

THE LAW REFORMS ITSELF - THE FRASER COMMITTEE

The Fraser Committee; whose report most of the following text was taken from - was established by the then in power Federal Liberal government. The committee travelled across the country, listening to submissions on pornography and prostitution and what the federal government should be doing about it.

Most of the submissions were from women's groups across the country and the Fraser Committee's report is a compilation of women's groups' work - with recommendations from the committee to the Federal government.

Rape Relief did not submit to the committee on either pornography or prostitution; although as a collective we had done lots of work against pornography over the years; and we concretely supported prostitutes whenever we could - although awkwardly. (see other files) on prostitution)

We haven't yet come to consensus as a collective about government censorship of pornography. In practise we have done and supported - direct community activity against porn. We have also supported some women's groups efforts at pressuring the government to enforce existing legislation regulating the sale and distribution of porn.

June 3, 1984

The Province Survey: re pornography

- 3,570 replies to their poll indicate people - men and women - want the government to rid us of violent porn
- 93% of women
64% of men believe exposure to porn increases sexual offences and other aggressive anti-social behavior
- 53% of men
28% of women want explicit consensual sex available on videotape
- neither wanted it on T.V. regularly
- they also both said no to bondage, group sex, homosexuality on T.V., pay T.V., videotape - although they objected less to videotape
- more than 99% of women said no to depictions rape, gang rape, incest
- also no to torture, mutilation, and other forms of sadism

Vancouver Rape Relief & Women's Shelter

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When we consider pornographic material in Canada, we are dealing almost exclusively with material that is imported into the country, rather than material which is produced here. From the information we have it appears that a very small number of pornographic films are produced within Canada but that the production of other forms of pornography, for example, magazines and books is not undertaken for commercial purposes. The only obvious exception to this would be live shows in theatres and bars. Pornographic material coming into the country comes overwhelmingly from the United States. This is the case whether the material is magazines, films or videos. The only other identifiable source of material is European countries, but their contribution to the total volume is very much less than that of the United States.

Research documenting the increased availability of pornography has become a matter of interest only recently. Indeed, until the completion of the research undertaken by the Committee on Sexual Offences against Children and Youths (Badgley Committee)⁸ and the Department of Justice in support of our Committee, very little was known about the availability of pornography beyond the personal and anecdotal accounts of people concerned with the issue. The Report on Obscenity and Film Censorship (the Williams Report)⁹ from the United Kingdom, points to a similar difficulty in documenting actual increases in the availability of pornographic materials, as do several studies from the United States.¹⁰ It must be remembered, however, that some of the work in the United Kingdom and the United States was completed before the introduction of pay television or the sudden explosion in the home ownership of video cassette recorders (VCRs).

From the National Population Survey we know that 11% of Canadians over 18 years old (somewhat over two million individuals), bought at least one "adult entertainment magazine" in the preceding 12 months, i.e., sometime between June/July 1983 and June/July 1984. Men outnumber women buyers by a ratio of 3:1. A further 32%, or nearly 6 million individuals, did not buy a magazine but did leaf through or read one at least once during the previous year, with men again being far more likely to do so than women.

Apart from revealing that the consumer is likely to be male, the survey data indicated that the consumer has a number of characteristics which differentiate him from the non-consumer, although it is difficult to interpret why certain attributes might lead a person to buy magazines of this kind. All we can say at this stage is that those with less than eight years of education buy fewer magazines than those with more education; the unemployed are over-represented among those who buy the magazines; there is a tendency for young people to outnumber older buyers, for the single to outnumber the married and for consumers to come from Ontario and the West rather than Québec and the Atlantic region.¹⁴ Clearly we need considerably more research before we can be confident in talking about the buyers of such magazines. Such research must address questions like why people buy these magazines, whether they buy only one or several, for how many years they buy them, and a whole host of similar questions relating to consumer motivation and behaviour.

Anti-porn proposals welcomed

By KEITH BALDREY

Playboy and Penthouse would be hidden from casual public view, the vague legal definition of obscenity would be scrapped and victims of pornography could launch private lawsuits for damages.

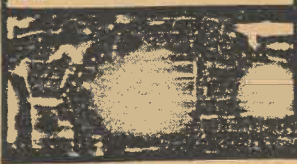
Those are just some of the recommendations of the Fraser committee's report on pornography, which was tabled in the House of Commons Tuesday.

The report was welcomed by lawyers, politicians and community groups, who have anxiously awaited the committee's findings, the result of almost 20 months of research.

Leaders of women's groups and legal experts say if the report's sweeping recommendations are implemented, they would give women and children some protection from pornography and provide them with both criminal and civil redress.

And if those recommendations are adopted by Ottawa and the provinces, they would give Canada the toughest anti-porn laws in the Western hemisphere, according to the committee's own survey of North America and Europe.

THE FRASER REPORT



Scores of briefs were submitted to the committee during public hearings in 22 cities. The committee, headed by Vancouver lawyer Paul Fraser, admits some of its recommendations contained in the 340-page report will be controversial.

The 49 recommendations on pornography include:

- The broadening of the hate literature provisions of the Criminal Code to include the word "sex" in the definition of an "identifiable group." This would make it an offence to incite hatred against someone based on their sex.

- A proposal to allow those victimized by pornography to take civil action against purveyors of pornography. Class action suits could be filed

in the courts seeking specific damages.

- The repeal of the obscenity provisions of the Criminal Code.

The committee, which couldn't come up with a legally acceptable definition of pornography, concedes it found no scientific proof that pornography causes violence towards women, or the sexual abuse of children despite its study of all available research done over the past 20 years.

Jillian Ridington, chairman of the provincial periodical review board, said she was pleased the committee adopted some of the proposals outlined in a brief she wrote for the National Action Council on the Status of Women.

"We recommended the removal of the obscenity provisions from the Criminal Code, and suggested it be replaced with one that includes pornography," Ridington said.

Ace Henderson, a Vancouver lawyer who has represented Red Hot Video Ltd. in several obscenity cases, welcomed the proposal to repeal the obscenity provisions of the code and replace them with better-defined sections on harmful pornography.

"I think the proposal (replacing the



FRASER



DIXON



SMITH

obscenity provisions) is a substantial improvement. It's a positive step forward," said Henderson, who has often argued in court that the obscenity provisions are much too vague because they use the term "undue exploitation of sex."

B.C. Civil Liberties Association president John Dixon said he supports the committee's recommendations on child pornography, but thinks its proposal to prohibit materials that link sex with violence is too vague.

B.C. Attorney-General Brian Smith said his ministry will focus on the rec-

ommendations that call for tougher laws regarding child pornography and video classifications.

Smith said he found the recommendation that B.C. amend its Civil Rights Protection Act to allow those victimized by pornography to launch private lawsuits "interesting" and said he was glad the act received some recognition.

Mayor Mike Harcourt also said he agreed with the report's recommendation that there be stiffer penalties for sexually explicit materials involving children or depicting violence.

The Rape Relief Files

Pornography - Legal History

This is an edited text of the letter sent by 42 women's groups to the Office of the Ombudsman complaining about the lack of action on the part of the Attorney General regarding video pornography.

NORTH SHORE WOMEN'S CENTRE
December 23rd, 1982

Ms. Ruth Lawrence-Campbell
Office of the Ombudsman,
1275 W. 6th.,
Vancouver, B.C.
V6H 1A6

Dear Ms. Lawrence-Campbell,

I refer to our conversation of December 16th, when I informed you several women's groups in B.C. wished to lay a complaint with the Ombudsman's Office against the Department of the Attorney General, whose Chief Officer is the Honourable Mr. Alan Williams. In our opinion, the personnel of this department have failed in their duty to lay charges against Red Hot Video, the hardcore pornography chain, and other merchants who are in the business of distributing violent hardcore pornographic video tapes. We are writing to ask the Ombudsman if he will accept our complaint, take action on our behalf, and insist that Section 159 of the Criminal Code, and the B.C. Guidelines Governing Pornography, be upheld by the justice authorities in British Columbia.

Red Hot Video appears to be the largest of a growing number of video stores in B.C. who are distributing tapes depicting explicit sex with extreme violence. In spite of the admission by certain Crown Counsels that the explicit rape films complained of by many citizens in this province do, in fact, contravene Section 159 of the Criminal Code, and the B.C. Guidelines Governing Pornography, no prosecutions have been undertaken. The only action has been suggestions to Red Hot Video that they remove offending tapes from their shelves. There are no follow up actions to ensure that this order is complied with, or that the tapes do not reappear on the shelves at a later date. The inevitable result of this laxity is that a film titled Never A Tender Moment, ordered off the shelves in June, reappeared in the Main Street branch of Red Hot Video on October 14th. Both the R.C.M.P., in Vancouver, and Mr. Sean Madigan, the Regional Crown Counsel were informed this film was back on the shelves. The film disappeared mysteriously on October 15th, preventing women's groups from laying yet another complaint; however, we have no doubt that it will resurface at some future date.

On June 21st, 1982, a large cross-section of the citizens of the North Shore, alarmed by the social implications of a store promulgating a philosophy of sexual violence as enjoyment for everyone, including the victim, petitioned North Vancouver City Council to rescind the licence of Red Hot Video. The citizens pointed out that, under Section 526 of the Municipal Act, a licence can be withdrawn if a business has misrepresented its products. They recalled the public statements of Red Hot Video, made April 25th, when Red Hot Video had said that their films showed explicit sex only, and that no "real serious torture or bondage stuff" was involved. Since this had proved most emphatically not to be the case, North Shore citizens felt they were on sure ground in demanding rescission of licence of a store which it was felt, did not fit in with their concept of community standards. It was at this public meeting that Mr. Mark Dwor, lawyer for Red Hot Video, admitted that his client had been requested to remove "between 25 and 30 tapes from its shelves".

North Vancouver City Council refused the request of its citizens, fearing a drawn out court battle between it and Red Hot Video, which would involve many thousands of municipal tax dollars. Instead, Mayor Jack Loucks offered to place a resolution before the annual general meeting of the Union of B.C. Municipalities, indicating municipal councils concern, and urging A.G. Allan Williams to act at once to stop the spread of violent hardcore pornography. The Union of B.C. Municipalities upheld this request, and Resolution B.48 was passed unanimously on September 24th, 1982. It does not appear, however, that our justice authorities have taken this request seriously.

Results of complaints made by various citizen groups against Red Hot Video

On June 4th, a coalition of citizen groups on the North Shore came together for the purpose of complaining about the sudden appearance in our community of an unwanted hardcore pornography business: i.e. Red Hot Video. This coalition represented the North Shore Women's Centre, the N. Vancouver branch of the Salvation Army, the N. Vancouver branch of the Status of Women; the Status of Women branch of the West Vancouver Teachers' Association, Rape Relief, concerned individuals from the Baptist, Anglican, Roman Catholic and United Churches, concerned individuals from Seycove Secondary, Burrard View School, West Vancouver Secondary and Sentinel Secondary School. They were supported by N. Vancouver M.L.A. Angus Ree, and Alder-woman Stella Jo Dean. These citizens groups were deeply disturbed by certain films distributed by Red Hot Video, which depicted in explicit close-up the beating chaining gagging, sodomization, rape and gang-rape of women and young girls. They named six films in particular, and complained to the R.C.M.P. These films were:

1. Young and Abused
2. Expensive Taste
3. Prisoner of Paradise
4. Bad Girls
5. Young, Wild and Wonderful
6. Taboo



When Women Against Pornography (WAP) in Victoria discovered that the violent pornographic film "Snuff" had become easily available in local video rental outlets they determined that prompt action was needed. WAP invited federal, provincial and local public officials to a viewing of the film, after which WAP members destroyed copies of the film in front of the invited audience.



NEW RULES MAY 1986 FOR VIDEOS

By OLIVIA SCOTT
Victoria Bureau

The B.C. government will soon be watching porn videos.

The Scredts introduced a bill yesterday to put commercially-sold videos under the same rules as movies.

That means the B.C. film classification director will say which films can be sold and which can't.

As well, all video outlets carrying adult material will require a special licence.

And outlets won't be allowed to sell or rent the adult tapes to per-

sons under 18. Violators will face losing their licences.

The legislation will ban "snuff" films, which supposedly depict real murders. Also banned will be scenes of incest, necrophilia, extreme brutality or torture, bondage in a sexual context, bestiality or sex scenes involving children.

Attorney General Brian Smith said the new legislation will cut out porn without many prosecutions.

"And the bad actors, we'll put them out of business if they persist," Smith said.

The new laws should be in place by next January.

The Rape Relief Files

R.C.M.P. officers picked up all the films except *Young, Wild and Wonderful*, and these films were viewed by Mr. Don Celle, Crown Counsel, North Vancouver, and his assistant, Ms. Deidre Potheary.

On June 8th, Jancis Andrews, Correspondence Secretary to the groups on the North Shore, telephoned Ms. Potheary to learn the results of the viewing. She was informed that Mr. Celle, after consulting with Mr. Sean Madigan, Regional Crown Counsel in Vancouver, had decided that *Young and Abused*, and *Expensive Taste*, contravened the Guidelines, and Section 159 of the Criminal Code. The following reasons were given for deciding the remaining three films were "borderline".

- Prisoner of Paradise*: the storyline was not particularly believable
- Bad Girls*: the acting was mediocre
- Taboo*: the teenage son was an older, rather than a younger teenager.

Mrs. Andrews was also informed at this time that a man urinating or defecating on a woman would not be considered to have contravened the Guideline.

Mrs. Andrews then informed Ms. Potheary that her group had not been complaining about the storyline in *Prisoner in Paradise*. Mrs. Andrews also pointed out that the concepts of mediocre acting, or believability of storyline, were not factors mentioned in Section 159 of the Criminal Code, nor the B.C. Guidelines. Ms. Potheary replied that nevertheless, Mr. Celle had made his decision. Mrs. Andrews then enquired if there would be a prosecution based on the fact that *Young and Abused*, and *Expensive Taste*, were admitted to have broken the law. Ms. Potheary replied that no prosecution would be forthcoming because:

- Prosecution would prove very costly
- The earliest a case could come to court would be November 12th, and it was now June
- The Crown had difficulty proving obscenity in the 60's and were not about to go through that again. There was great difficulty in proving obscenity.

The North Shore group's reply to these reasons were:

- All prosecutions prove very costly, but charges are not withheld on that account.
- Some cases take more than twelve months to come before the court, but charges are not withheld on that account.
- The films we had seen, which depicted in explicit physical detail the chaining, whipping, gagging, sodomization, rape and gang-rape of naked women and young girls, bore no resemblance whatsoever to the depiction of pubic hair put out by Playboy in the 60's. Since the Guidelines forbade the showing of explicit sex with violence, and since these films depicted explicit sex with violence, a prosecutor could not help but win his case.

Ms. Potheary appeared annoyed by these comments, and repeated that Crown Counsel thought it sufficient that offending films be removed from the shelves.

In the meantime, in Victoria, the film *Never a Tender Moment*, put out by Red Hot Video, had been declared illegal by Mr. Wally Anderson, Crown Counsel for Victoria. Although ordered off the shelf in June, it reappeared October 14th in the Main Street, Vancouver, store. This film depicts a naked woman chained upside down to a ceiling, who is sodomized by an instrument, and then by a human fist. Its reappearance was immediately reported to the R.C.M.P. by the North Shore Women's Centre. The R.C.M.P. advised the Centre to contact Mr. Sean Madigan, who, in his letter dated June 15th, had written that there would be a prosecution if the store did not co-operate. When Mrs. Andrews contacted Mr. Madigan on October 15th, he informed her she did not understand how the Guidelines worked, and that the tape had reappeared in Vancouver, whereas Mrs. Andrews was calling from the North Shore. Mrs. Andrews then enquired if the B.C. Guidelines did not apply uniformly across B.C. Mr. Madigan's reply to this question was that the Main Street store had burnt down anyway (untrue). Perceiving that Mr. Madigan did not wish to act against Red Hot Video, Mrs. Andrews did not pursue the subject. Instead, she complained personally to Mr. Allan Williams about the remarks of the Regional Crown Counsel.

by Pat Feindel

"What happens when boy educated on porn meets girl brought up on Harlequin romances? The clash of expectations can be heard around the block. She wants him to get down on his knees with a ring, he wants her to get down on all fours with a ring in her nose. Can this marriage be saved?"
-Margaret Atwood, *Chatelaine*, Sept. '83

As fall approaches, anti-pornography activity around B.C. will be stepping up after a summer lull - a lull which for many came as a welcome pause to reassess and evaluate current strategies for combatting the porn industry.

Looking back over the year, we find events on the legal front sobering in their indication of just how far the arms of the law will (or won't) reach to protect the rights of women. Red Hot Video in Victoria was convicted, but with minimal repercussions. Red Hot Video in Vancouver awaits trial (trial date will be set Dec. 1), and operates business as usual in the meantime. In Vancouver, City Council passed a bylaw prohibiting new businesses from the sale of any sex-oriented products. But all legal actions so far have failed to address squarely the question of violence against women. In Coquitlam, the Port Coquitlam Women's Centre assisted in organizing a large community meeting (in May '83) with the result that in the upcoming municipal

elections on Nov. 19, voters will be asked on a referendum to register support for an appeal to the Attorney-General that existing laws be enforced to control the distribution of pornography.

Small scale actions by various women's groups have continued over the summer. An ad hoc group associated with Vancouver Rape Relief succeeded in negotiating with the Savoy Cinema to have two soft-core pornographic films removed from the program ("*The Story of O*" and "*Emmanuelle*") and replaced by showings of "*Not A Love Story*". The showings were moderated by feminists and profits from the screenings will be donated to Vancouver Rape Relief* (The NFB has had a policy of prohibiting commercial showings of this film, but agreed in this one case, due to the circumstances, to make an exception.) *BCFW NOT R.R.*

Women Against Pornography in Victoria have also been involved with recent events concerning the porn industry. Following reports in the media that pornographic films were being produced in Victoria, backed by a local businessman and directed by an L.A. "director" named Eduardo Martinez, WAP published a letter of protest in the *Times Colonist*. Following publication of the letter, one of the six local performers hired for the filming contacted the

Pornography - Legal History



Porn Law Proposals

On June 10, 1986, Justice Minister John Crosbie introduced new amendments to the Criminal Code in the areas of child and adult pornography. Children would be protected from sexual abuse and exploitation with severe penalties for those who take sexual advantage of anyone under 18. The proposals Crosbie introduced would provide 10-year jail terms for anyone who distributes, imports, produces or involves people under 18 in pornographic magazines, films or videos. It would also be a punishable offense, by up to six months in jail and a \$2,000 fine, to possess materials depicting sexual conduct by anyone under 18.

There are two new crimes with a 10-year maximum sentence, involving sexual abuse of children, set out in the amendment:

- Sexual interference*—touching a child under 14 with any part of the body or an object for a sexual purpose.
- Invitation to sexual touching*—inducing or urging a child under 14 to touch any part of his or her body or those of others for sexual purposes.

A third crime, with a maximum sentence of five years, would be sexual exploitation—aimed at protecting persons between the ages of 14 and 18 from all varieties of unwanted sexual activity with an adult who is in a position of trust or authority.

The laws would also change the Canada Evidence Act, so that people under 18 who allege sexual assault would be allowed to testify on videotape rather than appear in court. Evidence laws would also be amended so that spouses can be forced to testify against their husbands or wives about the sexual abuse of children.

In the case of adult pornography, Crosbie introduced a new definition of pornography to replace the old definition of obscenity.

- Pornography*—any visual material showing vaginal, anal, or oral intercourse, ejaculation, sexually violent behaviour, bestiality, incest, necrophilia, masturbation or other sexual activity.
- Degrading pornography*—depictions of one person defecating, urinating, ejaculating or spitting on another, bondage, lactation, menstruation, penetration of body orifices with objects, people treating themselves or others "as an animal" or "any act in which one person attempts to degrade himself or another."
- Pornography that shows physical harm*—any real or simulated portrayal of one person physically hurting another.
- Sexually violent behaviour*—depiction of sexual assault and "any behaviour shown for the apparent purpose of raising sexual gratification or stimulation of the viewer, in which physical pain is inflicted."

Simple possession of pornography for private viewing would not be illegal, unless it contained child pornography.

Customers of juvenile prostitutes could face jail terms of up to five years under the new proposals. Also, anyone convicted of forcing a person under the age of 18 to work as a prostitute could face a maximum prison term of 14 years under the proposal, which has the full support of the two opposition parties.

The bill says that "mistaking the age of the young prostitute" would be no defence "for either the pimp or the customer" unless they had "taken all reasonable steps to ascertain that the individual was 18 years old or more."

Both the Liberal and NDP parties are in favour of the bill and are prepared to pass it through Parliament as quickly as possible. Currently there are no specific criminal laws regarding juvenile prostitution.

The long awaited legislation that Crosbie introduced made no reference to adult prostitution. Crosbie told reporters that it is up to the provinces to make recommendations on this matter. Crosbie added that, "Prostitution is not illegal, but keeping a common bawdy house and living off the avails of prostitution are illegal."

Ontario Attorney General Ian Scott said that Crosbie proposed to allow prostitutes to work out of their homes or apartments, but Ontario opposed the idea. Scott said that the plan would not solve Ontario's greatest problem with prostitutes, street soliciting.

Penalties for those who are convicted of producing, distributing or selling such materials would range from two to five years.

Materials which could be proven to have "artistic, scientific or educational" merit would be exempted from the law.

Louise Delude, president of the National Action Committee on the Status of Women, said the proposals against adult pornography are puritanical and will effectively ban soft core pornography and erotica. "It seems they have listened much too closely to the religious and fundamentalist groups that are against pornography because they think sex is dirty," Delude said. She calls it "censorship of the worst kind. It doesn't limit itself to what we wanted, which was to control women-hating material showing harm and degradation."

Rose Potvin, president of the Canadian Coalition Against Media Pornography said the proposed definition of pornography was so broad that it would improperly ban material showing explicit sexual activity between equal and consenting adults. The reference to menstruation in the definition of degrading pornography means that "they're putting normal acts with abnormal acts, menstruation with bondage!"

The proposed laws would apply to visual pornographic material, but not to the written word. Written material would only be censored if it encouraged, condoned or presented any child sexual activity or sexual abuse as normal.

BROADSIDES
JULY



Feminists step up anti-porn fightback

group with more information. The woman is attempting to file a lawsuit against the producers, who are allegedly planning further productions using Gulf Island locations.

What are the options facing women now? Can we develop a strategy for legal change which addresses the confusion between sexual behavior and misogynist violence? How do we distinguish ourselves from those who would have everything sexually explicit removed from sale or rent, without abandoning our struggle altogether? Should we be abandoning approaches to the legal system in favour of direct action and confrontation? These are the questions women's groups will be grappling with as the anti-pornography campaign continues.

It seems that approaches on many fronts will be necessary: promoting sexual awareness and education - not in porn stores but in schools, in the home, in the community; exposing the myths about sexuality and women promoted by pornography; discussing how pornography serves to control women and encourage hateful attitudes toward them; challenging the sellers and consumers of pornography; and examining the ways we ourselves are affected by violence, both as victims and perpetrators who have internalized violent attitudes, values and ways of living.

Events coming up in the near future concerning pornography include a public forum on the Impact of Pornography on Public and Personal Safety (Sept. 22-23 - see Bulletin Board) and a Take Back the Night march the same date, Sept. 23, sponsored by Rape Relief. The North Shore Women's Centre has organized a meeting in November with Minister of Labour Bob McLelland (Minister Responsible for human rights) for representatives from the community and invited researchers to present information regarding the impact of pornography on the human rights of women and children.

Women Against Pornography in Victoria is busy at work on a number of projects. They plan to continue pickets of Red Hot Video. They are preparing a brief on Pornography and Prostitution for presentation to a federal commission. In addition, they are working on the production of an erotic slide show which they hope to complete by spring of 1984.

KINESIS, SEPT. '83

On December 21st, the film *Pretty Peaches*, put out by Red Hot Video, was viewed by the North Shore Women's Centre. In it, a woman who has been knocked unconscious in a motor vehicle accident is raped by a passing motorist. Later on, in a nightclub scene, she is stripped, forced onto a stretcher, her wrists and ankles are chained akimbo to the ceiling, and she is sexually assaulted by approximately eight women. The dénouement of this scene is her penetration by a dildo approximately three feet long and four inches thick, while she screams and begs for mercy. The North Shore Women's Centre, and the B.C. Federation of Women are continuing to view other films of a similar nature.

In Victoria, the group Women Against Pornography has been experiencing the same frustrations as those suffered by women's groups on the lower mainland. Women Against Pornography complained at the beginning of June about two rape films put out by the Victoria branch of Red Hot Video. These were *Young and Abused*, and *Never A Tender Moment*, both extremely sexually violent films. They were viewed by Crown Counsel Wally Anderson, who, while admitting both films contravened the law, decided not to prosecute. Instead, he requested Red Hot Video remove the films from its shelves.

During the first week in July, the Victoria group forwarded a telegram to A.G. Allan Williams, requesting he uphold his June 22nd statement that prosecutions would be undertaken. Against, inspite of the statement, no action was taken against Red Hot Video in Victoria.

In early August, Victoria Crown Counsel Wally Anderson resigned, and Crown Counsel Dennis Murray took his place. The Victoria group received a verbal assurance from him that he would review the case and consider laying charges. The group met with him on August 30th, at which time Mr. Murray decided to adopt a "wait and see" attitude. He assured the group that he would be prepared to prosecute if the new Victoria byelaw enacted to prevent the spread of hardcore pornography failed in the courts. He also mentioned the possibility of seizing Red Hot Video's entire stock of tapes. When the new bylaw was defeated in the courts, Mr. Murray, contrary to his earlier statements, took no action, and the group has received no further communication from him.

On September 24th, a "Snuff" film, in which a woman is murdered and disembowelled in real life, was discovered in several other video stores. Although Saanich police admitted they had already received three complaints about this film in August, they decided that the murder in the film was simulated, and that there was not enough sex in the film to categorize it as obscene. Rather than have this tape returned to the store shelves, the Women Against Pornography risked prosecution for destruction of private property, and burned the tape. The store owner did not sue.

In October, the British Columbia Federation of Women, representing 36 women's groups, complained of the movie handbook to Detective-Sergeant Station, of the Vancouver R.C.M.P. Again, no action was taken, the matter merely being referred to Mr. Barry Sullivan, while Red Hot Video was left to continue blatantly advertising rape, gang-rape and incest films. Astonished and angered by the lack of action, the B.C.F.W. began organizing picketing of Red Hot Video stores, and with showing extracts from rape films to members of the press. Although hundreds of men and women demonstrated against Red Hot Video stores on December 11th, demanding prosecution, and calling for the law to be upheld, our justice authorities continue to refuse to act.

The groups listed below, despairing of any firm action by our justice authorities which will prevent this new form of social aggression, request the Ombudsman, as a matter of urgency, to accept our complaint against the Department of the Attorney General. We urge the Ombudsman to demand, on behalf of all the citizens of this province, that the Department of the Attorney General uphold the B.C. Guidelines Governing Pornography, together with Section 159 of the Criminal Code, and prosecute each and every business that distributes the hate propaganda that is violent hardcore pornography.

Yours very truly,

Jancis M. Andrews

Jancis M. Andrews (Mrs.) (Correspondence Secretary)

for

NORTH SHORE WOMEN'S CENTRE
 PORT COQUITLAM WOMEN'S CENTRE
 RAPE RELIEF
 WOMEN AGAINST PORNOGRAPHY (VICTORIA)
 WOMEN AGAINST PORNOGRAPHY (VANCOUVER)
 WOMEN AGAINST VIOLENCE AGAINST WOMEN
 THE BRITISH COLUMBIA FEDERATION OF WOMEN (Comprising 36 Women's Groups)

- cc: - The Hon. Mark McGuigan, Minister of Justice, House of Commons, Ottawa, Ont.
 - The Hon. Judy Erola, Minister Responsible for the Status of Women, Ottawa, Ont.
 - Mme. Lucie Pepin, President, Advisory Council on the Status of Women, Ottawa, Ont.
 - Ms. Doris Anderson, President, National Action Committee on the Status of Women, Toronto, Ont.
 - Ms. Eileen Hendry, Western Vice-President of the Advisory Council on the Status of Women, 1055 Georgia Street, Vancouver, B.C.



Sex Tory style
 RITES July '86

The long awaited (and dreaded) federal government response to both the Badgley report on sexual offences against young people and the Fraser Committee on Porn and Prostitution came down in early June. Justice Minister John Crosbie's proposed legislation lumps together measures dealing with the rather different topics of "juvenile" prostitution, what is called "child porn," "sexual abuse" of children and young people, and porn more generally. Drawing on many of the worst proposals in the *Badgley and Fraser committee reports*, Crosbie's frightening recommendations present a serious and grave danger to young people, lesbians and gay men, prostitutes, sex-trade workers, feminists and artists interested in exploring sexual concerns.

If implemented the measures would extend the powers of the police and the courts over our ability to discuss, view and read about sexual issues. They would be a major obstacle in attempts to exercise control over our bodies and our erotic lives. For example, the new legislation would render some of the "erotic spread" in this issue of *Rites* illegal.

The government has clearly exceeded the recommendations of the Fraser report in proposing that all "visual matter showing vaginal, anal or oral intercourse, ejaculation, sexually violent behaviour...masturbation or other sexual activity" be outlawed. Almost all lesbian & gay erotic materials would be caught within this definition. Meanwhile *Playboy* and *Penthouse* which expose women's bodies to the male (hetero) gaze and which do not focus on intercourse itself would be left alone as long as they were not too visible publicly. Sexism in advertising and the media would be left untouched.

Like present "obscenity" legislation this new definition of porn focuses on the sexual character of material, not on violence or sexism. "Degrading porn" is defined so as to include "Lactation" and "menstruation", as if women's bodies were themselves being labelled pornographic. Of course notions of consent and context are absent from Crosbie's proposal along with any recognition of the importance of diverse erotic images in the building of a new society. Are we surprised?

Regarding prostitution, the government will continue in the vein of the repressive Bill C-49. It has no intention of proceeding with the partial decriminalization measures suggested by the Fraser Committee. Basically the police and moral conservative groups have got everything they ever wanted.

Crosbie's proposals on child/youth sexuality are drawn largely from the Badgley report which systematically ignored the patriarchal roots of sexual violence and harassment against

young people. The measures proposed would stand in the way of young people discovering more about their sexualities. While doing little to combat the very real violence and harassment that many young people, particularly young girls, face in this society, in its patriarchal social relations.

Although recommendations to allow easier admission of a young person's testimony into court in cases of sexual violence or harassment are to be welcomed, other recommendations would deny young people the right to consent to sexual activity and could make young people who engage in consensual sexual play into criminals.

Proposals to charge the customers of young prostitutes with a new stronger offence would do nothing to help young prostitutes in the battles to survive on the streets. And proposals regarding child/youth porn would effectively deny those under the age of 18 all access to sexually explicit materials, sexual toys and aids. That list could well be extended to include sex education materials.

Crosbie's initiative represent a strategy based on heightened distinctions between the arbitrary categories of child/youth and adult. Measures allegedly designed to "protect" young people serve more to construct the incapacities and oppression of young people than anything else. They do nothing to challenge the social roots of sexism, ageism or social violence. Thus it is small comfort that the recommendations would lower the age of consent for "buggery" in "private" to 18 from its present 21.

The Tories have manipulated the Badgley and Fraser reports to articulate a new era of moral conservative sexual rule. They are clearly allied with police forces (who must love the recommendations) and with right-wing "Moral Majority" types like Hudson Hillsden and his Interchurch Committee On Pornography whom the Tories have trotted out to support publicly their new proposals.

It is important for us to unite with groups fighting Crosbie's proposals. We must co-ordinate our actions across the country and we must make protest submissions to the Justice Committee hearings on the legislation this fall. But it is important that we ensure our protests against the legislation are not subsumed under or limited to a liberalism concerned only with restrictions on "normal" (read: hetero) intercourse. Such an attitude would allow the other regressive aspects of the legislation to go through.

It is time to stress our concerns as lesbians and gay men and to defend the right of young people to their sexualities and to access to positive sexual materials. The Coalition for the Right To View in Vancouver and the Canadian Committee Against Customs Censorship in Toronto will be organizing activities against this legislation.

