

SUMMARY OF ASSOCIATION ACTIVITIES ON ORDER-IN-COUNCIL #3560 AND RESULTING

SUIT: JAMIESON ET AL V. ATTORNEY-GENERAL

Name of Case: Jamieson et al v. Attorney-General

Lawyers: Tom Berger, until December 28, 1971

Ben Trevino, Barrister and Solicitor
1075 West Georgia Street
Vancouver, B.C. -- started February 9, 1972

1. Order-In-Council:

That it is declared as public policy that no person teaching or instructing our youth in educational institutions receiving government support shall continue in the employment of the educational institution if they advocate the policies of the F.L.Q., or the overthrow of democratically elected governments by violent means.

DATED: 22 October A.D. 1970

SIGNED: L.R. Peterson, Attorney-General

W.A.C. Bennett, Presiding Member of Executive Council

2. Writ issued, October 29, 1970

Plaintiffs Names: Dr. S.M. Jamieson
Miss F.M. Worledge
Dr. Lionel Kenner
Dr. John Marks Dewey
Dr. R.A.H. Robsen
Mr. Andrew Verishine

3. Statement of Claim filed 12th November, 1970 by Thomas Berger

4. Statement of Defence filed 24th December, 1970

5. Argument - February 25th and 26th, 1971 -- plaintiffs had no standing.

6. Decision - August 28th, 1971 -- no standing

7. Notice of Appeal filed 18th October, 1971, on the following grounds:

1. Learned judge erred in holding that the Plaintiffs had not have a special interest sufficient to give them standing to challenge the validity of the Order-In-Council passed October 22, 1970.
2. That the learned judge erred in failing to consider the questions raised in the pleadings regarding the validity of the aforementioned Order-in-Council on their merits.

And four other points:

two on the discretion to hear the matter, and
two on the issue of ultra-vires: 1. There is no statute giving the Lieutenant-Governor powers to make the order, and
2. If he had the power, it would be
ultra vires.

Reasons for delay in Appealing:

1. Had to secure funds to support Appeal: \$2,000.
2. Appeal filed -- no date set as usual.
3. Tom Berger made a judge.
4. Time to find new lawyer and give him time to go over case,
5. Tried to find mutual date for hearing.
6. New government rescinded Order-In-Council; instructed that trying to argue merit of standing not likely.
7. Proved to be possible to abandon appeal without incurring costs.
8. Board AGREED to try to confront issue of standing politically -- Brief has been prepared.

REFUNDS:

U.B.C.	\$ 27.37
U. Vic.	16.38
S.F.U.	16.38
Notre Dame	4.12

CP:jeh
April 9, 1973