

PS
 PS/LADY YOUNG
 PS/PUS
 MR BRAITHWAITE
 MR ~~W~~ O'NEILL
 MR AUST, Legal Advisers
 MR ~~FREEDLAND~~, Legal Advisers
 ED/MAED (2)
 ED/MAD
 RESIDENT CLERK

PS/S of S
 MR LAZARUS, PUS
 MR KNIGHTON
 MR ~~ROBERTS~~
 MR ~~ATLING~~
 MR ROBERTS
 MR ~~WITTEN~~
 MR ~~SUNDERLAND~~
 MR ~~HEWLE~~
 MR RECKETT (Solicitors)
 POWELL
 MR ~~COLES~~ 10 DOWNING ST
 MR GARDINER, ATTORNEY
 GENERAL'S OFFICE

DEPT OF TRANSPORT

DTI

ATTORNEY GENERAL'S OFFICE

CONFIDENTIAL
 DESKBY 220000Z
 FM WASHINGTON 220029Z NOV 84
 TO IMMEDIATE F C O
 TELEGRAM NUMBER 3481 OF 21 NOVEMBER.

ADVANCE COPY

IMMEDIATE

LAKER

M H P T

THE U K EMBASSY HAS ASKED WHAT H M G CAN AND CANNOT SAY TO SEEK TO DISPEL THE NOTION THAT THE D O J WAS POISED TO INDICT ON PREDATION CHARGES.

BEARING IN MIND THAT THE CONSULTATIONS BETWEEN THE GOVERNMENTS HAVE BEEN AND REMAIN CONFIDENTIAL TO THEM BOTH EXCEPT WHERE OTHERWISE AGREED, THE U S GOVERNMENT RESPONSE TO THIS REQUEST HAS TO TAKE ACCOUNT OF THE NEED TO PRESERVE GRAND JURY SECRECY AND THAT THE CONSULTATIONS MUST INDEED REMAIN CONFIDENTIAL. AT THE SAME TIME, WE UNDERSTAND THAT B A AND B C A L WERE PROVIDED CERTAIN INFORMATION THAT IS NOT SUBJECT TO CONFIDENTIALITY REQUIREMENTS. IF AIRLINES WISH TO STATE THIS PUBLICLY THEY ARE FREE TO DO SO. IF A SENIOR OFFICIAL OF H M G SO DESIRED, HE OR SHE COULD REFER TO THE STATEMENT BY THE AIRLINES BUT SHOULD IN ANY COMMENT NOT IMPLY ANY CORROBORATION OF ITS TRUTH SINCE THAT WOULD IMPLICITLY DISCLOSE INFORMATION RECEIVED IN CONFIDENTIAL CONSULTATIONS. HOWEVER, SUCH AN OFFICIAL COULD COMMENT THAT THE AIRLINE STATEMENT WOULD APPEAR TO DISPOSE OF ANY SUGGESTION THAT THE D O J HAD BEEN CONSIDERING BRINGING INDICTMENTS FOR CONSPIRACY TO DRIVE LAKER OUT OF BUSINESS.

WRIGHT

PS

PS/LADY YOUNG

PS/PUS

MR BRAITHWAITE

~~MR O'NEILL~~

MR AUST, Legal Advisers

MR FREELAND, Legal Advisers

ED/MAED (2)

ED/NAD

RESIDENT CLERK

PS/S of S

MR LAZARUS, PUS

MR KNIGHTON

~~MR [unclear]~~

~~MR [unclear]~~

MR ROBERTS

~~MR [unclear]~~

MR RECKETT (Solicitors)

POWELL

MR COSS

MR GARDNER,

10 DOWNING ST

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FM WASHINGTON 220031Z NOV 84

TO IMMEDIATE F C O

TELEGRAM NUMBER 3482 OF 21 NOVEMBER.

M R P T: LAKER.

"BUT WAS THE PRACTICE OF THE DEPARTMENT OF JUSTICE TO INVITE DEFENDANTS IN CRIMINAL GRAND JURY INVESTIGATIONS TO COMMENT ON THE EVIDENCE WHICH FORMS THE BASIS OF THE INITIAL D O J ASSESSMENT OF THE ALLEGATIONS. SUCH A MEETING TOOK PLACE. THE AIRLINES ASKED WHETHER THEY WOULD HAVE AN OPPORTUNITY TO COMMENT ON EVIDENCE RELATING TO THE ALLEGATION THAT THEY CONSPIRED TO PUT LAKER OUT OF BUSINESS. THEY WERE TOLD THAT THERE WOULD BE NO NEED TO COMMENT ON THAT ALLEGATION. THE AIRLINES INTERPRET THAT RESPONSE IN LIGHT OF D O J PRACTICE AS MEANING THAT THE DEPARTMENT WERE AWARE OF NO EVIDENCE ON THE BASIS OF WHICH AN INDICTMENT THAT THEY CONSPIRED TO PUT LAKER OUT OF BUSINESS COULD BE BROUGHT."

H N G BELIEVES THAT THIS WAS A CORRECT INTERPRETATION OF A GENERALLY KNOWN PROCESS EXTENDED TO ALL POTENTIAL DEFENDANTS IN ALL ANTI-TRUST CASES BEING INVESTIGATED BY D O J.

WRIGHT

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