

P R O T E C T E D

FM EXTOTT JPO4301 02AUG94

TO VIENN-CS DELIVERBY 030900

REF YR UNNUMBERED FAX OF 21APR

- (MACPHERSON) DUNCAN - MISSING SINCE 1989

DISCUSSED EXCHANGE OF DIPLO NOTES WHICH YOU FORWARDED UNDER COVER OF REF FAX WITH SUBJ'S MOTHER AND SENT COPIES TO HER. WERE FRANK ABOUT AUSTRIAN REFUSAL TO DISCUSS CASE WITH YOU SAVE THROUGH WRITTEN QUESTIONS AND ANSWERS AND ABOUT APPARENT LACK OF INTEREST ON THEIR PART IN PURSUING ISSUE OF WHAT WAS OR WAS NOT/NOT SAID OR DONE BY THEM IN INVESTIGATING DISAPPEARANCE OF SUBJ ALMOST FIVE YEARS AGO. IN RESPONSE, MOTHER SENT ATTACHED 16MAY94 LETTER, WHICH WE HAVE DISCUSSED AT LENGTH WITH HER, RAISING NUMBER OF QUESTIONS, MOST OF WHICH ARE TOUCHED ON IN EXCHANGE OF NOTES 2. WE HAVE REPLIED TO QUESTIONS IN MOTHER'S LETTER (NUMBERS 3, 11 12, 13 and 14) RELATING TO DEPARTMENT; COPY OF OUR REPLY IS ATTACHED FOR YOUR INFO. GRATEFUL YOU DIRECT REMAINING NUMBERED QUESTIONS IN MOTHER'S LETTER TO AUSTRIAN AUTHORITIES UNDER COVER OF DIPLO NOTE FOR RESPONSE. WE APPRECIATE THAT AUSTRIANS MAY FIND QUESTIONS EXASPERATING BUT FACT IS THAT AUSTRIANS HAVE BROUGHT QUESTIONS ON THEMSELVES BY SLOPPY REPLY IN THEIR DIPLO NOTE OF 12APR94 WHICH WAS DEFENSIVE IN TONE, WHICH FAILED ADEQUATELY TO ADDRESS ALL QUESTIONS ASKED IN EMBASSY NOTE OF 03MAR94 AND WHICH

L. Hiseler

L. HISELER

995-2378

JPO

*L. Hiseler**L.* H. G. PARDY

CONTAINED FACTUAL ERRORS. AUSTRIANS SHOULD NOT/NOT BE SURPRISED THAT MOTHER HAS SEIZED OPPORTUNITY TO DOCUMENT WHAT SHE SEES AS FURTHER PROOF OF THEIR INCOMPETENCE. GRATEFUL, THEREFORE, YOU EMPHASIZE TO AUSTRIANS IMPORTANCE OF PROVIDING DETAILED, SPECIFIC, ACCURATE ANSWERS TO MOTHER'S QUESTIONS, HOWEVER FRUSTRATING THEY MAY FIND IT TO DEVOTE TIME TO WHAT IS FOR THEM ESSENTIALLY CLOSED CASE. WHILE THERE ADMITTEDLY IS NO/NO LIKELIHOOD THAT SUCH ANSWERS WILL BRING END TO MATTER, RESPONSE LIKE THAT CONTAINED IN AUSTRIAN DIPLO NOTE OF 12APR94 WILL ACCOMPLISH LITTLE BUT TO ADD FUEL TO FLAMES

3. IN ADDITION TO NUMBERED QUESTIONS, WOULD APPEAR TO BE THREE SUBSTANTIVE MATTERS WHICH HAVE NEVER ADEQUATELY BEEN ADDRESSED AND WHICH WE WOULD BE GRATEFUL YOU ALSO DIRECT TO AUSTRIANS (WE LEAVE SPECIFIC WORDING OF QUESTIONS TO YOU): (A) MOTHER CLAIMS THAT WHEN SHE MET WITH LOCAL POLICE OFFICERS ON 22SEP89 FOLLOWING DISCOVERY OF CAR USED BY SUBJ, ONE OF OFFICERS STATED IN ENGLISH THAT CAR HAD ACTUALLY BEEN FOUND ON 11SEPT89 BUT THEN HAD BEEN LOST UNTIL IT WAS REDISCOVERED ON 20SEPT89 (MFA SUMMARY REPORT OF 20OCT89 INDICATES THAT CAR WAS FOUND LATE ON 20SEP89 BUT, FOR REASONS WHICH ARE UNCLEAR TO US, CDN AUTHORITIES DO NOT/NOT APPEAR TO HAVE BEEN NOTIFIED UNTIL NEXT DAY WITH RESULT THAT NUMBER OF NEWSPAPER STORIES ERRONEOUSLY REFER TO CAR HAVING BEEN FOUND 21SEP89). MOTHER WOULD LIKE EXPLANATION OF WHAT WAS MEANT BY THIS STATEMENT, EXPLANATION WHICH SHE CLAIMS SHE SOUGHT UNSUCCESSFULLY AT TIME STATEMENT WAS MADE AND HAS CONTINUED UNSUCCESSFULLY TO SEEK EVER SINCE (FYI ONLY: WE DISCUSSED THIS MATTER WITH FORMER HOM IN MUNICH, GEORGE BLACKSTOCK, WHO WAS AT THIS MEETING AND WHO ACTED AS INTERPRETER; ALTHOUGH SUBJ'S

MOTHER IS INSISTENT THAT COMMENT WAS MADE BY POLICE OFFICER AND THAT BLACKSTOCK, AT HER URGING, PURSUED MATTER WITH OFFICER FOR OVER HALF AN HOUR, BLACKSTOCK, WHILE NOTING THAT ALMOST FIVE YEARS HAVE PASSED, HAS NO/NO RECOLLECTION EITHER OF COMMENT OR OF ATTEMPT TO CLARIFY ITS MEANING; FURTHER, THERE IS NO/NO OFFICIAL REFERENCE TO SUCH COMMENT IN FILE ON CASE.) ONLY REFERENCES WE CAN FIND IN FILE TO MATTER OTHER THAN IN LETTER FROM MOTHER AND IN EARLIER LETTER SHE WROTE TO DR. ROBERT WALLNER (COPY OF LETTER TO WALLNER, OF WALLNER'S REPLY AND OF MOTHER'S RESPONSE ARE ATTACHED FOR YOUR INFO), WHO WE UNDERSTAND IS OR WAS PUBLIC PROSECUTOR FOR PROVINCE OF TYROL, ARE IN TWO UNSUBSTANTIATED STORIES IN TORONTO STAR ONE OF WHICH DATED 01OCT89 RELATES QUOTE OFFICIAL VERSION UNQUOTE OF DISCOVERY OF CAR AND THEN GOES ON QUOTE THE TRUTH IS THAT THE CAR HAD ALREADY BEEN REPORTED NINE DAYS EARLIER, ON 11SEP89 BUT THAT THE REPORT GOT LOST IN THE INNSBRUCK POLICE COMPUTER OR BUREAUCRACY UNQUOTE. STAR STORY SO CLOSELY REFLECTS MOTHER'S VERSION OF EVENTS, HOWEVER, THAT THERE SEEMS LITTLE DOUBT THAT CLAIM OF EARLIER FINDING OF CAR, LIKE SIMILAR INFO IN EARLIER STORY, CAME FROM MOTHER. BE THAT AS IT MAY, AND NOT/NOTWITHSTANDING FACT THAT EVEN IF CAR WAS FOUND EARLIER THAN 20SEP89 OFFICIAL VERSION OF WHAT HAPPENED TO SUBJ IS NOT/NOT BROUGHT INTO QUESTION, GIVEN ENORMOUS IMPORTANCE MOTHER PLACES ON MATTER, WE ARE SURPRISED THAT ISSUE DOES NOT/NOT APPEAR TO HAVE BEEN ADDRESSED. IT WOULD SEEM TO BE SIMPLE MATTER TO DETERMINE IF LOCAL POLICE OFFICER MADE SUCH COMMENT, IF SO, WHAT WAS MEANT AND, IF NOT/NOT, WHAT WAS SAID THAT MOTHER MAY HAVE MISUNDERSTOOD OR MISINTERPRETED; (B) ACCORDING TO MOTHER, ATTENDANT AT PARKING LOT WHERE SUBJ'S CAR WAS FOUND HAS INSISTED

FROM BEGINNING THAT CAR WAS IN LOT FOR MAXIMUM OF TEN DAYS BEFORE QUOTE DISCOVERY UNQUOTE ON 20SEP89. SHE CLAIMS HIS STATEMENT WAS DISMISSED BY POLICE AS CONFUSION ON PART OF SIMPLE MAN BUT THAT NUMBER OF LOCAL RESIDENTS WHO DISCUSSED CASE WITH HER CONFIRMED THAT ATTENDANT WAS SIMPLE BUT HONEST MAN WHO WAS NOT/NOT LIKELY TO MAKE UP OR BE CONFUSED ABOUT SOMETHING SO BASIC AS CAR IN LOT FOR WHICH HE WAS RESPONSIBLE. QUESTION THUS IS WHY LOCAL POLICE APPARENTLY WERE UNWILLING TO LISTEN TO ATTENDANT (ACCORDING TO MOTHER, HE WAS NOT/NOT EVEN CALLED TO TESTIFY AT FIRST INQUIRY INTO CASE ALTHOUGH POLICE KNEW OF HIS STATEMENT WITH REGARD TO CAR) OR TO CREDIT ATTENDANT'S TESTIMONY (AGAIN, ACCORDING TO MOTHER, HIS TESTIMONY AT SECOND INQUIRY WAS DISMISSED AS UNRELIABLE) MOTHER BELIEVES THAT POLICE IGNORED/DISMISSED ATTENDANT'S TESTIMONY NOT/NOT BECAUSE IT WAS UNRELIABLE BUT BECAUSE TO HAVE ACCEPTED IT WOULD HAVE RAISED DIFFICULT QUESTIONS ABOUT OFFICIAL VERSION OF WHAT HAPPENED TO SUBJ QUESTION THUS IS WHETHER MOTHER IS CORRECT OR WHETHER THERE IS ANOTHER SIMPLER EXPLANATION, I.E. WAS THERE GENUINE REASON TO BELIEVE THAT ATTENDANT WAS MISTAKEN; ANSWER TO THIS QUESTION APPEARS TO BE MOST IMPORTANT OF ALL THOSE RAISED THIS TEL BECAUSE, AS MOTHER SUGGESTS, IF CAR WAS NOT/NOT IN LOT CONTINUOUSLY FROM TIME OF SUBJ'S DISAPPEARANCE, OFFICIAL THEORY OF THAT DISAPPEARANCE FALLS APART (ON RELATED MATTER, WE WOULD BE INTERESTED TO KNOW IF ANYONE NOW AT MISSION HAS ACTUALLY VISITED LOT IN QUESTION. IT WAS INITIALLY OUR IMPRESSION THAT LOT WAS LARGE ONE. SUCH AS WOULD BE FOUND IN CDA, WITH SIGNIFICANT NUMBER OF CARS PARKED FOR LENGTHY PERIODS, THUS EXPLAINING WHY CAR USED BY SUBJ REMAINED UNNOTICED FOR SO LONG. MOTHER HAS INDICATED, HOWEVER, THAT

PARKING IS ACTUALLY ALONG BOTH SIDES OF NARROW ROAD WHICH IS POSTED WITH SIGNS INDICATING THAT CARS LEFT AFTER 1800 HOURS WILL BE TOWED); (C) THIRD SUBSTANTIVE QUESTION RELATES TO NUMBER OF INDIVIDUALS WHO HAVE DISAPPEARED IN AREA IN PAST FIVE YEARS, QUESTION WHICH AUSTRIAN DIPLO NOTE OF 12APR94 NOTICEABLY FAILED TO ADDRESS. ASSUMPTION HAS BEEN THAT, GIVEN LOCAL TERRAIN, DISAPPEARANCE ON MOUNTAIN WAS FREQUENT OCCURRENCE. IN CONVERSATIONS WITH LOCAL RESIDENTS DURING HER VISITS TO AREA, HOWEVER, MOTHER CLAIMS TO HAVE LEARNED THAT DISAPPEARANCES OF SORT THAT IS SUPPOSED TO HAVE HAPPENED TO SUBJ, I.E. REMAINS NOT/NOT LOCATED, ARE EXCEEDINGLY RARE AND THAT SUBJ'S DISAPPEARANCE WAS ONE OF PERHAPS ONLY TWO IN PAST CENTURY. WHILE MOTHER'S INFO, EVEN IF CORRECT, WOULD NOT/NOT NECESSARILY MEAN THAT POLICE THEORY OF DISAPPEARANCE WAS WRONG, IT WOULD, IN HER VIEW, RAISE YET ANOTHER QUESTION ABOUT OFFICIAL VERSION OF WHAT HAPPENED.

4. GRATEFUL ALSO YOU FORWARD TO MFA COPY OF ATTACHED COPY OF 19AUG93 LETTER FROM MOTHER TO AUSTRIAN DIRECTOR OF POLICE, GENERAL WEICHSELBAUM, AND OF 17FEB94 ACKNOWLEDGEMENT OF RECEIPT, UNDER COVER OF SAME DIPLO NOTE REMINDING AUSTRIANS THAT REPLY IS STILL OUTSTANDING AND REQUESTING THAT ONE BE FORTHCOMING. YOU WILL NOTE THAT THIS IS LETTER OF WHICH AUSTRIAN DIPLO NOTE OF 12APR94 CLAIMED THERE WAS NO RECORD. MOTHER NEGLECTED TO ADVISE US OF ACKNOWLEDGEMENT OF RECEIPT OR OF DIRECTOR'S NAME WHEN SHE ASKED US TO LOOK INTO ABSENCE OF RESPONSE. (COPY OF MOTHER'S COVERING LETTER OF 13JUL94 IS ATTACHED FOR YOUR INFO ONLY.)

5. AS WILL BE OBVIOUS FROM ABOVE, OUR DESIRE IS TO ENSURE, TO EXTENT POSSIBLE, THAT ALL MOTHER'S OUTSTANDING QUESTIONS HAVE

BEEN DIRECTED TO AUSTRIAN AUTHORITIES AND ANSWERS GIVEN

6. IN RESPONSE TO OUR QUERIES, MOTHER INDICATED THAT SHE IS CONDUCTING HER OWN QUOTE INVESTIGATION UNQUOTE INTO SUBJ'S DISAPPEARANCE SHE CURRENTLY IS DOCUMENTING WHAT SHE VIEWS AS AUSTRIAN INCOMPETENCE IN HANDLING OF THEIR INVESTIGATION WITH VIEW TO USING THIS DOCUMENTATION TO PRESSURE CDN GOVT TO REQUEST AUSTRIANS TO REOPEN THIS INVESTIGATION. (WE FLAGGED TO HER THAT EVEN IN EVENT SHE COULD PRODUCE SUFFICIENTLY STRONG CASE TO CONVINCEN CDN GOVT TO REQUEST AUSTRIAN AUTHORITIES TO REOPEN CASE, AUSTRIANS WOULD BE UNDER NO/NO OBLIGATION TO DO SO.) PROBLEM SHE IS ENCOUNTERING, WHICH WE ALSO HAVE FLAGGED TO HER, IS THAT CONSIDERABLE PASSAGE OF TIME SINCE SUBJ'S DISAPPEARANCE APPEARS TO HAVE RESULTED IN HER INQUIRIES BEING TURNED OVER FOR RESPONSE BY AUSTRIANS TO INDIVIDUALS WITH LITTLE KNOWLEDGE OF OR INTEREST IN WHAT FOR THEM IS OLD CASE, WHICH IS CLOSED SAVE FOR DISCOVERY OF SUBJ'S REMAINS. THUS APPARENT INCONSISTENCIES IN AUSTRIAN REPLIES TO QUERIES ABOUT CASE, AS REFLECTED IN AUSTRIAN DIPLO NOTE OF 12APR94, WHICH MOTHER SEES AS FURTHER EVIDENCE OF AUSTRIAN INCOMPETENCE AND THUS AS PROOF OF NEED FOR INVESTIGATION TO BE REOPENED APPEAR TO REFLECT NO/NOTHING MORE THAN SIMPLE SLOPPINESS ON PART OF OVERWORKED BUREAUCRAT IN HURRY TO GET DIPLO NOTE ON ALMOST FIVE-YEAR-OLD CASE OFF DESK

7. MOTHER REMAINS DEEPLY COMMITTED TO OBTAINING SATISFACTORY EXPLANATION OF DISAPPEARANCE OF SUBJ SHE REMAINS ANGRY (A) AT WHAT SHE CONSIDERS FAILURE OF EMBASSY AND DEPARTMENT TO ACT ON HER ALLEGATIONS OF AUSTRIAN INCOMPETENCE AT TIME OF ORIGINAL INVESTIGATION AND (B) AT FORMER SSEA CLARK FOR HAVING STATED IN LETTERS TO HER M.P. AND OTHERS THAT QUOTE I AM COMPLETELY

SATISFIED WITH THE EFFORTS UNDERTAKEN BY THE AUSTRIANS AND FEEL EVERYTHING THAT CAN BE DONE HAS BEEN DONE UNQUOTE AND THUS UNDOUBTEDLY WOULD FEEL PERSONALLY VINDICATED WERE SHE TO SUCCEED IN PRESSURING CAN GOVT TO REQUEST AUSTRIANS TO REOPEN INVESTIGATION. ALTHOUGH THERE CLEARLY IS MORE BEHIND HER EFFORTS THAN THIS, DEPTH OF HER ANGER/UNHAPPINESS CANNOT/NOT BE UNDERESTIMATED; AS EXAMPLE, WHEN WE NOTED THAT RCMPOTT/INTERPOL ALSO HAD EXPRESSED THANKS TO AUSTRIANS FOR THEIR EFFORTS SHE ASKED IF RCMPOTT/INTERPOL LETTER OF THANKS HAD INCLUDED THANKS FOR FREE LIQUOR RCMP OFFICER(S) ALLEGEDLY RECEIVED FROM AUSTRIANS. SHE CLAIMS THAT SHE SIMPLY WANTS TO GET TO TRUTH OF WHAT HAPPENED AND THAT ONLY REOPENED INVESTIGATION CAN ACCOMPLISH THIS. EXHAUSTIVE REVIEW OF FILE, HOWEVER, SUGGESTS THAT, WITH POSSIBLE EXCEPTION OF TESTIMONY OF PARKING LOT ATTENDANT, WHICH ALREADY HAS BEEN CONSIDERED AND DISCOUNTED BY AUSTRIAN AUTHORITIES, AND UNRESOLVABLE QUESTION OF TIMING OF TELEPHONE CALL SUBJ MADE TO EMPLOYER (EMPLOYER ORIGINALLY CLAIMED TO HAVE RECEIVED CALL AT 1600 HOURS 10AUG89 VANCOUVER TIME OR 0100 HOURS 11AUG89 AUSTRIAN TIME, I.E. AFTER SUBJ HAD ACCIDENT ON MOUNTAIN ACCORDING TO OFFICIAL VERSION OF EVENTS, BUT WHEN PRESSED COULD NOT/NOT SWEAR TO DATE OF CALL; ALL ATTEMPTS TO VERIFY TIME OF CALL USING TELEPHONE RECORDS PROVED UNSUCCESSFUL; MOTHER NEVERTHELESS CONTINUES TO INSIST THAT ORIGINAL RECOLLECTION OF EMPLOYER WAS CORRECT AND, BY EXTENSION, THAT OFFICIAL VERSION OF EVENTS IS FLAWED) NONE OF WHAT SHE SEES AS AUSTRIAN INCOMPÉTENCE UNANSWERED QUESTIONS, INCONSISTENCIES, INACCURACIES, ETC SERIOUSLY BRINGS INTO QUESTION OFFICIAL VERSION OF EVENTS FURTHER SHE HAS INDICATED TO US THAT SHE HAS NO/NO OTHER THEORY

OF WHAT HAPPENED. LIKELIHOOD THUS IS THAT RENEWED INVESTIGATION WOULD IN FACT BE LITTLE MORE THAN INVESTIGATION INTO HANDLING OF MATTER BY AUSTRIAN POLICE WHICH WOULD ALLOW MOTHER TO PUT HER COMPLAINTS ON RECORD BUT WHICH WOULD NOT/NOT CHANGE OFFICIAL VERSION OF WHAT HAPPENED TO SUBJ

8. WHAT MAY SEEM OBVIOUS TO US, HOWEVER, MAY NOT/NOT BE OBVIOUS TO MOTHER. AS EVIDENCED BY HER WILLINGNESS TO PURSUE TO FEDERAL COURT HER REQUEST FOR RELEASE OF ALL CORRESPONDENCE ON CASE INCLUDING EXCHANGE OF DIPLO NOTES WHICH HAD BEEN EXCLUDED UNDER PRIVACY ACT AND WHICH PRIVACY COMMISSIONER REVIEWED AND ASSURED HER CONTAINED NOTHING OF RELEVANCE, MOTHER TRUSTS NO/NO ONE, BELIEVES THAT EVERYTHING EVER SAID OR WRITTEN ON CASE MAY BE RELEVANT AND, MORE TO POINT, IS CONVINCED THAT SHE AND SHE ALONE IS CAPABLE OF DETERMINING RELEVANCE. IT THUS SEEMS EVIDENT THAT HAVING OBTAINED EVERYTHING CAN GOVT HAS ON CASE (OUR TELCONS WITH HER HAVE LEFT US WITH FEELING THAT SHE STILL IS NOT/NOT COMPLETELY CONVINCED THAT SHE HAS RECEIVED EVERYTHING IN DEPARTMENT'S POSSESSION, ESSENTIALLY BECAUSE SHE BELIEVES OR WANTS TO BELIEVE THAT WE SHOULD HAVE MORE THAN WE DO) SHE WILL RENEW EFFORTS TO OBTAIN FROM AUSTRIANS EITHER DIRECTLY OR INDIRECTLY THROUGH DEPT/CDN GOVT ALL INFO THEY HAVE ON CASE BOTH IN FORM OF ANSWERS TO QUESTIONS FROM HER AND IN FORM OF REOPENED INVESTIGATION. YOU ARE IN BETTER POSITION THAN ARE WE TO KNOW HOW AUSTRIANS WILL REACT TO SUCH RENEWED EFFORTS OF WHICH QUESTIONS OUTLINED THIS TEL ARE PART.

9. APPRECIATE THAT ABOVE REPRESENTS CONSIDERABLE WORK FOR YOU DURING BUSY SUMMER SEASON WHEN TIME IS AT PREMIUM AND STAFF CHANGEOVER IS UNDERWAY GRATEFUL, NEVERTHELESS, YOU GIVE MATTER

PAGE 9 JPO4301 P R O T E C T E D

PRIORITY. PLEASE ADVISE WHEN DIPLO NOTE IS SENT TO AUSTRIAN MFA
SO WE CAN SO ADVISE MOTHER.

10.COMCENTRE PLEASE FAX 43 PAGES INCLUDING THIS PAGE