

# THE STORY SO FAR...

By ANTHONY S. ENGLISH

(Vice-President Finance: Student Union Inc.)

Announcing he has been on trial by the media for several years, John Bosnitch now feels it is time that he set the record straight. In particular, Bosnitch feels compelled to reply to challenges from Larry Hansen asking Bosnitch to run for President in the elections of the university approved "student governing council."

John Bosnitch claims to have been the target of what appears to be an extended campaign by Downey to discredit him as Student Union President. The day the interests of the students conflicted with those of Downey his fate was sealed. In 1984 our Student Union Building, for which the students paid 1.5 million dollars, was taken over by the University because Downey claimed students could not manage it properly.

After losing a student election in 1984, Downey's accusations of financial mismanagement which had led to Bosnitch's defeat were then used to justify a six month police investigation. The investigation didn't lead to any charges of impropriety.

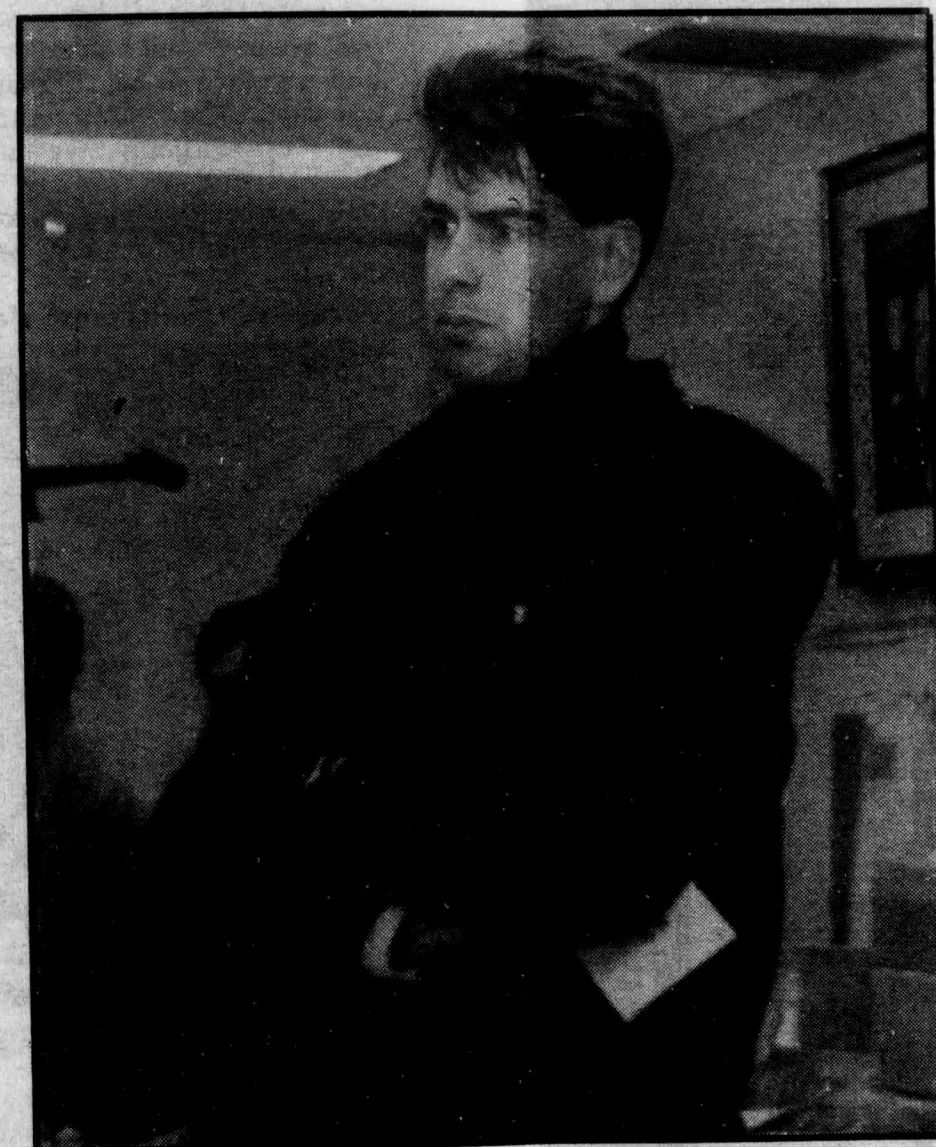
In November 1985 Bosnitch was re-elected in a landslide victory, — despite the public claim by his opponents that Downey had considered to cut off all funding to the Student Union if he won. The stage was set for the final conflict.

In January 1986, the students of UNB called on the University to divest itself of all investments in South Africa. President Downey and his Board of Governors refused, pending a report by a Board Member — D. Harley, QC. The Student Union believed that the issue was worth pursuing. In addition, students started to openly question the legality of Downey's 1984 takeover of the Student Union Building. Open criticism of this type was not long permitted.

On April 17th, 1986 the University locked the elected government out of its offices in the Student Union Building. Several students acting in consultation with Downey later declared themselves to be the new "student governing council" and occupied the SU offices. Predictably, the media im-



*Michael Bennett versus the strong arm of the law.*



*Dejection Ode: John Bosnitch in a pensive mood.*

mediately heralded the appointed "student governing council" as the new recognized "Student Union", and referred to the Bosnitch government as the "deposed former student government". For a member of the Student Union headed by John Bosnitch to contest student elections he would have to deny the legitimacy of the exiled Student Union Incorporated and accept as lawful the University lockout of April 17th, 1986.

Leaving aside that legal impediment to his can-

didacy, Downey made doubly certain that Bosnitch could not reenter the campus political arena. One course away from his graduation, Downey presented Bosnitch with a contract which prohibited him from exercising his constitutionally protected political rights. Downey demanded that Bosnitch refrain from all further involvements direct or indirect in student government or politics, or in the Senate and Board of Governors of the University and withdraw any personal sup-



*"And so the stage was set for the final conflict..." Students, police and the University Administration provide entertainment for the media.*

port for the legal action commenced by the Student Union incorporated against the students Downey had approved as his new student executive. Claiming duress, and with the advice that the contract was unconstitutional and therefore unenforceable, Bosnitch eventually consented to a modified version of what he now calls his personal "gag pact" with UNB. However, any private agreements between citizens and educational organizations are not protected by the Constitution Act (1982), and subsequently Bosnitch's claim that Downey's action was unconstitutional does not legally hold water.

The "student governing council" then implemented a third block to his participation in elections. In October 1986, they adopted a bylaw tailor-made for Bosnitch which retroactively prohibited him from running for office because he was already elected three times as Student Union President.

Restricted by this alleged "gag pact", Bosnitch then participated only as a member of the student radio station, but when his criticisms of Downey were made known to the "approved" student leaders, they passed a motion on December 1986, asking Downey to expel him as a student. Downey acted on their recommendation, and refused Bosnitch the right to register for any more courses in January. He was also banned from any area controlled by what Bosnitch describes as the "student governing council". By refusing further registrations, Downey managed to sidestep the stringent regulations governing the expulsion of students.

Realizing that his time at UNB was up, Bosnitch entered the graduate studies program at McGill University. However, Bosnitch returned to Fredericton by train as often as he could afford to, to assist his fellow Executives. Upset with his continued interest in campus developments, despite all efforts to eliminate him, Downey finally gave Bosnitch notice under the Trespass Act earlier this week.