

AIDE MEMOIRE

The following notes concern the case of Kathie CURTAIN and Sylvie ROCHE who were rejected for employment by COJO during the Olympic Games. The case is presently under consideration by "La commission des droits de la personne", who have requested our files on the two subjects - (CURTAIN - Trotskyist Executive, Toronto and ROCHE - Activist in Terrorist Milieu, Montreal). A Minister's Affidavit under the Federal Courts Act was served on the Commission, which they rejected, and the Federal Department of Justice responded with a Writ of Evocation to the Supreme Court of Quebec.

A decision was rendered by Chief Justice Deschênes of the Quebec Superior Court on Tuesday, March 23, 1977. The judge ruled that the decision by the Commission to reject the Affidavit was "ultra vires", and that the Commission must now suspend the proceedings in the case. The Supreme Court held that the Solicitor General of Canada was completely within his rights under the Federal Court Act, Section 41 (2) to order that protection be given to our files on the basis of "national security". This was in line with Parliament's original intention to enact the principle of "absolute immunity" of the Crown.

The next step in this case is to appeal to the Appeal Court of Quebec, which must be done within a period of 10 days, otherwise a hearing will be held and the judgement will be confirmed. The only comment here is that Chief Justice Deschênes is extremely highly respected as a jurist and this may influence any decision to appeal.

A copy of the judgement is expected for Friday, March 25, and it will be forwarded immediately. Legal Branch have informed that there are a number of other cases of this nature in criminal proceedings and they view this decision as an important precedent.

Attached for your information are:

- (a) a clipping from "The Gazette", of March 23, 1977.
- (b) transcript from "The National" of March 24, 1977.



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