

NO PROSECUTION OF TAMBLYN?

ON FRIDAY NOV. 12TH CRIMINAL CHARGES WERE LAID AGAINST LAKEHEAD UNIVERSITY PRESIDENT WILLIAM TAMBLYN. HE WAS CHARGED THAT HE "DID UNLAWFULLY AND WILLFULLY ATTEMPT TO OBSTRUCT, PERVERT OR DEFEAT THE COURSE OF JUSTICE" CONTRARY TO SECTION 127(1) OF THE CRIMINAL CODE OF CANADA. OBSTRUCTION OF JUSTICE IS AN INDICTABLE (THAT IS, SERIOUS) CRIMINAL OFFENSE PUNISHABLE BY UP TO 2 YEARS IN JAIL. THOUGH HE HAS SAID THAT HE HAS PRESSED CHARGES AGAINST OTHER PERSONS FOR OBSTRUCTING JUSTICE UNDER SIMILAR CIRCUMSTANCES, ON NOV. 16TH THE CROWN ATTORNEY FOR THUNDER BAY ANNOUNCED THAT HE WOULD REFUSE TO PROSECUTE MR. TAMBLYN.

THE CHARGES AGAINST TAMBLYN AROSE FROM THE TRIAL NOV. 10TH OF THE 11 PERSONS CHARGED WITH TRESPASSING AT TAMBLYN'S HOME DURING A DEMONSTRATION MAY 1ST. THE DEMONSTRATORS WERE DEMANDING THAT TAMBLYN RESIGN— WHICH HE HAS SINCE DONE, EFFECTIVE JUNE 30, 1972. THE MAY 1ST DEMONSTRATION FOLLOWED A SIT-IN IN FRONT OF TAMBLYN'S UNIVERSITY OFFICE. THOSE IN THE SIT-IN INSISTED UPON THE ESTABLISHMENT OF AN UNBIASED PERMANENT FACULTY APPEAL BOARD WHICH WOULD HEAR THE CASE OF VICTOR WIGHTMAN AND OF ANY OTHER PROFESSOR WHO APPEALED TO IT. THE NEED FOR SUCH AN APPEAL BOARD WAS MADE CLEAR BY THE ARBITRARY AND UNJUST MANNER IN WHICH TAMBLYN FIRED PROFESSOR WIGHTMAN, A POPULAR SOCIOLOGY PROFESSOR WHO HAD DENOUNCED CONDITIONS IN COMPANY TOWNS RUN BY U. S. OWNED PULP AND PAPER COMPANIES.

TAMBLYN SUBPOENAED BUT DOESN'T COME

TAMBLYN WAS SUBPOENAED AS THE CHIEF CROWN WITNESS AT THE NOV. 10TH TRESPASS TRIAL. A SUBPOENA IS LIKE A COURT ORDER TO APPEAR AND TESTIFY. TAMBLYN FAILED TO APPEAR AT THE TRIAL, HIS LAWYER HAVING TOLD THE CROWN ATTORNEY THAT TAMBLYN HAD TO BE IN OTTAWA.

UPON THE INSISTANCE OF GARY PERLY, NATIONAL CHAIRMAN OF THE CANADIAN LIBERATION MOVEMENT, WHO WAS REPRESENTING 7 OF THE DEFENDANTS, THE TRIAL HAD BEEN SET AS PEREMPTORY, MEANING IT COULD NOT AGAIN BE REMANDED (POSTPONED TO A LATER DATE) AS IT HAD BEEN 3 TIMES BEFORE. WITHOUT THE POSSIBILITY OF A REMAND AND WITHOUT TAMBLYN TO TESTIFY, THE TRESPASS CHARGES HAD TO BE DROPPED FOR LACK OF EVIDENCE.

AFTER THE TRESPASS TRIAL WAS OVER, IT WAS DISCOVERED THAT TAMBLYN WAS NOT IN OTTAWA AT ALL BUT WAS RIGHT HERE IN THUNDER BAY. MR. PERLY PHONED THE UNIVERSITY AND TALKED PERSONALLY WITH TAMBLYN, WHO SAID HE HAD HAD AN IMPORTANT MEETING TO ATTEND.

ARRESTS USED TO JUSTIFY FIRINGS

NOW THAT THE TRESPASS CHARGES HAVE BEEN WITHDRAWN, IT IS MORE CLEAR THAN EVER THAT PROFESSIONAL LIBRARIAN BRIAN LEEKLEY AND LIBRARY CLERK MARGIE WALLY WERE FIRED BY TAMBLYN UNJUSTLY. THE TWO OF THEM, BOTH MEMBERS OF THE CANADIAN LIBERATION MOVEMENT (AS IS PROFESSOR WIGHTMAN) WERE AMONG THOSE CHARGED WITH PETTY TRESPASS. TAMBLYN FIRED BOTH OF THEM (IN BRIAN LEEKLEY'S CASE PERSONALLY AND IN MARGIE WALLY'S CASE THROUGH A SUBORDINATE) USING THEIR ARRESTS AS JUSTIFICATION BEFORE PUBLIC OPINION.

MISS WALLY, WHO AT THE TIME OF THE MAY 1ST DEMONSTRATION WAS HEAD OF THE LAKEHEAD UNIVERSITY UNIT OF LOCAL 81 OF THE OFFICE AND PROFESSIONAL EMPLOYEES INTERNATIONAL UNION, WAS LATER REINSTATED IN HER JOB AS A RESULT OF A UNION GRIEVANCE. THE UNIVERSITY TRIED TO IMPOSE UNFAIR CONDITIONS UPON HER WHEN SHE WAS REINSTATED. WHILE MARGIE REFUSED TO AGREE TO ANY CONDITIONS OF EMPLOYMENT ABIDE FROM THE OFFICIAL CONTRACTUAL AGREEMENT BETWEEN THE UNIVERSITY AND HER UNION, THE UNIVERSITY HAS NOT GIVEN UP ITS ATTEMPT TO IMPOSE SPECIAL AND UNJUST CONDITIONS UPON HER.

THE CANADIANS FOR JUSTICE AT LAKEHEAD UNIVERSITY, AN ORGANIZATION OPEN TO ANYONE DEDICATED TO MAKING LAKEHEAD UNIVERSITY A DEMOCRATIC INSTITUTION WHICH MEETS THE NEEDS OF THE CANADIAN PEOPLE, IS FIGHTING FOR THE REHIRING OF VICTOR WIGHTMAN, BRIAN LEEKLEY, AND REG PERRY, FOR THE RETRACTION OF ATTEMPTS TO IMPOSE UNFAIR CONDITIONS OF EMPLOYMENT UPON MARGIE WALLY, AND FOR THE ESTABLISHMENT OF A FACULTY APPEAL BOARD. REG PERRY IS A SECURITY GUARD WHO SPOKE OUT AGAINST THE UNIVERSITY'S FLAGRANT DISREGARD OF FIRE REGULATIONS AND MISUSE OF SECURITY FORCES— SUCH AS UNIVERSITY PATROLMEN DURING THE SIT-IN BEING TOLD TO HIDE SOMEWHERE SHOULD ANY TROUBLE START.

TAMBLYN'S DISREGARD OF OTHERS

AT THE TIME OF THE MAY 1ST DEMONSTRATION AT HIS HOME IT WAS NOT TAMBLYN WHO PHONED THE POLICE. TAMBLYN CALLED HIS LAWYER. HIS LAWYER CALLED THE CROWN ATTORNEY. THE CROWN ATTORNEY CALLED THE POLICE. HOW MANY PEOPLE IN THUNDER BAY CAN HAVE THE CROWN ATTORNEY CALL THE POLICE FOR THEM?

THE TRESPASS TRIAL WAS 3 TIMES REMANDED. AT NONE OF THE 4 TIMES THE DEFENDANTS WENT TO COURT DID TAMBLYN APPEAR, NOR IN HALF A YEAR OF WORRY FOR THE 11 DEFENDANTS DID TAMBLYN AT ANY TIME INDICATE A DESIRE THAT THE CHARGES BE DROPPED. A MAJORITY OF THE DEFENDANTS TWICE BROUGHT GARY PERLY, THEIR CHOSEN REPRESENTATIVE, FROM TORONTO AND WENT THROUGH THE TIME, EXPENSE, AND TROUBLE OF PREPARING A DEFENSE AND GOING TO COURT. TAMBLYN GAVE NO INDICATION BEFOREHAND TO MR. PERLY OR THE DEFENDANTS THAT HE DID NOT INTEND TO TESTIFY NOV. 10TH. THEY DIDN'T FIND OUT UNTIL THEY WERE IN THE COURTROOM AND THE TRIAL HAD BEGUN. APPARENTLY TAMBLYN DIDN'T TELL ANYONE ELSE IN ENOUGH TIME EITHER, BECAUSE THE JUDGE, THE CROWN ATTORNEY, THE COURT REPORTER, AND THE POLICEMEN WHO WERE TO BE CROWN WITNESSES ALL CAME FOR THE TRESPASS TRIAL— AT THE TAXPAYERS' EXPENSE. EVERYONE CAME EXCEPT TAMBLYN, WHO HAD BEEN

(OVER)

~~SUBPOENAED AND WITHOUT WHOSE TESTIMONY THE CROWN COULD NOT MAKE A CASE. IT TOOK ONLY A FEW MINUTES FOR THE TRESPASS CHARGES TO BE WITHDRAWN. THE JUDGE HAD CLEARED THE WHOLE DAY FOR THE TRESPASS TRIAL, SO THE REMAINDER OF THE COURT'S DAY WAS WASTED, PERHAPS WHILE OTHERS WAITED IN JAIL FOR TRIAL. TAMBLYN'S NOT INDICATING HIS INTENTIONS A REASONABLE TIME BEFORE THE TRIAL AND THEREBY UNNECESSARILY CAUSING THE DEFENDANTS AND THE COURT TO WASTE TIME, MONEY, AND EFFORT SHOWS ONCE AGAIN THAT TAMBLYN CARES ONLY FOR HIMSELF.~~

TAMBLYN CHARGED

IN THE BELIEF THAT TAMBLYN COMMITTED A CRIME AGAINST THE CRIMINAL CODE, ON NOV. 12TH, GARY PERLY, BEFORE JUSTICE OF THE PEACE MOORE SWORE OUT A CHARGE OF OBSTRUCTING JUSTICE AGAINST MR. TAMBLYN. AT THE FIRST HEARING ON NOV. 16TH THE CROWN ATTORNEY SAID THAT, "HER MAJESTY FIFN'T WISH TO PROSECUTE NOR DOES SHE WISH THE CASE TO BE PROSECUTED." JIM YOUNG, COUNSEL FOR GARY PERLY, FOLLOWING HIS CLIENT'S INSTRUCTIONS, THEN POINTED OUT THAT IF HER MAJESTY DIDN'T WISH TO PROSECUTE MR. TAMBLYN; GARY PERLY DID. HE CITED SECTION 2(3) OF THE CRIMINAL CODE AS AUTHORITY AND ASKED FOR AN ADJOURNMENT SO THAT MR. PERLY COULD PREPARE HIS ARGUMENTS AS TO WHY HE BELIEVES HE HAS THE RIGHT TO ACT AS PROSECUTOR. JUDGE DUTHIE ADJOURNED TO THE FOLLOWING DAY, AT WHICH TIME HE GRANTED THE CROWN ATTORNEY A STAY OF PROCEEDINGS, WHICH MEANS THAT THE CHARGES ARE PUT IN LIMBO, NOT THAT TAMBLYN HAS BEEN FOUND INNOCENT. SO LONG AS THE PRESENT LEGAL SITUATION CONTINUES AND SO LONG AS TAMBLYN LIVES, THIS CRIMINAL CHARGE AGAINST TAMBLYN WILL BE OUTSTANDING. THE PROCEEDINGS CAN GO AHEAD IF A HIGHER COURT OR THE ATTORNEY GENERAL ORDERS IT. CLM CHAIRMAN PERLY IS INVESTIGATING THE QUESTION OF A LEGAL APPEAL.

SPECIAL PRIVILEGES FOR TAMBLYN

TAMBLYN APPARENTLY BELIEVES THAT HE HAS SPECIAL PRIVILEGES. THE THUNDER BAY CROWN ATTORNEY ALSO SEEMS TO BELIEVE THAT: MR. DEVLIN, SENIOR CROWN ATTORNEY FOR THE DISTRICT OF THUNDER BAY, HAS SAID THAT HE HAS PRESSED CHARGES AGAINST OTHER PERSONS FOR OBSTRUCTING JUSTICE UNDER SIMILAR CIRCUMSTANCES. WHY DOES HE REFUSE TO PRESS CHARGES AGAINST MR. TAMBLYN? THE CROWN ATTORNEY SEEMS TO BE SAYING THAT IN THUNDER BAY THERE IS ONE LAW FOR THE RICH AND ONE FOR THE POOR, ONE FOR THOSE WHO LOVE U.S. IMPERIALISM AND ANOTHER FOR THOSE WHO HATE IT, ONE FOR THOSE WHO SELL OUT OUR COUNTRY AND ONE FOR THOSE WHO DEFEND IT, ONE FOR THOSE WHO OPPRESS THE CANADIAN PEOPLE AND ANOTHER FOR THOSE WHO FIGHT THAT OPPRESSION.

TAMBLYN IS A UNIVERSITY PRESIDENT. FORMER PRESIDENT OF THE LOCAL CHAMBER OF COMMERCE, FORMER PRESIDENT OF GREAT LAKES STEEL COMPANY, A LEADING MEMBER IN THUNDER BAY OF CANADA'S COMPRADOR BOURGEOISIE. THE COMPRADOR BOURGEOISIE IS THAT CLASS OF VERY WEALTHY CAPITALISTS IN POSITIONS OF POWER IN CANADA WHO WILLFULLY COOPERATE WITH THE FOREIGN COLONIZERS OF CANADA, THE IMPERIALIST FINANCIERS AND CORPORATION MAGNATES OF THE UNITED STATES. TAMBLYN, WHO HAS PACKED LAKEHEAD UNIVERSITY WITH AMERICAN AND BRITISH PROFESSORS TO SUCH AN EXTENT THAT CANADIAN PROFESSORS ARE A MINORITY IN THE FACULTY OF ARTS, BEHAVES CONSISTENTLY AS A MEMBER OF THE COMPRADOR BOURGEOISIE. IN ANOTHER RECENT INCIDENT ONE OF TAMBLYN'S UNDERLINGS SICKED THE POLICE ONTO SOME STUDENTS WHO HAD CARRIED OUT A BIT OF HARMLESS 'GUERRILLA THEATRE' TO ADVERTIZE A TEACH-IN AGAINST THE AMCHITKA BLAST AND THE VIETNAM WAR.

WHAT WE WANT

JUSTICE DEMANDS THAT THE ATTORNEY GENERAL OF ONTARIO OVERRULE MR. DEVLIN AND PROSECUTE MR. TAMBLYN. THIS IS THE ONLY WAY ANYONE CAN BE SATISFIED IF MR. TAMBLYN IS GUILTY OR NOT.

WE ARE NOT INTERESTED IN VENGEANCE, IN GETTING EVEN WITH TAMBLYN. WHAT WE ARE INTERESTED IN IS SEEING THAT TAMBLYN MAKES RIGHT HIS PAST CRIMES AGAINST THE PEOPLE AND CHANGES HIS PATTERN OF BEHAVIOUR. TO DO THIS, TAMBLYN MUST: 1) GIVE JUST COMPENSATION TO ALL THOSE HE'S HARMED, 2) REHIRE VICTOR WIGHTMAN, BRIAN LEEKLEY, AND REG PERRY, 3) WITHDRAW THE ATTEMPT TO IMPOSE UNJUST CONDITIONS UPON MARGIE WALLY, 4) DO HIS PART TO ESTABLISH A FACULTY APPEAL BOARD ACCEPTABLE TO FACULTY AND STUDENTS, AND 5) TAKE POSITIVE STEPS TO INCREASE THE PROPORTION OF CANADIAN CITIZENS ON THE LAKEHEAD UNIVERSITY FACULTY.

W. G. TAMBLYN IS DEFINITELY GUILTY OF MANY CRIMES AGAINST THE CANADIAN PEOPLE. WHETHER HE IS GUILTY OF A CRIME AGAINST THE CRIMINAL CODE IS A MATTER FOR THE COURTS TO DECIDE. IN ANY CASE HIS ACTIVITIES WILL BE JUDGED BY THE CANADIAN PEOPLE. ANY LEGAL SYSTEM THAT GIVES SPECIAL PRIVILEGES TO REACTIONARIES LIKE W.G. TAMBLYN WILL HAVE TO BE COMPLETELY CHANGED. IF ANY ORDINARY CITIZEN HAD DONE WHAT W. G. TAMBLYN DID, HE WOULD ALMOST CERTAINLY BE IN JAIL RIGHT NOW. THE CANADIAN LIBERATION MOVEMENT WILL FIGHT TO THE VERY END AGAINST ALL OF THE W. G. TAMBLYNS WHO ARE SELLING OUT OUR COUNTRY TO THE U.S. IMPERIALISTS AND WHO ARE OPPRESSING THE CANADIAN PEOPLE. IF THEY HIT US, WE'LL HIT THEM BACK. TIT FOR TAT. IF THEY COMMIT CRIMES AGAINST THE PEOPLE, WE WILL FIGHT THEM. HOW THE COURTS JUDGE LEGALLY W. G. TAMBLYN IS A MATTER FOR THE COURTS, BUT WE AND THE WHOLE CANADIAN PEOPLE WILL JUDGE THE LEGAL SYSTEM BY HOW IT DEALS WITH THE W. G. TAMBLYNS.

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