

Memorandum

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Servs. _____
- Crim. Inv. _____
- Ident. _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgnt. _____
- b6 Per FBI _____
- b7C Training _____
- Public Affs. Off. _____
- Telephone Rm. _____
- Director's Sec'y _____

TO : Mr. Moore *mjo*

DATE: 1/8/79

FROM : W. D. GOW

ALL INFORMATION CONTAINED
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DATE 11/9/92 BY 1048 D/CW/ML

1 - Mr. Ingram
1 - Mr. GOW
1 - Mr. [Redacted Box]

SUBJECT: RYMUR

On 1/3/79, Departmental Attorney James Hergen, Office of Foreign Litigation, Civil Division, advised he traveled to Panama on 12/26/78 as a representative of the Department of Justice (DOJ) to institute proceedings to recover assets of the Peoples Temple on behalf of the U. S. Government. In this regard, he advised he filed what is referred to under Panamanian law, Articles 2007 and 2008 as a "denuncia." In essence, this is a denouncement of a crime which provides the Attorney General of Panama with authority to freeze assets of the Peoples Temple and to conduct an investigation into the matter.

In connection with the above action, Mr. Hergen stated the only copy of the denouncement in his possession was in the Spanish language and that he was desirous of obtaining an English translation. On 1/3/79, Mr. Hergen's request was referred to SA [Redacted Box], Translation Sub-unit, Technical Evaluation Unit, Laboratory Division for translation.

On 1/5/79, the completed translation was provided Mr. Hergen (copy attached). (u)

Enclosure

WDG:wss
(5) wss

APPROVED:

Director _____
 Assoc. Dir. _____
 Dep. AD Adm. _____
 Dep. AD Inv. _____

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TRANSLATION FROM SPANISH (u)

Complaint Made by Mr. James George Hergen

Today, December 28, 1978, at 11:55 am, Mr. James George Hergen appeared at the "Despacho de la Procuraduria General de la Nacion" in Panama City, in order to make a complaint. Doctor Eduardo Ferrer Morgan was named interpreter since Mr. Hergen does not speak Spanish. Doctor Eduardo Ferrer Morgan is an adult, unmarried male who is a citizen of Panama and whose identification number is 8-188-581. He is a lawyer and a certified interpreter (under Resolution No. 24). He is employed in the offices of the law firm Morgan and Morgan which are on the top floor of the Republic Inn building on Via Espana and Calle Colombia. He was duly sworn in, promising to carry out the tasks assigned to him loyally and well. The attorney then asked Mr. Hergen (through the interpreter) for some general information. Mr. Hergen stated that his name was James George Hergen, that he was an adult, married male, and that he was a lawyer working for the Office of Foreign Litigation, Civil Division, United States Department of Justice, Washington, D.C. 20535 (U.S. Department of Justice Identity No. 5708). He is the son of James Gerard Hergen and Audrey Elizabeth Fox and his passport number is Y 1267931 (Official). Mr. Hergen was then sworn in, promising to tell only the truth.

The attorney then asked the following questions:

Question: Please inform me, Mr. James George Hergen, of the reasons why you are here at the present time.

Answer: Sir, I am here for the following reason:

In my official capacity as an attorney for the Department of Justice, I have become familiar with the facts and circumstances surrounding the operations and activities

TRANSLATED BY: *hmw*

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of an organization known as The Peoples Temple of the Disciples of Christ (hereafter, "the Temple") and its founder and "Pastor", James Warren Jones (also known as The Reverend Jim Jones), a United States citizen who was born in Indiana on May 31, 1931 and who died in Jonestown, Guyana, on November 18, 1978.

On or about December 20, 1978 I was directed by the Attorney General of the United States to travel to Panama to take all possible legal steps in this country on behalf, and in the name of, the United States and its nationals to preserve, protect, identify, immobilize and prevent the possible unlawful or improper disposition of substantial amounts of Temple funds which I verily believe may have been unlawfully obtained or which may be unlawfully disposed of, and which are said to be held on deposit in the Panamanian branch banks of the Union Bank of Switzerland (UBS) and the Swiss Banking Corporation (SBC). The relevant information concerning the various accounts in question is set forth in Appendix A hereto, which is incorporated herein by reference.

I am informed, and verily believe, that most, if not all, of the funds in question were derived by Jones and certain of his followers by means and methods which were improper, illegal, misleading and deceptive. Furthermore, I am satisfied that if immediate steps are not taken by the responsible Panamanian authorities to immobilize the funds there exists a serious likelihood that the funds may be dispersed by the banks into the hands of unscrupulous and unauthorized persons who are not entitled to the funds under the terms and conditions of the Temple's articles of incorporation. Unless immediate action is taken by this Honorable Court to immobilize the subject funds pending further investigation by

the American and Panamanian authorities, the rightful claimants to the funds may be defrauded.

One informed observer of the Temple's activities has concluded that Jones "spouted a doctrine of apostolic socialism while appropriating to his Temple's treasury millions of dollars worth of property, cash, social security and welfare checks of his flock." Krause, Guyana Massacre, Berkley Edition, December 1978, p. 25. The same author -- a survivor of the Port Kaituma airport attack in which U.S. Congressman Leo J. Ryan and four others were murdered and in which 10 were wounded, 5 seriously, by Jones' trusted lieutenants -- observed that --

It was a paradoxical world in which Jones enticed his disciples with the charisma of his personality and then reduced them to what would have to be described, by any objective measure, as a state of abject religious serfdom. Poverty, grinding labor, fear and punishment were the staples of Jim Jones' utopian colony -- and eventual mass suicide.

All of the available evidence leads inextricably to the conclusion that Jonestown was a "tropical concentration camp", Id. p. 134, in which Temple members suffered the most cruel and barbarous physical and psychological treatment at the hands of Jones and his minions, including sexual abuse and debasement; forced sedation by drugs; beatings; hunger, forced labor; lack of sleep; and, ultimately, death.

The Temple, together with its subsidiary corporations, in Guyana and Panama, was ostensibly a religious organization (as its name implies) which was structured on a system of utopian communism and which was allegedly dedicated to the principle of racial brotherhood

and humanitarian ideas. Although the precise membership of the Temple is unknown, estimates have ranged from 1,200 to a high of 28,000.

It is now clear that the Temple derived substantial assets from public begging, church collections, requests, and the work of its members. The available evidence also strongly suggests that substantial portions of the Temple assets were derived by inducing members to transfer to the Temple their homes, cars, money, wages, personal property and all worldly possessions on the basis of false and misleading representatives concerning the goals, objectives and activities of the Temple. Instead of receiving the peace, security and fellowship which they expected, however, Temple members were in fact treated for the most part as little more than slaves. Escape from the Temple -- particularly from Jonestown, Guyana -- was virtually impossible and Temple members -- many of whom were ill, old, infirm and poorly educated -- were compelled to lead an existence of pain and fear at the hands of Jones that apparently caused many of them to welcome death as the only way to regain their freedom.

It was not until 1977 that Jones removed the bulk of his followers from California to Jonestown, Guyana. On November 18, 1978 Jones directed his armed guards to assassinate U.S. Congressman Leo J. Ryan and his entourage and then proceeded to preside over the deaths of himself and more than 900 of his followers -- including infants and young children -- in a ceremony which can only be described as macabre. Almost all of the deaths were by poison. On December 22, 1978, a Guyanese coroner's jury ruled that all but two of the deceased were murdered because they had been coerced into ingesting the poison.

With the demise of Jones and many of his followers, it was learned that large amounts of Temple funds had been improperly diverted into

several bank accounts in Panama in the names of various corporations and individuals described in Appendix A hereto. Although all of the details concerning the accounts are not yet known, it has been learned that several individuals have attempted to gain access thereto subsequent to the tragic events of November 18, 1978.

To date, the United States Government has expended approximately \$4 million in repatriating the remains of deceased Temple members to the United States at the demand of the Guyanese Government. In addition, the Temple filed a dissolution petition in the California courts on December 4, 1978 (copy attached hereto as Appendix B).

Paragraph V of the attached "Petition for Court Decree Upon Winding Up and Dissolution" (hereafter, "the Petition") provides --

The election to wind up and dissolve was made in light of the tragedies that occurred in Jonestown, Guyana. It is practically and morally impossible for the corporation to continue its existence. It is the desire of the corporation to devote its assets to recompense the families of victims of the events in Guyana and to pay claims against the corporation that may be established to the satisfaction of the court (Emphasis added).

Article IV of the Petition provides that "this voluntary election to wind up and dissolve was made by the unanimous vote of the surviving Directors in San Francisco."

Various individuals have also filed claims against the Temple in California. Clearly, if the funds are not frozen until such time as rightful ownership can be determined by the

appropriate judicial authorities, a serious danger exists of potential fraud on creditors; unjust enrichment; misappropriation, theft or embezzlement of Temple funds; and fraud on Temple survivors and relatives.

In the light of the foregoing considerations, I have concluded in my professional judgment that only a duly constituted judicial authority will be able to make a reasonable and just determination regarding the legality of the sources and applications of the Temple funds and the issue of rightful ownership.

A Federal Grand Jury in California is presently investigating the Peoples Temple with respect to potential violations of United States law.

I hereby undertake on behalf of the United States Department of Justice to furnish to the appropriate authorities in Panama such additional supplementary information as those authorities may require in order to establish the truth and accuracy of the foregoing representations and to comply fully and completely with the requirements of Panamanian laws and judicial processes regarding any subsequent investigation or criminal prosecution which the Honorable Court may initiate in respect of the crimes which may be involved.

I have read the foregoing affidavit and swear that the information set forth therein is true and accurate to the best of my information and belief. That is all.

Question: Do you know the names of these persons and the numbers of those bank accounts in Panamanian banks in which funds belonging to the Temple were deposited?

Answer: This information is provided in detail in Appendix A attached to my written statement in English but it can be summarized in the following manner:

According to a letter dated November 18, 1978 written by the late Annie J. Morgan, the accounts are in the Swiss Banking Corporation (P.O. 3370, Panama 4, Panama) and the "Union de Bancos Suizos" (6792 Panama 5, Panama). The account in the Swiss Banking Corporation is for a total of 2 million, forty-three thousand dollars. The number of the account is 3357 and the bank official in charge of the account is named Andres Mannet. The numbers of the accounts in the "Union de Bancos Suizos" are 121-00-191A and 121-00-135A, both for a total of 10,404.536 dollars. We believe that the account in the "Union de Bancos Suizos" is in the name of a Panamanian group called the "Asociacion Religiosa Pro San Pedro" and the official in charge of the account is Mr. Rudolf Keller, who is an assistant to the vice president.

Question: Are these the only accounts in Panama where funds belonging to the Temple have been deposited?

Answer: We really don't know the number of accounts which might exist in Panamanian banks. The accounts mentioned are the only ones of which we are aware but we would appreciate your cooperation in investigating the existence of other accounts.

Question: Would you like to say anything further?

Answer: I would like to note at this moment that I am submitting my signed statement in its original text in English so that your interpreter may draw up a translation if deemed necessary. The original text consists of seven handwritten pages. Mr. Eduardo Ferrer translated the statement which appears in this document. I am also submitting appendices A and B which I mentioned in my statement.

I would furthermore like to note that at this moment I am granting the Panamanian legal firm Morgan and Morgan power to represent the United States government as I do in the investigations which will be conducted as a result of what has taken place today. This firm is authorized to receive, settle, substitute or waive this power. (W)

It is noted that Mr. James George Hergen has submitted the documents to which he referred in the statement. These will be held as proof. The questions in this statement were made through an interpreter and Mr. James George Hergen answered them also through an interpreter. Since there are no more questions I would like to conclude these proceedings.

Olmado D. Miranda
Attorney General

(signed) James George Hergen