

Sect Lawyer Explains Role In Custody Fight Over Boy

By WALLACE TURNER
Special to The New York Times

SAN FRANCISCO, Nov. 26 — For Charles Garry, the mystery of his late client, the Rev. Jim Jones, is no mystery at all. He sees the People's Temple founder as a clever dictator whose mind gave way to paranoia when he felt he was on the verge of exposure.

Mr. Garry lamented the loss of the agrarian socialist village, Jonestown, Guyana, and not the death of its founder. The lawyer is a fixture in one branch of the liberal left in San Francisco and is widely respected. He describes his political beliefs as "socialist but I insist on the Bill of Rights and individual guarantees and I can't stand dictators."

"Why did he do it when he had a winner all the way?" he asked in an interview in his office, which would overlook Civic Center Plaza had not the Federal Bureau of Investigation suggested that he keep the drapes drawn for the next few weeks.

Perhaps because of his years as a trial lawyer, Mr. Garry's judgment is that Jim Jones fell apart over his determination to keep custody of a 6-year-old boy, John Victor Stoen.

The Story of the Boy

"I'm convinced this guy was stark, raving mad," said the lawyer, whose clients have included the Black Panther leaders, Huey Newton, Bobby Seale and Eldridge Cleaver. "I think it started with this kid. Edward gave up the throne for a woman. This guy gave up a successful operation and the lives of eight or nine hundred people for one kid."

"Then destroys the kid," said Mr. Garry, his voice rising. "Kills the kid," and his chin sinks on his chest as he leans back in a swivel chair.

Mr. Garry and Mr. Jones met about five years ago and their relationship grew in a pattern familiar to those who have studied Mr. Jones's methods. At the time, Mr. Garry was one of the defense lawyers at the San Quentin Six murder trial. The defendants were convicts charged with murdering guards the day George Jackson, the black revolutionary, tried to escape and was himself killed.

The People's Temple of Jim Jones invited Mr. Garry to speak about defense problems in the trial. "You know, the guy had all the attributes of being a good guy," Mr. Garry said remembering a warm reception.

In July 1977, New West magazine printed an article attacking Mr. Jones

and his church. The pastor left town, resigning as chairman of the San Francisco Housing Authority, a post Mayor George Moscone had given him, and went to Jonestown.

People's Temple Becomes a Client

A few weeks later a group came to Mr. Garry's office with a check for \$10,000 and a request that he take over the group's legal problems. He accepted.

One of the first strange stories told to him was about John Victor Stoen because so much of the Temple's trouble seemed to involve custody of this small boy.

The boy's mother, Grace, had been a member of the Temple but had quit. Her husband, Timothy, a deputy district attorney here, had for a time been Mr. Jones's main legal adviser and the second most important figure in the Temple.

Timothy Stoen took John Victor Stoen to Jonestown in August 1976, stayed for a while, then returned to San Francisco. By the time Mr. Garry was hired, Timothy Stoen had dropped out of the Temple. The Stoens separated but worked together to try to get back the child. Mr. Jones fought them.

Many months ago, Mr. Garry announced here that Mr. Jones was the boy's father. The People's Temple produced a notarized statement in which Timothy Stoen said Mr. Jones had fathered the child at his request, and that Mrs. Stoen had agreed. The reason, according to the statement, was that Mr. Stoen wanted to rear a child fathered by his pastor.

Document Is Disavowed

The Stoens replied that the document was false. They said it was one of a series of false, damaging statements that Mr. Jones required his intimate associates to make so he could blackmail them if they tried to leave.

In the autumn of 1977, a Guyanese court honored an American court's custody order favoring Mrs. Stoen and issued a writ ordering Mr. Jones to produce the child.

"He freaked out," Mr. Garry said of Mr. Jones. The lawyer said he was in Detroit when he was called and told that 300 or so people were clustered around the shortwave radio in Jonestown and were ready to commit suicide if authorities came to get the boy.

"I talked to Jones on a radio patch and he said 'the people have made that decision here,'" Mr. Garry said. He said, "Over one child he was going to destroy a whole movement."

Mr. Garry said, "I had Huey Newton and Angela Davis and some others call him that I knew would impress him, and got him to stall."

With the help of Marceline Jones, wife of Mr. Jones, Guyanese officials were reached and they recalled the writ.

The Boy Is Dead

Within a week or so, Mr. Garry said, Mr. Jones told him in Jonestown, "We are so solid that if something happens to one of us, it is happening to all of us. This child cannot go back because it would be ruined."

Sitting in his office, Mr. Garry snorted: "Where's the kid now?" His body was found next to Mr. Jones's in the tangled pile of corpses at Jonestown.

Pressed to explain how the nature of Jonestown had escaped him, Mr. Garry said that until his visit there on Nov. 17 and 18 at the time of the tragedies, he had seen only two aspects of Mr. Jones that were inconsistent with his public image.

"I think I knew some of this kookie stuff about his sex life," Mr. Garry said. "He told me when I was there in October a year ago about how he had it with 14 women and two men in one day. This tied them closer to him, he said. He told it in front of a bunch of people at Jonestown."

"The other thing I knew about him that was screwy was that his faith healing was phony," Mr. Garry said. "But that didn't bother me because I think all that faith healing stuff is phony."

Another Lawyer Appears

Mr. Garry still rhapsodizes about the beauties of the settlement. He said the socialist in him was thrilled at people working together and sharing. There was the jungle. Crops. Quiet nights. Happiness. It looked that way to him.

He was determined, he said, to reveal these positive aspects to the public. Mr. Jones finally agreed in August that a writer could come to Jonestown. He picked Donald Freed of Los Angeles from a list provided by Mr. Garry.

Mr. Freed has said that Mr. Jones learned of Mr. Freed's association with Mark Lane's Citizens' Committee of In-



United Press International

At Port Kaituma, Guyanese children sat on coffin made by their uncle for a relative who had joined the People's Temple and died at Jonestown.

quiry and offered to help pay part of the costs of the James Earl Ray appeal if Mr. Lane would try to stop what the cult leader called the United States Government's harassment of Jonestown. Mr. Lane has said he was retained to press a Freedom of Information Act suit for records about the People's Temple and went to Jonestown in September.

When Mr. Garry found out about Mr. Lane's connection with the People's Temple, he started to extricate himself from the Temple's affairs. However, he said, he had just begun when, on Nov. 15, he received a message from Guyana that Mr. Jones wanted him to come help deal with the visit of Representative Leo J. Ryan and concerned relatives and reporters.

The Afternoon of the Attack

He flew to Dulles Airport outside Washington and "as I went through the electronic gate at Dulles to board the flight to Georgetown, there was Mark Lane. I nearly turned around and went home."

They flew in the same plane but stayed apart and were polite but cool throughout the visit until the afternoon of Nov. 18 when Mr. Ryan and the others left Jonestown for the Port Kaituma airstrip where they were attacked and some killed.

Unaware of that attack, the two law-

yers strolled through Jonestown, assessing the effect of the Ryan visit and agreeing that it was beneficial.

Then Jim Jones joined them as a meeting of all residents was being convened. "He said to me 'Larry Layton, Jerry Parks and Joe Wilson are gone and I'm satisfied they've taken all the guns with them,'" Mr. Garry related. "I said, 'Jim, I didn't know you had any guns.'"

"He said, 'Whatever guns there are, one or two, they have taken them all with them and I'm sure they're using them for a purpose.'"

How They Escaped

Mr. Garry said there was an exchange among himself, Mr. Lane and Mr. Jones out of which he came to believe that Mr. Jones's plan was for Larry Layton to pose as a defector and murder the plane's pilot

in flight. But Mr. Layton got on the wrong plane and began to shoot a true defector, which triggered the attack on the party at the airstrip, he said.

Mr. Jones told the lawyers that the temper of the crowd was bad and that the crowd might blame the lawyers for things that had gone wrong. Mr. Garry said this was completely contrary to the impression he had received from greetings by the commune's members, but he and Mr. Lane followed directions to go to a guest house.

A member of the commune sat with them until summoned to the pavilion where the members were congregating. The lawyers could see young men taking guns out of a building, and two of them came toward the lawyers with "their rifles at the ready."

"I think he intended to have us shot," Mr. Garry said. "But he sent some people who idolized me. Mark began to talk to them about how they shouldn't commit suicide, that there was another way out, but they said it was the only way. So he told them we would be around to write their story."

The two members gave the lawyers directions on how to go through the bush to the road to Port Kaituma, then went back to the pavilion as Charles Garry and Mark Lane walked toward the trees. Mr. Garry says they could hear Jim Jones's voice saying "Mother, Mother, Mother, Mother," and after awhile some shots. Mr. Garry said he heard three; Mr. Lane said he heard many more, perhaps dozens.

The lawyers lay side by side in the jungle that night, and Mr. Garry says Mr. Lane told him that he knew things he had not told him before. Mr. Garry said he was told that Mr. Lane had seen a high-level defector from the Temple who had told him of serious quarrels in the top management, of fears for personal safety and of spying, drugged food and suicide pacts.