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FM SAN FRANCISCO (89-250) (P) (SQD 1)

TO DIRECTOR (89-4286) IMMEDIATE

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/21/93 BY 9803 RDD/MLM

RE BUTEL, AUGUST 15, 1979. (u)

FOLLOWING INFORMATION BEING FURNISHED TO THE BUREAU FOR
RELAY TO DOJ IF DEEMED APPROPRIATE: (u)

LARRY LAYTON ORIGINALLY ARRESTED PORT KAITUMA, GUYANA,
TRANSPORTED TO GEORGETOWN, CHARGED AND SUBSEQUENTLY INDICTED
AT PRELIMINARY INQUIRY FOR HIS PARTICIPATION IN THE INCIDENTS
AT PORT KAITUMA RESULTING IN THE DEATH OF CONGRESSMAN RYAN AND
OTHER PERSONS. ON MARCH 7, 1979, GUYANESE JUSTICE RULED THAT
PRELIMINARY HEARING RESULTING FROM A CHANGE OF VENUE FROM THE
MAGISTRATE OF THE NORTHWESTERN MAGISTRIAL DISTRICT TO THE
CHIEF MAGISTRATE OF THE GEORGETOWN MAGISTRIAL DISTRICT WAS
IMPROPER; THUS, THE PRELIMINARY INQUIRY AND RESULTING

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INDICTMENT WAS IMPROPER AND DISMISSED. SINCE THAT TIME, LAYTON HAS NOT BEEN REINDICTED AND IS CURRENTLY BEING HELD ON PROSECUTOR'S COMPLAINT CHARGING HIM WITH MURDER, ATTEMPTED MURDER, CONSPIRACY TO MURDER AND POSSESSION OF FIREARM. IT IS BELIEVED THAT GOVERNMENT OF GUYANA (GOG) CONSIDERED INTRODUCING ALL TESTIMONY FROM FIRST PRELIMINARY INQUIRY AS EVIDENCE IN SECOND PRELIMINARY INQUIRY BUT THAT WAS NOT DONE IN VIEW OF THE FACT THAT ORIGINAL PRELIMINARY INQUIRY CONTAINED NO TESTIMONY TO TIE LAYTON INTO CONSPIRACY TO KILL RYAN. THEREFORE, IT WOULD BE REQUIRED TO HAVE ALL WITNESSES RETURN FOR SECOND PRELIMINARY INQUIRY. GOG DID AT ONE TIME CONTACT NUMEROUS WITNESSES IN THE U.S. AND IT IS BELIEVED THAT ONLY TWO WITNESSES AGREED TO RETURN TO GUYANA AND THEN ONLY UNDER THE CIRCUMSTANCES THAT ALL EXPENSES AND PROPER SECURITY BE AFFORDED.

IT CAN BE SUPPOSED THAT IF GUYANA DID PURSUE TRIAL WITHOUT INDICTMENT (WHICH IS APPARENTLY ALLOWABLE UNDER GUYANESE LAW), IT WOULD BE DIFFICULT, IF NOT IMPOSSIBLE, TO SHOW SUFFICIENT EVIDENCE OF CONSPIRACY TO KILL RYAN ON THE PART OF LAYTON WITHOUT SUFFICIENT COOPERATION AND TESTIMONY FROM WITNESSES (U.S. CITIZENS) RESIDING IN THE U.S. IF GOG WAS SUCCESSFUL

(u)

IN PROSECUTING,

(LAYTON ON OTHER CHARGES, IT WOULD STILL LEAVE THE MURDER AND CONSPIRACY OF CONGRESSMAN RYAN UNPROSECUTED. IT COULD BE FURTHER SPECULATED THAT IF THE GOG WAS REQUIRED TO GO THROUGH A JUDICIAL TRIAL AGAINST LAYTON AND SUBSEQUENTLY SENTENCED FOR LESSER CRIMES, THE GOG MAY NOT BE AMENABLE TO COOPERATE WITH OUR GOVERNMENT AT A LATER DATE IN VIEW OF THAT THEY WERE REQUIRED TO PROSECUTE WHEN THEY DID NOT DESIRE TO DO SO. (u)

CONCERNING GUYANA'S LACK OF DESIRE TO PROSECUTE LAYTON, SPECIAL AGENTS OF THE FBI, AFTER PERSONAL CONTACTS WITH NUMEROUS GOVERNMENT OFFICIALS IN APRIL OF 1979, READILY CONCLUDED IT WAS APPARENT THAT THE GUYANESE GOVERNMENT WOULD BE MOST SUSCEPTIBLE TO U.S. GOVERNMENT'S REQUEST FOR THE EXTRADITION OF LARRY LAYTON AND PROSECUTION IN THE U.S. THIS LACK OF DESIRE BY THE GOG TO PROSECUTE LAYTON IS BASED ON THE FACT THAT TRIAL WOULD BE COSTLY, TIME CONSUMING, (u)

AND BRING UNDUE ADVERSE PUBLICITY THAT THE GOG DOES NOT DESIRE. IN ADDITION, AMERICAN EMBASSY AT GEORGETOWH HAS POINTED OUT THAT THE GOG WOULD, IN ALL LIKELIHOOD, PREFER TO PASS THE PROSECUTION OF LAYTON OVER TO AMERICAN AUTHORITIES. TRIAL WOULD BE COSTLY (u)

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AND TIME CONSUMING FOR GOG INCLUDING AS IT DOES THE NECESSITY OF BRINGING BACK FROM THE U.S. PEOPLE'S TEMPLE SURVIVORS TO TESTIFY. AMERICAN EMBASSY ADVISES, THEREFORE, IF GOG WERE TO BE PRESENTED WITH POSSIBILITY THAT A U.S. COURT IS PREPARED TO ACCEPT JURISDICTION THERE IS A REAL LIKELIHOOD THAT GUYANESE JUDICIAL SYSTEM WOULD BE TEMPTED TO DROP CHARGES AGAINST LAYTON AND RELEASE HIM. SAN FRANCISCO FBI HAS ALSO RECEIVED REPORT FROM NEWSPAPER PERSONS RECENTLY RETURNED FROM GUYANA THAT GOG LOOKS UPON THE LAYTON CASE AS THE KILLING OF AN AMERICAN BY AN AMERICAN IN VIOLATION OF AMERICAN LAW AND IS THEREFORE AN AMERICAN PROBLEM. (u)

IT IS NOT KNOWN IF THE DOJ IS IN POSSESSION OF COMPLETE INFORMATION CONCERNING THE EVIDENCE AGAINST LAYTON, I.E. GRAND JURY TESTIMONY. FOR INFORMATION, GRAND JURY TESTIMONY IS SUFFICIENTLY MORE DETAILED AND GRAPHIC THAN ORIGINAL FBI INTERVIEWS WHICH ARE UNEERSTANDABLY NOT AS DETAILED DUE TO RELUCTANCE OF SURVIVORS TO TALK TO GOVERNMENT OFFICIALS IMMEDIATELY UPON THEIR RETURN TO THE U.S. AND LACK OF TOTAL UNDERSTANDING OF THE INCIDENT IN GUYANA AT THE TIME THE INTERVIEWS WERE CONDUCTED. (u)

DOJ SHOULD BE MADE AWARE THAT ON MARCH 26, 1979, MR. TONY TAMBURELLO, AMERICAN ATTORNEY RESIDING IN SAN FRANCISCO REPRESENTING LAYTON, ADDRESSED A LETTER TO USA, SAN FRANCISCO, IN WHICH HE STATES, "FORMAL DEMAND IS HEREBY MADE FOR YOUR OFFICE, OR ANY OTHER APPROPRIATE AGENCY WITHIN THE UNITED STATES GOVERNMENT, TO REQUIRE THAT LARRY LAYTON BE BROUGHT TO THE UNITED STATES TO STAND TRIAL FOR ANY CRIMINAL ACTS THE UNITED STATES GOVERNMENT INTENES TO PROSECUTE HIM FOR AS A RESULT OF THE INCIDENT OCCURING AT PORT KAITUMA, GUYANA." (u)

IT IS FELT THAT INVESTIGATION REQUESTED BY LEGAT, BOGOTA, WOULD BE PROPERLY CONDUCTED THROUGH APPROPRIATE CHANNELS AND DIPLOMATIC PROTOCOL AND MAY RESULT IN OBTAINING CONCLUSIVE EVIDENCE OF LAYTON'S GUILT, IF DOJ CONCLUDES THAT SUFFICIENT EVIDENCE DOES NOT NOW EXIST. (u)

ARMED AND DANGEROUS. SUICIDAL TENDENCIES. (u)

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