

The Charter of Rights and the Ad Hoc Lobby The Limits of the Success

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ABSTRACT

The political significance of women's lobbying efforts to affect the wording of the Charter of Rights and Freedoms is assessed in this paper. The author proposes that the women's lobby worked within government defined terms of reference, and its success was limited to strengthening the federal government's commitment to legal equality rights for women. In the process, the Ad Hoc Committee which led the lobby modeled its tactics on those of traditional pressure groups, and not on the consensual tactics of many feminist groups.

RÉSUMÉ

Dans cette communication, l'auteur examine l'importance politique des efforts des groupes féministes exerçant des pressions afin d'obtenir des droits pour les femmes à l'intérieur de la Charte des Droits et Liberté. Ces groupes ont accepté les limites établies par le gouvernement fédéral. Leur succès était de consolider les droits d'égalité déjà accepté par le gouvernement fédéral. Présentement à développer les tactiques, le Comité ad hoc sur la Constitution a adopté des tactiques traditionnels plutôt que les tactiques féministes.

Introduction

On April 17, 1985, the equality rights section of the Charter of Rights and Freedoms came into effect. Two sections of the Charter specifically pertain to women's rights, and women's groups were influential in affecting their final form. Section 15 guarantees every individual equality "before and under the law without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability." Section 28 guarantees that "Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons."¹ Section 28, unlike section 15, is not subject to provincial override. The legal significance of the Charter for the advancement of women's rights both provincially and federally may be substantial. That possibility has been explored by others² and will continue to be of interest as equality cases are brought before the Supreme Courts of the provinces and of Canada. This paper focuses on the political significance of women's success in affecting the wording of the Charter.

In 1982 when the Constitution was proclaimed, most of the people involved in the process were euphoric about

what they saw as women's new-found political clout. Rosemary Billings, one of the members of the group actively fighting for women's rights in the Charter, later proposed that her group "got the state to do something which was against its own best interest."³ Penney Kome, who wrote a stirring account of the women's lobby, described women's success as "a political earthquake." In her words:

Organized women wrote a sexual equality clause into the new Canadian Constitution over opposition from the federal government and defended it against revision by the provincial governments.⁴

Walter McLean, opposition critic for women's issues at the time and in 1984 appointed the Minister Responsible for the Status of Women, proposed that "the constitutional lobby was a watershed period for the Canadian women's movement, establishing it as a major political force."⁵ Clearly, there was a strong feeling that the Charter experience was both a political and a legal victory for women's groups. Several years after the event, it seems appropriate to look back on the interaction which took place between women's groups and the two levels of govern-

ment to assess the nature of the victory. The lessons learned from the Charter experience can be important for the development of future strategies for women's groups as they continue to press governments for changes.

The Constitution Experience in Review

For the purpose of this paper, the constitution issue is limited to the period between 1978 and 1982. There were many discussions of amending formulae and changes in the distribution of federal-provincial powers before that time, but 1978 marked the formal beginning of the federal government's emphasis on a human rights charter for Canadians in the new constitution package. In terms of understanding the outcome of this issue it is significant that in 1978 the federal government began to talk about the constitution as a symbolic issue. In that year, with the publication of the white paper, *A Time for Action*, the federal government shifted its emphasis on constitutional renewal from a redistribution of federal-provincial powers to equality rights for Canadians. The proposed charter was described in symbolic terms as part of a new beginning for Canada:

Over the course of their history, Canadians have developed their own identity, their own conception of government and society and their own world perspective. The principles of the renewal proposed by the government must be based on this identity, this conception and this perspective.⁶

In the white paper, the government proposed a rights package which included protection for native people; the development of French and English; the enhancement of the mosaic of cultures; the self-development of the regions; economic integration; national stability; and the interdependence of the federal and provincial governments. The package did not include equality rights for women and men. This failure to include women was surprising given the earlier commitment, albeit fairly ineffectual, to the equal treatment of men and women before the law in the 1960 Bill of Rights.⁷ Indeed, the Bill of Rights served as a model for parts of the proposed Charter. It was surprising as well in view of the Liberal government's attempts, since 1970, to remove the discriminatory treatment of women from some of its laws.⁸

However, later in 1978 when the government introduced its first Constitution Bill in the House of Commons, sex had been added to the list of equality provisions. Section 9 of this Bill states that:

The rights and freedoms declared by sections 6, 7, and 8 of this Charter shall be enjoyed without discrimination because of race, national or ethnic origin, language, colour, religion, age, or sex.⁹

The rights protected were freedom of thought, conscience, religion, opinion, expression, peaceful assembly and association, press, opinion and belief, the right to life, liberty, and security of the person, rights against unreasonable arrest and searches, and the right to mobility across provinces in Canada. It was a document written in the liberal tradition, and focused on the rights of individuals. The decision by the government to include equality provisions for women in the 1978 Bill was significant politically, for it meant that the principle of equality rights for women and men, while possibly not of great importance to the government, was nonetheless acceptable almost from the outset of the Charter issue.

The federal Liberal government was not successful in its bid to convince the provinces to accept the 1978 Bill which was defeated in 1979. The Liberals, led by Prime Minister Trudeau, were returned to power in February 1980, and early in October they placed a new bill before the House of Commons which called for unilateral federal action to patriate the constitution. The 1980 Bill looked very much like the earlier 1978 version. In the 1980 document, equality rights could be found in Section 15, which stated that:

Everyone has the right to equality before the law and to the equal protection of the law without discrimination because of race, national or ethnic origin, colour, religion, age, or sex.¹⁰

The list of rights protected was similar to that contained in the 1978 Bill. In addition, the 1980 Bill included the proviso that the equality rights provisions did not preclude affirmative action in favour of disadvantaged persons or groups. This was one more indication of the federal government's commitment to equal opportunity.

At this point, women's groups began to take an active interest in the constitution proceedings. They were spurred to action by two events. The first of these was the decision by the federal government to transfer jurisdiction over divorce to the provinces. Women's groups were concerned that this would make it even more difficult for women to obtain support payments from their former husbands, and they made a strong appeal to the federal government to leave divorce in federal hands. While the government agreed to this demand, suddenly the question of federal-

provincial powers was seen to be relevant for women's lives. The second concern of women's groups was that the constitution was to be a blueprint for the future of Canada. They heard the words "principles for renewal" in the deliberations and wanted to make sure that women were part of that renewal.

During the constitutional talks there were about 20 national women's groups in existence. The most important of these was the National Action Committee on the Status of Women (NAC), an umbrella organization committed to what it calls feminist goals; i.e., attempts to bring about "self-determination for women in political, economic, and social roles."¹¹ From the beginning, the National Action Committee was the women's group most actively involved. However, two factors restricted its role. First, while the principle of equality for women and men was never questioned by the group, the notion of an entrenched charter and the process by which it should be obtained were debated among the executive and the membership. Secondly, the group discovered that it could not obtain funds to carry out its goal of keeping women informed and providing them with a forum for discussion of a new constitution. The National Action Committee receives most of its funds from the federal government, through the Secretary of State. For example, in 1982, \$175,000 of its budget came from the Secretary of State, and only \$4,000 from members' dues.¹² In 1980 the National Action Committee established a Constitution Committee, which made plans for regional meetings to discuss the issue. It applied too late for government funding for the meetings, and they were not held.

As a result, the National Action Committee could not carry out its role as a leading lobby group on this issue. The Canadian Advisory Council on the Status of Women filled the leadership vacuum. Papers on the constitution proposals were prepared for the Council, and were made available to interested persons or groups. Doris Anderson, who was then President of the Advisory Council, explained her Council's involvement this way:

NAC wasn't as geared up as it should have been to run with that kind of an issue as a lobby group. And so, much more cumbersome and less well-equipped an organization like the Advisory Council took on the job of trying to alert women to the implications of the wording of the Charter...¹³

But the Council had been appointed by the federal government, and while its mandate was to advise the government on status of women's issues, some of its mem-

bers felt bound by government directives. This restricted the Council's freedom to act. Its assumption of leadership on this issue led to serious problems as the government and women's groups began to disagree on what equality rights for women involved.

The problems associated with relying on a government appointed agency for leadership on an issue became particularly clear when the Advisory Council began to organize a national conference on the Constitution to be held in Ottawa in September, 1980, one week prior to the First Ministers' Conference on the constitution. The timing was crucial, for the Advisory Council conference would have given Canadian women the opportunity to express their views on the proposals which would be discussed by the Premiers, before they had taken a decision. However, the Advisory Council conference did not take place. A translator's strike, in which women translators were bargaining for daycare and maternity leave, led Doris Anderson to cancel the conference, on the grounds that women could not cross picket lines set up by other women. This was the first message to women's groups that representative democracy might not be working as well as they had hoped. Subsequently, the Advisory Council rescheduled its conference to February 14, 1981.

In the meantime, women's groups carried on with their analysis. There was a growing sense among some of the activists within women's groups that "Unless something was done with what was on the table there was no chance of getting anything at all."¹⁴ At the same time, there was evidence of a rift in movement politics, with Quebecois women opposed to the Charter altogether, and Western women opposed to the federal government's leadership on the issue. The rift resulted in the departure of the Quebecois group, Federation des femmes de Quebec, from the National Action Committee which was prepared to endorse a Charter which protected women's rights. Twenty women's groups presented the results of their deliberations to the Joint House-Senate Committee on the Constitution, sitting between October, 1980, and February, 1981. Their briefs were remarkably similar, and their demands included replacing the words "every one" with "every person" throughout the Charter; equality for women under the law as well as before it; proportional representation for woman and men on the Supreme Court; and equal rights for native women.

On January 12, 1981, Jean Chretien, then Justice Minister, announced revisions to the 1980 Constitution Bill. Included in the revisions were some of the reforms proposed by women's groups in their briefs. Most significant

was the agreement to make women and men equal both before and under the law. This new wording meant that legislation must in its nature be nondiscriminatory, as opposed to the earlier Bill of Rights dictum that laws must simply be applied equally to women and men, but could in their substance treat women and men unequally. But other proposals were not adopted. The wording "every one" was not replaced by "every person," probably because this would anger the pro-choice groups which held out the hope that "every one" might be interpreted by the courts to include unborn fetuses. Nor was any provision made for women's proportional representation in the courts, where the true test of the equality rights provisions would come. And the refusal to grant equal rights specifically to native women probably reflected the fact that the government was negotiating with native people as well as with women, and feared jeopardizing a settlement on native rights.

On January 20, shortly after these revisions to the 1980 Constitution Bill were made public, Doris Anderson resigned from the Advisory Council because the Council refused to hold the conference planned for February 14. In the Council's view, the government had made important concessions to women and the conference might harm the constitutional process. In the government's view, the conference was no longer necessary. The decision by the Advisory Council to cancel for the second time a conference on the Constitution gave rise to a new relationship between itself and women's groups, and uneasy partnership which still exists today. It also generated a second leadership vacuum on the Constitution issue which groups like the National Action Committee still were unable or unwilling to fill. In the vacuum, a group of organizers based in Toronto and Ottawa came together to give new life to the cancelled conference. A new group with about 30 members which became known as the Ad Hoc Committee was formed. With the co-operation of some women Members of Parliament and civil servants, the women of the Ad Hoc Committee organized the February 14 conference originally planned by the Advisory Council.

The Ad Hoc Committee was not completely on its own. Many of the women involved were members of existing women's groups. The ties with the National Action Committee were particularly strong. This meant that the Ad Hoc Committee could use the network established by the National Actictures. They focus on educating their membership about important political issues, and on developing a consensus among women on the question of women's rights. Their concern for the process of decision-making sometimes keeps them from responding quickly to government initiatives. In the case of the Charter, NAC was

hampered by membership disagreements about the usefulness of a Charter in any form. The Ad a resolution against unilateral federal action.¹⁶ Yet there is evidence that the Charter itself was not liked, even by some of the Conference organizers. One member later reflected that:

Everyone in NAC and other women's groups was fairly explicit that we thought the Charter was inept, that the process was inadequate, but unless we did something with what was on the table we had no chance of getting anything at all.¹⁷

In other words, the Ad Hoc Committee decided to work within the limits to action which had been set by the federal government. That involved adopting the liberal equal opportunity model of rights contained in the Charter. It also involved rejecting any commitment to developing a consensus among women on the issue of a Charter of Rights.

The list of proposed amendments generated on the first day of the Conference was a reiteration of many of the proposals submitted by women's groups to the Joint House-Senate Committee on the Constitution, and not included in the revised Constitution Bill announced in January. In addition, the Conference called for "'a statement of purpose' guaranteeing the rights in the Charter equally to men and women, with no limitations."¹⁸ This was the resolution which later became Section 28 of the Charter. There was a call for women's right to reproductive freedom, an end to discrimination on the basis of marital status, sexual orientation, or political belief, and the application of affirmative action programs to groups only, and not to individuals. The women at the Ad Hoc Conference also endorsed the concern for process which has been so important in the women's movement, calling for debate without closure in Parliament on the Constitution, and meaningful representation of women in the deliberations. This concern for representation was reflected as well in discussion about the role of the Canadian Advisory Council on the Status of Women. The women at the Conference concluded that the Council should report to Parliament directly rather than to the Minister Responsible for the Status of Women. They also proposed that the Advisory Council membership should be representative of those women in Canada who work for status of women issues. Thus, while the women at the Conference were committed to working with the document before them, they generated a set of goals which in some cases went beyond the liberal guarantee of equal opportunity. They wanted to see women gain more visibility in the policy-making process, and to rewrite portions of the Charter in terms of collective rather than individual rights.

Following the Conference, an administrative assistant to one of the women Members of Parliament who was lending her support to the process approached some of the Ad Hoc Committee members and pointed out that the Conference was just the beginning of the struggle. Subsequently, in the second stage of the lobbying process a smaller group of women who had been part of the original Ad Hoc Committee set out to convince the Liberal government that the February 14 conference recommendations be accepted. In order to demonstrate its mandate to the government, the committee mailed literature on the issue to women across the country, asking for support. It was a person-to-person appeal, in which contacts were used and friends were urged to help. At the same time, the committee worked with women from the National Association of Women and the Law, who negotiated with the government for a shorter list of changes. The two groups decided to focus primarily on the resolution from the February 14 Conference calling for a general statement of equality rights for women and men, in the belief that this resolution was the most likely to succeed.

The strategy worked, and Section 28 was included in the Constitution. However, when Prime Minister Trudeau took this Constitution to the Premiers for ratification in November, 1981, he bargained away the "notwithstanding" clause in Section 28 in return for their agreement on the rest of the package. In the terms of the November, 1981, Accord, Section 28 was made subject to provincial override. There is convincing evidence that the Premiers' decision was based on a legal rather than a substantive objection to Section 28. Saskatchewan Premier Allen Blakeney felt that the wording, "Notwithstanding anything in this Charter," would make it impossible to enact affirmative action programs which favoured women unequally.¹⁹ And so Blakeney, with some of his provincial colleagues, wanted the power to override the "Notwithstanding" clause.

Following the November Accord the Ad Hoc Committee entered the third stage in the lobbying process. The Committee was convinced that the Premiers had misinterpreted the legal implications of Section 28. For the first time in the lobbying process the Committee was supported by the federal government and the new Minister Responsible for the Status of Women, Judy Erola, who agreed with its legal interpretation of Section 28. The central role of the Minister in this stage of the lobby process soon became apparent. The Minister, together with Status of Women Canada, can be very useful for both information sharing and resource gathering when the government and a group share similar goals. In this case, Judy Erola was angered by the Prime Minister's decision

to give in to the Premiers' reading of Section 28, and she served notice on her Cabinet colleagues that she would change the November Accord.²⁰ She was a useful ally for the Ad Hoc Committee.

The federal-provincial dimension of the Charter negotiations led the Ad Hoc Committee to develop yet another set of skills. The problems of working in a federal structure have plagued women's groups since the turn of the century. In the federal-provincial forum of this stage in the constitutional talks, the Ad hoc Committee decided to concentrate on pressure tactics. The Committee members contacted friends who could put pressure on the provincial Premiers, to secure their agreement to remove the gender equality clause from the override provisions in the Charter. One Ad Hoc Committee member described the process this way: "In every case people were thinking, who do I know? It was the first time I'd ever seen women think, where can we reach out and pull a lever of power?"²¹ Once again the Ad Hoc Committee was successful, and Section 28 was removed from the provincial override provisions of the final version of the Charter.

The Limits of the Success

The Ad Hoc Committee mounted a successful pressure lobby first to strengthen the federal government's commitment to gender equality and later to convince the provincial governments to accept the argument that Section 28 would enhance women's legal equality rights. But the Committee's success was contained within the limits of legal equality rights for women and men.

In an American study of women's groups, Ann Costain notes that three factors contribute to lobbying success. They are:

- (1) an external stimulus to break down membership resistance to lobbying;
- (2) the availability of primary and secondary groups which are willing to develop lobbying;
- and (3) a minority of Congress members willing to provide direction for early lobbying efforts.²²

A fourth factor is the perceived legitimacy of the group's goals. Legitimate goals are those which the government accepts as normal or appropriate. In 1981 the notion of legal equality rights for women was acceptable to the federal government, even before the Ad Hoc Committee launched its campaign.

Earlier, in 1978, the federal government already had accepted the principle of non-discriminatory rights for

women in the Charter. Women's groups, through their submissions to the Joint House-Senate Committee on the Constitution in 1981 persuaded the federal government to rewrite the non-discriminatory provisions in the Charter as equality rights guarantees, and to specify that equality would prevail both within laws and in their application. The Ad Hoc Committee took the principle of equality rights for women one step further, and demanded a special guarantee in what became Section 28 that all rights protected by the Charter would apply equally to male and female persons. Subsequently the Ad Hoc Committee convinced the provincial governments to accept its interpretation of the legal significance of Section 28. In other words, women's groups, including the Ad Hoc Committee, successfully challenged the sincerity of the federal government's commitment to equality rights for women by demanding and obtaining what they felt was an iron-clad guarantee of these rights. But the victory occurred within the government's existing policy of legal equality rights for women.

Since 1970, the federal government has been working within this policy. In 1972, the principle of equal rights was made clear in a memorandum from Prime Minister Trudeau to his federal cabinet. He included equal opportunities for women among his government's goals and proposed that women should be integrated "into the development process as equal partners with men."²³ In other words, women were to be granted the right to equal opportunity to compete with men for employment in the public sphere. In 1979 the federal government set up an Affirmative Action Directorate to encourage employers to participate in a voluntary program of affirmative action for the hiring of women in jobs traditionally held by men. While the program was not very successful, it nevertheless demonstrated the government's commitment to the principle of equal opportunity for women in the labour force. A national industrial training program was put in place to prepare some women for non-traditional jobs. In 1977, the government even went beyond the principle of equal opportunity to legislate, in a limited way, equal rewards with the passage of the Canadian Human Rights Act. This Act established the principle of equal pay for work of equal value in the federal public service.

So, on the issue of equality rights in the Charter the Ad Hoc Committee was working with a friendly government. But what of the other goals endorsed by women's groups and by the women at the February 14 Conference on the Constitution? On some issues, like equality rights for native women and women's right to reproductive freedom, there was no movement by the federal government because these were politically sensitive areas. On the ques-

tion of collective rights for woman, such as equal representation on the Supreme Court or the rewording of clause 15(2) of the Charter to exclude "individuals" from affirmative action programs, there was no concession because these proposals challenged the government's belief that individual, and not collective, rights form the basis of a free and just society.

In summary, the Ad Hoc Committee succeeded in convincing the federal government to *reaffirm* its commitment to equality rights for women, and to raise this issue from low to higher priority status. The Committee did not have to argue for the principle of equality *per se*. On other issues, particularly those of a redistributive nature such as pensions and day-care, the demands of the groups which are part of the Canadian women's movement go well beyond the federal government's commitment to legal equality.

Nevertheless, the Ad Hoc Committee did make significant advances within the government-defined limits of action. It convinced the federal and provincial governments to incorporate women's perspectives on equal rights in the wording of the Charter. Costain's three factors were at work here. First, the perceived failure of the federal government to uphold the democratic tradition which women's groups have always revered served as a strong stimulus to action. The cancellation by the Advisory Council of the February 14 Conference on women and the Constitution angered many women who had had great faith in the federal government's willingness to listen. It led the women who organized the Ad Hoc Committee to work around the regional differences in the women's movement on the issue of an entrenched Charter.

Secondly, it was a new group, the Ad Hoc Committee, which formed to launch a protest. The Ad Hoc Committee was small, imbued with a sense of importance, and working under the pressure of time. It was prepared to adopt pressure tactics in the interest of winning equality rights for women. The older institutionalized groups like the National Action Committee were themselves unwilling or unable to become more aggressive but they did provide support to the new Ad Hoc Committee. The Ad Hoc Committee developed a set of lobbying skills which reflected a decision to work partly according to the rules of power politics. It gave up some of the consultative practices of women's groups, ignored the signs of discontent from Quebecois feminists, silenced Western dissent, and set the agenda for the Conference discussion on February 14. A network of personal contacts with government was established and the pressure on government was maintained over time.

Thirdly, there was support from members of the House of Commons at all stages in the lobby process. In the period preceding the February 14 Conference, several women legislators and their staff gave the Ad Hoc Committee moral support, physical office-space, and strategic advice. In the third and most difficult stage of the lobby, convincing the provincial Premiers to exempt Section 28 from provincial override, the newly-appointed Minister Responsible for the Status of Women, the Honorable Judy Erola, helped the Ad Hoc Committee. Indeed, the Minister found a useful ally in the Committee in her campaign to secure strong legal equality rights for women.

The lobbying gains, if not the equality rights themselves, were short-lived. Many of the political contacts established by the Ad Hoc Committee during the Charter negotiations broke down after the Constitution was proclaimed in 1982. Most of the women who were actively involved in the Ad Hoc Committee used all of their available energy on this one issue. In some cases, the women were between jobs, in others they were forced to quit their employment to work on the Charter. Family and job commitments were pushed aside in the short-term, often at considerable personal cost. The Ad Hoc Committee could not sustain the political contacts established in 1981, and several years later women still do not have access to the power-holders in government.

Thus, the barriers for women on issues which go beyond legal equality rights were not broken down in 1981. Even on the legal rights issue which formed the basis of the Charter lobby, the Ad Hoc Committee engaged in lobbying strategies borrowed from traditional male-dominated interest groups. Since they developed in the 1970's, second-wave feminist groups have expressed a commitment to redefining power—from exercising influence over others to working with others. Many feminist groups have tried to operate consensually, stressing democratic practices within their organizations and the building of support for their positions among all interested women. Members of the Ad Hoc Committee, reflecting on their success, noted instances when the consensual model had been abandoned. The decision to focus energies on winning Section 28 was taken by a small group within the Committee, without the sanction of the women present at the February 14 Conference. Indeed, the rapid passage of events made it impossible for the committee to seek ratification. And while Section 28 may prove to be a victory for all Canadian women, in 1981 there were regional groups of women who felt that any entrenched Charter was against their best interests.

The Charter was an equal rights issue, and therefore less likely to provoke controversy than moral issues like abortion, or redistributive issues like pensions for housewives or daycare. Indeed, at the time there was widespread sentiment that the Charter was "not an issue, but a statement about a country."²⁴ The inability of women's groups to develop consensus on this kind of issue, or to implement new forms of pressure tactics consistent with feminist goals raises questions about future developments within the women's movement.

NOTES

1. Canada, *The Constitution Act, 1982* (Ottawa: Supply and Services, 1982), 4 and 8.
2. See for example Mary Jane Mossman, "Gender, Equality and the Charter," a paper prepared for the Royal Commission of Inquiry on Equality in Employment, February 1984.
3. Interview with Rosemary Billings, member of the Ad Hoc Committee, April 1983.
4. Penney Kome, *The Taking of Twenty-Eights the Renewal of the Canadian Federation* (Ottawa: Supply and Services, 1978), 3.
7. The legal problems with the Bill of Rights as a guarantee of women's equality rights are discussed in Mary Eberts, "Women and Constitutional Renewal," Ottawa, Canadian Advisory Council on the Status of Women, September 1980. See also Beverley Baines, "Women, Human Rights and the Constitution," in Audrey Doerr and Micheline Carrier, eds., *Women and the Constitution* (Ottawa: Canadian Advisory Council on the Status of Women, 1981).
8. For a review of these attempts see Sandra Burt, "Women, Legislators and Public Policy," in S. Burt, L. Code and L. Dorney, eds. *Changing Patterns: Women in Canada* (Toronto: McClelland and Stewart, 1988).
9. Canada, *The Constitutional Amendment Bill, Text and Explanatory Notes* (Ottawa: June 1978), 6.
10. Canada, *The Canadian Constitution 1980, Proposed Resolution Respecting the Constitution of Canada* (Ottawa: Publications Canada, 1980).
11. National Action Committee on the Status of Women, The Charter proceedings suggest that, while a legal victory may have been won in 1982, the political victory was a limited one. *Constitution*, revised March 1983.
12. Julianne Labrèche, "Women's Pressure Groups, What's Their Role in the 80's?," *Chatelaine* (July 1982), 79.
13. Interview with Doris Anderson, Toronto, March 1983.
14. Interview with Ad Hoc Committee member, March 1983.
15. Interview with Pat Hacker, member of the Ad Hoc Committee, March 1983.
16. Penney Kome, *The Taking of Twenty-Eight*, 60.
17. Interview with Rosemary Billings, April 1983.
18. The Conference resolutions have been reprinted in Chaviva Hosek, "Women and the Constitutional Process," in Keith Banting and Richard Simeon, eds., *And No One Cheered* (Toronto: Methuen, 1983), 298-9.
19. This was the argument advanced by Roy Romanow, who was then Saskatchewan's Minister of Intergovernmental Affairs, in a telegram of November 18, 1981, to Jean Chretien, then the federal Minister of Justice. In his telegram Romanow wrote, regarding the removal of Section 28 from provincial override, "We have grave reservations about this because of the danger that this would be interpreted to make unconstitutional all affirmative action programs for women."
20. Interview with Judy Erola, April 1986.

21. Interview with Pat Hacker, March 1983.
22. Anne N. Costain, "Representing Women: The Transition from Social Movement to Interest Group," in Ellen Boneparth, ed., *Women, Power and Policy* (New York: Pergamon Press, 1982), 30.
23. This is taken from a federal briefing document for deputy ministers on status of women policy. There is no date on the document, but it probably was written in 1976.
24. Interview with Pat Hacker, March 1983.

The Problem of Evil for George Melnyk

I

That instrumental moment when
 an off-duty soldier stepped on one of
Mr. Blake's flowers
and a cosmos unfolded itself
with grace and smoke
inside the seams of a poet's spying brain
a fissure erupts in flames

II

What baby replaces me with scrawny poems
when I will be too dead to remember?
My mother pretended we would never know
the difference, then, she meant the lust
after fame, or being overly concerned
with immortality
and afraid of ashes, thumbprints
smudged onto foreheads

III

It meant house arrest for Galileo I hear
(heresy is a naughty word in this world too)
Copernicus was wily enough to wait
he prevaricated until, on his deathbed
he ordered his findings published

Anne Richard Burke
Alberta