Court finds Oliver guilty

Brunswickan editor John Oliver was found guilty of contempt of court last Thursday. He was remanded until next Wednesday for sentencing.

Oliver appeared in court after an investigation into a column written by Tom Murphy, Spades Down, appeared in the Dec. 3 issue of the Brunswickan.

Murphy appeared in court Wednesday to answer the same charges. Both were in court for the purpose of showing cause why they shouldn't be charged.

Murphy requested a two-week adjournment in order to give him more time to find counsel. The court granted him one week.

"Your honor, I have been unable to obtain satisfactory counsel at this point," said Murphy.

He was speaking to the appeals tribunal of the New Brunswick supreme court; judges Ritchie and Limerick and New Brunswick chief justice Bridges.

"To find counsel experienced in this type of case is a difficult job.

"Thus I trust that my request for an approximately two-week adjournment, a procedural step suggested to me by the Right-Honorable John George Diefenbaker, will be granted in light of these circumstances."

The court granted the adjournment after questioning Murphy about his efforts to find reasonable counsel. Murphy said he had approached five or more and had only received an affirmative answer from one. He said he didn't feel this person satisfactory.

Murphy must appear in court at 10:40 a.m. next Wednesday. Oliver is being sentenced that afternoon at 2:30.

Prosecution counsel Teed objected to the adjournment. He said Murphy had had enough time to find a lawyer since he knew about the consequences of the article some weeks earlier.

James Harper, the man who represented suspended physics prof Norman Strax, represented Oliver. He argued that Oliver shouldn't be judged summarily and presented several precedents.

He also presented a case for having the charge thrown out. In particular, he quoted the 1968 case where British MP Quentin Hogg who criticized British judge Lord Denning in a newspaper article and was not charged with contempt.

But the court ruled that Hogg had criticized a decision rather than a judge. Murphy's article had criticized Judge J. Paul Barry and called his court a mockery of justice for alleged happenings during the Strax hearing.

The court suspended ruling to give Oliver an opportunity to print an apology of these statements and allegations.

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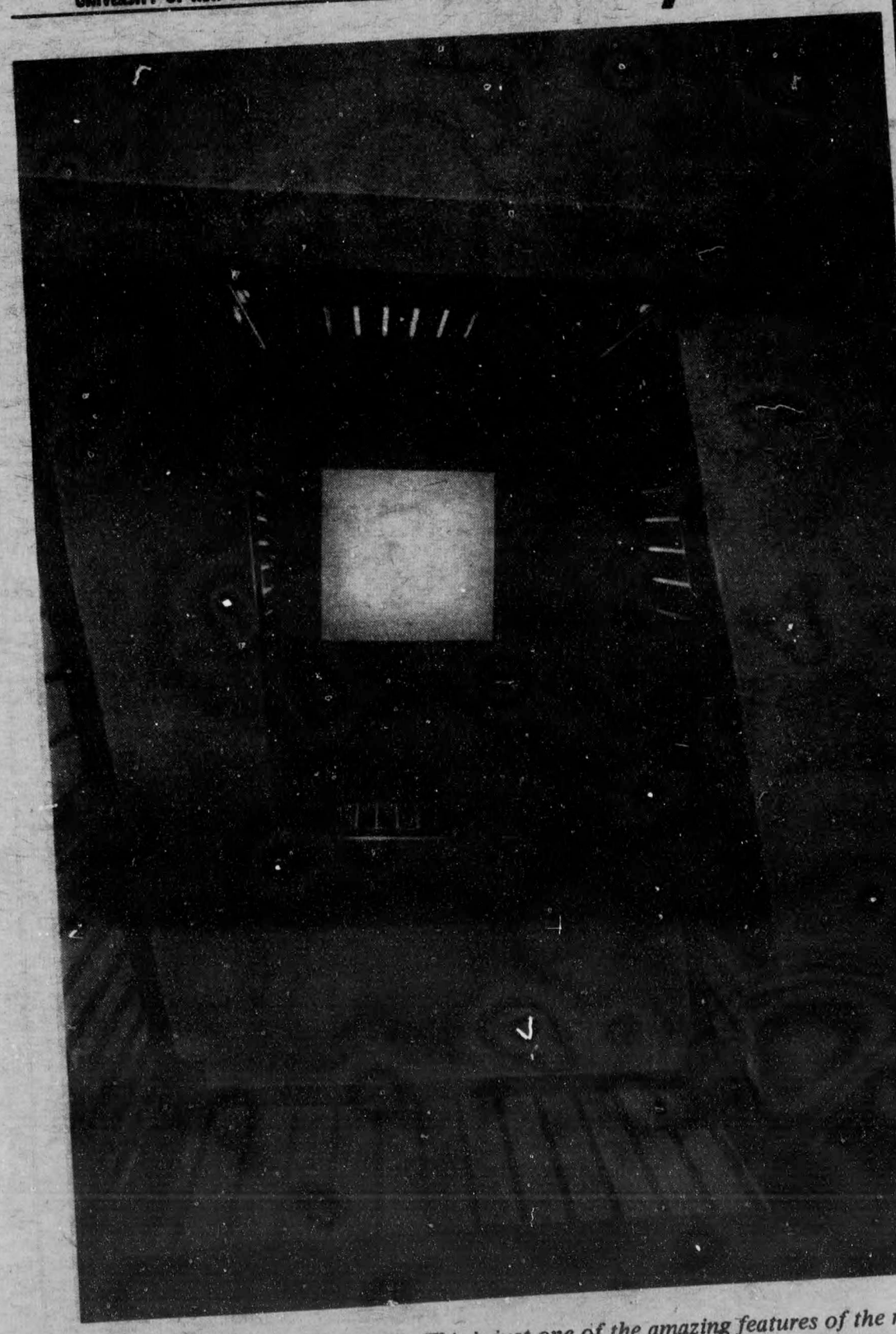

It's so far down it looks like up. This is just one of the amazing features of the new student union building lacking in the old students center. The SUB will be open to students beginning next Wednesday, January 29. brunswickan photo by ben hong

RETRACTION AND APOLOGY

The Brunswickan, in its edition of Dec. 3, 1968, printed a regular weekly column written by Tom Murphy under the title of "Spades Down".

In that particular column, Mr. Murphy made specific reference to a trial then before the Supreme Court of New Brunswick, Queen's Bench Division, concerning Dr. Norman Strax, associate professor of physics; his suspension from that post, and based upon the comments of Mr. Murphy with reference to his reaction upon being called as a witness and his comments upon the learned Judge of the Court concerned with the matter and also certain comments as to the Courts of New Brunswick in general.

To be specific, Mr. Murphy commented in his column in a manner that the ordinary man would consider derogatory of the dignity and humanity of our entire judicial system in this Province. Two specific statements with which the Supreme Court of New Brunswick, Apeal Division, took umbrage were: (a) "That court was a mockery of justice" and (b) "The courts in New Brunswick are simply instruments of the corporate elite."

In my capacity as Editor of the Brunswickan, I caused an apology for the article in question to be printed in the January 14, 1969, issue of this paper, upon the front page. Unfortunately I was not advised as to the legal import of the apology and did not know (although I should have) that what was required was not only an apology, but a retraction of the statements made, both as cited particularly above and also any other statements that were critical of the Judge in question or the Courts of this province in general.

On my own behalf and on behalf of all those associated with the issue in question, I hereby retract completely, aboslutely and without qualification both the above quoted statements and any and all other unfavorable innuendos that may have been contained in the article in question. I wish to make it very clear that I have the greatest respect, personally, for all of our Courts of Justice in this Province and completely recant any and all statements made by Mr. Murphy to the contrary.

I offer my personal apology to both The Honorable J. Paul Barry, The Judge to whom the article in the main referred, and also to the entire judicial system and all the Courts of New Brunswick for these unfair, untoward and unsubstantiated allegations made against both the dignity of the said Judge and our Courts in general.

I myself, in my capacity as Editor, realize that I am responsible for all articles published and I assure the Courts of New Brunswick and the general public as well, that my defalcation was occasioned by negligence and time pressure upon my part and certainly, had I realized the full import of the article, I would not have allowed it to be printed. I (in my ignorance as a student, rather than a professional editor) relied upon another member of the staff and a person whom I knew to be a professional journalist to rewrite or amend the article in question in order to keep it within the bounds of propriety and the law. I realize now that I should have been more meticulous in my over-seeing of that which they did, but through inexperience, coupled with my own naivety, in my part-time capacity as Editor, I allowed the article to be printed, after but glancing at it.

I myself, as a person, and in my capacity as editor of the Brunswickan, and on behalf of all members of the staff of the Brunswickan, completely retract the said statements so made by Mr. Murphy and sincerely apologize to The Honorable J. Paul Barry and the Courts of New Brunswick in general for any reflections that may have been occasioned by the publication of said article upon the good intentions, dignity, honor, honesty and integrity of both the Court presided over by The Honorable Judge Barry and all the Courts of New Brunswick and I assure all concerned that I myself personally and all the staff of the Brunswickan have the greatest respect for both our judicial system and the particular Judge mentioned and the Courts in general of this Province.

(Signed) John Oliver
Editor-in-Chief