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CITE DIRECTOR

TO: TEHRAN.

FOR AMBASSADOR HELMS FROM WARNER

REF: A. DIRECTOR   
B. DIRECTOR

1. THE DEPARTMENT OF JUSTICE IS STILL INVESTIGATING THE MAIL INTERCEPT PROGRAM AND PER REF HAS FOUND IT NECESSARY TO HIRE PRIVATE COUNSEL TO DEFEND FORMER AND CURRENT GOVERNMENT EMPLOYEES. IT BECAME QUITE EVIDENT TO THE DEPARTMENT OF JUSTICE THAT CONFLICTS OF INTEREST COULD ARISE BETWEEN DEFENDENTS, THEREFORE MORE THAN ONE PRIVATE ATTORNEY WOULD BE REQUIRED TO PROPERLY DEFEND THE INDIVIDUALS.

2. THE DEPARTMENT OF JUSTICE HAS HIRED A PRIVATE ATTORNEY, WILLIAM E. NELSON, SUITE 700, 1707 H STREET, N.W., WASHINGTON, D.C., TELEPHONE NO. (AC 202) 965-4693. MR. NELSON IS TASKED WITH REVIEWING THE LITIGATION RELATING TO THE MAIL INTERCEPT PROGRAM AND IDENTIFYING THOSE DEFENDENTS WHOSE INTERESTS COULD DEVELOP INTO A CONFLICT OF INTEREST WERE THEY TO BE REPRESENTED BY THE SAME ATTORNEY. MR. NELSON HAS BEEN IN TOUCH WITH MY OFFICE AND IS OF THE PRELIMINARY OPINION THAT YOU SHOULD HAVE AN INDIVIDUAL COUNSEL TO BE PAID FOR BY THE DEPARTMENT OF JUSTICE FOR REPRESENTATION IN THE MAIL INTERCEPT CASES.

3. MR. NELSON INDICATED THAT HE WOULD HAVE NO OBJECTION IF YOU WERE TO NOMINATE A PRIVATE ATTORNEY WHOM YOU WOULD LIKE TO REPRESENT YOUR INTERESTS IN THESE CASES. PLEASE GIVE US YOUR THOUGHTS ON THIS MATTER AND WE WILL PASS THEM ON TO MR. NELSON WHO WILL MAKE RECOMMENDATIONS TO JUSTICE. IF YOU WISH ANY SUGGESTIONS FROM US IN THIS REGARD, PLEASE LET ME KNOW.

4. PER REF B, A CIVIL SUIT HAS NOW BEEN FILED IN THE DISTRICT OF COLUMBIA FEDERAL DISTRICT COURT IN CONNECTION WITH THE BREAK-IN AT THE FAIRFAX STUDIO. DAMAGES ARE ASKED IN EXCESS OF 12 MILLION.

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OTHER THAN NAMED MEMBERS OF THE FAIRFAX POLICE DEPARTMENT, THE ONLY TWO NAMED DEFENDENTS ARE COLBY AND YOU. THEY ASSERT AS ADDITIONAL DEFENDANTS CERTAIN "JOHN DOES." PLAINTIFFS UNDOUBTEDLY WILL SEEK TO DISCOVER ACTUAL PARTICIPANTS AND OTHERS WHO APPROVED ACTIVITY. DEPARTMENT OF JUSTICE STILL CONDUCTING INVESTIGATION OF THIS MATTER AS POSSIBLE VIOLATION OF CERTAIN CIVIL RIGHTS STATUTES. IN MY OPINION IT IS HIGHLY UNLIKELY JUSTICE IN THE FINAL ANALYSIS WILL DO OTHER THAN SIMPLY DROP THIS MATTER. HOWEVER, IN THE MEANTIME WE WILL AGAIN BE IN THE POSITION OF SEEKING PRIVATE COUNSEL TO BE RETAINED BY JUSTICE. I AM HOPEFUL THAT BEFORE SIGNIFICANT RESPONSES ARE NECESSARY IN THIS SUIT, JUSTICE WILL HAVE COMPLETED THEIR INVESTIGATION AND WILL BE ABLE TO TAKE OVER THE ACTIVE DEFENSE OF THE CASE. I HAVE URGED THEM TO COMPLETE THEIR INVESTIGATION AS SOON AS POSSIBLE,

LOOKING TOWARD THIS SO THAT THEY COULD ASSUME ACTIVE DEFENSE.

5. NO FILE. E2 IMPDET.

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