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Obsession, With Intent Violence Against Women



Lee Lakeman

OBSESSION
with INTENT

In memory of

Bonnie Agnew and Andrea Dworkin

OBSESSION **with INTENT**

VIOLENCE AGAINST WOMEN

Lee Lakeman



Montreal/New York/London

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Preface

This book encapsulates a small part of the thirty years of our Canadian women's rebellion. It centers on the mechanisms of indifference, intolerance and sometimes complicity of government in maintaining men's power over women. The book focuses on the government responses to that part of the power of men over women exercised in criminal brute force: rape, wife assault, incest, and sexual harassment. It counterposes the direct action of women to aid one another and to enlist the support of our community.

This is not another story of the individual men brutalizing told by the valorous women escaping them. But it is of course impossible to tell this story without reference to both. And ordinarily those abuse/domination/escape stories are those that I and other women like me are most likely to tell. In my anti-violence work in transition houses and anti-rape centers since 1973 I have heard and witnessed more than anyone in the world needs to know, of what harm men do to women. My personal knowledge includes branding and hidden bruising, broken jaws and burned flesh, broken psyches, mutilation. It includes callous indifference, excesses of rage, and willful destruction of bodies and minds. It involves damage to old women and babies and practices of cruelty quick and vicious and it involves those cruelties to captives, especially wives and daughters, carefully maintained over years.

Many individual women's stories have moved me deeply. In fact, I have a practice that sustains me when I am least sure of what my life's work has achieved: I recall the names of raped and battered women and children who inspired me, who made me weep with helplessness or with relief at being able to help. I recall those rebels who encouraged me, those who bid me to stand up. I recall them with gratitude and pride in our solidarity. These are women with whom I continue to stand. This book is an expression of that solidarity—between women threatened, raped and beaten and that overlapping group of women working to end such terrorism.

The book is focused closely on only one of our joint set of expectations, frustration and strategies: to make fair law, to make police come when they are called, to make them protect us, to make the detectives do an adequate legal investigation, to make the prose-

cutors effectively put the facts before the courts, and to make judges and jailers and probation and immigration officers hold the abusers humanely in community or if need be, in state custody, until all women and children are safe from them and until society imagines, and successfully executes, plans to change the conditions of women and to change men.

I have had the great fortune and tenacity to live and work among the righteous women of my generation who rebel against the violence that dominates the lives of women worldwide. Even the research, speech, and judgments emanating from the capitals of the world must now concede the reality of women's oppression that we exposed. We the women who created the anti-violence wing of the movement in Canada, have mobilized thousands of women to consciousness, self-help, mutual aid, demonstration lobbying, and direct action, both mass and anti-mass in form. We committed our lives and linked many others to the long-term multi-faceted struggle for social transformation.

Our women's rebellion identified, named, and organized to stop that violence. Among those I know, are women who rescued those attacked, sometimes by getting between angry men with guns and the women they wanted to shoot. We opened our own houses and "kicked back" our small salaries to invent feminist shelters: institutions in which women could hide each other and our children. None of us got rich. Many of us got no salaries. And of the few who were paid, I know of none who got a pension. Some wore out with the enormity of our project. Some died trying to escape and trying to help others to escape. We persist.

We invented, reinvented, and coined words to describe our reality. Femicide among them. With almost no money we launched messaging campaigns on fences, on billboards, with little stickers in washrooms, on video and public television, on fax machines, and computers. After Take Back The Night, one of my favorite campaigns from my own work, is a one-month installation on a construction hustings in my False Creek neighborhood. We were linking welfare rates, health issues, and violence against women in this showcase federal housing development. After the nightly destruction of it by young men, I faithfully repainted and repaired the message wall everyday using my baby buggy full of staplers, paint brushes, posters and fabric. Another favorite is a scripted bus trip around our city of Vancouver on an old yellow school bus on which we took media personalities in 1980, to educate them about hospital shift workers and sweatshop workers and what they needed, to be safe from abuse. We talked about domestic workers forced to live in, and then attacked on the job in the palatial areas; about women trapped in prostitution and pornography; about wives and children with no where to go; and about the deaf student residents at the mercy of their teachers. We called it a women's "Tour of the War Zone."

Because of that work, expressions like violence against women, battering, sexual harassment, incest, transition houses, and rape-crisis centres, have gone from being

vague and shameful notions whispered between women to becoming the commonly spoken international political language of human rights. We have spread important information throughout the country so successfully that virtually every college-age woman can cite violence statistics and recognize many dangerous situations. We have made our organizing centres and our political thinking available back and forth across race, class, and regional barriers with enough success that women tell of the sexist violence they have endured from every demographic group within the borders.

Our movement of feminist anti-violence initiatives mushroomed in the Canadian political boom time of the seventies. We had enormous public support. The national federal government was forced to respond to us with some funds and policy and law changes. I, with others, had some success on changes to rape law, including that of criminalizing rape in marriage, the No, Means No, Law and practices about consent and the Rape Shield Law procedures regarding women's private records and the use of women's herstory in rape trials, all of which have been heralded internationally.

Based on our work, Canada claimed to the international community, exemplary government willingness and expertise in combating violence against women. On the basis of that self-generated and self-promoted reputation, Canada has recommended, even pressured with funding arrangements, other national governments for changes in law, in domestic policy, and in their relationship to women's NGO's. While doing so internationally, it co-opted our domestic anti-violence movement substantially. It devastated our network of anti-violence activists. Recently it has reversed much of the government policy that could be a source of pride to any equality-seeking bureaucrat or politician. We have now witnessed criticism from the United Nations of the Canadian treatment of women.

Finding solutions is not easy. Our joint plans as a movement and my personal politics reject "Law and Order" right-wing strategies that violate the human rights and human potential of men, even of accused men (not the least of reasons is the impact on women). But so too do we reject the abandonment of women and children to the lawless sexism of men's current inhumanity. We actively oppose the racism and class bias of the current selective state law enforcement. But in a similar vein, we serve notice to the men of the left that we reject the romanticism of an anti-authoritarian "community justice" or "restorative justice" relying on community as it is, with no affirmative action component (nor even commitment) to advance community organization toward either women's equality or race and class equality.

This book has a special and particular herstory: it began life as only a dull obligation of mine to report back to Allan Rock, a progressive Justice Minister (now Canadian Ambassador to the United Nations) and to the Justice Department of the Canadian government for a small nationally-funded project of which I was coordinator. But all the women involved worked above and beyond the legal obligations of the project to tell the truth of

their and other women's enforced situation. They insisted with me that we think about what could be done for the women contacting us for help.

That expanded our work and our report into a contemporary analysis of the relationship between the federal government in the widest sense and the anti-rape movement we lead in Canada. The frontline workers involved in the project valued it. The collective in which I work, Vancouver Rape Relief and Women's Shelter, decided to translate, publish, and distribute more than fifteen hundred copies of the report across the country. A wider group of frontline workers, and then academics, relished it and began to use it in their centers and schools. Demand exceeded that publishing run.

Now it is a report finding relevance in the international community, as it continues to gather steam along the way to a better future for women.

Precisely, this is the story of a group of women over five years who try to enlist the Canadian government (provincial, federal, and international) to aid women like ourselves, to face down, restrain, escape, and correct the violent abuses of power inflicted on women by the men in their lives. But those five years were the culmination of thirty. Women in Canada were, those thirty years, in unique and privileged positions to develop and experiment with strategies to end sexist violence that involved the state.

Like women in England, and some commonwealth countries, we had the social safety net of the welfare state. Besides entitlement to education and health services for all, that welfare state allowed routes to possible state-subsidized incomes for women and their children escaping violent fathers and husbands and bosses. It also allowed specific funds targeted for transition houses from that same social welfare pot. Most women, including American women, had no such source or social tradition.

Add to those material conditions, the "baby boom" population burst and the social democratic job creation schemes like the Company of Young Canadians and the Local Initiatives Project grants reminiscent of the American New Deal. Mix with masses of women on the rise. We had fertile soil. The capitalist economy was booming. There was seed money available for new social projects and much needed social development and some of that was directed toward women, the poor, and aboriginal people. Partly this meant that individual women, me among them, could design the work we wanted to do, like anti-violence programs, and seek government funds to do it. There was more than enough meaningful work to do for most who wanted work, both paid and unpaid. And however unfairly accumulated and unevenly distributed, the country had more than enough resources to sustain everyone and to deliver all needed goods and services.

American women struggled to reform their constitution, as had the black community before them. That civil rights approach didn't yet exist in England or Canada, but the repatriation of the Canadian constitution and the creation twenty years ago of the Canadian Charter of Rights and Freedoms opened that avenue to us too. We had the example of the Black Liberation struggle and new mechanisms of government put in place nomi-

nally devoted to establishing the equality of women and mandated to screen all law, policy, and procedures for compliance with women's promised equality. That approach is being reapplied in South Africa, Australia, and other parts of the world. While the Equal Rights Amendment failed in the USA, Canadian women thought we could move ahead securing, then using, a new legal guarantee of equality and our growing analysis of the relationship between men's violence and our position as women in society.

The courts were inherently more closed, appointed, elite, and therefore, theoretically more regressive than the parliament. Still we saw some opportunity in the Supreme Court after the institution of The Charter and, especially once Madame Justice Claire L'Heureux-Dubé was appointed and the critical mass of baby boomer feminist lawyers took their places in academe as well as in the courts.

Even internationally, violence was being recognized as part of the source and maintenance of the oppression of women. UN conferences like Beijing focused on women and the new international agreements fostered there. Initiatives toward a world court held promise, as did the World Social Forums and the so-called anti-globalization uprisings.

Within Canada we had a mostly literate population, a publicly funded media system operating relatively freely, and a public education system that could carry information of women's rights. Both could carry back to government elevated community standards: an increasing expectation of fairness to women, of state action to end the brutal unfairness of violence against women.

In these conditions we needed to answer the question that remains: Why is it so hard, so rare, for Canadian women who tell on their abusers, who ask for help, to get an effective conviction against the men who commit violence against women? And what will we do about it?

With belief in the diversity, splendour and potential of the Canadian Women's Movement,

Lee Lakeman

Introduction: The Heron Case

Another woman dead. Another wife. Her husband, of course. Sherry Heron and her mother, Anna Adams, were both shot to death in the hospital. Her husband walked out afterwards and drove himself into the local bush. Everyone knew what came next.

“We were hoping you would speak to the big picture.” That is how Laurie Parsons, transition house worker from Mission, put it when she explained to us that she had just referred a CBC national reporter to Canadian Association of Sexual Assault Centres (CASAC) LINKS staff.¹ “We can handle the local details, but we think that CASAC will better express the ‘big picture’, the systemic issues.”

While the murder of wives by husbands is not something we ever get used to, it is not usually an emergency situation for us.² We choose, most often, to save our emergency responses for the women still alive.

We knew from experience, however, that women across Canada would be subjected to the details of these events in media reports and might be left more frightened, less sure of where to go. They, like us, would be watching the news media for clues. How would Sherry be portrayed? What excuses would be put forward for the husband? Which authorities would refuse to take responsibility? Which officials would point the way? We recognized a responsibility to ourselves, to those women watching, and to the transition house workers in small and rural centres. We could interrupt our tasks to give this case a few hours.

When I called Sgt. Grant Learned of the Mission RCMP, I explained that as a CASAC representative I was being asked to provide comment to the media and wanted to be as informed as possible before doing so.³ He was gracious and told me that Sherry Heron had been in hospital for some weeks. Immediately, I asked why? “Well,” he said, “she had a serious illness and had also been in a car accident.” He knew I was looking for a history of wife beating and told me there was no record of police calls to their house.

He *didn't* tell me that Bryan Heron was a prison guard for thirty years who supervised others and so the likelihood of his wife calling the police for help was slim, whether she needed them or not.⁴ Sherry's husband had been assisting her in dealing with her

medical condition for months, he said, and there seemed to be some recent “interference” from her family of origin as to who should be her primary care person.

Sherry’s mother was sitting at her bedside when the husband arrived with a gun and shot them both.

The police were trying to establish, Sgt. Learned said, just when Mr. Heron received the restraining order that had been issued against him and whether that was what “set him off.” He said Sherry had expressed worry about Heron’s temper and what he would do when he was served the order.

How, I asked, did a woman confined to a hospital bed get a restraining order and, why would she need one? Well, he explained, her sister had come to the Mission detachment of the RCMP to inquire as to what help was available for Sherry as she was “considering leaving her husband.” An officer from the domestic violence unit had been “sent directly to Sherry’s bedside to take a statement.” The Sergeant reassured me that Sherry had specifically been asked whether or not there had already been any domestic violence and she had said no.

But at a press conference, the Sergeant is quoted as admitting that Heron was “harassing his wife.” The police understood that to mean harassing as “annoying.” “Had there been any suspicion of violence, we would have either gone with a peace bond or, better yet, we would have arrested the individual as we normally would in threats of violence.”⁵

The police claimed the statement-taking officer had no grounds for a criminal charge. Their hands were tied. Not wanting to seem insensitive, or to leave her and her family dissatisfied, he had thoughtfully involved the RCMP Victim Assistance worker.

RCMP victim services assisted her in going through the motions of obtaining a restraining order...nothing in the restraining order warned of the possibility of violence.

I didn’t ask whether the police had advised Sherry of the existence or usefulness of the local transition house, but the fact that he didn’t mention it seemed to tell the tale. That was the end of police involvement until after the murders.

Two versions of this woman’s experience were being constructed. In our version, it was obvious that Sherry was leaving her husband and was scared. Women scared of leaving their husbands usually have good reason. We wondered what those reasons were and why the officer didn’t find out. We knew their house was remote and that Heron had been trying to split Sherry from her family. It seemed to us that after she was hospitalized, Heron was no longer able to keep her family away. From her sickbed, Sherry talked to her sister and mother and agreed that her sister would go and check out the situation with the police; see if they would act against a fellow law enforcer, and if they would per-

ceive the crimes that had already been committed. Perhaps her sister was confident there was legal help available to Sherry by right.

Sgt. Learned failed to tell me Sherry had told police from her hospital bed that her husband had threatened her life, restrained her, isolated her from her family, and threatened them with harm, especially if she attempted to leave him. She told them of these criminal activities in order to get protection. She told them he owned several registered guns and was a prison guard accustomed to using force. Sherry also said he had been depressed lately. The police failed to see the criminal activity and the danger to life and liberty for Sherry and claimed their hands were tied. Sherry, her sister, and mother did not give up. Sherry got advice from someone, likely the volunteer Victim Assistance worker, to contact and hire a lawyer.⁶ If criminal law enforcement wouldn't help, maybe they could do it on their own with a civil restraining order. She did that.

Through her lawyer, Mr. Parmjit S. Virk, Sherry told the court in an affidavit that, among other things, she was "fearful that (he) could come after (me) with his weapons... within the last year, (he) has on numerous occasions said to me, 'if you leave me, I will hurt you and your family'...he will not be pleased once he receives the pleadings in this case." This is from her affidavit filed in B.C. Supreme Court, May 16, 2003. According to this document, Sherry had been separated from her husband for two days.⁷

The restraining order was granted. Heron was directed to stay away from Sherry's place of residence. If he did not, he would be defying the courts and that would be considered a crime. The remaining problem for Sherry and her family was what to do when Heron exploded, as she had expected, and told everyone that he would.

When I called the hospital, Mr. Don Bower of the Fraser Health Authority told me the hospital staff had been very brave and fully active.⁸ The restraining order had been attached to the clipboard containing her medical chart at the end of her bed. Security staff had been notified. A nurse had spotted Mr. Heron. She had seen him there pretty much every day. She read the chart and knew there was a restraining order issued that day so she called the security guard. The unarmed guard entered the room, I was told, and asked Heron to leave. When he wouldn't, I was also told, the guard backed up a few steps so that he could see the nursing station and yelled for them to call the police.

After Heron shot his wife and mother-in-law to death, he walked out of the hospital. The security guard, I was assured by the hospital public relations man, had quickly and successfully locked the wards "to protect the staff and patients of the hospital." I said, "You mean the other patients of the hospital." Both police and hospital officials assured the public that everyone had done a fine job and we could all be proud.⁹

We were encouraged to think it was all terribly tragic and unavoidable. There was just a hint that "if only Sherry had been willing to reveal any real violence," or "if only Heron had sought medical help," or "if only her family had not interfered," or "if only

Sherry had not needed long-term home nursing from her overburdened husband," things might have been different. If only.

CASAC went on national television the next morning to say that any transition house worker in the country would have spotted Sherry Heron as an ex-wife in danger.¹⁰ Any anti-violence worker could have described the many criminal charges that could and should have been laid against Heron when Sherry and her sister first reported to police. Such charges might have saved three lives.

Sgt. Le Maitre from RCMP headquarters participated in the interview with me; he rolled his eyes at the TV camera saying, "hindsight is easy," and he did not know "where I was getting my information." He repeated that the problem is that the public just doesn't understand the difference between a civil restraining order and a criminal law peace bond. He was shocked when I said women don't care about the difference and shouldn't have to study law in a crisis moment to get equal protection of the law.

Heron had displayed the proprietary and aggressively controlling attitudes that would make him prone to wife abuse. He also had weapons and was depressed. He had made threats to harm Sherry and her family, and he had what it took to carry out those threats. Heron was a man in political circumstances and personal conditions that increased the likelihood of his acting out his sense of entitlement and righteousness.¹¹

We at CASAC identified, even from our distance, that Sherry was asking her family, community, and government for help. She understood terribly well that an individual man armed with a marriage license and guns overpowered her. She got the family and community response one might hope for. But she also sought and needed state protection of her liberty and security in order to function as an autonomous person. The State, in all our names, failed.

The police are not the only public officials who failed what we think of as equality obligations. Hospital officials should have made the decision to move Sherry, either within the hospital or to another hospital, so that she would not have been so vulnerable to her ex-husband's immediate temper. They could have done it just to protect her privacy. We do it all the time in transition houses and other women's services. Everyone involved could have been spared. It would have been much better than having to provide hospital staff with trauma counselling afterwards.

It took us another couple of days to consider that it was a useless infringement of her privacy to place her legal restraining order on her medical chart as though it could be expected that some nurse could and would enforce it. This was an act, we suspect, designed to cover the hospital legally but not to affect Sherry's privacy or security of person. At the very least, it constituted an indignity.

Sherry did everything anyone could expect and was advised to do by her family, community, and the State to establish her autonomy. She had her own income from her own job. She got herself into public space and out of the sanctity of his home. She ended

her marriage. She involved her family, checked her legal rights, talked to the authorities, and notified the public institutions charged with her care and protection of the danger she knew so well.

Since the failure to protect was so blatant, we began to suspect that someone might be set up as a scapegoat. We contacted the unions so as not to get caught in the predictable next move to blame the least powerful individuals: the front line cop, the security guard, or the nurse who spotted Heron and called hospital security. That's when we discovered that the security man was new, in a privatized position through Windsor Security, and possibly the only person on security duty in the hospital.

It is highly unlikely that a private company would be more informed, vigilant, and ready to act on Sherry's human rights as promised in the Canadian Charter of Rights and Freedoms, than the police and public hospital staff.

The next likely fall guy would be the low-paid lawyer working on her civil order. Like the other individual criminal justice professionals involved, he did not do the best possible job.¹² All these people share some amount of personal and professional responsibility.¹³ But we were more interested in moving further¹³ up the power chain.

While we thought our way through this, we watched as a manhunt unfolded for Heron who had gone to the bush. At this point, the police had no trouble using Sherry's information about how dangerous Heron was.¹⁴ To secure the warrant to search his house and cars, they produced that information before a judge, including the list of his guns that included the .357 magnum he used to kill Sherry and her mother.¹⁵ It must have been the other four rifles that made him seem a huntsman to them. Now there could be helicopters, dozens of cops, SWAT teams, and uniforms displayed at regular press briefings. Nothing was too much to put into Heron's capture, now that Sherry was dead. When a police dog dragged him out of a tree stump, he shot himself.

Again, we failed to convince the authorities.

The police refuse to acknowledge that it would have been wiser to spend law enforcement dollars to prevent these three deaths rather than on the wild manhunt in which we were all caught up. Why not assign a local police officer to her security, once her sister apprised them of the situation? Yes, we do know how many Sherry's that could mean. Why not consider the whole hospital her home from which he was barred by the restraining order? They could have had a police officer or a security guard stop him at the door of the hospital. Yes, we do know what he might do; isn't that the reason women go to the police? Why not move her from one room to another, or one facility to another? Yes, it would cost money. Why not remove his guns? Was there a civil liberty at stake here greater than Sherry's right to life, liberty, and security of her person? Why not at least enforce the possible criminal charges and the likely bail order that would follow?

It took us ages to understand the world-view that allowed the police to repeat, as though it explained everything, that Sherry had only told the court (in her affidavit) about

the violence done to her. In their minds, she had not told them (the police). That the advice to tell the court came from a Victim Assistance worker employed by and answerable directly to the police is an unavoidable reality.

That Victim Assistance worker has never been heard from again. The police were blameless, in their own minds, and no one else is allowed to judge them.¹⁶ "The brilliance of patriarchy," says Robin Morgan, "is disintegration."¹⁷

The new Liberal B.C. Provincial Attorney General, Geoff Plant, had softened the pressure on police to arrest by changing the Wife Assault policy in the first week of May 2003.¹⁸ Only a few days after the murder, he opined that any increase in violence against women that we were attributing to his announced policy reversal was our fault. His move had been the first blow to the best policy on violence against women in the country, the Attorney General of B.C. Violence Against Women in Relationships Policy.¹⁹ We were "irresponsible" he said. It was not his change in political policy, but the spin we were putting on his policy change that was dangerous.²⁰

In any case, we had all witnessed the RCMP refusal to enforce the VAWR Policy.²¹ The RCMP wrote their own policy after the Vernon Massacres and Sgt. Le Maitre told me in the waiting room of the CBC that he teaches this policy and procedure to police.²²

For days, we entirely failed to consider the role of the judge hearing the affidavit of the violence already committed against Sherry. (Sometimes it is difficult to conceive of the equality we have never experienced.) The obvious inadequacy of the solution before him: an application for a civil restraining order (and the sloppiness of this one in particular) apparently gave no rise to questions as to what was going on and no advice to anyone regarding the equality issues at hand. Regardless of what the officers of the court were putting before this judge, surely it was obvious that Sherry was seeking her inherent constitutional and inalienable woman's rights.

The combination of three public institutions (police, hospital, courts) providing inadequate service is grim. But the failure of these institutions and the persons working therein to deal with equality issues can be deadly. Private legal advice and privatized hospital security removed any fail-safe.²³

Since he died in custody, a coroner's inquest has been called into Heron's death. This is a matter of law. An inquest is required for anyone who dies in the care of the state. To date, no inquiry has been called into the deaths of either Sherry or her mother. Apparently, despite the facts that they were in a public hospital, before the courts, and asking for police protection, and were being advised by a police-based victim assistance worker, they were not in the care of the state.

Notes

1. Personal phone call logged, May 21, 2003, from Laurie Parsons calling from the Mission Women's Resource Society that operates the transition house.
2. Women We Honour Action Committee. (1992). *Women Killing: Intimate Femicide in Ontario 1974-1990*, Toronto: Author.
3. Personal communication by phone from the CASAC office, May 21, 2003.
4. Canada.com network print story, (May 22, 2003), available online <www.canada.com/components/print>.
5. Hunt for Killer, (May 22, 2003), *Penticton Herald*, p. A2.
6. This is speculation, but the Victim Assistance worker has not been heard from since.
7. Richards, G. (2003, May 28). Woman Slain in Hospital Feared Husband's Wrath. *The Globe and Mail*, pp. A1, A7.
8. Phone call personal communication, May 22, 2003.
9. Ramsey, M. (May 22, 2003). Guard Who Saw Killing, *The Vancouver Sun*, p. A4.
10. CBC National TV, Lakeman for CASAC, with Alison Smith, (May 22, 2003). Interview tape available through CASAC.
11. Lakeman, L. (1993). *99 Federal Steps Toward an End to Violence Against Women*. Toronto: National Action Committee on the Status of Women.
12. He could have asked for terms about how the order should be handled for instance.
13. Culbert, L. (2003, Nov. 13). RCMP's Learned gets new posting: The force's top spokesman was accused of an off colour remark, *The Vancouver Sun*, p. A15.
14. Pemberton, K. (2003, May 24). Mission Murder Suspect Shoots Self, *Times Columnist*, p. A6.
15. Search Warrant issued by the Province of B.C., May, 21, 2003, on the information of Corporal Edward Anthony Preto.
16. This is in spite of insistence from women's groups for years that we must have some effective means of civilian review, and complaint of police policy, not just personal behaviour.
17. Morgan, R. (1990, c1989). *The Demon Lover: On the Sexuality of Terrorism*. New York: Norton.
18. His policy, now called Spousal Assault Policy, was announced at a press conference, May 1, 2003.
19. This policy began with recognition of the holistic nature of any solution and clearly identified wife assault within the continuum of violence against women. It did not compel, but did advise arresting and prosecution. It was a political policy imposed and was never fully supported by crown or police.
20. Personal communication to Suzanne Jay, and the women of the B.C. CEDAW Group, in Vancouver meeting, June 6, 2003.
21. Woods, J. (1998). Recommendations for Amendments to "E" Division, RCMP Operational Policies Pertaining to Relationship Violence and the Processing of Firearms Licences. Royal Canadian Mounted Police.
22. Personal communication in the lobby of CBC Vancouver, May 22, 2003.
23. Fail-safe is a mechanism by which when predictable failures happen there is a plan B. Sherry should have been saved by the call to police, but failing that, the hospital and lawyer action should have worked to support her interests.

The Background of Relations Between the Canadian Government and the Canadian Women's Movement

Our CASAC Approach

CASAC women live with distress and a certain sense of ever-present emergency. Often lives are at stake. Always, the *quality* of women's lives is at stake.¹

Yet there have been times over the thirty years of our herstory when opportunity has gladdened us and made equality-seeking work easier, even thrilling.² There have also been times of peril that have shaken our sense of confidence that we can ever improve the status of women and reduce the sexist violence that holds us all down. Sometimes we would settle for, but cannot seem to achieve, an advance in the treatment of women already beaten and raped. But usually, we have our eyes on freedom and the prevention of another generation of women being abused and threatened. Other times, we can feel the political ground shifting and fear for us all.

We have always attended raped and battered women within a wider framework that has included the shaping of national discourse on violence against women when we could, and taking our rightful place in the public political discussion of what constitutes equality and freedom. We, as do caring, intelligent people everywhere, consider which social change strategies to use to end violence against women and to achieve dignity and liberty for all women...in particular, those we are charged with assisting.

Much of our CASAC activity is direct action: resisting imminent violence, creating escapes for women, breaking the isolation of women by developing affinity groups and mutual aid arrangements, and organizing ourselves into small, democratic groups. We maintain a consciousness-raising component among ourselves and constantly organize new women for our rescue, crime prevention, status-changing discussion, and work. We assist each other in acquiring access to the services of our communities and of the state. Similarly, we participate in mutual aid coalitions to join forces for us all. As early as the Justice for Women Campaign (1992), we worked with other national groups as an equal

partner to fight to protect the equality-seeking component of the funding for our member centres.³ We lobby for the effective and fair distribution of the resources of the state (including but not limited to the delivery of services). We participate in lobbying, law reform, and federal government consultations, when that is financially and politically possible, and when it seems to us to be productive.⁴ Productive, for us, means there would be movement toward reforms consistent with our long-term goals.

While we do not expect women's liberation to be a product of governments, we do not exempt our communities, or our governments from responsibility for assisting women, as we resist repression. We expect our government to respond appropriately to women's legitimate aspirations for peace, freedom, autonomy, and economic well being. It is in this spirit that our work to examine violence against women was carried out.

This work reflects a moment in the transformation of Canada, the worldwide women's movement, and the bridging of centuries of women's struggle. We are participating in what is often referred to as the end of the second-wave women's movement, and we are reconstituting ourselves in the international movement of the new century.

We have lived through dramatic change imposed on us, not only by the violence done by individual men, but also by a decade of government responses to women's insistence on equality. We have endured five years of neo-liberalism. The significance of the details presented here must be read within this context. Otherwise, careful readers might miss the point.

This book intends to inform those who are committed to the advancement of women. Of course, it is designed especially to promote and support those working anywhere to assist women, in Canada, and the rest of the world, to emerge from this period of violent repression of women's aspirations.

A Few Keys to Our Herstory

The Canadian Parliamentary hearings that resulted in the *The War Against Women* report was a, then normal, consultative government process that paid the expenses of representatives of organized collectives and groups to go to Ottawa to present their opinions.⁵ In this case, it was primarily women's equality-seeking groups consulting on the subject of women's needs in relation to violence against women.⁶ That inquiry had grown from a cross-party deal between elected women on a parliamentary standing committee. In part, they were responding to the uprising of women in the community against sexist violence expressed in the media after the Montreal Massacre.⁷ They were also responding to the attempt to harness the energy of that uprising in a call from some women for a new Royal Commission on the Status of Women.⁸

The significance of the first Royal Commission has been documented in other places.⁹ For the purpose of this book, readers need to know that the federal sub-ministry

responsible for the Status of Women, women's program funding, the Canadian Advisory Council on the Status of Women and the provincial Advisory Councils on the Status of Women as well as the women's equality sections in all government departments resulted from that more than twenty-year period of Canada-wide organizing work. Largely, women at a Strategy for Change conference conceived these initiatives.¹⁰ Eventually, they served as the first sources of funding and government policy papers on sexist violence (but not for several years).¹¹

The commitment to women's equality on the part of the Trudeau Liberal federal government had been hard won and was still boxed in by notions of formal equality, which framed many women's issues in terms of women's equal citizenship.¹²

The National Action Committee on the Status of Women (NAC) was the initiative of the voluntary sector of women activists in Canada. It was the first such national coalition. This coalition, along with others, pressed the government to implement the recommendations in the *Report of the Royal Commission on the Status of Women* as well as those that were not documented in the report or even clearly articulated yet by the movement at large.¹³ Women's centres, which were nearly all members of NAC, provided the local organizing base needed to build support for grassroots women's demands and to illuminate new ones as they lobbied for change.¹⁴

Other women, including CASAC members, were responsible for simultaneously building the anti-violence initiatives and women's emergency centres. Class largely differentiated the two groups of activists: the anti-violence workers often being the poorer, less formally educated and less privileged. Neither was fully integrated in terms of race although aboriginal women and women of colour participated in and contributed significantly to both. Never the less, the work on violence was underway. The Winnipeg study fostered by CASAC members at Klinik¹⁵ had recorded incidences and theorized about rape in a report to CASAC as early as 1980.¹⁶

In that same time period, aboriginal women and women of colour had launched other organizations and other feminist struggles that would lead us. To mention only three: In 1970-75, black immigrant leader Rosemary Brown was elected to the B.C. Legislature, India Mahila Association started work with the B.C. immigrant women population from northern India and Pakistan, and Jeanette Corbiere Lavell launched her fight against Section 12 (1b) of the Indian Act.¹⁷

Dawn Black, federal MP for the New Democrat Party (NDP), stated in the course of those parliamentary hearings of the 1990s, that the Royal Commission of two decades earlier had not addressed the issues of violence against women and that was an important reason why there should be a new one. Those 1990s parliamentarians were perhaps aware that even the limited government commitment to women's advancement, as it was laid out in the first *Royal Commission on the Status of Women*, was already waning.

CASAC took those parliamentary hearings as an opportunity to meet with feminists from across the country who were working on violence issues. We sat through many days

of powerful presentations and then met with the presenters. We took home copies of everything to share with other frontline women. We could hear the marvellous consensus building among women across the country and across class and race divisions about what needed to be done about violence and its underpinnings and about how change should be accomplished. LEAF (the Legal Education and Action Fund), NAWL (National Association of Women and the Law) and NAC, among many others, delivered sophisticated analyses that interlocked with others to present a holistic picture that was powerful and achievable. While the *The War Against Women* report expressed a much watered-down version of that consensus, it nonetheless created a benchmark of community understanding. There is no reason to retreat from that benchmark. In the course of the hearings, CASAC learned how to use national meetings called for other purposes and heard that emerging consensus. We heard it and used it to mobilize support for abused women for the next decade.

Each presenter was asked, in turn, whether his or her group endorsed the call for a new *Royal Commission on the Status of Women*. CASAC agreed but expressed our concern that we had not really considered the matter and that it wasn't what we had come to say.¹⁸ We wanted to carry forward the accumulated knowledge of the organizations, including rape crisis centres, from across the country. We thought allowing the government to go back to mass meetings and calls to individuals would be a tactical error that would cost women in terms of delayed action.

The press for something like the Royal Commission was, of course, a deal already constructed in Ottawa between parties. Obtaining the agreement of national women's groups was only window dressing. But even the women who were elected members of Parliament were disappointed when what we got from the incoming Conservative government was not the mainstream organizing opportunity of money and prestige associated with a Royal Commission style of government inquiry, but The Blue Ribbon Panel on Violence Against Women.

Individuals on the Panel were isolated from their groups, declared personal experts, and paid more than they were likely to have received by continuing in their community work. Some had come from frontline groups. The government refused to appoint women chosen by the movement (as we had organized ourselves), to authorize our groups as the authorities or experts or to use the spokeswomen we chose. Instead, they insisted on tokenizing the movement as a whole, including racialized and groups of disabled women.¹⁹ Feminists failed too. There were a couple of groups that kept control over the member they knew but the process, as a whole, was terribly destructive for the anti-violence movement. The ten million dollar Panel, in its interim report, called for the federal government to provide funding to rape crisis centres and shelters for abused women. But the carrot also came with a stick. Just before the final report release date, Mary Collins, the Conservative Minister Responsible for the Status of Women, warned us "physically and sexually abused

women could be further victimized if Canadians reject the Charlottetown agreement on October 28." The Minister said she simply wanted women to consider how a "no" vote (regarding the Accord) could affect them. "If there is a 'no' majority, you can't just pretend it never happened," she said. "It's just like in the family. I mean, if you have a huge argument you just can't pretend it never happened." CASAC and NAC had just withdrawn support for the Panel and were actively involved in the "no" campaign.²⁰

The Panel published as its research and final report, a plethora of work that had already been done by the anti-violence movement.²¹ The Panel published facts, analysis, and maps of the problem. But facts and analysis cannot be understood outside of their context. The main impact of the Panel was to counteract the accrued influence of the unity worked out in the movement. This was particularly true of the unity built in the feminist caucus at the Kim Campbell conference, and the *The War Against Women* parliamentary hearings.²² Quickly, the Panel was called upon by the media, professional associations, and government officials alike to substitute government-authorized "experts" and "expertise" for troublesome, independent women's anti-violence advocates.

For the federal government, it established a successful model for consultations meant to restructure Canadian voluntary self-organized groups. It also played a part in ridding the federal government of the meddlesome movement of feminist activists. It carried within it, much of what has been wrong with consultations carried out by the Canadian government ever since. The Panel, in its work and final report, got just enough money to secure more media attention than the movement groups could secure and just enough government endorsement to replace or cloud what little natural authority had been accorded the pan-Canadian anti-violence women's groups in Ottawa. By then making sure that the chosen formation did not have the infrastructure and funds to do its job properly, the government shot down the authority of the Panel itself. The power of the anti-violence movement groups to speak on the issues and create pressure for government change was greatly diminished. The Panel itself was never given the prestige or power within the bureaucracy that might have assured cooperation for even the best ideas. The change of government, at the time of the release of the final report, further guaranteed its limits.

CASAC has never been granted national operating funds. At this time, all core funding to women's groups has been suspended. NAC has effectively been closed. It had endured aggressive attack since the beginning of women's resistance to the restructuring of Canada in the Charlottetown Accord by participating vigorously in the *No* campaign. Mulroney's Conservative government attacked in the form of rumour campaigns, funding of others who undermined its work and refusal to cooperate with NAC's annual Ottawa lobby. The re-election of Liberals did not relieve that attack; the restructuring continued without the proposed national accord. NAC, once the largest national women's coalition, recently struggled for more than two years without any government

money.²³ The Federation des Femmes des Quebec one can speculate is facing similar and growing pressures. Currently there is no such national coalition as NAC (of pan Canadian women's groups) functioning in Canada. Provincial associations of service and advocacy groups cannot fill such a void.

Women centres have also been on the cutting block. Women centres have been in trouble since the federal government's decision to off-load their funding to the provinces. The crushing of staff and organizers at the Alberta Status of Women also temporarily silenced many. An act that clearly threatened other women. And whether or not they (federal officials) meant to set such an example to other governments they did. Those women were accused of working for the advance of the women of Alberta while receiving only UIC payments. Then the federal government hounded them as though they had committed fraud. Who didn't know that the provincial governments, especially those of Premier Ralph Klein and Mike Harris, had no commitment to women's equality or the enactment of the Charter? Even those provincial governments who were amenable to supporting women centres were faced with less money in the transfer pot.

The cutting of federal funding for women centres as equality-seeking organizations and the subsequent redefining of them as social service providers in terms of provincial funding criteria was key. That transfer/cut enforced their dependency on the provinces and consequently restructured their programs and operations from one of support for the advancement of women as a group to one of service delivery to individuals.²⁴

The final blow in Alberta was the threat of the federal government to criminalize the remaining women's advocates in the centres. This technique of threatening low paid staff and volunteer advocacy boards with personal pressure on themselves and their organizations (as well as their families should criminal threats be pursued) has been repeated with NAC board members.²⁵

Other processes took over. Some of the community outrage on behalf of women and feminism that was visible after the Montreal Massacre had also fed the Justice system's enthusiasm for Kim Campbell's conference, Women, the Law and the Administration of Justice. Kim Campbell was the first female Federal Justice Minister and she wanted to mark the occasion. At least this was a conference where the claim that "all stakeholders are welcome" was serious and not cynical. Judges from all levels were cajoled, seduced, and encouraged to attend, including those who proposed to educate other judges. Prosecutors and those directing prosecutors, police and those who educate police, were all nudged into sitting with women's equality advocates from the fields of law, anti-poverty organizing, law reform strategists, women's anti-rape centres and so on. A number of key women leaders from the aboriginal movement were convinced to attend. So were immigrant women leaders. Regardless of the glamorous settings used to lure the privileged as well as its mixed intentions and lack of direct outcomes, there is no doubt that this was a useful government activity related to violence which propelled some reforms in judicial

education, rape law, the federal-provincial discussion of prostitution, and child care guidelines, among other things. It has never happened since.

The CASAC representatives from Quebec and B.C. and the Yukon approached Kim Campbell at that conference regarding the need for a new Rape Shield Law. The Supreme Court had just struck down the decision in the case of *Seaboyer and Gayme*. She told us she had received more mail on that subject than any other and she would be tabling new law. She wanted the public support, or at least to neutralize the public criticism, of women's groups. She invited four or five national groups to meet and advise her. When we neared the tabling of a draft, CASAC insisted that many more women and their advocates needed to be consulted as part of any meaningful process to create useful legal strategy meant to address women's oppression.²⁶

This was during the era of the 1993 Violence Against Women Survey that confirmed our two decades of rape crisis centre and transition house statistics tracking by finding that:

- Fifty-one percent of Canadian women had experienced at least one incident of physical or sexual assault since the age of sixteen, and of those almost sixty percent were the victim of more than one such incident;
- The VAWS found that twenty-five percent of Canadian women had experienced violence at the hands of current or past spousal partners (married or common-law) since the age of sixteen;
- Sixteen percent of Canadian women had experienced violence at the hands of dating partners, twenty-three percent at the hands of other known men, and twenty-three percent at the hands of strangers;
- Forty-five percent of women had experienced violence by men known to them—twice the proportion by strangers;
- Over half of all women who reported violence reported more than one incident;
- The violence occurred more than once, and one-quarter to one-third involved more than ten episodes.²⁷

CASAC used the opportunity afforded its own group to include those we thought must be consulted on rape law, a new and much wider configuration of feminists. The CASAC representative asked directly for the funds to meet and the power to choose who would meet and about what, as well as the control of government official attendance or not in return for some serious attention to her law initiative. We won from Campbell the costs to invite, gather, and facilitate a pan-Canadian meeting of those working on violence and those most affected by the violence.

We wanted all women who worked on the subject to participate, even if it was not their primary or only work. Aboriginal women, women prisoners and their advocates,

women from Quebec, and domestic workers were invited to comment on their own needs, as were prostitutes and their advocates, battered women and their advocates, immigrant women, black women, students, welfare recipients, disabled women and so on.²⁸

There were two lists created: one for groups of women with particular constituencies in terms of, for example, race, language or a specific burden and so on and another list for groups of women clustered around a specific demand or objective such as childcare or prisoners rights or refugee settlement needs. This early attempt to reconfigure the wider movement of feminists behind anti-violence initiatives was later attempted by NAC in the Barrie gathering to discuss violence issues and by the Canadian Association of Elizabeth Fry Societies (CAEFS) in their "Human Rights of Prisoners" consultation processes. It was facilitated by CASAC leadership with assistance from all those attending the "justice consultations."²⁹

CASAC women found it enriching to work out joint positions within these coalitions and to meet the government on such terms. These gatherings exposed the complicated web that held sexist violence in its Canadian place in much the same way that consciousness-raising works in a small group. Each woman spoke from her group's concerns, expertise, and experience and listened to the others for similarity and overlap.

This also provided a very efficient way to work out recommended reforms of policy and procedural adaptations and initiatives that could advance the use of Justice resources toward women's equality and the reduction and amelioration of violence against all women.³⁰ We won, among other things, an agreement from Allan Rock, Minister of Justice, to undertake an "en bloc" review of those women in jail who had not had the benefit of being considered as survivors of wife assault who had needed to defend themselves. For more than two years, other national groups had assisted CAEFS in a post card campaign proclaiming, "Jails are not the shelters that battered women are seeking." During both the 1995 and 1996 consultations, women lobbied Rock and by the second year while we met in the Delta Hotel in Ottawa, Rock had assured us a review. This too became a fight with the bureaucracy, which substituted considerably less than the review modelled on the Legatt Inquiry, which we had been seeking. The Ratushny review, never the less, advanced some of the cause for women who were jailed. During the same years, we protested the lack of legal aid, especially for civil and family law, the overly quick introduction, and uselessness of the stalking law as well as the drunk defence and pushed for improvements to child support guidelines for divorcing parents, among many other significant reforms.

Those consultations established a forum for debate, discussion, and unity building.³¹ We were developing a new form of consultation. Grabbing the willingness of Kim Campbell and the Ministers that followed through Allan Rock paid off. Every year, it allowed the movement to meet as never before on these matters, even though there was no pre-existing government consultative or supportive policy that allowed us to do so.³²

Through that work, we established some terms that could make government consultations productive for non-government, equality-seeking groups.³³ Answering government's questions and supplying an audience, whether for bureaucrats or politicians, could not be our only agenda. Neither could lobbying ever be our sole purpose when meeting was so rare and expensive.

In the years immediately preceding this project, there was a certain satisfaction and sense of progress for CASAC in hosting the annual consultations between women's groups and the Justice Department. For several years, we had been able to invite feminist representatives from across the country to meet for three days and then to present a joint set of positions and messages to the Minister of Justice and his officials.³⁴

Little did we know we were living through the beginning years of new across-government policies to refuse citizen engagement with policy decisions. NAC had already been attacked and cut and the national lobby which NAC's member groups had organized annually on Parliament Hill regarding the status of women in Canada was soon to be eliminated. The last NAC lobby was held in 2001. Funding seems to be generally limited now to projects sponsored by professional associations and non-government groups accepting contracts to research what the government would like to publicize.

It had never been the position of CASAC that violence against women should be considered by government only or even primarily as a matter of criminal justice or even that this was the most productive lens through which to view the problem. We were accustomed to the vacillation in government policy in the 1970 to 1990 period of insisting on the construction of sexist violence as either a matter of women's health or a matter of law and order.³⁵ We had argued since the 1970s that although violence brings health and justice into the picture, we should, as a community, assess and approach this as a matter of women's freedom. We can view it best from a position, ministry, or group committed to women's liberation. Only for a very short period of Canadian government policy did we achieve an equality approach and then it was a very limited, formal equality approach to women as equal citizens.³⁶ Still, the opening we had in the Justice Department, especially under Liberal Minister Allan Rock, was too valuable to dismiss. Occasionally, we could use it to get timely access to the ears of staff³⁷ or other relevant ministers of the federal government or federal-provincial working groups.³⁸ Those meetings created a precious record of the conditions of women in Canada and the changes proposed by women's groups.

Ongoing processes, similar to NAC's annual lobby, are being implemented. New anti-globalization processes like CEDAW accountability groups through the Feminist Alliance for International Action (FAFIA) and the construction of the demands and processes of the Canadian and International World March of Women are already in operation and more are coming.

The Justice consultations ended with the new policies on citizen engagement issued by the Treasury Department under Minister Anne McLellan's leadership. The Jus-

tice Department work suffers for lack of information and lack of pressure from frontline anti-violence organizations. The women's movement suffers being asked to present our opinions regarding women's equality and freedom from violence only within the context of a Victims of Violence model, if at all. And all women waiting for relief from violence (in law, especially) suffer from federal neglect and disregard.

The Canadian Government was Decriminalizing Violence Against Women and Criminalizing Women's Self Defence

It was on the way to a special CASAC meeting with Minister Allan Rock that we first articulated to ourselves, and then to him, that we were living in a pivotal moment in which violence against women was being decriminalized and women's defences against sexist and racist violence and impoverishment were being more and more criminalized.³⁹

The occasion was the 1995 tabling and discussion of the amendments to the Sentencing Bill. The bill would bring us "conditional sentences."⁴⁰ Among other things, it discouraged imprisonment for crimes considered less serious: that is those that would ordinarily get less than a two-year sentence. Since, for many reasons, most violence against women receives sentencing of less than two years, we knew this would have disastrous results for women trying to hold men accountable and trying to find personal safety.⁴¹ The bill was being fast tracked to avoid critical debate. In our minds, the bill was part of a new deal struck behind closed doors between the provinces and the federal government for the handling of criminal violence.

That year 85,000 women and children had used shelters to escape a violent man. Easily another 100,000 had used anti-violence crisis lines. Violence against women was more evident than it had ever been before. We were already worrying about the substitution of short-term municipal shelters for staffed transition houses committed to women's equality needs.⁴² Not only would they fail to deliver (since it wasn't their *raison d'être*) what women needed individually but also they could undermine the ability to track how much violence was going on since they did not record it as violence against women. CASAC had already been swamped with the needs of women facing mandatory counseling and unbalanced mediation with abusive fathers, brothers, sons, and husbands. The drunk defence as an excuse for violence was being considered and wasn't yet defeated.⁴³

In the mid 1990s, we tried to confront the mess of science, junk science, and the law as DNA testing affected violence cases. Since DNA was becoming a useful tool in exonerating men who had been wrongly convicted by police manipulated informants, it was a difficult case to make. But since then, the defence bar has begun to join us in the argument that DNA is often a distraction. While the science has improved, it is still evolving and far from conclusive in most cases; the focus on it often detracts from the cases that do not involve DNA but where women are willing to provide evidence of their abuse and are

in need of criminal investigations and prosecutorial diligence to make their case. To many police and prosecutors, those cases seem initially to be much less of a sure thing. Yet cases focused on a disagreement about consent are the norm, not the exception. Usually a woman knows who her attacker is and his identity is not in question.

Increasingly, federal justice officials promoted what was described to progressive people as a "declaration" strategy we "should" embrace called "Restorative Justice"; many of these we saw as unfair practices, including diversion before and after court.⁴⁴ The critique from left progressives was slow to come.⁴⁵ Many women's groups were offered contracts to examine and consider the practices. When it did come, the sham of restorative justice was somewhat revealed.⁴⁶ I am aware of no equality-seeking women's group's paper or position supporting the changes promoted as Restorative Justice in this bill. But the speed of the passing of the bill and the funding of its promotion suggests that the Justice Department was fully aware of the likely opposition.

We were already dealing with lawyers holding "whack the complainant" workshops given by and for the defence bar; these workshops advised lawyers how to demolish the credibility of any women complaining of sexual assault.⁴⁷ This was part of an accelerated campaign to frighten off women wanting to complain about violence to the courts. Jane Doe was trying to hold the Toronto police accountable and we were unable to prevent her being pilloried in the press and in the courts through the use of her health records.⁴⁸ There is no doubt that the continued use of records is to bully women with the fear that all their personal history will be searched for any material that might be used to call up sexist illusions and bias in the court or press. Those illusions are then raised to challenge her credibility. The use of these records has been particularly virulent in cases of incest but they have frightened and warned off many other women dealing with other types of sexual assault.

We were dealing with several women/wives/girl-friends who, after being violated by their male partners for years, were being threatened with or were already serving time in jail for their defence of themselves or their children. We were planning and thinking of their defence.⁴⁹ Our defences were being constructed as pre-meditation by the Justice system.

We protested the conditional sentencing to Justice officials at a meeting called by David Daubney of the Sentencing Reform Team.⁵⁰ We appealed to them that they could and should make it clear to all that violence against women was a serious crime and that conditional sentences such as house arrest and serving sentences in the community should not apply. We were told that was impossible.⁵¹ But eighteen months later, when a conditional sentence was applied to Lillian Getkate's conviction, then prosecutor Andre Berzins challenged it and threatened to appeal it. He claimed it was very important that she not get a conditional sentence because this was a case of "domestic violence" and the sentence would send the wrong message.⁵² Apparently, for the public good, according to this restorative justice model, exceptions could be made to the decarceration strategy to

jail women who had defended themselves from horrific sexist violence but not to jail men who committed violence against women.⁵³

Women were calling us from Ontario because their welfare checks were being reduced or restricted and they were being forced into “workfare.”⁵⁴ The pressure to stay in abusive situations was mounting. We were dealing with an increase in child prostitution, street level prostitution, and the police meddling in local “neighbourhood” politics by fostering “shame the john” campaigns, with no regard for the effect on the women. Federal plans were unresponsive to our demands for protection of women being trafficked and for women being criminalized.⁵⁵ They made no commitment to interfere with prostitution itself.⁵⁶ Women found soliciting were being herded about the cities, if not jailed, while the men who abused them, if charged at all, were diverted without records or publicity to John schools.⁵⁷

Domestic workers and farm workers were being held hostage in situations of sexist violence by immigration and labour legislation.⁵⁸ Legal aid was being limited more and more and had never been properly available for civil cases.⁵⁹ Women were being charged or threatened with being charged with welfare fraud and soliciting as well as being threatened with “mutual arrest strategies,” and public nuisance charges.

The week the expression “decriminalizing violence against women and criminalizing women’s self defence” came to mind, we were dealing with the police threat to jail our colleagues at the Windsor Sexual Assault Centre for shredding the confidential records of a woman who did not want her rape crisis files revealed to her attacker in court.⁶⁰

It took a while for us to realize that the moment was created by the interaction of several initiatives on the part of global capital, federal government actions by both officials elected and bureaucratic, by the defence bar and the judges, before whom they argued, by the police and their political organizations. For a while we didn’t see all that. We just knew that more and more women were calling us, with more and more need for advocacy to get what had been assumed for a generation to be available in Canada: subsistence income, basic health care, access to non-government advocacy to use the law.

CASAC met with Minister Rock in the Members’ Lobby of the House of Parliament for half an hour to describe the problem and the hoped for solution. Minister Rock was aware that CASAC had no funds for a national office, no paid national staff, no lobbying funds, no public relations budget and no travel budget, so he agreed to make time to meet whenever CASAC could represent itself in Ottawa.

We pointed to the danger in the Sentencing Bill and our concern that it was being rushed through the House. We asked for immediate intervention to protect violated women and their advocates from the imposition of criminal charges, particularly regarding welfare fraud, victim records, and prostitution. We warned against the changes being proposed in criminal law defences and policy that would excuse men’s violent, sexist behaviour as the outcome of passion or intoxication on top of their sense of sexual entitle-

ment to women. We warned of the law and order wolf under the sheep's clothing of "restorative justice."⁶¹

We asked him to define restorative justice, to prevent the use of pre-conviction diversion in cases of violence against women until a public consideration of the predictable impact on women was undertaken and to avoid post-conviction diversion until further assessment of the success of the programs. We told him that each of these things was destructive for women, in and of themselves, but in combination, they would be formidable.

We didn't express the panic we felt that the equality-seeking efforts of women could be set back by years and that these Justice Department moves, in combination with what was being promoted in other parts of the government, had the potential to break the feminist anti-violence movement in Canada and to hide, once again, the very violence we were fighting.⁶²

Notes

1. All CASAC women answer crisis calls and deal with women in life threatening and life changing moments.
2. CASAC history since the 1974 founding is available in CASAC office and online <www.casac.ca>.
3. Lakeman, L., letter from The Native Women's Association of Canada (NWAC), The National Organization of Immigrant and Visible Minority Women (NOIVM), The Disabled Women's Network of Canada (DAWN), NAC, and CASAC, to Michele Landsberg, September 14, 1992.
4. Two good sources on the relation between the anti-violence movements and the state: Dobash and Dobash, (1992), *Violence against Women and Social Change*, London and New York: Rutledge, which assess that work in both England the USA, with some reference and many applications to the Canadian scene. Also see Lakeman, L., (1990), *99 Federal Steps*, which is both a programme, and a record of CASAC agreements of its time.
5. Department of Health and Welfare, (1991), *The War Against Women: First Report of the Standing Committee on Health and Welfare, Social Affairs, Seniors, and the Status of Women to the House of Commons*, Ottawa: author.
6. Lakeman, L., February 12, 1991, CASAC presentation.
7. *Maclean's Magazine* (1989, Dec. 18) online: <www.rapereliefshelter.bc.ca/dec6/Maclean's.html> and <www.rapereliefshelter.bc.ca/dec6/leearticle.html>.
8. This project was initiated by Metro Toronto Action Committee (METRAC). This whole period is extremely well documented and analysed by Andrea Levan: Levan, A. (1996). *Violence Against Women*. In Brodie, J. (Ed). *Women and Canadian Public Policy*. Toronto and Fort Worth: Harcourt Brace and CO., pp.320-355.
9. *Womenspace*, website of herstory online: <www.herstory.womenspace.ca/timeline.html>.
10. *Ibid*.
11. For instance, MacLeod, L. (1987). *Battered But Not Beaten...: Preventing Wife Battering in Canada*, Ottawa: Canadian Advisory Committee on the Status of Women (CACSW).
12. In this day and age we would be unsatisfied with less than substantive equality for all residents and a gendered approach to immigration, settlement, and support for the women of the Global South.
13. This not to be confused with the current use of the term, "Voluntary Sector Initiative," a government programme that delivers the only available government dollars to those who agree to produce some project work consistent with a pre-existing government policy initiative.

14. Not that centres were sub-NAC groups, in fact, the model for the NAC AGM lobby came from Vancouver Status of Women's successful B.C. lobby. For more information see Womenspace online: <www.herstory.womenspace.ca/timeline.html>.
15. CASAC member group in Winnipeg, Manitoba.
16. Brickman, J., Briere, J., Lungen, A., Shepherd, M., and Lofchick, M., (1980, May), *Winnipeg Rape Incidence Project: Final Results*, Paper Presented at the Canadian Association of Sexual Assault Centres, Winnipeg, Manitoba.
17. Silman, J. (1987). *Enough is Enough: Aboriginal Women Speak Out*. Toronto: Women's Press.
18. There is again a call for a new Royal Commission on the Status of Women initiated by the Status of Women Councils in Atlantic Canada. While we recognize the need for money and attention, CASAC has not endorsed this call. We prefer to support the call for funding autonomous women's groups.
19. Letter from Judy Hughes for the Panel on Violence Against Women to Joan Meister of Disabled Women's Network Canada, October 7, 1992.
20. Vienneau, D. (1992, October 12) No vote called a threat to women. *Toronto Star*, p. A2.
21. Minister of Supply and Services. (1993) *Changing the Landscape: Ending Violence-Achieving Equality*. Final Report of the Canadian Panel on Violence Against Women. Ottawa: author, cat. sw451/1993E.
22. At the Women, Law and the Administration of Justice conference held in Vancouver, June 1991, Shelagh Day went in front of the conference and called for the women delegates of the "equality-seeking groups" to meet. In the caucus called by NAC, women discussed, for instance, why a national government programme to register the fathers who were not paying their support bills would be a bad idea for poor women. The group who had adopted the idea in the caucus dropped the suggestion from their proposals after they were convinced of the newly understood implications for the poorer women.
23. Personal communication (September 30, 2003) Abou-Dib, M., NAC executive member at the meeting of the Canadian formation of the World Women's March in Ottawa.
24. Two articles that were particularly helpful in the 1980s when we were beginning to analyse cooptation: Flakas, C., and Hounslow, B. (1980). "Government Intervention and Right Wing Attacks on Feminist Services," in *Scarlett Woman Magazine*, and Sullivan, G. (1982). "Funny Things Happened On Our Way to Revolution," in *Aegis Magazine*, spring (4), 12-22.
25. In both cases, the groups were starved for funding, and then the individuals were criminalized for their adaptations. In Alberta, the women were accused of working as advocates for the women of Alberta for free, while collecting UIC payments for part of the year. In the NAC case, the board members were accused of not paying the employers' share of the contribution to the Receiver General. They paid the workers and the small business people they owed first. They are being threatened personally with a \$70,000 bill to the federal government.
26. McIntyre, S. (1994). *Redefining Reformism: The Consultations that Shaped Bill C-49*. In Roberts, J. and Mohr, R. (Eds.), *Confronting Sexual Assault. A Decade of Legal and Social Change*. Toronto: University of Toronto Press, pp. 293-327. Many have written about this process, including Judy Rebick, and Justice Minister Kim Campbell. Campbell, K. (1996). *Time and Chance: The Political Memoirs of Canada's First Woman Prime Minister*. Toronto: Doubleday Canada. We look forward to writing the CASAC version someday.
27. Johnson, H. (1993). *Violence Against Women Survey*. Ottawa: Statistics Canada.
28. CASAC has the lists of original invitees and of those who participated over the five-year period.
29. These became annual events through five different Justice Ministers from Campbell in 1992 to McLellan in 1998.

30. Smaller groups were always being proposed by Justice personnel, perhaps to satisfy political bosses, and perhaps to avoid hearing the context that could not be avoided in the larger consultations.
31. Although LEAF had become involved through the work of defending Donald Marshall, Anne Derrick, for instance, was keen to question anything that promoted a right-wing agenda that minimized the civil liberties of the men accused. But she also taught us that it was the state, in all cases that had wrongly convicted in Canada, not vengeful women. Fely Villasin was key in introducing the connection of domestic workers, rape, and the live-in caregiver programme, and the new questions of landed rights as a solution. Karen Mladenovic, for the prostitutes, warned of undermining of their Charter rights in anything that eroded their agency in the name of protection, and also of anything that sacrificed them as women in order to use them as witnesses, or abandoned them as inevitable sex slaves, instead of criminally challenging this violence against them. Shirley Masuda introduced the complexity of agency and consent for disabled women.
32. Status of Women consultation processes and Women's Program funding, which had allowed consultation through the NAC lobby, was threatened as early as 1993, in spite of public support, and was crushed by 1995. See online: <www.herstory.womenspace.ca/timeline3.html>.
33. We learned, for instance, that consulting with government was worth our time if we got to meet on our own terms (alone) first so that the government agenda did not overwhelm our own.
34. In 1993-1998, CASAC hosted annual consultations in which the government paid the expenses of some sixty to seventy women's groups chosen by CASAC for their expertise and interest in violence against women as a matter of equality. We met for two days alone to work on our own agenda, and then met for a third day with government representatives, sometimes as many as five ministers and many bureaucrats. We presented our issues and opinions of reform as a group. CASAC taped both the closed and open sessions and retains those tapes. Tapes of the open sessions were also taken by the Department of Justice Officials.
35. Both have specific dangers and can be used by government to over rule women's agency and self determination (as a group and as individuals). Law and jails can, obviously, be turned on women as well as men. One of the first persons determined as a dangerous offender was a very young and very "undangerous" woman, Lisa Neve. See CASAC conference material for Lisa Neve. And sometimes the fascism comes in with drug therapy and regulation, for instance of prostitutes and drug users mothers, aboriginal women immigrants, and so on.
36. Lakeman, L. (2000). Why Law and Order Cannot End Violence Against Women and Why the Development of Women's (Social, Economic, Political and Civil) Rights Might. *Canadian Women Studies*, 20 (3), pp. 24-33.
37. Consultations with staff on: provocation, self defence, mandatory minimum sentences, drunk defence, no means no, rape shield.
38. There was a spin off consultation series with Equality-Seeking Women's Groups held by Solicitor General Andy Scott, Vancouver April 21-23, 1998, under the leadership of CAEFS. CASAC attended.
39. We discussed these impressions and confirmed it immediately afterward with women's advocates gathered by METRAC to discuss the "records fight." It was a fearful insight then and there has been a growing body of evidence since.
40. The Sentencing Reform Bill, September 3, 1996.
41. Crnkovitch, M. (1995, October 11). *The Role of The Victim in Criminal Justice System-Circle Sentencing in Inuit Communities*. Paper presented at the Canadian Institute for the Administration of Justice, Banff Alberta.
42. Gadd, J. (1995, December 2). More Women, Children Using Shelters. *The Globe and Mail*, p. A9.
43. Still, L. (1992, April 24). Drunkenness Proposed as a Defence. *The Vancouver Sun*, p. 3.

44. Lakeman, L. (2000); Canadian Association of Elizabeth Fry Societies and Canadian Association of Sexual Assault Centre conference proceedings, Ottawa, October 1-3, 2001. Plenary/Roundtable on CD. Victoria: Time and Again Productions, 2001. Also available online: <www.casac.ca>.
45. Oglow, V. (1997). *Restorative Justice Reforms to the Criminal Justice System*. Draft Discussion Paper. Prepared for the B.C./Yukon Society of Transition Houses.
46. Department of Justice. (2000, May 7). *The Changing Face of Conditional Sentencing: Symposium Proceedings*. Ottawa: Author.
47. The public sponsor of this tactic was lawyer Michael Edelson. See Schmitz, C. (1998, May 27). Whack the Complainant at Preliminary Inquiry. *Lawyers Weekly*.
48. Doe, J. (2003). *The Story of Jane Doe: A Book About Rape*. Toronto: Random House Canada.
49. Sheehy, E.A. (1995). *What Would a Women's Law of Self Defence Look Like?* Status of Women: Canada.
50. Department of Justice. (2000, May 7).
51. A meeting called in Ottawa Justice offices in 1995 by David Daubney, former Conservative MP who authored the bill. Among those present: Kim Pate, CAEFS; Prof. Elizabeth Sheehy; Andre Berzins, Chief Crown in Ottawa and a figure in the Restorative Justice community; Lee Lakeman, CASAC.
52. A meeting called by feminist advocates with Andre Berzins and his staff in the Ottawa crown office (March 1997). This was eighteen months after the Justice meeting with Daubney. Those in attendance included a transition house worker from Lanark County Transition house, and Leighanne Burns, from the now closed second stage house, plus Kim Pate, CAEFS, Professor Elizabeth Sheehy, and Lee Lakeman, CASAC.
53. This was a case of an abusive husband who worked as a psychologist for the RCMP who had wired the house with a bomb device. The state could not see the self defence logic in the killing (of which she was accused) of her husband in his sleep. What were her options?
54. Workfare is a term first used by the Ontario government that refers to the loss of the right to welfare and the replacement of welfare with a government subsidized work plan in which non profit and profit making ventures could use unemployed people.
55. CASAC responded to the white paper on prostitution to the consultation possibilities with staff, such as Lucie Angers, and also protested loudly, even rudely, when women who were trafficked into the country were held in jail, even as we met in Ottawa. In personal communication with Don Perigoff, Rick Mosely, Yvonne Roi, throughout 1997-98, and with Rick Mosley in Canadian Embassy in Cairo, Egypt on the occasion of the UN meetings to discuss crime.
56. Increased licensing of massage parlours and their ads, for instance, merit no discussion in the white paper on prostitution by the Justice department.
57. Criminology Professor John Loman of Simon Fraser University is the best Canadian source on the use of John's Schools as an escape route from prosecution.
58. Lakeman, L. (2000).
59. These issues were raised in the consultation presentations to the Minister of Justice Allan Rock and his officials. Legal aid work was often led by Lisa Addario. See: National Council of Welfare. (1995). *Legal Aid and the Poor*. Available online: <<http://www.ncwcnbes.net/htmldocument/reportlegalaid/reportlegalaid.htm>>.
60. Personal communication (1997) with Fiorini, L., executive director of Windsor Sexual Assault Centre.
61. Lakeman, L. (2000).
62. Without anti-violence centres there would be no count. See Lakeman, L. (1993), and Dobash, E. and Dobash, R. (1992).

Pickton, the Police, the Pig Farm and the Missing Women

Suzanne Jay

ON FEBRUARY 8, 2002, the collective that operates Vancouver Rape Relief and Women's Shelter, invited other local women's groups to respond in a press conference to the latest move by the Joint Police Task Force.¹ The Task Force was investigating the notorious "missing women case" and had begun searching a pig farm. Three weeks later on February 22, Robert William Pickton (one of the farm owners) was arrested and charged with the first two of now fifteen cases of planned murder.

Six years earlier, with others, I had organized a Valentine's Day March through the downtown eastside to protest and mourn the missing women. My role has expanded over the years to include informing the local and international media about this violence against women.² I've spent many hours in the courtroom at Pickton's preliminary trial and I've started to write about what it has to do with us.³

I have been discussing the case with Deborah Jardine since last November. The first indication that her daughter was missing came from social workers with whom Angela had kept regular contact. On December 16, one of them called Deborah to say that something had happened. They were worried. Later they told this distraught mother that they had gone to the morgues at Burnaby and Surrey and that Angela's body was not among the "Jane Does." Although it was comforting that social workers would actually go looking for a destitute woman, it's telling that they expected Angela's disappearance equaled her death. Angela is not one of fifteen women that Pickton is now charged with killing, but Deborah considers her daughter to be among the murdered.⁴

In January 1999, Deborah spoke with the victim assistance workers and the community policing office in the downtown eastside. The social workers had directed her there when she called the Vancouver Police Department about her daughter's disappearance. Deborah's daughter was gone from the downtown eastside by November of 1998. Angela disappeared after attending a public meeting that became the documentary *Out of Harm's Way*. Organized by the Portland Hotel and the Carnegie Centre, the event to promote "harm reduction strategies" was attended by 700 people (partly because they were given an honourarium of \$5). The officer told Deborah that Angela was one of eleven women to go missing that year. He told her about the possibility of a serial killer operating in the downtown eastside and then directed her to a detective in the Vancouver Police Department's missing persons section. That detective explained that they had not contacted Deborah about Angela's noted disappearance because Angela was an adult.

They had, however, called the Sparwood RCMP (Angela's old home town) to see if Angela was known to that detachment (presumably as a criminal). The detective did not take a statement or interview Deborah for information about her daughter. Deborah had this discussion in January, a full two months after Angela's disappearance. She pressed the detective to make a missing person's poster. He declined her offer of a recent photo of

Angela, telling her that they had one on file. Looking at the photos that police used for the missing women's poster, it's easy to see that they are mostly "mug shots." Many of the missing women had been arrested at some time or another for petty crimes.⁵

Victim's Services reply to Deborah's request for help was that they could not help her as she was not the victim. Since then, the victim services workers involved in the case have been criticized by family members unhappy with the lack of resources, information and help.

Through long distance calls to the Portland Hotel (in 1998), where Angela had lived, Deborah discovered that the police had visited the building but they had not looked through Angela's belongings, nor interviewed the caretakers of the building, which had a rigorous sounding security system, including security cameras and a sign in/out system. She found out that Angela had picked up a welfare check three days before her disappearance but the police had not talked to that worker either. She talked with Angela's dentist and found that the police had still not requested her dental records five months after her disappearance. Officers assigned to the case explained that because Angela had been sighted several times since November, investigators had not pursued that investigation actively.

Deborah made her own phone calls and found that a woman named Sereena Abbotsway physically resembled Angela. Sereena had called our crisis line in September 1996 seeking shelter. She was being released from hospital after 10 days in a coma. A man named "Dave" had raped, beaten, then thrown her from a car off the Georgia Street viaduct. Since we were full, the volunteer answering the call found Sereena another place to stay knowing that the police were already involved and investigating. Regretfully, we don't know any details about the police investigation into the man who almost killed Sereena that time. Sereena Abbotsway was last seen August 2001. She is one of the fifteen women Pickton is charged with murdering. At the time of her disappearance, Sereena was wanted on a warrant for failure to appear on a charge for stealing chocolate bars.

Deborah decided to use the Police Complaints process. She explains:

I filed a Formal Complaint against the Vancouver Police Department for Neglect of Duty in July 1999. It took considerable time, effort, researching codes, conduct and police regulations. Prior to filing I wanted to be positive I followed all protocol. It was essential my complaint would be taken seriously and not discarded because of a technicality.⁶

The letter explaining the dismissal of her complaint informed her that an investigator had talked with the officers she had named, and each officer denied saying the things that Deborah had documented. Each officer described Deborah as unreasonable and emotionally distraught in addition to being a liar. The Commissioner noted that Deborah was the only family member of a missing woman to complain about the police. Deborah's appeal of the decision painstakingly documented the behaviors of investigating officers and

the sections of the Police Act that Deborah believed they had contravened. Despite her offer of tape recordings of disputed conversations, her application was rejected.

As we prepared for the February press conference, we learned that Pickton had been charged in early 1997 for confining (and handcuffing) and repeatedly stabbing Wendy Lynn Eisteter. At that time Judge Kenneth Page released Pickton on a \$2,000 bond and bail conditions including no contact with Wendy Lynn and that he not leave his farm.

Those 1997 charges against Pickton were stayed. The crown judged that there was no likelihood of a conviction. And apparently he decided there was no redeeming social interest in the prosecution. The crown said and we all knew that it meant Wendy Lynn, who was described in all the media reports as a drug-addicted prostitute, was not considered a credible witness to the events that left her injured and half clothed on a country roadside at 1:45 a.m.⁷

Various sources noted a dramatic increase in the number of women who went missing from the beginning of 1998 to 2002.⁸ One newspaper reported that "more than 30 of the women have disappeared since police first looked at Pickton as a suspect in 1997."⁹

In 1998 a second officer was assigned to the missing-person's section of the VPD to help deal with the sharp increase in missing women. In the same year the Vancouver police department issued a press release saying that police did not believe a serial killer was behind the disappearances. Since then, a wrongful dismissal trial has revealed that senior officers disregarded the theory of a serial killer out of professional jealousy and that the missing women investigation was in disarray, was understaffed and subject to infighting among officers.¹⁰

In April 2002, the Police Complaints Commissioner, Don Morrison was forced to resign from his position after serious allegations about his biased handling of complaints and an over zealous coordination with police. His bias surfaced only because staff blew the whistle during a routine legislative committee reviewing the complaints process. After his resignation, the Commission announced that there would be a review of those complaints reviewed by Morrison. Deborah filed a request to re-open the investigation into her complaint. Deputy Commissioner Barbara Murphy denied the request noting that on completion of the police investigation, Murphy's office may recommend a public inquiry.

Various other political figures including the Vancouver Chief of Police Jamie Graham, Members of Parliament, Libby Davies and Tony Bhullar have also proposed a public inquiry. We insist too that there must be public inquiry including legal support for equality seeking groups like us to participate fully and meaningfully. But in any case, the end of the police investigation is not in sight. Public scrutiny needs to begin now and the police must be more forthcoming immediately.

On April 23, 2002, Karin Joesbury filed a civil suit naming the Government of Canada, British Columbia, the City of Vancouver, the Vancouver Police Department and the City of Port Coquitlam. The filed claim states that they

...willfully failed to properly investigate all information received knowing that such willful failure to investigate would allow the killing to continue, or alternatively the Vancouver City Police and the Royal Canadian Mounted Police were negligent and such negligence allowed the killing to continue and such negligence amounted to gross negligence.¹¹

Pickton is charged with Andrea Joesbury's murder.

On June 2, 2002, a worker in our center saw a poster in her neighborhood asking for information about a missing woman. We contacted the sister who had put up the posters. She had reported her sister's disappearance to the Vancouver Police but had been told that the police get many missing reports a day and that there was little to nothing they could do. The missing woman was struggling with drug addiction and was prostituted. Her boyfriend had kicked her out of their home after a fight and she had not been seen since. Our women's group call to pressure police for action resulted in a same day pick up and distribution of a photograph of the missing woman. The next day she was found.

Notes

1. Groups: Downtown Eastside Women's Centre, Justice for Girls, Aboriginal Women's Action Network.
 2. This story has been covered by world wide media. My assignment has meant interviews with CBC, CNN, the BBC, the *New York Times*.
 3. Jay, S. (2003, March 03) Reject Red light Speech to Raging Women Conference, Vancouver.
 4. <<http://www.vanishedvoices.com>>.
 5. Hume, M. (2002, May 7). 54 lives, 54 mysteries in B.C.: The mind works overtime as police search pig farm. *National Post*, p. A1. A reporter for the *National Post* confirmed this hunch when he checked several women's police and court records. A visit to the vanished voices website is from a guard at the B.C. Women's Correctional Centre, a provincial prison. The guard notes that s/he knew many of the women on the list of missing because they had each spent time in prison.
 6. <<http://www.vanishedvoices.com/complainttoPolice.html>>.
 7. Hume, M. (2002, May 7).
 8. In June 2002, a reporter gave me a list of missing women that he had compiled (Ron Benzce, personal communication, June 13, 2002). He recorded a huge leap in the numbers of women gone missing from 1997. According to his documenting, seven women disappeared during 1995/96 and ten women disappeared in 1997 alone and ten again in 1998.
 9. Middleton, G. and Berry, S. (2002, June 25), Police first suspected Pickton early as 1997: Vancouver police and RCMP argued over resources and territory, *The Province A4*.
 10. Brought by former Detective-Inspector Kim Rossmo.
 11. Berntsen, D. (personal communication 2002, June 26).
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Bernardo and Pickton: Making the Cases of Monsters

In other places, we have tried to begin to come to terms with the making of monsters. Obviously, these men are born children, as innocent as others, and so we must, as a society, account for their distorted adult selves. As individual men, they must take responsibility for their own choices and the consequences of their actions. However, no child could warp into such a man without the intentional collusion of some, the mindless cooperation of many, and the indifference of even more. And we are not talking about their mothers. We must ask ourselves, who introduced them to pornography, to weapons, to abuse, to being abusive, to sexualizing abuse, to abusing for sexual gratification? Who ignored, or even rewarded their actions, as they became more terrible and more terrifying. As for their attitudes toward women, “they had to be carefully taught.”¹

Since the publication of Jane Caputi’s book, *The Age of Sex Crime*, CASAC women have known about the relations between the media, police, and serial killers built on modern “Jack The Ripper” propaganda. This is a theory of the social construction of such serial crimes of woman-hating in the modern industrial city. The commercial media coverage affects, and is essential to, both police investigations and killer behaviour. The nature of modern policing is essential to the success of, and is changed by, the killer and the media. Similarly, the sensationalizing of the killer is important, if not essential, to both media profits and police budgets; a hideous theory with entirely too much supporting evidence. In both the Paul Bernardo and Robert William Pickton cases, we see the modern community and this three-way interdependence at work. We need a Caputi-like analysis of these two cases. We can see some of the Bernardo triangle already and the Pickton construction is just beginning to be unveiled.²

We would need to examine: the taunting of police in the media, the media campaign for evidence by police, the struggles over using the video footage of abuse as evidence in open court, the media ban struggle, the defence bar withholding of videos, the police budget demands, the promotion of DNA testing for all women working in downtown prostitution, the media spectacle of the farm search, the police provision of media

tents at the crime scene, as well as the provision of tents with controlling Victim Assistance staff in which family can mourn at the dig site, and the “leaks” to the media from the police.

The technological changes available in North America since the publication of Caputi’s book offer new insights. It is not just a hideous side bar that both men used video pornography extensively. That they made video and photographic images of the abuse of women is known. That those images of rape, degradation, and destruction were likely headed for the commercial market is easy to guess. Bernardo had money and no regular income, and Pickton was known to entertain biker gangs with drugs, pornography, and prostitution. Members of Hells Angels partied at “Piggy’s Palace.”³ And gangs, including the bikers, own not only most of the drug trade, but most of the pornography and prostitution industry in Canada. Certainly they are implicated in anything going on in the east end of Vancouver.

A powerful chapter of the Hell’s Angels also have a stake in the area. One high ranking member of the East End chapter had an interest in the No. 5 Orange strip club, and Sarnet, an internet gambling and pornography company that was busted in the late 1990s. Sarnet was located near the heart of the downtown east side on Carrall Street. The company streamed live sex shows online from No. 5 Orange, and was also known to distribute pornography depicting sadomasochistic scenes.⁴

But we are concerned with the legal issues of their stories and the questions of how the system avoids conviction in cases of violence against women. We are specifically concerned with what happens at each of the five stages: 911, police reports, investigations, crown counsel decision-making, and finally, in the courtroom.

In both men’s lives, before the final hideous charges are laid and the horrifying sexist collusion of other men is revealed, there is the everyday mindless cooperation of the system with the abuse of women and before that, the everyday indifference to women and our complaints of violence.

In the mindless category of cooperation with their sexist violence, is the legion of mistakes of criminal policing chronicled in both cases. One of the worst examples is the wilful interference with the Charter rights of the accused and the rights of prisoners. No breaching of the rights of others will serve us well. In fact, in high profile cases, it often provides the legal escape route later for the men (see: Regan defence). Most often, mindless actions took the form of police territorial wars, failure to co-operate between detachments, failure to follow policy and procedures, and failure to use common sense. In this category too, is the failure to adjust to technological change: to test DNA handed to them, to record evidence technologically, and to communicate with others electronically.⁵

The most worrisome category of complicity in the making of monster cases is the continued indifference to women’s equality and violence against women. In both the Bernardo and Pickton cases, this came in three forms. The police (and some other au-

thorities) refused to take seriously other earlier complaints against these men. They ignored criminal abuses of women that were happening in front of them as though no one had complained.⁶ Even after the murders, women's issues are still ignored. The police construct these events as being about families rather than women. The horror of the Bernardo murders and the vulnerability of women have been, with the help of the media, made into the individual tragic story of two families. That leads directly back to the government promotion of the Victims of Crime Office in Ontario.

Once having caught the man, the police, and the media, search aggressively for a female victim to construct as an accomplice as though that was the only way to convict.

In both cases, ex-girlfriends had already repeatedly reported the men for violence. Usually the system avoided arrest, never mind conviction. In both cases, women who had escaped these men had handed the authorities extra-damning evidence: some of seeing bodies, of being stalked on foot and in cars, of enduring sexualized strangulation, of being attacked or confined. These women handed over their word, their stories, for evidence, as well as addresses, descriptions, license plate numbers, and so on.⁷

Responsible, ordinary women reported both men to authorities for sexist violence long before their final crimes. These were women seeking help against more normalized forms of abuse and violence. They were largely ignored. Their evidence was wasted. Their motives were impugned. Their sense of danger challenged.

There were also men, in both cases, who reported to authorities that they feared for women and could attest to the danger to women.⁸ That was ignored too, as though it was an everyday occurrence!⁹

It seems to us that once the men have become monstrous and monster crimes have been committed, once the community is in shambles and women are dead, the cry for prosecution is mounting, and then all resources are finally mustered. The police and media, at that point, need to find a way to make sense of their failures, and to explain how things could go so far. They seem to find comfort in using the media to construct the case as a singular crime of the century carried out by a genius of evil with equally evil female accomplices. They need her as both a source of evidence and to serve as a dramatic element. Apparently, they can believe this woman, perhaps only because she is already pegged as an evil woman. We saw it with Bernardo and we are seeing it now in the use of Dinah Taylor in the Pickton case.

We do not condone the behaviour of women complicit in the abuse of other women, whether it is pornography, prostitution, or murder, but since reporting violent men is so unlikely to be convincing to authorities, and actually leaving them is impossible without legal help, we wonder just what these women could have done? How to avoid complicity and still be alive?

It is not just desperate women and the police who over-looked abuse, allowed themselves to be complicit. Local musicians and partiers, including politicians, all used

Piggy's Palace, in spite of what they saw of illegal drug damage, prostitution, and violence.¹⁰ No. 5 Orange is across the street from the Vancouver Courthouse. Prostitution is rampant in the biggest cities in Canada. It is evidently not newsworthy or worthy of legal action that women report dangerous men to police, on a daily basis, to no effect.

Notes

1. Pop song from Tin Pan Alley musical, South Pacific, about teaching racist attitudes to children.
2. Caputi, J. (1987). *The Age of Sex Crime*. Ohio: Bowling Green State University Popular Press.
3. Piggy's Palace was a clubhouse style nightclub in a converted barn owned by David Pickton (brother of) in Port Coquitlam.
4. CTV website link: <http://popups.ca/content/publish/popups/bc_missing_women/content_pages/articles/article7b>.
5. Justice Archie Campbell's report of the policing, in the Bernardo case to the Ontario government, is featured in: Jenish, D. (1996, July 22). Bernardo: How the police bungled the murder case. *MacLeans Magazine*, pp. 40-41.
6. Bailey, I. (2002, February 16). Killer Stalked Prostitutes, Police Told. *National Post*, p. A8. Makin, K. (1995, September 1). Police Had Bernardo link in 1990. *The Globe and Mail*, p. A1.
7. Bailey, I. (2002, February 16), Makin, K. (1995, September 1).
8. Bailey, I. (2002, April 12). I Tipped Police to Pickton in 1998: Former Employee. *National Post*, p. A10.
9. Makin, K. (1995, September 1).
10. Middleton, G. (2002, February 10). I played 'Piggy's Palace.' *The Province*, p. A6.

What is CASAC LINKS?

What We Were Trying to Do

CASAC LINKS (from April 1, 1998 through March 31, 2003) was a five-year project of the Canadian Association of Sexual Assault Centres to: unite several Canadian feminist anti-violence groups, using shared crisis work, shared research and documenting it, and shared political activity. It was also an attempt to bring forward and amplify the voice of anti-violence workers, and the women who call them, in the national discussion of women's equality and rights. It is another step in the ongoing effort of the women of CASAC to end violence against women and move the world toward a peaceful, egalitarian freedom.

We act always as part of the international women's movement and so are always moving within and building new coalitions of allies. We planned, as part of this project, to engage women in the wider pan-Canadian women's movement in discussions of violence against women and how to stop it. We planned to be active discussants on movement building including the resistance to sexist violence within NAC. We planned to consider whatever we might build anew, whether it is with the International March of Women, both at the Canadian coordination level, and on the International Sexist Violence Committee, with FAFIA, not only in the think tank process, but also as part of the committee preparing an alternate report to the UN on CEDAW compliance. We planned to lead discussions in the FFQ and in the post-Beijing gatherings. We planned alliance activities with labour and human rights organizations.

CASAC LINKS uses the Charter of Rights and Freedoms as a point of discussion, a legal lens, an overarching law, an entry into international affairs, and as a promise to Canadian women. The project, as a whole, examines and partially answers the research question of how the Canadian state avoids identifying, arresting, prosecuting, convicting, and properly sentencing those men who commit violence against women. We were aware that everyone else knew how few cases of sexist violence are acknowledged and authorized as valid by the system. We thought that documenting that injustice would be pointless. The Statistics Canada staff was already undertaking severity and incidence studies so we could move on to other documentation.

Making Deals and Getting Money

In this decade, securing any federal funds for effective anti-violence work has become a victory in itself. It had been a source of great irritation to women in anti-violence work that many millions of dollars had been channelled through the Family Violence Initiative Fund. Justice was to have an initial cut of 7.1 million.¹ The government has used too little of that money to make a difference. In 1991 the federal government claimed to be spending 136 million dollars on an initiative that was just getting underway. Through the name alone, the public was encouraged to believe that millions were being spent on the problem. One might assume that in frontline organizations we had received much of the money and that, any minute now, we would hear from some that “the government is throwing money at the problem.”

But as far as we could tell, most of that fund’s money had simply circulated from one government department to another and was being used to little effect on violence against women issues. A staff person in Justice, or Health, or the Solicitor General’s Department, had a title changed to reflect something related to violence and that department acquired a new part of the fund. Justice officials claimed to need the money to review the Criminal Code and the Divorce Act to see what could be done to make victims safer. They were to better inform frontline workers on how the law could be used to secure women. They were to train judges and so on.² Or an extended arm of government enriched itself; for instance, a meeting of hospital administrators or teachers or police chiefs to discuss violence against women became the reason for a special grant from the fund.³

For thirty years, violence against women has been visible, and considerations thereof should have been made part of the normal course of governing. It requires only a redistribution of priorities and resources already available within government departments. Police chiefs meet on a regular basis and, after all, women are 52 percent of the population: this is one of the critical issues of law and law enforcement facing women. Why hadn’t it been a priority all along? Why does time allocated to this topic in existing meetings justify increased police budgets? Why is violence against women not a key topic in all police meetings? Why does attending to the normal require extraordinary funding? We suspected cynical posturing about new programs and approaches. Very little of that public money, so widely promoted as a special fund to address family violence, was actually used to support the services and advocacy that constituted the only proven and new (in these past thirty years) community force for change—the services and advocacy created by the independent women’s movement.

As representative to CASAC, from B.C. and the Yukon, I brought my ideas and plan to the Regional Representative Committee of CASAC (representatives chosen by member centres in B.C. and Yukon, the Prairies, Ontario, Quebec, and the Atlantic regions). They endorsed the outline, agreeing that CASAC should seek funds from the Family Violence Initiative Fund through the Federal Department of Justice. Allan Rock, Minister of Jus-

tice, encouraged us. He said he respected frontline service providers and that he saw that we (CASAC) could “hold government officials feet to the fire.”⁴ He was referring to the consultations we had organized. After several meetings, he suggested he would approve the money, but that we needed to prepare a project that met the departmental requirements. We recognized Rock as a politician who seemed determined to have a positive impact on community development. He knew it would be our objective to funnel as much of that money as possible into the preservation and development of existing local equality-driven services.

Of course, what we really needed was a step toward core funding for the centres, and for our national coalition. But all levels of government continued to refuse. So we designed a project that would reinforce our infrastructure and enhance national dialogue among ourselves. The increasing government withdrawal of financial and political support from equality-seeking groups meant we would have to restructure our communications and interaction. Maybe this project could increase our capacity to do so.

The withdrawal of government-funding commitments and consultative processes risked not only the future of our national anti-rape infrastructure, but also the very existence of the network of women’s centres, shelters, and anti-rape organizations in Canada. No matter what we designed to sustain national dialogue, we knew we wanted to preserve the basic availability of centres in which feminists can take calls from desperate women, organize with them, educate our communities, and ourselves, and mobilize some effective community responses.⁵

The original proposal was tailored to the available money in the Family Violence Initiative Fund. It required us to shape the project around research. We didn’t particularly want more research or want to do more research. We needed action. Still, only the technical requirement had to be met. Allan Rock already agreed about the principal of action first, and research only as a means to record it.

What remained of the fund would not have been enough, even if we had it all. Certainly what was left of the multi-million-dollar fund at that point was much larger than the final agreement between CASAC and the Federal Department of Justice. Our project, in its first draft, would have required five million dollars over five years, and would have seconded workers from twenty member centres full-time to the project. There was to be one centre from the capital city of each province, plus a second, smaller city. In this way, the smaller centres could compliment the voices of the larger centres, like Vancouver, Toronto, and Montreal.

There is no doubt that anti-violence work would have benefited from this larger amount, both as a way of responding to more women in each province, and as a way of strengthening the work of CASAC as the largest non-governmental feminist anti-violence organization in the country. The final agreement with the Department of Justice allowed for two million dollars over five years and our project was tailored accordingly. We have of-

ten wondered what those other three million dollars were used for. Has anyone heard? Was it something useful? Did it leave a legacy of improved community relationships and increased possibility for social change? We have seen no sign of where that money to end violence against women went. Did it save lives? Ours did.

Finding a Reform Strategy Consistent with Our Transformative Intent

We planned the project to focus on the application of the spirit of the Canadian Charter of Rights and Freedoms to women's issues.

The work began with CASAC's consideration of *The Equality Deficit: The Impact of Restructuring Canada's Social Programs*.⁶ We read all the research published at that time by the Status of Women Canada regarding Canada Health and Social Transfers (CHST) and its impact on women.⁷ We found this provided helpful explanations, documentation, and theorizing about what we were experiencing in our work and the rest of our lives.⁸ We chose *The Equality Deficit* as one of our starting points for shared work because the authors had consulted us (CASAC), and had tried to include our frontline experience in their analysis. It seemed to us that *The Equality Deficit* addressed the particular herstory and achievements within Canada that were being damaged by structural adjustment policies.⁹ We had observed the authors' efforts to include in their construction of a feminist understanding, both the impoverishment, and racializing of women being intensified by those policies.

Over the next five years, we, as CASAC representatives, LINKS workers, and citizens participated in many fora,¹⁰ read many accounts of the end of the welfare state in Canada, and of the globalization process in which Canada has played a role, and which has engulfed the women living in Canada.

We operated with some hope of improving the treatment of women and children through the application of the Charter and Criminal Code of Canada. We knew we could suggest guidelines that would address the systemic issues of inequality. These might improve the policy development of police and crowns in relation to spouse assault, criminal harassment, peace bonds, and sentencing. They could be of assistance to the victims of male violence, including single women (without the social requirement of a male overseer, father, husband, sponsor, etc.), those beaten and raped within the family, those at risk on their jobs due to harassing bosses, and those driven into prostitution. The project was interested in ensuring that Charter equality issues related to violence against women were attended to and advanced in consultation with the Federal Department of Justice, the centres, and the community.

The project was also conceived to benefit rape crisis centres, many of which have existed for years in service to their communities with too little or no federal government funding, despite the start up funds of the 1970s, which identified these centres as being vital to the advancement of the equality of women. Independent, feminist, rape crisis centres, transition houses, and women's centres are still the best resources for women to

decrease their isolation and vulnerability in the face of male violence. That usefulness and the demand for centres is evident in the number of women who call centres every year, who want to be involved with the independent women's movement, and who want and need information about the law and their rights under the Charter.

LINKS made it possible for eleven centres across the country (initially 12, one from each province, and two from Ontario and Quebec) to work united in learning about the Charter and its potential role in ending violence against women. It also allowed discussions of all the influences, particularly those involving the federal government, concerning the issue of rape in Canada. For the first time in many years, women could describe what was going on in each city, and begin to compare notes on the changing situation for women. Although CASAC had maintained a system of regional representatives and managed to raise funds for them to meet occasionally, it had been several years since we had been able to afford to meet nationally as representatives of centres and as frontline workers. This horizontal communication had always been the backbone of CASAC and was sorely missed. In this project, we moved back toward that structure, not only by modeling it in the project, but also by meeting with Regional Representatives and attending the national convention that accompanied our conference "Women's Resistance from Victimization to Criminalization."¹¹

CASAC LINKS paid one worker from each of those eleven centres for half of her time; this was dedicated to LINKS work with other centres. Using the language and promise of the Charter of Rights and Freedoms, she discussed her crisis interventions and her community. She recorded some of that work in the research component; other parts on the Internet, and in local public education materials. Of course, she discussed her findings and new approaches with other workers in her centre as well as with other centres. We speculated, with some assurance, that she would use her understanding to respond with more confidence to violence against women in her community, and make LINKS between her experiences and what was being done in other parts of Canada and the world. We hoped she would be welcomed into Canadian political debates about the Charter and its future, the relationship between criminal courts and the Charter, as well as, social change and the Charter.

The project made it more likely for workers in rape crisis centres and transition houses to develop and strengthen their work with the women who use their centres. We hoped that, as usual, workers would make use of the expertise and knowledge of each caller and research interview participant to benefit and inform other women across the country. That was often the motivation expressed by the interview participants. Help and information about the law, as it affects women victims of male violence in both criminal and civil cases, is a compelling factor for women escaping abuse and women establishing personal safety, independence, and any other actualization of her promised equal legal status within Canada.

The target groups for the project were and have remained the women who call the centres, and stay in transition houses, the paid staff and volunteers who work at the centres, and the feminist allies in the women's movement both within Canada and on the international scene. We, of course, hoped to effect at least some positive change for all women. We expected to make some small advances for women in Canada.

Engaging the Digital Revolution

Computerization of the centres, the establishment of a national web site, and the promotion of ideas and opinions within the Canadian context, were central to the LINKS project. CASAC had participated in and followed the early work of Womenspace.¹² We had developed and managed an early Internet network among those who were invited to the women's groups' consultations that informed the Justice Department.¹³ That network facilitated the digital communication of only one woman from each national group. From that experience and our discussions with those groups, we knew that even if women had the hardware, they also had specific needs in the area of training for full use of the Internet possibilities and for comprehension of the digital revolution that was underway.¹⁴

Under-funding and under-staffing paralyzed most women's groups and certainly the anti-violence groups. They had no economic opportunity to adjust to this moment: no computers, trainers, sites, or networks dedicated to advocacy work.¹⁵ To the extent that centres had any computers at all, it was likely to be found sitting on the desk of a bookkeeper (being used like an overgrown adding machine). Consequently, we had very little hope of using digitalization to advance the cause of women or of the non-government sectors or civil society at large. We were and are in danger of falling out of the loop (actually of being pushed *out* of the loop) of law reform initiatives, public education opportunities, movement building, and community building. We designed LINKS as a modest pilot initiative to explore what the digital revolution might hold for us.

During the five years of the project, LINKS centres were each able to buy a computer.¹⁶ In the beginning, neither the Regional Representatives nor the LINKS worker groups could communicate by email or Internet. Basic training was our first hurdle. Each of those computers was dedicated for the use of the LINKS worker while she was doing the crisis counselling and research that would become national work. Otherwise, they remained available 24-hours-a-day and accessible to all other workers in the centre, including volunteers, and, in some cases, callers, and users of the centre.

We suddenly saw public legal education possibilities within the anti-violence workers' networks, and for us with other communities regarding male violence against women and women's equality. One of our most effective tools was the development of our web site and web-capacity building; we discovered ways to educate the educators and to promote progressive dialogues. Maybe we could keep the web sites and informa-

tion depots interactive, and, therefore, current and widely accessible. Of course, our main target audience was our membership, but the sites could be widely used by women (and some men) in Canada and well beyond. We would face an enormous problem of how to continue this work without money for salaries after the project, but the initial achievement would stand, nonetheless.

The overall CASAC LINKS project was developed and approved at the level of regional representatives meetings. It was vital to keep political control in the hands of our elected executive and not allow project funding to reorganize us. The representatives and the research team, in consultation with established feminist researchers, could develop the research study component of the project, which was participatory in nature. The research team, also known as the LINKS workers and the national staff, would participate in all levels of the creation of the research model and the tools used for interviews and analysis.

The High Media Profile for Some of Our Cases Affects Us All

During the course of this project, many Canadians have been affected by numerous high-profile cases of violence against women. Such impact is unavoidable. The national staff hoped to add to the project some understanding of these cases since they constitute such a large part of the context in which we were examining responses to violence in Canada. Initially, we imagined a more distanced analysis, but when we realized that we were, as frontline workers, involved in many of the cases, we worked with centres and workers to communicate a sense of the story from our perspective, to augment the commercialized and sensationalized story most women endured, and all public officials were watching:

- The Jane Doe rape in Toronto and struggle with Metro police;
- The May/Iles wife murder and subsequent inquests, and then the murder of Gillian Hadley;
- The Fujian boat women trafficked from China;
- The rape cases of Hilton in Quebec;
- Jill Gorman's fight against Tyhurst, the psychiatrist rapist in B.C.;
- Rozon (*Just for Laughs*) sentencing in Québec;
- Bonnie Mooney's brutalizing in B.C. and the civil suit about the policing responsibilities at three levels of government;
- Paul Bernardo's case of avoidable murders (although out of the time period of the project, this was still a major ideological and political influence);
- Robert Pickton and "the missing women" of Vancouver;
- Nellie Nippard's ongoing fight for protection from her husband in Newfoundland;
- McKeowen and Leclair murders while 911 listened in Winnipeg;
- Regan cases in Nova Scotia.