

## Ad's satirical intent saves Poundmaker from brink

EDMONTON (CUP) — Poundmaker, Edmonton's alternate newspaper will not stand trial on a charge of counselling a criminal offence. The decision was made October 28 and was the culmination of a bizarre sequence of

events arising out of a parody ad published in the April 8-14 issue. The ad parodied a similar ad published in the Edmonton Journal by the Greater Edmonton Business Association. That ad depicted a pair of handcuffs and said "One size fits all." It went on

to state the dire consequences of being convicted of shoplifting.

The spoof showed the handcuffs but the text was changed. The essential changes stated profiteering was a form of theft and that profiteering was what free enterprise was all about. The offending section of the parody said, "shoplift—it's cheap, convenient and just." It continued, "but don't hit the little guy—odds are that he's been hit just as hard and is therefore just as poorly off as you."

This was read by Rafael Watzke, a law student and member of the Anti-Bolshevik Youth league and on April 22 he contacted the Edmonton City Police and laid a complaint that the ad counselled an indictable criminal offense, to wit, theft.

Police acted on the complaint and charges were laid against Ross Harvey, Dave Berger, Ann Harvey, Morgan Thomas and Kimball Cariou, all members of the Board of Directors of Harvey G. Thomgirt Society, which publishes the paper. The society was also charged.

On October 28 a preliminary hearing was held to determine whether there was sufficient evidence of the offence, in other words, that anyone reading the ad would seriously take it to be advice to go out and shoplift. The Crown's

star witness was Rafael Watzke.

The hearing began on a surreal note with a question by the prosecution as to the identity of Harvey G. Thomgirt, a stuffed snake, the mascot of Poundmaker.

The defence did not produce any of its own witnesses but simply cross-examined Watzke. Defence lawyer Barry Chivers stressed the satirical nature of the paper's contents and whether Watzke was aware of the satirical intent.

Watzke was asked to read another "advertisement" in the same issue of the paper. Beneath a picture of Garner Ted Armstrong was printed a warning against reading Poundmaker, replete with biblical quotations supposed to allude directly to Poundmaker.

Having read this aloud Watzke was asked whether he took it seriously. He replied that it was a spoof. In response to further questions about the actual parody ad itself, Watzke made the decisive admission that he considered it to be a spoof as well. This, along with Watzke's statement that he himself had no urge to commit theft as a result of the spoof virtually closed the defence.

In response to questions from Jim Robb, the other lawyer for the paper, Watzke admitted to a hostility to the paper dating since 1971.

He stated that it offended his moral and political sensibilities and that he felt it his duty to shut the paper down. Asked whether he considered the paper "Bolshevik", he said he did.

In dismissing the charges after a lunch-time adjournment Provincial Court Judge Dimos stated that, having perused the contents of the paper, he felt it to be in "something less than good taste" but not criminal.

He closed by saying that Watzke was "deserving of some sympathy."

### No vandalism

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