

SECRET 220017Z JUL 76 STAFF

CITE DIRECTOR

TO: TEHRAN.

RYBAT EYES ONLY

FOR AMBASSADOR HELMS FROM JOHN GREANEY

REF: TEHRAN

1. AFTER RECEIPT OF REFERENCE, I CONTACTED MR. CHARLES DONNENFELD WHO INFORMED ME THAT PAPERS THEY FILED ON YOUR BEHALF WITH DISTRICT COURT IN RHODE ISLAND IN DRIVER CASE CHALLENGED VALIDITY OF SERVICE OF YOU WHEREBY PLAINTIFFS MERELY MAILED COPY OF COMPLAINT TO THE DEPARTMENT. MR. DONNENFELD REALLED MELVIN WULF OF ACLU REQUESTING CLERK OF THE RHODE ISLAND COURT TO MAIL COPY OF AMENDED COMPLAINT DIRECTLY TO YOU IN TEHRAN. THS EXERCISE IS ATTEMPT BY PLAINTIFFS TO CURE TECHNICAL DEFECT OF SERVICE SINCE YOU ARE OUT OF THE COUNTRY. THERE IS NO ADDITIONAL ACTION TO BE TAKEN BY YOU ALTHOUGH MR. DONNENFELD REQUESTED THAT YOU KEEP A RECORD OF DATE AND TIME WHEN YOU ACTUALLY RECEIVED THE AMENDED COMPLAINT IN TEHRAN.

2. THE DRIVER CASE IS STILL IN ABEYANCE BECAUSE THE JUDGE HAS NOT RULED ON PLAINTIFFS' MOTION TO CERTIFY THE CASE AS A CLASS ACTION. IF THE JUDGE WERE TO GRANT THIS MOTION, ACLU WOULD THEN BE IN A POSITION TO REQUIRE THE AGENCY TO CONTACT EVERY PERSON WHOSE MAIL WAS INTERCEPTED. THE JUDGE HAS NOT HEARD ANY ORAL ARGUMENTS ON THIS MOTION. THE MAIN REASON FOR THIS DELAY IS THE FACT THAT HE IS THE ONLY JUDGE CURRENTLY SITTING IN THE RHODE ISLAND DISTRICT COURT. FROM A PRACTICAL STANDPOINT HE MAY VERY WELL BE WAITING FOR THE KIIPPERMAN CASE IN SAN FRANCISCO TO BE RESOLVED.

3. IN KIPPERMAN, WE ARE FILING AN AFFIDAVIT FROM THE DIRECTOR EXPLAINING THE TECHNICAL ASPECTS OF THE  MAIL INTERCEPT PROGRAM AND IDENTIFYING WHAT MATERIAL WAS INDEXED AND EXPLAINING WHAT MAIL COVERS WERE NOT INDEXED. HOPEFULLY THAT CASE WILL BE RESOLVED BY SEPTEMBER.

PAGE 2 DIRECTOR  ~~S E C R E T~~

4. I HAVE NO FURTHER WORD ON ANY OF THE OTHER CIVIL CASES AND  
KNOW OF NO ACTION NECESSARY FOR YOU TO TAKE AT THIS TIME REGARDING  
THESE CASES. REGARDS. E2 IMPDET.  
~~S E C R E T~~