

COMMENTARY

In defence of the President

Kamal B. Chopra

The past issue of the *Dalhousie Gazette* has attacked Mr. Owen's manipulation of the Constitution to further his own political goals. These, I feel, are totally unfounded. Both the editorial and the article by P. Creelman claim that Mr. Owen acted in a direct violation of the Constitution, specifically By-Law VII, 2(b).

This clause of the Constitution states: "... the President shall: when acting officially on a matter previously discussed by Students' Council, represent only the majority opinion of the Students' Council." Three points are of great importance in this discussion: precedence, interpretation, and latitude inherent in the Office of President.

In the past several years General Meetings have been, at best, only sparsely attended. Furthermore, past Presidents, in the early to mid

1970's, have acted in a dual role at these meetings. As instructed by Council, they have presented motions for consideration; beyond this, they do not occupy any formal position at these meetings and are free to vote as their conscience dictates as members of the Students' Union. As such, the President represents both his office and himself, the distinction between the two being quite clear in his own mind.

Secondly, interpretation can only be best exercised by objective minds. What occurred at the last council meeting was a violent display of emotionalism and hysteria, one of such great intensity that logic, reason and objectivity played no part. Granted that this may be offensive to intelligent human beings, however, it is questionable as to whether or not any intelligence was used in the out-

bursts, beyond a great degree of emotionalism. However, returning to the question at hand, it is incredible that fine English scholars on Council have difficulty in defining the word—represent. It does not seem possible that certain individuals claim that representation is binding on the President. One thing is clear, that is, at no place within the Constitution is it stated, or ever has been in the past, that the President is bound by Council to vote in accordance with the wishes of Council. Should this binding nature ever be included, it would deny all future Presidents their basic human freedoms of choice and speech. Representation, at no time, could ever be construed to include a binding force.

The final point of this discussion is the latitude inherent in the Office of President. By-Law VII, 1, states that: "The President

shall be the chief executive officer of the Student Union. . . ." No amount of changes within the Constitution could alter the fact that any President must have discretionary powers to be truly effective. To bind the Office of the President into specific duties would cause irreparable damage to the Union and its decision making process. Thus, it is a necessity to accord the President the latitude through which he can function. The first clause of By-Law VII is self-explanatory, as the chief executive officer of any organization is ultimately responsible for the actions of that organization and as such discretionary powers are inevitable. It is not desirable that the President should have plenipotentiary powers, however. It is inconceivable for anyone to clearly state the duties of the Office of the President due to its immensity and its ultimate

inconclusiveness.

There are some comments which I wish to address regarding the duality of the individual who serves as President. It is very important to consider that any President must be loyal to The Office and to himself—a most difficult task. It is in this regard that no Constitutional changes could draw a distinction between the two. All students and councillors should be aware that the Office of the President is one of diplomacy, sensitivity and toughness, all of which involve the President in the formal position as well as a member of the union.

Furthermore, I believe that this issue does not need study or investigation by the Constitution Committee because the Constitution is very clear on this issue. However, what is needed is the addition of a specific By-Law outlining all the precise functions of General Meetings.

In ending, the *Gazette* has been remiss in its duty by not fully investigating these questions before accusing the President to be in violation of the Constitution. A serious charge has been levied which clearly implies that the *Gazette* has decided to make the decision for the students—a clear case of irresponsibility.

One final point—no Constitution could be structured to control the conscience of individuals.

LETTERS

Objectivity is a myth

To the Editor,

I would like to take issue with what I feel to be the assumptions behind Paul Creelman's feature article, "Censorship: the Gramophone Mind vs Reality" (*Gazette*, 12 February 1981). Creelman, it seems, is a firm believer in the myth of objectivity. He endorses Dianne MacQuarrie's statements on the subject, sharing in her belief "that society will benefit from free availability of information" and, again, "that there is no evidence of possible adverse effects on an individual because of what they (sic) read." And he echoes for the n'th time George Orwell's tiresome conviction that "To exchange one orthodoxy for another is not necessarily an advance"—it-

self nothing more than another orthodoxy.

It is somewhat surprising, in an age of such massive and highly selective media bombardment, to find serious thinkers clinging to this fairy tale belief in the pot of absolute truth at the end of the rainbow of objectivity. There is, in such a position, it seems to me, a complete neglect of human responsibility. By this I mean that our duty, as people concerned with the future of life on this planet, is surely to take decisions as to what is right and wrong, good and bad, and then to try and live by these decisions—leaving room, to be sure, for development and change, but never surrendering to the amoral (but not apolitical) pronouncements of

the so-called democratic objectivists. It is no mere coincidence that the believers in "objectivity" are, nine times out of ten, apologists for the status quo.

Not surprisingly, Creelman finds himself defending the rights of scientists to investigate their elitest and racist theories and to do what they will in the dangerous arena of nuclear research, all in the name of "discovering the truth." After all, he seems to be implying, it may well prove to be true that blacks are genetically inferior to whites, that the working class has less ability than the gentry to appreciate the finer things in life, that women are stupider than men. But as all academic researchers are well aware, almost anything at all can be "proved." The "self-fulfilling prophecy" can be a hazardous phenomenon, and doubly so when people refuse to see it at

work. One cannot forever hide from responsibility behind a wall of adherence to "absolute truth." Is it not time that we dropped this reactionary position and realized, once and for all, that as the authors of our own fates, we are not only the captains but the builders of our own ships?

Eric Ball

Trouble with Fraternities

To the editor:

Rachelle Henderson's article about the fining of the Phi Kappa Phi fraternity (*Gazette*, 19 February 1981) failed to mention several pertinent aspects of the case. First, the Halifax City Charter contains a section (596A) which specifically prohibits noise of any sort by fraternities at all hours. Under Section 596A, a maximum fine of \$2,000 may be levied. When placed in this context, the \$250 fine which the fraternity actually received does not seem excessive.

Secondly, the comments by fraternity members contained in Ms. Henderson's article state that their neighbors are unsympathetic to fraternities and imply that the neighbors are "out to get them". As one of the neighbors who brought the fraternity to court, I would point out that the lack of sympathy has evolved during the course of numerous nights of interrupted sleep. I personally do not care what the fraternity members do, provided they do not invade my personal living space with their noise ("noise" includes

amplified music, and persons shouting, vomiting, and urinating under my windows). Fraternity members allege that the neighbors' complaints are "unwarranted". In court, Judge Sandra Oxner disagreed, telling John Annett that, in her opinion, the fraternity exhibited "a real attitude problem" in failing to control their noise. She further stated that it is the prerogative of the neighborhood residents to determine what constitutes reasonable levels of noise, not the fraternity.

Thirdly, the City of Halifax requested that the Court levy a substantial fine in order to impress the Phi Kappa Phi fraternity members with the need to take their responsibilities as residents of the city and of their neighborhood seriously. On the basis of their remarks to Ms. Henderson, it is obvious that fraternity members have not yet done so.

Yours sincerely,
Dian Gifford
Department of Oceanography

Exams not changed for Easter

Dear Editor,

It came to our attention about two months ago that the Registrar's Office had scheduled spring exams to be held on Saturday, April 18 and Monday, April 20. These two days correspond to Holy Saturday and Easter Monday for all Christian students. Because these two days are so important, we felt that it was unfair to expect Christian students to write exams then. Consequently, we wrote a letter to the editor some time ago to inform the university

community about this matter. Also, we visited the President, Dr. MacKay, to ask if anything might be done. Since that initial visit about a month and a half ago, we visited him again. Dr. MacKay offered to send a memo to all faculties asking their co-operation in allowing students to write on alternate days who wished to do so. It was impossible, according to the president, to change the exam schedule itself because the Senate had decided a couple of years ago

that the university would not observe any religious holidays. Nevertheless, students wishing to write on alternate days may approach their professors to set up an appropriate time. We would suggest that the students involved speak to their classes to set up a common time for all concerned which will be convenient. In this way, both professors and students may be accommodated.

Sincerely,
Dalhousie Newman Society