

VIM
FROM: PAULA

SUBJECT: CONVERSATION WITH LUCKHOO

1. HE CALLED MONDAY JAN. 23 TO SAY THAT HE COULDN'T GIVE DETAILS, BUT IT CAME FROM THE TOP, THAT WE ARE NOT TO DISCUSS WITH ANYONE GOVERNMENT'S SUPPORT FOR US IN THESE CUSTODY MATTERS. HE SAID, "ESPECIALLY NOT WITH THE AMERICANS AND DICK MCCOY."

I TOLD LIONEL WE NEVER HAVE AND THAT FROM THE START MCCOY WAS SAYING THAT HE WAS GETTING INVOLVED BECAUSE HE THOUGHT GOVERNMENT WAS LEANING TOWARD US. I SAID MCCOY IS TRYING TO START SOMETHING TO MAKE IT DIFFICULT FOR US, THAT WE HAVE NEVER DISCUSSED ANYTHING WITH HIM. LIONEL SAID HE EXPLAINED THAT WE WERE NOT DOING SO, TO THE MAN HE SPoke WITH, BUT HE SAID HE JUST WANTED US TO BE CAREFUL TO NOT STEP ON THE GOLDEN GOOSE (OR SOME SUCH ANECDOTE). LIONEL WAS VERY OPTIMISTIC AND SOUNDED MORE CONFIDENT ABOUT GOVERNMENT'S SUPPORT AND HE ALLUDED THAT IT WAS THE PRIME MINISTER HE SPoke WITH.

~~CONCLUSION~~ VARIOUS CONCLUSIONS OR OPINIONS ARE
FOLLOWS:

KK-3-A-10

CONCL — WE ARE BEING PREPARED FOR GOVT.

HAVING AN OUT "BY" STATING WE BROUGHT IT ON OURSELVES. THIS IS A POSSIBILITY - NOT A CONCLUSION.

(B) U.S. EMBASSY IS USING DEVISIVE MEANS TO REPEL THEIR RESULTS BY STATING WE ARE BRAGGING ABOUT GOVT SUPPORT.

(C) FRED WING HAS TOLD THE P.M. SOMETHING ABOUT US BEING DIFFICULT.

(D) BONNIE MANN HAS TOLD THE P.M. THAT WE ARE BRAGGING GOVT SUPPORT AND PERHAPS WE ARE BEING WARNED TO NOT TALK TO MANN BECAUSE OF HIS ALLIANCE WITH THE U.S. OR MCCOY IS TELLING MANN WE BRAGGED GOVT SUPPORT AND MANN WENT TO THE P.M.

KE-3-A-11

Though we cannot accept less than a full resolution - for our info

- What exactly is the procedure for getting a stay pending appeal - is it a matter of requesting it or is it automatically granted? Or just what are the grounds of criteria or procedure for getting it?

- In what kinds of cases are such stays denied?

~~XXXXXXXXXXXXXXXXXXXX~~

Judge Unaccommodating

12:30 Making such a long time on this / pilauing

this / pilauing

hubbard

XXXX HE ASKED US WHY THE JUDGE WAS SO UNACCOMMODATING AND WOULD WILLS
KNOW THAT/ WE ASKED FOR CLARIFICATION AND HE SAID THE JUDGE WAS TAKING
SUCH A LONG TIME ABOUT IT (WILLS SAID LATER THAT THE JUDGE WAS XXXX
TIED UP IN ANOTHER MATTER RELATING TO THE COURTS, SUPREME COURT MATTER
BUT HE, WILLS, WAS GOING TO EXPEDITE IT BECAUSE OF JJ'S HEALTH

KK-3-A-12

Let me set out the position as you are under
some misconceptions... The Orders made by the Judge
without service on Jim Jones are:-
① Child be taken ^(into custody) and made ward of Court ^{i.e. Court to decide who shall hold child until reasons determined}
② Proceedings for Contempt granted against Jim Jones
^{i.e. Have him arrested & brought before Court}

Now these Orders are made and we could only
challenge them if we had someone joined in
the proceedings, as Jim Jones was not a party to the proceedings.

To do so we sought to have Joyce Touchette joined since
she was a person entitled to Custody of the Child

The Court after 5 days of arguments
Agreed that Joyce should be joined.

Thereafter we sought to have the Judge declare
his own Orders a nullity - i.e. void. This
would relate to ① & ② above. This has
been argued at length, & on this he has
reserved decision.

The position then is that at this stage There is No Stay
The Appeal to the Judge to wipe out his Orders is not
a stay But

^{attends} they could proceed no further as
no papers were served on Jim Jones nor was the child
taken;

So then if the Judge does not agree that his Orders
should go; we are in the same position. If we
then ask for a stay he is unlikely to grant it. ^{however,} Since
the status continues of No Service, nothing can or will be done.
They must worry, not us.

If we are refused our application, we will then proceed to appeal
to the Full Court of the High Court. And if we fail
there we go to the Court of Appeal (the final Court)

We need have done nothing & Grace could go no
further as the Judge's Orders are not implemented,
but to clear Jim Jones from an Order made without
service on him we have taken out this. Summons to
wipe the slate clean.

KK-3-A-13

14/6 7/1/78