

# Letters to the Editor

## Excalibur evidence said circumstantial

In the Oct. 7 issue of Excalibur, Andrew Michalski (editor-in-chief) launched serious charges of anti-semitism against Dean Walter Tarnopolsky of the University of Windsor. It is the opinion of the transfer students, referred to in the article under study, that the facts upon which the allegations are based must be considered in their circumstantial nature.

Firstly, it must be pointed out that most of the material cited in the article was provided by former Windsor law student, Les C. Cohen. Secondly, in considering this material as evidence of anti-semitism on the part of Tarnopolsky, one must consider the relationship between Les Cohen, the University of Windsor and Dean Tarnopolsky.

The article quotes: "When a second year Jewish student charged discrimination against Tarnopolsky and the faculty — he was denied counsel at a faculty meeting to reconsider his status at the law school." The second year Jewish student allegedly denied counsel was Les Cohen.

The article quotes: "The only 1970-71 second year student not allowed back this year is Jewish." The above-mentioned student is Les Cohen.

The article quotes: "Tarnopolsky is presently under investigation by the Ontario Human Rights Commission..." The complainant in this action is Les Cohen.

The article quotes: "He, (Tarnopolsky) also faces possible legal action by former students." To our knowledge the only "former" student contemplating legal action against the dean is Les Cohen.

It is submitted that many of Les Cohen's allegations against Dean Tarnopolsky are based on spite and emotion rather than genuine grounds for discrimination. This contention is substantiated by other facts not disclosed in the article. Mr. Cohen was admitted to Windsor Law School after failing first year law at Osgoode Hall. Is there not the slightest possibility that Mr. Cohen failed second year law not because he is Jewish, but because of his academic ability?

It must be understood that the transfer students from Windsor's law school are not pleading a defense for Walter Tarnopolsky. This is merely an attempt to clarify the allegations made against him in the Excalibur.

In light of the above, should not Mr. Cohen's allegations be examined most carefully?

Brian Donnelly  
Mark Frydman  
Mark Lerner  
Ned Levitt  
Steve Polowin  
Don Zaldin  
Kevin Anstey

## Windsor transferees reject charges

In reference to the editorial of October 7, 1971, we the undersigned are all of the Jewish transferees mentioned in that article dealing with Walter Tarnopolsky, dean of University of Windsor law school.

We reject and emphatically deny the insinuation that our motives for transfer from Windsor Law School to Osgoode Hall were in any way based upon an atmosphere of prejudice. We find no evidence nor justification for the spurious allegations of anti-semitic practices levelled at Tarnopolsky by the author of that editorial.

Mark Frydman  
Mark Lerner  
Ned Levitt  
Steve Polowin  
Don Zaldin

## Jewish Federation not involved

On behalf of the Jewish Student Federation I would like to comment on the article pertaining to our involvement in the choice of the vice-president, Walter Tarnopolsky.

Upon reading Excalibur, I and the student executive board were not only surprised but angered over the fact that our Federation had been publicized as having called an emergency meeting to discuss the hiring of Tarnopolsky.

I would like to draw to your attention the fact that the comment made to Excalibur did

not issue from the federation office. Moreover, we would like to ask that this letter be brought to the attention of the board of governors as indication that the federation was not involved in discussion about taking action over alleged anti-semitic charges levelled at Tarnopolsky.

We would like to make it known at this time that we did have a meeting about this matter, but it was in response to the article in Excalibur. The unanimous decision taken at this meeting was to disassociate ourselves from the article, not the issue.

Elliott Muscar

## Excalibur article right on

To those knowledgeable your stories were generally accurate — right on.

You omitted the fact that of those first year students below 60 percent passing average in May, two non-Jewish students were passed by the unusual step of having a Christmas mark changed. One student was a repeater and the son of an Ontario Court of Appeal judge. The other was the author of a favorable newspaper story about the dean. No Jewish student in any year had a Christmas mark raised in the spring.

Bruce Fraser is also president of the Ontario Law Students Association.

Three, not two, probationary second year students were turfed out last Christmas for failing to reach 60 percent. One had 59.6 percent and Tarnopolsky reportedly said he would never make a good lawyer.

Tarnopolsky has never practised law. He became a member of the Ontario Bar only last year by virtue of having taught in the province over two years — a common law society practice for Canadians from any provinces who teach rather than article and take the bar admission course, an 18 month procedure, before being called to the bar to be able to practise law in Ontario.

Les Cohen

## Colleagues outraged at Oct. 7 charges

As members of the Osgoode Hall law faculty who have personal knowledge of Windsor law dean Walter Tarnopolsky as a former colleague, as a friend, and as a scholar, we write to express our disbelief and outrage at the charge of anti-semitism that was levelled against him in the Oct. 7th issue of Excalibur.

Those who know Tarnopolsky — and two of the signers of this letter who happen themselves to be Jewish, have known him and worked with him since his student days some 15 years ago, know that his working and personal life has been devoted to the cause of civil liberties in Canada. Indeed, it would not be too much to say that Tarnopolsky as a teacher, as a scholar, as the author of "The Canadian Bill of Rights", the leading text on the subject, as a consultant to the Federal Department of Justice on the Bill of Rights, and as a sometime hearing officer for the Ontario Human Rights Commission, is the pre-eminent civil liberties scholar in Canadian legal education.

Tarnopolsky's concern for human rights and the dignity of the individual has not been merely of the quiet academic or after-dinner-speech kind. He has consistently stood up for his beliefs and has been seen to live his life in accordance with his professions. A small, but significant incident, of which one of the signers has personal knowledge, serves to illustrate the kind of man he is. While in Windsor, the Tarnopolsky family lived adjacent to a prominent golf and country club. It would have been the natural thing for Tarnopolsky to join the club, particularly to let his children enjoy the club's facilities in the summer as the children in the neighbourhood did, and as his children wished to do. The club, however, was "restricted" — it did not accept Jews for membership. Tarnopolsky, felt that he could not be true to himself and join such a club. Moreover, he refused to attend any of the functions of the Windsor Bar Association that were held at the club, and made clear his reasons for so doing. There are many men in public life — in the universities, in government and in the professions, who would not for a moment consider themselves anti-semites, nor would be considered by Jews to be anti-semites, who

are perfectly content to belong to such clubs and to profess sincerely a belief in human dignity as long as it does not cause them any personal inconvenience. Tarnopolsky is not such a man. To accuse him of anti-semitism and to believe him capable of it, is, to those who know him, the work of a perverted fantasy.

As to the allegations made in Excalibur, we have little personal knowledge. We are, however, aware of certain facts which we would like to bring to your attention. The two primary sources of information upon which Excalibur relied were a former professor and a former student at the Windsor law school, both of whom are Jewish. The Windsor post for the professor in question was his third job at a Canadian law school. He was not offered a permanent contract at his first two schools and when his name came before the Tenure and Promotions Committee at the Windsor law school in November, 1970, he was denied tenure and not offered a permanent position. The decision to deny tenure was a decision of the committee as a whole of which Tarnopolsky acted as the non-voting chairman. Among the factors which the committee considered was an oral representation by a student body delegation of four students, one of whom was Jewish, that the professor be denied tenure. The professor subsequently resigned as of the end of the 1970-71 academic year.

The student in question was, prior to his attending the Windsor law school, a student of Osgoode Hall Law School. He failed his first year and was denied permission to write supplemental examinations notwithstanding the presentation of a medical certificate. After taking a year out of university, the student re-applied to Osgoode Hall for admission to first year. Because of the poor quality of his record, his application was refused. He then applied to the Windsor law school and was admitted. He passed first year at Windsor, but failed his second year. He thus had failed two of the three years he had spent in law school, and the faculty, not surprisingly, refused to allow him to repeat second year. This, presumably, is the man Excalibur refers to when it says "the only 1970-71 second year student not allowed back this year is Jewish". It is highly unlikely that any law school in Ontario would let such a student repeat; certainly Osgoode Hall would not. These are the disaffected young men upon whom Excalibur primarily relied for its information, and upon whose information it blithely smears the reputation and jeopardizes the career of an outstanding man.

As to the other allegations of prejudice in the review of the performance of students who failed their year, it is sufficient to note that the reviews were conducted and the decisions made by meetings of the Faculty as a whole at which Tarnopolsky acted as the non-voting chairman. This was also the procedure in the case of the student noted above.

In summary, we consider the charge of anti-semitism against Tarnopolsky to be beyond belief, and we wish to express our respect for him as a man and as a colleague and to indicate our support for him as proposed senior administrative officer of York University.

William H. Angus	Dennis C. Hefferon
Harry W. Arthurs	John Hogarth
John M. Barber	Allen M. Linden
Stanley M. Beck	Sidney Peck
John T. Blanchard	J. Grant Sinclair
Maurice C. Cullity	Donald Spence
Peter Cumming	Gary Watson
R. J. Gray	Paul Weiler
Balfour Halevy	Jacob Ziegel

## Neurotic colonialist hits back at Mathews

Thank you, professor Mathews! I do so enjoy a calm, rational argument. But then, this tends to be a characteristic of us poor, neurotic, cringing colonialists! Again, let us consider your argument step by step.

First of all, the so-called two year policy in regard to visiting professors was changed almost a year ago. A visiting professor can now have his term extended as long as the host university wishes it. By way of information, my term as a visiting professor was three years, so even under the old policy, there was substantial flexibility. But of course, I don't check my facts, I just happened to be there.

Secondly, as you accurately point out, I did not know that Mrs. Cottam had her Ph.D. I would still, however, suggest that you check the market for college history professors of

whatever specialization in the United States. It is a tight, narrow, highly segmented buyers market that pays its own members less than some high schools. At the institution where I worked, a Phi Beta Kappa graduate of Columbia in American history, and an excellent teacher, was paid less than \$11,000 per year. It is a market that works on principles not particularly evident to an outsider as well.

Thirdly, there is a vast difference between "pointing out that a U.S. MA was hired before a Canadian Phd from 'lightweight Toronto,'" and implying that the decision was wrong. In so doing you must claim some means of making a distinction. Again, for information's sake, I have a degree from "lightweight Toronto" as well.

Further, you said you could read. Then you must know that I did not say that a degree from Harvard did not mean very much. I only said that in my field it is no better than that from some less publicized American schools. Nor did I say that my Canadian training was as good as nothing. I said that some, repeat, some of my Canadian teachers were very bad. In this context, why don't you crusade for something meaningful, like improving the total quality of Canadian education, rather than just attacking the all so vulnerable American? And while you are at it, canvas your Canadian students in regard to their opinion about the quality of some of their instruction from Canadians. You might be surprised at their answers.

By the very violence of your reply to a rather innocuous letter, you give evidence of having taken refuge in an emotional diatribe, the last resort of an intellectual espousing a theory that hasn't a leg to stand on. Come on, admit it and let's get on with the important work.

One further comment about the "cringe". It is so popular to attack Americans. Can you really class those who defend them as "cringing"? But then, they don't attempt to defend themselves, do they?

Your faithful, "cringing, neurotic colonialist" dupe,

Vernon W. Yorgason.

## Yeomen worse off than Christians

The persecuted Christians in Roman days had it a lot easier than the York Yeomen. Being slaughtered is never pleasant but it can be at least bearable if someone is pulling for you.

I've been told many times that if you like football this is not the place to be. Someone should have told the 35 guys slugging it out in Sudbury last Saturday. They evidently feel that football has a place at York and are trying to prove it.

Some feel there isn't much point going to the games as we never win. The assumption is that we never will win. The Yeomen is a team representing York and therefore, us. We may feel it takes too much effort to get to a game we are going to lose. I think it must take a lot more effort to practise all week, put on a uniform, and try to get a team psyched up to win, when a whole campus has already declared you're going to lose. It takes more than a lot more effort. It takes guts.

Brian Milner suggested in Excalibur, Oct. 7, that our football team should take up water polo so that when they lose they will at least be clean. I'd like to suggest to Milner that if he must persist in this folly he feels has journalistic value he should change his typewriter ribbons. Smears are in poor taste.

Glenna M. Anthony  
Stong College

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