

10/22/78 I have out this file in order and read it, together with the proposed opinion by Mr. Barnwell, and the comments in the memo by Sharon. Is far as I can see the opinion of Mr. Barnwell is fine.

An independent reading of the file (given my lack of knowlege of local proceedure) indicates the following:

1. There is not, and never has been an outstanding order for the arrest of Rev. Jim Jones.
2. There is an outstanding petition for a citation for Contempt which upon hearing could lead to an arrest order, but there is no order in the file to have such petition heard, there is no affidavit of service, and no hearing date set. Therefor there is no limit on Jims mobility, which is what Barnwell says.
3. There is an outstanding order for the arrest of John Victor Stoen, made by Judge Bishop and John Victor Stoen has been made a ward of the Court. There is a provision for a Bench Warrant being issued for his arrest, all by virtue of this same order dated 10 Sept. 1977. There is no indication in the register that a bench warrant was ever issued for John, nor that any instructions were issued to any authorised official to make the arrest. I am assuming that such papers would have to be made and entered in the file in order to actually hava a Marshall come out and physically ~~arrest~~ ^{seize} John.
4. That since Judge Bishop resigned himself from the case there has been no assignment to a new Judge, and that as a result the case is in total abeyance, and no further instructions could be made for the arrest of John unless an assignemnt to another Judge was made, unless Bollers made them himself.

IMPRESSIONS

I think that Luckhoo's advice to let sleeping dogs lie is wise. The only part that seems a bit tricky now to me is whether there could be an arrest of John based on the present record. I kind of doubt it, otherwise what would have prevented Hughes from having the Marshal come to Jonestown, take John out and put him on a plane for U.S.A. I think that they would have.....if the could have. However, this point could easily be clarified by Barnwell. I might point out that I think that the order of 10 Sept. 1977 is totally defective where the Judge attempts to permit the service of an Order for Contempt in any manner other than by personally serving Jim. I don't think that is permissable anywhere because of the quasi-criminal nature of contempt. I think that that is the point Luckhoo was continually harping on. However, I do feel that the Judge likely did have the Jurisdiction to make John a Ward of the Court, even on an ex-parte basis - of course subject to appeal for abuse of discretion, or because John was not represented or whatever.

CONCLUSION:

The only practical problem that I can see that we could remotely have would be that an arrest of John might be made if we tried to take him out of the country. I think that this is very remote, and not really possible under this state of the record, but this could be cleared up, I feel, by clearing up the one point I made, and by checking the register just before we take him out to be sure that there are no changes in the file.