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PS/FUS

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, FUS

MR KNIGHTON

MR ~~FOOTMAN~~

DEPT OF
TRANSPORT

MR AYLING

MR ROBERTS

MR ~~SUNDERLAND~~

MR HENNEY

MR BECKETT (Solicitors)

DTI

POWELL

MR ~~COLES~~

10 DOWNING ST

MR GARDNER,

ATTORNEY
GENERAL'S OFFICE

IMMEDIATE

CONFIDENTIAL

DESKBY ~~COPOPPZ~~
190900Z

FM WASHINGTON 161850Z NOV 84
TO IMMEDIATE FCO
TELEGRAM NUMBER 3413 OF 16 NOVEMBER



LAKER: GRAND JURY
YOUR TELNO 1960

1. WITHOUT REVEALING THAT DTI WERE CONSIDERING A DRAFT OF A LETTER TO THE UK SOLICITORS FOR MONKS AND DRAPER, COUNSELLOR (CA AND S) ASKED SEIDEN (JUSTICE DEPARTMENT) WHETHER THE JUSTICE DEPARTMENT RECOGNISED THAT THE THIRD CONDITION IN THEIR LETTER TO THE INDIVIDUALS OF 8 NOVEMBER MIGHT BE REGARDED AS A REQUIREMENT UNDER THE PTI ACT.

2. SEIDEN SAID THAT HE DID NOT WISH TO PASS JUDGMENT ON A MATTER OF UK LAW. IN DISCUSSION HOWEVER HE RECOGNISED THAT THE CONDITION WENT BEYOND THOSE THAT HAD BEEN IN THE ORIGINAL OFFER OF IMMUNITY AND MIGHT NECESSITATE FURTHER UK LEGAL ADVICE FOR THE INDIVIDUALS. HE EXPLAINED THAT THE DOJ HAD FELT IT NECESSARY TO INSIST ON THIS CONDITION SINCE IF EVIDENCE ACQUIRED FROM THE INDIVIDUALS' TESTIMONY IMPLICATED THIRD PARTIES THEY WOULD WISH TO USE IT AND TO BE ABLE TO HAVE AN ASSURANCE THAT THE INDIVIDUALS WOULD RETURN TO THE US AT ANY TRIAL.

3. SEIDEN SAID THAT THERE HAD BEEN FURTHER CONTACT BETWEEN THE DOJ AND GLANZER THE US ATTORNEY FOR THE INDIVIDUALS. SEIDEN CONSIDERED GLANZER AS A TOTALLY UNRELIABLE INDIVIDUAL INTENT ONLY ON MANIPULATING EITHER OR BOTH THE DOJ AND HMG INTO CONFLICT.

ON MANIPULATING EITHER OR BOTH THE DOJ AND HMG INTO CONFLICT. HE ALSO ADDED THAT WHETHER OR NOT THE OFFER OF IMMUNITY NOW MADE GAVE RISE TO QUESTIONS UNDER THE PTA ACT WAS QUOTE MUTE UNQUOTE. BY THIS HE MEANT THAT THE DEADLINE FOR THE INDIVIDUAL TO APPEAR IN WASHINGTON WAS TODAY 16 NOVEMBER. THE DOJ WERE NOT GOING TO EXTEND THAT DEADLINE. IT DID NOT MATTER THEREFORE WHAT VIEW HMG TOOK.

4. THIS DISCUSSION WITH SEIDEN SUGGESTS THAT THE DOJ RECOGNISE THAT THE ADDITIONAL CONDITIONS COULD GIVE RISE TO ADVICE ALONG THE LINES OF THE SECOND PARAGRAPH OF THE PROPOSED LETTER FROM AYLING (DTI) TO THE UK SOLICITORS. THEY ARE THEREFORE UNLIKELY TO BE SURPRISED. THIS DOES NOT MEAN THAT THE DOJ MIGHT NOT REACT ADVERSELY IF IT SUITED THEM; BUT IT SUGGESTED THAT THEY WOULD UNDERSTAND THAT HMG HAD BEEN PUT INTO A DIFFICULT POSITION BY THEIR NEW OFFER OF IMMUNITY.

5. IT IS, HOWEVER, POSSIBLE THAT GLANZER WILL SEEK TO STIR UP DIFFICULTIES BETWEEN THE JUSTICE DEPARTMENT AND HMG EG BY SUGGESTING THAT HMG HAD DELIBERATELY PREVENTED THE INDIVIDUALS ACCEPTING THE OFFER OF IMMUNITY OR THAT THE JUSTICE DEPARTMENT HAD MADE AN OFFER WHICH THEY KNEW WOULD BE BLOCKED BY HMG. IT WOULD BE SENSIBLE IN THESE CIRCUMSTANCES TO SHOW SEIDEN A COPY OF THE DTI LETTER AFTER IT HAS BEEN SENT BUT HOPEFULLY BEFORE GLANZER COULD MAKE USE OF IT. SEIDEN'S PRESENCE IN LONDON NEXT WEEK PROVIDES A SUITABLE OPPORTUNITY.

FCO PLEASE ADVANCE TO AYLING HEALEY DTI, KNIGHTON FORTNAM DTP,
AUST FCO LEGAL ADVISERS, GARDINER LOD, GRAY MAED FCO

WRIGHT

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