

# Mulroney lawyers vow to sue CBC if program defamatory

## Today's 'fifth estate' to focus on Airbus affair

BY PHILIP MATHIAS

Lawyers acting for Brian Mulroney, the former prime minister, warned the CBC on Monday they will launch an "immediate" libel action if today's *the fifth estate* program on the Airbus affair defames Mr. Mulroney.

*The fifth estate* has already played a "dubious role" in promoting "suspicions" against Mr. Mulroney, according to a letter sent by the Montreal law firm of McCarthy Tétrault to CBC chairman Guylaine Saucier.

The letter warns that "any evidence of ... malice [in tonight's program] will result in a lawsuit seeking ... exemplary and punitive damages."

Two other Airbus figures — German businessman Karlheinz Schreiber and Tory lobbyist Frank Moores — are already suing the CBC for a total of \$70-million over earlier programs on the Airbus affair.

Yesterday, *the fifth estate's* executive producer David Studer said he was not aware of any threats of a lawsuit from Mr. Mulroney.

The program is expected to report that the word Britan appears in banking documents belonging to Mr. Schreiber, the man at the centre of the Airbus affair. Britan is allegedly close to the word Brian. That similarity allegedly suggests a connection between the two men, *the fifth estate* is expected to imply.

Others have pointed out that Britan is also similar to the name of a country, Britain, and a region of France, Brittany. It is also close to the name of the Britta water filter and other commercial products.

Robert Hladun, Mr. Schreiber's Edmonton-based lawyer, said jokingly that Britan may be a reference to Britney Spears, one of the music stars most admired by the 65-year-old Mr. Schreiber.

Mr. Schreiber is suing *the fifth estate* for \$35-million in connection with 1995 programs, Mr. Hladun pointed out. Depending on its content, this evening's show could increase his claim for damages and bring in the element of malice, Mr. Hladun said.

Mr. Schreiber is in Toronto awaiting an Oct. 25 court hearing to determine whether he will be extradited to Germany on allegations of tax evasion and kickbacks. No charges have been laid.

Both he and Mr. Mulroney have denied that any money has ever

passed between them. However, the so-called Airbus affair has generated a series of allegations against Mr. Mulroney, each one followed by revelations that prove the allegation to be false.

In 1995, the Department of Justice sent a letter to the Swiss government asking to see Mr. Schreiber's bank accounts. That letter alleged Mr. Mulroney had engaged in criminal activities during his entire term of office from 1984 to 1993.

It also alleged Mr. Mulroney received \$5-million from Mr. Schreiber for ensuring that Air Canada bought \$1.8-million worth of aircraft from the French-based Airbus Industrie S.A. in 1988, while Mr. Mulroney was in office.

The bank account that allegedly received the \$5-million only ever held \$500, the *Financial Post* revealed.

Mr. Mulroney sued the government for libel and won \$2-million to cover his legal costs plus an apology that admitted any conclusions of wrongdoing by Mr. Mulroney were "unjustified."

On Aug 23, a Swiss Justice official informed McCarthy Tétrault that none of Mr. Schreiber's bank records "involve accounts of Mr. Mulroney's."

The same bank records were seized by the German authorities and then leaked to the media. The documents contain what appear to be code words such as Frankfurt, Maxwell, Master, Stewardess and Britan.

In a warrant for Mr. Schreiber's arrest, German authorities allege that Frankfurt refers to Frank Moores, former Newfoundland premier, who they claim received some of the Mr. Schreiber's Airbus commissions.

On hearing this allegation, Mr. Moores told the *Post* recently: "Jesus ... this never stops. You can use my first denial or my 50th. I have never received any commissions from the Airbus sale."

Mr. Moores is also suing *the fifth estate* for \$35-million over statements in a 1995 program.

The German arrest warrant makes no reference to Mr. Mulroney and makes no attempt to interpret the word Britan.

Monday's letter points out that McCarthy Tétrault has already advised Mr. Mulroney once, in 1995, to include the CBC in the \$50-million libel action against the federal government that he won.

Mr. Mulroney vetoed the proposal, but only because he did not wish to sue members of the media at that time, Monday's letter says.

National Post