

Today's topic

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Ethics and the cult attorney

SAN FRANCISCO (AP) — The Peoples Temple tragedy in Guyana and the growing controversy surrounding other so-called cults has placed attorneys representing such groups at the center of a swelling storm.

How much do lawyers who represent cults know about their clients? Should they report illegal activities? Is it ethical to withhold knowledge of illegalities when a client-cult commits them?

"It's hard to say what the Peoples Temple lawyers knew or didn't know" about the death ritual that took the lives of more than 900 cult members, said law professor John Noonan, who teaches ethics at the University of California at Berkeley.

But, adds Noonan, many of these lawyers "don't know anything because they close their eyes."

The lawyers must operate under the same ethical standards that affect many lawyers when their client's needs conflict with society's — a problem inherent in a basic principle of American law: that everyone is entitled to legal representation.

But attorneys for cults seem to be embroiled in controversy more than most lawyers. Former Temple members have leveled several accusations at the Temple's three lawyers — Tim Stoen, Charles Garry and Mark Lane — and all three have been subpoenaed by various grand juries in San Francisco.

The former Temple members say:

—Stoen acted in alleged conflict of interest, while serving as both Temple attorney and San Francisco deputy district attorney in 1976. Ex-members say he used his position to harass them. Stoen has been unavailable to comment on the charges.

—Garry, who strongly denies any wrongdoing, allegedly advised the cult to obtain firearms, and allowed cult members to hide some of the guns in a trunk in the basement of his law offices. Garry maintains he was misled by cult members.

—Lane knew about the murder-suicide drill and the imminent murder-suicide ritual, but never warned anyone.

According to news reports, a New York legal grievance committee has been asked to investigate reports Lane withheld knowledge that he believed might prevent harm to Rep. Leo Ryan — who was killed on a visit to Guyana just before the mass suicide — and others.

Lane said he warned Ryan that the visit to Guyana would be viewed by cult leader Jim Jones as "an act of provoca-

tion," but did not know the full danger.

"If I had seen them do anything illegal, I would have stopped it. I didn't know about the guns or any poison," he said in one interview.

Dennis Donovan, a Los Angeles lawyer who helped found a group that give free legal advice to parents of cult members, says one danger confronting lawyers who represent cults is becoming too involved.

"The lawyers get very emotional, very involved. Some of them sound like members," he said. "If they had a more objective view, they might help the group more."

He adds: "Cult lawyers certainly do act differently."

Others compare cult lawyers to some corporate in-house attorneys, who identify with their client and are aware of illegal activities.

"The question is what kind of an obligation do you have not to represent a crazy cult?" said a San Francisco lawyer, who won a lawsuit for a cult. He declined to be identified.

A lawyer has the right, but not the duty to report future crimes to authorities under American Bar Association rules. A lawyer cannot be forced to reveal confidential information from his client.

Steward Forsyth, director of the California Bar's division of courts, said

the bar's code of ethics "sets out rock bottom minimum standards." But he adds: "It's often difficult for attorneys to sort out conflicting duties — to the client, on one hand, and to the court and society, on the other."

A lawyer does have a duty to avoid lawsuits that serve only to harass or injure someone. Attorney Paul Morantz, a Synanon critic, survived a rattle-snake attack in which two Synanon members face charges. He feels such nuisance suits are a major problem.

"I think the Bar Association should investigate lawyers who adopt the harassment techniques of their clients," he said. "I call it legal terrorism. A lawyer doesn't have the right to use the system as a monkey wrench."

Morantz said he feels cult lawyers often know about illegal activities.

But Ralph Baker, who has represented the Hare Krishna sect and the Unification Church, disagrees. "I haven't found anything improper with the groups I represent," he said. "But sometimes a client doesn't give the lawyer a complete picture."

Garry, who denies he knew guns were in the People's Temple trunk in his office, is among those lawyers who feel duped by their clients.