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ORIGIN L-03

20 Nov 78 0138

INFO OCT-01 ARA-11 ISO-00 JUSE OF INVESTIGATION SCS-06 CA-01

SS-15 FBIE-00 NSCE-00 SY-05 CIAE-00 INR-10

NSAE-00 SSO-00 INRE-00 USSS-00 PA-01 SVC-00 / 05

FBI  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 9/12/92 BY 1048 DCM-Judri

DRAFTED BY L/ARA:M.KOZAK  
APPROVED BY ARA:BGROVE

JUSTICE:MR. KEUCH

FEDERAL GOVERNMENT

S/S-0: TRREYNDERS

-----093935 200120Z / 64

O R 200054Z NOV 78

b6 per FBI  
b7c

FM SECSTATE WASHDC  
TO AMEMBASSY GEORGETOWN IMMEDIATE

INFO AMEMBASSY CARACAS

REC-1241

89-4286-118

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23 NOV 27 1978

Declass per State let 2/16/2005

CARACAS FOR LEGATTS UC65179DMH/ST/bpg

E.O. 11652: GDS

58 NOV 28 1978

TAGS: CGEN, CASC, OREP (RYAN, LEO), GY

SUBJECT: MURDER OF CONGRESSMAN RYAN: LEGAL ASPECTS OF  
INVESTIGATION AND PROSECUTION

1. UNDER INTERNATIONAL LAW, GOG HAS RESPONSIBILITY TO DILIGENTLY INVESTIGATE CRIMES COMMITTED AGAINST ALIENS IN ITS TERRITORY AND TO TAKE ALL REASONABLE MEASURES TO APPREHEND AND PROSECUTE PERPETRATORS. WE APPRECIATE YOUR PROMPT ACTION IN INFORMING GOG OF OUR EXPECTATIONS IN THIS REGARD, AND BASED ON FRAGMENTARY REPORTS AVAILABLE JUDGE THAT GOG IS TAKING ALL MEASURES WITHIN ITS CAPABILITY TO CARRY OUT ITS OBLIGATIONS.

2. WE ARE CONCERNED, HOWEVER, THAT LIMITED INVESTIGATING  
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RESOURCES OF GOG MAY NOT BE ADEQUATE TO INSURE THAT PERPETRATORS ARE BROUGHT TO JUSTICE (OR AT LEAST THAT U.S. PUBLIC AND CONGRESSIONAL PERCEPTION MAY BE THAT GOG ACTIONS WERE INSUFFICIENT IRRESPECTIVE OF WHAT MAY ACTUALLY OCCUR). ACCORDINGLY, WE BELIEVE THAT DIRECT USG INVOLVEMENT IN INVESTIGATION WOULD BE DESIRABLE TO ENSURE THAT ALL APPROPRIATE MEASURES ARE TAKEN TO BRING CRIMINALS TO JUSTICE.

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3. WE HAVE REQUESTED DEPARTMENT OF JUSTICE AND FBI TO DETERMINE EXTENT OF ASSISTANCE THAT COULD BE MADE AVAILABLE. THEY ADVISE US THAT ASSISTANCE THEY MAY PROVIDE IS LIMITED UNLESS THERE IS REASON TO BELIEVE VIOLATION OF U.S. LAW HAS OCCURRED. THEY ARE CURRENTLY LOOKING INTO POSSIBILITY OF A CONSPIRACY BETWEEN PERSONS IN GUYANA AND PERSONS IN U.S. TO VIOLATE 18 USC 351 WHICH INCLUDES MURDER OF A U.S. CONGRESSMAN, A FEDERAL OFFENSE. IN THIS CONNECTION, FBI IN SAN FRANCISCO IS INTERVIEWING PERSONS AFFILIATED WITH PEOPLES TEMPLE AT OUR REQUEST, THEY ARE ALSO REVIEWING QUESTION OF WHETHER ATTACK ON DCM WOULD PROVIDE A SUFFICIENT BASIS FOR FINDING THAT POLITICAL VIOLATION OF U.S. LAW EXISTS. ATTEMPTED MURDER OF DCM WOULD, IN OUR VIEW, CLEARLY CONSTITUTE CRIME AGAINST AN "INTERNATIONALLY PROTECTED PERSON" WITHIN THE MEANING OF 18 USC 1116 (4) (B). THIS STATUTE AUTHORIZES ATTORNEY GENERAL TO REQUEST ASSISTANCE FROM FEDERAL AND STATE AGENCIES INCLUDING U.S. ARMED FORCES.

4. AT THIS POINT, JUSTICE IS PREPARED TO TAKE THE FOLLOWING STEPS:

(A) THEY ARE SENDING TWO LEGATTS FROM CARACAS TO GEORGE-

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TOWN WHO ARE AUTHORIZED TO PROVIDE ALL APPROPRIATE ASSISTANCE AT REQUEST OF GOG, SUCH AS ASSISTANCE IN INTERVIEWING WITNESSES, TAKING STATEMENTS, ETC.

(B) THEY ARE PREPARED TO PROVIDE TECHNICAL ASSISTANCE IN U.S. SUCH AS LABORATORY ANALYSIS OF BALLISTICS, FINGER-PRINTS, ETC., AT GOG REQUEST. THEY ARE NOT YET PREPARED TO OFFER TECHNICIANS TO GO TO GUYANA TO PERFORM SUCH WORK.

(C) THEY ARE PREPARED TO INVESTIGATE IN COOPERATION WITH GOG AUTHORITIES ANY ASPECTS OF CRIME THAT MAY INVOLVE PERSONS IN U.S. IF GOG HAS ANY INFORMATION OF ACTIVITIES IN U.S. CONNECTED WITH CRIME, FBI WILL BE PLEASED TO PURSUE SUCH LEADS.

5. YOU SHOULD IMMEDIATELY OFFER GOG ASSISTANCE DESCRIBED IN PARA 4 AND ALSO REQUEST THAT THEY SPECIFY ANY FURTHER ASSISTANCE THAT MAY BE HELPFUL. (WE WOULD ALSO APPRECIATE YOUR OWN ASSESSMENT RE WHAT FURTHER ASSISTANCE WOULD BE HELPFUL.) IN ORDER TO MINIMIZE ANY GOG CONCERNS RE SOVEREIGN PREROGATIVES OR OTHER SUSPICIONS REGARDING OUR MOTIVES YOU COULD MAKE THE FOLLOWING POINTS:

(A) THIS WAS APPARENTLY A CRIME AMONG U.S. CITIZENS WHICH UNFORTUNATELY OCCURRED ON GUYANESE TERRITORY.

(B) OUR PRIMARY CONCERN IS TO MINIMIZE FINANCIAL AND ADMINISTRATIVE BURDEN ON THE GOG OF INVESTIGATING THIS INCIDENT. WE HAVE TECHNICAL EXPERTISE WHICH MAY BE IN SHORT SUPPLY IN GUYANA SUCH AS LABORATORY FACILITIES AND INVESTIGATIVE PERSONNEL WHO ARE EXPERIENCED IN DEALING WITH GROUPS SUCH AS THE PEOPLES TEMPLE SECT.

(C) ANY ASSISTANCE WOULD BE PROVIDED ON BASIS OF GOG REQUEST AND ACTIVITIES OF U.S. INVESTIGATORS WOULD BE

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SUBJECT TO PRIOR AUTHORIZATION OF GOG. WE WOULD NOT BE SEEKING AUTHORITY TO CONDUCT INDEPENDENT INVESTIGATION, BUT RATHER TO PROVIDE GOG AUTHORITIES WITH OUR FULL COOPERATION AND ASSISTANCE IN THEIR CONDUCT OF THE INVESTIGATION.

7. FYI: ASSUMING BASIS FOR PROSECUTION IN U.S. OF PERPETRATORS OF THESE CRIMES EXISTS UNDER U.S. LAW, WE WOULD WISH TO CONSIDER DESIRABILITY OF REQUESTING GOG TO EXTRADITE OR EXPEL TO U.S. PERSONS RESPONSIBLE. THIS WOULD HAVE THE ADVANTAGE OF REMOVING THE PROSECUTION QUESTION FROM OUR BILATERAL RELATIONS. WOULD APPRECIATE YOUR VIEWS IN THIS REGARD, AND PARTICULARLY YOUR ASSESSMENT OF LIKELY GOG REACTION WERE WE TO SUGGEST SUCH AN APPROACH. END FYI. VANCE

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