

# CANADIAN COMMITTEE AGAINST CUSTOMS CENSORSHIP

July 26, 1986

Dear

We are writing to you on behalf of the Canadian Committee Against Customs Censorship (CCaCC). The Committee was formed in response to the seizure of numerous lesbian and gay publications by Canada Customs over the last year. In our view this is a clear case of discrimination on the basis of sexual orientation. As well, the proposed new federal anti-pornography legislation, with its extremely broad definition of pornography ( basically covering depictions of any sexual activity) promises to be used to intensify this censorship of lesbian and gay sex-related materials --and to be a nightmare for Customs workers to administer.

These seizures of lesbian and gay materials are being mandated under current Customs provisions which declare depictions of lesbian and gay sexuality to be "obscene". Current Customs memorandum D 9-1-1 prohibits portrayals of "sodomy" and "buggery" and is being used to target lesbian and gay materials. New proposed federal "anti-porn" legislation, which would prohibit depictions of "anal intercourse" as well as "any sexual activity", would only escalate the problems lesbian and gays are presently facing. In response the CCaCC affirms that lesbian and gay sexuality is not obscene or "pornographic". It is not degrading or abusive. We affirm the social and educational importance of people in the lesbian and gay communities and other people in Canadian

society having access to materials on lesbianism and male homosexuality. Freedom to be able to read and view words and images about lesbianism and homosexuality is an important social and political right in a society which has for so long discriminated against these minority groups. It is ironic that the Canadian government , under whose jurisdiction Canada Customs operates , has stepped up its harassment of the lesbian and gay communities at the same time that the federal government claims to support the human rights of lesbians and gay men.

The union movement has long supported the civil and human rights of lesbians and gay men and it is again time for this support to be shown in opposition to current Customs guidelines and legislation which discriminate against lesbians and gay men.

The CCaCC stands in full support of the struggle of PSAC workers and CEUDA workers in their battles to defend their basic economic position, to prevent layoffs, and to defend and improve their working conditions and job security. We would wish to point out our disagreement , however, with the slogan used by CEUDA to keep "porno out" of Canada during the recent contract dispute. Such a position helps lead to the censorship of lesbian and gay sexual and educational materials which are important to the development of the lesbian and gay communities. PSAC and CEUDA would be able to gain much more support from lesbians and gay men and other communities if they refused to support the current Customs regulations and opposed discrimination against lesbian and gay materials at the border.

CCaCC is in particular organizing to support the legal challenge launched by Glad Day Bookstore in Toronto against Canada Custom's seizure of The Joy Of Gay Sex (a noted educational and advice manual) and the decision by the Deputy Minister in charge of Customs agreeing with earlier Customs decisions prohibiting this book and designating it "obscene". Through this legal case which will come up in court this December we hope to challenge as unconstitutional Canada Customs discrimination against materials of a lesbian and gay character and its ability to find lesbian and gay sexual representations more obscene than heterosexual ones.

We note that The Joy of Sex (about heterosexuality) was declared not to be obscene by this very same Deputy Minister in the fall of 1985. Gay materials are being treated in a discriminatory fashion under current Customs policies and regulations--in particular under section 99201-1 of the Customs Tariff Act. The problem is with the regulations and the guidelines which must be changed. (For more information on these questions see the enclosed CCaCC statement and enclosed articles from The Whig Standard and Now).

These seizures of lesbian and gay materials from such lesbian and gay community bookstores as Little Sister's in Vancouver and Glad Day in Toronto have amounted to many thousands of dollars over the past year. This has put the ability of these important community institutions to continue to survive and serve the lesbian and gay communities in jeopardy. Other titles that have been seized include Lesbian Sex by Joann Loulan, Good

Vibrations, a book for women about vibrators, and even safe-sex educational materials on how gay men can have safer sex in the face of AIDS. In this way the regulations of Canada Customs are getting in the way of educating the gay community on important health matters. Countless other lesbian and gay related titles have also been seized.

We are asking your union local or council to organize a discussion of the problems of Customs censorship and to invite a speaker from the CCaCC if possible. We hope your union will pass a resolution opposing the current Customs memorandum (D 9-1-1) which is being used to seize gay materials like The Joy of Gay Sex, and call for the changing of these provisions so that lesbian and gay sexuality is no longer found to be obscene. We ask that such decisions be communicated to the federal government as soon as possible (please send a copy of your decision to the CCaCC). Contributions to the Joy of Gay Sex legal defence fund can be sent to the address below and made out to the CCaCC.

Thank you for your consideration and support. For further information contact CCaCC c/o 598A Yonge Street, Ontario, Toronto, M4Y 1Z3 or call Gary Kinsman at (416) 929-0689.

Yours sincerely.

Ruth Hockins and Gary Kinsman  
for the CCaCC