

File

AT
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GPS 400
CONFIDENTIAL
DESKBY 040900Z
FROM WASHINGTON 032320Z OCT 84.
TO IMMEDIATE F C O
TELEGRAM NUMBER 2964 OF 3 OCTOBER.

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YOUR TELEGRAM NO 1740 AND TELECON ANGELL (CHASE AND BRAITHWAITE) GRAY
LAKER: GRAND JURY.

BRAITHWAITE PUT YOUR TWO QUESTIONS TO ELLIOTT SEIDEN.

2. SEIDEN SAID THAT THE LETTERS WERE NOT INTENDED TO PUT PRESSURE ON WITNESSES TO PROVIDE NEW EVIDENCE TO THE JUSTICE DEPARTMENT: THE LATTER ALREADY HAD ALL THE EVIDENCE THEY NEEDED TO MAKE UP THEIR MINDS ABOUT AN INDICTMENT. NOR DID THE LETTERS CONTAIN AN OFFER OF IMMUNITY. THEY WERE SIMPLY A ROUTINE OFFER TO POTENTIAL TARGETS OF AN APPEARANCE BEFORE THE GRAND JURY IN CASE THE TARGETS WISHED TO PRODUCE NEW EVIDENCE TO HEAD OFF AN INDICTMENT: THEY WERE THUS A DEVICE FOR ASSURING THAT TARGETS COULD HAVE A FAIR HEARING. IN SEIDEN'S EXPERIENCE THE LAWYERS OF POTENTIAL TARGETS NEARLY ALWAYS ADVISED THEM NOT TO TAKE ADVANTAGE OF THE OFFER. THE SECOND PART OF THE LETTER, OFFERING THE TARGET'S LAWYERS THE CHANCE OF MAKING A PRESENTATION TO JUSTICE DEPARTMENT OFFICIALS, WAS OCCASIONALLY TAKEN UP. USUALLY THE LAWYERS SIMPLY PRESENTED ARGUMENTS AS TO WHY THEIR CLIENTS SHOULD NOT BE INDICTED. VERY OCCASIONALLY THEY WOULD SEEK TO BARGAIN FOR SOME SORT OF IMMUNITY. BUT THE JUSTICE DEPARTMENT HAD NO INTENTION OF MAKING SUCH BARGAINS: NOT ONLY DID THEY NOT NEED ADDITIONAL EVIDENCE, BUT THEY DID NOT WISH TO TAINT THE EVIDENCE THEY ALREADY HAD BY INTERING INTO PLEA BARGAINING.

3. ON THE NOTIFICATION TO LAKER, SEIDEN SAID THAT - FOLLOWING THE INDICATION FROM MR MAYNARD THAT HMG WISHED TO CONTACT LAKER THEMSELVES - THE DEPARTMENT OF JUSTICE HAD CALLED IN THE LAKER LAWYERS YESTERDAY (2 OCTOBER) TO TELL THEM:-

A) THE JUSTICE DEPARTMENT WERE CONSIDERING ISSUING AN INDICTMENT AGAINST LAKER:

B) THEIR DECISION WOULD NOT TURN ON THE FACTS, OF WHICH THE JUSTICE

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DEPARTMENT ALREADY HAD A SUFFICIENCY, BUT ON THE QUESTION OF WHETHER, BY PROVIDING ESSENTIAL EVIDENCE WHICH HAD ENABLED THE JUSTICE DEPARTMENT TO LAUNCH THE GRAND JURY INVESTIGATION IN THE FIRST PLACE, LAKER WERE ENTITLED TO CORPORATE CLEMENCY UNDER THE JUSTICE DEPARTMENT POLICY OF 1978 WHICH HAD EXTENDED THE POSSIBILITY OF CLEMENCY FROM INDIVIDUALS TO CORPORATE BODIES.

C) TO REQUEST THE LAKER LAWYERS TO MAKE A PRESENTATION ON THIS POINT.

4. SEIDEN SAID THAT THE PRESENTATION BY THE LAKER LAWYERS WOULD NOW TAKE PLACE ON 4 OCTOBER. HE SAID THAT THE JUSTICE DEPARTMENT DID NOT AT PRESENT INTEND TO SET OUT IN A LETTER THE POINTS THEY HAD MADE TO THE LAKER LAWYERS YESTERDAY. HE EMPHASISED THAT IT WAS NOT THE TREBLE DAMAGE CASE BROUGHT BY LAKER THAT HAD TRIGGERED OFF THE GRAND JURY INVESTIGATION, BUT THE EVIDENCE SUBSEQUENTLY MADE AVAILABLE TO THE JUSTICE DEPARTMENT BY LAKER.

FCO ADVANCE COPIES TO: GRAY, AUST (FCO) KNIGHTON, STEVENS, FORTNAM (DTP) AYLING (DTI)

WRIGHT

[ADVANCED AS REQUESTED]

LIMITED

MAED

NAD

NEWS D

ERD

LEGAL ADVS

PS

PS/LADY YOUNG

PS/MR RENTON

PS/PUS

SIR C TICKELL

MR J THOMAS

MR O'NEILL

ADDITIONAL DISTN:

US ANTI-TRUST ACTION
AGAINST BRITISH AIRLINES

COPY TO.

MR CARTLEDGE, CABINET OFFICE

MR STEVENS DTP

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