

SU starts civil action

The Students' Union has filed a civil action suit for damages with the City of Edmonton for the seizure of over 12,000 *Gateway* newspapers late last week.

Student Union lawyer Harald Kuekertz has been instructed to commence a claim for damages suffered by the *Gateway* as a result of

the seizure. The first step is to notify the City Clerk that the Students' Union intends to sue.

Kuekertz has also been instructed to serve the University of Alberta with a claim for damages because of Campus Security's complicity in the Police action.

Criminal charges are still pending as a result of the seizure.

Only 766 days...

the Gateway

THURSDAY, NOVEMBER 26, 1981

...till 1984
- Big Brother

Journalists speak out

Police action unwarranted

Edmonton journalists and lawyers say the Police seizure of November 19th's *Gateway* was totally unwarranted and some disciplinary action should be taken.

The *Gateway* was confiscated from campus late last Thursday, November 19, by officials from the Edmonton Police and Fire Departments. The officials later explained they felt an arson story in the paper would have hindered their investigation.

On Monday, the confiscated *Gateway's* were returned and Police Chief Robert Lunney personally apologized to the *Gateway* for what he called an incorrect seizure by the investigators.

The Students' Union, publisher of the *Gateway*, has begun civil action against the City of Edmonton for the seizure.

Contacted by the *Gateway* yesterday, *Edmonton Journal* editor Steve Hume, *Edmonton Sun* editor David Bailey and president of the Alberta Human Rights and Civil Liberties Association Harry Midgely all commented on the police action.

Steve Hume

"I think it's outrageous. I think it's a totally unjustifiable act."

"I was pleased to see Chief Lunney apologize. At least he appears to be aware of the impropriety of the act."

"It's unfortunate he can't get it through the heads of his subordinates," so that they too, realize the impropriety of such acts as seizures, Hume said.

"We don't live in Poland or the USSR."

The seizure "reflects an attitude on the part of a lot of people in official government agencies that somehow they have the right to determine what people will write and distribute among themselves," Hume said.

Hume said his paper could conceive of holding back a story if some clear and present danger existed from its publishing.

However... "it would be cooperation on our terms," he said.

Hume also said the *Gateway* seizure illustrates the need for freedoms of expression to be entrenched in the new Canadian

Constitution.

Hume praised Police Chief Lunney for his "extremely courageous" apology to the *Gateway*. However, he suggested the individuals involved in confiscating the newspapers should be chastised, though not fired.

"It should be made clear this kind of action is not condonable."

David Bailey

Asked if he had ever heard of a newspaper being seized without apparent legal justification, the *Edmonton Sun* editor-in-chief said, "not in this country, not in England ... perhaps in the Soviet Union."

"Obviously this sort of thing cannot be tolerated. It would represent the beginning of the erosion of freedom of the press," Bailey said.

"Obviously it was the wrong thing to do. If it had happened to me (at the *Sun*) I would have been similarly upset."

Bailey said in a rare case and if asked properly his paper would consent not to run certain stories.

However, he said: "They (the police) have no power, no legal right to say a certain story can't be run."

The *Edmonton Sun* had similar problems with the Shirley *continued on page 6*



Gateway editor Peter Michalyszyn and SU president Phil Soper broke the police seizure story to the press Tuesday.

photo by Matthew Morais

Family, lawyer left in dark

by M. W. Ekelund

The Alberta Attorney-General's dept. has delayed the inquiry into the police shooting of 19-year-old Ken Shanks, following protests over the handling of the hearing by the family's lawyer, U of A professor Burke Barker. The inquiry was originally scheduled for mid-December. With no notice given to the family, who were the only witnesses to the shooting, or their lawyer, the right given under the Fatality Inquiries Act to hear the inquiry, ask questions and make submissions, is, according to Prof. Barker, "meaningless".

"It was known to all concern-

ed that they had council (We) can only conclude that there (was) a desire not to have the family present.

The shooting incident took place about 11:30 pm. on the evening of Aug. 5. Mrs. Georgina McHugh called the City Police regarding a family disturbance. There was a fight and one of the two responding officers shot Ken in the chest. Present were the police officers, Mrs. McHugh, Ken's 22-year-old brother and 13-year-old sister.

Since August Prof. Barker has been attempting to get a copy of the police report of the incident which he was promised on Aug. 7,

when the family gave their statements to the police. He finally located the file Nov. 19, in the Attorney General's Dept. This was when he learned that the inquiry date had already been scheduled. Stan Franklin, a lawyer for the A.G.'s department also stated that there would be no criminal charges laid against the police officers involved, and that there would be no charges laid against the family.

Mrs. McHugh and her family have moved out to Vancouver to avoid hate mail and phone calls she received from people in Edmonton. They are living on welfare, and would have been unlikely to be able to attend the hearing in December with less than a month's warning — and no official notice. They still may not be able to attend since they have to pay their own way to appear. As to their counsel, not only would he

have had trouble preparing his case without timely notification of the inquiry, the original date conflicted with another trial he was defending at, a fact he says the Attorney-General's department could or should have known.

Lawyer's diary

following is one lawyer's four month tribulations with the Attorney-General's department.

7 Aug 81

Present at interview by Edmonton City Police - S/Sgt. Crawford and Det. Forrest at Police Station. Mother - Georgina McHugh; Sister - Linda Shanks and brother - Randy Shanks all gave written accounts of what

continued on page 3

Attention

Your *Gateway* will only be produced once a week for the remainder of the year. So look Wednesday, December 2, 9, and 16 for the paper at the usual locations.

Hrustos Narodevsya.