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INDEPENDENT COUNSEL'S CHARGES IRRESPONSIBLE AND UNFOUNDED

The Secretary of State for External Affairs, the Right Honourable Joe Clark, today rejected as "irresponsible and unfounded" the charges levelled against the Government of Canada by Whitney North Seymour, Jr., the Independent Counsel in the Michael Deaver case.

Mr. Clark said that "Mr. Seymour expressly recognized, in writing, the diplomatic immunity of the Canadian Embassy when he first approached Ambassador Gotlieb about this matter in June 1986." Mr. Clark recalled that Mr. Seymour also undertook not to quote the Ambassador in any public proceeding without his prior permission. In these circumstances, Mr. Clark said that "if anyone has grounds for complaint, it is clearly the Government of Canada".

Mr. Clark emphasized that the Independent Counsel had sought and obtained Canada's cooperation within the constraints of diplomatic immunity. Canada had done everything possible to assist in ascertaining the facts within those agreed constraints. Mr. Clark said "Mr. Seymour is criticizing us for doing precisely what he asked us to do".

Mr. Clark rejected on both factual and legal grounds the allegation of the Independent Counsel that Ambassador Gotlieb had waived diplomatic immunity when the Canadian Government agreed last year to provide written replies to written questions from the Independent Counsel. "Mr. Seymour did not request a waiver of immunity in submitting his written questions" Mr. Clark said, "and the Canadian Government did not grant one. On the contrary, the Canadian Government at all times expressly maintained the immunity of the officials concerned".

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Mr. Clark pointed out that the Independent Counsel "distorts both U.S. and international law in advancing the notion of an implied waiver of diplomatic immunity". Both U.S. and international law require an express waiver of diplomatic immunity by the sending Government.

In summary, "Mr Seymour's argument is irresponsible", Mr. Clark said.

Mr. Clark expressed satisfaction that the State Department has supported fully Canada's position in a letter to the Independent Counsel from the Department's Legal Advisor, Judge Abraham Sofaer.