



Panel members listen intently to a question from the audience during a discussion at last week's EUS meeting. Panel members and students discussed Tom Murphy's court case and whether or not he should receive money from the SRC. (Left to right): John Oliver, Alistair Robertson, Grant Godfrey, law prof Hurley, Tom Murphy and Jim Long. brunswickian photo by dave macneil

EUS hot seat cools as panel explains legal aid motion

by david macnaughton
brunswickian staff

Last Thursday, Tom Murphy was a guest of the (engineering undergraduate society) and was called upon to sit on a panel to discuss the recent petition protesting financial aid by the SRC to himself and John Oliver. Inevitably, the questioning took in not only the petition question but also the whole contempt of court affair.

Sitting on the panel were ex-SRC president Alistair Robertson, Jim Long, a second year arts student, Prof. Hurley of the Law Faculty, Grant Godfrey, the originator of the petition, Murphy and later John Oliver.

The questioning opened with a discussion of the split on campus, between student "radicals" and "moderates". Robertson said that the split was not in the best interest of the SRC as it prohibited that body from being unified in its actions.

Tom Murphy added his support of this view when he said, "The split on the campus is not beneficial to anyone except the administration. They simply use this split to divide and conquer."

Murphy was then asked if he had not intentionally tried to bring about the court case. He responded that "it is an absurd, illogical and stupid argument which pretends that I intended to be taken to court for contempt. I have enough trouble without including the courts, let alone the courts of New Brunswick."

Professor Hurley was then asked in what way the SRC was legally obligated to Murphy and Oliver. Hurley was unwilling to commit himself to a definite answer.

Since the Brunswickian constitution is nowhere to be found Hurley said the matter would have to be referred to a specialist to determine the legal connection between the two.

Alistair Robertson then pointed out that the SRC is responsible for ratifying the appointment of the paper's editor and was therefore in some way responsible.

Murphy then proceeded to discuss what went on at John Oliver's trial and how the trial had been as both he and Hurley agreed "irregular". Murphy commented, "They brought Judge Teed out of retirement especially for this case. It's (fairly obvious) that they wanted a conviction."

Professor Hurley added that

he thought they'd brought Judge Teed "back from the dead".

The questioning was fairly mild in tone and tempers flared only once when Murphy himself threw out the question to the audience, "What would you, as a student do if you were in my position?" The inevitable response was, "I wouldn't have got myself into that position."

Murphy said of the session afterwards, "There was a lot more co-operation than I thought there'd be. A lot of people went away from the meeting understanding the issues much better than before."

Start is president

Mike Start, arts 3, was elected president of the SRC Wednesday. 40.2 percent of students turned out to vote for almost a full slate of candidates.

As Start takes over, council is in its best position since last fall. There are only two empty seats on council now, the vice-presidency and one in engineering. The new council takes office Sunday and it will be the first time a full council has sat since the beginning of the school year.

The vicepresidency will be filled in a Wednesday bye-election. The three candidates are Kevin McKinney, Grant Godfrey, a former SRC engineering rep and Don Thomson.

Start defeated Dave MacMillin 697-573 while Bob Hess ran last with 232 votes. There were 111 spoiled ballots.

Brian Sullivan, business 3, won the comptrollership over Robin Bunner and Emerson Wilby. Sullivan had 762 votes, Wilby, 373 and Bunner 317.

Sullivan was a nominee for comptroller in the aborted January elections as was Wilby. Bunner was finance Chairman of this year's SRC.

Other elected council reps are:

Arts: Peter Heelis, Peter MacDonald and Christian MacKimmie.

Science: Donald Moore.

Business administration: Jim Muir.

Nursing: Jean Calder.

Post grad: David Whitmarsh-Knight, Dave MacNeil, Pat Murphy.

Engineering: Ron Robertson, Richard Hamilton.

Murphy case almost over

by ruth carroll
brunswickian

The appeals division of the New Brunswick Supreme Court yesterday postponed judgement and sentencing of Brunswickian columnist Tom Murphy until March 12.

Before postponement the appeals tribunal heard the closing arguments of Murphy's lawyer Alan Borovoy, a Toronto lawyer from the Canadian civil liberties association.

Tuesday and Wednesday the court listened to Borovoy as he attempted to justify the testimony of two sociologists who he had called to the stand as expert witnesses.

(Expert witnesses may be called by either side in a dispute before the courts to justify various arguments. The court rules whether or not a witness is expert through his qualifications and experience in a certain field.)

The first was Dr. Lynn McDonald, who had conducted a survey on the campuses of UNB and Mount Allison University in Sackville. Dr. McDonald was not allowed to be heard or to admit her survey findings to the court as evidence because she was not the interviewer of all those respondents who had been asked to give their opinions. The questions concerned racial, judicial, and political affairs. The determining factor of the survey's outcome was the

question of who had read the Dec. 3 article written by Mr. Murphy in the Spades Down column of the Brunswickian.

The purpose of the survey was to illustrate that the public opinion of the courts had not been altered or affected by the readers of the article. This survey, or any other survey of this kind was not and is not generally accepted as evidence in the court.

The second sociologist was Mr. Frank Jones who has been conducting a consensus on public opinion and attitude changes. The consensus deals with the effect of the mass media, that is press, radio, television and any other form of communication. The purpose of Mr. Jones' testimony was to establish some evidence of the press or mass media's ability to influence attitude changes. Mr. Jones was not heard either, because the theories and hypothesis applied through sociology were not acceptable to the judges of the court.

Both these sociologists are on staff at McMaster University in Hamilton Ontario.

Research made by them in this field was according to the court, only hearsay evidence, in legal terms. The prosecuting attorney J. Teed stressed the point that the case was criminal and that he was not sure of the relevance of such evidence; the court was to establish at this point, guilt or innocence.

CAUT demands rejected

Administration president Colin Mackay yesterday released a letter from himself to prof C. Brough MacPherson, president of the Canadian Association of University Teachers, advising that the university board of governors rejected the three CAUT demands concerning suspended physics prof Norman Strax.

The demands had been that the administration submit suspension proceedings to binding arbitration as outlined by CAUT, that the university pay all court costs, fines and damages resulting from the Strax case and that the permanent injunction against prof Strax be dropped.

"I am authorized to advise you that the board would be prepared to accede to a non-binding arbitration on certain aspects of the suspension (these aspects of the redress or disciplinary action open to the university) which you feel were not in issue or sufficiently in the litigation, provided satisfactory arrangement can be established between the parties," said the letter.

The letter said that "I hope you will feel that the willingness of the board to meet in part your request for an arbitration is an "adequate" or "satisfactory" response in the circumstances present."

One of these circumstances is that prof Strax has appealed the court ruling in his case and that the board "could undertake no step at that time which could be construed as prejudicing or compromising prof Strax's right to an appeal or that would compromise to prejudice the right of the university on any such appeal."

Mackay said, in the letter, "I could hope that all such matters could be approached in good faith with an agreement worked out and reached as expeditiously as possible."