

Commission of Inquiry into Certain Allegations
Respecting Business and Financial Dealings
Between Karlheinz Schreiber and
the Right Honourable Brian Mulroney



Commission d'enquête concernant les allégations
au sujet des transactions financières et
commerciales entre Karlheinz Schreiber et
le très honorable Brian Mulroney

Public Hearing

Audience publique

Commissioner

L'Honorable juge /
The Honourable Justice
Jeffrey James Oliphant

Commissaire

Held at:

Bytown Pavillion
Victoria Hall
111 Sussex Drive
Ottawa, Ontario

Thursday, April 16, 2009

Tenue à :

pavillion Bytown
salle Victoria
111, promenade Sussex
Ottawa (Ontario)

le jeudi 16 avril 2009

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1 Ottawa, Ontario / Ottawa (Ontario)
2 --- Upon resuming on Thursday, April 16, 2009
3 at 9:35 a.m. / L'audience reprend le jeudi
4 16 avril 2009 à 09 h 35
5 7398 THE REGISTRAR: All rise. Veuillez
6 vous lever.
7 7399 COMMISSIONER OLIPHANT: Good morning,
8 counsel. Be seated, please.
9 7400 Mr. Wolson...?
10 7401 MR. WOLSON: Good morning, sir.
11 PREVIOUSLY SWORN: KARLHEINZ SCHREIBER
12 SOUS LE MÊME SERMENT : KARLHEINZ SCHREIBER
13 EXAMINATION: KARLHEINZ SCHREIBER BY MR. WOLSON
14 (continued) / INTERROGATOIRE : KARLHEINZ SCHREIBER PAR
15 Me WOLSON (suite)
16 7402 MR. WOLSON: Good morning,
17 Mr. Schreiber.
18 7403 MR. SCHREIBER: Good morning,
19 Mr. Wolson.
20 7404 MR. WOLSON: Before we go on to a
21 number of questions that I'm going to ask you, Book
22 5 -- I don't know that everyone has to have the book in
23 front of them, because I am just going to ask you some
24 questions about Book 5.
25 7405 Book 5 are letters.

1 --- Pause

2 7406 MR. SCHREIBER: Five, yes.

3 7407 MR. WOLSON: Book 5 are letters. If

4 you just look at the index of the book --

5 7408 MR. SCHREIBER: Yes.

6 7409 MR. WOLSON: -- 25 letters

7 approximately --

8 7410 MR. SCHREIBER: Yes.

9 7411 MR. WOLSON: -- that you sent to the

10 Prime Minister of Canada, Prime Minister Harper.

11 7412 MR. SCHREIBER: Yes.

12 7413 MR. WOLSON: You are familiar with

13 the letters?

14 7414 MR. SCHREIBER: Yes. I think when

15 it's all my letters, I should be.

16 7415 MR. WOLSON: Good. Did you -- and

17 just to get a flavour of the letters, if you start at

18 page 1, the first letter, June 16, 2006 --

19 7416 MR. SCHREIBER: Yes...?

20 7417 MR. WOLSON: -- starts with the

21 heading "Subject: The Liberal legacy of scandal".

22 7418 MR. SCHREIBER: Yes.

23 7419 MR. WOLSON: At Tab 4, August 23rd,

24 '06, "Subject: 'Political Justice Scandal".

25 7420 MR. SCHREIBER: Yes.

1 7421 MR. WOLSON: And most of the letters
2 that you write to the Prime Minister start off with the
3 heading political justice scandal --

4 7422 MR. SCHREIBER: Yes.

5 7423 MR. WOLSON: -- Airbus scandal, RCMP
6 scandal. It's a scandal of one kind or another.

7 7424 MR. SCHREIBER: Yes.

8 7425 MR. WOLSON: If you would then look
9 to Tab 12, Tab 12 is a fairly lengthy document and
10 there is more than one in Tab 12, but I'm interested in
11 March 29, 2007 when you send this letter to the Prime
12 Minister of Canada --

13 7426 MR. SCHREIBER: Yes.

14 7427 MR. WOLSON: -- Stephen Harper, you
15 write:

16 "Subject: 'Political Justice
17 Scandal' & 'The Airbus Affair'
18 RCMP & IAG Conspiracy and
19 Coverup Public Inquiry"

20 7428 MR. SCHREIBER: Yes.

21 7429 MR. WOLSON: Did you get a response
22 from that office when you sent that letter?

23 7430 MR. SCHREIBER: I cannot tell you out
24 of my head right now when I received the first
25 response, but down the road I received one. And then

1 later on, after the Ethics Commission, I received I
2 think two or three more from the Privy Council.

3 7431 MR. WOLSON: Did you receive any
4 letters from the Prime Minister?

5 7432 MR. SCHREIBER: No.

6 7433 MR. WOLSON: Were the letters that
7 you received from the Privy Council in answer to your
8 letters? Did they answer the content of your letter?

9 7434 MR. SCHREIBER: No, they -- what they
10 said was more or less at the beginning that as long as
11 my case -- which quite often extradition was
12 involved -- is in front of the court, the Prime
13 Minister is not prepared to look at them.

14 7435 Later on, during the last two
15 letters, the Privy Council referred to your Commission,
16 Mr. Oliphant, by saying it is the business of this
17 Commission to look into my complaints.

18 7436 MR. WOLSON: All right. We may come
19 back to those when you are recalled later in May, but I
20 just wanted to confirm with you that you wrote many,
21 many letters.

22 7437 MR. SCHREIBER: Yes.

23 7438 MR. WOLSON: They are all in Book 5.

24 7439 MR. SCHREIBER: Yes.

25 7440 MR. WOLSON: And that your responses

1 were as you have just indicated.

2 7441 MR. SCHREIBER: Yes, sir.

3 7442 MR. WOLSON: All right.

4 7443 Now, as well, I'm going to read to

5 you from your statement that you gave to Mr. Roitenberg

6 at page 7.

7 7444 MR. SCHREIBER: Yes.

8 7445 MR. WOLSON: And I want you to

9 confirm this statement. It is at page 7 at the top of

10 the page.

11 7446 It says:

12 "With respect to IAL 18679

13 account number 41391.0

14 'Frankfurt', Mr. Schreiber

15 indicated that this account was

16 also under his control.

17 Further, all accounts with the

18 client number 18679 were under

19 his control." (As read)

20 7447 That's a statement that you gave to

21 Mr. Roitenberg as a true statement?

22 7448 MR. SCHREIBER: That's correct, sir.

23 7449 MR. WOLSON: All right.

24 7450 COMMISSIONER OLIPHANT: Mr.

25 Schreiber -- are you finished alluding to that

1 statement, Mr. Wolson?

2 7451 MR. WOLSON: For now, yes.

3 7452 COMMISSIONER OLIPHANT: I just
4 noticed that Mr. Schreiber didn't have a copy of it and
5 somehow two copies ended up on my desk.

6 7453 I was just going to say I can give
7 Mr. Schreiber a copy if you are going to be referring
8 to the statement again.

9 7454 MR. WOLSON: I may in other
10 questions, but I read it to him so I think it should be
11 pretty clear. And he just made that statement just a
12 few weeks ago so I'm sure he's -- oh, you have a copy.

13 7455 MR. SCHREIBER: Is this the summary
14 from the interview held on March 24?

15 7456 MR. WOLSON: Yes.

16 7457 COMMISSIONER OLIPHANT: Yes.

17 7458 MR. SCHREIBER: Yes, sir, I have it.

18 7459 COMMISSIONER OLIPHANT: You have it,
19 okay.

20 7460 MR. SCHREIBER: Thank you so much,
21 Commissioner.

22 7461 MR. WOLSON: Now, I was asking you
23 questions yesterday about your meetings with Fred
24 Doucet starting at Boxing Day at his home and then I
25 referred you to meeting you had with him at the Royal

1 York Hotel --

2 7462 MR. SCHREIBER: Yes.

3 7463 MR. WOLSON: -- in Toronto, the 11th

4 January.

5 7464 MR. SCHREIBER: Yes.

6 7465 MR. WOLSON: Then I want to refer to

7 a summary of events that Mr. Doucet has made which you

8 will find at Book 2 -- I will let you get the book

9 first and I will tell you it is Tab 129.

10 7466 MR. SCHREIBER: Yes, sir.

11 7467 MR. WOLSON: I want to go through

12 part of this document with you.

13 7468 Right at the beginning in terms of

14 background Mr. Doucet writes:

15 "To the best of my

16 recollections..."

17 7469 And this is an August 27, 2000

18 document and again it is a typewritten document that

19 Mr. Doucet I expect will say is an accurate recall of

20 the events of your involvement with him.

21 7470 MR. SCHREIBER: Okay.

22 7471 MR. WOLSON:

23 "Background

24 To the best of my recollections

25 I have known Karlheinz Schreiber

1 (K.S.) since 1988 when I met him
2 in Ottawa at a G.C.I. party. He
3 was introduced to me by Frank
4 Moores as I recall."

5 7472 Is that an accurate statement, to the
6 best of your knowledge?

7 7473 MR. SCHREIBER: It could have been
8 earlier, but the place might be right.

9 7474 MR. WOLSON: You don't take issue
10 with his statement in that respect?

11 7475 MR. SCHREIBER: No.

12 7476 MR. WOLSON:
13 "During the period 1990, 1991,
14 1992, my consulting company
15 (F.D.C.I.)..."

16 7477 And we have seen an invoice from
17 F.D.C.I.:

18 "... had an ongoing arrangement
19 with a K.S. company (Bitucan) to
20 provide assistance with the
21 project (Bearhead project)."

22 7478 Is that a correct statement?

23 7479 MR. SCHREIBER: No.

24 7480 MR. WOLSON: What is incorrect about
25 it?

1 7481 MR. SCHREIBER: The years. It
2 started earlier.

3 7482 MR. WOLSON: Okay. It started when,
4 in 1988?

5 7483 MR. SCHREIBER: Latest in 1988, yeah.

6 7484 MR. WOLSON: Yes. And that would be
7 in response -- we have seen a cheque that you have
8 written, or Bitucan has authored in 1988, November
9 15 -- we reviewed that the other day -- for \$90,000.

10 7485 MR. SCHREIBER: That's correct, sir.

11 7486 MR. WOLSON: All right. So he
12 started working for you in advance of receiving the
13 cheque?

14 7487 MR. SCHREIBER: Yes, sir.

15 7488 MR. WOLSON: And did he work with you
16 ending in 1992 or was it later?

17 7489 MR. SCHREIBER: Well, sir, now, when
18 you say "you", you mean myself or Bitucan or --

19 7490 MR. WOLSON: Bear Head.

20 7491 MR. SCHREIBER: -- Bear Head
21 Industries?

22 7492 MR. WOLSON: Yes.

23 7493 MR. SCHREIBER: No, it didn't stop.

24 7494 MR. WOLSON: Do you recall when it
25 ended? Did it end, for instance, when you had retained

1 Marc Lalonde?

2 7495 MR. SCHREIBER: No.

3 7496 MR. WOLSON: Was Mr. Doucet working
4 with you right up until the end of the Bear Head
5 Project which you told us yesterday, or the other day,
6 ended in 1995?

7 7497 MR. SCHREIBER: Yes. When you say
8 work together, though, that means we spoke about it or
9 he was asked from Bear Head to consult or help or
10 whatsoever, yes.

11 7498 MR. WOLSON: All right. And you
12 don't take issue with 1990 or '91 or '92. You say that
13 it started earlier and ended later.

14 7499 MR. SCHREIBER: Eighty-eight to '95
15 at least.

16 7500 MR. WOLSON: Okay. I want to then
17 deal with the "Events Post 1992".

18 7501 Point one:

19 "As best as I can recall in late
20 summer of 1993 K.S. called me to
21 discuss with me whether I could
22 arrange a meeting between
23 himself and Brian Mulroney
24 (B.M.) to discuss the prospects
25 of a consulting assignment

1 involving international
2 representations and watching
3 brief for corporate
4 opportunities involving
5 companies in which K.S. had an
6 interest."
7 7502 Is that a true statement?
8 7503 MR. SCHREIBER: Not at all.
9 7504 MR. WOLSON: What is incorrect about
10 it?
11 7505 MR. SCHREIBER: It's not the
12 discussion at all.
13 7506 MR. WOLSON: Well --
14 7507 MR. SCHREIBER: My intention was to
15 see the Prime Minister since I hadn't met him since
16 June 3rd or so --
17 7508 MR. WOLSON: Yes.
18 7509 MR. SCHREIBER: -- to continue our
19 dialogue from June 3rd.
20 7510 MR. WOLSON: The Bear Head dialogue?
21 7511 MR. SCHREIBER: Yes.
22 7512 MR. WOLSON: Yes.
23 7513 MR. SCHREIBER: And then since he was
24 leaving now, finding out how he feels and what he
25 thinks how this is going to continue now with a view of

1 Mrs. Campbell who took over as Prime Minister.

2 7514 MR. WOLSON: All the things you told
3 us yesterday --

4 7515 MR. SCHREIBER: Yes.

5 7516 MR. WOLSON: -- or the day before?

6 7517 MR. SCHREIBER: Yes.

7 7518 MR. WOLSON: And was the assignment
8 an international representation and watching brief for
9 corporate opportunities?

10 7519 MR. SCHREIBER: Well, it never
11 happened.

12 7520 MR. WOLSON: Was it an international
13 assignment?

14 7521 MR. SCHREIBER: No.

15 7522 MR. WOLSON: Point 2 I'm assuming is
16 correct, because he arranged a meeting for you in late
17 summer or early fall. We know it was August of '93
18 between you and Mr. Mulroney at the Mirabel airport.
19 7523 So that's a correct statement.

20 7524 MR. SCHREIBER: Correct, sir.

21 7525 MR. WOLSON: Point 3. While this is
22 a conversation he describes with Mr. Mulroney, I want
23 to ask you about in your opinion whether this is what
24 happened at the meeting:

25 "Subsequent to the Mirabel

1 meeting B.M. informed me..."

2 7526 So Mr. Doucet is talking about a
3 conversation he had with Mr. Mulroney.

4 7527 MR. SCHREIBER: Yes.

5 7528 MR. WOLSON:
6 "... that he and K.S. had
7 concluded an arrangement for an
8 initial period of three years
9 whereby B.M. through his
10 consulting company would provide
11 a watching brief and, if and
12 where appropriate, make
13 inquiries or representations in
14 the international arena..."

15 7529 MR. SCHREIBER: No.

16 7530 MR. WOLSON: Is that true or not
17 true?

18 7531 MR. SCHREIBER: No.

19 7532 MR. WOLSON: Point 4 I'm assuming is
20 true because he is aware that you had a meeting in
21 Montréal in early '94. I take it that meeting was the
22 Queen Elizabeth meeting he's talking about, which was
23 late '93?

24 7533 MR. SCHREIBER: Yes.

25 7534 MR. WOLSON: Point 5:

1 "I recall setting up a
2 meeting..."

3 7535 Mr. Doucet says:
4 "... in December/94 in New York,
5 at the request of K.S., between
6 K.S. and B.M. on the occasion of
7 a luncheon on Dec. 8/94 to
8 celebrate the recent wedding of
9 Elmer MacKay."

10 7536 MR. SCHREIBER: No.

11 7537 MR. WOLSON:
12 "I was personally present..."

13 7538 Well, what's incorrect about what I
14 just read to you?

15 7539 MR. SCHREIBER: There was no
16 discussion on an invitation for a wedding lunch.

17 7540 MR. WOLSON: Did you expect
18 Mr. Doucet to be there?

19 7541 MR. SCHREIBER: No.

20 7542 MR. WOLSON: Was he invited?

21 7543 MR. SCHREIBER: No.

22 7544 MR. WOLSON:
23 "I was personally present at
24 that meeting in the Hotel Room
25 occupied by K.S. This meeting

1 was attended by K.S., B.M. and
2 myself. At this meeting which
3 lasted approximately one hour,
4 B.M. and K.S. discussed various
5 matters..."

6 7545 It gives the initials of each party:
7 "... discussed various matters
8 of the on-going consultancy in
9 the international arena."

10 7546 Is that true or untrue?

11 7547 MR. SCHREIBER: Wrong.

12 7548 MR. WOLSON: What's untrue about it?

13 7549 MR. SCHREIBER: Nothing was discussed
14 on international businesses. It dealt all with the
15 white paper and Montréal.

16 7550 MR. WOLSON:
17 "K.S. provided various materials
18 to B.M. At the end of the
19 meeting we went to the hotel
20 dining room and joined the group
21 assembled for the luncheon event
22 which lasted approximately 1 1/2
23 hrs."

24 7551 That's true?

25 7552 MR. SCHREIBER: I don't recall that I

1 gave him any material. I only know that I gave him an
2 envelope with \$100,000.

3 7553 MR. WOLSON: All right. I don't have
4 to go over points 6 and 7 with you.

5 7554 I'm sorry, point 6 I won't review
6 with you. Point 7 discusses his summary of the
7 December 26th, '99 meeting which we talked about
8 yesterday.

9 7555 MR. SCHREIBER: Yes.

10 7556 MR. WOLSON: Point 8:

11 "On Jan 11/00 at approximately
12 4:30 p.m. we (K.S. and I) met at
13 the Royal York in my room. I
14 have kept notes of the meeting."

15 7557 So that's true, I take it?

16 7558 MR. SCHREIBER: Well, I didn't know
17 that he would keep notes.

18 7559 MR. WOLSON: No, but I'm not asking
19 about the notes, but you did meet with him?

20 7560 MR. SCHREIBER: Yes.

21 7561 MR. WOLSON:

22 "At that meeting, among many
23 other matters about which K.S.
24 spoke, he told me, in answer to
25 my specific question about what

1 he proposed to say at his
2 discoveries regarding the
3 consultancy with B.M., that he
4 agreed that the nature of the
5 consultancy was to keep a
6 watching brief world wide on
7 possible opportunities for his
8 (K.S.) companies..."

9 7562 Is that true or untrue?

10 7563 MR. SCHREIBER: Wrong.

11 7564 MR. WOLSON:

12 "... that B.M. was to report
13 periodically on such
14 opportunities..."

15 7565 Is that true or untrue?

16 7566 MR. SCHREIBER: It was not discussed
17 in my recollection.

18 7567 MR. WOLSON:

19 "... and that for those services
20 a fee was being paid as well as
21 to cover expenses..

22 7568 Is that true?

23 7569 MR. SCHREIBER: No.

24 7570 MR. WOLSON:

25 "With respect to the fee K.S.

1 stated that he could not be
2 certain whether he would be
3 treating these disbursements as
4 'an advance' or a 'loan' since
5 that was only relevant to him in
6 the context of his taxes."

7 7571 Is that true or untrue?

8 7572 MR. SCHREIBER: What nonsense. I had
9 no tax questions with it.

10 7573 MR. WOLSON: Did you indicate to him
11 that you weren't sure whether you would treat the
12 money, that you have indicated you paid, as an advance
13 or alone?

14 7574 MR. SCHREIBER: No.

15 7575 MR. WOLSON: Now, I want to get into
16 a further meeting that you had with Mr. MacKay -- I'm
17 sorry, with Mr. Doucet, according to Mr. Doucet.

18 7576 Did you meet with him on February the
19 4th of 2000 when matters of a mandate were discussed?

20 7577 MR. SCHREIBER: Yes.

21 7578 MR. WOLSON: This is what Mr. Doucet
22 says of that February 4th meeting. It is paragraph 9.

23 7579 He says:

24 "I reported to BM on my
25 discussions with K.S...."

1 7580 I don't have to go there.

2 7581 MR. SCHREIBER: Yes.

3 7582 MR. WOLSON:

4 "I met again with K.S. in my

5 office in Ottawa on Feb 4/00 and

6 I presented a written statement

7 on the mandate consistent with

8 what he (K.S.) had represented

9 it to be."

10 7583 Is that a true statement?

11 7584 MR. SCHREIBER: No.

12 7585 MR. WOLSON:

13 "I left open the identification

14 of the companies from which the

15 mandate would emanate and the

16 fees to cover services and

17 expenses."

18 7586 Is that a true statement?

19 7587 MR. SCHREIBER: No.

20 7588 MR. WOLSON:

21 "With his own (K.S.) handwriting

22 my notes show his identifying

23 those companies and when I asked

24 him what..."

25 7589 Is that true?

1 7590 MR. SCHREIBER: No.

2 7591 MR. WOLSON:

3 "... what the fee was he told me

4 that the fee for services and

5 expenses had been set at

6 \$250,000 for the period 93/94;

7 94/95; 95/96."

8 7592 Is that true?

9 7593 MR. SCHREIBER: No.

10 7594 MR. WOLSON: Was the fee set at

11 \$250,000?

12 7595 MR. SCHREIBER: No.

13 7596 MR. WOLSON: I'm going to show you

14 that document in a minute, but I want to finish here.

15 7597 MR. SCHREIBER: Yes.

16 7598 MR. WOLSON:

17 "Furthermore, he (K.S.) asked me

18 if B.M. would be interested in

19 renewing the terms for a new

20 contract to assist him in the

21 strategic selling of a new

22 spaghetti machine. I indicated

23 to K.S. that I would bring this

24 to B.M.'s attention."

25 7599 Is that true?

1 7600 MR. SCHREIBER: No.

2 7601 MR. WOLSON: What is incorrect about
3 it?

4 7602 MR. SCHREIBER: About the mandate.
5 We might have discussed the now ongoing business in
6 Canada with our plans on Spaghetissimo. It's
7 possible, but nothing related to a mandate.

8 7603 MR. WOLSON: Did you discuss the
9 possibility of a new mandate?

10 7604 MR. SCHREIBER: Mandate was not
11 discussed at all.

12 7605 MR. WOLSON: Okay.

13 7606 Then it says:
14 "He told me that he thought B.M.
15 could be of great assistance to
16 him internationally in this
17 corporate endeavor and he told
18 me how much he regretted..."

19 7607 I don't have to go into that.

20 7608 Was that said?

21 7609 MR. SCHREIBER: No.

22 7610 MR. WOLSON: I would like you then to
23 turn to Book 2 -- Book 2, Tab 128.

24 7611 MR. SCHREIBER: Tab 128?

25 7612 MR. WOLSON: Yes, please.

1 7613 MR. SCHREIBER: Okay, yes.

2 7614 MR. WOLSON: I want to ask you about
3 this meeting, I will call it the mandate meeting on --
4 do you take issue with the date February 4, 2000?

5 7615 MR. SCHREIBER: No.

6 7616 MR. WOLSON: You met with Mr. Doucet
7 at his office?

8 7617 MR. SCHREIBER: Yes.

9 7618 MR. WOLSON: What was the purpose of
10 the meeting?

11 7619 MR. SCHREIBER: He wanted to talk to
12 me.

13 7620 MR. WOLSON: At whose request did you
14 meet them?

15 7621 MR. SCHREIBER: At Fred Doucet's
16 request.

17 7622 MR. WOLSON: And he went to his
18 office in Ottawa?

19 7623 MR. SCHREIBER: Yes.

20 7624 MR. WOLSON: How long was the
21 meeting?

22 7625 MR. SCHREIBER: Half an hour,
23 three-quarters of an hour.

24 7626 MR. WOLSON: Who else was there?

25 7627 MR. SCHREIBER: Nobody.

1 7628 MR. WOLSON: Just the two of you?

2 7629 MR. SCHREIBER: Yes.

3 7630 MR. WOLSON: And what was discussed

4 at that meeting?

5 7631 MR. SCHREIBER: Well, at this

6 meeting, when you go to your tabs there you will find a

7 paper which is --

8 7632 MR. WOLSON: There are three

9 documents.

10 7633 MR. SCHREIBER: Yes.

11 7634 MR. WOLSON: Which one are you

12 looking at?

13 7635 MR. SCHREIBER: Number three, the

14 plain one.

15 7636 MR. WOLSON: All right. So the first

16 document which says -- all three documents in terms of

17 the typing are the same?

18 7637 MR. SCHREIBER: Yes.

19 7638 MR. WOLSON: The top part of the

20 document is typed.

21 7639 MR. SCHREIBER: Yes.

22 7640 MR. WOLSON: So all three documents

23 in that regard are the same.

24 7641 MR. SCHREIBER: Yes.

25 7642 MR. WOLSON: But the first document

1 in the book, we will call it "A" of 128, that has
2 handwriting on it; true?

3 7643 MR. SCHREIBER: Yes.

4 7644 MR. WOLSON: The second document has
5 handwriting, a little less handwriting than the first
6 one, and I will go through that with you.

7 7645 MR. SCHREIBER: Yes.

8 7646 MR. WOLSON: The third document just
9 has the typewritten portion on it.

10 7647 MR. SCHREIBER: Yes.

11 7648 MR. WOLSON: All right. And you are
12 referring to that document --

13 7649 MR. SCHREIBER: Yes.

14 7650 MR. WOLSON: -- the third document,
15 document "C" of that book?

16 7651 MR. SCHREIBER: Yes.

17 7652 MR. WOLSON: All right. Tell me
18 about that, please.

19 7653 MR. SCHREIBER: This was the document
20 Mr. Doucet presented during the meeting.

21 7654 MR. WOLSON: In this form?

22 7655 MR. SCHREIBER: In exactly this form,
23 this one page.

24 7656 MR. WOLSON: So document "C" of 128,
25 the form being:

1 "MANDATE
2 To provide a watching brief to
3 develop economic opportunities
4 for our companies, (blank)
5 including travelling abroad to
6 meet with government and private
7 sector leaders to assist in
8 opening new markets for our
9 products and to report regularly
10 to us in this regard. In this
11 context, priority should be
12 given to opportunities relating
13 to Canadian based manufacturing
14 or peace keeping and/or peace
15 making military equipment in
16 view of Canada's prominence in
17 this area.
18 The mandate will be for a period
19 of three years. The fee to
20 cover services and expenses is
21 set at (blank) for the period."
22 7657 Is that the document you were given?
23 7658 MR. SCHREIBER: Yes.
24 7659 MR. WOLSON: Is that typed portion an
25 accurate portrayal of the mandate you had with

1 Mr. Mulroney?

2 7660 MR. SCHREIBER: In part, yes.

3 7661 MR. WOLSON: What part isn't

4 accurate?

5 7662 MR. SCHREIBER: The part correct is:

6 "... priority should be given to

7 opportunities relating to

8 Canadian based manufacturing of

9 peace keeping and/or peace

10 making military equipment in

11 view of Canada's prominence in

12 this area."

13 7663 MR. WOLSON: What about the part of:

14 "... a watching brief to develop

15 economic opportunities ...

16 including travelling abroad to

17 meet with government and private

18 sectors"?

19 7664 MR. SCHREIBER: I never discussed

20 this with him.

21 7665 And as I told you yesterday, I cannot

22 see a reason why I would have discussed any mandate or

23 agreement that I wanted to have with Brian Mulroney, so

24 Fred Doucet -- it's not my habit to go to the doorman

25 when I can have my agreement with the boss.

1 7666 MR. WOLSON: All right. That's how
2 you regarded Mr. Doucet?

3 7667 MR. SCHREIBER: The doorman.

4 7668 MR. WOLSON: The doorman.
5 7669 Then let me ask you -- he presented
6 this document to you, Mr. Doucet did?

7 7670 MR. SCHREIBER: Yes.

8 7671 MR. WOLSON: What did you do with the
9 document?

10 7672 MR. SCHREIBER: I found it an insult.
11 I took it and I said that I would think about it, and
12 left.

13 7673 MR. WOLSON: Did you express your
14 concern to Mr. Doucet that you were insulted?

15 7674 MR. SCHREIBER: No.

16 7675 MR. WOLSON: But you say that the
17 meeting lasted about half an hour.

18 7676 MR. SCHREIBER: Yes.

19 7677 MR. WOLSON: To just offer you this
20 document would take a matter of seconds. What else
21 happened at the meeting?

22 7678 MR. SCHREIBER: When I came to his
23 room, to his office, I was really impressed because,
24 instead of wallpaper, I saw nothing than pictures --
25 photos -- with Mr. Doucet and Brian Mulroney in all

1 kinds of events all over the world, and it took me
2 quite a while to look at all the pictures with the Pope
3 and with all kinds of --

4 7679 MR. WOLSON: Half an hour?

5 7680 MR. SCHREIBER: No, not half an hour,
6 perhaps 15 minutes or so.

7 7681 MR. WOLSON: Fifteen minutes.

8 7682 MR. SCHREIBER: Maybe.

9 7683 MR. WOLSON: Okay. So you looked --

10 7684 MR. SCHREIBER: How would I say
11 today, Mr. Wolson, how many minutes I did something in
12 February 2000? I am unable to do that.

13 7685 MR. WOLSON: All right. So part of
14 the half hour that you spent, approximately, was
15 looking at these inviting photographs.

16 7686 MR. SCHREIBER: Yes, it was a very
17 impressing show.

18 7687 MR. WOLSON: Of course. You, of
19 course, had your own gallery of photographs.

20 7688 MR. SCHREIBER: No.

21 7689 MR. WOLSON: I see. All right.
22 7690 I want to, then, go back to this
23 mandate. Are you given the mandate at the beginning,
24 or the middle, or the end of the meeting?

25 7691 MR. SCHREIBER: No.

1 7692 MR. WOLSON: When were you given it?
2 7693 MR. SCHREIBER: Not at all.
3 7694 MR. WOLSON: Were you not given this
4 document?
5 7695 MR. SCHREIBER: No.
6 7696 MR. WOLSON: Was it presented to you?
7 7697 MR. SCHREIBER: Yes. The "empty"
8 one, I took it and left, as I told you.
9 7698 MR. WOLSON: Yes, but I am asking
10 you, when was the "empty" document, the document with
11 the type on it that we discussed a minute ago -- when
12 were you given that document, at the end of the
13 meeting?
14 7699 MR. SCHREIBER: No, during the
15 meeting. He put it in front of me and I told him that
16 I'm not going to discuss it with him.
17 7700 MR. WOLSON: All right. Did you
18 leave with a copy of the document?
19 7701 MR. SCHREIBER: Yes.
20 7702 MR. WOLSON: Is it your evidence, so
21 we have it crystal clear, that you left and took the
22 document in Book 2, Tab 128 -- and we are calling it
23 "C" --
24 7703 MR. SCHREIBER: Yes.
25 7704 MR. WOLSON: Simply the typewritten

1 document, with nothing else on it, in terms of
2 handwriting.

3 7705 MR. SCHREIBER: Exactly, sir.

4 7706 MR. WOLSON: And what did you do with
5 that document?

6 7707 You took it away and filed it away
7 somewhere, did you?

8 7708 MR. SCHREIBER: No, I took it and
9 gave it to Mr. Greenspan.

10 7709 MR. WOLSON: Your counsel.

11 7710 MR. SCHREIBER: Yes, because there
12 were other activities at that time, and we collected
13 them.

14 7711 MR. WOLSON: All right. Then let's
15 look at the first two documents, "A" and "B" of Tab
16 128.

17 7712 Document "A" has on it at the top a
18 date: February 4, 2000.

19 7713 MR. SCHREIBER: Yes.

20 7714 MR. WOLSON: That wasn't there in the
21 document you received?

22 7715 MR. SCHREIBER: Yes.

23 7716 MR. WOLSON: It was not there?

24 7717 MR. SCHREIBER: H'm?

25 7718 MR. WOLSON: That handwriting wasn't

1 on the document that you got?

2 7719 MR. SCHREIBER: No.

3 7720 MR. WOLSON: As a matter of fact,
4 there is handwriting on "A" of 128. None of the
5 handwriting was there.

6 7721 MR. SCHREIBER: Yes.

7 7722 MR. WOLSON: You agree with that
8 statement?

9 7723 MR. SCHREIBER: Yes.

10 7724 MR. WOLSON: This one says:
11 "To provide a watching brief to
12 develop economic opportunities
13 for our companies A, B, C."
14 7725 Do you see that?

15 7726 MR. SCHREIBER: Yes.

16 7727 MR. WOLSON: And above that it's got
17 years: `93-`94, `94-`95, and `95-`96.

18 7728 MR. SCHREIBER: Yes.

19 7729 MR. WOLSON: Is any of that your
20 handwriting?

21 7730 MR. SCHREIBER: No.

22 7731 MR. WOLSON: And it wasn't on when
23 you got the document.

24 7732 MR. SCHREIBER: Yes.

25 7733 MR. WOLSON: You agree with that.

1 7734 MR. SCHREIBER: Yes.

2 7735 MR. WOLSON: And then it says:

3 "Mandate will be for a period of

4 three years. The fee to cover

5 services and expenses is set at

6 \$250,000."

7 7736 Just above that there is something

8 that is written out, or scratched out, and there is an

9 "X".

10 7737 Do you see that?

11 7738 MR. SCHREIBER: Yes.

12 7739 MR. WOLSON: You have indicated that

13 your business with Mr. Mulrone y was not at \$250,000.

14 7740 MR. SCHREIBER: Yes.

15 7741 MR. WOLSON: Is that your

16 handwriting?

17 7742 MR. SCHREIBER: No.

18 7743 MR. WOLSON: Then, in the middle of

19 the page -- and you will pardon my interpretation of

20 the word -- "Bayerische"?

21 7744 MR. SCHREIBER: Yes.

22 7745 MR. WOLSON: Or whatever it says --

23 7746 MR. SCHREIBER: Yes.

24 7747 MR. WOLSON: "Other companies I

25 name."

1 7748 Is that your handwriting?
2 7749 MR. SCHREIBER: No.
3 7750 MR. WOLSON: That's not your
4 handwriting?
5 7751 MR. SCHREIBER: No.
6 7752 MR. WOLSON: And, then, below that it
7 says, "Bayerische Bitumen-Chemie."
8 7753 I will spell that: B-A-Y --
9 7754 MR. SCHREIBER: "Bayerische
10 Bitumen-Chemie."
11 7755 MR. WOLSON: Well, that's how you
12 pronounce it.
13 7756 MR. SCHREIBER: Yeah, "Bayerische
14 Bitumen-Chemie."
15 7757 MR. WOLSON: All right, and how do
16 you spell that?
17 7758 Is that your handwriting, by the way?
18 7759 MR. SCHREIBER: I think so, yes.
19 7760 MR. WOLSON: That's your handwriting?
20 7761 MR. SCHREIBER: Yes.
21 7762 MR. WOLSON: How did it get on that
22 document if you didn't put it there?
23 7763 MR. SCHREIBER: I have no idea. I
24 saw this document the first time at the Ethics
25 Committee.

1 7764 MR. WOLSON: But it's your
2 handwriting.

3 7765 MR. SCHREIBER: Yes.

4 7766 MR. WOLSON: All right. Below that
5 is a word -- "Kautering"?

6 7767 MR. SCHREIBER: "Kaufering."

7 7768 MR. WOLSON: That's where you are
8 from.

9 7769 MR. SCHREIBER: Yeah, that's the city
10 where the company is.

11 7770 MR. WOLSON: Is that your
12 handwriting?

13 7771 MR. SCHREIBER: Yes.

14 7772 MR. WOLSON: How did it get on that
15 document?

16 7773 MR. SCHREIBER: No idea.

17 7774 MR. WOLSON: To the left of that
18 there is another word. I won't even try to pronounce
19 this word. What is that word?

20 7775 MR. SCHREIBER: You mean in the
21 circle?

22 7776 MR. WOLSON: No, to the left of
23 "Bayerische".

24 7777 MR. SCHREIBER: I have nothing on the
25 left.

1 7778 COMMISSIONER OLIPHANT: Does it not
2 say "Karlheinz" to the left of "Bayerische" and
3 "Kaufering"?

4 7779 MR. SCHREIBER: In front of
5 "Bayerische"? I have nothing here.
6 --- Pause

7 7780 MR. SCHREIBER: Oh, you mean the next
8 piece.

9 7781 COMMISSIONER OLIPHANT: Mr. Wolson,
10 he is looking at the wrong document.

11 7782 MR. WOLSON: Okay. In my book -- and
12 I can only say that I am going from my book -- we have
13 a document --

14 7783 Your document doesn't have writing to
15 the left of "Bayerische"?

16 7784 MR. SCHREIBER: I have three
17 documents here, in the book.

18 7785 MR. WOLSON: Yes. Okay, I see that
19 "A" and "B" are mixed up.

20 7786 Let me, then, refer to --

21 7787 MR. SCHREIBER: We were on the page
22 where you spoke about Bitucan. You didn't speak about
23 Bitucan, you spoke about Bayerische Bitumen-Chemie.

24 7788 MR. WOLSON: That's right.

25 7789 MR. SCHREIBER: Then, the next one,

1 which is circled, "Bitucan - Calgary" --

2 7790 MR. WOLSON: Yes.

3 7791 MR. SCHREIBER: -- is my handwriting.

4 7792 MR. WOLSON: Is your handwriting.

5 7793 MR. SCHREIBER: Yes.

6 7794 MR. WOLSON: And is there a word to

7 the left of "Bayerische"?

8 7795 MR. SCHREIBER: No --

9 7796 MR. WOLSON: Look at the second

10 document, then.

11 7797 MR. SCHREIBER: No, that's another

12 document.

13 7798 MR. WOLSON: All right. Look at that

14 document.

15 7799 It's all under 128.

16 7800 MR. SCHREIBER: Yes.

17 7801 MR. WOLSON: Is there a word to the

18 left of "Bayerische"?

19 7802 MR. SCHREIBER: "Karlheinz," yes.

20 7803 MR. WOLSON: "Karlheinz." Did you

21 write that in there?

22 7804 MR. SCHREIBER: This is what I did at

23 the Ethics Committee for clarification, which was my

24 writing.

25 7805 MR. WOLSON: I see.

1 7806 If I could just have a moment,
2 please...
3 --- Pause

4 7807 MR. WOLSON: The documents are
5 correctly put in the book, but unfortunately you were
6 looking at the second document. Now you are on the
7 first document.

8 7808 MR. SCHREIBER: Yes.

9 7809 MR. WOLSON: Okay. So we are on the
10 same page now.

11 7810 MR. SCHREIBER: Yes.

12 7811 MR. WOLSON: This document represents
13 a document that you were shown at the Ethics Committee;
14 right?

15 7812 MR. SCHREIBER: Yes.

16 7813 MR. WOLSON: And you added, at the
17 Ethics Committee, some writing.

18 7814 MR. SCHREIBER: "Karlheinz" with an
19 arrow.

20 7815 MR. WOLSON: Okay. So you have added
21 "Karlheinz" with an arrow to "Bayerische" --

22 7816 MR. SCHREIBER: Yes.

23 7817 MR. WOLSON: -- and "Karlheinz" with
24 an arrow to "Bitucan".

25 7818 MR. SCHREIBER: Yes, and to

1 "Kaufering".

2 7819 MR. WOLSON: And to "Kaufering".

3 7820 MR. SCHREIBER: Yes.

4 7821 MR. WOLSON: All right. So aside

5 from what you wrote at the Ethics Committee --

6 7822 MR. SCHREIBER: Yes.

7 7823 MR. WOLSON: -- did you write

8 "Bayerische Bitumen-Chemie" at the Ethics Committee?

9 7824 MR. SCHREIBER: No.

10 7825 MR. WOLSON: All right. So the

11 document that was shown to you at the Ethics Committee,

12 in effect, was Document 2 in the book --

13 7826 MR. SCHREIBER: Yes.

14 7827 MR. WOLSON: -- and you added your

15 name to it --

16 7828 MR. SCHREIBER: For better

17 understanding.

18 7829 MR. WOLSON: Okay. Just for the

19 record, so it's clear, Document 128 "A" is a document

20 which is the same as 128 "B", with the exception of Mr.

21 Schreiber adding his name to the document in a few

22 locations, and some arrows.

23 7830 MR. SCHREIBER: Exactly.

24 7831 MR. WOLSON: Document "B" was the

25 document that you saw at the Ethics Committee before

1 you added anything to it.

2 7832 MR. SCHREIBER: Yes.

3 7833 MR. WOLSON: The two documents are

4 the same but for your name being added.

5 7834 MR. SCHREIBER: Yes.

6 7835 MR. WOLSON: Okay. But it's your

7 evidence that you didn't write, on the mandate that you

8 received, anything.

9 7836 MR. SCHREIBER: That's correct.

10 7837 MR. WOLSON: Document "C", the typed

11 document with nothing else on it, was how you received

12 it.

13 7838 MR. SCHREIBER: Yes, and this was

14 confirmed, by the way, by Mr. Doucet at the Ethics

15 Committee.

16 7839 MR. WOLSON: Don't tell me about

17 someone else's testimony --

18 7840 MR. SCHREIBER: Okay.

19 7841 MR. WOLSON: -- let's stick with your

20 testimony. We will have Mr. Doucet here.

21 7842 MR. SCHREIBER: Okay.

22 7843 MR. WOLSON: When you saw the

23 document at the Ethics Committee, you say for the first

24 time, it had some writing on it.

25 7844 MR. SCHREIBER: Yes.

1 7845 MR. WOLSON: And when you saw it,
2 some of that writing was yours.

3 7846 MR. SCHREIBER: Yes.

4 7847 MR. WOLSON: But you say that you
5 didn't put it there.

6 7848 MR. SCHREIBER: Yes.

7 7849 MR. WOLSON: And you have no idea how
8 it got there.

9 7850 MR. SCHREIBER: No.

10 7851 MR. WOLSON: And the writing that's
11 yours are your company names.

12 7852 MR. SCHREIBER: Yes.

13 7853 MR. WOLSON: "Bayerische
14 Bitumen-Chemie" --

15 7854 MR. SCHREIBER: Road construction and
16 traffic safety.

17 7855 MR. WOLSON: "Kaufering" and
18 "Bitucan, Calgary".

19 7856 That is all your handwriting?

20 7857 MR. SCHREIBER: Yes.

21 7858 MR. WOLSON: All right. What about
22 the mandate to the right?

23 7859 There are in handwriting three
24 points. Did you write those?

25 7860 MR. SCHREIBER: No.

1 7861 MR. WOLSON: The first point is, "The
2 mandate is accurate."
3 7862 Is that your handwriting?
4 7863 MR. SCHREIBER: No.
5 7864 MR. WOLSON: Secondly, "The two
6 companies were Bayerische and Bitucan, Calgary, and
7 other companies that may be appropriate."
8 7865 Is that your handwriting?
9 7866 MR. SCHREIBER: No.
10 7867 MR. WOLSON: The third point is, "The
11 amount paid over the three years is \$250,000."
12 7868 Is that your handwriting?
13 7869 MR. SCHREIBER: No.
14 7870 MR. WOLSON: How would anyone else
15 know of your companies?
16 7871 MR. SCHREIBER: Well, Mr. Doucet knew
17 the companies.
18 7872 MR. WOLSON: Did he know the
19 Bayerische Bitumen-Chemie company?
20 7873 MR. SCHREIBER: Well, it was on my
21 business cards, and this was a place where he
22 corresponded to me, or spoke to me.
23 7874 MR. WOLSON: That's your German
24 company?
25 7875 MR. SCHREIBER: Yes.

1 7876 MR. WOLSON: At Kaufering?

2 7877 MR. SCHREIBER: Yes.

3 7878 And, as I said, road construction and
4 traffic safety.

5 7879 MR. WOLSON: Yes.

6 7880 MR. SCHREIBER: Nothing related to
7 this peacekeeping equipment or anything.

8 7881 MR. WOLSON: So today, as you sit
9 here --

10 7882 MR. SCHREIBER: Yes.

11 7883 MR. WOLSON: -- you can't tell the
12 Commissioner how your handwriting got on a mandate
13 document that was given to you with only typing on it.
14 You can't offer any explanation to the Commissioner,
15 because you don't know.

16 7884 MR. SCHREIBER: Yes, it's a miracle.

17 7885 MR. WOLSON: A miracle.

18 7886 MR. SCHREIBER: A miracle.

19 7887 MR. WOLSON: All right.

20 7888 COMMISSIONER OLIPHANT: That's a
21 miracle?

22 7889 MR. SCHREIBER: Yeah.

23 7890 COMMISSIONER OLIPHANT: I have heard
24 of disappearing ink, but this is the opposite.
25 --- Laughter / Rires

1 7891 COMMISSIONER OLIPHANT: Mr. Wolson,
2 just for my edification, could you just go through
3 again what writing is Mr. Schreiber's, even though he
4 denies any knowledge of how it got there?

5 7892 MR. WOLSON: Yes.

6 7893 COMMISSIONER OLIPHANT: Thanks.

7 7894 MR. WOLSON: You would agree with me,
8 Mr. Schreiber, that your writing appears in the middle
9 part of the document, underneath the \$250,000. Right?

10 7895 MR. SCHREIBER: No, that one is from
11 Mr. Doucet.

12 7896 MR. WOLSON: I understand that, I am
13 talking, underneath the \$250,000 --

14 7897 MR. SCHREIBER: Yes.

15 7898 MR. WOLSON: -- there is some
16 handwriting that says, "Bayerische..."

17 7899 MR. SCHREIBER: That's Doucet.

18 7900 MR. WOLSON:
19 "...or whatever other companies
20 I name."
21 7901 That's Doucet?

22 7902 MR. SCHREIBER: Yes.

23 7903 MR. WOLSON: Not yours at least?

24 7904 MR. SCHREIBER: No. I told you
25 before --

1 7905 MR. WOLSON: yes...?

2 7906 MR. SCHREIBER: -- look at the two
3 arrows.

4 7907 MR. WOLSON: Yes.

5 7908 MR. SCHREIBER: Only the arrows are
6 mine. The rest has nothing to do with me.

7 7909 MR. WOLSON: All right. So what is
8 yours is the "Bayerische Bitumen-Chemie" which is
9 written under Bayerische; right?

10 7910 MR. SCHREIBER: Yes.

11 7911 MR. WOLSON: "Kautering" is yours?

12 7912 MR. SCHREIBER: Yes.

13 7913 MR. WOLSON: And "Bitucan Calgary" is
14 yours?

15 7914 MR. SCHREIBER: Yes.

16 7915 MR. WOLSON: Bitucan Calgary, by the
17 way, is where you paid the cheques to Mr. Gerry Doucet
18 and Fred Doucet and Mr. Moores --

19 7916 MR. SCHREIBER: Exactly.

20 7917 MR. WOLSON: -- and to GCI and to
21 Ouellet back in '88?

22 7918 MR. SCHREIBER: Exactly.

23 7919 MR. WOLSON: We went over those the
24 other day.

25 7920 MR. SCHREIBER: Yes.

1 7921 MR. WOLSON: So Bitucan has a
2 connection to this project?

3 7922 MR. SCHREIBER: Yes.

4 7923 MR. WOLSON: But your evidence is
5 that Bayerische Bitumen doesn't have a connection?

6 7924 MR. SCHREIBER: Not at all.

7 7925 MR. WOLSON: Is that satisfactory,
8 Mr. Commissioner?

9 --- Pause

10 7926 MR. WOLSON: Now, we discussed
11 yesterday the comment that Mr. Lavoie made on The Fifth
12 Estate. I don't think I have to repeat it. You are
13 familiar with it.

14 7927 MR. SCHREIBER: Yes.

15 7928 MR. WOLSON: It was a comment that
16 was derogatory towards you.

17 7929 MR. SCHREIBER: Yes.

18 7930 MR. WOLSON: And about which you talk
19 to Mr. Doucet about when you met with him about suing
20 Mr. Lavoie?

21 7931 MR. SCHREIBER: Yes.

22 --- Pause

23 7932 MR. WOLSON: And you told the
24 Commissioner yesterday how your relationship with
25 Mr. Mulroney soured after that comment because you

1 never got an apology from him.

2 7933 MR. SCHREIBER: Yes. I learned that
3 he was very mad about this comment, as he told my
4 friend Elmer MacKay and --

5 7934 MR. WOLSON: Well, let's not talk
6 about what he told other people, but your relationship
7 with him suffered after that?

8 7935 MR. SCHREIBER: That's the first
9 cracks, yes.

10 7936 MR. WOLSON: Okay. I'm going to look
11 at Book 3, Tab 31.

12 7937 I will read this to you. You don't
13 have to necessarily have it unless you want it.

14 7938 MR. SCHREIBER: Which?

15 7939 MR. WOLSON: Tab 31, Book 3.

16 7940 MR. SCHREIBER: Yes.

17 7941 MR. WOLSON: Mr. Mulroney made a
18 statement which was recorded on The Fifth Estate
19 September 5, 2000, and he made a statement about you.

20 7942 MR. SCHREIBER: I apologize, sir.
21 Which tab is that?

22 7943 MR. WOLSON: Thirty-one.

23 7944 MR. SCHREIBER: One thirty-one?

24 7945 MR. WOLSON: No, 31. Three-one.
25 Book 3, 31.

1 --- Pause

2 7946 MR. SCHREIBER: Yes.

3 7947 MR. WOLSON: Do you have Tab 31?

4 7948 MR. SCHREIBER: Yes.

5 7949 MR. WOLSON: Do you have at the

6 beginning "Mulroney Comments on Karlheinz Schreiber" at

7 Tab 31?

8 7950 MR. SCHREIBER: Yes.

9 7951 MR. WOLSON: Look at the second page.

10 These are the comments. I am only interested in one

11 area in particular.

12 7952 He is talking about you, about the

13 fifth line from the top, and he said:

14 "He had achieved a great deal in

15 the business community, and what

16 is sad about this is the..."

17 7953 Well, let me just back up to put it

18 in context.

19 7954 This is the year 2000, September 5th.

20 You have been charged in Germany --

21 7955 MR. SCHREIBER: Yes.

22 7956 MR. WOLSON: -- and you were the

23 subject of an extradition proceeding and had been

24 charged with some criminal offenses in Germany; right?

25 7957 MR. SCHREIBER: When was this?

1 7958 MR. WOLSON: This document is a 2000
2 document, but you were charged in 1999.

3 7959 MR. SCHREIBER: No.

4 7960 MR. WOLSON: Were you not the subject
5 of an extradition in --

6 7961 MR. SCHREIBER: No, no, but there
7 were no charges. The charges were, as far as I recall,
8 in August of 2000.

9 7962 MR. WOLSON: Okay. This is September
10 of 2000.

11 7963 MR. SCHREIBER: Yes.

12 7964 MR. WOLSON: So this is after you
13 were charged.

14 7965 MR. SCHREIBER: Yes.

15 7966 MR. WOLSON: Mr. Mulroney makes some
16 comments about you that are very fair, I think. He
17 says, about five lines from the top:

18 "He had achieved a great deal in
19 the business community, and what
20 is sad about this is the
21 assumption people presumed guilt
22 on his part and the part of
23 others. Mr. Schreiber should be
24 presumed to be innocent. And
25 moreover, he has a wife and a

1 family, and the personal
2 dimension of this should not be
3 lost on people. He is a
4 Canadian citizen who has the
5 right to be presumed to be
6 innocent. And yet because of
7 all the rumours and gossip and
8 innuendo, there's a tendency to
9 presume that people have done
10 something untoward. And so,
11 look, life takes its toll on all
12 of us. And this has not been a
13 pleasant experience for anybody,
14 and I'm sure not for Mr.
15 Schreiber and his family, and I
16 believe that they too are
17 entitled to the presumption of
18 innocence as I was and as other
19 people."

20 7967 Were you aware of those comments?

21 7968 MR. SCHREIBER: Yes, I learned about
22 it.

23 7969 MR. WOLSON: Okay.

24 --- Pause

25 7970 MR. WOLSON: Did that have an effect

1 on you in terms of perhaps warming to Mr. Mulroney
2 again?

3 7971 MR. SCHREIBER: I told you earlier
4 there is always this uncertainty if other people say
5 something, and as long as you cannot clearly identify
6 that it was not a comment only from Luc Lavoie, that it
7 was his, what he denied, it's exactly what he said,
8 until proven wrong I could not say because I didn't
9 know.

10 7972 MR. WOLSON: But Mr. Mulroney made
11 comments about you and you being entitled to be
12 presumed innocent --

13 7973 MR. SCHREIBER: Yes.

14 7974 MR. WOLSON: -- which is the network
15 of our justice system in Canada.

16 7975 MR. SCHREIBER: Yes.

17 7976 MR. WOLSON: It's the foundation of
18 it.

19 7977 MR. SCHREIBER: Yes.

20 7978 MR. WOLSON: And he was telling the
21 public that they should be respectful of you --

22 7979 MR. SCHREIBER: Yes.

23 7980 MR. WOLSON: -- and presume you to be
24 innocent.

25 7981 MR. SCHREIBER: This would underline

1 that he didn't know what Luc Lavoie did.

2 7982 MR. WOLSON: Well, but this, I'm
3 going to suggest to you, has nothing to do with
4 Mr. Lavoie but it has to do with the fact that you were
5 charged --

6 7983 MR. SCHREIBER: Yes.

7 7984 MR. WOLSON: -- and he is talking
8 about your charges, I believe.

9 7985 MR. SCHREIBER: Yes.

10 7986 MR. WOLSON: You heard about that?

11 7987 MR. SCHREIBER: Yes.

12 7988 MR. WOLSON: Okay. In the order of
13 occurrences, November 10th, 2003, you are aware that
14 Mr. Kaplan authored an article in the Globe and Mail
15 and in that article Mr. Kaplan talked about, for the
16 first time publicly, the fact that, the allegation that
17 you had given Mr. Mulroney \$300,000.

18 7989 Are you aware of that article?

19 7990 MR. SCHREIBER: Vaguely.

20 7991 MR. WOLSON: All right. I don't have
21 to refer to the article, but if one wanted to look at
22 it, it is in Book 3, Tab 32.

23 7992 I'm going to suggest you,
24 Mr. Schreiber, that that was the first time publicly
25 that this matter between you and Mr. Mulroney had been

1 aired.

2 7993 Are you aware of that?

3 7994 It's on the second page of that

4 article near the top where he goes into the allegation

5 of monies passing hands between you and Mr. Mulroney.

6 7995 Were you aware that this is the first

7 time publicly in the media that this had been covered?

8 7996 MR. SCHREIBER: Maybe.

9 7997 MR. WOLSON: Okay. What was your

10 relationship with Mr. Mulroney at the beginning or the

11 middle of 2004? Do you recall?

12 7998 MR. SCHREIBER: 2004. We haven't

13 met.

14 7999 MR. WOLSON: You had not seen him?

15 8000 MR. SCHREIBER: No.

16 8001 MR. WOLSON: From the December

17 meeting, December 8th, 1994 at the Pierre Hotel in New

18 York, when was the next time you saw Mr. Mulroney, if

19 at all?

20 8002 That is, when I say saw him, I don't

21 mean on television.

22 8003 MR. SCHREIBER: No, no. No, no.

23 8004 MR. WOLSON: I mean when did you, if

24 at all, meet or talk to him next?

25 8005 MR. SCHREIBER: I recall now, I think

1 it was 2000.

2 8006 MR. WOLSON: You talked to him in
3 2000?

4 8007 MR. SCHREIBER: I presume it was
5 2000. It was an event where Mr. Peter Munk was
6 honoured to be the top businessman of the year at the
7 Royal York. It was a huge event and I was there.

8 8008 MR. WOLSON: So you met him --

9 8009 MR. SCHREIBER: Briefly.

10 8010 MR. WOLSON: You met him briefly.

11 8011 MR. SCHREIBER: With his --

12 8012 MR. WOLSON: An unplanned meeting.

13 8013 MR. SCHREIBER: Yeah.

14 8014 MR. WOLSON: It was just a
15 coincidence that you met him there.

16 8015 MR. SCHREIBER: Yes, with his wife.

17 8016 MR. WOLSON: And did you talk to him?

18 8017 MR. SCHREIBER: Yes.

19 8018 MR. WOLSON: And did the subject of
20 Bear Head come up?

21 8019 MR. SCHREIBER: No. The only subject
22 that I told him it's time that we meet and he said yes,
23 you are right, we should meet when I am back from
24 Florida where I'm going to be tomorrow.

25 8020 MR. WOLSON: And you liked the man,

1 I'm assuming.

2 8021 MR. SCHREIBER: Oh, I liked him a
3 lot.

4 8022 MR. WOLSON: And you are looking to
5 sort out rekindle the friendship, talk to him, to see
6 him?

7 8023 MR. SCHREIBER: Mr. Wolson, I have to
8 say this. It was very clear that we -- or at least
9 from my end -- would not allow to go this story just
10 being put to rest, because all my trouble came from
11 this story, including all my trouble in Germany.

12 8024 MR. WOLSON: All right. By the way,
13 when you saw him in 2000 at the Peter Munk dinner --

14 8025 MR. SCHREIBER: Yes...?

15 8026 MR. WOLSON: -- to honour Peter Munk,
16 did you say to Mr. Mulronev: You know, it's now 2000.
17 I paid you money in '93 and '94.

18 8027 MR. SCHREIBER: Oh, no.

19 8028 MR. WOLSON: Could we talk about
20 this?

21 8029 MR. SCHREIBER: No.

22 8030 MR. WOLSON: No, you didn't.

23 8031 MR. SCHREIBER: No, no.

24 8032 MR. WOLSON: Okay. And then there is
25 an absence of communication after that date between you

1 and Mr. Mulroney.

2 8033 MR. SCHREIBER: No, the problem was
3 that there was no communication at all. As I told you
4 earlier, I recall only one time that I called him in
5 Florida, but I cannot identify exactly when that was.

6 8034 MR. WOLSON: All right. But you
7 started to send some letters to him and the letters --
8 and for the most part the rest of my examination will
9 be centred on Book 4, Correspondence between B.M. and
10 K.H.S.

11 8035 MR. SCHREIBER: Book 4?

12 8036 MR. WOLSON: Book 4, yes, please.

13 8037 MR. SCHREIBER: Yeah.

14 8038 MR. WOLSON: Book 4, if you turn to
15 Tab 20. Tab 20.

16 8039 MR. SCHREIBER: Yes...?

17 8040 MR. WOLSON: This is a letter that
18 you send to The Right Honourable Brian Mulroney; right?

19 8041 MR. SCHREIBER: Yes.

20 8042 MR. WOLSON: Your signature appears
21 at the bottom?

22 8043 MR. SCHREIBER: Yes.

23 8044 MR. WOLSON: January 14th, '04,
24 Ottawa.

25 8045 MR. SCHREIBER: Yes.

1 8046 MR. WOLSON: It's a fax, is it?
2 There is a fax number there?

3 8047 MR. SCHREIBER: Yes.

4 8048 MR. WOLSON: You indicate:
5 "Dear Brian,
6 From our friend in Nova Scotia I
7 learned that you intended to
8 meet with me."
9 8049 I take it, first of all, the friend
10 in Nova Scotia is Elmer MacKay?

11 8050 MR. SCHREIBER: Yes.

12 8051 MR. WOLSON:
13 "I think it is a good..."
14 8052 And what did you learn from Elmer
15 MacKay?

16 8053 MR. SCHREIBER: That Mr. Mulroney
17 thought we should meet now and talk.

18 8054 MR. WOLSON: All right. And that
19 was, I'm assuming, a short time before you wrote the
20 letter --

21 8055 MR. SCHREIBER: Yes.

22 8056 MR. WOLSON: -- that you learned
23 that? So if you wrote the letter or the fax on the
24 14th of January 2004 you would have learned that from
25 Mr. MacKay...?

1 8057 MR. SCHREIBER: It could have been
2 the day before or a couple of days before. I don't
3 recall that.

4 8058 MR. WOLSON: All right.
5 8059 You say:
6 "I think it is a good idea to
7 improve our way of
8 communication.
9 There are a few important and
10 urgent matters I would like to
11 discuss with you also looking
12 for your advise and support.
13 Please let me know which dates
14 would be convenient for you for
15 a meeting.
16 Best regards".

17 8060 You write that to him?
18 8061 MR. SCHREIBER: Yes.
19 8062 MR. WOLSON: The letter is an honest
20 letter from you?
21 8063 MR. SCHREIBER: Yes.
22 8064 MR. WOLSON: It speaks for itself?
23 8065 MR. SCHREIBER: Yes.
24 8066 MR. WOLSON: You are straightforward
25 with him?

1 8067 You don't hear back from him.

2 8068 MR. SCHREIBER: No.

3 8069 MR. WOLSON: If you turn the tab to

4 Tab 21, there is a letter dated January 25, 2004.

5 8070 MR. SCHREIBER: Yes.

6 8071 MR. WOLSON: It is about a week or 10

7 days -- about 10 days later; right?

8 8072 MR. SCHREIBER: Yes.

9 8073 You say:

10 "Dear Brian,..."

11 8074 It's also a fax I see, is it? At

12 least there is a fax number.

13 8075 MR. SCHREIBER: Yes.

14 8076 MR. WOLSON: You say:

15 "Dear Brian,

16 Until today I received no reply

17 to my fax from January 14, 2004.

18 I informed you that some

19 important and urgent matters

20 should be discussed. Now the

21 urgency increased

22 dramaticly(sic).

23 Whenever we met and discussed

24 personal and privat(sic) matters

25 in the past, we were alone and

1 did not involve any lawyers. I
2 strongly recommend to keep it
3 this way.
4 I hope to hear from you at your
5 earliest convenience."
6 8077 You sent that to him?
7 8078 MR. SCHREIBER: Yes, sir.
8 8079 MR. WOLSON: What were the urgent and
9 pressing matters you wanted to discuss with him?
10 8080 MR. SCHREIBER: I don't recall this
11 today. I can only guess.
12 8081 MR. WOLSON: All right. Well, let's
13 not guess.
14 8082 And why did you say don't involve
15 lawyers? Were you made aware that lawyers were
16 interested in the meeting?
17 8083 MR. SCHREIBER: Yes, since '99 or
18 2000 there were these discussions among my lawyers, and
19 I thought there's no need or there would be no need to
20 discuss with me having lawyers around confusing the
21 whole things over the place.
22 8084 MR. WOLSON: Lawyers tend to do that.
23 8085 MR. SCHREIBER: Well, not always.
24 Lawyers are different as other people, too, in other
25 professions.

1 8086 MR. WOLSON: All right.
2 8087 Then at Tab 22 of Book 4, just flip
3 the tab.
4 8088 MR. SCHREIBER: Tab 22, yeah.
5 8089 MR. WOLSON: You write a letter.
6 This again is your letter that you wrote to
7 Mr. Mulroney?
8 8090 MR. SCHREIBER: Yes.
9 8091 MR. WOLSON: It is signed at the
10 third page.
11 8092 MR. SCHREIBER: Yes.
12 8093 MR. WOLSON: And it's a letter dated
13 "Toronto, July 2004". There's no particular date on
14 it.
15 8094 MR. SCHREIBER: Yes.
16 8095 MR. WOLSON: Then you say:
17 "Dear Brian,
18 Report on Business, The Globe
19 and Mail, May 2004".
20 8096 And it says:
21 "'Now he's got power'
22 Is Brian Mulroney Canada's
23 greatest deal broker? Ever? I
24 say: Yes! I saw it already
25 coming when I met you at

1 Harrington Lake."

2 8097 You wrote that to him?

3 8098 MR. SCHREIBER: Yes.

4 8099 MR. WOLSON: What prompted you to

5 write this letter?

6 8100 MR. SCHREIBER: Well, there was an

7 article, a huge article in -- I think it was the Globe

8 and Mail --

9 8101 MR. WOLSON: So you decided --

10 8102 MR. SCHREIBER: The Investor

11 Magazine --

12 8103 MR. WOLSON: Yes.

13 8104 MR. SCHREIBER: -- very impressive

14 and the companies he was representing in the meantime

15 was somehow when he looked at his future where I

16 recommended where I think this is where you should go.

17 8105 MR. WOLSON: All right. You say:

18 "Since the Reagan funeral..."

19 8106 I take it you are talking about

20 Ronald Reagan, the President of the United States.

21 8107 MR. SCHREIBER: Yes.

22 8108 MR. WOLSON: Yes...?

23 8109 MR. SCHREIBER: That speech impressed

24 me down to my bones. It was the best speech I have

25 ever heard at a funeral.

1 8110 MR. WOLSON: It says:
2 "Since the Reagan funeral, in my
3 opinion, your personal power
4 increased even more and so do
5 your personal obligations to the
6 world."

7 8111 You then go on to say:
8 "There is no greater
9 satisfaction than to save the
10 life and health of children
11 especially the life of the
12 poor."

13 8112 And then you go into a dissertation
14 quoting from various sources about problems in the
15 world facing children and others, I take it. It's an
16 article about obesity approaching epidemic levels and
17 you quote from a number of different sources; right?

18 8113 MR. SCHREIBER: That's correct, sir.

19 8114 MR. WOLSON: You use the word at page
20 2, one that you used today, near the bottom of the
21 page. After you go on for about a page or so about
22 talking about this epidemic, the obesity epidemic, you
23 say at page 2:

24 "The miracle solution to the
25 problem is..."

1 8115 In big letters:
2 "The Healthiest, Tasty Pasta on
3 Earth".
4 8116 MR. SCHREIBER: That's true, sir.
5 8117 MR. WOLSON: And then you go into a
6 dissertation about your pasta project.
7 8118 MR. SCHREIBER: Yes.
8 8119 MR. WOLSON: Page 3, "THE RETO" -- is
9 that how you pronounce it?
10 8120 MR. SCHREIBER: Yes.
11 8121 MR. WOLSON: "'THE RETO SYSTEM'
12 1) The Reto brand enriched
13 Pastas are produced with 100%
14 Durum Wheat Semolina."
15 8122 MR. SCHREIBER: Yes.
16 8123 MR. WOLSON:
17 "Ingredients: semolina,
18 niacin..."
19 8124 And other ingredients.
20 8125 MR. SCHREIBER: Yes.
21 8126 MR. WOLSON: And this is the miracle
22 solution to the world's problems in this area?
23 8127 MR. SCHREIBER: Especially for school
24 lunches for children.
25 8128 MR. WOLSON: All right.

1 8129 MR. SCHREIBER: Together with the
2 tomato sauce where you get all the lycopenes.

3 8130 MR. WOLSON: All right. It's
4 interesting you use, at the top of the page, what I
5 just read, "100% Durum Wheat Semolina". That's the
6 same type of evidence you gave at Eurocopter when you
7 said you retained Mr. Mulroney in 1994 to work on pasta
8 with you.

9 8131 MR. SCHREIBER: I told you that
10 Midland Archer Daniels is one of the food giants and
11 they more or less buy the greatest amounts of durum
12 semolina from Saskatchewan and others in Oregon.

13 8132 There are not too many places on
14 earth where you have that wheat. I think in Manitoba
15 you find it as well.

16 8133 That is the best wheat ever. And the
17 producer I was dealing with in Naples bought Canadian
18 durum semolina.

19 8134 MR. WOLSON: Then you say at the
20 bottom of the page:

21 "Dear Brian, with your help and
22 the support of Mr. Bill Gates or
23 the Bill and Melinda Gates
24 Foundation we should be able to
25 help fighting the Obesity

1 Epidemic in the USA."

2 8135 MR. SCHREIBER: Yes.

3 8136 MR. WOLSON:

4 "The involvement of Mr. Gates

5 would be to help financing the

6 Pasta-Machines for the schools.

7 I am convinced that the project

8 will impress you and find your

9 interest to help the children."

10 8137 MR. SCHREIBER: Yes.

11 8138 MR. WOLSON: So what you want to do

12 is you want to --

13 8139 MR. SCHREIBER: Activate him now.

14 8140 MR. WOLSON: You want to get back

15 into business with Mr. Mulroney.

16 8141 MR. SCHREIBER: Absolutely, yes.

17 8142 MR. WOLSON: You don't get a

18 response?

19 8143 MR. SCHREIBER: No. Even so, you

20 have more deaths, children and human beings in the

21 United States now than from smoking, more than 800,000

22 a year.

23 8144 MR. WOLSON: All right. You then

24 write to him, at Tab 23.

25 8145 This is a dated letter, "Toronto,

1 July 22, 2004"; right?

2 8146 MR. SCHREIBER: Yes.

3 8147 MR. WOLSON:

4 "Dear Brian, Friends from around

5 the world called and told me,

6 that they never understood

7 better than now, why I like the

8 man Brian Mulroney even more

9 than that Prime Minister Brian

10 Mulroney.

11 It is the quality of the human

12 being which counts most in

13 life."

14 8148 You wrote that?

15 8149 MR. SCHREIBER: Yes.

16 8150 MR. WOLSON: That is a very

17 flattering letter to write to an old friend; right?

18 8151 MR. SCHREIBER: That's my thought.

19 8152 MR. WOLSON: Yes.

20 8153 And you talk again about his

21 performance at Ronald Reagan's funeral; right?

22 8154 MR. SCHREIBER: Yes.

23 8155 MR. WOLSON: And then you say:

24 "If Franz Joseph Straus, a good

25 friend of Ronald Reagan, would

1 have attended the funeral, he
2 may have added quietly one more
3 outstanding quality..."

4 8156 And then you talk about President
5 Reagan and you congratulate Mr. Mulroney on his speech.

6 8157 MR. SCHREIBER: Yes, because Ronald
7 Reagan, if you read it there, was "... 'the most
8 successful actor on earth'..." by finishing off the
9 communist system.

10 8158 MR. WOLSON: All right.

11 --- Pause

12 8159 MR. WOLSON: Maybe on that note, I am
13 going to be about another hour, I expect. If we took
14 the morning break, I'm going to move into another area
15 and this may be a convenient time to break, if you
16 wish.

17 8160 COMMISSIONER OLIPHANT: All right, we
18 will take a break now.

19 8161 It is 10:40. We will come back at
20 10:55. Okay?

21 --- Upon recessing at 10:40 a.m. / Suspension à 10 h 40
22 --- Upon resuming at 11:00 a.m. / Reprise à 11 h 00

23 8162 COMMISSIONER OLIPHANT: Be seated,
24 please.

25 8163 MR. WOLSON: Mr. Schreiber, before we

1 took a break this morning I had asked you about your
2 communications with Mr. Mulroney and if you had any
3 meetings with him between '94 and the 2000 meeting at
4 the dinner honouring Mr. Munk.

5 8164 You did meet with him in 1998 in
6 Zürich.

7 8165 MR. SCHREIBER: Yes.

8 8166 MR. WOLSON: Okay. Aside from the
9 Zürich meeting and the Munk accidental meeting, or
10 coincidental meeting, you had no other meetings with
11 him?

12 8167 MR. SCHREIBER: No.

13 8168 MR. WOLSON: Okay. We have just
14 reviewed the very warm and caring and thoughtful letter
15 that you wrote to Mr. Mulroney.

16 8169 You recall that?

17 8170 MR. SCHREIBER: Yes.

18 8171 MR. WOLSON: But then you went on The
19 Fifth Estate February 8, 2006.

20 8172 MR. SCHREIBER: Yes.

21 8173 MR. WOLSON: Book 3, Tab 16.

22 --- Pause

23 8174 MR. WOLSON: And in this -- are you
24 there?

25 8175 MR. SCHREIBER: Yes.

1 8176 MR. WOLSON: It's page 15. It's
2 about six from the back of the interview.

3 8177 You go on The Fifth Estate on 8th
4 February 2006. You had not had any contact with
5 Mr. Mulroney from the time you sent that very warm
6 letter in July of '04 and then -- you had no contact
7 with him after that, to your --

8 8178 MR. SCHREIBER: I don't know whether
9 I have sent more letters to him in the meantime.

10 8179 MR. WOLSON: I don't think you did,
11 but we will check that.

12 8180 MR. SCHREIBER: Yes.

13 8181 MR. WOLSON: And you go on The Fifth
14 Estate.

15 8182 MR. SCHREIBER: Yes.

16 8183 MR. WOLSON: And while Mr. Kaplan in
17 his article in 2003, November, reported about the
18 allegation of money passing hands between you and
19 Mr. Mulroney, there is no mistake about it, you go on
20 TV and you tell the listening audience, at page 15,
21 about your meeting with Mr. Mulroney and giving him the
22 money in various hotels.

23 8184 MR. SCHREIBER: Yes.

24 8185 MR. WOLSON: For instance, in the
25 middle of the page, of page 15, you say:

1 "I was there."
2 8186 You are talking now about I take it
3 the QE Hotel in Montréal:
4 "At the gold key section."
5 8187 Is that the Queen Elizabeth,
6 Mr. Schreiber?
7 8188 MR. SCHREIBER: December --
8 8189 MR. WOLSON: It says --
9 8190 MR. SCHREIBER: No, this is a mix-up.
10 8191 MR. WOLSON: Are you on page 15?
11 8192 MR. SCHREIBER: Yes.
12 8193 MR. WOLSON: Do you see an area on
13 the page that talks about "the gold key section"?
14 8194 MR. SCHREIBER: Yeah. I mean --
15 8195 MR. WOLSON: Mr. Roitenberg is just
16 going to check.
17 8196 MR. SCHREIBER: Page 15.
18 --- Pause
19 8197 MR. WOLSON: It starts off:
20 "I was there. At the gold key
21 section."
22 8198 Are you with me, sir?
23 8199 MR. SCHREIBER: Yes.
24 8200 MR. WOLSON: And it says -- and the
25 gold key section is the Queen Elizabeth Hotel you were

1 telling us yesterday?

2 8201 MR. SCHREIBER: Yeah, yeah, but it
3 says here something about New York, so this is the
4 confusing part.

5 8202 MR. WOLSON: No. It says:
6 "I was there. At the gold key
7 section. So he came there to
8 say hello to me. And I brought
9 him the other money."

10 8203 Do you see that?

11 --- Pause

12 8204 MR. SCHREIBER: I see:
13 "I was there. At the gold key
14 section. So he came there to
15 say hello to me. And I brought
16 him the other money."

17 8205 Yes.

18 8206 MR. WOLSON: Okay. The gold key
19 section is the Queen Elizabeth Hotel?

20 8207 MR. SCHREIBER: Yes.

21 8208 MR. WOLSON: And is that an accurate
22 description, "he came there to say hello to me."?

23 8209 Is that what that meeting was about,
24 just a hello?

25 8210 MR. SCHREIBER: Yes.

1 8211 MR. WOLSON: Okay. Now, after that
2 occurs, I can tell you that Elmer MacKay is expected to
3 testify that he, being a friend of yours and a friend
4 of Mr. Mulroney, heard from both you complaining about
5 Mr. Mulroney and Mr. Mulroney complaining about you.
6 8212 Had you complained about Mr. Mulroney
7 to Elmer?
8 8213 MR. SCHREIBER: Yes.
9 8214 MR. WOLSON: And then Mr. MacKay
10 sends you, if you would go back to Book 4, please -- at
11 Tab 24, he sends you an e-mail. Tab 24.
12 8215 MR. SCHREIBER: Yes.
13 8216 MR. WOLSON: You are familiar with
14 that e-mail?
15 8217 MR. SCHREIBER: Yes. Yes.
16 8218 MR. WOLSON: The date of the
17 e-mail -- so it is Book 4, Tab 24, and the date of the
18 e-mail is the 25th of June 2006.
19 8219 MR. SCHREIBER: Yes.
20 8220 MR. WOLSON: You see that?
21 8221 MR. SCHREIBER: Yes.
22 8222 MR. WOLSON: First of all, this is an
23 e-mail which forms part of your letter that you
24 eventually sent to Mr. Mulroney; right?
25 8223 MR. SCHREIBER: Yes.

1 8224 MR. WOLSON: You send a letter to him
2 and include in that letter part of -- that letter is to
3 be found at Tab 26.

4 8225 You send a letter to Mr. Mulroney and
5 you use some of what Mr. MacKay e-mailed to you in that
6 letter.

7 8226 MR. SCHREIBER: Yes.

8 8227 MR. WOLSON: I would like to ask you
9 why you had this e-mail from Mr. MacKay at Tab 24. How
10 did that come about?

11 8228 MR. SCHREIBER: Well, Mr. MacKay
12 indicated that finally Mr. Mulroney would do what he
13 promised all the time, to help in my affairs. It was
14 my expectation since the new government took over in
15 February 2006 and it was a condition from my side with
16 the CBC not to air the story which was done long
17 before, before the election.

18 8229 If that story would have been out the
19 day before the election, the Tories might not have
20 gotten a few more votes to form a government. So that
21 was pretty fair.

22 8230 To then still Mr. Mulroney didn't
23 come up and I expected that he would do now what he
24 told me for all the years should be done, asking for an
25 inquiry, clean up this horrible vendetta around us.

1 You would think it is the right expectation from my
2 side, when the Tories took over, that now the clean-up
3 would appear, as Mr. Harper promised in his speech 2005
4 in Québec city, to clean up Ottawa.

5 8231 MR. WOLSON: All right. So you had
6 hoped that Mr. Mulroney would go to Mr. Harper somehow
7 to influence Mr. Harper?

8 8232 MR. SCHREIBER: Well, I come to
9 that -- there when you speak about this letter, this
10 was about a meeting which I was told is going to take
11 place for a couple of days at Harrington Lake by the
12 end of July or first part of August.

13 8233 MR. WOLSON: A meeting between whom?

14 8234 MR. SCHREIBER: A meeting between
15 Mr. Mulroney and his family probably and Mr. Harper and
16 his family at Harrington Lake.

17 8235 MR. WOLSON: All right. So in
18 advance of this meeting that you were told about -- who
19 told you about the meeting?

20 8236 MR. SCHREIBER: Elmer MacKay.

21 8237 MR. WOLSON: In advance of the
22 meeting why did he send you this e-mail?

23 8238 MR. SCHREIBER: Well, it was a
24 request, as I got told from Brian Mulroney, that he
25 could do nothing in this whole case unless I would give

1 a letter of comfort to him.

2 8239 MR. WOLSON: Who made the request?

3 8240 MR. SCHREIBER: Mr. Mulroney.

4 8241 MR. WOLSON: To whom? To you?

5 8242 MR. SCHREIBER: To Mr. MacKay.

6 8243 MR. WOLSON: Not to you?

7 8244 MR. SCHREIBER: No. Through --

8 from -- through Mr. MacKay to me.

9 8245 MR. WOLSON: I see. So Mr. Mulroney,

10 to your knowledge, spoke to Mr. MacKay --

11 8246 MR. SCHREIBER: Yes.

12 8247 MR. WOLSON: -- and indicated that he

13 needed a letter from you to go to see Mr. Harper?

14 8248 MR. SCHREIBER: Yes. After the story

15 at The Fifth Estate he wanted to be in a position to

16 show that he is on good terms with me and that I'm not

17 the enemy of the Tories.

18 8249 MR. WOLSON: I see. So what you

19 did -- first of all, The Fifth Estate show that aired

20 in February, the one that we just talked about, you say

21 was not supposed to air until after the election?

22 8250 MR. SCHREIBER: Exactly.

23 8251 MR. WOLSON: Because you were

24 concerned about the Conservative Party and you were

25 hoping they would win.

1 8252 MR. SCHREIBER: Yes.

2 8253 MR. WOLSON: And you thought that
3 airing the show with your comments, Karlheinz
4 Schreiber's comments, may affect the Canadian election?

5 8254 MR. SCHREIBER: Exactly.

6 8255 MR. WOLSON: All right.

7 8256 MR. SCHREIBER: And let me add
8 something to make it complete.

9 8257 Pretty short after the story there
10 was a huge, what can I say, request to reopen the
11 Airbus case and the settlement with Mr. Mulroney from
12 Mr. -- in the House raised I think from Mr. -- what's
13 the name, Quincy, the brother from the Premier of
14 Ontario. And there was a discussion whether the case
15 should be reopened and then started a discussion about
16 that it is necessary to have a public Director of
17 Prosecution.

18 8258 MR. WOLSON: All right. Then answer
19 me the question: Why did Elmer MacKay send you this
20 e-mail?

21 8259 MR. SCHREIBER: Well, because I
22 said -- I saw something similar before, a while before,
23 a request for a letter of comfort and I said to Elmer
24 MacKay: Look, I'm not in a position to know and I
25 don't feel that way at the moment how that letter

1 should look. So if you would be so kind and send me a
2 draft from what Mr. Mulroney wants, I'm going to
3 consider it.

4 8260 MR. WOLSON: Well, you know, I have
5 seen many letters that you have written. You are a
6 letter writer.

7 8261 MR. SCHREIBER: Yes.

8 8262 MR. WOLSON: You would agree with
9 that?

10 8263 MR. SCHREIBER: Yes, once in a while.

11 8264 MR. WOLSON: Once in a while. Well,
12 I have seen a number of them, maybe 40 or 50.

13 8265 MR. SCHREIBER: Well, the most in my
14 life I ever did in this case.

15 8266 MR. WOLSON: Yes. And you write your
16 letters quite well, but you needed Elmer's help here,
17 did you?

18 8267 MR. SCHREIBER: No. I wanted to have
19 from him what exactly Mr. Mulroney wanted from me.

20 8268 MR. WOLSON: Okay. But you took
21 Elmer's letter and you put in things that Elmer didn't
22 tell you about; right?

23 8269 MR. SCHREIBER: And I also left
24 things out --

25 8270 MR. WOLSON: Okay.

1 8271 MR. SCHREIBER: -- which Elmer
2 recommended.

3 8272 MR. WOLSON: First of all, let's look
4 at the draft from Mr. MacKay at Tab 24, the second
5 paragraph:

6 "Without excusing my part, it is
7 fair to say that I was misled by
8 the producers..."

9 8273 You are talking about The Fifth
10 Estate now.

11 8274 MR. SCHREIBER: Yes.

12 8275 MR. WOLSON:

13 "... that the program would deal
14 with my complaints about the
15 'sting' operation mounted
16 against me by the RCMP."

17 8276 Is that a true statement?

18 8277 MR. SCHREIBER: Yes.

19 8278 MR. WOLSON: Were you misled by the
20 CBC?

21 8279 MR. SCHREIBER: In part, yes. But I
22 understand what it was. The story was around for a
23 long time and she couldn't air it. They had all kinds
24 of troubles with Mr. Mulroney and they couldn't do it
25 without having somebody appear as a person.

1 8280 And at that time I was very angry
2 about that I found out that for more than two years I
3 had an undercover agent on my neck who tried to drag me
4 into criminal activities, and that story was --

5 8281 MR. WOLSON: Let me --

6 8282 MR. SCHREIBER: No, no.

7 8283 MR. WOLSON: Let me just --

8 8284 MR. SCHREIBER: I got told from CBC
9 that this will be the story --

10 8285 MR. WOLSON: All right.

11 8286 MR. SCHREIBER: -- and it was
12 embedded in that other story.

13 8287 MR. WOLSON: So the CBC told you that
14 the story would be the sting operation that was about
15 you for a number of months?

16 8288 MR. SCHREIBER: Yes. No, years.

17 8289 MR. WOLSON: Years.

18 8290 MR. SCHREIBER: Mainly. The story
19 mainly.

20 8291 MR. WOLSON: Okay.

21 8292 MR. SCHREIBER: They were pretty
22 fair, but they put more on the other part.

23 8293 MR. WOLSON: Is this a true
24 statement:
25 "Without excusing my part, it is

1 fair to say that I was misled by
2 the producers that the program
3 would deal with my complaints
4 about the 'sting' operation
5 mounted against me by the RCMP."
6 8294 That's a true statement?
7 8295 MR. SCHREIBER: This is what
8 Mr. Elmer said and in part it is right.
9 8296 MR. WOLSON: Okay.
10 8297 So you take, then, Mr. MacKay's
11 letter and you change it. You change it to your own.
12 8298 MR. SCHREIBER: Yes.
13 --- Pause
14 8299 MR. WOLSON: And just before we get
15 to your letter, in the meantime you send Mr. Mulroney
16 another letter -- and that's at Tab 25 -- June 30th,
17 2006.
18 8300 Do you see that?
19 8301 MR. SCHREIBER: Yes.
20 8302 MR. WOLSON: This is a letter where
21 you write:
22 "Dear Brian,
23 Please find as an attachment
24 some documents..."
25 8303 Right? Are you with me on that page?

1 8304 Tab 25. Book 4, Tab 25.
2 8305 MR. SCHREIBER: Which page?
3 8306 MR. WOLSON: Tab 25.
4 8307 MR. SCHREIBER: Yes...?
5 8308 MR. WOLSON: There is only a one-page
6 document.
7 8309 MR. SCHREIBER: Okay. Yes.
8 8310 MR. WOLSON: June 30th, 2006. You
9 send this to Mr. Mulroney?
10 8311 MR. SCHREIBER: Yes.
11 8312 MR. WOLSON: And in there point 3 and
12 point 4:
13 "'Political Justice Scandal
14 Canadian Case'..."
15 8313 MR. SCHREIBER: Yes.
16 8314 MR. WOLSON: Point 4:
17 "'Political Justice Scandal
18 International Case'..."
19 8315 MR. SCHREIBER: Yes.
20 8316 MR. WOLSON: In your letters, that I
21 have seen at least, you are starting to talk about
22 these Justice scandals and you continue with that in
23 the letter that you wrote Mr. Mulroney which is that
24 Tab 26.
25 8317 MR. SCHREIBER: I hope I understand

1 right what you are telling me right now.

2 8318 MR. WOLSON: What I'm saying to
3 you -- and thank you for telling me that.

4 8319 What I'm saying to you is that you
5 start to talk a dialogue, you start to at least put in
6 your letters to Mr. Mulroney, you start talking about
7 Justice scandals.

8 8320 MR. SCHREIBER: Yes.

9 8321 MR. WOLSON: All right. And while
10 Elmer MacKay doesn't talk about a Justice scandal in
11 his e-mail to you, you put that in the letter to
12 Mr. Mulroney at Tab 26.

13 8322 MR. SCHREIBER: Yes.

14 8323 MR. WOLSON: You write to him July
15 20th, 2006.

16 8324 MR. SCHREIBER: Yes.

17 8325 MR. WOLSON: If you would just look
18 at Tab 26, please.

19 8326 MR. SCHREIBER: Yes.

20 8327 MR. WOLSON: You start off the
21 letter:

22 "Over the past three months I
23 have learned a lot about the
24 'monster' that has dogged our
25 footsteps since 1994. Without a

1 8336 MR. SCHREIBER: -- and this was what
2 I recommended to be shown to the Prime Minister.

3 8337 MR. WOLSON: All right. You wanted
4 the Prime Minister to know that there is a Justice
5 scandal going on here.

6 8338 MR. SCHREIBER: Yes.

7 8339 MR. WOLSON: And the Mounties are
8 part of the scandal and so are many others; right?

9 8340 MR. SCHREIBER: The Prime Minister
10 was -- even when he was with the Reform was so much in
11 favour of a public inquiry that I thought it's better I
12 remind him.

13 8341 MR. WOLSON: Sure. And then you
14 write -- so the first two paragraphs are true; right?

15 8342 MR. SCHREIBER: Yes.

16 8343 MR. WOLSON: As a matter of fact, you
17 told Mr. Roitenberg in your statement that all the
18 letter is true, with the exception of three points: one
19 point being that you apologize. You didn't mean to do
20 that; right?

21 8344 MR. SCHREIBER: What did I...?

22 8345 MR. WOLSON: You told Mr. Roitenberg
23 in his statement that he took from you, at page 6,
24 paragraph 2.

25 8346 MR. SCHREIBER: Page 6?

1 8347 MR. WOLSON: Of the statement. Don't
2 go into the book.

3 8348 MR. SCHREIBER: Oh, I see.

4 8349 MR. WOLSON: I will just read to you
5 what you told Mr. Roitenberg at page 6 of your
6 statement.

7 8350 MR. SCHREIBER: Yeah.

8 8351 MR. WOLSON: You said "Schreiber" --
9 this is what you told Mr. Roitenberg:
10 "Schreiber stated that his
11 letter to Mr. Mulroney was not
12 merely a copy of the draft sent
13 to him from Elmer MacKay."
14 (As read)

15 8352 That's true? Yes, sir?

16 8353 MR. SCHREIBER: Yes.

17 8354 MR. WOLSON:
18 "According to Mr. Schreiber only
19 three statements were untrue in
20 the letter" --

21 8355 MR. SCHREIBER: Yes.

22 8356 MR. WOLSON:
23 "... that he received a
24 satisfactory explanation about
25 the misunderstanding on Bear

1 Head." (As read)

2 8357 That's the first thing --

3 8358 MR. SCHREIBER: That's not true.

4 8359 MR. WOLSON: -- that's not true?

5 8360 Secondly, that Mr. Mulroney was the

6 best advocate he could have retained. That's not true?

7 8361 MR. SCHREIBER: That's not true.

8 8362 MR. WOLSON: That's what you told

9 Mr. Roitenberg.

10 8363 And the third thing that's not true

11 is that you wished to apologize. But the rest of the

12 letter was truthful and accurate.

13 8364 That's when you --

14 8365 MR. SCHREIBER: That's true.

15 8366 MR. WOLSON: Okay. I'm not going to

16 read out your whole letter, but there are some points

17 that I want to read out.

18 8367 You say to Mr. Mulroney:

19 "I also for the first time

20 encountered a satisfying

21 explanation regarding a very

22 painful misunderstanding between

23 us related to the 'Bear Head

24 Project'."

25 8368 You put that in the letter and you

1 say that's not true; right?

2 8369 MR. SCHREIBER: Yes.

3 8370 MR. WOLSON: That's not in -- that
4 part is not in Mr. MacKay's e-mail to you. You just
5 added it.

6 8371 MR. SCHREIBER: Yes.

7 8372 MR. WOLSON: If Mr. MacKay sent you
8 an e-mail that you say Mr. Mulroney wanted, why would
9 you add this in there if it's not in Mr. MacKay's
10 e-mail, especially if it's not true?

11 8373 Why would you put an untruth in a
12 letter that isn't what you believe Mr. Mulroney wanted?

13 8374 MR. SCHREIBER: I'm thinking about it
14 now. I cannot really recall why I put that in.

15 8375 MR. WOLSON: All right.

16 "You and I are the innocent
17 victims of this vendetta..."

18 8376 That is you and Brian Mulroney.

19 8377 MR. SCHREIBER: Yes.

20 8378 MR. WOLSON:
21 "... and you are the still the
22 prime target."

23 8379 MR. SCHREIBER: That's correct.

24 8380 MR. WOLSON: So in effect what you
25 say to Mr. Mulroney, that it's you and Mr. Mulroney --

1 8381 MR. SCHREIBER: Yes.

2 8382 MR. WOLSON: -- that are the targets

3 here.

4 8383 MR. SCHREIBER: Yes.

5 8384 MR. WOLSON: Yes. And you talk about

6 your lawsuit.

7 8385 MR. SCHREIBER: Yes.

8 8386 MR. WOLSON: And then you write

9 again:

10 "The 'Political Justice Scandal'

11 around the 'Airbus Affair' will

12 not go away by itself. The

13 people behind the conspiracy

14 must be exposed through

15 determined actions and brought

16 to justice. You and I have a

17 responsibility towards our

18 families, our friends,

19 international companies

20 involved, as well as to

21 Canadians, to Canada and

22 ourselves."

23 8387 You write that?

24 8388 MR. SCHREIBER: Absolutely.

25 8389 MR. WOLSON: Yes. That's not in

1 Mr. MacKay's draft, but you add that.

2 8390 MR. SCHREIBER: Yes.

3 8391 MR. WOLSON: And that is a true
4 statement?

5 8392 MR. SCHREIBER: Yes.

6 8393 MR. WOLSON: You say:
7 "... I regret deeply that the
8 people from the CBC's Fifth
9 Estate were able to entrap
10 me..."

11 8394 MR. SCHREIBER: Yes.

12 8395 MR. WOLSON: You are having a laugh
13 at that.

14 8396 MR. SCHREIBER: Yes.

15 8397 MR. WOLSON: That's true, is it?

16 8398 MR. SCHREIBER: It's true, yes.

17 8399 MR. WOLSON: Yes. They entrap you,
18 but yet you go on the show time and time and time
19 again.

20 8400 MR. SCHREIBER: Well, that was the
21 first time. In the meantime, they learned a lot and I
22 am very impressed --

23 8401 MR. WOLSON: I see.

24 8402 MR. SCHREIBER: -- how much they
25 found out.

1 8403 MR. WOLSON: So they --

2 8404 MR. SCHREIBER: I think they know
3 more about the case than anybody else on earth. They
4 were excellent.

5 8405 MR. WOLSON: Well, I'm -- yes. And
6 although they entrap you, you go back.

7 8406 MR. SCHREIBER: Yes.

8 8407 MR. WOLSON: All right.

9 8408 MR. SCHREIBER: They entrap me only
10 in part, as you know.

11 8409 MR. WOLSON:
12 "... entrap me, just as they did
13 so many others before me. This
14 was possible with the help of an
15 American journalist, whom I have
16 trusted for a long time. He was
17 misled, as was I."

18 8410 MR. SCHREIBER: Yes.

19 8411 MR. WOLSON: Yes.

20 8412 MR. SCHREIBER: But this was the
21 journalist I told you who played me the tapes from Luc
22 Lavoie.

23 8413 MR. WOLSON: Yes.

24 8414 MR. SCHREIBER: And I was very happy
25 that I could find this and could drop my case against

1 the CBC.

2 8415 MR. WOLSON: I see.

3 8416 That could have been another scandal.

4 8417 MR. SCHREIBER: Yes.

5 8418 MR. WOLSON: All right.

6 8419 You tell him that you apologize

7 profusely. Page 2, top of the page.

8 8420 MR. SCHREIBER: Yes. Which was

9 wrong, as you know. I told you this was not true, but

10 this is what he wanted.

11 8421 MR. WOLSON: You didn't intend to

12 apologize, but Elmer told you this is what he wanted

13 and you were going to give it to him.

14 8422 MR. SCHREIBER: It's in the draft,

15 yes.

16 8423 MR. WOLSON: All right.

17 8424 MR. SCHREIBER: I had no reason to

18 apologize for anything.

19 8425 MR. WOLSON: Sure.

20 "May I state for the record,

21 that my testimony under oath in

22 prior legal proceedings is the

23 only correct description of our

24 business arrangement."

25 8426 You say that. Obviously when you

1 testify under oath it has to be true; right? You know
2 that.

3 8427 MR. SCHREIBER: Yes.

4 8428 MR. WOLSON: Even though we have gone
5 over Eurocopter and what you said in Eurocopter -- we
6 talked about that so I won't go there again.

7 8429 MR. SCHREIBER: But I won't. I still
8 disagree with you --

9 8430 MR. WOLSON: Oh, you do?

10 8431 MR. SCHREIBER: -- because I did not
11 look at the transcript, but I did now.

12 8432 MR. WOLSON: Oh, you did?

13 8433 MR. SCHREIBER: And it is a
14 completely different ballgame.

15 8434 MR. WOLSON: It's a different
16 ballgame?

17 8435 MR. SCHREIBER: Yes.

18 8436 MR. WOLSON: I see. Well, I read it
19 to you, sir.

20 8437 MR. SCHREIBER: Yes, where the judge
21 stopped Mr. Bernstein and asked him -- asked me not to
22 answer questions.

23 8438 MR. WOLSON: Well, you know, the
24 transcript speaks for itself and I'm --

25 8439 MR. SCHREIBER: Okay. Yes, this

1 is --

2 8440 MR. WOLSON: -- very content to have
3 that transcript before the Commissioner.

4 8441 MR. SCHREIBER: Yes.

5 8442 MR. WOLSON: And I say that it speaks
6 for itself.

7 8443 MR. SCHREIBER: Okay.

8 8444 MR. WOLSON: All right.

9 8445 You say:

10 "I still believe that my
11 statements in the book 'The
12 Secret Trial,' together with my
13 testimony under oath at the
14 Eurocopter trial and my
15 statements to Bob Fife, have
16 made it crystal clear what my
17 position is."

18 8446 That's a true statement?

19 8447 MR. SCHREIBER: Yes. "The Secret
20 Trial", I told Bill Kaplan very clear if Mr. Mulroney
21 would have asked for \$3 million or \$4 million or
22 \$5 million or \$10 million, I would have gone to Germany
23 and helped him. It's true

24 8448 MR. WOLSON: Of course. Of course.

25 8449 But yesterday I reviewed with you,

1 and the day before, all of the times that you made
2 comments to Mr. Kaplan that you now disagree with.

3 8450 MR. SCHREIBER: Well, when I wrote
4 this letter I did not think that Mr. Kaplan had in his
5 book a limousine ride out of Harrington Lake.

6 8451 MR. WOLSON: I see. That was just --

7 8452 MR. SCHREIBER: Excuse me, I mean.

8 8453 MR. WOLSON: That was all fiction.

9 8454 MR. SCHREIBER: Yeah.

10 8455 MR. WOLSON: I see. Then going to
11 the last paragraph:

12 "It is far too long since we had
13 lunch together. I think it is
14 wrong not to speak to each
15 other. Too many people talk too
16 much. I have not changed. I
17 have always been your friend,
18 even though I was irritated for
19 some time, which I regret. For
20 the sake of objectivity and
21 fairness, I ask you to accept my
22 apology."

23 8456 MR. SCHREIBER: Yes.

24 8457 MR. WOLSON: Is that true?

25 8458 MR. SCHREIBER: Yes, in part.

1 8459 MR. WOLSON: In part. The apology
2 part is not true, but the lunch is?
3 8460 MR. SCHREIBER: Yes.
4 8461 MR. WOLSON: I see.
5 8462 MR. SCHREIBER: And also when I said
6 I'm happy that your health is fine, was also true.
7 8463 MR. WOLSON: Of course. I'm sure it
8 was.
9 8464 Why, if you could explain to the
10 Commissioner -- you are a pretty intelligent man.
11 8465 MR. SCHREIBER: Thank you.
12 8466 MR. WOLSON: You follow politics and
13 you understand people, I think. You would agree with
14 that?
15 8467 MR. SCHREIBER: I thank you for that.
16 I know my IQ.
17 8468 MR. WOLSON: All right. So what I
18 have said is a true statement?
19 8469 MR. SCHREIBER: Yes.
20 8470 MR. WOLSON: All right. Now, what I
21 can't understand is why it would be necessary for
22 Mr. Mulroney to have a letter from you to show that you
23 and he are friends so he can tell that to the Prime
24 Minister and that would make a difference. You must
25 have thought about that. What could that possibly --

1 what could be true about that?

2 8471 MR. SCHREIBER: Mr. Wolson, if you
3 would live in my world, the politicians come to you
4 with the strangest requests.

5 8472 MR. WOLSON: I see.

6 8473 MR. SCHREIBER: And you better
7 respond. And you know how it works in politics, you
8 see it every day.

9 8474 And if Mr. Mulroney -- and I said
10 this very clearly at the Ethics Committee --

11 8475 MR. WOLSON: I can't use that
12 testimony, sir, so it is of no value to me.

13 8476 MR. SCHREIBER: No, but if he -- I
14 repeat it. If he wanted, whatever he wanted and was
15 reasonable, to finally work with me together and make
16 this inquiry happen, I would have said a lot of things
17 for courtesy reasons.

18 8477 MR. WOLSON: But you signed the
19 letter.

20 8478 MR. SCHREIBER: Yeah.

21 8479 MR. WOLSON: When you sign a
22 letter -- we sign letters with our signature --

23 8480 MR. SCHREIBER: Yes.

24 8481 MR. WOLSON: -- indicating that you
25 are telling the truth. That's why you sign a letter,

1 isn't it?

2 8482 MR. SCHREIBER: Mr. Wolson, if every
3 letter --

4 8483 MR. WOLSON: Answer my question,
5 please.

6 8484 MR. SCHREIBER: No.

7 8485 MR. WOLSON: No?

8 8486 MR. SCHREIBER: If every letter you
9 sent out and you exchange with politicians would be
10 true, we would have a quite different world. And don't
11 tell me that you don't know.

12 8487 MR. WOLSON: We would have another
13 scandal.

14 8488 MR. SCHREIBER: A dozen perhaps.

15 8489 MR. WOLSON: Yes. So you sign the
16 letter knowing that it's not true in part; right?

17 8490 MR. SCHREIBER: Yes.

18 8491 MR. WOLSON: So you want Mr. Mulroney
19 to go see Prime Minister Harper with a letter that you
20 know is a lie, or it contains lies, and you want that
21 to be discussed at their meeting.

22 8492 That's what your thinking was?

23 8493 MR. SCHREIBER: Yes. It's from one
24 politician to the other, on their request.

25 8494 MR. WOLSON: What do you mean one

1 politician to the other?

2 8495 MR. SCHREIBER: Well, Mr. Harper
3 wanted the inquiry, too, since 1996.

4 8496 MR. WOLSON: And the fact that you
5 and Prime Minister -- or the fact that you and
6 Mr. Mulroney are good friends would be a reason why
7 Mr. Harper would call an inquiry. In your mind you
8 thought that?

9 8497 MR. SCHREIBER: Yes. And since he
10 said he wanted to clean up Ottawa and that was one of
11 the main reasons why he got elected, sir.

12 8498 MR. WOLSON: So your letter would
13 have made a difference then, you thought.

14 8499 MR. SCHREIBER: Yes.

15 8500 MR. WOLSON: Okay.

16 --- Pause

17 8501 COMMISSIONER OLIPHANT: Mr.
18 Schreiber, I understand now why you wrote the letter,
19 but why did you feel it was necessary to express
20 apologies more than once in that letter?

21 8502 What was the objective of the
22 apology?

23 8503 MR. SCHREIBER: Well, this was the
24 request of Mr. Mulroney, as Mr. MacKay told me. He
25 needs this badly to show that he is on good terms with

1 me to Mr. Harper, otherwise how could he go to
2 Mr. Harper, when we are not on good terms and I am more
3 or less an enemy of the Tories, to speak to him about
4 this inquiry in my case.

5 8504 MR. WOLSON: Why couldn't Prime
6 Minister Harper just hear verbally from Mr. Mulroney
7 that you are on good terms? Why would a letter be
8 necessary?

9 8505 MR. SCHREIBER: This is something you
10 had better ask Mr. Mulroney, not me.

11 8506 MR. WOLSON: But, in any event, the
12 whole genesis, the beginning, comes from Elmer MacKay,
13 in his discussion with Mr. Mulroney, you say.

14 8507 MR. SCHREIBER: Yes.

15 8508 MR. WOLSON: Tab 27.

16 8509 By the way, did you hear back from
17 Mr. Mulroney after that letter?

18 8510 MR. SCHREIBER: Not direct.

19 8511 MR. WOLSON: You heard through
20 someone else?

21 8512 MR. SCHREIBER: Yes.

22 8513 MR. WOLSON: What did you hear, and
23 from whom?

24 8514 MR. SCHREIBER: I took a week or ten
25 days over it, and I spoke to another friend about it,

1 and we wondered why we haven't heard anything, so I
2 finally called Mr. MacKay and asked him, "Have you any
3 idea what's going on with this now? Quite a while
4 ago" --

5 8515 I think that Mr. Mulroney and his
6 family spent a few days at Harrington Lake, but Mr.
7 MacKay didn't know.

8 8516 A little bit later I asked him, "Why
9 don't you ask now?"

10 8517 And then he came back and told me,
11 "Well, the message in the letter was well received, but
12 since the whole case of yours" -- he speaks now about
13 the extradition -- "is in front of the Supreme Court,"
14 related to a leave application, they can do nothing.
15 The Supreme Court has to decide first, then it will be
16 in the hands of the minister, and then it will be the
17 time to do something, because extradition, as you know,
18 is merely a political matter and is in the hands of the
19 minister, not in the hands of the courts.

20 8518 MR. WOLSON: All right. You heard
21 that from Mr. MacKay.

22 8519 MR. SCHREIBER: Yes.

23 8520 MR. WOLSON: Tab 27, please. I want
24 to continue on with your letters to Mr. Mulroney.

25 8521 MR. SCHREIBER: Tab 27?

1 8522 MR. WOLSON: Tab 27, Book 4.
2 8523 Do you have an August 4th, 2006
3 letter there?
4 8524 MR. SCHREIBER: Yes.
5 8525 MR. WOLSON: You send Mr. Mulroney
6 another letter. This time you include, "I am sending
7 you fax copies" of letters that you had written to
8 Stephen Harper, to Peter MacKay, to Mr. Sorenson, and
9 you send those to Mr. Mulroney.
10 8526 Did he ask for those?
11 8527 MR. SCHREIBER: No.
12 8528 MR. WOLSON: That is August the 4th.
13 On August the 7th you send another letter -- Tab 28.
14 8529 MR. SCHREIBER: Yes.
15 8530 MR. WOLSON: And in there you have
16 enclosures from your counsel, Bob Hladun, about your
17 case in Edmonton.
18 8531 MR. SCHREIBER: Yes.
19 8532 MR. WOLSON: Did he ask for those
20 letters -- Mr. Mulroney?
21 8533 MR. SCHREIBER: No.
22 8534 MR. WOLSON: Then, at Tab 29 you send
23 another letter, August 9th, 2006.
24 8535 MR. SCHREIBER: Hang on for one
25 second, please, sir.

1 8536 MR. WOLSON: Tab 29, sir.

2 8537 MR. SCHREIBER: Yes.

3 8538 MR. WOLSON: Another letter that you
4 sent to Mr. Mulroney, and it looks -- it starts off,
5 "Dear Brian".

6 8539 Are you at Tab 29?

7 8540 MR. SCHREIBER: Yes.

8 8541 MR. WOLSON:
9 "Dear Brian,
10 It looks like the whole case
11 is more dangerous and sinister
12 when I see new information
13 regarding the enormous power of
14 the (IAG) International
15 Assistance Group..."

16 8542 You go on about Kimberly Prost, the
17 Director of IAG, and you go on at some length about
18 your concerns, and you send that to Mr. Mulroney.
19 Right?

20 8543 MR. SCHREIBER: Yes, sir.

21 8544 MR. WOLSON: He never asked for that
22 letter?

23 8545 MR. SCHREIBER: No.

24 8546 MR. WOLSON: Then, at Tab 30, you
25 send him a fax on August 10th, '06 --

1 8547 MR. SCHREIBER: Yes.

2 8548 MR. WOLSON: -- about being unable to
3 finish a case report, and you send him a fax, and you
4 get no reply.

5 8549 MR. SCHREIBER: Yes.

6 8550 MR. WOLSON: That's August 10th. If
7 you turn to Tab 31, you send another fax as regards to
8 correspondence from your lawyer.

9 8551 MR. SCHREIBER: Yes.

10 8552 MR. WOLSON: Then, Tab 32, August
11 18th, you send a letter -- "I take the liberty to
12 provide you with corrected versions of my letter from
13 August 9."

14 8553 MR. SCHREIBER: Yes.

15 8554 MR. WOLSON: You are not getting any
16 responses.

17 8555 MR. SCHREIBER: No.

18 8556 MR. WOLSON: Tab 33, August 23rd,
19 '06:

20 "Dear Brian,
21 Here is the final version which
22 I sent to the Prime Minister.
23 We found unbelievable new
24 material, regarding the
25 'Political Justice Scandal' with

1 the involvement of Mr. David
2 Corbett."

3 8557 MR. SCHREIBER: Correct.

4 8558 MR. WOLSON: And you send him some
5 pages of materials.

6 8559 MR. SCHREIBER: Yes.

7 8560 MR. WOLSON: You also sent him a copy
8 of the August 23rd letter that you had written to the
9 Prime Minister; right?

10 8561 August 23rd, `06. It's in Tab 33.
11 It's the second page of Tab 33.

12 8562 MR. SCHREIBER: The second page --

13 8563 MR. WOLSON: It's a letter from you
14 of August 23rd, `06, to the Prime Minister of Canada.

15 8564 MR. SCHREIBER: Yes.

16 8565 MR. WOLSON: "Subject: Political
17 Justice Scandal."

18 8566 MR. SCHREIBER: Yes.

19 8567 MR. WOLSON: Tab 34 -- October 25th,
20 2006. You are sending him more material, this time
21 from Vic Toews.

22 8568 Do you see that at Tab 34?

23 8569 MR. SCHREIBER: A copy of the letter
24 to Vic Toews.

25 8570 MR. WOLSON: That's right, I'm sorry.

1 8571 Tab 35 -- you send Mr. Mulroney
2 another letter, November 30, '06.

3 8572 And you are getting no responses to
4 any of these letters; right?

5 8573 MR. SCHREIBER: Yes, sir.

6 8574 MR. WOLSON: You agree with me.

7 8575 MR. SCHREIBER: Yes.

8 8576 MR. WOLSON: Tab 36 -- January 19th,
9 2007.

10 8577 All along, Mr. Schreiber, what you
11 are trying to do is get Mr. Mulroney to join you in
12 fighting this vendetta against the two of you and this
13 political justice scandal against the two of you.

14 8578 MR. SCHREIBER: As we agreed upon
15 since 1997.

16 8579 MR. WOLSON: Okay. In 1997 you
17 agreed to --

18 8580 MR. SCHREIBER: Fight this thing.

19 8581 MR. WOLSON: -- fight it. Okay.

20 8582 In a meeting, or on a telephone call,
21 or in a letter?

22 8583 MR. SCHREIBER: No, there was
23 constantly contact. I mean, this was the time when the
24 Letter of Request went out, when the apology came --

25 8584 MR. WOLSON: Yes.

1 8585 MR. SCHREIBER: -- when the
2 settlement was, when I sent a very nasty letter to
3 Allan Rock --

4 8586 MR. WOLSON: So it was during that
5 time that you agreed to fight this.

6 8587 MR. SCHREIBER: Yes.

7 8588 MR. WOLSON: All right. Tab 36.
8 8589 This is a letter that you wrote on
9 January 19th, 2007, to Mr. Mulroney.

10 8590 MR. SCHREIBER: Yes.

11 8591 MR. WOLSON:
12 "Dear Brian,
13 I am sending you via fax 22
14 copies of some letters..."

15 8592 MR. SCHREIBER: Yes.

16 8593 MR. WOLSON: You say, "When you look
17 at the letters..."

18 8594 I am looking at the second paragraph
19 from the bottom of the page.
20 "When you look at the letters
21 you can easily see who is
22 controlling the Department of
23 Justice."

24 8595 MR. SCHREIBER: Yes.

25 8596 MR. WOLSON:

1 "The Conservative Government is
2 now protecting the people
3 responsible for the Mulroney --
4 'Airbus' -- Vendetta and the
5 'Political Justice Scandal',
6 backing all the lies of the then
7 Liberal Minister of Justice, The
8 Hon. Irwin Cotler."

9 8597 MR. SCHREIBER: That's correct, sir.

10 8598 MR. WOLSON:

11 "I am convinced that you will
12 understand that I am pretty
13 surprised about this situation
14 bearing in mind all the pain and
15 damages our families faced
16 during the past."

17 8599 Right?

18 8600 MR. SCHREIBER: Yes.

19 8601 MR. WOLSON: The second page:

20 "Dear Brian, I am very
21 interested to learn from you how
22 you feel about this situation
23 and what your intentions are to
24 deal with it.

25 The Vendetta did great harm

1 to the families of Gary Ouellet,
2 Frank Moores, yours and mine."
3 8602 You see that.
4 8603 MR. SCHREIBER: Yes.
5 8604 MR. WOLSON:
6 "The 'Political Justice Scandal'
7 will not come to an end as long
8 as my lawsuit against the
9 Minister of Justice and Attorney
10 General for Canada moves ahead."
11 8605 Right?
12 8606 MR. SCHREIBER: Yes.
13 8607 MR. WOLSON:
14 "I strongly believe that after
15 13 years the time has come for
16 you to support my legal battle
17 and that you have an obligation
18 towards the Canadian taxpayers,
19 your family, your friends and
20 yourself to ask together with me
21 for an inquiry."
22 8608 You see that.
23 8609 MR. SCHREIBER: Yes.
24 8610 MR. WOLSON: And you send him a copy
25 of the letter of January 16th, '07, that you sent to

1 Prime Minister Harper.

2 8611 MR. SCHREIBER: Yes.

3 8612 MR. WOLSON: And in that letter the
4 subject is "Political Justice Scandal".

5 8613 MR. SCHREIBER: Yes.

6 8614 MR. WOLSON: Tab 37 -- January 29th,
7 2007. You send Mr. Mulroney another letter; right?

8 8615 MR. SCHREIBER: Yes.

9 8616 MR. WOLSON: Tab 37?

10 8617 MR. SCHREIBER: Yes, sir.

11 8618 MR. WOLSON: You start off by saying:
12 "I refer to my letter January
13 19, 2006 concerning the decision
14 of The Hon. Vic Toews...then the
15 Minister of Justice and the
16 Attorney General of Canada to
17 support his predecessor The Hon.
18 Irwin Cotler by denying the
19 'Airbus' vendetta against you
20 and your friends and the
21 existence of the 'Political
22 Justice Scandal'.
23 This case is much worth..."
24 -- you probably meant to say "worst":
25 "This case is much worth and

1 much more dangerous than the
2 Maher Arar case."
3 8619 Right?
4 8620 MR. SCHREIBER: Yes.
5 8621 MR. WOLSON: And you go on about the
6 justice scandal, and totalitarian governments on page
7 2, and you are writing for support.
8 8622 MR. SCHREIBER: Yes.
9 8623 MR. WOLSON: This is a fairly lengthy
10 letter. It is five pages in length.
11 8624 MR. SCHREIBER: Yes.
12 8625 MR. WOLSON: You say at page 5:
13 "Dear Brian, I would like to ask
14 you what the reason might be in
15 your opinion, besides this I
16 think it is in your and my best
17 interests that you show up and
18 help me now and bring this
19 insanity to an end. If I am
20 forced to leave Canada this will
21 not end the matter."
22 8626 MR. SCHREIBER: That's correct, sir.
23 8627 MR. WOLSON: Tab 38.
24 8628 So you have written him many, many
25 letters.

1 8629 MR. SCHREIBER: Yes.

2 8630 MR. WOLSON: You want him to join the
3 fight with you.

4 8631 MR. SCHREIBER: Yes.

5 8632 MR. WOLSON: You don't get any
6 responses back.

7 8633 MR. SCHREIBER: That's correct, sir.

8 8634 MR. WOLSON: You never asked him for
9 the return of moneys?

10 8635 MR. SCHREIBER: Until then, no.

11 8636 MR. WOLSON: You never asked him to
12 provide for you an invoice for services rendered?

13 8637 MR. SCHREIBER: No.

14 8638 MR. WOLSON: You never asked him to
15 account to you?

16 8639 MR. SCHREIBER: No.

17 8640 MR. WOLSON: You are not getting
18 anywhere, so you write a letter -- Tab 38 -- February
19 20 of `07 --

20 8641 MR. SCHREIBER: But let me add that
21 there was an attempt to meet with him from two friends,
22 Mr. MacKay and Mr. Cochrane, to discuss the pasta
23 business. He agreed, but then it was cancelled, and
24 later on another friend of his, Sam Wakim, told me that
25 the Prime Minister did not want the two people

1 involved, it should be him.

2 8642 MR. WOLSON: Let's turn to Tab 38
3 now.

4 8643 Tab 38 -- Toronto, February 20 of
5 `07. Big bold letters: "Return of \$ 300.000,00 cash
6 payments plus 5% interest from January 1, 1995 until
7 February 28, 2005 \$ 185.000,00" -- that's the
8 interest -- "(Total amount \$ 485.000,00)"

9 8644 So you are making a demand to him for
10 money.

11 8645 MR. SCHREIBER: Yes.

12 8646 MR. WOLSON: You don't care about the
13 money; right?

14 8647 That's not why you were writing this
15 letter to him.

16 8648 MR. SCHREIBER: Well, that would be
17 not a correct statement. I mean, you are not just
18 saying -- \$300,000 or \$400,000 or \$500,000 is nothing
19 when you finally get nothing for it.

20 8649 So it was a combination --

21 8650 MR. WOLSON: You paid him the money
22 in 1993 and 1994 --

23 8651 MR. SCHREIBER: Yeah, but he did
24 nothing in the meantime, and now that he refuses to
25 help, I want my money back.

1 8652 MR. WOLSON: This is now 2007, it's
2 13 years later.

3 8653 MR. SCHREIBER: Yes.

4 8654 But in `98 and in 2004, if I may
5 remind you, we had discussions on pasta.

6 8655 MR. WOLSON: The 29th of March,
7 2007 -- Tab 39.

8 "Dear Brian,
9 I strongly recommend that you
10 request a Public Inquiry
11 concerning the 'Airbus' Affair,
12 the 'Political Vendetta' and the
13 'Political Justice Scandal'
14 related to The Right Hon. Brian
15 Mulroney, The Hon. Frank Moores,
16 Gary Ouellet...and Karlheinz
17 Schreiber before April 2, 2000."

18 8656 So you give him four days.

19 8657 MR. SCHREIBER: Yes.

20 8658 MR. WOLSON: Tab 40 -- April 10,
21 2007. You send him another letter about soldiers being
22 killed in Afghanistan.

23 8659 MR. SCHREIBER: Yes.

24 8660 MR. WOLSON: Tab 41 -- April 14,
25 2007.

1 "Dear Brian,
2 On March 20, 2007 your lawyer...
3 sent a letter to my Lawyer...
4 He wrote: `Mr. Mulroney
5 denies that he owes any money to
6 Mr. Schreiber.'
7 I have a different
8 understanding and I recommend
9 that you will ask your friend
10 Fred Doucet helping you to
11 refresh your memory concerning
12 the money..."

13 8661 You write that letter.

14 8662 MR. SCHREIBER: Yes.

15 8663 MR. WOLSON: April 15th, 2007 -- Tab
16 42. You write a letter this time about Afghanistan and
17 armoured vehicles --

18 8664 MR. SCHREIBER: Excuse me, sir, which
19 tab is it?

20 8665 MR. WOLSON: Tab 42, please.

21 8666 MR. SCHREIBER: I have under 42:
22 "For the first time, Canada's
23 younger generations are expected
24 to live shorter lives than their
25 parents."

1 8667 MR. WOLSON: That's right.
2 8668 That's April 15th, 2007?
3 8669 MR. SCHREIBER: Yes.
4 8670 MR. WOLSON: So you write him a
5 letter about this childhood obesity issue again --
6 8671 MR. SCHREIBER: Yes.
7 8672 MR. WOLSON: -- and about Afghanistan
8 and the problems in Afghanistan. That's at the
9 beginning of the letter.
10 8673 MR. SCHREIBER: Yes.
11 8674 MR. WOLSON: You say to him:
12 "Today I like to get your
13 attention concerning my letter
14 from July 2004 as a reminder to
15 the: 'PASTA BUSINESS' and my
16 request for your support to
17 fight child obesity.
18 I did not even get an answer
19 from you and on top of this you
20 refused to see Elmer MacKay and
21 Mike Cochrane when they wanted
22 to talk to you about the anti
23 obesity project.
24 Contrary to His Royal
25 Highness Prince Charles, Bill

1 Clinton, Tony Blair, Arnold
2 Schwarzenegger, Jamie Oliver and
3 Dr. Arya Sharma..."

4 8675 MR. SCHREIBER: Mr. Wolson, excuse
5 me, please. That was 42?

6 8676 MR. WOLSON: Yes.

7 8677 MR. SCHREIBER: Oh, yeah. Okay.

8 8678 MR. WOLSON: Tab 43 -- May 8th --
9 8679 I will wait until you get there.

10 8680 MR. SCHREIBER: I am there.

11 8681 MR. WOLSON: All right. For the
12 first time, May 8, 2007, in any letter I have seen that
13 you have written, you write to him now --

14 "Dear Brian,
15 The conspiracy and cover-up
16 action of Prime Minister Stephen
17 Harper, Brian Mulroney, Robert
18 Douglas Nicholson, the Attorney
19 General of Canada and the IAG of
20 the Department of Justice are
21 responsible for the Proceedings
22 at the Ontario Court of Appeal
23 concerning my extradition case."

24 8682 So now Brian Mulroney is involved in
25 the coverup.

1 8683 MR. SCHREIBER: Yes.

2 8684 MR. WOLSON: So it moves from you and
3 he being part of the vendetta -- a vendetta against the
4 two of you --

5 8685 MR. SCHREIBER: Yes.

6 8686 MR. WOLSON: -- to he being part of
7 the vendetta against you.

8 8687 MR. SCHREIBER: Yes.

9 8688 MR. WOLSON: Those are my questions.
10 Thank you.

11 8689 COMMISSIONER OLIPHANT: Thank you,
12 Mr. Wolson.

13 8690 Mr. Pratte, I would be happy to hear
14 from you as to whatever proposal you might have
15 respecting your examination of Mr. Schreiber.

16 8691 MR. PRATTE: I have listened
17 carefully to Mr. Wolson's questions, Mr. Commissioner,
18 and I think that he was also extraordinarily wide as to
19 the timing of appropriate breaks, and if you should be
20 so kind, it might be helpful to shorten my questions a
21 bit if I could have the lunch break, and we might
22 resume earlier than the normal time, if you wish,
23 whatever time suits you.

24 8692 For example, 1:30 is fine with me.

25 8693 COMMISSIONER OLIPHANT: It's in your

1 hands.

2 8694 Might I ask you this, bearing in mind
3 that often you can't tell how long you are going to be,
4 but if we were to start at 1:30, do you think that you
5 would complete your questioning today?

6 8695 MR. PRATTE: That is my hope.

7 8696 COMMISSIONER OLIPHANT: That's the
8 target.

9 8697 MR. PRATTE: That is my hope, and I
10 will endeavour to do that. Obviously, this is not a
11 solo dance, so we will see how long it takes to
12 complete it.

13 8698 COMMISSIONER OLIPHANT: It has been
14 my experience that when a lawyer mentions a time to
15 start, that's what the lawyer wants, and I am quite
16 prepared to accede to that request --

17 8699 MR. PRATTE: I am grateful.

18 8700 COMMISSIONER OLIPHANT: -- as long as
19 the hour and a half will suffice in terms of
20 preparation time for you.

21 8701 MR. PRATTE: That is absolutely fine.
22 Thank you, sir.

23 8702 COMMISSIONER OLIPHANT: All right.
24 We will recess for lunch, then, and come back at 1:30
25 this afternoon.

1 --- Upon recessing at 11:51 a.m. / Suspension à 11 h 51

2 --- Upon resuming at 1:30 p.m. / Reprise à 13 h 30

3 8703 COMMISSIONER OLIPHANT: Good
4 afternoon. Be seated, please.

5 8704 Mr. Roitenberg...?

6 8705 MR. ROITENBERG: Good afternoon,
7 Mr. Commissioner.

8 8706 Just before Mr. Pratte begins his
9 examination, there was an addition to be made to Book 5
10 which was filed as an exhibit.

11 8707 I have left before you on your podium
12 two letters, both addressed to Mr. Schreiber from Yvon
13 Roy of Privy Council. They were the responses to the
14 letters contained at Tabs 24 and 25, respectively.

15 8708 I have provided them to all the
16 parties and I have provided to our Registrar a stack
17 for the assorted binders that she has near her.

18 8709 If they could just be put into the
19 back of Tabs 24 and 25 in the sequential order in which
20 they are dated.

21 8710 COMMISSIONER OLIPHANT: Are right.
22 And those letters have also gone to all other counsel?
23 Thank you.

24 8711 Mr. Pratte...?

25 8712 MR. PRATTE: Before I start I should

1 also do a bit of housekeeping.

2 8713 Firstly there is a book of additional
3 documents that was circulated to all that I might be
4 referring to, or referring you to and the witness, and
5 that should be the next exhibit.

6 8714 COMMISSIONER OLIPHANT: I think that
7 would be P-9.

8 EXHIBIT NO. P-9: Book of
9 additional documents submitted
10 by Mr. Pratte

11 8715 MR. PRATTE: I believe that that is
12 correct.

13 8716 With that, perhaps the Registrar can
14 bring the three other documents.

15 8717 Let's do them one at a time, I guess.

16 --- Pause

17 8718 COMMISSIONER OLIPHANT: I take it,
18 Mr. Pratte, these are the documents that were referred
19 to in the e-mail message that was sent yesterday?

20 8719 MR. PRATTE: That's correct. That's
21 correct, sir.

22 8720 COMMISSIONER OLIPHANT: Great.

23 8721 MR. PRATTE: Then there are three
24 separate documents I may be referring to that should
25 also be marked. Those were handed up I believe earlier

1 this morning.

2 8722 The first one is a letter from
3 Mr. Schreiber to the Hon. Allan MacEachen. It is dated
4 June 13, 1995.

5 8723 That should be P-10, I suppose,
6 Mr. Commissioner.

7 8724 COMMISSIONER OLIPHANT: These are
8 going in by consent, are they? Yes?

9 8725 All right. The letter from
10 Mr. Schreiber to Mr. MacEachen will be received and
11 marked as Exhibit P-10.

12 EXHIBIT NO. P-10: Letter from
13 Mr. Karlheinz Schreiber to the
14 Hon. Allan MacEachen dated June
15 13, 1995

16 8726 MR. PRATTE: I wonder if we might
17 just do them while the Registrar has all the paper and
18 then can deliver them all together.

19 8727 COMMISSIONER OLIPHANT: Sure, that's
20 fine.

21 8728 MR. PRATTE: The next one, sir, would
22 be a response or a letter from Mr. MacEachen to
23 Mr. Schreiber, dated August 10, 1995. If that might be
24 marked as Exhibit P-11?

25 8729 COMMISSIONER OLIPHANT: All right.

1 The letter from Mr. MacEachen to Mr. Schreiber of
2 August 10, 1995 will be received and marked as Exhibit
3 P-11.

4 EXHIBIT NO. P-11: Letter from
5 Allan MacEachen to Karlheinz
6 Schreiber, dated August 10, 1995

7 8730 MR. PRATTE: And then one more, and
8 one last one, which is an article from The Globe and
9 Mail entitled -- it is dated November 8, 2007, by Greg
10 McArthur and its title is "Mulroney advisor asked
11 Schreiber to transfer Airbus funds affidavit alleges".

12 8731 COMMISSIONER OLIPHANT: The copy of
13 the article from the Globe and Mail, its addition of
14 November 8, 2007, authored by Greg McArthur, then, will
15 be received and marked as Exhibit P-12.

16 EXHIBIT NO. P-12: November 8,
17 2007 Globe and Mail article
18 authored by Greg McArthur

19 8732 MR. PRATTE: Then I'm not sure if
20 everyone has copies. The Commissioner needs copies of
21 these, as does the witness. Other parties should have
22 copies of all these documents, Mr. Commissioner.

23 --- Pause

24 8733 MR. PRATTE: Did you distribute the
25 letters as well?

1 8734 THE REGISTRAR: Yes.

2 --- Pause

3 8735 MR. PRATTE: Thank you, Madam

4 Registrar.

5 EXAMINATION: KARLHEINZ SCHREIBER BY MR. PRATTE /

6 INTERROGATOIRE : KARLHEINZ SCHREIBER PAR Me PRATTE

7 8736 MR. PRATTE: Mr. Schreiber, do you

8 have a copy of your November 7, 2007 affidavit handy?

9 8737 It can be found at CB Volume 3, Tab

10 21.

11 8738 MR. SCHREIBER: Again, which Volume?

12 8739 MR. PRATTE: Volume 3 of the

13 Commission binders, Tab 21.

14 8740 MR. SCHREIBER: Binder 3. Tab

15 number?

16 8741 MR. PRATTE: Twenty-one.

17 8742 MR. SCHREIBER: Okay.

18 8743 MR. PRATTE: Is that the affidavit

19 you swore on November 7, 2007?

20 8744 MR. SCHREIBER: Yes.

21 8745 MR. PRATTE: Would you go to the last

22 page, please.

23 8746 MR. SCHREIBER: Which page?

24 8747 MR. PRATTE: Twelve, the last page,

25 the signature page. The page of the affidavit is 12

1 where you signed, before the exhibits.

2 8748 MR. SCHREIBER: Yes.

3 8749 MR. PRATTE: And you say they are in

4 paragraph 51:

5 "I swear this affidavit in

6 relation to a Motion brought by

7 Mr. Mulroney for an order

8 dismissing this action for lack

9 of jurisdiction and for no other

10 or improper purposes."

11 8750 Correct?

12 8751 MR. SCHREIBER: Yes.

13 8752 MR. PRATTE: Yes?

14 8753 MR. SCHREIBER: Yes.

15 8754 MR. PRATTE: You have to say yes or

16 no.

17 8755 MR. SCHREIBER: Yes.

18 8756 MR. PRATTE: Thank you. And that is

19 your signature there?

20 8757 MR. SCHREIBER: I cannot see anything

21 different.

22 8758 MR. PRATTE: The answer is yes? You

23 remember signing that affidavit, Mr. Schreiber, don't

24 you?

25 8759 MR. SCHREIBER: Yes. Yes, I do.

1 8760 MR. PRATTE: And that motion for lack
2 of jurisdiction, that was in respect of an action
3 started in Ontario by you in April 2007?

4 8761 MR. SCHREIBER: Yes.

5 8762 MR. PRATTE: In respect of the
6 alleged contract with Mr. Mulroney that you say was
7 entered into on June 23, 1993; correct?

8 8763 MR. SCHREIBER: Yes.

9 8764 MR. PRATTE: And the action was
10 thrown out of Ontario for lack of jurisdiction;
11 correct?

12 8765 MR. SCHREIBER: Yes.

13 8766 MR. PRATTE: Now, that affidavit is
14 also referred to in this Commission's Terms of
15 Reference. You know that, don't you?

16 8767 MR. SCHREIBER: Yes.

17 8768 MR. PRATTE: In fact, it is referred
18 to in the first paragraph of the Commissioner's
19 Mandate; correct?

20 8769 MR. SCHREIBER: Well, you say so.

21 8770 MR. PRATTE: Let me read it to you:
22 "Whereas Karlheinz Schreiber has
23 made various allegations with
24 respect to his business and
25 financial dealings with the

1 Right Honourable Brian Mulroney,
2 P.C., including those made in an
3 affidavit sworn on November 7,
4 2007 and those made with respect
5 to an agreement allegedly
6 reached on June 23, 1993;..."

7 8771 You remember that?

8 8772 MR. SCHREIBER: Yes.

9 8773 MR. PRATTE: And the affidavit that
10 is referred to, the November 7th affidavit referred to
11 in the mandate, the Terms of Reference, that is the
12 very document you are looking at now, isn't it?

13 8774 MR. SCHREIBER: Yes.

14 8775 MR. PRATTE: So this Commission of
15 Inquiry is in large part started because of that
16 affidavit; right? It's the trigger for it.

17 8776 MR. SCHREIBER: Yes, it could be.

18 8777 MR. PRATTE: It could be?

19 8778 MR. SCHREIBER: How do I know?

20 8779 MR. PRATTE: You have read the Terms
21 of Reference, sir?

22 8780 MR. SCHREIBER: Yes.

23 8781 MR. PRATTE: Do you disagree with the
24 Terms of Reference?

25 8782 MR. SCHREIBER: Oh no, I agree.

1 8783 MR. PRATTE: Thank you.

2 8784 Now, at the very time of making this
3 affidavit you called As It Happens from the detention
4 center round about November 2, 2007.

5 8785 Do you remember that?

6 8786 MR. SCHREIBER: It could be, yeah.

7 8787 MR. PRATTE: And at that time -- and
8 if you want the reference if you don't recall, the
9 interview is contained at the same volume, Tab 20.

10 8788 You told Carol Off of the CBC that
11 you were waiting for the inquiry to give all your
12 documents. Is that correct?

13 8789 MR. SCHREIBER: Yeah.

14 8790 MR. PRATTE: Yes. You were waiting
15 for the inquiry to give all the documents relevant to
16 your relationship with Mr. Mulroney; correct?

17 8791 MR. SCHREIBER: Yes.

18 8792 MR. PRATTE: Do we have them all now?

19 8793 MR. SCHREIBER: As far as I recall,
20 yes.

21 8794 MR. PRATTE: Well, you are under oath
22 no. Have you given us all the documents that you have
23 relevant to this inquiry; yes or no?

24 8795 MR. SCHREIBER: Yes.

25 8796 MR. PRATTE: Thank you.

1 8797 MR. SCHREIBER: Relevant as my
2 understanding, I should say.

3 8798 MR. PRATTE: Well, they are your
4 documents, I don't know.

5 8799 MR. SCHREIBER: Yeah.

6 8800 MR. PRATTE: Yes?

7 8801 MR. SCHREIBER: Yes.

8 8802 MR. PRATTE: So we have your
9 affidavit that triggered this Commission of Inquiry and
10 now you tell us we have all the documents that you have
11 that are relevant to it; correct?

12 8803 MR. SCHREIBER: Yes.

13 8804 MR. PRATTE: Okay. Well, let's see
14 what we got now.

15 8805 This affidavit, paragraph 1 -- so
16 this is the November 7th affidavit -- you say that you
17 are:

18 "... the plaintiff in the above
19 noted matter and have personal
20 knowledge of the matters set out
21 in this Affidavit, except to the
22 extent such matters are based
23 upon information and belief, in
24 which case I have stated the
25 source of my information and

1 belief such matters to be true."
2 8806 MR. SCHREIBER: Yes.
3 8807 MR. PRATTE: Is that accurate?
4 8808 MR. SCHREIBER: Yes.
5 8809 MR. PRATTE: Was that accurate when
6 you signed that affidavit?
7 8810 MR. SCHREIBER: Yes.
8 8811 MR. PRATTE: I want to go back, to
9 begin with, to the first time or times that you met
10 Mr. Mulroney and your business affairs in Canada.
11 8812 You told Mr. Wolson, as I recall,
12 that you originally came from Germany.
13 8813 MR. SCHREIBER: Yes.
14 8814 MR. PRATTE: And you came to Canada
15 in the 1970s, roughly?
16 8815 MR. SCHREIBER: Yes.
17 8816 MR. PRATTE: Were you living here or
18 just had businesses in Canada?
19 8817 MR. SCHREIBER: I was living here for
20 a while.
21 8818 MR. PRATTE: In the west, in Edmonton
22 and Calgary?
23 8819 MR. SCHREIBER: Yes.
24 8820 MR. PRATTE: Is that correct?
25 8821 MR. SCHREIBER: Yes.

1 8822 MR. PRATTE: And you had various
2 businesses from then on until today all over the world.
3 Is that right?

4 8823 MR. SCHREIBER: Yes, sir.

5 8824 MR. PRATTE: And you had businesses
6 in Alberta or involved in Alberta; correct?

7 8825 MR. SCHREIBER: Yes.

8 8826 MR. PRATTE: Among other places.
9 Costa Rica?

10 8827 MR. SCHREIBER: Yes.

11 8828 MR. PRATTE: Yes. Germany?

12 8829 MR. SCHREIBER: Yes.

13 8830 MR. PRATTE: And Newfoundland?

14 8831 MR. SCHREIBER: Yes.

15 8832 MR. PRATTE: And in Newfoundland were
16 you involved with Mr. Morris and Mr. Cogger in some
17 land --

18 8833 MR. SCHREIBER: Yes.

19 8834 MR. PRATTE: -- that you own there?

20 8835 MR. SCHREIBER: Yes.

21 8836 MR. PRATTE: In the '70s or early
22 '80s did you have any business interests in Québec, in
23 the Province of Québec?

24 8837 MR. SCHREIBER: Yes, I started a
25 company there for road safety products and road

1 marking.

2 8838 MR. PRATTE: And when was that?

3 8839 MR. SCHREIBER: My correct

4 recollection the first -- early '80s.

5 8840 MR. PRATTE: The early '80s?

6 8841 MR. SCHREIBER: The early '80s, yeah.

7 8842 MR. PRATTE: And the early '80s is

8 the time when you met Mr. Mulroney when he was

9 President of Iron Ore?

10 8843 MR. SCHREIBER: Yes.

11 8844 MR. PRATTE: Before he became Leader

12 of the Conservative Party in 1983?

13 8845 MR. SCHREIBER: Yes.

14 8846 MR. PRATTE: And I think you

15 explained to us that you met him -- well, first of all,

16 did these meetings take place in Montréal?

17 8847 I'm talking about before he becomes

18 Leader of the Conservative Party.

19 8848 MR. SCHREIBER: Yes.

20 8849 MR. PRATTE: Only in Montréal?

21 8850 MR. SCHREIBER: Yes.

22 8851 MR. PRATTE: As best you can recall?

23 8852 MR. SCHREIBER: I don't recall

24 others.

25 8853 MR. PRATTE: Okay. And those

1 meetings occurred at the Ritz-Carlton?

2 8854 MR. SCHREIBER: Yes.

3 8855 MR. PRATTE: And nowhere else?

4 8856 MR. SCHREIBER: Not to my

5 recollection.

6 8857 MR. PRATTE: Right. And you told us

7 that you think that there were -- and I'm talking about

8 the period before he became Leader of the Opposition;

9 that you may have had five or six such meetings?

10 8858 MR. SCHREIBER: Yes, that's my

11 recollection somehow.

12 8859 MR. PRATTE: I want to go back with

13 you to what you said in Eurocopter in respect of that.

14 8860 You will find that, sir, if you have

15 the transcripts from the Eurocopter case somewhere for

16 10 September 2004.

17 8861 MR. SCHREIBER: Which copy is it?

18 8862 MR. PRATTE: You will have to dig up

19 the Eurocopter transcripts for September 10th.

20 8863 MR. SCHREIBER: Do you have a binder?

21 Is it 3 or 4 or what is it?

22 8864 MR. PRATTE: Yes, sorry, I don't have

23 the number, but Mr. Hughes will help us, I'm sure.

24 8865 Number 1, Tab 3.

25 --- Pause

1 8866 MR. SCHREIBER: Yes, I have it.

2 8867 MR. PRATTE: All right. So the date
3 might be at the bottom of the page. It is the
4 September 10, '04 transcript.

5 8868 MR. SCHREIBER: Please...?

6 8869 MR. PRATTE: It's the September 10,
7 2004 transcript.

8 8870 MR. SCHREIBER: September 10, 2004.

9 8871 MR. PRATTE: Right.

10 8872 MR. SCHREIBER: Yes.

11 8873 MR. PRATTE: Could you go to page 21,
12 please?

13 8874 MR. SCHREIBER: Yes, sir.

14 8875 MR. PRATTE: All right.

15 8876 Before we go there, Mr. Schreiber, in
16 the Eurocopter case you are under oath; right?

17 8877 MR. SCHREIBER: Yes.

18 8878 MR. PRATTE: And indeed in the letter
19 you reviewed with Mr. Wolson this morning to
20 Mr. Mulroney, the 20th of July 2006 -- do you remember
21 that letter that originated, you say, from an e-mail
22 from Mr. McKay?

23 8879 MR. SCHREIBER: Yes.

24 8880 MR. PRATTE: The letter we went
25 through this morning --

1 8881 MR. SCHREIBER: Yes.

2 8882 MR. PRATTE: -- you remember that;
3 right?

4 8883 MR. SCHREIBER: Yes.

5 8884 MR. PRATTE: You said there that the
6 only thing that was true about your relationship with
7 Mr. Mulroney included what was said in Eurocopter.

8 8885 MR. SCHREIBER: Yes.

9 8886 MR. PRATTE: Yeah.

10 8887 MR. SCHREIBER: Yes.

11 8888 MR. PRATTE: Well, there is no
12 shaking your head. You are not saying that what you
13 said about Mr. Mulroney and your relationship in
14 Eurocopter was false?

15 8889 MR. SCHREIBER: No, I agree with you.

16 8890 MR. PRATTE: It's true.

17 8891 MR. SCHREIBER: Yes.

18 8892 MR. PRATTE: Right.

19 8893 Now, you were asked about your
20 relationship with Mr. Mulroney before he became Prime
21 Minister and Leader of the Opposition in Eurocopter;
22 correct?

23 8894 MR. SCHREIBER: Yes.

24 8895 MR. PRATTE: So let's look carefully
25 at what you said about this, starting at page 21; okay?

1 8896 MR. SCHREIBER: Yes.

2 8897 MR. PRATTE: You see under
3 "Examination by Mr. Bernstein"?

4 8898 MR. SCHREIBER: Yes.

5 8899 MR. PRATTE: Mr. Bernstein was the
6 prosecutor?

7 8900 MR. SCHREIBER: Yes.

8 8901 MR. PRATTE: Line 16:
9 "Do you know Mr. Mulroney?"

10 8902 Answer:
11 "Yes.
12 When did you meet him?
13 It's hard to say, somewhere late
14 '70s.
15 How would you describe your --
16 how would you describe -- you
17 had some sort of relationship
18 with him?"

19 8903 Answer:
20 "Well, I saw him the first
21 time."

22 8904 Question:
23 "Did you see him periodically
24 over the years?
25 Not that much until the late

1 '80s I would say." (As read)

2 8905 You gave that answer?

3 8906 MR. SCHREIBER: Yes.

4 8907 MR. PRATTE: Right. And the late

5 '80s is at the time really when you start to deal with

6 the Bear Head Project with the Government of Canada;

7 correct?

8 8908 MR. SCHREIBER: Yes.

9 8909 MR. PRATTE: Yes. So before that

10 time you didn't see Mr. Mulroney that much; correct?

11 8910 MR. SCHREIBER: Yes.

12 8911 MR. PRATTE: And then Question 27:

13 "Between the late '70s and the

14 late '80s would you have --

15 would your contact with him be

16 social?

17 Yes." (As read)

18 8912 That is your answer; correct?

19 8913 MR. SCHREIBER: Yes.

20 8914 MR. PRATTE: Strictly social;

21 correct?

22 8915 MR. SCHREIBER: Yes.

23 8916 MR. PRATTE:

24 "Any other kind of contact?"

25 8917 Flip the page:

1 "No."

2 8918 And then you say he used to be the
3 President of Iron Ore --

4 8919 MR. SCHREIBER: Yes.

5 8920 MR. PRATTE: -- "as you may know";
6 correct?

7 8921 MR. SCHREIBER: Yes.

8 8922 MR. PRATTE: That is the period you
9 and I have been talking about.

10 8923 MR. SCHREIBER: Yes.

11 8924 MR. PRATTE: Correct? And then you
12 go on with the personal contact because that's all you
13 had at the time, social personal contact; correct?

14 8925 MR. SCHREIBER: Yes.

15 8926 MR. PRATTE: If you go to Question
16 24:

17 "Did you have any contact with
18 him while he was Prime Minister,
19 personal contact?"

20 8927 And you say, Answer --

21 8928 MR. SCHREIBER: Are you --

22 8929 MR. PRATTE: Page 22.

23 8930 MR. SCHREIBER: Twenty-two, yeah.

24 8931 MR. PRATTE: Go to --

25 8932 COMMISSIONER OLIPHANT: I think the

1 problem, Mr. Pratte, is the transcript I have doesn't
2 have numbers beside the questions.

3 8933 MR. PRATTE: Very well.

4 8934 COMMISSIONER OLIPHANT: And I think
5 maybe Mr. Schreiber is labouring under the same
6 difficulty.

7 8935 MR. PRATTE: Does it have line
8 numbers?

9 8936 MR. SCHREIBER: No.

10 8937 MR. PRATTE: All right. Then let me
11 try to help you and I'm sorry about that, sir. I
12 assumed that they were the same.

13 8938 If you go -- well, let me just take a
14 minute and look at the transcript, if I might, so I can
15 be of assistance.

16 8939 COMMISSIONER OLIPHANT: It's seven
17 lines from the bottom.

18 8940 MR. PRATTE: Seven. So we have the
19 same number of lines is what I'm -- so seven lines from
20 the bottom there is a question that says:

21 "Do you have contact with him?"

22 8941 Do you see that?

23 8942 MR. SCHREIBER:

24 "Did you have any contact with
25 him while he was prime

1 minister?"

2 8943 MR. PRATTE: Correct.

3 8944 MR. SCHREIBER: Yeah.

4 8945 MR. PRATTE: "Personal contact?" All
5 right. We are at the same spot.

6 8946 And you answer:
7 "When you say personal contact
8 it means from sight, I saw him
9 or what? What is personal
10 contact?"

11 8947 Question:
12 "You saw him or spoke to him on
13 the phone?
14 No, not that often." (As read)

15 8948 Do you see that?

16 8949 MR. SCHREIBER: Yes.

17 8950 MR. PRATTE: You say:
18 "No, not that often or never."
19 8951 And then you flip over, your answer
20 to that question is:
21 "I don't -- I mean you speak
22 about the timeframe and it makes
23 it difficult for me. I try to
24 be correct in my answer as you
25 may understand, so to have the

1 memory back 20 years where I had
2 a telephone call with him in
3 1979 or September
4 August/September..." (As read)

5 8952 Do you see that?

6 8953 MR. SCHREIBER: Yes.

7 8954 MR. PRATTE: So you are casting your
8 mind back to '79 or so when you may have had the first
9 contact; correct?

10 8955 And you go on to say:

11 "I can't tell you that. I
12 recall I met him at the
13 Ritz-Carlton for one, two or
14 three times when I was in
15 Montréal." (As read)

16 8956 Right?

17 8957 MR. SCHREIBER: Yes.

18 8958 MR. PRATTE: And those meetings were
19 at the time before he was Leader of the Conservative
20 Party; correct?

21 8959 MR. SCHREIBER: Hang on.

22 --- Pause

23 8960 MR. SCHREIBER: Yes.

24 8961 MR. PRATTE: Right. And Mr. Mulroney
25 became Leader of the Party in 1983; correct?

1 8962 MR. SCHREIBER: Yes.

2 8963 MR. PRATTE: All right.

3 8964 So before he became Leader of the
4 Party, you had one, two, maybe three meetings with him,
5 all at the Ritz-Carlton?

6 8965 MR. SCHREIBER: I'm not sure.

7 8966 MR. PRATTE: Well, that's what you
8 say there.

9 8967 MR. SCHREIBER: Yeah, but --

10 8968 MR. PRATTE: You said that five years
11 ago, sir; right?

12 8969 MR. SCHREIBER: But this is what I
13 recall, Mr. Pratte.

14 8970 MR. PRATTE: Yes, that's your best
15 recollection.

16 8971 MR. SCHREIBER: Yeah.

17 8972 MR. PRATTE: And that's what you said
18 under oath five years ago; correct?

19 8973 MR. SCHREIBER: Yes. Yes.

20 8974 MR. PRATTE: You never corrected that
21 transcript and say I made a mistake, it was twice as
22 many meetings, did you?

23 8975 MR. SCHREIBER: No.

24 8976 MR. PRATTE: No. And in fact you
25 confirmed the veracity of the transcript in Eurocopter

1 in an affidavit you filed on March 3, 2007 in Federal
2 Court; right?

3 8977 MR. SCHREIBER: Yes.

4 8978 MR. PRATTE: Yes. So we are clear
5 that you told the judge there that you had one, two,
6 maybe three meetings with Mr. Mulroney at the
7 Ritz-Carlton before he became Leader of the Opposition;
8 right?

9 8979 MR. SCHREIBER: Yes.

10 8980 MR. PRATTE: Let's look now at your
11 affidavit of November 7th, paragraphs 3 --

12 8981 MR. SCHREIBER: Yes.

13 8982 MR. PRATTE: You say:

14 "I had several meetings with Mr.
15 Mulroney at the Ritz-Carlton
16 hotel in Montréal, all taking
17 place before he became Leader of
18 the Opposition." (As read)

19 8983 MR. SCHREIBER: Yes.

20 8984 MR. PRATTE: So it wasn't five or six
21 meetings as you indicated a couple of days ago; it was
22 one, two, maybe three?

23 8985 MR. SCHREIBER: I still don't know
24 today exactly.

25 8986 MR. PRATTE: Well, you knew in 2004.

1 You said one, two or three, that's it.

2 8987 MR. SCHREIBER: Mr. Pratte, this was
3 my recollection.

4 8988 MR. PRATTE: Yes. And so should we
5 not rely on your recollection in 2004 rather than the
6 change you made a day or two ago when you said five or
7 six?

8 8989 MR. SCHREIBER: Yes, right.

9 8990 MR. PRATTE: Thank you. And these
10 meetings that you talk about, were they meetings --
11 they weren't meetings in the boardroom at the
12 Ritz-Carlton, were they?

13 8991 MR. SCHREIBER: No, most of them were
14 in a restaurant or in a side room.

15 8992 MR. PRATTE: In a side room?

16 8993 MR. SCHREIBER: Yes.

17 8994 MR. PRATTE: Weren't they at the bar
18 of the Ritz-Carlton?

19 8995 MR. SCHREIBER: It's a bar where --

20 8996 MR. PRATTE: It's a bar; right.

21 8997 MR. SCHREIBER: Yes.

22 8998 MR. PRATTE: And so they were social
23 occasions where you happen to be present when
24 Mr. Mulroney was also there. Is that not correct?

25 8999 MR. SCHREIBER: Yes.

1 9000 MR. PRATTE: You were there with a
2 lot of other people.

3 9001 MR. SCHREIBER: No.

4 9002 MR. PRATTE: Well, just you and
5 Mr. Mulroney?

6 9003 MR. SCHREIBER: It depends. I mean
7 when I came there the first time I was with Mr. Moores
8 and Mr. Cogger or Mr. Wolf.

9 9004 MR. PRATTE: Right. At the bar at
10 the Ritz-Carlton.

11 9005 MR. SCHREIBER: I'm not sure whether
12 in the bar or whether in the room next to the bar. I
13 cannot recall that.

14 9006 MR. PRATTE: You mean on the first
15 floor of the Ritz-Carlton. We have all been there at
16 that time; right?

17 9007 There was no -- you didn't reserve a
18 room to meet?

19 9008 MR. SCHREIBER: No, no, no.

20 9009 MR. PRATTE: No, no.

21 9010 MR. SCHREIBER: No, no, no.

22 9011 MR. PRATTE: It was a lounge. It was
23 a public place.

24 9012 MR. SCHREIBER: Yes. I was not in a
25 room. There was a public place, yeah.

1 9013 MR. PRATTE: It was a public place?

2 9014 MR. SCHREIBER: Yeah.

3 9015 MR. PRATTE: And you told the

4 prosecutor these meetings were purely social; right?

5 9016 That's what you said at page 21 of

6 the transcript we just read.

7 9017 MR. SCHREIBER: Okay, go ahead.

8 9018 MR. PRATTE: Yes. You agree?

9 9019 MR. SCHREIBER: Yeah. Yeah.

10 9020 MR. PRATTE: Yes. So they were not

11 meetings at which any business was transacted? They

12 were purely social occasions.

13 9021 MR. SCHREIBER: Well, I had no

14 business with him at that time.

15 9022 MR. PRATTE: Right. So they were

16 purely social occasions.

17 9023 MR. SCHREIBER: And political.

18 9024 MR. PRATTE: You talked politics?

19 9025 MR. SCHREIBER: Yes.

20 9026 MR. PRATTE: Yes.

21 9027 MR. SCHREIBER: You see, the whole

22 reason why I was brought there was the request for

23 support for his political work.

24 9028 MR. PRATTE: Right. Now, you --

25 9029 MR. SCHREIBER: I was not there to

1 entertain him or to sing for him.

2 9030 MR. PRATTE: I'm going to not ask you
3 to sing today. I have heard enough of that so far.

4 9031 You supported his leadership bid in
5 1976, did you not?

6 9032 MR. SCHREIBER: This is what it was
7 all about.

8 9033 MR. PRATTE: He didn't win in '76?

9 9034 MR. SCHREIBER: Please...?

10 9035 MR. PRATTE: He did not win the
11 leadership in '76?

12 9036 MR. SCHREIBER: Seventy-six?

13 9037 MR. PRATTE: 1976.

14 9038 MR. SCHREIBER: 1976, no.

15 9039 MR. PRATTE: No what?

16 9040 MR. SCHREIBER: I think I was not
17 involved in that.

18 9041 MR. PRATTE: Well, we will look at --

19 9042 MR. SCHREIBER: It sounds too early
20 for me, '76. When you think about this, think how many
21 years, it was not the center problem in my mind during
22 my life.

23 9043 MR. PRATTE: When he became Leader of
24 the Opposition did you meet him?

25 9044 MR. SCHREIBER: Yes.

1 9045 MR. PRATTE: How many times?

2 9046 MR. SCHREIBER: When you ask me
3 today, I don't recall.

4 9047 MR. PRATTE: All right.

5 9048 MR. SCHREIBER: Whenever I came to
6 Ottawa in those years and Mr. MacKay or Mr. Moores or
7 Pat McAdam and somebody arranged for the meeting. We
8 were happy to meet.

9 9049 MR. PRATTE: M'hm. You say at
10 paragraph 6 of your affidavit:
11 "My first official meeting with
12 Mr. Mulroney was in late 1983
13 (when Mr. Mulroney had become
14 the Leader of the Conservative
15 Party and was the Leader of the
16 Opposition) when I introduced
17 Mr. Max Strauss to Mr.
18 Mulroney."

19 9050 Paragraph 6 of your November 7th
20 affidavit.

21 9051 MR. SCHREIBER: Hang on for one
22 second. What did you say there? Which one is it?

23 9052 MR. PRATTE: Paragraph 6 of your
24 affidavit.

25 9053 MR. SCHREIBER: Of my affidavit.

1 Yes.

2 9054 MR. PRATTE: That is the only meeting
3 that you refer to in this affidavit with Mr. Mulroney
4 as Leader of the Opposition; correct?

5 9055 MR. SCHREIBER: Yes, because I recall
6 this for a special reason because Mr. Strauss was with
7 me.

8 9056 MR. PRATTE: Right. And you went to
9 Parliament to introduce Mr. Strauss to Mr. Mulroney;
10 correct?

11 9057 MR. SCHREIBER: Yes.

12 9058 MR. PRATTE: All right. Did you have
13 a long meeting with him?

14 9059 MR. SCHREIBER: No.

15 9060 MR. PRATTE: That was just a
16 meeting --

17 9061 MR. SCHREIBER: I had a relative
18 short meeting with him and then Mr. Strauss had a
19 meeting with him.

20 9062 You see, when you speak about meeting
21 or when you speak about seeing Mr. Mulroney, there has
22 very clearly to be a difference between if the meeting
23 has to be set up or you go and you see him by chance in
24 the lobby or behind the lobby or out on the street,
25 whatever it is.

1 9063 So when you speak about a meeting
2 which was set up to see him, this was the one with Max
3 Strauss.

4 9064 MR. PRATTE: Okay. So this meeting
5 was arranged before?

6 9065 MR. SCHREIBER: Yes.

7 9066 MR. PRATTE: And you went there
8 effectively to introduce Mr. Strauss to Mr. Mulroney?

9 9067 MR. SCHREIBER: Yes.

10 9068 MR. PRATTE: It was a meet and greet?

11 9069 MR. SCHREIBER: H'm?

12 9070 MR. PRATTE: It was a meet and greet?

13 9071 MR. SCHREIBER: I didn't get that.

14 9072 MR. PRATTE: You went there to
15 introduce Mr. Strauss to Mr. Mulroney.

16 9073 MR. SCHREIBER: Yes.

17 9074 MR. PRATTE: And then you left.

18 9075 MR. SCHREIBER: Yes.

19 9076 MR. PRATTE: You didn't transact any
20 business with Mr. Mulroney at the time?

21 9077 MR. SCHREIBER: Oh no. No.

22 9078 MR. PRATTE: So when you say in
23 paragraph 6 of the affidavit "My first official
24 meeting", we should not read into this any more than
25 the fact that you facilitated an introduction between

1 Mr. Strauss and Mr. Mulroney; correct?

2 9079 MR. SCHREIBER: Absolutely,
3 Mr. Pratte.

4 9080 MR. PRATTE: Thank you.

5 9081 You referred as well, speaking of
6 meetings and what they are, to a meeting, the last
7 meeting you had with Mr. Mulroney at the occasion of a
8 dinner in the honour of Mr. Munk.

9 9082 Do you remember that?

10 9083 MR. SCHREIBER: Yes.

11 9084 MR. PRATTE: And you said
12 effectively, as I recall your answers to Mr. Wolson,
13 that it was a coincidence. You ran into him --

14 9085 MR. SCHREIBER: Yes.

15 9086 MR. PRATTE: -- effectively at that
16 dinner.

17 9087 MR. SCHREIBER: He ran into me.

18 9088 MR. PRATTE: Right.

19 9089 Mr. Mulroney was sitting at the table
20 of honour with Mr. Munk?

21 9090 MR. SCHREIBER: No, I was sitting at
22 a table, he entered the room, saw me, and came with his
23 wife to our table, and we said hello to each other, and
24 then he went to Mr. Munk.

25 9091 MR. PRATTE: So it wasn't a meeting

1 so much as a coincidental encounter.

2 9092 MR. SCHREIBER: I don't know what the
3 difference is, but you may be right.

4 9093 It was not a set-up meeting with Mr.
5 Mulroney. It happened on the occasion of what you say
6 is the event for Mr. Munk.

7 9094 MR. PRATTE: All right. So it was
8 simply running into each other, exchanging pleasantries
9 for a short time --

10 9095 MR. SCHREIBER: Yeah.

11 9096 MR. PRATTE: -- and then he goes to
12 his table.

13 9097 MR. SCHREIBER: Yes.

14 9098 MR. PRATTE: It was not an official
15 meeting in any way, shape or form.

16 9099 MR. SCHREIBER: No.

17 9100 We met again before he left, as I
18 said earlier, and spoke about a meeting we should have,
19 and we agreed that that would take place when he was
20 back from Florida, because he was on his way to go to
21 Florida.

22 9101 This is my recollection.

23 9102 MR. PRATTE: So you say that you met
24 him twice at that dinner?

25 9103 MR. SCHREIBER: Yes, when he came and

1 when he left.

2 9104 MR. PRATTE: The second time you got
3 up and went to meet with him as he was --

4 9105 MR. SCHREIBER: Please?

5 9106 MR. PRATTE: The second meeting that
6 you say happened at that dinner --

7 9107 MR. SCHREIBER: Yes?

8 9108 MR. PRATTE: -- did you stand up and
9 go up to him as he was coming back from the washroom?

10 9109 MR. SCHREIBER: No.

11 9110 MR. PRATTE: No?

12 9111 MR. SCHREIBER: He came on his way
13 out, because he had to pass my table.

14 9112 MR. PRATTE: Okay. And then you got
15 up --

16 9113 MR. SCHREIBER: Yes.

17 9114 MR. PRATTE: -- and spoke with him.

18 9115 MR. SCHREIBER: And he came over to
19 say goodbye anyhow.

20 9116 MR. PRATTE: Okay. But, again, that
21 wasn't an official meeting.

22 9117 MR. SCHREIBER: No.

23 9118 MR. PRATTE: In your affidavit, at
24 paragraph 33, you describe that meeting and you define
25 it as 'The Royal York Meeting'.

1 9119 Do you see that?

2 9120 MR. SCHREIBER: The 31st?

3 9121 MR. PRATTE: Paragraphs 33 and 34.

4 "I met Mr. Mulroney at a

5 black-tie dinner function 'The

6 Royal York Meeting'."

7 9122 Do you see that?

8 9123 MR. SCHREIBER: Yes.

9 9124 MR. PRATTE: And then you refer to

10 the same so-called Royal York Meeting, where you have

11 capitalized "Meeting", at paragraph 34, the third line.

12 9125 Do you see that?

13 9126 MR. SCHREIBER: I have a problem now.

14 You refer to 33 or to 34?

15 9127 MR. PRATTE: Both.

16 9128 MR. SCHREIBER: Paragraph 34 now?

17 9129 MR. PRATTE: Start at paragraph 33.

18 9130 It's your affidavit. You read it?

19 9131 MR. SCHREIBER: Yes.

20 9132 MR. PRATTE: You signed it?

21 9133 Yes?

22 9134 MR. SCHREIBER: Yes.

23 9135 MR. PRATTE: At the second line of 33

24 you refer to the meeting at The Royal York, which you

25 define in quotation marks as, "The Royal York Meeting".

1 9136 Do you see that?

2 9137 MR. SCHREIBER: Yes.

3 9138 MR. PRATTE: And then you refer to

4 that Royal York Meeting at the third line of 34.

5 Right?

6 9139 MR. SCHREIBER: Yes.

7 9140 MR. PRATTE: And all it is is a

8 chance encounter.

9 9141 MR. SCHREIBER: Yes.

10 9142 MR. PRATTE: When Mr. Mulroney became

11 Prime Minister -- and, by the way, there is no other

12 reference to meetings, official or otherwise, with Mr.

13 Mulroney when Mr. Mulroney was Leader of the Opposition

14 than the one in paragraph 6 of this affidavit.

15 9143 Is that right?

16 9144 MR. SCHREIBER: This is my

17 recollection, Mr. Pratte, yeah.

18 9145 I don't know how often. I have met

19 him perhaps around that time, but not a meeting.

20 9146 MR. PRATTE: Okay. But we have

21 agreed that before he becomes leader it is one, two or

22 three times -- that is the best recollection. Correct?

23 9147 MR. SCHREIBER: Yeah.

24 9148 MR. PRATTE: And now, in your

25 affidavit, there is one meeting that you recall, when

1 you introduced him to Mr. Strauss. That's the only
2 meeting you refer to in this affidavit. Correct?

3 9149 MR. SCHREIBER: Yeah.

4 9150 As I said, meeting or just seeing
5 him, there's a difference.

6 9151 MR. PRATTE: Well, it's the only
7 encounter, meeting or otherwise, that you refer to when
8 he is Leader of the Opposition. Correct?

9 9152 MR. SCHREIBER: Yes.

10 9153 MR. PRATTE: Thank you.

11 9154 Then, when he is Prime Minister, from
12 1984 to 1993, you refer to a few meetings in your
13 affidavit. Right?

14 9155 MR. SCHREIBER: Where is that now?

15 9156 MR. PRATTE: Paragraph 11.

16 9157 MR. SCHREIBER: Eleven?

17 9158 MR. PRATTE: Yes.

18 9159 Do you see that?

19 9160 MR. SCHREIBER: Yes.

20 9161 MR. PRATTE: You had breakfast at 24
21 Sussex Drive. Correct?

22 9162 MR. SCHREIBER: Yes.

23 9163 MR. PRATTE: You were with Mr.
24 MacKay?

25 9164 MR. SCHREIBER: Yes.

1 9165 MR. PRATTE: For all the time that
2 Mr. Mulroney was Prime Minister, you never had a
3 private meeting, just one-on-one, with Mr. Mulroney,
4 there was always someone else there.

5 9166 Is that not correct?

6 9167 MR. SCHREIBER: Yes, and I explained
7 this very clearly earlier when the question came up
8 whether I saw him at his home or private --

9 9168 MR. PRATTE: Right.

10 9169 MR. SCHREIBER: -- and I did not look
11 at his home at Sussex, 24 or at Harrington Lake as his
12 private home.

13 9170 MR. PRATTE: No, you saw this as an
14 official residence.

15 9171 MR. SCHREIBER: It was all official.

16 9172 MR. PRATTE: Right. Even though, in
17 your letters, when you sometimes referred to "home",
18 you meant official residence.

19 9173 MR. SCHREIBER: Yes.

20 9174 MR. PRATTE: So you only had private
21 business with him with other people present, in all
22 instances.

23 9175 MR. SCHREIBER: Absolutely.

24 9176 MR. PRATTE: Yes.

25 9177 You invited him to your home, and you

1 didn't mean an official residence there, you meant your
2 private house. Right?

3 9178 MR. SCHREIBER: Yes.

4 9179 MR. PRATTE: And they never took you
5 up on it.

6 9180 MR. SCHREIBER: No.

7 9181 MR. PRATTE: And you never went to
8 his private home.

9 9182 MR. SCHREIBER: No.

10 9183 But when you said that we might have
11 had only meetings with other people around, that
12 wouldn't be correct.

13 9184 MR. PRATTE: When did you have a
14 meeting with him just one-on-one when he was Prime
15 Minister?

16 9185 MR. SCHREIBER: In his office.

17 9186 MR. PRATTE: When was that?

18 9187 MR. SCHREIBER: I don't recall the
19 date, but I could -- I know what the event was, but I
20 don't want to talk about this now.

21 9188 MR. PRATTE: You don't want to talk
22 about this now.

23 9189 MR. SCHREIBER: No.

24 9190 MR. PRATTE: You refer in your
25 affidavit, actually, at paragraph 10, to a telegram

1 that you got from him. Right?

2 9191 MR. SCHREIBER: What are you saying
3 now?

4 9192 MR. PRATTE: At paragraph 10, just
5 over from No. 11 that we were looking at of your
6 affidavit --

7 9193 MR. SCHREIBER: You speak about the
8 affidavit again?

9 9194 MR. PRATTE: Yes, paragraph 10.

10 9195 MR. SCHREIBER: Okay, yeah.

11 9196 MR. PRATTE: You refer there to a
12 letter, which is Exhibit 3 to your affidavit.

13 9197 Do you see that?

14 9198 MR. SCHREIBER: Yes.

15 9199 MR. PRATTE: That is a letter from
16 Mr. Mulroney.

17 9200 MR. SCHREIBER: Yes.

18 9201 MR. PRATTE: And that letter you will
19 find in Volume 4, Tab 3, of the Commission binders.

20 9202 Could you take that out?

21 9203 MR. SCHREIBER: No, I didn't follow
22 you.

23 9204 MR. PRATTE: Take Volume 4 of the
24 Commission binders, and look at Tab 3.

25 9205 MR. SCHREIBER: Yes.

1 9206 MR. PRATTE: I'm sorry, Tab 21.
2 9207 MR. SCHREIBER: Tab 21 is the
3 affidavit.
4 9208 MR. PRATTE: I'm sorry?
5 9209 MR. SCHREIBER: Tab 21 is the
6 affidavit.
7 9210 MR. PRATTE: No.
8 9211 You have the affidavit in front of
9 you?
10 9212 MR. SCHREIBER: Yes.
11 9213 MR. PRATTE: Tab 3 of your Volume 4,
12 do you have that?
13 9214 MR. SCHREIBER: Tab 3 of Volume 4.
14 9215 Okay.
15 9216 MR. PRATTE: First of all, look at
16 your affidavit at paragraph 10 again, if you have it in
17 front of you.
18 9217 MR. SCHREIBER: Now I have to go back
19 to that.
20 9218 Where was it, 21?
21 9219 Okay.
22 9220 MR. PRATTE: You say:
23 "A year later I received a
24 letter dated September 18, 1989
25 from Mr. Mulroney."

1 9221 MR. SCHREIBER: Which number was this
2 now in the affidavit, please.

3 9222 MR. PRATTE: Ten. Page 3.

4 9223 MR. SCHREIBER: Yeah.

5 9224 MR. PRATTE: All right. You say:
6 "A year later I received a
7 letter dated September 18,
8 1989..."

9 9225 MR. SCHREIBER: Yes.

10 9226 MR. PRATTE: And that's the letter
11 you have at Tab 3 of Volume 4. Correct?

12 9227 MR. SCHREIBER: Yes.

13 9228 MR. PRATTE: And you say:
14 "...who by then had been Prime
15 Minister for over five years..."

16 9229 MR. SCHREIBER: Yeah.

17 9230 MR. PRATTE: You say that in your
18 affidavit.

19 9231 MR. SCHREIBER: Yes.

20 9232 MR. PRATTE:
21 "...in which Mr. Mulroney
22 confirmed not only that we had
23 met on previous occasions..."

24 -- plural.

25 9233 Look at your affidavit first. We

1 will look at the letter in a moment to see what it
2 actually says.

3 9234 Okay?

4 9235 MR. SCHREIBER: Yeah.

5 9236 MR. PRATTE: Your affidavit says that
6 Mr. Mulroney confirmed in that letter, the 1989
7 letter --

8 9237 MR. SCHREIBER: Yes.

9 9238 MR. PRATTE:
10 "...not only that we had met on
11 previous occasions but that we
12 had been writing letters to one
13 another."

14 9239 Do you see that?

15 9240 MR. SCHREIBER: Yes.

16 9241 MR. PRATTE: Let's look at his letter
17 now to see how many occasions he confirms that you met
18 with him and how many letters he wrote to you.

19 9242 Mr. Mulroney says:
20 "Thank you for your letter of
21 August 28..."

22 9243 MR. SCHREIBER: Yes.

23 9244 MR. PRATTE: First of all, he is
24 responding to your letter. Correct?

25 9245 MR. SCHREIBER: Yes.

1 9246 MR. PRATTE:
2 "I, too, was pleased to have the
3 opportunity to meet with you.
4 The recent general meeting
5 provided a tremendous
6 opportunity for the P.C. Party
7 to reflect on its past success."
8 9247 MR. SCHREIBER: Yes.
9 9248 MR. PRATTE: Right?
10 9249 MR. SCHREIBER: Yes.
11 9250 MR. PRATTE: The meeting with you
12 that he is referring to is a meeting at a general
13 convention of the Conservative Party. Correct?
14 9251 MR. SCHREIBER: Yes.
15 9252 MR. PRATTE: That's the only meeting
16 he is referring to --
17 9253 MR. SCHREIBER: Yes.
18 9254 MR. PRATTE: -- in this letter.
19 9255 MR. SCHREIBER: Yes.
20 9256 MR. PRATTE: He is not confirming
21 meetings in the plural, is he?
22 9257 MR. SCHREIBER: No, go to the next
23 paragraph.
24 9258 MR. PRATTE:
25 "It was with interest that I

1 read the telegram that you sent
2 back to me." (As read)
3 9259 "That you sent to me." Right?
4 9260 MR. SCHREIBER: Yes.
5 9261 MR. PRATTE: Not a meeting. Correct?
6 9262 MR. SCHREIBER: A telegram I sent you
7 back and...
8 9263 Yeah, okay.
9 9264 MR. PRATTE: All right. In your
10 paragraph 10, you say that this letter confirms that
11 you have met -- that he says he met with you on
12 previous occasions, plural. That letter does not say
13 that, it speaks to one occasion.
14 9265 Isn't that right?
15 9266 MR. SCHREIBER: Yeah, that's correct.
16 9267 MR. PRATTE: Right. So you have put
17 a plural there when there was only one meeting that he
18 was referring to. You have exaggerated. Right?
19 9268 MR. SCHREIBER: You are correct.
20 9269 MR. PRATTE: Yes.
21 9270 And then you say: "It also confirms
22 that we had been writing letters," plural.
23 9271 MR. SCHREIBER: Yes.
24 9272 MR. PRATTE: That is the first
25 letter, and he confirms nothing more than that he sent

1 you a telegram --

2 9273 MR. SCHREIBER: Yes.

3 9274 MR. PRATTE: -- which you also add as

4 another document.

5 9275 MR. SCHREIBER: Yes.

6 9276 MR. PRATTE: So he didn't write

7 letters -- he doesn't confirm that he had been writing

8 several letters --

9 9277 Just let me finish my question, Mr.

10 Schreiber.

11 9278 You have exaggerated what this letter

12 says -- Mr. Mulroney's letter. Correct?

13 9279 MR. SCHREIBER: Yes.

14 9280 MR. PRATTE: Yes.

15 9281 MR. SCHREIBER: Now, let me just tell

16 you what happened, in my opinion.

17 9282 As you know, at that time I was in

18 the Detention Centre, and this affidavit was prepared

19 by my lawyers, and I did not check this letter.

20 9283 MR. PRATTE: You signed this

21 affidavit --

22 9284 MR. SCHREIBER: Yeah, that's right.

23 You are right, and I agree with you, what you say. But

24 I just told you, when I look at this letter, I agree

25 with you, it doesn't confirm exactly what is here in

1 the affidavit.

2 9285 MR. PRATTE: The affidavit that
3 started this Commission of Inquiry you didn't bother to
4 check?

5 9286 Is that what you are telling me?

6 9287 MR. SCHREIBER: Oh, no, I had a lot
7 of things to check in those days.

8 9288 MR. PRATTE: You just told me that
9 you did not bother to check the accuracy of what you
10 were saying in that paragraph.

11 9289 Is that correct?

12 9290 MR. SCHREIBER: That's not true, I
13 said that I did not check this letter.

14 9291 MR. PRATTE: You wrote several
15 letters -- and I don't think you need to turn them up,
16 but you have called, variously, Mr. Mulroney your true
17 friend --

18 9292 For example, the letter you sent to
19 him on April 19, 1991.

20 9293 MR. SCHREIBER: Yes.

21 9294 MR. PRATTE: And then, on March 16,
22 1993, you said that for more than 13 years you had had
23 the privilege of calling him your friend.

24 9295 MR. SCHREIBER: Yes.

25 9296 MR. PRATTE: Were you going around

1 town saying that Mr. Mulroney was your friend?

2 9297 MR. SCHREIBER: Yes; not only my
3 friend, he made a lot of friends in Europe, because if
4 he would not have supported the Airbus problems, Airbus
5 might have gone bankrupt.

6 9298 MR. PRATTE: I am talking about what
7 you called him, let's stick with that.

8 9299 MR. SCHREIBER: Yes.

9 9300 MR. PRATTE: Now, you also called Mr.
10 McKnight your friend in a letter that you wrote to him
11 in 1990.

12 9301 Do you recall that?

13 9302 MR. SCHREIBER: Yeah, but there is a
14 difference.

15 9303 MR. PRATTE: Yes. He wasn't really a
16 friend.

17 9304 MR. SCHREIBER: No. When you are in
18 the party with the Conservative parties -- you say your
19 friend to your lawyer here, and you wouldn't say that
20 he's a personal friend.

21 9305 MR. PRATTE: I mean it. Did you mean
22 it?

23 9306 MR. SCHREIBER: When I speak to --

24 9307 MR. PRATTE: When I speak of Mr.
25 Wolson as my friend, I mean it. Did you mean it when

1 you were writing Mr. McKnight and calling him your
2 friend?

3 9308 MR. SCHREIBER: Well, the question
4 is, what do you understand on the friend? I think that
5 Mr. Mulroney was a complete different friend to me than
6 Mr. McKnight.

7 9309 Now, if you want, we can put grades
8 on it: Friend No. 1, No. 2, No. 3 -- in quality.

9 9310 MR. PRATTE: Mr. McKnight said that
10 he didn't consider you his friend.

11 9311 MR. SCHREIBER: It's up to him.

12 9312 MR. PRATTE: Were you a friend of
13 Alexander Haig?

14 9313 MR. SCHREIBER: Yes.

15 9314 MR. PRATTE: A good friend of yours?

16 9315 MR. SCHREIBER: Well, what you
17 understand on the friend business, a friend, yeah.

18 9316 MR. PRATTE: I obviously don't have
19 the same understanding of friendship as you do, sir.

20 9317 MR. SCHREIBER: Well, the
21 understanding that I have of friendship might be
22 completely foreign to yours.

23 9318 MR. PRATTE: Yes, and, unbelievably,
24 that's true.

25 9319 MR. SCHREIBER: Well, then, perhaps

1 you can ask Mr. Mulroney what friend I am to him when
2 you look at --

3 9320 MR. PRATTE: You can ask him when he
4 comes here.

5 9321 MR. SCHREIBER: Yeah.

6 9322 MR. PRATTE: Mr. MacEachen was a good
7 friend of yours?

8 9323 MR. SCHREIBER: He was a friend, yes.

9 9324 MR. PRATTE: Was he a good friend of
10 yours?

11 9325 That's what you said earlier.

12 9326 MR. SCHREIBER: Yes.

13 9327 MR. PRATTE: You wrote him a letter,
14 which was referred to, on the 28th of December 1994.
15 Right?

16 9328 MR. SCHREIBER: Yes.

17 9329 MR. PRATTE: It is contained at
18 Volume 1, Tab 104.

19 9330 Do you recall that letter?

20 9331 MR. SCHREIBER: Where is it?

21 9332 MR. PRATTE: CB-1 -- Volume No. 1 --

22 9333 MR. SCHREIBER: Yes. What tab?

23 9334 MR. PRATTE: Tab 104.

24 9335 MR. SCHREIBER: Yes, I have it.

25 9336 MR. PRATTE: That's a very lengthy

1 letter, isn't it?

2 9337 MR. SCHREIBER: Yes.

3 9338 MR. PRATTE: Did he answer you?

4 9339 MR. SCHREIBER: I think so.

5 9340 MR. PRATTE: You think so.

6 9341 MR. SCHREIBER: Yeah.

7 9342 MR. PRATTE: Do you have Exhibit P-10

8 in front of you?

9 9343 MR. SCHREIBER: Which one?

10 9344 MR. PRATTE: P-10. It is a letter

11 that you wrote on June 13, 1995, to Mr. MacEachen.

12 9345 MR. SCHREIBER: In what tab is that

13 now?

14 9346 MR. PRATTE: P-10. You just received

15 them after the lunch break.

16 9347 COMMISSIONER OLIPHANT: It is not in

17 a book, Mr. Schreiber.

18 9348 MR. PRATTE: It is a loose document.

19 It is one of the three loose documents you got.

20 9349 MR. SCHREIBER: Okay. Yes?

21 9350 June 19 --

22 9351 MR. PRATTE: June 13, 1995.

23 9352 MR. SCHREIBER: Yes.

24 9353 MR. PRATTE: You write in that

25 letter --

1 9354 Do you have it in front of you now,
2 P-10?
3 9355 MR. SCHREIBER: Yes.
4 9356 MR. PRATTE: You wrote that letter to
5 Mr. MacEachen --
6 9357 MR. SCHREIBER: Yes.
7 9358 MR. PRATTE: -- about six months
8 after you had written your long letter of December '94?
9 9359 MR. SCHREIBER: Yes.
10 9360 MR. PRATTE: You say:
11 "Dear Allan,
12 I am disappointed that I haven't
13 heard from you regarding my
14 letter of December 28, 1994."
15 9361 MR. SCHREIBER: Yes.
16 9362 MR. PRATTE: So he didn't respond
17 immediately to that seven-page opus, did he?
18 9363 MR. SCHREIBER: Yes.
19 9364 MR. PRATTE: Your good friend.
20 9365 MR. SCHREIBER: Yes.
21 9366 MR. PRATTE: He didn't respond, you
22 agree with me.
23 9367 MR. SCHREIBER: Well, when he
24 received the letter, I understand that he had to do
25 some researching on it; not very difficult for me to

1 understand.

2 9368 MR. PRATTE: Okay. Then he responded
3 about two months later, which is P-11, on August 10th,
4 1995.

5 9369 MR. SCHREIBER: Yes.

6 9370 MR. PRATTE: And, basically, there he
7 told you that he didn't think his services would be
8 needed to help you on your project.

9 9371 Isn't that right?

10 9372 MR. SCHREIBER: Yes.

11 9373 He said that at the moment it would
12 be counterproductive for me -- at the moment -- because
13 he refers to Marc Lalonde.

14 9374 MR. PRATTE: Right.

15 9375 MR. SCHREIBER: And since Marc
16 Lalonde had already the mandate, he thought it would be
17 counterproductive, because he believed that Marc
18 Lalonde would be the best advocate we could have for
19 the project.

20 9376 MR. PRATTE: Let's look at that
21 letter again, the original letter that you sent asking
22 for his help, which he took several months to answer.

23 9377 MR. SCHREIBER: Yes.

24 9378 MR. PRATTE: It is the letter of
25 December 28, 1994.

1 9379 MR. SCHREIBER: Yes?

2 9380 MR. PRATTE: That's an 11-page letter
3 that you wrote.

4 9381 MR. SCHREIBER: Yes.

5 9382 MR. PRATTE: Do you have it in front
6 of you?

7 9383 MR. SCHREIBER: Yes.

8 9384 MR. PRATTE: In that letter --
9 everyone, I am sure, has read it -- you deplore the
10 state of the military and the fact that Canadian
11 soldiers are being exposed to dangerous situations.
12 9385 Is that not correct?

13 9386 MR. SCHREIBER: Yes.

14 9387 MR. PRATTE: And you say, yourself,
15 that you are preoccupied with the life of soldiers.
16 Right?

17 9388 MR. SCHREIBER: Yes.

18 9389 MR. PRATTE: And you said that in a
19 lot of correspondence that we have seen from you.

20 9390 MR. SCHREIBER: Yes.

21 9391 MR. PRATTE: You also say in that
22 letter that you are concerned -- if you look, for
23 example, at pages 6 and 7 -- with the international
24 market --

25 9392 MR. SCHREIBER: Hang on; 57?

1 9393 MR. PRATTE: At pages 6 and 7 of that
2 letter you talk about the international market --
3 9394 MR. SCHREIBER: Pages 6 and 7.
4 9395 MR. PRATTE: Right.
5 9396 MR. SCHREIBER: Yes, I gave him a
6 complete overview of the project.
7 9397 MR. PRATTE: Right.
8 9398 MR. SCHREIBER: NATO, the
9 international market -- yes.
10 9399 MR. PRATTE: And you also said in
11 this letter, and other letters, that you were concerned
12 that it was in the interest of Canada to encourage
13 exports. Right?
14 9400 MR. SCHREIBER: Sure.
15 9401 All over. When you depend 85 percent
16 to one client, just down to the south, it's time that
17 you look for some independency, which you cannot
18 achieve with nuclear submarines under the Arctic ice.
19 9402 MR. PRATTE: If you look to page 11
20 of your letter, which is the last page --
21 9403 MR. SCHREIBER: M'hmm.
22 9404 MR. PRATTE: -- you say in the first
23 full paragraph, and I quote:
24 "With regard to me personally
25 you know that I do not need a

1 for peacekeeping."

2 9410 Right?

3 9411 MR. SCHREIBER: Absolutely right.

4 9412 MR. PRATTE: Right, and you smile

5 because you just like to help other people. Right?

6 9413 MR. SCHREIBER: Oh, I would do it

7 tomorrow, if I could -- this same project.

8 9414 MR. PRATTE: This is all altruistic

9 motives to help Canadian soldiers?

10 9415 MR. SCHREIBER: The children or the

11 families of dead soldiers, whatever it is, yes.

12 9416 MR. PRATTE: Right. I have read a

13 lot of your letters and, as Mr. Wolson says, there are

14 a lot of them, and whether it's for obesity -- you are

15 just helping children. Right?

16 9417 MR. SCHREIBER: Yes.

17 9418 MR. PRATTE: Or, here, the project is

18 to help soldiers' lives and exports and industry.

19 9419 MR. SCHREIBER: Yes, and the

20 Canadians which had no jobs in Cape Breton. This is

21 what it was all about when I was asked to come here,

22 because Mr. Mulroney offered three things for Nova

23 Scotia: jobs, jobs, jobs.

24 9420 MR. PRATTE: Right.

25 9421 MR. SCHREIBER: This is why I came.

1 I did not come here because I woke up one morning and I
2 thought that I should go to Cape Breton.

3 9422 MR. PRATTE: Is there any document
4 that you have ever written where you disclosed that you
5 had a very significant economic interest in the outcome
6 of this project, to the tune of \$1.8 billion?

7 9423 MR. SCHREIBER: Whether I have
8 disclosed such a document?

9 9424 MR. PRATTE: Yeah. You always say
10 that it's for other people; do you ever say what the
11 real truth is, "I stand to make \$1.8 billion if this
12 project works out"?

13 9425 MR. SCHREIBER: Oh, yes, because the
14 whole projects -- whatever I was involved in, with the
15 support of the German government, besides this, was to
16 use projects to get financing for the parties, too.

17 9426 MR. PRATTE: No, no, no, no, Mr. --

18 9427 MR. SCHREIBER: Oh, sure.

19 9428 MR. PRATTE: Mr. Schreiber, listen to
20 my question.

21 9429 MR. SCHREIBER: Yes.

22 9430 MR. PRATTE: You told us that you
23 have produced every document that was relevant to this
24 inquiry. Right?

25 9431 MR. SCHREIBER: Yes.

1 9432 MR. PRATTE: You told us that at the
2 outset.

3 9433 MR. SCHREIBER: Right, yeah.

4 9434 MR. PRATTE: I have read a lot of
5 your letters, backwards, frontwards and sideways --

6 9435 MR. SCHREIBER: Yes?

7 9436 MR. PRATTE: -- and I don't remember
8 a single one where you say, "The reason I am interested
9 in this project" -- whether it be obesity or the TH-495
10 project -- saying, "and, by the way, I stand to make
11 more than a billion dollars."
12 9437 You never disclose your self-economic
13 interest, do you?

14 9438 MR. SCHREIBER: Well, I would think,
15 when you advertise your job, that you speak about your
16 professional job, but you would not say that you make
17 \$2 million a year.

18 9439 MR. PRATTE: You told Mr. MacEachen
19 that you don't need this job for economic reasons. I
20 just read you the paragraph --

21 9440 MR. SCHREIBER: Absolutely, I had
22 enough to live, and I had a wonderful life before I
23 came here and got really messed up with this Canadian
24 event.

25 9441 MR. PRATTE: So all of this is always

1 for altruistic purposes, never for Karlheinz Schreiber.

2 9442 MR. SCHREIBER: Oh, no, I have never

3 claimed that I am only a mere samurai or Jesus Christ.

4 Come on, don't do this to me.

5 9443 MR. PRATTE: So when you claim that

6 you have these altruistic motives --

7 9444 MR. SCHREIBER: Yes.

8 9445 MR. PRATTE: -- we should never

9 neglect the fact that there is also something in it for

10 Karlheinz Schreiber.

11 9446 MR. SCHREIBER: Sure, if it had come

12 to life, then the whole thing would have been a

13 success, and I would have been able to get this amount

14 of exports for Canada -- \$360 billion. Can you imagine

15 how happy people would be today if they would have that

16 kind of jobs?

17 9447 What are you talking about?

18 9448 MR. PRATTE: And you would be very

19 happy and an extraordinarily rich man, would you not?

20 9449 MR. SCHREIBER: Oh, absolutely, but

21 people know that, personally, I don't care too much

22 about money.

23 9450 But what are we talking about?

24 9451 MR. PRATTE: You don't care about

25 money?

1 9452 MR. SCHREIBER: Not that much.

2 9453 MR. PRATTE: You didn't care about
3 the \$1.8 billion?

4 9454 MR. SCHREIBER: No, I could have
5 helped a lot with that. Even from the interest I could
6 have financed social unions for the next 500 years.

7 9455 Look, you speak about the world you
8 don't know about.

9 9456 COMMISSIONER OLIPHANT: Mr.
10 Schreiber, had you ever disclosed, before you gave
11 evidence before me, that you stood to make \$1.8 billion
12 if things had come together?

13 9457 Had you ever disclosed that to
14 anyone, at any time?

15 9458 MR. SCHREIBER: Commissioner, I
16 never -- I never run around and tell people what
17 business I do.

18 9459 The Canadian officials or the German
19 officials have seized my homes, have all my documents,
20 and since they are able to read, they could read by
21 themselves what it is. I am not running around and
22 advertising my business.

23 9460 COMMISSIONER OLIPHANT: So the answer
24 to my question is, no, you have never disclosed it to
25 anyone until now?

1 9461 MR. SCHREIBER: To anyone would be
2 not right. My business friends would know.

3 9462 COMMISSIONER OLIPHANT: Your business
4 friends.

5 9463 MR. SCHREIBER: Yeah.

6 9464 MR. PRATTE: At all times, Mr.
7 Schreiber, though, we should keep in mind that,
8 whatever altruistic motives you market, whether it's to
9 help Canadian soldiers or whatever it is, there is also
10 something else in it for Karlheinz Schreiber that you
11 are not prepared to reveal.

12 9465 Is that not right?

13 9466 MR. SCHREIBER: Why would I not
14 reveal it? But I am not --

15 9467 MR. PRATTE: Well, you didn't.

16 9468 MR. SCHREIBER: -- advertising it.
17 9469 Are you advertising your business?
18 9470 What are we talking about?

19 9471 MR. PRATTE: Mr. Schreiber, you have
20 conceded to the Commissioner that you haven't revealed
21 this, it's your business; right?

22 9472 The money that you were going to
23 make, you did not reveal it.

24 9473 MR. SCHREIBER: I revealed it to the
25 Commissioner --

1 9474 MR. PRATTE: You did now. I guess
2 that's why we waited for the Commission of Inquiry.

3 9475 MR. SCHREIBER: Look, there are so
4 many grateful people; why don't you ask, then, your
5 client why he was so grateful to me? I helped him,
6 too --

7 9476 MR. PRATTE: Mr. Schreiber, answer my
8 questions. Your lawyer will have a chance to ask
9 questions of Mr. Mulroney.

10 9477 MR. SCHREIBER: Good. Not just
11 because we spoke about that, I like to help people.
12 That's correct -- including your client.

13 9478 MR. PRATTE: Excuse me?
14 9479 You don't act only to help people.
15 Is that what you said?

16 9480 MR. SCHREIBER: I love it. I love to
17 help people.

18 9481 MR. PRATTE: But you also like to
19 help yourself money-wise.

20 9482 MR. SCHREIBER: If you want to help
21 people, you have to have resources to do it, or you
22 have to steal it from somebody else. Isn't that
23 simple?

24 9483 MR. PRATTE: Mr. Schreiber --

25 9484 MR. SCHREIBER: Yes?

1 9485 MR. PRATTE: -- you like to help
2 yourself. Is that not right?

3 9486 MR. SCHREIBER: I am very ambitious.
4 I am very ambitious in my business, and the outcome, as
5 a positive result in a business, is the income.

6 9487 MR. PRATTE: Right.

7 9488 MR. SCHREIBER: That's the proof of
8 success.

9 9489 Are you with me?

10 9490 MR. PRATTE: So you weren't doing
11 this as a charitable act.

12 9491 MR. SCHREIBER: Please?

13 9492 MR. PRATTE: You did not do this --
14 engage in these ventures as a charitable act, there was
15 a lot in it for you. Correct?

16 9493 MR. SCHREIBER: If it would have
17 succeeded, yes. Yes, absolutely, for each and
18 everybody involved.

19 9494 MR. PRATTE: Now, you spoke to Mr.
20 Wolson about the evolution of the project -- it's the
21 Bear Head Project that I am talking about.

22 9495 MR. SCHREIBER: Yes.

23 9496 MR. PRATTE: Do you remember that?

24 9497 MR. SCHREIBER: Yes.

25 9498 MR. PRATTE: I think you agreed with

1 him that by 1992 or so the project, as it had
2 originally been conceived in Nova Scotia, was dead.

3 9499 Do you remember that?

4 9500 It was moving to Quebec, as an idea.

5 9501 MR. SCHREIBER: No, that was the
6 recommendation of Mr. Mulroney.

7 9502 MR. PRATTE: And Mr. Lalonde. He
8 testified to that effect.

9 9503 MR. SCHREIBER: No, Mr. Lalonde was
10 not involved in the decision to move the project to
11 Montreal.

12 9504 You must understand what problem that
13 was, when, for years, you go with all the political
14 support of ministers, including the Prime Minister, to
15 the Province of Nova Scotia, and you tell the people,
16 "We bring you the job," and then you take it away from
17 them and bring it to Quebec.

18 9505 You might have not been old enough
19 that you knew, or know still, what problem this was
20 when Mr. Mulroney moved --

21 9506 MR. PRATTE: Mr. Schreiber --

22 9507 MR. SCHREIBER: -- when Mr. Mulroney
23 moved the project from Manitoba -- from Bristol to
24 Quebec.

25 9508 It's a huge political problem.

1 9509 MR. PRATTE: What does that have to
2 do with moving the project from Nova Scotia to Quebec?
3 9510 You said to Mr. Wolson -- and the
4 transcript will prove it -- and you repeated it -- that
5 as of 1992 the project, Bear Head, in Nova Scotia, was
6 dead.

7 9511 Those were your words.

8 9512 MR. SCHREIBER: Yes.

9 9513 MR. PRATTE: Right.

10 9514 MR. SCHREIBER: Yes.

11 9515 MR. PRATTE: There was no question of
12 it being difficult to set up in Nova Scotia, it was
13 dead there, and you say that Mr. Mulroney, then,
14 encouraged you to try in Quebec. Right?

15 9516 MR. SCHREIBER: Yes.

16 9517 MR. PRATTE: All right.

17 9518 MR. SCHREIBER: But he never told me
18 it's dead in Nova Scotia, Mr. Pratte.

19 9519 MR. PRATTE: You knew that it was
20 dead in Nova Scotia.

21 9520 MR. SCHREIBER: No, Mr. MacKay --
22 9521 You will get upset, because even Mr.
23 MacKay and Mr. Doucet told you that they never learned
24 from Mr. Mulroney that the project was dead.

25 9522 MR. PRATTE: I am not talking about

1 dead totally, I am talking about it being moved from
2 Nova Scotia to Quebec.

3 9523 You said to Mr. Wolson that you knew
4 in 1992 that Nova Scotia wasn't going to work, and you
5 said that this was when Mr. Mulroney suggested that it
6 be moved -- try it in Quebec. Right?

7 9524 MR. SCHREIBER: Well, since the
8 project in Nova Scotia with the province was not -- the
9 agreement with the province was not cancelled, how
10 could I know that a few months later the same
11 politicians would say, "You know what? Now we go to
12 New Brunswick," or, "We go back to Nova Scotia."

13 9525 It depends what the political
14 reaction is.

15 9526 MR. PRATTE: All your efforts turned
16 to Québec in 1992; correct?

17 9527 MR. SCHREIBER: Yes.

18 9528 MR. PRATTE: And then you started to
19 send letters and have meetings with Québec ministers.

20 9529 MR. SCHREIBER: Yes.

21 9530 MR. PRATTE: A hundred per cent of
22 your efforts went to that until Mr. Lalonde concluded
23 his efforts in 1995; correct?

24 9531 You tried to make the project happen
25 in the Province of Québec as of 1992?

1 9532 MR. SCHREIBER: Yes.

2 9533 MR. PRATTE: You talked about not
3 knowing that the project had died or you never being
4 told by Mr. Mulroney. You just referred to that;
5 correct?

6 9534 MR. SCHREIBER: Yes.

7 9535 MR. PRATTE: And I think you went
8 through that a little bit with Mr. Wolson. You said in
9 a letter to Mr. Szabo, March 3, 2008, you only found
10 out when Mr. Spector testified --

11 9536 MR. SCHREIBER: Yes.

12 9537 MR. PRATTE: -- last year; correct?

13 9538 MR. SCHREIBER: Yes.

14 9539 MR. PRATTE: Do you have -- you
15 should have the volume I gave you, Tab 15.
16 9540 This volume, P-9, with the grey --

17 9541 MR. SCHREIBER: Yes.

18 --- Pause

19 9542 MR. PRATTE: This is a letter on the
20 letterhead of McCarthy Tétrault. Do you see that?

21 9543 MR. SCHREIBER: Yes.

22 9544 COMMISSIONER OLIPHANT: Which tab?

23 9545 MR. PRATTE: Tab 15,
24 Mr. Commissioner, of Exhibit P-9.

25 9546 This is a letter, a copy of which was

1 sent to you by Mr. Hladun. Is that right?

2 9547 MR. SCHREIBER: Yes.

3 9548 MR. PRATTE: You have seen that

4 letter about that time in 1999?

5 9549 MR. SCHREIBER: I don't know when I

6 received it from Mr. Hladun.

7 9550 MR. PRATTE: You didn't see it at

8 that time?

9 9551 MR. SCHREIBER: I'm not sure.

10 Unfortunately, I cannot see the date on the top.

11 Perhaps you have a copy where it is on.

12 9552 MR. PRATTE: We will ask him when he

13 comes here.

14 9553 Could you go to page 2.

15 9554 MR. SCHREIBER: Yes.

16 9555 MR. PRATTE: The firm McCarthy

17 Tétrault, Mr. Tremblay is writing to the Commissioner

18 of the RCMP in respect to the progress of the

19 investigation; right?

20 9556 MR. SCHREIBER: Yes.

21 9557 MR. PRATTE: And he says, page 2,

22 towards the bottom of the page in respect to the Bear

23 Head contract:

24 "In fact, our client canceled

25 the contract between the

1 government and the promoters."

2 9558 MR. SCHREIBER: Yes.

3 9559 MR. PRATTE: Did you see that?

4 9560 MR. SCHREIBER: Yes.

5 9561 MR. PRATTE: You weren't aware that

6 this was so at that time, in 1999?

7 9562 MR. SCHREIBER: Oh, I was much

8 earlier aware of that. I was aware of that in 1995,

9 when the letter of request was sent to Switzerland.

10 And in that letter of request you can read that

11 Mr. Mulroney killed that project in 1990. I didn't

12 believe it.

13 9563 MR. PRATTE: Did you ask him?

14 9564 MR. SCHREIBER: Please...?

15 9565 MR. PRATTE: Did you ask Mr. Mulroney

16 whether this was true when you read him --

17 9566 MR. SCHREIBER: No.

18 9567 MR. PRATTE: -- the letter of request

19 in 1995?

20 9568 MR. SCHREIBER: No. I didn't even

21 get the idea because he never told me the project is

22 dead. And he didn't tell Mr. MacKay or Mr. Doucet what

23 are you trying to do?

24 9569 MR. PRATTE: I'm talking about what

25 he might have told you and you said --

1 9570 MR. SCHREIBER: What he might have
2 told you, I don't know.

3 9571 MR. PRATTE: Mr. Schreiber, when you
4 got the letter of request --

5 9572 MR. SCHREIBER: Yes.

6 9573 MR. PRATTE: -- you phoned
7 Mr. Mulroney, did you not?

8 9574 MR. SCHREIBER: Yes, I called him.

9 9575 MR. PRATTE: In 1995?

10 9576 MR. SCHREIBER: Yes.

11 9577 MR. PRATTE: And you translated the
12 letter of request to him over the phone?

13 9578 MR. SCHREIBER: Yes, absolutely.

14 9579 MR. PRATTE: And you translated the
15 part where it said he had canceled the project.

16 9580 MR. SCHREIBER: Yes.

17 9581 MR. PRATTE: Is that not right?

18 9582 MR. SCHREIBER: Yes, but I --

19 9583 MR. PRATTE: You didn't ask him then;
20 is that true or not?

21 9584 MR. SCHREIBER: Not at all.

22 9585 MR. PRATTE: All right.

23 9586 MR. SCHREIBER: Because for me it was
24 impossible to believe that he would have canceled the
25 project and two years later he goes with me to

1 Mr. Tellier and negotiates the same thing. I never
2 thought that he would be that double-faced, if you want
3 to know from me how I feel about it.

4 9587 MR. PRATTE: Well, you told him how
5 you felt about it in a letter of January 29, 2007.

6 9588 Would you go to Volume 4 in the
7 Commission binders, Tab 37.

8 9589 MR. SCHREIBER: Four, Tab 27?

9 9590 MR. PRATTE: Thirty-seven.

10 9591 MR. SCHREIBER: Thirty-seven, okay.
11 9592 January 29, 2007.

12 9593 MR. PRATTE: That's your letter?

13 9594 MR. SCHREIBER: Sure.

14 9595 MR. PRATTE: Well, yes?

15 9596 MR. SCHREIBER: Yes.

16 9597 MR. PRATTE: It's on your letterhead.

17 9598 MR. SCHREIBER: Yes.

18 9599 MR. PRATTE: And what is in it is
19 true?

20 9600 MR. SCHREIBER: Why wouldn't it?

21 9601 MR. PRATTE: Yes indeed, I wonder,
22 after what I heard this morning.

23 9602 Let's go to page 3.

24 9603 MR. SCHREIBER: Yes...?

25 9604 MR. PRATTE: You say, in the second

1 first full paragraph --

2 9605 MR. SCHREIBER: Yes...?

3 9606 MR. PRATTE: -- do you see that?

4 "During the year 2001 I could

5 read in Stevie Cameron's book

6 'The last Amigo' on page 260..."

7 9607 MR. SCHREIBER: Yes.

8 9608 MR. PRATTE:

9 "... that Norman Spector told

10 RCMP officers : Prime Minister

11 Brian Mulroney killed the

12 Thyssen project in 1990 or

13 1991."

14 9609 MR. SCHREIBER: Yes.

15 9610 MR. PRATTE: Right?

16 9611 MR. SCHREIBER: Yes.

17 9612 MR. PRATTE: So you knew that as of

18 2001.

19 9613 MR. SCHREIBER: No.

20 9614 MR. PRATTE: That's what it says

21 right there.

22 9615 MR. SCHREIBER: I know it since 1995,

23 the same phrase. It is from the letter of request.

24 9616 MR. PRATTE: No, no. You say you

25 read in 2001 -- you don't talk about 1995. You read

1 that Norman Spector, the same person who testified and
2 from whom you say you just learned it last year --

3 9617 MR. SCHREIBER: Yes.

4 9618 MR. PRATTE: -- he had told the RCMP
5 that Prime Minister Mulroney had killed the project in
6 1991. You say that in 2001 you knew that.

7 9619 MR. SCHREIBER: Whether you like it
8 or not, I knew it from 1995, from the documents around
9 the investigation. When you check it, you will find
10 it.

11 9620 And I didn't believe it and Elmer
12 didn't believe it and Fred didn't believe it. Nobody
13 believed it.

14 9621 MR. PRATTE: And you didn't believe
15 it when you read it in 2001?

16 9622 MR. SCHREIBER: No. It was old news
17 for me.

18 9623 MR. PRATTE: The project by the time
19 Mr. Mulroney left office didn't proceed, did it?

20 9624 MR. SCHREIBER: H'm?

21 9625 MR. PRATTE: The Bear Head Project,
22 by the time Mr. Mulroney left office, did not proceed?

23 9626 MR. SCHREIBER: Sure it did.

24 9627 MR. PRATTE: The Bear Head Project?

25 9628 MR. SCHREIBER: Yes.

1 9629 MR. PRATTE: In 1993?

2 9630 MR. SCHREIBER: Yes.

3 9631 MR. PRATTE: It happened?

4 9632 MR. SCHREIBER: It proceeded.

5 9633 MR. PRATTE: It did not happen,
6 didn't become concrete --

7 9634 MR. SCHREIBER: It did not happen
8 then, no.

9 9635 MR. PRATTE: Mr. Mulroney could not
10 make it happen while he was in power; correct?

11 9636 MR. SCHREIBER: Yes.

12 9637 MR. PRATTE: Would I be correct to
13 assume that Mr. Mulroney agreed with the advice of the
14 civil service and DND that it should not proceed?

15 9638 MR. SCHREIBER: How did I know if he
16 never told me? I didn't care.

17 9639 MR. PRATTE: Well, if it didn't
18 happen --

19 9640 MR. SCHREIBER: Mr. Pratte, I didn't
20 care about the officials, I will tell you quite
21 frankly. As long as you have the word from the boss,
22 why would I run around and ask everybody around in the
23 House how they feel about it? It's not my world that I
24 live in.

25 --- Pause

1 9641 MR. PRATTE: The meeting at
2 Harrington Lake -- could we look at Volume 2? I would
3 like to look at some pages of your diaries.

4 9642 MR. SCHREIBER: Volume No. 2?

5 9643 MR. PRATTE: Yes, Tab 146I.

6 9644 MR. SCHREIBER: Yes. It starts with
7 "A"?

8 9645 MR. PRATTE: Start with June 17. Are
9 you there?

10 9646 MR. SCHREIBER: Mr. Pratte, when you
11 say 146...?

12 9647 MR. PRATTE: 146I. Do you have
13 excerpts from your diaries?

14 9648 MR. SCHREIBER: "I". Here we go.
15 1993, yes.

16 9649 MR. PRATTE: You see there is an
17 entry in the margin, the left-hand side margin?

18 9650 MR. SCHREIBER: Which one?

19 9651 MR. PRATTE: June 17.

20 9652 Do you have a date for June 17, or a
21 page for June 17?

22 9653 MR. SCHREIBER: June 17, yeah.

23 9654 MR. PRATTE: I read there
24 "Fred-Elmer-Fred meeting PM or tel(ephone)?"

25 9655 MR. SCHREIBER: Yes.

1 9656 MR. PRATTE: That's your handwriting?
2 9657 MR. SCHREIBER: Yes.
3 9658 MR. PRATTE: Am I right to suggest at
4 that time you did not know whether you might have a
5 meeting or a telephone conversation with Mr. Mulroney?
6 9659 MR. SCHREIBER: No. I think it might
7 have been only that I wanted to talk with him about it.
8 9660 MR. PRATTE: You wanted to talk with
9 him --
10 9661 MR. SCHREIBER: It could also be that
11 at that time I did not have the date fixed. It could
12 be.
13 9662 MR. PRATTE: All right. You were
14 trying to arrange a meeting with Mr. Mulroney. Is that
15 right?
16 9663 MR. SCHREIBER: Yes.
17 9664 MR. PRATTE: Right. And ultimately
18 it is that initial contact from you that led to the
19 meeting at Harrington Lake?
20 9665 MR. SCHREIBER: Yes.
21 9666 MR. PRATTE: Now, you said to
22 Mr. Wolson that at Harrington Lake you made an
23 agreement in principle with Mr. Mulroney; right?
24 9667 MR. SCHREIBER: Yes.
25 9668 MR. PRATTE: Could you take up --

1 because I would like to give you the chance to explain
2 this to me -- the Eurocopter transcript for November
3 24th.

4 9669 It is at the third volume, Tab 11 of
5 the Eurocopter transcript.

6 9670 MR. SCHREIBER: Which Volume is it,
7 please? What binder?

8 9671 MR. PRATTE: Three.

9 --- Pause

10 9672 COMMISSIONER OLIPHANT: Which tab?

11 9673 MR. PRATTE: It's Tab 11,
12 Mr. Commissioner.

13 --- Pause

14 9674 MR. SCHREIBER: Yeah. Yes.

15 9675 MR. PRATTE: Page 55.

16 9676 MR. SCHREIBER: Which one?

17 9677 MR. PRATTE: Fifty-five. Is it
18 paginated at the top?

19 9678 MR. SCHREIBER: Let me see whether I
20 can find it. 50, 56 -- 55.

21 9679 MR. PRATTE: Right.

22 9680 MR. SCHREIBER: Yes.

23 9681 MR. PRATTE: It starts at the top
24 with Mr. Bernstein saying "Okay". Are we on the same
25 page?

1 9682 MR. SCHREIBER: "Okay", no.
2 9683 MR. PRATTE: No?
3 9684 MR. SCHREIBER: "The payment of ..."
4 9685 MR. PRATTE: Excuse me, sir?
5 9686 COMMISSIONER OLIPHANT: November 24.
6 9687 MR. PRATTE: November 24?
7 9688 MR. SCHREIBER: Binder 3 of 3?
8 9689 MR. PRATTE: Yes, Tab 11.
9 9690 MR. SCHREIBER: Page 54.
10 9691 MR. PRATTE: Fifty-five.
11 9692 COMMISSIONER OLIPHANT: Just a
12 minute.
13 9693 MR. SCHREIBER: Page 55: "The payment
14 of prohibited commissions is clearly..."
15 9694 COMMISSIONER OLIPHANT: It's Tab 11.
16 9695 MR. SCHREIBER: Tab 11.
17 9696 COMMISSIONER OLIPHANT: Yes. Now go
18 to page 55. Okay?
19 9697 MR. SCHREIBER: Now I have it coming,
20 yes.
21 9698 COMMISSIONER OLIPHANT: Okay.
22 9699 MR. PRATTE: All right. The first
23 line should read "MR. BERNSTEIN: Okay."
24 9700 MR. SCHREIBER: Yes.
25 9701 MR. PRATTE: All right. I think this

1 is what you were referring to a little earlier today,
2 that there were objections that were going back and
3 forth as to whether you could be asked some questions
4 about your relationship with Mr. Mulroney beyond MBB;
5 correct?

6 9702 MR. SCHREIBER: Yes.

7 9703 MR. PRATTE: And there is a
8 discussion between Mr. Bernstein, the Court and
9 Mr. Shavis who was representing Eurocopter; right?

10 9704 MR. SCHREIBER: Yes.

11 9705 MR. PRATTE: And we see Mr.
12 Bernstein -- I won't read the whole thing, but if you
13 look at page 55 -- recounting an exchange that had
14 taken place on September 22nd where he is quoting from,
15 pages 110 and 111. Do you see that?

16 9706 Look at the second and third lines at
17 the top of the page. He is referring back to that
18 discussion.

19 9707 MR. SCHREIBER: Transcript of
20 September 22 --

21 9708 MR. PRATTE: Right.

22 9709 MR. SCHREIBER: -- at page --

23 9710 MR. PRATTE: One hundred and ten. Do
24 you see that?

25 9711 MR. SCHREIBER: Yes.

1 9712 MR. PRATTE: He is referring back to
2 that discussion which -- because they had had an
3 argument over this before; right?

4 9713 MR. SCHREIBER: Okay. Yes.

5 9714 MR. PRATTE: Do you see that?

6 9715 MR. SCHREIBER: Yes.

7 9716 MR. PRATTE: And as he is continuing
8 to read this, if you go over leaf to page 56 --

9 9717 MR. SCHREIBER: Yes...?

10 9718 MR. PRATTE: -- Mr. Bernstein
11 continues, because he wants to ask you some more
12 questions about your relationship with Mr. Mulroney;
13 right?

14 9719 MR. SCHREIBER: Yes.

15 9720 MR. PRATTE: And he is quoting
16 Mr. Shavis and then he says, about five lines down on
17 page 56:

18 "Mr. Schreiber says..."

19 9721 And then he quotes you; right?

20 9722 MR. SCHREIBER: Yes.

21 9723 MR. PRATTE: Quote:

22 "I wonder why you don't simply
23 say whether Brian Mulroney was
24 engaged and hired me after he
25 was the Prime Minister of

1 Canada. The whole world knows
2 it." (As read)

3 9724 Do you see that?

4 --- Pause

5 9725 MR. SCHREIBER: Hired me?

6 9726 MR. PRATTE: You said that, didn't
7 you?

8 9727 MR. SCHREIBER: But this is a
9 question as I read it --

10 9728 MR. PRATTE: He's reading from an
11 earlier passage, sir, and he's quoting what you said at
12 that time.

13 9729 MR. SCHREIBER: "Mr. Schreiber says:
14 I wonder why don't you simply
15 say whether Mr. Mulroney was
16 engaged and hired me..."
17 (As read)

18 9730 MR. PRATTE: Let me just find the
19 quote in the actual transcript. Maybe that's easier.

20 9731 MR. SCHREIBER: Me after he was the
21 Prime Minister of Canada.

22 9732 MR. WOLSON: I'm just going to
23 interject.

24 9733 When Mr. Schreiber is moving away
25 from the microphone, I don't know that he is being

1 picked up properly and he should be speaking closer to
2 the microphone if possible.

3 9734 I'm sorry to interrupt.

4 9735 MR. PRATTE: Thank you.

5 9736 MR. SCHREIBER: I have to do my best,
6 Commissioner.

7 9737 MR. PRATTE: Just hold on a second.

8 --- Pause

9 9738 MR. PRATTE: In any event, sir, you
10 then go on -- or the discussion goes on and
11 Mr. Bernstein is finally allowed to ask you some
12 questions about your relationship with Mr. Mulroney.

13 9739 You will see that page 58.

14 9740 MR. SCHREIBER: Fifty-eight, yeah.

15 9741 MR. PRATTE: Okay. You see at the
16 top of page 58 the Court, the judge, is expressing an
17 opinion to Mr. Bernstein as to whether or not he will
18 let him ask you some questions beyond MBB; right?

19 9742 MR. SCHREIBER: Yes.

20 9743 MR. PRATTE: And he says, about six
21 or seven lines down from the top:

22 "It seems to me that we are
23 going very, very slowly nowhere
24 at this point in time. I take
25 it it is not controversial from

1 the answer that Mr. Schreiber
2 hired Mr. -- from the answer
3 that Mr. Schreiber hired Mr.
4 Mulroney sometime in 1993."
5 (As read)

6 9744 MR. SCHREIBER: Yes.

7 9745 MR. PRATTE: Right. You made that
8 clear.

9 9746 MR. SCHREIBER: Yes.

10 9747 MR. PRATTE: Right. And that had
11 nothing to do with MBB.

12 9748 MR. SCHREIBER: This is what the
13 court understood.

14 9749 MR. PRATTE: Right. Well, let's go
15 on.

16 9750 And then he is then asking you about
17 your relationship with Mr. Mulroney beyond MBB; right?

18 9751 We see that page 59, at the bottom.

19 9752 He asks you, finally asks you the
20 question he has been wanting to ask you, Mr. Bernstein,
21 about seven or eight lines from the bottom of page 59.

22 9753 MR. SCHREIBER: Yes, I think so.

23 9754 MR. PRATTE: Here is the question:
24 "Have you subsequently hired any
25 government officials who were

1 part of the government, elected
2 government officials who were
3 part of the government between
4 '85 and '93 and you subsequently
5 hired them." (As read)

6 9755 Do you see that?

7 9756 MR. SCHREIBER: Yes.

8 9757 MR. PRATTE: He is asking you whether
9 you have hired anyone from the government after they
10 left government in '93; right?

11 9758 MR. SCHREIBER: Yes.

12 9759 MR. PRATTE: And you say, Answer:
13 "No, not between -- in '93 --"

14 9760 Question:
15 "In '93?"

16 9761 You say: "Yes."

17 9762 Question:
18 "When in '93?"

19 9763 You say:
20 "I think it's close to December
21 '93 or maybe '94." (As read)

22 9764 And then you flip over to page 60.

23 9765 MR. SCHREIBER: Yes.

24 9766 MR. PRATTE: Mr. Schreiber, page 60?

25 9767 MR. SCHREIBER: Yes.

1 9768 MR. PRATTE: You were asked by the
2 court:
3 "Who was that, sir?"
4 9769 And you say:
5 "This was Mr. Mulroney."
6 (As read)
7 9770 At the top of page 60.
8 9771 MR. SCHREIBER: Yes. Yes, I see
9 that.
10 9772 MR. PRATTE: Okay. So what you are
11 telling the court is that after '93 or subsequently to
12 these people being in government, and the only person
13 you are mentioning is Mr. Mulroney, you hired
14 Mr. Mulroney; right?
15 9773 MR. SCHREIBER: Yes.
16 9774 MR. PRATTE: And then if you go down
17 the page a bit --
18 9775 MR. SCHREIBER: Yes...?
19 9776 MR. PRATTE: -- Mr. Bernstein
20 continues.
21 9777 MR. SCHREIBER: Yes...?
22 9778 MR. PRATTE:
23 "Was there any discussion
24 respecting the hiring before
25 January of '94?" (As read)

1 9779 Do you see that?

2 9780 MR. SCHREIBER: Yeah, but before you
3 go to that, you have to look what it says above.

4 9781 MR. PRATTE: It mentions Archer
5 Daniels.

6 9782 MR. SCHREIBER: Yes.

7 9783 MR. PRATTE: And you are going to
8 mention that again in the answer to Mr. Bernstein.

9 9784 MR. SCHREIBER: Yes. This is why I
10 said '94, why I was confused.

11 9785 MR. PRATTE: Right.

12 9786 MR. SCHREIBER: Yeah.

13 9787 MR. PRATTE: But then we go back to
14 '93 and you say "'93 perhaps".

15 9788 MR. SCHREIBER: Yeah.

16 9789 MR. PRATTE: Do you see that?

17 9790 MR. SCHREIBER: Yes.

18 9791 MR. PRATTE:
19 "But I'm not too convinced
20 whether it was this particular
21 case. You asked me whether I
22 did." (As read)

23 9792 MR. SCHREIBER: Yes.

24 9793 MR. PRATTE:
25 "I have many things in mind..."

1 (As read)

2 9794 MR. SCHREIBER: Yes...?

3 9795 MR. PRATTE: Let's read this

4 together, if you don't mind.

5 9796 MR. SCHREIBER: Yes, I know it, what

6 you're talking about.

7 9797 MR. PRATTE:

8 "... and I told you I wanted to

9 hire Mr. Mulroney for

10 Thyssen..."

11 9798 MR. SCHREIBER: Yes...?

12 9799 MR. PRATTE:

13 "... to be doing the same thing

14 he's doing now and it would have

15 been a nice thing to have a

16 previous Canadian Prime Minister

17 on a peacekeeping track for

18 Thyssen product." (As read)

19 9800 MR. SCHREIBER: Yes.

20 9801 MR. PRATTE: And you have testified

21 about that in the last couple of days, why you wanted

22 Mr. Mulroney to help you --

23 9802 MR. SCHREIBER: Yes.

24 9803 MR. PRATTE: -- on the Bear Head

25 Project.

1 9804 MR. SCHREIBER: Yes.

2 9805 MR. PRATTE: And when you're talking
3 about Thyssen here, you mean Thyssen Bear Head?

4 9806 MR. SCHREIBER: Yes.

5 9807 MR. PRATTE: Yes. And in fact the
6 letterhead that you had about '93 was Thyssen Bear
7 Head.

8 9808 MR. SCHREIBER: Yes.

9 9809 MR. PRATTE: In your mind they were
10 one and the same?

11 9810 MR. SCHREIBER: Yes.

12 9811 MR. PRATTE: And then you refer also,
13 if you continue on, to the pasta business; right?

14 9812 MR. SCHREIBER: Yes.

15 9813 MR. PRATTE: And then if you flip
16 over the page, Mr. Bernstein is asking you, because you
17 have said that you had many things in mind, right, at
18 page 60?

19 9814 MR. SCHREIBER: Yes.

20 9815 MR. PRATTE: And so at page 61
21 Mr. Bernstein says: "These thoughts..."

22 9816 Do you see that, the fourth or fifth
23 line, page 61?

24 9817 MR. SCHREIBER: Which one?

25 9818 MR. PRATTE: Page 61, Mr. Bernstein

1 asks you the question five lines from the bottom --
2 from the top.

3 9819 MR. SCHREIBER: Yes. Yes.

4 9820 MR. PRATTE: These thoughts or these
5 ideas that you just mentioned to the page before;
6 right?

7 9821 MR. SCHREIBER: Yes.

8 9822 MR. PRATTE:
9 "-- that you had this plan, what
10 time are we talking about?"

11 9823 And you say and after Mr. Mulroney
12 left government. Do you see that?

13 9824 MR. SCHREIBER: Yes.

14 9825 MR. PRATTE: The question then is:
15 "After he had ceased, after he
16 had stepped down as Prime
17 Minister?"

18 9826 And you say "Yes".

19 9827 Do you see that?

20 9828 MR. SCHREIBER: Yes.

21 9829 MR. PRATTE: So the plan to hire
22 Mr. Mulroney was for after he had stepped down as Prime
23 Minister; right?

24 9830 MR. SCHREIBER: Yes.

25 9831 MR. PRATTE: Yes. Both for the pasta

1 and four Thyssen Bear Head?

2 9832 MR. SCHREIBER: Yes. And the only
3 thing that had materialized at this time, this is why I
4 was not too sure what the answer, was Archer Daniel
5 discussions.

6 9833 MR. PRATTE: Right. But at the time
7 you wanted to hire Mr. Mulroney, because you explained
8 to us nothing materialized in the end.

9 9834 MR. SCHREIBER: Yes.

10 9835 MR. PRATTE: But you wanted to hire
11 him, and your thought was to hire him also for Bear
12 Head.

13 9836 It didn't work out in the end, as you
14 said?

15 9837 MR. SCHREIBER: Yes.

16 9838 MR. PRATTE: But that thought, as you
17 tell Mr. Bernstein, that plan was to hire him after he
18 had stepped down as Prime Minister.

19 9839 MR. SCHREIBER: Sure. I never said
20 anything else.

21 9840 MR. PRATTE: Right. And that's when
22 you hired him, after -- that's when you made the
23 agreement with him, after he had stepped down as Prime
24 Minister?

25 9841 MR. SCHREIBER: Mr. Pratte, this

1 discussion has been on the table so often let me try
2 one more time.

3 9842 When I met Mr. Mulroney at Harrington
4 Lake we spoke about his future and what's going on now
5 and he returns to private business, we agreed when he
6 is not the Prime Minister any more and he is back in
7 Montréal, we are going to do business together and then
8 he offered his help related to Kim Campbell, and so on.

9 9843 Keep in mind there were no enemies
10 talking at that time.

11 9844 MR. PRATTE: We're not talking about
12 enemies, sir.

13 9845 MR. SCHREIBER: Yeah.

14 9846 MR. PRATTE: The agreement you made
15 with Mr. Mulroney to help you on Bear Head was made
16 after he stepped down as Prime Minister.

17 9847 MR. SCHREIBER: Absolutely. It was
18 made in Mirabel.

19 9848 MR. PRATTE: It was made in Mirabel?

20 9849 MR. SCHREIBER: Yes.

21 9850 MR. PRATTE: That's when the
22 agreement was finalized?

23 9851 MR. SCHREIBER: Yes, but I --

24 9852 MR. PRATTE: That's when it was made?

25 9853 MR. SCHREIBER: Mr. Pratte, I never

1 said anything else.

2 9854 MR. PRATTE: Right. That is when the
3 agreement with Mr. Mulrone y was made in respect of Bear
4 Head, at Mirabel.

5 9855 MR. SCHREIBER: Exactly.

6 9856 MR. PRATTE: Correct? Correct?

7 9857 MR. SCHREIBER: Yes.

8 9858 MR. PRATTE: Not at Harrington Lake?

9 9859 MR. SCHREIBER: No.

10 9860 COMMISSIONER OLIPHANT: Mr. Pratte,
11 when you get to a point that would be convenient --

12 9861 MR. PRATTE: I'm conscious of that.
13 I'm getting there, sir, thank you.

14 9862 And your evidence in Eurocopter was
15 true in that respect; right?

16 9863 MR. SCHREIBER: I haven't read it
17 yet.

18 9864 MR. PRATTE: That's what you said.

19 9865 MR. SCHREIBER: I haven't read it
20 yet, but take it was -- I said we agreed to work
21 together when he is out of office and we made the
22 agreement at Mirabel, end of the story.

23 9866 MR. PRATTE: Right. The agreement to
24 work on Bear Head was not made at Harrington Lake; it
25 was made at Mirabel; right?

1 9867 That's what you just said.

2 9868 MR. SCHREIBER: No, no. No, no.

3 9869 Mr. Mulroney offered his help on Bear
4 Head when he is out of office because he will have a
5 preferred position, especially when Kim Campbell is the
6 new Prime Minister, and he expected her to win another
7 majority.

8 9870 But regardless what it was, the
9 discussion at Harrington Lake was what the hell is
10 going to happen with Bear Head now?

11 9871 MR. PRATTE: So the agreement was
12 made, though, at Mirabel. You said that. That's when
13 he made the contract.

14 9872 MR. SCHREIBER: Yeah. But we made it
15 clear this is what we have in mind and we have to
16 finalize it when I come the next time. And this was in
17 Mirabel.

18 9873 MR. PRATTE: The contract was made --
19 the agreement was made at Mirabel.

20 9874 MR. SCHREIBER: Absolutely.

21 9875 MR. PRATTE: Right. That's not what
22 you said in your affidavit, though, on November 7,
23 2007.

24 9876 MR. SCHREIBER: What have I said?

25 9877 MR. PRATTE: Look at paragraphs 15

1 and 16. You say at paragraph 15 --

2 9878 MR. SCHREIBER: Yeah.

3 9879 MR. PRATTE: -- that you met

4 Mr. Mulroney at Harrington Lake.

5 9880 MR. SCHREIBER: Yes.

6 9881 MR. PRATTE:

7 "It was at this meeting that Mr.

8 Mulroney and I entered into the

9 Agreement."

10 9882 That you are suing on.

11 9883 MR. SCHREIBER: No.

12 9884 MR. PRATTE: Well, that is what you

13 are saying there, sir.

14 9885 MR. SCHREIBER: We entered the

15 agreement to agree --

16 9886 MR. PRATTE: Right.

17 9887 MR. SCHREIBER: -- to work together

18 when we work. These are two agreements: first this

19 agreement to work together when he's out of office; the

20 second is what are the details now.

21 9888 MR. PRATTE: All right. Well, that's

22 not what you say.

23 9889 Look at paragraph 16.

24 9890 MR. SCHREIBER: Yes...?

25 9891 MR. PRATTE: You say:

1 "One of the terms of the
2 Agreement which Mr. Mulroney...
3 was that Mr. Mulroney would
4 perform certain services on my
5 behalf."

6 9892 Et cetera, to establish the Bear Head
7 Industries.

8 9893 The agreement that is described in
9 this affidavit is a complete agreement. It is not an
10 agreement in principle. You never refer to those
11 terms.

12 9894 You are suing on the agreement that
13 you say was made at Harrington Lake in this document,
14 not at Mirabel.

15 9895 And I put it to you, sir, that you
16 did that because you were trying to get the Ontario
17 courts to take jurisdiction at that time.

18 9896 MR. SCHREIBER: No. I'm sorry, I
19 never said anything else and it was never a different
20 understanding with me.

21 9897 MR. PRATTE: Okay.

22 9898 MR. SCHREIBER: We started an
23 agreement to work and the details were discussed in
24 Mirabel.

25 9899 MR. PRATTE: The agreement was made

1 at Mirabel. That's what you just told me.

2 9900 MR. SCHREIBER: The firm agreement to
3 finalize --

4 9901 MR. PRATTE: The firm --

5 9902 MR. SCHREIBER: -- with the money and
6 everything, but we agreed at Harrington Lake that we
7 worked together on the Bear Head Project.
8 9903 What is so complicated with it and
9 what difference does it make? I don't get that.

10 9904 MR. PRATTE: Do you see a reference
11 to an agreement to agree there, an agreement in
12 principle in your affidavit?

13 9905 MR. SCHREIBER: No, but this is my
14 understanding.

15 9906 MR. PRATTE: Well, is that another
16 part of the affidavit that is not quite correct because
17 you didn't have all of the documents?

18 9907 MR. SCHREIBER: No. Nothing was
19 spelled out in different documents and we had no
20 documents in Mirabel at all.

21 9908 MR. PRATTE: Did you draft this or
22 did your lawyers draft this for you?

23 9909 MR. SCHREIBER: My lawyers did this,
24 yes.

25 9910 MR. PRATTE: This is an appropriate

1 time to break, sir

2 9911 MR. SCHREIBER: And let me say
3 something to you, just for your better understanding.
4 In the Detention Centre you are not sitting there and
5 your lawyers can come and do and be there often if they
6 want. It was pretty difficult for that.

7 9912 MR. PRATTE: Take a break. Thank
8 you, sir.

9 9913 COMMISSIONER OLIPHANT: Thank you.
10 9914 We will break until 3:15.

11 --- Upon recessing at 2:55 p.m. / Suspension à 14 h 55
12 --- Upon resuming at 3:15 p.m. / Reprise à 15 h 15

13 9915 COMMISSIONER OLIPHANT: Be seated,
14 please.

15 9916 MR. PRATTE: Mr. Schreiber, just to
16 clarify something we were talking about, could you go
17 in the Euro transcripts, Volume 3?

18 9917 MR. SCHREIBER: Which one?

19 9918 MR. PRATTE: Three of 3.

20 9919 MR. SCHREIBER: Of...?

21 9920 MR. PRATTE: The Eurocopter
22 transcripts.

23 --- Pause

24 9921 MR. SCHREIBER: Yes, I have it now.

25 9922 MR. PRATTE: Tab 9.

1 9923 MR. SCHREIBER: Yes.

2 9924 MR. PRATTE: Page 111. That is the
3 transcript from September 22nd --

4 9925 MR. SCHREIBER: Yes...?

5 9926 MR. PRATTE: -- that was referred to
6 in the other transcript we looked at.

7 9927 If you go to page 111, we will see
8 the actual text of your testimony that was referred to.

9 9928 MR. SCHREIBER: Yes.

10 9929 MR. PRATTE: Are you there?

11 9930 MR. SCHREIBER: Yes.

12 9931 MR. PRATTE: And if you look seven or
13 eight lines down, you start to be asked about whether
14 you hired people after they left government and you
15 see -- you go, I think it's the eighth or ninth line,
16 you say, and I quote:

17 "I wonder why you don't simply
18 say whether Brian Mulroney was
19 engaged and hired by me after he
20 was the Prime Minister of
21 Canada. The whole world knows
22 it." (As read)

23 9932 Do you see that?

24 9933 MR. SCHREIBER: Yes.

25 9934 MR. PRATTE: Okay. So that's what we

1 were talking about that happened at Mirabel?

2 9935 MR. SCHREIBER: Yes.

3 9936 MR. PRATTE: Okay. Thank you.

4 9937 Now, speaking of the meeting at

5 Mirabel, did you give Mr. Mulroney any pamphlets or

6 brochures having to do with the Thyssen -- I think it's

7 called the TH495, the vehicle that was being tested?

8 9938 MR. SCHREIBER: It could be, because

9 I saw in my file somehow a message which had come from

10 Germany to Mr. Doucet and I think Mr. Doucet gave it to

11 me so that I could give it -- or Mr. Alford gave it to

12 me so that I could give it to Mr. Mulroney. It was

13 some new information.

14 9939 MR. PRATTE: Yes.

15 9940 MR. SCHREIBER: It's my recollection.

16 9941 MR. PRATTE: All right. Very good.

17 9942 If you go to this grey binder, light

18 grey binder, P-9 that we marked earlier today, I just

19 wonder whether you could confirm that that is the type

20 of brochures we are talking about?

21 9943 MR. SCHREIBER: Yes.

22 9944 MR. PRATTE: At Tab 20.

23 9945 MR. SCHREIBER: Yes.

24 9946 MR. PRATTE: Can you just flip

25 through this quickly and tell me whether that, to the

1 best of your recollection --

2 9947 MR. SCHREIBER: That looks very
3 familiar to me, yes.

4 9948 MR. PRATTE: Okay. And that was --

5 9949 MR. SCHREIBER: The question was only
6 whether that is the information I recall.

7 --- Pause

8 9950 MR. SCHREIBER: Oh yes. When you
9 look at the end of the information about the
10 equipment --

11 9951 MR. PRATTE: Yes...?

12 9952 MR. SCHREIBER: -- you will see a
13 letter from the 3rd of June '93.

14 9953 MR. PRATTE: The very last page.

15 9954 MR. SCHREIBER: More or less.
16 "The Office of the
17 Undersecretary of Defense in
18 Washington".

19 9955 Do you see that?

20 9956 MR. PRATTE: Yes.

21 9957 MR. SCHREIBER: And the other one
22 where it shows that was from the 21st of May.

23 9958 So that was brand-new material and I
24 take it that that was sent to Mr. Alford and Mr. Alford
25 gave it I think to me so that I could bring it to

1 Mr. Mulroney.

2 9959 MR. PRATTE: Okay. And that
3 information is technical information about the
4 capabilities of the TH495?

5 9960 MR. SCHREIBER: Absolutely.

6 9961 MR. PRATTE: And it lauds its
7 state-of-the-art technology properties and so on.

8 9962 MR. SCHREIBER: Yes.

9 9963 MR. PRATTE: If you go about six or
10 seven pages in from the front of the tab --

11 9964 MR. SCHREIBER: Yes...?

12 9965 MR. PRATTE: -- you see there are
13 various pictures of the TH495.

14 9966 MR. SCHREIBER: The family, yes.

15 9967 MR. PRATTE: Right. Some of which we
16 can see the UN insignia.

17 9968 MR. SCHREIBER: Which one?

18 9969 MR. PRATTE: You can see the UN logo
19 on these pictures? If you go six or seven pages in,
20 there is one page that is entitled "The Henschel
21 Defence Technology, the TH495, infantry combat vehicle
22 ICV".

23 9970 MR. SCHREIBER: ICV, yes.

24 9971 MR. PRATTE: Yes. And you see the UN
25 logo on the picture?

1 9972 MR. SCHREIBER: UN, yes.

2 9973 MR. PRATTE: Okay. And if you flip a
3 couple of other pages, or the next page also, the UN
4 logo.

5 9974 Maybe Mr. Hughes could help you find
6 it.

7 9975 MR. SCHREIBER: Oh yeah. I think
8 this is more or less a brochure on the --

9 9976 MR. PRATTE: Right. Right.

10 9977 MR. SCHREIBER: -- TH49 infantry
11 combat vehicle ICV for UN purposes.

12 9978 MR. PRATTE: Right.

13 9979 MR. SCHREIBER: Yes.

14 9980 MR. PRATTE: And so because these
15 vehicles, amongst other things, could be used in
16 peacekeeping missions sponsored by the UN; right?

17 9981 MR. SCHREIBER: Well, it was designed
18 for that with the Canadian generals.

19 9982 MR. PRATTE: Right. Thank you.

20 --- Pause

21 9983 MR. PRATTE: Would you go now to
22 Commission Book No. 3, Tab 14?

23 9984 MR. SCHREIBER: Tab 14?

24 9985 MR. PRATTE: Yes.

25 9986 MR. SCHREIBER: Yes.

1 9987 MR. PRATTE: These should be notes of
2 an interview that you gave Mr. Kaplan.

3 9988 MR. SCHREIBER: Yes.

4 9989 MR. PRATTE: If you go about three
5 pages in, you will see that the pages are paginated at
6 the top, number three.

7 9990 MR. SCHREIBER: Yes.

8 9991 MR. PRATTE: And if you go to the
9 ninth line --

10 9992 MR. SCHREIBER: Nine, yes.

11 9993 MR. PRATTE: -- you say:
12 "After Brian Mulroney left
13 office I hoped to get his
14 support that the Bearhead
15 project would go ahead."

16 9994 That's what we have talked about and
17 resulted in the agreement at Mirabel; right?

18 9995 MR. SCHREIBER: Yes.

19 9996 MR. PRATTE:
20 "The previous Prime Minister of
21 Canada, namely Mulroney, in my
22 opinion would have been a good
23 representative of Thyssen."

24 9997 Do you see that?

25 9998 MR. SCHREIBER: Yes.

1 9999 MR. PRATTE:
2 "A value added representative to
3 support the sale of peacekeeping
4 and environmental protection
5 equipment out of Canada."
6 10000 MR. SCHREIBER: Yes.
7 10001 MR. PRATTE: Did you say that to
8 Mr. Kaplan?
9 10002 MR. SCHREIBER: I'm convinced, yes.
10 10003 MR. PRATTE: You said that?
11 10004 MR. SCHREIBER: Yes.
12 10005 MR. PRATTE: Thank you.
13 10006 Now, the Britan account, do you know
14 what that is?
15 10007 MR. SCHREIBER: I never heard about
16 it.
17 10008 MR. PRATTE: Never heard about it.
18 10009 MR. SCHREIBER: No.
19 10010 You mean the Britan account in
20 Switzerland from the bank account?
21 10011 MR. PRATTE: Yes.
22 10012 MR. SCHREIBER: Yes.
23 10013 MR. PRATTE: That didn't refer to
24 Brian Mulroney, did it?
25 10014 MR. SCHREIBER: Well, it is referred

1 to Breton and Brian.

2 10015 MR. PRATTE: It referred to
3 Mr. Mulroney?

4 10016 MR. SCHREIBER: Yes. Breton and
5 Brian, the project and Brian Mulroney.

6 10017 MR. PRATTE: Can you go to Commission
7 binder number 3, Tab 2.

8 10018 MR. SCHREIBER: Commission binder No.
9 2?

10 10019 MR. PRATTE: Three, Tab 2.

11 10020 MR. SCHREIBER: Yes. "Dear Mr.
12 Henry", yes.

13 10021 MR. PRATTE: Excuse me?

14 10022 MR. SCHREIBER: Yes.

15 --- Pause

16 10023 MR. PRATTE: Do you see a letter from
17 Mr. Edward Greenspan --

18 10024 MR. SCHREIBER: Yes.

19 10025 MR. PRATTE: -- dated October 20,
20 1999?

21 10026 MR. SCHREIBER: Yes.

22 10027 MR. PRATTE: This was a letter sent
23 to the CBC?

24 10028 MR. SCHREIBER: Yes.

25 10029 MR. PRATTE: Around the time that the

1 October 1999 Fifth Estate program is going to air;
2 correct?

3 10030 MR. SCHREIBER: Yes.

4 10031 MR. PRATTE: At page 2, the
5 penultimate paragraph.

6 10032 MR. SCHREIBER: Yes.

7 10033 MR. PRATTE: Do you see there is a
8 line on the left-hand side of the margin?

9 10034 MR. SCHREIBER: Yes.

10 10035 MR. PRATTE: It says:
11 "Before I wrote this letter this
12 morning, I read Philip Mathias'
13 article in the National Post
14 wherein he states that the
15 show..."

16 10036 That is the Fifth Estate; right?

17 10037 MR. SCHREIBER: Yes.

18 10038 MR. PRATTE:
19 "... is expected to report that
20 the word 'Britan' appears in
21 banking documents belonging to
22 Mr. Schreiber. He stated that
23 the Fifth Estate will suggest
24 that 'Britan' is close to the
25 word 'Brian' in order to imply a

1 connection between Mr. Mulroney
2 and Mr. Schreiber."
3 10039 MR. SCHREIBER: Yes.
4 10040 MR. PRATTE:
5 "If Mr. Mathias is correct in
6 what he expects you to report
7 and you run your show tonight
8 without the benefit of my on-air
9 answer to that question and
10 other questions, you will have
11 committed grave wrongs against
12 Mr. Mulroney and Mr. Schreiber.
13 That would be a false,
14 inaccurate, malicious,
15 groundless inference. There is
16 no resemblance to the truth in
17 that reckless suggestion."
18 10041 Do you see that?
19 10042 MR. SCHREIBER: Yes.
20 10043 MR. PRATTE: Was that letter written
21 with your consent?
22 10044 MR. SCHREIBER: I saw it lately, but
23 sure, when my lawyer is writing such a letter, I agree.
24 10045 MR. PRATTE: So that's sure what
25 Mr. Greenspan is saying? There is no link between

1 Britan and Brian Mulroney?

2 10046 MR. SCHREIBER: It came later on,
3 yeah, in '99. Yeah, that's not --

4 10047 MR. PRATTE: Excuse me, sir?

5 10048 MR. SCHREIBER: I have a problem with
6 it.

7 10049 MR. PRATTE: Do you mean what
8 Mr. Greenspan wrote? He wrote this on your behalf, did
9 he not?

10 --- Pause

11 10050 MR. PRATTE: You are not suggesting
12 that Mr. Greenspan just went ahead and wrote a letter
13 like this threatening the CBC without your instructions
14 in your information, are you?

15 10051 MR. SCHREIBER: Well, the account was
16 set up at the beginning just for Britan, for the Cape
17 Breton project Bear Head, and that's it. So at that
18 time --

19 10052 MR. PRATTE: Sorry, sir, just answer
20 my question.

21 10053 MR. SCHREIBER: -- at that time he
22 was right.

23 10054 MR. PRATTE: At that time he was
24 right?

25 10055 MR. SCHREIBER: Yes.

1 10056 MR. PRATTE: You actually instituted
2 a lawsuit against the CBC over that very suggestion.
3 Isn't that right?

4 10057 You will find that at Volume 3 of the
5 Commission documents, Tab 6A.

6 10058 Do you see that?

7 10059 MR. SCHREIBER: Yes.

8 10060 MR. PRATTE: This is a lawsuit
9 between Karlheinz Schreiber and CBC and Mr. Cashore.

10 10061 MR. SCHREIBER: Yes.

11 10062 MR. PRATTE: Go to paragraphs 4 and
12 5. It is Book 3 of the Commission documents, Tab 6A.

13 10063 MR. SCHREIBER: Where you want me to
14 go?

15 10064 MR. PRATTE: If you go to pages 4 and
16 5 --

17 10065 MR. SCHREIBER: Four and five, yeah.

18 10066 MR. PRATTE: No, I'm sorry,
19 Mr. Commissioner, it's page 4 to begin with --

20 10067 MR. SCHREIBER: Yes.

21 10068 MR. PRATTE: Do you see that?

22 10069 MR. SCHREIBER: Yes.

23 10070 MR. PRATTE: Quotes from
24 Mr. McIntyre's statements in the program.

25 10071 MR. SCHREIBER: Yes.

1 10072 MR. PRATTE: And you see just above
2 paragraph 10 Mr. McIntyre is asking the rhetorical
3 question --

4 10073 MR. SCHREIBER: Yes...?

5 10074 MR. PRATTE:
6 "But who is 'Britan' supposed to
7 represent? If Schreiber
8 followed his previous pattern
9 for code names, adding or
10 subtracting consonants,
11 Canadians could be forgiven for
12 thinking it might yield the name
13 Brian."

14 10075 MR. SCHREIBER: Yes...?

15 10076 MR. PRATTE:
16 "The only Brian who has been
17 publicly associated with the
18 Airbus affair is the former
19 Prime Minister."

20 10077 MR. SCHREIBER: Yes.

21 10078 MR. PRATTE: Do you see that?

22 10079 MR. SCHREIBER: Yes.

23 10080 MR. PRATTE: And then paragraph 10
24 says "This" -- what I have just read in part:
25 "... are untrue and defamatory

1 in their natural and ordinary
2 meaning and in the false
3 innuendos contained therein."
4 10081 MR. SCHREIBER: Yes.
5 10082 MR. PRATTE: So you sued the CBC --
6 in fact, that claim is issued by Mr. Greenspan, is it
7 not?
8 10083 No, sir, it's not, it's by -- yes, it
9 is, if you go to page 7.
10 10084 MR. SCHREIBER: Yes.
11 10085 MR. PRATTE: So Mr. Greenspan, the
12 same who had sent the letter on 20 October 1999 to the
13 CBC saying it would be false to suggest that Britan
14 meant Brian Mulroney --
15 10086 MR. SCHREIBER: Yes.
16 10087 MR. PRATTE: -- then they broadcast
17 the show and you sued them for that false suggestion;
18 correct?
19 10088 MR. SCHREIBER: Yes.
20 10089 MR. PRATTE: So at least at that time
21 it was not true that Britan meant Brian Mulroney;
22 correct?
23 10090 MR. SCHREIBER: It was Breton.
24 10091 MR. PRATTE: It was Breton, B-R-E --
25 10092 MR. SCHREIBER: The project based in

1 Cape Breton, that's true.

2 --- Pause

3 10093 MR. PRATTE: In fact, if you are now
4 in Volume 3 again, Tab 11 --

5 10094 MR. SCHREIBER: Yes.

6 10095 MR. PRATTE: -- you should have
7 another interview you had with Mr. Kaplan.

8 10096 MR. SCHREIBER: Yes.

9 10097 MR. PRATTE: Are you there?

10 10098 MR. SCHREIBER: Yes.

11 10099 MR. PRATTE: That's the interview at
12 the Four Seasons on March 6, 2004.

13 10100 MR. SCHREIBER: I have here February
14 13th.

15 10101 MR. PRATTE: Tab 12, I'm sorry.

16 10102 MR. SCHREIBER: Tab 12, yes.

17 10103 MR. PRATTE: Okay?

18 10104 MR. SCHREIBER: Yes...?

19 10105 MR. PRATTE: After the line that says
20 "Interview with KHS at Four Seasons March 6, 04" --

21 10106 MR. SCHREIBER: Yeah.

22 10107 MR. PRATTE: -- we see, and I quote:
23 "... asked him about the Britan
24 account, said that Britan was
25 Breton."

1 10108 B-R-E-T-O-N.

2 10109 MR. SCHREIBER: Yes.

3 10110 MR. PRATTE: Did you say that to

4 Mr. Kaplan?

5 10111 MR. SCHREIBER: Yes.

6 10112 MR. PRATTE: And you said that in

7 2004?

8 10113 MR. SCHREIBER: Yes.

9 10114 MR. PRATTE: And that was true at

10 that time?

11 10115 MR. SCHREIBER: Yes.

12 10116 MR. PRATTE: I would like to turn now

13 to the issue that was in part canvassed by Mr. Wolson,

14 which is the Fifth Estate show in October 1999 and the

15 letter that Mr. Hladun wrote to Mr. Greenspan.

16 10117 MR. SCHREIBER: Yes.

17 10118 MR. PRATTE: Do you recall that

18 discussion you had with Mr. Wolson?

19 10119 MR. SCHREIBER: So what are you

20 referring to now? What tape or what --

21 10120 MR. PRATTE: If you go to the letter

22 of Mr. Hladun, which you will find at Volume 3 of the

23 Commission binders, Tab 21 --

24 10121 MR. SCHREIBER: Yes.

25 10122 COMMISSIONER OLIPHANT: That is the

1 affidavit.

2 10123 MR. PRATTE: Oh, that's right, that
3 is the affidavit.

4 10124 Sorry, the letter itself is at Volume
5 1, Tab 127 -- Volume 2, 127.

6 10125 MR. SCHREIBER: I'm still not clear.

7 10126 MR. PRATTE: I'm sorry, that's my
8 fault, Mr. Schreiber.

9 10127 Go to Mr. Hladun's letter to
10 Mr. Greenspan, which you will find at Volume 2, Tab
11 127.

12 10128 MR. SCHREIBER: Volume 2 --

13 10129 MR. PRATTE: Tab 127.

14 10130 MR. SCHREIBER: Fine.

15 10131 MR. PRATTE: Okay. Now, I think we
16 agreed, Mr. Schreiber, that this letter of Mr. Hladun
17 to Mr. Greenspan is written at your Mr. Greenspan's
18 request following calls that were allegedly received by
19 Mr. Hladun just before the Fifth Estate show was to be
20 broadcast on October 20, 1999; correct?

21 10132 MR. SCHREIBER: Yes.

22 10133 MR. PRATTE: You see there that in
23 the first paragraph of Mr. Hladun's letter he says:
24 "October 17, 1997..."

25 10134 MR. SCHREIBER: Yes.

1 10135 MR. PRATTE:
2 "...received telephone message
3 to call Gerald Tremblay..."
4 10136 MR. SCHREIBER: Yes...?
5 10137 MR. PRATTE: And I suggest to you,
6 sir, that that date is clearly in error. It is not
7 1997; it is clearly 1999.
8 10138 There was no Fifth Estate show about
9 to air in 1997.
10 10139 MR. SCHREIBER: Yeah.
11 10140 MR. PRATTE: Isn't that correct?
12 10141 MR. SCHREIBER: I think you are
13 correct, yes.
14 10142 MR. PRATTE: It's just a
15 typographical error. Do you agree?
16 10143 MR. SCHREIBER: I agree with you.
17 10144 MR. PRATTE: Would you go to your
18 affidavit now, which is at Tab 21, Volume 3.
19 10145 MR. SCHREIBER: Tab 22?
20 10146 MR. PRATTE: Twenty-one.
21 10147 MR. SCHREIBER: Yes.
22 10148 MR. PRATTE: Paragraph 30.
23 --- Pause
24 10149 MR. SCHREIBER: Yes, now I have it.
25 10150 MR. PRATTE: All right.

1 10151 Paragraph 29 rather.

2 10152 MR. SCHREIBER: Yes.

3 10153 MR. PRATTE: Because you are going to

4 talk about the meeting at the Savoy. You have talked

5 about the meeting at the Savoy and the meeting at the

6 Savoy occurred in 1998; correct?

7 10154 MR. SCHREIBER: Yes.

8 10155 MR. PRATTE: In Zürich?

9 10156 MR. SCHREIBER: Yes.

10 10157 MR. PRATTE: You say at paragraph 29:

11 "Several months before the Savoy

12 Meeting my lawyer Mr. Robert

13 Hladun, Q.C. to the best of his

14 recollection had received a

15 telephone message (the 'Tremblay

16 Message') to call Mr. Gerald

17 Tremblay, a lawyer acting for

18 Mr. Mulroney, on October 17,

19 1997..."

20 10158 MR. SCHREIBER: Yes...?

21 10159 MR. PRATTE: That's wrong, isn't it?

22 10160 We have agreed that --

23 10161 MR. SCHREIBER: When you say it's

24 '99...?

25 10162 MR. PRATTE: It is '99, not '97;

1 right?

2 10163 MR. SCHREIBER: Yeah.

3 10164 MR. PRATTE: So that statement there

4 that several months before the meeting at the Savoy in

5 1998 a call had been received by Mr. Hladun for

6 Mr. Tremblay is simply incorrect.

7 10165 Any call received from Mr. Tremblay

8 just short of the broadcast had to be in 1999?

9 10166 MR. SCHREIBER: I have no idea,

10 Mr. Pratte.

11 10167 MR. PRATTE: You have no idea?

12 10168 MR. SCHREIBER: No.

13 10169 MR. PRATTE: You just told me that

14 you thought this was a typographical error in

15 Mr. Hladun's letter from which this is clearly

16 borrowed.

17 10170 MR. SCHREIBER: Yes. When you look

18 at the letters now for Mr. Hladun and the event, you

19 would assume that's the case.

20 10171 MR. PRATTE: Right. So that

21 therefore this paragraph is in error?

22 10172 MR. SCHREIBER: Yes.

23 10173 MR. PRATTE: It is another paragraph

24 you didn't have a chance to check before you swore the

25 affidavit. Is that right?

1 10174 MR. SCHREIBER: No. I think it's
2 based on the letter from Mr. Hladun.

3 10175 MR. PRATTE: And no one bothered to
4 make sure that that was the right date; that it wasn't
5 a typographical error?

6 10176 MR. SCHREIBER: Yes.

7 10177 MR. PRATTE: So you are suggesting
8 here that the efforts to try to get you to swear some
9 wrong affidavit actually suggested -- preceded rather
10 the meeting at the Savoy, but that's clearly wrong?
11 Correct?

12 10178 MR. SCHREIBER: Yeah.

13 10179 MR. PRATTE: Right.

14 10180 Now, let's talk for a minute --

15 10181 MR. SCHREIBER: Very strange.

16 10182 MR. PRATTE: It is awful strange,
17 isn't it.

18 10183 Let's talk for a minute of the
19 meeting about Zürich at the Savoy in 1998.

20 10184 MR. AUGER: Commissioner, at this
21 point -- I'm sorry to interrupt Mr. Pratte -- through
22 you, I'm wondering, yesterday I think it was Mr. Wolson
23 had indicated that if Mr. Schreiber had felt tired or
24 may need a break, I'm wondering if through you, you
25 could make that inquiry.

1 10185 I have been watching Mr. Schreiber
2 and there is a lot of material. It is approaching
3 quarter to 4:00 and I'm just wondering if you could
4 canvass that with the witness.

5 10186 COMMISSIONER OLIPHANT: Mr.
6 Schreiber, did you hear what Mr. Auger just said, sir?
7 I noticed you were reading.

8 10187 MR. SCHREIBER: Yes. I miss my nap
9 in the afternoon.

10 10188 COMMISSIONER OLIPHANT: You miss your
11 nap.

12 10189 MR. SCHREIBER: Yes.

13 10190 COMMISSIONER OLIPHANT: Sometimes
14 when the evidence gets boring I don't miss a nap in the
15 afternoon.

16 --- Laughter / Rires

17 10191 MR. PRATTE: I won't take that
18 personally.

19 10192 COMMISSIONER OLIPHANT: I didn't say
20 it was today that it was boring.

21 10193 Mr. Schreiber, are you okay to
22 continue on?

23 10194 How long do you expect to be?

24 10195 MR. SCHREIBER: We may want to find
25 out how long Mr. Pratte --

1 10196 COMMISSIONER OLIPHANT: Yes, how
2 long --

3 10197 MR. PRATTE: I was hoping we might
4 conclude by 4:30 or maybe shortly thereafter, but I
5 don't mind taking five minutes if the witness is tired.

6 10198 COMMISSIONER OLIPHANT: Would you
7 care to take a short break, Mr. Schreiber?

8 10199 Mr. Pratte says he hopes to finish by
9 about 4:30 or so. That may mean that it's not 4:30; it
10 could be later. I leave it to you.

11 10200 I think what Mr. Pratte wants to do
12 is finish his examination of you today.

13 10201 MR. PRATTE: That's right. So if we
14 need a 10-minute break so that I could go until 5:00,
15 if necessary, then I would vote for that.

16 10202 Would you, Mr. Schreiber?

17 10203 MR. SCHREIBER: Yeah, maybe that's
18 good. When I get some fresh air, I may feel better
19 then.

20 10204 MR. PRATTE: Okay.

21 10205 COMMISSIONER OLIPHANT: Would you
22 like to take -- what would you like, 10 minutes now?

23 10206 MR. SCHREIBER: Yes.

24 10207 COMMISSIONER OLIPHANT: Okay. We
25 will take a 10-minute break.

1 10208 MR. PRATTE: Thank you.

2 --- Upon recessing at 3:40 p.m. / Suspension à 15 h 40

3 --- Upon resuming at 3:54 p.m. / Reprise à 15 h 54

4 10209 COMMISSIONER OLIPHANT: Please be

5 seated.

6 10210 MR. AUGER: Thank you for that

7 indulgence, Commissioner. I can report to you that I

8 did speak to Mr. Schreiber at the break, and he has

9 indicated to me that he is tired, although he does wish

10 to continue. However, he thinks that continuing until

11 five o'clock might be overdoing it. He has, with your

12 permission, agreed to continue until 4:15 today.

13 10211 COMMISSIONER OLIPHANT: Do you

14 confirm what Mr. Auger just said, Mr. Schreiber?

15 10212 MR. SCHREIBER: Going to five

16 o'clock, I think that would be overdoing it.

17 10213 COMMISSIONER OLIPHANT: Mr. Pratte,

18 do you wish to continue, or break it off now and come

19 back in the morning?

20 10214 MR. PRATTE: There is no way that I

21 could finish in 15 minutes, so if the witness is not up

22 to continuing for half an hour or 45 minutes, my

23 preference would be to adjourn until tomorrow, when the

24 witness is up to answering my questions.

25 10215 I am in your hands, sir.

1 10216 COMMISSIONER OLIPHANT: Mr. Wolson...

2 10217 MR. WOLSON: I would think that Mr.

3 Pratte's last statement is the one we should proceed

4 with and come back tomorrow. We are not going to

5 finish, obviously. Mr. Schreiber should have some

6 energy when he is responding.

7 10218 I noticed it the other day, when he

8 made the comment that he was tired in the afternoon,

9 and when we came back, you will recall, the next day I

10 made a note of that.

11 10219 I think, given 75 years of age, that

12 he is a pretty robust gentleman, but still, I think,

13 under the circumstances, these are long days.

14 10220 COMMISSIONER OLIPHANT: Mr. Pratte, I

15 just note that we took a shorter luncheon break than

16 usual, too.

17 10221 MR. PRATTE: As we say in our trade,

18 Mr. Commissioner, I am in your hands, and I am happy to

19 be. If you should choose to adjourn now, of course, we

20 all understand.

21 10222 I don't think it has ever been said

22 explicitly that witnesses under cross-examination are

23 not to speak to their counsel.

24 10223 I know that Mr. Auger says that,

25 but --

1 10224 COMMISSIONER OLIPHANT: Mr. Auger
2 understands that.

3 10225 MR. PRATTE: Thank you, sir.

4 10226 COMMISSIONER OLIPHANT: I think it is
5 crucial to the integrity of the inquiry that no witness
6 be able to say that he or she was dealt with in an
7 unfair manner by causing him or her to continue giving
8 evidence when the person was tired, and I appreciate
9 that it has been a long day, and it has probably been a
10 long three days for you, Mr. Schreiber.

11 10227 I think it best, in the interests of
12 a just result, that we adjourn now, and Mr. Pratte can
13 recommence his examination tomorrow at 9:30.

14 10228 I am just wondering, as a matter of
15 housekeeping -- Mr. Vickery -- I am just going down the
16 line here -- do you have any idea how long you might be
17 with Mr. Schreiber?

18 10229 MR. VICKERY: As I am presently
19 instructed, Mr. Commissioner, I will not be asking any
20 questions of Mr. Schreiber.

21 10230 COMMISSIONER OLIPHANT: You won't
22 have any questions for Mr. Schreiber.

23 10231 MR. VICKERY: No.

24 10232 COMMISSIONER OLIPHANT: Mr.
25 Houston...?

1 10233 MR. HOUSTON: Mr. Commissioner, I
2 expect that I will be under two hours.

3 10234 COMMISSIONER OLIPHANT: Under two
4 hours.

5 10235 MR. HOUSTON: I am not sure that I
6 can give you a better estimate than that right now,
7 sir.

8 10236 COMMISSIONER OLIPHANT: That's fine.
9 10237 Mr. Auger...?

10 10238 MR. AUGER: That's about the same
11 estimate that I can give, Commissioner, one to two
12 hours.

13 10239 COMMISSIONER OLIPHANT: All right.
14 We should be all right, then, tomorrow.

15 10240 MR. WOLSON: I would note that Mr.
16 Schreiber is being recalled because there are some
17 documents that we need to review, and also there is a
18 report being prepared, and also there may be some
19 additional questions for him when he is recalled.

20 10241 COMMISSIONER OLIPHANT: Yes.

21 10242 Mr. Pratte, I am going to ask you a
22 question because of something that you asked of Mr.
23 Schreiber, and I ask this because I am not as familiar
24 as you are, obviously, with the geography of the area.
25 10243 You raised the issue about

1 jurisdiction, and where the action was commenced, and
2 where the agreement was made by virtue of which a
3 lawsuit was commenced, and you talked about Mirabel
4 versus Harrington Lake.

5 10244 Jurisdictionally, those locations are
6 both within the Province of Quebec, are they not?

7 10245 MR. PRATTE: The argument was, sir --
8 and I don't think it's controversial, if you look at
9 the claim in Ontario -- that because the agreement was
10 made -- the contract was made -- the enforceable
11 contract they allegedly made at Harrington Lake in
12 Quebec, but while Mr. Mulroney was still Prime Minister
13 his official residence was in Ottawa, so it was the
14 timing that was critical.

15 10246 COMMISSIONER OLIPHANT: Not the
16 location so much.

17 10247 Okay, thanks, that helps. Thank you
18 very much.

19 10248 Counsel, and Mr. Schreiber, I will
20 see you tomorrow at 9:30.

21 10249 MR. SCHREIBER: The daily nap is
22 missing.

23 10250 COMMISSIONER OLIPHANT: Well, you can
24 go and have your nap now, Mr. Schreiber.

25 10251 Thank you very much.

1 10252 Good afternoon.

2 --- Whereupon the hearing adjourned at 4:00 p.m., to
3 resume on Friday, April 17, 2009 at 9:30 a.m. /
4 L'audience est ajournée à 16 h 00, pour reprendre
5 le vendredi 17 avril 2009 à 09 h 30

6

7

8 We hereby certify that we have accurately
9 transcribed the foregoing to the best of
10 our skills and abilities.

11

12 Nous certifions que ce qui précède est une
13 transcription exacte et précise au meilleur
14 de nos connaissances et de nos compétences.

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Fiona Potvin

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Sue Villeneuve