

# Blood and Thunder

## LETTERS TO THE EDITOR

Rm. 35, Student Union Building, UNB Campus  
DEADLINE: 5 p.m. Tuesday

### "Liberate LBR" letter a hoax

Dear Sir:

Volume 119, Issue 15 of *The Brunswickan* published on January 18, 1985 included a letter to the Editor on Page 7 under the heading "Liberate LBR" and signed "Chairman, LBRLO". A copy of the original handwritten letter was obtained from your office and purports to be written by myself. Further, such letter refers to my residential address. As well, I understand the *Brunswickan* staff is freely distributing photocopies of the original letter bearing my name.

The purpose of this letter is to advise you the original correspondence was definitely not written by me. As well, I disavow any knowledge whatsoever of the Lady Beaverbrook Residence Liberation Organization. Also, I have no knowledge of what individuals are responsible for the paint jobs referred to therein.

Because the publishing of the letter has caused personal humiliation, embarrassment, and derision, on my solicitors' advice I demand that this letter be published in an equally prominent position in *The Brunswickan* to issue on February 1, 1985. I also insist that your staff cease to distribute copies of the original letter. Failure to follow either course of action will result in a civil action for defamation in the Court of Queen's Bench of New Brunswick pursuant to the *Defamation Act*, R.S.N.B. 1973, c. D-5.

Finally, I wish to advise your readers that, if I learn the name(s) of the individual(s) who wrote the original letter, I intend to refer the matter to the appropriate police authority.

In closing, I suggest that you check the alleged sources of the letters to the Editor more closely in future.

Yours very truly,  
Michael Price

### Editor responds:

I will accede to Mr. Price's request by printing the above letter. I am in favour of his trying to clear his name.

However, his statement that the "Brunswickan staff is freely distributing photocopies of the original letter" is untrue and obviously a result of a misunderstanding on Mr. Price's part due to the concomitant stresses of being a victim of "personal humiliation, embarrassment, and derision."

### Rule of Law vs. Political Vendetta

The primary purpose of this letter is to discuss the far-fetched legality to quash the position of VP Academics and VP Services, and to point out the recognized standards common to all established institutions in the "civilized world" which constitute their *raison d'être*.

A point of contention does arise and must be given some consideration:

It is a matter of equality before the law of the elected executives and their positions contrary to a position of political appointment.

Whatever the motivation, it should be pointed out that SRC must follow the standard norms:

- procedures (how things should be done)
- substances (law-decisions and customs)
- policy (purpose of decision)

On the issue of equality the rule of law provides safeguards recognizing:

- the supremacy of the law
- the equality of everybody before the law.

The equality principle fundamentally prevents all arbitrary actions which may give way to "witch hunting", interfering with an individual's rights, privileges, liberty and political participation.

Furthermore, the principle of equality states that where law and regulations, with the exception of fiscal matters, must have future application, they cannot be applied retroactively. (R.S.C. 1970-71-72 Chapter 38)

The motion to remove the executives is prejudicial in nature. It is not only a direct attack to the rights and privileges of those elected executives, but the gesture is an affront to the clear choice of the student body.

The motion is not an "exception of duty." If it is one, it

per se for Chief Justice Lord Denman, in *Cann V. Clipperton* (1839) ID A & E 582 stated that a person should not be given protection if he does not have a serious motive to relay his act with a disposition of the law.

SRC should not be a "Winter Carnival" playground or a "Rodeo Calf Roping" show, or act as a "Kangaroo court."

To prevent such events from happening it is suggested that this constitutional matter should not receive a "fixed

statutory interpretation" but it should be treated in a "evolutive liberal manner," simply because a constitution has a different character than an ordinary law. See *St. Catherine's Milling and Lumber Co V. The Queen* (1888) 14 app. Cas. 46-50; it will shed some light on the issue where even if the constitution is silent, the act of the previous administration cannot be said to be illegal.

There is nothing illegal or unconstitutional about the positions that were created. One thing that must be remembered is that the executive is always subject to the will of council, as council and the executive together are subject to the will of the student body at large.

Where is the spirit of cooperation, of consensus and of progress which has been the motto of this year's election? It must be remembered as a rule in the absence of a clear law, there is no infraction. More over while the maxim *NEMO DAT QUOD NO HABET* (you cannot grant something you do not have) stands correct, the inverse is held true convincingly. One cannot exercise a power that has not been granted to him.

The motion to revoke the executives is either a pure contempt of the system or a *magnanissimus ignorantium legum* (massive ignorance of the law).

Maurel Lamour

### Fryer supports independent GSA

Dear Editor:

I must admit I was surprised by the version of the SRC meeting reported by *Brunswickan* "reporter" Oliver Koncz. Mr. Koncz's style could best be described as that of a PR man for his sidekick, John Bosnitch rather than as an accurate account of the meeting. Contrary to what Mr. Koncz says, I did not say that the SRC has no right to approve the constitution of the Chinese Graduate Association. The trouble with Mr. Koncz is that he does not know the difference between a letter to the editor, where he should express his opinion, and a news article, where he should not.

My reasons for opposing recognition of the Chinese Graduate Students Association (CGSA) are several. The SRC is setting a dangerous precedent. We already have a Chinese Students Association and a Graduate Students Association (GSA)—do we really need a CGSA? And its budget is over \$1,000 for 20 students—the

GSA has a budget of \$5500 for 550 students. It is only a matter of time before the African Graduates, Caribbean Graduates, and other foreign graduate students, not to mention the various faculties seek such recognition and funding from the Student Union gold mine.

The SRC has also, without consulting the GSA, and over the opposition of GSA, broken tradition by setting up a second graduate organization. Within a year or two, I expect another 10 to 20 graduate student organizations to be approved. The GSA, as the voice of the graduate students, will be dead.

The SRC also ignored the GSA's concerns in making several recommendations to the Senate regarding graduate student representation on Senate and its committees. Our graduate student senator has already expressed our concerns to the graduate school and the Senate regarding representation.

After the events of the last two weeks, I am urging the GSA to pull out of the SRC. The SRC has given the GSA a choice—separate or die as it is now constituted. A separate GSA would not have to waste money on such SRC and CSL debacles as Oktoberfest, Rough Trade, and skyrocketing lawyer's fees. The GSA, while continuing to fund many SRC organizations, such as the *Brunswickan* and *CHSR-FM*, could spend its entire budget on graduate student causes. Such establishments as a graduate student residence or "Graduate Social Club" which are common on other campuses, could be set up here. Campuses across the country have graduate student organizations independent of the undergraduate student government. In the state of turmoil in the SRC, it is time for the graduate students to set up a strong GSA to act as the voice of the graduate students and to provide facilities and entertainment for the graduate community.

I will be urging the GSA executive to take the necessary steps to pull out of the SRC. I hope all graduate students will support an independent GSA.

Yours truly,  
Jeff Fryer

### Baggaley holds his stand

Dear Editor:

I was called last week to make apologies, and to account for my gastronomic fortitude (guts). The latter, directed by Mr. Bosnitch, is

most easily dismissed and so will be dealt with first.

When it comes to distortion of the truth and misrepresentation of the facts, whoever wrote 'the letter' should step aside and let Mr. Bosnitch take his place (to make no implications of course). Not to get petty, but when I first met Mr. Bosnitch two years ago, I thought that this individual had some very good suggestions. Then I got involved. Principles are good if they are followed with proper tactical implementation. The CSL 'financial black hole' and fiasco clearly attests to Mr. Bosnitch's (in his capacity as Chairman and Director of CSL) incompetence and misdirection.

I resigned from CSL because of my resignation from SRC—the one is contingent on the other. For those who thought that CSL is owned by the Student Union—it is not. CSL and SRC are two autonomous corporations. In point of fact, the shareholders of CSL—the SRC members—own CSL, not the student body. The Directors of CSL were thus accountable, not to the student body, but to the Student Union council members. In other words, Mr. Bosnitch in his capacity as Chairman of CSL was accountable to Mr. Bosnitch, in his capacity as council member. This does not make for the democratic system Mr. Bosnitch so often referred to.

In a word, Mr. Bosnitch, my 'guts' are accountable, through the recognition that I am a student first and foremost, and through the realization that running into a brick wall time after time hurts after a while.

Second, Mr. Hansen has taken the liberty of misconstruing the intent of my letter. I do apologize however, for a slight misuse of the word slanderous—it should have been libellous—and for certain convolutions, although the Bruns may have more to do with this than I.

The directorships of CSL were voluntary positions. When Mr. Kirkpatrick volunteered his services at the meeting of shareholders, a precedent was set that superseded the stipulation that "the Comptroller becomes effectively the Business Manager for both SRC and CSL." The voluntarism of Mr. Kirkpatrick's action effectively made this stipulation null and void. With this knowledge, the letter can be construed as libellous, for with a reasonable degree of certainty, the letter was presented in a manner to injure.

cont'd on page 9