

SUBMISSIONS TO -

University Students' Council
University of Western Ontario

RE -

The Ratification of Campus Groups

FROM -

Canadian Civil Liberties Association
per A. Alan Borovoy
(General Counsel)

Friday, February 24, 1984

The remarks which follow are in response to a request from an organization originally known as Canadians For Peace in the Middle East. This group complained that the University Students' Council denied it ratification as a recognized organization on the University of Western Ontario campus. Upon receiving this complaint, the Canadian Civil Liberties Association made a number of inquiries which included an exchange of letters with Council President Alvin Shidlowky. As a consequence of these inquiries, we make the ensuing submissions to this Council.

In the opinion of the Canadian Civil Liberties Association, there were certain regrettable improprieties in the way your predecessor Council handled the ratification application of the organization in question. This is not necessarily to disagree with the decision to reject the group's application. Pather, it is to question some of the reasons which were invoked in support of that decision. Since we have been unable to investigate every allegation of fact which has been made in this matter, it has not been possible for us to recommend that the group ultimately receive the ratification it seeks. Suffice it for us to focus on the criteria which should influence such decisions.

During the course of this controversy, some of the group's claims were rejected on the grounds that ratification is a privilege and not a right. While there may be some truth in this, we regard it nevertheless as irrelevant. We believe that a publicly endowed body like a university students' council has a duty, moral at least, to play fair in dealing with its constituents. While such a council must have a right to withhold ratification, it must not make such decisions on an arbitrary or discriminatory basis.

One of the recurring themes throughout this controversy focussed on the allegedly pro Palestinian orientation of the group in question. Note, for example, the following extract from the U.S.C. minutes of its December 8, 1982 meeting.

"Initially CPME had specified that in order to be a member of the club...a student had to endorse the beliefs in the club's constitution. Nick (Davies) read excerpts from the club's current constitution...in order to substantiate his assertion that the club is very 'pro Palestinian'".

In a memorandum dated November 26, 1982, legal commissioner Nick Davies charged that "the stated purpose of this club has been transformed from a club to promote forums for debate of the Middle East crisis to a club to promote a specific solution for the Middle East crisis". And he also pointed out that "membership is predicated upon the prospective member accepting this political solution". Clubs Commissioner Dean Stone was quoted in the December 10, 1982 edition of the Gazette.

"How an organization can pretend to be a forum when it refuses to hear both sides of an issue, is beyond me."

Council member Gerald Culliton was quoted in the London Free Press as saying, "We are not associating our name with a group with a pro Palestinian viewpoint". And Janet Belch, former U.S.C. President was cited in the December 16, 1982 Western News as follows:

"Ms Belch said the Canadians For Peace in the Middle East group was denied ratification because its name did not accurately reflect the views of its members."

The same theme was repeated in a Gazette editorial.

"...Ed Corrigan's group has an admitted bias toward the issue. No matter what the bias - pro Arab or pro Israeli, the results are the same. By precluding other viewpoints in their 'intellectual discussion', they've completely negated the possibility of merging minds. Our opposition to this new club rests on these grounds."

One of the underlying premises of these various quotes is that there is something impugnable about the pro Palestinian orientation of the group in question. The Canadian Civil Liberties Association is unable to appreciate the relevance, for ratification purposes, of the group's pro Palestinian orientation. Intellectual, social, and political pluralism represents the very life blood of a university. Indeed, at the University of Western Ontario itself, there are all kinds of political and religious organizations which enjoy the ratification which was denied to the group in question. Christians on Campus, for example, is an organization which exists, inter alia, "to share the gospel of Jesus Christ" and "to encourage fellowship among all the Christian students on campus". The Newman Catholic Community has been established, in part, "to be the Catholic presence on campus". There are also student political clubs - Conservative, Liberal, and

New Democratic. If ratified clubs can pursue activities on the basis of philosophies which are pro Christian, pro Catholic, pro Conservative, pro Liberal, or pro New Democratic, why should there be a problem for a club which is pro Palestinian?

There was some suggestion that it may be improper for such a group to restrict its membership to those who believe in its pro Palestinian philosophy. It's hard to imagine why such a restriction should be objectionable. If everybody could join every organization, pluralism would simply not be possible. Indeed, membership restrictions on the basis of organizational philosophy could be a necessary protection for minority group organizations. How, for example, could a socialist club operate on a campus which had a conservative majority if the conservatives were permitted, en masse, to join the socialist club and thereby transform it? A Jewish organization could be similarly imperilled on a campus that had a Christian majority.

There was a further suggestion in the above quotes that somehow the group was committing an act of deception. Its name conveyed the idea that the group would provide a neutral forum for exploring diverse paths to a Middle East solution. But, in fact, it was said to be essentially a front for a pro Palestinian solution. In the real world, however, many proponents of a point of view try to package it in the most saleable fashion possible. Numbers of groups with competing ideologies have tried, for example, to appropriate the word "peace" for themselves. Who can adequately monitor how well a group fulfills the promise of such names? It has been argued, for example, that the Liberal Party is really very conservative and that the Progresssive Conservative Party is not really progressive. The argument has also been made that there is nothing "new" about the New Democratic Party; it is really the old CCF in a new package. Would it occur to anyone to withhold the ratification of those clubs on the grounds that they have chosen deceptive names? (We do not refer, of course, to the conflict over names between this group and Canadian Professors for Peace in the Middle East. This issue did not appear to have influenced the USC decision.)

Not only through the name it chose but also through the representations of its leaders and the very terms of its constitution, the group was alleged to be perpetrating the

deception that it aimed to provide a neutral forum for exploring ways to resolve the Middle East conflict. At the same time, however, it was noted that the group's constitution also called for the establishment of an independent Palestinian state and the effective recognition of the PLO. Since the constitution and representatives of the group were quite open about their pro Palestinian viewpoint, there is no question about any deliberate deception. But, as some members of the USC argued, the group might nevertheless be vulnerable to the allegation that it was pursuing incompatible objectives. It could not possibly be neutral and pro Palestinian.

In the opinion of the Canadian Civil Liberties Association, even this argument should not suffice to deny ratification. There are many organizations in the world which claim to be seeking a Middle East peace within a certain established framework. Some say, for example, that they wish to explore various approaches to peace on the basis of the Camp David accords. Others say their examination will be based upon just and secure borders for the State of Israel. For such groups, a proposal to rescind Camp David or dissolve the State of Israel would be beyond the pale. By the same token, a proposal that there not be a Palestinian state or that the PLO not be recognized would be beyond the pale for the group in question. In short, why would it be impermissible for such organizations to be flexible about some issues and rigid about others? Such groups might arguably be accused of intellectual inconsistency or even political bankruptcy. But these are reasons for students to criticize such groups or refuse to join them. They are not adequate reasons for a council to deny ratification.

The minutes of the ratification meeting also contain an allegation of anti Semitism. Unfortunately, however, the document discloses no details of this allegation. In any event, there appears to be no suggestion that the alleged anti Semitism reached the level of illegality. Moreover, there is no indication as to how any such conduct of any individuals could be attributed to the entire group. On the basis of what was reported in the minutes, therefore, this allegation could not provide an acceptable basis for the denial of the recognition which the group sought.

In the October 8, 1982 issue of the Gazette, Alvin Shidlowky was quoted as follows: "If this group were to start to form an opinion, then by endorsing it, the USC takes that point of view as well". This simply could not be a valid characterization of the relationship between a student council and a recognized club. Would anyone suggest, for example, that the opposition of the New Democratic Party to cruise missile testing thereby implicates the University Student Council in that policy? Since the Liberal Club is also recognized, to what extent might its possible support of cruise missile testing be simultaneously imputed to the USC? The same issue of the Gazette quotes Mr. Shidlowky as saying "I don't think the way to peace is trying to isolate one part of the issue, or to spark more controversy". Mr. Shidlowky, of course, is entitled both to have and to express such a point of view on the merits of the Middle East conflict. But such views cannot justify a refusal to ratify a club which may have an opposing point of view. It is not the function of the student council to evaluate in this way the ideologies or political opinions of groups which seek ratification. That decision is for the individual students to make at the point of deciding which, if any, groups they will join.

The record also contains many references to the personal behaviour of one of the group's leading figures. The Canadian Civil Liberties Association is in no position to assess the validity of such allegations. We submit, however, that, in the main, they are irrelevant to the matter at issue. In general, personally offensive behaviour on the part of a group's spokesman is no basis to deny the group itself the ratification it seeks. One of the possible exceptions to this, of course, is the case where the impugned conduct of an individual may be relevant to the reliability of the group to fulfill whatever responsibilities it necessarily assumes upon ratification. In this regard, we note the allegations which have been made that one of the group's leaders somehow abused the USC's accounting privileges. While such an allegation could be a relevant factor for ratification purposes, it should have to pass a test of independent scrutiny. The heated nature of the controversy which has already raged over this matter deprives the key participants of the requisite appearance of objectivity. The same considerations apply to some of the other allegations concerning breaches of USC rules. In any event,

however, the impugning of one leader might well not suffice to impugn the entire group. If other people were available whose behaviour were not at issue, there might still be an obligation to ratify the club itself.

The Canadian Civil Liberties Association does not often become involved in campus issues. Our involvement in this one could hardly be attributed to the significance of the benefits which might flow from ratification. Rather, our concern is addressed entirely to the issue of student attitudes. Campus life has often provided leadership to the community at large. If heresy and dissent do not find a hospitable climate at the university, they may well be undermined elsewhere. The viability of our democracy requires the keenest respect for diversity and difference. Thus, we address this Council, not to bicker over the technicalities of ratification, but to raise issues bearing on the very status of democratic dissent.

We should also advise this Council that, in no sense, is the Canadian Civil Liberties Association acting as counsel or advocate for the group in question. As an organization, we are in no way identified with this group's principles, policies, or practices. Our leadership and membership include a wide range of political beliefs and opinions. What unites us on occasions such as this is a commitment to foster fair ground rules for the existence of democratic dissent.

It remains to request that the University Students' Council adopt as an operating guideline the principle that, by themselves, political ideology, membership restrictions based on that ideology, and/or personally offensive behaviour will not operate so as to render any group or club ineligible for ratification.