



United States Department of State

Washington, D.C. 20520

R7

December 14, 1987

MEMORANDUM

RELEASED IN FULL

TO: L - Ms. Verville
NEA - Mr. Peck
NEA/RA - Mr. Aoki
OFS/N - Mr. Stratford
OES/NEP - Mr. McGoldrick
P - Mr. Eastham
S/NP - Mr. Samore
INR/SFA - Mr. Snowden

FROM: L/OFS - Jonathan Schwartz *JSA*

SUBJECT: Pervez Trial Status

The prosecution expects to complete its presentation Monday, December 14th. It has introduced into evidence the tape-recorded conversations, about half of the Canadian documents (including Pervez's diary entries), and letters between Pervez and Carpenter. The prosecution has also called six witnesses (two Carpenter employees, two customs agents, and two Oak Ridge experts). Cross-examination by the defense focused on the primary undercover customs agent and the Oak Ridge expert on maraging steel.

Once the prosecution rests, the defense will seek to show that the bribe was the result of unlawful entrapment and that the prosecution has failed to prove that Pervez's end use statements were false or, in the alternative, that the prosecution has failed to prove that Pervez knew they were false. The defense plans to introduce videotaped depositions of friends of Pervez who claim to have been present when Pervez was entrapped. It is not yet clear whether the defense will call any live witnesses (including Pervez) or whether any documents will be submitted.

Afterwards, the prosecution will have the opportunity for a short rebuttal and the case should go to the jury. This is expected Thursday, December 17th. The jury could deliberate for any length of time, but cases like this normally take less than a day. Sentencing would come thirty days after a guilty verdict, with an opportunity to appeal within ten days.

REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

- 2 -

The proceedings are being tape-recorded, but no arrangements have been made by anyone to have them transcribed. The prosecutor says she can speak to us at the end of trial (in a conference call, if we like) to help identify any portions of the proceedings which might warrant preparation of a transcript for our purposes (at our expense).

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