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December 9, 1977

Dear Mr. Duncan:

The Secretary has asked me to reply to your letter of November 23 concerning the case of John Victor Stoen, who is presently in the custody of a religious group known as the People's Temple, in Guyana. Congressman Phillip Burton has also expressed interest in this case and has received a similar reply.

As you mention in your letter, John Stoen's mother has engaged attorneys Margaret Ryan and Jeffrey Ussas as counsel for her regarding court proceedings in Guyana to regain custody of her son. It is noted that Mrs. Stoen previously signed over custody of John to the religious group. Both Mr. Ussas and Ms. Ryan have visited the Department of State to express their concern and to raise questions concerning the handling of a child custody court hearing in Guyana. While Mr. Ussas was in Guyana for some preliminary court proceedings, he was in close touch with officers at the American Embassy there, who offered him every possible assistance, including personal representation. The Charge d'Affaires to high Guyanese government officials was Mr. Ussas believed that political pressures were being brought to bear in the judicial system. Both Mr. Ussas and Ms. Ryan noted that the American Embassy offered Mr. Ussas all possible assistance during his visit to Guyana. Mrs. Stoen has also retained an attorney in Guyana to represent her. You are informed that the attorney was recommended by the Solicitor General of Guyana and that he enjoys a very good reputation in Guyana.

During Mr. Ryan's recent visit to the Department she talked at length about Mr. Ussas's and her belief that the pending judicial proceedings were going to be unfair in some manner, unfairly prejudicing the judge against their client. She was unable to be specific and was counseled to keep in close touch with the Embassy for any required assistance during the hearings.

The Honorable  
Scott A. ...  
Member of Representative

DEPARTMENT OF STATE A/CDC/NE	
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Neither the Department nor the Embassy can protest trans-  
gressions of normal court procedures which have not yet  
happened.

We have attempted to assure Mr. Haas and Mr. Ryan  
that in our experience Guyana is a country with a strong  
rule of law and that the judicial system there heretofore  
has not been unduly influenced by outside political inter-  
ference. Should Mr. Haas, Mr. Ryan or their Guyanese  
representative believe that the hearing which is afforded  
them on behalf of Mrs. Stoen is not conducted in accordance  
with the local law, they should promptly bring any irregulari-  
ties to the attention of the American Embassy.

During her visit to the Department Ms. Ryan had some  
doubt about her ability to satisfy a foreign judge about  
Mrs. Stoen's character or ability to provide a proper  
environment for her child. Ms. Ryan was provided informa-  
tion about international social service agencies which may  
be of assistance to her in that matter.

With respect to the basic question regarding custody,  
court orders issued by individual states in the United States  
have no validity outside the jurisdiction of the court which  
issues them. The question of John Victor Stoen's custody can  
only be decided at this time by the competent court having  
jurisdiction in his present place of residence, Guyana.  
Although the California court orders may be useful in the  
case in Guyana, the family must not expect that the hearing  
in Guyana is to enforce the California court order. The  
hearing in Guyana is to determine the custody of John Victor  
Stoen, his family and their attorneys must be prepared to  
discuss the basic custody matter with the court in Guyana  
and not expect that court to accept the decisions of a foreign  
(U.S.) court at face value.

For additional information about child custody  
cases please telephone Miss Elizabeth Powers of our  
Office of Special Consular Services on 632-3215.

Sincerely,

*[Signature]*  
Douglas J. Bennett, Jr.  
Assistant Secretary  
for Congressional Relations

Clearance: SCS-Mr. Rivera  
SCS-Mr. Dobrenchuk  
SCS-Mr. Lambert  
CA-Mr. Watson  
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