



communiqué

N°:
No.: 199

October 13, 1987.

STATEMENT BY THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS
ON THE MICHAEL DEEVER CASE

The Right Honourable Joe Clark, Secretary of State for External Affairs, today rejected the attempt made by Mr. Whitney N. Seymour Jr., U.S. Independent Counsel, in a letter to Canadian Embassy Counsel of October 2, to have the Government of Canada relinquish its sovereign rights under international law and to allow Ambassador Alan Gottlieb to testify at the forthcoming trial of Mr. Michael K. Deaver.

Mr. Clark said that in view of this extraordinary situation he has decided to release Mr. Seymour's letter and the text of a Note of protest sent to the State Department on October 9, 1987. (Copies attached).



OFFICE OF INDEPENDENT COUNSEL
UNITED STATES COURTHOUSE
ONE MARSHALL PLACE WASHINGTON, DC 20001

October 2, 1987

Stuart Pierson, Esq.
Verner Liipfert Bernhard McPherson & Hand
1660 L Street NW, Suite 1000
Washington DC 20036

Dear Mr. Pierson:

As you may know, the Deaver trial is now scheduled to commence on October 19, 1987. As you undoubtedly realize, the decision of the Government of Canada not to permit even limited testimony by Ambassador Gotlieb has forced us to place much greater emphasis at trial on the unlawful acts engaged in by Deaver when he was working for the Canadian Government, including his various contacts with Drew Lewis and the River Club meeting on October 25, 1985, in which Mr. Gotlieb and Mr. Doucet participated.

If you see any sign that your client might allow Mr. Gotlieb to give limited testimony confirming the January 5 luncheon, making it unnecessary for us to emphasize these other events, please get in touch with us promptly.

Sincerely,


Whitney North Seymour, Jr.
Independent Counsel

Canadian Embassy



Ambassade du Canada

No. 346

The Embassy of Canada presents its compliments to the Department of State and has the honour to forward herewith a copy of a letter dated October 2, 1987 from Mr. Whitney North Seymour, Jr., Independent Counsel in United States v. Deaver, to Mr. Stuart Pierson, an attorney advising the Government of Canada in relation to this matter.

The Embassy draws the Department's attention to Mr. Seymour's implied threat against the Government of Canada, to the effect that he will "place much greater emphasis at trial on the unlawful acts engaged in by Deaver when he was working for the Canadian Government" unless the Government agrees to waive Ambassador Gotlieb's immunity and permit him to testify at the trial in relation to one of the counts against Mr. Deaver.

The Embassy wishes to protest in the strongest terms against this attempted intimidation of the government of a sovereign state exercising its sovereign rights under international law as recognized by the State Department

itself and by Judge Thomas Penfield Jackson in his Order of June 22, 1987.

As the Department is aware, the grand jury has not charged Mr. Deaver with any violation of the U.S. Ethics in Government Act while under contract with the Government of Canada. As to the perjury charges that have been laid against Mr. Deaver, these too do not relate to his activities under that contract and in no way implicate the Government of Canada. Nonetheless, Mr. Seymour now proposes to conduct the trial so as to focus on "the unlawful acts engaged in by Deaver when he was working for the Canadian Government", even though Mr. Deaver does not stand accused of any such acts. Mr. Seymour obviously cannot hope to convict Mr. Deaver on charges that have not been laid. The real object of his proposed shift of emphasis appears to lie elsewhere. Thus, while the conduct of the Government of Canada and its officials with regard to all aspects of this matter is and has been fully consistent with established norms of diplomatic behaviour and with Canadian and U.S. law, Mr. Seymour clearly expects that by threatening to "convict" Canada of non-existent offences in the publicity surrounding a trial in which Canada is not a party, he will succeed in intimidating the Government of Canada and compel it to give up its rights under international law.

This shocking and extraordinary tactic on the

part of Mr. Seymour represents his latest attempt to bring improper pressure to bear upon the Government of Canada. It violates the spirit if not the letter of Judge Jackson's Order of June 22, as it violates the most fundamental principles of international law and practice and runs counter to the ordinary principles of justice which Canada and the United States hold in common.

The Embassy urgently requests the Department of State to take all necessary measures to put an end to the threats and improper pressures which Mr. Seymour has brought to bear upon the Government of Canada. In particular, the Embassy requests that this Note and the attached communication from Mr. Seymour be brought to the attention of the Attorney General of the United States.

Given the extraordinary nature of the situation, the Embassy reserves the right to make public this Note and the attached communication from Mr. Seymour, if necessary.

The Embassy of Canada avails itself of this opportunity to renew to the Department of State the assurances of its highest consideration.

Washington, D.C.

October 9, 1987

