

Society's rights are supreme

I read Mr. Hashman's rebuttal to my letter defending motorcycle helmets with some interest. Although the sentiments he so poetically expresses are very noble, they do not constitute a commentary relevant to my ideas.

I do not place the value of the "almighty buck" over personal freedom. I agree that one cannot restrict enjoyable yet admittedly risky recreational activities, precisely because personal freedom is of paramount value. "Harley" can ride his motorcycle 24 hours a day if he pleases, and I won't object.

What is objectionable is the failure of cyclists/drivers/climbers, etc. to take reasonable precautions against injury. They burden society with an increased incidence of injury and death which is completely unnecessary. The right of society to efficient and economical health care must take precedence over the dubious "right" of cyclists

to ride without a helmet.

If society does not protect its overriding right by enforcing helmet and seat belt laws, the insurance scheme I proposed in my previous letter seems to be the fairest means to redress the injustice done to all by a few

uncaring individuals.

So Mr. Hashman, you ride your motorcycle, and I'll play my hockey game. If we both wear our helmets, everyone's rights will remain intact.

Brad J. Hayes
Grad Studies (Geology)

John is gone (sniff!)

It is with great regret that we read about the departure of Mr. John Savard. During our stay at this venerable institution his frequent letters have enlivened many a dull calculus class. Although we have never had the pleasure(?) of meeting him personally, we often observed his rather large coat skulking about the campus, and an acquaintance of ours claims to have actually glimpsed Mr. Savard in it.

We think it is good that someone on campus cares enough to express his (or her) opinions, no matter how inane they are. As

charter members of the U of A Apathy Club, we have no opinions, and we wouldn't allow the Gateway leftists to distort them if we did. They would just try to make us look stupid, and we do that well enough as it is.

Anyway, for our continued amusement, we hope some concerned individual (misguided) fool will take up where John left off.

Stu White,
Engineering III.
John Koch,
Engineering III.
Hank Morgantaler,
Medicine I

Rape: law no excuse for inaction

In reference to a letter in the October 28 Gateway from Brian Vail, re: rape, I would like to make a few comments.

First, Mr. Vail falls into a trap that befalls many a law student or lawyer, namely attempting to justify a law by reference to the law itself. It is particularly typical of the legal profession to exclude "societal" values and objectives from consideration

when grappling with a controversial subject. Mistake of law is accepted in some situations as a defence, therefore why shouldn't it be applicable in the case of rape as well? No consideration of the nature of the crime or whether or not it is desirable that the defence should be available for rape. To just mouth legal principles and applications is not enough to justify a decision as controversial

as Pappajohn. There must be other considerations in this argument than the mere technical legal ones.

This is especially true because of the nature of rape. It was an offence developed in British Common Law not because of the violence done the woman as a human being, but rather because the act was considered to be a violation of one of man's chattels — namely his wife or daughter.

Hopefully, society's attitudes have changed somewhat with the passage of time. In light of the history of the offence in our male dominated society, it may not be valid to justify the law relating to rape in terms of "precedent" and other criminal offences.

Is it too much to ask that the reasonableness of a man's belief be a consideration in the determination of his guilt? Too many men have perverse ideas about the ideas of women and therefore could "honestly believe" that "she wanted it". Should the attitude that "all women really want it" be a defence if the man honestly believes it? It may be time to hold a man responsible for his beliefs in this particular situation.

It is argued that the judges will often take into consideration the reasonableness of a belief in assessing its honesty. Society should not have to rely on a judge going through the back door to achieve its objectives.

Having said all that, let me say that our legal system is only reacting within the frames of reference that it knows and understands. The major blame must lie with the federal government and their refusal or interminable delay in changing the law regarding rape. There are a number of sections of the Criminal Code (as Mr. Vail I am sure is well aware) that introduce reasonableness into the mental element of an offence. Is it too much to ask that the same be done in the case of rape?

Dan Rogers
Law III



Aspidistra

by Alison Thomson

The introduction of Bill 60 last week marks a new high in Loughheed arrogance.

The government of Alberta, in its infinite wisdom, has introduced the Referendums Act, which allows the province to hold a referendum on a question adopted by the Legislative Assembly, on a motion of a member of the Executive Council (inner cabinet).

When this has been passed by the legislature, the Lieutenant Governor in Council (the cabinet) may then determine the form of the ballot, those provisions of the Election Act which shall not apply to the referendum (!), and "any matter preparatory to, consequent on, ancillary to or connected with the referendum".

One can only marvel at the disdain for the democratic process which this sweeping assignation of powers to the executive demonstrates on the part of Loughheed and senior cabinet members. The Act assigns an astonishing amount of power to the Executive in the holding of such a referendum.

There was nothing preventing Mr. Loughheed from introducing a Bill at any time to hold a referendum on any topic he deemed necessary. Even if we assume, and this is not an unreasonable assumption in light of the current tensions in federal-provincial relations, that such a referendum would be held in response to a federal vote, these extreme measures are unnecessary. The federal referenda bill provides for at least ninety days notice of federal intentions to hold a referendum. Surely the Cabinet could manage to prepare Alberta's defence against the eastern menace in that amount of time.

The introduction of this Act is clearly part of Loughheed's "fight the feds" strategy; he is engaged in whipping Albertans into a frenzy of righteous indignation over the rape of the West. And, regrettably, it appears to be working.

In the long run, however, this strategy can do Alberta nothing but harm. And certainly Loughheed's blatant disregard for the democratic institutions of this province will not enhance our credibility in the eyes of the rest of the country.

Another disturbing aspect of the business is the refusal of the Speaker, Gerry Amerongen, to allow questions about the bill. The day the bill was introduced, the Speaker ruled Sacred Ray Speaker out of order for asking questions. The next day NDP leader Grant Notley was similarly treated. This is unacceptable; it is the duty of those few opposition members we have in opposition to question and criticize the government. If they are prevented from doing so, all of us, regardless of political affiliations, will be the losers.

When the federal government passed legislation allowing referenda, it was a substantial document; over 50 pages of detailed setting down of how the Elections Act is affected, funding, advertising, etc. The Loughheed bill is two pages long, saying, in essence, the Cabinet will decide. The Cabinet should not be allowed to decide something affecting such a serious matter as Alberta's future in confederation.

Notley has called the bill worthy of a Latin American banana republic. All of us concerned with democracy and representation in this province must make our commitments known to an elected representative, or we must face the grave consequences of banana republichood.

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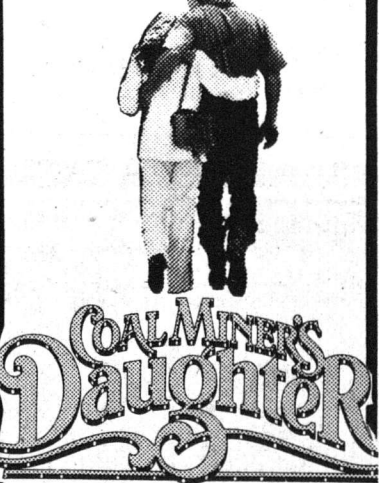
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