

International jurist criticizes Quebec justice

MONTREAL (CUPI-LAST POST) — A representative of the international legal community expressed her concern Tuesday at several aspects of the judicial procedures currently being used in Quebec.

Nicole Dreyfus, a delegate of the International Association of Democratic Jurists, told a press conference at the Confederation of National Trade Unions Building that the apparently liberal use of contempt of court proceedings in the present series of trials is highly unusual by international legal standards.

Provisions for finding an accused in contempt, she said, exist in her native France and in other countries, but "I've only seen them used very, very rarely."

In the case of labour leader Michel Chartrand, sentenced last month to a year in jail for contempt, Miss Dreyfus said,

the penalty seems "extraordinary and extremely heavy."

She also criticized the retroactive aspects of the Public Order (Temporary Measures) Act, saying that retroactivity went against accepted judicial principles.

Dreyfus had been mandated by the Association, which has members in more than fifty-five countries, to observe the seditious conspiracy trial of Chartrand, Pierre Vallières, Charles Gagnon, Robert Lemieux, and Jacques Larue-Langlois.

She may also investigate other cases, including that of Come LeBlanc convicted last week of advocating the aims and principles of the outlawed Front de Liberation du Québec. LeBlanc's case was the first in which the retroactive provisions of the Public Order Act were applied.

Dreyfus would not say whether she thought that motions by the accused in the seditious conspiracy case for the withdrawal of presiding Judge Roger Ouimet should be upheld.

However she noted that Ouimet's response to the defendants' presentations with respect to the judge's alleged bias in the case "shows that the questions raised by the accused don't lack some basis."

The international legal community's interest in the current Québec trials, she said, is the result of their political nature. "If it was not a political trial, the association would not have sent me here. Sedition is obviously a political charge."

In recent months, the Association has also sent observers to the trial of the Basque nationalists in Burgos, Spain, and to trials in Greece and Brazil.

In each case that the Association follows, its delegate's observations form the basis for a report which receives world-wide circulation.

One could not compare the political situations in different countries, Dreyfus said. However, "there are constants of political repression," and she noted the similarity in wording between parts of the Public Order Act and a Greek statute that has been widely used by that country's junta.

She said she was impressed with the "profound challenge to judicial procedures" that had been issued by the defendants in the seditious conspiracy trial. "The defendants are taking the offensive . . . that's very impressive for an observer."

more bourgeois benevolence, recommended only a fine of \$250. One of its student hacks, Rod Germaine, resigned shortly thereafter saying that a definitive "Code of Behavior" being hatched in the Law School will handle such cases. To say that "The Senate" acted to fine a student \$250 according to their responsibility to the University, is rot. Of the more than 180 members of the Senate perhaps eight rubber-stamped the motion of the SDC and Senate Council. For the record, I will not be paying this amount "on or before April 1971" and maintain, in any case, that it is every person's inalienable right to rebel against reactionaries. An attack on this right is an attack on the University and on the Canadian people.

Gregory Neumann

In response . . .

To the Editor:

Brian Gifford's (unsigned) article "Discipline-subject for debate," while quite detailed, still misses the point, which others saw quite clearly — that the elaborate and legalistic "discipline" proceedings are just another attempt to shaft progressive intellectuals. The content of the proceedings to date is that the clique of reactionaries, from H. Hicks and G. R. McLean on down (and up) plan to harass, expell, or fire those working in the University who object to their program of selling Canada's economy, politics, and especially culture to the U.S. imperialists.

More specifically, every conversation with Mr. Tingley about my participation in the TYP has been held in the context of his absolute authority to control or dismiss teaching assistants, students in the TYP, and to dictate the subject matter and methods of teaching. To say that I have indulged in "name-calling", "heated words", or "deliberately prevented (Tingley) from teaching" is to ignore my obvious reasons for being blunt. To repeat the slanders of the press that communists are "brash" and that their "personality" causes antagonism is an unprincipled smear.

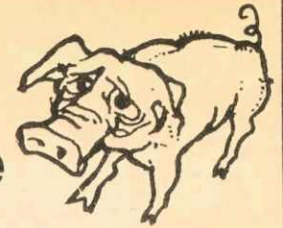
Mr. Tingley threatened as early as Dec. 1 that my politics would get me expelled, and spread rumors behind my back

that such would take place. On Dec. 14, Mr. Tingley introduced (and Mr. Comeau seconded) the infamous Senate resolution on "disruptions". On the same day he and Mr. Pillay initiated formal persecution via the Senate Discipline Committee, the political branch of the Senate which was revived last year in an unsuccessful attempt to persecute Dr. George Rousseau.

At the meeting Jan. 13, attempts were made to obscure the historical reasons for the SDC "trial", by ignoring the political facts and narrowly considering "what really happened". The SDC did not report its obvious bias, expressed in the opening statement, "that we meet to find out the facts concerning the disruptions Mr. Neumann has caused", nor that it was shown that the complainants misrepresent facts, antagonize students, and have no concern for "freedom of speech and assembly". They did not report that I made a statement in my defence, nor that they tried to close the meeting before this statement was read.

The "Finding of Fact" of the SDC concealed all this and more in vague phrases — "it appears to have been the general understanding" etc. — and was not even presented to the Senate! Discussion was slack. The Graduate Students Council explicitly opposed the motion, and was ignored. The SDC, with

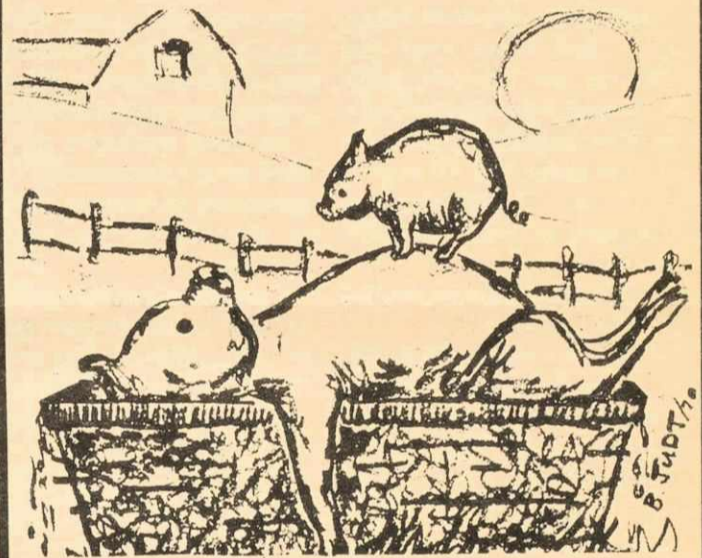
a parable



There once was a pig farm that was operated by an old farmer, his son, and a hired man. The farmyard was filled with hundreds of pigs of all sizes, and they all ate their swill from a huge trough. The big hogs ate faster than the little ones, but they had bigger bellies to fill, and when the swill was finally gone all the pigs were content. One day some of the biggest hogs jumped into the trough, and the swill spilled over the sides. Some of the little pigs did not get enough to eat, because they could not lap up all the spilled swill before it soaked into the ground. The farmers saw the swill overflowing, and they were greatly upset.

The old farmer had learned his agricultural theory in the old Classical School, and he knew that when swill overflowed a trough there was too much swill in the trough. He did not see the big hogs in the trough, and he did not notice that some of the little pigs were hungry because he had been taught that hogs do not jump into troughs and that little pigs do not go hungry (unless they are too lazy to eat).

The farmer's son had been educated in the new Keynesian School of agricultural theory, but he saw the problem much as his father did, for he too had learned that spilling swill means too much swill, and, like his father, he did not see the big hogs in the trough, for he too had been taught that hogs do not jump into troughs. But unlike his father, he knew that little pigs sometimes were forced to go hungry. (He was fond of joshing his father by reminding him of the notorious pig famines of the past and thus revealing the absurdity of the Classical "hungry pig-lazy pig" theory.) But at first the son did not notice the hungry pigs either, because he knew that pigs do not go hungry unless there is too little swill, when quite obviously the present problem was too much swill, i.e., spilling swill.



The son had recently reached manhood and had taken over management of the farm, and so the problem was his to solve. The next day he put less swill in the trough, and sure enough the overflowing stopped.

But soon they noticed that the trough was overflowing again, and they were greatly distressed. When they put in enough swill to feed all the pigs, the trough overflowed, and when they took out enough to stop the overflowing some of the little pigs starved. They found nothing in either the Classical or the Keynesian theory to explain and solve the problem.

They worried about it constantly and came to call it the "spilled swill/hungry pig dilemma". They became desperate and tried all sorts of ingenious procedures in an attempt to find a solution. They tried pouring in the swill from either side of the trough and from both sides simultaneously; they poured swill in one end while the hired man scooped it out the other, and they even tried running up to one side of the trough and acting as if they were going to empty their buckets and then hurrying around and pouring them in the other side, but still the dilemma remained; and it appeared to be getting more severe, because more big hogs were jumping into the trough. (Of course neither father nor son noticed the big ones in the trough, because they both had learned that hogs do not jump into troughs.)

Finally desperation turned to resignation, and they lost all hope of finding a solution. Instead they tried to find some balance, some acceptable compromise. They sought that combination of spilled swill and hungry pigs that would be preferable to all other combinations, but they could not agree. When the son was at the farm he instructed the hired man to pour enough swill to keep all the pigs from starving, for if the "new" agricultural theory had taught him anything, it was that pig famines were unnecessary. But when the son had to be away and the father was in charge, he instructed the hired man to pour in less swill so that the trough would not overflow, for the father still suspected that hungry pigs were lazy pigs.

The simple hired man had never been to school and was completely innocent of agricultural theory. He had great respect for both father and son and was awed by their obvious learning, but sometimes he wondered quietly why they did not pull the big hogs out of the trough.

from the Manitoban