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Referendum '80: Ryan versus Levesque

Bruce Gates

In June, Quebecers will be asked by their government to vote on the following question:

"The government of Quebec has made public its proposal to negotiate a new agreement with the rest of Canada, based on the equality of nations (political sovereignty with economic association)...Any change in political status resulting from these negotiations will be submitted to the people through a referendum: On these terms, do you agree to give the government of Quebec the mandate to negotiate the proposed agreement between Quebec and Canada?"

During a weekend symposium at York University's Glendon Campus, "Quebec: Year of the Referendum", academics and politicians from Quebec and Ontario analysed this very issue in a series of workshops and panel discussions.

"You can look at the referendum in two ways," said William Johnson, the *Globe and Mail's* Quebec City correspondent who was chairman for the plenary session Saturday afternoon.

"First, you need a referendum in a federal system: If Quebec, for example, wants something and the federal government opposes it, then there is no way of dealing with the problem. Therefore you need a referendum to solve certain kinds of problems.

"Secondly, there are practical political considerations," he continued. "The polls say a lot of Quebecers are not in favor of independence, and in previous elections the Parti Quebecois didn't get elected when they ran on an independence platform." (A recent Radio Canada poll claims to show 52 per cent reject separation.)

This is why the PQ have split the referendum the way they have, Johnson said. This way they can seek a mandate to negotiate Quebec's position in Canada without asking Quebecers to vote for autonomy itself.

When the Parti Quebecois were elected in 1976, part of their platform involved coming up with a proposal for a new deal for Quebec. This new deal was spelled out in the government's "white paper" on sovereignty association released last November. Following on the heels of the

PQ proposal came the "beige paper" of Quebec Liberal leader Claude Ryan. The release of the Ryan document in January brought mixed reviews from the federalists who saw it as either a document that would lead to ten "mini Canadas", or one that "would finally institutionalize the obvious fact that Quebec is



not (and never has been) a province like the others," according to a *Maclean's* editorial by Peter Newman on 14 January. Newman went on to conclude: "Unlike Rene Levesque, who goes on pretending that Quebec's aspirations can be decided exclusively by the province's voters, Claude Ryan has now forced the rest of Canada to participate in this crucial debate."

Which was one of the purposes of the Glendon Symposium. In addition to Johnson, other major speakers included Alex Macleod, political science professor at the University of Quebec at Montreal; David McQueen, Glendon College principal; Claude Forget, Liberal member of the Quebec National Assembly; Gerald Godin, parliamentary assistant to the Quebec Justice Minister; and Ontario Intergovernmental Minister Thomas Wells.

"Beating the referendum means you have to go along with Claude Ryan, because there is no other alternative," cautioned Montreal professor Macleod who said those in favor of Ryan's proposal may get more than they bargained for. "You're not just voting for Ryan's paper but for a vision of a society that's very ambiguous."

But we can't ignore the rest of Canada—especially the West, the eastern provinces, and other interest groups like the Acadians, it was agreed.

"To pretend that every other part of Canada is not inextricably and deeply involved in this issue is to ignore the real nature of intergovernmental discussions of the subject and, indeed, is to misunderstand the nature of the questions which need resolution in the interest of Canada,"

warned intergovernmental affairs minister Wells.

The current debate must be a national debate among all Canadians, he said. "We simply cannot afford to have it any other way."

Wells believes the PQ will lose the referendum and offers his own solution for ironing out the multi-faceted constitutional problems facing Canada:

"The federal and provincial governments should be sitting down and setting a date within four weeks after the referendum is defeated," he suggested. This would be done to plan constitutional reform "so that we can guarantee all Canadians that what will develop is a new constitution for renewed federalism."

Any renewed federalism, of course, will have to recognize Quebec's uniqueness in Canada but such recognition has not come easily among even liberal-minded English-speaking Canadians.

Noted the PQ's Godin: "Whatever the future, we will still have to live together. Whether as a province or as a sovereign state, we'll still have to share the same umbrella with you."

While noting that Godin was de-emphasizing the "radical nature" of the PQ proposal, Liberal MNA Claude Forget said: "Many people in Quebec are questioning whether anything can be changed, whether there is any hope for movement. But I have no doubt in my mind that there is."

As Judgement Day approaches for Canada, no matter what the results of the June referendum, the Canadian body politic must change. Regional differences will have to be resolved, as the symposium noted. If not, then perhaps the words of Lorne Pierce, a distinguished editor and book publisher, will come true. In 1945 he wrote: "There can be no Confederation if one language is regarded as the voice of heresy and the other the voice of God." If we don't put aside our differences, he warned, "we will take our place among those bankrupt states, decadent and reactionary, the very refuse of the world, too petty to hate, too trivial to scorn."

Election tribunal decision

DECISION OF ELECTION TRIBUNAL - March 7, 1980

Re: C.Y.S.F. PRESIDENTIAL NOMINATIONS MINORITY DECISION

After considering numerous representations by members of the York Community and all of the three presidential candidates, and after considering a request from the C.Y.S.F. to re-examine our decision of March 6, 1980, this body finds the following:

I have had the opportunity of reading the majority opinion of the elections tribunal but must respectfully dissent from that decision.

The constitution of the C.Y.S.F. in Article 20 clearly allows the Election Resolution to be the governing document of all Elections. The amendment to Section 12(a) of the Constitution was not specific enough to alter the condition contained in Section 10(a) of the Elections Resolution that a presidential candidate be a member of a constituency of the C.Y.S.F.

I, therefore, stand by the Tribunal's earlier decision and find that Ms. Doucet is an ineligible candidate. However, due to the numerous submissions that were made concerning academic and financial problems that would arise from a cancellation of the election I will alter the remedy that I supported in the March 6 decision of this body. I feel

that the nomination of Ms. Andrea Doucet should be revoked. I should like to reiterate that this situation did not arise as a result of any malicious intent or bad faith on the part of Andrea Doucet.

In conclusion, I rule that the election should proceed on March 13 as originally scheduled, but that Ms. Doucet's nomination should not be allowed.

David Young, Chairman

MAJORITY DECISION

Regrettably, we the Election Tribunal (by majority decision) must once again inform you that the CYSF Presidential election scheduled for March 13th, 1980, has been cancelled. We fully realize that this decision does not rest easily with a great many people, however, we feel there is no other alternative to this dilemma. Please read carefully the facts itemized below as we perceive them.

-The intent of the council in its amendment to article 12 of the constitution was clearly to allow members of the corporation to seek election as President.

-The amendment was poorly placed and worded and hence is not a solid piece of legislation according to the letter of the law.

-The fact still remains that the spirit of

the legislation was sincere and unanimous.

-Mr. Chodikoff's case is clear and well taken, he stands on solid legal norms.

-By upholding the well-intended wishes of council, the corporation and/or individual members of the Election Tribunal seriously risk lawsuits and court injunctions halting this election.

In summary, Ms. Doucet is eligible to seek election in the spirit of the legislation but not by the letter. We are confronted with a situation whereby diametrically opposed viewpoints have been arrived at, with substance, from the same statutes of legislation.

To deny Ms. Doucet is to deny the spirit and true wishes of the council. However, to deny Mr. Chodikoff is to clearly deny the letter of the law.

The Election Tribunal cannot in all fairness pass judgment to deny one viewpoint at the expense of another when both are sound in their own merits. Neither can the Election Tribunal be held liable to the courts for the mistakes of others.

Our only alternative is to request and require that council re-assess the pertinent statutes so as to embody the letter and the spirit in harmonious consistency.

Dan Durst
Robin Carter, C.R.O.