

s.19(1)

NTF

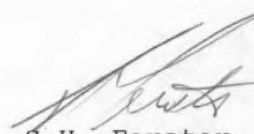
1. LCol Brais contacted me and advised that he in turn had been speaking with both Ms. Côté and Mr. Piché in the Montreal office of the Federal Department of Justice. Contrary to what had been given as matters of concern by Mr. Low to JAG, the two Montreal Lawyers were concerned with the contents of the existing CFAO 19-20 rather than being concerned, to any great extent, with either the search of the bag in the Megaplex or with the interview of [REDACTED] by the SIU.

2. LCol Brais confirmed that a copy of the transcript had been provided to Mr. Piché in 1987. LCol Brais further confirmed that both Mr. Piché and Ms. Côté had listened to a transcript of the tape with LCol Champagne when the latter was AJAG FMC.

3. Apparently, the concern with CFAO 19-20 as expressed to LCol Brais by the two Montreal lawyers is that it is so nebulous that it may not be defensible in court. However, Mr. Piché still has some hope of maintaining the position that the Federal Court has no jurisdiction to deal with the matter in the first place.

4. Mr. Piché and Ms. Côté have expressed concerns that if a judgement based on CFAO 19-20 is made by the Federal court ^{while} in that CFAO is declared to be ultra vires, unconstitutional, or in some other fashion inoperative, there might be many others who would then try the [REDACTED] route. It was for that reason I understand that the Montreal lawyers had recommended a settlement. However, according to LCol Brais, they are fully prepared to follow our instructions and defend against [REDACTED] - and to maintain in front of the Federal court that the existing CFAO 19-20 is in fact an appropriate vehicle for dealing with such persons as [REDACTED]. They would however be also much happier if the proposed CFAO 19-36 were to "hit the streets" in the near future so even if CFAO 19-20 is not acceptable, there would be something to fall back on.

① Noted. Please [REDACTED] file
9/10/89 [REDACTED]


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