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DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
COMMUNICATION MESSAGE FORM

DATE 12/19/78	CLASSIFICATION UNCLAS	PRECEDENCE IMMEDIATE
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#FOOIS00 SF BQDE HQ 000**H000L 354#HTYUSO 200012Z DEC 78

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FM DIRECTOR FBI

TO: FBI SAN FRANCISCO IMMEDIATE
FBI BROOKLYN-QUEENS MRA IMMEDIATE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/28/92 BY 60480 km/udh

BT

UNCLAS

RYMUR.

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EXISTING ORDER OF U.S. DISTRICT JUDGE, NORTHERN DISTRICT
OF CALIFORNIA (NDC), SAN FRANCISCO, CALIFORNIA, FOR PRODUCTION
OF FD-302S BY DECEMBER 22, 1978, REGARDING INTERVIEWS
CONDUCTED BY NEW YORK WITH PERSONS SUBPOENAED TO APPEAR
BEFORE THE FEDERAL GRAND JURY, NDC, SAN FRANCISCO, HAS BEEN
DISCUSSED WITH THE CRIMINAL DIVISION OF THE DEPARTMENT OF
JUSTICE. (u)

REC-111

89-4286-1259

(u)

IT IS THE OPINION OF FBIHQ AND THE CRIMINAL DIVISION OF
THE DEPARTMENT THAT PRODUCTION OF SUCH DOCUMENTS PRIOR TO
TESTIMONY BEFORE A FEDERAL GRAND JURY IS NOT REQUIRED UNDER
THE PROVISIONS OF 18, U.S. CODE 3500. ACCORDINGLY,

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22 DEC 20 1978

APPROVED BY <i>[Signature]</i>	DRAFTED BY DES:BVM	DATE 12/19/78	ROOM 5062	TELE EXT. 2805
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- 1 - MR. ADAMS
- 1 - MR. MINTZ
- 1 - MR. MOORE
- 1 - MR. INGRAM
- 1 - MR. GOW
- 1 - MR.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC. 20 1978

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DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
COMMUNICATION MESSAGE FORM

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CONTINUATION SHEET

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DEPARTMENTAL ATTORNEY MICHAEL ABBELL WILL CONTACT U.S. ATTORNEY
20 WILLIAM HUNTER, NDC, SAN FRANCISCO, THIS DATE REGARDING
18 APPROPRIATE CONTACT TO BE MADE WITH THE ISSUING JUDGE TO
SEEK A WITHDRAWAL OF THE ORDER TO PRODUCE THE FD-302S OR IN
16 LIEU OF SUCH AN ORDER TO SEEK A WRIT OF MANDAMUS FROM THE
9TH CIRCUIT COURT OF APPEALS.

14 BQMRA INSURE THAT ABOVE FD-302S ARE IN THE POSSESSION OF
THE SAN FRANCISCO OFFICE BY DECEMBER 22, 1978. *(u)*

12 SAN FRANCISCO IS INSTRUCTED TO WITHHOLD RELEASE OF ABOVE
FD-302S PENDING FURTHER RESOLUTION OF THIS ISSUE BY
10 U.S. ATTORNEY HUNTER, SAN FRANCISCO. SAN FRANCISCO KEEP
FBIHQ ADVISED OF ALL PERTINENT DEVELOPMENTS IN THIS REGARD. *(u)*

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NOTE: On 12/8/78, 17 repatriating American survivors from the Jonestown, Guyana, massacre arrived at JFK International Airport and were interviewed by Bureau Agents. All 17 were served with a subpoena to appear before a Federal Grand Jury in San Francisco, California, beginning 12/10/78. Those persons represented by counsel before the grand jury requested a continuance date for their appearance inasmuch as they had not had time to discuss appearance with their lawyer. In this regard, defense lawyers requested and were granted an order by the court that the FBI produce the results of all interviews conducted with individuals scheduled to appear before the Federal Grand Jury. In granting the order the court advised the government that if the results of these interviews were not produced by 12/22/78 the court would quash the subpoenas.

(u)

APPROVED:	Adm. Serv. _____	Legal Coun. _____
Director _____	Crim. Inv. <u>D. M. [Signature]</u>	Plan. & Insp. _____
Asst. Dir. _____	Ident. _____	Rec. Mgmt. _____
Dep AD Adm. _____	Intell. _____	Tech. Servs. _____
Dep AD Inv. _____	Laboratory _____	Training _____
		Public Affs. Off. _____

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