

PRIORITIES

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PERSPECTIVE

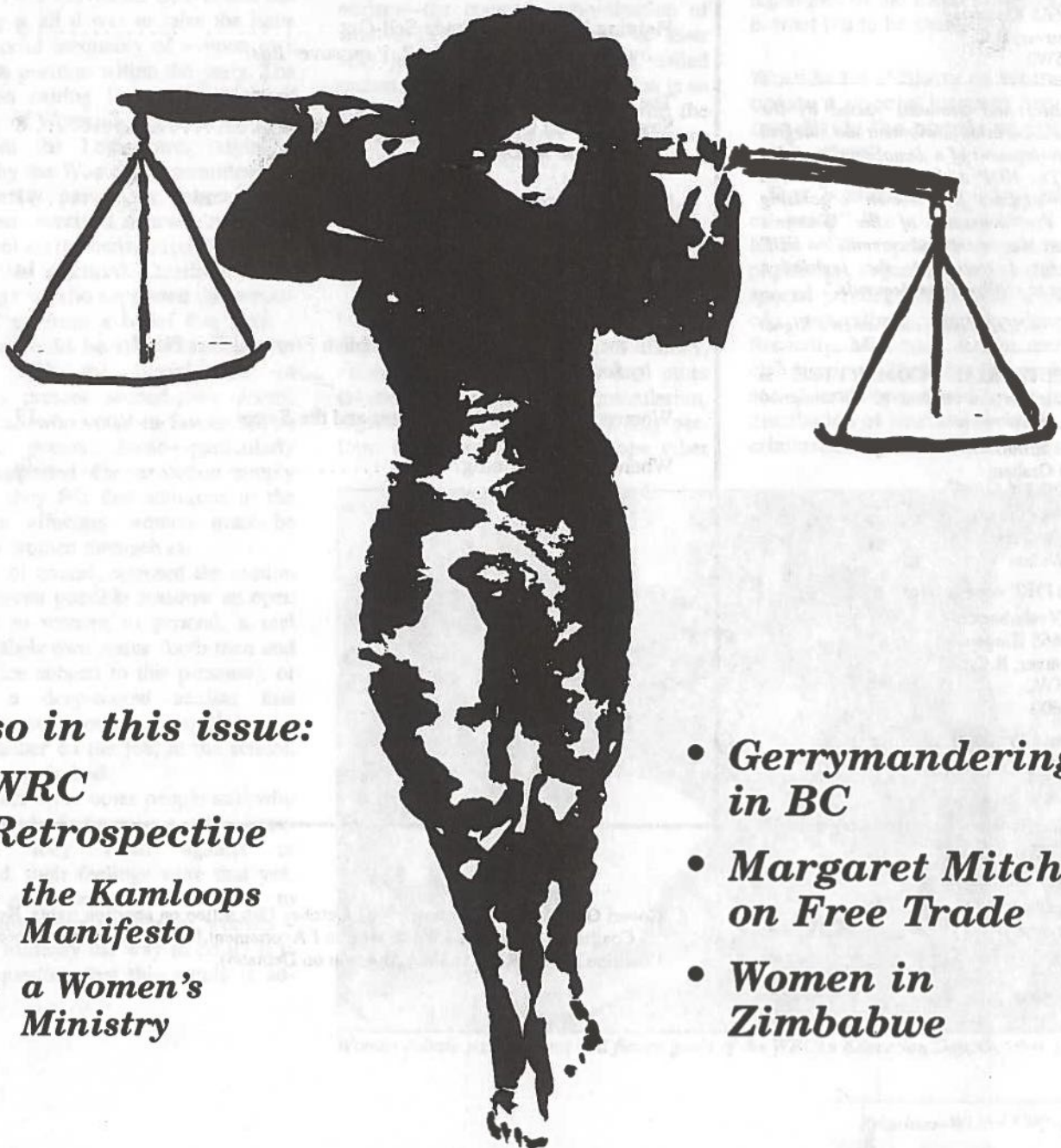
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The Meech Lake Accord: Two Differing Views



Also in this issue:

- *WRC Retrospective*
 - *the Kamloops Manifesto*
 - *a Women's Ministry*
- *Gerrymandering in BC*
- *Margaret Mitchell on Free Trade*
- *Women in Zimbabwe*

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"The issues and demands raised by the Women's Liberation Movement are integral to the development of a democratic socialist society. The NDP actively encourages and provides support for women organizing around the demands of the Women's Liberation Movement and commits an NDP government to creating the legislation necessary to realize these demands."

—NDP Policy on Women's Rights

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Cover: Graphic from a poster for the October 18th action on abortion rights. By La Coalition Quebecoise Pour le Droit a l'Avortement Libre et Gratuit (Quebec Coalition for the Right to Free Abortion on Demand).

Why a Women's Ministry?

In the last issue of *Priorities*, Marianne Gilbert, one of the main speakers at the WRC Education Day held in September, lamented the fact that the NDP policy regarding the establishment of a Women's Ministry seems to have been dropped from the agenda of the present Women's Rights Committee. What follows is an article which makes the case for a Women's Ministry and which appeared in the very first issue of *Priorities* magazine in January 1973.

If the 1972 Provincial Convention did anything at all it was to raise the issue of the social inequality of women to a dominant position within the party. The resolution calling for the creation of Ministry of Women's Rights in the next sitting of the Legislature, originally drafted by the Women's Committee and subsequently passed by several constituencies, received overwhelming endorsement on the convention floor.

Why this reaction? Clearly most of the delegates who supported the resolution did so from a belief that such a Ministry would be the best means of dealing with the complexities of women's present second-class status. But not all who voted in favour did so for this reason. Some—particularly men—supported the resolution simply because they felt that solutions to the problems affecting women must be made by women themselves.

Some, of course, opposed the motion for the worst possible reasons: an open hostility to women in general, a real fear for their own status (both men and women are subject to this pressure), or simply a deep-rooted sexism that refuses to see women as equal in any way, whether on the job, in the school, in politics or in bed.

But there were other people still who had mixed feelings on the issue. Whether they voted against or abstained, their feelings were that yes, indeed, *something* must be done to change the present status of women—but is a Ministry the way to do it? It is to this question that this article is addressed.

What's the point of a Ministry of Women's Rights?

Establishing a Ministry of anything in a government is a recognition that some area, because of its general social importance or its complexities of problems, requires priority status. Establishing a Women's Ministry is, in effect, a political statement that the problems facing women are not accidental flaws in the social fabric but are part and parcel of the whole political and social system. It is a political recognition that there is a thing called sexism—the constant subordination of women in all fields because of their sex—just as there is a thing called racism, and that this discrimination is so widespread it must be tackled with the same amount of energy and resources that other areas require.

But couldn't a commission or an ombudswoman accomplish the same thing?

No. A Ministry would have power. Its Minister would be a cabinet minister and have the same access to money, resources and information that other cabinet ministers have. A commission, regardless of the intent, could only perform an advisory role and hope other

cabinet ministers would rely on the advice. An ombudswoman deals only with specific grievances, and even if the specifics are part of a general social problem would not have the power or the resources to deal with the problem itself. She could bandaid symptoms but never deal with the causes. Furthermore, the creation of an ombudswoman implies that everything is basically all right but sometimes individuals have particular problems. But the problems of women are *not* individual or peculiar aberrations. They are an integral part of the social system, and *this* is what has to be changed.

Wouldn't a Ministry of Women create a special interest group and divide the people against each other?

First, women are not a "special interest group" like a real estate or a gun lobby. We represent over half the population, organizing *not* to gain some special privilege but to end a situation of generalized social inequality. Secondly, Ministries do not create social divisions. These are the products of social conditions caused by the unequal distribution of wealth and power. If discrimination against women did not al-

Photo by Marianne Gilbert



Women debate past, present and future goals of the WRC on Education Day, October 1987

ready exist there would be no women organizing, just as trade unions would not exist if workers received the same benefits as owners.

There's nothing wrong or unusual about creating separate Ministries to deal with separate interests. The Department of Agriculture, for example, treats the problems and interests of farmers separate from those of the "general public." So does Labour, and Trade and Commerce. No one complains about "dividing the people" in these areas. A Ministry of Women's Rights would not create social divisions between women and men. Instead, it would recognize that these divisions already exist and would act to eliminate their causes and to promote a "real" equality.

Wouldn't a Ministry of Human Rights do the same thing?

Not very well. A Human Rights Department would quickly become the catch-all for every social problem existing. Because the social inequality of women would be only one problem among many, it would quickly fall to the same low-priority status it has now. It would be lumped together along with the rest of society's "miscellaneous" by those unable to appreciate the problems affecting women and who often believe that these problems are just not very important.

But wouldn't a Women's Ministry be a catch-all, too?

No, although it would have jurisdiction over various areas affecting women. But a complexity of issues only becomes a catch-all if a vaguely-defined department has no power, resources or the direction needed to deal with them. The major point behind the Ministry is that of power and direction, and no lesser structure would have this.

Wouldn't a Women's Ministry overlap with other departments?

Definitely. But overlapping already exists in many areas: welfare, health, education, to name only a few. In a planned economy overlap is necessary and desirable. There's no reason why the Minister of Welfare, for example, could not work with a Women's Minister in areas relevant to both.

Can't we trust an NDP government to act in women's interests on its own?

We can expect an NDP government to be more aware of the problem than the Socreds. But let's face it: the government is made up primarily of men who, with the greatest will in the world, do not and cannot understand the problems facing women as women understand them—or, in some cases, even recognize them as problems. Women's own experience in trade unions, peace organizations, left movements and the NDP itself gives ample evidence of this. If it were otherwise there would be no women organizing in any of these concerns—yet these are where the women's movement began.

But wouldn't a Women's Ministry become a bureaucratic stranglehold on women, like Indian Affairs over Indians?

Not at all. Indians suffer under Indian Affairs departments because they have no control over them. They are staffed largely by white, middle-class men who do not understand Indian life and culture and whose job is to administer discriminatory laws. A Women's Ministry, headed and staffed by women, would be free of the male-dominated, conservative bureaucracy that existing departments are burdened with. Having no existing mould to squeeze into, it could start out on the basis of the experiences and understandings of the women themselves, integrated with the workings and goals of the women's movement as a whole.

What could a Women's Ministry actually do?

Plenty! It could enforce existing laws

Photo by Marianne Gilbert



Amy Dalgleish, active at the time of the Kamloops Manifesto, at the WRC Education Day.

and could initiate new laws in areas that are now considered low-priority. In the field of health, for example, it could draw up its own legislation to change laws and practices that affect only women: abortion, some surgical practices, maternity care and so on in conjunction with the Health Ministry. It could ensure new laws in education, labour, child care and other areas that presently treat women unfairly. It could develop long term plans for ensuring equal opportunity for women in all fields while redressing specific grievances in the short terms.

A Ministry could also stimulate strong grassroots activities throughout BC by encouraging decentralized Women's Centres where women could help evolve solutions to their own problems. It could, in short, act to effect significant changes in the status of women.

♀

The Kamloops Manifesto: Combatting Sexism in the Party

by Sharon Yandle

This document was actually a single resolution brought forward by the WRC to the 1974 BC NDP convention in Kamloops. It was a statement of what sexism is and how it must be combatted both inside and outside the party. Sharon Yandle, executive member of the BC NDP, analyzed the Kamloops Manifesto at the recent WRC Education Day.

The story of the Kamloops Manifesto starts out well before 1974, the date of its adoption at provincial convention. In fact, we have to go back to 1968, six years earlier. That was the year a Royal Commission began hearings on the status of women in Canada. It was also four years before the election of an NDP government in B.C. and three years before the formation of the Women's Rights Committee.

What was the prevailing attitude towards women's emancipation at this time? A *Sun* editorial in response to the Royal Commission is very revealing. Here is an excerpt:

...What is harmless trivia and self-pity over the back fence or underneath the dryers is an embarrassment when it is entered as official evidence. Probably the makeup of the commission and the nature of its terms of reference doom it to be a wailing wall for every scatterbrain, malcontent and frustrated pope in skirts...

That editorial no doubt caused a lot of chuckles in the living rooms and offices around the province. The stereotype it pushed was considered a simple, obvious truth. Women were being laughed at and since we'd been raised to view women as the butt of jokes, we laughed along with everyone else.

These were radical times

In 1968, '69, '70 and '71 many of us stopped laughing. We were beginning to realize that we were laughing at the

sight of our own blood and we weren't finding it funny any more. To the question, "Whazzamatter, honey? Can't you take a little joke?" we answered, "No," establishing once and for all time that the women's movement has no sense of humour.

Out of the previous 20 years, the Cold War period, those Happy Days characterized by the suppression of artistic and intellectual creativity, of political thought and action, of sexuality, of choices and opportunities, the decade from the mid-sixties to the mid-seventies burst through like an explosion. There were new issues on the agenda, issues such as the civil rights struggle in the States, separatism in Quebec, the war in Vietnam, oppression of Canadian Indians, environmental and anti-nuclear movements. They made those of us who were newly activated try to comprehend racism, imperialism, capitalism and liberation struggles based on nationalism or race.

Women activists began to question their own roles within these struggles. With very few exceptions they were traditional female roles. We were the typists, the babysitters, the coffee makers and the cheering section. We were not the thinkers, the spokespersons, or the leaders.

We already understood what the oppression of a group meant. We understood Third World uprisings; we knew what racism was. And we began to ask questions. Why do women lose their names when they marry? Why is women's work paid less than men's? Why don't we control our own reproduction? Why are children raised by women in isolation? Why are the politicians men? Why the priests? The judges? The generals? The rich? Why are they all men?

To understand the tenor and passion of the Kamloops Manifesto, you must understand that the women's movement within the party was holistic in its analysis. We did not identify Socreds as the problem, or Liberals, or Tories. We had identified capitalism which is why we were in the NDP trying to build a

socialist alternative. But we also identified patriarchy; that is, the institutionalized direction and control of women and children by men. We organized as women to fight patriarchy.

The struggle inside and outside the party

At home we were suffering from the usual sexism. Our personal relationships were in transition. I remember an argument with my husband about sharing the housework and childcare that lasted three years.

At work our bosses couldn't understand why we felt offended by their "flirting." Right after the Kamloops convention, there was a fight in the union office when secretaries refused to take the towels home to wash.

Within the party, struggles were endless. At the constituency level, the social conveners were all women. Women left the meeting to make coffee, serve pastries and wash dishes. We insisted that a man be the social convener. Nobody laughed. We wanted men in the



Women rebelling against traditional roles.

kitchen. Nobody laughed at that either.

The important positions within the party were dominated by men. The provincial executive, council and caucus were mostly made up of men. We tried to take that on, to change ourselves, make ourselves fit. We held classes for women on Saturdays, set up mutual support groups. Sexism within the party was unabashed, not underground as it is now. I remember an awful joke about Yvonne Cocke getting her sexual jollies at which everyone laughed, everyone with a sense of humour, that is. When Barrett mentioned in a speech how his wife looked in the morning, there was an audible hiss from the women listening. There were even party functions with pubescent girls doing bumps and grinds.

The NDP in power ignored accountability

To understand the Kamloops Manifesto, we must realize how hard women worked in the party and how difficult the work was. It was especially hard to pass policy on women's issues. We started *Priorities* magazine with no party funding and actively recruited women into the party. There was no women's organizer for most of this period, but we were setting up regional women's committees.

We believed, perhaps naively, in the process. We believed our work in the NDP was important and would be recognized. That didn't happen. Instead, the government made it clear that in general it had no intention of working with the party as a whole in the selection and implementation of legislation. The Women's Rights Committee, the only standing policy committee and the most vocal and visible group in the NDP, was accorded no more time or attention than any outside group.

When convention passed policy on the establishment of a Women's Ministry, Barrett said it was a "low priority." That's how *Priorities* magazine got its name. The government did pass some legislation affecting women but the process was all wrong and the government made many mistakes.

For example, some women's groups occupied government offices in protest over the ill-conceived legislation on daycare. This could have been avoided

with proper consultation with the Women's Committee but the government was arrogant. It now represented "all the people" and the party had no role in setting the legislative agenda.

We waited a long time for legislation on women which would match our hard-won party policy. It wasn't coming. Let me tell you about Bill 1, the married persons equality act, introduced as the opening bill of the 1973 second legislative assembly. This bill, supposedly to modernize the legal rights of married women, was introduced without consultation with the Women's Committee. It identified wives as "married persons" and actually removed rights that had previously existed in law. The women's movement, especially the Status of Women, had a fit! We had many hurried meetings with lawyers and the government. The bill passed second reading and was then withdrawn.

The Women's Rights Committee wasn't aware of it at the time, but we learned later that the opening bill of the legislative session is not intended to be serious or to be passed. It's called "the peoples' bill" and is actually a joke. At the next session, the government introduced a bill called the outlawry act that would allow anyone to be declared an outlaw. Everyone laughed and it died at first reading. So the married persons equality act was a joke. Some people laughed but some didn't. This was one year before the Kamloops Manifesto.

The Manifesto

We wrote the Manifesto because we didn't know what else to do. We had hit a stone wall. We were unwilling to continue writing policy that was simply ignored by the government. At the previous convention, a third of the provincial executive elected were women who considered themselves feminists. This had never happened before. However, it hadn't made much difference so we weren't interested in organizing for convention elections.

We wrote the Kamloops Manifesto because we felt that, if nothing else, the party must address the issue of sexism. We didn't think it would pass and very serious efforts were made to kill the debate and the resolution. The progressive forces in the party at the time, the

WRC and activists bringing up such issues as the environment and Indian land claims, were slated off the provincial executive.

How surprised we all were when the Kamloops Manifesto passed by a 2/3 majority. Although at the time we declared this to be a victory, it wasn't. It passed because enough people voted for it who knew it didn't matter if it passed or failed. For example, many members of caucus voted for it, a phenomenon we've seen often. It's called "lip service."

The Manifesto did not galvanize us as we thought it would. The government had defeated us and did a pretty good job of defeating itself while it was at it. By the time of the next provincial election, the government had all of its old enemies and some new ones. Essentially, it had no friends; not the women's movement; not the labour movement; not the community activists.

Looking back at the past, I don't know what we could have done differently given three essential facts:

- There had been no groundwork to develop the relationship between the party and the caucus before the election of the NDP government—nothing structural. The government just went its own way.
- The progressive forces in the party were not represented in caucus with a couple of exceptions.
- The issues of patriarchy and sexism were not understood within the party and certainly not in caucus.

How relevant is the Kamloops Manifesto today?

The past is inherently interesting but we study the past to help guide us in the present and future. Unfortunately many of the same problems are still with us. A certain report from the legislature contained comments that many of us felt were sexist and racist. When someone endorsed by the WRC visited the member in his constituency office, the person was told to get out and go back to his/her crazy friends (i.e. the provincial executive?)

All three problems are present in this one instance. Here we have a caucus member who feels he can go his own way, the fact that such a person is in the caucus in the first place, and sexism

being misunderstood once again.

The good news about the Manifesto is that it's dated, not only in its use of language but in its content. Unfortunately, much of what it says about conditions for women is still true. However, it's no longer true that women are supposed to be wives and mothers and nothing else. (Now we're supposed to be wives and mothers and everything else!) It's no longer true that girls are channelled only into Home Ec. and commerce and not academic studies, although most young women still end up in job ghettos.

Even though I wrote much of the document and have a proprietary inter-

est in my own words, the Kamloops Manifesto was a document for its own time and times have changed. We should assign it to the scrapheap of history and write something else. That something should reflect the victories we have achieved as well as the struggles still to be won. The government defeated us but other women followed us and they won things we couldn't win; changed things we couldn't change.

For example, the report from the legislature that we found so offensive was condemned by the provincial executive without dissent for its sexist and racist content. That's a win. Provincial

Executive never moves in any area without ensuring gender parity. That's a win.

Finally, 20 years after the emergence of the women's movement, we need to redefine what's funny. We can and do laugh at things that are truly funny. I reread the "Sun" editorial quoted at the beginning of this article and reflected on all that has happened since it was published; all our victories and the fact that the women's movement, despite everything that remains to be won, has been enormously successful at changing our society and the status of women within it. I reread that editorial and I laughed. ♀

Fighting Mulroney's Trade Sell-Out

by Margaret Mitchell, M.P. Vancouver East

Ronald Reagan calls it "a new economic constitution for North America." Brian Mulroney calls it a "win-win" deal but then promptly pledges a "massive program to assist those workers affected by adjustments and dislocation."

I call it a sell-out of our future.

Of all the many important issues cur-

rently before the House of Commons, nothing has greater ramifications for the future of Canada as a nation than Mulroney's last-minute trade deal with the U.S.

From the outset, it has been mired in contradiction and give-aways. In 1983, Mulroney told Canadians he would have none of free trade. After his election in 1984, he put his political neck on the line over free trade.

In the course of negotiating a deal, Canada has been slapped with a 35% tariff on shakes and shingles, been forced to put an export tax on softwood lumber, and brought in legislation that will increase the cost of pharmaceutical drugs so U.S. multinationals can earn greater profit.

BC economy sacrificed

Despite Mulroney's enthusiastic claims that his deal would help BC's economy, the deal is of great concern to BC industries and to average British Columbians.

Even though the deal fails to reach the primary objective promised by Mulroney—secure access to U.S. markets—BC has surrendered jobs in key industries, our ability to expand and diversify the economy, and autonomy to develop our own social and economic policies in the future.

The deal completely fails to resolve existing trade problems for BC industries. The export tax on softwood lumber is enshrined by the deal, while U.S. countervail duties on hogs and cedar shakes and shingles remain unscathed. Further, the deal offers no protection against future U.S. countervail duties on BC products.

In exchange, we've put our manufacturing, farming, winemaking and service sector industries at great peril. We've surrendered any kind of effective control of U.S. investment in our resources or financial institutions, and



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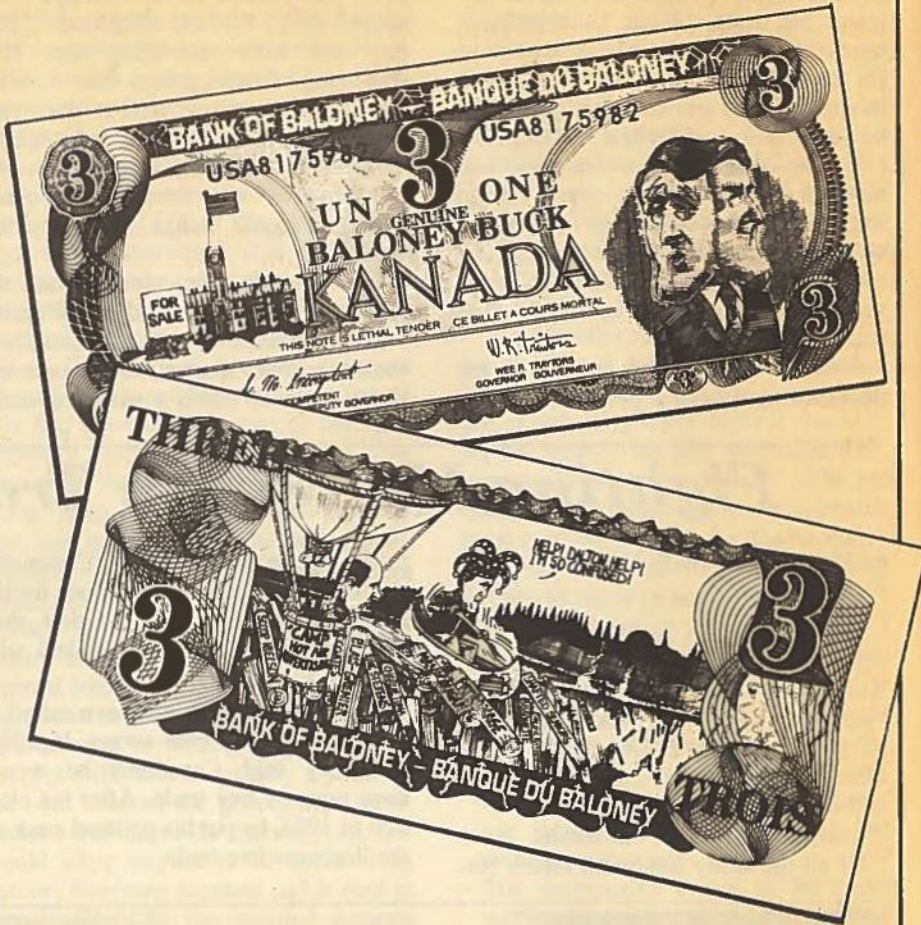
Personally, I will pay my 1987 taxes with the 'Baloney Bucks.' So you see, they do have a useful purpose as opposed to... well, you know who!

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we're compelled to share our energy resources with the U.S.

I find the sell-out of our energy resources perhaps the most disturbing. Columnist Marjorie Nichols has noted: "What Canada has given away is its industrial future."

Canada's chief competitive advantage among industrialized nations is our wealth of accessible energy supplies. Under the trade deal, however, the U.S. is guaranteed full access to those precious supplies, at exactly the same price it's available to Canadians.

BC's most precious asset is sacrificed, and for what? A deal of so-called "free trade" that continues to allow U.S. protectionism against BC imports.

Trade deal hits Vancouver jobs

Mulroney's trade deal is disastrous for all Canadians who are concerned about jobs, culture, sovereignty and our ability to set independent policies. Now let us zero in on some specific impacts in store for the people of Vancouver.

At first glance, the Mulroney-Reagan trade deal may look promising to Vancouver consumers. Tariff-free shopping in the U.S. makes the idea of crossing the border for the week's groceries more appealing than ever. And even for shoppers who remain in Canada, goods from the U.S. will cost less.

Cost less in terms of immediate cash, that is. But what are the hidden costs, the long term price of Mulroney's deal?

Not only would we be unable to use

our energy as an advantage to develop a local manufacturing base, but consumers will suffer. As columnist Marjorie Nichols has noted, in times of an energy shortage "British Columbians will have to freeze in the dark on a proportionate basis with the U.S. purchasers of provincial electrical energy."

Let's look at jobs. Three in four BC jobs are in the service sector—banks, health services, data processing and telecommunications, etc. This sector will be wide open and hard hit by the trade deal.

In BC, 21% of all manufacturing jobs are in highly sensitive industries especially vulnerable to U.S. imports and unlikely to survive the deal. These industries employ many Vancouver residents: shipbuilding, clothing, metal and

machine fabrication, printing and publishing.

I am greatly concerned about the impact the deal will have on a vital source of direct and indirect employment—the Port of Vancouver. Under the deal, corridors of trade in North America will become increasingly North-South. More than ever, goods going between Central Canada and the Pacific Rim will be shipped through the U.S. and U.S. ports.

The Port of Vancouver is already engaged in an extremely competitive battle for its survival. The deal gives an edge to rival U.S. ports on the West Coast.

Social programs at risk

When Trade Minister Pat Carney recently scolded Canadian church groups for their opposition to the Reagan-Mulroney deal, she displayed a serious misunderstanding of the concern average Canadians have about the deal.

This senior BC minister in the Mulroney cabinet said during a radio talk show that there is a lot of danger in church groups speaking out on "economic issues." Carney's comments indicate she sees the trade deal as purely an economic issue. But for Canadians who oppose the deal, the debate runs much deeper. It's a question of how we see ourselves as a nation, and our right to independently build the kind of future we want.

The text of Mulroney's trade deal—with its sell-out of jobs and energy resources—is alarming enough in its implications for Canada's future. But even more alarming is not what's in the text but between the lines—the fate of Canada's social programs.

Canadian negotiators tried to get specific language in the deal to protect Canada's universal social programs but they failed.

Social policy is not mentioned in the deal, nor is there a definition of what is considered to be unfair government subsidies. That definition will be negotiated over the next seven years, and the door is wide open for an attack on Canadian social programs.

Many people rely on our social programs, such as health care, unemployment insurance, social assistance, pharmacare, etc. The trade deal does not specifically mention these

programs, but clearly they are endangered.

Alternatives to Mulroney's trade deal

It's easy to criticize the deal. However, Canadians should not reject the deal out of hand without first asking a critical question—are there viable alternatives?

New Democrats believe the answer is yes. All British Columbians are aware of the dangers of strong protectionist sentiments in the U.S., and New Democrats believe that concrete action is needed to protect our economy.

However, we do not accept Mulroney's premise that a comprehensive trade deal is the appropriate remedy. I have outlined how this "remedy" will erode our sovereignty, hurt BC as a region, cost hundreds of jobs in Vancouver, sell out our energy resources and threaten our universal social programs.

This is a natural consequence of putting all our eggs in the American basket. No one would argue that the U.S. is our most important trading partner, but that doesn't mean we should suffer from tunnel-vision.

As a nation, we have many available trade opportunities that remain untapped. I believe Canada urgently needs to develop a conscious and clear industrial game plan that would allow us to meet our world-wide trade potential, and develop a series of effective and ef-

ficient sectors.

We need particularly to assist smaller companies to develop new export markets—both in different kinds of products which could serve the U.S. market, and in different regions of the world where we are less active than we should be, such as the Asian Pacific, India, Europe, and Latin America.

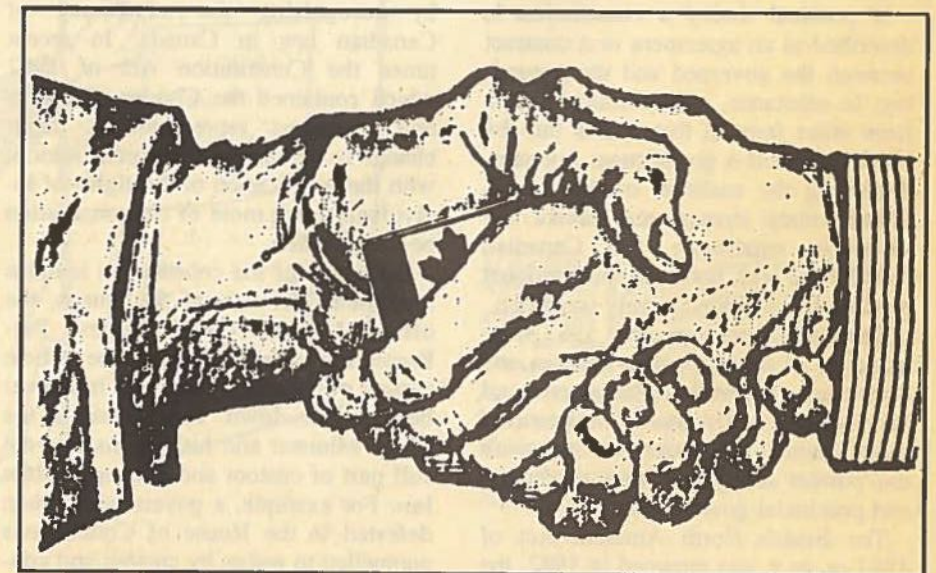
Instead of reacting to U.S. protectionism with a comprehensive deal that eats into our sovereignty, I believe we should concentrate on item-by-item negotiations with the U.S. and work with the 96 countries in the General Agreement on Trade and Tariffs to bring U.S. countervailing powers under control.

The great irony of Mulroney's deal is that it completely fails to meet the most important objective, protecting Canadian exports from U.S. harassment. For all of our sacrifices to the deal, we get nothing for Canadian exporters.

But perhaps worst of all, this deal would bind future governments to allow unfettered U.S. investment in Canada. In other words, future governments would be unable to ensure Canadian control of our resources.

For more details on the trade deal, and for positive New Democrat alternatives, please write to me, postage free, in Ottawa:

Margaret Mitchell, M.P.,
House of Commons,
Ottawa,
K1A 0A6



Graphic from Vancouver Status of Women pamphlet

The Meech Lake Accord: Saying Yes to Quebec and No to Women?

by Nadine McDonnell

Photo by Catherine Kerr

Gentlemen's agreement and law of the land

A man's word is his bond and the eleven guys running this country have given their word that their governments would adopt the Meech Lake Accord without amendments and with as little debate as decently possible. Despite assurances from Prime Minister Mulroney that the public would be consulted before the Accord was ratified, it is now clear that such consultation does not include heeding the call for amendments.

After hours of hard bargaining man to man, the eleven first ministers agreed they would not countenance any further change. Maybe they thought they had achieved all that was possible when they agreed to apply party discipline and have their respective governments ratify the Accord.

It seems that none of the newest fathers of confederation could propose further amendments without breaking the ultimate—the gentlemen's agreement among gentlemen.

Canadian constitutions

To understand the criticism of the Accord, we must understand its significance as a constitutional document.

In political theory a constitution is described as an agreement or a contract between the governed and the governing. In substance, a constitution differs from other laws in that it sets out the rules by which a government operates. Following the tradition of the British Parliamentary system and unlike the American experience, the Canadian constitution was, until the constitutional process of the 1980s, largely unwritten.

The written portions until 1982 were made up of some 30 or so statutes and orders of the British Parliament and Privy Council. The most important of these statutes were those that dealt with the powers and jurisdiction of federal and provincial governments.

The British North America Act of 1867 or, as it was renamed in 1982, the



Nadine McDonnell, WRC member-at-large, is with VAWL (Vancouver Association of Women and the Law)

Constitution Act of 1867, launched the Dominion of Canada. It set out the basic structure of Canada as a federation of provinces and federal government each with specific areas of jurisdiction. The Statute of Westminster (1931) ended the British Parliament's ability to legislate on behalf of Canada by recognizing the supremacy of Canadian law in Canada. In recent times the Constitution Act of 1982 which contained the Charter of Rights and Freedoms represented a major change in the nature of the constitution; with the codification of the rights of individuals much more of the constitution became written.

But much of the constitution remains unwritten. The role of the Queen, the office of the Governor General, Parliamentary procedure and the whole system of cabinet government has never been written down. The powers of the Prime Minister and his government are still part of custom and not any written law. For example, a government, when defeated in the House of Commons, is compelled to resign by custom and con-

vention, not by any specific law.

The role of the Supreme Court

Over the years the role of another player in the constitutional process, the Supreme Court of Canada, has become increasingly important, especially after 1982 and the passage of the Charter of Rights. In some respects the Supreme Court has become a "player-referee" in the constitutional game. The judges have become editors of a novel who not only check the spelling but can change the story's ending.

The power of the Supreme Court lies in its role as the interpreter of the constitution. They look at the words of statutes, decide what was intended and whether it is permissible given the jurisdiction of the legislature whose statutes were challenged. The Supreme Court can fill in the blanks where contradictions, confusion or vagueness is found.

Inevitably in this process the judges find themselves deciding between competing interests—balancing conflicting rights. They will decide the limits of the rights, including the rights of women, set out in the Charter of Rights and Freedoms.

While politicians can say what they want about any section of the Charter it will be the Supreme Court which has the final word. For example, in 1981 the politicians said that freedom of association under the Charter would protect the right to collective bargaining. But when the Supreme Court looked at what freedom of association meant in 1987, they decided it did not include protection for collective bargaining. Until the Charter is amended there will be no constitutional protection for collective bargaining.

The significance of sections 15 and 28 to women

Equality for women is guaranteed by the Charter in two sections:

- section 15 which states

Every individual is equal before and under the law and has the right to the equal protection and

equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

- and section 28 which states

Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

It was hoped that section 15 would become the legal instrument with which equality for women could be fashioned. Section 28 was necessary because of a loophole in the Charter. Governments, both provincial and federal, can under section 33 opt out of section 15 and bring in discriminatory laws which contravene section 15 equality provisions. In 1981 women lobbied long and hard to ensure that governments could not opt out of equality for women. So the guys threw in section 28 to keep the ladies happy.

While many, including a lot of women's groups, looked forward eager-

ly to constitutional protection of equality, most of the provincial governments were not so keen. Implementation of the section was delayed for three years to allow governments time to amend discriminatory legislation. In BC the government waited three years to the day before it did anything at all.

The Constitution and women

In 1867 women were not persons. They could not own property. They could not vote. They certainly could not hold public office. They had no access to most educational institutions. They had very few rights. In many respects women were chattels; they belonged to men—husbands and fathers—who gave them their names.

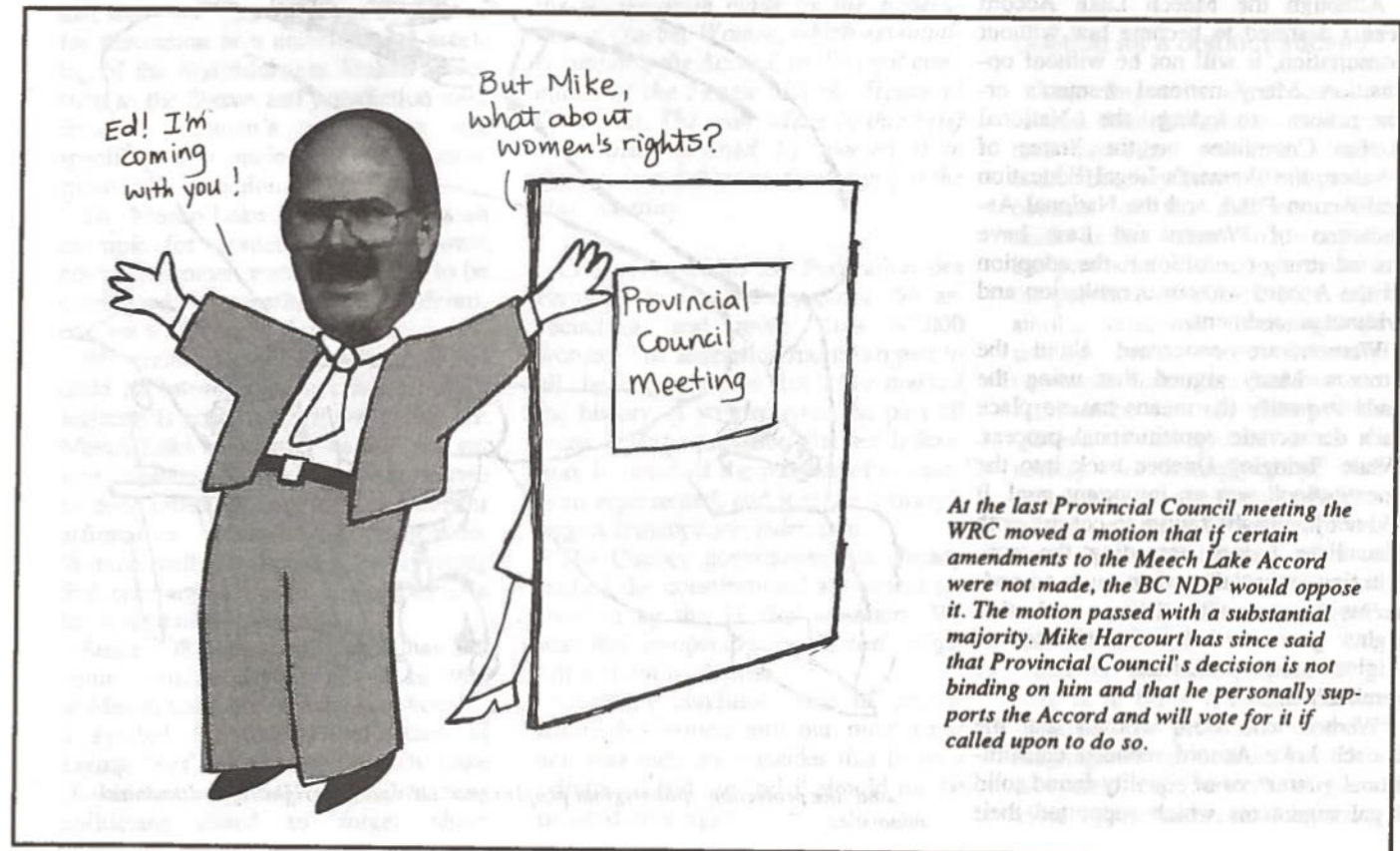
In 1867 the Canadians who guided the British North America Act through the 18 drafts and lobbied for its passage in the Imperial Parliament were "nation building." While they struggled to provide a right distribution and balance of power between the federal and provincial governments in the confederation, no thought was given to the rights of women.

Just as in 1867, the nation building that took place at Meech Lake was about power sharing: powers to make laws to control immigration, to regulate the exploitation of natural resources, to nominate friends and political allies to the supreme Court and Senate, and to change the constitution in the future.

The new fathers of confederation, preoccupied with bargaining for power for their respective governments, also gave no thought to women. Two of the premiers did lobby for the inclusion of some reference to the protection of aboriginal peoples and multicultural minorities by including a guarantee that the Accord would be interpreted in a way which would not affect section 25 or 27 of the Charter of Rights and Freedoms. Section 28 was not mentioned. There are two possible explanations. Either these guys just not think about women when they considered group rights or they thought about further entrenching women's equality and unanimously decide against it.

Saying 'yes' to Quebec?

In 1982 Quebec refused to sign the



At the last Provincial Council meeting the WRC moved a motion that if certain amendments to the Meech Lake Accord were not made, the BC NDP would oppose it. The motion passed with a substantial majority. Mike Harcourt has since said that Provincial Council's decision is not binding on him and that he personally supports the Accord and will vote for it if called upon to do so.

constitution. While Quebec was still legally bound by the Constitution, some federal politicians, especially Brian Mulroney, were uncomfortable with the symbol, often used in Quebec's provincial politics, of a francophone province outside of confederation.

So Mulroney was ready to do almost anything to get Quebec onside. The provinces, including Quebec, were ready to deal. They got together twice, at Meech Lake and in downtown Ottawa, and agreed to make some changes to the arrangement of federal-provincial powers. Quebec agreed to sign the Meech Lake Accord because the federal government finally agreed to give Quebec special status as a "distinct society" within Canada.

The other provinces agreed to sign because at Meech Lake they shared in the extra powers for which Quebec had held out since 1982. Of course, if Mulroney had not given the other nine provinces something, they would have blocked any deal with Quebec. Quebec had played the political power game and won.

Criticism of Meech Lake

Although the Meech Lake Accord seems destined to become law without consultation, it will not be without opposition. Many national women's organizations including the National Action Committee on the Status of Women, the Women's Legal Education and Action Fund, and the National Association of Women and Law have voiced strong opposition to the adoption of the Accord without consultation and without amendment.

Women are concerned about the process. Many argued that using the ends to justify the means has no place in a democratic constitutional process. While "bringing Quebec back into the constitution" was an important goal, it did not justify the failure to consult with Canadians before amending the constitution, especially when such amendments carried with them a risk that rights guaranteed by the Charter of Rights and Freedoms would be diminished.

Women who were worried that the Meech Lake Accord reduced constitutional guarantees of equality found solid legal arguments which supported their

concerns.

What's wrong with the Accord?

There are dangerous implications that arise because women are not mentioned in the Accord and aboriginal peoples and cultural minorities are. In law the expression "the exception proves the rule" has validity. Omission of section 28 could well be interpreted as an intention not to include women in the provision. In other words in law it will not matter whether the eleven first ministers simply forgot to include women or thought about it and decided not to. The court will be able to conclude that they decided not to include women.

Another and perhaps more theoretical concern is that the Meech Lake Accord appears to be reinforcing or acquiescing in a development of a hierarchy of rights. In a decision handed down in June 1987, the Supreme Court of Canada indicated that the powers of the federal and provincial governments as set out in the Constitution Act of 1867

were not subject to the limits set out in the Charter. The concern is that the significance of the Charter as a check on the powers of government could be weakened if such a hierarchy were allowed to develop.

Women have joined with many other groups in raising questions about the impact of the proposed amendments on national programs. Under the Meech Lake Accord provinces will be able to opt out of future national programs and still receive funding as long as their programs are "compatible" with national "objectives." Can there ever be a national daycare program under such an arrangement?

Women must prove their concerns are justified

While no one pressed representatives of Quebec to provide examples of the tangible or definable benefits which citizens of Quebec will enjoy as a result of being acknowledged as living in a distinct society, women's groups were

continually challenged to substantiate their concerns. Some women's groups provided examples of worst case scenarios which were immediately characterized as, if not hysterical, very unlikely.

Politicians argued that women, besides being overly pessimistic, had not raised any concern which would justify jeopardizing the whole deal. They urged women not to worry because the legal impact on their rights as women was in any event insignificant.

When asked, "What about women and the Meech Lake Accord?" a politician replies, "It was an error, slip, oversight, omission, etc. to fail to include consideration of the rights of women but these rights were hardly affected at all and the important thing about the Meech Lake Accord is that Quebec has been brought back to the fold. The agreement would unravel if we started tinkering with it to make small changes."

If there is a next time...

They say that everything will be fixed up the next time the eleven guys get together. But there are no guarantees that women's rights will ever be an item for discussion at a constitutional meeting of the first ministers. Unlike issues such as the Senate and jurisdiction over fisheries, women's rights are not specified as a subject for future constitutional discussion.

The Meech Lake Accord provides an example for women. If women want power, if women want their issues to be considered at constitutional conferences, we will have to fight for it.

We cannot agree that the political trade off between Quebec and all other interests is acceptable. If we accept the Meech Lake balancing, we will not get what we need. There will never be two to three billion dollars for day care, for affirmative action and education. Women will get nothing by agreeing that once again we are insignificant in the constitutional process.

Since 1982, the constitution has become a symbol of political will. In 1987 at Meech Lake, the constitution became a symbol for federal politicians of saying "yes" to Quebec. Meech Lake should be a symbol of the last time politicians dared to forget about

women.

Editor's note: According to our most recent information, Quebec is not unanimously in favour of the Accord. Quebec's three major union federations, the Quebec NDP and the Partis Quebecois, plus many organizations

that defend Quebec's rights have denounced the Accord. Native people in the Northwest Territories and the Yukon also oppose the Accord. In our next issue we hope to include an article from the point of view of northern women who oppose the Accord.

Quebec Women Reflect on the Meech Lake Accord

by the Federation des Femmes du Quebec

On November 21 and 22, the National Action Committee on the Status of Women held its annual mid-year meeting in Edmonton. The title of the conference was "Using Our Power: Women and the Next Federal Election." Many of the so-called "hard issues" were discussed as possible planks in the platforms of women candidates. One of the more contentious was the issue of the Meech Lake Accord. What follows is the presentation made by the Federation of Quebec Women, which essentially supports the Accord, to the joint committee of the Senate and the House of Commons. The main ideas in this brief were also outlined by women from Quebec in a debate on the Accord at the NAC meeting.

Created in 1966, the Federation des Femmes du Quebec represents 58 associations and more than 45,000 women. The federation has taken part in all the major events that have marked the history of women over the past 20 years. It is the province's largest federation, in terms of the number of associations represented, and it is the country's largest francophone federation.

The Quebec government has already ratified the constitutional agreement arrived at by the 11 first ministers. We fear that re-opening the Accord might bring about its demise.

Quebec's condition, that its unique nature be written into our most basic act, was met; we consider this to be a minimum, and we feel it should not be debated once again.

Last May, in a letter Mr. Mulroney and to Mr. Bourassa, the federation expressed its concerns about the definition of the concept of a distinct society and the government's spending power. We will examine the concept of a distinct society with reference to equal rights.

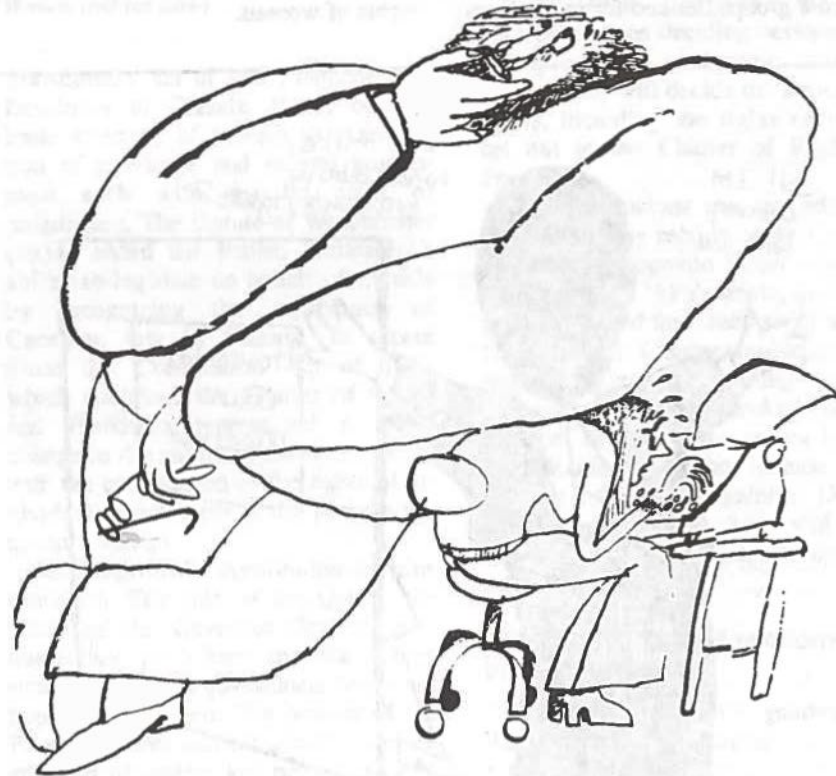
Several feminist groups have said that the recognition of a distinct society would imperil women's rights; such is not our opinion. We will also try to define a distinct society and will deal with the impact of this concept on costshared programs.

Quebec as a distinct society

According to studies conducted by several feminist groups, it is possible that the other provinces might also claim that they have a distinct character because of the different references made in the Accord to the equality of the provinces. Other groups outside of the province of Quebec have expressed similar concerns. These groups are usually much more distrustful of provincial authorities than we are.

However, if only the province of Quebec is recognized as a distinct society, we strongly hope that our sisters will not see threats where we feel they do not exist. In answer to the question: Does the concept of a distinct society threaten Quebec women? The Federation des Femmes du Quebec answers: No.

This is why. The purpose of the Accord is to bring Quebec into the constitution. The protection of the French language, of our culture, our educational system, our network of social services, our volunteer associations, and so



"...and 'the protection of aboriginal peoples and' let's see, 'the rights of multicultural minorities'..."

on, does not create a situation particularly apt to jeopardize women's rights.

According to our understanding of the Accord, section 25 of the Canadian Charter of Rights and Freedoms (concerning native people) and section 27 (concerning multiculturalism) were expressly included in section 16. Why?

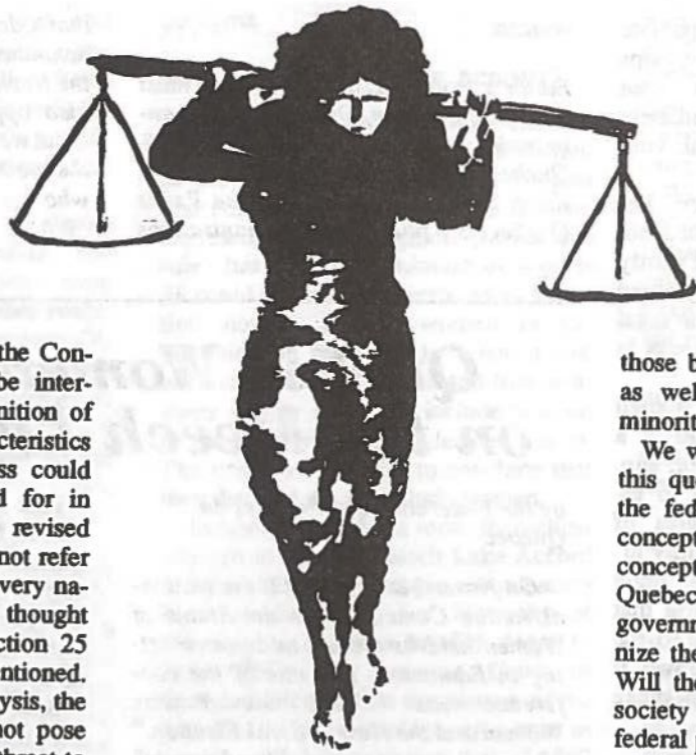
Because the new section 2 of the Constitution Act of 1867 could be interpreted to mean that the recognition of Canada's fundamental characteristics and of Quebec's distinctiveness could undermine the rights provided for in those sections. But since the revised section 2 of the 1867 Act does not refer to matters that can, given their very nature, affect women's rights, we thought it quite plausible that only section 25 and 27 of the Charter be mentioned. Therefore, according to our analysis, the Meech Lake agreement does not pose an explicit nor even a potential threat to Quebec women's rights.

We are not trying to say that women's rights in the province of Quebec will never be threatened. What we are trying to say is that the history of women's rights clearly illustrates that we no not need to bring the concept of a distinct society into play for our rights to be compromised or threatened, and that the concept of a distinct society is a neutral concept which does not in itself negatively affect women's rights.

Nor do we want the concept of a distinct society or Canada's fundamental characteristics (francophone in Quebec and anglophone in the rest of Canada) to be used to set back women's rights. In Quebec, respect for women's rights is more and more becoming part of the political culture. As a matter of fact, the progress we have made with regard to the status of women is linked to the concept of a distinct society.

Defining a distinct society

In the letter we sent to Prime Minister Mulroney and Premier Bourassa last May, before the signing of the Constitutional Accord, the Federation des Femmes du Quebec deplored the fact that the concept of a distinct society had not been defined.



We are fully aware that the province of Quebec has already ratified the Accord and we do not think it will be possible to make any changes to this clause.

However, in an attempt to influence the way in which this concept might later be interpreted, we want to reaffirm that, despite the importance that the language question has for us, the concept of a distinct society also involves other fundamental aspects.

Although we do not pretend to present a perfect or all-encompassing definition, we would like to remember the one used by Claude Ryan in his *Livre beige sur la federation canadienne*.

According to Mr. Ryan's definition, our distinctiveness as a society includes "our laws, our legal system, our municipal and provincial institutions, our volunteer organizations, our media, our arts, our literature, our educational system, our network of social and health care services, our religious institutions, our savings and loans institutions, as well as our language and our culture."

Therefore, the concept of a distinct society is relatively complex. Even on a strictly linguistic level, we are not con-

vinced that all the aspects or the effects of this concept have been analyzed.

The fact that we belong to Quebec's francophone majority should not cause us harm at the federal level. Because we belong to this majority, we are unable to develop a national strength in the Canadian sense of the term. We are excluded from

those benefits given to national groups as well as those given to linguistic minorities.

We would very much like to discuss this question in order to find out how the federal government will view this concept. It does not have to promote the concept of a distinct society. This is Quebec's responsibility. But the federal government will at least have to recognize the existence of a distinct society. Will the fact that Quebec is a distinct society be taken into account in certain federal policies or programs?

Take the financing of women's groups as an example. Last spring, the Federation des Femmes du Quebec explained the problems it had in trying to obtain financial support similar to that offered other groups that enjoy a "national" status. These problems were due to the fact that the federation did not meet the territorial criteria of the Women's Program of the Secretary of State of Canada.

Should the Accord be amended?

As far as the concept of a distinct society is concerned, our basic position would not coincide with the request that the Accord be amended in order to protect us.

Although it is true that we do not recommend that the Accord be amended, the Federation des Femmes du Quebec would not object to an amendment to include section 28 (sexual equality) of the Canadian Charter of Rights and Freedoms in section 16 of the Constitutional Accord, as was suggested by the National Action Committee on the Status of Women.

The intention of the signing parties to respect equal rights was expressed under circumstances to which the courts will probably never be able to refer. We would have preferred that the parties to

legal drafting, clause 16 of the Accord may indeed look rather clumsy. Our analysis has shown that the addition of section 28 (sexual equality) of the Charter along with sections 25 (aboriginal rights) and 27 (multiculturalism) can be justified as follows: section 25 and 27 are both interpretation sections, and section 28 of the Charter is also an interpretation provision. Thus the explicit reference to section 28 in clause 16 of the Accord would be allowable.

However, we in the Federation des Femmes du Quebec, also feel that the inclusion of section 28 of the Charter should be done, not because it is necessary to protect rights that are apparently threatened, as is the case for sections 25 and 27 of the Charter, but to provide a logical confirmation of the nature of clause 16 of the Accord, which seems to have been the First Ministers' intention in any case. In our opinion, the amendment is necessary in the interests of consistency, rather than to reassure certain groups.

The inclusion of a reference to section 28 of the Charter in section 16 of the Accord would not affect the substance of new clause 2 of the Constitution Act 1867 and would not upset, in our opinion, the order of interpretation established in that clause. We would certainly not support any amendment that could jeopardize the very essence of the Accord.

Cost-sharing programs

Constitutional recognition of the federal government's spending power in fields of exclusive provincial jurisdiction is the existing situation. In our comments to Mr. Mulroney and Mr. Bourassa last May, we made the point that the complex problems around spending powers occur in both the political and legal spheres.

Spending power has been used in the past in extremely judicious ways to promote the interests of women. For example, the federal government required that health care be provided free of charge before it would give funding for the provincial medicare program. Quebec was originally opposed to this requirement. There was also the example of the battle against extra billing that was waged by Ms Monique Begin.

However, the spending power can also be used to work against our objectives in some areas. One example is child care. A federal parliamentary committee recently suggested that the main way of helping parents should be to give them money directly rather than invest in infrastructures to increase the number of day care spaces. Women's groups have always asked that priority be given to non-profit organizations in the creation of child care spaces. This is a policy put forward by the Quebec government. Even though the amounts invested by the Quebec government have never been adequate, its approach to day care is in keeping with our demands. If the federal government were to give money to parents directly, the results would be catastrophic, because the development of the whole network of child care services would be jeopardized.

For this reason, it is essential that the extent of federal involvement in areas of exclusive provincial jurisdiction be specified and that the terms be better defined.

National objectives

Here we have many questions.

For example, in the case of child care, would the objective be to assist parents with children, to offer the necessary child care services to all the children of Canada, or to assist parents with children by providing funding for a national child care network?

Who will be defining the national objective, the federal government alone or the federal government in co-operation with the provinces? At what point will an objective no longer be national? If half of the provinces decide not to participate in a federal program, will it still be a national program?

Does the Accord refer to general or to specific objectives? Is there a distinction made between the characteristics, standards and objectives of a program?

Another of our many questions is how will national objectives be defined in the case of a program that could have an impact on the distinct society concept?

We think that, out of respect for provincial jurisdictions, these questions must be clarified, as must the terms "initiative" and "compatible." For ex-

ample, "compatible" could be interpreted in many ways. It might not necessarily mean that an initiative must be of the same type or that its objectives be similar. In an extreme case, "compatible" could even mean "that does not run counter to."

Are we happy?

In conclusion, we are pleased to see that Quebec is recognized as a distinct society within Canada. However, we deplore the fact that the extent of this recognition is not spelled out more clearly. We think the language and culture are fundamental components, but they are not the only components of our distinct society.

As to the relationship between the implementation of the Accord and equality rights, we have been unable to conclude that the Accord poses any particular danger. We want our rights to be respected, and we do not think that the struggles we have engaged in to date will lose their meaning once the Accord is ratified.

Finally, we hope future consultations on the Constitution will give us an opportunity to intervene in time to influence the direction of government policy. ♀

The Vancouver Lesbian Connection

876 Commercial Drive
254-8458

Legal Advice Workshop by Ruth Lea Taylor. January 18, at the VLC. 8 to 10 p.m. Topics are: legal treatment of same-sex marriage, historical treatment of homosexuality in divorce cases and custody issues.

Annual Valentines Dance on February 12, 1988 at the Capri Hall, 3925 Fraser Street, Vancouver. 8 p.m. to 1 a.m. Admission: sliding scale, \$4 to \$6. Child care will be provided and is off-site. The dance hall is wheelchair accessible. Call the VLC for more information or advance tickets.

Toward an Abortion Clinic for BC

by Jackie Ainsworth

On October 18, the BC Coalition for Abortion Clinics held a march and rally to protest lack of access to abortion in BC and elsewhere in Canada. (See the last issue of *Priorities* for a description of the event.) A decision on the Morgentaler case now before the Supreme Court will be announced either on December 17 or early in the new year. One reason for the countrywide rallies was to put pressure on the authorities to rule in favour of Dr. Morgentaler by exposing the injustice of the current federal law and by demonstrating support for the establishment of free standing abortion clinics. The following is the keynote speech delivered by Jackie Ainsworth, a spokesperson for the BCCAC.

I am one of four elected spokespeople for the BC Coalition for Abortion Clinics and I am very proud to be speaking on behalf of the Coalition. I am a bankworker. I work in a downtown bank branch. I'm here today because about one year ago I was sitting in a meeting similar to the one we are in now. I listened to two women from OCAC, the Ontario Coalition for Abortion Clinics, speak about their battles in Toronto. The reality of the Toronto clinics, the strength of the women and their commitment inspired me to become involved in the fight for a clinic in Vancouver.

Today, in Newfoundland there are almost no therapeutic abortions being performed. There have been none performed in PEI since 1982. Quebec is facing massive cutbacks in funding to their community and women's health centres to the point where some centres have closed. Ontario women face constant harassment and abuse in order to enter the two clinics operating in Toronto. In Saskatchewan there's only one hospital actually doing abortions, and you have to be a resident of Saskatoon even to be eligible. In Alberta women now are forced to pay for the cost of the anaesthetic used in the abortion procedure and 70% of all abortions are per-

formed in 3 hospitals.

In BC the situation is as critical. In Smithers, you have to meet personally with the hospital T.A.C. (Therapeutic Abortion Committee) to justify your reasons for wanting an abortion. In Lillooet, a woman waited for over four weeks to hear from the hospital committee only to find out that there was no T.A.C. at all and that her doctor had openly deceived her. In Richmond the newly elected anti-choice board of six weeks has withdrawn all abortion services. Richmond General once performed about 400 abortions a year.

Premier Vander Zalm and his health minister Peter Dueck have tried to impose their personal religious views on us. Last spring, Vander Zalm commissioned a report on abortion. Even that report does not support Vander Zalm's efforts to further restrict access to abortion. In fact, it recommends maintaining the status quo. Needless to say, we haven't heard a lot from the government about the report since its release. Maybe that's because every time Vander Zalm opens his mouth on the abortion issue, he loses popularity points.

The current law does not safeguard our right to abortion but makes abortion just accessible enough to neutralize pressure for outright repeal. There is access in this country, but it is a very privileged access. It's working class women, immigrant women, and young women who are denied access. As June Callwood said, "If you've got money and a travel agent you can get an abortion."

Well, that's not good enough and we've had enough. We're going on the offensive. We are going to challenge one of the most anti-woman governments we've seen in many years.

The Coalition is born

In the last year women activists in Vancouver and the Fraser Valley looked to the coalitions that have been built in Québec and Ontario. They have built movements in those provinces that have involved, mobilized and empowered women.

The severity of the crisis in this province led us to call for the formation of a BC coalition that would support the opening and defence of an abortion clinic in Vancouver. The basis of unity of our coalition is wide ranging. It says "we seek the establishment of women's reproductive health clinics throughout the province, that include abortion services, and that are funded by the Medical Services Plan, but that in the interim we establish and support the ongoing operation of an abortion clinic in Vancouver and that we demand this service also be funded by MSP."

The Coalition is expanding. Some of our member groups include the BC Federation of Labour and individual union locals, the NDP, UBC Students for Choice, the Vancouver Women's Health Collective, the Vancouver Lesbian Connection, Physicians for Choice, and of course CCCA, Concerned Citizens for Choice on Abortion, and Fraser Valley CARAL, the Canadian Abortion Rights Action League.

We realize that the campaign to open a clinic is only part of a long term struggle for reproductive freedom for all women. The struggle has been carried on by our mothers, our grandmothers, by thousands of women before us. There are a whole range of feminist issues involved:

- the right to decide when and if we are going to have children
- the right to safe and effective birth control, with information and services in our own communities and in our own languages
- the right to childcare and paid parental leave
- the right to determine our own sexuality as women
- the licensing of midwifery
- an end to forced or coerced sterilization, which particularly affects native women and all women of colour
- and of course the right to full access to free abortion.

If we are truly to have choice then all of these demands must be met. Abortion clinics are the cutting edge in the fight for these rights.

Why a clinic?

A clinic will be more attentive to a woman's emotional needs. It will be more compassionate and non-judgmental. Staff working in the clinic will work there because they're committed to a woman's right to choose. It will be safer for us. There will be fewer delays. That alone will reduce the medical risks. We won't have to go through the ridiculous process of finding a pro-choice doctor, getting an appointment with a gynecologist, being interviewed by her, having our application put before a hospital committee and then waiting for their decision.

With the clinic the decision will be ours. Once we have decided, we will phone the clinic and make our appointment. We'll control the process. In the clinic there will be counselling for us, both before the procedure and after. There will be information about birth control and support for the difficult decision to terminate a pregnancy.

Fighting for access is a political battle

Our clinic will be the focus but the clinic itself will not win the battle. What will win the battle is a broadly based political movement that will support the opening and the defence of fully funded clinics from coast to coast.

In BC we are building a coalition that

is rooted in the women's movement, that will involve the trade union movement, immigrant communities, lesbian and gay organizations, anti-racist groups, riding associations, student groups and many committed individuals. Our goal is to win a breakthrough, to make the abortion law unenforceable.

Every time a clinic is opened it is a challenge to the law. When the law is clearly unenforceable the government will have no option but to remove all restrictions on abortion from the criminal code and legalize our clinics. We cannot offer harassment-free, universal access until the law is changed. This is not an abstract struggle. There is something very concrete to be won or lost, right now.

The right to choose is essential for women's emancipation. The polls tell us that the majority in our country support a woman's right to choose. So why is the government so afraid of this issue?

We believe that it's because reproductive freedom is so fundamental to women's liberation that it scares them. They're afraid to give up control over our lives. That's why this is such a historical struggle, like the struggle for the right to vote, the right to unionize, the right to assemble. If we win abortion rights, it will mean an incredible breakthrough in the broader struggle for reproductive freedom and the long term

goal of women's emancipation.

We've had enough studies, government commissioned reports and discussion. We are going to see that women in this country receive therapeutic abortions in free standing clinics.

What can you do to help?

I know you're angry about this situation, about this law. Please be vocal about it NOW. Sign the coalition membership form, pay \$5.00, make sure any group you belong to becomes a member of the coalition. Become an activist! There's lots of work and there are several committees to choose from. We need committed individuals, women and men. If you can't spare the time or energy perhaps you can demonstrate your commitment by contributing financially.

We pledge, here today, that the next free standing abortion clinic in this country will be opened in our city. It will be opened in Vancouver.

No matter what anyone may personally feel about abortion, the right to choose, the right for each woman to make up her own mind is fundamental, if the liberation of women is ever to be a reality.

To contact the Coalition, phone 873-5455 and leave a message, or write to P.O. Box #66171, St. F, Vancouver B.C., V5N 5L4

The Outcasts



(reprinted by permission of the artist)

Cartoon from *Pro-Choice News*.

by Ben Wicks

Will the Fisher Commission Establish Electoral Fair Play?

by Joanne Elliott

The facts are disturbing and the facts are these. In 1983 the Socreds received 49.76% of the popular vote; in 1986 this percentage was reduced to 49.32%. At the same time, because of doubling up in strongly supportive Social Credit constituencies, the Social Credit party increased the number of sitting members from 35 to 47. The New Democrats, on the other hand, decreased their popular vote slightly, from 44.94% to 42.60%, and maintained the same number of seats (22).

Another glaring inequity of doubling up, which puts the ball clearly in the Socreds' courts as far as forming a government, is the electoral advantage gained. In the last election it took 37,479 votes on average to elect a New Democrat, and only 20,309 to elect a Socred.

The Fisher Commission was established by Order-in-Council No.690 and mandated The Honourable Thomas Kemp Fisher, a judge of the County Court of New Westminster to "inquire into the composition of those electoral districts that now return 2 members to the Legislative Assembly and into the composition of the electoral districts that are contiguous to those electoral districts that now return 2 members."

The judge was asked to consider the following during the course of his deliberations: the principle of the elec-

toral quota; historical and regional claims for representation; special geographic considerations; special community interests; and the need for a balance of community interests.

The commission began its hearings in Langley on June 22 and wound up in Vancouver on August 6, after having visited thirteen British Columbia communities. By resolution of the Provincial Council, the New Democrats decided to participate in electoral redistribution on the basis that past provincial redistribution practices had been blatantly unfair and had resulted in such inequities in representation around this province as detailed above—from the aberrant boundaries drawn by the Eckardt Commission of 1978 to the 1984 doubling up formula.

The ball is in the Social Credit court on yet another count. It seems that, rather than the findings of the Commission going to an all-party Legislative Committee, Cabinet will decide how the recommendations will be implemented.

An inviolable principle which would ensure electoral fair play is the principle of one person one vote. What exists at the present time, however, because of doubling up, is the unfair practice whereby in some ridings one vote is worth as much as three times that in another riding. A Socred proposal that would perpetuate this would have, for example, a constituency of 48,000 next

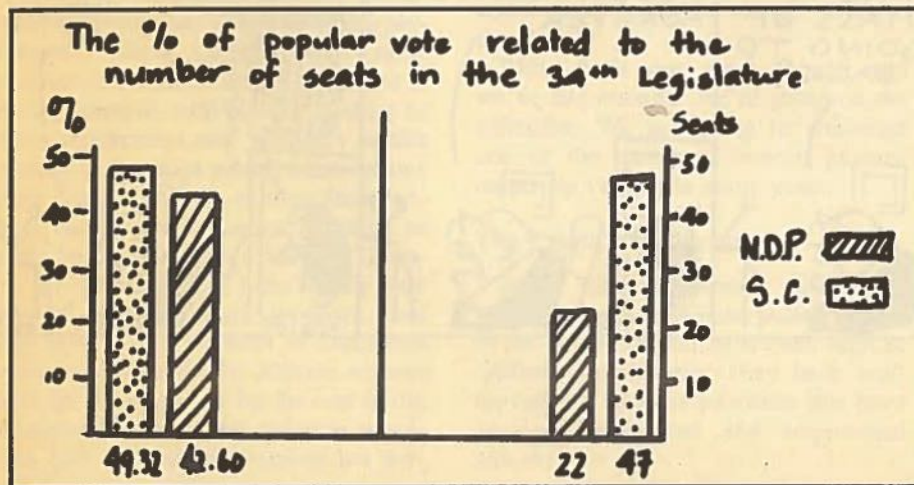
to one of 68,000 and another of 23,000.

Basically, the New Democratic Party has been asking the Commission to look at establishing a new electoral map with single-member seats of fairly equal population based on the provincial electoral quota and not varying by more than ten per cent plus or minus. Other criteria to be seriously considered in redrawing the map are community interests, transportation and communication links, industrial and occupational groupings, and regional and municipal boundaries.

It would seem that the effort expended on providing input to the Fisher Commission has been worthwhile in that Judge Fisher asked that the terms of reference be extended to examine the entire electoral map. To this end, Cabinet announced on September 17 that a full redistribution to determine the number of seats in the province would be taken under consideration. The hearings will resume at the end of October and continue until February with a report being issued in March-April. If necessary, further hearings could take place in May and June and the final report be ready for the 1988 fall sitting of the Legislature. We can but hope that justice will not only be seen to be done but that it *will* be done.

Update: The NDP presented a brief on November 24 supporting the position that the size of the legislature be increased to preserve representation from sparsely populated regions of the province. The Commissioner will make public his decision regarding the number of seats on December 10.

Call for resolutions: The deadline for submitting resolutions for the 1988 convention is February 5, 1988. The next WRC Steering Committee meeting will be on January 16, 1988. Bearing these two dates in mind, please contact Joanne Elliott at 926-2471 if you would like to put forward a resolution.



Women in Zimbabwe: the Bitter and the Sweet

by a woman living in Zimbabwe who must remain anonymous

At the Commonwealth Conference which took place in Vancouver in October, leaders of the 49-nation grouping received submissions on many subjects. Among those were some from a conference which took place August 3 to 6 in Harare, Zimbabwe. Twenty-seven ministers responsible for women's affairs were represented in some 35 delegations, and discussion centred on the economic contributions of women to development. In contrast to the Nairobi conference of 1985, a substantial number of delegates, 25% according to some reports, were male: the Zimbabwean delegation, for instance, had "tried not to be segregative by including men so that a cross-section of views would be heard," according to Comrade Joyce Teurai Ropa Mujuru, Zimbabwe's Minister of State for Community Development and Women's Affairs. She was also elected chairperson of the conference.

The guidelines for a plan of action to be presented to the Commonwealth Secretariat Division of Women and Development called for member governments to give women a chance to participate in decision-making in their countries. This necessitates internal training, recruitment and monitoring of women and development issues in the Secretariat itself. Malaysia's representative even called for a clause to compel Commonwealth governments to abide by the proposals to improve the status of women.

Proposals not new

But don't hold your breath. The same action plan was outlined by the Secretariat in 1985 and despite expres-



Women in Southern Africa: cover graphic from a book by the International Defence and Aid Fund.

sions of intent, about 50% of Commonwealth governments have not implemented or even considered legislation in support of the plan. The Canadian representative, Mrs. Barbara McDougal said that "the plan should include ways of ensuring that the Secretariat... would carry out its tasks without just paying 'lip service' to them." Canadian women must judge the sincerity of the Tory government's support. Zimbabwe has put several important pieces of legislation in place since Independence, and more should follow based on the amendments to the action plan.

Roundups of women

But Cde Mujuru must have felt herself in an awkward position. In an action against so-called "prostitutes," the weekend before delegates were to arrive, Friday July 25, in several centres around the country, women were indiscriminately rounded up from bars, beer-halls and hotels, girls were taken from discos, wives from husbands (unless

they happened to be carrying marriage certificates with them). They were told to pay a deposit fine of \$50 or spend the weekend in jail and appear in court the following week. The vast majority paid the money while denying being prostitutes: they feared for their jobs if they were absent on Saturday morning or were named in the court lists, and many had children at home who could not be left for days.

In Zimbabwe, as in BC, prostitution is not illegal. The offense is soliciting, and the fine is considered an admission of guilt to a criminal offense and may cause repercussions in the future. With the speed of the round-ups, it is not possible for police to have gathered evidence of soliciting, and claims of stopping the spread of STD or AIDS have been deemed "ineffective" by local medical doctors. The real reason is harassment and intimidation, and this was not the first time.

1983: Operation Cleanup

Ruth Weiss in her book *The Women of Zimbabwe* describes how, in late October 1983,

the police, army and eventually even the ruling ZANU party's Youth Brigade swooped on women, 6000 in all, and dragged them off to prison cells on suspicion of being prostitutes.

The women were not charged, but detained under the Emergency Powers Act, inherited from Ian Smith's government, and most were taken to a desolate camp in the hot, dry Zambezi Valley. Some were held for months. As with the most recent action, press coverage in Zimbabwe was, as Weiss says, "almost coy" in tone, with far more information coming from the international media coverage.

Reaction was strong, and mixed. A group of black and white women, some expatriates but most Zimbabwean, formed the Women's Action Group, which has continued to hold periodic seminars and to publish a newsletter on women's oppression. Letters to the *Herald*, the national daily, praised the action for removing prostitutes who may have "stolen" husbands' Christmas bonuses; others bitterly asked if women now had to carry employment papers or a marriage certificate as a pass to be on the streets. Many marriages broke up and jobs were lost from the suspicions and stigma of arrest.

Zimbabwe: A Changing Society

This did not happen in a vacuum of course. Weiss' book gives an excellent background picture of a society in change, particularly in its view of the position of women, and the roundup was in reaction to uncertainty and confusion with a strong element of discipline. Prior to the war of liberation, the lives of white or Asian women or even some bourgeois educated black women were quite separate from those of most black women. Zimbabwe is still overwhelmingly rural in character, and the traditional woman is quiet, industrious, obedient to her husband and in-laws, produces many children, often feeding and clothing them from her own labour in gardens, farms, crafts, etc. Education is still primarily a male need, but the more educated a girl is, the higher can be the lobola or bride price demanded by her father from a prospective groom's family.

The liberation war, ending in Independence in 1980, saw young women joining their male comrades in training camps in Zambia and Mozambique, not only fighting and caring for fighters, but taking active training and political consciousness-raising roles, even being sent overseas for higher development. Cde Mujuru still uses her Chimerenga or war name of Teurai Ropa meaning "spill blood." When these women returned to their homes, they often found it difficult to resume the subservient attitudes expected of them. Some couldn't find their old homes—their families had been moved to so-called "protected villages" by the Rhodesian forces, and in 1980 they joined those

needing resettlement. Others simply took their demobilization pay and tried city life, with husbands and/or children acquired during their service years. Similar changes happened to many in the upheaval of early post-war Zimbabwe. In some cases, having a child by a combatant was a source of respect, but in others led to family rejection.

An important result of the disruption of war and urbanization was the decline of traditional support of wives and children. Sex education, taboo from parent to child and done by aunts and uncles was also lost and remains a real problem for Zimbabwean young people. Many people consider a woman who is sexually active outside marriage to be a prostitute, whether she has a job or not.

The drought from 1980-1984 saw many women drifting into squatter communities around the cities, where the "last resort" of prostitution kept (and still keeps) their children and often large extended families in food, clothes and where possible, school fees. Unemployment is a growing concern of the government, with less educated, young single mothers in their usual position: underneath.

Old traditions hard to overcome

One important aspect is polygamy, where under customary laws, a man may marry as often as he pleases. Traditionally this would be limited to what

he or his family could afford, but now it often means that a second wife and family gets the paycheque leaving the first wife to maintain her children on her own resources. This also results in a high rate of schoolgirl pregnancies, from promises of marriage which seem quite credible from older men, or from gifts and attentions of "sugar daddies." Pregnant students are obliged to leave school, usually for good, and occasionally the male student involved is also thrown out. Urban men take on mistresses as status symbols, and married and single men hunt in groups for women. Women in bars, whether alone or in the company of men, are hassled unpleasantly.

Abortion is available only for incest, rape (if it was reported at the time) and danger to the mother's life, and even in these circumstances it would take money and a very strong will to counter societal disapproval. Child-spacing clinics encourage contraception, but not for single women or schoolgirls. The economic pressures and social constraints of pregnancy lead to many cases of infertility or death from illegal abortions, mechanical or herbal. When these fail, the unwilling mother resorts to baby-dumping, killing or abandonment of the newborn. These women are reviled in the media, speeches and pulpits, and those who are traced get tough prison sentences, but the practice con-

Photo by Paul Weinburg, Centre Eye Photographic Society



During the week of the Commonwealth Conference in Vancouver, a parallel conference on apartheid was held. This photo was used in the publicity for the parallel conference and symbolizes the opposition of women in South Africa and the front line states (such as Zimbabwe) to the oppression of apartheid.

tinues. Did this cause the roundups? To quote Weiss,

Abhorrence over baby dumping may have started it all, but male insecurity must also have been responsible. Male dominance had been challenged in Zimbabwe since Independence. Women who carried the gun during the war had demanded emancipation after it: equal training and equal job opportunities. The old image of the subdued woman appeared to be disappearing. Men, ill at ease in any case at the swift pace of change, reacted too strongly. When women were suddenly helpless and, thanks to a directive from the highest level, at their mercy, they lost their perspective, their common sense and the respect they had been taught to show to women. When it was all over, sanity seemed to return. The veil of secrecy which foreigners had failed to penetrate was possibly beneficial. Society could lick its wounds, heal rifts and start again.

Legislating equality

There have been a number of pieces of legislation passed in the intervening years, which have attempted to further the government's avowed socialist aims of equality. Possibly the most far-reaching is the Legal Age of Majority Act, passed in December 1982, giving adulthood to all at age 18 and enabling them to vote, enter a contract (including marriage) and open and operate a bank account. Thus ended the disability of minority status which had governed African women throughout their lives, no matter what their age, educational abilities, economic status or marital state.

However, even now, if a woman "chooses" to marry under Customary Law rather than a Civil or Registered Marriage, she still has the status of a minor. Most of these women are rural, uneducated, unaware of their new rights under the law or the implications of their choice. The Majority Act has been blamed for unwanted pregnancies, "sugar daddies" and seduction of young women. Some have said that the government has gone far beyond the

cultural values of Zimbabwe, destroying respect for parents, now that a young woman can choose to marry without lobola. Rumours of "backtracking" on the legislation appear occasionally as debate continues.

The Matrimonial Causes Act, January 1986, provided for property to be divided between husband and wife if they divorce, but again, the majority of women have little awareness of their rights and little access to legal facilities. With an unregistered relationship, the community courts which hear such cases may decide that because there were no children, there was no marriage, and the woman is not deemed to have contributed if she didn't hold a waged job.

The Maintenance Act allows for even divorced, separated or unmarried mothers to apply to the courts for maintenance from the father. The amounts granted vary according to region, social class and economic standing of the father, and arrears of many months are common. Higher courts make the rulings which must be enforced and collected by community courts, and stories are common of friends and relatives of the man altering the amount or the court order itself. Many women are reticent to claim maintenance which gives the father traditional rights over the children for whom he has "paid". Many men say women are now making a "business" of children.

The most recent major act was the Inheritance Bill which seeks to divide an estate fairly between a wife and dependents. This too conflicts with tradition, which says that a woman owns only her personal household goods. The children and the furniture as well as larger goods and property belonged to the husband's family. After about a year, the deceased's goods were distributed to various family members and the wife could choose to be "inherited" by a brother, and she probably kept any cattle or goats which were traditional payment for daughters at marriage (separate from the lobola). Recently this waiting period has been disregarded, and often a home is stripped within days of the funeral, the woman being left to support children who are not desired for their labour and will cost to educate, feed and clothe. It is hoped that this act will end this injustice, but even under the

law, polygamy complicates it with the later wives and children getting smaller and smaller shares. In one well-known case, a daughter was allowed to inherit instead of the deceased's father or brothers, and much public opinion still felt that she would now "squander" the estate, having no loyalty to her father's dependents, but only to her husband's family!

Legislation vs tradition

When Cde Mujuru said that Zimbabwe could act as a good example to other Commonwealth countries in its furthering of equality for women, she was speaking truthfully; the legislation is far beyond that of other developing member countries. However, the problems of a patriarchal tradition and a sexist industrial society, exacerbated by unemployment, drought and destabilization of the frontline states by South Africa, leave a long road to be travelled towards true equality and full participation. In spite of the declared support for a socialist equality and legislation to enable it, the continued organized harassment by police and the support it still generates in the community reveal a basic double standard. Police in Zimbabwe do not act without support and direction from above. Cde Mujuru might say that "it's not a solution to arrest them (prostitutes)," but some elements of the government feel powerful enough to act against women generally, even using provisions of the Emergency Powers, weapon of the Rhodesian government to prevent blacks from moving towards a fair share in their country.

Speak out for sisters

In a struggle, there is always the question of publicity: should a group or society be left to deal with its problems on its own, or should the successes and failures be discussed in a wider field? Ruth Weiss hoped that keeping private the question of the 1983 actions would allow Zimbabweans to find their own solutions. The anti-women actions suggest this has not happened. Perhaps Zimbabwe needs to hear the concerns of others who support its avowed intention of building socialism. Perhaps the Commonwealth Conference in Vancouver was a chance to voice those concerns. ♀

Where Are You Going?

by Mae Burrows

The idea for this rock video on the Cinderella complex came from two sources. I was working with Donna Stewart from WomenSkills Development Society and we were concerned that even though women comprise about 42 percent of the work force, many young women today still believe in the Cinderella myth. I see the consequences every day in my work as a community college instructor in Adult Basic Education, where I frequently work with women from 25 to 40 who, at one time in their lives, bought into the Cinderella myth and today find themselves with no Prince Charming, no education and no job skills. Donna and I felt we needed an upbeat, non-preachy way to start talking to young women about planning their futures.

Also, as a video artist and feminist, I was intrigued by the rock video genre. It is no secret that almost all rock videos are extremely sexist, but they are a significant cultural form, and their power in transmitting values and messages cannot be underestimated. The structure of rock video—the combination of action, music, lighting, editing and computer graphics—excited me and I wanted to play with the medium and attempt to transmit more progressive messages and values.

The four-minute video opens with a young woman day-dreaming in her high school math class. She dreams about her Prince Charming, about marriage and living happily ever after in her dream home with two children and successful husband. But suddenly her husband is not going off to work any more—he

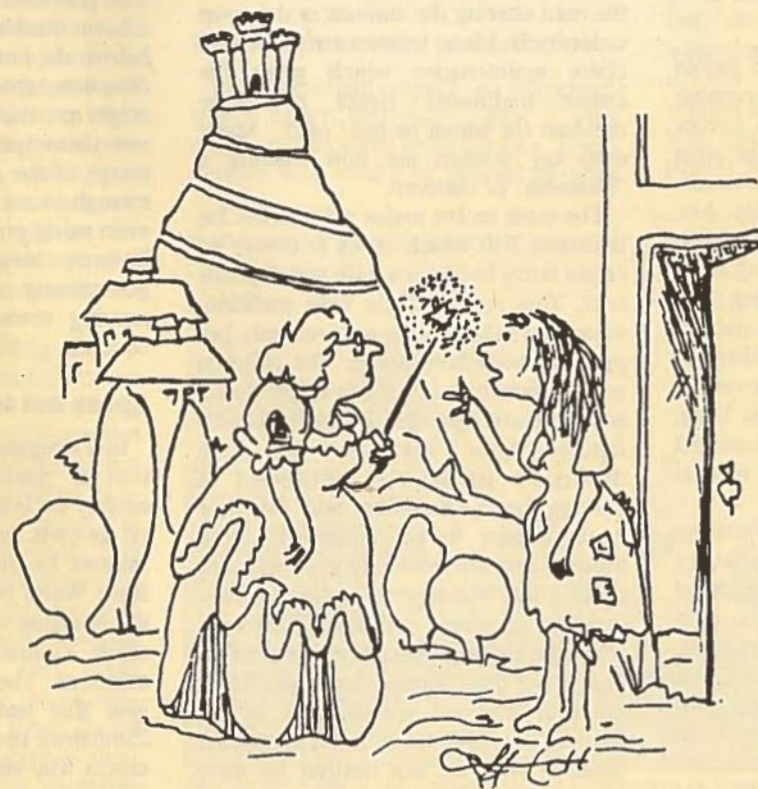
is laid off—and she becomes discontented with her lot in life.

The chorus urges her to reach out and take a chance in creating a new life for herself. The video ends positively but does not propose solutions. It is open-ended to encourage classroom or group discussion.

The music was written and performed by the Vancouver women's band, "Key Change."

The video is accompanied by a kit which includes guidelines for a discussion on sexual stereotyping, career options and life planning. The responses have been positive and interesting.

Teenagers generally respond favorably to the video, but many of them, especially around the grade nine level, say, "That will never happen to me—when I marry my Prince Charming it will be forever."



I would rather have a union job please.

On the other hand, my Adult Basic Education students generally respond very strongly and all sorts of discussions open up about the Cinderella myth. I have heard some women say "I wish someone would have shown me that video when I was a teenager!"

One of the most interesting comments came from a 16 year old who said she liked the video but it wasn't really a rock video: women don't act like that in rock videos. She said that in this video women were friends to each other and to the men, and they were doing things together. Presumably in 'real' rock videos women are not friends, do not cooperate, are not in control of their actions, and are not equal with men.

So for me the video raises an interesting question. Is it possible to use a cultural form which is inherently sexist to convey progressive values? If the content varies so greatly from what is expected by the viewer, the product probably cannot fit into the genre.

The video, for sale or rent, is distributed by Canadian Filmmakers Distribution West, 1131 Howe Street, Suite 100, Vancouver B.C., V6Z 2L7. Telephone: 684-3014. ♀

Mae Burrows teaches Adult Basic Education at Douglas College. She has produced "Locked Out at Slade and Stewart," a documentary about one of the longest and most vicious company lock-outs in BC's history. Recently she has completed production of "Access Review," a video about accessibility for the disabled for the BC Coalition of the Disabled.

Priorities,

What do the Vietnam veterans in Canada, the movie Hamburger Hill, and the Contras, have in common? They are all cards in the same suit which the Pentagon is dealing from the bottom of the deck, to turn up the winning hand in the game for Nicaragua.

Canadian vets, some sporting Purple Heart awards, newly surfaced as the forgotten heroes of the Vietnam war, insist they are not looking for glory. They are just begging for help to pay their way to Washington for money to set up a network in Canada—to do what? Recruit for the Contras! Stranger schemes have been concocted, and exposed.

Approximately 30,000 Canadian mercenaries, not draftees, wallowed in mud and suffered grotesquely alongside the GIs. To make sure we appreciate their heroic sacrifices, we are being deluged with the likes of *Apocalypse Now*, *Rambo I and II*, *Platoon*, *Full Metal Jacket*, and now *Hamburger Hill*. All dedicated to those who died, 10,000 miles from home, to save the world for democracy. Those who returned with ill-effects from having handled defoliants—which, although rarely added, also "rained down 240 million pounds of Agent Orange, including 500 pounds of dioxin, destroying four million acres and nine million people,"

(*Southeast Asia Chronicle*, June 83)—found themselves fathering babies with birth defects.

Worst of all, this was happening on the wrong side of the border. No war pensions here from the American war coffers.

Michael Walsh, reviewing the film *Hamburger Hill* for the *Vancouver Province*, on September 1, wrote: "the real tragedy of 'Nam (sic) was not the death and destruction. It was and remains the fact that for the men who fought and the nation for whom they fought, 'it don't mean nuthin'."

If "the real tragedy" was not the bombing and slaughter of innocent villagers by foreign troops, sporting slogans such as *Death is Our Business and Business is Good*, and for extra laughs, if it was not having their thatched cottages torched by Zippo lighters setting an entire hamlet ablaze, then it is high time Canadian audiences examined their own sense of values.

This recent Hollywood bash of movies must be recognized as the thin edge of the Pentagon's wedge, as it rewrites history through the relaxing process of entertainment. The slack in critical reviews of Vietnam movies is matched by the lively publicity for this new Canadian Viet Vet show. If there is any doubt as to who is calling the tune, the same week at Quebec City Mulroney called for unity at the Fran-

cophone Conference, then, grovelling to US pressure, Canada was the only one to vote against Palestinian self-determination. What may not have been quite as apparent was how we were voting away our own right to self-determination.

If there is no hidden agenda to the network planned by the Vietnam veterans in Canada, let them openly declare themselves against the Contras, their counterpart in Nicaragua.

Claire Culhane (former Administrator of Canadian Tuberculosis Hospital, Quang Ngai, South Vietnam, 1967-68) Claire Culhane is the author of *Why is Canada in Vietnam? The truth about our Foreign Aid*. NC Press. 1972.

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