

A. I. C. - 6

1. Reply papers filed by TOS in answer to our complaint filed in our lawsuit against him: 3 copies attached. Answer to Complaint; Memorandum of Points and Authorities; Declaration of TOS; Declaration of Steven Katsaris; Declaration of James Cobb; Declaration of Wade and Mabel Medlock; Exhibits including TOS resume sheet, Mendocino Co. Board of Directors Resolution of Commendation to TOS, Katsaris letter to lie detector agency; complete copy of Katsaris v. P.T. lawsuit with exhibits.

These were brought to court by Pat Hallinan on the day of the hearing on our order to show cause: Charles was in Marin County still in his murder trial so he had James Pesonen of his office appear in his place for this hearing. Leona, Tim Clancy and myself arrived at the courtroom about 9:25 am; the judge called the calendar and Pesonen walked forward to present the case when our case came up. TOS and the Mertles were out in the hall and did not come into the courtroom. Neither did Hallinan. Pesonen talked with the judge and the judge granted the injunction against Stoen, but there was a temporary technical delay because in completing the summons which showed that Stoen had been personally served, I neglected to add that he had been served with the order to show cause. He had been served with it but the court had to have proof of that, and Pesonen explained to the judge that he would have the process server (Tom Adams) provide that proof, which would have been some declaration of some sort. The judge was satisfied, and said he would grant the injunction after shown proof that Stoen had been served with the order to show cause. Pesonen left the courtroom; Leona, Tim and myself hurried after him to catch up and find out what we had to do to connect Tom with Pesonen. We caught up with him around the corner and down a long hall, and stood talking with him there. We had our backs turned and as we were talking, someone walked up to me and said, these are for you June, and plunked down in my hand summons and complaints in the Medlock and Cobb suits. I turned around and saw a woman in a wig walking away; Leona later told me it was Deanna Mertle. So we rushed over to Garry's office, primarily to get out of there in case they would want to serve anyone else. While we were at Garry's office, waiting for Pesonen, the court called again and it turned out that after Pesonen and ourselves had left the courtroom, Hallinan came in discovering what happened. He explained to the judge that he had been expecting Charles Garry and didn't realize that Pesonen was appearing for us. He submitted Stoen's papers in reply to our complaint and of course the judge revoked his prior judgment against Stoen, continued the whole thing until September 7.

The next day we talked with Charles about the lawsuit. He wants: (1) GENE CHAIKIN to go carefully through the whole thing and submit his analysis immediately to Charles. (Charles demanded that everyone there who would ordinarily analyze the attached papers come to Georgetown and do it so he would get it back faster. We made our usual protests, but realized that he just doesn't understand how things work with us, so we went on about our business, knowing full well we would just send these on with the reports...)

1, continued

He wants (2) Maria to come back for a week at the most to be in a deposition. A deposition would involve both Charles and counsel for Stoen, and they would ask her questions, much like a cross-examination at a trial. Also, since Stoen is attorney of record for Katsaris, I'm not sure which attorney would be asking her questions for the other side, Hallinan or Stoen. The deposition cannot be held in Guyana; because it has to be done where attorneys for both sides can be present, otherwise it is not admissible in court. He said "I need that, is it possible to get it here in my office?" He would not need her in the next 2 or 3 weeks, but soon. He would not need her to stay for the duration, but he would want her to come for the deposition. (3) he wants us to go through the papers on this side and factually analyze which is true and which is not true; i.e., when Stoen says that JJ would testify such and such, etc. He wanted to know if what Stoen says in the Answer (see page 6) about Carol Stahl was true - if she went because her daughter was really sick or if she went because we wanted her out of her; in other words, did we really try to dupe him? We said no, it was not true what Stoen said, that she really went there for her daughter. He said, if it isn't I want to know, you can tell me, but I just want to know it straight. The feeling is here, though, that if we really let him have it straight, he would take it emotionally, and it would lead further to the existing credibility breakdown that he feels with us on this side. (4) As far as needing affidavits etc., he says he doesn't know what he wants yet. Hallinan's memorandum of points and authorities (page 5) talks about lack of specifics or affidavits, but Charles said he isn't ready yet, doesn't know what he wants in the way of affidavits, he would only repeat over and over that he wants Maria to return for a week for a deposition. We re-emphasized that we would like for him to travel to Guyana himself and get the straight story. We want him to do this because everytime now that we go in there, he listens less and less to strategy from us. He resents being told what to do, and told us so yesterday. He more or less resigns himself to it, but with that comes an attitude of aloofness - if we get in trouble, he can always get himself out of it, etc. Sometimes he gets really interested and involved, but as our stories change from day to day, he pulls back. Leona thinks and I would tend to agree that if he goes, one of us should go with him, because when he comes back, there would be no way for us on this end to know what he was told there. He could always continue blowharding himself through and we wouldn't know what he had been told to do by people over there. This should be seriously considered and soon, because even phone patches don't do the trick. When JJ talked to him over the phone patch and we were in the office, he was reading his mail and talking to Pat over the phone patch. Leona told Pat to be quiet, but Pat continued to divert Charles' attention from Jim's words. Also the radio gets heavy qrm in the middle of a phone patch and Charles just turns his ears off. We are all very much aware over here (Leona, McElvane, Jean, Clancy and myself) that Pat plays a major part in diverting him from concentrating on our case; when she's around, he treats us with much less respect, as if he constantly has to put on a show for her and put us down. We end up inevitably in

arguments or a stand-off, particularly about Dewitt. It is understood that he and we do not agree about handling Dewitt, but when Pat is there, he becomes extremely emotional about the matter; when she's not, ~~xxx~~ he's more likely to resign himself to our decision.

After he read the TOS lawsuit answer, he said it is clumsily done and he thinks that TOS did it and Hallinan just put his name on top. It is not Hallinan's style or quality. Personally, we are not impressed with Charles' style either, because if Hallinan had submitted his Answer a week or so before ~~hhe~~ hearing rather than at the last minute at the hearing, Pesonen would have had to argue the matter in court. Even if Pesonen had been able to continue it on the theory that Charles would be best equipped to take the hearing on, the papers that Charles has submitted up to now do not support anything; they are just the complaint and the order to show cause and memorandum insupport of order to show cause, and Carol Stahl's declaration, no more affidavits, no more written evidence. Also, in regards to the 3 lawsuits, we have no written specific evidence that shows us that TOS actually was involved in the legal advice i.e. telling Katsaris to go to Guyana to avoid conservatorship/doing Medlock property transfer/being involved with Cobb. We have telephoned statements about the Katsaris advice, but no court affidavits. We have nothing in our papers over here that shows TOS had any part in the Medlock property transaction. We would need an affidavit submitted in court because there are no escrow papers or notes or real estate committee notes, nothing what we can find after having gone through everything here that we have to look through, that shows that in writing TOS was involved with that property transfer. Since we have the burfden of proof, we are going to have to produce something along the way. As far as Cobb - the only thing I have found so far is the attached brief note, which at the top is written COBB in Buford's handwriting. I showed this to Garry - he wants an explanation from Buford about when this was and what part TOS had in it. Right away. But what else is there, in writing? Of course, the next conclusion is that we dont intend to pursue any of these, and that may be the case,

We have of course not told Charles any of this; and we have not and will not talk about not pursuing the thing, but ~~xxxx~~ if there are going to be any supporting declarations or affidavits, they better be produced from over there soon. That's another reason we'd like for him to go over there, as soon as possible.

Re the allegation that radio instructions were that Carol was to go over, Charles wants to know how or where TOS would have gotten such information if it is not true, as we say it is not true. "I am going to have to find out where he got that information." Especially since it's obvious now that they're intercepting our radio communications.

Re Hallinan representing Stoen - this disturbs Charles, since he has some respect for Hallinan, and he wants to know how would Stoen convince Hallinan to represent, when the Hallinans were our friends.

Note: we do have the lie detector tests, which are good, but not enough.

R.I.C-bc

2. Today Leona and I brought Walter Duncan into Charles office for an interview and Walter told how TOS came over to his car when he was parked at a bus stop in SF. TOS told him not to go to Guyana because his papsport would be confiscated and he'd never get back; ~~xxx~~ and the usual stuff - up to now Walter had told Leona he would think about it when she asked him to put it down in writing. But it turned out that Walter has been a friend of Jim Herndon, Charles' partner, for 30 years, and that Walter knew Charles. So Charles went readily in to see Charles, and Charles put on the sell job about the project that he always does, and very carefully explained about TOS. At the end, Walter agreed without hesitation to sign an affidavit, and a copy of it is attached to this report. Charles had it drawn up as part of the court action and he intends to file it. Therefore, he does not want any of it published. He stressed that over and over to me after Walter left - he does not want us to send it out to anyone - he did not want us to put it over the radio. In other words, he doesnt want to educate the other side before he gets it in the court record.
3. Re the Medlock situation - possibility of indictment of Bedford: The trouble with Charles in this case is that he reacts from a defense position - he doesnt realize the significance of an indictment of Bedford. He says that if Bedford does get indicted, Charles will ask Leo Branden to handle the case. Branden is an LA attorney who Charles picked to represent Angela after Howard Moore was bungling it. He wants Branden because Branden is black, has the black community in his pocket, and is ~~xxx~~ good lawyer. But he doesnt understand that we want to head off any indictment whatsoever. He does agree that Bedford should not go to the meeting between Finklestein and the other 2. But there is some hint that Charles may not intend to meet with Finklestein at all. We were meeting with Marshal Bentzman about other matters this week and he let slip that Charles was not going to meet with Finkelstein, then backtracked and said maybe he wasnt supposed to tell us that. But when we ask Charles about it, he just says he's still in his murder trial, he has no intention of calling Finklstein til he gets out of his murder trial, and that's that. I asked if it was possible that they could issue indictment before this meeting is arranged; and Charles said yes. We are in a double bind, because if Bedford should move out of LA for safekeeping, that leaves Vee and Florida to deal with the rest of LA, and they have told Leona that they would have to go with him because it would be impossible for them to deal with it. Also, Charles definitely does not want Bedford to take a vacation; he realizes we are considering it and considered it himself for a time, but ended up wanting Bedford to stay despite the danger of indictment because he is ~~xx~~ needed for the lawsuit against TOS.

R. I. C. 6d

4. Re the Dotson's - attached is copy of ~~xxx~~ write-up by Pat when she was called by the LA DA re the Medlocks and the Dotsons. It is mainly on the Medlocks. and I think ~~Martha~~ Martha has already sent you a copy of this. What I remember about the Dotsons is this: In 1976 sometime, maybe 1977, but I think 1976, in Los Angeles, Rheavina and LA counselors put Mr. Dotson in a resthome, far away off, someplace difficult to get to, like Pasadena. He was very sick. Mrs. Dotson lived in SF communally. She was very upset because it was not easy for her to get to him to visit. Eventually after a lot of discussion, Mr. Dotson was removed from the rest home and brought up north to Mrs. Dotson. This was over a long period of time. He would come to service with her and sit in the front row, with a walker. As far as property is concerned, in 1977 she turned in papers on property she has in Texas, a lot. Have no idea of what its value is, but since it was out of state and those cases of out of state property were always next to impossible to seal, nothing happened on it and we still have her papers on the property in a file.

~~A-16~~

A-1-C-6-e

— Re: Cobb —

I still think it advisable to proceed. Person who does it should be unknown to subject and should try to disguise voice and speak to the point. Annie Moore probably good.

I don't think that the authorities will go to all the trouble to make a voice print since nothing illegal involved.

It's rare that such a "natural" opportunity will present itself.

Jim

R. I. C. G. J.

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SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

PEOPLES TEMPLE OF THE DISCIPLES
OF CHRIST, a nonprofit
corporation, et al.
Plaintiffs,
vs.
TIMOTHY OLIVER STOEN,
Defendant.

NO. 740531
DECLARATION OF
WALTER DUNCAN, JR.

Walter Duncan Jr. declares as follows:

That I have known Timothy Oliver Stoen, known to me as
Tim Stoen, for approximately nine years. I am not a member of
the Peoples Temple.

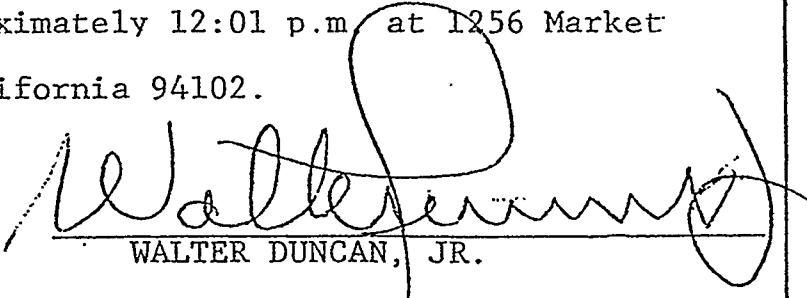
On or about July 27, 1978, on Thursday, at 3 p.m., I saw
Tim Stoen waiting for a bus at Fourth Street and Bryant while
I was in my car with my son, Walter Tyrone Duncan, age 19.
I waved at Tim Stoen and he came over to me and said the
following:

R.I.C. G. J.

1 "I understand that you are going to visit Jonestown,
2 Guyana, along with your wife, to visit your daughter."
3 I said "yes, we are." He then said, "don't do it, because
4 they will take your passport away from you and you will not
5 be able to return." Then he went on to say that "Jim is now
6 a changed man, he's really mean. He's not what he used to be.
7 I wouldn't be surprised if he has had anybody killed there
8 or had somebody killed."

9 He then said "if Jim Jones was smart, then he would return
10 John Stoen to me and then I would get off of his back."

11 I declare under penalty of perjury the foregoing is
12 true and correct. I made this declaration freely and
13 voluntarily to attorney Charles R. Garry on Sunday, August
14 6, 1978, at the hour approximately 12:01 p.m. at 1256 Market
15 Street, San Francisco, California 94102.

16 
17
18 WALTER DUNCAN, JR.

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