

MEDIA

By Dave McGaw

The Daily Gleaner's ability to maintain its rank as a "journalistic disaster" is undeniable. At times, however, our local misfortune reaffirms its position with renewed strength. A series of articles by Sam McCallum on local drug-crazed youth copped January's awards for lack of objectivity, shallow analysis, and unsubstantiated comment.

It is debatable whether McCallum has written in the style of a scandal sheet or a True Police Cases Magazine. At best his series of sordid shockers complements nicely Sunday's movie at the Capitol, Age of Aquarius (See fifteen hot blooded young drop outs living in one room! In turned on color!).

The users found and interviewed apparently by McCallum give it to us straight. The following are a few samplers:

-any person with long hair with a group of people surrounding him can tell you where to find drugs.

-a person without long hair may spend a few days finding it.

-postage stamps can be placed over acid (LSD) in blotted form.

-bands which come into Fredericton are usually supplied particularly or public dances.

-if you had to have the names of all the people in Fredericton between the ages of 14 to 20, you'd first have to look over the drug list.

The headline "Due Process Constrains Police Search Powers" reveals a feeble understanding of the current drug law debate. The tone of the article is sympathetic towards the RCMP who are armed with unrestricted search and seizure power but are hampered by the legal proceedings of laying a charge, analyzing the suspected material, and deciding guilt through court. It would be so much easier if we could just lock up all those suspicious characters on the legendary RCMP drug list.

Sensationalism and nonsense are typical of the Daily Gleaner's coverage of the drug issue since its beginnings while accurate analysis of facts in pharmacological, psychological, sociological, or legal terms are beyond the competence of its staff.

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To those who haven't read the just released January issue of The Mysterious East, a word of advice - get it and read it! The ME has come out strongly in favour of freedom of the press, from a great many legal controls which now bedevil it. It is calling for, in the form of a petition to Her Majesty Queen Elizabeth II, a complete overhaul of the Maritime judicial system, particularly that of New Brunswick. From what we understand this petition to Her Majesty is the only method by which one can sagely criticize the judicial system and its judges without fear of contempt of court, at least according to New Brunswick Supreme Court Justice A.L. Palmer, who said in the Ellis contempt case of 1888:

With reference to a Judge, if he has acted corruptly, it is worse than a mere contempt, but is apparent it would not be right that the Court of which he is a member should determine this, and consequently the law has provided a plain and easy method of bringing him to justice by a petition to Parliament. No judge ought, or I think would complain if such a proceeding were taken against him for his conduct. It would only be right, as he would then be able to defend himself against any false charge, and he could with self-respect answer it and have the satisfaction to have it decided by a fair tribunal.

Among the reforms the ME asks Her Majesty to make are:

*First, we ask for the abolition of the offence of contempt of court for any action other than disorderly and disruptive behaviour within the courtroom itself, unless the alleged contempt demonstrably can damage the rights of an accused person. Even in the case of contempt of court in the face of the court, we argue that a jury trial and an appeal procedure must be made available, as it is not at the present.

*Second, we ask that the selection of judges be made in the future by an independent Commission widely representative of the people of New Brunswick, including women, Indians,

black people, labour representatives, students businessmen, consumers, welfare recipients and the French community.

*Third, we ask that judges be compulsorily retired at age sixty-five, like most other workers or, in the alternative, that after the age of sixty-five they be required to take annual tests of mental competence.

*Fourth, we would ask for the institution of a more accessible impeachment procedure. One small town in the province, for instance, is served by a magistrate who has a severe alcohol problem. Certainly we do not blame him for his problem; but we regard it as hypocritical to ask him to make moral and legal judgements on other people's activities regarding alcohol. At the moment, however, there is no reasonably accessible method to secure his removal from the bench.

*Fifth, we request that judges be paid a salary no greater than that of any ordinary professional person, and in no case larger than \$15,000 per year. We do not regard financial incentives as logically relevant to appointment to the bench.

*Sixth, we request that judges be required to spend not less than two months per annum in upgrading courses, particularly in the social sciences; that not less than two weeks of their year be spent living with dispossessed minorities in the province - on an Indian reserve, say, or in a rented room in the South End of Saint John - and that every year each judge spend a week in the jail to which he most commonly sentences his fellow-citizens, with an additional week every other year in either the Interprovincial Home for Young Women the correctional school, or the Maritime Penitentiary at Dorchester. We suggest this programme not from vindictiveness, but because we feel judges are rarely aware of the social realities faced by the people who come before them, and even more rarely aware of the conditions of life to which they sentence prisoners. We suggest that such an educational programme might have a beneficial effect on their practices.

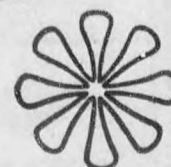
*Seventh, we suggest the immediate appointment of a Law Reform Commission in the province, and of a full-scale legal aid programme, including neighborhood clinics.

Being a literary publication ourselves, and having been personally involved with the judicial system of New Brunswick, the ME sincerely hopes that the right to petition the sovereign (formally recognized in the British Bill of Rights of 1689) will be honoured by the Governor-General and Parliament, and more important by the New Brunswick judicial system.

"If we live in a society governed by law, we must be able to discuss the law and its administration fearlessly, openly and candidly."
- ME, January, '71

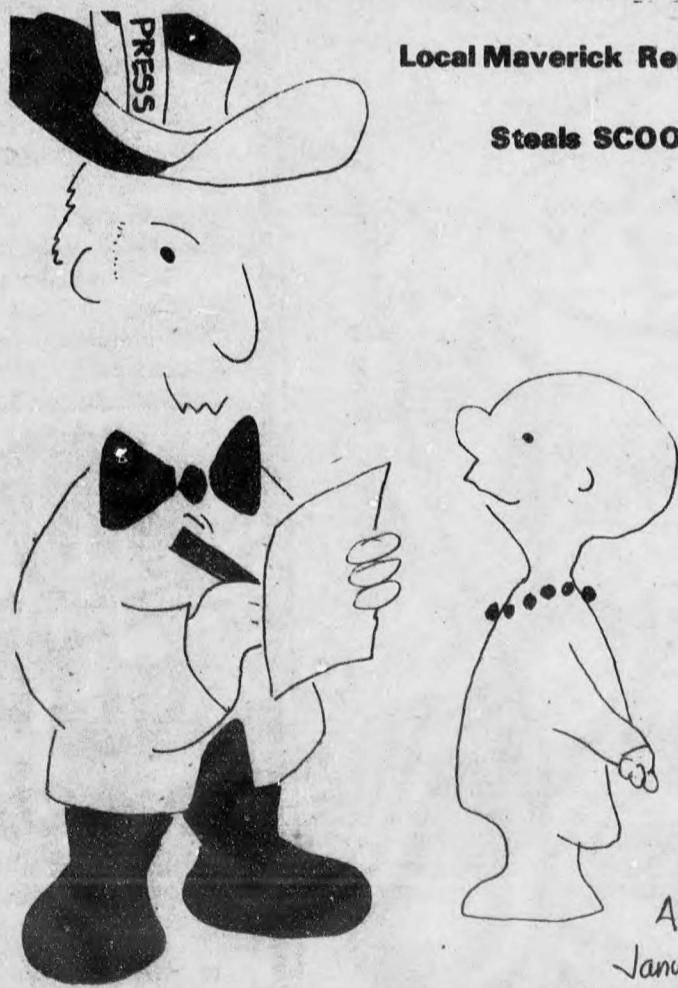
Editor of Brunswickan

read
the
Mysterious
East



Local Maverick Reporter

Steals SCOOP



A. Church
January 27/71

you say you have taken drugs before?
Yes, whenever I get a headache, my mother gives me aspirin.