

MUGWUMP

by Allan Carter

The plot thickens.

Chris Hunt made a boo boo in last week's mugwump when he said that the Grad class project consisted of putting a walkway through the traffic circle in front of Marshall D'Avray Hall. I remember someone noting after they read the Mugwump that: "At least they are not going to put a walkway in the traffic circle between Marshall D'Avray Hall and the St. Thomas University."

Well, guess again.

Actually, constructing a walkway through the traffic circle between Marshall D'Avray and St. Thomas University was the Grad Class' initial plan. But, apparently after some re-consideration, the Grad Class executive has decided to have a meeting to hold another vote on the Grad Class Project (an ad which is on page seven contains information about this meeting for those interested in attending). I hope the idea of a walkway through a traffic circle is not on the agenda at this meeting. Having a walkway in the traffic circle between Marshall D'Avray and the St Thomas University is a pedestrian/driver's nightmare. Newly formed student "lobbying groups" against this idea such as "Friends of the Circle" have apparently pointed this fact out to members of the executive. However, I would also think that perhaps the university administration or at least UNB security would have some problems with a walkway through this already problematic traffic circle. Rumor has it that whatever the Grad Class decides to do this year it will not include any construction on campus of useless structures such as a walkway. But, if some members of the Grad Class really want their names on pieces of brick, perhaps they could cheaply construct a large slab of concrete and spray paint their names on it. I hear that graffiti is in. Then something worthwhile could be accomplished with the rest of the money. Perhaps, the Grad Class should consider opening up a trust fund where money could be saved for a few years and then be put to good use for buying supplies for the library, creating a scholarship, or perhaps aid in the expansion of the Student Union Building. But whether the class decides to do something this year with the money or save it over a period of a few years, I hope it is put to good use. We have enough bricks on campus with people's names on them.

Speaking of walkways and pedestrians, it seems that in the capital of New Brunswick pedestrians are second class citizens. The sidewalks around Fredericton are downright dangerous. I always wondered why some people insist on walking on the roads in Fredericton. But the reason came clear to me the other day when I was downtown. The sidewalks are in terrible condition. There are strips of ice that could be easily chipped off the concrete, yet remain on the sidewalks and are a real safety hazard. Steep hills like the ones which run up Regent and Smythe streets also have sidewalks which are in poor condition in some areas. While some may see it harder to keep sidewalks clean on these streets, dangerous sidewalks downtown are inexcusable. In many towns and cities merchants take it upon themselves to ensure that the sidewalk in front of their store is clean. A few merchants downtown do this, but there certainly is room for improvement.

James' World! James' World!

At the Student Union Council meeting James van Raalte, VP Finance of the UNB Student Union told council that he was in his own little world. Well, that is reassuring. I just hope it is not the same world some other councillors appear to live in. The comment struck me as funny, not because it was unique or original; but rather because he was making the comment at a council meeting which was being aired on CHSR-FM. Furthermore, since I was slightly idle at that moment, I wondered what James' world is like. It probably consists of student organizations which never need any money. Student Union meetings where every councillor is concerned over the issues being dealt with instead of wondering when they can go home. A chair of the Student Union meetings who actually talks less than the elected councillors. A car which actually works every time one turns the key. Cats which never meow, scratch or run across kitchen tables at dinner time. A newspaper which always arrives at the printers on time....

Wait a minute.

I have a feeling we have left James' world and entered my own. Oh, well, they are nice thoughts.

I am not sure exactly how many people listen to the council meetings on CHSR every Wednesday evening, but I wonder if CHSR has ever considered airing the meetings from 7 o'clock to 8:30 rather than 6:30 to 8 o'clock. The reason I suggest this is because for about the first half hour the meeting consists of approving minutes and listening to executive reports. Usually by the time the ball gets rolling and councillors actually start arguing about things it is later in the evening and by that time CHSR is finished their broadcast. I'm not sure if it is worth rescheduling the programs at this time of the year but for the most part, the first half hour of council meetings is incredibly boring.

OPINION

The opinions found in Opinion are not necessarily the views of The Brunswickan

Discrimination: language, logic and the law

by Matin Yaqzan

What is discrimination? Is it necessarily bad? Is an argument which is logically invalid, "patently unreasonable"? Such questions arise in the context of some court decisions, in particular, in connection with Malcolm Ross, a Moncton school teacher, who has been barred from teaching, because of writing certain books.

To discriminate is to distinguish or to differentiate. Whenever we choose, we discriminate. The "freedom of religion" must of necessity imply the freedom to choose and practice any particular religion, and hence discriminate against the others. When a Christian says that the only way to human 'salvation' is through Jesus Christ, he obviously discriminates against the Jews, who do not accept Christ as their Messiah, and against the Muslims, who believe that Christ was only a prophet of God, just like the other prophets, from Adam to Moses to Mohammad; and against all the other religions that do not have Christ at the centre of their beliefs, as in the case of Hinduism, Buddhism or the Baha'i faith, and against those who do not believe in any religion. Since some religions are diametrically opposed in their basic precepts, it is impossible to avoid conflicts, at least in the realm of the written word or in intellectual arguments. So, if a person discriminates on the basis of religion, does he violate the Canadian or the New Brunswick Human Rights Act?

The answer depends upon the nature of discrimination. Those who wrote the Human Rights Acts would claim that their language is unambiguous, and no one reading the entire Act, should have any doubt as to the kind of 'discrimination' they are dealing with. It is in the context of jobs, salaries, accommodation and services that some people were denied on the basis of race, religion, sex, etc. It has nothing to do with free expression of ideas and opinions in writing. Any misuse of freedom in this respect falls under the hate literature laws.

Mr. Justice Paul S. Creaghan of the Queen's Bench of New Brunswick, in his judgement of December 31, 1991, quashed Section 2(d) of the Order given by Mr. Brian Bruce, who was appointed under the Human Rights Act, as a one man Board of Inquiry, by Mr. Mike McKee, the Minister of Labour, in 1988. Justice Creaghan found that Mr. Ross' writings do "reflect religious expressions," and that the Order contravened the Charter of Rights and Freedoms. He is now free to speak, write, publish and sell his books. However, as the *Daily Gleaner* very aptly headlined: "ROSS MAY PREACH BUT NOT TEACH," Judge Creaghan refrained from quashing the order removing Mr. Ross from his teaching position, because he was restricted by Section 21(1) of the Act, according to which, "All orders and decisions of a Board of Inquiry are final," and he felt obliged to accord "curial deference" to the decisions of the Board of Inquiry, unless he could find the judgment "patently unreasonable."

I believe that a close analysis of Mr. Bruce's judgment will reveal that it defies logic and therefore it is indeed patently unreasonable. As an example, in Judge Creaghan's words: "The Board of Inquiry first of all found that there was no evidence of any direct classroom activity by Malcolm Ross on which to base a complaint under Section 5 of the Act." That is, Mr. Ross did not do anything as a teacher for which he could be condemned under Section 5 of the New Brunswick Human Rights Act. Also, at the Inquiry conducted by Mr. Bruce in April-May, 1991, the supervisors of Mr. Ross confirmed that he had performed exceptionally well as a teacher, in spite of the excitement created about him. He had been an exemplary teacher and was well liked by his students. There was not a hint of any wrongdoing. However, in his final judgment, Mr. Brian Bruce made the following conclusion:

"Malcolm Ross, by his writings and his continued attacks, has impaired his ability as a teacher and cannot be allowed to remain in that position if a discrimination free environment is to exist."

Since Mr. Ross has never been charged with any kind of discrimination as a teacher, it is impossible to arrive at this conclusion logically, on the basis of the evidence presented at the Inquiry. As for discrimination in the environment, there is no way it could have been caused by the contents of Ross' books. Mr. Bruce himself says: "Although there was no evidence that any of the students making anti-Jewish remarks were directly influenced by any of Malcolm Ross' teachings, given the high degree of publicity surrounding Malcolm Ross' publications it would be reasonable to anticipate (sic) that his writings were a factor influencing some discriminatory conduct by the students."

Since few adults, what to say of children, have ever read Ross' books, how can he be held responsible for taunting of the students, even if that could be related to the publicity in the media? Mr. Bruce admits that "the evidence indicated that the number of students denigrating them (the Jewish students) because of their religious affiliation was not many." It is doubtful that the taunting had anything to do with religious beliefs or Malcolm Ross' views. Also, it should be noted that Yona Attis herself was not a model of modesty. She admitted at the Inquiry that she had tried to gouge out the eyes of a boy. Some of the taunting took place only after her father had filed the spurious complaint, indicating a ripple effect.

As for a role model for the students, what more can be expected of a teacher than to be conscientious and caring, be morally upright, and to write books in his spare time? The intellectual honesty and a willingness to fight for one's convictions, that Mr. Ross exemplifies, are much more valuable qualities, than those of servitude and keeping quiet in the face of an obvious injustice, which seem to be the characteristics of most teachers and their Federation. Not an iota of evidence was presented by the Board of Inquiry to question Ross' integrity as a teacher, and yet he is not being allowed to teach. The Teachers' Federation sees nothing wrong with it and does not consider it a violation of his rights.

As to the charge that the very presence of Mr. Ross has been a cause for the hysteria in the community, let us consider the following example. Suppose a school teacher divorces her husband. The husband contends that she made false accusations against him, and threatens to take revenge. If he is seen prowling around the school with a gun, and, through the miracle of media, a hysteria is created in the school and the community, would it be logical to hold the teacher responsible for it? Would it be fair to blame her for any fear and distress among the students and their parents? Will the School Board be justified in disciplining her or disqualifying her as a teacher, just because her ex-husband had made accusations against her?

No language expert can possibly equate Mr. Ross' writings and utterances on TV, with what is "discrimination" under the Human Rights Act. Whether Mr. Ross' observations about historical events and conspiracy or the extent of the involvement of the Jews in the destruction of Christianity, are valid or not, they must be dealt with at an academic level, and not through courts and devious legal maneuverings.

Whether Mr. McKenna, Mr. Kinsella, Mr. Attis, Mr. Bruce and others like his views or not, and no matter how interested are the Canadian Jewish Congress and others in keeping Ross' books from the public eye, it is patently absurd to condemn him as a teacher and as a role model. I contend that the Attis complaint did not fall under the Human Rights Act, which is being misused to punish Ross for his writings. He is a victim of a legal farce, perpetrated at an expense of about half a million dollars. We, the taxpayers, are forced to pay the legal expenses of Mr Attis, the accuser, while Mr Ross, the accused, must bear huge legal expenses on his own. Is this justice?