

OPINION...

HUMAN RIGHTS

The Chief Justice of New Brunswick, Mr. Stewart G. Stratton, in his 25 page judgement of September 8, 1989, in connection with Malcolm Ross, makes reference to subsection 5(1) of the Human Rights Act, which reads as follows:

"No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall (a) deny to any person or class of persons any accommodation services or facilities available to the public, or

(b) discriminate against any person or class of persons with respect to any accommodation, services or facilities available to the public, because of race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status or sex."

After reading the Act as well as the judgement, it seems to me that the authors of the Act did not have schools in mind as a possible place of discrimination of the kind they were concerned about, for the obvious reason that in Canada it has not been a problem that a child or an adult had been refused admission to a school or to an institution of learning on the basis of colour, race, sex, etc. At the same time it also seems perfectly reasonable that if there were such cases of discrimination where a child was barred from entering a school, it would be a violation of human rights, as conceived by our society, and any Human Rights Act ought to cover them.

It would appear therefore that Mr. Justice Miller was correct in saying that the Act was not intended to apply to schools, while Chief Judge Stratton is also correct in asserting that if the purpose of the Act was to be served, it should be applicable to schools as well. The apparent contradiction is a result of lack of clarification as to what kind of discrimination is being considered.

The kind of "discrimination" that David Attis of Moncton is alleging is of a very different variety than that envisaged by the Human Rights Act of New Brunswick. He claims that the Moncton School Board is guilty of discrimination against him because he is a Jew with 3 children in the school system, and the Board employs a teacher, who, according to him is "anti-Jewish", although he has not taught any of his children. This kind of "discrimination", if it can be called that, hardly falls under the Human Rights Act. He also asserts that the Jewish and other minority children are denied "equal opportunity", but does not specify as to what kind of opportunity they are deprived of by the Board, when in fact all the children are treated exactly alike?

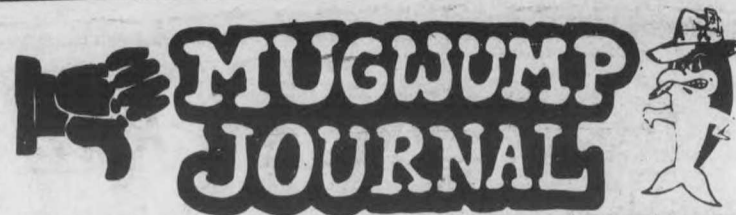
The terms like "anti-Jewish" or "racist" used by Attis, are not well defined. One can say that the Jews are "anti-Christian" and it will not be devoid of meaning. The Jews themselves can be labelled as "racists" because they are one of the most race conscious people in the world. For example, Israel's doors are completely open to a Jew, but not to a non-Jew, which is certainly a form of discrimination based on race.

All forms of discrimination are not necessarily evil. For example, to discriminate against what one considers to be hateful cannot be considered evil. People should be free to love and hate and express their feelings as long as their expression is not too crude or violent. The Human Rights Act is designed to curb such crude discrimination which can be easily ascertained, like refusal for accommodation or services; it is not designed to control people's thoughts and minds.

Judge Miller had concluded that Attis had no specific charge against the School Board, while Chief Justice Stratton says that since Attis has alleged that Ross had made some "anti-Jewish" remarks 12-13 years ago, when apparently his own children were not in the school system, and Attis perceives that Ross's presence in the system creates an anti-Jewish atmosphere, it is specific enough to constitute a complaint. He leaves it to the Human Rights Commission to decide whether the complaint is frivolous or not. Unfortunately the Commission has not proved so far that it is capable of making such judgements.

The Chief Justice Stratton says that "the word 'complaint' as used in s.17 of the Human Rights Act must be given an interpretation which will advance the broad purposes of the Act, i.e., the advancement of human rights and the elimination of discrimination." I agree. For this very reason the Attis complaint should be put aside, because it has the net effect of taking away the human rights of one person, namely, Malcolm Ross, who, under a gag order is not allowed to express his views in any form, he is not allowed to teach, and he lives under the constant fear of losing his job. While the courts, judges and the politicians play with words and the public money and resources, he is punished without any trial or conviction for any crime. How can he match the financial resources of an organization like Canadian Jewish Congress who can afford to launch legal battles interminably to achieve their goal of silencing Ross, which they failed to do through other means?

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BY MELANIE R HAWKES



What do 75% of students do during class time? No, take notes was not the answer I was looking for (that's the other 25%). Guess again . . . you got it - SLEEP!

Sleep is a very interesting topic as it plays a very important part in all of our lives. Did you know that the average person spends (only) about 232,678 hours of their lives sleeping? So, if you're going to sleep that much, you just as might do it well. Some of us do not, however. Do you suffer from insomnia, enuresis, pavor nocturnus or somnambulism? Translated into English, this means, do you experience abnormal wakefulness, bed-wetting, night terror or sleep walking?

The question of how many hours of sleep required by humans has not been answered. The average person sleeps about 7.5 hours but there are some individuals (around 5% of the population) who sleep less than 6 hours (short sleepers) or more than 9 hours (like me, called long sleepers) per night.

Then there is the question of how many hours of sleep you don't get. If you were ever so unfortunate as to have been deprived of sleep beyond 40 hours (like if you didn't do your assignment OR you just started first week of school) you probably would have begun to show increased irritability, lack of perseverance and visual, temporal and cognitive distortions. Sounds like my brother. Even worse yet, after 100 hours of sleep deprivation (because you were a member of the Orientation Committee '89), you probably began to display behaviour resembling paranoid psychosis (??). Ask Bob S. And to think the frosh looked to us for guidance!

The longest recorded period for which a person has voluntarily gone without sleep is 453 hr 40 min by Robert McDonald of California in a rocking chair on Mar 14 - Apr 2, 1986. Victims of the very rare condition chronic colestites (total insomnia) have been known to go without definable sleep for many years. Jesus de Frutos (b. 1925) of Segovia, Spain asserts that he has only dozed since 1954.

There are basically 2 types of sleep. There is the first, earlier portion, which is needed for unimpaired biological health and performance and is composed largely of slow wave sleep and may be called obligatory sleep. The second and later portion consists mostly of REM sleep and is called facultative sleep. The REM (Rapid Eye Movement) stage is required for proper psychological functioning and possibly has a role as a reprogramming mechanism. Dreaming also takes place in the REM stage of sleep and is characterized by a low voltage, and changes in the heart rate and respiration.

How many times have you been asleep, really enjoying your dream when suddenly the phone rings. It usually takes about 5 rings to figure out if it's real or just part of your dream, then after you've finally woken up, the phone stops. How annoying.

Then there is the classic dream where you feel like you're falling off a ladder and you wake up just before you hit the ground. I once heard if you did hit the ground, you died in your sleep . . . makes sense???

Ever had a dream where there was a murderer after you and you fall down as he chases you? The worse part is that no matter what you do, you can't move, you just can't get up and run away, you're totally paralyzed.

Enough of that. Now stand in the place where you live, now face north, think about direction and wonder if REM thought of their name while sleeping in class one day!



Note: Reference: "Sleep and Dreaming"; Ernest Hartmann, M.D.; Little, Brown and Company; 1970.

September 29, 1989

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