
Harassment of the Body Politic Continues

On March 6, just as issue 51 of *The Body Politic* was coming off the printing presses, we were told that the acquittal handed down on February 14 was going to be appealed. The political harassment of our publication, which has already cost us \$30,000 and countless hours, and subjected it to severe economic hardship, will continue, perhaps for as much as another 4 years.

Although the paper was not charged with obscenity, the Toronto media have created their own "Body Politic obscenity trial." They have led people to believe that the decision had really been unfavourable, and that Mr Justice Harris had been unable to convict us because of weak laws. The moral of the story: stronger obscenity legislation, which Justice Minister Marc Lalonde has assured us is forthcoming.

What Mr Justice Harris in fact said was that *The Body Politic* is "a serious journal of news and opinion" and that the article "Men Loving Boys Loving Men" was "not written in prurient style nor does it have the typical hallmarks of hard-core pornography — it is not lascivious, sexually stimulating or titillating. It forcefully argues in favour of a particular attitude of non-condemnation of pedophiles."

The spectre of child molestation has been used in *The Body Politic* case to divide the feminist community from the gay liberation movement by discrediting one of the most respected voices of gay liberation because it supposedly urges gay men to sexually assault children. Nothing could be further from the truth. We invite you to read the reprint of the original article in our latest issue to see that the charge is unfounded. And we must not lose sight of the fact that women, lesbians and gay men have common enemies and a common powerlessness. As a feature article in the latest issue of *The Body Politic* states, "people who are young or female or gay and who have tried to examine the implications of being these things in a world that is run primarily for the benefit of those who are white, adult, male and straight, have a perspective on power because they know powerlessness. Those who have power rarely perceive it, rarely see how it works. As gays and lesbians and women, we have seen it from the bottom up." Above all, we who are without power should resist laws passed under the guise of 'stemming the tide of filth' which are really designed to reinforce the control of the white, adult, male straight world over us.

The rights of women will never be won at the expense of gay and lesbian liberation. We must march together as allies.

The Body Politic Free the Press Fund

WHAT HAPPENED Delayed reaction

Monday, November 21, 1977

Issue no. 39 of *The Body Politic*, one of the largest circulation Canadian periodicals, is published. 6,000 copies are mailed to subscribers and retailers around the world. 2,000 copies go on sale across Metropolitan Toronto.

Thursday, December 22, 1977

Almost four weeks after publication, Claire Hoy, columnist for the mass circulation tabloid, *The Toronto Sun*, attacks *The Body Politic*, in four consecutive articles, for publishing in issue 39 an article by Gerald Hannon, "Men Loving Boys Loving Men." "Filthy garbage", "child rapers", "sick", shrieks Hoy, and calls for police action against the paper.

Friday, December 30, 5 p.m.

After a meeting with Roy McMurtry, the Attorney General for the Province of Ontario, Metropolitan Toronto and Ontario Provincial Police, armed with a warrant, invade the offices of *The Body Politic*. They stay for three and one half hours and cart away twelve large shipping cartons filled with documents and records: subscription lists dating years into the past, distribution and advertising records, corporate and financial records (even the cheque book!), classified ad records and addresses, manuscripts for publication, and letters to the editor. They seized all copies of the books *The Joy of Gay Sex*, *The Joy of Lesbian Sex*, and *Loving Man*, books which were also on sale elsewhere in the city. Personal business mail is opened, and the Canadian Gay Archives ransacked to remove early *Body Politic* records from it.

One thing the police made sure they took was the list of names and addresses of subscribers. That list has no relevance to the charges pending against the newspaper: the seizure of the list was obviously intended to intimidate readers.

Thursday, January 5, 1978

Charges are laid against Pink Triangle Press, the non-profit educational corporation which publishes *The Body Politic*, and three of its officers. They are charged under section 164 of the Criminal Code of Canada, with making "use of the mails for the purpose of transmitting or delivering anything that is obscene, indecent, immoral, or scurrilous matter, to wit: the December 1977/January 1978 issue of *The Body Politic*". They are also charged, under section 159, with "possession for the purpose of distribution, of obscene publications, to wit: the publication entitled *Loving Man*". □

THE WARRANT: "Mind if we look around?"

The police entered the offices of *The Body Politic* under the authority of a warrant. *The Body Politic* challenged its validity before the Supreme Court of Ontario on the grounds that it was illegally vague because 1) it was not sufficiently specific about the nature of the alleged offence, and 2) it did not clearly state what materials could be subject to seizure. Clayton Ruby, attorney for *The Body Politic*, argued too that the press is given special protection under the Canadian Bill of Rights as a safeguard against disruption of operations by politically motivated search and seizure operations.

March 15, 1978

The Supreme Court of Ontario dismisses the petition to quash the search warrant.

April 14, 1978

The Ontario Court of Appeal dismisses the appeal of the decision of the Supreme Court.

June 5, 1978

The Supreme Court of Canada refuses to hear the appeal. *The Body Politic* could go no further.

We suggest that the police obtained this broad warrant knowing that its use against gays would provoke little opposition. Now that the courts have approved, the police are free to use such a warrant against anyone, ransacking homes and offices under the pretext of searching for evidence.

THE CHARGE

The charge laid against *The Body Politic* — "use of the mails for the purpose of transmitting or delivering anything that is obscene, indecent, immoral or scurrilous" — is an odd one. It is not often used. Why did the police not use the same charge laid in connection with the book *Loving Man*, "possession, for the purpose of distribution, of obscene publications"?

The answer is that the definition of what is obscene under section 159 of the Criminal Code of Canada has been established by the courts in a long series of cases. The police knew that it would be a very difficult task to get a court to agree that *The Body Politic* no. 39 is obscene. So they laid a rarely used charge containing vague terms — "obscene, indecent, immoral, or scurrilous" — gambling that the court, with few set precedents for guidance, could be more easily persuaded to convict. □

THE BODY POLITIC: Newspaper or "Sex Mag"?

The Body Politic is a monthly newspaper, published by Pink Triangle Press. For seven years the paper has played an important role internationally in helping gay men and women see themselves in a positive light and has encouraged them to fight back against prejudice and discrimination. An obvious target for right-wing attacks, *The Body Politic* has rarely been overlooked.

The Body Politic is well known for its high standards of writing, editing, design and content. The paper has extensive news, commentary and arts sections and has for the last three years been given grants by the Ontario Arts Council for its arts coverage. The high standards of the paper have earned for it world-wide recognition and respect, a status rarely achieved by any Canadian publication.

Mordecai Richler says of *The Body Politic* that it is "a clearly intelligent journal, not nearly so salacious as *Hustler* or, come to think of it, so queer a taste as *The Toronto Sun*".

Martin Duberman, playwright: "*The Body Politic* is the most sophisticated, courageous, and incisive gay news periodical in existence".

Jonathan Katz, historian: "I look to *The Body Politic* for a wise and witty critique of the straight and gay establishments".

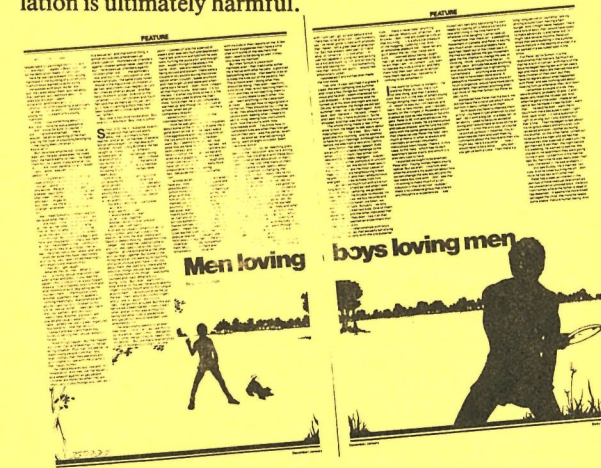
The character of *The Body Politic* is, of course, never mentioned when it is the object of media attention. All too often the paper is sneeringly dismissed as "a homosexual magazine", a "sex mag" or, to quote the vitriolic words of *The Toronto Sun*, "a crummy, dirty publication without a redeeming feature". The public is misled into believing that the paper is a sleazy, pornographic publication. □

THE ARTICLE: Men Loving Boys Loving Men

The Body Politic is opposed to the use of coercion to force participation in sexual activity. Gay liberation is in solidarity with the feminist movement in opposing all forms of sex-related violence.

The Body Politic is also opposed to the use of force to limit participation in sexual activity. For that reason it campaigns against age-of-consent laws, which make it a crime for young people to make love. These laws are particularly harsh for young gays, who face a possible prison term of *seven years* for making love when under the age of 21. Like existing rape legislation, age-of-consent laws hinder rather than help those they purport to protect.

"Men Loving Boys Loving Men" was the third article in a series which explored the effects of the age-of-consent laws on young people. Earlier articles had looked at the history of the concept of youth and of adolescence. The article attempted to show that sexual relations between adults and young people may be beneficial to both parties, and that age-of-consent legislation is ultimately harmful.



THE BOOK: Loving Man

The book *Loving Man* has absolutely no connection with the alleged purpose of the raid, which was to search for evidence in connection with an issue of the newspaper. Why did the police lay this additional charge? We suggest that it was simply another way to harass *The Body Politic*. It also attacks gay men generally since, if the charge is upheld by the courts, the book will no longer be legally available anywhere in Canada and the status of gay sex manuals may be endangered. □

ANOTHER VIEW: Part of a pattern

We think there is more to the Body Politic case than a simple criminal prosecution. Books and magazines are being banned in Ontario. The Huron County Board of Education has voted to remove *The Diviners*, *Catcher in the Rye* and *Of Mice and Men* from its high schools. *Who Has Seen the Wind*, *Why Shoot the Teacher*, *A Jest of God* and *Lives of Girls and Women* are Canadian books which have recently been banned in certain schools across the country. Movies are being censored with increasing severity. New federal legislation threatens to enlarge the definition of prosecutable obscenity. The RCMP and the federal government compete to see who has committed the more atrocious assault on free speech.

The rights of gay people are under attack. On October 21, 1978 the police raided a gay bar in Montreal, Quebec and arrested 22 people. It was the first anniversary of a similar raid on the bar Truxx, in which 148 had been arrested — the largest mass arrest since the implementation of the War Measures Act in October, 1970. Dec. 9, 1978, the Toronto police raid The Barracks, a gay bath, arresting more than 20 men, and, in an all too familiar move, seize its membership list. Street violence against gays, including beatings and murders, has shown as alarming increase over recent months across Canada.

The rights of lesbians and gay men are under attack internationally. Legal protection against discrimination has been challenged in Miami, St. Paul's, Wichita and other cities in the United States. It took a massive effort to defeat the Briggs Initiative, which would have outlawed gays from teaching in California schools.

In December 1977, Boston police systematically entrapped more than 70 gay men in the city's public library. In June and July 1978, police in Sydney, Australia attacked a peaceful demonstration. In Greece and the Soviet Union, gay people are imprisoned for no greater crime than their homosexuality. In Britain, the country's largest gay newspaper is charged with blasphemy and dragged through long and costly court proceedings.

We believe that official concern over the article "Men Loving Boys Loving Men" is a pretense and a smoke-screen. The real purpose of the police action against the *Body Politic* was to cripple or destroy by covert means a long-established and growing voice of social protest. □

WHO CARES? A lot of people, gay & straight

Within a month of the police raid, \$10,000, mostly in small donations, rolled into the Free the Press Fund, and another \$18,000 has come in since then. The money came from people who wanted to do what they could to fight back, to fight for freedom of expression.

January 2, 1978

June Callwood denounces the police raid on *The Body Politic*: "The defence of freedom of the press does not present any difficulties so long as the press offends no one. When it does, we have adequate laws of redress for individuals and society. *But no one, including the police, can operate outside those laws to destroy a publication in official disfavour.* Such a precedent is dangerous for all society."

And condemnation against the police action began to appear. Here is just a partial list of organizations and individuals who have opposed or criticized the harassment of *The Body Politic*:

Canadian Civil Liberties Association
Periodical Writers' Association of Canada
Canadian Periodical Publishers' Association
Canadian Sociology and Anthropology Association
American Sociology Association
British Columbia Law Union
Canadian Forum
Toronto Clarion
Books in Canada
Pierre Berton
John Sewell, Mayor of Toronto

The following Toronto alderpersons:

Ann Johnston Pat Sheppard
David White Allan Sparrow
Jane Howard Dan Heap
Richard Gilbert
Robert McQueen, editor of *The Advocate*
Canadian Lesbian and Gay Rights Coalition
National Gay Task Force
Gay Community News (Boston)
Gaysweek (New York)
La Groupe des Luttes Homosexuelle
d' Aix-en-Provence, France

Australian Union of Students
COC (Holland's largest gay organization)
Gay News (Britain)
Gay Academic Union (Greater Los Angeles chapter)
Gay Professional Association of Chicago
Gay Left (Britain)

WHY SHOULD YOU CARE? Your voice may be next

Through talking and writing, people, both individually and collectively, come to know who they are. When gay men and lesbians write for *The Body Politic* and other gay publications they refuse to mirror the social contempt for homosexuality and instead fashion their own image. The police raid on *The Body Politic* was a theft of language, an attack on the right of gays to define themselves on their own terms, and to keep them in the dungeons of the social imagination by suppressing their social presence.

Scapegoats are needed during times of depression: daycare, education, health, mother's allowance and unemployment insurance are being slashed, and liberalized abortion legislation is being undermined. Gay people are one of the groups suffering from the attacks which seek to divert people's discontent from economic issues and toward false issues such as "morality".

The prosecution of *The Body Politic* may well prove to be a turning point in the mounting campaign against civil liberties. The forces of repression are smart enough to try to divide us, and to attack at the weakest point, the most vulnerable victims. Throughout this century, attacks on homosexuals have been the thin edge of the wedge, again and again. After them, it's women, Jews, Blacks and the left.

January 2, 1979

One exhausting and time-consuming year later, we are finally before the courts. If *The Body Politic* is convicted, the censors will not go away. The victory will fuel their determination for even more oppressive measures.

What's next?

Who's next?

THE BODY POLITIC FREE THE PRESS FUND

Cheques payable to: Lynn King in Trust for
The Body Politic Free the Press Fund
c/o Cornish, King, Sachs & Waldman, Barristers & Solicitors
111 Richmond Street West, Suite 320, Toronto, Ontario
Canada M5H 3N6
Information: (416) 863-6320

"OBSCENE, INDECENT IMMORAL AND SCURRILOUS"

The attack on the Canadian Gay Liberation Periodical — The Body Politic



January 2, 1979 the trial begins