information about social security beneficiaries in Jonestown, Guyana.

We are giving your letter our immediate attention and will be in touch with you again soon.

Sincerely,

Stanford G. Ross
Commissioner of Social Security

E. FEBRUARY 23, 1979, FINAL RESPONSE FROM THE SOCIAL SECURITY ADMINISTRATION TO THE STAFF INVESTIGATIVE GROUP PROVIDING MATERIALS AND INFORMATION. (MATERIALS PROVIDED INCLUDE NAMES OF SOCIAL SECURITY RECIPIENTS LIVING IN GEORGETOWN OR JONESTOWN, GUYANA, WHOSE SOCIAL SECURITY CHECKS WERE CASHED OR UNDEPOSITED AS OF NOVEMBER 18, 1978)



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
SOCIAL SECURITY ADMINISTRATION
BALTIMORE, MARYLAND 21205

REF ID:
SPR52

FEB 23 1979

Mr. Thomas R. Smeeton
Minority Staff Consultant
Committee on International Relations
House of Representatives
Washington, D.C. 20515

Dear Mr. Smeeton:

This is in further reply to your letter of February 1, 1979, requesting information about social security beneficiaries in Jonestown, Guyana.

Enclosed is a copy of a telegram from the American Embassy, Georgetown, which lists the names of those social security recipients living in Georgetown or Jonestown, Guyana, whose social security checks were uncashed or undeposited as of November 18, 1978. According to the latest information we have, none of the 656 checks on the listing has been cashed or deposited.

The information you requested about Lisa Layton is as follows. On December 26, 1978, we received a telegram from the American Embassy, Georgetown, Guyana, informing us that Lisa Layton, social security number 064-16-0980, died in Guyana of natural causes on October 30, 1978. We have a birth certificate showing that Lisa Layton was born in Hamburg, Germany, on July 14, 1915. Her father's name is shown as Hugo Philip. The last two checks issued to Lisa Layton were those dated November 3, 1978, and December 3, 1978, both of which were returned uncashed to the Treasury Department for cancellation.

Sincerely,

Harry Owers
Acting Director
Office of Program Service Centers

Enclosure

TELEGRAM

MINIST
E. J. CONLEY
J. J. GIBBON

CLASS
TAGS
SUBJECT

ORIGINATOR

CLASSIFICATION

UNCLASSIFIED

ACTION: STATE WASH DC

UNCLASSIFIED STORAGELINK

1.0. 12065: N/A
TAGS: C-10, GY
SUBJECT: U.S. TREASURY CHECKS AND OTHER NEGOTIABLE AND
NON-NEGOTIABLE CHECKS IN CUSTODY OF U.S. CONSUL

REF: (A) ELLICE/HALL TELECON 12/16/70
(B) STATE 319270

Following are Social Security checks recovered. Format is:
Name, SSAN, Amount, Check Symbol, Check Number, Check Date,
Agency designation. Other agencies' checks will be reported
separately.

1.1 STEPHEN B ANDERSON 303-46-0172 526.20 3054

66,043,518 09/01/70 Soc Sec for Adm

2. STEPHEN B ANDERSON 303-46-0172 526.20 3054

10,055,220 10/01/70 Soc Sec for Sep

3. STEPHEN B ANDERSON 303-46-0172 526.20 3054

20,100,303 11/01/70 Soc Sec for Oct

4. J. DAVID ALBURY 467-01-1150 272.00 3054

69,564,670 09/01/70 Soc Sec for

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BEST AVAILABLE COPY

5.	IDA M ALBURY	487-01-1159	265.60	3054
	16,035,310	10/03/78	Soc Sec for Sep	
6.	IDA M ALBURY	487-01-1159	265.60	3054
	78,163,572	11/03/78	Soc Sec for Oct	
7.3	SAMUEL M ANDERSON	437-09-2867	181.80	3054
	66,040,647	09/01/78	Soc Sec for Aug	
8.	SAMUEL M ANDERSON	437-09-2867	181.80	3054
	16,036,263	10/03/78	Soc Sec for Sep	
9.	SAMUEL M ANDERSON	437-09-2867	181.80	3054
	78,163,519	11/03/78	Soc Sec for Oct	
10.4	LUBERTA ARNOLD	435-07-4659	166.70	3054
	66,040,644	09/01/78	Soc Sec for Aug	
11.	LUBERTA ARNOLD	435-07-4659	166.70	3054
	16,036,260	10/03/78	Soc Sec for Sep	
• 12.	LUBERTA ARNOLD	435-07-4659	166.70	3054
	78,163,515	11/03/78	Soc Sec for Oct	
13.	RUTH ATKINS	496-10-9508	123.60	3054
	66,040,706	09/01/78	Soc Sec for Aug	
14.	RUTH ATKINS	496-10-9508	123.60	3054
	16,036,322	10/03/78	Soc Sec for Sep	
15.	RUTH ATKINS	496-10-9508	123.60	3054
	78,163,584	11/03/78	Soc Sec for Oct	
16.6	GIPALDINE H BALLEE	454-03-4909	100.60	3054
	16,036,205	10/03/78	Soc Sec for Sep	

UNCLASSIFIED

Date of Declassification

17.	GERALDINE H BAILEY	454-03-4909	100.00	3054
	66,840,669	09/01/78	Soc Sec for Aug	
18.	GERALDINE H BAILEY	454-03-4909	100.00	3054
	78,163,546	11/03/78	Soc Sec for Oct	
19.	CHRISTINE E BATES	464-14-0063	267.40	3054
	66,840,691	09/01/70	Soc Sec for Aug	
20.	CHRISTINE E BATES	464-14-0063	267.40	3054
	16,036,307	10/03/78	Soc Sec for Sep	
21.	CHRISTINE E BATES	464-14-0063	267.40	3054
	78,163,560	11/02/78	Soc Sec for Oct	
XXXXXXXXXXXX				
22.	GENEVA BEAL	428-01-8590	107.70	3054
	16,036,218	10/03/78	Soc Sec for Sep	
23.	GENEVA BEAL	428-01-8590	267.20	3054
	78,163,503	11/01/78	Soc Sec for Oct	
24.	ALFRED BELL	430-22-6843	328.10	3054
	66,840,638	09/01/78	Soc Sec for Aug	
25.	ALFRED BELL	430-22-6843	328.10	3054
	16,036,254	10/03/78	Soc Sec for Sep	
26.	ALFRED BELL	430-22-6843	328.10	3054
	78,163,502	11/03/78	Soc Sec for Oct	
27.	ETHEL BELLE	062-22-7393	209.00	3054
	16,036,164	10/03/78	Soc Sec for Sep	
28.	ETHEL BELLE	062-22-7393	209.00	3054
	78,163,416	11/02/78	Soc Sec for Oct	

THE LAST PAGE

11/10/78

11/10/78

Classification

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29.11	JULIA BIRKLEY	184-07-2441	173.40	3054
	66,040,603	02/01/78	Soc Sec for Aug	
30.	JULIA BIRKLEY	184-07-2441	0.20	3054
	16,572,661	10/03/78	Soc Sec Ins	
31.	JULIA BIRKLEY	184-07-2441	153.40	3054
	16,036,209	10/03/78	Soc Sec for Sep	
32.	JULIA BIRKLEY	184-07-2441	161.60	3054
	78,163,462	11/03/78	Soc Sec for Oct	
33.12	ODELL BLACKWELL	299-10-4079	260.40	3054
	828X 69,564,973	02/01/78	Soc Sec Ins	
34.	ODELL BLACKWELL	299-10-4079	346.40	3054
	16,036,224	10/03/78	Soc Sec for Sep	
35.	ODELL BLACKWELL	299-10-4079	346.40	3054
	78,163,479	11/03/78	Soc Sec for Oct	
36.3	WILLIE L. BOWIE	546-32-0316	176.70	3054
	66,810,717	02/01/78	Soc Sec for Aug	
37.	WILLIE L. BOWIE	546-32-0316	176.70	3054
	16,036,332	10/03/78	Soc Sec for Sep	
38.	WILLIE L. BOWIE	546-32-0316	176.70	3054
	78,163,595	11/03/78	Soc Sec for Oct	
39.4	GERNIE SCHROEDER FOR GEORGINA BRADY	548-56-3806	73.20	3054
	66,810,728	02/01/78	Soc Sec for Aug	
40.	GERNIE SCHROEDER FOR GEORGINA BRADY	548-56-3806	73.20	3054
	16,036,344	10/03/78	Soc Sec for Sep	

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MBS

41.	DENISE SIBROTHER FOR MICHELE BRADY	548-56-4006	73.20
	3054 70,163,607 11/03/78	Soc Sec for Oct	
42.	MAUREEN FITCH FOR MICHEL BRADY	548-56-3806	73.20
	3054 66,840,727 09/01/78	Soc Sec for Aug	
43.	MAUREEN FITCH FOR MICHEL BRADY	548-56-3806	73.20
	3054 16,036,343 10/03/78	Soc Sec for Sep	
44.	MAUREEN FITCH FOR MICHEL BRADY	548-56-3806	73.20
	3054 70,163,606 11/03/78	Soc Sec for Oct	
45.	MICHELEEN BRADY	548-56-3806	259.60 3054
	66,840,726 09/01/78	Soc Sec for Aug	
46.	MICHELEEN BRADY	548-56-3806	259.60 3054
	16,036,342 10/03/78	Soc Sec for Sep	
47.	MICHELEEN BRADY	548-56-3806	259.60 3054
	70,163,605 11/03/78	Soc Sec for Oct	
48.	HILLER BRIDGEWATER	462-14-6771	369.30 3054
	66,840,681 09/01/78	Soc Sec for Aug	
49.	HILLER BRIDGEWATER	462-14-6771	369.30 3054
	16,036,297 10/03/78	Soc Sec for Sep	
50.	HILLER BRIDGEWATER	462-14-6771	369.30 3054
	70,163,558 11/03/78	Soc Sec for Oct	
51.	PRINCEOLA BRYANT	557-20-4404	157.00 3127
	03,513,760 09/01/78	Soc Sec for Aug	
52.	PRINCEOLA BRYANT	557-20-4404	157.00 3054
	16,119,845 10/03/78	Soc Sec Ins	

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53.	MIRKICOLA BRYANT	557-20-4104	197.00	3054
	78,163,613	11/03/78	Soc Sec for Oct	
54.	ZELLINE O BRYANT	565-42-7169	150.30	3054
	74,307,768	09/03/78	Soc Sec for Jul	
55.	ZELLINE O BRYANT	565-42-7169	150.30	3054
	66,040,742	09/01/78	Soc Sec for Aug	
56.	ZELLINE O BRYANT	565-42-7169	150.30	3054
	16,036,458	10/03/78	Soc Sec for Sep	
57.	ZELLINE O BRYANT	565-42-7169	150.30	3054
	78,163,621	11/03/78	Soc Sec for Oct	
58.	CHILOTILE OUTLER	365-18-9917	141.20	2077
	92,530,632	04/03/78	Soc Sec for Mar	
59.	MILDRED CARROLL	155-14-2055	104.80	3054
	66,840,601	09/01/78	Soc Sec for Aug	
60.	MILDRED CARROLL	155-14-2055	8.20	3054
	16,576,222	10/02/78	Soc Sec Ins	
61.	MILDRED CARROLL	155-14-2055	104.80	3054
	16,036,206	10/03/78	Soc Sec for Sep	
62.	MILDRED CARROLL	155-14-2055	193.00	3054
	78,163,459	11/03/78	Soc Sec for NOV Oct	
63.	MIRY J CARROLL	462-58-4023	224.80	3054
	66,110,604	09/01/78	Soc Sec for Aug	
64.	MIRY J CARROLL	462-58-4023	224.80	3054
	16,036,300	10/03/78	Soc Sec for Sep	

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65.	RUDY J CARROLL	462-58-4023	224.00	3054
	78,163,561	11/03/78	Soc Sec for Oct	
66.	RUDY J CARROLL FOR CHILDREN	462-58-4023	205.60	3054
	66,640,685	02/01/70	Soc Sec for Aug	
67.	RUDY J CARROLL FOR ROBERT K CARROLL	462-58-4023	116.50	
	3054	16,056,301	10/03/70	Soc Sec for Sep
68.	RUDY J CARROLL FOR ROBERT K CARROLL	462-58-4023	116.50	
	3054	78,163,562	11/03/78	Soc Sec for Oct
69.	JESSIE CHAMBLISS	057-18-2089	112.80	3054
	65,891,379	09/01/78	Soc Sec for Aug	
70.	JESSIE CHAMBLISS	057-18-2089	112.80	3054
	15,636,090	10/03/78	Soc Sec for Sep	
71.	JESSIE CHAMBLISS	057-18-2089	96.40	3054
	78,113,412	11/03/78	Soc Sec for Oct	
72.	JOICY E CLARK	460-16-1906	120.00	3054
	66,840,677	09/01/78	Soc Sec for Aug	
73.	JOICY E CLARK	460-16-1906	120.00	3054
	16,036,293	10/03/70	Soc Sec for Sep	
74.	JOICY E CLARK	460-16-1906	120.00	3054
	78,163,554	11/03/78	Soc Sec for Oct	
75.	LEOLA CLARKE	568-20-5356	230.50	RRBK 3054
	69,564,980	02/01/78	Soc Sec Ins	
76.	LEOLA CLARKE	568-20-5356	230.50	3054
	16,036,364	10/03/70	Soc Sec for Sep	

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77	101A-GIARRE	560-20-9590	222.10	3054
	10,163,621	11/05/78	Soc Sec for Oct	
78	HARCY CLAY	466-12-3550	319.80	3054
	66,840,699	09/01/78	Soc Sec for Aug	
79	HARCY CLAY	466-12-3550	319.80	3054
	16,035,315	10/03/78	Soc Sec for Sep	
80	HARCY CLAY	466-12-3550	319.80	3054
	10,163,576	11/05/78	Soc Sec for Oct	
81	IDA M CLIFFS	450-20-0515	244.00	3054
	66,840,684	09/01/78	Soc Sec for Aug	
82	IDA M CLIFFS	450-20-0515	244.00	3054
	16,036,280	10/03/78	Soc Sec for Sep	
83	IDA M CLIFFS	450-20-0515	244.00	3054
	10,163,541	11/05/78	Soc Sec for Oct	
84	ALMA COACHMAN	439-28-5815	153.00	3054
	66,840,655	09/01/78	Soc Sec for Aug	
85	ALMA COACHMAN	439-28-5815	153.00	3054
	16,036,271	10/03/78	Soc Sec for Sep	
86	ALMA COACHMAN	439-28-5815	153.00	3054
	10,163,527	11/05/78	Soc Sec for Oct	
87	ANSLER COLL	426-09-0340	312.90	3054
	66,840,630	09/01/78	Soc Sec for Aug	
88	ANSLER COLL	426-09-0340	312.90	3054
	16,036,285	10/03/78	Soc Sec for Sep	

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89.	ARVELLA COLE	426-09-5340	194.70	3054
	78,163,500	11/03/78	Soc Sec for Oct	
90.	ARVELLA COLE	427-36-5314	194.70	3054
	66,840,632	09/01/78	Soc Sec for Aug	
91.	ARVELLA COLE	427-36-5314	194.70	3054
	16,036,247	10/03/78	Soc Sec for Sep	
92.	ARVELLA COLE	427-36-5314	194.70	3054
	78,163,502	11/03/78	Soc Sec for Oct	
93.	MARY COLEMAN	162-20-6607	121.10	3054
	66,840,602	09/01/78	Soc Sec for Aug	
94.	MARY COLEMAN	162-20-6607	121.10	3054
	16,036,207	10/03/78	Soc Sec for Sep	
95.	MARY COLEMAN	162-20-6607	121.10	3054
	78,163,460	11/03/78	Soc Sec for Oct	
96.	SUSIE L COLLINS	439-34-2413	187.30	3054
	66,840,636	09/01/78	Soc Sec for Aug	
97.	SUSIE L COLLINS	439-34-2413	187.30	3054
	16,036,272	10/03/78	Soc Sec for Sep	
98.	SUSIE L COLLINS	439-34-2413	187.30	3054
	78,163,378	11/03/78	Soc Sec for Oct	
99.	INEZ S CONROY	444-16-3639	379.70	3054
	66,840,658	09/01/78	Soc Sec for Aug	
100.	INEZ S CONROY	444-16-3639	379.70	3054
	16,036,274	10/03/78	Soc Sec for Sep	
101.	INEZ S CONROY	444-16-3639	379.70	3054
	78,163,532	11/03/78	Soc Sec for Oct	

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102.	BERTHA P COOK	548-28-0879	200.00	3054
	66,840,123	09/01/78	Soc Sec for Aug	
103.	BERTHA P COOK	548-28-0879	200.00	3054
	16,036,336	10/03/78	Soc Sec for Sep	
104.	BERTHA P COOK	548-28-0879	200.00	3054
	70,113,601	11/03/78	Soc Sec for Oct	
105.	EDITH E CORDELL	303-12-2557	156.10	3054
	66,840,616	09/01/78	Soc Sec for Aug	
106.	EDITH E CORDELL	303-12-2557	156.10	3054
	16,036,276	10/03/78	Soc Sec for Sep	
107.	EDITH E CORDELL	303-12-2557	156.10	3054
	78,163,481	11/03/78	Soc Sec for Oct	
108.	MARY COTTINGHAM	251-26-9583	125.70	3054
	70,055,453	09/01/78	Soc Sec Ins	
109.	MARY COTTINGHAM	251-26-9583	152.90	3054
	16,036,217	10/03/78	Soc Sec for Sep	
110.	MARY COTTINGHAM	251-26-9583	136.50	3054
	78,163,470	11/03/78	Soc Sec for Oct	
111.	MILLIE S CURRINGHAM	258-48-4173	123.00	3054
	66,840-612	09/01/78	Soc Sec for Aug	
112.	MILLIE S CURRINGHAM	258-48-4173	0.20	3054
	16,586,169	10/03/78	Soc Sec Ins	
113.	MILLIE S CURRINGHAM	258-48-4173	123.00	3054
	16,036,220	10/03/78	Soc Sec for Sep	
114.	MILLIE S CURRINGHAM	258-48-4173	131.20	3054
	78,163,473	11/03/78	Soc Sec for Oct	

UNITED STATES

115.	NAJUANMARIENNE DARNES	462-54-3532	12 .00	3054
	66,840,685	09/01/78	Soc Sec for Aug	
116.	NAJUANMARIENNE DARNES	462-54-3532	252.80	3054
	66,840,682	09/01/78	Soc Sec for Aug	
117.	NAJUANMARIENNE DARNES	462-54-3532	252.80	3054
	16,036,298	10/03/78	Soc Sec for Sep	
118.	NAJUANMARIENNE DARNES	462-54-3532	126.40	3054
	16,036,299	10/03/78	Soc Sec for Sep	
119.	NAJUANMARIENNE DARNES	462-54-3532	252.80	3054
	78,163,559	11/03/78	Soc Sec for Oct	
120.	NAJUANMARIENNE DARNES	462-54-3532	126.40	3054
	78,163,560	11/03/78	Soc Sec for Oct	
121.	HAZEL F DASHIELL	037-18-9157	352.60	3054
	66,840,552	09/01/78	Soc Sec for Aug	
122.	HAZEL F DASHIELL	037-18-9457	352.60	3054
	16,036,157	10/03/78	Soc Sec for Sep	
123.	HAZEL F DASHIELL	037-18-9457	352.60	3054
	78,163,409	11/03/78	Soc Sec for Oct	
124.	LEXIE S DAVIS	464-18-8045	315.30	3054
	66,840,693	09/01/78	Soc Sec for Aug	
125.	LEXIE S DAVIS	464-18-8045	315.30	3054
	16,036,309	10/03/78	Soc Sec for Sep	
126.	LEXIE S DAVIS	464-18-8045	315.30	3054
	78,163,370	11/03/78	Soc Sec for Oct	

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UNCLASSIFIED

12

127.	BEATRICE J DAWKINS	490-20-5007	243.60	3054
	66,840,704	09/01/78	Soc Sec for Aug	
128.	BEATRICE J DAWKINS	490-20-5007	243.60	3054
	16,036,320	10/03/78	Soc Sec for Sep	
129.	BEATRICE J DAWKINS	490-20-5807	243.60	3054
	78,163,582	11/03/78	Soc Sec for Oct	
130.	EDITH F DELANEY	524-03-0457	311.70	3054
	66,840,709	09/01/78	Soc Sec for Aug	
131.	EDITH F DELANEY	524-03-0457	311.70	3054
	16,036,325	10/03/78	Soc Sec for Sep	
132	EDITH F DELANEY	524-03-0457	311.70	3054
	78,163,507	11/03/78	XXXXXXXXXX Soc Sec for Oct	
133	LOVIE H DEPIHA	145-07-0053	131.00	3054
	66,840,600	09/01/78	Soc Sec for Aug	
134.	LOVIE H DEPIHA	145-07-0053	131.00	3054
	16,036,204	10/03/78	Soc Sec for Sep	
135.	LOVIE H DEPIHA	145-07-0053	131.00	3054
	78,163,457	11/03/78	Soc Sec for Oct	
136.	BESSIE L DICKSON	463-16-7544	205.90	3054
	66,840,688	09/01/78	Soc Sec for Aug	
137.	BESSIE L DICKSON	463-16-7544	205.90	3054
	16,036,304	10/03/78	Soc Sec for Sep	
138.	BESSIE L DICKSON	463-16-7544	205.90	3054
	78,163,565	11/03/78	Soc Sec for Oct	

UNCLASSIFIED

UNCLASSIFIED

13

139.	KATHERINE H DOMINECK	460-01-9261	352.60	3054
	66,840,676	09/01/78	Soc Sec for Aug	
140.	KATHERINE H DOMINECK	460-01-9261	352.60 X8	3054
	16,036,292	10/01/78	Soc Sec for Sep	
141.	KATHERINE H DOMINECK	460-01-9261	352.60	3054
	70,163,553	11/03/78	Soc Sec for Oct	
142.	FARENE DOUGLAS	511-07-7428	141.50	3054
	66,840,788	09/01/78	Soc Sec for Aug	
143.	FARENE DOUGLAS	511-07-7428	141.50	3054
	16,036,324	10/03/78	Soc Sec for Sep	
144.	FARENE DOUGLAS	511-07-7428	141.50	3054
	78,163,586	11/03/78	Soc Sec for Oct	
145.	CORRIE DURKAN	464-24-1023	106.90	3054
	66,840,694	09/01/78	Soc Sec for Aug	
146.	CORRIE DURKAN	464-24-1023	106.90	3054
	16,036,310	10/03/78	Soc Sec for Sep	
147.	CORRIE DURKAN	464-24-1023	106.90	3054
	70,163,571	11/03/78	Soc Sec for Oct	
148.	IRENE LODINS	440-18-1621	115.50	3054
	72,775,496	09/01/78	Soc Sec for Aug	
149.	IRENE LODINS	440-18-1621	99.10	3054
	16,115,845	10/03/78	Soc Sec for Sep	
150.	IRENE LODINS	440-18-1621	107.50 X8	3054
	70,163,530	11/03/78	Soc Sec for Oct	

UNCLASSIFIED

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14

151.	IRENE DODDINS	440-10-1621	24.60	3054
	81,924,100 11/08/70	Soc Sec Ins		
152.	ZIPORAH EDWARDS	304-26-4141	233.10	3054
	66,040,620 09/01/78	Soc Sec for Aug		
153.	ZIPORAH EDWARDS	304-26-4141	233.10	3054
	16,036,230 10/03/78	Soc Sec for Sep		
154.	ZIPORAH EDWARDS	304-26-4141	233.10	3054
	78,163,485 11/03/78	Soc Sec for Oct		
155.	AMANDA FAIR	553-14-6607	170.50	3054
	66,840,732 09/01/78	Soc Sec for Aug		
156.	AMANDA FAIR	553-14-6607	170.50	3054
	16,026,348 10/13/78	Soc Sec for Sep		
157.	AMANDA FAIR	553-14-6607	170.50	3054
	78,163,610 11/03/78	Soc Sec for Oct		
158.	SYLVESTER C FAIR	450-26-3373	372.70	3054
	66,640,665 09/01/78	Soc Sec for Aug		
159.	SYLVESTER C FAIR	450-26-3373	372.70	3054
	16,036,281 10/03/78	Soc Sec for Sep		
160.	SYLVESTER C FAIR	450-26-3373	372.70	3054
	78,163,542 11/03/78	Soc Sec for Oct		
161.	MARSHALL FARRIS	429-05-3245	381.10	3054
	66,040,637 09/01/78	Soc Sec for Aug		
162.	MARSHALL FARRIS	429-05-3245	381.10	3054
	16,026,253 10/03/78	Soc Sec for Sep		
163.	MARSHALL FARRIS	429-05-3245	381.10	3054
	78,163,508 11/03/78	Soc Sec for Oct		

UNCLASSIFIED

UNCLASSIFIED

13

164.	BEULAH FOSTER	426-40-3745	281.50	3054
	66,040,651	09/01/78	Soc Sec for Aug	
165.	BEULAH FOSTER	426-40-3745	281.50	3054
	16,036,246	10/03/78	Soc Sec for Sep	
166.	BEULAH FOSTER	426-40-3745	281.50	3054
	78,163,501	11/03/78	Soc Sec for Oct	
167.	ATTIE GIBSON	410-26-9220	163.40	3054
	66,440,676	09/01/78	Soc Sec for Aug	
168.	ATTIE GIBSON	410-26-9220	163.40	3054
	16,036,241	10/03/78	Soc Sec for Sep	
169.	ATTIE GIBSON	410-26-9220	163.40	3054
	78,163,496	11/03/78	Soc Sec for Oct	
170.	IRMA L GILL	429-34-4050	146.40	3114
	70,079,193	09/01/78	Soc Sec for Aug	
171.	IRMA L GILL	429-34-4050	150.00	3114
	18,026,705	10/03/78	Soc Sec Ins	
172.	IRMA L GILL	429-34-4050	158.70	3114
	78,044,598	11/03/78	Soc Sec for Oct	
173.	PAYMOND D GODSALK	555-07-4198	308.70	3127
	34,451,817	10/03/78	Soc Sec for Sep	
174.	PAYMOND D GODSALK	555-07-4198	308.70	3127
	57,012,244	11/03/78	Soc Sec for Oct	
175.	CLAUDE GODSPEL	463-16-6315	333.50	3054
	66,940,686	09/01/78	Soc Sec for Aug	
176.	CLAUDE GODSPEL	463-16-6315	333.50	3054
	16,046,402	10/03/78	Soc Sec for Sep	

UNCLASSIFIED

UNCLASSIFIED

17

189.	MERCEDESE M GUIDRY	439-26-5550	117.10	3054
	16,036,270	10/03/78	Soc Sec for Sep	
190.	MERCEDESE M GUIDRY	439-26-5550	117.10	3054
	78,163,526	11/03/78	Soc Sec for Oct	
191.	CARL G HALL	568-18-9611	373.50	3054
	66,840,748	09/01/70	Soc Sec for Aug	
192.	CARL G HALL	568-18-9611	373.50	3054
	16,036,363	10/03/78	Soc Sec for Sep	
193.	CARL G HALL	568-18-9611 568-18-9611	373.50	3054
	78,163,626	11/03/78	Soc Sec for Oct	
194.	ARTEE HARPER	437-09-5543	203.70	3054
	4,307,680	08/03/78	Soc Sec for Jul	
195.	ARTEE HARPER	437-09-5543	203.70	3054
	66,840,648	09/01/78	Soc Sec for Aug	
196.	ARTEE HARPER	437-09-5543	203.70	3054
	16,036,264	10/03/78	Soc Sec for Sep	
197.	ARTEE HARPER	437-09-5543	203.70 XXXXXX	3054
	78,163,520	11/03/78	Soc Sec for Oct	
198.	OLLIE B HARRINGTON	428-70-2459	291.00	3054
	4,307,660	09/03/78	Soc Sec for Jul	
199.	OLLIE B HARRINGTON	428-70-2459	291.00	3054
	66,040,636	09/01/78	Soc Sec for Aug	
200.	CLLIF B HARRINGTON	428-70-2459	291.00	3054
	16,036,252	10/03/78	Soc Sec for Sep	
201.	OLLIE B HARRINGTON	428-70-2459	291.00	3054

202	ANNIE H HARRIS	437-26-8365	146.90	3114
	14,033,413	00/03/78	Soc Sec for Jul	
203	ANNIE H HARRIS	437-26-8365	146.90	3114
	70,350,645	09/01/78	Soc Sec for Aug	
204	ANNIE H HARRIS	437-26-8365	146.90	3114
	19,102,697	10/03/78	Soc Sec for Sep	
205	ANNIE M HARRIS	437-26-8365	146.90	3114
	75,315,768	11/03/78	Soc Sec for Oct	
206	JOSEPHINE HARRIS	357-07-5154	101.60	2078
	10,818,558	08/03/78	Soc Sec for Jul	
207	JOSEPHINE HARRIS	357-07-5154	101.60	2078
	62,327,029	09/01/78	Soc Sec for Aug	
208	JOSEPHINE HARRIS	357-07-5154	101.60	3054
	16,036,237	10/03/78	Soc Sec for Sep	
209	JOSEPHINE HARRIS	357-07-5154	101.60	3054
	78,163,492	11/03/78	Soc Sec for Oct	
210	NEVADA HARRIS	465-32-6333	188.20	3054
	4,307,726	08/03/78	Soc Sec for Jul	
211	NEVADA HARRIS	465-32-6333	188.20	3054
	66,840,697	09/01/78	Soc Sec for Aug	
212	NEVADA HARRIS	465-32-6333	188.20	3054
	16,036,313	10/03/78	Soc Sec for Sep	
213	NEVADA HARRIS	465-32-6333	188.20	3054
	78,163,574	11/03/78	Soc Sec for Oct	

UNCLASSIFIED

19

214.	WILLIE M HARRIS	253-16-0266	174.00	3054
	4,307,641	08/03/78	Soc Sec for Jul	
215.	WILLIE M HARRIS	253-16-0266	174.00	3054
	4,307,642	08/03/78	Soc Sec for Jul	
216.	WILLIE M. HARRIS	253-16-0266	174.00	3054
	66,840,610	02/01/78	Soc Sec for Aug	
217.	WILLIE M HARRIS	253-16-0266	174.00	3054
	66,840,611	02/01/78	Soc Sec for Aug	
218.	WILLIE M HARRIS	253-16-0266	174.00	3054
	16,036,210	10/03/78	Soc Sec for Sep	
219.	WILLIE M HARRIS	253-16-0266	174.00	3054
	16,036,219	10/03/78	Soc Sec for Sep	
220.	WILLIE M HARRIS	253-16-0266	174.00	3054
	78,163,472	11/03/78	Soc Sec for Oct	
221.	WILLIE M HARRIS	253-16-0266	174.00	3054
	78,163,471	11/03/78	Soc Sec for Oct	
222.	JOSEPH HELLE	544-24-9228	149.30	3054
	4,307,742	09/03/78	Soc Sec for Jul	
223.	JOSEPH HELLE	544-24-9228	149.30	3054
	66,840,711	09/01/78	Soc Sec for Aug	
224.	JOSEPH HELLE	544-24-9228	149.30	3054
	16,036,329	10/03/78	Soc Sec for Sep	
225.	JOSEPH HELLE	544-24-9228	149.30	3054
	78,163,591	11/03/78	Soc Sec for Oct	

UNCLASSIFIED

20

226.	NENA D HERRING	548-03-9351	256.10	3054
	4,307,749 08/03/78	Soc Sec for Jul		
227.	NENA D HERRING	548-03-9351	256.10	3054
	66,840,721 09/01/78	Soc Sec for Aug		
228.	NENA D HERRING	548-03-9351	256.10	3054
	16,036,336 10/03/78	Soc Sec for Sep		
229.	NENA D HERRING	548-03-9351	256.10	3054
	78,163,599 11/03/78	Soc Sec for Oct		
230.	EMMA H HILL	454-24-1452	146.20	3054
	4,307,700 08/03/78	Soc Sec for Jul		
231.	EMMA H HILL	454-24-1452	146.20	3054
	66,840,670 09/01/78	Soc Sec for Aug		
232.	EMMA H HILL	454-24-1452	146.20	3054
	16,036,286 10/03/78	Soc Sec for Sep		
233.	EMMA H HILL	454-24-1452	146.20	3054
	78,163,547 11/03/78	Soc Sec for Oct		
234.	HAZEL MORRIS	200-20-0447	121.80	3054
	4,307,637 08/03/78	Soc Sec for Jul		
235.	HAZEL MORRIS	200-20-0447	121.80	3054
	66,840,606 09/01/78	Soc Sec for Aug		
236.	HAZEL MORRIS	200-20-0447	121.80	3054
	16,036,212 10/03/78	Soc Sec for Sep		
237.	HAZEL MORRIS	200-20-0447	121.80	3054
	78,163,465 11/03/78	Soc Sec for Sep		

UNCLASSIFIED

UNCLASSIFIED

21

238.	BEATRICE A JACKSON	557-34-9632	195.70	3054
	4,307,761 08/03/78	Soc Sec for Jul		
239.	BEATRICE A JACKSON	557-34-9632	195.70	3054
	66,840,735 09/01/78	Soc Sec for Aug		
240.	BEATRICE A JACKSON	557-34- ⁹⁶³² 8532	195.70	3054
	16,036,351 10/03/78	Soc Sec for Sep		
241.	DAVE B JACKSON	435-05-5208	307.10	3054
	4,114,273 08/03/78	Soc Sec for Jul		
242.	DAVE B JACKSON	435-05-5208	307.10	3054
	66,646,933 09/01/78	Soc Sec for Aug		
243.	DAVE B JACKSON	435-05-5208	307.10	3054
	19,847,966 10/03/78	Soc Sec for Sep		
244.	DONALD JACKSON	438-64-3394	492.50	3054
	4,307,368 08/03/78	Soc Sec Ins		
245.	DONALD JACKSON	438-64-3394	494.70	3054
	66,840,653 09/01/78	Soc Sec for Aug		
246.	DONALD JACKSON	438-64-3394	494.70	3054
	16,036,269 10/03/78	Soc Sec for Sep		
247.	DONALD JACKSON	438-64-3394	494.70	3054
	78,163,525 11/03/78	Soc Sec for Oct		
248.	LEROY JACKSON	449-38-8571	232.90	3054
	70,163,535 11/03/78	Soc Sec for Oct		
249.	ANNA L JACKSON FOR LETICIA L JACKSON	449-38-8571	274.20	
	1954 16,032,836 10/10/78	Soc Sec Ins		

UNCLASSIFIED

UNCLASSIFIED

22

250.	ROSA L JACKSON FOR LUTICIA L JACKSON	449-38-8571	40.20
	²⁰⁵⁴ 73,103,000 78,163,537	11/03/78	Soc. Sec for Oct
251.	LUVINIA JACKSON	435-05-5208	138.20 3054
	4,337,366 08/03/78		Soc Sec Ins
252.	LUVINIA JACKSON	135-05-5208	138.20 3054
	65,640,642 09/01/78		Soc Sec for Aug
253.	LUVINIA JACKSON	435-05-5208	138.20 3054
	16,036,298 10/03/78		Soc Sec for Sep
254.	LUVINIA JACKSON	435-05-5208	138.20 3054
	78,163,513 11/03/78		Soc Sec for Oct
255.	ROSA L JACKSON	449-38-8571	237.00 3054
	16,932,835 10/10/78		Soc. Sec Ins
256.	ROSA L JACKSON	449-38-8571	40.20 3054
	76,163,536 11/03/78		Soc Sec for Oct
257.	LAVANA JAMES	467-52-1190	109.50 3054
	4,307,729 08/03/78		Soc Sec for Jul
258.	LAVANA JAMES	467-52-1190	109.50 3054
	66,840,701 09/01/78		Soc Sec for Aug
259.	LAVANA JAMES	467-52-1190	109.50 3054
	16,036,317 10/03/78		Soc Sec for Sep
260.	LAVANA JAMES	467-52-1190	109.50 3054
	78,163,578 11/03/78		Soc Sec for Oct
261.	MARGARET JAMES	124-16-6941	327.00 3054
	4,307,622 08/03/78		Soc Sec for Jul
262.	MARGARET JAMES	124-16-6941	24.60 3054
	5,403,045 08/24/78		Soc Sec IMX Ins

UNCLASSIFIED

UNCLASSIFIED
Classification

Page 24 of 25

275.	HELENA T JOHNSON	564-16-4496	113.60	3054
	66,040,257	09/01/70	Soc Sec for Aug	
276.	HELENA T JOHNSON	564-16-4496	113.60	3054
	46,056,353	10/05/78	Soc Sec for Sep	
277.	HELENA T JOHNSON	564-16-4496	113.60	3054
	78,163,616	11/03/78	Soc Sec for Oct	
278.	EARL JOHNSON	440-12-6910	130.00	3054
	4,307,607	08/03/78	Soc Sec for Jul	
279.	EARL JOHNSON	440-12-6910	130.00	3054
	66,040,657	09/01/78	Soc Sec for Aug	
280.	EARL JOHNSON	440-12-6910	130.00	3054
	16,056,273	10/03/78	Soc Sec for Sep	
281.	EARL JOHNSON	440-12-6910	130.00	3054
	78,163,529	11/03/78	Soc Sec for Oct	
282.	FANNIE JORDAN	433-56-1779	214.20	3054
	66,840,641	09/01/70	Soc Sec for Aug	
283.	VENNIE THOMPSON FOR GARNETT D JOHNSON	500-18-1647	244.20	
	3054 4,114,303	08/03/78	Soc Sec for Jul	
284.	VENNIE THOMPSON FOR GARNETT D JOHNSON	500-18-1647	244.20	
	3054 66,646,061	09/01/78	Soc Sec for Aug	
285.	VENNIE THOMPSON FOR GARNETT D JOHNSON	500-18-1647	244.20	
	3054 15,041,097	10/03/79	Soc Sec for Sep	
286.	HILLEN JOHNSON	437-38-6670	133.20	3054
	4,387,367	08/03/78	Soc Sec Ins	

UNCLASSIFIED
Classification

UNCLASSIFIED
Classification

Page 25 of

287.	HELEN JOHNSON	457-38-6670	133.20	3054
	66,840,652 09/01/78	Soc Sec for Aug		
288.	HELEN JOHNSON	457-38-6670	110.20	3054
	16,593,703 10/02/78	Soc Sec Ins		
289.	HELEN JOHNSON	457-38-6670	133.20	3054
	16,026,750 10/03/78	Soc Sec for Sep		
290.	HELEN JOHNSON	457-38-6670	141.40	3054
	70,163,521 11/01/78	Soc Sec for Oct		
291.	JESSIE JOHNSON	440-26-1483	2008.30	3054
	70,639,034 09/21/78	Soc Sec Ins		
292.	JESSIE JOHNSON	440-26-1483	209.00	3054
	16,115,456 10/03/78	Soc Sec Ins		
293.	JESSIE JOHNSON	440-26-1483	16.40	3054
	81,300,157 11/01/78	Soc Sec Ins		
294.	JESSIE JOHNSON	440-26-1483	209.00	3054
	70,163,531 11/03/78	Soc Sec for Oct		
295.	MARGALEY JOHNSON	457-38-5678	237.10	3054
	4,307,703 08/03/78	Soc Sec for Jul		
296.	MARGALEY JOHNSON	457-38-5678	237.10	3054
	66,810,674 09/01/78	Soc Sec for Aug		
297.	MARGALEY JOHNSON	457-38-5678	237.10	3054
	10,500,200 10/03/78	Soc Sec for Sep		
298.	MARGALEY JOHNSON	457-38-5678	237.10	3054
	70,163,531 11/03/78	Soc Sec for Oct		

INFLATION
 Information

2014

299.	RUDY L JOHNSON	464-50-9154	211.00	3054
	4,307,123	08/03/78	Soc Sec for Jul	
300.	RUDY L JOHNSON	464-50-9154	211.00	3054
	66,840,606	09/01/78	Soc Sec for Aug	
301.	RUDY L JOHNSON	464-50-9154	211.00	3054
	16,036,312	10/03/78	Soc Sec for Sep	
302.	RUDY L JOHNSON	464-50-9154	211.00	3054
	78,163,573	11/03/78	Soc Sec for Oct	
● 303.	BOSSIE JONES	430-70-3159	103.00	3054
	57,685,804	07/03/78	Soc Sec for Jun	
● 304.	BOSSIE JONES	430-70-3159	103.00	3054
	4,307,672	08/03/78	Soc Sec for Jul	
305.	ELIZA JONES	526-28-8756	121.80	3054
	4,307,741	08/03/78	Soc Sec for Jul	
306.	ELIZA JONES	526-28-8756	121.00	3054
	56,040,713	09/01/78	Soc Sec for Aug	
307.	ELIZA JONES	526-28-8756	121.00	3054
	16,036,328	10/03/78	Soc Sec for Sep	
308.	ELIZA JONES	526-28-8756	121.80	3054
	70,163,590	11/03/78	Soc Sec for Oct	
309.	NANCY M JONES	430-70- ³¹⁵⁹ 3159	90.30	3054
	4,307,673	08/03/78	Soc Sec for Jul	
310.	NANCY M JONES	430-70-3159	90.30	3054
	66,810,640	09/01/78	Soc Sec for Aug	

INFLATION
 Information

DECLASSIFIED
Classification

Page 27

311.	NANCY M JONES	430-70-3159	90.30	3054
	16,036,256	10/03/78	Soc Sec for Sep	
312.	NANCY M JONES	430-70-3159	90.30	3054
	78,163,511	11/03/78	Soc Sec for Oct	
313.	DESSIE JORDAN	547-20-9725	145.10	3054
	4,307,746	08/03/78	Soc Sec for Jul	
314.	DESSIE JORDAN	547-20-9725	145.40	3054
	66,040,718	09/01/78	Soc Sec for Aug	
315.	DESSIE JORDAN	547-20-9725	145.40	3054
	16,036,333	10/03/78	Soc Sec for Sep	
316.	DESSIE JORDAN	547-20-9725	145.40	3054
	78,163,596	11/03/78	Soc Sec for Oct	
317.	FANNIE JORDAN	433-56-1779	6.20	3054
	16,593,467	10/07/78	Soc Sec for	
318.	FANNIE JORDAN	433-56-1779	214.20	3054
	16,036,257	10/03/78	Soc Sec for Sep	
319.	FANNIE JORDAN	433-56-1779	272.40	3054
	78,163,512	11/03/78	Soc Sec for Oct	
320.	EVVA JURADO	434-24-0616	225.70	3114
	13,471,053	08/03/78	Soc Sec for Jul	
321.	EVVA JURADO	434-24-0616	225.70	3114
	60,959,010	09/01/78	Soc Sec for Aug	
322.	EVVA JURADO	434-24-0616	225.70	3114
	17,717,542	10/03/78	Soc Sec for Sep	
323.	EVVA JURADO	434-24-0616	225.70	3114
	73,956,636	11/03/78	Soc Sec for Oct	

DECLASSIFIED
Classification

UNCLASSIFIED

Page 20

324.	ROSA L KEATON	563-30-8822	343.90	3054
	16,036,352	10/03/70	Soc Sec for Sep	
325.	ROSA L KEATON	563-30-8827	343.90	3054
	66,840,736	09/01/78	Soc Sec for Aug	
326.	ROSA L KEATON	563-30-8822	343.90	3054
	4,307,762	08/03/78	Soc Sec for Jul	
327.	ROSA L KEATON	563-30-8822	343.90	3054
	78,163,615	11/03/78	Soc Sec for Oct	
328.	TOMMIE S KEATON SR	452-07-3010	342.60	3054
	4,307,696	08/03/78	Soc Sec for Jul	
329.	TOMMIE S KEATON SR.	452-07-3010	342.60	3054
	66,840,666	09/01/78	Soc Sec for Aug	
330.	TOMMIE S KEATON SR	452-07-3010	342.60	3054
	16,036,292	10/03/70	Soc Sec for Sep	
331.	TOMMIE S KEATON SR	452-07-3010	342.60	3054
	70,163,543	11/03/79	Soc Sec for Oct	
332.	VIOLA B KELLEY	492-09-5056	218.40	3114
	21,471,304	10/03/78	Soc Sec for Sep	
333.	ELFREIDA KENDALL	453-28-7761	241.30	3054
	4,307,698	08/03/78	Soc Sec for Jul	
334.	ELFREIDA KENDALL	453-28-7761	241.30	3054
	66,840,668	09/01/78	Soc Sec for Aug	
335.	ELFREIDA KENDALL	453-28-7761	241.30	3054
	16,036,284	10/03/70	Soc Sec for Sep	

UNCLASSIFIED

UNCLASSIFIED
Classification

336.	ELFREIDA KENDALL	453-28-7761	241.30	3054
	78,163,545	11/03/78	Soc Soc for Oct	
337.	CHARLOTTE KING	568-24-0133	119.40	3054
	4,307,775	08/03/78	Soc Soc for Jul	
338.	CHARLOTTE KING	568-24-0133	119.40	3054
	66,840,749	09/01/78	Soc Soc for Aug	
339.	CHARLOTTE KING	568-24-0133	119.40	3054
	16,036,365	10/03/78	Soc Soc for Sep	
340.	CHARLOTTE KING	568-24-0133	119.40	3054
	78,163,628	11/03/78	Soc Soc for Oct	
341.	PEARL LAND	461-12-0179	202.60	3054
	4,307,707	08/03/78	Soc Soc for Jul	
342.	PEARL LAND	461-12-0179	194.40	3054
	66,840,678	09/01/78	Soc Soc for Aug	
343.	PEARL LAND	461-12-0179	194.40	3054
	16,036,294	10/03/78	Soc Soc for Sep	
344.	PEARL LAND	461-12-0179	194.40	3054
	78,163,555	11/03/78	Soc Soc for Oct	
345.	LOESSIE M LANG	452-16-4351	114.40	3054
	4,307,697	08/03/78	Soc Soc for Jul	
346.	LOESSIE M LANG	452-16-4351	114.40	3054
	66,840,667	09/01/78	Soc Soc for Aug	
347.	LOESSIE M LANG	452-16-4351	114.40	3054
	16,036,203	10/03/78	Soc Soc for Sep	

UNCLASSIFIED
Classification

DECLASSIFIED

Page 30 of 44

348.	LOISIE M LANE	452-16-4351	114.40	3054
	78,163,544	11/03/70	Soc Sec for Oct	
349.	HEAVENLY H LOVE	177-28-8480	2662.30	3054
	70,457,021	09/15/70	Soc Sec Ins	
350.	HEAVENLY H LOVE	177-28-8480	106.20	3054
	16,115,451	10/03/78	Soc Sec Ins	
351.	HEAVENLY H LOVE	177-28-8480	16.40	3054
	01,303,209	11/01/78	Soc Sec Ins	
352.	HEAVENLY H LOVE	177-28-8480	206.20	3054
	78,163,461	11/03/78	Soc Sec for Oct	
353.	LOVELIFE LOVE	088-42-5801	113.60	3054
	4,207,605	08/03/78	Soc Sec for Jul	
354.	LOVELIFE LOVE	088-42-5801	113.60	3054
	66,040,574	09/01/70	Soc Sec for Aug	
355.	LOVELIFE LOVE	088-42-5801	208.00	3054
	16,115,442	10/03/78	Soc Sec Ins	
356.	LOVELIFE LOVE	088-42-5801	121.00	3054
	70,163,431	11/03/78	Soc Sec for Oct	
357.	LOVIE JEAN LUCAS	567-28-7088	112.40	3054
	4,307,770	08/03/78	Soc Sec for Jul	
358.	LOVIE JEAN LUCAS	567-28-7088	97.70	3127
	62,373,343	08/18/78	06 10918	
			(REPLACES RM PAYMENT DATED XXXXXXXX 11/03/77)	
359.	LOVIE JEAN LUCAS	567-28-7088	112.40	3054
	66,040,744	09/01/70	Soc Sec for Aug	

DECLASSIFIED

UNCLASSIFIED
Classification

Page 31 of

MBN

360.	LOVIE JEAN LUCAS	567-20-7008	112.40	3054
	16,036,360	10/03/78	Soc Sec for Sep	
361.	LOVIE JEAN LUCAS	567-28-7088	0.20	3054
	16,599,676	11 11 10/02/78	Soc Sec Ins	
362.	LOVIE JEAN LUCAS	567-28-7088	120.60	3054
	78,163,623	11/03/78	Soc Sec for Oct	
363.	LILLIAN E MALLOY	124-14-0111	240.30	3054
	4,307,621	08/03/78	Soc Sec for Jul	
364.	LILLIAN E MALLOY	124-14-0111	256.50	3054
	66,040,590	09/01/78	Soc Sec for Aug	
365.	LILLIAN E MALLOY	124-14-0111	256.50	3054
	16,036,195	10/03/78	Soc Sec for Sep	
366.	LILLIAN E MALLOY	124-14-0111	256.50	3054
	78,163,447	11/03/78	Soc Sec for Oct	
367.	IRENE MASON	421-24-4439	207.00	3054
	4,307,659	08/03/78	Soc Sec for Jul	
368.	IRENE MASON	421-24-4439	207.00	3054
	66,040,627	09/01/78	Soc Sec for Aug	
369.	IRENE MASON	421-24-4439	207.00	3054
	16,036,247	10/03/78	Soc Sec for Sep	
370.	IRENE MASON	421-24-4439	207.00	3054
	78,163,497	11/03/78	Soc Sec for Oct	
371.	MARY HAYSIAK	435-05-7625	214.50	3054
	4,307,657	08/03/78	Soc Sec for Jul	

UNCLASSIFIED
Classification

UNCLASSIFIED
Classification

Page 32 of

MAN

372.	MARY HAYSACK	435-05-7625	214.50	3054
	66,840,643	09/01/78	Soc Sec for Aug	
373.	MARY HAYSACK	435-05-7625	214.50	3054
	16,036,259	10/03/78	Soc Sec for Sep	
374.	MARY HAYSACK	435-05-7625	214.50	3054
	78,163,514	11/03/78	Soc Sec for Oct	
375.	HENRY MERCER	199-03-7717	309.30	3054
	4,307,636	08/03/78	Soc Sec for Jul	
376.	MIR HENRY MERCER	199-03-7717	309.30	3054
	66,840,605	09/01/78	Soc Sec for Aug	
377.	HENRY MERCER	199-03-7717	309.30	3054
	16,036,211	10/03/78	Soc Sec for Sep	
378.	HENRY MERCER	199-03-7717	309.30	3054
	78,163,464	11/03/78	Soc Sec for Oct	
379.	VIRGINIA MIDDLETON	056-12-7430	649.00	3054
	81,730,857	11/16/78	Soc Sec Ins	
380.	LUCY MILLER	421-42-9554	77.30	3054
	4,307,660	08/03/78	Soc Sec for Jul	
381.	LUCY MILLER	421-42-9554	77.30	3054
	66,040,628	09/01/78	Soc Sec for Aug	
382.	LUCY MILLER	421-42-9554	77.30	3054
	16,036,243	10/03/78	Soc Sec for Sep	
383.	LUCY MILLER	421-42-9554	77.30	3054
	78,163,498	11/03/78	Soc Sec for Oct	

UNCLASSIFIED
Classification

UNCLASSIFIED

Classification

Page 334

A44N

384	CALLIE MAE MITCHELL	573-03-9362	101.50	3054
	4,307,777 08/03/78	Soc Sec for Jul		
385	CALLIE MAE MITCHELL	573-03-9362	101.50 101.50	3054
	66,040,792 09/01/78	Soc Sec for Aug		
306	CALLIE MAE MITCHELL	573-03-9362	101.50 101.50	3054
	16,036,368 10/03/78	Soc Sec for Sep		
387	CALLIE MAE MA MITCHELL	573-03-9362	101.50	3054
	70,163,631 11/03/78	Soc Sec for Oct		
300	EDWARD MOORE	435-12-5944	206.20	3114
	16,355,955 08/03/78	Soc Sec for Jul		
389	EDWARD MOORE	435-12-5944	206.20	3114
	72,679,651 09/01/78	Soc Sec for Aug		
390	EDWARD MOORE	435-12-5944	206.20	AK 3034
	16,113,454 16,113,454 10/03/78	Soc Sec Ins		
391	EDWARD MOORE	435-12-5944	206.20	3054
	78,163,516 11/03/78	Soc Sec for Oct		
392	PERALEY MORRIS	428-05-7925	80.10	3054
	4,307,665 08/03/78	Soc Sec for Jul		
393	PERALEY MORRIS	428-05-7925	80.10	3054
	66,640,633 09/01/78	Soc Sec for Aug		
394	PERALEY MORRIS	428-05-7925	0.20	3054
	16,592,030 10/02/78	Soc Sec Ins		
395	PERALEY MORRIS	428-05-7925	80.10	3054
	16,916,249 10/03/78	Soc Sec for Sep		

UNCLASSIFIED

Classification

UNCLASSIFIED
Classification

396.	MIRIAM MORRIS	428-05-7925	10/30	3054	
	78,163,504	11/03/78	Soc Sec for Oct		
397.	LUCENIA MORRISON	461-26-5632	147.00	3054	
	4,307,709	08/03/78	Soc Sec for Jul		
398.	LUCENIA MORRISON	461-26-5632	147.00	3054	
	66,040,600	09/01/78	Soc Sec for Aug		
399.	LUCENIA MORRISON	461-26-5632	147.00	3054	
	16,036,296	10/03/78	Soc Sec for Sep		
400.	LUCENIA MORRISON	461-26-5632	147.00	3054	
	78,163,557	11/03/78	Soc Sec for Oct		
401.	LUCENIA MORRISON FOR CHILDREN OF J MORRISON	461-26-5632			
	147.00	3054	4,307,709	08/03/78	Soc Sec for Jul
402.	LUCENIA MORRISON FOR CHILDREN OF J MORRISON	461-26-5632			
	147.00	3054	66,040,679	09/01/78	Soc Sec for Aug
403.	LUCENIA MORRISON FOR CHILDREN OF J MORRISON	461-26-5632			
	147.00	3054	16,036,295	10/03/78	Soc Sec for Sep
404.	LUCENIA MORRISON FOR CHILDREN OF J MORRISON	461-26-5632			
	147.00	3054	78,163,556	11/03/78	Soc Sec for Oct
405.	EURA L MOSES	549-24-7040	275.30	3054	
	4,307,757	08/03/78	Soc Sec for Jul		
406.	EURA L MOSES	549-24-7040	275.30	3054	
	66,040,730	09/01/78	Soc Sec for Aug		
407.	EURA L MOSES	549-24-7040	275.30	3054	
	16,036,346	10/03/78	Soc Sec for Sep		

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UNCLASSIFIED
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UNCLASSIFIED

Classification

Page 35 of

MMI

408.	EURA L MOSES	549-24-7010	225.50	3054
	78,163,608	11/03/78	Soc Sec for Oct	
409.	GLEN MOTON	263-05-7316	287.20	3054
	4,307,644	08/03/78	Soc Sec for Jul	
410.	GLEN MOTON	263-05-7316	207.20 XXXX	3054
	66,840,613	09/01/78	Soc Sec for Aug	
411.	GLEN MOTON.	263-05-7316	287.20	3054
	16,036,221	10/03/78	Soc Sec for Sep	
412.	GLEN MOTON.	263-05-7316	287.20	3054
	78,163,474	11/03/78	Soc Sec for Oct	
413.	ESTHER MUELLER	303-26-4442	171.60	3054
	4,307,648	08/03/78	Soc Sec for Jul	
414.	ESTHER MUELLER	303-26-4442	171.60	3054
	66,840,617	09/01/78	Soc Sec for Aug	
415. XXX	ESTHER MUELLER	303-26-4442	171.60	3054
	16,036,227	10/03/78	Soc Sec for Sep	
416.	ESTHER MUELLER	303-26-4442	171.60	3054
	78,163,482	11/03/78	Soc Sec for Oct	
417.	MARY MURPHY	389-26-7009	195.00	3054
	4,307,657	08/03/78	Soc Sec for Jul	
418.	MARY MURPHY	389-26-7009	179.50 XX	3054
	69,564,977	09/01/78	Soc Sec Ins	
419.	MARY MURPHY	389-26-7009	107.70 XXXXXX	3054
	16,036,240	10/03/78	Soc Sec for Sep	

UNCLASSIFIED

Classification

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Classification

420.	12FY HYPHY	305-26-7009	107.70	3054
	70,163,495	11/03/70	See Sec for Oct	
421.	ALLIE MCCLAIN	430-38-0524	113.60	3054
	34,307,671	08/03/70	See Sec for Jul	
422.	ALLIE MCCLAIN	430-38-0524	113.60	3054
	66,840,639	09/01/70	See Sec for Aug	
423.	ALLIE MCCLAIN	430-38-0524	113.60	3054
	16,036,255	10/03/78	See Sec for Sep	
424.	ALLIE MCCLAIN	430-38-0524	113.60	3054
	70,163,510	11/03/70	See Sec for Oct	
425.	ANNIE J MCGOWAN	355-01-1404	204.80	3054
	4,307,654	08/03/78	See Sec for Jul	
426.	LEVATUS MCKINNIS	437-20-9204	412.50	3054
	4,307,682	08/03/78	See Sec for Jul	
427.	LEVATUS MCKINNIS	437-20-9204	412.50	3054
	66,840,650	02/01/78	See Sec for Aug	
428.	LEVATUS MCKINNIS	437-20-9204	9.00	3054
	16,593,734	10/02/78	See Sec Ins	
429.	LEVATUS MCKINNIS	437-20-9204	412.50	3054
	16,036,266	10/03/78	See Sec for Sep	
430.	LEVATUS MCKINNIS	437 437-20-9204	421.50	3054
	70,163,522	11/03/70	See Sec for Oct	
431.	ANNIE J MCGOWAN	355-01-1404	204.70	3054
	66,840,623	09/01/78	See Sec for Aug	

UNCLASSIFIED
Classification

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432.	ANNIE J MCCOMAH	10/09/70	395-01-1404	101.70	3054
	10,036,236	10/09/70	See See for ex		
433.	ANNIE J MCCOMAH	11/03/70	395-01-1404	104.70	3054
	70,165,491	11/03/70	See See for ex		
434.	JIMIE B MCHALE	11/08/70	367-20-0530	101.00	3054
	81,120,730	11/08/70	See See for		
435.	HOW B NICHOLS	09/09/70	367-20-0530	111.00	X 2070
	10,119,150	09/09/70	See See for		
436.	HOW B NICHOLS	09/01/70	367-20-0536	101.00	3054
	69,964,970	09/01/70	See See for		
437.	HOW B NICHOLS	10/02/70	367-20-0530	100.00	3054
	10,909,541	10/02/70	See See for		
438.	HOW B NICHOLS	10/09/70	367-20-0530	100.00	3054
	10,030,230	10/09/70	See See for		
439.	HOW B NICHOLS	11/03/70	367-20-0530	100.00	3054
	70,165,493	11/03/70	See See for		
440.	JANE ORRIS	09/03/70	510-12-0707	100.00	3054
	4,307,735	09/03/70	See See for		
441.	JANE ORRIS	09/01/70	510-12-0707	100.00	3054
	66,610,707	09/01/70	See See for		
442.	JANE ORRIS	10/02/70	510-12-0707	100.00	3054
	10,000,000	10/02/70	See See for		
443.	JANE ORRIS	10/20/70	510-12-0707	100.00	3054
	10,000,000	10/20/70	See See for		
444.	JANE ORRIS	11/01/70	510-12-0707	100.00	3054
	70,100,000	11/01/70	See See for		

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440	DISC LIST	096-03-0411	45.00	3054
441	DISC LIST	096-03-0411	45.00	3054
442	DISC LIST	096-03-0411	45.00	3054
443	DISC LIST	096-03-0411	45.00	3054
444	DISC LIST	096-03-0411	45.00	3054
445	DISC LIST	450-14-0308	13.90	3054
446	DISC LIST	450-14-0308	13.90	3054
447	DISC LIST	450-14-0308	13.90	3054
448	DISC LIST	450-14-0308	13.90	3054
449	DISC LIST	450-14-0308	13.90	3054
450	DISC LIST	450-14-0308	13.90	3054
451	DISC LIST	450-14-0308	13.90	3054
452	DISC LIST	450-14-0308	13.90	3054
453	DISC LIST	450-14-0308	13.90	3054
454	DISC LIST	450-14-0308	13.90	3054
455	DISC LIST	450-14-0308	13.90	3054
456	DISC LIST	450-14-0308	13.90	3054
457	DISC LIST	450-14-0308	13.90	3054
458	DISC LIST	450-14-0308	13.90	3054
459	DISC LIST	450-14-0308	13.90	3054
460	DISC LIST	450-14-0308	13.90	3054

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458	LITNERA PERKINS	540-30-0151	162.50	3054
	4,307,752	09/05/70	Soc Sec for Jul	
458	LITNERA PERKINS	540-30-0151	162.50	3054
	60,040,724	09/01/70	Soc Sec for Aug	
459	LITNERA PERKINS	540-30-0151	162.50	3054
	16,026,330	10/03/70	Soc Sec for Sep	
460	LITNERA PERKINS	540-30-0151	162.50	3054
	76,193,092	11/03/70	Soc Sec for Oct	
461	ROSEY L PETERSON	549-30-5158	177.90	3054
	4,507,750	08/05/70	Soc XXX Soc for Jul	
462	ROSEY L PETERSON	549-30-5158	177.90	3054
	60,040,731	09/01/70	Soc Sec for Aug	
463	ROSEY L PETERSON	549-30-5158	177.90	3054
	16,036,347	10/03/70	Soc Sec for Sep	
464	ROSEY L PETERSON	549-30-5158	177.90	3054
	70,163,609	11/03/70	Soc Sec for Oct	
465	ORLEN PERKINS	466-05-6300	359.00	3054
	4,507,769	09/03/70	Soc Sec for	
466	ORLEN PERKINS	466-05-6300	359.00	3054
	60,040,690	09/01/70	Soc Sec for Aug	
467	ORLEN PERKINS	466-05-6300	359.00	3054
	16,036,314	10/03/70	Soc Sec for Sep	
468	ORLEN PERKINS	466-05-6300	359.00	3054
	0,165,575	11/03/70	Soc Sec for Oct	

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MARRIAGE		DATE		SOCIAL SECURITY	
169	EVA H. FUCH	304-01-7850	479.20	3054	
	4,307,650	08/03/70	Soc Sec for Jul		
476	EVA H. FUCH	304-01-7850	479.20	3054	
	66,840,619	09/01/70	Soc Sec for Aug		
471	EVA H. FUCH	304-01-7850	479.20	3054	
	16,056,229	10/03/70	Soc Sec for Sep		
472	EVA H. FUCH	304-01-7850	479.20	3054	
	70,163,404	11/03/70	Soc Sec for Oct		
473	ESTHER H. BATHACK	457-26-5033	209.00	3054	
	4,307,701	08/03/70	Soc Sec for Jul		
474	ESTHER H. BATHACK	457-26-5033	209.00	3054	
	66,630,677	09/01/70	Soc Sec for Aug		
475	ESTHER H. BATHACK	457-26-5033	209.00	3054	
	16,056,206	10/03/70	Soc Sec for Sep		
476	ESTHER H. BATHACK	457-26-5033	209.00	3054	
	70,163,549	11/03/70	Soc Sec for Oct		
477	ESTHER H. BATHACK FOR BAC K. GRIFFITH	457-26-5033			
	111.10 3.54	16,056,209	10/03/70	Soc Sec for Sep	
478	WILLIE H. FEED	423-16-8734	112.10	3054	
	4,397,661	09/03/70	Soc Sec for Jul		
479	WILLIE H. FEED	423-16-8734	112.10	3054	
	61,810,629	09/01/70	Soc Sec for Aug		
480	WILLIE H. FEED	423-16-8734	112.70	3054	
	16,052,253	10/02/70	Soc Sec Ins		

MARRIAGE

DATE

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41

391.	WILLIAM B. BROWN	423-16-023M	117.10	3054
	10,136,210	10/03/70	See Sec for fee	
392.	WILLIAM B. BROWN	423-16-023M	117.10	3054
	10,136,210	11/03/70	See Sec for fee	
393A	WILLIAM B. BROWN	419-32-5572	27.60	3054
	4,371,590	09/03/70	See Sec for fee	
404.	WILLIAM B. BROWN	419-32-5572	27.60	3054
	66,810,600	09/01/70	See Sec for fee	
405.	WILLIAM B. BROWN	649-32-5572	27.60	3054
	10,136,210	10/03/70	See Sec for fee	
406.	WILLIAM B. BROWN	449-32-5572	27.60	3054
	70,163,534	11/03/70	See Sec for fee	
407A	WILLIAM B. BROWN	591-03-3642	20.00	3054
	4,307,650	03/03/70	See Sec for fee	
408.	WILLIAM B. BROWN	591-03-3642	20.00	3054
	66,540,620	09/01/70	See Sec for fee	
409.	WILLIAM B. BROWN	591-03-3642	20.00	3054
	10,136,210	10/03/70	See Sec for fee	
420.	WILLIAM B. BROWN	591-03-3642	20.00	3054
	10,136,210	11/03/70	See Sec for fee	
421A	WILLIAM B. BROWN	564-36-0029	20.00	3054
	4,307,650	09/03/70	See Sec for fee	
422	WILLIAM B. BROWN	564-36-0029	20.00	3054
	66,340,710	12/01/70	See Sec for fee	

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493.	CLERKS FOR THE	511-30-4628	11,30	4054
	10,020,325	10/03/70	See Sec for Sep	
494.	CLERKS FOR THE	514-30-6628	11,30	4054
	79,163,610	11/03/70	See Sec for Oct	
495.	HARY DOCTORS	517-30-4649	264,90	4054
	4,307,748	09/03/70	See Sec for Jul	
496.	HARY DOCTORS	517-30-4649	264,90	4054
	61,040,720	09/11/70	See Sec for Aug	
497.	HARY DOCTORS	517-30-4649	264,90	4054
	11,076,310	10/03/70	See Sec for Sep	
498.	HARY DOCTORS	517-30-4649	264,90	4054
	11,113,910	11/03/70	See Sec for Oct	
499.	FOURTEEN	524-05-2230	260,20	4054
	1,512,730	09/03/70	See Sec for Jul	
500.	FOURTEEN	524-05-2230	260,20	4054
	00,840,710	09/01/70	See Sec for Aug	
501.	FOURTEEN	524-05-2230	260,20	4054
	16,030,520	10/03/70	See Sec for Sep	
502.	FOURTEEN	524-05-2230	260,20	4054
	79,163,500	11/03/70	See Sec for Oct	
503.	FIFTEEN	166-12-6011	115,60	4054
	4,307,120	09/03/70	See Sec for Jul	
504.	FIFTEEN	166-12-6011	115,60	4054
	00,040,700	09/01/70	See Sec for Aug	

84165-11111

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43

505.	LILLIE ROSS	464-12-1411	114.60	3054
	10,020,516	10/01/70	Soc Sec for Jun	
506.	LILLIE ROSS	464-12-1411	114.60	3054
	10,165,577	11/01/70	Soc Sec for Oct	
507.	LILLIE ROSS	464-30-1169	154.20	3054
	4,507,124	07/01/70	Soc Sec for Jul	
508.	LILLIE ROSS	464-30-1169	154.20	3054
	96,310,605	09/01/70	Soc Sec for Aug	
509.	LILLIE ROSS	464-30-1169	154.20	3054
	16,306,311	10/01/70	Soc Sec for Sep	
510.	LILLIE ROSS	464-30-1169	154.20	3054
	78,163,572	11/01/70	Soc Sec for Oct	
511.	FLORA B SAMMIS KXKXKXKXKXKXKXKXKX	567-30-0464	105.40	3054
	1,307,771	08/01/70	Soc Sec for Jul	
512.	FLORA B SAMMIS	567-30-0464	105.40	3054
	66,040,715	09/01/70	Soc Sec for Aug	
513.	FLORA B SAMMIS	567-30-0464	105.40	3054
	1,036,361	10/01/70	Soc Sec for Sep	
514. 248	FLORA B SAMMIS	567-30-0464	105.40	3054
	11,163,124	11/01/70	Soc Sec for Oct	
515.	PAULINE SCOTT	214-26-7043	164.30	3054
	4,307,631	08/01/70	Soc Sec for Jul	
516.	PAULINE SCOTT	214-26-7043	164.30	3054
	66,040,607	09/01/70	Soc Sec for Aug	
517.	PAULINE SCOTT	214-26-7043	164.30	3054
	10,030,114	10/01/70	Soc Sec for Sep	

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500	POST O SWARTH	11/26/77	104.40	3051
	70,103,667	11/26/77	See Sec for Oct	
	POST O SWARTH			
	POST O SWARTH	10/03/78	104.40	3052
	4,917,638	06/03/78	See Sec for Jul	
21	POST O SWARTH		104.40	3054
	66,040,601	09/01/78	See Sec for Aug	
	POST O SWARTH		104.40	3054
	16,036,210	10/03/78	See Sec for Sep	
522	POST O SWARTH		104.40	3054
	70,143,465	11/03/78	See Sec for Oct	
523	POST O SWARTH		104.40	3054
	61,674,850	11/07/78	See Sec for	
526	POST O SWARTH		104.40	3054
	10,56,889	10/07/78	See Sec for Sep	
527	POST O SWARTH		104.40	3054
	0,15,117	11/07/78	See Sec for Oct	
528	POST O SWARTH		104.40	3054
	3,54,790	07/07/78	See Sec for Jul	
529	POST O SWARTH		104.40	3054
	0,540,17	08/01/78	See Sec for Aug	
530	POST O SWARTH		104.40	3054
	10,00,177	10/07/78	See Sec for Sep	
531	POST O SWARTH		104.40	3054
	10,6,698	11/07/78	See Sec for Oct	

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Classification

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530.	BERTHA SMITH	437-12-4033	209.20	3054
	4,307,601	08/03/78	Soc Sec for Jul	
531.	BERTHA SMITH	437-12-4033	209.20	3054
	66,040,649	09/01/78	Soc Sec for Aug	
532.	BERTHA SMITH	437-12-4033	8.20	3054
	16,593,710	10/02/78	Soc Sec Ins	
533.	BERTHA SMITH	437-12-4033	209.20	3054
	16,036,235	10/03/78	Soc Sec for Sep	
534.	BERTHA SMITH	437-12-4033	217.40	3054
	70,163,521	11/03/78	Soc Sec for Oct	
535.	VERNON SMITH	457-05-5188	167.00	3114
	14,525,969	08/03/78	Soc Sec for Jul	
536.	VERNON SMITH	457-05-5188	167.00	3054
	66,040,671	09/01/78	Soc Sec for Aug	
537.	VERNON SMITH	457-05-5188	167.00	3054
	16,036,207	10/03/78	Soc Sec for Sep	
538.	VERNON SMITH	457-05-5188	167.00	3054
	70,163,540	11/03/78	Soc Sec for Oct	
539.	ELOISE SNEED	449-10-6349	257.00	3054
	4,307,689	08/03/78	Soc Sec for Jul	
540.	ELOISE SNEED	449-10-6349	257.00	3054
	66,040,692	09/01/78	Soc Sec for Aug	
541.	ELOISE SNEED	449-10-6349	257.00	3054
	16,036,275	10/03/78	Soc Sec for Sep	

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542.	HELEN SHELL	464-10-8591	213.10	3054
	70,163,933	11/03/78	Soc Sec for Oct	
543.	HELEN SHELL	464-10-8591	213.10	3054
	4,307,719	08/03/78	Soc Sec for Jul	
544.	HELEN SHELL	464-10-8591	213.10	3054
	66,040,690	09/01/78	Soc Sec for Aug	
545.	HELEN SHELL	464-10-8591	213.10	3054
	16,036,306	10/03/78	Soc Sec for Sep	
546.	HELEN SHELL	464-10-8591	213.10	3054
	70,163,967	11/03/78	Soc Sec for Oct	
547.	ALFRED R STAHL	310-03-8960	955.20	3054
	70,095,136	09/01/78	Soc Sec Ins	
548.	ALFRED R STAHL	310-03-8960	310.00	3054
	16,036,231	10/03/78	Soc Sec for Sep	
549.	ALFRED R STAHL	310-03-8960	310.00	3054
	70,163,406	11/03/78	Soc Sec for Oct	
550.	CAROL A STAHL	310-03-8960	26.40	3054
	3,900,775	08/03/78	Soc Sec for Jul	
551.	CAROL A STAHL	310-03-8960	192.00	3054
	69,564,974	09/01/78	Soc Sec Ins	
552.	CAROL A STAHL	310-03-8960	197.00	3054
	16,036,232	10/03/78	Soc Sec for Sep	
553.	CAROL A STAHL	310-03-8960	157.00	3054
	70,163,407	11/03/78	Soc Sec for Oct	

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47

554.	CAROL A STAHL FOR DONALD L STAHL	510-03-0060	157.00	
	5054 09,564,975 09/01/78	Soc Sec Ins		
555.	CAROL A STAHL FOR DONALD L STAHL	510-03-0060	157.00	
	5054 16,650,233 10/03/78	Soc Sec for Sep		
556.	CAROL A STAHL FOR DONALD L STAHL	510-03-0060	157.00	
	5054 78,163,489 11/03/78	Soc Sec for Oct		
557.	ABRAHAM L STATEN	223-24-5162	390.00	3054
	4,307,365 08/03/78	Soc Sec Ins		
558.	ABRAHAM L STATEN	223-24-5162	390.00	3054
	66,040,609 09/01/78	Soc Sec for Aug		
559.	ABRAHAM L STATEN	223-24-5162	390.00	3054
	16,036,216 10/03/78	Soc Sec for Sep		
560.	ABRAHAM L STATEN	223-24-5162	390.00	3054
	78,163,469 11/03/78	Soc Sec for Oct		
561.	APRAL STATEN	435-30-0092	205.10	3054
	4,307,677 08/03/78	Soc Sec for Jul		
562.	APRAL STATEN	435-30-0092	205.10	3054
	66,040,645 09/01/78	Soc Sec for Aug		
563.	APRAL STATEN	435-30-0092	205.10	3054
	16,036,261 10/03/78	Soc Sec for Sep		
564.	APRAL STATEN	435-30-0092	205.10	3054
	78,163,517 11/03/78	Soc Sec for Oct		
565.	ADLETHE M STUBBS	368-24-4025	255.40	3054
	4,307,776 08/03/78	Soc Sec for Jul		

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40

566.	ARTHUR H. TROTT	508-24-4025	263.60	3054
	69,564,991	09/01/78	See Sec for	
567.	ARTHUR H. TROTT	508-24-4025	263.60	3054
	16,036,966	10/01/78	See Sec for Sep	
568.	ARTHUR H. TROTT	508-24-4025	263.60	3054
	70,163,629	11/01/78	See Sec for Oct	
569.	CLEAVE L. SWINNEY	303-10-4049	280.10	3054
	4,307,646	08/01/78	See Sec for Jul	
570.	CLEAVE L. SWINNEY	303-10-4049	280.10	3054
	8838, 66,840,615	09/01/78	See Sec for Aug	
571.	CLEAVE L. SWINNEY	303-10-4049	280.10	3054
	16,036,225	10/03/78	See Sec for Sep	
572.	CLEAVE L. SWINNEY	303-10-4049	280.10	3054
	78,163,480	11/03/78	See Sec for Oct	
573.	FRANCIS H. TAYLOR	570-18-9112	159.60	3054
	70,761,631	09/01/78	See Sec for	
574.	FRANCIS H. TAYLOR	570-18-9112	159.60	3054
	66, 40,791	09/01/78	See Sec for Aug	
575.	FRANCIS H. TAYLOR	570-18-9112	159.60	3054
	10,000,000	10/01/78	See Sec for Sep	
576.	FRANCIS H. TAYLOR	570-18-9112	159.60	3054
	70,163,630	11/01/78	See Sec for Oct	
577.	FRANCIS H. TAYLOR	565-12-2402	180.20	38 3127
	70, 92,641	08/03/78	See Sec for Jul	

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570.	LILLIAN E TAYLOR	565-12-2402	173.00	3054
	05,015,297	09/01/78	See Soc Inv	
579.	LILLIAN E TAYLOR	565-12-2402	100.00	3054
	16,115,459	10/05/78	Soc Soc Inv	
580.	LUCILLE B TAYLOR	564-96-0501	201.00	3054
	A, 47,766	08/25/78	See Soc for Jul	
581.	LUCILLE B TAYLOR	564-36-0501	200.00	3054
	06,050,745	07/31/78	See Soc for Aug	
582.	LUCILLE B TAYLOR	564-36-0501	200.00	3054
	E, 611,386	10/05/78	See Soc for Aug	
583.	LUCILLE B TAYLOR	564-36-0501	200.00	3054
	D, 107,619	11/05/78	See Soc for Oct	
584.	MIRIAM V TAYLOR	205-12-2261	117.10	3054
	01,125,292	09/01/78	Soc Soc Inv	
585.	MIRIAM V TAYLOR	205-12-2261	117.10	3054
	H, 036,213	10/05/78	Soc Soc for Sep	
586.	MIRIAM V TAYLOR	205-12-2261	117.10	3054
	70,103,466	11/29/78	Soc Soc for Oct	
587.	MIRIAM V TAYLOR	304-96-7152	100.00	3054
	A, 501,753	09/05/78	Soc Soc for Sep	
588.	MIRIAM V TAYLOR	304-96-7152	100.00	3054
	60,015,000	03/01/78	Soc Soc for Aug	
589.	MIRIAM V TAYLOR	304-96-7152	100.00	3054
	D, 011,021	12/01/78	See Soc for Sep	

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		UNEMPLOYED	50
590.	BENJIE THOMAS	464-18-2132	100.00
	70,163,583	11/03/78	Soc Sec for Oct
591.	ERNEST THOMAS	464-18-4492	353.20
	4,307,121	08/03/78	Soc Sec for Jul
592.	ERNEST THOMAS	464-18-4492	353.20
	66,840,692	09/01/78	Soc Sec for Aug
593.	ERNEST THOMAS	464-18-4492	353.20
	16,036,308	10/03/78	Soc Sec for Sep
594.	ERNEST THOMAS	464-18-4492	353.20
	70,163,569	11/03/78	Soc Sec for Oct
595.	ETTA THOMPSON	450-20-5494	195.00
	4,307,193	08/03/78	Soc Sec for Jul
596.	ETTA THOMPSON	450-20-5494	195.00
	66,840,673	09/01/78	Soc Sec for Aug
596.	ETTA THOMPSON	450-20-5494	218.20
	16,036,279	10/03/78	Soc Sec for Sep
597.	ETTA THOMPSON	450-20-5494	201.00
	70,163,540	11/03/78	Soc Sec for Oct
598.	VERDIE THOMPSON	456-44-0348	109.00
	4,307,678	08/03/78	Soc Sec for Jul
599.	VERDIE THOMPSON	456-44-0348	109.00
	66,840,646	09/01/78	Soc Sec for Aug
600.	VERDIE THOMPSON	456-44-0348	109.00
	16,036,882	10/03/78	Soc Sec for Sep

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601.	WILLIAM THOMPSON	430-41-0770	132.10	3054
	70,163,510	11/03/70	Sec Sec for Oct	
602.	ESSIE TORNS	554-50-7066	132.10	3054
	4,897,373	03/05/70	Sec Sec Ins	
603.	ESSIE TORNS	554-50-7066	132.10	3054
	65,564,979	09/01/70	Sec Sec Ins	
604.	ESSIE TORNS	554-50-7066	132.10 928x	3054
	16,595,799	10/02/70	Sec Sec Ins	
605.	ESSIE TORNS	554-50-7066	132.10	3054
	16,036,349	10/03/70	Sec Sec for Sep	
606.	ESSIE TORNS	554-50-7066	140.00	3054
	70,163,611	11/03/70	Sec Sec for Oct	
607.	ALFRED W TSCHEITTE	545-48-0030	375.00	3054
	7,397,744	05/03/70	Sec Sec for Jul	
608.	ALFRED W TSCHEITTE	545-48-0030	375.00	3054
	60,560,710	02/01/70	Sec Sec for Aug	
609.	ALFRED W TSCHEITTE	545-48-0030	375.00	3054
	16,036,331	10/03/70	Sec Sec for Sep	
610.	ALFRED W TSCHEITTE	545-48-0030	375.00	3054
	70,163,594	11/03/70	Sec Sec for Oct	
611.	BARBARA KATHA TURNER	556-54-6783	134.00	3054
	4,807,600	08/05/70	Sec Sec for Jul	
612.	BARBARA KATHA TURNER	556-54-6783	134.00	3054
	60,040,734	09/01/70	Sec Sec for Aug	

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613.	MARTHA TURNER	556-34-6783	134.00	3054
	16,036,350	10/03/70	Soc Sec for Sep	
614.	MARTHA TURNER	556-34-6783	134.00	3054
	78,163,612	11/03/78	Soc Sec for Oct	
615.	RICHARD WADE	525-40-9358	183.40	3054
	4,397,739	08/03/78	Soc Sec for Jul	
616.	ROBERTA WADE	525-40-9358	81.60	3054
	4,397,370	08,03/78	Soc Sec Ins	
617.	ROBERTA WADE	525-40-9358	89.00	3054
	66,830,712	09/01/76	Soc Sec for Aug	
618.	ROBERTA WADE	525-40-9358	89.00	3054
	16,036,327	10/03/78	Soc Sec for Sep	
619.	ROBERTA WADE	525-40-9358	89.00	3054
	78,163,389	11/03/78	Soc Sec for Oct	
620.	MARY H WALKER	566-52-7362	117.50	3054
	4,397,769	08/03/78	Soc Sec for Jul	
621.	MARY H WALKER	566-52-7362	117.50	3054
	66,840,743	09/01/76	Soc Sec for Aug	
622.	MARY H WALKER	566-52-7362	117.50	3054
	16,036,359	10/03/78	Soc Sec for Sep	
623.	MARY H WALKER	566-52-7362	117.50	3054
	78,163,622	11/03/78	Soc Sec for Oct	
624.	MARY H WALKER	566-52-7362	122.00	3099
	9,397,570	09/01/76	Soc Sec for Jul	
625.	MARY H WALKER	566-52-7362	122.00	3099
	66,840,908	09/01/76	Soc Sec for Aug	

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626	EDITH WASHINGTON	546-44-3253	217.70	3054
	4,397,755	08/03/78	Sec Sec for Jul	
627	EDITH WASHINGTON	546-44-3253	217.70	3054
	66,840,725	09/01/78	Sec Sec for Aug	
628	EDITH WASHINGTON	546-44-3253	217.70	3054
	16,036,341	10/03/78	Sec Sec for Sep	
629	EDITH WASHINGTON	546-44-3253	217.70	3054
	78,163,604	11/03/78	Sec Sec for Oct	
630	ESSIE H. PEGLEY	573-09-2371	103.30	3127
	30,194,103	08/03/78	Sec Sec for Jul	
631	ESSIE H. PEGLEY	573-09-2371	103.30	3127
	84,728,300	09/01/78	Sec Sec for Aug	
632	ESSIE H. PEGLEY	573-09-2371	103.30	3127
	23,811,570	10/03/78	Sec Sec for Sep	
633	ESSIE H. PEGLEY	573-09-2371	103.30	3054
	81,129,731	11/03/78	Sec Sec for Oct	
634	LOUISE WILLIAMS	463-34-2951	264.70	3054
	4,901,719	09/01/78	Sec Sec for Aug	
635	LOUISE WILLIAMS	463-34-2951	264.70	3054
	66,940,689	09/01/78	Sec Sec for Aug	
636	LOUISE WILLIAMS	463-34-2951	264.70	3054
	16,969,292	10/02/78	Sec Sec for Sep	
637	LOUISE WILLIAMS	463-34-2951	264.70	3054
	16,036,305	10/03/78	Sec Sec for Sep	

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630.	LOUIS VILLIERS	463-34-291	272.40	3054
	76,105,966	11/03/70	See Sec for Oct	
630.	LOUIS VILLIERS	459-03-8056	272.40	3054
	76,105,966	08/03/70	See Sec for Jul	
630.	LOUIS VILLIERS	459-03-8056	272.40	3054
	66,340,602	01/01/70	See Sec for Aug	
641.	LOUIS VILLIERS	459-03-8056	272.40	3054
	11,500,291	10/03/70	See Sec for Sep	
641.	LOUIS VILLIERS	459-03-8056	272.40	3054
	70,105,962	11/03/70	See Sec for Oct	
643.	ERIK JOHN WIDBERY	547-30-0322	109.80	3054
	4,501,371	09/03/70	See Sec for Aug	
644.	ERIK JOHN WIDBERY	547-30-0322	109.70	3054
	00,830,719	09/01/70	See Sec for Aug	
645.	ERIK JOHN WIDBERY	547-30-0322	109.70	3054
	16,036,331	10/03/70	See Sec for Sep	
646.	ERIK JOHN WIDBERY	547-30-0322	109.70	3054
	70,105,962	11/03/70	See Sec for Oct	
647.	ERIK JOHN WIDBERY	547-30-0322	109.70	3054
	4,501,371	09/03/70	See Sec for Aug	
648.	ERIK JOHN WIDBERY	547-30-0322	109.70	3054
	00,830,719	09/01/70	See Sec for Aug	
649.	ERIK JOHN WIDBERY	547-30-0322	109.70	3054
	4,501,371	09/03/70	See Sec for Aug	

GRAND JURY

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650.	LEON WRIGHT	420-22-0096	34.00	3054
	66,140,634	09/01/78	Soc Sec for Aug	
651.	LEON WRIGHT	420-22-0096	34.00	3054
	16,036,250	10/03/78	Soc Sec for Sep	
652.	LEON WRIGHT	420-22-0096	34.00	3054
	78,163,505	11/03/78	Soc Sec for Oct	
653.	LEON WRIGHT FOR CHILDREN OF C H WRIGHT	420-22-0096	69.00	3054
	4,307,667	08/03/78	Soc Sec for Jul	
654.	LEON WRIGHT FOR CHILDREN OF C H WRIGHT	420-22-0096	69.00	3054
	66,140,635	09/01/78	Soc Sec for Aug	
655.	LEON WRIGHT FOR CHILDREN OF C H WRIGHT	420-22-0096	69.00	3054
	16,036,251	10/03/78	Soc Sec for Sep	
656.	LEON WRIGHT FOR CHILDREN OF C H WRIGHT	420-22-0096	69.00	3054
	78,163,506	11/03/78	Soc Sec for Oct	

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F. LISTING OF SOCIAL SECURITY BENEFICIARIES WHO WERE IN JONESTOWN, NUMBER OF SOCIAL SECURITY BENEFICIARIES WHO ARE CONFIRMED DECEASED, TOTAL OF SOCIAL SECURITY BENEFICIARIES WHO WERE IN JONESTOWN THAT ARE DECEASED BUT REMAIN UNIDENTIFIED AND TOTAL OF SOCIAL SECURITY BENEFICIARIES WHO WERE IN JONESTOWN THAT ARE KNOWN SURVIVORS

As of April 12, 1979

Total of SS beneficiaries who were in Jonestown	199
Confirmed deceased	173
Deceased that remain unidentified	18
Known survivors	8

The latest figures show that ~~656~~ checks were found uncashed and undeposited.

776

G. APRIL 29, 1979 LETTER FROM THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE TO THE STAFF INVESTIGATIVE GROUP



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
SOCIAL SECURITY ADMINISTRATION

P.O. BOX 1754
BALTIMORE, MARYLAND 21203 USA

REFER TO
SPR5168

APR 26 1979

BUREAU OF RETIREMENT
AND SURVIVORS INSURANCE

Mr. Tom Smeeton
Foreign Affairs Committee
B360
Rayburn House Office Bldg.
Washington, D.C. 20515

Dear Mr. Smeeton:

This is to confirm a telephone conversation between members of our respective staffs.

At this time, we have identified 199 SSA beneficiaries who were in Jonestown, Guyana, at the time of the disaster. There were only eight beneficiaries known to have survived and returned to the United States. One hundred and seventy-three of our beneficiaries have been identified at the Dover Air Force Base Mortuary. We are still awaiting identification of 18 beneficiaries.

If you have further need of information, we will be glad to furnish it.

Sincerely yours,

John P. McHale
John P. McHale
Acting Director, Division of
International Operations

3. (In classified version only)

K. (IN CLASSIFIED VERSION ONLY)

IV. STATEMENT OF HON. JOSEPH H. BLATCHFORD CONCERNING HIS INVOLVEMENT WITH JONESTOWN SURVIVORS

April 27, 1979

Statement by Joseph H. Blatchford at the request of the Foreign Affairs Committee of the U.S. House of Representatives.

My name is Joseph H. Blatchford. I am an attorney engaged principally in international trade and representation in Washington, D.C. My previous government experience includes Staff Assistant with the Education and Labor Committee in 1957; Director of the Peace Corps from 1969 to 1972; Deputy Under-Secretary of Commerce from 1976 to 1977. I now serve as President of the newly-formed Committee for the Caribbean, a non-profit Washington-based organization which was launched last year to establish closer relations between the United States and the nations of the Caribbean.

The reason for my being in Guyana was that I was invited, as President of the Committee, by the Guyana Manufacturers Association to spend five days in Georgetown from November 28 to December 3, 1978. The purpose was to be present at the meeting of the Ministers of the Caribbean Common Market and to explain to the government and private sector of Guyana what the purposes of the Committee for the Caribbean were and to identify projects which both the government and the private sector of Guyana and the U.S. private sector could work on together to the mutual benefit of both.

When the Jonestown incident occurred I was in the United States and learned through the media of the horror of the tragedy. I was advised by Jodah Samaroo, President of the GMA that the situation was normal in the capital city and that I should proceed with my trip, regardless of the Jonestown incident. Incidentally, the citizens of Guyana even in the capital city of Georgetown were largely unaware of the happenings at Jonestown.

I arrived in Guyana on the evening of November 28. Throughout the days of the 29th and 30th, I visited with officials of the government of Guyana and private business leaders, including a brief visit with the U.S. Ambassador, John Burke. Ambassador Burke and I discussed the potential of the Committee for the Caribbean and the possibility of working with the government and the private sector of Guyana. We discussed Jonestown only in general terms because he had been so preoccupied with it.

The reason for my becoming involved with some of the

survivors of the Jonestown incident was because I ran into an old friend of mine, Everett Martin, who was there to cover the Jonestown happenings for the Wall Street Journal. Mr. Martin had had extensive contact with those who defected from Jonestown with Congressman Ryan and the others who were in Jonestown at the time of the incident and had survived the tragedy. On the evening of December 1, Mr. Martin and I decided to have dinner together and he asked if I would be willing to come by the Park Hotel and meet two of the families that had survived and give them some legal advice. He said that most of the journalists had left and that he had befriended them for humanitarian reasons. They needed legal representation and, since I was a lawyer from California, perhaps I could help them. I agreed to go with him and we visited the Park Hotel on Friday evening. I met with the Parks family, principally Dale Parks and his father, Jerry Parks, and with the Bogue family, principally Jim Bogue. The chief spokesman for the group was Dale Parks, a medical technician whose mother had been slain in the shooting at the Katauma Airport and whose daughter had been poisoned at Jonestown. These two families were the ones that asked to leave the settlement with Congressman Ryan and had survived the killings at the airport.

The seven or eight members of the family I spoke with were very tired, very disillusioned and very anxious to go back to the United States. Mr. Parks was particularly bitter and nervous since they had spent two weeks in the hotel and had no idea why they had to stay there and why they couldn't go home. They expressed the fear that some of the other survivors who had been placed in the hotel might try to retaliate against them because they were defectors and the others had been loyal followers of Reverend Jones. They considered it very insensitive of the U.S. government to allow the two groups to be placed at the same small hotel. These fears were accompanied by a bitterness against their government for not helping them to get out of the country and go home since, in their view, they had done nothing wrong.

I tried to explain what I assumed to be the position of the United States government, though I had not discussed this specifically with any officials of our government; that is, that the incident was wholly unprecedented and unexpected, that the Ambassador and the small mission that we had in the country felt that they must defer to the Guyanese government and legal machinery rather than take the issue into their own hands. Secondly, that priorities, rightly or wrongly, had been set to first, clean up the Jonestown area by airlifting the bodies out and cleaning the place. And that probably, since they were alive and in a hotel, they were a lower priority on the list of concerns. I asked them what contact they had had with our Embassy. They said that one or two of the consular people had come there to

talk to them and offer them aid and so forth. They said they had no money and were afraid that they were running up a bill in the hotel that they couldn't pay. They were generally extremely distraught. I personally was surprised that when I asked them what legal advice and counselling they had been given about their reasons for staying there and what was expected of them, they said that no one had talked to them about this. It seemed to me that it was incumbent upon the U.S. government to tell them what their rights were as American citizens, to explain to them why they were there, what might be expected of them, and what the Guyanese government's position was. Apparently this had not been done, so I wound up giving them a basic civics lesson about the U.S. government's role overseas and jurisdictions of law in separate countries. They seemed extremely pleased to hear some explanations of their plight. They said that their overriding concern was to leave Guyana, but being penniless they were afraid they that they would not be able to leave. They said the Embassy required them to sign a document saying they would be liable for payments made by the U.S. government on their behalf. I told them that they ought to have legal representation and that if the Embassy wasn't going to find it for them, I would try and help. They said a man named Singh had visited them and offered his help, but they wanted me to check him out. I left that evening agreeing to check on the reputation of Mr. Singh and get back to them the following day.

On Saturday, December 2, through my Guyanese contacts, I checked on Mr. Singh and found out that he was a man of dubious reputation, had had several conflicts with the present government and perhaps was not the best person to represent them. That afternoon the Ambassador kindly invited me to his residence for cocktails and to talk a bit more about the Committee for the Caribbean's activities. A topic of conversation was, as usual, the Jonestown incident. I asked him what was being done to help the survivors at the Park Hotel. He said that the Guyanese officials wanted them to stay there to be witnesses to the shootings at the airport and to testify against Larry Layton, who was in jail accused of killing Congressman Ryan. He said he didn't know how long they would have to stay in the country, but perhaps until April or as late as October, 1979. I told him I had met with them the night before and thought that perhaps I could give them some assistance. He said that he had instructed some of his officials to meet with them and tend to their needs. I asked Ambassador Burke how they could possibly survive in this hotel without money and then leave the country. He said that the State Department would pick up the bill of the hotel, pay their air fare back home and they had already signed an agreement for them to reimburse the expenses.

In the early evening, Mr. Samaroo arranged for me to

meet with Austin Chase, a well known labor lawyer in the country. Mr. Chase accompanied me to the hotel so that the two of us could advise the two families on their legal rights. Chase said he would try to give them some guidance. He didn't know how much time he had to offer, but he did lay out to them the fact that there was no way under Guyanese law that they could be held where they were and that they were free to get on a plane the next day and leave. Mr. Chase also said that there was a growing movement of lawyers in the human rights area in Guyana and that perhaps they could get some inexpensive legal help through this means. Mr. Samaroo volunteered to raise money among Guyana businessmen to pay for their legal expenses and help the families leave the country. Later, at Mr. Chase's house, we discussed what the legal fees were and how the money could be raised. The two families seemed enormously relieved at the explanations that Mr. Chase gave them and said that it was the first time that anyone had discussed with them what their legal rights were and that they were most grateful for any assistance they could get from the Guyanese legal community to help them leave the country.

We decided to contact a prominent constitutional lawyer, Benjamin Gibson. We reached him at about eleven o'clock, Saturday evening. He agreed to go with us to visit the families. Again, I accompanied Mr. Gibson back to the Park Hotel. In very dramatic and forceful terms, he said that he would draw up the proper papers and would write letters to the American Embassy and the Guyana Justice Department insisting that these families be allowed to leave the country. He was shocked that they were being held there without having been offered any legal representation by either government and that, as a result, their human rights had been violated. Together, Mr. Gibson and I agreed to represent these two families. We decided that we would do it as a pro bono human rights case unless some recovery was made out of which we would submit our expenses. We agreed to do three things for the two families:

- 1) To get them out of the country;
- 2) To make claims against the People's Temple in Georgetown through any recovery of property that we could find;
- 3) That I would help them get legal representation in San Francisco for their claims against the People's Temple there. I told them that although I was leaving the next morning for Trinidad, I would be in touch with the Parks' and with the lawyers to help them oversee the case until they were finally out of the country. Mr. Gibson and I said that we would do whatever we could to get them home by Christmas.

The families warned me that some members of the Jonestown sect who they considered to be the most dangerous of all were travelling on the same plane with me the next day. After a stop in Trinidad, the plane would proceed to New York. The two families felt the Guyanese officials "are letting the wrong people out of the country, those who were trained to kill are leaving while we did nothing wrong and are kept here." I kept this in mind when I boarded the plane the following day and saw the group of Jonestown survivors waiting to board. I discussed with the Captain of the Pan Am plane that since these members were dangerous, they should not be brought on board without full armed guards. The Captain told me he had already taken steps in this regard. He had been promised air marshals and FBI men who did not show up. As Captain, he was getting clearance from the main Pan Am office in the United States for his refusal to board them. He told me the Embassy wanted them out of the country and it was urging him to take them and to accept Guyanese guards. He was reluctant to do this. Based on what my new clients, the Park and Bogue families had told me about this Jonestown group, I did everything I could to convince him that this would be a wrong decision. As a result, the Captain refused to take them and was supported by his airline. In the end, he let on only about nine or ten women who were thoroughly searched. The passengers who knew what was actually going on were much relieved. I proceeded to Trinidad.

The rest of my contacts consisted of constant phone calls between the lawyers and the members of the Park family from each of the stops that I made on my trip and from Washington where I returned. Mr. Gibson, after dealing with the Justice Department, the Police and the American Embassy, was successful in getting the hearing moved to Georgetown and getting the statements of the two families on record for the Layton investigation.

The best way to assure their departure was to make a definite reservation for a flight, and force the court and the Embassy to get things done before that date. Mr. Gibson was told by the American Embassy that the flight for that week that we asked for was sold out. I called Pan American in Washington and found that it was not in fact booked and I booked space for them. It turned out that the Embassy didn't want them to go that week because they had not yet arranged for sufficient security, and that is why they said the flight was sold out.

The families did finally board a Pan Am flight and arrived at Kennedy Airport the evening of December 22. I asked to see them and speak to them before they got off the plane, but the FBI said that they would take them from the plane to a room for a thorough interrogation as they had done with the previous group of survivors that had landed there. I told the

FBI that I wanted them to tell the group that I was present and if they wished to speak to me, they could. The FBI agreed. The FBI then took them to separate rooms in another building for questioning, but the group refused to talk to them until they could see me first. They had heard stories, principally through another lawyer for the People's Temple, Mark Lane, who had spent much time in Guyana. Over the radio and on loudspeakers Mark Lane told the residents of Jonestown about the evils of the FBI and the CIA, how they were their enemies and how they would torture them if they talked to them. This put them in great fear of federal U.S. officials. I assured them that they should cooperate fully with the FBI, that they were their friends and that they were the ones to protect them in the future from any potential revenge that other members might wish to take on them. The two families cooperated completely. They were still being questioned at 3 a.m. when I went to bed. The following morning we arranged for the families to get, with the cooperation of the New York Department of Welfare, help to take planes and buses to their respective homes in Ohio and California that afternoon. They said they were grateful for the friendly cooperative manner in which they had been treated by the FBI. They had been greatly disillusioned by the attempted brainwashing by Mark Lane and other partisans of the Temple to persuade them to fear and hate the United States government.

My formal contact with the families finished when I put them in touch with a friend and colleague who is a San Francisco lawyer and who is presently representing the Parks family in their claims against the People's Temple. I have had no further incidents or contacts with the U.S. government or with the U.S. Embassy. The State Department officials in Washington were most cooperative and helpful in keeping me informed about their arrival and putting me in touch with the New York authorities.

As to any further recommendations I would underline the fact that American citizens have grown to believe and to expect that the United States will do everything in its power to protect them in times of great crisis or stress or violence while they are travelling or living abroad. Although the latitude of action of U.S. Embassies in foreign countries and in foreign jurisdictions is limited, still every attempt should be made to counsel American citizens, honestly and promptly, as to their legal rights and responsibilities under both local and international law. According to the two families, this was not done in their case. The U.S. and Guyanese governments had not addressed the question of the human rights of those U.S. citizens who defected from Jonestown. They spent two weeks before a private Guyanese constitutional lawyer explained to them what the law was and what their rights were. Contacts for purposes of friendliness and goodwill were certainly done by the Embassy. But American citizens under stress are anxious to have more than courtesies extended them. They want to know that their government is interested and cares. They want to know specifically where they stand and what their rights are.

GRAVESITE INVENTORY
NATIONAL CEMETERIES

June 30, 1973

NATIONAL CEMETERIES BY STATE	2	3	4		5	6		7	8	9	10
	CLOSED	EXPECTED CLOSE-OUT	DEVELOPED	UNDEVELOPED	TOTAL	DEVELOPED ACREAGE	UNDEVELOPED ACREAGE	TOTAL ACREAGE	DEVELOPED GRAVESITES	UNDEVELOPED GRAVESITES	TOTAL POSSIBILITY
OKLAHOMA											8 + 9
Fort Gibson		2000+	13,510	18,700	8,578	6,417	2,161	11,220		13,381	
TOTAL			13,510	18,700	8,578	6,417	2,161	11,220		13,381	
OREGON											
Roseburg		1982	3,000	0	2,130	1,474	606			606	
White City		2000+	7,000		1,200	577	702	1,200		1,902	
Willamette		2000+	76,450	125,000	47,470	36,742	10,728	75,000		85,728	
TOTAL			86,450	125,000	50,800	38,793	12,036	76,200		88,236	
PENNSYLVANIA											
Philadelphia	1947		13,320	0	10,334	10,227	107			107	
TOTAL			13,320	0	10,334	10,227	107			107	
PUERTO RICO											
Puerto Rico		2000+	29,300	78,940	11,676	9,556	2,120	30,179		32,299	
TOTAL			29,300	78,940	11,676	9,556	2,120	30,179		32,299	
SOUTH CAROLINA											
Beaufort		2000+	28,920	0	17,031	10,797	6,234			6,234	
Florence		1981	5,870	0	4,625	4,104	521			521	
TOTAL			34,790	0	21,656	14,901	6,755			6,755	
SOUTH DAKOTA											
Black Hills		2000+	12,000	93,900	5,878	4,701	1,177	56,340		57,517	
Fort Meade	1948		2,000	0	188	188	0			0	
Hot Springs	1904		12,000	0	1,482	1,481	1			1	
TOTAL			26,000	93,900	7,548	6,370	1,178	56,340		57,518	

GRAVESITE INVENTORY
NATIONAL CEMETERIES

June 30, 1973

NATIONAL CEMETERIES BY STATE	2	3	4	5	6	7	8	9	10
	CLOSED	EXPECTED CLOSE-OUT	DEVELOPED	ACREAGE UNDEVELOPED	TOTAL	DEVELOPED GRAVESITES USED	GRAVESITES AVAILABLE	UNDEVELOPED GRAVESITE POSSIBILITIES	TOTAL 8+9
TENNESSEE									
Chattanooga		2000+	77.000	43.800	24,344	22,145	2,199	26,000	28,199
Knorrville	1973		9.830	0	7,474	7,467	7		7
Memphis		1980	44.150	0	29,931	25,695	4,236		4,236
Mountain Home		2000+	30.000		10,000	5,085	5,032		5,032
Nashville		1993	65.000	0	31,112	23,047	8,065		8,065
TOTAL			225.980	43.800	102,861	83,439	19,539	26,000	45,539
TEXAS									
Fort Bliss		2000+	42.850	17.000	25,263	11,928	13,335	10,200	23,535
Fort Sam Houston		1977	60.110	0	37,047	31,364	5,683		5,683
Houston		2000+	45.000	374.000	14,068	5,068	15,369	187,000	202,369
Kerrville	1957		2.000		460	459	1		1
San Antonio	1961		3.660	0	3,042	3,037	5		5
TOTAL			153.620	391.000	79,880	51,856	34,393	197,200	231,593
VIRGINIA									
Alexandria	1967		5.500	0	4,069	4,060	9		9
Bells Bluff	1865		4.630	0	25	25	0		0
City Point	1972		6.660	0	5,516	5,502	14		14
Cold Harbor	1970		1.430	0	948	933	15		15
Culpeper	1973		6.470	0	3,670	3,663	7		7
Danville	1955		3.500	0	2,177	2,157	20		20
Fort Harrison	1967		1.550	0	1,065	1,008	57		57
Glendale	1970		2.080	0	1,290	1,277	13		13
Hampton	1970		26.480	0	21,450	21,370	80		80
Hampton (VA)	1912		.030		22	22	0		0

GRAVESITE INVENTORY
NATIONAL CEMETERIES

June 30, 1973

NATIONAL CEMETERIES BY STATE	2	3	4		5	6			7	8	9	10
	CLOSED	EXPECTED CLOSE-OUT	DEVELOPED	UNDEVELOPED	ACREAGE UNDEVELOPED	TOTAL	USFIG.	RES.	AVAILABLE	DEVELOPED GRAVESITES	UNDEVELOPED GRAVESITES	TOTAL POSSIBILITY
VIRGINIA (cont)												8 + 9
Richmond	1963		9,740	0		7,457	7,434		23			23
Seven Pines	1965		1,900	0		1,126	1,089		37			37
Staunton	1970		1,150	0		844	835		9			9
Winchester	1970		4,890	0		5,052	5,035		17			17
TOTAL			76,010	0		54,711	54,410		301			301
WEST VIRGINIA												
Crafton	1961		3,210	0		2,130	2,124		6			6
TOTAL			3,210	0		2,130	2,124		6			6
WISCONSIN												
Wood			46,570	0		33,311	16,300		6,642		0	6,642
TOTAL			46,570	0		33,311	16,300		6,642		0	6,642
TOTAL VA National			2,650,302	1,488,806		1,519,497	1,261,874		257,623		822,472	1,080,095

DEPARTMENT OF INTERIOR
AND DEPARTMENT OF THE ARMY
NATIONAL CEMETERIES

GRAVESITE INVENTORY
NATIONAL CEMETERIES

June 30, 1973

1	2	3	4	5	6	7	8	9	10
NATIONAL CEMETERIES BY STATE	CLOSED	EXPECTED CLOSE-OUT	ACREAGE DEVELOPED	UNDEVELOPED	TOTAL	DEVELOPED GRAVESITES USED	PRES AVAILABLE	UNDEVELOPED GRAVESITES	TOTAL POSSIBILITY
									8 + 9
DISTRICT OF COLUMBIA									
Battleground	Closed		1,033	0	45	45	0		0
TOTAL			1,033	0	45	45	0		0
GEORGIA									
Andersonville		2000+	27,150	89,910	24,791	15,216	9,575	50,904	60,479
TOTAL			27,150	89,910	24,791	15,216	9,575	50,904	60,479
LOUISIANA									
Chalmette	Closed		17,330		15,291	15,291	0		0
TOTAL			17,330		15,291	15,291	0		0
MARYLAND									
Antietam	Closed		11,500	0	5,029	5,029	0		0
TOTAL			11,500	0	5,029	5,029	0		0
MISSISSIPPI									
Vicksburg	Closed		117,850	0	18,336	18,326	10		10
TOTAL			117,850	0	18,336	18,326	10		10
MONTANA									
Custer Battlefield		1973-75	8,080	0	4,623	4,233	390		390
TOTAL			8,080	0	4,623	4,233	390		390
PENNSYLVANIA									
Gettysburg	1973		20,550	0	6,804	6,804	0		0
TOTAL			20,550	0	6,804	6,804	0		0
TENNESSEE									
Andrew Johnson		1990-99	14,250	0	775	642	133		133
Fort Donelson		2000+	5,000	10,000	2,096	1,105	991	1,400	2,391
									9.

GRAVESITE INVENTORY
NATIONAL CEMETERIES

June 30, 1973

1	2	3	4	5	6	7	8	9	10
NATIONAL CEMETERIES BY STATE	CLOSED	EXPECTED CLOSE-OUT	ACREAGE DEVELOPED	ACREAGE UNDEVELOPED	TOTAL	DEVELOPED GRAVESITES INVENTORY	DEVELOPED GRAVESITES AVAILABLE	UNDEVELOPED GRAVESITES	TOTAL POSSIBILITY
									8 + 9
TENNESSEE (cont)									
Shiloh		1984	10,250	0	3,809	3,745			
Stones River		1974	20,000	0	6,973	6,953	64		64
TOTAL			49,500	10,000	13,653	12,445	1,208	1,400	2,608
VIRGINIA									
Fredericksburg	Closed		12,000	.005	15,340	15,340	0		0
Poplar Grove	Closed		8,650	0	6,318	6,318	0		0
Yorktown	Closed		3,000	0	2,204	2,204	0		0
TOTAL			23,650	.005	23,862	23,862	0		0
MDW									
Arlington			517,830	0	183,568	165,348	18,220		18,220
Soldiers' Home			15,800	0	13,678	13,129	549		549
TOTAL			533,630	0	197,246	178,477	18,769		18,769
TOTAL Interior & MDW			810,273	99,915	309,680	279,728	29,952	52,304	82,256
GRAND TOTAL			3,460,575	99,915	309,680	279,729	29,952	52,304	82,256
				1,588,721	1,829,177	1,541,602	287,575	874,776	1,162,351

Projected Deaths of Veterans, by State, Fiscal Years 1975 - 2000

Region and State	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988
Region I	22,085	21,925	21,825	24,256	25,142	26,027	27,326	28,801	29,529	30,401	31,255	32,091	32,383	32,230
Connecticut	5,892	6,116	6,356	6,599	6,860	7,080	7,434	7,835	8,149	8,390	8,632	8,857	8,937	8,987
New Hampshire	1,383	1,436	1,492	1,553	1,610	1,667	1,750	1,844	1,935	1,992	2,029	2,103	2,122	2,154
Maine	1,801	1,869	1,942	1,982	2,055	2,127	2,233	2,354	2,431	2,502	2,575	2,642	2,666	2,697
Massachusetts	10,621	11,025	11,458	11,517	11,938	12,358	12,974	13,675	13,855	14,264	14,674	15,057	15,194	14,953
Rhode Island	1,605	1,666	1,732	1,725	1,787	1,850	1,943	2,048	2,059	2,120	2,180	2,237	2,258	2,211
Vermont	783	813	865	880	912	945	992	1,045	1,100	1,132	1,165	1,195	1,206	1,228
Region II	46,836	48,618	50,526	51,375	53,249	55,125	57,876	60,999	62,400	64,246	66,093	67,816	68,431	67,939
New Jersey	14,269	14,812	15,393	15,986	16,569	17,153	18,008	18,981	19,734	20,318	20,902	21,467	21,641	21,760
New York	32,567	33,806	35,133	35,389	36,680	37,972	39,866	42,018	42,666	43,928	45,191	46,369	46,790	46,179
Region III	43,254	44,899	46,661	47,855	49,602	51,368	53,910	56,819	58,311	60,036	61,761	63,373	63,947	64,008
Delaware	985	1,022	1,062	1,095	1,135	1,175	1,234	1,300	1,344	1,384	1,424	1,461	1,474	1,477
Dist. of Columbia	1,310	1,360	1,413	1,567	1,624	1,681	1,765	1,860	1,757	1,809	1,861	1,910	1,927	2,097
Maryland	6,973	7,238	7,522	7,834	8,120	8,406	8,825	9,301	9,709	9,997	10,284	10,552	10,648	10,772
Pennsylvania	23,523	24,418	25,377	25,817	26,760	27,702	29,084	30,654	31,374	32,302	33,230	34,097	34,406	34,157
Virginia	6,988	7,254	7,538	7,737	8,019	8,301	8,716	9,186	9,490	9,770	10,051	10,313	10,407	10,432
West Virginia	3,475	3,607	3,749	3,805	3,944	4,083	4,286	4,518	4,637	4,774	4,911	5,040	5,085	5,083
Region IV	51,335	53,285	55,329	58,416	60,547	62,680	65,808	69,359	73,593	75,771	77,949	79,980	80,707	82,894
Alabama	5,527	5,737	5,967	6,175	6,401	6,626	6,957	7,332	7,639	7,865	8,091	8,327	8,377	8,456
Florida	14,814	15,377	15,981	17,975	18,631	19,287	20,249	21,343	23,981	24,693	25,400	26,067	26,299	28,291
Georgia	6,245	6,482	6,737	6,829	7,078	7,327	7,693	8,108	8,239	8,489	8,727	8,954	9,035	8,966
Kentucky	5,003	5,193	5,397	5,489	5,689	5,890	6,183	6,517	6,702	6,901	7,099	7,284	7,350	7,368
Mississippi	2,833	2,941	3,057	3,113	3,226	3,340	3,507	3,696	3,799	3,932	4,024	4,129	4,167	4,158
North Carolina	7,092	7,361	7,650	7,921	8,210	8,500	8,924	9,405	9,774	10,063	10,353	10,622	10,719	10,795
South Carolina	3,428	3,558	3,698	3,784	3,922	4,060	4,263	4,463	4,634	4,771	4,908	5,036	5,082	5,091
Tennessee	6,393	6,636	6,897	7,130	7,390	7,650	8,032	8,465	8,825	9,086	9,367	9,591	9,678	9,789
Region V	81,531	86,632	87,956	90,366	93,664	96,960	101,798	107,294	110,824	114,102	117,380	120,440	121,533	121,697
Illinois	20,978	21,776	22,632	23,177	24,023	24,868	26,109	27,519	28,335	29,173	30,012	30,794	31,074	30,964
Indiana	9,415	9,773	10,157	10,479	10,862	11,244	11,805	12,442	12,911	13,293	13,674	14,031	14,158	14,237
Ohio	20,502	21,282	22,118	22,716	23,545	24,374	25,590	26,971	27,796	28,618	29,440	30,208	30,482	30,461
Michigan	15,638	16,273	16,870	17,316	17,948	18,580	19,507	20,560	21,226	21,854	22,482	23,068	23,277	23,315
Minnesota	7,024	7,291	7,577	7,789	8,073	8,357	8,774	9,248	9,572	9,855	10,138	10,402	10,497	10,557
Wisconsin	7,976	8,277	8,602	8,889	9,213	9,537	10,013	10,554	10,984	11,309	11,634	11,937	12,045	12,158

Projected Deaths of Veterans, by State, Fiscal Years 1975 - 2000

Region and State	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	Total
Region I	32,345	32,458	33,522	34,612	35,438	36,174	36,572	36,969	37,253	37,175	37,789	38,293	816,876
Connecticut	9,019	9,051	9,344	9,648	10,000	10,208	10,320	10,432	10,512	10,574	10,748	10,892	282,852
New Hampshire	2,162	2,169	2,219	2,291	2,375	2,424	2,451	2,478	2,497	2,527	2,569	2,603	53,835
Maine	2,707	2,716	2,803	2,894	3,000	3,062	3,096	3,130	3,154	3,192	3,245	3,288	68,164
Massachusetts	15,006	15,059	15,593	16,100	16,313	16,652	16,835	17,017	17,148	16,958	17,238	17,468	380,950
Rhode Island	2,218	2,226	2,278	2,352	2,375	2,424	2,451	2,478	2,497	2,394	2,434	2,466	56,014
Vermont	1,233	1,237	1,285	1,327	1,375	1,406	1,419	1,434	1,445	1,530	1,555	1,576	31,961
Region II	68,180	68,423	70,722	73,023	74,813	76,368	77,207	78,065	78,643	78,604	79,903	80,968	1,726,426
New Jersey	21,837	21,915	22,659	23,396	24,250	24,754	25,026	25,298	25,492	25,736	26,161	26,510	550,007
New York	46,343	46,508	48,063	49,627	50,563	51,614	52,181	52,747	53,151	52,868	53,742	54,458	1,176,419
Region III	64,236	64,465	66,634	68,803	70,563	72,031	72,821	73,610	74,175	74,547	75,780	76,789	1,620,238
Delaware	1,477	1,483	1,518	1,568	1,625	1,659	1,677	1,695	1,708	1,729	1,758	1,781	37,245
Dist. of Columbia	2,104	2,112	2,161	2,231	2,125	2,169	2,193	2,217	2,234	2,294	2,434	2,466	50,781
Maryland	10,810	10,848	11,213	11,578	12,000	12,250	12,384	12,518	12,614	12,768	12,979	13,152	271,295
Pennsylvania	34,274	34,396	35,566	36,723	37,563	38,344	38,765	39,185	39,486	39,368	40,019	40,552	867,137
Virginia	10,470	10,507	10,862	11,216	11,625	11,867	11,997	12,127	12,220	12,303	12,506	12,673	264,575
West Virginia	5,101	5,119	5,314	5,487	5,625	5,742	5,805	5,868	5,913	5,985	6,084	6,165	129,205
Region IV	83,548	83,484	86,257	89,062	94,127	96,082	97,139	98,192	98,945	101,946	103,630	105,012	2,085,127
Alabama	8,846	8,516	8,818	9,105	9,438	9,634	9,740	9,845	9,921	10,108	10,275	10,412	214,105
Florida	28,392	28,493	29,434	30,391	33,625	34,324	34,701	35,078	35,347	37,972	38,600	39,114	703,851
Georgia	8,996	9,028	9,364	9,648	9,879	10,080	10,191	10,302	10,381	10,374	10,546	10,686	228,352
Kentucky	7,374	7,400	7,650	7,899	8,063	8,230	8,321	8,411	8,475	8,446	8,585	8,700	185,599
Mississippi	4,173	4,188	4,322	4,462	4,563	4,657	4,709	4,760	4,796	4,788	4,867	4,932	105,119
North Carolina	10,833	10,872	11,213	11,578	12,000	12,250	12,384	12,518	12,614	12,768	12,979	13,152	272,550
South Carolina	5,111	5,129	5,314	5,487	5,625	5,742	5,805	5,868	5,913	5,919	6,016	6,097	13,152
Tennessee	9,823	9,858	10,162	10,492	10,938	11,165	11,288	11,410	11,498	11,571	11,762	11,919	246,795
Region V	122,127	122,560	126,728	130,851	136,626	137,426	138,934	140,440	141,518	142,311	144,454	146,591	3,078,948
Illinois	31,075	31,185	32,237	33,286	34,125	34,835	35,217	35,599	35,872	33,910	36,504	36,990	784,269
Indiana	14,288	14,339	14,834	15,316	15,875	16,205	16,383	16,561	16,688	16,891	17,170	17,399	360,430
Ohio	30,570	30,678	31,711	32,743	33,563	34,261	34,637	35,012	35,281	35,122	35,896	36,374	770,140
Michigan	23,398	23,481	24,294	25,085	25,875	26,413	26,703	26,993	27,200	27,398	27,851	28,222	590,787
Minnesota	10,595	10,632	10,979	11,336	11,688	11,931	12,062	12,192	12,286	12,369	12,574	12,741	266,539
Wisconsin	12,201	12,245	12,673	13,085	13,500	13,781	13,932	14,083	14,191	14,431	14,669	14,865	306,782

Projected Deaths of Veterans, by State, Fiscal Years 1975 - 2000

Region and State	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988
Region VI	32,790	34,037	35,373	36,432	37,762	39,092	41,042	43,258	44,888	46,216	47,564	48,734	49,225	49,550
Arkansas	2,859	2,968	3,084	3,211	3,329	3,446	3,618	3,813	4,007	4,125	4,244	4,355	4,394	4,479
Louisiana	5,818	6,039	6,276	6,512	6,750	6,988	7,316	7,733	8,064	8,303	8,541	8,764	8,863	8,936
New Mexico	1,967	2,042	2,122	2,217	2,298	2,378	2,497	2,632	2,753	2,835	2,916	2,992	3,019	3,049
Oklahoma	4,278	4,441	4,615	4,718	4,890	5,063	5,315	5,602	5,793	5,964	6,136	6,296	6,353	6,393
Texas	17,868	18,547	19,276	19,774	20,495	21,217	22,276	23,478	24,271	24,989	25,707	26,327	26,616	26,703
Region VII	19,545	20,287	21,084	21,446	22,228	23,012	24,159	25,464	26,173	26,949	27,724	28,457	28,705	28,698
Iowa	5,015	5,205	5,410	5,513	5,714	5,915	6,210	6,545	6,735	6,934	7,133	7,319	7,386	7,397
Kansas	3,717	3,858	4,010	4,007	4,153	4,300	4,514	4,758	4,817	4,961	5,104	5,237	5,284	5,215
Missouri	8,486	8,809	9,154	9,395	9,738	10,081	10,584	11,156	11,553	11,895	12,237	12,556	12,670	12,739
Nebraska	2,327	2,415	2,510	2,531	2,623	2,716	2,851	3,005	3,068	3,159	3,250	3,385	3,365	3,347
Region VIII	9,616	9,981	10,374	10,633	11,022	11,407	11,979	12,624	13,058	13,444	13,828	14,189	14,319	14,361
Colorado	3,862	4,009	4,166	4,320	4,478	4,635	4,867	5,129	5,350	5,508	5,666	5,814	5,867	5,922
Montana	1,265	1,313	1,365	1,382	1,432	1,482	1,556	1,640	1,683	1,733	1,782	1,829	1,845	1,839
North Dakota	983	1,020	1,061	1,089	1,129	1,168	1,227	1,293	1,345	1,384	1,424	1,461	1,475	1,490
South Dakota	1,078	1,119	1,163	1,171	1,214	1,258	1,319	1,390	1,421	1,463	1,505	1,544	1,558	1,556
Utah	1,714	1,779	1,849	1,878	1,947	2,015	2,116	2,230	2,286	2,354	2,421	2,484	2,507	2,488
Wyoming	714	741	770	793	822	851	894	942	973	1,002	1,030	1,057	1,067	1,066
Region IX	46,457	48,229	50,119	53,450	55,400	57,351	60,212	63,463	67,498	69,494	71,491	73,359	74,023	76,311
Arizona	3,414	3,548	3,683	3,994	4,139	4,285	4,699	4,742	5,133	5,285	5,666	5,814	5,867	5,857
California	41,451	43,028	44,718	47,565	49,701	51,037	53,583	56,476	60,158	61,937	63,717	65,378	65,972	67,862
Hawaii	766	795	827	956	991	1,026	1,077	1,135	1,045	1,075	1,106	1,139	1,146	1,303
Nevada	826	858	891	935	969	1,003	1,053	1,110	1,162	1,197	1,231	1,263	1,275	1,289
Region X	12,035	12,493	12,983	13,481	13,974	14,465	15,187	16,008	16,655	17,148	17,641	18,100	18,266	18,544
Alaska	332	345	358	416	431	446	468	494	465	479	493	506	510	575
Idaho	1,287	1,336	1,389	1,413	1,465	1,514	1,592	1,678	1,727	1,778	1,829	1,877	1,894	1,895
Oregon	4,190	4,349	4,520	4,701	4,873	5,044	5,296	5,582	5,850	6,023	6,196	6,357	6,415	6,516
Washington	6,226	6,463	6,716	6,954	7,205	7,459	7,831	8,254	8,613	8,868	9,123	9,360	9,445	9,558
Total U.S.	365,484	379,386	394,280	407,710	422,590	437,467	459,295	484,089	502,929	517,807	532,666	546,579	551,537	556,227

Projected Deaths of Veterans, by State, Fiscal Years 1975 - 2000

Region and State	1980	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	Total
Region VI	69,322	69,906	51,568	51,265	53,188	56,135	56,456	57,572	58,013	59,721	59,691	60,687	1,253,368
Arkansas	6,495	4,511	4,672	4,824	5,000	5,104	5,160	5,216	5,256	5,387	5,476	5,569	112,827
Louisiana	8,948	9,000	9,286	9,588	10,090	10,708	10,929	10,642	10,512	10,620	10,816	10,960	225,631
New Mexico	3,060	3,071	3,154	3,256	3,379	3,445	3,445	3,521	3,548	3,591	3,650	3,699	76,570
Oklahoma	6,606	6,429	6,658	6,874	7,063	7,299	7,589	7,368	7,424	7,515	7,639	7,761	161,662
Texas	26,798	26,893	27,798	28,703	29,750	30,388	30,702	31,035	31,273	31,588	32,119	32,538	677,101
Region VII	29,800	28,902	29,901	30,874	31,626	32,281	32,618	32,491	33,261	33,318	33,867	34,320	726,236
Iowa	7,423	7,450	7,709	7,960	8,188	8,338	8,430	8,561	8,602	8,645	8,788	8,905	187,455
Kansas	5,236	5,252	5,431	5,608	5,688	5,806	5,870	5,933	5,979	5,919	6,016	6,097	132,768
Missouri	12,784	12,829	13,257	13,688	14,132	14,459	14,579	14,732	14,848	14,963	15,210	15,413	321,901
Nebraska	3,359	3,371	3,504	3,618	3,625	3,700	3,748	3,787	3,811	3,791	3,853	3,905	84,612
Region VIII	16,410	16,462	15,009	15,497	15,751	16,078	16,255	16,430	16,556	16,826	17,102	17,332	362,563
Colorado	5,943	5,964	6,190	6,392	6,625	6,793	6,817	6,911	6,994	7,116	7,233	7,330	169,861
Montana	1,845	1,852	1,927	1,990	2,000	2,062	2,066	2,086	2,102	2,128	2,163	2,192	46,537
North Dakota	1,495	1,500	1,577	1,628	1,625	1,639	1,672	1,695	1,708	1,796	1,825	1,850	37,584
South Dakota	1,561	1,567	1,635	1,688	1,688	1,721	1,742	1,760	1,774	1,796	1,825	1,850	39,306
Utah	2,496	2,505	2,570	2,653	2,688	2,743	2,775	2,806	2,822	2,793	2,839	2,877	62,635
Wyoming	1,070	1,074	1,110	1,146	1,125	1,148	1,161	1,174	1,183	1,197	1,217	1,233	26,560
Region IX	76,583	77,153	79,426	82,008	86,176	88,172	89,160	90,166	90,798	93,033	94,572	95,833	1,909,753
Arizona	5,878	5,898	6,076	6,271	6,688	6,827	6,949	6,976	7,030	7,249	7,368	7,467	145,853
California	66,106	66,365	70,666	70,963	76,875	78,476	79,135	80,196	80,811	82,665	84,027	85,146	1,699,783
Hawaii	1,307	1,312	1,343	1,387	1,413	1,460	1,455	1,369	1,380	1,530	1,555	1,576	31,150
Nevada	1,294	1,298	1,343	1,387	1,500	1,531	1,568	1,565	1,577	1,596	1,622	1,644	32,967
Region X	18,610	18,677	19,727	19,899	20,501	20,926	21,157	21,386	21,565	22,013	22,376	22,675	466,019
Alaska	577	579	586	601	607	615	623	627	631	645	676	685	13,583
Idaho	1,902	1,909	1,986	2,050	2,063	2,105	2,124	2,152	2,164	2,195	2,231	2,261	47,827
Oregon	6,559	6,563	6,772	6,935	7,250	7,401	7,482	7,563	7,621	7,781	7,909	8,015	163,805
Washington	9,592	9,626	9,928	10,251	10,625	10,860	10,965	11,084	11,169	11,372	11,560	11,714	260,804
Total U.S.	558,206	560,188	579,037	597,874	619,009	631,525	638,917	645,741	650,695	658,496	669,374	678,300	14,065,674

1959-1969 MEDIAN PERSONAL INCOME OF MALE VETERANS AND NONVETERANS

	1959 Median Income		1969 Median Income	
	Veterans 14 years or Older	All Males 14 years or Older	Veterans 16 years or Older	All Males 14 years or Older
United States	\$ 5,339	\$ 4,142	\$ 8,384	\$ 6,444
Alabama	4,151	2,737	6,968	4,859
Alaska	7,202	4,083	11,814	7,057
Arizona	5,075	4,073	8,081	6,140
Arkansas	3,308	2,159	5,712	4,024
California	5,860	4,968	9,242	7,241
Colorado	5,215	4,203	8,341	6,215
Connecticut	5,565	4,963	9,457	7,928
Delaware	5,422	4,506	8,741	7,091
District of Columbia	4,396	3,637	7,252	5,916
Florida	4,437	3,351	7,403	5,436
Georgia	4,175	2,758	7,499	5,167
Hawaii	5,066	3,753	9,147	6,528
Idaho	4,753	3,848	7,399	5,623
Illinois	5,621	4,890	9,240	7,565
Indiana	5,211	4,418	8,537	7,049
Iowa	4,762	3,724	8,009	6,211
Kansas	4,953	3,897	7,680	5,825
Kentucky	4,137	2,823	7,025	4,926
Louisiana	4,412	3,048	7,449	5,126
Maine	4,110	3,288	6,742	5,362
Maryland	5,349	4,484	9,022	7,277
Massachusetts	5,105	4,414	8,703	7,008
Michigan	5,503	4,844	9,366	7,799
Minnesota	5,064	3,996	8,488	6,523
Mississippi	3,299	1,832	6,048	3,758
Missouri	4,817	3,720	7,514	5,950
Montana	4,726	3,910	7,373	5,749
Nebraska	4,525	3,531	7,545	5,602
Nevada	5,682	4,906	8,687	7,371
New Hampshire	4,542	3,839	7,949	6,306
New Jersey	5,631	5,016	9,420	7,772
New Mexico	5,234	3,947	7,446	5,415
New York	5,380	4,653	9,018	7,222
North Carolina	3,672	2,578	6,537	4,700
North Dakota	4,140	3,124	6,897	4,930
Ohio	5,471	4,770	8,869	7,423
Oklahoma	4,499	3,310	6,977	5,128
Oregon	5,187	4,435	8,058	6,518
Pennsylvania	4,885	4,277	8,084	6,688
Rhode Island	4,578	3,817	7,871	6,059
South Carolina	3,673	2,485	6,696	4,714
South Dakota	3,947	2,973	6,466	4,636
Tennessee	3,882	2,672	6,646	4,820
Texas	4,794	3,443	7,882	5,632
Utah	5,283	4,522	8,204	6,377
Vermont	4,240	3,330	7,526	5,836
Virginia	4,597	3,281	8,022	5,716
Washington	5,468	4,619	8,880	7,177
West Virginia	4,282	3,425	7,058	5,289
Wisconsin	5,243	4,406	8,518	6,832
Wyoming	5,235	4,405	7,844	6,185

BURIAL OF VETERANS WHO DIED IN 1965, BY RESIDENCE AT DEATH AND BY PLACE OF BURIAL,
RESIDENCE KNOWN

(Estimated from variable random sample averaging 2.4% of deaths reported to the Veterans' Administration.)

NATIONAL CEMETERY	VETERANS WHOSE PLACE OF BURIAL IS KNOWN									Veterans and Ser- vicemen Not Bur- ied or Place of Burial Unknown
	RESIDENCE AT DEATH WITHIN 50 MILES OF CEMETERY			RESIDENCE AT DEATH MORE THAN 50 AND NOT OVER 100 MILES FROM CEMETERY			RESIDENCE AT DEATH WITHIN 100 MILES OF CEMETERY			
	Total Deaths	Buried in the Cemetery		Total Deaths	Buried in the Cemetery		Total Deaths	Buried in the Cemetery		
		Number	Per Cent of Total		Number	Per Cent of Total		Number	Per Cent of Total	
Alexandria, La.	225	84	37.4	1,080	11	1.0	1,305	95	7.3	58
Alexandria, Va.	6,002	0	0	3,088	0	0	9,090	0	0	334
Alton, Ill.	3,287	0	0	1,498	0	0	4,785	0	0	127
Andersonville, Ga. 1/	603	0	0	1,301	0	0	1,904	0	0	82
Annapolis, Md.	6,157	0	0	4,303	0	0	10,460	0	0	405
Arlington, Va.	6,060	2,765	45.6	3,143	334	10.6	9,203	3,099	33.7	330
Baltimore, Md. 2/	6,295	1,090	17.3	10,526	0	0	16,821	1,090	6.5	846
Barrancas, Fla.	341	112	32.8	527	0	0	868	112	12.9	20
Baton Rouge, La. 3/	548	42	7.6	2,327	21	0.9	2,875	63	2.2	77
Beaufort, S. C.	514	0	0	650	0	0	1,164	0	0	57
Beverly, N. J.	10,100	2,819	27.9	22,431	239	1.1	32,531	3,058	9.4	1,139
Black Hills, S. D.	96	81	84.4	124	96	77.4	220	177	80.5	52
Camp Butler, Ill.	457	0	0	5,186	0	0	5,643	0	0	371
Camp Nelson, Ky.	366	0	0	4,190	0	0	4,556	0	0	335
Cave Hill, Ky. 4/	1,517	72	4.7	3,358	0	0	4,875	72	1.5	360
Chattanooga, Tenn.	695	181	26.0	1,942	0	0	2,637	181	6.9	157
Corinth, Miss.	214	0	0	1,381	0	0	1,595	0	0	75
Crown Hill, Ind.	2,067	0	0	4,110	0	0	6,177	0	0	4
Culpeper, Va.	604	0	0	8,969	0	0	9,573	0	0	356
Danville, Ky.	351	0	0	2,497	0	0	2,848	0	0	261

100

BURIAL OF VETERANS WHO DIED IN 1965, BY RESIDENCE AT DEATH AND BY PLACE OF BURIAL, - Cont'd.

NATIONAL CEMETERY	VETERANS WHOSE PLACE OF BURIAL IS KNOWN									Veterans and Ser- vicesmen Not Bur- ied or Place of Burial Unknown
	RESIDENCE AT DEATH WITHIN 50 MILES OF CEMETERY			RESIDENCE AT DEATH MORE THAN 50 AND NOT OVER 100 MILES FROM CEMETERY			RESIDENCE AT DEATH WITHIN 100 MILES OF CEMETERY			
	Total Deaths	Buried in the Cemetery		Total Deaths	Buried in the Cemetery		Total Deaths	Buried in the Cemetery		
		Number	Per Cent of Total		Number	Per Cent of Total		Number	Per Cent of Total	
Denville, Va.	773	0	0	2,225	0	0	2,998	0	0	105
Fayetteville, Ark.	468	14	3.0	1,166	0	0	1,634	14	0.9	0
Fian's Point, N. J.	8,343	0	0	11,109	0	0	19,452	0	0	825
Florence, S. C.	374	10	2.7	1,250	1	0.1	1,624	11	0.7	66
Ft. Bliss, Texas	205	186	90.7	50	0	0	255	186	72.9	11
Ft. Gibson, Okla.	786	83	10.6	1,157	0	0	1,943	83	4.3	33
Ft. Leavenworth, Kans.	1,654	138	8.3	665	4	0.6	2,319	142	6.1	150
Ft. Logan, Colo.	905	333	36.8	392	28	7.1	1,297	361	27.8	180
Ft. McPherson, Nebr.	80	53	66.3	210	0	0	290	53	18.3	11
Ft. Rosecrans, Calif.	1,074	731	68.1	1,586	425	26.8	2,660	1,156	43.5	450
Ft. Sam Houston, Tex. 5/	954	610	63.9	663	0	0	1,617	610	37.7	120
Ft. Scott, Kans.	272	113	41.5	2,163	0	0	2,435	113	4.6	65
Ft. Smith, Ark.	235	38	11.9	1,057	5	0.5	1,292	43	3.3	11
Ft. Snelling, Minn.	1,590	1,004	63.1	853	113	13.2	2,443	1,117	45.7	90
Golden Gate, Calif.	3,541	1,911	54.0	2,605	1,471	56.5	6,146	3,382	55.0	859
Grafton, W. Va.	390	0	0	4,745	0	0	5,135	0	0	882
Hampton, Va.	1,080	227	21.0	1,602	23	1.4	2,682	250	9.3	58
Jefferson Barracks, Mo.	3,684	1,119	30.4	908	64	7.0	4,592	1,183	25.8	238
Jefferson City, Mo.	359	0	0	910	0	0	1,269	0	0	18
Keokuk, Iowa	480	0	0	892	0	0	1,372	0	0	64

Table 1 - Cont'd.

BURIAL OF VETERANS WHO DIED IN 1965, BY RESIDENCE AT DEATH AND BY PLACE OF BURIAL, - Cont'd.

NATIONAL CEMETERY	VETERANS WHOSE PLACE OF BURIAL IS KNOWN									Veterans and Ser- vicemen Not Bur- ied or Place of Burial Unknown
	RESIDENCE AT DEATH WITHIN 50 MILES OF CEMETERY			RESIDENCE AT DEATH MORE THAN 50 AND NOT OVER 100 MILES FROM CEMETERY			RESIDENCE AT DEATH WITHIN 100 MILES OF CEMETERY ¹			
	Total Deaths	Buried in the Cemetery		Total Deaths	Buried in the Cemetery		Total Deaths	Buried in the Cemetery		
		Number	Per Cent of Total		Number	Per Cent of Total		Number	Per Cent of Total	
Knoxville, Tenn.	621	120	19.3	1,563	0	0	2,184	120	5.5	53
Lebanon, Ky.	609	0	0	2,236	0	0	2,845	0	0	282
Lexington, Ky.	523	0	0	4,742	0	0	5,265	0	0	144
Little Rock, Ark.	604	71	11.8	603	19	3.2	1,207	90	7.5	89
Long Island, N. Y.	20,091	6,766	33.7	5,543	14	0.3	25,634	6,780	22.5	848
Marietta, Ga.	1,623	196	12.1	1,350	0	0	2,973	196	6.6	123
Memphis, Tenn.	633	136	21.5	809	0	0	1,442	136	9.4	92
Mill Springs, Ky.	386	0	0	2,556	0	0	2,942	0	0	295
Mobile, Ala.	723	0	0	694	0	0	1,417	0	0	41
Mound City, Ill.	808	127	15.7	1,032	0	0	1,840	127	6.9	132
Nashville, Tenn.	850	158	18.6	1,315	0	0	2,165	158	7.3	100
Natchez, Miss.	214	20	9.3	1,536	0	0	1,750	20	1.1	116
New Albany, Ind.	1,525	0	0	3,559	0	0	5,084	0	0	299
New Bern, N. C.	350	0	0	820	0	0	1,150	0	0	63
Philadelphia, Pa.	9,529	0	0	23,777	0	0	33,306	0	0	1,114
Quincy, Ill.	503	0	0	1,150	0	0	1,653	0	0	34
Raleigh, N. C.	927	0	0	1,830	0	0	2,757	0	0	79
Rock Island, Ill.	562	0	0	2,057	0	0	2,619	0	0	127
St. Augustine, Fla.	1,152	0	0	840	0	0	1,992	0	0	294
Salisbury, N. C.	1,297	30	2.3	2,126	0	0	3,423	30	0.9	105

BURIAL OF VETERANS WHO DIED IN 1965, BY RESIDENCE AT DEATH AND BY PLACE OF BURIAL, - Cont'd.

NATIONAL CEMETERY	VETERANS WHOSE PLACE OF BURIAL IS KNOWN									Veterans and Ser- vicemen Not Bur- ied or Place of Burial Unknown
	RESIDENCE AT DEATH WITHIN 50 MILES OF CEMETERY			RESIDENCE AT DEATH MORE THAN 50 AND NOT OVER 100 MILES FROM CEMETERY			RESIDENCE AT DEATH WITHIN 100 MILES OF CEMETERY			
	Total Deaths	Buried in the Cemetery		Total Deaths	Buried in the Cemetery		Total Deaths	Buried in the Cemetery		
		Number	Per Cent of Total		Number	Per Cent of Total		Number	Per Cent of Total	
Santa Fe, N.M.	273	101	37.0	72	29	40.3	345	130	37.7	22
Soldiers' Home, D.C.	6,257	0	0	3,569	0	0	9,826	0	0	339
Springfield, Mo.	353	63	17.7	917	0	0	1,270	63	5.0	3
Willamette, Ore.	1,842	872	47.3	741	100	13.5	2,583	972	38.3	151
Wilmington, N. C.	345	21	6.1	924	9	1.0	1,269	30	2.4	34
Woodlawn, N. Y.	893	31	3.5	2,552	0	0	3,445	31	0.9	6
Weighted Average of 71 cemeteries. ^{5/}	-	-	17.5	-	-	1.6	-	-	8.1	-
Weighted Average of 42 cemeteries in which sample estimated there were burials. ^{6/}	-	-	30.8	-	-	2.9	-	-	14.3	-

1/ Includes Prison Park in same county.

2/ Includes Baltimore and Loudon Park in same county.

3/ Includes Port Hudson in same county.

4/ Includes Zachary Taylor in same county.

5/ Includes San Antonio in same county.

6/ Totals not shown because numbers are not additive: there is duplication among cemeteries.

Table 2

VETERAN AND SERVICEMAN DEATHS IN 1965, BY STATE OF RESIDENCY AT DEATH,
BY DISPOSITION OF REMAINS, AND BY DISTANCE OF RESIDENCE FROM FEDERAL CEMETERY

(Estimated from variable random sample averaging 2.4% of deaths reported to the Veterans' Administration)

State of Residency at Death	Total Deaths Estimated By The Sample	DEATHS WHERE RESIDENCE ^{1/} AT DEATH AND DISPOSITION OF REMAINS IS KNOWN											Residence ^{1/} and/or Disposition Unknown
		Total	GROUND BURIALS								Cre-mations		
			All Ground Burials	% of Total Resid. And Disp. Known	Residence Within 50 Miles of A Federal Cemetery 2/		Residence 50 to 100 Miles From A Fed. Cemetery 2/		Residence More Than 100 Miles From A Fed. Cemetery 2/		Number	% of Total Known	
					Number	% of Total Known	Number	% of Total Known	Number	% of Total Known			
Alabama	3,265	3,134	3,134	100.0	117	3.7	1,300	41.4	1,717	54.8	0	-	131
Arizona	1,935	1,872	1,786	95.4	75	4.0	792	42.3	919	49.1	86	4.6	63
Arkansas	2,100	2,058	2,058	100.0	1,053	51.2	37	33.4	318	15.5	0	-	42
California	21,603	20,787	18,982	91.3	12,927	62.2	3,598	17.3	2,457	11.8	1,805	8.7	816
Colorado	2,046	1,832	1,809	98.7	1,021	55.7	508	27.7	280	15.3	23	1.3	214
Connecticut	2,849	2,674	2,622	98.1	1,034	38.7	1,344	51.0	224	8.4	52	1.9	175
Delaware	458	446	440	98.7	390	87.4	50	11.2	0	-	6	1.3	12
Dist. of Col.	1,858	1,858	1,858	100.0	1,858	100.0	0	-	0	-	0	-	0
Florida	8,615	8,146	7,001	85.9	3,481	42.7	1,163	14.3	2,352	28.9	1,145	14.1	469
Georgia	4,246	3,952	3,927	99.4	2,365	59.8	1,263	32.0	297	7.5	25	0.6	294
Idaho	1,034	1,001	1,001	100.0	0	-	0	-	1,001	100.0	0	-	33
Illinois	15,028	14,791	14,533	98.3	2,755	20.0	10,315	69.7	1,253	8.5	258	1.7	237
Indiana	5,306	5,127	5,094	99.4	4,209	82.1	843	16.4	42	0.8	33	0.6	179
Iowa	3,598	3,314	3,314	100.0	350	10.6	494	14.9	2,470	74.5	0	-	284
Kansas	2,240	2,121	2,121	100.0	799	37.7	243	11.5	1,079	50.9	0	-	119
Kentucky	3,853	3,518	3,446	98.0	2,159	61.4	1,241	35.3	46	1.3	72	2.0	335
Louisiana	3,865	3,655	3,655	100.0	2,403	65.7	958	26.2	294	8.0	0	-	210
Maine	1,240	1,188	1,188	100.0	835	70.3	313	26.3	40	3.4	0	-	52
Maryland	4,632	4,450	4,328	97.3	4,055	91.8	243	5.5	0	-	122	2.7	182
Massachusetts	6,119	5,868	5,835	99.4	0	-	44	1.1	5,769	98.2	33	0.5	331

VETERAN AND SERVICEMAN DEATHS IN 1965, BY STATE OF RESIDENCE AT DEATH, - Cont'd.

State of Residence at Death	Total Deaths Estimated By The Sample	DEATHS WHERE RESIDENCE AT DEATH AND DISPOSITION OF REMAINS IS KNOWN											Resti- gence/ and/or Disposition Un- known
		Total	GROUND BURIALS										
			All Ground Burials	% of Total, Resid. And Disp. Known	Residence Within 50 Miles of A Federal Cemetery ^{2/}		Residence 50 to 100 Miles From a Fed. Cemetery ^{2/}		Residence More Than 100 Miles From a Fed. Cemetery ^{2/}		Cremations		
					Number	% of Total Known	Number	% of Total Known	Number	% of Total Known	Number	% of Total Known	
Michigan	8,956	8,667	8,565	98.8	0	-	58	0.7	8,507	98.1	102	1.2	289
Minnesota	4,150	4,001	3,958	98.9	1,585	39.6	663	16.6	1,710	42.7	43	1.1	169
Mississippi	2,442	2,353	2,312	98.3	949	40.3	1,033	43.9	330	14.0	41	1.7	89
Missouri	6,691	6,398	6,313	98.7	4,799	75.0	1,227	19.2	287	4.5	85	1.3	293
Montana	1,060	1,017	964	94.8	13	1.3	112	11.0	839	82.5	53	5.2	43
Nebraska	1,678	1,604	1,604	100.0	85	5.3	324	20.2	1,195	74.5	0	-	74
Nevada	575	558	541	97.0	0	-	0	-	541	97.0	17	3.0	17
New Hampshire	1,058	888	888	100.0	0	-	203	22.9	685	77.1	0	-	170
New Jersey	8,536	8,413	8,292	98.6	8,203	97.5	89	1.1	0	-	121	1.4	123
New Mexico	834	769	758	98.6	378	49.2	139	18.1	241	31.3	11	1.4	65
New York	20,572	20,277	19,876	98.0	15,681	77.3	1,594	7.9	2,601	12.8	401	2.0	295
North Carolina	4,488	4,211	4,211	100.0	3,312	78.7	899	21.3	0	-	0	-	277
North Dakota	868	848	848	100.0	0	-	0	-	848	100.0	0	-	20
Ohio	11,874	11,391	11,353	99.7	3,007	26.4	2,740	24.1	5,606	49.2	38	0.3	433
Oklahoma	3,084	3,084	3,084	100.0	697	22.6	594	19.3	1,793	58.1	0	-	0
Oregon	3,088	3,029	2,887	95.3	2,009	66.3	625	20.6	253	8.3	142	4.7	59
Pennsylvania	17,357	16,564	16,365	98.8	7,940	47.9	7,356	44.4	1,059	6.5	199	1.2	793
Rhode Island	1,443	1,410	1,410	100.0	0	-	0	-	1,410	100.0	0	-	33
South Carolina	2,450	2,350	2,340	99.6	628	26.7	1,339	57.0	373	15.9	10	0.4	100
South Dakota	751	703	703	100.0	159	22.6	42	6.0	502	71.4	0	-	48

Table 2 - Cont'd.

VETERAN AND SERVICEMAN DEATHS IN 1955, BY STATE OF RESIDENCE AT DEATH, - Cont'd.

State of Residence at Death	Total Deaths Estimated By The Sample	DEATHS WHERE RESIDENCE ^{1/} AT DEATH AND DISPOSITION OF REMAINS IS KNOWN											
		Total	All Ground Burials	% of Total Resid And Disp. Known	GROUND BURIALS						Cre-mations		Residence ^{2/} and/o Disposition Un-known
					Residence Within 50 Miles of a Federal Cemetery ^{2/}		Residence 50 to 100 Miles From a Fed. Cemetery ^{2/}		Residence More Than 100 Miles From a Fed. Cemetery ^{2/}		Number	% of Total Known	
					Number	% of Total Known	Number	% of Total Known	Number	% of Total Known			
Tennessee	3,984	3,640	3,640	100.0	3,263	89.6	377	10.4	0	-	0	-	344
Texas	11,002	10,692	10,608	99.2	1,183	11.1	709	6.6	8,716	81.5	84	0.8	510
Utah	734	689	689	100.0	0	-	0	-	689	100.0	0	-	45
Vermont	462	411	411	100.0	0	-	0	-	411	100.0	0	-	51
Virginia	4,792	4,632	4,632	100.0	3,328	71.8	1,304	28.2	0	-	0	-	160
Washington	4,272	4,050	3,420	84.7	340	8.4	235	5.8	2,854	70.5	621	15.3	222
West Virginia	2,736	2,169	2,169	100.0	429	19.8	539	24.8	1,202	55.4	0	-	567
Wisconsin	4,808	4,667	4,667	100.0	2,039	43.7	1,117	23.9	1,511	32.4	0	-	141
Wyoming	545	361	348	96.4	7	1.9	97	26.9	244	67.6	13	3.6	184
49 States	231,210	221,638	215,997	97.5	102,160	46.1	48,862	22.0	64,975	29.3	5,641	2.5	9,572

^{1/} I.e., residence with respect to distance from Federal cemeteries. State of residence is known in all cases contained in this table.

^{2/} In determining distance of residence from Federal cemetery, all major cemeteries under Federal jurisdiction are included: National Cemeteries under both Army and National Park Service and VA Cemeteries. Post cemeteries are excluded.

VETERAN GROUND BURIALS BY STATE OF RESIDENCE AT DEATH, BY DISTANCE OF RESIDENCE FROM A FEDERAL CEMETERY ^{1/} AND BY PLACE OF BURIAL. DEATHS IN CALENDAR YEAR 1965

(Includes only those for whom county of residence at death and place of burial are known. See Table 2 for summary which includes those not buried and those whose residence and place of burial are unknown.)
(Estimated from a variable random sample averaging 2.4% of deaths reported to the Veterans' Administration.)

STATE OF RESIDENCE	TOTAL GROUND BURIALS RESIDENCE AND PLACE OF BURIAL KNOWN			RESIDED AT TIME OF DEATH WITHIN 50 MILES OF A FEDERAL CEMETERY			RESIDED AT TIME OF DEATH MORE THAN 50 BUT NOT MORE THAN 100 MILES FROM A FEDERAL CEMETERY			RESIDED AT TIME OF DEATH MORE THAN 100 MILES FROM ANY FEDERAL CEMETERY		
	Total Number	Buried in Fed. Cemetery		Total Number	Buried in Fed. Cemetery		Total Number	Buried in Fed. Cemetery		Total Number	Buried in Fed. Cemetery	
		Number	% of Total		Number	% of Total		Number	% of Total		Number	% of Total
Alabama	3,134	0	-	117	0	-	1,300	0	-	1,717	0	-
Arizona	1,786	168	9.4	75	42	56.0	792	67	8.5	919	59	6.4
Arkansas	2,058	156	7.6	1,053	114	10.8	687	28	4.1	318	14	4.4
California	18,982	7,854	41.4	12,927	6,129	47.4	3,598	1,385	38.5	2,457	340	13.8
Colorado	1,809	407	22.5	1,021	379	37.1	508	28	5.5	280	0	-
Connecticut	2,622	104	4.0	1,034	52	5.0	1,364	52	3.8	224	0	-
Delaware	440	61	13.7	390	61	15.6	50	0	-	0	0	-
Dist. of Col.	1,858	1,430	76.9	1,858	1,430	76.9	0	0	-	0	0	-
Florida	7,001	726	10.4	3,481	506	14.5	1,168	140	12.0	2,352	80	3.4
Georgia	3,927	270	6.9	2,365	236	10.0	1,265	34	2.7	257	0	-
Idaho	1,001	118	11.8	0	0	-	0	0	-	1,001	118	11.8
Illinois	14,533	411	2.8	2,965	127	4.3	10,315	150	1.5	1,253	134	10.7
Indiana	5,094	82	1.6	4,209	82	1.9	843	0	-	42	0	-
Iowa	3,314	0	-	350	0	-	494	0	-	2,470	0	-
Kansas	2,121	213	10.0	799	213	27.9	243	0	-	1,079	0	-

Table 3 - Cont'd.

VETERAN GROUND BURIALS BY STATE OF RESIDENCE AT DEATH, BY DISTANCE OF RESIDENCE - Cont'd.

STATE OF RESIDENCE	TOTAL GROUND BURIALS RESIDENCE AND PLACE OF BURIAL KNOWN			RESIDED AT TIME OF DEATH WITHIN 50 MILES OF A FEDERAL CEMETERY			RESIDED AT TIME OF DEATH MORE THAN 50 BUT NOT MORE THAN 100 MILES FROM A FEDERAL CEMETERY			RESIDED AT TIME OF DEATH MORE THAN 100 MILES FROM ANY FEDERAL CEMETERY		
	Total Number	Buried in Fed. Cemetery		Total Number	Buried in Fed. Cemetery		Total Number	Buried in Fed. Cemetery		Total Number	Buried in Fed. Cemetery	
		Number	% of Total		Number	% of Total		Number	% of Total		Number	% of Total
Kentucky	3,446	72	2.1	2,159	72	3.2	1,261	0	-	46	0	-
Louisiana	3,655	363	9.9	2,403	232	9.7	958	131	13.7	294	0	-
Maine	1,188	0	-	835	0	-	313	0	-	40	0	-
Maryland	4,328	2,009	46.4	4,085	1,992	48.8	243	17	7.0	0	0	-
Massachusetts	5,835	207	3.5	0	0	-	66	0	-	5,769	207	3.6
Michigan	8,565	78	0.9	0	0	-	58	0	-	8,507	78	0.9
Minnesota	3,958	1,244	31.4	1,585	1,005	63.4	663	113	17.0	1,710	126	7.4
Mississippi	2,312	80	3.5	949	39	4.1	1,033	41	4.0	330	0	-
Missouri	6,313	1,226	19.4	4,799	1,218	25.4	1,227	8	0.7	287	0	-
Montana	964	105	10.9	13	3	23.1	112	35	31.2	839	67	8.0
Nebraska	1,604	74	4.6	85	53	62.4	324	0	-	1,195	21	1.8
Nevada	541	62	11.5	0	0	-	0	0	-	541	62	11.5
New Hampshire	888	118	13.3	0	0	-	203	24	11.3	685	94	13.7
New Jersey	8,292	1,477	17.8	8,203	1,477	18.0	89	0	-	0	0	-
New Mexico	758	207	27.3	378	141	37.3	139	47	33.8	241	19	7.9
New York	19,876	6,776	34.1	15,681	6,743	43.0	1,594	9	0.6	2,601	24	0.9
North Carolina	4,211	137	3.3	3,312	119	3.6	899	18	2.0	0	0	-
North Dakota	848	54	6.4	0	0	-	0	0	-	848	54	6.4
Ohio	11,353	318	2.8	3,007	156	5.2	2,740	16	0.6	5,606	146	2.6

VETERAN GROUND BURIALS BY STATE OF RESIDENCE AT DEATH, BY DISTANCE OF RESIDENCE - Cont'd.

STATE OF RESIDENCE	TOTAL GROUND BURIALS RESIDENCE AND PLACE OF BURIAL KNOWN			RESIDED AT TIME OF DEATH WITHIN 50 MILES OF A FEDERAL CEMETERY			RESIDED AT TIME OF DEATH MORE THAN 50 BUT NOT MORE THAN 100 MILES FROM A FEDERAL CEMETERY			RESIDED AT TIME OF DEATH MORE THAN 100 MILES FROM ANY FEDERAL CEMETERY		
	Total Number	Buried in Fed. Cemetery		Total Number	Buried in Fed. Cemetery		Total Number	Buried in Fed. Cemetery		Total Number	Buried in Fed. Cemetery	
		Number	% of Total		Number	% of Total		Number	% of Total		Number	% of Total
Oklahoma	3,086	83	2.7	697	83	11.9	594	0	-	1,792	0	-
Oregon	2,887	1,180	40.9	2,009	1,010	50.3	625	138	22.1	253	32	12.6
Pennsylvania	16,365	2,039	12.5	7,340	1,868	23.5	7,356	173	2.4	1,069	0	-
Rhode Island	1,410	0	-	0	0	-	0	0	-	1,410	0	-
South Carolina	2,340	64	2.7	628	25	4.0	1,339	39	2.9	373	0	-
South Dakota	703	223	32.0	159	135	86.9	42	100.0	502	48	9.6	
Tennessee	3,640	685	18.8	3,263	667	20.4	377	18	4.8	0	0	-
Texas	10,608	1,072	10.1	1,183	796	67.3	709	18	2.5	8,716	258	3.0
Utah	689	11	1.6	0	0	-	0	0	-	689	11	1.6
Vermont	411	10	2.4	0	0	-	0	-	-	411	10	2.4
Virginia	4,632	1,198	25.9	3,328	1,130	34.0	1,304	68	5.2	0	0	-
Washington	3,429	243	7.2	340	12	3.5	235	7	3.0	2,854	229	8.0
West Virginia	2,169	38	1.8	429	0	-	538	0	-	1,202	38	3.2
Wisconsin	4,667	54	1.2	2,039	54	2.6	1,117	0	-	1,511	0	-
Wyoming	348	0	-	7	0	-	97	0	-	264	0	-
49 States	215,997	33,514	15.5	102,160	28,399	27.8	48,852	2,864	5.8	64,975	2,269	3.5

1/ Includes all cemeteries under Federal jurisdiction: National Cemeteries (Army), National Cemeteries (National Park Service), VA Cemeteries, and Post Cemeteries.

ALABAMA

Unless otherwise designated, citations are to Code of Alabama, 1958, and latest supplements

Type of Law	Referred	Citation
Burial allowances and allied benefits	<i>Burial</i> - 4 months' pension after death of Confederate pensioner may be applied to burial expenses	Title 60, § 35.

ARIZONA

Unless otherwise designated, citations are to Arizona Revised Statutes Annotated, 1956

Burial allowances and allied benefits	<i>Burial</i> - County allowances for burial of indigent veterans or their widows. Burial may not be in potter's field. <i>Headstones</i> - County shall apply to the United States for a suitable headstone and have headstone set in place.	§§ 11-311 to 11-313. § 11-312.
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CALIFORNIA

Burial allowances and allied benefits	<i>Burial</i> - County allowance for burial or cremation of indigent veterans or their widows. Burial may not be in potter's field. <i>Grave care</i> - Maintenance of soldiers' graves is county charge. Cities and counties authorized to mark and maintain graves of servicemen with consent. Officers who manage cemetery or burial place. <i>Headstones and markers</i> - The county clerk is required to apply to the United States for a suitable headstone. An allowance is made for setting the stone in place. Veterans' graves are to be kept properly marked and identified.	Military and Veterans Code, §§ 924, 910-930 Military and Veterans Code, §§ 949-960-962 Military and Veterans Code, §§ 949, 960-962.
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COLORADO

Colorado Revised Statutes

Burial allowances and allied benefits.	<i>Burial</i> - County allowance up to \$50 for burial of indigent veterans. Burial not to be in cemetery used exclusively for burial of pauper dead. Relatives or friends may conduct the funeral. <i>Burial grounds</i> - The State is authorized to acquire and maintain burial grounds the management and control of which is vested in certain veterans' organizations. No charge shall be made for burial space in such grounds. - - - - - Veterans, their wives, widows, and mothers who were residents of the Colorado State Veterans Center may be buried in cemetery of the center. <i>Headstones</i> - County allowance up to \$20 for headstones for graves of indigent soldiers.	C. R. S. (1963), 144-2-1, 144-2-4 C. R. S. (1963), 144-2-4 to 144-2-9 C. R. S. (1963), 144-1-9 C. R. S. (1963), 144-2-2 99
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CONNECTICUT

Type of law	Referred	Citation
Burial allowances and allied benefits.	<i>Burial.</i> —State allowance up to \$150 for burial expenses of indigent veterans, burial may not be in casket unless used exclusively for burial of pauper's dead. <i>Headstones of a State cemetery for war veterans at Middletown.</i> <i>Funeral costs.</i> —Right to have a firing squad from the National Guard, Naval Militia, State Guard, or the Organized Militia attend funeral of a veteran. <i>Care of graves.</i> —Committees in cities and towns to be appointed to provide care of graves of veterans. <i>Record of graves.</i> —Registrars of vital statistics to report to State Registrar on burial of veterans. —The State Registrar may cause to be located and permanently plotted the graves of all soldiers buried in the State. <i>Headstones and markers.</i> —Comptroller may not prohibit the erection of a headstone provided by the State or otherwise for veterans' graves. —Veterans' Home and Hospital Commission is required to furnish headstones, at a cost not in excess of \$75, for graves of veterans. —Veterans' Home and Hospital Commission is required to furnish upon application a metal marker and a flag holder for grave of any person who served in the military or naval forces of the United States in the Revolutionary War. —Markers or headstones shall be erected in a cemetery or public place for veterans buried abroad or missing. A memorial stone to several such veterans may be erected in lieu of individual markers.	Gen. Stat. § 27-118. (P.A. 661, 1967 session). P.A. 352, 1971 session. Gen. Stat. § 27-76. (P.A. 107, 1967 session). Gen. Stat. (1938), § 27-121. Gen. Stat. (1938), §§ 7-62, 7-77. Gen. Stat. (1938), § 41-2. Gen. Stat. (1938), § 19-160. Gen. Stat. (1938), § 27-119. Gen. Stat. (1938), § 27-119a. Gen. Stat. (1938), §§ 27-120, 27-121.

DELAWARE
Code Annotated (1953)

Burial allowances and allied benefits.	<i>Burial.</i> —Allowance of \$125 for funerals for servicemen who were killed in action or who died while overseas and whose bodies were returned to State for burial. —State allowance of \$150 for proper interment of indigent veterans.	Code Ann. (1953), 20-122, 20-903. Code Ann. (1933), 20-901, 902.
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FLORIDA
(Florida statutes, 1972)

Type of law	Referred	Citation
Burial allowances and allied benefits.	<i>Grave care and registration.</i> —Municipal corporations owning a cemetery in which veterans are buried are authorized to enter into agreements with the United States for the care of the cemetery or any graves therein, and to receive funds or other assistance for the care, upkeep, and maintenance thereof. —Bodies of indigent veterans shall not be delivered to the anatomical board. Any offer by a cemetery company of free burial rights to veterans shall not be conditioned by any requirement to purchase additional burial rights or merchandise.	§ 167.70. § 243.08. § 359.53(1).

HAWAII

Burial allowances and allied benefits.	Cemeteries are established and maintained in designated counties for burial of veterans, their widows or widowers. Burial may not be in a pauper's grave. Annual appropriations authorized. Burial of non-resident servicemen and dependents. Interment allowed in the county cemeteries of all former residents of the counties. (By Act 94, 6th Legislature, State of Hawaii, approved May 19, 1972.)	§ 363-4 to 363-10. § 363-5.
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IDAHO

Burial allowances and allied benefits.	<i>Burial.</i> —County allowance up to \$250 for burial of indigent veterans and their spouses. Relatives or friends may be allowed to conduct funeral.	Idaho Code No. 31-3411 (1969 Pocket Supp.).
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ILLINOIS.
Revised Statutes, 1963

Type of law	ILLINOIS Revised Statutes, 1963	Citation
Burial allowances and allied benefits.	<i>Burial.</i> —County boards are required to provide an allowance for the burial of indigent veterans, their mothers, fathers, wives, widows, or minor children. Dependent relatives receiving old-age assistance not eligible for burial allowances may apply for allowances to indigent veterans (gravesites), become the property of the municipality on dissolution of the municipality. Burial allowances are not payable for the burial of the same person more than once. Burial allowances are not payable for the burial of a person who has been buried elsewhere, or who has been buried in a cemetery, and whose burial fund shall be allowed for each such burial.	Rev. Stat. 1963, §§ 6201 to 6204.
	<i>Burial permits.</i> —Undertakers are required to prepare certificates of death and to file the same with the county clerk.	Rev. Stat. 1963, §§ 395 to 396.
	<i>Grave registration.</i> —Registration of burial places of soldiers and sailors in accordance with public health regulations.	Rev. Stat. 1963, §§ 6204 to 6211.
	<i>Grave registration.</i> —The Health Department, Commission shall maintain a record of burials in the State and shall issue burial permits, and shall authorize and supervise the burial of persons who are not buried in a cemetery.	Rev. Stat. 1963, § 73-18.
	<i>Grave registration.</i> —The Health Department, Commission shall maintain a record of burials in the State and shall issue burial permits, and shall authorize and supervise the burial of persons who are not buried in a cemetery.	Rev. Stat. 1963, § 73-18.
	<i>Headstones.</i> —A cemetery association may not prohibit the erection of a headstone for a veteran's grave.	Rev. Stat. 21, §§ 59a to 59c.
	<i>Headstones.</i> —A cemetery association may not prohibit the erection of a headstone for a veteran's grave.	Rev. Stat. 21, §§ 59a to 59c.
	<i>Headstones and markers.</i> —The Administrator of the National Archives, Government Records Administration, shall provide for the Federal Government for headstones and markers, and provide for the setting up of such headstones and markers.	Rev. Stat. 21, § 40.
	<i>National cemeteries.</i> —National cemeteries may receive Federal grants for memorial gateways, etc.	Rev. Stat. 21, §§ 6203, 6204, 6211.
		Rev. Stat. 21, §§ 48a, 63, 66.

INDIANA

BURNS INDIANA STATUTES

Type of law	INDIANA BURNS INDIANA STATUTES	Citation
Burial allowances and allied benefits.	<i>Burial.</i> —County allowance for burial of veterans, their wives or widows, husbands or widowers.	1961 Replacement, § 59-1009.
	<i>Gravesites and registration.</i> —A gravesite for a veteran or his wife or widow may be created in the office of the Adjutant General to make a permanent registry of war veterans' graves. War service information is required to be recorded on burial permits.	1901 Replacement, § 59-1013.
	<i>Headstones and markers.</i> —Cemetery authorities may not prohibit the setting up of markers for graves of veterans provided such markers conform to standards and rules furnished by the United States.	1964 Replacement, §§ 21-911, 21-912.
	<i>Cemetery corporations.</i> —Corporate existence may be extended where a cemetery contains remains of persons who served in the Armed Forces.	1964 Replacement, §§ 21-107 to 2-113.

IOWA

Type of law	IOWA	Citation
Burial allowances and allied benefits.	<i>Burial.</i> —County allowance up to \$200 for burial of indigent veterans, their wives, widows, or minor children. Burial may not be in Potter's field (now includes Vietnam).	Code (1971), §§ 250.1, 250.10.
	<i>Grave care and registration.</i> —Provision for care of soldiers' graves at county expense if provision for care has not otherwise been made.	Code (1971), §§ 250.17, 250.18.
	—The adjutant general is required to make and preserve by county a permanent registry of the graves of persons who served in the Armed Forces.	Code (1971), § 29A.12.
	—The soldiers relief commission in each county must secure the information requested by the adjutant general's office of a person having a service record and buried within the county. Such information shall be recorded alphabetically and by description of location in the cemetery where buried, in a book kept for that purpose.	Code (1971), § 250.10.
	<i>Headstones and markers.</i> —County allowance up to \$15 is provided for headstones and metal markers for memorial purposes (now includes Vietnam).	Code (1971), §§ 250.4 to 250.16.
	—State allowance of \$250 for marker or monument at unmarked graves of Revolutionary soldiers.	Code (1971), §§ 36.1 to 36.9.

KANSAS
Kansas Statutes Annotated

Type of law	Heading	Citation
Burial allowances and allied benefits.	<i>Civil War.</i> —Allowance up to \$100 for burial expenses of needy Union veterans and their wives or widows; burial not to be in ground used for pauper dead.	§§ 73-301, 73-303.
	<i>Spanish-American War.</i> —Philippine Insurrection, China Expedition, World Wars I and II, Korean conflict, and such similar actions. Allowance up to \$300 for veterans, spouses, and parents dying without sufficient means to defray funeral expenses plus \$75 cemetery expenses. No burial in ground used for paupers. Relatives may contract funeral.	§§ 73-304 to 73-306, incl.
	<i>Inmates of charitable institutions.</i> —Veterans of wars in which the United States was engaged, including the Korean conflict and members of the 16th and 10th Kansas cavalry who died while inmates of charitable institutions shall not be buried in institution cemeteries unless they had so requested in writing. State board of charitable institutions shall provide for burial in regularly chartered cemetery of special veterans' cemetery.	§ 73-307.
	<i>Headstones and markers.</i> —Allowance of \$20 for headstones for Union veterans of the Civil War. Metal grave markers, not to exceed \$5, may be provided for veterans including persons who served in the Korean conflict.	§§ 73-302, 73-303. § 73-430.

LOUISIANA

West's Louisiana Revised Statutes (1961) and West's Louisiana Constitution

Burial allowances and allied benefits.	<i>Firing squads.</i> —Expenses are allowed for the attendants of a firing squad from the National Guard or a veteran organization.	Rev. Stat. 20:231.
	<i>Grave care and registration.</i> —Registry of graves of war veterans.....	Rev. Stat. 29:282.

MAINE

Burial allowances and allied benefits.	<i>Burial.</i> —State allowance of \$250 for burial of indigent veterans or their widows. Burial may not be in Potter's field. Cities and towns may pay for the burial and be reimbursed by the Department of Veterans' Services. Burial in Maine Veterans Memorial Cemetery is authorized for honorably discharged Maine veterans who served during any federally recognized period of conflict and their eligible dependents.	Title 27, § 133, § 134, §§ 21-28.
	<i>Grave care and registration.</i> —Care of graves of veterans located in sections or public burying grounds. —Municipalities are required to decorate veterans' graves on May 30 of each year.	Title 13, § 1011; title 30, § 2602. Rev. Stat. (1964), title 30, § 2603.

MARYLAND

Unless otherwise stated all citations refer to the Annotated Code of Maryland, 1957

Type of law	Résumé	Citation
Burial allowances and allied benefits	<i>Burial</i> —Veterans' relief fund may be used to provide necessary funeral expense of indigent veterans, which in no case shall be less than \$100 (the "not less than \$100" became effective July 1, 1966) <i>Burial grounds</i> —Cemetery near Point Lookout which was established for interment of Confederate prisoners of the Point Lookout Prison, ceded to U.S. Government for purposes of its perpetual care <i>Grave care and regulation</i> —The Maryland Veterans' Commission shall manage and preserve a permanent registry of the graves of all persons who served in the military or naval forces of the United States in time of war, and who are buried in the State of Maryland	Art. 06½, § 4. Art. 06, § 30. Art. 06½, § 6.
MASSACHUSETTS		
Burial allowances and allied benefits	<i>Burial</i> —Any employee of a city or town who is a veteran may, when authorized by the mayor or selectmen, attend the funeral or memorial services of a veteran without loss of pay — Dates of burial rights in cities and towns — A permit for the burial of a person known to have been a veteran will not be issued until an affidavit giving certain information, has been filed with the board of health — Sums not allowed for the burial of indigent veterans, adult dependents, wives, widows, or dependent children. Burial shall not be in a public grave. Relatives may conduct the funeral. <i>Death certificate</i> —Health certificates shall set forth the military record of the decedent. <i>Disposition of bodies</i> —The dead bodies of veterans may not be turned over to medical schools for dissection <i>Grave care and regulation</i> —Cities and towns may appropriate money for the care and decoration of graves by veterans' organizations — Cities and towns may appropriate money to be expended for the care of veterans' graves. The duty of putting flags on veterans' graves is upon the city and town where the cemeteries are located. <i>Headstones</i> —Cities and towns may appropriate money for creating headstones at soldiers' graves.	Ch. 41, § 111C. Ch. 115, §§ 7-8 Ch. 114, § 46A. Ch. 115, §§ 7-8. Ch. 40, § 1, 10. Ch. 113, § 2. Ch. 40, § 3(12). Ch. 115, § 9. Ch. 40, § 3(12).

MICHIGAN

Burial allowances and allied benefits	<i>Burial</i> —County allowance up to \$200 may be provided for veterans, their wives or widows, whose estates do not exceed \$1,000 including veterans of American conflict — Remains of war veterans may be interred for removal to Soldiers' funeral homes <i>Power of Women</i> —Relief Corps Auxiliary to the Grand Army of the Republic and United Spanish War Veterans, as corporations to which such terms <i>Headstones and markers</i> —Municipalities may furnish, at public expense, metal markers for soldiers' graves, to mark graves for memorial purposes — Destroying, defacing, or carrying away without authority any marker, or memorial flag placed at the grave of any veteran for memorial purposes is declared a misdemeanor — The county shall apply to the United States for a suitable headstone, and shall have the headstone set in place	1969 Rev. vol., §§ 4 1321-4.1324. 1969 Rev. vol., §§ 4 1341-4.1344. 1961 Rev. vol., § 21 1017. 1969 Rev. vol., §§ 4 1334-4.1332. 1960 Rev. vol., § 4.1333. 1969 Rev. vol., §§ 4.1323-4.1324.
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MINNESOTA

Statutes Annotated

Burial allowances and allied benefits	<i>Burial grounds</i> —Power of counties to establish a "soldier's rest," annual appropriation authorized for expenses. — Provision is made for a burial lot near a State hospital for the insane for burial of certain indigent veterans dying in such hospital or in that cemetery, and of wives or widows of such veterans <i>Grave care and regulation</i> —Cities, villages, and towns are required to decorate veterans' graves not otherwise decorated on Memorial Day <i>Grave care and regulation</i> —Counties may appropriate funds for the improvement and maintenance of abandoned cemeteries containing the remains of war veterans. — The commissioner shall, upon petition, furnish markers for veterans' graves to mark such graves for memorial purposes	§§ 373.16-373.38. §§ 197.50-197.52 Repealed by Laws of 1963, c. 43, sec. 71. § 465.51. 1071 (Cum. Pocket Part, § 300 241, subd. 1. §§ 197.21-197.24. Amended by § 11, ch. 273 Laws of 1969.
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MISSISSIPPI
Code, 1942, Annotated; Recompiled, 1946

Type of law	Revised	Citation
Burial allowances and benefits.	<i>Burial.</i> —Counties may donate money for burial of indigent Confederate prisoners. <i>Grave care.</i> —Counties may donate money for the location, marking, care, and maintenance of graves of Confederate dead.	§ 2098(a). § 2098(b), (b-1).
MONTANA		
Burial allowances and allied benefits.	<i>Burial.</i> —County commissioners to pay \$150 for burial expenses of veteran; burials not to be in cemeteries for pauper dead, not applicable to inmates of State soldiers' home and non-residents. Extends burial allowance to any female resident of the Montana Veterans' Home. This extends the benefit to the wives or widows of veterans who are residents of the Montana Veterans' Home. <i>Headstones.</i> —The county clerk shall apply to the U.S. Government for suitable headstones to be placed at graves of veterans. —The fee paid by the clerk of the board of county commissioners for cartage and setting of the headstones for a veterans' grave, as provided by the U.S. Government, was increased from \$10 to \$20.	Rev. Codes, 1947, §§ 71-120 to 71-123. Rev. Codes, 1947, § 71-120. Rev. Codes, 1947, § 71-123. Rev. Codes, 1947, § 71-123; 1965 Cumulative Pocket Suppl.

NEBRASKA

Revised Statutes of Nebraska, 1943

Burial allowances and allied benefits.	<i>Burial.</i> —County allowance is provided (unlimited) for burial of indigent veterans. Burial may not be in a pauper's grave. Relatives may be allowed to conduct funeral. <i>Burial grounds.</i> —Provision for veterans' burial ground in Wynuka State Cemetery. Power of certain veterans' organizations with reference to control of such burial ground. <i>Death certificates.</i> —Issuance of death certificates issued by or under authority of United States for persons in the Armed Forces who die outside of the State of Nebraska. <i>Dissection of bodies.</i> —The dead bodies of veterans may not be turned over to the State anatomical board for dissection. <i>Headstones and markers.</i> —The county is required to furnish, on petition, metal markers for soldiers' graves, and to mark the same for memorial purposes. —Removal of metal grave markers prohibited. —The county service committee shall apply to the United States for a suitable headstone and have same set in place. —Provision for grave registration.	R.R.S. 1943, § 80-104. R.R.S. 1943, §§ 12-104 to 12-105. R.R.S. 1943, § 71-603.01 to 71-603.02. R.R.S. 1943, § 71-1002. R.R.S. 1943, § 80-103 to 80-108. R.R.S. 1943, § 12-801. R.R.S. 1943, 80-103. L.B. 338, 1971 session laws.
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NEVADA

Type of law	Revised	Citation
Burial.....	Funeral expenses of certain indigent veterans.....	N.R.S., 419-010.

NEW HAMPSHIRE

Revised Statutes Annotated, 1955

Burial allowances and allied benefits.	<i>Burial.</i> —State allowance for burial of indigent veterans.....	R.S.A. 105: 16, 17, 18, as amended, 1939 laws, ch. 77.
	— Payment of allowance directed to funeral director in charge of burial.....	Laws (1963), ch. 87.
	— World War I veteran redefined.....	Laws (1963), ch. 69.
	— Extended to veterans of Vietnam conflict.....	Laws (1967), ch. 171.
	<i>Grave care.</i> —Towns may appropriate money to certain veterans' organizations for decorating graves of soldiers on Memorial Day.	R.S.A., § 31: 4.
	Bodies of veterans shall not be surrendered for scientific study.....	R.S.A., § 291: 3.

NEW JERSEY

New Jersey Statutes, Annotated (permanent edition)

Burial allowances.....	<i>Burial.</i> County allowance for the burial of indigent veterans. Burial may not be in pauper's grave.	§§ 38: 17-1 to 17-5.
	<i>Burial grounds.</i> —Counties may acquire burial plots for the burial of indigent veterans and provide for maintenance of same.	§ 38: 17-6.
	— Municipalities may appropriate money for maintenance of certain cemeteries where Revolutionary soldiers are buried, and they may contract with certain societies and associations for the care of such grounds.	§§ 38: 17-10 to 17-11.
	<i>Grave care and registration.</i> —The supervisor of veterans' internment is to decorate graves of veterans on Memorial Day; county to bear expense.	§ 38: 17-9.
	— Maintenance of records of veterans' graves by the county supervisor of veterans' internment.	§ 38: 17-12.
	— Provision is made for the care of neglected graves.....	§§ 38: 17-6 to 17-8.
	— Certification to county supervisor of veterans' internment of the name of each deceased veteran for whom a death certificate has been issued by the State department of health, or in cases where bodies are transported into the State for burial the officers in charge of the cemeteries of undertakers, shall certify the record.	§ 20: 6-4.1 to 6-1.2.
	<i>Headstones.</i> —County allowance may be made for headstones for graves of soldiers.	§ 38: 17-6 to 17-8.

NEW YORK
McKinney's Consolidated Laws of New York

Type of law	Reburb	Citation
Burial allowances and allied benefits.	<i>Burial</i> —County allowance of \$500 is provided for burial of indigent veterans, their parents, wives, or widows, and minor children. Burial may not be in a pauper's grave. Relatives or friends may conduct the funeral.	General Municipal Law, § 148, and 1970 Pocket Part.
	Privilege of removal of bodies from potter's field or neglected or abandoned cemeteries, to properly kept cemeteries.	Town Law, § 295.
	<i>Burial grounds</i> —County may acquire soldiers' burial grounds and provide for their maintenance.	General Municipal Law, § 148(1d).
	—Soldiers' monument corporations may acquire by gift or purchase, any bits of lands in any cemetery to be used and occupied exclusively for the burial of soldiers and sailors and for the erection of suitable monuments or memorials thereon.	Not-for-Profit Corporation Law, § 1405.
	—Trusts may purchase soldiers' burial plots in cemeteries and provide for their care.	Town Law, § 294.
	<i>Grave care and registration</i> —Perpetual care of soldiers' burial plots in Dutchess and Niagara Counties.	County Law, §§ 831, 830.
	<i>Headstones</i> —County allowance is provided for headstones for the graves of indigent veterans, their wives or widows, or for the grave of a veteran left unmarked for 5 years by a suitable headstone.	General Municipal Law, § 148(2).

NORTH CAROLINA
General Statutes

Burial allowances and allied benefits.	<i>Burial</i> —County allowance of \$25 for burial of indigent veterans of World War I.	Gen. Stats. (Replacement 1961), § 151-161.
	—County allowance up to \$30 and State allowance up to \$150 for burial expenses of Confederate pensioners.	Gen. Stats. (Replacement 1960), § 112-33, § 112-34 (Replacement 1966).
	—Spouse or next of kin of member of a burial Association who dies in military service may elect to receive benefits of the association or a return of assessments paid.	Gen. Stats. (Replacement 1963), § 58-241.1
	<i>Grave care</i> —Provision for care of Confederate cemetery in Raleigh by prison labor furnished by State department of correction.	Gen. Stats. (Replacement 1963), § 65-4.

NORTH DAKOTA
Century Code

Burial allowances and allied benefits.	<i>Death certificates</i> —State registrar of vital statistics is directed, upon request, to issue and file death certificates of veterans.	§ 23-02-35.1.
	<i>Grave registration</i> —The adjutant general is required to register and compile records of persons who rendered military service, service with the Merchant Marine, and who assisted in the administration of the Selective Service Act, during World War II and the Korean conflict.	§ 37-03-12.
	<i>Record of deceased soldiers, sailors, and marines</i> —The adjutant is required to compile and keep record of burial places within the State of persons who served in Armed Forces in time of war. Undertakers shall indicate in death certificate if deceased was a veteran.	§ 37-10-01 to 37-16-06.

OHIO

Pago's Ohio Revised Code, Annotated (1951) as revised by supplements

Burial allowances and allied benefits	<i>Burial</i> —County allowance of \$100 for the burial of indigent veterans, their mothers, wives, or widows. Burial may not be in potter's field.	§ 5901.25-5901.32.
	—Privilege of removal and reinterment of bodies in soldiers' plot.	§ 5901.10, 5901.18-5901.20.
	<i>Burial grounds</i> —Owners of cemetery associations.	§ 124.11.
	—Boards of counties, townships, and municipalities to provide soldiers' burial plots.	§ 5901.10, 5901.21-5901.24.
	<i>Grave care and registration</i> —Adjutant general is required to maintain and preserve the record of the death and burial place of all veterans.	§ 5913.11.
	—County recorder shall be custodian of records concerning the location of veterans' graves and upon request from a veterans' organization 30 days prior to Memorial Day, shall furnish such organization with a list of all veterans' burials within the county.	§ 317.23.
	—Expenses for care of soldiers' graves, a charge on the local unit.	§ 5901.17, 5901.22, 5901.43, 5901.47.
	<i>Headstones and markers</i> —Cemeteries may not prohibit the erection of a headstone provided by the United States or by the State of Ohio for soldiers' graves.	§ 153.04, 153.09.
	—The county shall apply to the United States for a suitable headstone for the grave of a deceased veteran and have the same set in place.	§ 5901.32.
	—The county shall furnish, on petition, markers for soldiers' graves for the purpose of designating such graves for memorial purposes.	§ 5901.34.

OKLAHOMA
Statutes Annotated

Type of law	Résumé	Citation
Burial allowances and allied benefits.	<i>Burial.</i> County allowance up to \$100 is provided for the burial of indigent veterans. Burial may not be in potter's field; relatives may be allowed to conduct funeral.	Title 72, §§ 31-32.
	<i>Grave care and registration.</i> —Cemetery and graves of soldiers now located on property of Union Soldiers' Home placed under supervision and care of the adjutant general. Provides for Oklahoma Veterans' Cemetery, under supervision of adjutant general, as burial place for veterans.	Title 72, § 165.

OREGON

Unless otherwise designated, references are to Oregon Revised Statutes

Burial allowances and allied benefits.	<i>Burial.</i> —County allowance for burial of indigent veterans, their wives or widows, and minor children; last sickness expense.	ORRS, §§ 408.710-408.730.
	—County aid through veterans' organizations for burial.....	ORRS, § 408.730.

PENNSYLVANIA

Burial allowances and allied benefits.	<i>Burial.</i> —County allowance for burial of veterans and their widows....	10 P.S., §§ 1908-1911, 5109-5111, 8062-8064.
	—Veterans' associations may be accompanied by a military band when parading for the purpose of interring a veteran.	51 P.S., § 623.
	<i>Burial grounds.</i> —Counties may require burial plots in any cemetery for the burial of veterans.	10 P.S., §§ 1914, 5114.
	—Power of the department of military affairs to acquire land to be set aside as a State military cemetery for the burial of veterans.	51 P.S., § 1-402(14).
	—Power of municipalities to purchase burial lots for deceased servicemen; purchase by lotteries.	53 P.S., §§ 1463, 47816.
	<i>Disposition of dead bodies.</i> —The dead bodies of veterans may not be turned over to the anatomical board of the State for the purpose of dissection by medical societies.	35 P.S., § 1092.
	<i>Grave care and registration.</i> —Counties are required to care for graves of veterans.	16 P.S., §§ 1913, 5113, 8067.
	<i>Grave care and registration.</i> —Counties are required to provide flags to decorate the graves of deceased servicemen on Memorial Day, such flags to be furnished to the various veterans' organizations for distribution in their respective communities.	16 P.S., §§ 1922, 5122, 8068, 8102.
	—Provision for county registration of veterans' graves.....	16 P.S., §§ 1923, 5123, 8070.
	<i>Headstones and markers.</i> —Counties may not prohibit the erection of any headstone furnished by the United States or by any country of the Commonwealth for a soldier's grave.	9 P.S., § 19.
	—Counties are required to furnish, on application, markers and headstones for veterans' graves; or if a headstone has been provided by the United States, the county is required to furnish the foundation therefor.	16 P.S., §§ 1013, 5113, 8065.
	—State allowance for headstones for the unmarked graves of veterans of the Revolution and of the War of 1812.	51 P.S., §§ 511, 512.
	—Stealing or buying veteran's grave marker as junk is a felony...	18 P.S., § 4870.1.

RHODE ISLAND

Unless otherwise designated, citations are to General Laws of Rhode Island, 1958, and to Supplement thereof

Type of law	Rebursé	Citation
Burial allowances and allied benefits.	<i>Burial</i> —Provision for a living stipend for veterans' funerals.	§ 30-23-1.
	—Provision for burial of indigent veterans at the expense of town or city. Burial may not be in post's field. Relatives or friends may be allowed to conduct the funeral.	§ 30-23-3, 30-35-4, 30-35-5.
	<i>Burial grounds</i> —Provision for the care of soldiers' burial lots in North Cemetery in Bristol.	§ 30-25-8, 30-25-9.
	<i>Grave care</i> —Provision for the care of neglected and abandoned graves of veterans.	§ 30-25-10 to 30-25-13.
	<i>Headstones and markers</i> —Grave shall be marked by a headstone to be paid for by town or city; special funds.	§ 30-25-6, 42-12-7.

SOUTH CAROLINA

Unless otherwise designated, citations are to Code of Laws, South Carolina, 1962, and 1967 Cumulative Supplement

Burial allowances and allied benefits.	<i>Burial</i> —1 year's pension to be paid on death of confederate pensioner to provide for funeral expenses.	§ 44-502.
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SOUTH DAKOTA

South Dakota Compiled Laws

Burial allowances and allied benefits.	<i>Burial</i> —Counties may appropriate money to pay the burial expenses of indigent veterans, their wives, or widows.	§ 33-19-8 to 33-19-10.
	—State allowance for burial of indigent veterans, their wives, or widows. Burialment shall not be made in any cemetery or burial plot used exclusively for the burial of the poorer dead.	§ 33-19-2, 33-19-3.
	<i>Burial grounds</i> —Counties may appropriate money to purchase soldiers' burial plots and to provide for the perpetual care thereof.	§ 33-19-8 to 33-19-10.
	<i>Grave care and registration</i> —Provision for the compilation of records by the State Board of Health, relating to the death and burial of veterans and for maintaining a uniform record system throughout the State. Authorizes the military department and veterans' organizations to assist in obtaining cemetery maps and filing information relating to unregistered burials and other records. Requires that each grave located be designated by a separate and distinct uniform marker. All burial permits shall contain the military record of decedent, which record shall be filed with the military department of the State.	§ 34-25-1 to 34-25-61, § 34-27-6 to 34-27-15.
	<i>Headstones and markers</i> —State allowance may be made for erecting headstone provided by the U.S. Government for the purpose of marking the grave of a veteran.	§ 33-10-1, 33-10-5.

TENNESSEE

Unless otherwise designated, citations are to Tennessee Code, Annotated, Bobbs-Merrill, 1964, and 1978 Supplement

Burial allowances and allied benefits.	<i>Burial</i> —Burial allowance to Confederate veterans in lieu of their last month's pension. Amount: \$100.	§ 7-1116.
	<i>Burial grounds</i> —The American Legion, VFW, DAV, AVWWII, VVWV of United States, Inc., or any other veterans' organization may acquire land for a burial place.	§ 48-1519 to 48-1524

108

TEXAS

Unless otherwise designated, citations are to Vernon's Texas Statutes

Type of law	Referred	Citation
Burial allowances and allied benefits.	<i>Burial grounds</i> —The commissioners court in each county may purchase burial grounds to be used exclusively for the burial of veterans who die without leaving sufficient means to defray funeral expenses.	Art. 2372i.

UTAH

Utah Code Annotated, 1953, including 1971 Pocket Supplement

Burial allowances and allied benefits.	No veteran of any war to be buried in ground used for paupers. Political subdivision of State may provide burial sites.	Utah Code Annotated (1953) §§ 71-7-1 and 71-7-2.
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VERMONT

Citations are to Vermont Statutes Annotated, 1959

Burial allowances and allied benefits.	<i>Burial</i> —State allowance up to \$150 for expenses of burial of indigent veterans, including veterans of Korean conflict, and their widows. <i>Headstones</i> —State to provide headstones for graves of indigent veterans, including veterans of Korean conflict, and their widows.	V.S.A., § 20: 1604. V.S.A., § 20: 1604.
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WASHINGTON

Unless otherwise designated, citations are to the Revised Code of Washington

Burial allowances and allied benefits.	<i>Burial</i> —County allowance for the burial of indigent veterans, their wives, husbands, minor children, widows or widowers. Relatives or friends may be allowed to conduct the funeral.	R.C.W., § 73 08.070.
	— — — Plots in the veterans' cemetery at Olympia, available, free of charge for burial of veterans who served at any time between Apr. 21, 1898, and July 4, 1902.	R.C.W., § 73 24.030.
	<i>Burial</i> —The superintendents of the Washington veterans' home and of the Washington Soldiers' Home and colony are authorized to provide for burial of deceased members and spouses of members of the Washington Soldiers' Home in the cemeteries of the homes, this provision does not prevent relatives from assuming jurisdiction of such deceased persons.	R.C.W., § 72 36.110.
	<i>Grave care and regulations</i> —Contracts to provide for perpetual care of the State veterans' plot in the Masonic cemetery at Olympia.	R.C.W., § 71 24 020.
	<i>Volunteers</i> —Burial of deceased volunteers at Orting or other public cemetery.	R.C.W., § 73 24 040.

WEST VIRGINIA (AS OF JULY 1, 1971)
West Virginia Code (Siksic, 1970 Cumulative Supplement)
 (References are by chapter, article and section)

Type of law	Referred	Citation
Burial allowances and allied benefits	<i>Burial.</i> A county director of public assistance shall provide for the burial of indigent veterans, but burial may not be in a cemetery plot used exclusively for the burial of indigent persons.	§ 9 0-15.
WISCONSIN Wisconsin Statutes, 1965		
Burial allowances and allied benefits	<i>Burial.</i> - County allowance increased to not more than \$100. If a veteran dies leaving an estate of less than \$1,000, exclusive of benefits due him or his heirs from the United States, his estate shall not be liable for more than \$100 for burial expenses in addition to the amount allowed by the United States for his burial. <i>Grave care and registration.</i> - County provision is made for the care of the graves of soldiers, their wives, and widows, when care is not otherwise provided for. - The State department of veterans' affairs is required to compile a record of veterans' burial places. <i>Headstones.</i> - Counties may provide appropriate metal markers for the graves of soldiers buried within certain townships or municipalities. - The county shall apply to the United States for a proper headstone and have the headstone set in place.	W.S. § 45.16. § 413.15(4), (5). § 45.183. § 45.42. § 59.07(14a). § 45.18.
WYOMING Wyoming Statutes, 1957		
Burial allowances and allied benefits	<i>Burial.</i> - County allowance of \$100 for the burial of indigent veterans.	§§ 19-116 to 19-118.

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CHAPTER IV. ARLINGTON NATIONAL CEMETERY

The National Cemetery Act of 1973 (Public Law 93-43) requires that the Administrator of Veterans Affairs and the Secretary of Defense conduct a comprehensive study and submit their joint recommendations to the Congress as to (1) whether it would be advisable in carrying out the purposes of this Act to include Arlington National Cemetery within the National Cemetery System established by the Act; (2) the appropriateness of maintaining the present eligibility requirements for burial at Arlington National Cemetery; and (3) the advisability of establishing another national cemetery in or near the District of Columbia. This chapter responds to that requirement.

PART ITHE ADVISABILITY OF INCLUDING ARLINGTON NATIONAL CEMETERY WITHIN THE NATIONAL CEMETERY SYSTEM ESTABLISHED BY PUBLIC LAW 93-43Background

From its origin during the Civil War, Arlington National Cemetery has become a great national and military shrine. The following is a recapitulation of its origin and development:

Arlington National Cemetery lies on the Virginia side of the Potomac River across from Washington, D.C. The grounds were originally part of a tract of 6,000 acres granted in 1669 by the Governor of Virginia to a ship's Captain, Robert Howsing, in payment for transporting settlers to the New World. In 1778, John Parke Custis, son of Martha Dandridge Custis Washington by her first marriage, bought 1,100 acres, the land now comprising Arlington Cemetery and the Fort Myer Military Reservation.

The government took possession of the land from the granddaughter of John Custis, who was married to General Robert E. Lee, as a result of legislation enacted in 1862. As burial space in nearby cemeteries became increasingly scarce and with a growing need for space to accommodate the dead from military hospitals, on June 15, 1864, the Secretary of War formally designated the Arlington Mansion and 200 acres of the grounds immediately surrounding it as a military cemetery. Arlington was thus among the first national cemeteries to be established.

Following the conclusion of the Civil War, the Mansion at Arlington served as the office and living quarters of the cemetery superintendent. This use continued until 1925 when an Act of Congress directed that the residence be restored by the War Department to its pre-Civil War condition. In July 1933, the Custis-Lee Mansion was transferred from the War Department to the Department of the Interior. Now designated the Arlington House, it is administered by the National Park Service, Department of the Interior, as a National Memorial.

The original burials in Arlington National Cemetery were of those men who died in the hospitals of Washington and Alexandria, Virginia, during the Civil War. Subsequent interments were those of Union soldiers whose remains were gathered from the battlefields of Bull Run, Bristoe Station, Chantilly, and Aldie, Virginia; from abandoned cemeteries in the District of Columbia; from other places in Maryland and Virginia within a 40-mile radius of Washington; and from the military post cemetery at Point Lookout, Maryland. Over the years, representatives of all the Nation's wars and conflicts have been buried in Arlington National Cemetery.

Prominent among the many memorials in Arlington National Cemetery are the Arlington Memorial Amphitheater and the Tomb of the Unknown Soldier on its plaza. An imposing white marble structure of classic design, the

Memorial Amphitheater commemorates the Nation's defenders and provides an ideal setting for observances. The structure was dedicated in 1920.

The Tomb of the Unknown Soldier, on the plaza of the east entrance to the Memorial Amphitheater, is a hallowed and cherished shrine. On Armistice Day 1921 with reverent tribute the United States committed an unknown soldier of World War I to a hero's grave. The tomb of white Colorado marble was erected in 1932. Eloquent in the simplicity of its classic design it bears the inscription: HERE RESTS IN HONORED GLORY AN AMERICAN SOLDIER KNOWN BUT TO GOD.

On Memorial Day, May 30, 1958, ceremonies were held committing the remains of two Unknowns of the Armed Forces of the United States--one representing all of America's unknown combat dead during World War II, and the other, all of the Nation's unknowns during the Korean War. To the left of the Unknown Soldier's Tomb, a white marble slab inscribed with the numerals 1950-1953 marks the place of entombment of the Unknown American Serviceman of the Korean War. To the right, a similar marble slab with the numerals 1941-1945 marks the resting place of the Unknown American Serviceman of World War II.

This dedicated place of remembrance is visited annually by thousands from all parts of the United States and many foreign nations. Placement of wreaths at the Tomb of the Unknown Soldier by foreign dignitaries and representatives of schools, religious groups and civic and fraternal organizations has become a tribute of respect to all the Nation's heroes.

Arlington National Cemetery has received the mortal remains of many who in military service or in activities subsequent to that service achieved fame and distinction. William Howard Taft, the 27th President and one-time Chief Justice of the United States, was interred on March 11, 1930. John Fitzgerald Kennedy, the 35th President of the United States and a veteran with active service as a Navy Lieutenant during World War II, was buried on November 25, 1963. The permanent memorial and gravesite for the late President was completed in March 1967.

The National Cemetery Act of 1973

The unique nature of Arlington National Cemetery as a national, military shrine has been recognized by Congress in recent years. In 1968, the 90th Congress considered a bill to establish a National Cemetery System under the Veterans Administration which included Arlington National Cemetery. In the final Committee Report by the House Committee on Veterans' Affairs the Army retained control over Arlington. However, Congress did not enact this bill before it adjourned.

A bill, providing for the continued retention of Arlington by the Army, was reintroduced in the 91st Congress, but again Congress failed to enact it before adjournment.

The bill was reintroduced in the 92d Congress, and it contained language to provide for Army retention of Arlington. This bill was enacted by the Congress but was pocket-vetoed by the President in October 1972.

A similar bill was once again introduced in the 93d Congress. It was enacted and signed into law by the President on June 18, 1973, as Public Law 93-43. This law provides for continued Army retention of Arlington but also directed this study.

Advantages of Army Retention of Arlington National Cemetery

The background information noted above underscores the unique nature of Arlington National Cemetery. Arlington is a military as well as a national shrine. It is the resting place of the Unknown Soldier and two former Presidents. Forged by military tradition and esprit de corps, a bond has evolved through the years between those who have dedicated their lives to the military profession and all those who rest in Arlington's hallowed grounds. Thus, Arlington has become more than just another national cemetery. It has become the most respected and important national shrine honoring those men and women who, by their service in the Armed Services, have devoted a portion of their lives to their country. Especially since the increased demand for burial in Arlington during the 1960's required the adoption of more restrictive eligibility criteria, Arlington has been viewed as a special place of honor for those Americans who, by their acts of heroism, by their deaths while in the service of their country, or by the devotion of their careers to that service, have made a special contribution or sacrifice. The particular and unique nature of Arlington as an active military shrine is the paramount reason for retaining Arlington under Army control. Retention of Arlington by the Department of the Army has many advantages for the Federal Government:

1. The Army is charged with the responsibility of coordinating all ceremonies at Arlington involving foreign dignitaries and the Commander in Chief or his designated representatives. The Army is also responsible for coordination of Armed Forces participation in ceremonies at Arlington regardless of the magnitude or the branch of Service that conducts the ceremony. There were 454 ceremonies during the first nine months of 1973.
2. The Army is responsible for the security of the cemetery. Over the past few years militant groups have come to the Nation's Capital to demonstrate and petition the government for a redress of their grievances. Many of these groups have attempted to demonstrate at Arlington. The situation has sometimes been tense and troops are available at Fort Myer, prepared to cope with whatever events might occur. The Defense Department has this unique capability.
3. The Army is in the process of implementing an approved Master Plan for development of Arlington Cemetery. This involves the transfer of what is known as South Post, Fort Myer, to the cemetery for the construction of new burial plots and cemetery facilities. Details concerning relocation of tenants and transfer of parcels of land are readily coordinated "in house" by the Army. The interposition of another Federal agency, while construction is in progress, would make these real estate and construction actions more difficult to accomplish. Completion of several Master Plan items prior to the Bicentennial Celebration is a high-priority mission of the Department of the Army.

4. Veterans' organizations have vigorously opposed the present restrictive criteria applied by the Department of Defense to determine eligibility for burial in Arlington National Cemetery. If the cemetery's special status was eliminated and it was included in the National Cemetery System, the eligibility criteria would be broadened. Public Law 93-43 requires the Veterans Administration to establish broad eligibility criteria for cemeteries maintained in the National Cemetery System; however, the Act also provides authority for the Secretary of the Army to maintain jurisdiction over Arlington Cemetery. As discussed in greater detail in Part II of this study, such a broadening of the criteria would be unwise since it would shortly require that Arlington National Cemetery be closed. It is desirable rather that Arlington continue to be administered by the Department of the Army in a manner that will permit the cemetery to continue to be open to burials on a restrictive basis since it thereby provides a special place of honor for men and women who have either given their lives in the service of their country or have devoted their careers to that service.

Because of this heavy involvement, requiring close coordination with cemetery officials, it is thus good management for the Army to maintain total responsibility for all operations at Arlington.

Advantages of Transferring Arlington National Cemetery to the Veterans Administration

1. Consolidation of Arlington, still an active cemetery, with the entire National Cemetery System under a single manager would appear consistent with good management practices. However, Public Law 93-43 did not create a single system of national cemeteries. In addition to Arlington National Cemetery and Soldiers' Home National Cemetery, the Army operates 28 post cemeteries. The Department of the Interior operates 14 cemeteries at national historic sites, and the American Battle Monuments Commission operates 23 cemeteries overseas. The cemeteries operated by the latter two agencies are more in the nature of shrines and memorials than cemeteries. Similarly, Arlington is a national, military shrine as well as a cemetery.

2. According to Public Law 93-43, the Veterans Administration may bury any veteran in a national cemetery whose service did not terminate dishonorably. Should Arlington be transferred and operated by the Veterans Administration under this criterion, the need for a second national cemetery in the Washington, D.C. area might be forestalled for about five years. However, this very limited short term benefit could be realized only with a concomitant commitment to fund an expansion of the National Cemetery System in the near future. Recognizing that planning, acquisition, and construction activities would require several years, a second cemetery would have to be in operation by 1985. However, there would be a long-term disadvantage that, under Veterans Administration control, Arlington Cemetery would cease to be an active military cemetery and shrine in the very near future. Part III of this study discusses the advisability of establishing another national cemetery in the Washington, D.C., area.

PART IITHE APPROPRIATENESS OF MAINTAINING THE PRESENT ELIGIBILITY REQUIREMENTS
FOR BURIAL AT ARLINGTON NATIONAL CEMETERYBackground

From 1962 through 1966, the interment rate at Arlington National Cemetery rose from 4,000 to 7,000 per year. By February 1967, only about 6,500 gravesites remained. This dramatic and sharp increase occurred immediately after the interment of President Kennedy. During this period about 70% of all interments being made at Arlington were veterans, most of whom resided in the Washington area. Had this trend continued, Arlington would have been closed to all burials by early 1968.

In considering solutions to this problem, Secretary of Defense McNamara considered four possible courses:

1. Accept interments at the current rate until all available land was committed by the spring of 1968, then halt burials until about December 1969 when new burial grounds could be developed and landscaped.
2. Use the technique employed in earlier years of burying before the new ground was properly prepared. However, the first increment of new ground would have been completely filled before the buildings would be removed from the next increment.
3. Impose a fixed daily limit of 10 burials per day.
4. Narrow the existing eligibility standards.

The decision was reluctantly made to limit the categories of persons eligible for burial in Arlington in order to prolong its useful life as an active national military cemetery. This restricted eligibility criterion remains in effect today and provides for the interment of:

1. Persons who die on active duty in the Armed Forces.
2. Retired members of the Army, Navy, Air Force, Marine Corps, and Coast Guard who have performed active Federal service, are carried on official service retired lists, and are eligible to receive compensation stemming from service in the Armed Forces.
3. Recipients of the Medal of Honor.
4. Persons otherwise eligible by reason of honorable military service who have also held elective office in the U.S. Government or served on the Supreme Court or in the Cabinet or in an office compensated at Level II under the Executive Salary Act (5 USC 5313).

v. The spouses, minor children, and dependent adult children of the persons listed in 1, through 4, above and of persons already buried in Arlington National Cemetery.

Advantages of Retaining the Current Eligibility Criteria

Table 1 depicts the number of interments at Arlington from fiscal years 1962 through 1972. The trend of burials prior to the imposition of the restricted criteria is apparent. Arlington could not have continued to function as an active cemetery if the eligibility criteria had not been narrowed. Under the revised criteria about 2,000 gravesites are needed annually. The expansion into South Post, Fort Myer, ultimately will provide about 98,000 more gravesites. The first of these is scheduled to be available in mid-1974. The change in eligibility criteria permitted the uninterrupted operation of Arlington to continue during the expansion period. When expansion is complete, it will permit continuing operations as an active national military cemetery and shrine under existing eligibility criteria until the year 2028. This is shown graphically at Chart 1.

Establishment of Unrestricted Eligibility Criteria

The eligibility criteria prescribed in Public Law 93-43 for the National Cemetery System of the Veterans Administration provides that any veteran whose service did not terminate dishonorably is entitled to burial in any national cemetery other than Arlington. If this unrestricted eligibility criterion were applied to Arlington, the Army estimates that there would be at least 60 to 70 interments per day. This estimate is based on experience gained from the Long Island National Cemetery. While most decedents would be brought to Arlington for interment from along the East Coast between Baltimore and Richmond, many veterans from across the country would request to be buried in Arlington.

The principal disadvantage of the unrestricted eligibility criteria is that it would force the cemetery to open and close periodically. Based on land currently available for burials and assuming an interment rate of 60-70 per day, the cemetery would remain open until 1977, at which time it would close. New land would be developed and the cemetery would reopen in 1978 and remain open until 1979, at which time it would close again. New land would be developed and the cemetery would reopen in 1984 and remain open until 1985, at which time the cemetery would close permanently and cease to be an active national, military shrine. This scenario is depicted graphically at Chart 2. This situation can best be described by stating that a person could be buried in Arlington only if he is "fortunate" enough to die at the right time.

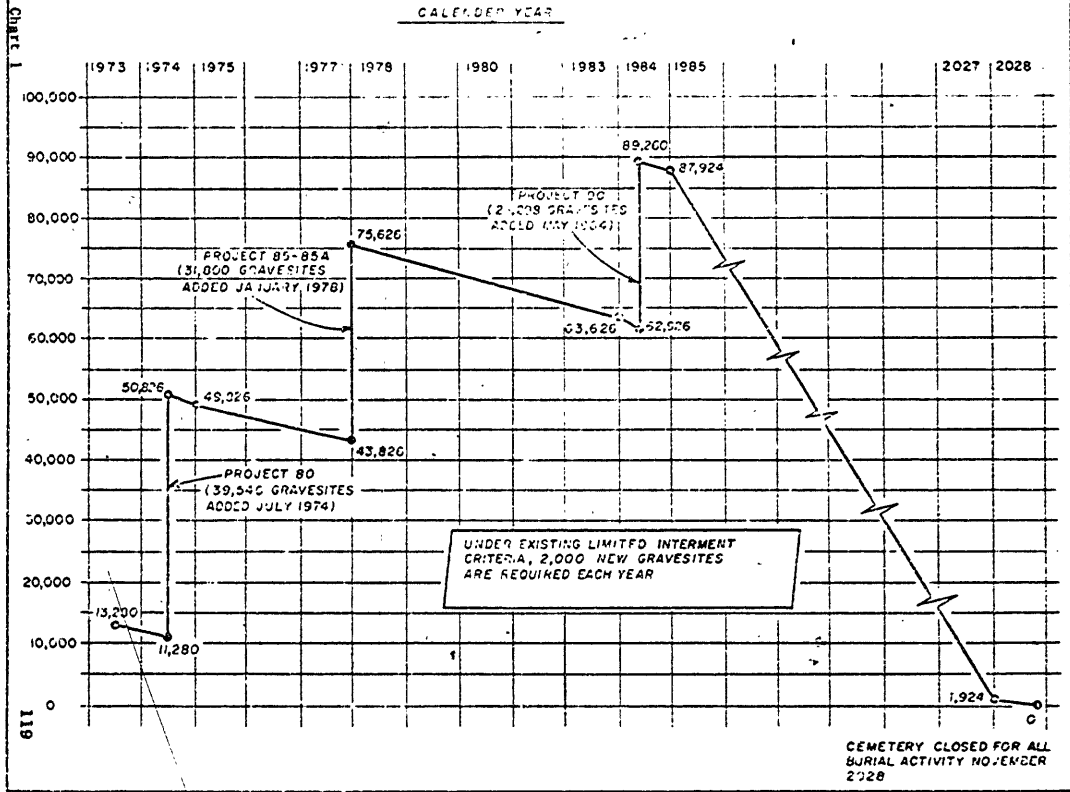
At present, Arlington is the second largest tourist attraction in the Nation's Capital, second only to the Smithsonian Institution. Over four million tourists visit the cemetery annually, and this number is expected to increase during the Bicentennial Celebration. It would not be possible to schedule an estimated 60-70 interments per day and accommodate four million tourists without devastating effects on one or the other. The

Table 1

INTERMENTS
ARLINGTON NATIONAL CEMETERY

	<u>FY</u> <u>1962</u>	<u>FY</u> <u>1963</u>	<u>FY</u> <u>1964</u>	<u>FY</u> <u>1965</u>	<u>FY</u> <u>1966</u>	<u>FY</u> <u>1967</u>	<u>FY</u> <u>1968</u>	<u>FY</u> <u>1969</u>	<u>FY</u> <u>1970</u>	<u>FY</u> <u>1971</u>	<u>FY</u> <u>1972</u>
Active Duty	325	278	317	383	557	658	802	581	472	315	243
Retired	630	672	777	895	963	937	868	898	893	1,004	1,082
Veterans	2,231	2,454	2,866	3,201	3,597	2,483	204	239	200	211	174
Dependents	1,392	1,536	1,806	1,852	1,885	1,662	1,180	1,091	1,147	1,116	1,259
TOTALS	4,578	4,940	5,766	6,331	7,002	5,740	3,054	2,809	2,712	2,646	2,758

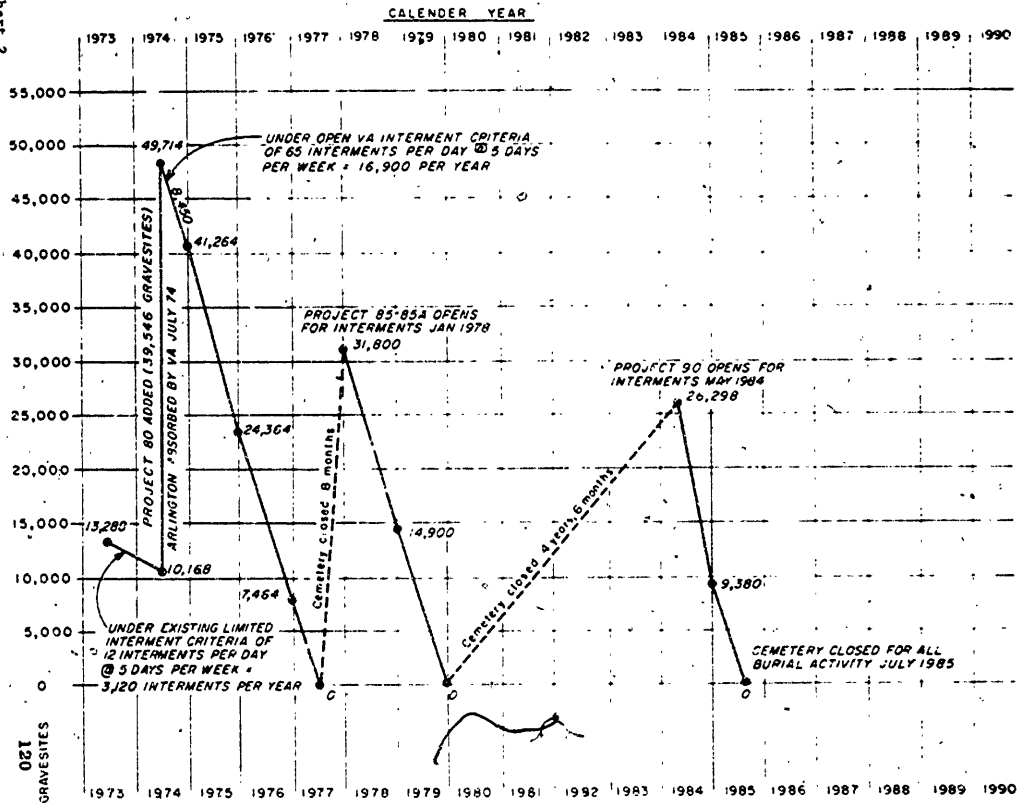
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119

LONG RANGE PROJECTION FOR GRAVESITE UTILIZATION UNDER VA OPEN POLICY



traditional dignity that is literally synonymous with Arlington funeral ceremonies could not be maintained. The "away from gravesite" funeral procedure would be necessary, whereby the funeral service would be held in a chapel tent and, at the conclusion of the service and upon the departure of the funeral party, the body would be transported to the gravesite by cemetery personnel for burial. This procedure is not in consonance with the traditional dignity associated with Arlington.

The rendition of honors by a military honor guard is also synonymous with Arlington, and its continuance is considered to be highly advantageous. However, the Army would be hard pressed to provide military honors for 60-70 funerals a day. Naturally, any type of system devised to decide who will and will not receive military honors would obviously be discriminating and cause resentment.

Considerable study and debate took place within the Department of Defense before the present limited eligibility criteria were implemented in 1967. It was believed at that time, and maintained today, that the restricted criteria are consistent with the singular uniqueness of Arlington as a national, military shrine.

Other Alternative Eligibility Criteria

Three possible alternatives between the two criteria extremes are categorized as follows:

1. Include disabled veterans.
2. Include veterans who have distinguished combat service.
3. Include veterans who have distinguished civilian service.

While they sound simple, these categories are difficult to define precisely. A disabled veteran is defined as a person who is entitled to receive compensation from the Veterans Administration as a result of being disabled by injury or disease incurred in or aggravated by active service in line of duty during wartime or peacetime service and discharged or separated under other than dishonorable conditions. Accordingly, within this definition, a disabled veteran could be a person who lost all of his limbs or his sight in combat, or a person who acquired a slight, albeit disabling, injury in peacetime, or a person who has either a wartime or peacetime service-connected injury or disease that becomes aggravated after his separation from the service.

As of September 30, 1973, the Veterans Administration estimates that of the 29.1 million veterans in the United States, 2.2 million are disabled and receive compensation. It would be extremely difficult to determine which disabled veterans would or would not be eligible for interment in Arlington. Within the extremes of the 100% combat disabled veteran to a 10% peacetime disabled veteran, any decision to relax the existing criteria to include these individuals would be considerably more discriminatory than the existing criteria.

In addition to the problem of definition, there would be the problem of administration. Ascertaining and verifying that the veteran meets the established criteria at the time of his death, when the family is in an obviously bereaved state, would only add to the trauma of the occasion.

The second alternative, including veterans who have distinguished combat service, is already somewhat included in the existing restricted criteria by permitting winners of the Medal of Honor to be buried in Arlington. The winner of the Medal of Honor unquestionably performed distinguished combat service. Any further relaxation of this standard would also cause further discrimination, and there is no other more fitting category which merits consideration.

The third alternative, including veterans who have performed distinguished civilian service, creates even more problems of definition and discrimination. The existing criteria permit the burial in Arlington of those veterans who have held the highest elective and appointive positions in the Federal Government. These persons are generally accepted to have performed distinguished civilian service. Any further relaxation of this standard (e.g., to include state governors, local public officials, presidents of large corporations, millionaires, or literally dozens of other categories) would be extremely arbitrary and more discriminatory than the existing criteria.

The limited or restricted eligibility criteria for burial in Arlington were imposed in 1967 to insure the longevity of the cemetery and to further recognize that it is a national, historic, and military shrine as well as a cemetery. Other available alternatives were considered and rejected. Experience since 1967 has proven that Arlington can continue to function as a cemetery and can accommodate the four million tourists who visit the cemetery annually.

PART III

THE ADVISABILITY OF ESTABLISHING ANOTHER NATIONAL CEMETERY
IN OR NEAR THE DISTRICT OF COLUMBIABackground

The National Cemeteries Act of 1973 provides for the operation and development of the National Cemetery System under the Veterans Administration. In a Veterans Administration study submitted to the Congress in April 1973¹, under the regional option for future development, six existing national cemeteries may be designated Regional Cemeteries and four additional Regional Cemeteries may be developed to serve Regions I, II, III and IX. Chart 3 is a map of the 10 Veterans Administration Regions, which correspond to the Standard Federal Regions.

As concerns Region III, when the restricted burial criteria for Arlington were implemented in 1967, there was a number of national cemeteries in the Army system with available grave space to serve the District of Columbia and the Middle Atlantic States. Over the next few years, several of these cemeteries became completely filled and were closed to burials. For example, in 1970 Baltimore National Cemetery closed except for burial of cremated remains. In 1972, Gettysburg and Culpeper national cemeteries closed. Now, the 3,400,000 veterans of the Middle Atlantic States are served primarily by Long Island National Cemetery in Farmingdale, New York, which will be filled by 1978, and Raleigh National Cemetery in Raleigh, North Carolina, which will be filled by 1988.

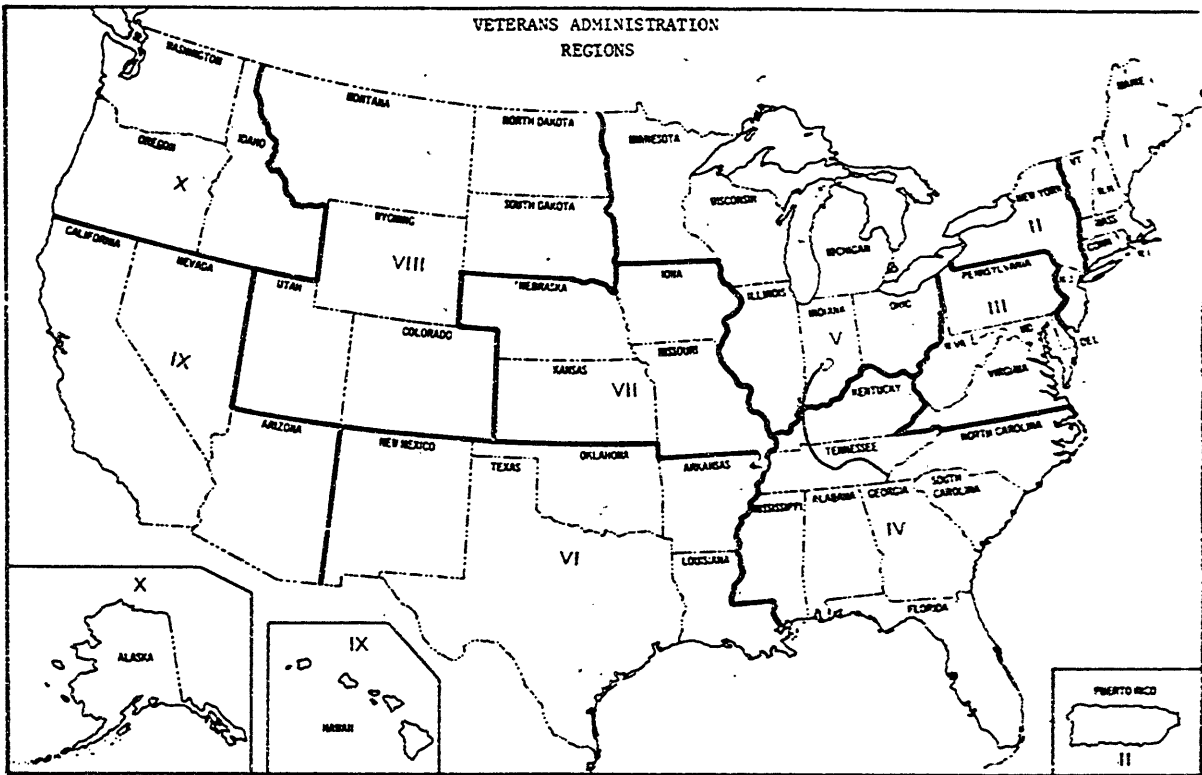
Table 2 lists the number of veterans by state in Region III. Of this number, it is estimated that approximately 600,000 veterans reside in the Washington, D. C. metropolitan area. Statistical studies have shown that (1) about 40% of the veteran population residing within 50 miles of a national cemetery will request burial in the national cemetery; (2) including dependents, about 83% of the burials in national cemeteries come from within 50 miles of the national cemetery; and (3) about 80% of the veterans have spouses to be interred.

Alternatives for Establishing a National Cemetery in the District of
Columbia Area

As discussed in Part II of this study, Arlington could not have continued to function as an active cemetery if the eligibility criteria had not been narrowed. So long as Arlington continues under Army operation and the existing burial criteria remain in effect, there is an immediate need for another national cemetery to serve the metropolitan Washington area. However, even if Arlington were to be operated by the Veterans Administration under the relaxed burial criteria in Public Law 93-43, the need for another national cemetery to serve the Capital area could be forestalled for only

1. U.S. Senate, Veterans' Burial Benefits, Senate Committee Print No. 9, Washington: U.S. G.P.O., 1973, p. 18.

Chart 3



ESTIMATED NUMBER OF VETERANS
IN
VETERANS ADMINISTRATION REGION III
(30 June 1973)

<u>State</u>	<u>Total Veterans</u> (thousands)
Delaware	79
District of Columbia	111
Maryland	597
Pennsylvania	1752
Virginia	630
West Virginia	233
	<u>3402</u>

Table 2

about five years. By 1980, planning, land acquisition, and development of another cemetery must begin in order to provide uninterrupted burial service after 1985, or the time when Arlington would cease to be an active cemetery under relaxed burial criteria.

There are three viable alternatives for providing an additional national cemetery in or near the District of Columbia. Regardless of whether Arlington is administered and operated by the Army or the Veterans Administration, in fairness to the large veteran population in the area, a new cemetery must eventually be established.

1. Maintain the status quo. This alternative provides no consideration of a new cemetery for the Washington area. Deceased veterans from this area not eligible for burial in Arlington would continue to be buried in either Long Island National Cemetery or Raleigh National Cemetery until the Region III National Cemetery, previously recommended by the Veterans Administration for construction near Philadelphia, becomes operational. This alternative would be consistent with current planning and would not require additional funds or land other than those resources already programmed. It would not, however, satisfy the demands for a suitable cemetery to serve the 600,000 veterans of Region III living near the District of Columbia, many of whom are employed in public service below the level which would entitle them for interment in Arlington Cemetery.

2. Establish an extension of the Arlington Cemetery in the Washington Area. This alternative provides for the establishment of a national cemetery in the immediate District of Columbia area. This would have the desirable effect from the standpoint of veterans' organizations of locating an additional cemetery in the Washington area. On balance, it recognizes the special nature of the veteran population working in the Nation's Capital and will serve a much greater number of the veterans who reside along the East Coast.

PART IVCONCLUSIONS

A. Concerning the advisability of including Arlington National Cemetery within the National Cemetery System established by Public Law 93-43, it is concluded that:

1. The Army has operated Arlington as a military cemetery since 1864 and through the years it has become a national military shrine, forged by military tradition and esprit de corps.

2. Congress has recognized Arlington's unique nature as an active national military shrine.

3. It is good management practice for the Army to retain responsibility for Arlington. In this regard:

a. The Army very efficiently coordinates all ceremonies at Arlington involving foreign dignitaries, the President or his representative, and the Armed Forces.

b. The Department of Defense has the unique capability to adequately protect the cemetery.

c. The Army is effectively implementing an approved Master Plan for development of Arlington.

4. Under Army administration and using the current burial criteria, Arlington will continue to remain open as an active cemetery and national military shrine well beyond the year 2000.

5. If Arlington were operated under the Veterans Administration's burial criteria required by Public Law 93-43, the need to establish another national cemetery in the Washington area would be forestalled for not more than five years.

6. There are cogent reasons for agencies beside the Veterans Administration to administer national cemeteries. Because of their relationships to historical events and sites, or other locations, some national cemeteries are administered by the Army, the Department of Interior, and the American Battle Monuments Commission.

7. It is not advisable to include Arlington National Cemetery within the National Cemetery System established by Public Law 93-43.

B. Concerning the appropriateness of maintaining the present eligibility requirements for burials at Arlington National Cemetery, it is concluded that:

1. It is in the national interest for Arlington to continue to function as an active national military shrine and cemetery as long as practicable.

2. In 1967 the Secretary of Defense advisedly restricted the eligibility for burial in Arlington to prolong its useful life as an active national military cemetery well beyond the year 2000.

3. Any relaxing of the existing burial criteria short of non-restricted burials would be unmanageable and highly discriminatory.

4. Under the Veterans Administration unrestricted burial criteria proscribed by Public Law 93-43, Arlington would open and close intermittently while new burial ground was being developed; and it would close permanently in 1985.

5. It is appropriate to maintain the present eligibility requirements for burials at Arlington National Cemetery.

C. Concerning the advisability of establishing another national cemetery in or near the District of Columbia, it is concluded that:

1. The closest national cemeteries serving veterans of the Washington, D. C. area, who are not now eligible for burial in Arlington, are in Long Island, New York and Raleigh, North Carolina.

2. As long as the Army continues to operate Arlington, there is an immediate need for a national cemetery to serve about 600,000 veterans in the Washington, D. C. area.

3. If the Veterans Administration assumes operation of Arlington, the planning and development of a new national cemetery in the Washington, D.C. area can be deferred no more than about five years.

4. Of the alternatives available, it is advisable to establish an extension of the Arlington Cemetery, near the District of Columbia area to serve the veterans residing in the area and to be administered by the Veterans Administration.

PART V

RECOMMENDATIONS

1. Arlington National Cemetery should not be included in the National Cemetery System established by Public Law 93-43.
2. The present eligibility requirements for burial at Arlington National Cemetery should be maintained.
3. Another national cemetery should be established in or near the District of Columbia.

147

APPENDIX I

REPORT TO
VETERANS ADMINISTRATION

STUDY OF PRIVATE
BURIAL AND FUNERAL COSTS
IN THE UNITED STATES

AND

SURVEY OF CEMETERY MARKETING
PRACTICES DIRECTED TOWARD VETERANS

DECEMBER 1973

KLEIN & SAKS, INC.
MANAGEMENT CONSULTANTS
1001 CONNECTICUT AVENUE, N.W.
WASHINGTON, D. C. 20006

TABLE OF CONTENTS

	<u>Page</u>
PART I - STUDY OF PRIVATE BURIAL & FUNERAL COSTS IN THE UNITED STATES	
1. Defining The Information To Be Presented	1
2. Identifying And Analyzing The Existing Data	7
3. Obtaining The Additional Data Required	5
4. Organizing And Analyzing All The Data	8
5. Average Funeral And Burial Costs Per Death	9
Northeast Region of the United States	10
Southeast Region of the United States	11
Midwest Region of the United States	12
Central West Region of the United States	13
Far West Region of the United States	14
The United States	15
Percent for Each Component	16
PART II - SURVEY OF CEMETERY MARKETING PRACTICES DIRECTED TOWARDS VETERANS	
A. Introduction	17
B. Cemetery Marketing Approaches to Veterans	19
(General)	
C. Industry Positions on Veterans Programs	22
D. State Association Survey - Northeast	24
E. State Association Survey - South	27
F. State Association Survey - Midwest	29
G. State Association - West	32
H. Surveys Conducted by Attorney Doris Poté	34
(Suffolk Law School, Boston, Mass., 1972)	
I. Conclusion	36
J. Appendix	37

PART I

STUDY OF PRIVATE BURIAL & FUNERAL COSTS
IN THE UNITED STATES

1. Defining The Information To Be Presented

Our study has indicated eight components of funeral and burial costs, as follows:

- A. FUNERAL PROPER INCLUDING CASKET
(Total if more than 1 funeral director used.)
- B. CLERGY & RELIGIOUS INSTITUTIONS
(Including organist, soloist.)
- C. INTERMENT RECEPTACLE, VAULT OR GRAVE LINER
- D. OTHER FUNERAL EXPENSE
(Including transportation of remains.)
- E. OPENING & CLOSING OF GRAVE; OR CREMATION
- F. GRAVE MARKER, MONUMENT, INSCRIPTION; OR IF CREMATION,
URN & INSCRIPTION
- G. CEMETARY PLOT OR MAUSOLHEUM: OR IF CREMATION, NICHE
IN COLUMBARIUM
- H: MISCELLANEOUS CEMETERY EXPENSE: OR IF CREMATION,
SPECIAL DISPOSAL OF ASHES

This report presents these individual component costs and totals for the United States. Regarding regional differences, our undertaking was to present figures for 4 Regions. However, we found significant additional geographical differences in the West, and as a result, the information is presented for 5 Regions. These are defined below, together with the percentages of U.S. deaths which occurred in each Region in 1971.

<u>NORTHEAST</u>	<u>SOUTHEAST</u>	<u>MIDWEST</u>	<u>CENTRAL WEST</u>
25.74%	21.90%	28.04%	12.61%
Maine	Delaware	Ohio	Montana
New Hampshire	Maryland	Indiana	Idaho
Vermont	District of Columbia	Illinois	Wyoming
Massachusetts	Virginia	Michigan	Colorado
Rhode Island	West Virginia	Wisconsin	New Mexico
Connecticut	North Carolina	Iowa	Arizona
New York	South Carolina	Minnesota	Utah
New Jersey	Georgia	Missouri	Nevada
Pennsylvania	Florida	North Dakota	Arkansas
	Kentucky	South Dakota	Louisiana
	Tennessee	Nebraska	Oklahoma
	Alabama	Kansas	Texas
	Mississippi		

FAR WEST

11.42%

California
Oregon
Washington

Alaska and Hawaii, which together have been accounting for 0.29% of the deaths in the United States, were not surveyed.

For each Region, we studied burial and funeral expenses in urban communities and in rural and suburban communities, reporting both and taking them into account in presenting the regional averages.

The regional averages, weighted in accord with the percentages of U.S. deaths occurring in the Region, combine to produce the average funeral and burial costs in the United States.

2. Identifying And Analyzing The Existing Data

Appreciation is expressed for the cooperation of Government agencies, trade associations and furnishers of funeral and burial services in making their figures available to us, including the following:

- U. S. Department of Commerce
 - Bureau of the Census
 - Bureau of Economic Analysis
 - Bureau of Competitive Assessment and Business Policy
- U. S. Department of Labor
 - Bureau of Labor Statistics
- U. S. Department of Health, Education and Welfare
 - National Center for Health Statistics
 - Federal Trade Commission
 - National Funeral Directors Association
 - National and State Cemetery Associations
 - Cremation Association of America
 - American Monument Association
 - International Ladies Garment Workers Union, Department of Death Benefits
 - Funeral Directors, Cemeteries and Monument Makers

We found no figures which provided all individual components of burial and funeral costs, or totals of them. However, for the total component A plus component C (that is Funeral Proper plus Interment Receptacle) for the year 1971, we found close agreement between two reports made by different entities, independently of each other. The U. S. Department of Commerce, Bureau of the Census reported business receipts for goods and services in these categories as \$1,919,000,000. This figure, divided by the 1,923,700 U. S. deaths reported in 1971 by the U. S. Department of Health, Education and Welfare National Center for Health Statistics gives an average cost per death for these two components, of \$998.

A separate study of 30,646 funerals in 1971 made by Dr. Vanderlyn R. Pine for the National Funeral Directors Association, when weighted according to geographic distribution of deaths, gives an average figure of \$1,019 for these two components.

The fact that the results of these independent studies are within about 2% of each other argues for their validity, and we selected the Bureau of the Census figure of \$998 as the stipulated average value for the Funeral Proper plus Interment Receptacle components for the United States in 1971.

The Bureau of the Census and the Bureau of Labor Statistics were consulted with regard to their respective methods used for estimating monthly changes, since 1971. They and we agreed that the Bureau of Labor Statistics price index system should give more nearly precise results for this study. The Bureau of Labor Statistics Funeral Price Index was 117.2 in 1971 and by September of 1973 was 128.5, or 9.64% greater. Applying this increase to the 1971 Bureau of Census figure of \$998, for the latter part of 1973 we arrive at an average cost per death of the Funeral Proper plus Interment Receptacle components of \$1,094.

The National Funeral Directors Association study of 30,646 funerals provided values for these components in each of 9 Census Bureau Divisions of the country. We applied a weight to each in order to reflect the number of deaths in the Division and from this arrived at the percentage by which each Division value is greater or less than the national value. Since a Region in our report comprises more than one Census Division, we determined the percentage differentials for each Region, likewise weighted in accord with the percentage of deaths in each Region. Then, applying these regional differentials to the 1973 country-wide figure of \$1,094, we arrived at average dollar costs in each Region, as shown below.

AVERAGE REGIONAL COSTS PER DEATH OF FUNERAL
PROPER PLUS INTERMENT RECEPTACLE COMPONENTS

<u>REGION</u>	<u>As Percentage of Country-wide Average Cost</u>	<u>In Dollars Based on \$1,094 Country-wide Average Cost</u>
UNITED STATES	100.00%	\$1,094
NORTHEAST	113.28%	\$1,239
SOUTHEAST	101.40%	\$1,109
MIDWEST	102.04%	\$1,116
CENTRAL WEST	95.27%	\$1,042
FAR WEST	70.03%	\$ 766

3. Obtaining The Additional Data Required

As a source for the data on the 12 components of funeral and burial costs, we investigated reports made by executors and administrators of the estates of deceased persons. Throughout this country, these are legally matters of public record. However, we found wide differences in how they are handled by the authorities in different localities. In some places, they can be inspected only by personal direction of the Judge of the Probate Court. In others, the Court allows free access, but unorganized filing systems and administrative inadequacies make it impracticable to find and inspect them. Fortunately, in each of the 5 Regions in the country we found both urban communities, and rural and suburban communities with rational filing systems and cooperative judicial and administrative officials. Here, however, we found considerable differences in the amount of detail on funeral and burial expenses in the records. In a few cases, the only record kept is of the total amount of the estate and the total amount expended by the executor. In others, it is the custom for the executor's report to show only a single figure for all funeral and burial expenses.

The records which we found valuable for our study were those in communities which keep the executors' detailed reports of all expenditures, often with receipted invoices.

In most of the communities sampled, these records were available not only for estates of persons who had left wills, but also for those who had died intestate, with an administrator appointed by the Court. The samples include records of estates of all sizes.

As expected, we found that frequently some of the 12 components of funeral and burial costs are paid by the family rather than by the estate of the deceased. However, each component is sometimes paid by an estate, and thus we have been able to have samples of actual costs for each component in each of the Regions.

Our general method of sampling was to find urban communities and rural and suburban communities in each of the 5 Regions where we obtained access to detailed estate records pertaining to deaths occurring in the entire year of 1971. Statistically representative samples were drawn from these by taking, for example, precisely every 50th record in the officially numbered series.

We did not rely on mail questionnaires or on information from local officials. Instead, our own staff personally inspected the estate records and recorded the pertinent information for each.

Our plan called for gaining personal access to 10 sets of executors' and administrators' reports, totaling 12,000, with statistical representation of each set obtained by precise sampling to produce individual reports (250) from which details would be recorded. Actually, we gained access to 12 sets of reports totaling 30,432, with 625 reports forming the statistical representations of the respective sets. For each of these, we recorded the serial number, the name of the deceased, the date of death, the size of the estate, all reported details of funeral and burial expenses, together with the names and addresses of the furnishers of the services and merchandise and of the executor or administrator. This latter information permitted us to obtain further breakdown of expenses when necessary.

The next page of this report shows the form on which we recorded the individual data.

This Report Form to be sent promptly to the
personal attention of

Richard L. Davies, President
Klein & Saks, Inc.
1001 Connecticut Ave., N. W.
Washington, DC 20007

1-STATE _____ 2-COUNTY OR CITY _____
3-OFFICIAL FILE NUMBER _____ 4-NAME OF DECEASED _____
5-DATE OF DEATH _____ 6-VALUE OF ESTATE _____

7-FUNERAL PROPER _____ 10-ITEMIZATION OF OTHER FUNERAL EXPENSES:
(If 2 funerals report total) _____ (Including transportation of remains
8-CLERGY _____ & all other payments to funeral home)
(Religious institutions, _____
organist, soloist) _____
9-VAULTS _____
(Or grave liners) _____

FOR CREMATION ONLY

11-CREMATION _____
12-URNS & INSCRIPTIONS _____
13-NICHES IN COLUMBARIA _____
14-MISCELLANEOUS
CEMETERY COSTS _____
(Cremations) _____

NON-CREMATION ONLY

15-GRAVE MARKER & MONUMENTS _____
(Including inscriptions)
16-CEMETERY PLOTS & MAUSOLEUMS _____
17-OPENING & CLOSING OF GRAVES;
INTERMENTS _____
18-MISCELLANEOUS CEMETERY
EXPENSES _____
(Non-cremation)

RECORD NAMES & ADDRESSES OF ANY OF THE FOLLOWING WHEN PAYMENT WAS SHOWN:

19-FUNERAL HOME _____
20-CEMETERY _____
21-CREMATORY(if different from above) _____
22-MONUMENT SUPPLIER _____
23-NAME & ADDRESS OF EXECUTOR _____

24-NAME OF PERSON FILLING OUT THIS FORM _____

4. Organizing And Analyzing All The Data

We calculated the averages for each expense component found in urban communities and rural and suburban communities in each of the 5 Regions.

From the National Center for Health Statistics and the Cremation Association of America we obtained figures from which we calculated the percent of deaths involving cremation and the percent of deaths not involving cremation, for each of the 5 Regions in 1971. These figures are as follows:

<u>REGION</u>	<u>PERCENT NON-CREMATIION</u>	<u>PERCENT CREMATIION</u>
Northeast -----	95.97%	4.03%
Southeast -----	96.95%	3.05%
Midwest -----	97.85%	2.15%
Central West -----	94.60%	5.40%
Far West -----	84.22%	15.77%
United States -----	95.21%	4.79%

We applied these weights to the averages of non-cremation and cremation expenses found in the respective Regions, in order to arrive at the composite components E, F, G, and H.

Then, for each Region, we noted the average expense found for components A plus C (Funeral Proper plus Interment Receptacle) and compared this with the corresponding value stipulated for those components based on the Bureau of the Census, National Funeral Directors Association and Bureau of Labor statistics data. In order to correct for the difference due to sampling and due to the fact that most of the expenses we recorded were for deaths in 1971, whereas the stipulated figures are for the latter part of 1973, we determined a multiplier to be applied to the values we found in order to adjust them to the stipulated values for those two expense components. For example, for the Northeast Region the multiplier was found to be .959, and this was used to adjust the averages of all expense components found in that Region.

5. Average Funeral And Burial Costs Per Death

NORTHEAST
REGION OF THE UNITED STATES

AVERAGE FUNERAL AND BURIAL COSTS PER DEATH

	<u>URBAN</u>	<u>RURAL & SUBURBAN</u>	<u>AVERAGE</u>
A. FUNERAL PROPER INCLUDING CASKET ---- (Total if more than 1 funeral director used.)	\$1,115	\$1,024	\$1,070
B. CLERGY & RELIGIOUS INSTITUTIONS ---- (Including organist, choist.)	72	40	56
C. INTERMENT RECEPTACLE, VAULT OR GRAVE LINER -----	152	185	169
D. OTHER FUNERAL EXPENSE ----- (Including transportation of remains.)	128	152	140
E. OPENING & CLOSING OF GRAVE; OR CREMATION -----	218	126	172
F. GRAVE MARKER, MONUMENT, INSCRIPTION; OR IF CREMATION, URN & INSCRIPTION--	160	289	224
G. CEMETERY PLOT OR MAUSOLEUM; OR IF CREMATION, NICHE IN COLUMBARIUM ---	469	304	386
H. MISCELLANEOUS CEMETERY EXPENSE; OR IF CREMATION, SPECIAL DISPOSAL OF ASHES -----	36	45	41
TOTAL -----	<u>\$2,350</u>	<u>\$2,165</u>	<u>\$2,258</u>

SOUTHEASTREGION OF THE UNITED STATESAVERAGE FUNERAL AND BURIAL COSTS PER DEATH

	<u>URBAN</u>	<u>RURAL & SUBURBAN</u>	<u>AVERAGE</u>
A. FUNERAL PROPER INCLUDING CASKET ---- (Total if more than 1 funeral director used.)	\$1,019 ---	\$ 791 ---	\$ 905
B. CLERGY & RELIGIOUS INSTITUTIONS ---- (Including organist, soloist.)	43 ---	34 ---	39
C. INTERMENT RECEPTACLE, VAULT OR GRAVE LINER -----	224 ---	185 ---	204
D. OTHER FUNERAL EXPENSE ----- (Including transportation of remains.)	92 ---	23 ---	58
E. OPENING & CLOSING OF GRAVE; OR CREMATION -----	159 ---	85 ---	122
F. GRAVE MARKER, MONUMENT, INSCRIPTION; OR IF CREMATION, URN & INSCRIPTION--	264 ---	273 ---	268
G. CEMETERY PLOT OR MAUSOLEUM; OR IF CREMATION, NICHE IN COLUMBARIUM ----	266 ---	272 ---	269
H. MISCELLANEOUS CEMETERY EXPENSE; OR IF CREMATION, SPECIAL DISPOSAL OF ASHES -----	52 ---	143 ---	98
TOTAL -----	<u>\$2,120</u> ---	<u>\$1,806</u> ---	<u>\$1,963</u>

MIDWEST
REGION OF THE UNITED STATES

AVERAGE FUNERAL AND BURIAL COSTS PER DEATH

	<u>URBAN</u>	<u>RURAL & SUBURBAN</u>	<u>AVERAGE</u>
A. FUNERAL PROPER INCLUDING CASKET ---- (Total if more than 1 funeral director used.)	\$ 928	\$1,000	\$ 965
B. CLERGY & RELIGIOUS INSTITUTIONS ---- (Including organist, soloist.)	27	19	23
C. INTERMENT RECEPTACLE, VAULT OR GRAVE LINER -----	148	154	151
D. OTHER FUNERAL EXPENSE ----- (Including transportation of remains.)	79	100	90
E. OPENING & CLOSING OF GRAVE; OR CREMATION -----	89	174	131
F. GRAVE MARKER, MONUMENT, INSCRIPTION; OR IF CREMATION, URN & INSCRIPTION--	142	126	134
G. CEMETERY PLOT OR MAUSOLEUM; OR IF CREMATION, NICHE IN COLUMBARIUM ----	220	157	188
H. MISCELLANEOUS CEMETERY EXPENSE; OR IF CREMATION, SPECIAL DISPOSAL OF ASHES -----	57	58	57
TOTAL -----	<u>\$1,690</u>	<u>\$1,788</u>	<u>\$1,739</u>

CENTRAL WEST
REGION OF THE UNITED STATES

AVERAGE FUNERAL AND BURIAL COSTS PER DEATH

	<u>URBAN</u>	<u>RURAL & SUBURBAN</u>	<u>AVERAGE</u>
A. FUNERAL PROPER INCLUDING CASKET ---- (Total if more than 1 funeral director used.)	\$ 927	\$ 937	\$ 932
B. CLERGY & RELIGIOUS INSTITUTIONS ---- (Including organist, soloist.)	22	39	31
C. INTERMENT RECEPTACLE, VAULT OR GRAVE LINER -----	90	130	110
D. OTHER FUNERAL EXPENSE ----- (Including transportation of remains.)	85	74	79
E. OPENING & CLOSING OF GRAVE; OR CREMATION -----	83	41	62
F. GRAVE MARKER, MONUMENT, INSCRIPTION; OR IF CREMATION, URN & INSCRIPTION--	151	149	150
G. CEMETERY PLOT OR MAUSOLEUM; OR IF CREMATION, NICHE IN COLUMBARIUM ----	368	262	315
H. MISCELLANEOUS CEMETERY EXPENSE; OR IF CREMATION, SPECIAL DISPOSAL OF ASHES -----	38	34	36
TOTAL -----	\$1,764	\$1,666	\$1,715

FAR WEST
REGION OF THE UNITED STATES

AVERAGE FUNERAL AND BURIAL COSTS PER DEATH

	<u>URBAN</u>	<u>RURAL & SUBURBAN</u>	<u>AVERAGE</u>
A. FUNERAL PROPER INCLUDING CASKET ---- (Total if more than 1 funeral director used.)	\$ 815	\$ 680	\$ 748
B. CLERGY & RELIGIOUS INSTITUTIONS ---- (Including organist, soloist.)	28	28	28
C. INTERMENT RECEPTACLE, VAULT OR GRAVE LINER -----	22	14	18
D. OTHER FUNERAL EXPENSE ----- (Including transportation of remains.)	449	79	264
E. OPENING & CLOSING OF GRAVE; OR CREMATION -----	96	60	78
F. GRAVE MARKER, MONUMENT, INSCRIPTION; OR IF CREMATION, URN & INSCRIPTION--	185	64	124
G. CEMETERY PLOT OR MAUSOLEUM; OR IF CREMATION, NICHE IN COLUMBARIUM ----	525	251	388
H. MISCELLANEOUS CEMETERY EXPENSE; OR IF CREMATION, SPECIAL DISPOSAL OF ASHES -----	34	38	36
TOTAL -----	\$2,154	\$1,214	\$1,684

THE UNITED STATESAVERAGE FUNERAL AND BURIAL COSTS PER DEATH

	<u>URBAN</u>	<u>RURAL & SUBURBAN</u>	<u>AVERAGE</u>
A. FUNERAL PROPER INCLUDING CASKET ----- (Total if more than 1 funeral director used.)	980 ---	\$ 913 ---	\$ 947
B. CLERGY & RELIGIOUS INSTITUTIONS ----- (Including organist, soloist.)	41 ---	31 ---	36
C. INTERMENT RECEPTACLE, VAULT OR GRAVE LINER -----	144 ---	149 ---	147
D. OTHER FUNERAL EXPENSE ----- (Including transportation of remains.)	137 ---	91 ---	114
E. OPENING & CLOSING OF GRAVE; OR CREMATION -----	137 ---	112 ---	124
F. GRAVE MARKER, MONUMENT, INSCRIPTION; OR IF CREMATION, URN & INSCRIPTION--	179 ---	196 ---	187
G. CEMETERY PLOT OR MAUSOLEUM; OR IF CREMATION, NICHE IN COLUMBARIUM -----	347 ---	243 ---	295
H. MISCELLANEOUS CEMETERY EXPENSES; OR IF CREMATION, SPECIAL DISPOSAL OF ASHES -----	46 ---	68 ---	57
TOTAL -----	<u>\$2,011 ---</u>	<u>\$1,803 ---</u>	<u>\$1,907</u>

THE UNITED STATES

PERCENT OF AVERAGE FUNERAL AND BURIAL EXPENSE
FOR EACH COMPONENT

	<u>DOLLARS</u>	<u>PERCENT</u>
A. FUNERAL PROPER INCLUDING CASKET ---- (Total if more than 1 funeral director used.)	\$ 947	50%
B. CLERGY & RELIGIOUS INSTITUTIONS ---- (Including organist, soloist.)	36	2%
C. INTERMENT RECEPTACLE, VAULT OR GRAVE LINER -----	147	8%
D. OTHER FUNERAL EXPENSE ----- (Including transportation of remains.)	114	6%
E. OPENING & CLOSING OF GRAVE; OR CREMATION -----	124	6%
F. GRAVE MARKER, MONUMENT, INSCRIPTION; OF IF CREMATION, URN & INSCRIPTION--	187	10%
G. CEMETERY PLOT OR MAUSOLEUM; OR IF CREMATION, NICHE IN COLUMBARIUM ----	295	15%
H. MISCELLANEOUS CEMETERY EXPENSES; OR IF CREMATION, SPECIAL DISPOSAL OF ASHES -----	57	3%
TOTAL -----	<u>\$1,907</u>	<u>100%</u>

PART II

SURVEY OF CEMETERY MARKETING PRACTICES
DIRECTED TOWARDS VETERANS

SURVEY OF CEMETERY MARKETING
PRACTICES DIRECTED TOWARDS VETERANS

A. Introduction

1. In the pursuit of this task, we have held interviews with officials of the American Cemetery Association in Columbus, Ohio; the Association of Catholic Cemeteries in Chicago; the National Association of Cemeteries in Arlington; four regional associations: Northeast in Haverhill, Massachusetts, Southern in Asheville, North Carolina, Central in Shawnee, Oklahoma, and Western in Sacramento, California.

2. Additionally, the following state associations were contacted:

Interment Association of California
 Colorado Association of Cemeteries (2)
 Connecticut Cemetery Association
 Florida Cemetery Association (2)
 Georgia Cemetery Association
 Indiana Cemetery Association
 Association of Iowa Cemeteries
 Cemetery Association of Maryland
 & District of Columbia (3)
 Ohio Association of Cemeteries
 Cemetery Association of Pennsylvania (4)
 Keystone State Association of Cemeteries (2)
 Texas Cemeteries Association (2)
 Washington (State) Interment Association

3. The numbers after certain association names indicate that additional data was sought from cemetery or memorial park members in that state. Several of the state associations volunteered to conduct specific surveys of their own members to assist this project, and the results thereof are included in the Appendix to this report.
4. The Federal Trade Commission has undertaken a preliminary study of funeral and burial practices, and their unpublished report has been furnished to us. This report has been helpful to the study.
5. A professor at Suffolk Law School, Boston, Massachusetts, by the name of Doris Pot6, has recently conducted a wide survey of cemetery marketing practices. An excerpt from this report is also included. This survey was conducted for the Pre-Arrangement Interment Association in 1972.

B. Cometary Marketing Approaches to Veterans - General

1. It is a generally stated belief that special price and other programs for veterans are a phenomenon of recent wars, particularly the Viet Nam War. However, during the research for this particular phase of the project it was discovered that one old cemetery in Connecticut has had a free-grave program for veterans since 1886, and in other sections of the country free graves, or reduced price graves have been provided at least as far back as World War II.
2. Various special programs for veterans include the following specific types of arrangements:
 - Provision of a completely free grave, including grave opening and closing, and concrete liner, for a serviceman killed in action.
 - Provision of a free grave to a serviceman killed in action, but costs of opening and closing, etc. are charged at cost.
 - Provision of a free grave to a serviceman dying on active duty, plus costs of opening and closing, etc.
 - Provision of a free grave to any honorably discharged veteran, plus above mentioned costs.
 - Provision of a free grave to a veteran provided that an adjacent lot be purchased for his wife. These may be on a pre-need, or immediate need basis.
 - Selling graves to veterans at a discount, either on a single grave or multiple grave sale basis, in special veterans sections, or in general burial areas.
 - Selling graves to veterans alone in special veterans sections at regular prices.
 - Selling graves to veterans and families in special veterans sections at regular prices.
 - Provision of special combined funerals and burials at lower prices for veterans dying in Veterans Administration hospitals.

3. In following sections specific instances will be related to provide examples of the foregoing. It should be noted that from all accounts it appears that free graves and special grave price programs for veterans, while at one time quite common, particularly during the active phases of the Viet Nam War, are now relatively few. The survey determined that where a significant number of established and reputable cemeteries had special programs or offerings during the recent war, these have been discontinued within the last 2 to 12 months.
4. The cemeteries which have once had such special programs cite various reasons for discontinuing them:
- The new \$150 allotment makes their own program unnecessary.
 - The ending of the war removes the patriotic motivation which sincerely created the desire to provide special benefits.
 - The rising costs of land and services makes such special prices prohibitive, particularly in metropolitan areas.
 - The bad publicity given by the Hartke hearings to non-legitimate cemetery operations and their abuses against veterans and their families adversely affected reputable cemetery and memorial park owners, and as a result, many legitimate programs were ended.
 - Pressure by the cemetery associations on their members to revise or drop their veterans programs as a result of the Hartke hearings and various articles in the public press.
5. The comparatively few cemeteries which have continued special price or free grave programs for veterans, cite the following reasons therefor:
- It is their patriotic duty to do what they can for veterans, for at least a short period of time.
 - The owners or operators are veterans themselves, and are highly motivated towards helping other veterans.
 - The owners have a close and continuing relationship with the various veterans groups, and it would adversely affect their business if they discontinued the program.

- Veterans programs help the entire industry by establishing their community identity and sense of public service, and by countering the pressure for a multitude of national cemeteries which would adversely affect the veterans and their families as well as the taxpayers.
 - Special inducements to veterans on a pre-need basis create favorable publicity and community relations, while at the same time providing needed cash flow. Cemeteries may have a special veterans program for a period of months, thereby moving plots rapidly, some with only word-of-mouth advertising. Actual return per plot is sharply reduced, but income is increased and a solid "heritage" is accumulated.
6. It is important to point out that approximately 70% of the cemeteries in the United States are the traditional, non-profit, religious, association, fraternal-affiliated, or municipal-owned, and that few, if any, of these have or have had special programs for veterans. Further, of the 30% or so privately or corporately-owned, only a small minority apparently still have veterans programs, and of these, only a minute number have pursued illegitimate "free graves to veterans" techniques.

C. Industry Positions on Veterans Programs

1. Our survey covered 3 national trade associations, 4 regional associations, and 21 state associations and members thereof. In this section we will deal with the national and regional associations.
2. The American Cemetery Association recently surveyed its membership to determine which practices related to veterans were being followed by its membership, which consists primarily of traditional-type cemeteries. It was stated that to their knowledge no members were involved in veterans programs, and no members were following unethical practices. Membership includes filled municipal cemeteries.
3. The Association of Catholic Cemeteries states that to their knowledge no members were engaged in veterans programs. Membership includes small country church cemeteries to some of the largest metropolitan cemeteries, with proportionate ranges in costs and prices. Church operated cemeteries provide parishes with a substantial and vital source of income, and accordingly are conservatively managed. Appeals to special groups are discouraged.
4. The National Association of Cemeteries has been very active in discouraging unethical marketing approaches by its members, and has issued strong guidelines to its membership in regard to such techniques. The appendix includes appropriate information received from the National Association of Cemeteries.

Our survey received information that several years ago, the National Association of Cemeteries was actively encouraging members to assist veterans and their families by offering free graves for those killed in action, or to provide discounted prices, both being patriotic gestures. Every indication received is that these were very sincere and genuine approaches made at a time of national crisis. As the war wore on, however, a number of offenses by a relatively few cemeteries were publicized, casting a cloud on legitimate cemetery and memorial park operations. The National Association of Cemeteries has developed a "Consumers Code for Veterans Programs" which by its prohibitions infers the kind of offenses that have plagued the industry in the past. These practices include the following:

- Advertising, through the use of Federal agency names and veterans groups, that implies the cemetery is participating in an authorized program.

- Advertising on letterheads that, through the use of flags and/or phraseology, and/or titles that resemble government agencies or veterans groups, together with a pitch for a particular cemetery program, portrays a false image of legitimate sponsorship or participation.
- Advertising that states there is no availability of space in government cemeteries and does not state where space may be available in the nearest government cemetery.
- Use of Congressmen's or other government officials names without permission, or out of context, or in petitions without permission.
- Advertising or offering space to veterans in a "pre-need" sale without providing a deed or assignment of space at time of acceptance by the veteran, leading to "bait and switch" offenses.
- Fraudulently offering "free" space to veterans, or discount prices, while increasing the prices of the spouses' grave, or increasing opening and closing prices, or increasing prices of other materials or services, to cover the cost of the "free" or discounted price, in effect making the "deal" more expensive than that for non-veterans.
- Entrapping veterans and their families in non-cancellable and non-refundable expensive commitments.

It is apparent that the National Association of Cemeteries is committed to a position of strong opposition to such marketing practices.

5. The four regional associations -- Northeast, Central, Southern and Western -- were unknowing of any unethical practices directed towards veterans, and with the exception of the Western, could give no details of any specific programs except in generalized terms. The general response was: at this time special veterans programs are comparatively few, and those that are in existence are fully within lawful and ethical bounds, and follow National Association of Cemetery guidelines.

Certain states -- California, Washington, Michigan, Utah, Hawaii, and New York, -- for example, were stated to have strong consumer protection laws, including full disclosure requirements for cemeteries and funeral directors. In these states having such requirements, veterans are well protected as the state can promptly close down the operation or otherwise take action to protect the consumer. Other states having strong laws are Illinois, Missouri, Indiana and Texas.

D. State Association Survey - Northeast

Connecticut Cemetery Association

Cemetery Association of Pennsylvania

Keystone State Association of Cemeteries

Cemetery Association of Maryland and the District
of Columbia

1. In Connecticut less than a handful of cemeteries still maintain formal veterans programs according to the state association. One major cemetery which had a genuine free grave program since 1886 recently discontinued the program due to lack of space in this 60 acre cemetery in Norwalk. This program, which was stated to be typical of the area, included the following items:

- Free graves to veterans, pre-need or at need.
- Charge of \$120 for opening and closing, with no cement liner. Charge by funeral director for liner or vault.
- Veterans of Foreign Wars paid for maintenance -- \$60 per year for section of 150 graves -- as well as supplying flags.

In Connecticut the cost of the grave site was found to range from \$100 to \$1,500 with typical costs ranging between \$200 and \$300 with perpetual care included

2. In the Maryland and District of Columbia area, one large memorial park in Rockville has achieved notoriety and is under indictment on various charges related to false promotions including those directed towards veterans. The association spokesman stated that this was an exceptional case, and that cemeteries are generally very ethical and provide a variety of programs directed towards veterans and other groups, but these are in the minority. A typical case was cited to include the following:

- Full price graves cost \$110 to \$250, plus \$175 opening and closing costs, including perpetual care, but no liner. The veteran receives \$150 discount, "subject to consideration if wife buys a grave and section selected". Further questioning failed to obtain a clarification of this statement.

- Free grave provided to man killed in action during wartime, or if already in casket.

Many cemeteries had given up special veteran programs because they had been misconstrued by the public, and the programs that are in effect vary from honest discounts to promotional gimmicks. Costs of services offered veterans and non-veterans alike included:

- Grave sites: \$60 - \$600. Typical around \$300
- \$195 opening and closing grave if vault used
- \$275 opening and closing if no vault, and including concrete liner.

One cemetery was quoted as having a \$10 per year registration fee for veterans provided an adjacent plot was purchased at the same time. Such pre-need sales could possibly be no less expensive than regular pricing if the veteran was long-lived.

3. The Cemetery Association of Pennsylvania and the Keystone State Association of Cemeteries have overlapping territories, with the latter extending into Ohio. Generally, the spokesmen stated that whereas a few cemeteries have special and legitimate programs, today it is unnecessary to have special pricing or free graves due to the end of hostilities and the new \$150 grave allotment which, if properly administered, and not obtained by the funeral director, will be beneficial to the veteran and his family.

It was stated that today with land and other costs being high, such special veteran programs can be too expensive and costs thereof must be absorbed by other buyers or by other merchandise -- headstones, columbariums, crypts, liners, etc. Prices for the general public were found to be:

- \$100-\$600 grave cost, including care (State requires 15% of price or 40¢ per square foot).
- \$120-\$140 opening and closing grave.
- \$200 vault cost.
- \$1,095 lawn crypt, including memorial (for 2).
- \$2,400 garden crypt, above ground, per pair.
- Placement in special sections, including veterans as desired.

The Cemetery Association of Pennsylvania is composed mainly of traditional monument, non-profit cemeteries, which generally do not have veterans programs although many do have veterans sections. Memorial parks or gardens, owned by individuals or corporations, have veterans programs in some instances.

One private, non-profit 70-acre memorial garden in Harrisburg, Pennsylvania, has had a fully operative veterans program since 1966:

- Completely free grave for those killed in action.
- Veterans sections containing several thousand grave spaces in a beautiful area of cemetery with memorial, flags, etc.
- On pre-need commitment only, free grave space to veteran, and cemetery absorbs cost of care mandated by state at 40¢ per square foot, or \$13.
- No requirement for wife to buy, although space is same price as for public, including care.
- Free protection for children dying before 21 years of age (any veteran's child dying before 21, if veteran is a grave-owner or buried in cemetery, is provided a free grave).
- Special pricing effective for veterans section only.
- \$110 opening and closing costs.
- Vault required, \$200 single or \$370 pair pre-need only, otherwise through funeral director.
- \$77 installation cost of bronze marker in concrete base, or \$195 on granite with vase.

The owner stated that he was involved and participated with the veterans organizations in instituting the program and continues to work with them. As to motivation for the program, he stated that it creates a heritage of owners while benefiting the veteran and his family. The owner invites inspection by interested parties.

B. State Association Survey - South

Florida Cemetery Association

Georgia Cemetery Association

Texas Cemeteries Association

In the South a number of cemeteries and memorial gardens apparently still have special veterans programs, although the trend towards discontinuance parallels that in other regions of the country.

1. In Florida, probably at most some "half-dozen" cemeteries still have programs. The State association has taken vigorous steps to warn members to keep programs "clean and ethical". It was stated that representatives of Senator Hartke and the Veterans Administration have visited certain cemeteries having veterans programs and gave high praise for them.

A typical 110 acre memorial park in Orlando had a two-year program instigated by the Veterans of Foreign Wars. Elements of this program included:

- Free grave space to honorably discharged veterans with no conditions.
 - Additional space for wife at standard price of \$250.
 - Memorial erected for soldiers missing in action in the Viet Nam War.
 - \$25 charged for care, with no other stipulations.
 - Program gave \$700,000 worth of land to veterans.
 - Now charging \$150 to any honorably discharged veteran for a grave, plus care and opening and closing. A typical public price is \$300.
2. In Georgia it appears that a wide range of practices are followed, and that there is little commonality between urban and rural areas in marketing. One inexpensive program which was stated to be favorably received in Augusta has the following elements:
 - Pre-need sale of \$250 per pair of graves to anyone.
 - Pre-need sale of \$275 each for reinforced concrete crypts.

- At-need sale of \$250 per single space, plus liner, vault or crypt. .
 - At-need provision of free space to any veteran head of family, plus \$395 for companion grave.
 - \$50 veteran deduction from \$635 price for bronze memorial on granite.
 - \$75 opening and closing costs.
3. The Texas Cemeteries Association has just completed a statewide survey of marketing and other practices, including those directed towards veterans. There are currently only 2 cemeteries having such programs, which include
- (a) in Dallas, where the state's largest cemetery is found with 2,400 burials per year:
- \$30 for veteran's grave, plus \$20 for care.
 - \$210 for wife's grave, if desired, or both for \$280 including care.
 - 10% of 2,500 acre cemetery space deeded to veterans.
 - Free space to veteran killed in action (70 to date).
 - Special veterans sections and close cooperation with veterans groups.
- (b) in San Antonio:
- Veteran given \$87 discount on 2-grave purchase, or \$243.50 in undeveloped area and \$276 in developed area.

The above figures can be compared to Central West Region findings on average costs to the buying public:

- \$262 per grave in rural and suburban sections.
- \$368 per grave in urban sections.
- \$41 opening and closing in rural and suburban sections.
- \$83 opening and closing in urban sections.

F. State Association Survey - Midwest

Indiana Cemetery Association

Association of Iowa Cemeteries

Keystone State Association of Cemeteries (Ohio)

1. Part of this Indiana survey covered not only that state, but cemeteries operating in Tennessee, Michigan, Missouri, and West Virginia. During the latest war, a large number of private cemeteries had special veterans programs ranging from free graves to discount prices. Today, due to "unfair" publicity, such programs are few, and those that do remain are represented as being highly ethical and strongly supported by veterans groups.
2. It was stated that certain Detroit area and Flint cemeteries offended ethical standards by providing a "free" grave while doubling the price of the wife's grave, as well as use of false printing to simulate veterans organizations on letterheads and advertising matter. Such practices have been "pretty well stopped" and one offender, at least, driven out of business.
3. Ethical cemeteries received great support from veterans organizations in their now generally discontinued programs, and would again like to work with them in such programs if a way could be found to avoid unfair publicity or a "black eye" from a bad operator in another part of the country.
4. Typical of the programs, and those few remaining, is one provided by a multi-state operator of 13 cemeteries, 3 of which have special veterans sections with cannon, doughboy statuary, and flags:
 - Veteran programs on holidays.
 - Free space to veteran honorably discharged, plus \$20-\$25 perpetual care.
 - Second space for wife for an average price of \$100-\$250, depending on location. Regular price goes up to \$375.
 - Opening and closing extra unless veteran was killed, in which case, care was also provided free. This practice still prevails in all 13 cemeteries.

5. The Association of Iowa Cemeteries in cooperation with this study recently completed a survey of membership in the state. The 135 membership dropped all formal veterans programs when the national associations came out against them in the last year. Current benefits which many still provide include:

- Burial in special section for veterans and families when desired.
- 20% off normal \$95 setting fee for bronze marker on granite base.
- One cemetery still has free grave program for veterans with provision of deed to indeterminate grave, with choice given at time of death.
- Typical grave site costs range from \$150 - \$275 for veterans and non-veterans alike.

During the recent war, most cemeteries provided free graves for veterans killed in action. The association currently feels that such free grave programs today do not really prove out to be free. One cemetery was recently removed from the association for ethical infractions.

It is felt that the \$150 allotment is a fine gesture enabling veterans to be interred locally with their families, but there is concern that such funds will be taken over by funeral directors and that the cemeteries may never see the money.

6. In Ohio association spokesmen stated that veterans programs have varied widely. The appendix contains details of one large cemetery's present operations and former programs. An exact count of present programs in the state was not available, but the association felt that the number is now small. Programs may include:

- Free graves to those dying overseas, plus no charge for \$90-\$100 cost of opening and closing grave.
- Discount of \$100 for other veterans.
- For short sales periods, many also provide free graves in certain cemetery areas, with or without monuments being included.

Et

- Certain cemeteries provided single graves for \$15 recording of deed fee plus \$15 care cost, but with no provision for family.
- One cemetery has program for veteran and wife with \$214.50 for two plus care of \$24.70 each.
- One cemetery has 2,500 veterans graves in one section, and 800 in another, with veterans' gardens, monuments, and flags. Free graves are still provided for veterans, police, etc., killed on duty, but otherwise no special discounts are given. Value of graves given in the past now exceeds \$500,000.

Programs that have been or are still provided for various lengths of sales periods -- either "free" or discount -- are, generally, in newer memorial parks undergoing a growth period, where community good will and heritage of property owners are needed to survive or to overcome high development costs. Some former abuses are acknowledged, but it is stated that veteran programs or benefits have provided emotional and financial assistance to veterans and their families, and the private cemetery industry has had an obligation to do as much as possible for the veteran. The new \$150 allotment has removed this burden to a great extent, with the amount being sufficient in rural areas, but insufficient in urban areas.

G. State Association Survey - West

Interment Association of California

Colorado Association of Cemeteries

Washington Interment Association

1. In California the association states that there are probably no more than two cemeteries currently providing pre-need special programs for veterans. One of these is in the Sacramento area, and has been completely reviewed and approved by the State regulatory board. In California strict regulations control cemetery and funeral charges and advertisements to protect the public, including veterans.

There are otherwise no marketing approaches to veterans in the State. However, the industry does have the following benefits:

- Completely free burials for those killed in action (claimed to be the first group in the nation to do so).
- Complete burial and funeral for \$250 for any veteran who dies in a Veterans Administration hospital. This was negotiated with the Veterans Administration by the industry as a service. In California the funeral home is generally located in and is a part of the cemetery operation.

Additional information is being provided and is included in the appendix.

2. In Colorado it was stated that no special programs directed towards veterans are currently in existence, with the exception of one cemetery owned by a Philadelphia corporation, which when contacted, refused to divulge the details except to say that they had been thoroughly investigated by a number of government agencies and had been cleared of any unethical practices. However, the Colorado association stated that this program includes the following:
- Free grave with \$30 one-time care fee on pre-need sale basis, with wife being charged \$200 plus the \$30 care fee.

Other general prices in Colorado are:

- \$100-\$400 per grave in memorial park, and
- \$175-\$1,000 in monument section, including care in Denver area.
- \$250-\$375 state typical grave costs, including care.

It was stated that to their knowledge no programs directed towards veterans are in effect in Utah, Idaho, or Wyoming, although special veterans sections with flags are quite common.

3. In Washington it was stated that all special programs for veterans were stopped several years ago. Free grave programs for veterans are highly suspect, as land is very valuable and costs must be replaced somewhere. Current Seattle area prices are stated to be:

- \$225 to \$500, depending on location, per grave.
- \$180 opening and closing, including concrete liner.
- Grave prices in other areas are generally \$50 less than around Seattle.

Strong State regulations control funeral and cemetery advertising and practices.

II. Surveys Conducted by Doris Pot6, Professor of Law, Suffolk Law School, Boston, Massachusetts, 1972, for the Pre-Arrangement Interment Association.

1. In 1972 Professor Pot6 conducted surveys related to cemetery marketing practices. Of the 9,000 very small to large cemeteries in the United States, the great majority - over 70% are sectarian, fraternal, or otherwise non-profit. Professor Pot6 surveyed 1,142 proprietary cemeteries across the U.S. by mail and telephone, and personally visited some 12 selected at random in the Eastern half of the United States and extensively interviewed the owners of 80 cemeteries in 17 states. This particular survey developed the following information as it related to veterans:
 - In the proprietary cemeteries in the United States, special veterans sections have been in existence since 1885 and 61% cemeteries have services on particular holidays.
 - 20% of the cemeteries have veterans sections, and they are usually in the most beautiful section of the grounds.
 - 37% of cemeteries surveyed had completely free burials for those killed in action.
 - Over 20% had special price programs for veterans, most of which were started prior to 1966. Programs were:
 - o free lot without any conditions attached - 14%
 - o discount price to veteran - 5%
 - o free lot if a second lot purchased - 2%
 - o \$125 - \$150 per grave estimated price in 12 cemeteries visited and others surveyed.
 - o \$80 - \$150 average estimated range opening & closing costs.

2. In 1972 Professor Pot6 also had a statistical sampling made of the 17 million population of Boston, Atlanta, Pittsburgh, Los Angeles and Detroit, consisting of 2,178 interviews. Survey findings were:
 - 51% of people had contacted cemeteries for purchase inquiries, while only 31% of cemeteries had contacted the people surveyed.
 - 6% of the veterans were offered free lots, 4% being completely unconditional.

3. Findings by Professor Pot6 include the following:

Provision of free or discount graves to veterans was started as a public-spirited selling aid to obtain a heritage of owners and family interest, which has benefited many of the cemeteries and has benefited the veteran and his family by providing a grave near his home, and at lower net cost compared to burial in more remote national cemeteries. Most veterans sections are in desirable areas of the cemeteries.

Purchase on a pre-need basis often avoids higher costs at a time of emotional stress, when a veteran is provided a certificate of space identifying the grave location. Reputable cemeteries provide transfers to developed areas at no charge if death occurs unexpectedly at a young age.

Professor Pot6's analysis indicates that the sale of cemetery plots is not like selling real estate, but that the sale involves rather a mixture of real and personal property laws. Zoning laws are rapidly pressuring proposed cemeteries out of existence in many areas, thus pushing prices up on existing cemeteries. However, with all the pressure against cemeteries, her study indicated that property values increase around a memorial park type of operation, similar to price increases around golf courses.

Professor Pote reviewed the "Dead Giveaway" testimony before the Veterans Committee of the United States Senate. None of the 14 cemeteries cited in that testimony as unethical reported to Professor Pot6 that they had been contacted by the students who presented the testimony. She reported that the Pine Lawn Cemetery in New York City, which was cited as having an unethical veterans program, had never had a veterans program of any kind. Professor Pote's analysis indicated that the national and state cemetery associations have been of great help in correcting any unethical practices and in policing their membership. Many states have strong consumer protection and/or cemetery regulations, and the Federal Trade Commission has regulations that prohibit bait and switch and similar practices. Professor Pot6 found that the price doubling practice is almost non-existent today. In her survey of 1,142 cemeteries she found that 51,000 free graves have been donated since 1885.

I. Conclusions of Survey of Cemetery Marketing Practices Directed Towards Veterans.

This survey has revealed that there is wide variation in the kinds of special programs being provided to veterans, with the greatest number being given today by private memorial park type cemetery operations, but to a much lesser degree than in previous years.

The rapid reduction in such programs within the last year reflects the withdrawal of United States forces from Viet Nam, the adverse publicity given to the industry, the \$150 allotment for graves which has removed the need for financial assistance, pressure from national associations, and the rising costs of land, materials, and labor.

The programs that do remain are, generally, strongly defended as being highly ethical and of great credit to the cemetery industry, while at the same time assisting the veteran and his family.

J. Appendix

1. John J. Sinclair & Associates, Inc.
Letter of December 3, 1973 with enclosures
2. Glen Haven Memorial Park Inc.
Offer to Veterans, with clipping from the
Orlando Sentinel of December 20, 1971
3. Restland of Dallas
Letter of December 7, 1973 with attachments
4. Interment Association of California
Letter of December 5, 1973
5. National Association of Cometeries
Letter of December 7, 1973 with attachment
6. National Association of Cometeries
Letter of November 28, 1973 with attachments

JOHN J. SINCLAIR & ASSOCIATES, INC.

707 Race Street
Cincinnati, Ohio 45202
Phone: 621-6770

December 3, 1973

Mr. Joseph Kimmel
Klein & Saks
1001 Connecticut Ave. N.W.
Washington, D.C. 20036

RECEIVED DEC - 6 1973

Dear Mr. Kimmel:

It was a pleasure to talk with you today, and I hope that the enclosed information will be helpful.

1. Veterans Benefits (most local cemeteries)
2. County Program - Veterans Benefits
3. National Cemeteries - Veterans Benefits
4. Plans I, II, III, IV dated July 12, 1969, Crown Hill Memorial Park and Graceland Memorial Gardens, Cincinnati, Ohio
5. Conditions of Purchase and Prices dated 9/22/69 - no longer in effect.
6. Grave Space, Conditions of Assignment dated March 1, 1973. This replaces policy dated September 22, 1969.
7. Child Affidavit Permanently Dependent and affidavit form.

The policy dated March 1, 1973 has not been changed since Congress passed the \$150.00 veterans space allowance. It is probable that in the near future this will be changed to reflect this allowance to the veteran.

The spaces provided under these programs were separate for each individual, including permanently dependent child. As I stated on the phone, this program was a gesture to the veterans and to the government to indicate the sincerity of the cemetery administration for the veteran.

Approximately 2500 veterans purchased in Crown Hill and 800 to 900 in Graceland Memorial Gardens before the program was closed. We did allocate, and are in the process of developing, approximately 5 acres in each cemetery dedicated to veterans and their families. The feature is a display of 7 flags - one representing each branch of the service and the state flag, with the flag of the United States flying in the center.

I hope this information is helpful to you, and should you have further questions, please do not hesitate to call.

Sincerely yours,



John J. Sinclair

JJS:va
Encls.

Addl. Encls: Veterans Companion Memorial on granite with vase
Wage Earner Protection Agreement
Family Protection Guarantee

POLICY

SUBJECT: GRAVE SPACE, CONDITIONS OF ASSIGNMENT

CATEGORY: VETERANS

MARCH 1, 1973

REPLACES POLICY DATED SEPTEMBER 22, 1969

A
S

1. A grave space shall be provided for a veteran in the Memory Section of any garden, whose death occurs while on active duty with the Armed Forces of the United States.
2. A grave space shall be provided for a veteran who has been honorably discharged, in the single space section, of the Veterans' Garden, and the Cemetery reserves the right to designate the location of the grave space to be provided.
3. In the event death occurs under the stated circumstances and the deceased is already a lot owner, or is an unmarried child, under twenty-five (25) years of age, of the lot owner, the Cemetery will, in lieu of providing such space, waive the cost of opening and closing of the grave and the cost of installation of an individual marker, thus providing such services at no charge to the family of the deceased.
4. Services in connection with opening and closing of the grave, installation of a memorial marker and endowment care shall be at the standard charges obtaining at the time such services are rendered.
5. Veterans only, and their immediate families may purchase in the remaining grave spaces available in the Veterans' Garden and standard (or regular) prices shall prevail.
6. Payments on a contract in effect when purchaser (draftee or enlistee) is called to duty will be deferred upon request for one period of service (2, 3, 4 years, or any extension of a period, not voluntary). Request for deferment of payments and date of induction must be submitted, by letter, to the Cemetery before such deferment becomes effective. The Cemetery must also be notified by letter, of the end of such period of active military service, and monthly payments must be immediately reinstated.
7. The Family Protection Guarantee, if in effect, will continue in effect during a deferment period provided all other conditions of the contract have been fully met.
8. The Wage Earner Agreement is in effect only when regular monthly payments are being made according to the original contract. It is not in effect during any deferment period.
9. All interments will be subject to the Rules and Regulations of the Cemetery.

CROWN HILL MEMORIAL PARK, INC.
GRACELAND MEMORIAL GARDENS

POLICY

SUBJECT: CONDITIONS OF PURCHASE AND PRICES

A

CATEGORY: VETERANS, PRICES

B

CEMETERY: CROWN HILL

9-22-69

1. A single space shall be provided for a veteran according to the "Conditions," of the "Certificate of Entitlement to Burial," and a charge of \$15 for endowed care and record keeping. In the event both husband and wife are veterans, a space shall be provided for both at \$15 for each space. Adjoining spaces are not provided.
2. The cemetery reserves the right to designate the location of the grave to be assigned to the holder of the Certificate in the Veteran's Section.
3. In the event a veteran has a physically or mentally handicapped child for whom he will be permanently responsible, a space will be provided in the Veteran's Section in the same manner as for a veteran.
4. Only veterans and their immediate families, including unmarried children under twenty-one, may be provided for in the Veteran's Section.
5. In the event death occurs while in the military service of the United States, a crypt in the Field of Honor shall be provided for the deceased at no cost except the endowed care. A crypt adjoining may be reserved for the wife of the deceased at no cost except the endowed care under the following conditions:
 - A. There must be a registration each year, with the cemetery, of intent to use such space.
 - B. In the event of remarriage, the reservation is cancelled.
6. The at-need price shall be the same as the pre-need price.
7. Pre-Need Advantages:
 - A. Selection of the space
 - B. Family Protection Guarantee
 - C. Wage-Earner Protection
 - D. Monthly Payment Plan
 - E. Protection against future increases

8. Present Prices:

- A. Certificate: Veteran's space (\$15 disbursed as above)
- B. Family Lot: \$214.50 (Includes \$165 space for veteran, \$165 space for wife, \$24.75 endowed care for veteran, \$24.75 endowed care for wife, protection on children, as projected above)
- C. Field of Honor: \$710 (Same as #B, plus two side-by-side crypts)
- D. Field of Honor with Companion Veteran Bronze: \$1080 (includes #B and #C plus matching Bronze installed on Granite - all with endowed care and installation)

9. Prices are subject to change.



GLEN HAVEN MEMORIAL PARK Inc.

2200 TEMPLE DRIVE WINTER PARK, FLA.

647-1100

Dear Veteran,

The bearer of this letter is an authorized representative of Glen Haven Memorial Park. He is instructed to verify your qualifications. If approved, he will leave with you an eligibility certificate which must be validated at our office for your veteran's space.

Information gathered from a study made by the Department of the Army reveals approximately 50 million people are eligible under the law for burial in national cemeteries, and there are less than 300,000 spaces available in all national cemeteries combined. The report further stated "from the beginning, opportunity for burial in national cemeteries has been a haphazard one. Most of the installations are found at locations where there are Civil War battlegrounds, hospitals, and prison camps."

Decedents are usually buried close to places where they lived and where their families continue to live. When it is considered that there are no national cemeteries near such population centers as Boston, Chicago, Cleveland, Dallas, Detroit, Miami, and numerous others, the burial entitlement has in effect turned on the accident of geography, and the privilege has never been reasonably available to all or even a majority of those whose service grants them eligibility status.

The Board of Directors developed this program to help ease this problem which now confronts all former servicemen. We are a private organization, not affiliated with any branch, department, or agency of the United States Government. Nor do we receive government funds or subsidies, to be applied against your veteran's space.

We wish to make it clear that it is not necessary for you to make a purchase in order to receive your veteran's space. However, if you wish, you may arrange for additional benefits for your family through our Veterans Family Program.

Several choice areas have been set aside for our Honor Garden sections. We plan this to be a fitting and everlasting memorial dedicated to those who have served our nation with honor. The burial space will be provided to qualified former servicemen at no cost; however a one time \$25.00 perpetual care charge must be paid for the maintenance of the space.

For those who qualify, there are many additional benefits included in this program which our representative will outline and explain to you:

Respectfully,
GLEN HAVEN MEMORIAL PARK, IN.

John R. Floren
John R. Floren
President

We have read and fully understand
the above. _____

Date _____

That the Integrity of Life May Survive...

Veterans Graves Can Be Free...And Honest

By TOM BRITTY
staff writer

Last month the chairman of the Senate Committee on Veterans Affairs stood side by side with a young Orlando area cemetery expert, John Flores, to deliver a dedication address at a private New Jersey cemetery which had just opened a Garden of Honor for veterans.

"It is a national disgrace that with 20 million unscrupulous profiteers bent on enriching our Federal Memorial Cemetery for over one million acres available," said Sen. Vance Harter, D-Ill.

ON DEC. 8 U.S. Rep. John A. Murphy, D-N.Y., issued a statement attacking "unscrupulous cemetery owners" who have capitalized on the situation by offering "free" burial space to veterans with "strings" attached "which put veterans in a financial bind."

Murphy's berating went on to say that "thousands upon private cemeteries have made available Gardens of Honor and have in fact offered veterans no grave in accordance with their rights. These cemetery owners are to be congratulated for their patriotism."

Tom Murphy, who has been recently parading the red apples in the Central business, promised investigations that "will cause three persons that apply to be put out of business."

"Turning to good apples, he continued:

"I AM HAPPY to report:

that our investigation disclosed that one cemetery group has honestly lived up to its promise of providing free graves for veterans without any other obligations to the veterans.

"John Flores and Paul Lewis of Forest Green Park Cemetery in Marlboro Township in New Jersey and Glen Haven Memorial Park (in Winter Park) have shown patriotism and good judgment in their creation of beautiful Gardens of Honor for both veterans and their families. They have lived up to their commitment... I wish to congratulate these people and encourage others to follow their example."

FLOREN, AN Altona Springs resident, and target of the kind words, is president of both cemeteries and Memorial Services Corp., a cemetery management group. He revealed Sunday he had also been investigated by the Senate Veterans Affairs Committee staff before Harter's pretentious appearance at the New Jersey dedication.

"No Glitch"

"What's the glitch?" seems to be the natural reaction of many persons hearing Glen Haven's offer of "free" space to all honorably discharged veterans of World Wars I, II and Korea.

Flores grants and pulls on a tattered letter from Orange County Solicitor Ken Powell, which states one of an investigation conducted by their office, Charles Flores for cooperation during same, and concludes with the statement the operation was found in strict compliance with Florida laws.

THE FREE veterans of Florida Flores, displaying letters from veteran organization leaders to back his case further in "strict on the up and up."

A burial plot that costs a non-veteran \$200 is free. The only charge is a \$25 fee required for perpetual maintenance which Flores sold is required by state law—collected only after burial.

Flores prefers to talk about Glen Haven's patriotic motivation and how the Garden of Honor concept is a worthwhile "image" maker and a community service. But when asked how it remains a successful business, he says it on the line.

Most veterans, he explains, have wives, and parents, and aunts, uncles and children. On an ordinary veteran's burial Glen Haven loans money. On a few veterans plot and a \$200 plot for the wife, it will loan a little.

"BUT IF A vast, special markers and other 'accessories' are desired, a profit results. And Flores, who acknowledges there are an allow or more "necessary variations" in his business as in automobiles, insists there is absolutely no obligation at his veterans offer for any of them.

Bulky Costly

"Much of the reason for the high cost of burials," he said, "are results of procrastination, grief and ignorance."



JOHN FLOREN
... Has done prison

He advocates husband and wife calmly make plans for their ultimate demise "in the absence of grief" which he says causes every widow or widower to spend far beyond their means—often "from a feeling of self guilt."

Rep. Murphy and Sen. Harter's groups are seeking a "new approach" to the problem of procrastinating veterans and visiting national cemeteries.

"THERE ARE 45 national cemeteries almost half of which are already closed for future burial," said Harter at the New Jersey dedication.

"If the rate of burial in our national cemeteries continues as in 1953 and

1963, all developed grave-sites will be filled by 1974 and all new undeveloped acreage would be exhausted by the year 2000. We need to project and suitably plan now for the final resting place of our heroes.

Murphy, in noting all veterans are entitled to free burial rights ironically adds "this is no purpose in giving them benefits if they cannot make use of it. There are no national cemetery facilities within a reasonable distance from most veterans' homes in large metropolitan areas, veterans cannot be buried with-out considerable expense to them."

PRESENT veterans benefits at death are limited to a five space at a national cemetery, with a bronze or upright marker and \$200 toward the cost of the funeral.

Other Benefits

Persons insured under the Social Security program are entitled to a maximum of \$225 toward funeral expenses.

The congressional veterans committees appear to be leaning toward a program of more liberal burial benefits which could be applied locally and at ferrying out the bad apples to the burial business who mislead veterans.

Flores says, "Only a small minority of cemeteries are engaging in questionable practices but they give everyone a black eye." All major national associations have ethics committees attempting to police such practices but about all they can do in the

way of punishment is ex-clude guilty parties from membership.

Flores says state and federal consumer protection laws against misrepresentation are generally adequate to deal with the bad apples, not in all, for Congressional "policing" of any culpable of abuse.

Historically, he reports, the cemetery industry has more and more following the Garden of Honor for veterans program similar to that adopted at Glen Haven two years ago. He is naturally proud.

That Frank J. Struss, staff director of the Senate Veterans Affairs Committee along with a VA representative, investigated Glen Haven Oct. 2, and a hearing of grave Oct. 12 and heard him testify at hearings of the committee to be held early next year in Washington.

Glen Haven, he reports, now has more than 4,000 veterans "pre-arranged" and has had several hundred veterans buried. It has always had a galaxy of free burial plans for services listed in accordance.

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