

Bata will not seek new term on York Board

By JOHN HARRAS

Two student groups at York University are claiming victory following the recent announcement that Sonja Bata will not seek re-election to the University's Board of Governors (BOG).

David Himbara, president of the York Student Movement Against Apartheid, and Alex Riha, spokesperson for the York Student Front (YSF), says their "on-going" efforts were responsible for Bata's decision.

Part of those efforts included a petition with the names of over 1,000 York University students and staff members, calling for Bata's immediate resignation from her position on the BOG. The petition was presented to York president Harry Arthurs on May 7.

At issue is the Bata Shoe Company's involvement in South Africa. A report submitted to the House of Commons in February indicated the shoe manufacturer, of which Bata is a director, was violating specific Canadian government codes of conduct with respect to investment in South Africa.

In the April issue of its *Spark Newsletter*, the YSF reported the Bata Shoe Company fired many of its 700 black employees who attempted to form a union. The workers were seeking better wages. Their current wage of \$20.00 Canadian per week is well below the poverty line established by the South African government.

In its newsletter, the YSF demanded that "Sonja Bata be asked to resign from the York University Board of Governors immediately; that York University refrain henceforth from any investment in apartheid South Africa; that York University issue a statement categorically condemning the apartheid system in South Africa."

On May 10, York University responded to the May 7 petition by announcing Bata's decision not to seek re-election to the BOG. The press release indicated Bata had formally made that decision in a letter to the Board dated February 25, and that prior to the letter she met with Board chairman Bruce Bryden in January and informed him that she would be stepping down.

In an interview, Bryden said Bata's term on the Board expired June 30, and it is customary that he meet with the Board member in January to discuss their status.



Sonja Bata

Bryden said Bata requested that she "not stand for a further term on the Board because she had been there for nine years and felt that it was time that new ideas or a new person join the Board." Bata also told Bryden that her other involvements had increased dramatically and she doesn't have the time to do the kind of job on the Board she would like.

Bryden said Bata did not indicate in any way that she felt pressured to withdraw from the Board. Bata's February 25 letter was not a

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"CAN'T WE DO SOMETHING ABOUT THESE WIDE LAPELS?" York's new president, Harry Arthurs (second from left), dons new presidential robe at May 9 installation. Looking on (from left), Vic Murray, Tuzo Wilson, and Bruce Bryden.

Forum debates control of hate literature

By HARRY MARGEL

"The law is a dubious weapon at best," proclaimed Alan Borovoy, a lawyer and general counsel at the Canadian Civil Liberties Union, speaking at a May 16 forum at York entitled "Hate Literature: To Control or Not to Control."

"The law can injure the very people it was designed to protect," he said. "The Zundel trial caused an obscene debate on whether Auschwitz was a Jewish country club rather than a Nazi death camp."

It soon became apparent that what the panel of four distinguished speakers had on their minds was not a debate on whether or not to control hate literature, but the method by which it should be controlled. In addition to Borovoy, three others—Kirk Makin, a court and legal reporter for the *Globe & Mail*, Irwin Cotler, a professor at McGill Law School and a human rights activist, and Arnold Herschorn, a local lawyer—presented their arguments to the crowd.

"Is hate propaganda within the boundaries of legitimate political debate? I say no," Herschorn told the audience.

In agreement with Herschorn's assertion that hate literature and free speech are two separate things, Cotler said that "hate literature does not belong to the marketplace of ideas," referring to the First Amendment of the US Constitution, and said that it belongs, rather, to "the marketplace of hate."

Cotler, however, had different ideas of how to deal with hate propaganda. "The jurisdiction of human rights commissions should be expanded as opposed to using criminal remedies," he said. Referring again to the issue of creating a platform for Zundel, Cotler said, "It is a non-punitive process which would limit the risk of giving a platform."

In contrast, Herschorn had said that he believed the law can be an effective control if enforced by the courts to fight hate literature.

While Borovoy found it difficult at times to control his interjections, he was able to point out his differences. "There are the somebodies, and there are the nobodies," he said. "The nobodies, like Zundel, who have no influence, deserve an indirect response—they should be ignored. Then there are the somebodies, like Keegstra, in Western Canada, who was a town mayor and taught children in the local high school, and had some influence... he deserves

a direct response." While Borovoy's "direct response" means pointing a finger, for example by using the media to uncover corruption, he said that prosecution is not an effective method. "It would be like using a net which would catch not only the person you're looking to catch, but other innocents along with him," Borovoy said.

Because the media is so heavily involved in the issue of hate literature, as well as its possible solutions, the *Globe & Mail's* Kirk Makin participated in the forum by giving his thoughts on why a trial such as Zundel's received such extensive coverage.

"By ignoring bigots, the media would not provide them with a platform from which to spread their views," Makin explained. "But there are reasons why reporters and editors cannot ignore them." He said he felt that the law can be used like a double-edged sword. "Look what the courts did to the Indians, to

the Japanese," he cited.

Makin allowed that the novelty or unusual nature of a trial also attracts the media. "If people in general were ignoring the prosecution, the media would too," he said. Later in the evening, Makin agreed with a woman who charged that newspapers distort reality by using headlines out of context with the true base of a story.

Herschorn, while as concerned as the other speakers about the platform issue, said that it was important not to ignore "the hate monger." "Because of the fact that others may internalize the propaganda of the hate monger, even though he may be a lunatic he is involved in a criminal activity and should be stopped." He went on to say that "we should not wait around just to see the views of these people unfold just because they may be cranks. We know it can happen, as it already has."

Flaws in Indian Act the focus of Glendon lecture series

By LIVIANNA TOSSUTTI

Some of the ideology behind Canada's Indian Act is outdated and racist, according to Leo Johnson, who gave the first lecture of his six-part series, "Racism and the Legal Basis of Indian Oppression," at Glendon last week.

Johnson said that the goal of the Indian Act today is consistent with that of the Indian Act of 1876—to place Indians in a position of dependency on the federal government.

Ted Morton, Director of Reserves and Trusts in Ontario for the Department of Indian Affairs, said in an interview that the situation Johnson described may soon change for the better. An amendment to the Indian Act of 1951, recently proposed by Minister of Indian Affairs David Crombie, will eliminate the discriminatory sections of the Act and may be passed by the federal government by mid-June.

The amendment would enable Indian women, who presently lose their status as Indians if they marry a non-Indian, to have their status restored. Also, the children of these women may apply for restoration of Indian status if the new bill, Bill C-31, is passed.

According to Morton, the new bill will remove the concept of enfranchisement, which

requires that Indians often must voluntarily renounce their status and band membership.

Morton said that when the Indian Act of 1951 was passed, an Indian was required to renounce his Indian status and band membership if he enlisted in the Canadian Forces. As a result their children also lost their Indian status.

22,000 people who lost their Indian status through sexual discrimination or enfranchisement and their 6,000 descendants will be eligible to apply for Indian status if the amendment is passed, Morton said.

Another aspect of the proposal to amend the Indian Act will allow Indian band members to establish the membership criteria for each of the 520 bands in Canada.

Brian Bennett, a senior intergovernmental advisor with Indian and Inuit Affairs, explained that a decision made by the United Nations Committee on Human Rights in 1981 cited that sections of the Indian Act are discriminatory against women, and has provided some of the impetus for the proposed changes to the Act.

Johnson's lecture series will continue weekly until June 25.