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APPOINTING WOMEN CANDIDATES AFFIRMATIVE ACTION FOR FEMINISTS

Feminists and their acolytes have long complained that there just are not enough "women" elected to the provincial legislatures and to Parliament. Of course, it is not "women", that is, those of the female gender, whom they want to adorn the hallways and chambers of our legislatures and Parliament, but, rather, feminists. For example, feminists regard, with scorn, former United Kingdom Prime Minister Margaret Thatcher. The latter, during her term of office, changed the UK from a nation with a desperate, sinking economy, to a nation with a robust economy that made the UK one of the most prosperous nations in all of Europe. It used to be said of Mrs. Thatcher that there wasn't an institution left in Britain - labour, education, industry or politics etc., at which she hadn't swung with a hefty heave of her handbag. Shy and retiring, she was not! One would think that feminists would idolize her. Alas, she did not share the feminists' socialist policies of state intervention and regulation, which they believe, solves all problems. As a result, Mrs. Thatcher is not "recognized" by feminists, who absurdly insist that Ms. Thatcher does not qualify as a "female politician".

Feminists are desperate to have more women of their own sort elected, in order to form a critical mass, a minimum of 30%, of females in Parliament and the legislatures. Only then, would they be able to dominate the government, both federal and provincial, by imposing their special interest policies.

Feminist frustration is palpable over this lack of women in politics. In general, however, women for many reasons, do not share this enthusiasm for elected office. Hence, feminists have decided to encourage women in politics by a policy of affirmative action whereby females can be appointed candidates rather than having to go through an election process for nomination, ie. eliminate their actually having to compete for a nomination.

For example, in November 2007, the British Columbia provincial NDP party passed a motion that 30% of constituencies that don't already have designated candidates will henceforth have only female candidates. In short, the British Columbia NDP has suspended democracy in order to apply affirmative action. Apparently, the NDP would rather go down in flames than making winning a priority. They prefer to impose "equity" policies. Nationally, the NDP has a similar policy of imposing on the electorate at least 50% women.

The federal Liberal party has also enacted a policy of ensuring that 33% of all ridings will be comprised of female candidates. As a result of this policy, Liberal leader Stéphane Dion appointed a woman, Ms. Joan Beatty, (former Saskatchewan NDP Provincial Minister of Environment) as the candidate in the Saskatchewan riding of Cumberland, in the March 17, 2008 by-election. This disqualified an angry David Orchard, who had worked very hard and spent a large sum of money to obtain the nomination. The inevitable result was that the female Liberal candidate went down to defeat to a Conservative win, because many Liberal voters, disappointed in the undemocratic process at the nomination stage, sat out the by-election. Mr. Dion, however, is undeterred by this experience, and is busily looking around for other female candidates to make up his 33% quota for the forthcoming federal election.

Fortunately, the Conservative Party has not adopted a policy of affirmative action for women. As a result, the Conservatives have a number of competent female MPs (as well as a number of incompetent female MPs: the same as with male MPs). However, at least all the Conservatives have been elected democratically.

TAXPAYERS FUNDING OF SEXUALLY EXPLICIT AND VIOLENT MATERIAL

The Conservative government is trying to prevent the abuse of taxpayers' money by requesting that those receiving government grants or tax credits be made accountable for the money received. It is little to ask.

To achieve this objective, the government tabled Bill C-10, a 560-page document dealing with amendments to the Income Tax Act, including provisions dealing with taxation on foreign investments, and government funding of "cultural material", among other items. The Bill sailed through the House of Commons, supported by all parties.

However, when it reached the Senate, someone spotted a provision (Section 120 (3)(b)) which stated that public financial support of media productions should not be made if they were contrary to public policy. The media raised an unbelievable hue and cry at this Senate stage when it was alerted to this provision. Film producers and media stars captured headline news in most print and visual media, but in doing so gravely misrepresented the Bill.

Canadian Producers Misrepresent Bill C-10

The producers and actors claimed that this provision was "government censorship" and was "a serious attack" on their creativity and freedom of expression. This hysterical reaction was completely unwarranted.

No films are either banned or destroyed under this provision. Film producers can represent whatever perspective and depictions of violence or sex they wish that are not contrary to the Criminal Code. The only limitation is that they will no longer be able to do this with the use of money from overtaxed Canadians. These disgruntled artists were really arguing that funding from Canadian Heritage is their "entitlement", regardless of how or what they choose to depict in their films and programming and regardless of how detrimental such material may be, especially to women, children and adolescents. That is, these elites want "carte-blanche" to use government grants any way they choose, regardless of the consequences of the productions. Artists, however, should be held responsible for their work, the same as plumbers, lawyers, physicians and carpenters.

Why Aren't the Media Held Accountable?

Other industries have to meet strict requirements and regulations in order to gain tax credits, so why not those undertaking artistic endeavors? Why should "artists" claim to have the right to operate freely by way of taxpayer funding, yet not be held responsible for their work? If their works are detrimental to society, and/or do not appeal to the public because of their subject matter or content, why should the taxpayers support them? Many of the works funded by our tax dollars only alienate or offend Canadians, which defeats the major objective of the program which is "to develop Canadians' sense of belonging" and "building the country's national identity". In short, the government has a fiscal responsibility to the taxpayer and this proposed amendment in Bill C-10 is merely an attempt to carry out this responsibility.

Sexually Explicit and Violent Materials Have Consequences

That is, the issue is not merely that of giving full rein to the artistic creativity of film producers. There is also a problem with the long-term effects of sexually explicit and violent material. Among the detrimental effects are: danger to women caused by the trivialization of crimes, such as rape, the loss of desire to raise a family and the diminished satisfaction with one's partner by men who view of pornography. Also, for adolescents, sexually explicit materials become a significant source of sex education and greatly contribute to confused attitudes towards sexuality. Researchers have also found that some explicit material serves as ritual preparation before committing a sexual offense and that some material is used by child molesters to induce children to cooperate with them. These are far reaching consequences which affect many segments of society. Do Canadians want their tax dollars to contribute to these harmful repercussions?

REAL Women Appears Before the Senate Committee

On April 9, 2008, REAL Women appeared before the Senate Committee reviewing Bill C-10. We pointed out that The Department of Canadian Heritage's support of the cultural industries in Canada - film, television, publishing, sound recording, and news media - now amounts to $5 billion annually. The purpose of this funding is supposed to encourage Canadian cultural content so as "to develop Canadians' sense of belonging" and "building the country's

national identity". Regretfully, the material created by the culture industry in Canada, by way of government grants and tax credits, has rarely achieved these objectives. Instead, these grants have had the opposite effect, in that they have resulted in works that alienate and offend Canadians.

Significantly, in 2006, only 4% of the Canadian box office receipts went to Canadian produced films, 88% of the market went to Hollywood produced films and the remaining 8% went to non-North American movies, e.g., British, European, Iranian, etc. Canadians are staying away in droves from taxpayer supported Canadian films with titles like Bubble Galore, Hanging the Dead Rabbits, The Masturbators, Sperm, and other titles too gross to repeat.

Amendment Originally Introduced by Liberals

REAL Women also pointed out that this provision first appeared in the regulations to the Income Tax Act under the Liberal Government in 2003, at the time that Sheila Copps was the Minister of Heritage. According to Ms. Copps, the clause was inspired by a controversial film about convicted murderer Paul Bernardo, from which the government of the day wished to distance itself. The current amendment that is now causing so much concern in the arts community simply permits the Minister of Canadian Heritage to draft guidelines so as to preclude taxpayers' monies being used for offensive material.

A Sensible Provision

Bill C-10 seems to be a sensible approach to government funding and in accordance with a report of the Auditor General in November 2005, that stated that the Heritage Department "needs to strengthen its strategic direction, results, measurement and accountability structures to improve the efficiency and effectiveness of its programs and operations". The amendment to the Income Tax Act, as set out in Bill C-10, is merely an attempt to solve some of the problems of cultural program funding by the Canadian Heritage Department.

PRESIDENT"S MESSAGE

Hello, everyone,

Spring has sprung here in BC, although some days one has to wonder. In a surprise snow storm on the north half of Vancouver Island on the 18th of April, over 8 inches of heavy, wet snow fell overnight, and continued to fall until after nine in the morning! What ever happened to global warming?

While the weather has been a problem on the island, BC's "Bible Belt" community, Abbotsford, faced a problem of another kind. It was the site of a highly objectionable sex show called the "Taboo Naughty but Nice Sex Show" at the Abbotsford Tradex Building. According to Tradex officials the show featured topless women, alcoholic beverages, sex toys, and sadomasochist supplies. What was particularly disturbing was that a 15-year-old girl not only entered into the first adults-only sex show in Abbotsford twice, but also modeled on a motorcycle and openly drank alcohol on the premises. Everyone is passing the buck as to who was responsible for ensuring that young people not be admitted to this controversial sex show. The mayor says it was the responsibility of Tradex, but the Tradex manager is pointing his finger at the owner of the Taboo Show. The latter claims the girl had fake identification, but the owner and producer of Canwest Shows, which organized the Taboo Naughty But Nice Sex Show, said his employees checked people at the door for picture ID or a driver's license. However, the mother of the 15-year old girl claims that she had personally seen a number of young people, who were not asked to produce ID, going in and out of the show.

On that same weekend, in the same building, a Pet Expo was held and was billed as a family event. It certainly seems that the building's use that weekend was not well thought out by the facility organizers. Over 200 letters have gone in to the Mayor and Council of Abbotsford, who remain ultimately responsible for the Tradex building and its operations.

Another matter is the push to change the BC curriculum to promote homosexual relationships as equal to heterosexual relationships. This arose because of a complaint made by a homosexual couple to the BC Human Rights Tribunal. A recent curriculum release, called Making Space, Giving Voice, for K-12, on teaching social justice within all subject areas, states that when a teacher must intervene in a conflict which develops suddenly in the classroom he/she should make connections to the topic as necessary "(e.g., drawing an analogy between heterosexism and racism to show the similarities)".

It is interesting to note that some of the websites, listed as resources in "Making Space, Giving Voice", include: BC Human Rights Tribunal, The Dalai Lama Centre for Peace and Education, Earth Summit 2002, Gay and Lesbian Educators of BC (GALEBC), International Campaign to Ban Landmines, Status of Women Action Group, Status of Women Canada, The Stephen Lewis Foundation, United Nations Development Fund for Women (UNIFEM), Vancouver Women's Health Collective, the legal arm of the feminist movement LEAF (Women's Legal Education and Action Fund), diversity was sadly lacking. Pro-life/pro-family groups were noticeable by their absence. This can scarcely be described as education, but is clearly a left-wing indoctrination program for innocent children.

Go to http://www.bced.gov.bc.ca/irp/drafts/making_space_response_draft.pdf to view the curriculum.

We need to elect good, thinking people to all positions of office in Canada from School Boards to Federal Government and then hold them accountable to their beliefs, otherwise our nation will be lost.

Till next time!
Laurie

VANCOUVER DRUG INJECTION SITE — A FAILURE

When the Conservatives formed the government in January, 2006, they inherited a large headache left behind by the Liberals which was the supervised drug injection site, referred to as the Insite, located in Vancouver's east side.

Insite was established under the Liberals in 2003 for a three-year period as a so-called "pilot" project. It was intended to be a precursor for sites in other major cities across Canada. Fortunately, this plan died when the Conservatives took over the government. The Conservatives, however, were left with the problem of what to do with Vancouver's Insite, which was up and running. Certainly, Insite had many supporters who wanted it to continue in operation because they believed in "harm reduction" policies for drug use. The latter are based on the belief that people will consume illicit drugs anyway, so why not allow them to do so in a clean, medically supervised environment? These supporters also want the "normalization" of drug use or the loosening of drug restrictions on non-medical drug use. Therefore, Insite was a step in this direction. The only trouble with this policy is that, under it, the addicts have no real future or release from their addiction. Instead, they uncontrollably continue on until their death.

The harm reduction supporters were forceful hard-liners who resisted all criticism of Insite. They resorted to ridicule as their weapon of choice in order to discredit Insite's detractors. Mostly positive stories about Insite were published in newspapers and journals. Much of this positive information was due to Insite having retained two public relations firms to plant such information. This was not difficult, since much of the media were strongly in support of harm reduction policies, and Insite in particular. In short, closing Insite was a political quagmire for the Conservatives.

As a result of this problem, in September 2006, Health Minister Clement decided to give Insite an 18-month extension to June 2008 while he pondered the matter.

In October 2006, Minister Clement appointed an Expert Advisory Committee to summarize evidence-based research on drug injection sites, with particular reference to Insite in Vancouver. He wanted to obtain actual data on the effectiveness of this site, rather than relying on the propaganda surrounding it. From this information, he intended to

reach his decision as to whether Insite should continue in operation.

On April 11, 2008, Health Minister Clement released the final report of the Expert Committee.

Although the report included some positive findings about Insite, it revealed many serious, negative conclusions. For example, the report revealed that Insite, which costs the taxpayers $3 million annually, has the following problems:

Only 5% of injections take place at this site, while 95% of drug injections take place outside the site;
The site prevented only one death from overdose last year. (According to the Government of British Columbia Selected Vital Statistics and Health Status Indicators, Annual Report, 2005, the number of deaths from drug overdose has increased each year since the site was opened, going from 49 in 2002, to 50 in 2003, to 64 in 2004 and to 77 in 2005).
There is no evidence that this site has reduced rates of HIV or other infections.
There is no evidence that the crime rate has decreased in the downtown east side of Vancouver where the site is located.
There is no evidence that the site has reduced the rate of drug addiction.

Media Reluctant to Disclose the Report's Findings

Most media apparently did not like the conclusions of the Expert Committee because most didn't bother to publish its conclusions. However, the National Post published a small blurb on the findings, reporting only the positive aspects of the Report. Nothing, however, could match the outrageous spin put on the Report by the Vancouver Sun on April 17, 2008 whose blaring headlines stated: "Health Canada panel gives injection site favourable review. Group of experts find the Insite is having a positive impact and even saving lives". What? Where? Did the Report actually say this?

The Vancouver Province newspaper (April 17) exposed this shamefully distorted reporting of the results. According to the Province's columnist Alan Ferguson:

> I can only assume they read what they thought the study should say, not what it said.
>
> Let's look at the finding of the Expert Advisory Committee (EAC), appointed by Health Minister Tony Clement to advise him on the merits of continued support for Insite.
>
> One of the oft-trumpeted claims of its proponents is that Insite saves lives – one every year, according to "mathematical modeling."
>
> The EAC, however, found such modeling is "based on assumptions that may not be valid" and "there is no direct evidence that [injection sites] influence overdose death rates." To prove such claims, "large-scale and long-term, case controlled studies" would be needed.

Ferguson then went on to point out other distorted assessments of the report by those wedded to Insite's philosophy.

The Globe and Mail, which supports Insite, in an editorial (April 24, 2008), played the same game as the Vancouver Sun, glossing over the real conclusions in the Report and highlighting the positive aspects. For example it stated, contrary to the actual findings of the Task Force, that the site has reduced the number of people injecting in public! It went on to say, "…it makes clear that Insite saves life, with staff interventions ensuring that not one out of 366 overdoses proved fatal". Absolutely astonishing in its manipulation of the truth.

What all this makes clear, is that one cannot believe what newspapers report. They report, for the most part, what they want people to believe – not necessarily the truth. It's little wonder that newspapers are in such trouble today, being overtaken by the Internet.

In view of the failure of Vancouver's Insite, it is now time to focus on what has been proven to be effective against drug addiction: prevention and treatment. That is where our tax dollars should be spent, rather than wasted on drug injection sites.

It seems that the Conservative government has received this message. On April 28, 2008, Mr. Clement announced that $111 million would be available for drug prevention purposes.

Significantly, however, there was almost no media coverage of this large grant, despite the fact that the announcement was made at a press conference attended by four senior Cabinet ministers: the Hon. Tony Clement, Minister of Health, the Hon. Stockwell Day, Minister of Public Safety, the Hon. Rob Nicholson, Minister of Justice and Attorney General for Canada and the Hon. Christian Paradis, Secretary of State (Agriculture). It seems that the Canadian media not only don't like drug prevention policies, but they also don't like to give positive coverage to the Conservative government. Only bad news relating to the Conservatives seems to be covered by the Canadian media.

NOW IS THE TIME TO GET INVOLVED WITH THE POLITICAL PARTY OF YOUR CHOICE

Now is the time to get involved with the political party of your choice.

If we want a political party to represent our pro-family values and beliefs, we, as individuals, must get involved. Once the election writ is dropped, we can get involved with an election campaign. In the meantime, however, there is work to be done at the local riding association level. It is one way we can make friends, influence people and ultimately influence party policy.

Conservative Party Policy Convention

An example of how we can become involved is the forthcoming Conservative party policy convention to be held in Winnipeg, November 13-15th, 2008. Delegates will debate and vote on policy proposals. It is crucial that pro-family conservatives attend this convention to make their voices heard. Each riding association (Electoral District Association / EDA) must hold a Delegate Selection Meeting on a date from May 1, 2008 to August 15, 2008 to elect up to ten convention delegates, including one youth (under 23 years of age) delegate. The following information outlines how you can get involved to ensure pro-family delegates are elected to represent your riding (EDA) at the national convention.

Make sure your Conservative Party membership is up-to-date.

All party memberships expired at the end of 2007, except for those paid after October or multiple year memberships. If you have not renewed your membership in 2008, do so immediately. To renew or purchase a Party membership, go to the party web site at www.conservative.ca and click on the 'Become a Member' button. Membership fee is $10.00 per year. If you have questions about your party membership, call the national office at 1-866-808-8407.

In order to vote at the delegate selection meeting, a person must be a party member for at least 21 days prior to the meeting date. In order to stand for election as a convention delegate, a person must be a member in good standing for at least 90 days prior to the delegate selection meeting.

2. Contact your local EDA president to get involved.

Indicate your support of the Conservative Party, ask how you can get involved, and ask if there are any upcoming membership meetings that you could attend. If you do not know how to contact your local riding association, call the national party office to find out, or, if your MP is a Conservative, call the MP constituency office to ask for the contact information for the riding association president.

3. Criteria to be eligible to stand for election to become a convention delegate

A person must be a member in good standing and have been a party member for at least 90 days prior to the date of the Delegate Selection Meeting. A person must fill out a delegate information form (ask EDA President for form) including the signature of a mover and seconder. The form must be submitted to the EDA President prior to the commencement of the Delegate Selection Meeting.

4. Voting to elect convention delegates shall be by secret ballot.

To register at the Delegate Selection Meeting, you must have two pieces of identification, one with a photo and one showing your residence address.

5. Convention delegates must pay their own convention registration fees.

Elections Canada requires political party convention delegates to pay their own convention registration fees. Riding associations, if they choose, can help with travel and accommodation expenses.

6. Report contact information for pro-family delegates

After your local riding Delegate Selection Meeting is held, report contact information for pro-family convention delegates to the national REAL Women of Canada office to facilitate future communication. Please send delegate's name, address, phone, email and the name of their riding by Email to realwcna@on.aibn.com or by fax to 613-236-7203.

TEN WONDERFUL YEARS

Reprinted from May June 1993, Issue of REALity

The year 1993 marks the tenth anniversary of REAL Women of Canada. These past years have been challenging, exciting and above all, rewarding. However, they have not been tranquil!

When we began, the media and the government were generally not sympathetic to us; the established feminist groups were apoplectic! This is still largely the case, but our persistence and determination have required them all to acknowledge our organization as part of the public debate. We have persevered, notwithstanding this wall of opposition, largely because of the marvelous support of our members. You have never let us down in all the years. When we asked you to write letters, you did so; when we appealed to you for funds, you never failed us. We hope, too, that during these past tumultuous years we have returned your kind support by never failing you either. We have tried to always put forward pro-family truths to the government, the media and the courts and to never compromise our principles.

After 10 years, our impact has been felt. Our name is now a household word – for better or worse! Some government legislation has changed direction because of our efforts, either directly or indirectly. Much of the work has been carried out by the provincial and local chapters – their work being too numerous to list here. However, the results of all these efforts include the following:

The federal government acknowledged for the first time the importance of the mother in the home by way of a child tax credit. This was indeed a minimal sum (200 annually) and a token in comparison to the substantial tax deduction given a parent in the paid work force with children in substitute care ($6,000 tax deduction for children under six years and $4,000 deduction for children over six years). However, it was an acknowledgement at last; this is an issue on which we will build now that the principle has been established.

The national child care plan, which would have provided government-operated "free" (tax supported) child care to upper income yuppie parents, as well as others, was scrapped. The government instead targeted low income families, as well as children most "at risk", for special benefits.

Pension credit splitting for couples separated since 1987. Minister of Health and Welfare, Benoit Bouchard, is now working out an agreement with the provinces to assist women who separated prior to 1987, thanks to our efforts.

Special homosexual privileges in the federal Human Rights Act proposed by former Justice Minister Campbell have now been placed on the back burner and will probably die on the Order Paper when Parliament ends in June.

The notorious Court Challenges Program which funded mainly feminist and homosexual groups has been scrapped.

Couples living common law no longer receive tax advantages over legally married couples.

The government and media understand that the radical feminist groups do not speak for the majority of Canadian women. The media is contacting us more and more for comment on current social issues. We have appeared briefly several times these past months on CBC Prime Time News, never enough to provide "balance" – but the trend is there and growing daily. No longer is NAC (National Action Committee on the Status of Women) quoted as the voice of "women" – only that of the special interest group of "feminist women". A break-through!

The feminist stranglehold on the Women's program, Secretary of State (without which they would not continue to exist) – has been broken. Although we have received only minor grants, the latter have been an acknowledgement that there are valid voices for Canadian women other than those of the feminists.

This progress occurred because we have worked long hours without pay, volunteering our time, energy and talents because we care deeply about Canadian families and our country's future.

We can proudly look back on our accomplishments which are the results of the following:

Briefs
ver 30 national briefs on many diverse issues. Many briefs were also prepared on the provincial level by provincial chapters.

Lobby of Members of Parliament
REAL Women maintains constant contact with MP's on issues affecting the family, e.g., divorce, child care, pornography, abortion, homosexuality, etc.

Presentations to Parliamentary Committees
REAL Women has made 21 appearances before Parliamentary Committees and Royal Commissions.

Newsletters
Newsletter REALITY is published bi-monthly. REALITY includes updates on current political developments affecting the family, as well as in-depth analysis of the Canadian scene.

Media
Careful monitoring of both print and visual media is carried out by REAL Women in order to provide some balance in Canadian media on family issues. Many TV and radio appearances, newspaper interviews, letters to the editor, etc., have been an important part of our work during the past ten years in order to provide some balance in Canadian media on family issues.

Public Speaking
REAL Women has given hundreds of public talks to church, service, university and social groups.

Court Interventions

REAL Women has intervened in five separate cases in the Supreme Court of Canada dealing with family issues such as homosexuality and abortion. These cases included: Borowski v. Attorney General of Canada (abortion and the human rights of the preborn child), Daigle v. Tremblay (rights of father and mother in abortion procedures), Sullivan and Lemay (whether a full-term baby in the course of birth is a person), Mossop v Attorney General of Canada (whether homosexual lovers constitute a family), and Morgentaler v. the Attorney General of Nova Scotia (whether provinces have jurisdiction to regulate abortion procedures).

There have, of course, been disappointments and losses along the way. The Abortion Bill C-43 which provided no protection for the preborn child, the government's failure to proceed with the Pornography Bill C-54, which, if passed, would have considerably widened the definition of pornography to include depictions of explicit sex, and the failure to gain equality on taxation for single-income, two-parent families, have all been disappointments to us.

However, these issues and others will continue to be pursued by REAL Women in future years – regardless of who is elected to Parliament in the fall general election. The election, we all know, will bring many changes. We will not alter our course because of them. Supported by you, we will continue with our work, analyzing the issues, lobbying the government and intervening in the courts. We are proud to be REAL Women and regard it as an honour and privilege to serve you and the Canadian family.

REAL WOMEN'S MEMORIES - HIGHLIGHTS FROM THE 1990s

Comments on the Homemaker from REALity, Winter 1991

The homemaker is the backbone of our nation. She not only sacrifices financially and career wise by remaining at home to raise her children, but she carries a heavy burden in the volunteer sector, whether as a parent in the school, in the local church and the voluntary associations. Yet the voice of such competent women is frequently overlooked and ignored in our society.

Your Letters Definitely Count, from REALity, Spring 1991

When REAL Women met with the Minister of Health, Perrin Beatty, and his senior officials on March 8, 1991 to discuss the issue of child care and the UN Convention on the Rights of the Child, they referred several times to the fact that they had received a considerable number of letters from our members on these issues. It does point out that your letters do count and do make a difference. Please keep writing!

REAL Women Holds National and Regional Press Conferences on May 26, 1992, from REALity, July/August 1992

REAL Women held simultaneously, a national and a series of regional press conferences in seven cities across Canada to make public our deep concern about the abuse of power by Justice Minister Kim Campbell. In addition to radio, television and newspaper coverage, several editorials such as the Charlottetown "Guardian" mentioned REAL Women's questions about legal training in this country. The Globe and Mail raised probing questions about the appointment and training of judges. The Lawyer's Weekly gave nearly full coverage to our concerns about Ms. Campbell's interference with the judicial system.

Court Intervention by REAL Women, from REALity, July/August 1992

When the abortion law was struck down by the Supreme Court of Canada in 1988, Canada's leading abortionist, Henry Morgentaler, began to expand his chain of abortuaries. In 1989, he attempted to set-up one in Halifax. The Nova Scotia government had never had any private, for-profit clinics for any medical services. Charges of illegally performing abortions were laid against Morgentaler, who argued that provincial governments did not have the jurisdiction to restrict abortions because abortion is a criminal matter and within federal jurisdiction only. The case is

now before the Supreme Court of Canada. On April 20, 1992, REAL Women was granted intervenor status.

REAL Women's Bold New Initiative, from REALity, March/April 1994

On March 2, 1994, we held press conferences simultaneously across Canada in 12 different locations. The purpose was to alert the new Liberal government that it must listen to the voice of grass roots Canadians. At the same time, we released a 92 page document, "A Voice for Canadian Women," to all MP's. It sets out our position on 12 major issues.

Liberal Government Enforcing Employment Equity Bill-64, from REALity, March/April 1995

On March 1, 1995, REAL Women made a presentation to the House of Commons Standing Committee on Human Rights and the Status of Disabled Persons objecting to the entire concept of employment equity contained in Bill-64, which will affect all agencies under federal jurisdiction. We also objected to the absolute power given to the Canadian Human Rights Commission, which will enforce the legislation with no court appeals allowed.

THE DECEPTIVE "PERSONS" CASE 1929

Feminists claim that women became legal "persons" only when the Privy Council in England (the court of last resort for Canada until 1949) declared, in 1929, that women are eligible to be appointed to the Senate. Such an argument, however, is typical feminist nonsense.

Women have been separate as to property (that is, they may manage their own business affairs) since 1882. They could vote in the Province of Manitoba, Alberta and British Columbia since 1916, in the other provinces shortly thereafter, and federally since 1918. Universal male suffrage only occurred in 1885. (Prior to that time, only property owning males were permitted to vote.) All the "persons" case did was to acknowledge that women were eligible to be appointed to the Senate – nothing more.

The decision of the Privy Council in the case, however, not only serves as grounds for heated feminist fervor, but it also has created long range problems in Canadian constitutional law – problems that haunt us today. That is, the decision of the Privy Council has given judges the rationale and incentive to re-write legislation according to their own perspective and ignore the purpose and intent of the legislation, as passed by the legislators.

REALity has published several articles on the "Famous Five" Canadian women, promoted by feminists as having achieved equality for women by recognizing them as "persons." These women brought the 1929 Persons case (Edwards vs Canada) before the Judicial Committee of the Privy Council in London, England, after the Supreme Court of Canada had decided that women were not eligible to become Senators. It should be noted that the BNA Act did not explicitly bar women from sitting as Senators. However, by the 1920s, only men had been appointed to the Senate, subject to certain requirements, such as owning real property to a net value of $4,000, a sizable sum at the time. The Supreme Court of Canada had decided that women could not become Senators because the framers of the Constitution did not foresee women Senators, as women did not participate in politics at that time. Moreover, they pointed out that the Constitution used the pronoun "he" only when referring to Senators.

The following article by Patrick Brode, Barrister and Solicitor, describes how the Privy Council decision in the "Persons case", which reversed the Supreme Court of Canada decision, has created problems in regard to judicial interpretation in Canada today. The decision in the Persons case is being repeatedly used by the Supreme Court of Canada as an excuse to write-in provisions in the Charter of Rights and other legislation that were never intended by the legislators.

This is not to suggest, by the way, that women should not be appointed to the Senate. Quite obviously, they should be. The problem lies in the fact that any changes in the appointment system should have been brought about by the

legislators who represent the public, not by the arrogant imposition of this change by an appointed judge. That is, the decision of Lord Sankey of the UK Privy Council to change the written words of the BNA Act more to his own personal views has given our present day Supreme Court of Canada the rationale to "write-in" words or find meaning in the Charter of Rights that were never in the written text and never intended to be included.

THE PERSONS CASE: A SANCTIFIED PIECE OF LEGAL LORE

By Patrick Brode, Barrister and Solicitor

Lord Sankey, of the UK Privy Council, was one of the Law Lords, who in 1929 reversed the Persons Case on appeal from the Supreme Court of Canada, and was an individual who thought he knew better than anyone else. Thanks to him, we have the "Persons" case that sanctified piece of legal lore that has led to a statue on Parliament Hill of the so-called "Famous Five". In addition, law review journals are full of praise for this noble Law Lord who supposedly single-handedly raised women up to the level of equality. Sankey himself was a peer, and a progressive politician; it is, therefore, not surprising that his decision was not only heavily political, but also wrongly decided.

Robert Sharpe, a justice of Ontario's Court of Appeal and Patricia McMahon, a Toronto lawyer, have written a book in praise of Sankey. The book is called The Persons Case: The Origins and Legacy of the Fight for Legal Personhood, published in 2007 by the Osgoode Society for Canadian Legal History and available at the University of Toronto Press for $50; 272 pages. The book details the proceedings that led to Sankey overriding Canadian law and settled constitutional interpretation, and imposing his personal view that the law should be changed to enable women to sit in the Senate. Not for a moment do the authors question the legitimacy of this method. Right from the first page, they advise us that the decision was a "bold legal step" and that it became "the most powerful metaphor in modern Canadian constitutional jurisprudence."

The case itself sprang from a petition initiated by five well-educated and accomplished Alberta women. Among them were Irene Parlby, the first female member of the Alberta cabinet and Nellie McClung, an elected member of the Alberta legislature. Foremost among the five, however, was Emily Murphy, the first female police magistrate in the Commonwealth. The authors portray Murphy as a compelling figure: she was, indeed, a vigorous author, social reformer, world traveler and women's advocate.

Emily Murphy: Support the Family Unit at Any Price

In 1916, Emily Murphy had proposed a special women's court and was appointed to preside over it. Striking an independent line, she saw the role of the magistrate as not just handing out punishment, but inquiring into how women got into trouble with the law and how they might change to get out. However, the authors seem uncomfortable with Murphy, particularly her support of the integrity of the family unit "at virtually any price" and her opposition to abortion, which she called "murder in embryo." No shrinking violet, Murphy nominated herself for the Nobel Prize in 1923 and fearlessly put herself forward to the Prime Minister as the appropriate individual to be the first female to fill a seat in the Senate Chamber.

Even at that time many were criticizing the Senate as a useless body to which no one, male or female, should be appointed. Nevertheless, Emily Murphy craved the appointment and lobbied hard for it. Her problem lay in the wording of the British North America Act of 1867 which simply stated that only "qualified persons" could be appointed and, in 1867, those persons were males. Despite all her political string pulling, Ottawa politicians were unwilling to seek a constitutional amendment. So Murphy and her colleagues turned to the courts.

When the case was heard by the Supreme Court of Canada in 1928, the judges were unanimous that the framers of the BNA Act could only have meant that men were qualified for the Senate in 1867, and, as the Act had not been amended, there was nothing further they could do. As one of the justices stated in a different context, "The reforming department of the State is not the Courts of Justice, but Parliament." Whatever opprobrium it attracted

from journalists, the decision was legally correct and consistent with all other precedent on how Canada's constitution was supposed to be interpreted.

John Sankey: Lord Chancellor from the Left

Privately, Murphy distrusted any notion of democratic change and did not want the issue to be put to a vote in Ottawa, "as I had excellent reasons for believing it would be defeated …" So, bypassing the elected representatives, she pursued an appeal to London to the Judicial Committee of the Privy Council. That body would likely also have ruled against her, except for a fortuitous change of government. The British Labour Party came to power in early 1929 and John Sankey, a prominent sympathizer with the left, was appointed to the most powerful judicial post in the land of Lord Chancellor. Ten years earlier, he had been the chairman of a commission to investigate the coal mining industry. His conclusions, that state ownership of production was the only answer, was wisely shelved by the government of the day. Nevertheless, Sankey had proved his Labour credentials and was a top choice for the Lord Chancellor's position.

Canadian Judges: Persons Could Well Refer to Women

The Persons case was the kind of progressive cause that John Sankey relished. He prefaced his decision with a comment that "The Canadian Supreme Court was unanimously of the opinion that the word 'persons' did not include female persons." This was unforgivably inaccurate for the court had said no such thing. The Canadian judges had stated at several points that the word persons could well refer to women. But what the court faced was the interpretation of the phrase "qualified persons" in the context of BNA Act of 1867. It was a distinction Sankey chose to ignore.

Lord Sankey and "the Living Tree"

A pervasive theme of his judgement was that legal rules are not rules at all: they mean whatever the judges want them to mean at a given moment. As he artfully phrased it, the Canadian constitution was a "living tree capable of growth and expansion within its natural limits." Unlike the Supreme Court of Canada, he chose to ignore the standard rules of interpretation and decided that the BNA Act should be read as if it had been passed in recent years, not in 1867. However progressive that may have seemed, it was an attempt, as a Canadian legal scholar of the time noted, "to take into account matters of political expediency", not to interpret the law as it existed.

Ironically, the decision had little impact at first. Ten days after the judgment the New York stock market collapsed, the depression was on and whether or not a woman could serve in Canada's Senate had become an issue irrelevant to all, except perhaps Emily Murphy. But even she was to be disappointed, for the first woman appointed to the red chamber was not herself, but Cairine Wilson of Ontario. Still, it was undeniable that the decision was a landmark. Nellie McClung concluded that now that the Senate doors were open to women, there were only two other great institutions closed to them, "the church and beer parlours."

The legacy of the Persons case, however, has become very apparent within the past thirty years. The authors accurately note that, especially after the enactment of the Charter of Rights in 1982, "it is Lord Sankey's approach to constitutional interpretation that has dominated the Supreme Court of Canada's approach to Charter interpretation." Judges intent on overriding existing laws have frequently invoked the "living tree" metaphor as justification.

Judge Driven Social Policy

This is a wonderful outcome, the authors conclude, for the metaphor has a "timeless quality, because it infuses constitutional interpretation with life." There is only a passing reference (buried in a footnote) to the writings of Rainer Knopff and F.L. Morton who have called into question the legitimacy of judge driven social policy. Judicial activism has given us a situation in which the Supreme Court has negated Canada's laws on abortion, leaving the country one of the few democracies with no legislation at all protecting the unborn. Such activism also led to the

infamous Askov decision in which thousands of cases were peremptorily dismissed due to a judicially imposed notion of delay, and to a situation where, recently, the Supreme Court overrode twenty years of its own jurisprudence to conclude that unionized collective bargaining is a protected constitutional right. Not only does the living tree change from moment to moment, it seems more to resemble an uncontrolled weed: what was the law last year is no longer the law today; and what was acceptable social policy for generations is suddenly swept aside by a judicial decree.

An Elitist Judiciary

All of this change is effected by a judiciary that, much like the Senate, has no responsibility to the electorate. The Persons case was really a celebration of "Olympianism," the notion that the Lord Sankeys, who end up on the bench, are not just the lucky recipients of political favour, but actually have some innate ability to understand what is best for us. There is a mistaken notion that these unelected elites are somehow endowed with a superior intellect to decide what the rest of us need. Ultimately, the Persons case is a commemoration of elitism, not equality and democracy. We have paid the price for this elitism, for example, in the Canadian courts finding same-sex marriage in the constitution – an entity that the Supreme Court of Canada never found before in its over 100 years of existence. There is no telling what else the courts will find using Lord Sankey's "living tree" interpretation of our laws.

Lord Sankey's argument is not a cause for celebration.