

Collection Management of Gay/Lesbian Materials in the U.K. and Canada

ANN CURRY

School of Library, Archival, and Information Studies,
The University of British Columbia, Vancouver, BC, Canada

The gay/lesbian free newspaper press has been crucial in the fight for equality of rights for homosexuals both in the U.K. and Canada. The laws affecting the publication and distribution of these newspapers have developed differently in the two countries however. Therefore librarians in each country have faced distinct challenges. This article examines the legislation in both countries, specifically Section 28 in the U.K. and the Charter of Rights and Freedoms in Canada. It

analyses the political and social climates responsible for the legislation in each country. The application of law and library policy to the Canadian gay/lesbian newspaper *Xtra! West* is explored through a 1996 censorship challenge in a British Columbia library. In the final section, collection management advice regarding gay/lesbian newspapers is offered, based on the results of a survey of 70 public libraries in British Columbia.

Homosexuality is not what it used to be. In scarcely a quarter of a century, same-sex experiences in the Western world have been ruptured from the simplified, unified, distorting, often medical, frequently criminal, always devalued categories of the past. Instead, they have increasingly become a diverse array of relational, gendered, erotic, political, social, and spiritual experiences, difficult to tame and capture with restrictive and divisive labels. Criss-crossing their way through class, gender, and ethnicity, a stream of emerging identities, new experiences, political practices, and ways of living together have been firmly placed on the political agendas of the future. (Plummer 1992)

Introduction

This article will explore the censorship of gay/lesbian materials generally within the context of current legislation and challenges, but will focus specifically on public library challenges to gay/lesbian newspapers. These newspapers, most of which are distributed free of charge, have been vital instruments in the recognition of the gay/lesbian community in society and a crucial medium for the sharing of information within the gay/lesbian communities in Canada, the United

Kingdom, Australia, and the United States. According to Streitmatter, referring to the U.S., those opposed to the distribution of gay/lesbian newspapers often characterise them as vehicles for smut, but

“a critic is well advised to look beyond the dangling genitalia ... [to see that] for five decades, the lesbian and gay press has published a distinctive brand of journalism committed to affirming the values of the community it serves, while documenting a shocking record of society’s homophobia.” (Streitmatter 1995)

The gay/lesbian newspaper press has been equally important in Canada, the U.K., and Australia. The Canadian *Body Politic* (ceased publication 1987), the British *Pink Paper* and the Australian *Melbourne Star Observer* have been instrumental in providing information from a gay viewpoint about topics such as same-sex partnership rights and AIDS. By being distributed in public places, they also proclaim to the straight majority that a gay/lesbian community exists. To include this “brash, bold, audacious, in-your-face” material (Streitmatter 1995) in public library

Dr. Ann Curry is Associate Professor, School of Library, Archival, and Information Studies, The University of British Columbia, #831 - 1956 Main Mall, Vancouver, BC V6T 1Z1, Canada. Phone: +1-(604)-822-4250; Fax: +1-(604)-822-6006. Email: ann.curry@ubc.ca Website: <http://www.slais.ubc.ca/people/curry.htm>

collections has been a difficult decision for many librarians as complaints about its inclusion are often received. However, inclusion of this material is essential if a public library wishes to serve all members of its community.

It is acknowledged that intellectual freedom and collection management issues also affect single copies of gay/lesbian newspapers that are catalogued and maintained in a regular collection for future use. This article, however, will concentrate on the issues affecting newspapers that are distributed freely in a library in multiple copies.

Gay/Lesbian materials in U.K. libraries

The Introduction of Section 28

The challenges faced by British librarians in general regarding gay/lesbian materials and in particular regarding gay/lesbian newspapers have centred in recent years around Section 28 of a "local authorities" bill passed into law on May 24, 1988. Unlike the Canadian or U.S. federal government, the British central government can pass legislation that directly affects policy and budgeting in local government. Thus British local towns and districts fund and govern their public libraries, but local public libraries operate under a mandate from the central government in London "to provide a comprehensive and efficient library service for all persons desiring to make use thereof" (Public Libraries 1964). Section 28 therefore affects every public library when it states:

- 1) A local authority shall not:
 - a) intentionally promote homosexuality or publish material with the intention of promoting homosexuality
 - b) promote the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship.
- 2) Nothing in subsection (1) above shall be taken to prohibit the doing of anything for the purpose of treating or preventing the spread of disease.

Many factors in British politics were influential in the passing of this bill. Some politicians viewed Section 28 as strengthening the recommendations and the resulting legislation of the Wolfenden Report (1957) on the decriminalisation of homosexuality. However, in re-defining the role of the

law in relation to sexuality, this report had also re-affirmed the separation of the worlds of public and private morality in the United Kingdom. It recommended that it should not be the role of the state to interfere with the private sexual lives of citizens but the state's function is "to preserve public order and decency, to provide safeguards against the exploitation and corruption of others" (Wolfenden, cited in Mort 1980). Throughout the 1960s, homosexuals in Britain were supposed to be quiet, orderly, and closeted, grateful to the government and society in general for allowing them to live secret but legal lives. The emerging public prominence of gay and lesbian activist groups in the 1970s and 1980s upset the comfortable quiet which the Wolfenden Report had tried to establish and gay/lesbian newspapers began to test the information restrictions that the Wolfenden Report appeared to impose. That the courts still considered homosexuality immoral was demonstrated by a ruling of the House of Lords against the *International Times* regarding the lawfulness or otherwise of contact advertising by homosexuals in newspapers and journals. The ruling stated that "The 1967 [Wolfenden-based] Act merely exempted from criminal penalties but did not make it (homosexuality) legal in the full sense" (House of Lords 1972).

Margaret Thatcher's campaigns to put "family values" at the core of her political agenda included the strengthening of restrictions against public dissemination of information about and for homosexuals. Throughout her long period as prime minister, she advocated the promotion of the traditional family as the only social structure which could advance Britain economically and socially, and she attacked the force which she saw as most subversive to the accomplishment of her neo-Conservative moral society - homosexuality. At the 1987 Conservative Party Conference she raised the alarm that "Children who need to be taught to respect traditional moral values are being taught that they have an inalienable right to be gay" (Thatcher 1987). In a subsequent interview, she was quoted as arguing that there was a "real concern that local authorities [municipalities] were targeting some activities on young people in schools, and outside, in an apparent endeavour to glamorise homosexuality" (Thatcher 1988).

The concern of Thatcher's ruling Conservative Party over the general social policies of some local

governments (called “authorities”) in the 1980s was also a factor in the passing of Section 28. The Labour party was in power in many local authorities and these were characterised as the “looney-left” areas of Britain by the Conservative central government. Thatcher and her ministers accused these authorities of failing to care for the “ordinary” people of Britain because they emphasised too strongly the provision of services for minority groups. As an example, the Thatcher government strongly criticised the London Haringey Borough Council’s Positive Images Campaign, which attempted to combat the often-negative images of minority groups, including gays and lesbians. As part of this campaign, local government services, including schools and libraries, were given funds to provide counselling and support to gay/lesbian young people (Lind 1996).

To justify the restrictions on the publication and distribution of information that the Section 28 proposed, many parliamentarians who supported it combined comments about the Bill with references to AIDS. They attempted to foster a sequence of thought that homosexuality leads inevitably to AIDS, which then poses a safety threat to the general health of all British citizens. The isolation of the homosexual community through information control was therefore justified in the interest of general health. Baroness Cox stated in the House of Lords, “I cannot imagine how on earth in this age of AIDS we can be contemplating gay issues in the curriculum.” Dame Jill Knight expressed a similar opinion in the House of Commons, “Some of that which is being taught to children in our schools would undoubtedly lead to a great spread of AIDS” (Smith 1994, 197). Conservative legislators in both houses emphasised that the “professionals” within local government, librarians as well as teachers, were misguided in their objections to Section 28 and unaware of the true threat to the national fabric caused by open acknowledgement of homosexuality.

Supporters of Section 28 appeared to divide Britain’s homosexual community into two groups: the quiet invisible gay/lesbian who “passed” within the heterosexual community and would not support the acquisition nor prominent display of a gay/lesbian newspaper in the public library, and the visible gay/lesbian who sought recognition as a member of the community with a need for information related to homosexuality.

Smith gives a gay reaction to the government’s supporters:

They spoke again and again of a law-abiding, disease-free, self-closeting homosexual figure who knew her or his proper place on the secret fringes of mainstream society. They insisted that they fully accepted this imaginary figure as a wholly legitimate member of British society. They argued that they only aimed to restrict the activities of a completely different kind of homosexual, the promiscuous, diseased, angry, flaunting, self-promoting and militant homosexual – the kind of homosexual that we lesbians and gays ourselves call “queer”. This distinction between the acceptable good homosexual and the dangerous queer ran through the entire discourse of the supporters (Smith 1994, 18).

Reaction within the library community

The debate about Section 28 which raged in parliament and the press focused on the school curriculum, but British librarians expressed fear that members of the public, local authority lawyers, and elected municipal politicians might invoke it to pressure librarians to withdraw material related to homosexuality. In response to this concern, The (British) Library Association (LA) asked Lord Preston to present an amendment in the House of Lords that would have excluded libraries from the scope of the legislation. This amendment was defeated. The Earl of Caithness, spokesperson for the Labour opposition in speaking against the amendment, maintained that it was “no part of the government’s intention to inhibit local authorities in their decisions on which books to stock” and that “only the deliberate promotion of homosexuality by local authorities would be affected.” Lord Caithness warned, however, that any library providing books or services with a homosexual theme should carefully “decide what its purpose is.” He further explained his position by referring to the “social engineering” being perpetrated by some Labour authorities, and he described gay library collections as “mischief” and as an “attempt to sell homosexuality, to ensure that people see it in a favourable light.” He advised that “steps to ensure that homosexuals are effectively served by the local authority in the same way that other sections of the community are served are one thing; promotional campaigns are another. When an authority sets out to proselytise, to impose its views on homosexuality on the rest of the community, then matters have

gone too far.” He admonished all local services to “tread very carefully in taking a decision to fund a service designed exclusively for homosexuals” (Caithness 1988).

The Right Honourable Richard Luce, Minister for the Arts (the portfolio responsible for public libraries) tried to reassure librarians that “public libraries which simply put books with a homosexual theme on to their shelves would not constitute promotion of homosexuality” (Luce 1989). Many librarians, however, remained unconvinced that the regular library activities which served gay/lesbian community members would not be threatened, either by librarians uncertain of the scope of the law or by local authority lawyers anxious to avoid litigation. Research conducted in 1991 showed that this concern was well founded. Interviews with 35 British public library directors revealed that some directors had, on the advice of the local authority lawyer, curtailed or cancelled activities such as providing free gay/lesbian newspapers in the library foyer, compiling booklists of materials of interest to the gay/lesbian community, organising speakers’ series about gay/lesbian topics, and creating displays to highlight gay/lesbian topics or authors. In one case, a director even re-arranged the furniture and the shelving sequence in the library so shelves containing books on homosexuality would not be among the first encountered when one entered the building – the previous arrangement was considered possible “promotion” of homosexuality by the city legal department (Curry 1997).

The Library Association responded to members’ requests for advice regarding their culpability by publishing a guidance note, “Sexual Orientation and Libraries,” that addressed the application of Section 28 in collection management of gay/lesbian materials and personnel issues of concern to gay/lesbian librarians. The guidance note states:

A public library found to be publishing a booklist on homosexuals as a special single list could be interpreted as intending to promote homosexuality. To publish such a list as part of a series with the intention of promoting the stock of the library is more likely to be considered legal. Thus, if an application for funding was being made, for example to a library committee [library board], the intention of the proposed activity for which funding is sought should be explicit. It is extremely unlikely that any library activity would be considered illegal and no prosecutions have been brought under the law. (Library Association 1994)

Despite LA and government advice, librarians and lawyers continued to be confused regarding application of the legislation, as illustrated by the year-long battle over the gay/lesbian newspaper *The Pink Paper* in Calderdale Public Library of West Yorkshire (As Section 28, 1995). The lawyer for the county council advised the chief librarian that stocking the newspaper could be seen as promoting homosexuality in a subtle way and therefore the Library would be acting in contravention of the law. Acting on this advice, the librarian refused to stock the newspaper. Only when pressure was applied by an HIV prevention organisation and by Liberty, a national U.K. civil liberties organisation, was the Library allowed to secure further legal advice from outside the council, advice that indicated the Library was unlikely to be charged. Calderdale Library subsequently stocked the paper and has continued to do so. It remains on open display, both in the Central and District libraries (Stone 1999).

Confusion about the legislation also arose in Glasgow, where the gay/lesbian newspaper *The Pink Paper* claimed that it had been banned from all forty-one branch libraries in the city library system. The library director, Andrew Miller, defended the absence of the newspaper on the basis of lack of demand and lack of space, saying that the only free newspaper circulated to all libraries was the city library’s own newspaper. The Library Association supported his stand, but LA spokesman Veronica Fraser noted that libraries had to serve all members of the local community equally whether homosexual or heterosexual and that it was particularly important that material should be available in places like libraries as well as gay clubs and pubs, despite that fact that Section 28 was making it “difficult for librarians to stay within the law.” (Section 28 saga 1995).

Throughout the 1990s, U.K. librarians continued to be concerned about Section 28, despite the fact that no public libraries were prosecuted. Many felt that the legislation promoted increasing self-censorship amongst colleagues and prejudice within society. In 1997, Judy Hendry in *Assistant Librarian* called attention to the high suicide rate among young gay/lesbian teenagers in Britain and asked her fellow librarians how they could “justify ignoring and thereby condoning the contravention of democracy” by not protesting more vigorously against the curtailment of information

to gay/lesbian teenagers which resulted from Section 28. She urged librarians to lobby for the repeal of Section 28 because she feared it was being used "as a pretext for disallowing or not obtaining material that alludes positively to lesbians or gays and their lifestyles" (Hendry 1997).

The lobbying of librarians, gay/lesbian activist groups, and other concerned citizens for the repeal of Section 28 appears to have been effective with the Labour government elected in 1997. Indications surfaced in 1999 that many Labour cabinet members, including Local Government Minister Hilary Armstrong, favour such action, particularly since the April 1999 bombing of a gay pub in Soho. In commenting on this tragedy, the Stonewall Group said government ministers "acknowledged the link between discriminatory laws, the prejudice they foster, and the hate crimes such as the Soho bombing" (Section 28 1999). This group, a gay rights organisation founded in Britain in 1989, has opposed Section 28 by lobbying key political officials and organising demonstrations such as the "Section 28 Roadshow" in October, 1999. This involved public meetings in five large British cities and spearheaded a mailing campaign that resulted in over 30,000 people sending anti-Section 28 postcards to Local Government Minister Armstrong. Also active in this lobbying effort against Section 28 is the Burning Issues Group, an independent group of public and academic librarians affiliated with The Library Association. The Group's mission is to improve library services to lesbians, gay men, and bisexuals (Website <http://www.croydon.gov.uk/bissues>).

The Canadian scene

According to a survey of attitudes about homosexuality, there were substantial differences between Canada and the U.K. with respect to attitude changes in the 1980s. In Canada, the acceptance of homosexuality became much more widespread, whereas in Britain, acceptance actually declined (Nevitte 1996). The trend towards greater tolerance in Canada is perhaps due to four factors:

- the lack of emphasis on homosexuality on the Canadian moral agenda throughout the 1980s
- the absence of a political right-wing moral agenda within either ruling party in Canada during the dec-

ade, whether the Liberal (1979–1984) or the Conservative (1984–1993)

- the extensive publicity given to the passage and interpretation of the Canadian Charter of Rights and Freedoms in 1982 and the equality rights section of this Charter which came into force in 1985
- the explicit addition of "sexual orientation" to the human rights codes in several provinces, by 1999, a majority of them

According to Rayside (1998, 109), moral regulation in Canada has never focused on homosexuality, despite the continuing influence of British law on the development of Canadian law. In both countries (the U.K. in 1967 and Canada in 1969), homosexual practices were, to a degree, decriminalised. However, British politicians and police authorities were "especially preoccupied with the condemnation and strict containment of homosexuality" in the three decades between the 1957 Wolfenden Report and the passage of Section 28, and arrests for sodomy were numerous. During this same period in Canada, there were few prosecutions and the penalties imposed were much lighter than were imposed in Britain. Illustrating the change in attitude during this period is the case involving Toronto publisher Pink Triangle Press which was charged with sending through the mail an issue of their newspaper *The Body Politic*. An article in the paper was charged with being "indecent, immoral, or scurrilous." (Her Majesty 1978). The case was settled in the Ontario Supreme Court in favour of the publisher. In dismissing the charges, presiding Judge Harris said that he found it "impossible to determine as a matter of law what is moral or immoral," and that the terms used in the charges were ambiguous and indefinite (Verdict: Not Guilty, 8). This proved to be a landmark case, creating in Canada a more liberal interpretation of community standards than existed in the U.K. then or since, and establishing a more secure arena for the Canadian gay/lesbian press.

Although Canadian Conservative Party leader Brian Mulroney (whose government held power from 1984 to 1993) appeared to follow a political agenda similar to those of fellow conservative leaders Margaret Thatcher and Ronald Reagan, the right-wing moral elements associated with the British and American conservative parties were never as powerful within the Canadian one.

During the Mulroney era (in 1985), the equality rights section of the Canadian Charter of Rights and Freedoms, Section 15, came into force, and although “sexual orientation” was not specifically included in the list of prohibited grounds of discrimination, the list was interpreted in parliament and in subsequent case law as being “open-ended” and “non-exclusive.” This has meant that lesbians and gay men have been protected as unenumerated but analogous groups (Rayside 1998, 41). Section 15 reads in part:

(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability. (Canadian Charter 1982)

The clarification in the Canadian Parliament occurred when Justice Minister John Crosbie announced on March 4, 1986 that the Department of Justice had advised the government that Section 15 extended equality rights under “sexual orientation.” His announcement prompted a backbench revolt by members of the Conservative “family caucus” who opposed delineation of gay/lesbian rights, but Crosbie had the backing of the Prime Minister, and the dissidents were silenced (Rose 1986).

The Charter has provided a legal atmosphere in which legislation at the provincial and municipal level offering protection to the Canadian gay/lesbian community has flourished. Prior to the passage of the Charter, “sex” was usually interpreted as meaning “gender” and “family status” was limited to heterosexual relationships at all levels of government. Since 1982, however, all of the Canadian provincial/territorial jurisdictions except the North West Territories have followed the lead of Quebec in enacting laws prohibiting discrimination on the basis of sexual discrimination (Sanders 1994). In 1977, Quebec enacted the first law at a provincial or state level in North America prohibiting discrimination specifically on this basis (Statutes of Quebec 1977). These laws, generally titled “Human Rights” acts, have been instrumental in advancing gay/lesbian rights in areas such as employment, spousal benefits, adoption rights, housing rights, and same-sex partner pension rights at the provincial level and in spurring the federal government to amend the Canadian Human Rights Act in 1996

to include “sexual orientation.” The Act (amended in 1998 as well) now reads in part:

The purpose of this Act is to extend the laws in Canada to give effect, within the purview of matters coming within the legislative authority of parliament, to the principle that all individuals should have an equal opportunity to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted. (Canadian Human Rights Act 1985)

Lobbying groups exerting pressure at both the provincial and federal levels have been very instrumental in the changes in Canadian law. Perhaps the most effective group has been Egale (Equality for Gays and Lesbians Everywhere), a national association whose objectives are to fight for justice in the courts and to build an effective communications and action network across Canada (Egale 2000).

In summary, it appears that two key differences between the U.K. and Canada have influenced the progress of gay/lesbian rights legislation – governmental structure and the influence of the media. The decentralised structure of Canada, with powerful provincial governments, has prevented any one party from dominating the political agenda as the Conservative Party did in the U.K. during the 1980s. These provincial governments, who frequently seek increasing degrees of power, would likely not have accepted the imposition of legislation such as Section 28, and the legislation coming forward from the provinces has allowed a “patchwork quilt of progress” that is not possible with the centralised U.K. government structure. With regard to media influence, Canada lacks the powerful right-wing tabloid press that exists in the U.K. These tabloid newspapers played an important role in raising anti-homosexual sentiment and the fear of an AIDS epidemic when Section 28 was being debated. In the absence of this sensationalist treatment of gay/lesbian rights, the Canadian press seemed generally agreed that change was appropriate. Overall,

“the national media played a crucial role in raising the profile of gay rights in a way that forced the govern-

ment's hand and provided publicity on issues whose proponents had only modest resources. The media also exposed extremism among anti-gay forces, preventing their extraparliamentary and legislative voices from claiming legitimacy." (Rayside 1998, 123)

Despite the impressive strides made in advancing gay/lesbian rights in the Canadian courts, the application of this legislation has been problematic in several situations, one of which involved a gay/lesbian newspaper in a public library.

The Xtra! West controversy in British Columbia

The most widely known case in Canada involving gay/lesbian materials in public libraries is the 1994 British Columbia case regarding *Xtra! West*. The uproar over the presence of this free gay/lesbian newspaper in the Fraser Valley Regional Library raised many different aspects of the intellectual freedom debate in public libraries:

- the power of a local library within a larger jurisdictional body to act "locally" to ban material according to supposed community standards,
- the importance of different display techniques for material and the debate about whether these differences really act as different degrees of censorship,
- the power which the city or town council has over a nominally independent library board to dictate policy or procedures, and
- the degree of selection and management responsibility librarians should assume for free periodicals displayed and available for distribution within library premises.

The Fraser Valley Regional Library Board, composed of representatives from the councils of all 15 member municipalities or districts, adopted a new policy on November 24, 1994, which gave individual libraries the right to refuse acceptance of any material for its free distribution shelf based on "community standards of acceptance." It appears that objection to the appearance of *Xtra! West* was the underlying motivation for the passing of such the policy because immediately following the Board meeting, councillors from four communities asked their respective councils to order their librarians to remove the newspaper. These four councillors maintained that they were not acting as censors, but simply as "stewards of good taste in the community" (*Abbotsford Times* December 10, 1994). The city councils that ordered the newspapers removed from their libraries

Figure 1: "Somewhere in the Fraser Valley", *Chilwack Times*, January 1995



were those of Maple Ridge, Mission, Abbotsford, and Langley, four of the largest communities in the library system. The Fraser Valley Professional Librarians Association reacted immediately to the ban. In the *Maple Ridge/Pitt Meadows News* of December 14, 1994, Spokesperson Sandra Smith said that the policy contradicted the Canadian Library Association's position on intellectual freedom – that "if *Xtra! West* is publishing obscene or hate literature, that's for the police and courts to decide, not the library." The arguments on both sides of the issue received national coverage, and in subsequent discussions became the first time that Canada's Charter of Rights and Freedoms had been introduced as a major factor in a public library censorship issue.

Xtra! West is distributed as a free biweekly newspaper throughout the Greater Vancouver and outlying areas. The newspaper itself is substantial (often 50 plus pages), has a circulation of 20,000, and includes articles and editorials of particular interest to the gay/lesbian community, along with advertising of products, arts events, same-sex escort services, and a "personals" section at the back of the paper that contains explicitly worded want ads for same-sex partners. In content and presentation, the paper is very similar to those published in many other North American and European cities. Subsequent to the removal orders of the four city councils, the Li-

library Board voted to ban *Xtra! West* from all libraries in the region, but also agreed to hold an open forum to discuss the issue.

Tempers flared during the January 18, 1995 three-hour open community forum at which an elected politician-representative of each of the Board's member communities was present and more than 150 in the audience. The *Abbotsford Times*, January 21, 1995, reported on the front page that librarians from the Regional Library and from the neighbouring metropolitan area of Vancouver attended, as did over 150 members of the community, with the librarians unanimously opposing the ban and most of the latter supporting it. Those who spoke against it faced heated and very emotional verbal opposition. Mary Kierans, representing the system's Professional Librarians' Association, asked the board to "do something very difficult, to change your mind publicly and rescind this policy." She asked them further to "show courage by taking the less convenient path, but the more ethical one – reaffirming freedom to read in our libraries. To us, as professional librarians, the ethos of public libraries undeniably is that of the cornerstone of democracy." A speaker supporting the ban maintained that "we don't want to raise our children in an environment that is morally corrupt. Put it [gay/lesbian material] in an area where academics can consult it and not for free distribution."

Letters to the editor and editorials in the *Fraser Valley Record*, January 25, 1995, assumed strong positions for or against the existence of the paper in the Library. One letter (p. 4) stated:

Our community standards do not include the banning of magazines aimed at a minority population who rely on the openmindedness of our public libraries. Our community standards demand that our public library be a place of ideas – where we will be enlightened, educated, and challenged."

A letter taking the opposite view appeared in the January 21 *Abbotsford Times*. It compared homosexuality to murder and stealing, and stated that:

If all males were homosexuals, no children would be born, Civilization would end. God has not created us that way. I reject *Xtra! West* in my library"

Another letter writer in the *Abbotsford Times*, January 28, 1995, tried not to discriminate:

The professional librarians may feel their position is clever and highly intellectual, but as hard-pressed tax payers we resent paying for the distribution of advertisement for sex, whether they are heterosexual, homosexual, or bisexual."

An editorial writer in the *Abbotsford Times* of January 21, 1995, commented on the intensely homophobic discourse at the public forum, saying that he was frightened by the blatant display of hatred and gay-bashing. He maintained that the real issue was "whether a publication meant for an adult audience should be easily accessible to the public – or specifically, to children," and favoured placing it behind the library counter. Another editorial writer in the *TriCity News*, December 14, 1994, commented that the advertisements in *Xtra! West* were very similar to those in the major, large-circulation newspaper the *Vancouver Sun*, which the library would never consider banning.

The editor of *Xtra! West* appeared at the hearing and was available for interviews throughout the controversy. She saw the library policy as a backlash from people outraged to see gays and lesbians gaining political power and legal rights. She warned about interpretations of the term "community standards." The *Abbotsford Times*, Dec. 11, 1994, quotes her: "When you look at community standards, you have to consider all the people in the community".

The campaign against *Xtra! West* spread to those companies who placed regular advertisements in the paper. They came under some pressure to withdraw their advertisements and cause economic harm to *Xtra! West*. The national office of Toyota Canada received four letters and a "handful" of phone calls from the Abbotsford area in which customers said they would not buy another Toyota because the company was "clearly advocating the "sponsorship of pornography." (Filipenko 1995). In response, the national Toyota office initially directed its Vancouver dealership to withdraw its advertising, saying, "this is not the type of image that Toyota would like to associate itself with". But when the local dealer went public with these pressure tactics and advised the national office about the context of the complaints, the directive was withdrawn. The Vancouver dealer also informed the national office of the effectiveness of advertising to the gay/lesbian community in a large metropolitan area that adjoins the more conservative and rural

Fraser Valley, a possible influencing factor in the reversal of the directive.

During the debate, the relevance of the Canadian Charter of Rights and Freedoms surfaced because Langley City Council had requested a legal opinion regarding the banning. According a local law firm, outright banning of *Xtra! West* from public libraries would likely not withstand a challenge because limiting freedom of expression is only legal under the Charter if it is a “reasonable limit prescribed by law as can be demonstrably justified in a free and democratic society” (Canadian Charter 1982). The threat to Canadian citizens or democratic government posed by *Xtra! West* appeared to be of a minor nature and not worthy of such drastic action.

Faced with the dilemma that their action banning a gay/lesbian legal newspaper would likely precipitate an expensive court case, the regional board members voted in February 1995 to ban *all* free publications from all libraries within their jurisdiction. The larger libraries were at that time each receiving approximately twenty free newspaper-type publications for distribution, including such titles as *Christian Info News*, *Real Estate Weekly*, *Health News*, *The Independent Senior*, and *Computer News* and all the weekly community newspapers. Losing these very popular sources of information was a price the Board was initially willing to pay to ban *Xtra! West*, but opposition from members of the public and from the system’s librarians grew during the following weeks, as the library foyers and distribution racks emptied of their usual profusion of papers.

The Langley Times, March 11, 1995 reports that on March 8, 1995, Board members voted 12–4 to rescind the “blanket ban” motion and instead to direct all librarians to place *Xtra! West* and all other publications containing sexually explicit material on a shelf not less than 1.75 meters (5 feet) from the floor or behind a counter in the library. The opposing board members expressed their strong disagreement with the motion, and stated that the community libraries they represented would not comply with the ruling and would continue the ban. The lawyer for *Xtra! West* was “pleased, but guarded” over the decision, and the systems’ librarians found the compromise acceptable.

Five years later, this policy is still in place and no court cases have been launched. *Xtra! West* is

Figure 2: “Reach of Average Fraser Valley Child”, Vancouver Sun, March 1995



at the required height in 12 of the Regional Library’s 22 branches, behind the reference or circulation desk in 6 of the branches, and not distributed at all in 4 of the smaller branches.

Collection management of free materials

The wide press coverage of this incident and the extreme viewpoints held by those opposed to *Xtra! West* prompted libraries throughout Canada and particularly in British Columbia to re-visit their policies regarding free periodicals. For example, after a Surrey Public Library (B.C.) board member received a complaint about *Xtra! West*, the Chief Librarian led a special board meeting discussion about the Library’s existing policy on “Community Information,” showing how the newspaper met the requirements for serving a particular segment of the community (Surrey Public Library Board Meeting Minutes, June 25, 1998). The Librarian also recommended that two statements be added to the policy:

- Space may also be provided for displays and petitions that contribute to the free flow of information on issues of importance to the community. Every effort will be made to ensure that all sides of an issue have the opportunity to present their views.
- Particular beliefs or views are not promoted, nor is the acceptance of any item for this space equivalent to en-

dorsement of the viewpoint expressed therein. Materials accepted for display may represent a range of viewpoints.

An examination of existing policies regarding free periodicals, familiarisation of board members with the issues and their complexity, and greater precision in written policies occurred in most British Columbia libraries as chief librarians endeavoured to “be prepared” to defend free publications in their libraries, and *Xtra! West* in particular. A 1996 survey examined the management of free periodicals in general, and controversial titles in particular, within the Interlink Library Consortium (70 libraries serving a population of over 1.5 million customers) to which Fraser Valley Regional Library belongs (Curry 1996). With a response rate of 65 of 70 libraries (93%), the responding librarians were unanimous in their support for the inclusion in public libraries of free newspapers such as *Xtra! West*. They felt that such newspapers needed to be viewed as “part of the collection” and included in collection management policies, despite the fact that most were free and shelved for picking up by the public in the library foyer. The favourable opinions of the respondents might best be summarised by the following comments from the survey:

Removal of free materials from the collection would cripple our ability to provide timely information to our public, and would damage our image as a democratic and free storehouse of ideas and information.

The public library is one of the last institutions offering open, unbiased access to information, and free periodicals should be part of that access.

Accompanying these supportive comments, however, were explanations of the difficulties of managing free periodicals in general and religious or gay/lesbian titles in particular. These difficulties were attributed to four main factors:

- Free periodicals in the foyer are visible and easily accessible, not “hidden” in the stacks, as books about controversial topics may be.
- The materials are often shelved in the foyer of the library, and therefore easy to “steal” in bulk.
- So many different titles were being received that adequate space is a problem.
- Having new bundles of papers delivered each week is very time consuming for staff to handle, and therefore staff had an unfavourable opinion about this type of material.

Over 50% of the responding libraries (35/65) reported that they had received at least one complaint about the gay/lesbian newspapers in their free periodical collection, with most of those complaints focusing on *Xtra! West*. Seventy-five percent of responding libraries reported that recently delivered stacks of free periodicals disappeared frequently, with gay/lesbian titles targeted most often, and religious titles targeted second. Librarians commented that they frequently found multiple copies of *Xtra! West* in the trash bins or shoved behind a display unit. They also felt that the problem of inadequate space needed to be addressed with clear policies in order to avoid complaints about censorship.

This study of the B.C. Interlink libraries also revealed that librarians believe they are failing to give paraprofessional staff sufficient training to deal with free periodicals, and this has resulted in staff being less than enthusiastic about troubleshooting collection management difficulties. They felt that most library systems (their own included) over-emphasised the difficulties of managing this type of material during staff training sessions about procedures. They admitted to under-emphasising (1) the importance of free periodicals in providing information to various segments of the community, being perhaps the *only* source of such information, and (2) the intellectual freedom factors involved in attempting to prevent controversial newspapers from being stolen by those opposed to their distribution.

All respondents felt that free periodicals should be mentioned within a library’s collection management policy, but they held divergent views about whether an intellectual freedom statement should be attached specifically to these materials. The prevailing view (60% of respondents) was, however, that given the controversial nature of some periodicals and the recent uproar over *Xtra! West*, a special statement was just good foresight. A statement typical of those currently used in Interlink libraries reads as follows:

In providing free newspapers and magazines in multiple copies for library customers, it is accepted that while people have the right to reject for themselves material of which they do not approve, they do not have the right to restrict the freedom of others.

Overall, responding librarians felt that free periodicals, whether they focus on health, com-

puters, religion, travel, seniors, or gay/lesbian concerns, often provide the "cutting edge" of new information, the "in your face" opinions and facts, which spur thought and discussion, and are therefore, without doubt, a valuable part of a public library collection.

All quiet on the Canadian and British front, for now ...

No further board action has occurred in the Fraser Valley libraries on this subject since 1995, and it appears even the factions opposing what happened then have preferred the calm of the status quo. The current managing editor of *Xtra! West*, Gareth Kirkby, however, is dissatisfied with the policy and would like to challenge it sometime in the future (Interview with Kirkby, July 14, 1999). He maintains that sequestering papers behind a desk or putting them above eye level makes them hard to find for all members of the community, including adults. He is also concerned about the frequent disappearance of entire bundles of papers, an action he attributes to members of the "Christian Right," and he wishes librarians could be "more diligent" in protecting the papers. According to Kirkby, access to the newspaper is particularly important for gay youth, who might be concerned about "coming out", as help is available through the paper's listings of youth groups and counsellors. In addition, he maintained that having *Xtra! West* available in the public library is even more important in smaller centres such as those served by the branches of a regional library system than in larger cities where the paper is more widely available in retail outlets and gay/lesbian centres.

In Britain, it appears that Section 28 may be repealed, but as of the end of 1999, this has not occurred. The lack of recent news items in the British library press regarding Section 28 perhaps indicates that librarians are quietly ignoring the legislation and hoping for its imminent demise. According to Audra Lorde, self-determination is essential for the health and progress of any minority group in society, and she defines self-determination as "the decision to define ourselves, name ourselves, and speak for ourselves, instead of being defined and spoken for by others (Lorde 1984).

Both British and Canadian librarians can assist their gay/lesbian communities by providing a forum for the voices from this community, enabling gays and lesbians to define, name, and speak for themselves through their newspapers. Kirkby, managing editor of *Xtra! West*, stresses the importance of the support from librarians which the paper received during the 1994/95 challenge in Fraser Valley Regional Library, and the key role which he believes "library champions" continue to play in making information available to the gay/lesbian community.

Librarians who are knowledgeable about the legislation affecting gay/lesbian rights and willing to advocate for progressive and egalitarian collection management of gay/lesbian newspapers in their libraries can contribute much to the further acceptance of gays and lesbians within society.

References

- As Section 28 Saga Continues. 1995. *The Library Association Record* 97(3): 140.
- Caithness. House of Lords Hansard. 11 Jan. 1988, 1 Feb. 1988, 16 Feb. 1988. Reported in Allen J. comp. 1989. *Out on the Shelves: Lesbian Books into Libraries*. Newcastle-under-Lyme: AAL Publishing: 72-75.
- Canadian Charter of Rights and Freedoms, Part 1 of the Constitution Act, 1982, being Schedule B to the Canada Act (U.K.), 1982, c. 11.
- Canadian Human Rights Act R.S. 1985, c. H-6, s.2; 1996, c.14, s.1; 1998, c.9, s.9.
- Curry, A. 1997. *The Limits of Tolerance*. Lanham, MD: Scarecrow Press: 78.
- Curry, A., and J. McKenzie. 1996. *Free Periodicals in Interlink Public Libraries*. Unpublished paper.
- Egale. Website. URL: <http://www.egale.ca>
- Filipenko, C. 1995. *Toyota Under Attack*. *Xtra! West*. (3 February): 23.
- Hendry, J. 1997. *Freedom of Information: The Lesbian and Gay Issue*. *Assistant Librarian* 90(3): 37-40.
- Her Majesty the Queen vs Pink Triangle Press. 1979. *The Body Politic* 49: 21.
- House of Lords 15 June 1972 upholding verdict against International Times. Reported by J. Weeks. 1981. *Sex, Politics and Society*. London: Longman: 274-75.
- The Library Association. 1994. *Sexual Orientation and Libraries*. Guidance Note.
- Lind, C. 1996. *Pretended Families and the Local State in Britain and the USA*. *International Journal of Law, Policy and the Family* 10: 134-58.

- Lorde, A. 1984. *Sister Outsider*. Freedom, CA: Crossing Press, 43.
- Luce, RL. 1989. Letter to Chairman of the Library and Information Services Council, 3 Feb 1988. Quoted in Allen J. *Out of the Shelves: Lesbian Books into Libraries*. Newcastle-under-Lyme: AAL Publishing: 74.
- Mort, F. 1980. *Sexuality: Regulation and Contestation*. In: Gay Left Collective, ed. *Homosexuality: Power, and Politics*. London: Allison and Busby: 39.
- Nevitte, N. 1996. *The Decline of Deference; Canadian Value Change in Cross-National Perspective*. Toronto: Broadview Press: 218.
- Plummer, K. 1992. *Modern Homosexualities*. London: Routledge: xiv.
- Public Libraries and Museums Act 1964. United Kingdom.
- Rayside, MD. 1998. *On the Fringe: Gays and Lesbians in Politics*. Ithaca: Cornell University Press.
- Rose, M. 1986. *Altering the Contours of Society*. *Macleans* 17 (March): 61.
- Sanders, D. 1994. *Constructing Lesbian and Gay Rights*. *Canadian Journal of Law and Society* 9(2): 112.
- Section 28. *Stonewall News*. URL: <http://www.stonewall.org.ukaoc/sec28intro.html>
- Section 28 Saga Continues. 1995. *The Library Association Record* 97(11): 579.
- Smith, AM. 1994. *New Right Discourse on Race and Sexuality: Britain, 1968–1990*. Cambridge: University Press.
- Statutes of Quebec, 1977, c.6, s.1.
- Stone, S. 1999. Personal correspondence with the author, July 21.
- Streitmatter, R. 1995. *Unspeakable: The Rise of the Gay and Lesbian Press in America*. London: Faber and Faber: ix.
- Thatcher Mocks Right To Be Gay. 1987. *Capital Gay* 16 October 1987. Quoted in Evans, DT. 1989–90. *Section 28: Law, Myth and Paradox*. *Critical Social Policy* 9(3): 74.
- Thatcher, M. Quoted by Davies P. 1988. *Sexuality: A New Minefield in Schools*. *Independent*, 26 May: 5.
- Verdict: Not Guilty! 1979. *The Body Politic* 51: 8.
- Wolfenden Report of the Departmental Committee on Homosexual Offences and Prostitution. 1957. London: HMSO.