

Notes made at continued hearing ①

Lonel Luckhoo:- Objects to affidavit filed by Grace Stoen which seeks to cure a basic irregularity.

We asked for 4 Orders - The first was the joinder of Touchette This was granted. The other Orders (b) (c) (d) are based on

1. No affidavit by Kether
2. Affidavit by one Haas - who has no accompanying Authority
- who is not entitled to possession or custody of child
3. If 2 is accepted he did not show urgency
4. Transgression of all basic principles for the grant of habeas corpus
5. Bad Service - No service - ^{Substituted service} ineffectual

Hughes now seeks to regularise and cure a fundamental irregularity re points 1+2 above

Hughes:- At any stage the irregularity which is not basic re Authority can be cured

Bishop J:- Grants admission of affidavit and asks if Authority to Touchette is withdrawn by Grace does this not bring Matter to an end

LAL:- It certainly does not. We must look at what was before the Judge when he made the Orders which we claim are a Nullity

Hughes Grace Stoen Touchette's Application to Court was dated 5th Sept^r '77 ~~she~~ rescinded her Authority to Touchette on 30 Aug '77

Bishop J:- When was Touchette notified?

Hughes:- 14 October 1977

LAL:- BB-31-a-14 And this was after Touchette was joined ~~(note as to Touchette at 3p.m.)~~

Bishop J:- At the moment then there is no right for Touchette to have the child.

Hughes:- She claims she had custody of the child when she swore to her affidavit and we feel the child must be brought to Court by her now.

LAL:- We are getting into a saga & losing sight of the issues. Touchette is joined by the Court & in her application she asks for orders declaring the original orders appt Jim Jones be deemed a nullity because of procedural irregularities. We have all addressed the Court at length and it is for the Court to decide. This I ask the Court to do now.

Hughes:- I have other points to add

Bishop J:- Do you wish to have any further affidets sub h. - by Touchette in answer to Grace Stoen

LAL:- No I do not deem it necessary.

Bishop J:- I feel you should think about it & then decide

Hughes then continues his address:- asking for an Order against Joyce Touchette for the immediate delivery of the infant to her. Court should make this Order

Bishop J:- Now that she is joined you say she is subject to Orders which I can make?

Hughes :- Yes

Bishop J:- well we will hear Sir Lionel on this later BB-31-a-15

Hearing will continue 3 day after day thereafter, starting Tuesday next!

My personal observations

The Judge is misled (a) He ought not to entertain Grace Stoen's Affidavit which confirms & states that Haas had authority to make the affidavit on her behalf.

(b) He loses sight of the fact that we are questioning his orders made agst Jim Jones because those orders were made on the basis of imperfect applications (i.e. the new appln filed)

The Judge has stated that he is not hearing the writ application for Habeas Corpus agst Joyce Touchette as it came up before another Judge, yet the Judge is listening to arguments advanced by Hughes that Joyce Touchette should now be ordered to produce the child. I have not replied, but

when doing so will point out that Joyce Touchette in her affidavit NEVER said she had physical custody of the infant at that time. She said she and the others inclg. Jim Jones had custody documents & this she appended to her affidavit showing she was entitled to custody but not declaring she had physical custody.

(c) I do not feel Joyce should swear any further affidts. She had to do so to be joined. Now she is joined, we are arguing our submissions on law that Bishop J's Orders are a nullity.

(d) It strikes me that Bishop J who is listening carefully is reluctant to declare his own Orders bad. Having heard all of our arguments then, except Hughes had anything new to add the matter should (over) BB-31-a-16

(4)

have ended, but permitting Hughes to say that the Applicant Touchette should have Orders made against her & she should produce the child is pointless & confusing & ridiculous.

I have no intention of rearguing our case. We had 2 weeks of hearings & authorities & except for pointing out the observations I have made herein I shall not

be induced to fall into error of defending a situation which does not arise, viz. ^{that we must defend Touchette re an alleged request for orders to produce the child.}

When the case was being heard in Chambers Grace her husband, & Haas being present... the Orderly said that the Stoens were required at the Station for report & they had to leave while Hughes made some inaudible comments questioning the right of the police why? etc.

* Habeas Corpus Proceedings already
I will have to go before the judge
is granted the Nisi (I think Collins)

BB-31-a-17

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DIAL 65816

CHAMBERS:

"WHITEHALL"

N ½ LOT 1 CROAL STREET

(P.O. BOX 163),

GEORGETOWN,

GUYANA,

SOUTH AMERICA.

2nd November, 1977

Dear Charles,

I am deeply honoured by your biography^{get} and the generous inscription therein which I have just received. I shall write to you after I have read and digested the same.

I send herewith copies of the three publications of my stories which have been printed up to the present. Someone from abroad (Fred Archer) comes on the 13th of this month to spend a few weeks and to get material to do my biography which will be printed simultaneously in London and New York. I am happy about this because we live for a short while and it provides a feeling of satisfaction to know that one's efforts will be recorded for those of my family who will come in the distant future when I am pushing up daisies.

Just glancing through the pages of your book, you certainly have had an exciting life in which your tenacity and courage are strongly evidenced. Maybe one day I shall be privileged to see you in action and to hear you in person.

I hope our mutual client takes our advice if and when the occasion arises.

I have just concluded my 205th murder, but I fear I have some pending in which the chances of success are rather slim. I am advised to pick my cases, but somehow this approach does not appeal to me although I do confess that when I was in the 190s I exercised some discretion in the acceptance of briefs.

My daughter's comments on you were, "Daddy he seems to be a very real person," and she is looking forward to the reading of your biography.

I have had suggestions from abroad that I should do a lecture tour with some of the anecdotes and some of my criminal cases, and also the diplomatic

BB- 31-a-46 /2...

LUCKHOO & LUCKHOO
LEGAL PRACTITIONERS

DATE 2nd November, 1977

period of my life when I represented two independent countries, Barbados and Guyana in Europe and the U.K. as Ambassador, but nothing has fructified.

Maybe one day I shall be invited into your part of the world to do the kind of talks I did in England, and then it would be my great pleasure to renew our acquaintance.

Warmest regards to you and your wife and with best wishes!

Ever

Yours,

David

BB- 31-a-47

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SOUTH AMERICA.

7th December, 1977

Dear Paula,

Re: Application by Joyce Touchette for joinder and to remove
Habeas Corpus Orders.

In my letter to you of 19th September, I pointed out "..... My services up to the present stage are freely given" I find that I have attended eight (8) times in Court for this matter and once again must do so on the 18th December, when a date will be fixed for the continuation. Reluctantly I am compelled to make a small charge for my services. I suggest the sum of \$2,500.00 (two thousand five hundred dollars).

All of the lawyers have, of course, been paid and there are no extra fees. We would all be present for the continuation.

In respect of general advice and even the opinion which I gave today re Criminal charge of kidnapping, there are no charges. I have had to fix a fee because of the long drawn-out hearings which are time consuming.

Warmest Regards!

Yours,

David L.

BB-31-a-49

OPINION:

Re: Kidnapping.

Kidnapping is an offence ~~at~~ ^{and/} Common Law punishable by a fine or imprisonment. We in Guyana follow the common law of England, and the stealing and carrying away of a person is an offence at English Common Law. To obtain a prima facie case the Prosecution will have to prove the imprisonment of the person, whether it be a common prison or a private dwelling house.

It is a good defence to show that the person was not imprisoned. Merely to withdraw consent given ^{for} the care of a person placed in lawful custody of another is not kidnapping.

The following cases are of use to show the limits of kidnapping:-

1. R. -v- Lesley 1 East P.C. 429.
2. R. -v- Nodder (C.C.A. April 12th, 1937).
3. Phillips -v- Lyre L.R. 4 Q.B. 240.

Clearly in the instant case there is no taking of the person against his will. There is no detention of the person against his will and there is no confinement of the person against his will. The requisites of kidnapping as understood by the Common Law of England are absent and consequently no case can properly be founded to institute proceedings.

Dionese D. ...
of Counsel
7.12.77

-BB-31a-50

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SOUTH AMERICA.

19th September 1977

Dear Paula,

Re Summons - Jorder - Setting aside Orders

I have just had a Conference with my brother Lloyd (a Senior Counsel), Junior Counsel + McDoom Co. (Solicitors).

We have settled the Affidavit. The Summons is now being prepared.

The other lawyers discussed with me fees. Up to now the only fees incurred are those for Solicitor's preliminary work, investigation and disbursements.

My services up to the present stage are freely given indeed happily given. When all is finished at the end of the line, I may send in some small charge.

I told the lawyers to fix a fee inclusive of all disbursements, and including the Solicitor's charges which are incurred A fee of \$8,500.00 has been fixed, and if you are agreeable and pay in this amount to Luckhoo & Luckhoo then we would have the firm issue their cheques

Normally we just send in accounts - but I couldn't do that to you, hence I have sought to spell it out.

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SOUTH AMERICA.

9. 9. 77

Paula

This is a cutting from a highly
reputable English Newspaper

The Observer

dated Sunday 4th Sept 1977

I feel that unless something is
done by means of initiating action
against such newspapers the
Bishop will be seriously prejudiced
in the eyes of the public.

Already a number of persons have
been saying that the news about
Jim Jones is not good & has
he taken steps to stop this
defamation? You should let Gary
know.

L. BB-31-a-58



Politicians once glad to appear in public with the Rev. Jim Jones (centre) include San Francisco's mayor George Moscone (left) and the Lieutenant-Governor of California, Mervyn Dymally.

'Prophet' exit shocks California

MOVING out by night in small groups, nearly 1,000 people of all ages have left the American West on a 6,000-mile trek by bus, car and plane for a jungle sanctuary in the former British colony of Guyana.

They acted under secret orders from the Rev. Jim Jones, 45, a new 'prophet of God' who predicts a fascist takeover of America to be fol-

lowed by a nuclear holocaust.

Last week, when Jones was found to have joined the migration himself, thousands of the faithful in coastal cities from Los Angeles to Vancouver mourned the loss of their leader—not to mention Church funds totalling millions of pounds.

Shock waves are also running through the California Establishments, especially among politicians, bankers and businessmen who courted Jones's favour, praised his good works and benefited from his formidable political clout.

The pudgily handsome Jones, who arrived from an obscure mid-West mission 12 years ago, is no backwoods preacher but a prominent local figure—foreman of a San Francisco grand jury and chairman of the Housing Commission, with aides who have to obtain well-paid public posts.

California's Governor Jerry Brown, the mayors of Los Angeles and San Francisco, police chiefs and district attorneys attended his temple meetings. Vice President Walter Mondale invited him to his chartered jet for a private talk. Mrs Rosalynn Carter, the First Lady, spoke alongside Jones on an election tour before a hall filled with his cheering admirers.

On San Francisco's Geary Street, the Jones HQ is locked and barred. His 'people's temples' in Los Angeles and Redwood City are up for sale. So are juvenile care centres, blocks of flats and houses assigned to the Church by those who joined the exodus.

Now, some of the HQ staff feel free to break their silence on Church affairs, and I have also talked to a handful of deserters back from Guyana. Their stories suggest that the man who ruled their lives had little in common with the genial Jones who sat with the elite at city banquets.

Behind his temple doors, before a mainly black congregation, Jones, who is white, claimed to be an amalgam of Christ resurrected and a 'reborn Lenin'. He claimed to have cured cancer and the palsy and to have resurrected the dead—including himself. During one dramatic ceremony it appeared he had been shot by a hidden assassin. He was carried away covered in blood, only to walk back all smiles, wearing a fresh, spotless shirt. The crowd went wild.

Later came the prophecies. Jones had visions of race driven into the gas ovens and wars in which blacks were the Western world was destroyed in a nuclear conflict. Only blind obedience could save his followers. Money was needed to carve out a Caribbean coast in South America. Those who did not give would perish.

Denunciations

Members were urged to denounce each other at 'cathartic sessions' which lasted until dawn. Transgressors faced the 'board of education' — a wooden paddle wielded by a muscular disciple. Nurses stood by to treat the injured.

One girl, Linda Mertle, 16, said she could not sit down for 10 days after being beaten—but still managed to utter the ritual 'thank you father'. Her parents told me they are suing Jones for \$1 million (about £300,000) for the alleged injury to their daughter. They are also seeking the return of property handed to the temple.

Mainly poor, often elderly, the members gave between a quarter and half of their income to the treasury. Many handed over jewellery, furs, silver, even their homes and life insurance.

Relieved of these worldly goods, they gathered in seedy communes, exchanging their acetate cheques for £1 a

week pocket money. Some rattled bezzing boxes or sold pictures of Jones on Street corners. Others worked a 16-hour day baking or making quilts and bedspreads to be sold for the cause. VIP visits to the temples were skillfully stage-managed. Church members were put on show as rescued junkies and criminals.

The congregations were used to build up Jones's political power base. They voted a black ring doorbells, delivered leaflets, packed public meetings and signed letters by the thousand for write-in campaigns. In some close election battles, they backed candidates who knew better than to refuse the help of the man called 'Emperor Jones.'

Three years ago, Jones flew to Guyana on a prospecting trip. Dan Phillips, one of a dozen trustees on the plane, said each of them carried £30,000 in cash, and Jones deposited a £330,000 cheque in Barclays Bank, Georgetown.

The Rev. chose Guyana because the blacks there are English-speaking Christians and could be proselytised. He acquired several thousand acres of jungle to build 'Jonestown' and buried money there, said Phillips.

None of this board has reached the men, women and children now working from dawn to dusk to clear land for crops. The few who have returned say 'cathartic sessions' have been intensified. Slackers have their heads shaved or are denied food.

A list of 'missing persons' is expected to include scores of young delinquents entrusted in temple homes. Short-wave broadcasts from 'Jonestown' claim they are being given a new start in a world free from big city perils.

At an aide's apartment on Nob Hill, San Francisco, I listened to a crackling message. Some of it seemed to be in code. But Jones's voice warmed his staff against 'conspirators' and urging the receipt of further funds, came clearly through.

BA-
31-a-59

Notes to Joyce Touchette

Case called in Chambers before Bishop J (he had granted the Orders) & so he would have to eat humble pie to reverse his Own Orders. But this is procedurally correct

↓
If we fail & this is possible before the same judge, but our case is so overwhelming I feel it ought to succeed even before the same judge.

↓
Then our next step is to appeal to the Full Court of Appeal. I have every reason to believe that the judges there will agree with us & set aside the Orders

↓
If we fail (& this is most unlikely) we will go before the final Court of Appeal presided over by the Chancellor. (SOF. Haynes)

My firm conviction is that we MUST succeed!! And there will be no need to go to the final Court, although if Grace Stien fails she may well do so.

The case before Bishop reached the scurrying stage. Bishop was contending that Touchette's Affidavit might be treated as a Return of Service for Jones. I stated that Jones has NOT been served, he has entered no appearance.

- I am NOT appearing for him. Touchette is on her own seeking to get aside Nullity Orders because they affect her.

The case may well take the entire week!!! It will be long drawn out & will be argued by Lloyd Luckles (S.C.) & myself
Lloyd Luckles

BB-131-a-82

2.

The negotiator tells me he is sending up
none to save any further papers.
What I seek to establish is that the
slate should be wiped clean i.e.

No Orders must remain
appt. Jim Jones
So the contempt proceedings will remain "stat"
if Grace Stoen does come down (a
possibility but unlikely) she cannot give
evidence or be heard as —

The case in its present status must
be held good or bad without
supplementaries.

Nothing is impossible but for us
to fail to get the orders "stricken"
is as near as possible to an
impossibility

All of our lawyers are working on Sunday
in the Law Library to make assurance
doubly sure. At the end of the line I can
see no order outstanding. They are a MULLITY
LH