

Section 7

7. Letter from Frank Bell to the Parole Commission for the initial parole hearing, 5/27/91

This is the cover letter Mr. Bell submitted to the hearing examiners, along with 250 pages of supporting documents and Mr. Buddress' 250-page pre-sentencing investigation packet. It summarizes the facts of the case, the findings of the court, a description of Larry's conduct both while free on bond and while in custody, and letters of support.

Frank Bell

ATTORNEY AT LAW

May 27, 1991

Bovet Professional Center
177 Bovet Road, Suite 600
San Mateo, CA 94402-3191
415/341-3362
FAX 415/341-1395

Carol Pavilack Getty, Chairman and Acting Commissioner
for the Western Region
United States Parole Commission
1301 Shoreway Road, Fourth Floor
Belmont, CA 94002

Re: LAYTON, Laurence John, Reg. No. 20752-053
Initial Parole Hearing at Terminal Island, June, 1991

Dear Commissioner Getty:

Laurence John ("Larry") Layton has asked that his application for parole be considered on the Commission's next docket of hearings at FCI Terminal Island. I will appear with Larry as his representative. I have previously requested permission for two others, Arthur Pirelli, Esq., whose previous experience representing prisoners at parole hearings will assist me, and another person who is personally familiar with Larry Layton and the circumstances precipitating his offense, to also be present as representatives. I hope to learn soon that you have approved their presence at the hearing.

When you and your staff begin your review of Larry's case, it will probably be somewhat familiar to you. The tragedies at Jonestown and Port Kaituma, Guyana in November, 1978, which surrounded the actions which led to Larry's conviction will long remain in the minds of those of us who are old enough to remember.

It is important for me to note, however, that despite the reports to the public before and during the protracted legal proceedings, and the impressions left in the minds of casual followers of the proceedings, Larry Layton's role in the conspiracies of which he ultimately was found guilty was minimal. It is also important to note here that Larry was found not guilty of charges relating to these circumstances by the Guyana courts, and that his first trial in San Francisco on these charges resulted in jurors being unable to come to an agreement, with votes of 11-1 and 7-5 for acquittal. It was over five years later that the third trial resulted in Larry's conviction.

Faced with the voluminous reports that document the many facets of this case, it would be tempting for reviewers to only skim over the many reports and letters which accompany the Presentence Report and this letter, as they might appear to be redundant. Despite the volume, and despite what will seem, at a glance, to be repetition, I implore you to carefully examine and

consider each document, even though it will be time-consuming. Larry's case is not like most other cases; it involves complex and unique factors and circumstances, and the sources of the information, the facts presented, the experience and extent of each documents writer's personal knowledge about Larry and the Jonestown experience, and sentiments expressed, separately and cumulatively, are essential to an understanding of this case. Some of these people were prosecution witnesses or had anticipated testifying before the jury; some were jurors; some were relatives or victims of the tragedy; others are psychiatrists or psychologists who carefully considered Larry Layton's background, within his family and then within the Peoples Temple. Each of these statements, individually and collectively, deserve and cry out for your careful and individualized review and consideration.

The Commission's decision regarding Larry's application for parole will be the next step in the process that began thirteen years ago.

Documentation in Larry's case is voluminous (The Presentence Investigation Report prepared by the Probation Officer, Loren Buddress, is, itself, 49 pages long, and with the reports and letters, exceeds 200 pages). Additional information accompanying this letter, also critical to your full understanding of this very complex case, further addresses the several important points which will have direct bearing on the Commission's decision regarding Larry's parole, and includes details about the several mitigating circumstances of Larry Layton's mental and emotional condition, his position within the Peoples Temple, the nature of his relationship with Jim Jones, and the circumstances of his and other members' lives within the Temple.

After sitting through two lengthy trials, reading the documents submitted to him for sentencing, and hearing the arguments of the parties, the Chief Judge for the Northern District of California, the Honorable Robert F. Peckham's words upon imposing the sentences in this case, are significant:

. . . the Court is . . . convinced that after hearing all the testimony in this case that Larry Layton's role in the conspiracy to murder Congressman Ryan and Deputy Chief of Mission Richard Dwyer was less significant than that of a number of the other conspirators. Significantly, Layton was not himself among the people who actually shot at the Congressman and his party. Furthermore, the Court is not convinced, after hearing the evidence that Layton was himself an active leader in the planning of the murders . . . his role in the conspiracy for which he has been convicted was not as significant as that of many of the other conspirators. [See Reporters Transcript of Proceedings regarding sentencing,

Re: LAYTON, Laurence John, Reg. No. 20752-053
Initial Parole Hearing, June, 1991, FCI Terminal Island

3

March 3, 1987, enclosed, pages 50, 51, enclosed.]

Judge Peckham referred to, and read into the record, excerpts from several of the many letters he received from jurors, prosecution witnesses, Jonestown victims and survivors, and various other interested parties. The reader is respectfully referred to the Reporter's Transcript, enclosed and above referenced, as well as the letters attached to the PSI in the Commission's files. (These letters in their entirety were a part of the PSI, and were to be provided along with the PSI for the Parole Commission's file). It is of great significance that virtually every one of the individuals who wrote to the Court, or Mr. Buddress, whether survivors of Jonestown and Port Kaituma, or victims through the loss of family members or friends during the Jonestown episode, considers Larry Layton a victim along with those who perished, and asks the Court for leniency, many requesting that Larry not be required to serve any further time in custody.

Judge Peckham's sentencing statements and order are enlightening and instructive. He noted that although there were differing opinions among the psychiatrists, "They both agree about the domination of Jim Jones in this setting" and continued to say that

In the end Jim Jones destroyed any individual will to live that remained in Jonestown, and caused over 900 people to take their own lives and the lives of their children. Although not directly related to the conspiracy for which Larry Layton has been convicted, this final atrocity is essential to an understanding of the environment in which he lived, it is our view. . . The Court is convinced that a just sentence also requires consideration of the environment in which Layton and other members of Jonestown were virtually imprisoned. (See Sentencing Transcript, p. 57)

"Having in mind the considerations and comments" made, Judge Peckham then pronounced sentence, and established Larry's eligibility for parole at five years on all four counts. The section of the Sentencing Transcript reflecting the Court's statement, in its entirety, is provided for the Commission's consideration in Exhibit A.

Larry Layton has now served more than 5 years in prison. We approach the Parole Commission with the hope that the Commission will see, as we believe to be true, that Larry Layton is an appropriate candidate for parole at this time. We believe that the documents already in the Commission's possession (the PSI and all attachments) and the documents accompanying this letter, will assist the Commission in a decision to release him now.

The specific points which I believe justify a decision by the Commission to parole Larry Layton in the immediate future are summarized below. To assist the Commission, cross-references to some of the appropriate documents are made. Again, I implore each reviewer to examine and consider each of the letters and reports carefully; it is the consistency of the observations and experiences, and of the sentiments expressed, that will assist the reviewers to gain a feeling for the significant mitigating and extenuating factors which Judge Peckham felt to be compelling, and which also are so important to the Commission's considerations and decision.

FACTORS WHICH JUSTIFY AND COMPEL A DECISION
BELOW THE PAROLE GUIDELINES

The Theory of the Prosecution and The Basis of the Charges of Which Larry Layton Was Found Guilty

According to the findings of the jury after trial, Larry Layton is guilty of the offenses of Conspiracy to Kill a Congressman and an Internationally Protected Person, and Aiding and Abetting the murder and attempted murder of Congressman Ryan and Deputy Chief Dwyer. However, it is imperative that the Parole Commission have an understanding of the exact nature and basis of the charges against Larry Layton in order to adequately understand how the government was able to proceed with any charges against him whatsoever. What seems so direct, and "cut and dry" in the charges, "Conspiracy" to kill a Congressman and an internationally protected person, and "Aiding and Abetting" the same actions, is, in reality, not so straightforward.

As Judge Peckham reflected in his sentencing remarks, Larry Layton was not among those who actually shot at Congressman Ryan or his party; neither did he consider Larry himself to have been an active leader in the planning of those actions.

The basis for Larry's having been charged as a "conspirator," or, in fact an "aider and abettor" in these offenses against Congressman Ryan and Deputy Chief Dwyer revolves around matters far removed from any of Larry's actions at the airport at Port Kaituma on November 18, 1978, and in actuality his actions were far-removed from any overt action or intent that either party should be harmed, much less murdered.

The opinion of the Ninth Circuit Court of Appeals is informative with regard to this point. Initially, the Court had remanded the matter back to the District Court for resolution of a question regarding whether "such a conspiracy [to kill Ryan] was in existence at the time the pre-arrival speeches [the subject of

the point immediately in question] were made."

On remand . . . the district Court found that the Government had failed to proffer sufficient independent evidence to show that a conspiracy to kill Ryan existed when the pre-arrival speeches were made. The court, therefore ruled initially that the pre-arrival speeches would be excluded.

Later, the district court reconsidered the admissibility of the pre-arrival speeches. The court found that the Government had proffered sufficient evidence to establish that Jones and Layton had participated in a conspiracy to prevent the Ryan delegation from discovering the truth about the conditions at Jonestown. The district court concluded that Rule 801(d)(2)(E) authorizes the admission of a coconspirator's statements made during the course and in furtherance of any common enterprise involving the defendant and the declarant, provided that such common enterprise was "factually intertwined" with the charged conspiracy. . . . (Emphasis added.) U.S.v. Layton, 855 F.2d 1388 (9th Cir. 1988) at 1397,98)

Next, the 9th Circuit Court's opinion provides extremely revealing insight to what Larry's actual "participation" in the conspiracy was:

Having concluded that the district court's construction of Rule 801(d)(2)(E) was correct, we next determine whether the Government presented sufficient evidence to establish that Jones and Layton were participants in a conspiracy, or common enterprise, to conceal from Congressman Ryan the truth about the conditions at Jonestown.

. . . the district court found that the petition circulated by Jones and signed by Layton prior to Ryan's arrival constituted prima facie evidence of a common enterprise to conceal the truth about the conditions at Jonestown. The petition, dated November 9, 1978, declared:

Many of us, the undersigned residents of Jonestown, Guyana, have been visited here by friends and relatives. However, we have not invited and do not care to see Congressman Ryan (supporter of military aid to the Pinochet regime of Chile), media representatives, members of a group of so-called "concerned relatives," or any other persons who may be travelling with, or associated with, any of these persons.

The court concluded that "[t]he preparation of the petition, the effort that went into its distribution and

dissemination, and the hundreds of signatures on the petition all indicate a concerted common enterprise to dissuade Congressman Ryan from visiting Jonestown and learning the truth about the conditions there." Id. at 1400, 1401 (Emphasis added.)

The "pre-arrival" speeches referred to are those further noted in the opinion at page 1401, in which Jim Jones made threatening statements in speeches to the amassed Jonestown residents, regarding Congressman Ryan's visit:

These speeches, considered in conjunction with the petition circulated by Jones and signed by Layton, demonstrate by at least a preponderance of the evidence that Jones and Layton were participants in a common enterprise to prevent Ryan from discovering and revealing the truth about the living conditions at Jonestown. Thus, the pre-arrival speeches were admissible as statements of a coconspirator. (Emphasis added)

It is noted that the petition was circulated by Jones and signed by the Jonestown residents, including Larry a full eight days prior to Congressman's arrival, and before the "pre-arrival" speeches delivered to the Jonestown residents by Jim Jones.

With regard to the conspiracies to kill Congressman Ryan and Deputy Chief Dwyer, Larry Layton's real offense was the same as that of every person who signed the petition quoted above, and who heard the threatening statements and professions of his (Jones') intent, were Congressman Ryan and his party to enter Jonestown, or who took any action to keep Congressman Ryan and his party from learning the truth about the conditions at Jonestown and within the Peoples Temple.

Regarding the shootings of the Ryan party, and the deaths and injuries which did occur, it also is critical to point out another important factor regarding Larry's intent (rather lack there of) regarding harming Congressman Ryan of Deputy Chief Dwyer: when Larry responded to the suggestions that he aid the cause of Jonestown by keeping the parties departing from being able to inform the world about the conditions there, it was Larry's belief that Congressman Ryan would not among those (the so-called "defectors") leaving Jonestown at the time:

. . . In the afternoon of November 18, the members of Ryan's party and the departing residents boarded a truck to be transported to the Port Kaituma airstrip. . . At about that time, Layton was seen conversing with Jones. Layton then embraced Jones, obtained a rain poncho, and announced to the departing group that he, Layton, also wished to leave Jonestown. . . Layton was searched and no weapon was found,

Ryan then permitted Layton to join the group on the truck.

At about this time, a Jonestown resident attacked Ryan with a knife. Ryan escaped without injury. Ryan had been planning to remain in Jonestown for another night. After the knife attack, he decided to leave with the other members of his party. (Emphasis added) Id. at 1393

According to the statement of the pertinent facts of the case in the appellate opinion, Id. at 1393, Larry Layton had insisted on being seated in the plane that was scheduled to leave first (not the plane Congressman Ryan was to be departing in). The vehicle which carried the individuals who did kill Congressman Ryan and injure others in the party passed the airplane in which Larry and the others were located. There is no assertion by any party that Larry fired at the group of individuals around or in the plane on which Ryan, Dwyer, and the others were to depart. Id at 1394.

A copy of the appellate decision is enclosed as Exhibit B. The last section of the opinion, relating to Appeal No. 87-2576, and pertaining to Layton's appeal on the basis of ineffective assistance of counsel, also denied, has not been provided to the Commission in an effort to limit the already burgeoning volume of information before it.

While the jury in the third trial found Larry guilty of all charges against him on technical grounds, they also recognized that his role was "minor" and that he played "a very small part in the conspiracy," and a remarkable four of the twelve jurors wrote to Judge Peckham to share their concerns and request the judge's leniency in sentencing. (See Reporter's Transcript of sentencing, pp. 51-53; PSI attachments, "Letters of Recommendation" Chapter 4 A, Letters from Jurors)

The Victim Impact Statement in the PSI also reflects several victims' beliefs that Larry's role was minimal. According to Mr. Buddress, who spoke to Deputy Chief Richard Dwyer for purposes of adding his statement, as a victim, to the PSI, Mr. Dwyer

. . . characterized the [Layton] as a small cog in all of this
Other victims shares similar views:

Tom Bogue: He was more in terms of a lacky - he had no authority
Harold Cordell: . . . he was more of a victim than a participant
Vernon Gosney: . . . Layton was involved in quite a bit of pressure. . . [there was] extreme pressure
Steve Sung: He was led the wrong way by a wrong group of people

The Parole Commission is asked to take Larry Layton's indirect, remote and minimal role in the broad conspiracies against Congressman Ryan and Chief Deputy Dwyer into consideration as mitigating circumstances when reaching its decision about Larry's parole.

Psychological Considerations: Larry Layton's Actions Were The Result of 10 Years of Brainwashing, Coercive Persuasion, and Thought Conditioning

We believe, and ask the Parole Commission to recognize, that Larry Layton's actions at the airport at Port Kaituma were a result of the brainwashing, coercive persuasion, thought conditioning to which Larry Layton had been exposed by Jim Jones, for the approximate 10 years he had been immersed in the Peoples Temple.

The psychiatric reports prepared for both the prosecution and the defense are provided along with the PSI, in Chapter 3. The Commission is again strongly urged to read them fully, despite the summaries and highlights from the reports provided by Mr. Buddress in the PSI. The reports are all extensive and provide important background and conclusions regarding Larry's state of mind before, and especially in the months and days preceding, and during the offense. They also are helpful in describing personal and family background factors which were instrumental in Larry's susceptibility to the brainwashing/ mind control techniques used by Jones.

Emanuel Tanay, M.D., F.A.P.A., prepared three letters or reports. His opinion, expressed in his letter dated June 30, 1981, provides an insightful and important viewing of the interplay between Larry Layton and Jim Jones:

. . . It is apparent that Larry became a psychic captive of the pathological setting represented by P.T. The evolution of a slow process of psychic transformation of Larry under the influence of P.T. becomes apparent when one listens to this individual's description of his "search for meaning." Because of his past history Larry was particularly vulnerable to these influences. As the result of the mental changes which have been induced in Larry, he engaged in activities which, under normal circumstances, would be entirely unacceptable to him. This long preceded the tragic events of Jonestown. I have reference to the so called criticism sessions and various other abuse which Larry endured. It should be noted that Larry did not merely comply with the demands made upon him, but fully identified with the pathological ideas of P.T. He has undergone a conversion which in my opinion constitutes an induced psychotic illness. We are not dealing here with

persuasion, but a total environment designed to being about a personality transformation in susceptible individuals. The term persuasion is misleading. It implies a genteel relationship between the object and subject. . .

Essential to the understanding of Larry's illness is a comprehension of the personality and illness of Jim Jones and the nature of his group. It is my opinion that People's Temple constituted a psychotic social structure which brought about a psychotic conversion of Larry Layton. People's Temple was a psychotic institution which socialized and restructured personalities. As the result of these influences, Larry developed delusional ideas, loss of ego boundaries, adapted and exhibited bizarre behavior, and last, but not least, showed psychotic compliance. Larry was predisposed by the fact that he had a rather weak ego, was a rigid personality, had a weak sense of identity, and suffered from social guilt....

Dr. Tanay concludes by saying:

I am of the opinion that at the time when he has committed the criminal acts he suffered from a disease of the mind which rendered him unable to appreciate the wrongfulness of his behavior, and unable to adhere to the requirements of the law.

In an affidavit prepared for post-sentence motions, Dr. Tanay expresses strong concerns:

As a forensic psychiatrist with very extensive experience on the subject of presentation of insanity defense it has been my opinion that the case of Mr. Layton was imminently suitable for the assertion of insanity defense. There were excellent substantive and technical reasons for this particular defense.

. . . Mr. Layton, for reasons outside of his control, became the living symbol of the tragedies associated with the activities of Peoples Temple and its Leader, James Jones. The defense of Mr. Layton of necessity had to deal with his own life history, his involvement with James Jones and the movement centered around him.

(Dr. Tanay's affidavit, with curriculum vitae attached, is provided for the Commission's review in Exhibit C.)

As can be seen from the comments of the jurors who wrote to Judge Peckham (See Reporter's Transcript of Sentencing, and PSI, Chapter 4 A for the Court's references and the letters, themselves), the jurors were concerned about the brainwashing, and indicate that had the issue been addressed at trial, it could have made a difference in the outcome:

Juror Karen Provenza: . . . during the process (of deliberation) I was haunted by the larger moral question, was Larry Layton fully responsible for his actions. My fellow jurors convinced me his state of mind, whether he was brainwashed, coerced or pressured in any other way, was not evidence in the case. We did not know the legal definition of brainwashed and therefore had no framework to test the evidence. That left me with no other choice than to convict Larry Layton. But in my mind he is no different than any other victim of Jim Jones. I can not separate him from those who were found dead in the jungle. The vast numbers of those who died are testimony to the extraordinary power of that evil man. Larry Layton is one of his victims. I feel as though I convicted a child, someone who did not have the capacity to question his authority. The ability to reason right from wrong was stripped away long ago. This is not a man who belongs in jail. He is not a threat to anyone. . . .

Juror Jai A. Huebel: . . . I realize Larry Laton (sic) is guilty of taking part in a horrible crime, but at the same time I believe he was as much of a victim as a participant. . . the thought that Jim Jones is still destroying lives 8 years after Jonestown is infuriating to me. . . .

Juror Johanne Germain: . . . we did not feel that he should be punished severely. Although the defense could not plead insanity, we do feel that the circumstances were almost unbearable. . . .

Juror John Littrell: . . . we had to find him guilty as charged since the Defense did not plead insanity. I plead leniency because he spent years in a closed environment that revolved around Jones and the Peoples Temple. Laton (sic) did what seemed right in his world.

In making its decision regarding Larry's parole, the Commission has the opportunity the jury did not have.

Philip G. Zimbardo, Ph.D, Professor of Psychology at Stanford University summarized his "concluding opinions" by stating:

It is my considered opinion. . . that [Layton] was, at the time of the alleged criminal conspiracy:

A. Suffering from a severe state of reactive depression that affected his daily functioning and constituted a mental defect;

B. suffering a severe impairment of conscious functioning such that his normal temporal orientation was disturbed sufficiently to render him incapable of

analytical reasoning that required any consideration of long-term, future consequences of his acts. . . ;
C. a product of chronic, intense "attitudinal and value conditioning" to which he was subjected over a decade as a member of PT, which conditioning affected his cognitive, affective and behavioral functioning;
D. an unwitting captive in the total environment created by Reverend Jim Jones in the PT compound in Jonestown, Guyana, which environment fostered mass paranoid delusions and a distortion of reality-based decision making;
E. because of the combination of these factors, now able to appreciate the wrongfulness of his action, and he lacked the substantial capacity to conform his public conduct to the requirements of the law. (pages 1,2)

(Dr. Zimbardo's complete reports are found in Chapter 3 of the official PSI packet for the Commission's review.)

The findings and conclusions of John G. Clark, Jr., M.D. are fully in concert with the above findings:

- . . . I have concluded that:
1. the People's Temple - especially at Jonestown -was without question a highly destructive cult in which mind-control was intense and pervasive;
 2. Mr. Layton's social, psychological, and . . . biological development rendered him especially vulnerable to the mind-control techniques practiced by Jim Jones;
 3. Mr. Layton's long-standing vulnerabilities to mind-control were made especially acute during the last days of Jonestown by the death of his mother, the paranoid fantasies that were presented as "news" to the PT members, the very debilitating diet and physical regimen of the Temple, the group consensus that the end (ritual suicide) was imminent, and the constant pressure he was under to prove his loyalty (made especially acute by his sister's departure).

In light of these conclusions, I believe that during the time of he alleged conspiracy, Laurence Layton, as a result of a mental disease, lacked the substantial capacity to conform his conduct to the requirements of the law or to appreciate the wrongfulness of his conduct.

He also lacked the mental capacity to act as a psychologically free agent in the light of our culture. . . He could not evaluate the information given him by Jim Jones, partly because the PT conceptualizing systems did not permit critical evaluation and partly because the great pressure of Jonestown had thrust Mr. Layton into a serious dissociative

states in which his attention was focused solely upon Jones and the liberating possibilities of dying.

Given Mr. Layton's lack of free agency, he was obviously unable to appreciate the wrongfulness of his actions. He did not think about right and wrong, for he was cognitively unable to do so. His cognitive structures were such that he could do one thing only: obey.

(Dr. Clark's report, in its entirety is contained in Chapter 3 of the PSI.)

In his response to the prosecutor's question of (as Dr Pollock succinctly states it) ". . . whether [Layton] was sane or insane under the Wade rule of insanity in the 9th Circuit", Seymour Pollock, M.D., Department of Psychiatry, University of Southern California, responded that Layton was, in his opinion, legally sane at the time of the offenses charged against him. He also indicated that his opinions "only address the question of Mr. Layton's mental capacity for these alleged criminal acts and do not otherwise speak to the issue of his criminal responsibility in this matter." (Emphasis added)

Dr. Pollock later (page 12 of his report, also found appended to the PSI in Chapter 3) states, regarding "the peculiar circumstances surrounding the instant case", that:

. . . It can be considered that, as a result of "coercive persuasion" experienced by this defendant, especially from his experiences during his final six months in Jonestown, when he was not only more emotionally depressed by his mother's dying and death but also was physically malnourished, overworked, fatigued, and physically diseased, as well as barraged with much more intense and much more sustained pressure from Reverend Jones, under living conditions such as to lead the defendant to become probably even more suggestible, more malleable, and more acceptant of Reverend Jones' "paranoid" beliefs (that) it appears probable that this defendant entered into the conspiracy to kill the defectors as Reverend Jones' agent.

. . . In my opinion, the evidence is strong that this defendant was subjected to, what in the literature has been called, "coercive persuasion." (Emphasis added)

While Dr. Pollock believes that the evidence is equally strong that Larry's responses were not automatic and his final conclusions differed with the others, he also observed:

. . . this defendant's free will (i.e., freedom in the sense of free choice of action) was somewhat impaired, reduced

and restricted by his People's Temple experiences and by the increasingly pronounced malignant influence of Reverend Jones.

. . .

It should be noted, here, that despite Dr. Pollock's conclusion that Larry was not legally insane at the time, he candidly expressed to defense counsel his belief that Larry was factually innocent and that Larry did not conspire to kill Congressman Ryan or Mr. Dwyer, but that his focus and attention was directed only at "the defectors."

Perhaps more so than with most Temple members, Larry's early contacts with the Temple brought him into immediate personal contact with Jones because of Jones' assistance to Layton in obtaining Larry's conscientious objector status, and then because of Jones' early affair with Larry's wife, Carolyn soon after they joined the Temple. Thereafter, the all-pervasive, increasingly intense, and unending process of brainwashing and conditioning Larry experienced resulted in Larry's sensitivities being so perfectly attuned to what would be likely to gain Jim Jones' approval, that the mere suggestion that he take the actions suggested to prevent "the defectors" from leaving was accepted by Larry without apparent hesitation.

It would be inconceivable to most of us that one could surrender one's mind and will as Larry and the hundreds of others did. However, a considered examination of the many letters, affidavits and reports attached to the PSI and this letter will give you an idea of how the process worked. The shocking and incomprehensible acts of mass suicide and murder that happened at Jonestown as the events at the airport were unfolding are testimony to the success of Jim Jones' perhaps unprecedented skill at usurping peoples' will and conditioning them to respond to his requests. Had Larry Layton not accepted what was to have been a suicide mission at the airport (he was to have brought the smaller aircraft down in the jungle to prevent its occupants, Jonestown "defectors," from informing the world about Jonestown), he certainly would have died or have been murdered with the others at Jonestown.

According to the numerous people who knew Larry over the years, the many who themselves experienced the process, those who observed family and friends succumb to it, and those who personally saw Larry during the later years and while at Jonestown, Larry was totally under the influence of Jim Jones. The letters and other statements are replete with observations that Larry was so needing of Jones' approval that he suffered the worst of the abuse of Jones over the years.

In gaining an understanding of how Larry could have entered into and remained in such a demeaning and personally destructive environment and relationship, one must consider the wholly disastrous psychological interplay between Jones and the Temple members (including Larry). The Psychiatric Autopsy of Reverend James Jones, prepared by the esteemed and internationally renowned psychiatrist, Otto I. Bendheim, M.D. and appended to the PSI in Chapter 3, describes how it was that Jones came to dominate and control the hundreds of people in the Temple, even before it set up operation in Jonestown. The report is, in essence, a blueprint for disaster for the Peoples Temple membership and especially for Larry Layton because, as is reflected in the psychiatric and psychological reports on Larry Layton (also presented in the PSI, Chapter 3), Larry's upbringing and psychological makeup rendered him totally susceptible to the techniques Jones used for his coercive persuasion and control. Dr. Bendheim defines the "coercive persuasion" techniques Jones used to manipulate and eventually control the Temple members.

You are urged to carefully read that report, as the techniques used tie, with frightening accuracy, into the primary psychological "needs" reflected in the results of the Edwards Personal Preference Schedule administered by Michael P. Maloney, Ph.D. for the prosecution. The test reflected Larry's primary and highest needs to be:

Succorance: (97th+ percentile) "To have others provide help when in trouble, to seek encouragement from others, to have others be kindly, to have others be sympathetic and understanding about personal problems, to receive a great deal of affection from others and to have others do favors cheerfully, to be helped by others when depressed, to have others feel sorry when one is sick, to have a fuss made over when hurt."

Deference: (91st percentile) "To get suggestions from others, to find out what others think, to follow instructions and do what is expected, to praise others, to tell others that they have done a good job, to accept leadership of others, to read about great men. . .etc."

Affiliation: "To be loyal to friends, to participate in friendly groups, to do things for friends, to form new friendships, to make many friends, etc."

Abasement: "A need to feel guilty when one has done something wrong, to accept blame when things do not go right, to feel that personal pain and misery suffered does more good than harm, to feel the need for punishment for wrongdoing, to feel better when giving in and avoiding a fight than having one's own way. . .etc."

Also extremely revealing are the results showing Larry's lowest needs:

Achievement: (4th percentile) "To do one's best, to be successful, to accomplish tasks requiring skills and effort, to be a recognized authority, and so forth."

Dominance: (6th percentile) "This is essentially the opposite of the need for deference which was described above. Dominance is characterized by a need "to argue for one's point of view, to be a leader in groups in which one belongs, to be regarded by others as a leader, to be elected or appointed chairman of committees, to make group decision, etc., etc."

Aggression and Exhibitionism: (Both at 15 percentile) A need "to attack contrary points of view, to tell others what one thinks about them, to criticize others publicly, to make fun of others, to tell others off when disagreeing with them, . . .etc."; and a need "to say witty and clever things, to tell amusing jokes and stories, to talk about personal adventures and experiences, to have others notice and comment about one's appearance. . .etc."

One can see how Jones so easily manipulated and gained control over Larry Layton, and how Larry's needs made him totally susceptible to the suggestions that he stop "the defectors" from leaving Jonestown and Port Kaituma.

Given these results and the content of the numerous letters and affidavits in which the question of Larry's role within the Temple is addressed, any assertion that Larry held any position of honor or esteem is totally implausible, contradictory, and unsupported. As is noted, repeatedly (and in too many of the letters to specifically identify), Larry was Jim Jones' whipping boy and the brunt of his humiliation. The first major and most obvious example is Jones taking Larry's first wife as his "favored mistress" in approximately 1970, and from then, it continued on. Larry's "favored position" in Jones' view was such that Jones assigned Larry to hold the "pee cup" while Jones relieved himself on stage before his congregation (albeit behind a cover) so Jones wouldn't have to interrupt his many hours-long message/ harangue for the evening. Larry's presence is universally remembered by other members for the abuse and humiliation he received; he is clearly one who never was considered to be a leader or among the decision-makers. His need for approval kept him close to Jones.

There is complete agreement among the legal and psychiatric professionals as well as those involved with the Temple, that Jones's mind control and coercive persuasion techniques were very sophisticated and effective. His alternation of criticism, ridicule and punishment with praise and affection, confusion, communication/information control, and the other techniques outlined by Dr.

Bendheim and Dr. Richard Clark, Psychiatric Examination of Laurence J. Layton, A Report gradually led to the submission to what they anticipated Jones' wishes and approved actions would be. Larry was like everyone else who stayed, and lost their mind to the manipulations of Jim Jones.

By the time Larry Layton was selected by Jones and his closest associates (all of whom knew that Jones' control over Larry was complete), Larry had long since lost his free will and ability to question the morality or sensibility of what he was asked to do. What was right was what Jones wanted; again, as it had been for years, Larry accepted his task.

A representative selection of affidavits from survivors and former members of the Peoples Temple are appended to this letter in Exhibit D. These affidavits speak to the issues of Larry's condition at Jonestown during the months preceding the tragedy, his minimal role within the Temple and how he was seen and regarded by these writers and others (never as a leader). The harassment Larry experienced at the whims of Jones, his depression preceding and in the aftermath of his mother's death, his "zombie" -like appearance and demeanor, and the burden of carrying the assigned responsibility for his sister's defection from Jonestown, all are reflected in these statements. Among the many pointed observations is a particularly ominous one, made by Richard Clark, one of the few who actually managed to escape the Jonestown compound on the last day at Jonestown:

In either late may or early June, 1978, I travelled to Guyana. . . Larry Layton arrived. . . around that time. . . Jim Jones started to harass Larry Layton the minute we arrived in Jonestown. Jones continued to tell Layton that his sister, Debbie Blakey, had run away from Jonestown with Peoples Temple money. Jones continued to tell Larry Layton that he had to make amends for his sister's defection. Jones just put the burden on Larry Layton; he harassed Layton by talking about how Debbie Blakey had betrayed the cause and that it reflected badly on Larry Layton and that he (Layton) was just going to have to make it up.

Towards the end of Jonestown, Jones escalated his harassment of Larry Layton. Lisa Layton, Larry Layton's mother, died towards the end of Jonestown; this had a major impact on Layton as he had been really close to his mother and really loved her. Jones just turned the loss of Lisa Layton and Debbie Blakey around to make it all Larry Layton's fault; Jones had a way of turning all of Jonestown's problems into Larry Layton's responsibility.

Jones humiliated Larry Layton at every opportunity. . . Larry had so many things put on him to make him look and feel like he was nobody. The mental punishment was worse than the

physical.

. . . Jones blamed all the misfortunes experienced by the Peoples Temple on Layton. Jones blamed Larry Layton for the attacks made by the press, the Concerned Relatives, and the United States government. Jones claimed that the negative thoughts generated by Blakey's [Larry's defected sister] "lies" were Larry's responsibility.

The affidavits, which include that of Jim Jones' son, Stephan, and others who had been in responsible positions within the Peoples Temple, reflect similar observations. Small wonder that Larry Layton should respond to Jones' suggestion to keep the defectors from leaving Jonestown.

The Jonestown tragedy is unique in the world's recent history. The psychic conversions and thought conditioning of hundreds of people accomplished by Jim Jones was frighteningly effectively carried out over the years and accelerated at Jonestown. But Larry Layton is no different than the many people who perished at Jones' direction, many of whom forced babies, children or reluctant victims to take the fatal poison or shot resisting members, except that Larry Layton was the only person alive against whom any charges were filed.

A Decision Below the Parole Guidelines in Larry Layton's is Justified

The Parole Commission's Manual of Rules and Procedures addresses the matter of parole decisions outside parole guidelines which otherwise would be appropriate, in cases a case can be distinguished from the "typical" cases for which the guidelines are set. Examples of reasons for decisions below the guidelines are given.

We believe that given the facts of this case and the circumstances under which Larry's offense was committed, four of the six examples of Mitigating Offense Factors contained in the Manual apply to Larry Layton's case:

A decision below the guidelines is warranted because of:

1. Mitigating Offense Factors

. . . Larry Layton's offense was less serious than the rated offense would normally be because he was only peripherally involved in the offense. [By all accounts, and as expressed by the Court at sentencing, Larry did not have any direct role in the murder of Congressman Ryan (or of the others killed at the airstrip or in Jonestown), or in the injury of Chief Deputy Dwyer (or the injuries of the others in their area).]

2. Diminished Mental Capacity

. . . Larry Layton had diminished mental capacity to contemplate the seriousness of the offense because of the effects of being exposed to a decade of manipulation, mind control techniques, coercive persuasion, and delusional thought which rendered him unable to independently examine or act in contradiction to the suggestions of Jim Jones and his closest advisors to take the actions which comprise the offense conduct.

3. Duress

. . . There is confirmed evidence that duress was overtly exercised to force Larry Layton to commit the offense. The mind conditioning and coercive persuasion, resulting in Larry Layton's loss of free will and corresponding sole focus on appeasing and pleasing Jim Jones to avoid punishment (physical and emotional) was implemented by Jones in an environment of fear, abuse, and humiliation, deprivation of satisfaction of physical and emotional needs, and peer pressure. The paranoid delusions the Jonestown populace suffered from, that evil outside forces would destroy Jonestown and therefore, the members' world (and Larry's) culminated in extreme duress which, in combination with diminished mental capacity, resulted in Larry Layton's actions and offense conduct.

4. Extreme Provocation

. . . there was extraordinarily severe provocation combined with a diminished mental state, occurring through no fault of Larry Layton. The provocation in this case was the perceived threat, based on paranoia and delusions, that Jonestown would be destroyed if the visitors and "defectors" reached the outside world. Larry Layton's diminished mental capacity rendered him incapable of realizing that the real threat was the very person whose approval he was compelled to seek and whose dictates controlled Larry's actions, including his offense conduct.

While punishment for his actions was, in the Court's opinion, required, the Court also sent a clear message through the type of sentence imposed ((b)(2)), that Larry should be released after serving five years and not be required to serve what otherwise would have been a minimum of ten years incarceration. The Commission is asked to recognize what was apparent to the jurors, the Sentencing Judge, the professionals and many former Peoples Temple writers of letters and affidavits - that the decade of conditioning and control under Jim Jones had placed Larry Layton under such duress that the seriousness of his actions is mitigated. The psychiatric and psychological factors and the effects of Jones' conditioning, in combination with the period of time Larry has already spent in prison, justify his release now.

**LARRY LAYTON'S SUCCESSFUL EFFORTS TO
RECLAIM CONTROL OVER HIS LIFE AND
PLAN FOR A STABLE AND PRODUCTIVE FUTURE**

After being acquitted of all charges against him in the Guyana courts in November, 1980, Larry was extradited on the initial indictment in this case. He was in custody through the first trial, which resulted in a mistrial because the jurors could not agree on a verdict. On October 1, 1981 Larry released for the first time since the tragedy, and remained on bond until December, 1986, following his retrial and conviction. He was again released while on appeal bond for a period of approximately 4 months. Altogether, Larry has been incarcerated more than 7 years pending trial and serving the sentence imposed. During times of incarceration as well as when he was on bond, Larry had demonstrated stability, good citizenship, and ongoing efforts toward self-rehabilitation and taking full responsibility for his actions.

A. Larry Layton Has Used His Incarceration to Reflect on HIS Conduct and the Totality of the Circumstances Precipitating His Incarceration and to Establish a Constructive, Productive Direction for His Future

The squalid, appalling, harsh, and frightening conditions Larry endured while in Guyanese custody pending trial for two years initially were only an extension of the life at Jonestown. Gradually, however, Larry realized and accepted the reality that the delusions of Jim Jones and the Jonestown experience were factually over and that he would need to regain control over his life. Awash in the feelings of loss and sadness of the tragedy, Larry's time was extremely difficult. He read and learned whatever has been available to him, and has actively worked toward regaining a sense of his own self, making conscious decisions, and making each day as self-fulfilling as possible.

Larry's steps toward increased self-knowledge and understanding, self-direction, and productive use of his time are more easily seen in his actions and efforts since being designated to the facility at which he has been serving his sentence, Terminal Island. As the Commission will see, his successful efforts and productivity are reflected in his most recent Progress Report, as well as in the numerous certificates of completion he has earned. Letters from the numerous individuals who support his immediate release further attest to their knowledge of Larry's efforts in custody. As observed by Jean B. Clancy, whose letter is found in Exhibit E,

Though initially terrified at the prospect of incarceration, he has accepted it with courage and has proceeded to make constructive use of the time. He has

remained very interested in events in the outside world, He has requested that we send him articles on the environment and a variety of new scientific trends. He meets regularly with a group of inmates to keep informed on current events through reading and guest speakers. He seems to have developed a conviction that he can contribute to society on critical environmental issues once he is released. . . .

As early as July, 1988, Larry received a Certificate of Achievement for having completed the Introduction to Printing course and completing 240 hours of press time learning that skill. Having learned that skill, he volunteers his time and skill to print posters for the Recreation Department.

Other Certificates of Achievement Larry has received are:

- * Intellectual Pursuits, December 20, 1988
- * Techniques in the Daily Management of Stress/Anxiety, August 11, 1989
- * Wellness in the Work Place, December 16, 1989
- * 36 hour Stress Management Workshop, December 17, 1989
- * Silva Method of Mind Development, December 17, 1989
- * Holistic Health and Stress Management, April 28, 1990
- * V.T. Building Maintenance, October 11, 1990
- * V.T Air Conditioning and Refrigeration Systems, March 22, 1991

In his Letter of Completion, certifying Larry's successful completion of 245 hours of Air Conditioning and Refrigeration Systems, the instructor, J. S. Krupa notes that Larry completed the entire course in four months, and completed 25 written tests. Larry's Grade Point Average was an excellent 91.0%.

Several of the courses Larry has taken have been audited, taken solely for the purpose of learning the content of what is being taught, rather than taking them for credits. Larry is committed to learning - for purposes of expanding his general knowledge, learning more about himself, learning new methods or techniques for living successfully within whatever environment he is in (and managing the stress in a productive manner), and learning skills which enable him to make a contribution now, and, perhaps, following his release.

Larry's outstanding work performance is also reflected in the sampling of Work Performance Rating sheets enclosed along with the Certificates of Completion in Exhibit F. In his work as Clerk in the Training Center, Larry's work was described by his supervisor, B. R. McCauley when justifying his recommendation for Larry's pay bonus in September, 1988:

Outstanding performance throughout new employee training

for both FCI, T.I and MDC, Los Angeles, I.F. classes. Made significant contribution to its overall success.

Larry's work performance has continued to be outstanding.

Larry is noted as being "highly active in various individual and group activities. He is a member of the Aloha, Breakfast and 500 Mile Running clubs" and to the extent available to him, has used the programs available to him through Psychological Services.

In that regard, and as a reflection of Larry's ongoing efforts to gain self understanding and control, a memorandum dated January 28, 1991 from Dr. Val J. Allen, the Psychologist at Terminal Island with whom Larry had much contact speaks highly of Larry. Dr. Allen knew and had close contact with Larry

". . . for twenty-five months during much of which time he has worked as an orderly in the Psychology Department. Mr. Layton is bright and can function independently at high levels of responsibility with very little supervision. As a worker in this department his conduct has been exemplary. . .

Mr. Layton has taken it upon himself to become involved in a series of therapeutic and self-improvement programs over the course of the time of my own tenure at Terminal Island. I, personally have conducted the format of said treatment interventions for personality change and behavioral adjustment. Mr. Layton's participation was especially admirable in the Stress Management Training Group . . .

Mr. Layton has also very appropriately availed himself of my professional services voluntarily for individual therapy on several occasions from time to time.

Lawrence (sic) Layton does not possess the typical Criminal Personality so commonly seen in this environment. I have come to know this inmate very well and believe that when he is finally given the opportunity, he will do well as a productive member of the free society. (See Exhibit G for Dr. Allen's memorandum.)

Additionally, the Director of the Attitudinal Healing Project which conducts seminars at Terminal Island and other prisons also has submitted a letter on behalf of Larry's parole, and to inform the Commission of Larry's contributions and progress. Mr. Millstein:

. . . met Larry in 1989 when he joined one of our support groups. He has attended every weekly meeting since we began and has been a mainstay for the others attending. Our group is a safe place for inmates to share their feeling of fear, frustration and anxiety and to relate to others who may be having the same problems.

I have spent 3 to 4 hours with Larry every week for over a year and have watched him relate to the other group members in the most loving and gentle ways. Larry helps our non-English speaking members by teaching them to read and is selfless in his giving of himself. . . .

Mr. Millstein closes by saying:

If there is any way in which I can help [the Parole Commission] to reach a positive decision about Larry's parole I would like to that by saying that forgiveness means letting go of the past and weighing the facts of the present towards the good of the future. (Exhibit G)

It is Mr. Millstein's closing statement to the Parole Commission which has become a guiding light to Larry Layton.

Joyce Hiyane, who met Larry while he was on bail before his second U.S. trial, and whose letter to the Commission also is found in Exhibit H, summarizes Larry's attitude and approach well:

Though he has suffered setbacks in his life, he is still able to meet each day with a genuine curiosity, willingness to learn, and the energy to participate to his fullest ability. . . he writes about books he has read (mostly history), new skills he has acquired (ceramics, printing, physical fitness), suggestions for ways to help me accomplish my goals; he sends me excerpts from poems he has found that he thinks may be of interest to me (I write poetry); sometimes I get a painting he has done. His tone is always upbeat, positive and patient when he mentions his unknown future and very encouraging and supportive when he writes about mine.

In her letter (Exhibit H), another friend, Laurie Netreba notes:

. . . he has turned his time in prison into a time for being good to others and improving himself in any way he can.

Anyone who knows Larry will attest to his positive attitude, his consistently outstanding work performance, his eagerness to learn and contribute, and his excellent and respectful relationships with other prisoners and all staff, and those family and friends with whom he is in contact.

E. Larry Layton's Conduct While on Bond Between Trials and Pending Appeal Attests to His Successful "Rehabilitation"

The letters to the Parole Commission in from family and friends provide many people's familiarity with, or glimpses into

the remarkable and very productive efforts of Larry Layton while he was on bond before and during his second trial, and while he was on appeal bond. During this time, Larry was effectively on probation for five years, during which time he reported regularly to the Probation Officer assigned to his case (and now Chief U.S. Probation Officer for the Northern District of California), Loren Buddress.

During that time Larry obeyed all rules and limitations imposed on him. While free on bail, Larry continued his college education, obtained gainful employment, re-established and maintained close family ties, and developed a close personal relationship with a woman whom he had hoped to marry, had the outcome of the trial and sentence permitted.

Larry obtained a real estate license and was studying stocks and investments just prior to the second trial. He, in short, conducted himself as a model citizen for the entire period he was in the community, as he has since.

At sentencing, as is reflected in Chapter 4 of the PSI, more than 60 letters to the Court urged the Court's leniency. Exhibits E, H, and I to this letter contain an additional approximately 40 letters, urging Larry Layton's release on parole. Many of these letters relate the writers' admiration and respect for Larry because of the manner in which he conducted himself while on bail between trials; indeed, several of the writers did not know Larry until that time, and relate their amazement at how Larry, despite what he was facing on a daily basis, could proceed with the patience, love and positive attitude he possessed.

Sandra Hiyane, Larry's former fiance, has written the Commission to urge Larry's release. Although now married and the mother of a young child, Ms. Hiyane wanted to share her support of Larry and her desire to see him released with the Commission.

I had a relationship with Larry from 1982-1989. We . . . planned a life together if things worked in his favor. His incarceration put a halt to our plans. . .

. . . I was surprised at how well Larry could function after Jonestown and its shocking outcome. He held and pursued respectable jobs, managed his own finances and had good friends. . .

When Larry returned from Guyana and back to "normal society" he was able to function well. His reality is the same reality we all make judgments by and during the time we knew each other well I always he made reasonable judgments and law-abiding decisions. In my opinion he is not a threat to society nor could he be involved in the same kind of predicament.

I've admired his positive spirit and desire to improve

himself throughout our friendship and during his incarceration. . . .

While on bail, Larry used every opportunity to improve himself and his opportunities for his future and personal fulfillment. In addition to developing solid and deeply meaningful relationships with many (and re-establishing relationships with those lost because of the Peoples Temple, such as with his father), Larry attended college classes at the College of the Redwoods in Humboldt County, Eureka, studying, among various subjects, art, computer science, accounting and real estate, Larry worked managing real estate properties, and after studying and becoming licensed for real estate sales, was so employed. He was joyous over regaining a sense of what the "real world" was, and being a part of it again. Larry was well on the way back to being "whole," and in control of his life.

Larry's "rehabilitation" is not rehabilitation in the classic sense, where a pattern of law violating conduct must be reversed. His is, perhaps more aptly, in a "recapturing" process, where, once out from under the domination of the force, manipulations, and coercion of Jim Jones and the paranoid environment of the Peoples Temple, Larry has been able to respond to a normal environment. He has been able to examine the experience he endured, the acts in which he became involved, and his submission to the forces and manipulation, and learn, and move on. It is clear that Larry has been able to "recapture" himself and in doing so, is "rehabilitated."

In his Evaluation on page 47 of Larry's PSI (written in January, 1987, Larry's Probation Officer, Loren Buddress, who was responsible for monitoring Larry's performance and adjustment while on bail and got to know Larry well over the more than five years he supervised Larry, stated:

It is this writer's belief that Mr. Layton poses no threat to anyone at this time, and after more than eight years of contemplating his past actions, I believe he is not in need of further rehabilitation.

CONCERNS OF THE U.S. PAROLE COMMISSION:
REQUIREMENTS OF THE U.S. CODE, PAROLE GUIDELINES ARE MET

A Parole Determination Criteria:

We believe that Larry Layton has met the parole determination criteria as set forth at 18 U.S.C. 4206:

1. Larry Layton has substantially observed the rules of the

institution to which he has been confined. Larry Layton's institutional performance and adjustment, and all aspects of his conduct in custody have been outstanding, as discussed above.

2. The nature and circumstances of the offense and the history and characteristics of Larry Layton support a decision to parole him immediately. Larry's role in the offense was minimal, and his actions were aberrational. He was acting not as he would have acted were he in control of his thoughts, decisions and actions, but in a state of diminished mental capacity, as is reflected in the discussion above and verified in the many letters and affidavits in the appended exhibits. The Commission is asked to give much weight to the psychological reports which describe the extremely sophisticated and effective techniques used by Jim Jones, and the statements of the writers of letters and affidavits who, themselves were victims of Jim Jones' manipulation and control, and who, themselves, either escaped Jonestown, or, fortuitously, were not present on the final day.

The history and characteristics of Larry Layton are likewise well documented in the psychological reports, letters and affidavits in the exhibits to this letter. Larry was raised a Quaker, and in the opinion of everyone who has known him, has been and is considered to be a loving, sensitive, caring, and above all, non-violent person. He is a hard-working gentle person, whose one act of criminal conduct, committed in a state of diminished mental capacity, has over-ridden and destroyed his otherwise clear and consistent pattern of good character and law-abiding conduct.

3. Larry Layton's release would not depreciate the seriousness of his offense or promote disrespect for the law. Larry Layton has served over 7 years in prison for offenses committed 13 years ago, in which he was minimally involved, and while under the influence of an extraordinarily evil man, Jim Jones. Larry expressed what his probation officer

. . . believed to be overwhelming remorse about the entire tragedy at the airstrip. He stated that the deaths and injuries at the airstrip will haunt his conscience for the rest of his life, and he spoke of the need to prove to himself, and others, that he is worthy of being alive and having survived the tragedy.

Mr. Buddress also reported the comments of many of the surviving victims at the airstrip.

Although at the time the PSI was prepared, no letter had been received from Monika Bagby, a passenger in the smaller plane in which Larry was present, and who was one of the three individuals shot, her letter is contained in Chapter 4 C, and also is quoted

Re: LAYTON, Laurence John, Reg. No. 20752-053
Initial Parole Hearing, June, 1991, FCI Terminal Island

26

in part in Judge Peckham's remarks at sentencing. Mr. Buddress reported the statements of Mr. Gosney, one of "the defectors" who had been shot by Larry:

"Layton was involved in quite a bit of pressure and this should be taken into account." He recalled that extreme pressure . . . and referring to Jonestown, Gosney related, "It was a closed community and he (Layton) was extremely needy of Jones's approval. I see him as a totally and basically destroyed person." He concluded by saying, "I don't feel he is a threat to anyone."

Even Deputy Chief Dwyer, injured by others' actions near the Congressman Ryan's plane stated to Mr. Buddress that:

. . . the tragedy at Jonestown and at the airstrip would have occurred with or without Mr. Layton and he characterized the defendant as "a small cog in all of this." (from PSI)

Tim Bogue, who also was injured with those at the larger plane wrote a lengthy letter to the Court (and contained in the PSI), toward the end, explains:

. . . Basically we were stripped of our dignity, pride, individualism, endurance and finally our will to survive. Very few people were able to maintain any spirit to resist, this includes two of my sisters and three brother-in-laws for they remained in Jonestown.

. . . Sir, what I am trying to achieve is for you and others to understand, Larry is not a conspirator or murderer, he is a victim just like the rest of us at that point and time he had his own will very systematically broken down to where it no longer existed, his actions were not of his own choice.

I wish I could express in words for you to understand he had no choice. We were like zombies, no longer caring if we lived or died just so long as it would end.

To be quite honest with you sir, if I was in his shoes (thank God I wasn't) I don't know that I wouldn't have done the same.

Sir in conclusion I wish if at all possible drop the charges, for we all suffered through this ordeal
(Emphasis added)

Every one of the letters to the Commission, even from those many who lost children or other family members at Jonestown, ask for Larry's parole or leniency.

Michael Cartmell, formerly Deputy District Attorney with the Mendocino County District Attorney's Office, former Peoples Temple member, sole survivor of his family, all of whom died in Jonestown,

and now husband of Larry's sister wrote:

Larry's continued imprisonment seems utterly irrelevant as a deterrent. Nor, can Larry's release depreciate the seriousness of the crimes. The Jonestown tragedy will haunt the world's collective memory whether or not Larry is in prison, Ironically, the longer he remains in prison, the more he is viewed solely as the unfortunate proxy for Jim Jones.

My appeal for Larry's release should not be tainted by the personal relationship that binds us. I lost my entire family in Jonestown, not to mention many dear friends. You may be sure that I wouldn't bother to write if I felt that Larry had even the remotest connection to their deaths. (Exhibit I)

Regarding Larry's release, Raymond Valentine writes:

There are two initial questions. . . The first is whether he has paid his debt to society, and the second is whether he represents a threat to society. To me the answers are crystal clear. Larry has amply paid his debt to society; indeed further internment takes into the murky zone in which Larry as an individual starts to pay for the sins of Jim Jones and his organization.

Regarding the second point, Larry is mild mannered and during his quarter century. . . he has displayed a kind of demeanor and does not represent by any stretch of the imagination any threat whatever to society. . . . (Exhibit I)

Bridget Moar expresses her opinion that

. . . In no way should we, the public minimize or forget Jonestown. Nonetheless, Larry Layton should not be held accountable for the entire tragedy. Larry has served, without incident, a reasonable prison term for his involvement with Jonestown. Please now, consider granting Larry parole and the ability to move on. (Exhibit H)

If those most directly familiar with the tragedy of this case, jurors, direct victims, and relatives of victims, feel Larry Layton has been sufficiently punished and deserves parole, it seems that the question of whether his release would depreciate the seriousness of the offense should be and is already answered.

4. Larry Layton's release would not jeopardize the public welfare. In addition to the assessment of Chief U.S. Probation Officer Loren Buddress that Larry "poses no threat to anyone at this time" (written four years ago), letters from jurors, victims of Jonestown, and many friends and family underscore his assessment. Claire Janero, whose teenage son and daughter died at

Jonestown, makes an emotional plea for Larry's release. Her poignant letter to the Commission (Exhibit E) regarding her loss and the difficulty she has had in coping, closes by saying:

Larry Layton does not deserve to be incarcerated. He is a bright, humane, loving person, who like the rest of us put his trust into the hands of Jim Jones. God knows his only desire was to bring peace and brotherhood to all earth's people. Larry needs to get on with his life, he is of no danger to anyone - all has been wrenched out of him in unmeasurable pain and sorrow. Please - If I who lost my precious children do not hold him responsible for the Guyana tragedy you can surely objectively understand that he is no threat whatsoever to any community he lives in.

B. Parole Guidelines.

The parole guidelines in Larry's case, presumably, will be based on his offense being rated of Category Eight severity. He has a salient factor score of 10. His guidelines for parole will, therefore, be 100+ months.

The Commission is urged to recall that "these time ranges are merely guidelines. Where the circumstances warrant, decisions outside of the guidelines (either above or below) may be rendered", and justified in cases that are not "typical." Grounds for departing downward are discussed above, and will not be addressed again here.

CONCLUSION

We are asking the Parole Commission to take a fully justifiable and just action: to release Larry Layton, now, to parole. After serving more than seven years in prison, undergoing the enormous punishment of three trials (two after having been acquitted of all charges in Guyana), and having lost many friends to the tragedy, we ask that the physical incarceration of Larry Layton be terminated.

The justification for Larry's release is well stated by one of those who has written to the Commission (Exhibit I), urging his release, Marga Rose-Hancock:

As I understand it, your consideration must balance the applicant's rights with those of the community which deserves protection from those who threaten harm, and also expects just punishment of transgressors and the upholding of respect due the law. The release of Larry Layton can achieve such a balance, in my view:

1. His gentle nature suggests no threat. When he is released his connection to his family -- who demonstrate love and stability in their steady concern for Larry -- will be sustaining; and with the support of parole conditions will promote positive re-entry into productive society. Those influences will be good ones.
2. Unlike the many who suffered and died in Jonestown, but like other survivors who yet grieve, Larry Layton and his family continue to be victimized by the awful violence of those months and minutes in Guyana. Adding to the suffering of this individual by additional incarceration is beyond any meaning of effective punishment. I hope that others who survive can find mercy for one who bears a debt disproportionate to his responsibility in its incursion.
3. Respect for the law has been thorough in the serial of trials, in Guyana and the US, that have required Larry Layton and the Layton family to undergo public repetitions of their sufferings in and related to Jonestown, and to the agony of events which while they cannot be forgotten, must be survived.

I hope you can determine that justice will be served by your acceptance of Larry Layton's application for parole.

We, too, hope you can agree that Larry's parole is warranted, and that you will order his release.

Respectfully submitted,


FRANK BELL

Exhibits attached

**Letter to U.S. Parole Commission for Initial Hearing:
Laurence John Layton, Reg. No. 20752-053**

TABLE OF CONTENTS: EXHIBITS

- Exhibit A:** Sentencing Transcript Reflecting the Court's Statement at Sentencing
- Exhibit B:** Decision of the Ninth Circuit Court of Appeals, Case No. 87-1071
- Exhibit C:** Affidavit of Emanuel Tanay, M.D., F.A.P.A, with Curriculum Vitae; April 22, 1987
- Exhibit D:** Affidavits of Survivors and Former Members of Peoples Temple
- Exhibit E:** Letters to the Chairman of the U.S. Parole Commission from Former Members and Survivors of the Peoples Temple
- Exhibit F:** Certificates of Completion and Work Performance Rating Sheets
- Exhibit G:** Memoranda dated January 28, 1991 from Dr. Val J. Allen, the Psychologist at Terminal Island, and January 11, 1991, from Dan Millstein, Director of Attitudinal Healing Project
- Exhibit H:** Letters to the Chairman of the U.S. Parole Commission from Friends of Larry Layton
- Exhibit I:** Letters to the Chairman of the U.S. Parole Commission from Family Members.