

EDITORIAL

SU still sinking

The closing of the Students' Union Music Listening Room will save the SU about \$4,000 this year. This only leaves them a few hundred thousand dollars in debt!

At the September 24 council meeting, students were promised action within a month. Plans were being made, we were told, and they would be announced in the near future. But little has been done.

Some small changes have been made: the accounting procedure has been revamped, part of the Music and Tape Store has been leased out, and the Music Listening Room has been closed. These measures may help prevent the SU from losing any more money this year but they certainly won't help pay back that which has already been lost.

Interest charges on the money owed to the university may be \$60,000 this year. This will eat up any expected profit on operations since for the first six months of the year the SU continued to lose money at the same rate as last year.

It is time for some drastic action. Students' Union business areas will either have to break even or be dropped, even though students are bound to suffer. Essential student services must be preserved intact; luxuries must go. *Friday's*, probably the only bar in town that loses money, must change or be sold.

In the end, it will be the students who have to pay the piper. Students' Union fees are going to have to rise; they are among the lowest in the country, and there is no other way for the SU to begin paying off its debts.

But in return for higher fees, students should demand more changes. Through their elected representatives, they should take a more active role in the financial operations of the organization, rather than blindly trusting the managers hired by them. These people have a vested interest in minimizing the seriousness of the situation, because they are responsible for it.

In the past three years, the SU financial position has deteriorated by more than one million dollars.

Action is needed now if total disaster is to be avoided.

No brew blues

Arrgh! I'm dry as hell and I can't take it anymore!

I can't take being forced to drink beer that looks like it came out of the wrong end of the horse, beer that makes me feel unpatriotic, beer that makes me think I'm a union basher, beer that tastes like the Shirley Temple of the yeast set.

So do something, somebody! Declare brewery workers an essential service, just like nurses. After all, the breweries are pouring their riches down the drains now, giving every fish from here to Hudson's Bay a private drunk, while us clean-living, God-fearing, strong-willed Albertans pay \$8.00 a case for bootleg Colt 45.

I wake up at night terrified, thinking about all the engineers and their years of training being wasted because of a silly lockout. I mean, anyone can drink 40 Miller, but it's the rare person who can down 40 O'Keefe Old Stock in one day. Give me Canadian, or give me death!

Keith Krause

the Gateway

VOL. LXXI NO. 15
TUESDAY, OCTOBER 28, 1980
TWELVE PAGES

Editorial Staff
EDITOR - Keith Krause
MANAGING - Jim McElgunn
NEWS - Mike Walker and Nina Miller
PRODUCTION - Peter Michalyszyn
ARTS - Ken Daskewich
SPORTS - Shaune Impey
PHOTO - Kathy Keparle
CUP - Jim McElgunn
ADVERTISING - Tom Wright
MEDIA PRODUCTIONS - Margriet Tilroe-West
CIRCULATION - Mike McKinney

As the mercury plummeted, Geoff McMaster, Bill Inglee and Kent Blinston sipped their rum and quietly cursed. Bob Kilgannon, Carol Little and Cathy Emberley modelled the new polar bear fashions, but Debbie Pelehos and Doug Spaner were too cold to notice. Ray Giguere and Candy Fertile blew on their cold fingers and shovelled their way to the Gateway office while the ubiquitous John Charles wrote a shovelling (what!) review. Maureen, Brent Jeffrey, Murray Whitby and Elda Hopfe contemplated the twelve feet of snow (sorry, that should be 4 metres) while Kenny B. looked in vain for the funny side of it. Meanwhile, Michael Skeet mourned his frozen carnation. Christ, it's not even Halloween!

THE GATEWAY is the newspaper of the students of the University of Alberta. With a circulation of 18,500, the Gateway is published by its proprietor, the Students' Union, Tuesdays and Thursdays during the winter session. Contents are the responsibility of the editor; editorials are written by the editorial board or signed. All other opinions are signed by the party expressing them. Copy deadlines are 12 noon Mondays and Wednesdays. The Gateway, a member of Canadian University Press and the Youthstream Network, is located at room 282 SUB. Edmonton, Alberta, T6G 2J7

Newsroom 432-5168

Advertising 432-3425

NEWS ITEM: NOLAN & PALS TO LOBBY M.L.A.'s for FUNDS



Rape feature under assault

I would like to take this opportunity to comment on your article "Court rules: Rape Justifiable". I submit that it presents a distorted picture of the law with respect to the *Pappajohn* decision.

It is indeed true that in *Pappajohn* the Supreme Court of Canada ruled that mistake of fact as to the existence of consent on the part of the victim is a defence to rape. I submit that such a conclusion is perfectly consistent with the general principles of criminal law and that it will not result in injustice with respect to rape complainants.

First, mistake of fact is a well-accepted defence in law to offences requiring that a mental element be proved. If a person drives away in a car that he honestly believes to be his own, when in fact it is not, can anyone seriously contend that he should be convicted of theft? Certainly, the law does not. It does not matter that a reasonable man in the circumstances should have known the true state of facts. The civil law principle of imputing knowledge of the reasonable man to people has no application in criminal law.

When a person is to be punished what counts is what he actually thought or knew, as many persons lack the rationality of the "reasonable man". Thus, the grounds upon which the belief of the accused as to the facts need not be "reasonable". The belief need only be genuine. In sum, if the defence of mistake of fact is available with respect to any offence with a mental element, why should it not also be available with respect to the offence of rape?

Second, we must realize that the defence of mistake of fact being discussed is a very narrow one and unlikely to succeed except in very deserving cases. The accused must have an honest belief that the victim had consented to the intercourse.

Realistically, this is going to be very difficult to establish in almost all cases. How many jurors are going to believe a claim of "I thought she consented, despite her verbal protests" in the average rape case?

To underline my point, I need only refer to the *Pappajohn* case itself. Ms. Andrews would have us believe that *Pappajohn* won an unjust victory in the Supreme Court. However, while the Court did hold that the defence raised would be a valid defence to rape, it was of the view that the facts did not support the defence in the case at bar. The Courts of Canada did not believe that Mr.

Pappajohn held an honest belief that his victim had consented.

Ms. Andrews seems to support a change in the law to render rape a strict liability offence, not subject to defences that most other offences are subject to. I submit that rape should be treated no differently than robbery, murder or any other crime. We cannot start stringing up everyone who is accused of the offence. While it is clear that rape is a particularly horrible crime, the law should continue to require that the Crown prove its case against a person presumed to be innocent until proven guilty.

Brian A. Vail
Law III

Gateway hate literature

Re the article "...Gaiety and Dignity...":

You, the editor, have in the past excused your lack of discretion about material by saying "We print any letters which we receive". These next step in your career of printing HATE LITERATURE is to do full-page ads for the KU KLUX KLAN.

Aiding and abetting bigotry is obviously okay with you, if you think you can get away with it, and you won't get thrown out of office. Who knows? There's always hope!

Whoever wrote the article obviously has a garbage can for a "significant other", and needs some minority to project it onto. Not just any minority, but one that is an easy target for abuse. Thirty years ago, this article would have been anti-Jewish or anti-black.

A brief scenario: "Black male servant seduces lonely white mistress. She spends the rest of her life in shame and degradation, paying for this so-called 'shame'. Finally she is driven to commit suicide." However, you wouldn't have accepted an article like this in the 1980 *Gateway*; you would have seen it as obvious garbage right

away. (Or do I overestimate your judgment?)

If her brother threw himself off a cliff, because of shame and disgust at his sexuality, what he needed was not also shame and disgust from his family, but understanding. Too bad some people are still spreading lies and hatred around.

Laura Lee
Special Student Sciences

God'll get ya for that

Sara Alexandra Greenland, as she made clear in her letter of October 23, professes to love God and His only Begotten Son Jesus Christ. She claims to know and understand God, yet she says, "I hesitate to use (my Dad's) name since I no longer answer to him." How can one who loves God not only defy His fifth commandment (Honour your father and mother) but also brag about her sin in the *Gateway*?

One of us is in big trouble, Alexandra.

Helland M. Nation
Philosophy IV