

THE UBYSSSEY

Who Won The Game?

Pub Board Crushed By Bray Machine

By GORDON ARMSTRONG

AMS President Ron Bray's well-oiled basketball machine rolled to an easy 21-13 victory over Ubysssey Editor Stan Beck's Vile Ragers Tuesday noon in the annual Publications Board-Students' Council Basketball game in Women's Gymnasium.

Nattily attired in green sweat pants and white T-shirts, Bray's superbly-functioning machine had little trouble holding Beck's sluggish, vile crew to an unlucky 13 points.

With President Bray's luxurious desk staked against Beck's promise of two tea-bags, the council crew, sparked by Bray himself and First Member-at-Large Bob McLean, scored heavily against the culture-ridden pubsters.

Only notable challenge to the machine's superiority was seven-foot Sid Coleman, whom Editor Beck modestly declined to identify as a bon-a-fide staffer, mumbling only "oh he wrote a filler once". USC Chairman Dave Hemphill will investigate the giant's eligibility this week.

Following the one-sided contest, Beck graciously accepted defeat, admitting the Council Machine as being "biologically superior" to the tubercular, wheezing pubsters crew.

Beck then hosted a quiet afternoon tea-party in his lair in the North Brock basement. Restful music was provided by Managing Editor Sandy Ross on his virginal lute.



Uncensored!
Beck's Vile Ragers

THIS MOTLY CREW of vile-ragers fell victims to the well-oiled Bray machine of clean-cut Canadian Democratic kids by an overwhelming 83-13 score in an all but un-

contested basketball match between ivory-towered Councillors and Beck's Fellow-Travelling Pubsters last Tuesday in the Women's Gym.

— Photo by Wally Hatcher

Bray Machine Cruises By Pub Board

Finding it impossible to obtain an unbiased account of Tuesday's Basketball game we have decided to run them both. Reader's may judge for themselves which is the most truthful.

By SANDY ROSS

Fraternity-loving, clean living Ubysssey Editor Stanley Beck led a wholesome quintet of athletic pubsters to a crushing 21-13 victory over a dissipated Students' Council team in Tuesday's annual Pub-Council basketball game in Women's Gymnasium.

Sparked by seven-foot filler editor Sid Coleman and Raven Editor Mike Ames, Beck's Vile Ragers overwhelmed Bray's sluggish, rusty "machine" in an easy contest.

Beck's virtuous crew won the match in spite of repeated foulings by the desperate Council team. The Editor sternly directed his team not to retaliate; "We'll play clean, no matter how they play," he said.

Weasel-like Councillor Ron Bray took his defeat ungracefully, spectators noted; he refused to shake hands with the victorious Beck, who genially offered his consolations after the game, but instead stalked from the floor, cursing.

Bray was still implacable at the informal "get-together" held in the Publications Board Offices after the game. "I'm going to have Alade Akesode investigate Publications' Board frivolity," he said.

Political Forum Almost Unnoticed

First discussion meeting of the newly-formed Political Forum got off to an inauspicious start Tuesday, with only 13 spectators attending.

The Political Forum, sponsored by campus political Arts 100 Tuesday, McFarlan, Daryll Anderson and Phil

Govan, was designed as a vehicle for political discussion that would supplement the already-existing Parliamentary Forum and the Mock Parliament.

Formation of the discussion group was first suggested by Liberal Club Leader Darryll Anderson at last week's Parliamentary Forum meeting. Anderson's motion was defeated, but he, Conservative Govan and Communist McFarlan decided to go ahead with the group's formation without Parliamentary Forum's blessing.

At the initial meeting in Arts 100 Tuesday, McFarlane, Govan and Anderson discussed possible platforms for their parties in the coming Federal elections.

Liberal Anderson said the other parties would "have to show a lot more fire and constructive criticism" if the Liberal Government was to be defeated in the forthcoming election.

He pointed out that all Provincial Governments except B.C. have a Liberal Government or Opposition. "What about Manitoba?" Conservative Govan queried.

Controversy over Canada's wheat surplus brought a brief but stormy exchange between Anderson and McFarlan.

"Would it not be better to trade this wheat with the USSR?" McFarlane asked.

Anderson replied "I do not see why we should help them in their food problems. They

would probably devote more money to their armaments."

McFarlan roared back "It's not a question of helping them, it's a question of helping ourselves in disposing of the acutest agricultural problem we have."

Grad Exec. Elected 5 Members

Grad Class Executives must supervise all activities in connection with the graduation class, including the infamous "Booze Cruise" to Bowen Island.

The Law-Commerce bloc succeeded in passing a motion that allows only one member from each undergraduate Society to hold an executive position. Thus, it will be impossible in future years for an Engineering bloc to sweep the slate.

Executives elected were: Bruce Williams, Commerce, President; Ken Fawcett, Law, Vice President; Ken Smith, Engineering, Treasurer; Joan McIvor, Home Ec. Secretary; Lilian Marshall, Nursing, Social Convener.

Engineers, who traditionally sweep Graduation Class elections, were defeated Tuesday by a smoothly-functioning Law-Commerce machine, which took nearly all the positions on the slate.

'tween classes

Filmsoc Presents Caesar & Cleopatra

FILMSOC presents Caesar and Cleopatra today at noon in the auditorium in conjunction with the Shaw Festival.

WUS — All girls interested in modelling in the fashion show please come to the Brock double committee room Thursday, Jan. 19 or Monday, Jan. 23 at 12:30.

CAMERA CLUB quiz and meeting will be held at 12:30 in H204 Thursday. There will be no evening session Thursday.

VARSITY ROD AND GUN Club will hold its first annual steelhead derby on the Vedder River, Sunday morning, Jan. 22. All interested attend meeting today, noon in H. 1.

IMPORTANT MEETING of ASUS Social Committee today, 12:30 in Arts 102. All interested please attend.

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See CLASSES



VICTORIOUS Council's smooth shooting centre, proxy Ron Bray (right) outumps short-changed red head (unidentified) as Council swamps lowly Pubsters 81-13

— Photo by Wally Hatcher

2 Kuzych Carries Crusade To Campus On Friday

THE UBYSSY

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UBC's Caverns

Kentucky's Carlsbad Caverns have nothing on the pits existent on this campus. By pits we are referring to the roadway that is known as the East Mall which runs by the stadium and Brock Hall. One is reminded of the London Blitz while gazing on that stretch road, and we use the term road advisedly.

Before criticising the Administration for the state of the East Mall it is only fair to first seek out possible reasons for the pot-holes. One reason that has been suggested to us is that holes are there to accommodate noted B.C. author and fisherman Roderick Haig-Brown when he comes to the campus to speak next month. As soon as the holes become a little larger they will be stocked with trout to make Mr. Haig-Brown feel right at home.

But back to the Administration. At least five times a year repair crews are called to fix the road. Fixing the road consists of throwing two shovelfulls of hot tar into the holes. This remedies the problem for at least three weeks—then the holes are with us again.

We would venture to say that if all the repair bills for the East Mall were added up the total would be close to what it would cost to repave the road. In any event the road now resembles the Oregon Trail and if there is no intention of repaving it it is time to call the repair crews back in.

Discrimination

[GUEST EDITORIAL]

This editorial was written with the intent of providing the general student body with an informative report on the work of the AMS Discrimination Committee so far this school year.

The AMS Discrimination Committee consists of Dave Hemphill (USC Chairman) as chairman, one independent member, and chairmen of the Pan-Hellenic Discrimination Committee, Inter-Fraternity Council Discrimination Committee, and Civil Liberties Union.

IFC's permanent 5 man Discrimination Committee has taken definite steps toward alleviating this problem. They have drafted a leaflet to be distributed to all prospective rushees informing them of IFC's desire to discuss any case in which the prospective rushee feels he is being discriminated against.

Pan-Hell's committee is planning to institute the same procedure regarding its prospective rushees. While IFC's and Pan-Hell's committees have been set up specifically to deal with rushing, the AMS committee is in a position to deal with any and all instances of discrimination on the campus. Any such instances can be brought to the attention of members of this committee with the assurance that information will be kept completely confidential.

Members of the committee will endeavour individually and as a committee to do their best in alleviating your problem.

AMS DISCRIMINATION COMMITTEE

(Mr. Myron Kuzych, unemployed since 1943 when he was expelled from his union after criticizing the closed shop principle in wartime arbitration proceedings, will present his case against the closed shop to students Friday noon in Physics 201. Below Associate Professor of Law, A. W. R. Carrothers, gives the very interesting background of the Kuzych case.)

By A. W. R. CARROTHERS
ASSOCIATE PROFESSOR OF LAW

I notice that Myron Kuzych is to make an address on the campus this Friday noon under the sponsorship of the Civil Liberties Union, and I understand that next week an official of the Marine Workers' and Boilermakers' Industrial Union Local No. 1 is to be given a similar forum. This is potentially a debate—albeit at arms' length and a week apart—which merits critical attention. It occurred to me that students proposing to attend these meetings may be interested in an outline of some of the legal background to the Kuzych case.

Kuzych was employed in November, 1942 as a welder at North Vancouver Ship Repairs Ltd. The company had a closed shop agreement, by which union membership was made a condition of employment, with the Boilermakers' and Iron Shipbuilders' Union of Canada Local No. 1. The union advocated and in its bylaws was committed to the closed shop principle. Kuzych was a strong and publicly vocal opponent of the closed shop. He was expelled from the union late in 1943 and as a result of the closed shop agreement was discharged from employment. In an action in reality against the union (unions for purposes of internal disputes of this nature are not regarded at law as entities distinct from their members; an action against them must be brought in what is called a representative form) counsel for the defendants admitted the expulsion was illegal and consented to an injunction restraining the union from acting upon it. Kuzych was by the time of trial reinstated and the only issue remaining was damages. The case is significant because it held that although a person who is injured by another must take reasonable steps to minimize his loss (the principle of mitigation of damages) it is not reasonable to expect a union man to seek non-union work. \$1,000 damages were awarded.

Shortly afterward, in the winter of 1944, Kuzych ran for the presidency of the union in opposition to one of the principal defendants to the law suit. Kuzych lost. Early in 1945 he was charged with breach of the union's bylaws. A trial committee heard the charges, and at the next regular business meeting of the union the committee reported (a requirement of the bylaws) a finding of "guilty" and recommended expulsion. The meeting passed a resolution of expulsion 454 to 12. Two principal irregularities at this meeting were later alleged: that Kuzych was denounced prior to the vote; and that the names of "nay" voters were recorded.

The union's bylaws declared that a contract subsists between a member and the union and every other member, and its oath of obligation bound the member not to become a party to a legal action until he had exhausted all remedies under the constitution and bylaws. Another section provided for right to appeal to the parent body of the union from any decisions of the general business meeting finding a member guilty of any serious offence. Kuzych did not appeal, but brought a second action for a declaration that he was a member in good standing and for da-

meanwhile surrendered its charter and amalgamated with two other unions to form the Marine Workers' and Boilermakers' Industrial Union Local No. 1.

In the British Columbia Court of Appeal it was for the first time argued for the defendants that the union was an illegal association carrying on in restraint of trade for the reason that one of its objects was to obtain the closed shop, that the effect was to render its contract of membership void, and that, as the claim was founded on such a contract by a person purporting to be a member, no cause of action existed and the court had no jurisdiction to entertain the action. The Court of Appeal ordered a new trial so that the argument could be considered all the issues afresh and this time found for the plaintiff both on the illegality argument and on the other issues, awarding a declaration, an injunction, and damages. The appeal by the union was dismissed by the British Columbia Court of Appeal 3 to 2.

The union then appealed directly to the Judicial Committee of the Privy Council in June, 1951. The appeal was allowed and the action dismissed. Briefly, Kuzych lost. The reasons for the decision in the Privy Council are of first importance. The problem was dealt with "on the basis that severe condemnation of the methods followed in the proceedings under review is fully justified." This is an assumption, not a finding of fact or a conclusion from the facts. The case turned on the meaning of "decision" in the appeal provisions of the bylaws. The judgment determined that the conclusion reached by the union in general meeting was a "decision" within the meaning of that word as determined by the full context of the bylaws and that Kuzych was bound by contract (through his oath of obligation) to appeal from it to the parent union before going to court. Any taint of bias, prejudice, defiance of natural justice or intimidation of voters would be matters for the union's appellate tribunal, and perhaps also for the courts if the appeal did not remedy the matter, although the judgment does not spell out this latter point. Kuzych petitioned for a rehearing by the Privy Council in December, 1951, but the petition was dismissed.

I understand that Kuzych then appealed to the parent union but the appeal was dismissed because it was not taken within the constitutional 60 days from the original decision and because the union had

meanwhile surrendered its charter and amalgamated with two other unions to form the Marine Workers' and Boilermakers' Industrial Union Local No. 1.

Kuzych having received no satisfaction within the union structure, then recommenced suit in the Supreme Court of British Columbia, obtaining a representative order settling a preliminary procedural matter early in 1953. The defendants then obtained a stay of proceedings in the trial court, upheld on appeal, until costs were paid in the preceding litigation. Costs, I understand, are in the neighbourhood of \$15,000.

That, I understand, is the present state of the case.

The Kuzych type problem has risen in the courts in Canada in two subsequent cases. In McRae's case (New Brunswick) the plaintiff was expelled from the longshoremen's union (his offence was laying charges, held to be groundless, against other members) on a resolution of a general meeting without any attempt whatever by the union to adhere to the constitutional machinery for laying and hearing the charges. There being a closed shop, McRae was discharged. He sued the union for a declaration and damages without exhausting the union appeal machinery. The court distinguished the Kuzych case on the ground that the union body had no jurisdiction whatsoever to do what it did, that their action was a nullity and there was nothing amounting to a "decision" to appeal from; the trial court declared the expulsion illegal and the union's appeal was dismissed. In Tunney's case (Manitoba: this case was popularized by an article by Sidney Katz in Maclean's Magazine of February 15, 1954) the plaintiff was expelled from the teamster's union after a trial by the executive committee for "passing remarks" against the business agent, one of the members of the trial tribunal. Tunney, also, was fired because of a closed shop agreement, and sued before exhausting the union appeal machinery. The trial court distinguished the Kuzych case on the ground that no proper charge was ever laid and therefore there was nothing from which to appeal. Furthermore, the members of the union "court" were disqualified for interest: it was there alleged mismanagement into which Tunney was enquiring, which led to his "trial" and expulsion.

The Manitoba Court of Appeal went even further in distinguishing the Kuzych case,

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See KUZYCH



UBC GRAD, now actor-critic, Lister Sinclair enjoys a quiet moment with Dr. M. Steinberg of the English Department before reading from Shaw's writings Wednesday in the Auditorium as part of Shaw Centennial Week.

—Brian Thomas Photo

Lister Rolls Shaw's Bones On UBC Stage

By BARBARA SCHWENK

With the typically Shavian question "If you have a skeleton in your closet, why not bring him out and make him dance?" Lister Sinclair brought out some of the less bony morsels of Shaw himself before a packed Auditorium Wednesday noon.

"Although Shaw has not yet come to be acclaimed as Ireland's answer to Lister Sinclair, he will endure," was Sinclair's own candid opinion. He illustrated his theory with an hour of lively discussion and reading, ranging from Shaw's vehement criticisms of 'proficient mumbo-jumboism' and mediocrity to his maxims for Revolutionists. Most memorable "Those who can, do; those who can't, teach." To which Mr. Sinclair added, "Those who can't teach run teacher-training schools."

"Shaw gives me an overwhelming impression of seriousness of purpose," Mr. Sinclair said, "But his seriousness is not deadly; he is the sort of reformer who will never liquidate himself through his own reforms—his writing remains fresh and amusing."

To the audience, soft-spoken,

completely composed, Mr. Sinclair was often transformed into the thundering Shaw himself. His beard seemed to grow longer and whiter as he launched into lucid Shavian criticisms of singers who should be "Strewn in gobbets about the stage," or "That immortal pilferer of other men's ideas,"—Shakespeare.

"What annoys Shaw in his criticism of 'Cymbeline' is not so much the play itself as those people who praise Shakespeare as a systematic thinker," Mr. Sinclair said. And it is just this lack of system for which Shaw himself was criticized.

The paradox of Shaw's writing, Mr. Sinclair pointed out, is that he is the most non-rational of all writers. He is possessed by passion and moral fervor rather than by reason, and his arguments are patched together to support this. He had no idea of scientific evidence, yet he produced a magnificent piece of science fiction—"Back To Methusalem", as a frame-work for his ruling passion—the eternal Life Force.

Shaw was continually trying to solve for himself the mystery of man's place in the

universe and his relation with the infinite. Mr. Sinclair's final reading, "The Black Girl in Search of God", gave an unusual picture of the nature of God and where he is to be found.

"Equality" Shaw's Main Undertaking

By LEN DAVIS

The Faculty Club lounge was filled on Tuesday evening as a large and interested audience heard Prof. David Corbett of the Economics Dept., speaking on "Shaw's Politics." The meeting, sponsored by the Humanities Association formed part of the Shaw Centenary celebrations.

Prof. Corbett explained that he would not attempt the usual Shavian humour, but would deal with the serious aspect of Shaw's political doctrines.

"Economic and Political Equality," Corbett said, "was Shaw's main political aim." At the time that Shaw was a young man the differences between rich and poor in Britain were so great that the "Gentleman" did not regard the Laborer as his equal. It is largely owing to the work of Shaw and the Fabian that the extremes of British society have been brought closer together, with a consequent increase in the size and importance of the middle class.

Corbett said that at the present time Shaw's politics are out of fashion. There is an increasing conservative movement away from the idea of Equality. He doubted whether our type of civilization can obtain the highly trained technicians and executives it needs, unless it offers the inducement of extra reward.

The obvious differences in income among the people of Rus-

sia are a reflection of this necessity to encourage people to undertake long and arduous periods of training.

Shaw possessed the most political influence and prestige in the years up to the outbreak of the Great War. As an important member of the Fabian Society he wrote brilliant plays, articles and criticism. He was bitterly opposed to the 1914 war and said that the best thing that the soldiers could do was to "Shoot their officers and go home."

"I caused the Russian Revolution," he said "because the Russians took my advice."

After the twenties it is probable that most serious people thought of Shaw as a comedian with a knack for writing funny postcards. He became dogmatic about the benefits of Soviet communism, and made a trip to Moscow with Lord and Lady Astor.

The efficiency of the Russian war machine in the 1940's increased his enthusiasm for that country. His prestige as a serious thinker definitely declined.

However, Corbett concluded, Shaw's earlier work with the Fabian society is connected with the legislation of the 1945 Labor Government, and the shape of modern Britain owes a great deal to Shaw's work.

Attention Engineering Students

The CANADIAN NATIONAL RAILWAYS has openings for graduates and under-graduates in CIVIL, ELECTRIC-AL, and MECHANICAL Engineering.

Their interviewing team will be on the campus Friday and Monday, January 20th and 23rd.

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Beware The Teddy Bank



Not long ago, a bank despatched to customers a coin bank in the shape of a plastic Teddy Bear, along with a note reading: "The Piggy Bank has long been a symbol of thrift, but we have decided that the pig cannot be both good and bad. It cannot be a greedy, dirty, selfish animal that wallows in mud and still serve as an emblem of prudence. We propose to substitute a clean animal, and the Teddy bear seems to fill the bill."

We doubt whether the Teddy Bank will supplant the Piggy Bank, or should. Children like greed, dirt, selfishness and mud just as much, if not more than prudence, thrift and cleanliness. Anyway, it's in dirt and mud where you find diamonds, oil and uranium. At the Royal Bank, we give away neither Teddy nor Piggy Banks, so if you want to save money, you'll either have to buy one or pay us regular visits. It only takes a dollar to open a Savings Account, so how about it? There are any number of Royal Bank branches in Vancouver and its environs, all keen to add more U.B.C. names to the books. Drop in, any time.

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