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10
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 FOR THE CITY AND COUNTY OF SAN FRANCISCO

13 PEOPLE'S TEMPLE OF THE)
14 DISCIPLES OF CHRIST,)

15) Petitioner,)

16 vs.)

17 THE ATTORNEY GENERAL OF THE)
18 STATE OF CALIFORNIA,)

19) Respondent.)
20)

No. 746-571

NOTICE OF HEARING
OF ERC PLAN

21 TO EACH PARTY TO THIS PROCEEDING, AND TO ALL PERSONS WHO
22 HAVE APPEARED BEFORE THIS COURT IN THIS PROCEEDING:

23 PLEASE TAKE NOTICE that the attached plan
24 recommended by the ERC, Amicus Curiae herein, will come on
25 for hearing in Department 9, of the above-entitled court,
26 on February 26, 1979, at 4:00 P.M., City Hall, 4th Floor,
27 San Francisco, California.

28 DATED: February 16, 1979.

JOHN ESHLEMAN WAHL
GEORGE H. CABANISS, JR.

By

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Attorneys for Amicus Curiae

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE CITY AND COUNTY OF SAN FRANCISCO

10
11 PEOPLE'S TEMPLE OF THE) No. 746-571
DISCIPLES OF CHRIST,)
12)
Petitioner,)
13) RECOMMENDED PLAN FOR
vs.) REMOVAL, AND INTERMENT
14) OF BODIES REMAINING AT
THE ATTORNEY GENERAL OF THE) DOVER, DELAWARE, OF
15) INDIVIDUALS WHO DIED IN
STATE OF CALIFORNIA,) JONESTOWN, GUYANA, ON
16) NOVEMBER 18, 1978
Respondent.)
_____)

17
18 INTRODUCTION

19 THE EMERGENCY RELIEF COMMITTEE, Amicus Curiae in
20 this action (hereinafter referred to as ERC) consists of
21 twenty-seven (27) individuals who are representative members
22 of the following religious organizations, or organizations
23 which are a part of, or are related to, the following
24 religious organizations: (1) The Northern California
25 Board of Rabbis; (2) The Roman Catholic Archdiocese of
26 San Francisco; and (3) the San Francisco Council of Churches.
27 The ERC is a special association, unincorporated, and
28 organized not-for-profit, with a direct and special interest

1 in the expeditious burial of all of the unburied dead, victims
2 of the November 18, 1978 tragedy which occurred in Jonestown,
3 Guyana. On January 8, 1979, the ERC filed its application
4 to appear as Amicus Curiae in this action. On January 15,
5 1979, this Court ordered that the ERC be allowed to appear
6 as Amicus Curiae in this proceeding.

7 On January 23, 1979, in open court, this Court
8 directed the ERC to present a plan, within thirty (30) days
9 for the transportation (from Dover, Delaware) and interment
10 of the unburied bodies of those individuals who died at
11 Jonestown, Guyana, on November 18, 1978. Accordingly, the
12 ERC respectfully presents herewith its plan, in response to
13 the Court's order.

14 THE PLAN

15 I. Criteria.

16 The concern of the ERC, and insofar as we can
17 perceive it, the concern of the religious community, is
18 that a plan be developed which will help survivors, relatives,
19 and the whole community to work through the remaining grief,
20 despair, hopelessness, fear, and anger so that all members
21 of the community may return to a productive and meaningful
22 life. The peace and psychological health of our City ---
23 and other parts of our nation --- depends on it. Therefore,
24 we are convinced that "cost" factors, while important, should
25 not be the primary consideration. The most important factor
26 is the best possible resolution of the human problems remain-
27 ing as a result of the November 18, 1978 catastrophe.

28 Accordingly, while cremation would be far less

1 expensive, especially if done in Delaware, the ERC does not
2 recommend mass cremation. Further, the United States govern-
3 ment (hereinafter referred to as USG) strongly recommends
4 against cremation of the unidentified bodies. Also, a plan
5 of cremation would not solve the problems which we attempt
6 to deal with, but would aggravate these problems. Most of
7 the victims are black, and the black community, in general,
8 is opposed to cremation as a method of interment. The
9 experience of the burial of the dead is of extreme importance
10 in the black community, in the process of working through
11 grief. Honoring a proper burial is crucial for the survivors
12 of the black victims, and cremation would only add to their
13 despair and create an anger that could have said repercussions.

14 The ERC believes that PEOPLE'S TEMPLE assets should
15 be the primary source of money for the burial of the remaining
16 unburied bodies. PEOPLE'S TEMPLE assets resulted, in
17 significant part, from the assets of the victims, and in
18 view of the extraordinary circumstances surrounding the
19 present problem, those assets should be looked to for the
20 burial of the PEOPLE'S TEMPLE dead.

21 Finally, as representative members of the religious
22 community, we desire that the relatives and survivors of
23 this tragedy, as well as others affected by it, continue to
24 live in this City, and in other places, with as few scars
25 as possible from this experience. For this reason, we have
26 great concern that arrangements are made that utilize
27 reputable services which refrain from commercializing on
28 the situation. We hope that services are used in which

1 the relatives of the dead would find a comforting experience
2 -- we also hope that services are used which relate well
3 with the survivors, and the particular community to which
4 the survivors may belong.

5 II. Elements of the Plan.

6 The ERC has gathered information as to costs and
7 services, with regard to transportation, and with regard
8 to morticians/funeral directors' services. We attach to this
9 plan, in order that full disclosure may be made, all of the
10 information we have gathered.

11 1. Transportation.

12 We have ascertained that the cheapest and most
13 effective manner of transporting the bodies from Dover,
14 Delaware, is by truck. Although we have received an oral
15 bid of a "ballpark" figure of \$19,500 from the ALL STATES
16 TRUCKING COMPANY of Newark, Delaware, we have not obtained
17 a written commitment from that company in response to our
18 request for a written proposal.

19 The next cheapest proposal, and the one which meets
20 the criteria of the committee in all respects, is the proposal
21 of the LARMORE MOVING SYSTEMS COMPANY of Wilmington,
22 Delaware. That proposal has been made in writing, and is
23 attached in photocopy form as an exhibit to this plan.
24 That proposal was made at the time when there were 582
25 bodies at Dover, and the bid is \$55,440. (There are now 570
26 bodies at Dover, and it is not clear as to whether the
27 bid remains at the same price, or would be reduced pro rata.)
28 The considerable sensitivity, and sense of responsibility,

1 evidenced in the LARMORE proposal, as well as the cost,
2 makes the LARMORE proposal the one that should be accepted.
3 This bid is more than \$82,000 cheaper than the lowest air
4 transportation bid we received (from United Airlines),
5 although that air-transportation bid was made on the basis
6 of 599 bodies, which is 29 more than are currently at Dover.
7 The LARMORE bid is also almost \$5,000 less than the rail
8 bid we received (from AMTRACK, and both the LARMORE bid
9 and the rail bid were based on the same number of bodies
10 (582). Also, rail transportation could not be accomplished
11 in one shipment, but would involve shipping approximately
12 five bodies per train, and would stretch over 100 days.
13 It is clearly in the best interest of all concerned to
14 ship all the bodies at the same time, and inter them as soon
15 as possible.

16 For more specific information, see the attached
17 transportation breakdown provided by Reverend JOHN O'CONNOR
18 of the ERC.

19 2. Interment.

20 We are of the opinion that no package plan,
21 submitted by anyone of the four package bidders (whose bids
22 are attached) should be accepted.

23 Two of the four package bidders (ASSOCIATED FUNERAL
24 DIRECTORS, INC., and the NEPTUNE SOCIETY) provided bids which
25 were lower than the total cost-package-allowance for claimed
26 bodies, recommended by the ERC. One of the four package
27 bidders (ASSOCIATED FUNERAL DIRECTORS, INC.) provided a bid
28 which was lower than the total cost-package for unidentified

1 bodies, recommended by the ERC. However, we are of the
2 opinion that these packages do not meet the criteria that
3 we have generally outlined.

4 The bids of the four package-bidders average out
5 to \$400.66 for ASSOCIATED FUNERAL DIRECTORS, INC., \$500.00
6 for the NEPTUNE SOCIETY, \$1,560.00 for FINLEY ENTERPRISES,
7 and \$726.73 for PAUL R. FULLER. (These figures were based
8 on 599 bodies. Our information is that as of February 15,
9 1979, there were only 570 bodies at Dover. It is not clear
10 whether the per body figure would still apply for these
11 bidders, with the reduced number of bodies.)

12 The ERC recommends providing a cost-allowance,
13 for use by next-of-kin who claim bodies, for obtaining
14 individual services as desired by each next-of-kin. The
15 recommended cost-allowance, for services of morticians/funeral
16 directors and grave and endowment care, is \$540.00 per body,
17 and is based on the survey we have made of minimum costs
18 in this area (attached). The ERC strongly recommends a
19 plan which allows individuals who are claiming bodies, to
20 have individual, private interment, and not be compelled
21 to be part of one single mass proceeding.

22 The ERC recommends that unidentified bodies be
23 buried together, in a cemetery within a relatively short
24 distance from San Francisco. (We believe that the cemetery
25 proposed in the ASSOCIATED FUNERAL DIRECTORS, INC. package -
26 which is Hidden Valley Cemetery near Pacheco, California --
27 does not meet the criterion.) Accordingly, the ERC recommends
28 SKYLAWN CEMETERY in San Mateo. There will be no morticians/

1 funeral directors costs for burial of the unidentified bodies,
2 since the LARMORE company will deliver the bodies directly
3 to the cemetery, and the cemetery cost includes opening and
4 closing the grave. Skylawn's cost per body (which includes
5 endowment care and a concrete grave liner) is \$349.00.

6 (The Skylawn offer is attached.)

7 Our plan, of course, contemplates no expense for
8 clergy. None is needed. Our clergy, and many cooperating
9 clergy, will either provide services without cost, or
10 request other clergy (as may be requested by next-of-kin)
11 to do so. (It also appears that there will be an adequate
12 number of voluntary pall-bearers from the community.)

13 There are approximately 50 identified bodies which
14 need to be shipped to Los Angeles, and approximately 50 that
15 need to be shipped to Ukiah. The trucking company will be
16 able to send one truck to the Bay Area via the Ukiah area,
17 and one truck to the Bay Area via the Los Angeles area.
18 Bodies destined for burial in those places, may be loaded
19 last, by the trucking company, in each truck, and may be off
20 loaded in those areas.

21 With regard to morticians/funeral directors, and
22 cemeteries, for claimed bodies, we recommend the use of those
23 from the community who are best able to communicate with the
24 families and do so at a reasonable cost. Mr. Fuller has
25 listed several black morticians in his general package-bid-
26 plan, and we believe that they fulfill this general criterion,
27 as do 27 other morticians in San Francisco who met with the
28 ERC representative. The recommended individual allowance of

1 the amount of \$540.00 should be made available for morticians/
2 funeral directors' services, including grave and endowment
3 care, for next-of-kin who claim bodies -- but only such part
4 of that amount as is actually expended for such services --
5 per body.

6 3. Reimbursement.

7 The ERC believes that in justice, and in equity,
8 it is only fair to provide an amount of reimbursement for
9 the families who have already seen to the burial of their
10 dead. We have gathered information which shows that many
11 of them had to borrow and go deeply into debt in order to
12 accomplish such burials. We should not penalize those
13 families, who did not wait until the court acted, in seeing
14 to the burial of their dead. Further, of course, many of
15 the already buried victims (or their relatives) provided
16 monies which became part of the PEOPLE'S TEMPLE pool of
17 assets. Accordingly, the Court should approve reimbursement
18 in at least the amount authorized for the unburied claimed
19 bodies. Many of the ERC members feel that an additional
20 amount should be provided for those who have already buried
21 their dead, because their shipping costs (at the least)
22 were much greater than those we have been able to arrange.

23 III. GOVERNMENTAL PARTICIPATION

24 The ERC gratefully acknowledges the generous
25 assistance of the United States Department of State, which
26 has cooperated fully in the continuing work on this matter.
27 The State Department will assist in providing all necessary
28 permits for the truckers to bring the bodies across the

1 country. The USG, which has custody of the bodies, will
2 release them upon the signature of the appropriate person
3 on the release form attached to this Plan. It should be
4 noted that this release form involves an assumption of
5 liability by the person signing it. It is assumed that
6 the funeral director who will be used will sign the form
7 (or the cemetery director in the case of the unidentified).

8 The ERC also gratefully acknowledges the generous
9 assistance of Congressmen Evans (of Delaware), Phillip
10 Burton (of California), and McCloskey (of California),
11 as well as Senators Cranston and Hayakawa, and Mayor Feinstein
12 of the City and County of San Francisco.

13 IV. NUMBERS.

14 At this writing, our information is that there
15 are 570 bodies remaining at Dover. Of those bodies, 255
16 are unidentified. (Of the identified, 79 next-of-kin have
17 indicated in writing that they authorize the State Department
18 to dispose of the bodies. Accordingly, those bodies could
19 be treated in the same manner as the unidentified remains.)
20 The total cost of implementation of this plan, (1) assuming
21 that \$540.00 is paid for mortician's services and graves
22 for the 236 bodies which are identified and are expected to
23 be claimed, and (2) assuming \$349.00 is paid for the grave
24 for each unidentified body (and for each of the 79 bodies
25 which will be interred in the same manner as the unidentified
26 bodies), and (3) assuming \$55,440 is paid to the LARMORE
27 Company for transportation, is \$302,786.

28 If reimbursement is provided, in the per-body

1 amounts, to the next-of-kin who have already buried the
2 other 343 bodies of individuals who died at Jonestown,
3 in an amount of \$540.00 (interment) and \$97.26 (transportation),
4 an additional \$218,580 would be needed. Accordingly, the
5 total amount for providing allowances for next-of-kin of
6 all 913 victims of the Guyana tragedy, as recommended by
7 the ERC, would be \$521,366.

8 V. IMPLEMENTATION.

9 Both the ERC and the USG recommend that the
10 Receiver implement the plan. The Receiver should be authorized
11 to make contracts with the LARMORE company, and with Skylawn
12 Cemetery. The Receiver should be authorized to disburse
13 funds, up to \$540 per body for actual expenses for morticians'
14 services and grave purchase.

15 The ERC stands ready to assist with communication
16 between next-of-kin, governmental agencies, morticians,
17 and such other necessary organizations or entities as the
18 Court may deem appropriate. The ERC will continue to be
19 an information clearing house for the purpose of expeditious
20 return and interment of the bodies, as necessary.

21 VI. SUPPLEMENTAL INFORMATION.

22 1. Condition of the bodies, and place of interment.

23 The ERC is informed that all the bodies are embalmed,
24 and are in hermetically sealed caskets. By the time the
25 bodies are shipped (assuming the court approves this plan
26 upon the hearing on it), the USG will have Guyanese
27 death certificates for all the identified bodies, and
28 Guyanese presumptive-death certificates for all the


1 unidentified bodies, and the USG will provide those death
2 certificates to whoever implements the plan.
3

4 WHEREFORE, the ERC respectfully requests the Court
5 to adopt its recommendations above set forth, and order the
6 implementation of the Plan by the Receiver.

7 DATED: February 16, 1979.

8 EMERGENCY RELIEF COMMITTEE
9 Amicus Curiae

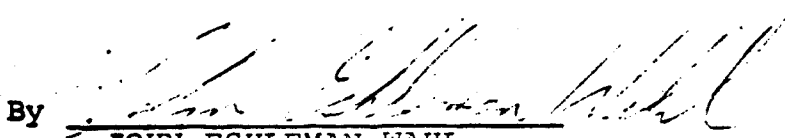
10 By 
11 RABBI MALCOLM SPASER
12 Co-Chair

13 By 
14 FR. JOHN O'CONNOR
15 Co-Chair

16 By 
17 PASTOR ROLAND GRUMM
18 Co-Chair

19 By 
20 DONNETTER LANE
21 Staff Coordinator

22 JOHN ESHLEMAN WAHL
23 GEORGE H. CABANISS, JR.

24 By 
25 JOHN ESHLEMAN WAHL
26 Attorneys for Amicus Curiae
27
28

1 CERFIFICATE OF SERVICE BY MAIL

2 I, the undersigned, declare under penalty of perjury
3 that the following facts are true and correct:

4 I am a citizen of the United States, over the age of
5 18 years, and not a party to or interested in the within
6 entitled cause. My business address is 1182 Market Street,
7 Suite 1128, San Francisco, California.

8 I served by mail the following document:

9 NOTICE OF HEARING OF ERC PLAN

10
11
12 in the following manner:

13 I enclosed true copies of said document
14 in an evnvelope, addressed as follows:

15
16 See EXHIBIT A attached.

17
18 I sealed said envelope and deposited it so sealed
19 and addressed on February 15, 1979, with the said
20 document enclosed therein and with the postage thereon
21 fully prepaid, in the United States post office, in the
22 City and County of San Francisco, California.

23 Executed on February 16, 1979, at San
24 Francisco, California.

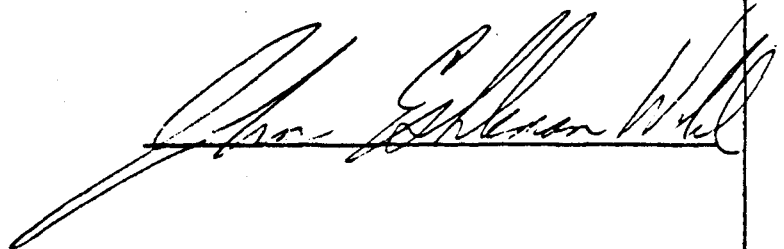
25
26 
27
28

EXHIBIT A

1
2 Miles A. Cobb
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EXHIBIT A