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REVIEW OF THE IMPLEMENTATION OF RECOMMENDATIONS RELATING TO THE DEATH OF REPRESENTATIVE LEO J. RYAN

Pls send to
Becky Diana

HEARINGS

BEFORE THE

SUBCOMMITTEE ON

INTERNATIONAL OPERATIONS

OF THE

COMMITTEE ON FOREIGN AFFAIRS

HOUSE OF REPRESENTATIVES

NINETY-SIXTH CONGRESS

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REVIEW OF THE IMPLEMENTATION OF RECOMMENDATIONS RELATING TO THE DEATH OF REPRESENTATIVE LEO J. RYAN

WEDNESDAY, FEBRUARY 20, 1980

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS,
Washington, D.C.

The subcommittee met at 2:10 p.m. in room 2154, Rayburn House Office Building, Hon. Dante B. Fascell (chairman of the subcommittee) presiding.

Mr. FASCELL. Ladies and gentlemen, the subcommittee will come to order, please. We have the usual problem that always besets us in the Nation's Capitol, which is that there is more to do than time to do it in. When this meeting was set, we had hoped there would be no other conflicts which would interfere with the attendance of some of our members, including your chairman.

Unfortunately, after this time was set for these hearings, a conference committee meeting has been called in which we are trying to wind up the conference on the refugee bill. It's the last day of the conference, and therefore Congressman Buchanan, who is the ranking minority member of this subcommittee, and I have to go over there for a while. We think we will not be too long. Hopefully we can get back as quickly as possible, which I assure you we will try to do.

While we are gone, the ranking Democrat on the subcommittee will chair the meeting, Congressman Andy Ireland of Florida, my dear friend and colleague, who is very much interested in this whole matter. He will proceed to make the record and go as far as he possibly can, and the rest of us will get back, with your indulgence, as rapidly as possible. Thank you.

Mr. IRELAND [presiding]. Today the Subcommittee on International Operations begins oversight hearings on the implementation of recommendations made by the Committee on Foreign Affairs and the Department of State following their investigations of the deaths of Leo J. Ryan, Representative of the State of California, and more than 900 other persons.

The report issued by the committee on May 15, 1979, followed 6 months of inquiry by a team of staff members of this committee. The State Department report was on the performance of both the Department and the American Embassy in Georgetown, Guyana.

The two reports referred to do not conclusively answer all of the many issues and questions raised by the tragic events of November

1978. They were not intended to definitively, once and for all fully answer each and every question. Perhaps all those questions can never be fully answered. Other agencies, local, State and Federal, continue to have key roles in determining what happened and in seeking appropriate punitive or remedial actions.

The Committee on Foreign Affairs does have and will continue to have a major responsibility for all aspects of this case which fall within our jurisdiction under the rules of the House of Representatives. Our actions in promptly initiating our own inquiry and in following it up both through these hearings and through continued staff interviews and other activities are indicative of our determination that the lessons of Jonestown be learned and that those lessons be heeded.

Leo Ryan gave his life in pursuit of one of this subcommittee's most important areas of jurisdiction—the protection of American citizens abroad. He was a member of this subcommittee and, speaking for my colleagues and the chairman, I want to say that we are determined that his efforts will not have been in vain.

Today we begin our oversight hearings with testimony from the friends and relatives of those who died at Port Kaituma and at Jonestown. We are all looking forward to hearing the testimony from all of you who have traveled here from California. We want you to be as frank and forthcoming as possible but, in this connection, I must point out to you that rule XI of the House requires that testimony which “may tend to defame, degrade, or incriminate any person” must be held in executive session. In addition, any matters which might endanger the national security should appropriately be discussed in executive session. If any witness feels it is necessary to testify in executive session, please indicate your desire and we will do so at the end of the public hearing.

At this point I want to acknowledge the presence of the ranking minority member of this committee, Mr. John Buchanan, our colleague from Alabama. Mr. Buchanan?

Mr. BUCHANAN. Thank you, Mr. Ireland. As Chairman Fascell has already indicated, I believe, he and I are unfortunately involved in a conference with the U.S. Senate, which was scheduled in direct conflict and which I must join momentarily. But I want to join in my colleagues' expression of the depth of love the members here felt for Leo Ryan. He was admired and respected on both sides of the aisle. I am one, and I know of many Members, who considered him a close and treasured personal friend. We are grateful for his life and for his service to our country. We want those of you who are close to him here to know that we shall never forget who he was and what he meant in this body.

We also want you to know that the Members of this committee and of this House stand available to serve you in any way in our power. As we proceed with this hearing, we will listen with more than interest, and with the deep hope that out of this tragedy and out of these hearings, we can learn something that will help us in the future and help us make sure that what we do is right in this matter.

Thank you, Mr. Chairman. We will get back as soon as we can.

Mr. IRELAND. Thank you very much, Mr. Buchanan.

To make a brief statement at this point I am pleased to welcome to the subcommittee Hon. Bill Royer, who succeeded Congressman

Ryan as the Representative from the 11th District in California. Congressman Royer has been most vigorous in encouraging the committee's continued attention to these issues and we are most appreciative for his support.

Mr. Royer, I believe they would prefer you at the table, if you would, and afterward we would like to welcome you to the podium for the entire hearing. Thank you.

STATEMENT OF HON. BILL ROYER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. ROYER. Thank you very much, Mr. Chairman. I want to indicate from the outset my sincere appreciation for the opportunity to appear here today before this subcommittee. I certainly want to commend and applaud the courage displayed by the chairman of this committee in calling these hearings and particularly permitting former staff members of the late Leo Ryan and members of the Concerned Relatives group to testify.

Before I make my brief remarks, I'd like to indicate that two of Congressman Ryan's sisters are in the audience here today. They are in the front row, both Sheila and Shannon and also an aunt, Dorothy Mead, are here to witness the testimony.

It is really very difficult for me to convey to you the tremendous frustrations that these witnesses and many others have felt in the months which followed the assassination of Representative Ryan and the suicide-murder of over 900 American citizens. The frustration has stemmed from the fact that they feel they have not been permitted to tell their story.

True, they all did give statements to the members of the Foreign Affairs Committee staff investigatory group, but their statements were labeled confidential, and kept from public view. I want to emphasize that I do not draw into question at this time the necessity for keeping those statements confidential. I only point it out as being one of the greatest sources of frustration felt by the former staff aides of Representative Ryan and the members of the Concerned Relatives.

I therefore want to express my own heartfelt thanks that this committee has given these people a forum to express their thoughts on the subject matter of these hearings, to review the steps taken by the State Department to implement the recommendations contained in the report of the Foreign Affairs Committee staff investigatory group and that of the State Department. I also wish to express my appreciation for being permitted to attend and participate in the further hearing tentatively set for March 4, at which representatives of the State Department will testify.

Of course, your committee is no stranger to hearings into the activities of the State Department as they relate to Americans residing in foreign countries. In July 1977, your subcommittee held extensive hearings on the protection of Americans abroad. Unfortunately, many of the problems cited in that hearing will be repeated in these proceedings. It is my sincere hope that perhaps after the second or third time around, both the State Department and Congress may see the need for taking concrete actions so we don't keep repeating our

mistakes. I will make a more specific comment on the parallels between the 1977 hearings and those we are undertaking now at a later time.

I would also like to take this opportunity to commend, on the record, the report and recommendations of the Foreign Affairs Committee. The effort and expertise which is displayed in this report have not received adequate public recognition, in my opinion. Your staff members devoted more than talent and perspiration to this report. They obviously took an intense personal interest in this work, and it stands as a monument to their perseverance, dedication, and untiring devotion to uncovering all of the facts relevant to this inquiry.

Unfortunately, because of the strictures of confidentiality, the fruits of their labors have been hidden from public view. You, my colleagues, of course, know of the value of their labors, but I wanted to take this opportunity to make of record my views of the work they have done.

I also want to commend Mr. Crimmins and Mr. Carpenter of the State Department for their report and recommendations. I don't believe that it is sheer fortuitous circumstance that the findings and recommendations contained in both reports parallel each other; rather I believe this indicates the high caliber of effort which went into their preparation. For that, this committee, myself, and the American people may be grateful.

I know that my call hearings on this matter was not received by all amicably. I am sure that I did not observe all the niceties of Capitol Hill protocol. I did not come to the conclusion to ask for hearings with a great deal of joy, believe me. When I came back here last April as the most junior freshman, I had no desire to do anything other than apply myself wholeheartedly in learning the craft of a Congressman. I was, after all, 3 months behind everyone else. However, during my campaign, I was approached by many friends of Leo Ryan and many representatives of the Concerned Relatives. They all had one theme, one request—to come back here and see if everything had been done that could be done to bring the killer or killers of Leo Ryan to justice, and to see that never again would there be a situation where 900 American citizens would die in a foreign land under the tyrannical control of a false prophet such as Jim Jones.

And when I came back here, I read the fine report of your staff investigatory group with its many astute recommendations and the State Department's report with its near identical recommendations. I found that at that time, through no fault of the subcommittee, virtually nothing had been done to implement them. I had come to the conclusion that I could not say to these people that their concerns were groundless.

So I called for the hearings. Subsequently, of course, and completely independent of anything I was doing, Chairman Zablocki and Bill Broomfield of the full committee testified at the White House Conference on the Family and thus that recommendation has been fully implemented, and I congratulate and applaud both of these distinguished members for this service to all Americans.

I am concerned, however, as to the other recommendations. It is not mere chance, in my opinion, that the first recommendation of both the staff investigatory group and the State Department was a review of the exemption provisions under the Privacy Act and the Freedom of Information Act, in light of the Jonestown experience. This has not been done. I am aware that the Department of Justice is review-

ing the Freedom of Information Act and the Privacy Act now for what it deems to be necessary amendments. I am also aware, as are you, that the State Department has sent the Justice Department its recommendations as to those acts.

However, when my aide called the Justice Department staff person who was handling this review and inquired as to whether he or anyone in Justice was conducting that review in light of the Jonestown experience, the reply was that he could not possibly conceive how the Freedom of Information and Privacy Acts could have played a part in that tragedy. He readily admitted that he had not read this committee's staff report, nor that of the State Department. I provided him with copies of both reports, and suggested that any review of amendments to those acts be made in consideration of these reports.

I wish to make just a few more comments to underscore the urgent need for attention to this area. The first has to do with the now famous report of the November 7, 1978, visit by consular officers to Jonestown. That report, you may recall, did not issue until after the assassination of Representative Ryan and the tragic deaths of the residents of Jonestown. In it, Jones is described as unstable, his speech slurred, complaining of apparently nonexistent fever, wearing a surgical mask during lunch.

The reasons given later for so much graphic detail was that Jones was now dead and could not sue. We can only speculate how that report would have been actually written prior to November 18, 1978, or what Representative Ryan's actions would have been if he would have had that report prior to going to Guyana.

The second comment I have to make is to draw your attention to the July 1977 hearings on the protection of Americans abroad. During those hearings before this subcommittee, the Assistant Legal Adviser of the Department of State testified that there are no inhibitions on disclosure of personal information under the Privacy Act to subcommittees or committees or to Congress.

However, on February 28, 1979, 21½ years later, the State Department denied the request of Chairman Zablocki of the full committee for such information, citing the Privacy Act. Over 21½ years later, confusion still abounds. Surely we can do better. Surely we must.

I therefore respectfully urge and request this subcommittee to request the appropriate subcommittee with jurisdiction over the Justice Department and the Freedom of Information and Privacy Acts for an immediate report and update on any proposed amendments to the Freedom of Information and Privacy Acts. I am convinced that there must be amendments to these acts if we are to truly take every step necessary to prevent a recurrence of this tragedy.

Let me briefly address myself to the staff group's recommendations numbered 2 and 4 dealing with tax treatment of religious institutions such as the People's Temple and the need for a concentrated program of research and training on cults. As to these recommendations, I would respectfully request that your subcommittee ask the relevant subcommittees with jurisdiction in these areas to take every step necessary to implement them also.

Mr. Chairman, because the witnesses from the State Department are not going to appear today, I would like to reserve some time prior to that testimony in which to make my remarks concerning my views of

the steps that the State Department has taken to implement the recommendations in the two reports. I make that request so that the State Department's witnesses may hear my comments firsthand and thus they will be able to respond to questions that follow.

I would like to also bring to your attention the fact that I have submitted to you a copy of the letter from the State Department from then counselor Nimetz dated November 21, 1979. That letter sets forth the steps the State Department has taken to implement the various recommendations contained in the two reports which were issued subsequent to the tragedy.

Before I introduce Mr. Holsinger, I would like to, knowing the dedication of this subcommittee, indicate to those who are testifying and also to the family members that even though a number of the subcommittee members are not able to be present, I am confident that the testimony taken here today will be looked at very closely and recommendations that will be necessary will be forthcoming.

At this time, Mr. Chairman, I would like to introduce Mr. Joe Holsinger, the administrative assistant to the late Representative Ryan, a person who is I am sure well known to most of you.

At this time, Mr. Holsinger.

MR. IRELAND. Thank you, Mr. Royer. I hope you will join us up here.

Before we ask Mr. Holsinger for his testimony, I want to assure you that the letter which you have referred to from the State Department will be made a part of the record, and that as well your request to testify when the State Department appears March 4.

[The letter referred to follows:]

DEPARTMENT OF STATE,
Washington, D.C., November 21, 1979.

HON. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary,
U.S. House of Representatives.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of October 31 concerning the Department of State's investigation into the events surrounding the People's Temple case in which Congressman Leo Ryan was murdered by members of the American community in Jonestown, Guyana. I am pleased to be able to report to you on the steps the Department has taken to implement the recommendations of that investigation, as well as additional measures we have inaugurated to minimize the likelihood that such an occurrence could ever happen again.

Immediately following the events at Jonestown, the Department undertook a comprehensive examination of the contacts between the Department, the American Embassy in Georgetown, Guyana, and the People's Temple Agricultural Community prior to November 18, 1978. We sought to understand the nature of the Department's relationship with the People's Temple so as to improve our own procedures for dealing with similar situations should they arise in the future. The final report of the Department's examination, which was made public in May of this year, is enclosed.

Drawing upon the recommendations contained in this report, the Department took a number of actions designed to improve training opportunities for consular officers, provide better security protection for traveling Congressional delegations, strengthen the degree of coordination between the Bureau of Consular Affairs and the Department's regional bureaus, and upgrade the sensitivity of our country desk officers to the potential ramifications of significant consular problems overseas. We have also just completed a major review of the impact of the Freedom of Information and Privacy Acts upon foreign service reporting, both to ensure that the Department obtains adequate information on the welfare of Americans resident abroad and to guarantee that general reporting is not adversely affected by the unintended application of the requirements contained in these two laws.

In our study, we canvassed key U.S. embassies and their constituent posts in all geographic areas, and we met with a number of groups in the Department to obtain first-hand views as to the operation of both the Freedom of Information Act and the Privacy Act as they affect the conduct of foreign relations. We have communicated our recommendations as to possible legislative changes to the Justice Department, the agency responsible for coordinating the over-all position of the Executive Branch in this matter. I would be happy to meet with you and your staff to review the findings of our study and discuss the conclusions that we have drawn.

You may already be familiar with the measures we have implemented to improve security protection afforded to Congressional delegations traveling in foreign countries. We have made it a standard practice to request a threat assessment from our posts describing the current security situation in a country to be visited by any member of the U.S. Congress. These threat assessments are periodically updated during the time a delegation may be out of the country, and their contents are shared with the members of the delegation before their departure and during the time of their actual visit. Our Office of Security in the Department accumulates a great deal of information regarding potentially unstable situations abroad and, in cooperation with the Office of Congressional Relations, promptly notifies any Congressional delegation about dangerous situations that may arise during the course of a Congressional visit. In addition, we have also considered providing mobile communications equipment to Congressional delegations that may be traveling to remote or isolated areas of the world, and we have undertaken to provide such equipment on at least one occasion.

With regard to training opportunities for consular officers, we have employed the Jonestown experience specifically as a case study for some advanced consular training exercises. From time to time, consular officers have also been introduced to the psychological aspects of various mind control techniques with specific attention to the implications of these methods for the provision of normal consular services. We have generally endeavored to heighten the awareness of our consular officers to Jonestown situations, and we have encouraged closer coordination between consular officers in the field and their political and economic counterparts.

Prior to the Jonestown episode, the Department had begun a re-organization of its Office of Overseas Citizens Services. That re-organization has now been completed, and a number of important changes have been made to enable the Department to respond more effectively to situations involving the protection and assistance of U.S. citizens abroad. A Citizens Emergency Center has been established to provide emergency consular assistance, and the Office of Citizens Consular Services has been re-organized on a regional basis so as to improve coordination between consular officials and the regional officers with whom they must often deal.

I hope that this review of the programs inaugurated by the Department since the Jonestown event has been helpful. I would welcome the opportunity to discuss this matter with you in greater depth, and to learn your views as to any further measures that you might consider advisable.

Sincerely yours,

MATTHEW NIMETZ.

Mr. ROYER. If we may, to conserve time I would like Ms. Speier to come up at the same time because she will be the next person testifying. So Jackie, if you would come up, too.

Thank you, Mr. Chairman.

Mr. IRELAND. Thank you.

Welcome, Mr. Holsinger. We are pleased to have you with us. If you will, please proceed.

STATEMENT OF JOE HOLSINGER, ADMINISTRATIVE ASSISTANT TO THE LATE REPRESENTATIVE LEO J. RYAN

Mr. HOLSINGER. This is a day I was not sure would ever happen, to be able to present this information today or these questions. But I am gratified that it has come about.

I would first like to express my appreciation to Chairman Fascell for convening these oversight hearings. I know that Leo Ryan had the highest personal regard for Mr. Fascell, whom he considered to be his mentor on this committee, as well as his very good friend.

I also want to thank Representative Bill Royer for his role in pressing for these hearings. His efforts have earned him the respect of everyone who was touched by the tragedy in Guyana in November 1978.

It is an irony of fate that this subcommittee is one on which Leo Ryan served and worked closely with members. I was going to say some of whom are here today, but we seem to have a problem as far as who could attend today.

The conduct of this open congressional hearing can help to determine if our Government withheld vital information from Representative Ryan and if his death and the death of over 900 persons could have been averted.

Leo went to Guyana in a last ditch effort to determine the validity of serious charges made about Jim Jones and the People's Temple in Jonestown. Representative Ryan had received detailed allegations that at least some of the more than 900 Americans there were being held against their will under brutal and inhuman circumstances. He would not have led a congressional delegation there if the facts could have been determined any other way.

Representative Royer's office has informed me that the purpose of these oversight hearings is to determine what the State Department has done to implement the recommendations contained in the Foreign Affairs Committee staff report and the State Department report on the performance of the State Department in the Jonestown matter.

The recommendations appear to be useful and, if implemented properly, they should improve the quality of State Department performance overseas. One of the most difficult areas is that of review of exemption provisions under the Privacy Act and the Freedom of Information Act, which Representative Royer alluded to. It is clear that the Privacy Act was interpreted by the State Department to deny Representative Ryan access to pertinent information concerning Jim Jones and the People's Temple in Guyana.

It is also clear that the Freedom of Information Act was interpreted by State Department personnel in such a way as to provide complete access to Jim Jones about inquiries or actions concerning Jones and the People's Temple. Our experience in the Ryan office in that regard is detailed in the attached news story in the San Mateo Times of December 6, 1979, "Somehow the Word Would Get to People's Temple," which is attached as exhibit A, and I think there is a lot of information in that news story which has not been generally known elsewhere outside the San Mateo Times area.¹

That free flow of information to Jones from the State Department, and the reasons for it, have never been properly addressed. Was it de facto State Department policy or was it the work of a few key officials who had close ties to Jim Jones?

A major issue that has escaped scrutiny is the emphasis placed by the State Department on promoting American commercial interests overseas as its first priority, to the detriment of the problems of individual U.S. citizens abroad. That issue was raised by Representative Paul McCloskey in an interview published in the San Mateo Times on

¹ Exhibits A through E are retained in committee files.

December 8, 1978, "McCloskey Slams State Department," exhibit B as attached.

The following is an excerpt from that news story:

A congressional investigation of the Jonestown massacre is likely to show that the U.S. State Department was more concerned with promoting exportation of natural resources from Guyana than exposing injustices within Peoples Temple or protecting Americans visiting that country, Representative Paul McCloskey told the Times Thursday.

The Republican congressman from Menlo Park who had worked with his slain colleague, Representative Leo J. Ryan, for State Department intervention in the Jonestown commune, stated: "I think an investigation will bring out that the Guyanese Government had a relationship with (the Reverend Jim) Jones and that the U.S. Embassy (in Georgetown) knew about it, accepted it and didn't try to intrude. Based on my dealings with the State Department, I think it is apparent that the department was more concerned with getting along with the Guyanese * * * and promoting exports from that country than it was in protecting U.S. citizens."

The most important mineral resources in Guyana are bauxite and manganese. Gold and diamonds are also mined. Bauxite is the principal source of aluminum.

I should say also that Jackie Speier's research before Leo went down to Guyana indicated that up until that time, at least until 1977, reports were that 91 percent of the world's current supply of bauxite was coming from Guyana.

Going back to the article,

McCloskey said it is the "inherent mission" of all U.S. embassies, as representatives of the President, to place more emphasis on maintaining an amiable relationship with a host country and promoting exports than looking after the interests of citizens abroad.

He said it is his hope that the investigation will result in an order by the House International Relations Committee that embassies take a "stronger position on the well-being of Americans."

That is the end of the quotation from the news article. I find nothing in the State Department recommendations that remotely touches on this matter.

However, one of the State Department recommendations most pertinent to the Guyana tragedy was item G(1) which stated, and this is a quotation from the report,

The Department should strengthen its support for congressional delegations travelling overseas. We endorse the current efforts of the Department to provide: (1) more definitive threat assessments in areas to be visited by Congressional groups.

Threat assessments, to be effective, must necessarily include current intelligence data from the area involved. The question is whether the results of such intelligence data will be shared with congressional delegations or withheld from them. The record shows that no such intelligence data was made available to Leo Ryan concerning Guyana.

I should also repeat that there were no warnings from the State Department to Leo Ryan. At first the State Department said they had warned Leo. They later retracted that. The impression was made first that he had been warned, and many people in this country believed it. They were later forced to retract it, and I want that on the record.

In fact, the State Department denied knowledge of any intelligence data concerning the People's Temple in Guyana in its report of December 13, 1978 from Douglas Bennet, Assistant Secretary for Congressional Relations, to Representative Clement Zablocki, chairman of the

International Relations Committee. Question No. 8 from Chairman Zablocki asked:

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?

The State Department response was:

The Department of Justice has informed the Department that it conducted no investigations of the Peoples' 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 Peoples' 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 Peoples' Temple or its activities other than the single report of the Customs investigation noted in our response to question No. 7 above.

I submit that response can be true only if you believe that U.S. Government intelligence operations in Guyana were completely shielded from the State Department. Our Government did have an intelligence presence in Guyana prior to Leo Ryan's trip there. I know that an agent of the Central Intelligence Agency witnessed his death. On the afternoon of November 18, 1978, I received two phone calls in California from Washington, D.C. The first was from the Caribbean desk at the State Department. I had been in touch with them several times that day because of my concern over Leo's presence at Jonestown and the potential danger there.

The State Department caller told me that they had just received a report from the American Embassy in Georgetown of a shooting incident at the Port Kaituma airstrip. The report said that 3 people had been killed and 15 wounded, and that Representative Ryan may have been one of those killed.

Within 15 minutes, I had a second phone call, this time from a member of the White House staff whom I know personally. He told me that five people had been killed, including Leo. When I said that his information differed from that which I just received from the State Department, he responded, "Joe, our information is correct. We have a CIA report from the scene."

The White House aide then asked my assistance in identifying the other four persons by describing their roles. Because of my familiarity with the mission, I was able to identify Don Harris as the TV newscaster, Bob Brown as the TV cameraman, and Greg Robinson as the still photographer.

Since a CIA agent was present at the assassination of Congressman Ryan, it seems reasonable to assume that our Government had received prior reports on the People's Temple.

Further confirmation of CIA activities in Guyana are contained in a San Mateo Times news story of December 14, 1979, "CIA Agent Witnessed Jonestown Mass Suicide," exhibit C as attached. I have been informed that House rules forbid specific charges against named individuals in open session, but I am ready to discuss such charges against more than one individual in executive session if this committee chooses to hear them.

I believe that the tragic consequences of withholding intelligence data from Leo Ryan in Guyana should serve as a warning to all future congressional delegations abroad. Unless the Congress insists on the inclusion of such data in State Department threat assessments, the ability of Congress to fulfill its factfinding and investigative responsibilities will be at the mercy of the executive branch of the Government.

It also appears that existing law may have been broken by the Central Intelligence Agency in failing to report to the appropriate committees in Congress on its covert activities in Guyana. In December 1974, as an amendment to the Foreign Aid Act, Congress approved a provision sponsored by Harold Hughes of Iowa in the Senate and by Leo Ryan of California in the House. This is what it said:

No funds appropriated under the authority of this or any other act may be expended by or on behalf of the CIA for operations in foreign countries, other than activities intended solely for obtaining necessary intelligence, unless and until the President finds that each such operation is important to the national security and reports, in a timely fashion, a description and scope of such operation to the appropriate committees of the Congress.

The CIA did have an operation in Guyana in addition to the obtaining of necessary intelligence. I charge that that operation was specifically designed to support the Government of Prime Minister Forbes Burnham, and there are credible reports that it included covert support for Jim Jones as an ally of Forbes Burnham. Specifically, the People's Temple provided funds to the Burnham group and also acted as a terrorist organization to intimidate the opponents of the Burnham regime. And the Burnham government was cooperative with our commercial interests and with the policy of the U.S. State Department in promoting the exportation of natural resources from Guyana.

It seems almost certain now that our intelligence sources were aware that charges that American citizens were being held in bondage were true, and that they allowed that condition to continue in the interest of their mission. They also withheld that information from Members of Congress, including Leo Ryan, and from desperate relatives who pleaded for Government assistance for their loved ones. The Department of State consistently reassured such relatives that all was well in Jonestown. A typical example is the State Department response of June 16, 1978, to Sherwin Harris of Lafayette, Calif., exhibit D.

I would like to say that if anyone can read that letter to Sherwin Harris and in any way tie it to its response by Hodding Carter, it does not wash. It is typical of the responses concerned relatives got.

By the time that Leo Ryan led the congressional delegation to Guyana in November 1978, the difficult question posed for our Government was whether or not it should admit to Ryan that one, a covert intelligence operation existed in Guyana that had not been reported to appropriate committees in Congress as required by law. I would like to add at this point that Leo was a member of the Oversight Committee of the House Foreign Affairs Committee, that he would have been one of those to whom the CIA would have reported about a covert operation in Guyana. They knew of his interest in the People's Temple. It seems possible to me the reason they did not report that operation may have been because Leo was one of the coauthors of Hughes-Ryan and sat on that committee.

Item two, American citizens were being held in Jonestown against their will. And item three, our Government was using Jim Jones as an ally of the Burnham government to maintain its control of Guyana.

Someone, or some group, made the decision to "stonewall" the Ryan delegation. That was a fatal mistake, although at the time it must have appeared that Leo's mission would fail since it was obvious that neither our Government, the Government of Guyana nor Jim Jones wanted him in Guyana, or especially in Jonestown. Under those circumstances, it appeared very unlikely that one lone Congressman would be able to "kick down the doors," to use one of Leo's pet phrases.

On the other hand, it was likely that if Leo Ryan had been given intelligence data indicating that American citizens were being held against their will under brutal circumstances, he would have used that information with the appropriate committee in Congress to force our Government to free those people. Leo would not have had to go to Guyana. And all those deaths would have been averted.

News accounts from Georgetown at the time of the Ryan mission there said that Leo was winning the media or public opinion battle against Jim Jones. Before Leo's departure for Guyana, he and I discussed his plan to go up to the gates of Jonestown, in the presence of the media, and request permission to enter. If such permission were refused, Leo would then return to Congress with proof that Jonestown was a closed settlement. If he was allowed to enter, he intended to assess the situation there fairly, but to insist on talking alone to specific people and to personally escort anyone out who wished to leave.

When it became obvious that Leo Ryan was going to Jonestown even without prior agreement by Jim Jones, our Government had its last chance to disclose the true nature of the situation there to Leo. Someone decided at this juncture to take the chance that Jones would be able to put on a show that would convince the Ryan group that all was well in Jonestown. It seems incredible to me that our Government, knowing what it did about the situation inside Jonestown and the potential for violence there, would take that chance. It is a terribly harsh question as ask, but is it possible that even the terrible tragedy that occurred was preferred over disclosure of our covert operation in Guyana?

In reviewing the adequacy of the recommendations from the State Department, the most significant omission is that of the presence of CIA personnel in key roles within the State Department. Their existence is known to our allies and to our potential enemies alike. It is a secret only from the American public. I believe that the CIA serves a vital and essential purpose in our national interest. I also understand that its personnel operate under orders from the National Security Agency and the President. Their work is often dangerous and they must be protected. It may be necessary under some circumstances for CIA personnel to use the cover of the State Department employees. However, such usage should be kept to an absolute minimum since it can obviously create radical mutations in policy and endanger the lives of American citizens abroad unless great care is taken.

If, as seems probable, our State Department policy toward the People's Temple and Guyana was dominated by the CIA operations there, the Department's laxness and indifference to petitions and complaints from refugees, or defectors as they're sometimes called, and from Concerned Relatives becomes more understandable.

I should say parenthetically I cannot believe the State Department has made all the errors they claim to have made. Every time something is brought to them, they say we made another error. If that's an example of their errors, we have one hell of a State Department.

Some of the major petitions and affidavits which were ignored or "lost" included one, the Concerned Relatives petition of May 10, 1978, to the Secretary of State, which included sworn notarized affidavits concerning the abuse of human rights by Jones. Two, the April 10, 1978, affidavit of Yolanda D. A. Crawford, a People's Temple defector, describing beatings and abuses in Jonestown. Three, the affidavits of May and June 1978 by Debbie Blakey describing suicide rehearsals and other serious charges.

The State Department's response of June 26, 1978, to Ambassador Burke's telegram of June 6, 1978, was covered in the State Department review and the investigative report by the Foreign Affairs Committee staff. A situation occurred, and I am departing from my text, where the Ambassador sent a request up to the State Department saying that he wanted to go to the Government of Guyana and ask permission for them and suggest to them that they exercise greater police powers and greater authority in Jonestown, in fact recommended that that be done. That came to the State Department. His message was clear. The response was clear. But the State Department response to that telegram of June 6, 1978, was a clear rejection of Burke's request for permission to discuss the Jonestown situation with the Government of Guyana. It seems quite possible in retrospect that this rejection was influenced by intelligence agency considerations.

And going back again, some of these reports criticized Ambassador Burke for not coming back and arguing with his superiors. He sent a very clear request in. They rejected it. Someone blamed Burke for not fighting harder against the rejection of his superiors. That does not wash with me at all. I understand this was the first time that Burke had made such a request concerning Jonestown. It was sent up to the seventh floor of the State Department and that response was drafted upstairs with great care. I don't think it is any accident at all.

Some knowledgeable observers may argue that the deaths of Leo Ryan, the media members, and over 900 American residents of Jonestown may be the price we had to pay to keep control of Guyana. Sort of a "that's war, folks, that's the way it is" attitude. But what if Guyana falls anyway, and soon? That specter was raised in a news article from London and published in the San Francisco Chronicle on December 9, 1979, "Guyana May Be the Next to Fall." That is exhibit E.

That article detailed the desperate economic plight of the Guyanese people and their growing opposition, now estimated at 75 to 80 percent, to the Burnham Government. It also discussed the use of violence by another U.S.-based pseudo-religious group. This group, "The House of Israel," appears to be the strong-arm successor to the People's Temple in support of Burnham. If the tragedy at Jonestown was in fact allowed to happen to protect the secrecy of our intelligence operations in Guyana, the ultimate tragedy when Guyana falls will be that it was in vain.

I submit that our Government policy in the underdeveloped countries in the Caribbean is fatally flawed if it is based solely on the protection of U.S. commercial interests. We must be more supportive to the native economies in the Caribbean if we are to maintain our sphere of influence against Cuba and Russia.

Grenada, a small island nation near Guyana, has already been taken into the Communist sphere of influence, despite our support for the government of Sir Eric Gairy, which fell in March 1979. That was another intelligence-supported operation, the government of Gairy. It is of interest to note that Gairy and Jim Jones were close enough for Gairy to visit Jones at the People's Temple in San Francisco prior to Jones' departure to Guyana. A photograph of the two together appears in a book, "The Suicide Cult," written by a San Francisco Chronicle reporter, Ron Javers.

It has been reported that Jim Jones had planned to escape to Grenada with a select group of supporters following the mass murders in Jonestown. And I should state here also in September 1978, a private investigator in Jonestown counted 1,100 passports there; 900 people's bodies were found. There were a few missing, like between 900 and 1,100.

Jones did not intend to die in Jonestown. No paraffin tests were ever made to determine if he had fired a gun. It should also be noted here, it is now known that more than \$1 million of People's Temple money was deposited in a Grenada bank.

It should also be noted here that the pathology report by the Guyanese coroner showed that a high percentage of the victims examined were injected in the back with the poison. The proof was the blisters on the backs at the point of injection. And if we don't care too much about events of people who commit suicide, and we put those aside, if we thought a lot more of those were murders, it would be harder to forget about it. So I wonder about the accuracy of the reporting, or the lack of accuracy from the scene.

We also know that an undetermined number of Jonestown residents showed up in Grenada following the Jonestown tragedy. And the *Marcelline*, Jim's boat, was over there.

My reason for going beyond a discussion of the recommendations by the State Department is that the fault may be with Government policy rather than with the day-to-day conduct of State Department employees. When a tragedy of this magnitude occurs, we should do more, much more, than be content with a surface examination of individual conduct.

I realize that many of the matters I have discussed today are beyond the purview of this subcommittee, or in fact of any standing committee of the Congress. For that reason, I ask now for the formation of a special House committee with full power to investigate all aspects of the Jonestown tragedy, including its impact on our foreign policy and our relations with neighboring nations in the Caribbean.

Some of the questions to be addressed by such a select committee would include the following:

One, is it State Department policy to make protection of American commercial interests abroad its top priority at the expense of the safety of American citizens?

Two, to what extent is the CIA used to promote and protect American commercial interests abroad, in addition to its normal functions

of gathering intelligence? Does such protection result in the creation of animosity toward our country by citizens of these nations?

Three, did our Government use Jones and the People's Temple to support the Burnham government? If so, was the purpose to protect the commercial export of raw materials such as bauxite and manganese?

Four, were members of our intelligence agencies serving in key positions in our Embassy in Guyana and in the State Department in Washington, D.C., and were they directed by our Government to use those positions to control State Department conduct regarding complaints against the People's Temple?

Five, did our Government knowingly acquiesce in the intolerable conditions of bondage at Jonestown in order to maintain control of the Guyanese Government?

Six, was our Government, through its intelligence operation, fully aware of the arms in Jonestown and the potential for violence there? If so, why did it fail to insist on armed protection by the Guyanese Government for the Ryan mission? Was Leo Ryan set up for murder?

Seven, did a member of the CIA, who was also a State Department official, go back into Jonestown after the killings at Port Kaituma and witness the mass murder-suicide scene there, as reported in the San Mateo Times? If so, why?

Eight, who killed Jim Jones and why?

Nine, has the administration used "national security" as an excuse to cover up the monumental error of withholding vital information from Leo Ryan concerning Jim Jones and the People's Temple in Jonestown, an error that led directly to the tragedy?

I thank you for the opportunity to present this statement in an open hearing before this committee. My personal feelings about the tragic death of my good friend, Leo Ryan, are obvious. He is gone, but I believe that we should now proceed to examine fully the causes of this tragedy and to insure that the errors leading to it are corrected for the good of our Nation.

Thank you very much.

Mr. IRELAND. Thank you, Mr. Holsinger. The testimony, I'm sure we all feel and will continue to feel, has made an important contribution to an ongoing investigation.

Mr. ROYER, do you have any questions?

Mr. ROYER. Mr. Chairman, I think at this point I would like to call on Ms. Jackie Speier. If there are questions after she testifies, while they are both here we can ask them. But I would like her to proceed now if she may.

Mr. IRELAND. If you will, Ms. Speier, please proceed.

STATEMENT OF JACQUELINE K. SPEIER, LEGAL COUNSEL TO THE LATE REPRESENTATIVE LEO J. RYAN

Ms. SPEIER. Mr. Chairman and members of the committee, a little more than a year ago I sat in the chairman of this committee's office and together we grieved, in fact we cried because we'd lost a friend and a colleague in the man of the late Congressman Leo J. Ryan. During our meeting together, Chairman Fascell promised me that he would do whatever was necessary to get the answers to the questions that had gone unanswered. I urged him to hold public hearings on

the tragedy. He said he would call hearings if they were warranted. I am grateful to him for calling this hearing today. As a congressional assistant for 5 years, I sat in this room many times and marveled at the chairman's depth of perception and extensive knowledge regarding foreign policy. I thank him, the members of this committee, and the staff for the opportunity to speak before you today.

I would also like to express my appreciation to Congressman Bill Royer who has shown a responsiveness to his constituents in his efforts to arrange these hearings.

Since the tragic events of November 18, 1978, forums all across the country and in fact around the world have challenged spokespersons to speculate as to why Jonestown happened. The Washington community has not been excluded from this discussion. Rather, both the Congress and the executive branch conducted hearings and investigations into the Jonestown tragedy. I have read the documents prepared by the State Department and the House Foreign Affairs Committee and cooperated fully with both of these investigations. Without question, the efforts of these groups were genuine. Both investigative teams took their mandate seriously and conducted the inquiries in a highly professional manner. The recommendations offered were adequate, but I respectfully submit that they address the symptoms and not the ailment.

The focus of this hearing is to monitor and evaluate the extent to which the State Department has effectuated the recommendations enumerated in the Foreign Affairs Committee report and the State Department report. I am not prepared, nor am I qualified, to respond to that line of questioning. Certainly State Department officials are the only persons who can address that question. What's more, I find such questioning somewhat premature.

We still have not received plausible explanations regarding the performance of State before, during, and after the tragedy. A U.S. Congressman, and over 900 people lost their lives in Guyana and the conclusions reached indicate that:

1. The U.S. Embassy in Guyana "did not demonstrate adequate initiative, sensitive reaction, and appreciation of progressively mounting indications of highly irregular and illegal activities in Jonestown."

2. "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." Both these quotations are from the House Foreign Affairs Committee report on pages 29 and 31.

We lost a U.S. Congressman and 900 Americans and all we say is that our Embassy did not "demonstrate initiative or sensitivity" and the State Department was "lax." Such an evaluation of the State Department's performance is incomplete and oversimplified. And yet, with these inconclusive results, recommendations have been made which the State Department has taken steps to implement. In my mind it is a classic case of the cart before the horse.

In my estimation the State Department failed in three respects regarding the Codel trip. The Department failed in its duty to warn, its duty to investigate, and its duty to inform.

The ramifications of these hearings far exceed whether or not we will ultimately find out why the Jonestown tragedy occurred. The

issue here cuts to the quick of what kind of relationship exists between the State Department and the Congress.

Is full disclosure by State Department to the Congress presumed or even anticipated? "Duty to warn." Is our Embassy's allegiance in a foreign country first to the foreign government or to the Congress and the American people? "Duty to investigate." Is the relationship between Congress and the State Department cooperative or adversative? "Duty to inform."

I will discuss the "duty to warn." In the letter from Matthew Nimetz to Chairman Rodino of the Judiciary Committee on November 21, 1979, Nimetz outlines the steps which have been implemented in the aftermath of the Guyana tragedy and the recommendations of the various reports. I quote:

We have made it a standard practice to request a threat assessment from our posts describing the current security situation in a country to be visited * * * The contents (of the threat assessments) are shared with the members of the delegation before their departure.

Had this guideline been in effect when we made the trip to Guyana, I am certain the threat assessment would have been reported as "benign" by the State Department. State never shared with the congressional delegation any of the information and reports which it had in its files for over 1 year before our trip which pointed to a possible illegal export of up to 170 guns from California to Jonestown. The U.S. Customs Service, August 26, 1977, made that report. It was received by the State Department Bureau of Inter-American Affairs on September 6, 1977.

I must presume State Department did not consider such gun running to be "threatening." Further, we were not even given the opportunity to make our own threat assessment on a personal level because we were not privy to that vital information. A State Department spokesman in December 1978, 1 month after the tragedy, still maintained there was no potential violence in State's view and was quoted as saying:

We did not specifically advise Congressman Ryan with respect to potential violence * * * There was no prior instance, known or alleged, of use of physical violence against a visitor.

That was reported in the Redwood City Tribune, Redwood City, Calif., December 16, 1978.

At this time I would like to show a visual example of the violence that State Department did not expect, because there was no prior history. This bullet was removed from my arm 2 months ago. The FBI has subsequently run ballistics tests on it.

The State Department did not anticipate violence although they were put on notice not just once, by the Customs Service report, but at least twice about the armed camp environment at Jonestown.

The second instance refers to an affidavit received in June 1978 by the State Department from Deborah Layton Blakey in which she testifies the "settlement swarming with armed guards," "persons approximately 50 in number would arm themselves with rifles." The affidavit also described white night suicide trials, brutality and severe working and subsistence conditions. Not only were these charges made in a formal affidavit to the State Department in June 1978, they were

also communicated firsthand to the consular officer in Guyana. He suggested Blakey contact the Justice Department.

Had the consular officer no responsibility to make an inquiry regarding the charges leveled? Had he no responsibility to inform the Justice Department himself?

The duty to investigate. The Foreign Affairs Committee report makes the statement, "The Embassy did not have an investigative or judicial function." I submit that the treaty we signed with the United Kingdom on June 6, 1951, and which continues to be the controlling document regarding our relationship with the Government of Guyana today specifically provides that our consular officers have investigating powers. In 3 UST 3439, part V, Protection of Nationals, article 15, it states:

A consular officer shall be entitled within his district to: (a) interview, communicate with and advise any national of the sending state; (b) inquire into any incidents, repeat, inquire into any incidents which have occurred affecting the interests of any such national.

Proper interpretation of this section by our Embassy officials in Guyana could have provided them with persuasive authority to investigate the charges made by Deborah Layton Blakey and others about the conditions in Jonestown and the potential for violence.

At every junction within the State Department framework in Washington and in Guyana, officials failed to act. They failed to act not out of ignorance but with full knowledge of possible significant criminal activity by Jim Jones. The failure of State Department in performing its responsibilities is not the result of any lack of power to act. The treaty clearly provides for such an action.

I do not believe the unresponsiveness of State to make inquiries regarding the Blakey affidavit or the numerous letters from concerned relatives is the result of a bureaucratic foulup of the documents never reaching the appropriate officials in State. We have the admission of the consular officer in charge at Georgetown, who accompanied Blakey to New York, that he was aware of her concerns and charges. The Blakey defection occurred in May; the Blakey affidavit was filed in June. The Codel departed in November. No action was ever taken by the State Department or the Embassy to verify the charges made by Blakey. It was assumed, erroneously by both Congressman Ryan and myself that the affidavit had been reviewed and no evidence found to support the charges. We presumed, what a congressional delegation relying on assistance from State would have presumed, that the State Department was doing its job. We still do not know today why the affidavit did not prompt a full investigation. I can only speculate that: (1) the charges were already known to be true; (2) the Jonestown "problem" did not merit priority consideration by State; or (3) an investigation would somehow jeopardize the U.S. economic or political relationship with Guyana.

Until we can determine what the motivation was for the "non-action," making recommendations in an attempt to avert another tragedy such as Jonestown is an exercise in futility.

The duty to inform. Whether or not a cooperative relationship exists between the State Department and Congress must be assessed more specifically.

Congressman Ryan and I met with Assistant Secretary for Inter-American Affairs Viron P. Vaky and other State Department offi-

cials in September 1978 to discuss the Congressman's interest in traveling to Guyana in November 1978. State Department was kept advised on an almost daily basis as the trip became more defined. During October and the first 2 weeks of November, the Guyana desk officer was consulted daily and informed by me regarding every new development of the trip including the possible media coverage. My relationship with State could only be described as cooperative and candid.

On the other hand, the Congressman's efforts as well as mine to obtain information and assistance were consistently thwarted or frustrated.

In the days that followed the tragedy, the State Department complied with the Foreign Affairs Committee requests and handed over 900 documents regarding the People's Temple in Guyana—I repeat, 900 documents. In our requests for information from State we were never once told of the 900 documents the Department had on the temple and furthermore we were never given access to those documents.

Had we had the opportunity to review the documents, even a limited number of them, we might have "located" the U.S. Customs Service report regarding the suspected 170 guns in Jonestown, a report State had "misplaced" prior to the congressional trip.

Had we been afforded a cursory review, we would have realized that the Blakey affidavit of June 1978 was never acted upon.

The question still haunts me today. Why was critical, life and death information regarding the People's Temple hidden from the view of the congressional delegation before the trip? Was the State Department fearful that we would discover that it had been wantonly negligent in protecting American citizens abroad in Guyana?

If the relationship between the Congress and State Department is indeed cooperative and not adversative, I implore this committee to seek the answers to these unanswered questions.

The late Congressman Leo Ryan was eulogized by many of his colleagues after his death for his courage and tenacious spirit in seeking out the truth regardless of the obstacles or political ramifications. I trust that the members of the International Operations Subcommittee will continue in his spirit of leadership and representation of the American people by seeking the whole truth about the Jonestown tragedy.

It is my firm belief that the State Department must share heavily in the responsibility for the deaths of Leo Ryan and the 900 Americans in Guyana. I cannot be confident in our Government's protection of Americans abroad or in our State Department until the whole truth about the Jonestown tragedy is finally exposed. Our lives depend on it.

Thank you.

Mr. IRELAND. Thank you, Ms. Speier.

Mr. Royer, would you care to ask questions?

Mr. ROYER. Thank you very much. I think you can feel, as I do, from the testimony received by both these people that their testimony sets forth some very serious questions which I believe we are going to have to ask the State Department on March 4.

I would like to ask Jackie first of all if she remembers, at any point during the briefing periods, requesting any information that State might have pertaining to the overall situation in Guyana?

Ms. SPEIER. There were constant requests made for information. The only information which was shared with us was superficial telegrams

and cables transmitted from the State Department to Georgetown and from Georgetown to the State Department. Most of those cables dealt with just the preliminary aspects of the trip, nothing of any substance.

Mr. ROYER. I am thinking more specifically of some of the charges made by Concerned Relatives, such as the Blakey affidavit and other information that was given to State. Was it your thought to ask for information as to whether that affidavit had been reviewed by the State Department, or did they just give you the impression that it had been reviewed?

Ms. SPEIER. The impression we had was the affidavit had been reviewed. Our information regarding that affidavit did not come from State Department. They were very closed-mouth in their dealings with us. They provided us only with technical assistance about making the trip, technical information in terms of what kind of clothing to wear, what kind of weather we would be having, what kind of difficulties we would encounter regarding transportation.

Mr. ROYER. What about the information from either of you pertaining to the November 7 visit? To me, that seems to be a critical visit.

Mr. HOLSINGER. Before that, your first question, we made many inquiries on behalf of Concerned Relatives, the specific cases, and the answer would come back from the State Department that they had gone out and visited, the consular officer had visited and found that everything was fine. All we ever got back was everything is OK.

We found out later that the consular officer would advise Jones and the People's Temple in advance who he was going to talk to, what he was going to say and where he would talk to them. They set it up like a stage, and then when they got there, those things would happen just like that. People were warned in advance that he was coming and this is what he was going to say, this is how he was going to act, and in effect, intimating that the consular office was in league with the People's Temple. People were afraid because everything that they were told would happen happened, and here was Jim Jones apparently controlling the consular officer or Embassy people down there, and they were afraid that Jones had that power, and I questioned why. In other words, it was a setup, Mr. Royer.

When we would inquire, they would set it up in such a staging and come back with a prearranged staging, and when they got back, they would say everything is benign, everything is fine.

As far as the November 7 thing is concerned, when I found out afterward about that and the fact that it had not been transmitted, I could not believe that when Leo came down there and Jackie, having had that visit, that they would not have informed the congressional delegation and the leader of that delegation specifically of what they later put in their report.

I think it would take some tall talking to convince anyone that that information was not deliberately withheld from Congressman Ryan, but I want to find out why they did it and who ordered them to withhold it.

Mr. ROYER. As I understand it, both of the gentlemen who were on the tour of Jonestown were in on the last briefing, as I understand it, with you before you left?

Ms. SPEIER. That's correct.

Mr. ROYER. And their response was that they didn't give you the information because you didn't ask for it?

Ms. SPEIER. We couldn't ask for information we did not know existed, and that kind of response to any of our inquiries——

Mr. ROYER. I think for the record, what you are indicating is you had no knowledge of the November 7 tour before hearing about it later on?

Ms. SPEIER. No, that is not correct. When we had our first briefing at the Embassy in Georgetown, there was reference made to the fact that Doug Ellice had just returned from a trip to the Jonestown settlement a week before, and that Jim Jones appeared to be not feeling very well. But that is the extent of the information.

I might also add that during that briefing at the Embassy, Mr. Dwyer showed slides of the Jonestown settlement to give us a preview of what we would be seeing. They were helpful, but the most significant frame in the slides that were shown was a slide that was taken of Dick Dwyer arm in arm with Jim Jones and Marcelline Jones. With the kind of intimidation that was rampant in that settlement and for any of the adherents to Jim Jones who would have watched that picture being taken, it was clearly a situation where it appeared that they were very close friends, that there was an amicable relationship there, and in my estimation the objectivity that was absolutely necessary for any of our consular officers in going to Jonestown and talking to the young people there was totally destroyed by a picture such as that.

Mr. ROYER. I have one last question, Mr. Chairman.

Mr. Holsinger, there are, in your remarks, references to the CIA, but you don't clearly indicate whether you feel that any of their work had to do with Jonestown itself. Are you inferring that it was broader than what you have suggested in here? I get the feeling you feel they were there, but I don't get the feeling that you have indicated specifically that they were particularly aware of all of the concerns.

Is that a misinterpretation?

Mr. HOLSINGER. I would like to make that clear, then, for the record. It is my belief, based upon what I found out and what I have here, that our intelligence agencies, whether it was the CIA or another branch of our intelligence service, had a covert operation there, more than just gathering intelligence. If you refer to the article in the Chronicle, "Guyana May Be the Next To Fall," you will find we had a very active agency there in the mid-1960's. We installed the Forbes Burnham government in our own interest. We have had an ongoing operation there, and I specifically say that our Central Intelligence Agency did probably, under direction, work with Jim Jones to support the government of Burnham, to support that, to support our commercial interests and our position there, that they had an active operation, that they knew about Jonestown, they had information that what was happening there was true, and that what happened because of all of this was they controlled not only operations in Georgetown and Guyana, but they had a heavy hand in the State Department in controlling State Department reaction in Washington, D.C., to our inquiries about the People's Temple in Jonestown.

I think this was an intelligence operation from beginning to end, and it ended in disaster.

Mr. ROYER. But in your opinion, it is an operation you found out about later, and therefore at no time prior to the trip did you ask for the intelligence information from either the CIA or——

Mr. HOLSINGER. We had no idea it was anything other than what it seemed on the surface. We were not even thinking in terms of an intelligence operation there. We had no such evidence. Leo simply did not think in those terms and was not even aware. He was concerned with the welfare of individuals there, and we had no way of knowing that there might be overriding national interests.

I would like to say in the end that we have shown a great concern for human rights throughout the world in other nations. We have shown concerns for some human rights for citizens abroad, as in Iran. It seems to me our State Department is rather selective in when it chooses to be concerned about human rights and when it does not.

I would like to point out that no one connected with the Georgetown Embassy operation was ever rebuked, it was never put on their record they were rebuked for having taken any actions wrong. I have pictures of them being commended for their actions down there.

Obviously, it was a very difficult circumstance, that you have the people involved all promoted or commended and no one even rebuked. It seems to me that when you have this kind of disaster of this magnitude, to promote and commend everyone involved with it does not speak very well of a real investigation of the Department, of its own procedures.

Mr. IRELAND. If I could pursue a point, Ms. Speier, about the reports that you got back from the State Department, well, "we didn't give them any indication because they didn't ask," which certainly was a source of great frustration to all of us and all of you, I'm sure.

First of all, in the slide presentation that you received, did you know or could you tell or did you later find out when those slides were taken? How long before your visit had the slides been taken? Had they been taken over a period of a year or on that November 7 visit? What were they purported to be?

Ms. SPEIER. Those slides were taken by Mr. Dwyer in his visit of Georgetown in, I believe, May 1978, and it was from that specific visit.

Mr. IRELAND. I see, and they were to give you a background 6 or 8 months later of what was going on and really, that was the purported only contact with what was going on?

Ms. SPEIER. Yes. I might also add that our Ambassador to Guyana, had never once made a trip to the Jonestown settlement in his entire tenure there as Ambassador. I find that unconscionable when you have 900 Americans living in that kind of a community, and there was so much controversy surrounding whether or not they were being held against their will, for him never to have made an onsite inspection.

Mr. IRELAND. I understand there was no record of any visit from that community to our Embassy, as well?

Ms. SPEIER. There were members from the Jonestown community who frequently came to Georgetown and the Embassy; who made charges and allegations about what the State Department or the U.S. Government, was doing to them such as harassment. They were much more mobile in terms of making contact with our Embassy—

Mr. IRELAND. Than the Embassy was?

Ms. SPEIER. Yes.

Mr. IRELAND. One last question about the Blakey report. You were aware of the Blakey report, of course, before you went, but it was my

understanding that being aware of it and the ramifications of it being as severe as they were, you came away with the impression that since nothing had been done, the allegations there must not have been true because the State Department had had it for a considerable amount of time and done nothing about it. Is that correct?

Ms. SPEIER. Yes. First of all, the affidavit was not an affidavit we ever saw. We were only told about the affidavit, and were told that the State Department had a copy of it. We presumed, as I said, erroneously that that affidavit had been reviewed and the charges found not to be accurate. I think we had a sense, as I'm sure many Members of Congress do, that the State Department is there to assist us, provide us with information we may not even know exists regarding a country or a certain issue or a problem we are investigating or looking into.

They were totally uncooperative in that respect. They gave us nothing. They led us to believe they knew nothing about Jonestown.

We had a briefing only days before we left. It was a briefing by the legal staff at State that I had personally requested myself. During that briefing the restrictions regarding the Privacy Act were made apparent to me. But one of the things many of those people said to me upon our leaving the meeting was, "After you've made the trip please come back and tell us what is happening there. We don't really know very much about what is going on down there." That kind of comment cannot be accurate when they had 900 documents in their possession at that time.

Mr. IRELAND. Mr. Chairman?

Mr. FASCELL. I just wanted to say at an appropriate time we will go into executive session and discuss some matters with Mr. Holsinger.

Mr. IRELAND. The gentleman from Alabama, we welcome you back. We are glad you are here.

Mr. BUCHANAN. Thank you. I have no questions at this time.

Mr. IRELAND. Thank you very much, Mr. Holsinger, Ms. Speier.

Mr. Royer, if you would care to introduce the other witnesses?

Mr. ROYER. Yes; we have two other witnesses I would like to have come forward at the same time, Mr. Katsaris and also Mrs. Clare Bouquet, members of Concerned Relatives who have traveled all the way from California to be here. I think with your approval, Mr. Chairman, I would call upon Mr. Steven Katsaris first.

Mr. IRELAND. Welcome to the committee and proceed.

STATEMENT BY STEVEN A. KATSARIS, A MEMBER OF THE ORGANIZATION OF CONCERNED RELATIVES OF THE VICTIMS OF JONESTOWN

Mr. KATSARIS. Thank you, Congressman, Mr. Chairman.

In the 15 months that have passed since Jonestown, there has not been a day when thoughts of that tragedy have not crept into my mind or been thrust upon me. There is still a lot of unfinished Jonestown business yet.

In the early months after Jonestown, there was media coverage to such an extent that one poll showed more people were aware of what happened in Guyana than of the dropping of the first atomic bomb.

During this time, a committee of the congressional staff members began an investigation and issued a report. The Department of State issued its own report. And then silence and apparently apathy on the part of our Government. Understandable in a sense, for who wants to be reminded of those morbid events. Better to attribute them to a strange set of circumstances that could never happen again. Yet, a U.S. Congressman was assassinated, members of the news media were murdered, and others, including my son, were seriously wounded at the Port Kaituma airstrip. In Jonestown itself, almost 1,000 Americans died, among them my daughter.

My thoughts have ranged from depression and a sense of profound personal loss to dismay over the apparent reluctance of our Government to probe with a full-scale investigation the facts and deeper implications of that singular event. Meanwhile, books are published with fact, fantasy, speculations, and accusations that need to be subjected to the searing light of a hard, comprehensive, and bold investigation. Otherwise, Jonestown will be surrounded with more myth, innuendo, and contorted conspiracy theories than the Kennedy and King assassinations and leave Americans even more cynical when it comes to trusting the ability and willingness of their elected officials to seek the truth.

I am grateful for the opportunity to appear before this committee. There are questions that need to be asked, and I am trusting that you will ask them and demand responsible and full answers.

Why was the Department of State so timid in investigating the many charges made against People's Temple in the year preceding the tragedy? And is it really true that we are better prepared, as the State Department today claims, to respond to such situations today?

More than 6 months before Congressman Ryan went to Guyana the Concerned Relatives group issued a statement of charges of human rights violations of both United States and Guyanese law. Every charge made against People's Temple was proved true with one exception—there was no high fence surrounding the commune. They did not really need one. But people's mail was censored. Our relatives were being intimidated. They were subjected to mind control techniques. We could not make free contact with our family members in Jonestown. There were suicide rehearsals.

Officials in the Department of State were aware of all of our concerns. We asked for their help. And who were we? Not radicals nor ideologues who did not agree with Jim Jones' particular social ideas. We were parents and relatives with substantial evidence their loved ones were in danger. It would not have taken very much to check us out. It could have been easily ascertained we were responsible American citizens turning to their Government for a service it is supposed to provide. Yet, the response was negligible, an aloof hands-off position implying that it would be improper for the Department of State to be involved in family differences.

How does this contrast with other events involving the Department of State? Some months ago our Government detained a Russian airliner, with all passengers onboard, on the runway in New York for several days in an effort to make certain a ballerina truly wanted to return to Russia. All this in the middle of SALT II and the height of détente. Yet we were willing to confront Russia over the possibility that one person's human rights were being violated.

Why did the Department of State fail to respond in kind when it came to the human rights of almost 1,000 American citizens in Guyana? It is hard to believe that our national interests in Guyana precluded forceful representations on behalf of our relatives.

Consider also the following contrast: One Congressman and the media went to Jonestown and determined in a matter of hours something was wrong. People came forward and asked to leave that hell-hole. Yet, for over a year, our State Department assured us that conditions in Jonestown were satisfactory. We were told that representatives of our Embassy in Guyana regularly visited Jonestown and had determined that no one wanted to leave.

It does not appear unfair to draw the obvious conclusion that the Jonestown residents felt safer talking to a Congressman and the newsmen than to the Embassy staff in Guyana. Why?

Is it not our right to expect meaningful and practical assistance from the Department of State when there is evidence that our relatives abroad are in danger? In past months revelations have been made which if true indicate that the people I turned to for help at the Department of State and at our Embassy in Guyana knew far more of the insidious nature of Jonestown than they have admitted. Indeed, there is evidence that they too were subjected to the same pattern of lies, accusations, and manipulations that People's Temple used against us, the Concerned Relatives. Yet, in my three trips to Guyana and on my visits to the Department of State my appeals for help were handled by officials of the Department of State who gave me the impression they were more concerned with not rocking the boat than getting to the truth.

So much for the past performance of the Department of State. But what about now? I have read that the Department has undertaken a number of actions to remedy the situation. But what concrete plans really exist to react to similar situations today? It isn't enough to be aware today that such problems can arise, for the Department of State was aware of the situation long before the tragic day of November 18, 1978. What was lacking then was the ability of the State Department to receive information from Guyana, process it effectively, and in turn send back adequate guidance.

It also appears to me that we did not try to make use of the support systems that could have been provided by the Guyanese themselves. They do have a police force and a criminal investigation department. To my knowledge we did not even ask them to look into the situation.

American citizens have rights, even in foreign countries. In Guyana our Embassy could have explained to the residents of Jonestown their rights under Guyanese law. The failure to do so and the inability of our Embassy staff to project an image of being capable of protecting those rights of Americans certainly reinforced the impression on many who died that they were isolated, cut off and without a chance of help either from their host government, Guyana, or from the United States.

When I asked for help either from the officials at the Department of State when I came to Washington or from the embassy staff when I was in Guyana, I always felt frustration. I believed then that it was due to my failure to get them to understand and accept the strong evidence that something was terribly wrong in Jonestown. I no longer

believe that. My frustration has changed to disillusion and anger over the inability and unwillingness of the Department of State to act. I think there is adequate evidence today that they knew as much, even more than I, about the true conditions in Jonestown, but chose not to act. They decided to play it safe—safe for themselves, perhaps. Unfortunately, not for all those who died.

Thank you.

Mr. ROYER. Thank you, Mr. Katsaris. Now Mrs. Bouquet, please.

STATEMENT OF CLARE BOUQUET, A CONCERNED RELATIVE OF THE VICTIMS OF JONESTOWN

Mrs. BOUQUET. I would like to express my gratitude to Congressman Royer and to the members of this subcommittee for giving me an opportunity to come here and for allowing me to speak to them on a subject which has, for some time, been very close to my heart. I believe I can speak for all the people who have been drawn close to each other in this tragedy when I say, "Please hear us!" I refer particularly to Beverly Oliver, who was asked to be here today, but is unable to leave the side of her husband, who became disabled by a stroke suffered in the Pegasus Hotel in Georgetown, Guyana on November 19, 1978. Beverly and Howard lost their two sons, their only children.

I want to especially thank Chairman Fascell for his kind words in his memorial address, delivered in Congress, in tribute to Leo Ryan. I quote from that address: "We pay tribute to a man who believed that every person was worth helping, and that every problem could, and should, be confronted." I implore all of you to confront the problem before us now, in the names of Leo Ryan, of my son Brian, and his wife, and of all the tragic victims of Jonestown.

Before I continue with my statement, I would like to share something with you that I experienced yesterday. This is my first visit to this beautiful city of Washington, D.C., and I have been walking and walking since I came. There is so much to see. And late yesterday afternoon I happened to go into the National Archives and I stood there in that very impressive place and looked at the faded documents there, and I felt kind of awed and I felt a certain pride and also a certain sadness. The pride was felt because this still is the best country there is, and I am very proud to be an American, but the sadness because I believe that some of the spirit of those documents has been somehow lost.

I want to say that the people in Jonestown, I feel, were some of the best that we had as Americans. They were idealistic people who really believed that all men are created equal, and that is what led them to their deaths in Guyana.

It has been 15 months since that day when over 900 Americans died in the jungle of Guyana. The shock and horror experienced by those of us who went to Guyana to attempt to see our family members and, if possible, bring them home, is still with us and I think always will be.

Some segments of our society have dismissed them as a bunch of crazy fanatics, or a grotesque spectacle. But someone loved each one of them. They went to Guyana looking for some sort of promised land, and found themselves prisoners in hell.

The problem before us now, I believe, is discovering the real truth about what happened in Guyana. I think it has been oversimplified and it may take a very long time to unfold. However, I for one will not rest until I know for sure what really happened. I personally contributed 86 pages of testimony to the staff investigative group of the House Foreign Affairs Committee. I know of several others who did the same thing. Yet our specific testimony is included only in a classified edition of the report, which has not been available to any of us. All we received was the unclassified version, a 37-page work with only very general statements about our testimony. The report states on page 29, and I quote, and this is the same quote Jackie had. I guess we were thinking along the same lines.

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.

On page 39 it says, "Absent in the Embassy's dealings with People's Temple were the vital elements of commonsense and an honest and healthy skepticism." We are talking about the loss of 914 lives, including a U.S. Congressman, not a simple mistake. The frustration I personally feel and felt, and I am certain others paralleled me in their attempts to get help, is overwhelming. I turned to everyone I could think of in any position of authority, from the President right down to direct appeals to the Embassy officials in Georgetown, Guyana, dating back to March 1978, 9 months before my son was finally killed.

I myself mailed copies of the affidavits of Yolanda Crawford and Debbie Layton Blakey, both of whom escaped from Jonestown, to Mr. Ellice, the U.S. consul in Guyana. I asked in July 1978, for a team of inspectors to be sent into Jonestown to stay for several days in order to accurately assess what was really true. I even sent a recent picture of my son and his wife, which I have with me, so that there would be no mistake about who the embassy officials were talking to, and so that they would know what they looked like before they left this country. I was told in writing by two consular officials, Mr. McCoy and Mr. Ellice, that a visit to Jonestown would occur about the end of August. No one actually went there until November 7, 1 week before Leo Ryan's previously announced visit, along with the rest of us, to Guyana.

On Thursday, November 16, the day our group had an appointment with the ambassador, I called the embassy to inquire from Mr. Ellice why I had heard nothing since August. I was told by him that a visit had been made, and that a letter had been mailed to me at home. As we walked into the embassy at 2, I was handed a letter regarding the November 7 visit to Jonestown, with Mr. Ellice's comment that evidently someone had "forgotten" to mail it.

In the State Department's own report on their performance in Guyana it states that quarterly visits had been set up to Jonestown, due to the allegations against the Temple. Why, then, did no one go out there for 6 months? I have heard it said that the trips were "delayed". What embassy business could possibly have been more urgent than a threat to the lives and well being of over 900 Americans? The State Department points the finger at the embassy for, and I quote from the Foreign Affairs report, "the lamentable breakdown in communica-

tions" and the embassy points back at the State Department. Where does the buck stop?

Who exactly is responsible? I think it's very commendable that the State Department is now implementing the recommendations of that committee's report by doing threat assessments before a Congressman visits a foreign country, by training consular officials in the psychological aspects of mind control, and so forth. But that won't help Leo or Brian or Maria Katsaris or any of the rest of them.

Finally, I would like to ask why, although I realize that the circumstances were somewhat different, were the lives of our hostages, including over 250 innocent children, not equally as important as those of the hostages in Iran? Why were they slaughtered without any help from anyone except one very brave Congressman? What will it take to put the puzzle together? When are we, in this country, going to start thinking about people as our No. 1 priority, rather than oil? I'd rather get a horse any day than give up any of my children.

I ask this subcommittee to assist us in our pursuit of the whole truth of the story of Guyana.

Again, I wish to thank Congressman Royer and his able staff for their interest and assistance, and I thank this subcommittee in advance for the help which I feel sure they will not deny us.

Thank you.

Mr. IRELAND. The gentleman from Alabama.

Mr. BUCHANAN. Thank you, Mr. Chairman.

I just want to thank the witnesses for their testimony, which is very moving and which makes a very strong case. May I say, as one member of the subcommittee, but I think I speak for all of the members, there is nothing more important that the State Department has to do than to see to the lives and welfare of American citizens. This is their business, and it is first and foremost.

Mr. IRELAND. Mr. Royer.

Mr. ROYER. Thank you, Mr. Chairman. Just a couple of quick questions.

I wonder, Mrs. Bouquet, you did mention about sending the documents to the State Department, the affidavits?

Mrs. BOUQUET. Yes, I did, Mr. Royer.

Mr. ROYER. I am wondering, did you get a response back from them?

Mrs. BOUQUET. Yes, I have the response right there.

Mr. ROYER. Could you quickly summarize that? Not in full detail, but what was the response?

Mrs. BOUQUET. As you can see, I have quite a few documents.

[Pause.]

Mr. ROYER. Mr. Katsaris, while she is looking for that, maybe you would want to be thinking for a few minutes. The question I wanted to ask you is about some of your experiences a little more directly and some of the frustrations you found. I know that you made three different trips, and it seems to me you might cover that in just a little more detail.

Mr. KATSARIS. On my first trip to Guyana, I came to Washington, D.C. first. I visited the State Department and talked with the head of the Guyanese desk. I went to the Guyanese Embassy. I made several other contacts to prepare the way so that the embassy officials would help me when I got down there.

When I got there, the consular officer, Richard McCoy, was expecting me. It turned out that the People's Temple had sent a representative there to defame me, to give them a message from my daughter that she did not want to see me. I asked if Mr. McCoy would accompany me into the jungle to see Maria. I told them there must be something definitely wrong because my daughter was not like that. I showed him her most recent letters where she told me she missed me and was concerned about my health. I had been scheduled for some surgery at that time, anything but what they had told them at the embassy about me. I got nowhere.

Mr. ROYER. You were on that trip by yourself?

Mr. KATSARIS. I was on that trip by myself. A month later I convinced Ambassador Mann, the Guyanese Ambassador to the United States, to arrange a visit between my daughter and me. We went to Guyana and eventually, after a long delay, they brought my daughter in from the jungle. They did not permit me to see her alone, but Richard McCoy from our Embassy was there and also Ambassador Mann was there and other representatives from the People's Temple.

I was devastated by that visit with my daughter. She was paranoid, obviously had been sleep-deprived. She was filled with wild accusations of what I had done to destroy the People's Temple commune. There had been a radical change in her personality.

When I got to the airport that day—I left the same day after waiting a whole week to see my daughter—I was truly in fear that what I had done might have jeopardized her life. I knew they were going to take her back into the jungle. I got no indication from Dick McCoy or the ambassador they would help me try to get her out of the country.

I got to the airport in Guyana and Dick McCoy had a message for me at the Pan Am desk to call him. I called him and he said, "I didn't get a chance to see you before you left. I stayed back to talk with Ambassador Mann, and both of us are convinced something dreadfully wrong is going on here, something is very strange about all of that today. I will write a full report to State and send you a copy." Those are direct quotes, if I am not mistaken.

Mr. ROYER. Do you remember that date? What was that date?

Mr. KATSARIS. That was November 4, 1977.

Mr. ROYER. That was a full year prior to the tragedy?

Mr. KATSARIS. That was a full year prior to that. After that I was in communication by telephone and letter with Richard McCoy. I had made numerous trips to the State Department. I was one of the organizers of the Concerned Relatives. I personally sent the State Department a copy of our 17-page document detailing what we believed was the actual situation in Guyana.

Mr. ROYER. Thank you, Mr. Katsaris.

Mrs. Bouquet?

Mrs. BOUQUET. Yes, Mr. Royer. I found a copy of a letter which I wrote to Mr. Ellice on July 18 in which I said—

Mr. ROYER. July 18 of what year?

Mrs. BOUQUET. 1978. I said:

I am sending you some material on this organization, which I hope may be helpful to you in assessing the situation. The two enclosed affidavits have been sent to the U.S. State Department, but it appears to be very difficult to get any help, perhaps due to the fact that the People's Temple is a "religion."

do something. That has to start at every level—at the top, in Congress, and with the people at the lower level. When faced with

Then I have a response here. I had received Mr. Ellice's name from someone in Guyana with whom I had been put in touch through a friend of mine in San Francisco who was trying to find out what he could about the People's Temple, and he sent me the name of Mr. Ellice. And Mr. McCoy evidently was still there because I received a letter from him on August 2 in which he said:

DEAR MRS. BOUQUET: I refer to your letter of July 18 concerning your son Brian. I am departing Guyana in the near future. However, my successor, Mr. Douglas Ellice, is planning a visit to the People's Temple agricultural community later this month. During his visit Mr. Ellice will arrange a personal private meeting with your son. He will inform you of the results of his visit.

I would like to say also at the same time I wrote my first letter to the Prime Minister of Guyana asking for help, I sent copies to President Carter, Secretary Vance, Leo Ryan, the Ambassador from Guyana to Washington, Mr. Lawrence Mann, and to Mr. Paul McCloskey. And I do wish to say that Mr. McCloskey also responded to me and he sent a letter. His office advised that I send a personal letter to my son through his office in Washington to be hand-delivered by the Embassy in Guyana, which was delivered to my son on November 7. That letter was sent in June.

Mr. ROYER. Again, what year?

Mrs. BOUQUET. 1978. I know Mr. McCloskey forwarded the letter to them and it was held up until they went out there in November. But Mr. Ellice wrote and said that he did give my son the letter, and that letter is dated November 8, 1978. That is the one he handed me as we walked into the Embassy.

Mr. ROYER. Thank you, Mr. Chairman. That concludes my questions. I did have a couple of requests I would like to make. If they're inappropriate, I hope you will let me know.

I would like to ask unanimous consent to have the Olivers, whom I had hoped to have here today but cannot be here due to the ill health of Mr. Oliver, I would like unanimous consent that they be allowed to put their testimony in writing within a fixed time.

Mr. FASCELL. Without objection.

Mr. ROYER. I would also like to ask unanimous consent, Mr. Chairman, if it's possible for those of us who testified today, including myself, to have an opportunity to extend and revise our remarks.

Mr. FASCELL. Without objection, that certainly will be done.

Mr. ROYER. Thank you.

Mr. FASCELL. Let me say, Mr. Royer, we express our appreciation to you for your perseverance and dedication on this matter. We are happy to have the opportunity to work with you.

As for Mr. Katsaris and Mrs. Bouquet, both of you have presented very thoughtful statements. They were certainly penetrating with respect to the assessments of the responsibility, in a broad general way for this horrible tragedy. The events themselves determined responsibility. In the final analysis, the entire Government has some responsibility. Whoever they are, the individuals who were involved in this process, they are all responsible to some degree.

As far as the general cast of the statements which have been made, you are quite accurate. It has been a difficult job, and our subcommittee has done its best. Certainly there has not been anything comparable to this particular tragedy, but we have had others which were quite

bad where we have been struggling to provide the attitudinal sensitivity required in a large bureaucracy to deal with these problems; and that is difficult at best. You can always say the guy at the top is responsible. It's his job and something should have happened. And it is true. But it is extremely difficult where there are several thousand people involved, and all kinds of communications are required, as well as actions. Commonsense would dictate certainly on review that something which should have been done wasn't done.

So we have been trying to get the sensitivity inculcated throughout the Department. That is a big job. You are talking about a lot of people. We have been reasonably successful. That is about all I can say.

I would like to say we have been eminently successful but we have not been, because the entire issue of the protection of Americans abroad and the ability of the U.S. Government to respond is diffuse. It is spotty and it is subject to a great deal of criticism. It has been for some time.

We are trying to change all of that. You are, too. We hope that we will have more success in increasing the capability of the State Department which is in the forefront in foreign countries in carrying out that responsibility. Admittedly, it is difficult. There are a lot of reasons with which all of us are familiar. None of those should stand in the way it seems to me. That is the position that our subcommittee has taken consistently, and we will just keep pressing and pushing.

I say all of that because my experience tells me that no matter how hard we try, we are not going to achieve an overnight miracle. It will take perseverance on our part and on the part of other Americans. And I do not believe the responsibility is just yours because you have suffered the loss of loved ones. It is not. It is the responsibility of all Americans to decide exactly what the response of the American Government will be and to make that meaningful, sensible and quick because we have not had an appropriate response by our Government in a great many cases.

This problem has been a common thread. It has been running through hearings we have been holding now for a good many years. Every time we have a case that comes before us we try to provide a forum and make a record in order to delineate the problem. We could have done without that because there is ample media record and public knowledge. But we wanted an official record and that is why we have been doing all of this, taking testimony and holding hearings. We'll probably continue to do this. That is why we are interested in pursuing the implementation of the recommendations to the best of our ability.

We will explore whatever changes in law are necessary. We have been doing that over a long period of time. We have even made changes in the law to give the Department greater capability than that which they said they were able to muster. We have provided additional money where necessary in areas where we felt the Department ought to have the capability to respond.

Speaking specifically with respect to this tragedy, I don't know that we can provide a visible, identifiable mechanism that would satisfy you, because we are talking about the Department's total capability, which is another way of saying the commitment of the United States to do something. That has to start at every level—at the top, in Congress, and with the people at the lower level. When faced with

the problem, they ought to have commonsense to do something but a lot of times that doesn't happen. You call it a human failure if you want to, or a lack of commonsense. We have run across that many times, and we have been trying to deal with that problem in a broad, general way. We have been trying to provide incentives for better people and to provide them the necessary money to attract better people.

This is not an indictment of the entire personnel system. It is just a fact of life that we are trying to improve that capability. The biggest problem we have had throughout this whole thing is what I call the commonsense attitudinal problem that should not permit something to go so far along that it ends up in a horrible tragedy of this kind. The fact that it happened in this case demonstrates beyond any question that something is wrong, and it speaks for itself that it is wrong.

So the culpability is fixed. And we are going to have to do our best now to try to look to improve whatever we have in our system so that it never happens again, if that's at all possible. This is what we are trying to do.

We want to thank you and the others who have testified here. We cannot share in your loss in any way, but we can certainly feel it. We feel it very deeply. As responsible officials, we want to bear our share of responsibility to do whatever we can to answer all of the questions which you have asked. I say that in a broad, general way because a lot of those questions cannot really be answered, I am sorry to say. I don't know of any way to get those questions answered specifically. It is a fact, unfortunately.

So we are not sweeping anything under the rug. We are doing our best and will continue to do our best to try and improve the entire response mechanism of the U.S. Government, particularly the Department of State.

I want to thank all of you and the families of those who have made the trip here to be with this subcommittee. When we can pinpoint a specific change in law we have had no opposition, and with Mr. Royer's help we will keep doing the best we can.

I want to thank you again. This is not a personal matter. As I see it, what you are doing here, all of you who have come and testified or who worked on an investigating group, are trying to do something for your country, as well as for the individuals who have been lost.

What we would like to do now, if we can, is ask you to please leave the hearing room. We want to go into executive session with Mr. Holsinger on some matters. If there is any way of making them public, we will. I don't know that we can. Under our rules we are required, if it involved any allegations against an individual or group of individuals, it requires us to go into executive session to receive that testimony. That is the only reason we are doing it.

Mr. ROYER. Mr. Chairman, while they are leaving, as I understand the schedule after this, it will be March 4 for the State Department hearings?

Mr. FASCELL. That is our present intention, yes.

[Whereupon, the hearing in open session was concluded, to resume in executive session.]

REVIEW OF THE IMPLEMENTATION OF RECOMMENDATIONS RELATING TO THE DEATH OF REPRESENTATIVE LEO J. RYAN

TUESDAY, MARCH 4, 1980

**HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS,
Washington, D.C.**

The subcommittee met at 2:20 p.m. in room 2255, Rayburn House Office Building, Hon. Dante B. Fascell (chairman of the subcommittee) presiding.

Mr. FASCELL. The subcommittee will come to order.

This afternoon the Subcommittee on International Operations continues its hearings on Jonestown. The focus of these hearings is the implementation of recommendations made as a result of inquiries previously conducted into the Jonestown tragedy.

At my request, following the Jonestown tragedy, Secretary of State Cyrus Vance ordered the Department of State to conduct a thorough review of how the Department and the U.S. Embassy in Guyana handled all matters dealing with Jonestown and Representative Ryan's visit there.

That report was issued last May at approximately the same time as the report by the Committee on Foreign Affairs. Both reports contained recommendations for further study and for actions to be taken to avert future tragedies and to assure more effective handling of citizen complaints in the future.

Our witnesses today are here to describe for us the steps taken by the Department of State to carry out those recommendations.

Before turning to the State Department representatives, Congressman Royer has asked to make a few remarks. I am delighted to yield the podium to him at this time.

Mr. Royer.

STATEMENT OF HON. BILL ROYER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. ROYER. Thank you, Mr. Chairman and members of the subcommittee. I certainly want to thank you once again for permitting me to speak before you on this, the second day of hearings on the implementation measures taken by the State Department following the reports which were issued after the assassination of Representative Leo Ryan and the Jonestown tragedy.

Mr. Chairman, before I proceed with my testimony I want to acknowledge that Chris Ryan, Congressman Ryan's son, is here in the front row with us; also Leo's sister and his aunt are with us today. I might mention to you that we did have a telephone conversation with Congressman Ryan's mother yesterday. She is in Denmark. She is sorry she couldn't be here participating but does want to extend her thanks to you, Mr. Chairman, for holding these hearings.

I would like at this point, if I may, to ask unanimous consent that I be permitted to reserve a few minutes of time for some short concluding remarks after the witnesses for the State Department have testified.

Mr. FASCELL. We will be glad to hear you at that point.

Mr. ROYER. Thank you, Mr. Chairman.

I think, Mr. Chairman, I would be terribly remiss if I did not commend the State Department for the candid and forthright manner in which they have treated my inquiries since I have come back here to Washington to fill the seat of the late Leo Ryan. I would particularly like to commend Under Secretary Nimetz, his staff assistant Paul Bunge and Guyana desk officer Richard McCoy for their personal cooperation and assistance.

While I may have serious disagreement with the methods of operation of the State Department, I certainly can find no fault with the level of cooperation and candor displayed to me by the officers of State with whom I have dealt here in Washington.

Let me also candidly say that my views on the part that the State Department has played in this entire unfortunate affair have altered appreciably in the months that I have addressed myself to this matter.

How I view their role, of course, affects my perception of the effectiveness of the measures that they have taken to implement the recommendations of the committee staff report and the Crimmins report. Let me state what my perceptions are now, and then I will comment on the steps that the State Department has taken.

In my view, the Guyana tragedy is traceable to the creation of that country as an independent nation out of the British colonial system. I believe that our Government was not unhappy to see the establishment of the Burnham government in Guyana as perhaps the lesser of two evils.

To be sure, it has been apparently socialistic and at times hostile. There were also all of those foreign intelligence services present. But it wasn't as bad as it could have been. It was not, for example, another Cuba.

Because of these and other factors it was very important for our Government to maintain the Burnham government in existence in Guyana; hence the status quo was to be preserved: Nothing should occur which would exacerbate relations between the United States and Guyana. I believe, then, that Ambassador Burke's duty was to maintain a condition of levelness.

Into this situation suddenly stepped the People's Temple. After establishing rapport with the Burnham government, Rev. Jim Jones proceeded to move over 900 American citizens into one of the most remote areas of Guyana, in deep jungle, near the contested Venezuela border.

This concentration of apparently disaffected American citizens in this area posed at once a singular and unique consular and political

problem to the Embassy, one which potentially threatened the relationship between the Government of Guyana and the Government of the United States.

The problem was aggravated by the lack of cooperation of the Government of Guyana, which must share in the responsibility for what followed.

Several uncomfortable things began to happen. The Guyanese Police told of finding an American wandering in the jungle near Matthews Ridge, telling of beatings and forced labor in Jonestown. Families began to complain that their relatives were being held against their will and subjected to psychological mind control.

The incredible child custody case involving both natural parents of John Stoen trying to wrest the child away from Rev. Jim Jones occurred. There were threats of mass suicide if the child were removed from Jonestown.

Parents visited Guyana from America and were not allowed to see their children or were allowed to see them in the most peculiar, tension-laden circumstances. Petitions were sent by concerned relatives. Letters were sent by U.S. Congressmen. Affidavits were sent from a defector detailing, in the most specific manner, the human rights violations which were occurring on a daily basis in Jonestown.

Yet, during this entire period of time, all official responses by the State Department to the letters, affidavits, and petitions were that there were no detectable human rights violations, that everything was just fine. This was the Embassy's position; this was Washington's position. There was the exchange of cables in June, an expression by Ambassador Burke of concern. The reply, however, was unmistakable: Maintain the status quo.

It is clear, then, Mr. Chairman, that there evolved early on an official State Department policy to embargo the Jonestown matter. They were to do nothing, to say nothing, to volunteer nothing to anyone, including a U.S. Congressman, in order to maintain the current state of relationship between Guyana and the United States. The testimony of all of the witnesses on February 20, 1980, as well as my own investigation leads me to believe this to be the case.

I realize that these are harsh words. I realize that they do not square with the published findings that this incredible episode was entirely the result of a series of negligent, nonwillful mistakes. I say that there was no negligence. I say that it was a cognizant, deliberate policy of the State Department to embargo all information of wrongdoing and human rights violations in Jonestown as being necessary to protect our national interests.

It also appears that this may have contributed to the assassination of Representative Leo Ryan and the death of 900 Americans in Jonestown.

Mr. FASCELL. Mr. Royer, let us stop right here and catch this vote and pick it up at this point. The subcommittee will stand in recess until we get back.

[A brief recess was taken.]

Mr. FASCELL. Mr. Royer.

Mr. ROYER. Thank you, Mr. Chairman. I think that to point the finger at the Freedom of Information and Privacy Acts is to raise a smoke screen. And I certainly want to say that we have indicated very strongly that we feel there are amendments necessary to them. And I

think, to be sure, on its face, some people may find restraining considerations in each of these acts. I intend to pursue amendments to these acts which will, hopefully, remove these restraints.

But the fact is that these acts did not prevent meaningful communications between the Embassy and Washington. Both Ambassador Burke and Consular Officer McCoy had ample opportunities to orally state all of the facts to State Department officials here in Washington and to the Ryan party in the most graphic detail possible. It is clear that at least as to the Ryan party they did not.

So any implementation steps addressed to the Freedom of Information Act should be taken in context, Mr. Chairman, with the fact that, when the policy is to embargo, it doesn't matter what the law is.

There is nothing that we will hear today, Mr. Chairman, that will put your mind at ease that, given the same facts, the same result as occurred in Jonestown will not occur again. Instead, we will hear of procedures, of meetings, of training classes, of memoranda, and monthly assessments. But we will not hear of commitment to the welfare of Americans residing in a foreign country, or that of a U.S. Congressman, where there are countervailing national interests that must be protected.

Let me turn now to the steps that the State Department has taken. The principal document which sets forth what State has done since the tragedy is the letter of November 21, 1979, from then Counselor Matthew Nimetz to Hon. Peter W. Rodino, Jr., chairman of the Committee on the Judiciary.

That letter was written in response to Chairman Rodino's inquiry, which he kindly made at my request, as to the current state of implementation of the recommendations. Chairman Zablocki of the full committee had also requested this information.

I have previously provided the members of this subcommittee with a copy of that letter.¹ The letter indicates that, subsequent to the Crimmins report, the State Department undertook a program of advanced training opportunities for consular officials, which includes an introduction to psychological mind control techniques and emphasizes closer coordination between consular officers and their political counterparts.

My response to this statement is that all of the training and coordination does not excuse lack of commitment to the welfare of American citizens and to Members of Congress. Coordination between the political and consular sections is fine, but you must remember, Chairman, that all functions, consular and political, are under the control of the Ambassador; and in a small embassy such as existed in Guyana, we must assume that the Ambassador knew all of what was going on.

What we don't see in the State Department's letter is a statement of what the Ambassador is going to do after the training and the coordination when the lives of Americans and their Congressmen are threatened.

The letter further indicates that procedures have been devised to provide for better security for congressional delegations by providing for threat assessments prior to departure. Recall, Mr. Chairman, if

¹ The letter referred to appears on p. 6.

you will, Jackie Speier's testimony that, in her opinion, if such a threat assessment had been made for Representative Ryan it probably would have been that there was no danger.

I think I concur. I believe that State would have determined that it was in the national interest to tell Representative Ryan that there was no threat to his life in going to Guyana. A threat assessment, then, appears to be a fine move if State will tell you what it finds.

Other security matters bother me. The letter does not indicate, for instance, that State will, as an ordinary and routine matter, transmit to all local and appropriate U.S. authorities information they receive of criminal behavior by or against American citizens residing abroad.

Nor is there any indication that State will routinely advise American citizens residing in a foreign country what their legal rights are in that country. The hearings this subcommittee held in 1977 touched on these specific issues, and I am disappointed that they again are before you.

State's letter also refers to the Freedom of Information and Privacy Acts. I have already spoken of my views on this matter. I will, nevertheless, continue to press for amendments to these acts which will remove every impediment to candid communication within the State Department.

Finally, Mr. Chairman, the letter calls attention to citizens emergency centers which are or have been established, I presume, in countries with large American populations, tourist or otherwise. In light of the concerns I have expressed today and in view of the peculiar nature of the Jonestown experience, the establishment of these centers does not give me much hope that they will prevent a recurrence of the tragedy.

I would like to just summarize in concluding my opening statement, Mr. Chairman, and would like to emphasize my perception of the problem:

All of the training, procedures, coordination, and assessments are meaningless if the State Department finds itself in the awkward situation of choosing between prevailing mistakes—if, by so doing, they may affect a sensitive relationship between the host country and the United States—or doing nothing and hoping that the problem will go away, choosing the latter course regardless of the fact that American lives, including the life of a Member of Congress, may be lost by so doing.

The Congress and the State Department must devise a procedure whereby the lives of Americans living abroad, the lives of Congressmen traveling abroad, and our national interests may be protected. If nothing else comes of these hearings, this must.

I want to thank you, Mr. Chairman and my colleagues, and again I would like to reserve some time at the end of the hearing.

Mr. FASCELL. Thank you very much. It is certainly very clear what your opinion is. I don't think anybody has any doubt about that.

From the State Department, we have Hon. Matthew Nimetz, who was recently named Under Secretary of State for Security Assistance, Science and Technology, and who, in his previous position as Counselor to the Department, had responsibility for the Department's review

of the Jonestown matter. We have also Hon. Barbara M. Watson, Assistant Secretary of State for Consular Affairs. Secretary Nimetz.

STATEMENT OF HON. MATTHEW NIMETZ, UNDER SECRETARY OF STATE FOR SECURITY ASSISTANCE, SCIENCE AND TECHNOLOGY

Mr. NIMETZ. Thank you very much, Mr. Chairman and members of the subcommittee. I am pleased to appear before this committee today to report on the steps that the Department of State has taken in the aftermath of the tragic events which occurred in Jonestown, Guyana, in November 1978.

With me today is Ms. Barbara Watson, Assistant Secretary of State for Consular Affairs, who has been directly responsible for implementing many of the initiatives that the Department has undertaken since the Jonestown event took place.

I am also accompanied by Mr. Gene Krizek, of the Department's Office of Congressional Affairs, and by Ms. Lucy Hummer, of the Legal Adviser's staff. All of us will be prepared to answer any questions that the committee may have.

The mass murders and suicides that took place in Jonestown 16 months ago were, without question, one of the most bizarre and unprecedented occurrences of modern times. It is still almost beyond comprehension that a band of 900 Americans could have engaged in this ritual of self-extinction.

Tragically, Congressman Ryan and some members of the media who had accompanied him to Guyana also lost their lives as this fantastic tragedy unfolded.

Jonestown was, to a large degree, an aberration, an event that was so horrendous that it would have been difficult to anticipate in its full dimensions even had there been clear-cut evidence that Jones and his followers were willing to use violent means to carry out their distorted purposes.

No one can deny, however, that the Jonestown incident has caused immense pain and suffering for the relatives who had family members in the People's Temple community and for the family and friends of Congressman Ryan and the reporters who were killed at Port Kaituma in November 1978.

Despite the fact that Jonestown has now become synonymous with a unique type of collective madness, the scope of the incident makes it imperative that the Federal Government do everything in its power to insure that a similar occurrence could not take place in the future.

Within the Department of State we have instituted a number of measures designed to improve our handling of unusual or difficult consular cases abroad, and we have also inaugurated new programs intended to provide better security to congressional delegations traveling overseas.

We have also instituted some changes in the consular field both with respect to internal administrative matters and the adequacy of consular training.

My first involvement with the People's Temple issue came after the Jonestown tragedy had already taken place. As Counselor of the Department of State, I had had no responsibility previously for policy

oversight in the consular area or for the protection of American residents overseas.

In December 1978, however, Secretary Vance asked me to organize an effort within the Department to examine the chain of events which led to the Jonestown tragedy and prepare a set of recommendations based upon these findings.

Accordingly, I arranged for two consultants to be retained by the Department to conduct an exhaustive study of the performance of the Department of State and the American Embassy in Guyana in the People's Temple case.

I should add, Mr. Chairman, that your discussions and wise counsel to Secretary Vance were very important in preparing the approach we took to our study of this problem.

Our two consultants, both retired senior Foreign Service officers, visited Guyana and spoke with nearly all of the U.S. officials who had been involved in handling People's Temple affairs until November 18, 1978. Their study was released to the public in May of last year and copies were provided to the Congress.

The findings and recommendations of that report, along with the conclusions of the report prepared by the staff of this committee, formed the basis for the actions we have since taken to insure that the Jonestown experience would not be repeated.

For purposes of discussion those actions can be divided into three principal categories: (1) improvements in congressional delegation security, (2) impact of the Freedom of Information and Privacy Acts on foreign policy operations and (3) enhancement of the provision of consular services.

Let me address first our actions to improve the security of congressional delegations. Individual Members of Congress and congressional delegations annually conduct a large number of factfinding missions to virtually all parts of the world. Most, but not all, of these visits are coordinated through the Department of State.

The Department stands ready to provide logistic support, background information, and briefings, and facilitate security arrangements for all Members of Congress and their staffs who may be traveling to a foreign country.

We have always made it a standard practice to work closely with law enforcement authorities in other nations regarding any special security problems that may arise and we have also endeavored to alert congressional delegations to any particular dangers that might pose some risk to the members of a delegation or to its staff.

In this regard there have been a number of instances in the past when the Department has recommended that specific missions be canceled because of the security situation in a nation to be visited. Members of Congress, of course, retain the absolute right, as a part of their oversight function, to travel anywhere in the world regardless of the danger that may exist.

Following the Jonestown incident, we conducted a review of the security measures afforded to congressional delegations by the Department, and we concluded we could do more to insure that each delegation is given complete information on possible security threats that could arise during the course of an overseas mission.

Accordingly we have now made it a standard practice to request up-to-date information in this area from all of our missions and embassies as a part of the general support that we provide to the Congress.

This information is shared with Members of Congress who will be traveling overseas, and the chairman of each delegation is invited to attend a briefing on security matters before his delegation departs from the United States.

We also considered a number of other steps the Department could take to strengthen the security arrangements for traveling congressional delegations. We even examined the feasibility of establishing a permanent security force that could accompany Members of Congress when they travel abroad, but the cost of such a service would have been prohibitive.

We are, however, prepared to provide mobile communications equipment, as appropriate, to congressional delegations that may be visiting remote or isolated areas of the world, and we have actually done so on at least one occasion.

The Department is concerned that Members of Congress not come to harm once they have left this Nation's borders, and we shall continue to take whatever action we can to guarantee the physical security of congressional delegations during the times they are overseas.

A second area of our focus has been the impact of the Freedom of Information and Privacy Acts on reporting from our embassies. One of the principal conclusions of the Department's examination of the Jonestown incident was the discovery that a number of officials in our Embassy in Guyana felt constrained by the Privacy and Freedom of Information Acts as to the sort of information they could compile regarding the activities of American citizens resident abroad.

We launched an extensive examination of the general impact of these two statutes on Foreign Service reporting to determine whether these apprehensions were widely shared. We canvassed key U.S. embassies and their constituent posts in all geographic areas and we met with a variety of interested groups in Washington.

Our survey confirmed that many officers feel they are constrained in their reporting by the criminal sanctions in the Privacy Act, by the restriction on maintaining records on activities that may be protected by the first amendment, and by the lack of an exemption in the Privacy Act for inter- and intra-agency memoranda.

We also uncovered a number of anomalies in the operation of the Freedom of Information Act which may have made it more difficult in recent years to obtain and report accurately information derived from foreign sources.

On November 13 I wrote to the Department of Justice outlining the results of our study and proposing certain legislative changes to the Freedom of Information Act to be incorporated in an omnibus review that the Justice Department was then preparing.

On December 12 I wrote to Chairman Zablocki and to Congressman Preyer, chairman of the Subcommittee on Government Information and Individual Rights, reviewing the findings of our study as they related to both statutes and offering to discuss our specific recommendations in greater detail. I would like to reiterate our complete willingness to work closely with the Congress on this matter.

In summary, we have proposed a number of modifications to the provisions of both acts that would eliminate certain undesirable features and tighten the statutory language of others.

With regard to the Privacy Act, we believe that the criminal sanctions contained in the statute are unnecessary and should be eliminated. We would like to see the language concerning recordkeeping involving first amendment activities made more specific. We have also proposed certain changes designed to better protect the identities of confidential sources, and we would like to have greater discretion in notifying relatives about detention cases than is now permitted by the act.

With regard to the Freedom of Information Act, we believe that certain changes of an administrative nature would be desirable to prevent abuses of the act by foreign nationals, and we believe that certain sections could be improved to afford greater protection for confidential sources and scientific data.

I would be happy to discuss our findings in greater detail during the question period, and I am willing to provide copies of my letter to Chairman Zablocki to the members of this subcommittee.

The Department recognizes that the proper functioning of the Privacy and Freedom of Information Acts is not dependent solely upon the language contained in these two statutes. Certainly the Department itself has an obligation to insure that its officers are accurately informed about the meaning of these laws and their proper interpretation.

We have always provided regular guidance in this area to the Department's officers, both in the field and in Washington, and we are sending an updated letter of instruction on the Privacy and Freedom of Information Acts to all of our posts worldwide. We shall continue to provide regular guidance on this issue to our Embassies to insure that individual officers are not interpreting the legal requirements in a manner that is more restrictive than the law actually provides.

Of course, while certain changes to the Privacy and Freedom of Information Acts may be desirable from the standpoint of effectively conducting our foreign relations, we should not lose sight of the original purposes of these two statutes.

Both laws have made a major contribution to strengthening the public's right to know about the operations of its government. The Privacy Act has been generally effective in enhancing the individual's right to be protected against unwarranted government recordkeeping.

Our concern is that both of these purposes be preserved and strengthened but that the operation of these laws not inhibit the conduct of U.S. foreign relations when there is not a clear benefit to be derived in terms of individual liberties.

A balance can be struck, and the changes we have proposed will further our foreign policy goals without diminishing the public's right to know and the public's right to be left alone.

The third general area which we reviewed after the Jonestown incident was the provision of consular services. The Department of State has instituted a number of organizational and substantive changes designed to sensitize our consular officers to the potential ramifications of Jonestown-like situations.

In this regard we have expanded and upgraded the training opportunities offered to the Consular Corps and we have provided some orientation to the psychological aspects of various mind control techniques. This basic consular course, for example, includes a videotape lecture on the management of stress.

We have also employed the Jonestown incident as an actual case study for use in some advanced consular training exercises, and the problems of dealing with organized American communities overseas are regularly discussed at periodic consular conferences and at the Foreign Service Institute.

We are also examining the possibility of making funds available from the emergency medical and dietary assistance program for use by our posts in enlisting the services of psychiatrists to deal with individuals or groups who may be in need of such attention.

We have generally endeavored to heighten the awareness of our consular officers to Jonestown situations, and we have encouraged closer cooperation between consular officers in the field and their political and economic counterparts.

The Bureau of Consular Affairs has been reorganized and the staff of the Bureau has been strengthened through the creation of three Deputy Assistant Secretary positions. We have expanded the staff of the Legal Adviser's office assigned to consular matters and we have authorized some posts to hire attorneys for assistance with consular problems. New offices have been established within the Department to provide emergency consular assistance on a 24-hour basis.

To conclude, the Jonestown incident was a unique tragedy of extreme and bizarre proportions. The Department of State recognizes its obligations to all Americans to assist them to the fullest extent possible whenever they are involved in troublesome situations overseas.

We shall continue to carry out this responsibility as effectively as we can within the law and with due regard to the limits of our mandate as an agency with no law enforcement authority.

My colleagues and I would be happy to answer any questions this committee may have. Thank you, Mr. Chairman.

Mr. FASCELL. Thank you, Mr. Secretary. I must add at this point that, in my own experience as a Member of Congress, traveling abroad, I have had occasion many times to either request a briefing or to be briefed by the Department on the area that I was going into, particularly, with respect to any security problems.

And over the years on any number of occasions the Department has from time to time advocated that the trip not be made. And in some cases I have not made the trip and in other cases have advised our group what kind of security problem we would run into and what the feelings of the host government were. It obviously varies from government to government.

I remember in one case particularly I was not very happy with the security because we had a carload of people carrying machineguns following us around all of the time. And I was trying to remain anonymous and it is very hard to do. But as soon as I took off my coat and tie I became anonymous and I lost them and was all right.

So there are elements of both involved here—that is, the decision of the Congressman himself and his party and also the responsibility on the part of State. I think it is very difficult to generalize in any one case.

One thing that interests me, though, through your whole statement is the fact that you keep talking about consular officers as if nobody else is involved in this process. Now, I know that strictly from a mechanical and operating standpoint, we do have a consular section as such and the head of it is Ms. Watson, who is the Assistant Secretary, and that for practical purposes in the field you have a consular section in the embassy, in the chancery.

I notice that you make a reference here that, as a result of your studies on this matter, you are talking about closer cooperation between consular officers and other officers. Yet I have to go back to Mr. Royer's testimony, where you would hope the ambassador knows what is going on in an embassy.

We all know that probably every day the embassy starts out with a meeting with the ambassador. The problem that worries us—and we have heard this in the subcommittee for some time and far preceding Jonestown—is how these issues are handled as an internal operation of the Department. You have different cones and different sections and it just seems to be a kind of an unwritten rule that these issues are a strictly consular problem.

Now, I am not happy with the fact that you say we are going to have some kind of cultural cross-fertilization discussion between people in the political cone and the poor guys in the consular section, because I don't think that this is what it is all about and never have thought that is what it is all about.

You didn't build the State Department bureaucracy, I know. You just barely got there and have been there for 3 years. And you have had a tough job in those 3 years. But I just wonder what your own feelings are both as the result of being charged with the responsibility and now that you have had 3 years to look at the Department, having come from outside of the Department.

Mr. NIMETZ. Mr. Chairman, I think that is a very fair point. One of the reasons there was so much concentration on the consular function with respect to the Jonestown event was because the Jonestown community and the problems that arose with members of that community were primarily consular problems—adoption questions, family questions, social security, and so forth.

So one of the issues we faced—and I think it is indicated in the Crimmins report as well as in the committee report—was that, at least within the Department, there may not have been as much coordination as there should have been between the people looking at it from a consular point of view and those looking at it from a political point of view.

Mr. FASCELL. I have to agree on that.

Mr. NIMETZ. I think that was a very fair criticism. But a more general problem, I believe, is that there is a growing closeness between the issues that consular officers deal with and the issues that political and economic officers deal with. In my own experience for 3 years dealing, for example, with bilateral relations with Mexico, many of the questions of Mexico have to do with migration questions, border questions, and I spend a good bit of time on a political level dealing with issues that in many cases consular officers have to administer.

Another example I dealt with was relations with Eastern Europe. There we had many problems of divided families, of people who want to get exit permits, and we had to intercede for them. These were

basically again consular questions which became political issues on the highest level.

The questions of prisoner transfer agreements is another issue of a consular nature. Narcotics issues and law enforcement issues also often come up in a consular context.

I believe that the consular function is, in many areas, at the very forefront of our relationships with a country, posing potential points of tension, points of irritation. And as we have a world in which terrorism flourishes, kidnappings of Americans take place, and families here are trying to locate children and others abroad, I don't think a day goes by when there isn't a consular issue that is raised on the highest political level.

Ms. Watson may want to elaborate on that. But certainly my experience as an outsider is that you can't divorce the consular function as an administrative function off on the side in one room and the political in another room. There is a close connection between the two.

Mr. FASCELL. Ms. Watson.

STATEMENT OF HON. BARBARA M. WATSON, ASSISTANT SECRETARY OF STATE FOR CONSULAR AFFAIRS

Ms. WATSON. I would like to add one other significant fact, Mr. Chairman, and that is, that I do now, as a matter of form, brief every Ambassador before he goes to his post. I brief him with respect to consular problems and the staffing he has as well as encourage him to recognize the importance of the consular role within the whole, overall Embassy project.

Consular officers and certainly the chief of the consular section of the consul general are members of and do participate in the country team meetings.

Mr. FASCELL. They better.

Ms. WATSON. Pardon?

Mr. FASCELL. I say, they better. I would hope so.

Ms. WATSON. This has been more and more stressed so that there is no question. And there is a greater integration of the respective roles that each one has in the overall foreign policy—

Mr. FASCELL. I think that is a very important statement you just made. After all, the Ambassador is ultimately responsible. It doesn't make any difference what happens; he is responsible. And whatever can be done, it seems to me, in terms of creating the sensitivity, the awareness, and of giving the Ambassador the assistance that he needs to deal with these problems, needs to be done.

But that is where the problem fundamentally is out in the field. If the ambassador is not politically sensitive or astute enough to recognize that the complaint of an American citizen is a serious matter, no matter what it is, and that it has political ramifications both at home and in the host country, he shouldn't be an ambassador; you ought to fire him. You might say that the same thing would apply here in Washington.

It is not sufficient to say, in my judgment, well, we have a section that handles citizens' complaints. After all, we are supposed to be doing other things as well. And I can appreciate that and sympathize with it. Goodness knows there is enough to do and the State Department is understaffed; they are undermanned; they are underpaid. They have all kinds of problems.

But the American citizen doesn't care about that. I mean, it is his problem you are confronted with and not Afghanistan directly. And until a satisfactory system is achieved for handling that promptly and thoroughly, we are just going to continue to have problems.

This is just another unfortunate step in a long line of unfortunate incidents. And there is none as tragic or as devastating as this one. There have been others and there will be others until that whole situation changes.

Now, how do you do that? I don't think structuring the Department is going to do it. I think maybe getting some specialists in might do it; I don't know. I don't know what the answer is. We are struggling with that as far as the committee is concerned.

As you know, we have taken many steps in this committee on this whole issue. And Leo Ryan, Mr. Buchanan, and I and others were in the forefront in trying to change the legislation, trying to give the Department the direction and the tools in order to get this job done.

Now, somewhere, somehow, inside the Department this whole issue has to be raised at a high enough level. I think it is absolutely erroneous to lay the whole thing in the lap of Ms. Watson at any time on any given issue, for example, notwithstanding the fact that the issue may arise in the consular service and, just because it is the consular service, it is her baby and nobody else's.

Now, that has happened before. I hope that changes. I mean, she has really been stuck with this. I am talking to you because you are the only person we can talk to right now, Mr. Nimetz. I would talk this way to the Secretary, and I have several times. And I know that the Secretary is aware of this. He is sensitive to it. He really wants to make the change.

Now, what do we have to do? An order at the top never gets delivered to the bottom for some reason; or, if it does get delivered, nobody pays any attention to it or very little attention. That is the problem as I see it. President Eisenhower used to say—I think I am probably paraphrasing a famous quote—you issue an order and 2 years later you don't even recognize it.

So I don't agree with a conspiracy theory as such with regard to Jonestown or anything else. But I am very much aware of the normal operations of a bureaucracy. And I don't think there is any excuse for what happened in Jonestown; I don't care what anybody says, whether the consular officer is the greatest man in the world and the ambassador has the highest rating in the world—just none whatever.

Let us take a complaint that comes to Washington on a citizen. I am familiar with the Privacy Act, the Freedom of Information Act, and the right of sovereignty. I don't want anybody following me around when I am overseas, either, and I don't necessarily want my parents to know what I am doing if I am of age.

But a parent comes to the Department of State and says he is worried about something, so and so and so and so, and gives you all of the facts. Somebody looks at that and says, "Well, I can't do anything about that; that is a legal matter." You know, "Put it in the file." Yet you know that if you get three or four of those, you have yourself a volcano.

Now, even a cursory examination of the evidence in the Jonestown case indicates that here was a real problem that had deep, festering

roots and yet, out of the whole mass of people who had to deal with this, no one person grabbed that and said, "This is really a bad problem; we have got to get to the bottom of this thing." Nobody took responsibility to do it.

Now, I have heard all of the arguments that it is outside of the charter, you have legal restraints, you have lawsuit problems in terms of counterlawsuits, you don't have the facilities, you don't have the staff. And a lot of this is true.

But, nevertheless, somehow we have to come to grips with this problem. Otherwise, you know, we have one of the world's great tragedies on our hands and on our conscience and from which we will not be able to do anything. I think the steps that have been taken so far are fine, but do they go far enough? In my judgment, no.

Mr. NIMETZ. Mr. Chairman, may I respond to just that example?

Mr. FASCELL. Yes, sir.

Mr. NIMETZ. I don't want to leave the impression that, if a family comes in and says their child is abroad and they heard some bad things, we just put it in the file. It is my understanding—Ms. Watson can elaborate—that we certainly go out and try to contact the person. The problem comes if the person says—

Mr. FASCELL. "Leave me alone."

Mr. NIMETZ [continuing]. "I am happy here and I don't want anything to do with my parents." I think then we usually get back to the parents and say: "Your child is there, but frankly he doesn't want to give you his address." And we leave it at that. But it is not a matter of just throwing away the request.

Mr. FASCELL. You are not a missing persons bureau as I have heard many times by some people. And that is true. You can't be running around the world trying to find missing people or bailing people out who have run out of money or who have other problems. On the other hand, I don't know how you can duck it, either.

Ms. WATSON. We don't duck it, Mr. Chairman.

Mr. FASCELL. Ms. Watson.

Ms. WATSON. We do respond to the inquiry. We do go out to the post and ask them to search for the person. If we get the information and do find the person and if the person is over 21 we then must, according to the law of the Privacy Act, ask for a release.

If that person says, "I am sorry; I will not sign it," there is nothing we can do other than to assure the person who has made the inquiry that the person has been found, is in good health—

Mr. FASCELL. You can't even tell them where they are?

Ms. WATSON. No, we can't.

Mr. FASCELL. I am not sure you should have to.

Ms. WATSON. You have the right to be lost if you want to or be let alone.

Mr. NIMETZ. I was involved in one case of a death abroad; the family contacted me because I knew them. The family member had died up in a mountain village, and the consular officer took care of all of the arrangements and devoted basically 1½ days to that one death and had the body transported back. And I discovered, in doing that—we have how many deaths a year?

Ms. WATSON. About 10,000 a year.

Mr. NIMETZ. 10,000 die abroad.

Ms. WATSON. We have 10 million living abroad.

Mr. NIMETZ. If you take just the burden of handling overseas deaths and you have one consular day per death—now, most of them probably don't take that long to handle them, but the correspondence with the family, the relationship with the host country, getting the coffin, making the arrangements—that is 10,000 person-days—

Mr. FASCELL. We are familiar with that. Of course, we have had hearings in this subcommittee on that. One of the matters Mr. Ryan was very much interested in was that. And we were trying to find some way whereby, even in cases where financial assistance was necessary, it could be funded in some way through the Department. That was one of the things Mr. Ryan was working on.

Well, we have come a long way from the day when somebody said to me over the telephone: "Man, I don't have time to worry about that dead body; I have a lot of important things to do." So we have come a long way from that.

Mr. Buchanan.

Mr. BUCHANAN. Thank you. First, I would like to associate myself with the concerns that the chairman has expressed. They have been rather long-term concerns of this subcommittee. Second, Mr. Secretary, you said—and I certainly hope that will prove correct—that Jonestown was, to a large degree, an aberration, that it has become synonymous with a unique type of collective madness and we should do something to insure that a similar occurrence would not take place in the future.

The thing that really concerns me is that, while I hope it is an aberration and I hope that it is unique and it certainly is a tragedy of very major proportions, I am not positive that nothing like this will ever happen again.

For example, I hold in my hand a report of another, comparable group of some 10,000 followers operating in the United States and which, according to the reports—and I have no expertise—may have characteristics very similar to those of the Jonestown setup.

Assuming for a moment that that is the case, is the Department really better equipped at this point to handle those problems? I am not talking about the tragedy; I am not talking about the suicides and murder; I am talking about the fact that you have reports coming in of human rights violations, of child abuse, of people being held against their will, of beatings, and so forth.

These could hardly be normal religious activities covered by the first amendment. They are hardly merely consular problems, either.

Do you feel that the Department is really better able to handle such a situation if such a situation should arise again in which the Department is getting the kind of reports to which the gentleman from California earlier referred?

Mr. NIMETZ. I do believe we are in a better position now, but I would also say that these types of groups and these types of events are very, very difficult to deal with. Let me put it in the domestic posture because I have dealt in local government as well as in foreign policy.

Let us not worry about a group like this out in Guyana or some other country abroad; let us deal with a group like this in the District of Columbia or in New York State or California or elsewhere. What

can the local authorities do in the United States with a group like this?

There is often a lot of difficulty. Local officials have gone to court many times with regard to issues of reprogramming, kidnaping back and forth. But generally the courts have held, to my knowledge, that when people of age freely choose to associate themselves with an organization, so long as they don't do anything unlawful, they have the right to be left alone.

Under our system, we bend over a little backward. We do that to protect the right of free association, especially when it is combined with a religious or spiritual concern.

Now, if you take the problems we have in dealing with these issues in the United States, you magnify it many times when it is abroad because we don't have police authority, we don't have health authority, we don't have the courts, we don't have the law enforcement, and we have to rely on the local people. And usually these are groups of Americans who have gone abroad precisely because they don't want to be under our law or system of government. Under our Constitution we have the right to do that.

I have discussed, as the chairman knows as a member of the CSCE Commission, human rights in many countries. I was once in a Communist country talking about freedom of religion and association. And they raised the Jonestown incident with me. They said: "Under our system we don't allow people to join together because of what might happen in a Jonestown situation." Under our constitutional system, and under our historical system, we do err on the side of letting people have their freedom.

To answer your question more specifically, we have gone to all posts to sensitize them on this, to be aware of groups and to be aware of the problems of Americans living together. Now, we have not phrased that in religious terms at all. We are concerned about many groups of Americans, secular or otherwise, who have law enforcement problems, who have drug problems or other types of problems that might be cause for concern. And we have sensitized our people to think about the psychological aspect of stress.

So I think we will catch these things a little faster than before. We are more aware of them. We are more aware of the seriousness of what might happen and we are quicker to be in touch with local authorities to check into these things. But I do think this is a problem for our country as a society and not so much as a foreign policy issue.

Mr. BUCHANAN. That certainly is correct. This is a problem for the entire Department of State, as the chairman was saying, also a problem for the Congress and for the Government. It is a matter for the Congress and the Government because there was a time when you dunked a woman to see if she was a witch and, if she drowned, it proved she was innocent; if she didn't drown, it proved she was a witch and so you burned her at the stake on the basis of being a witch.

Well, that is no longer lawful in the United States. It may have been a religious practice and carried on by religious people but I don't believe you could dunk anybody in the United States today or burn anybody at the stake.

So it does seem to me there is some way we can find to handle a problem where there is substantial evidence that people are being beaten, held against their will or that child abuse has taken place.

Mr. NIMETZ. We do. When there is a case of an American citizen involved in child abuse or any other type of abuse and it is abroad, we go to the local authorities. One of the problems in Jonestown is that, although we had consular checks there, we did not have, in the view of those dealing with it, enough solid evidence to go to the local police authorities to tell them there was a violation of law. This was one of the problems there.

Mr. FASCELL. Mr. Ireland.

Mr. IRELAND. Thank you, Mr. Chairman.

I am a little confused, Mr. Nimetz, at just what is the State Department's normal practice. On page 8 of your testimony you talk of guidelines to "provide guidance in relationship to the Privacy Act and such to the field and in Washington."

Then just before that you were telling us that after this terrible thing in Jonestown you decided well, we ought to find out about this. So you took a survey of all of this.

It occurs to me that maybe it is just as the chairman says, nobody follows anybody's orders. Is it the normal practice, No. 1, for there not to be any leadership in these activities from the higher echelon of the State Department? Because, obviously there isn't any despite the fact that you say you issue some guidance.

The first thing you do is turn around and go to the employer so to speak and the employer says, what do you think about it? Now, if that isn't the silliest thing I have ever heard. I think the public deserves an explanation of that.

Mr. NIMETZ. Let me expand upon the study we did. We have had only limited experience with the Privacy Act and the Freedom of Information Act. They are relatively new acts. We are learning how to deal with them.

The question we posed is whether these acts inhibit communication within the system? I frankly wanted to have a feel for this. I asked our people to go in not just to Guyana, but really to go around the world to sit down desk-by-desk with people in the Department and try to find out from the people who are actually dealing with the issues and what affect these laws have had on their day-to-day operations.

Mr. IRELAND. But, I thought they had a guideline from you explaining how to act.

Mr. NIMETZ. They do.

Mr. IRELAND. They are not going by that guideline?

Mr. NIMETZ. It is a matter of interpretation. For example, the Privacy Act says you shouldn't disclose information about any American to any other individual. There is a criminal penalty. Now, people in the field and in Washington know there is a criminal penalty and they bear a substantial risk.

Therefore, let's say you have information about, say, John Smith. You know that he has been arrested on a pot charge in Paris, but he just got a 1-day sentence and his father comes to town and wants to know what happened to his son John. You know that if you disclose that information you might be charged criminally and that John

Smith might go to the prosecutor and say I didn't want my father to know that I was arrested and you disclosed that information. This is a criminal offense which includes a \$5,000 fine.

Now, we wanted to get a sense of whether this was inhibiting communication. We found it was. To find this out you have to sit down with a fellow who works at the desk and you find out people may not be writing things down, for example, or are using the telephone much, much more now than before.

Mr. IRELAND. Obviously that is not so good either because everything is recorded.

Mr. NIMETZ. No, we don't record things.

Mr. IRELAND. I don't mean in the Department. I mean just as a matter of general practice.

Mr. NIMETZ. Well, it is not a good idea to use the phone for any sensitive information. There are security problems. But, there are other problems as well. The information is not then distributed around the Department, it may be misunderstood, it has more of a temporary nature.

It is something that troubles me because you find that more and more cables come in very, very bland language. So, rather than saying "I am really worried about this son-of-a-gun, et cetera, et cetera, et cetera," you find some very general language without mentioning names, without mentioning specifics to protect against these disclosures. That was the purpose of our study: to get a feeling on how widespread these practices are.

Another thing we were trying to find out was how much time was actually spent administering the Freedom of Information Act. This was not connected with Jonestown. This was something quite shocking to me because given all of our other pressures, we have to process several thousand requests a year. They come from foreigners, too.

Tass, the Soviet news agency, has come in with a Freedom of Information Act request and our Foreign Service officers have to spend taxpayers' time doing research for a foreign newspaper.

There is no restriction in the Freedom of Information Act that only American citizens can take advantage of it. This was the sort of thing we were looking into and seeing how much time was used on it. The survey we did was to get more experience on how actually the laws were working.

We have now pointed out that the criminal penalties have not been used against State Department personnel. I think only one criminal charge has ever been made under the Privacy Act. We point out that our people should not be afraid of being charged criminally, that if they use good faith, they will not be liable criminally, that they have an obligation to report, that they can protect foreign sources.

One of the problems we found, for example, was that since everything is disclosed in the Freedom of Information Act, foreigners were not willing to give us as much information because it sometimes becomes public right away. So, sources were drying up. We studied ways of protecting these sources.

These are problems that go a little bit beyond the concerns here on Jonestown, but in my view they are still important. You have two new acts that are very basic policy decisions. One is to keep people's pri-

vacy intact. The other is to open up government. After a few years you see how it works in practice and you may want some amendments.

Mr. IRELAND. Am I to understand you have put out some new guidelines now?

Mr. NIMETZ. Yes.

Mr. IRELAND. Are those guidelines available?

Mr. NIMETZ. Yes, we would be glad to make them available to the committee.

[The information referred to follows:]

FREEDOM OF INFORMATION AND PRIVACY ACTS

The Under Secretary for Management has signed the following letter to all ambassadors and principal officers:

As a result of the Crimmins/Carpenter and House Foreign Affairs Committee reports on the Jonestown tragedy, a Department Task Force has been studying the effect of the Freedom of Information and Privacy Acts on Department operations and Foreign Service reporting. One of our findings has been that the Department has focused its educational efforts about these Acts at the Junior and Mid-Grade Officer, and has neglected the Senior Officer.

We have seen some evidence that, as a result of our lack of guidance to Senior Officers, some Senior Officers misunderstand the FOIA and Privacy Act and react overcautiously in reporting to Washington, particularly if the report contains information about U.S. citizens. I, therefore, want to take this opportunity to explain to you some of the more troublesome FOIA and Privacy Act problems we face and give you some guidance about them. I hope that you will pass this message along to all Senior Officers working under you.

Disclosure and Liability - There appears to be a perception that the FOIA and the Privacy Act, particularly the latter, strip away the immunity that officers and employees of the Government enjoy in most circumstances for acts taken in the scope of their employment. This is not true.

The Privacy Act contains a provision allowing a person damaged by what the Government has unlawfully revealed about him to others to collect money damages, but the damages are to be paid solely by the United States Government and not the individual officer who was the author of the information revealed.

The Privacy Act does contain criminal sanctions for unauthorized disclosure of personal information by an officer, but requires that the disclosure be "willfull" and that the officer know that disclosure was prohibited. The sanction, therefore, requires that an officer consciously and intentionally disclose information to someone he knows is not authorized to receive it.

Moreover, I would like to stress that reporting of information to the Department from the field is never a disclosure for purposes of the criminal sanctions provision of the Privacy Act. The Bureau of Consular Affairs has established procedures for reporting arrests and other sensitive information about Americans from the field to Washington and, generally, information tagged for that channel goes only to the Department unless the Post specifically determines that it is also to go elsewhere by, for example, deciding that a drug arrest should also be reported to DEA.

We provided guidance to the field in 1977 by a A-4671 of of 18 November 1977 which addresses common instances where other Federal agencies in the field, such as DEA or Customs, might request information directly from a Post or where a Post would be authorized, on its own initiative, to report information to another agency. A-4671 should be reviewed by all Department of State employees who work with employees of other Federal agencies, particularly law enforcement agencies.

Reporting of Facts and Opinion - Officers have reported to us that they are reluctant to include in reports opinions and observations about individuals, whether American or foreign, for fear of being sued for libel. Officers in Washington have told us that a reporting officer's comments about an individual are often important in evaluating the report, particularly if the individual is a source of information.

Our study has led us to conclude that, as a general rule, when the facts--a narrative description of a person's actions--tell the story, the facts should be permitted to speak for themselves. Speculation on such things as a person's motives or state of mind should be avoided unless the facts themselves don't accurately depict what the Department should know. If an officer believes that opinion about an individual is relevant and that the comment is necessary for Washington to be able to assess the individual's credibility and the importance of the information the individual is providing, the officer should report his opinions, preferably in a separate paragraph labeled as comment. The officer should realize that in this situation he is acting within the scope of his responsibilities to inform the Department, and he should not be unduly concerned over the threat of a law suit against him for what he reports.

In any event, however, an officer should avoid totally speculative opinion and intemperate language and should write knowing that opinions he reports about American citizens may be available to them under the Privacy Act.

Records Subject to the Privacy Act - Not all records on the activities of Americans overseas are subject to the Privacy Act disclosure provisions. The Privacy Act mandates disclosure of "records" and defines "record" as "any item . . . about an individual . . . that contains his name . . . or other identifying particular" Thus, reporting that refers only to the actions of groups without naming individual members is outside the scope of the Privacy Act. Furthermore, even if the reporting contains an individual's name, it need not be disclosed under the Privacy Act if it cannot be retrieved by use of that name. Properly classified information is also protected from disclosure.

First Amendment, Record Keeping - One study has confirmed a reluctance to report activities of religious cults or other groups of Americans on the ground that doing so would violate a provision of the Privacy Act prohibiting reporting on American's exercise of first amendment rights. The first amendment provides that Congress will not legislate in ways that abridge the freedom to practice ones religion, to assemble, to publish, to speak freely.

The Privacy Act provision is the following:

Each agency that maintains a system of records shall . . . 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;

Despite this language, Congress, as evidenced by the 1978 Fraser Committee inquiry and report on the activities of the Unification Church, has expressed the view that actions as opposed to beliefs, of certain cults may be examined if there is a question as to possible violation of law. The same would be true of individuals. The Justice Department has recently advised all Federal Agencies that courts, in interpreting the first amendment, have distinguished between the freedom to believe and the freedom to act, which may be subject to regulation for the protection of society. This is not to say that decisions on whether or not to report on activities of Americans abroad, particularly groups of Americans in religious associations, are easy. I would like to distinguish here the Department's consular function and its foreign policy function.

In the consular area, we consider it within the scope of an officer's duties, and not prohibited by the Privacy Act, to report on activities of religious cults which affect the safety, health or welfare of Americans in the group. This would include, to use the Jonestown tragedy as an example, reporting on exhortations of suicide by cult leaders. It would also include child abuse within a cult which condoned such activity. Similarly, an officer should feel free to report suspected criminal activity or advocacy of criminal activity by any cult member.

In the foreign policy area, our concerns are different. As an example, we have received an inquiry from one Post as to whether and to what extent it could report on the activities of a group of Americans with a defined ethnic background who traveled abroad to meet with high-level foreign government officials. The Department's response was, essentially, as follows:

A. Public activities and activities learned from public sources, e.g., the press, may be reported if they might have an impact on foreign relations.

B. Activities you learn about from non-public sources may also be reported, if they have a significant impact on U.S. relations with your country.

C. To the maximum extent possible, the Americans should not be identified by name. However, names may be reported if they are necessary to understand the activity or assess its importance.

D. Pure expression of an individual's views is not, standing alone, sufficient to justify reporting. A meeting with foreign government officials entails more than the mere expression of opinion if it, for example, includes attempts by the officials to suggest strategies, statements, etc. that the Americans should make, or if it includes advice from U.S. citizens as to statements foreign government officials should make to effect their objectives in the United States. In these examples, the names are probably necessary and should be reported.

E. Any information on activities of Americans which violates, or may violate, U.S. law should be reported. This includes violations of the Foreign Agent's Registration Act.

Protection of Sources - In a survey of posts a few months ago in connection with the work of our Task Force, a majority of the posts surveyed reported a perceived inability to protect names of foreign sources or information received from them. Some posts recognized the ability to classify sources and foreign government information at the RDS or XDS level, but felt that the requirement that this be authorized by the Ambassador or the DCM created undue hindrances and delay. You should be aware that, in the absence of the official occupying the position to which classification authority attaches, an officer officially acting for such official may exercise the same classifying authority. In practical terms this means that it is fully within the prerogatives of the Chief of Mission to resolve through practical administrative procedures the marking of documents as XDS or RDS by, for example, authorizing Chiefs of Political and Economic Sections to initial in the name of those who have classification authority if they are unavailable at the time the telegram must be sent. While the Department believes such practical procedures should resolve most of Post problems in these respects, we are examining the desirability of extending its classification authority at posts where rapid reporting requirements are particularly heavy.

I also think it bears reiterating to your Consular officers that the classification authority is available to protect their sources, such as prison officials, local police, etc. In our survey we received several complaints over perceived inability to protect these officials, and what they may tell us about American citizens of consular interest. Section 1-301(B) or E.O. 12065 provides that foreign government information may be classified and Section 1-303 states that "unauthorized disclosure of foreign government information or the identity of a confidential foreign source is presumed to cause at least identifiable damage to the national security." Protection of the identity of a foreign source is broader than a name, and includes protection of an official identified only by title, and protection of a foreign government agency (e.g., French policy) if the agency provides the information in confidence. The provisions of the Executive Order are available to protect foreign officials who give us information in confidence about Americans.

While I hope this advice is helpful to you, I realize that you have to cope with several problems created by FOIA and Privacy which cannot be remedied without legislation. One problem, for example, is the inability to protect the identities of Americans as sources of information given in confidence. We are discussing our FOIA and Privacy problems with several Congressional committees. If you have any specific problems not addressed in this letter you would like us to take up with them, any questions about the advice provided above, or any other questions about the FOIA or the Privacy Act, please let me know.

Mr. IRELAND. And, just in summary, how would those guidelines in your view affect the noninformation and the bland information and the misleading information if not the out and out dishonest information that came from our embassy concerning Jonestown?

Mr. NIMETZ. I don't think there was any dishonest information from Jonestown. I think there may have been some that was not as sharply focused as it could have been. It is hard for me to discuss briefly our guidelines because they are awfully detailed. They explain ways to protect foreign sources so that people shouldn't be afraid of alluding to foreign sources—

Mr. IRELAND. In other words all of this survey and all of this new everything wouldn't have changed the result we got in Jonestown is what you are saying. Would it have helped it? Has all of this exercise been worthwhile?

Mr. NIMETZ. I think it has been worthwhile. Whether it would change the result, I really cannot say. I think the famous interchange of cables could have been more sharply focused and alerted people here in Washington a little more to the intensity of feeling in Jonestown. But, you know, it is very hard to say that things would have been different.

I certainly cannot, in retrospect, say how things would have been different. It is very hard to say.

Mr. IRELAND. One further question if I may. You mentioned, I think your word was communications, was not really sharply focused. I think the thrust of what we are talking about is that a very inadequate and negligent job was done in the communications that were set up and that made the terrible tragedy what it was.

Is it my understanding that still up to this time nobody in the State Department at any level has been reprimanded for what has taken place down there?

Mr. NIMETZ. Well, let me go back. I cannot accept the charge of negligence. I think the Crimmins-Carpenter study and the study by the staff of your committee pointed out some shortcomings and pointed out that the Embassy in Guyana should have perhaps pushed more. There was no formal reprimand; no.

Mr. IRELAND. But, to answer my question, despite all of these things that have been in our hearings and about the mishandling of a lot of things, but what I want to know and have for the record no one has been reprimanded or criticized at all in the Department? It is all hunky-dory in the Department?

Mr. NIMETZ. No; I think there has been criticism.

Mr. IRELAND. Has there been a reprimand? Inside the Department nobody has been reprimanded?

Mr. NIMETZ. I would say the most critical study—

Mr. IRELAND. I don't mean study. Has any individual of the cast of characters in that Embassy been reprimanded?

Mr. NIMETZ. No individual has been formally reprimanded. No, sir.

Mr. FASCELL. As a matter of fact, the Ambassador received a special reward for the handling of the Jonestown matter.

Mr. NIMETZ. Well, I would say, sir, that the post-Jonestown operation was, in my view, handled very, very effectively.

Mr. IRELAND. That is a little bit like saying Mrs. Lincoln, other than that, how did you enjoy the play?

Mr. NIMETZ. You know, it is not my view that the ambassador is responsible for the tragedy.

Mr. IRELAND. What is he responsible for? Who is responsible? That goes to the heart of what we are talking about. You send guidelines and nobody pays any attention to them. You send out new guidelines and you cannot even tell if that improves the thing.

Mr. NIMETZ. The tragedy of Jonestown was the responsibility of the people in Jonestown. There were people there murdered and who committed suicide. The question is not whether the State Department was responsible for what a group of people did in Jonestown. The question is could it have been averted in some way. We have done a lot of soul searching. We have concluded that, given the information we had then, given the fact there was no violence at Jonestown to my knowledge, given the fact there were no reports of arms, given the fact they had never molested—

Mr. IRELAND. No reports of arms? Wait a minute, Customs had a report.

Mr. NIMETZ. There was a Customs report. It was looked into.

Mr. FASCELL. Will the gentleman yield?

Mr. IRELAND. Yes, sir.

Mr. FASCELL. Let's turn this thing around the other way. There were some 900 documents that came out of the State Department with respect to this matter of the investigation. One was a petition by concerned families. One was an affidavit. And, I don't need to recite for the record because the record will speak for itself on the other 900 documents.

Now, none of this got to Ms. Watson's level. None ever got to anybody else's level. I mean what does it take in the Department? This is the issue as I see it. The consular office raises an issue and the Ambassador makes a request to the Department of State and State never even answers it.

You know, something is wrong somewhere. We are talking about Jonestown now. We are not talking about some hypothetical case. So, these are the unanswered questions that raise, it seems to me, considerable doubt. But, aside from that, that is why I say where are we going right now? I am not sure that we are doing what can be done. Part of the problem has been in the past, and we have heard this many times in testimony in this subcommittee. With 10 million people abroad as Ms. Watson said, what is the responsibility of the Department of State?

How far can they go? What should they do? Well, somebody better start telling the Department of State what it is. This committee has tried to do it on a case-by-case basis over quite a period of time. I think one of the recommendations that was made in the Crimmins report, which is very essential, which is that the Executive better take a look at this so the Department of State can decide what are the parameters of their responsibility with respect to their constitutional charter on the protection of Americans abroad.

It does not mean sending the Marines. It might, but it does not mean sending the Marines in every case. That better be spelled out and it better be done throughout the Department in whatever fashion it takes to arrive at this decision.

Then, the request needs to be made to the Congress specifically. This is what we are going to do. We will have investigative staff, we will have this, we will do that, whatever it is. Congress will be required to provide whatever it takes in order to meet the decision. But, the way it is now, it is a never-never land as far as I can see.

Mr. NIMETZ. I think we have done quite a bit in trying to alert Americans as to what their rights are when abroad and the limits to them. It is very important for them to know the limits to which they can be helped. Maybe Ms. Watson would comment on that.

Ms. WATSON. You are aware of the intensive public relations program that we have embarked on, Mr. Chairman, not only in terms of giving conferences to consulars, but also congressional seminars. We have embarked on television, radio, and public service print in the news media. We have done everything that we possibly can to point out the limits within which the consular operations can operate abroad in terms of protecting the Americans and also giving them as much advice as possible to protect them.

Beyond that, we are, as you know, not an investigative—we don't have investigative powers neither by international practice nor by the constitutional and the legal laws on the statutes. But, we do everything in our power to make certain that their interests and rights are protected within the limits of international law and, of course, the limits of our limited personnel, which is getting slimmer and slimmer every day.

Mr. FASCELL. You are going to lose some more. You have an 18-percent cut. But, you are not going to be able to tell the 10 million Americans abroad that you had an 18-percent cut and that you had to have your staff cut down and you don't have the services available because as far as that American is concerned, you are dealing with a matter of perception.

He is looking at the flag and the flag is his protection and there are no limits to his protection.

Mr. NIMETZ. I must say, Mr. Chairman, when you look at the last year of the various things we have done, for example, getting some 45,000 Americans out of Iran, private citizens I am talking about, and how our consular officers worked with them getting them out without any loss of life at all, and getting people out of Afghanistan without any loss of life there.

We have had lots of situations in which Americans have been extremely well protected in the last few years. Obviously, there are cases that come to your attention that haven't been handled as well as they could, but I think one has to look at the many successes and the fact that most people don't write their Congressmen when they get adequately treated at the U.S. consular offices.

Mr. FASCELL. How about the study that was recommended in the report: A blue ribbon committee appointed by the President to look at this whole problem in terms of the ability of the Federal Government through the Department of State and its consular officials and other officials in the Department to provide the perceived services which the American thinks he is entitled to or should be entitled to.

Now, the Department as I see it has been struggling with its own internal review and making whatever recommendations it seems might

be necessary. The Department probably welcomes another study about the Department like I don't know what.

Mr. NIMETZ. Well, one of the focuses—

Mr. FASCELL. I gather that is the reason nothing has happened with the study's recommendations.

Mr. NIMETZ. There is one recommendation for the study of the Freedom of Information Act and the Privacy Act.

Mr. FASCELL. And, you have done that?

Mr. NIMETZ. Yes, sir.

Mr. FASCELL. And, you are prepared to come forward with recommendations for amendments?

Mr. NIMETZ. The Justice Department coordinates this matter within the executive branch. We have sent them our proposals and sent them directly to the Congress as well.

Mr. FASCELL. They are now pending before the committee that is going to start hearings on the subject?

Mr. NIMETZ. I am not sure there are hearings scheduled.

Mr. FASCELL. But, the executive's positions on the recommended changes to the Privacy Act and the Freedom of Information Act have been made public?

Mr. NIMETZ. I cannot even say that. I can say that the State Department has made its recommendations, has transmitted it to the Congress. The Justice Department to my knowledge has not yet made formal executive department recommendations.

Mr. FASCELL. We will have to check that to determine whether or not there are any amendments being submitted by Justice that originated with the Department of State. I think that would be very important. Mr. Royer would like to know that. If he is going to have his own amendments, he needs to follow up to see whether or not they are coordinated with the changes he has in mind.

The question is now that the Department was not constituted financially or otherwise to have lawyers in the field. Now, is there any problem with that?

Mr. NIMETZ. We have now retained some lawyers in the field, haven't we?

Ms. WATSON. We have authorized the post whenever they perceive that there is a need for expert legal counsel, that they are authorized to hire them on a contract basis. We have done so several times.

Mr. FASCELL. Now, how about other kinds of experts? Is there freedom or guidelines or money within the Department for an ambassador to hire such other experts as he might need in a given case? You see what concerns me here is that Jonestown clearly shows from an examination of documentation, transmission, and cables that here was a serious pattern of events that occurred, and it slept right there. Someway that has to be changed. One way to do that would be to lay the responsibility on the ambassador but give him the tools to do it.

Mr. NIMETZ. Mr. Chairman, we have had a psychiatrist on the staff at the State Department and, as I mentioned in my statement, we are looking into using some of our health money to retain psychiatrists in the field. But, I would have to caution, you know, not to be overconfident here. The detecting of this type of behavior, potential suicides, or potential murders of this type is very, very difficult.

Mr. FASCELL. I am just talking about the problem itself was there.

Mr. NIMETZ. That is what I mean. That even if the ambassador in the field was able to retain a psychiatrist to come down and advise him, I am not sure——

Mr. FASCELL. Mr. Nimetz, that is not what I am talking about. I think you ought to have a special team. I have been arguing this for years with the Department and am tired of arguing about it. I think there ought to be a special interdisciplinary team in Washington available that could be sent in the field anytime the ambassador pushes the panic button. He ought to also have the right to hire specialists as he needs them, but that is a different matter.

I still think that would be essential. But, here is a case where the pattern of events just never got to a high-enough level by anybody until after the fact. That is the thing. There it was spread all over the place. That is the problem.

Mr. NIMETZ. But, in retrospect, the pattern is clearer.

Mr. FASCELL. Agreed.

Mr. NIMETZ. But, you take what it was, a case of a child with a divided family and with a court case and anxiety about that case and a few other isolated incidents, you know, put it all together without hindsight, it is hard to see that even having a team in Washington or even bringing it up would necessarily have alerted people to the tragedy that later happened.

Mr. FASCELL. Ms. Watson, you are sending out on a regular basis to the assistant secretaries, I gather that is the regional secretaries, consular concerns of one kind or another?

Ms. WATSON. We are in constant communication with the regional assistant secretaries especially with respect to unique cases that should be brought up to the highest level. In view of our recent reorganization, we are able to handle this very much better than we were before in that we have the overseas citizens service center set up and, of course, there is a citizens emergency center set up about which we have spoken to you before.

They are operating on an around-the-clock basis.

Mr. FASCELL. Well, how do you translate the consular concerns that would come out of a field operation to anybody?

Ms. WATSON. Because, if it comes up in the citizens emergency center, they then immediately contact the desk officer of that particular country.

Mr. FASCELL. You mean from the field directly to——

Ms. WATSON. If you have a problem in the field, they then immediately contact the citizens emergency center.

Mr. FASCELL. In Washington?

Ms. WATSON. In Washington, that's correct.

Mr. FASCELL. And, then it doesn't go through the desk officer?

Ms. WATSON. It goes direct.

Mr. FASCELL. Then, what happens?

Ms. WATSON. Of course, at the same time if it is sent out by cable the information is also sent to the bureau that is involved. The officers in our citizens emergency center then contact the desk officer of that particular country.

We do a far more thorough screening of all cable traffic to spot potential problems.

Mr. FASCELL. How does that get over to the political side?

Ms. WATSON. Well, the desk officer is the political side.

Mr. FASCELL. Oh, he is a funnel? The desk officer doesn't do anything? He just funnels the information one way or another? He doesn't call any shots?

Ms. WATSON. No, sir. He has to be in touch not only with the political sensitivities of the country—

Mr. FASCELL. I don't mean to degrade the desk officer. I am just talking about what his actual responsibility is. Does the desk officer tell the ambassador what to do?

Ms. WATSON. Very often they are in touch with—

Mr. FASCELL. I know they are in touch with them.

Ms. WATSON [continuing]. With the desk officer or the country director of that particular area.

Mr. NIMETZ. I think it would depend on the type of case as to what level you would handle it on.

Mr. FASCELL. Let's start from the beginning. Let's start with the normal daily flow going from the field where the ambassador signs off on it obviously and comes to Washington. Who gets first crack at it?

Ms. WATSON. Who gets first crack at it? They are the communications people.

Mr. FASCELL. I know that. And, they distribute it to whatever the distribution code is for that particular message. I understand that. But, I am talking about the working responsibility officer with respect to action.

Ms. WATSON. Well, let's say, for example, there is a death. This is immediately sent to the citizens—

Mr. FASCELL. Yes, but you are talking about consular service now, which is a whole new route. You just bypassed everything we are talking about, you see.

Mr. NIMETZ. Most of the cases will be deaths, arrests, accidents, things like that, airplane crashes—

Mr. FASCELL. Yes, without being derogatory, they are called routine, nonpolitical cases. Therefore, they run up the consular cone and never get over to the political side. The desk officer doesn't even have the first idea about it or the country director.

Mr. NIMETZ. But, a kidnaping would, an airplane crash would, things like that would. You have to give an example that is the—

Mr. FASCELL. Yes, but I am trying to find out what the criteria is. Now, you are telling me it is subjective. The next question is once you exercise the subjective judgment, who gets the benefit of it? I am over in the consular side. I get the things sent up to the citizens emergency center. Do I get on the phone and call the country desk?

Ms. WATSON. The desk officer also gets copies of the cables.

Mr. FASCELL. But, then he says it is your job. What you are telling me is you put a big responsibility on that desk officer because he has to be the guy politically sensitized because all cables come to him.

Mr. NIMETZ. That is the whole system in the State Department. The desk officer gets everything on the country so—

Mr. FASCELL. So, it is his fault? Anything that goes wrong is his fault? He has the responsibility of making decisions on the responsibility and getting back to the ambassador?

Mr. NIMETZ. No, he can go up.

Mr. FASCELL. He cannot go back to the ambassador?

Mr. NIMETZ. He can go back.

Mr. FASCELL. Well, in this one case he didn't go up or down. I mean on the ambassador's request he didn't go up or down. He didn't go up and he didn't go back.

Mr. NIMETZ. No, they did go back, but they didn't go up.

Mr. FASCELL. I don't recall the recording saying that.

Mr. NIMETZ. No, there was a response saying that it was inappropriate to go to the Guyanese authorities.

Mr. FASCELL. Well, I stand corrected.

Mr. IRELAND. If I may. That would mean that that gentleman that sent that response, he was not responsible line. It was then, when he sent it back, the person to whom he sent the message was then responsible? Right? I think the key to this thing is we get all of this gobbledygook about hindsight and everything else.

I disagree with it. That wasn't a matter of ever looking different with hindsight. The record was out there if anybody had any backbone or took any accountability to know what was going on. In all candor, there is not accountability in your service and you are all running around looking for a place to hide.

And, you know, I think that the real key to this thing is, everybody has theoretically got responsibility, but there is no accountability for it.

Mr. NIMETZ. Well, the Crimmins-Carpenter report said in their view, the ambassador and the embassy should not have taken that response as the final response. They should have, if they felt strongly about it, gone back to a higher level. They felt—

Mr. IRELAND. Then they are accountable. Then it was their responsibility. But, they haven't been reprimanded. And, actually they have been promoted since then. But, you have just this instant told me that they were accountable and in error.

Mr. NIMETZ. Well I know—

Mr. IRELAND. But, everybody in your organization comes up here and dodges around who is accountable. This is the biggest game we ever see.

Mr. NIMETZ. Well, there is a difference between being accountable and being reprimanded.

Mr. IRELAND. You mean people can be accountable and never reprimanded? What a dumb world that is. The rest of these people don't live in that kind of a world.

Mr. NIMETZ. Well, the—

Mr. IRELAND. But, you are saying that you for the first time said here is somebody who is accountable and yet at the same time you are telling me that no action has been taken, no nothing, right? That is all. What a wonderful way to operate.

Mr. FASCELL. Well, the report is quite clear on the very thing you are talking about. There is no question about that. It points out this in cold black print. There it is.

Mr. ROYER.

Mr. ROYER. Well, Mr. Chairman, again—and I know that this meeting is to get into the implementation of the recommendations and so on. But, I do have to harp back to what both of you gentlemen have indicated, however, and say as I said in my opening remarks, that there are just too many coincidences of mistakes or of apparent mistakes. I am still convinced that there is more involved than just mistakes.

I guess the first question I would like to ask you in reference to your implementation is do we assume that your November 21, 1979, communique happens to be your guidelines or is that just one series of reports you put out?

Mr. NIMERZ. I am not sure which document you mean.

Mr. ROYER. Excuse me, it is February—

Mr. FASCELL. Have you got a copy you can show him so he can identify what you are talking about?

Mr. ROYER. It is a February document.

Mr. NIMETZ. Yes, to Congressman Rodino? Yes. Oh, I am sorry—yes, this is it.

Mr. ROYER. This is the cable that was sent out?

Mr. NIMETZ. This is the cable, yes, this is the cable we sent out last year. This is not detailed instructions on the Privacy Act, but it is a cable that we sent out to sensitize all posts with respect to these types of situations.

Mr. FASCELL. The question was is that the final guidelines or is that just some kind of preliminary step?

Mr. NIMETZ. We are sending out additional detailed, more legal guidelines on the act. But, this was a general guideline on Jonestown, on the Jonestown tragedy and alerting people to be aware of these type of organized groups.

Mr. ROYER. Well, Mr. Secretary, do I understand you correctly to say that there have been others other than this sent out or is this the only one that so far has been sent out as far as guidelines to implement some of these things that you are recommending?

I guess I have to make this statement first. I don't think there are any of us here who want to infringe on people's constitutional rights or infringe on the Privacy or Freedom of Information Acts. But, at the same time, it seems that when there are a sufficient number of documents that show up that indicate the sincere concerns that were indicated in this case, there has to be sufficient flexibility for you to do your job.

I have to tell you I have come to the conclusion that it was more than just doing the job. That is why at some point I am going to have to ask the question if higher policies determine how you do the job. I think if you refer to that one report, and it may be coincidental, but somebody evidently thought of it in that order, the priorities seem to be the foreign government that you were in, the Government of the United States, and then the American people.

I mean in that order. That is the way they are listed. Now, again it may have been that somebody only happened to think about them in that order. But, at least it came out in your cable that the concerns had to be one, as they affected the foreign government; two, the U.S. Government; and, three, finally the American people.

Although I didn't base my testimony today on this report, I think it justifies my thinking as to what has taken place as far as the State Department is concerned. What is most important? Does foreign policy come ahead of everything else? I think at some point, Mr. Chairman, that these questions are going to have to be asked of the people who are in the position to respond.

I guess the other question I would like to ask you, and I haven't given you a chance to answer and I apologize for that. But, this docu-

ment that was prepared, is that a document that would have been prepared by you?

Mr. NIMETZ. This cable was cleared by me. A number of people worked on this. Our legal bureau, our consular bureau, and a number of others. But, I did clear this cable which seeks to alert people.

Let me comment on your opening statement if I may. I appreciate the kind words you have said about me and that I have tried to work with your office. But, there is an implication in your statement that the State Department, that the U.S. Government has a policy of purposefully risking American lives for foreign policy reasons. Let me just put on the record that there is nothing more important to us than the lives of American citizens.

That is our highest foreign policy consideration. It is certainly incorrect to say that we would or we did in the Jonestown case or would in the future in any way jeopardize American lives or that we would let a Congressman go into danger without warning in order to pursue some other foreign policy goal.

I think that some of the criticism that we have had on Jonestown, I think that some of the points that the chairman or Congressman Ireland have made have been fair points. We don't always operate perfectly, but any suggestion that we purposefully tolerated or knew about a dangerous situation and purposefully jeopardized American lives just to have good relations with a government is, I think, totally wrong.

I would like to be made very clear.

Mr. ROYER. In other words, you are saying without question all of the information that the State Department had which indicated all of the dangers that were there—and don't think anybody can deny that they weren't out there—that there was no other reason, no other government reason for not making that information available other than somebody just slipped up on it?

Mr. NIMETZ. Well, I think you would have to note, as you did, that both of the studies made on this don't sustain your conclusion that there was information about a risk to life that was in any way suppressed. There have been arguments that we weren't sensitive enough to certain things and the like. But, I don't think there is any suggestion in any of the investigative work that has been done that we knew about a threat to life and that we purposefully hid that threat so as to permit a very dangerous situation to continue.

Mr. ROYER. Mr. Secretary, I am sure you are aware that the affidavit that was prepared and signed and was turned over supposedly to the State Department, at least to State Department personnel certainly indicated those dangers. I mean they told about the guns that were there, they told about the suicide drills, they told about the misdoings as far as the Americans were concerned. I mean how can you say—

Mr. NIMETZ. Are you saying that we purposefully hid that information as a policy matter in order to jeopardize American lives?

Mr. ROYER. I am not suggesting. I am asking the question does there come a time when American policy is more important than the possible risks? I am certainly not indicating that you knew it was going to happen because you probably didn't, but it does appear that there were real serious risks in going there that the State Department was not willing to indicate to the Ryan delegation for some reason.

My own personal feeling is that that some reason is not just complete negligence.

Mr. NIMETZ. Well, I would answer it no, it is not our policy to risk American lives in the interest of any other foreign policy issue.

Mr. FASCELL. I think it fair to say, Mr. Secretary, that has been demonstrated time and time again on the record as far as American policy is concerned. So, I would not concur with my colleague in his conclusion and his opinion with respect to policy. At least there is no evidence of that anywhere.

I don't think there was any decision. But, I can tell you this: That you can arrive at the same point by nobody saying anything or doing anything. You can arrive at the same point where it has the same effect. It is not a conscious thing, however. I don't think you could make it a culpable thing. It just works out that is the net result of what happens as the result of a lot of related circumstances but, not as a direct policy coming from the top.

I would have to agree with Secretary Nimetz. I think that is a little harsh.

Well, we have to go vote. I want to thank both of you for coming up here. We have some questions from the subcommittee which for the purpose of completing the record we would like to submit to you and we would like to pursue the questions of implementation and improvement in this entire process at some future time subject to the call of the Chair.¹

Mr. FASCELL. The committee stands adjourned.

Mr. ROYER. I will be able to put these remarks in the record?

Mr. FASCELL. Yes, absolutely. They are in the record now.

Mr. ROYER. No, I am talking about I had some additional remarks.

Mr. FASCELL. Without objection, we will allow you to put those remarks in the record at the conclusion of the questioning.

[The statement referred to follows:]

Thank you, Mr. Chairman. I would like to make a few remarks, in closing, if I may.

On February 20, 1980, we heard from former staff aides of Representative Ryan and members of the Concerned Relatives. While their testimony may not have been specifically addressed to the precise steps that the State Department has taken since the tragedy, their testimony certainly provided a basis for members of this subcommittee to use when determining whether, in your mind, the steps taken were adequate.

Many of you are aware that I requested Ambassador Burke, Deputy Chief of Mission Dwyer, and Consular Officers McCoy and Ellice to testify today, in order that the allegations raised by Joe Holsinger, Jackie Speler, Steven Katsaris and Mrs. Clare Bouquet could be responded to by those involved.

As you also know, the chairman did not call these witnesses, because they were not responsible for the implementation of the recommendations which are the subject of these hearings. Of course, the chairman was right—they do not. This does not mean, however, that the further questioning of these people should not take place. I believe that the evidence which we now have, including the testimony taken on February 20, 1980, indicates much more than bumbling bureaucrats were at fault.

There are many questions which have either not been answered, or were inadequately answered. Specifically, this subcommittee should be told why the allegations in the Debbie Blakey affidavit were not investigated by Embassy staff, and the results communicated to Washington either in writing or verbally. The same may be said as to the allegations contained in the petition sent by the Concerned Relatives.

¹ The questions and responses appear in appendix 1.

Why weren't the terrorist acts against Kathy Hunter communicated to Washington? Did the ambassador or Mr. McCoy, when they were in Washington in 1978, prior to November, communicate the facts they knew to senior officials? I understand that Mr. McCoy states that he did, in fact relate all of the facts and his concerns to senior officials after his return in August of 1978. I also understand that this has been denied. This conflict must be resolved.

If, as alleged, this communication took place, then why was nothing done? Why wasn't the Ryan delegation informed of these things? Why were none of the documents which were made available to the committee staff not given to the Ryan delegation? Why wasn't the Ryan delegation informed of the details of the November 7, 1978, Jonestown visit by Embassy officers during the "briefing" that took place in Georgetown after the Ryan delegation arrived in Guyana? What did Ambassador Burke tell Representative Ryan about Jonestown during his stay at the ambassador's house when he first got to Georgetown?

I could go on and on. These questions should be responded to, on the record, for this Congress and the American people to see. Furthermore, Mr. Holsinger's allegations of CIA involvement should be investigated, and this subcommittee informed.

Therefore, Mr. Chairman, I hereby request the chairman as well as every member of this subcommittee, to join with me in requesting the chairman of the full committee, to direct the staff investigatory group to fully and adequately investigate the allegations raised by the four witnesses who testified on February 20, in addition to the questions I have just raised, and to report back to the full committee its findings. All material in the hands of the FBI, including the tape recording of the mass murder-suicides must be requested for and on behalf of the staff group.

I would also like to request your assistance in my call for oversight hearings at which the Department of Justice would be called to testify as to the current state of the investigation into the assassination of Representative Ryan. I would like to point out two events which have occurred since the staff group completed its investigation which point to the need for these hearings: The first has to do with a recent report that Sharon Amos, a high Temple official who was killed on November 18, 1978, had been previously instructed by Rev. Jim Jones to shoot the pilot of the airplane that was to take Representative Ryan to Port Kaituma on the trip to Jonestown. Also, this report indicates that at least one former People's Temple member has returned to the United States from the country of Grenada, where apparently a number of Temple members fled following the suicide-murders.

The other recent occurrence that forms a basis for the hearings I have called for are the killings, last week, of two former Temple members who had defected from the Temple. I have been informed that a family member who was a former member of the People's Temple has been questioned concerning the murders. I am also informed that this person did not share in the disaffection of the parents for Rev. Jim Jones.

Until we hear firsthand from the Department of Justice as to what they have done, and are doing, with regard to the assassination of Representative Ryan and the death of the over 900 Americans, none of us can be assured that the evil that was People's Temple has, in fact, been destroyed.

Therefore, I respectfully request that you all join with me in requesting any and all subcommittees of jurisdiction to convene oversight hearings to call the Department of Justice in to explain what they have and have not done.

Mr. ROYER. Thank you. Are you planning on having another hearing?

Mr. FASCELL. Well, I don't know right now. But, right now we will have to adjourn until we go vote. The subcommittee stands adjourned subject to the call of the Chair.

[Thereupon, at 4:10 p.m., the hearing in the above-entitled matter was recessed, to reconvene at the call of the Chair.]

APPENDIX 1

QUESTIONS SUBMITTED BY SUBCOMMITTEE ON INTERNATIONAL OPERATIONS TO THE DEPARTMENT OF STATE AND RESPONSES THERETO

Question 1. On page 27 of the testimony it is stated that SCS (Office of Special Consular Services) and the Embassy saw the Stoen custody case as part of a larger issue, but the rest of the Department didn't. What's being done to insure that senior officials in the future will automatically be alerted to the accurate and full nature of such potentially serious situations?

Answer. Among the most important legacies of the Jonestown experience is a heightened awareness throughout the Department of the necessity for following our consular cases closely and keeping alert to potential problems and potential opportunities for protective or preventive action. Our consular officers here and abroad are sensitive to the necessity for keeping in contact with the political and other areas in the Department. We closely follow the daily cable traffic on consular affairs which is routinely disseminated to the geographic bureaus, and we make sure that all concerned officers, including officers not normally involved with consular affairs, are kept informed about cases with more than just consular implications.

The Assistant Secretary for Consular Affairs makes it a point to raise at the Secretary's and Deputy Secretary's regular meetings, any consular issues which senior officers of the Department should be aware of. During briefings of ambassadors and other senior officers and through other forums (consular conferences, visits to posts, training programs and workshops) we emphasize, at all levels, that consular matters, particularly those involving the protection of American citizens, must be of concern to the entire mission abroad. What is true abroad is equally true here in Washington.

An important consideration contributing to consular access to other senior officials in the Department is the fact that the person in charge of Overseas Citizens Services has been elevated to the rank of Deputy Assistant Secretary. This is one of the results of the reorganization of the Bureau of Consular Affairs.

Question 2. The Department, according to your report, insisted on "hard evidence" as the only basis for action. You also claim no investigative authority. What do you mean by "hard evidence?" You had affidavits. If you have "soft evidence" from hundreds, do you ever become suspicious or do you just wait for tragedy to strike? How do you justify your "hard evidence" guidelines?

Answer. The Department of State and the Embassy at Georgetown sent consular officers to Jonestown to interview every American citizen about whom relatives or friends had expressed concern. It was only after repeated visits, careful observation, many private interviews, and discussions with Guyanese police officials had failed to turn up any substantial evidence to support the allegations made against the People's Temple that the Embassy and the Department felt that "hard evidence" was needed before pressing the Guyanese Government to assert greater jurisdiction over the community at Jonestown.

The insistence upon more substantial evidence as opposed to affidavits arose from the fact that many conflicting and unsubstantiated allegations had been made by both supporters and opponents of the People's Temple; accordingly those officers most familiar with the situation became increasingly skeptical and wary of the statements made on both sides.

Our experience has shown that when approaching a foreign government about the alleged activities of our citizens it certainly is desirable to present supportive evidence about those activities. The Crimmins/Carpenter Report (page 67) points out that this was not only our concern but the concern of the Guyanese Government as well. The Report (page 67) mentions " * * * the stress laid by both the United States and Guyanese Government on the need for 'hard evidence' as the only basis for action * * * ."

Question 3. Has the Department received complaints about groups such as the People's Temple involving Americans abroad? What, if anything, are you doing about such complaints? Are you receiving full cooperation from the Department of Justice?

Answer. Since Jonestown, the Department has received information on less than 10 organizations or groups of American citizens overseas involving such allegations as the use of mind control techniques, abuse of rights, or child neglect. It is standard procedure to ask the Foreign Service post to inquire into the situation and report promptly. Our consular officers seek the assistance of foreign government authorities in investigating the situation and protecting the American citizens involved.

We are alert to the possibility of the exercise of undue influence by a leader, and the need for the consular officer to try to protect American citizens who may not be able to care for themselves, such as minors and the mentally ill.

In these few instances to date we have had no occasion to request the assistance of the Department of Justice but we have no reason to believe that their cooperation would not be forthcoming, if requested.

Question 4. In June, Ambassador Burke attempted to get State approval for him to ask Guyana to exercise its jurisdiction more fully in Jonestown. No senior officials acted on the response. What's been done to assure that serious concerns of our ambassadors are taken seriously by senior departmental officials? Cables were exchanged but communication did not take place. What is being done about effective communications? Did the use of cables instead of the telephone inhibit actual communications?

Answer. As indicated in the answer to question number 2 we utilize a variety of forums to emphasize that assisting and protecting United States citizens abroad is of major importance to the mission and the Department. Our ambassadors, consulars and other officers are instructed to give priority to communicating their concerns in detail to Washington. Use of the telephone to ensure a dialogue is encouraged where security considerations do not rule out such means. The use of cables alone should not inhibit communications.

Question 5. The Foreign Service is proud of the high caliber of people which it recruits. How do you explain the repeated failures of judgment by Foreign Service officers; the failures to appropriately disseminate, absorb, and evaluate the information they were getting? The failures to consult experts in the kinds of phenomena being described to the Department and the Embassy? What implications does this episode have for recruitment and training?

Answer. The actions of officers in the Embassy and the Department with respect to the situation at Jonestown are described at length in the Crlmmins/Carpenter report.

We consistently seek to improve our procedures and performance in the handling of consular problems. As with any unique phenomenon the value of expert assistance becomes readily evident. We are aware of the advantages of expert guidance in dealing with situations of unusual psychological stress. For example we have utilized the services of a psychiatrist with specialized training and experience to provide training guides for use at the Foreign Service Institute.

The implications for recruitment and training, not only of the Jonestown experience, but of the sum total of demands being made upon Foreign Service officers today are indeed serious. The Department makes great efforts to recruit and train officers who have the requisite skills and qualities for their profession, and to inspire or reinforce in them the dedication they will need to withstand the pressures and, increasingly, the dangers, which a Foreign Service career entails.

Question 6. Should the Department have legislated responsibility to investigate difficulties a U.S. citizen may be encountering abroad? (This would not, of course, affect restrictions imposed by the necessity for operating in conformity with other countries' laws.) Should we seek investigative authority in our consular treaties?

Answer. We believe that the authority which consular officers presently have to inquire into situations affecting the welfare of U.S. citizens overseas, to take appropriate steps, or to urge local authorities to take steps, to protect Americans, offers a sufficient scope for the protective functions our consular officers perform.

As new consular conventions are drafted, specific provisions are being included that provide for our officers to seek the assistance of the receiving state in gathering information about the location of and matters pertinent to the

welfare and safety of the sending state's nationals. Receiving states under such conventions are obligated to provide such assistance.

The sensitivities of foreign governments to extraterritorial investigative activities is a major obstacle to any foreigner engaging in any such activity. It would also require the extension of reciprocal authority to other governments to "investigate" their nationals living in the United States. Accordingly, it would not be practical or desirable to seek to include investigative authority in our consular treaties.

Question 7. Miss Watson, the petition by concerned relatives was apparently never responded to by SCS or State. Moreover, a June letter from the Stoen's attorney transmitting the Blakey affidavit of June 15, 1978 was never answered. Does your bureau have a policy about answering letters from U.S. citizens? (The Department was asked to take specific actions including the forwarding of a petition to the Prime Minister of Guyana.)

Answer. The policy of the Bureau of Consular Affairs is to respond to letters and requests as promptly, completely, and helpful as possible.

Overseas Citizens Services has developed tighter procedures for controlling correspondence and for following-up on problems or correspondence which is referred to other offices for guidance, clearance, or reply.

Question 8. On page 28 of the report, it is suggested that the knowledge that U.S. law enforcement agencies were not doing anything about the People's Temple furthered the feeling of constraint under which State officials operated. Specifically, what steps is State now taking to initiate alerts to our own law enforcement agencies about the possible need for action? How will the Department pursue such requests?

Answer. In fulfilling its role and function of providing assistance to American citizens overseas the Department has consistently not had or been given primary law enforcement responsibility save those areas connected with suspected passport or visa fraud cases, or misconduct of its personnel involving possible violations of U.S. laws. Within existing authority and guidelines the Department cooperates with agencies that have primary law enforcement responsibility. In this context when evidence of suspected criminal violations of U.S. laws comes to the Department's attention it is made available to the competent agency having particular statutory responsibility. Subsequent to Jonestown the Department of Justice requested that its Criminal Division be furnished information about any suspected criminal activity of American citizen groups overseas. Several other Departments and bureaus including the Treasury Department, Federal Bureau of Investigation, Comptroller of the Currency, Securities and Exchange Commission, the Internal Revenue Service and Immigration and Naturalization Service received similar requests. All were requested to designate a particular person as a contact point for investigations of possible criminal activities. The Department's liaison with the Justice Department is maintained by a member of the staff of the Office of the Legal Adviser.

Question 9. The Department's report urged periodic and structured meetings between consular officers and regional desk officers to assure better information sharing and maximize problem identification. Is that being done? How often—monthly as suggested? Are the minutes of such meetings shared with embassies and other field offices?

Answer. The recommendation about monthly meetings is more attractive in theory than practice. There are 200 country desks in the Department. Monthly meetings with each would require ten meetings every workday. Such an overwhelmingly heavy schedule of meetings would be a formidable obstacle to carrying out our essential function of providing assistance to American citizens overseas.

We have, however, taken alternative steps to improve coordination and information sharing. Consular officers follow the daily cable traffic closely to ensure that all concerned areas of the Department are informed, and that they in turn alert us to problems or cases with consular implications. We carefully monitor consular cases overseas, keeping alert to potential problems and potential opportunities for protective or preventive action.

Question 10. Miss Watson, are you sending regional Assistant Secretaries monthly memoranda listing consular concerns? How is this working? Is it helpful? Can the Subcommittee routinely receive copies of these reports?

Answer. Assistant Secretary Watson does not send monthly memoranda discussing consular issues to regional Assistant Secretaries. All Assistant Secretaries meet twice weekly in a staff meeting chaired by the Deputy Secretary.

These meetings provide a more timely and effective forum for identifying and acting on issues of major concern. Miss Watson also brings individual cases or problems of particular concern to the attention of other Assistant Secretaries, the Deputy Secretary, or the Secretary by telephone or memorandum as appropriate.

Question 11. What is being done to "strengthen and accelerate" improvement in the quality of consular personnel and to enrich their training? Do you have the money to do this?

Answer. We continue to emphasize the importance of training for consular officers and staff, and to seek ways in which to adapt new training courses to the limited time that can be made available from the pressures of increasing consular workload. The Department has developed a highly effective entry level consular training program utilizing simulation techniques. In addition to the consular cone officers selected for university training and senior training each year, the Department has developed an advanced training course for consular officers which broadens their understanding of current issues in the consular field, as well as of modern management theory and practice, psychological techniques for dealing with stress, relations with Congress, and other areas of particular concern. The Department has also developed a three-week training course for senior Foreign Service National consular assistants which gives them direct exposure to the officers in the Department providing guidance for their work, and to the staffs of Members of Congress handling the consular problems of constituents. Technical workshops for working level consular officer and FSN employees are scheduled for each geographical area, and a new overseas supervisory training program for American consular and administrative officers will further strengthen the management of consular sections. Moreover, the Department schedules annual consular conferences in all geographic areas to ensure that consular officers are kept abreast of current problems and policies.

We have taken specialized citizen services training courses to the field on several occasions with regional workshops for both officers and consular assistants. We plan to continue using annual regional consular conferences, visits to posts abroad, and briefings in Washington, to increase the dialogue between the Department and posts in the field on consular problems. Part of the normal consular training of junior Foreign Service officers in Washington includes workshop sessions in all directorates of the consular affairs bureau.

As a result of severe Congressional and OMB reductions in travel funds this year, the Department has had to cancel all travel for internal conferences, including consular conferences. However, within the limited resources available, we continue to give priority to consular training requirements.

Question 12. The report says that those who knew of reports of a mass suicide threat "gave them no credence." Were these trained experts in the psychology of suicide? On what basis did they dismiss such grave allegations?

Answer. Consular officers visited Jonestown repeatedly and interviewed many of its inhabitants. Officers in the Department received and forwarded the complaints and allegations by parents and friends of the members of the People's Temple. None of these officers were trained experts in psychology, but as consular officers many had had direct exposure to persons suffering from various types of mental problems. These officers as well as all other officers in the Department and Embassy who had any contact with Jonestown found the mass suicide threat incredible.

Question 13. What was the involvement to the best of your knowledge of the INR with regard to the Jonestown situation on the Guyana situation in general in 1978?

Answer. The relevant office in the Bureau of Intelligence and Research (INR), i.e., the Office of Research and Analysis for American Republics Affairs, was not involved in "the Jonestown situation". That is, the Office originated no reporting or analysis on the situation and was not represented on any Department or Inter-Agency working group or task force concerned with Jonestown.

The same Office was "involved" in "the Guyana situation" in the same way it is involved with all countries in the Latin America-Caribbean area: the office monitors developments in these countries and prepares analysis reports for the attention of policy making officials as necessary or as requested by tasking offices. The analyst responsible for Guyana simultaneously monitors developments in approximately ten other countries. Attention to Guyana during 1978 was relatively slight.

Question 14. The House Government Operations Committee has begun hearings on amending the Privacy Act and Freedom of Information Act. Has the Department asked or been asked to testify at those hearings? Has the Department prepared a specific legislative remedy for the problems cited in your report?

Answer. The Department of State was not invited to testify before the House Government Operations Committee on the subject of the Privacy and Freedom of Information Acts. The Department has, however, completed a study of the impact of both statutes on Foreign Service operations, and it has transmitted its recommendations for legislative changes to the Department of Justice. Similar letters were sent to Chairman Richardson Preyer of the House Government Operations Committee, and Chairman Clement Zablocki of the House Foreign Affairs Committee.

Question 15. How and to what degree do political considerations mandate the content and tenor of communications to and from an embassy and the State Department in Washington?

Answer. It is impossible to generalize regarding the motivations which influence the content and tenor of the millions of telegrams which are exchanged annually between Washington and U.S. posts overseas. As the U.S. government agency charged with implementing foreign policy, the Department of State attempts to secure information and distribute instructions calculated to best serve the interests of the United States in light of all factors which may affect the outcome of a particular situation. Those factors may include political considerations in the broad sense that bilateral and multilateral relations are often characterized by political (as well as economic, humanitarian, and other) overtones.

Question 16. What is the sensitivity of the State Department officials here in Washington to the fact that political considerations may in fact impede candor and frankness in communications from embassies?

Answer. It is not clear in what sense the term "political considerations" is used in this question, nor is it self-evident that these considerations do impede a full and frank exchange of views between the Department of State and its overseas posts. Accurate and complete information is essential to the formulation and implementation of foreign policy, and the Department encourages its officers to report on developments abroad in a comprehensive and candid manner. In addition, a procedure exists within the Department whereby minority or dissenting viewpoints and opinions can be communicated by officers of any rank to the highest levels of the Department for consideration.

Question 17. Are there any documents other than the unclassified cable dated February 19, 1979 from Secretary Nimetz entitled "Post Reports on American Communities" relative to guidelines to be followed when preparing and communicating reports of activities of American citizens abroad?

Answer. Yes. The Department of State has issued a document entitled "Privacy Act Guidelines" that contains detailed guidance regarding the preparation and communication of reports on the activities of American citizens abroad.

Question 18. The Crimmins report seems to find that there was an unfortunate concentration of information in one person—a consular official in Jonestown who was later transferred to Washington. It seems to follow that this "undue concentration" somehow prevented meaningful communication to higher officials in the State Department. What steps have you taken to prevent a recurrence of that situation?

Answer. The Department of State has never had a consular official stationed in Jonestown; the question must refer to the Chief of the Consular Section at the U.S. embassy in Georgetown. Until the arrival of Congressman Ryan's party in November, 1978, the People's Temple Agricultural Community primarily dealt with the U.S. embassy on matters of consular concern—such issues as social security payments, welfare and whereabouts questions, and recordation of births and deaths. While most of the People's Temple business was consular in nature, the entire country team of the embassy was aware of the community's existence and activities. It was not the case that information relating to the People's Temple was limited to a single officer.

Question 19. The Privacy Act forbids reporting on the manner in which American citizens abroad engage in First Amendment activities. Yet your February 1979 cable restricts reporting on all activities which may constitute the exercise of a constitutionally protected liberty. What is the justification for this? The cable, furthermore, indicates that a consular official should take no action which

would impart a "chilling effect" on the exercise of constitutional liberties by reporting unusual or threatening conduct. What circumstances can [you] perceive which would impart such an effect on the exercise of constitutional liberties by the mere act of reporting an unusual or threatening situation?

Answer. The February 1979 telegram encouraged posts to report on the activities of American citizens abroad when those activities are of legitimate interest to the Department and are not specifically protected by the provisions of the Privacy Act. The Department does not wish to limit or inhibit the full exercise of Constitutional liberties by American citizens, whether in the United States or abroad, either through direct action by Department officials or through burdensome and unwarranted reporting requirements.

Question 20. How do you define "the exercise of constitutional liberties"?

Answer. Subsection (e) (7) of the Privacy Act directs each agency to:

"* * * 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 * * *."

The Department of State's "Privacy Act Guidelines" states that: "[t]here is no universal agreement on the exact meaning of 'rights guaranteed by the First Amendment.' In its regulations for implementing the Privacy Act, OMB has directed that Federal agencies:

'[i]n 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 * * *.'"

With regard to the requirements of the Privacy Act as they relate to the exercise of First Amendment rights, the "Guidelines" set forth the following general rules:

"1. The Privacy Act does not distinguish between information acquired from public sources and information acquired from nonpublic sources. However, public activities—or those activities learned of from public sources such as press reports, public statements, or other media reports—may be reported if they might impact on U.S. foreign relations.

"2. Information collected from nonpublic sources should be handled carefully.

"3. If the Department of post learns from nonpublic sources of activities of U.S. citizens which may have a significant impact upon U.S. foreign relations, they may be reported or retained.

"4. Whether the information comes from public or nonpublic sources, it should be, to the greatest extent possible, reported or retained in a way which does not identify U.S. citizens by name. For example, 'A group of U.S. business representatives met last week with * * *.' Names may be reported if they are necessary to understand the activity or to assess its importance.

"5. Pure expression of an individual's views, such as criticism of U.S. policy, is not, of itself, sufficient to justify reporting.

"6. Any first-hand information or reliable reports of activities of U.S. citizens which may involve a violation of U.S. law should be reported and the citizens involved should be named. The Department will pass the information to the responsible law enforcement agency. Mere rumors or gossip should not be reported. Unless specifically authorized, the Department or post has no mandate to investigate violations of U.S. law by U.S. citizens overseas.

"7. Officers should avoid characterizing the behavior of U.S. citizens and should refrain from including other gratuitous remarks.

"8. Generally, commercial information may be reported or retained, although it should not include irrelevant personal information about the U.S. citizens involved."

Question 21. Is that reduced in writing?

Answer. Yes. The material quoted above can be found in "Privacy Act Guidelines," compiled by the Department of State's Foreign Affairs Document and Reference Center.

Question 22. Has that been communicated in any way to embassy or consular officials?

Answer. Yes. Copies of the "Privacy Act Guidelines" have been widely distributed within the Department and to overseas posts.

Question 23. What specifically is being done to enhance the security of Members of Congress when they travel?

Answer. The Department requests Embassies overseas for an assessment of the security situation for each Congressional delegation (CODEL) prior to departure from the United States. The Office of Security, in coordination with the

Office for Combatting Terrorism, notifies the Office of Congressional Relations about any threat situation which would pertain to a congressional visit in question. The Office of Congressional Relations seeks to brief the head of the CODEL as appropriate before departure, and Embassies are instructed to update and brief travellers as appropriate enroute.

The protection of a Member of Congress abroad is the responsibility of the host government. Security questions are raised directly with the host government where any threat is perceived to exist and, as appropriate, security protection is requested of the host government.

Question 24. When making a threat assessment under the current procedures, are intelligence agencies consulted?

Answer. The Office of Security (and/or the Bureau of Intelligence) consults with intelligence agencies on threat assessments only when additional information is required, then in turn briefs the traveller. A total of approximately twelve significant briefings have been provided to travellers directly by the Office of Security and the Office for Combatting Terrorism during the past eighteen months.

Question 25. When making such a threat assessment, are the underlying documents made available to the Congressional Delegation?

Answer. If a threat exists and the provisions of the document would be useful in informing Members of Congress about conditions, they would be made available for review by the Congressional Delegation.

APPENDIX 2

QUESTIONS SUBMITTED BY REPRESENTATIVE BILL ROYER TO HON. BARBARA M. WATSON, ASSISTANT SECRETARY OF STATE FOR CONSULAR AFFAIRS, AND RESPONSES THERETO

Question 1. What is your personal role in the threat assessment process?

Answer. Whenever a Congressional delegation is visiting a country where there are consular problems of which the delegation should be aware it is standard procedure for the Office of Congressional Relations to inform CA and ask for our input. In most cases of Congressional travel consular issues are not involved.

Question 2. Is it your custom to discuss consular matters from time to time with Ambassadors when they visit Washington?

Answer. Assistant Secretary Watson or her senior deputy meets with all ambassadors and most principal officers proceeding to their post of assignment, as well as with many ambassadors and principal officers on home leave or consultation in Washington. All of the constituent offices of CA (OCS, PPT and VO) submit briefing papers on pertinent issues to CA for discussion during the briefing.

Question 3. How often do these visits typically occur in a year?

Answer. About 100 times a year. Thus far in 1980 Assistant Secretary Watson or her senior deputy have briefed 26 principal officers.

Question 4. If you have such personal discussions with Ambassadors do you encourage them to describe to you in graphic detail any specific problems they may have?

Answer. The CA Bureau is keenly aware that if we do not have the broadest possible understanding of the problems posts are confronting we cannot be fully responsible to them. Assistant Secretary Watson encourages all of our ambassadors and other officers to be as candid and informative as possible and assures them that within the limits of our own resources, we will support them to the fullest.

At the same time, Miss Watson impresses on these Ambassadors and other senior officers the importance of their being personally aware of the consular functions within their missions, and of becoming personally involved in serious consular problems, particularly those dealing with United States citizens.

Question 5. I assume you are aware of another group of Americans in Guyana who call themselves the "House of Israel." Have you received any communications subsequent to your February 1979 cable with regard to this group? If so how many?

Answer. To our knowledge none of the members of the House of Israel are United States citizens except the leader, who calls himself "Rabbi" Washington. We have received few communications on this group, and these primarily concern the status of "Rabbi" Washington. Although we understand he is the subject of an outstanding state warrant in the United States his extradition appears unlikely, since the state authorities issuing the warrant have declined to request extradition.

Question 6. Does the presence of this group pose to you any singular consular or political problems in Guyana?

Answer. Excluding the potential extradition problem noted above, neither "Rabbi" Washington nor his group have placed any singular consular demands on the Embassy. Politically, we understand the group and its activities have been the subject of some controversy within Guyana.

Question 7. Is there in effect now a process whereby consular officers who are rotated back to Washington are debriefed?

Answer. Officers on consultation in Washington are expected and encouraged to contact Department officers concerned with activities at their last post of assignment and they normally do so. The Consular Affairs Bureau has discussions with many such officers every month.

Question 8. Was such a process followed when Mr. McCoy rotated back from Guyana to Washington in August of 1978?

Answer. As indicated on page 71 of the Crimmins/Carpenter Report, Mr. McCoy met with Assistant Secretary Watson on September 7, 1978 after Mr. McCoy had become Desk Officer for Guyana. The report states that "they discussed coordination between SCS and ARA/CAR in addition to general aspects of the Temple and Stoen case."

APPENDIX 3

LETTER FROM HON. DANTE B. FASCELL, CHAIRMAN OF THE SUBCOMMITTEE ON INTERNATIONAL OPERATIONS, TO HON. CLEMENT J. ZABLOCKI, CHAIRMAN OF THE COMMITTEE ON FOREIGN AFFAIRS, REQUESTING THAT THE COMMITTEE REVIEW THE SUBCOMMITTEE HEARING TRANSCRIPTS TO DETERMINE THE NEED FOR FURTHER ACTION

MARCH 10, 1980.

HON. CLEMENT J. ZABLOCKI,
Chairman, House Foreign Affairs Committee, 2170 Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: The Subcommittee on International Operations recently concluded two days of hearings on implementation of recommendations made as a result of our committee's inquiry into the Jonestown tragedy and a separate investigation by the Department of State. During our hearings, several witnesses raised questions and made allegations regarding events leading up to the tragedy. These statements were not related to the purpose of our subcommittee hearings, but may merit further attention by the full committee. I request that you have the Committee investigative staff group review the February 20 and March 4, 1980 testimony before our subcommittee to determine whether any further investigation is required.

Sincerely,

DANTE B. FASCELL,
*Chairman, Subcommittee on
International Operations.*

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APPENDIX 4

LETTER FROM HON. CLEMENT J. ZABLOCKI, CHAIRMAN OF THE COMMITTEE ON FOREIGN AFFAIRS, TO HON. DANTE B. FASCELL, CHAIRMAN OF THE SUBCOMMITTEE ON INTERNATIONAL OPERATIONS, RECOMMENDING THAT THE COMMITTEE REFER CERTAIN ALLEGATIONS CONCERNING JONESTOWN TO THE HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 31, 1980.

HON. DANTE B. FASCELL,
Chairman, Subcommittee on International Operations,
Committee on Foreign Affairs, Washington, D.C.

DEAR DANTE: In further reference to my letter of March 18 I am enclosing the Staff Investigative Group's letter reporting on their review of your Subcommittee's hearings on the Jonestown matter.

As you will note, the Staff Investigative Group's evaluation is that your hearings, useful and informative as they were in many respects, did not produce any substantive information which has not already been considered in the Committee's investigation.

The one qualified exception to that determination relates to various allegations regarding a possible CIA involvement, the details of which are outlined in their letter. While noting that these allegations are largely speculative and generally unsubstantiated, a fact conceded even by the witness who offers them, the Staff Investigative Group recommends that these contentions be referred for review to the House Permanent Select Committee on Intelligence with subsequent report to the House Committee on Foreign Affairs.

In particular I would underscore and endorse the Staff Investigative Group's belief that the recommendations in the Committee's report require fuller implementation, especially those requiring the action of appropriate Congressional committees. To that end, I invite your continued support and the assistance of all Members of Congress. In addition, you may wish to consider pursuing, as appropriate, those elements of the report on your own witnesses' comments and suggestions regarding the actions of the Department of State before, during and after the tragedy.

If you feel there is anything further I can do in this matter please do not hesitate to contact me.

With best wishes, I am
Sincerely yours,

CLEM, *Chairman.*

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 28, 1980.

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

DEAR MR. CHAIRMAN: Pursuant to your directive, we have carefully reviewed the transcripts of the February 20 and March 4 hearings of the International Operations Subcommittee on the Jonestown matter. On the basis of that review we have reached the following conclusions:

1. The testimony and questioning did not generate any substantive information which has not already been considered in the Committee's investigation as contained in our report of May 15, 1979.

2. Various allegations voiced during the Subcommittee's hearings regarding possible CIA involvement were examined by the Staff Investigative Group, resulting in the findings contained on page 21 of the Committee report. However, in view of the persistence of these allegations we believe it would be appropriate to refer them for review to the House Permanent Select Committee on Intelligence, with a report on findings made to the House Committee on Foreign Affairs. Recognizing, as do Subcommittee witnesses, that these Jonestown-related allegations are largely speculative and unsubstantiated, the Select Committee should examine among others the following:

(a) The contention that the CIA conducted a varied range of "activities" in Guyana;

(b) The contention that a CIA agent witnessed Representative Ryan's assassination;

(c) The contention that the CIA may have violated the Hughes-Ryan Act by failing to report a covert operation in Guyana;

(d) The contention that the CIA made a conscious decision to allow the tragic events of November 18, 1978 to occur in order to avoid disclosure of CIA covert activities in Guyana;

(e) The contention that this alleged reporting failure was conscious and calculated because Representative Ryan was a coauthor of the Hughes-Ryan Act; and

(f) The contention that the CIA was used to promote and protect American commercial interests in Guyana.

3. The transcripts of the Committee's investigation were classified "confidential" for the security of the witnesses and to maximize the accuracy and scope of the information they provided. Because those considerations will dissipate with the passage of time, we believe the classification should be removed by January 1, 1985, assuming the formal agreement of the witnesses. We believe such an action would not only complement the recommendations of our own report but also serve important scholarly studies.

4. As to allegations that Jim Jones had previously instructed Sharon Amos to shoot the pilot of the airplane which flew Representative Ryan to Jonestown, this matter appears to be within the purview of the Department of Justice's investigation into a possible People's Temple conspiracy to kill Mr. Ryan, and should therefore be referred to the Department of Justice.

Aside from these conclusions we believe that the Subcommittee's hearings have reinforced the importance of implementing the various recommendations of the Committee's investigative report. As you know, although this Committee has undertaken a strenuous effort to achieve such implementation, especially with Congressional Committees which have jurisdiction in such areas as the Freedom of Information Act, Privacy Act, and Internal Revenue Service regulations, little has actually been accomplished.

We trust you find this evaluation and analysis of the Subcommittee's hearings useful and informative.

Cordially,

IVO SPALATIN, *Staff Director,
Subcommittee on International Security
and Scientific Affairs.*

GEORGE R. BERDES, *Staff Consultant.*

THOMAS R. SMEETON,
Minority Staff Consultant.

APPENDIX 5

LETTER FROM HON. CLEMENT J. ZABLOCKI, CHAIRMAN OF THE COMMITTEE ON FOREIGN AFFAIRS, HON. WILLIAM S. BROOMFIELD, HON. DANTE B. FASCELL, AND HON. JOHN H. BUCHANAN, MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS, TO HON. EDWARD P. BOLAND, CHAIRMAN OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE. URGING THE SELECT COMMITTEE TO REVIEW CERTAIN ALLEGATIONS CONCERNING JONESTOWN

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 3, 1980.

HON. EDWARD P. BOLAND,
Chairman,
Permanent Select Committee on Intelligence,
Room H405, The Capitol,
Washington, D.C.

DEAR MR. CHAIRMAN: Following the tragic assassination of our fellow colleague, Representative Leo J. Ryan, Chairman Clement J. Zablocki appointed a Staff Investigative Group to conduct 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.

After a six-month investigation, the Staff Investigative Group (SIG) presented its findings and recommendations in a report to the Committee on Foreign Affairs on May 15, 1979, a copy of which is enclosed for your perusal.

As a part of this Committee's commitment to oversee implementation of those SIG recommendations which are under its legislative jurisdiction, Representative Dante B. Fascell, Chairman of the Subcommittee on International Operations, conducted public hearings on February 20 and March 4 to determine what additional action may be required. Based on these hearings and subsequent review by the SIG, it is our conclusion that—with one exception—these hearings did not produce any substantive information which has not already been considered in this Committee's investigation.

That one exception relates to various allegations regarding a possible CIA involvement, which fall within the purview of the House Permanent Select Committee on Intelligence. Accordingly, we respectfully urge your Committee to review these allegations and to report your findings to the Committee on Foreign Affairs.

With best wishes, we are

Sincerely yours,

CLEMENT J. ZABLOCKI,
Chairman.

WILLIAM S. BROOMFIELD,
Ranking Minority Member.

DANTE B. FASCELL,
Chairman, Subcommittee
on International Operations.

JOHN H. BUCHANAN, JR.,
Ranking Minority Member,
Subcommittee on International Operations.