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Freedom to Oppress

The Body Politic, a magazine of Gay Liberation, is facing another trial on the same charges for which it was acquitted in February 1979. On paper, the defendants are Pink Triangle Press and three of its officers, but of course it is *The Body Politic* which is being hounded to possible extinction.

The facts of the case are not at issue. An article entitled *Men Loving Boys Loving Men* was published in *The Body Politic* in December 1977. Pederasty, a highly provocative and controversial topic, then became the pretext used by the Crown (i.e., the province of Ontario) to try to put BP out of business, through police harassment, confiscation of office files and the financial drain of a court case. In spite of the Crown's best efforts, Judge Sydney Harris found BP innocent of obscenity. Appeals for funds were answered and BP survived, after over a year and \$40,000 in costs. Now it's in jeopardy again.

TBP's wisdom in publishing the article has been hotly debated ever since it appeared. It does seem odd to hand your enemy a weapon of this calibre. It is legitimate for those who have been asked to support TBP to question how and why it got itself in this situation in the first place.

It seems to me that there is a difference between editorial and political strategy decisions. A bad editorial decision is just one of the hazards of publishing a newspaper and it's reasonable not to expect any dire consequences from it. The case is somewhat different if the decision to publish the article was a deliberate act on the part of TBP, designed to flush out the enemy and demonstrate to the politically apathetic gay community the tenuousness of its position in this society. It's OK to take risks oneself but not if it might involve others who have not been part of the decision.

But whether through miscalculation or deliberate policy, TBP found itself in trouble and turned to other segments of progressive political opinion, including feminists, for help and support. It is because we are again being asked to help save TBP that I am raising the issue of cause at a time when many people would say that we should be concerned only with effect.

No feminist, heterosexual or lesbian, would have chosen to take a political stand on the issue of *Men Loving Boys Loving*

Men. Not because it's controversial but because the topic is quintessentially male and wouldn't have occurred to us, and because to most of us the inherent inequality between a male adult and a child precludes the possibility of the relationship being anything except exploitative. We can never be comfortable with chicken hawks.

So having had no hand in creating the situation and being ambivalent about the issue, here we are again being asked to contribute money, time and effort in the name of freedom of the press. Is it any wonder that many of us feel that we have been manipulated?

I want BP to win this case in spite of my disagreement with many of its policies and tactics. It's important that the homophobic authorities lose.

But I wonder at the public relations defence strategy being employed. The cry of 'Freedom of the Press!' will doubtless draw a reasonable crowd even in these chicken-shit times. But will it work? What good will it do?

It is surely naive to believe that Ontario-powers-that-be are unaware of the 'freedom of the press' implications of their actions and unprepared for the furor. I assume that Davis, McMurtry and company have the measure of any civil rights opposition that might threaten their 'divine rights', and don't give it a second thought. Is it not probable that, in this election year, it could be an asset for a provincial politician to be seen as staunchly anti-homosexual?

You and I and Alan Borovoy may see it as a civil rights/freedom of the press issue but who are we kidding? For most people, even most 'good' people it is a simple choice between simon pure heterosexuality and nasty, perverted homosexuality. The possible demise of *The Body Politic* strikes them as totally justified, even necessary. For the fact surely is that same-gender sex is not acceptable to community mores, even among the so-called 'enlightened.' Government has every popular support for selectively picking on TBP for obscenity while leaving violent, anti-woman pornography alone. The latter is after all, part and parcel of our popular culture, our social habits. Homosexual acts, no matter how loving and consensual, are in a different category.

The Body Politic's ad in the Globe and Mail, February 1980.

We urge the Attorney-General of Ontario to drop the appeal against The Body Politic.

In January 1979, *The Body Politic*, Canada's national gay liberation journal, was tried on a charge of using the mails to distribute "immoral, indecent or scurrilous" material. The paper was found not guilty.

Although the court battle was both lengthy and costly for the non-profit community newspaper, supporters of freedom of the press and of minority rights were justifiably pleased by the verdict. In his judgment, Judge Sydney Harris remarked on the basis of the issue before him, that *The Body Politic* is a "serious journal of news and opinion."

Some weeks later, however, the Attorney General of Ontario, Roy McMurtry, decided to appeal the verdict and force the defendants in this case to face still further legal proceedings.

This decision to appeal is an attack on the freedom of a minority to express its views. It will drain the energy and financial resources of the gay community's principal newspaper and will further weaken that community's capacity to make its views known. Moreover the effect of this appeal, whatever the intention, will be to punish people who have been found not guilty in the courts.

We urge the Attorney General to drop the appeal and to restore the reputation of his department for the fair and equal treatment of minorities.

Not guilty means not guilty.

This advertisement was paid for by the signatories and placed by The Body Politic Free Press Fund. Affiliations are given for the purposes of identification only. If you wish to help you can send donations to The Body Politic Free Press Fund c/o Lynn King in Trust, Cornhill, King and Sachs, Barristers and Solicitors, 111 Richmond Street West, Suite 320, Toronto, Ontario, M5H 3N6.

Ontario politicians are safe from any real civil rights campaign precisely because the issue is *not* freedom of the press, but homosexuality. Papering over this fact and presenting the issue in a manner acceptable to liberals is a delusion which will not stand

the test of the first gay-baiting attack. Only a political coalition fighting homophobia, that is defending homosexuality and not freedom of the press, can have any basis in reality.

The best evidence that homosexuality and not press freedom is the real issue is the lack of concern about the whole matter among the mainstream press. These gentlemen know what's what: it's not a dangerous precedent; their freedom is in no way threatened. The government is merely out to destroy the Canadian voice of Gay Liberation, an action which most of the press more or less silently applauds anyway. After all they all belong to the same clubs, subscribe to the same values and share the same power. With the mainstream press on their side why would the authorities worry?

Is it actually possible to conceive of a coalition powerful enough to do any good which would take a strong, reasoned stand against heterosexism? The majority of 'progressives' don't even admit it exists, never mind fighting against it, in society or themselves. Others, many gay people among them, would lack the stomach to get involved in a close-to-the-bone fight like that. Marxists still like to avoid the issue by claiming that homosexuality is a bourgeois hang-up unworthy of the class struggle. There sure would be no rush of support!

So we are going with the 'freedom of the press' number again. It may work to help get TBP off the hook once more but what will it prove? Will it make this society one iota less homophobic?

I wish I could believe in Santa Claus. But I cannot.

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