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—
Chair

Mr. Marcel Proulx

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• (1535)

[Translation]

The Chair (Mr. Marcel Proulx (Hull—Aylmer, Lib.)): Good afternoon. Welcome to the special Legislative Committee on Bill C-38.

[English]

We're very happy to welcome you here this afternoon. What we will do is start with the statements. The first one will be from the Canadian Labour Congress, and then we'll hear the one from Parents, Families and Friends of Lesbians and Gays. Then we will go to the Catholic Civil Rights League, and Mr. O'Brien will be the fourth one, Mr. O'Brien being very patient and knowing all of the system.

These are ten-minute statements, ten minutes maximum, and then we go to the rounds of questions. The first round is seven minutes for each party and then we go to rounds of five minutes, alternating.

[Translation]

We are going to begin with Ms. Clarke Walker and Ms. Genge, from the Canada Labour Congress. You have 10 minutes.

[English]

Ms. Marie Clarke Walker (Executive Vice-President, Canadian Labour Congress): Merci.

We are giving a verbal statement, but we will make sure we have a written statement sent to the committee in both English and French.

I am Marie Clarke Walker, the executive vice-president for the Canadian Labour Congress. With me is Sue Genge, our national representative in our women's and human rights department.

The Canadian Labour Congress represents over three million working people in Canada, in the public sector as well as the private sector in every province and territory in Canada. We appreciate that committee hearings are extremely necessary; however, we encourage you to be as expeditious as possible at this stage, as all the positions and the arguments have been canvassed and heard over the last several years. Therefore, we will be brief.

We're here to extend strong support for Bill C-38, as it is a law that we believe is in compliance with our charter. The Canadian Labour Congress and a number of our affiliates, including the Canadian Auto Workers, the Canadian Union of Public Employees, the Canadian Union of Postal Workers, the United Steelworkers of America, Communications, Energy and Paper Workers, the International Association of Machinists and Aerospace Workers, and many more, support equal marriage rights.

Long ago in the labour movement we adopted a policy opposing discrimination in all forms, so support for a bill that respects the rights of all is a legitimate extension of that. In 1994 we had an extensive policy debate on the issue of sexual orientation and we affirmed our position at that time. In a little over a week and a half we will have another convention where we will be once again reaffirming our position on the issue of same-sex marriage and same-sex rights.

We urge this committee to build on the commitment to equality that is widely shared. The law is clear that lesbians and gay men must not be subjected to discrimination. This government has acknowledged their obligation to promote equality and acceptance of all people, which includes gay men and lesbians. It is not fair to prevent same-sex couples, who have achieved equal access to a number of important social benefits and have accepted a number of social responsibilities, from having their marriages legally recognized.

It is true, if this bill is not passed, that almost 90%—89%, to be exact—of the population will still have the right to marriage, but 11% will not. And this is a concern, as it sets up a system that is unequal, and says that in provinces where courts have not ruled, it's okay to discriminate. That is wrong.

Unequal rights across the country create a state of confusion for all. We represent people who move from one province to another, so not passing Bill C-38 will set up a system where if you live in Ontario and move to New Brunswick, your marriage will not be recognized. There are also a number of collective agreement rights that pertain to marriage that our members have fought very hard for, one of which is marriage leave. Without a law that covers the entire country, it will mean that some people will have access and others won't, and we don't want to go backwards.

Same-sex couples, as do heterosexual couples, will experience relationship breakdown. Without Bill C-38, this creates a legal inconsistency, because only in Ontario is divorce legal. It also creates an opportunity to invoke the notwithstanding clause, which will set a dangerous negative precedent for minority rights and will put everyone's charter rights at risk.

We urge the committee to do the right thing, the socially and legally responsible thing, and recommend that Bill C-38 be passed into law, bringing federal marriage law into compliance with the charter, and do this before the House rises for the summer.

We thank you for taking the time to listen to us, and look forward to a favourable response.

• (1540)

The Chair: Thank you.

Mr. Stimson or Mr. Hawke.

Mr. Dennis Stimson (Member, Parents, Families and Friends of Lesbians and Gays (Canada)): Mr. Chairman, honourable members, my name is Dennis Stimson, and I'm here today with my wife Diana, and Gail and Bill Hawke. We are all long-time members of PFLAG Ottawa. As well, I'm starting into my third year as a member of PFLAG Canada, where I am one of two representatives for the northern Ontario region. I'm also on the board of directors of PFLAG Canada.

PFLAG Canada, formally Parents, Families and Friends of Lesbians and Gays, is a nation-wide organization that deals with sexual orientation and gender identity issues from a family perspective, providing support, education, and resources. Our compassionate volunteers across Canada open their hearts and homes, giving freely of their time, and they are there to listen to people in their time of crisis.

Before talking about my own family, I would like to read to you an article written by Eldon Hay, from PFLAG Moncton, New Brunswick. The article is entitled "Straight or Gay, My Sons have Rights".

One reason the debate around same-sex marriage is so intense is that words such as "gay" and "lesbian" have only recently entered polite public discourse. For centuries, dark attitudes and terminology lurked around the word "homosexual" and its equivalents—attitudes like shame, disgrace and disgust; terms like evil, abominable and sinful. Those attitudes and words still skewer the debate, perhaps more among the religious, though not absent from the secular.

A certain man has two sons, one of them straight, the other gay. That certain man is me; I'm a white, Anglo-Saxon Protestant, a Christian clergyman. This is how I see the matter: father as fulcrum.

Is homosexuality an abomination? It's untrue to say that either of my sons is sinful because of his sexual orientation. Both may be sinful—if sexuality is used in their lives in a selfish, self-serving manner. Both may be co-creative with God, if sexuality is an expression of love, mutual trust, compassion and passion for the partner, opening out to a broader community of responsibility and service.

Is being gay a matter of choice? My sons no more chose their sexual orientation than they did the colour of their eyes. They were born with their orientation largely set. While environmental and family influences may have facilitated their progress toward their adult orientation, it's unreasonable to expect that either will change. My understanding is that such attempts are unhealthy, and usually not sustainable over the long haul.

Can my sons remain celibate? Of course, they may so decide. But in neither case is celibacy an obligation that I, as a religious parent, can place on them. Viewing sexuality as a gift, I encourage its expression, in either a gay or straight monogamous relationship.

In another paragraph it says: It's unconscionable that the orientation of either should bar him from normal occupations, promotions, pensions. The rights, responsibilities and freedoms of my straight son should be the same as that for my gay son.

It goes on to say: I find it unfair that marriage has always been a possibility for my adult straight son but not for my gay son. The Charter of Rights and Freedoms surely opens up for both the possibility of marriage. It may be that one of my sons will live with a partner without benefit of a wedding. That, too, is his decision, his right.

I'm grateful for freedom of religion in our country—another boon of the Charter. Without question, those denominations opposed to same-sex marriage have the right to deny their premises for such marriages. On the other hand, those religious groups that embrace same-sex marriage have the right to use their premises for same-sex weddings.

In any case, sons choose their own faith stance. In the absence of religious belief, or as a matter of convenience, court officials can officiate at marriages for both gay and straight couples—yet, in some jurisdictions (for instance, where I live in New Brunswick), the door of civil marriage is closed to gay couples. It is my earnest hope and prayer that the forthcoming legislation will make marriage a possibility for both gay and straight duos.

As for the matter of "family values": I love and respect both my homosexual son and my heterosexual son. I also love and respect their partners. They're all part of my extended family. Surely genuine family values lie in this: mutual love, integrity, responsibility, accountability, fairness and equality.

• (1545)

That was the end of Eldon's article.

At this point I would like to pass out some pictures to bring some human faces to the people impacted by this. These are pictures from my son's wedding—the commitment ceremony—and from a family reunion this past summer.

As for my wife Diana and me, we are here today because we can no longer be part of the unheard silent majority. This issue is far too important for us to sit passively on the sidelines, cross our fingers, and hope and pray that the same-sex marriage proposal will pass without our vocal support.

In the next few weeks you will be inundated with information from both sides of the argument, some of it documented fact, some of it presented as factual, and some of it based on little or no fact. Some of it will be from "expert witnesses"—in DND we used to call them people who had to travel more than 50 kilometres to get here—and some of it will be from people who actually have some experience with, and working knowledge of, the subject. Thus, I'm not going to present a lot of things to you that you can look up on Google.

This means that I'm not going to spend a lot of time reminding you that, according to an article about the origin of marriage in *The Week* magazine from May 2, 2004, marriage is probably about 4,350 years old. The first recorded marriage between a man and a woman was in 2350 BC in Mesopotamia. No, instead I'm going to tell you about what same-sex marriage means to our family.

I am also not going to spend a lot of time telling you that, according to that same article, same-sex marriages, although not necessarily common, are certainly not unknown throughout history. For example, the Roman emperor Nero, who ruled from 54 to 68 AD, is reported to have twice married men in formal wedding ceremonies and forced the imperial court to treat them as his wives. The article also stated that

In one 13th-century Greek Orthodox ceremony, the "Order for Solemnisation of Same Sex Union," the celebrant asked God to grant the participants "grace to love one another and to abide unloved and not a cause of scandal all the days of their lives, with the help of the Holy Mother of God and all thy saints."

Although not mentioned in that particular article, Saint Sergius and Saint Bacchus were the happy couple.

I'm going to tell you that marriage began as a legal contract for a man to take possession of his wife and children—ownership of property—and that since then, marriage has continued to be in a state of transition throughout the centuries. Its meaning depends largely upon when you lived, where you lived, how you were educated, and what life experiences you had.

My wife and I have been happily married for almost 42 years. We are staunch supporters of our Anglican church. We do not have any conflict between the sexuality of our two sons and our relationship with our God. Our God is a God who commands us to love. Our God does not shun, condemn, discriminate, or promote hatred and violence towards any of his creations.

God gave us two of his creations—his gifts to us—for us to raise as he created them. He did not give them to us for us to try to change them to suit some human conception of who and what they should be. We are not about to question our Creator's gifts to us. We love, nourish, and support our children just the way they came to us from God.

Our oldest son Jeffery and his husband Denis have been in a legal same-sex marriage for 21 months, and we have yet to see any indication that this marriage has harmed anyone. On the other hand, it has given Jeffery and our son-in-law Denis equality with us and all other married persons. We, as a Christian family, could not be happier.

My mother is 86 years of age and is a very devout Southern Baptist. As you can imagine, her church has very strong opinions on these matters. Yet she, in the wisdom that she has absorbed in her 86 years on this earth, has given her blessing and support to Jeffery and Denis. She even travelled from Victoria to be here for their ceremony. She believes that such things are in God's hands and are not up to us, as his creations, to pass judgment on.

Last year our sons and their partners accompanied Diana and me to a large family reunion on my mother's side of the family. This was a reunion consisting almost exclusively of Southern Baptists. I have to tell you that they were far more than accepted; they were welcomed and made to feel a part of the family.

• (1550)

Ironically since last summer, as opposed to what some organizations and institutions would have you believe, we have not heard of any of the many families at that reunion having had their marriages break down, or having the moral fabric of their families torn apart by having been exposed to our family.

Our family—Diana and I, our son Jeffery and his husband Denis, and our son David and his partner Robert, probably spend more time together as a family than many of you do with your own families. Besides casual get-togethers, we are together as a family to celebrate birthdays, Mother's Day, Father's Day, Christmas, Easter, New Year's, Thanksgiving, and other special occasions. You see, we are in every way a traditional family with our traditional family values.

Our son-in-law Denis related to us the following discussion he had with our son Jeffery. This took place one day before he and Jeffery were married. Denis asked Jeffery what he wanted in life. Jeffery's answer was simple: "I want a home and a white picket fence like my parents". Believe me, Diana and I both swelled with pride and emotion on hearing that. To think that our son thought so much of our family values that he wanted to model his family life on them. What more can a parent ask?

The Chair: Thank you, sir.

We will now proceed to the Catholic Civil Rights League.

[*Translation*]

Mr. Horgan or Mr. Bastien.

[*English*]

Mr. Philip Horgan (President, Catholic Civil Rights League): Thank you, Mr. Chairman.

I'm happy to be here today, although I'm a little bit concerned. Although we requested to appear at this committee several months ago, we received 24-hours' notice of today's hearings. I postponed a court date and a speaking engagement in Toronto at a bioethics conference to be here, because that bioethics conference understood the importance of this debate and my being here today. But I fear that many other potential witnesses who have requested to appear before this committee cannot accommodate their schedules to be here.

I am with Richard Bastien, our national capital region director, who will introduce our topics. I'd like to focus my remarks on the statements that have emanated out of this committee about some suggestion that religious leaders in this country are unnecessarily or without foundation raising fears of intrusions into conscience and religious rights by reviewing some of the cases we've seen.

Mr. Bastien.

[*Translation*]

Mr. Richard Bastien (Director, National Capital Region, Catholic Civil Rights League): As Mr. Horgan said, he will present to you the views of the Catholic Civil Rights League with respect to Bill C-38, and I will give you a cursory overview of the underlying, fundamental principles of our position. There are seven principles.

Firstly, marriage is an institution that transcends cultures and eras.

Secondly, marriage is a union between a man and a woman. For ages, the Canadian definition of marriage was that of a union between a man and a woman, with the main purpose of promoting the biological unity of two people of opposite gender to create a natural foundation for the family.

Thirdly, marriage centres on children. Marriage is an institution that does not focus on the adult, but on the child. Nobody has the right to adopt a policy to redefine marriage in such a way as to deliberately deprive a child of a mother or a father.

Fourthly, marriage is founded on four conditions. Marriage is a social structure that hinges on four considerations, which are the number of people involved, gender, age, and avoiding incest. One can only be married to one person at a time. People who marry must be of the opposite sex. They must be of a certain age. They cannot be blood-related. These conditions are such in order to ensure the well-being of the child, the family, and society. Repealing one of these conditions jeopardizes the stability of the entity.

Fifth, marriage is more than an issue of equality. All government policies are deliberately preferential. If there is to be child support, veterans' benefits, or spousal benefits, certain conditions must be met. The absence of equality, under the meaning it takes in the context of the debate on same-sex marriage, cannot run counter to these policies.

Sixth, marriage is about more than love. The fact that two people claim to love one another is not enough to justify receiving benefits from the state as married couples do. The only type of love that may be linked to the public interest is love between two people who satisfy the four conditions that I have just listed.

As a seventh point, it is not up to the state to redefine marriage. Marriage stems from customs and secular beliefs which predate states and which are necessary to maintain the social fabric. Any attempt on the part of public powers to change marriage by diminishing the father-mother-child relationship to the benefit of the state-citizen relationship usurps citizens' freedoms and is a breach of natural law.

Thank you.

● (1555)

[*English*]

Mr. Philip Horgan: It will be impossible to redefine marriage without creating a conflict with the religious and conscientious beliefs held by most Canadians.

Bill C-38 has already raised real questions of freedom of conscience for those cabinet ministers and parliamentarians who have been told to vote according to the party lines, regardless of their personal views. We've already seen cases where people or organizations are being challenged for refusing to perform marriage ceremonies or rent out facilities for the use of same-sex marriage celebrations.

As a brief review of the cases, we have the Knights of Columbus in Port Coquitlam persecuted before the B.C. Human Rights Commission on that topic. We have marriage commissioners in four provinces threatened with their jobs if they don't agree to perform such marriages.

We have attacks and now a further human rights complaint against His Excellency Bishop Henry for writing a pastoral letter and having it published in a Calgary newspaper.

We are seeing ordinary citizens being challenged by professional bodies. I note the case of Chris Kempling, who's being disciplined by his teachers' college in British Columbia for merely writing a letter to the editor and identifying himself as a teacher.

We're seeing other expansions in this area—an application by the lesbian partner of the biological mother of a child in Ontario, what we call the three-parent case, since it's AA v. BB and CC, going to the Ontario Court of Appeal, effectively redefining the notion of parentage and the use of those labels in Canadian society.

If we think the Constitution is going to provide further guarantees, I need only raise the issue of Marc Hall, where explicit protections under our Constitution for Catholic schools in Ontario were

effectively overridden to allow him to bring his same-sex partner to his high school prom.

We're going to see other attacks in the future. In fact, our organization has been alerted to the fact that we've been subjected to a hate crime complaint with the Toronto police, merely for publishing a brochure articulating our position on marriage.

If this Parliament is serious about religious freedom and protection, I suggest to you that the draft bill is disingenuous. If Parliament truly wished to provide protections for conscience and religion, it would do so in the very areas of jurisdiction in which it had that authority. I make note particularly of the Income Tax Act or the Criminal Code and charitable status for religious and other organizations.

If in fact this matter is to proceed, we have every reason to fear that the application of these issues going forward will create litigation, anxiety, cost, and expense for religious and other organizations to defend those cherished freedoms of conscience and religion going forward.

I would be pleased to answer questions and take on these issues further with your inquiries.

● (1600)

The Chair: Thank you, Mr. Bastien, and thank you, Mr. Horgan.

We have Mr. Pat O'Brien, member of Parliament for London—Fanshawe.

Mr. O'Brien.

Mr. Pat O'Brien (London—Fanshawe, Lib.): Thank you, Mr. Chairman. I must confess that I'm much more used to chairing these kinds of committees than appearing as a witness at them. I think it's probably my first time on this side. I thank you for the invitation. I was requested to appear; I'm happy to accommodate the committee's request. I would like to give some...context, I think would be the right word, Mr. Chairman.

First of all, my personal opinion has been stated many times publicly, including in the House of Commons. It is that a person, regardless of sexual orientation, deserves to be treated with dignity and respect. My voting record will support that statement. However, that does not mean, and must not mean, that we have to redefine a fundamental institution called marriage in order to accommodate the reality of the first part of my statement.

I've been on record since at least 1998, in writing and in public, as being opposed as a matter of conscience to redefining marriage. I've had the charge a couple of times—not from well-informed people, but I've had it a couple of times, as have other MPs, as have other people on our side of the argument, if I can put it that way. It is the homophobia card. I saw it played with too much alacrity at the justice committee I served on from June to February 2003.

No one called me homophobic when I supported the hate crimes legislation, which included sexual orientation as something that should be factored into a violent crime, because I know, as most Canadians do, that it's all too sad a reality that in this country people are sometimes subjected to violence specifically because of their sexual orientation. Canadians of goodwill are simply appalled by that and abhor that, and that's why I supported that legislation. It's ironic I wasn't called homophobic then, but I've since been called homophobic a few times by a few people who one dismisses in life because of the nature of their accusation. Why? It's because I'm standing on a matter I consider a matter of conscience. It far supersedes any political consideration for me.

From February to June 2003 I had the distinct pleasure of serving on the justice committee following my two and a half years of service as the parliamentary secretary for trade. I didn't seek the appointment, but it was interesting that I was asked to serve. I was very pleased to join colleagues like Mr. Ménard and Mr. Macklin—and I think they are all the members I see here now who were on the committee at that time—for some very fascinating and interesting hearings. It was very thorough. Witnesses were not given less than 24 hours' notice, as we just heard. We had very thorough witnesses and very thorough hearings, with good witnesses on both sides of the table.

Unfortunately, and sad to say, Mr. Chair, those committee hearings were reduced to a farce. The committee did not even issue its final report. Three appointed judges in the Court of Appeal for Ontario incredibly, and in my view arrogantly and instantly, redefined marriage in the province of Ontario. Never was that done anywhere in any legal jurisdiction in the world prior to that, to my knowledge. Former justice minister Anne McLellan, now Deputy Prime Minister, expressed her great surprise and dismay at that. Current justice minister Irwin Cotler expressed to me personally that he thinks he was very shocked at the time and shared the sentiments of dismay. That was the context in which the committee's work was totally pre-empted.

In June, as that work was being pre-empted, I put a motion at that committee to appeal the Ontario ruling. It was defeated. How? A long-time Liberal member serving on the committee, who shall be unnamed—it would be easy to find out who—somehow didn't quite get to the meeting; he just happened to miss it. One member walked in seconds after the vote; he can explain that.

Members of Parliament—Liberal members of Parliament, I'm sad to say—who had virtually little or nothing to do with the committee were walked into the meeting to cast a vote dictated by the government of the day.

So the first motion lost. Then, sad to say, in a great show of democratic debate, Liberal members and others refused to give a quorum—hid in the hall—so we couldn't put a second motion to appeal it. I know it seems incredible, but it did happen.

• (1605)

The reality is the current Minister of Justice has personally told me he now agrees with me that it was a big mistake not to have appealed the Ontario court ruling. You don't have to be a lawyer, as I'm not, to understand that's why the Supreme Court refused to answer question four a few months ago, because the government of the day failed to

go through the right process if it really wanted to challenge the Ontario ruling.

Mr. Chairman, in the recent campaign in 2004, I campaigned in writing and publicly, verbally, as someone who, if re-elected to my fourth term, could never in good conscience support same-sex marriage. I was re-elected on that basis. I had people tell me in some cases it cost me their vote. I said, "I'm sorry to hear that, but my self-respect and doing what I think is right are more important than telling you what you want to hear on your doorstep for your vote." I'm sure in some cases it may have earned me votes. I don't know, and frankly I don't care. This is much bigger for me than partisan politics or my political career.

Let me share with you the constituent reaction in London—Fanshawe that's been repeatedly shown to me, and this came after they knew my position. I didn't do a poll to determine my position. I have stated to them my position clearly for years, including in the last campaign. Repeatedly and consistently, 92% of the people of London—Fanshawe have opposed redefining marriage. However, some 60% support recognition in law of same-sex relationships under another term. It simply offends common sense and the morality of millions of Canadians to try to call a same-sex relationship something it is not, and it is not discriminatory or demeaning to rule in that way.

There's not a national court or tribunal in the world—and I say that to some of the witnesses who have preceded me—that has ruled that this is a matter of human rights, not one. You've had some lower courts in Canada so rule. You've also had lower courts and judges in this country rule that it is not a matter of human rights. I know, the majority have ruled it is, but it's interesting that not a single national court has ruled that.

I was very close to leaving the Liberal Party in recent weeks to sit as an independent member of Parliament, and I don't think that's a secret. The Prime Minister asked me to reconsider, and I agreed. I agreed on the basis that I was assured by him there would be full and fair and meaningful public hearings of this committee. Given, Mr. Chair—and you'll recall our private conversation—that some members weren't here then or weren't on the justice committee then, forgot or didn't know what a farce that committee process was reduced to, I felt it was very important to be committing to hearings at this stage. I don't care about the niceties, frankly, of what a legislative committee's terms of reference are. We all know with the right political will around this place you can get things done, and anybody who thinks the Prime Minister's influence stops at these committee doors should think again. It shouldn't, and it doesn't, and that's the reality. So I agreed to remain in the Liberal caucus because of that assurance and only because of that assurance, quite frankly. I don't mind telling you that.

Now, I have some current problems. I'm concerned about the pace of your hearings. Explain to me what is magical about having to have this done by mid-June. I've explained about the grouping of witnesses. It's rare to group witnesses like this. It's done in committee. I've done it myself. But having a whole big group of witnesses should not be done as a regular matter of course. Regarding lead time for witnesses, this gentleman to my left had some very important work to do, and he's just testified. He had less than 24 hours' notice. That's not the proper courtesy. That's not the proper respect.

Mr. Chairman, this should be an election issue, in my view. I will do everything possible to defeat this legislation. I said that publicly in the House. I said it in the Liberal caucus. To me, there should be some consideration possibly for a referendum, but it certainly should be an election issue. Why? The Supreme Court has now ruled. Some of the earlier witnesses said this has been debated for a long time—it hasn't been since the Supreme Court has ruled. The Supreme Court ruled only in recent months. I've called on two prime ministers to use the notwithstanding clause as the last resort if necessary to uphold marriage. It's not some draconian thing: it's section 33 of the charter. And I quoted a former prime minister, Jean Chrétien, back to himself, that without the desire to use that as a last resort sometimes in this country, what we have in effect is rule by judges. Without section 33, as anybody who knows the politics of the day knows, we wouldn't have a charter.

•(1610)

Mr. Chairman, I'll finish there and just simply say that I haven't spoken to my arguments against same-sex marriage. Others can do that. I've done that extensively in the House of Commons in two different speeches. If anybody would like to reference them or wants copies, they're easy to get, or call my office and I'll provide them.

Thank you very much. I'm happy to take questions as well.

The Chair: Thank you.

In response to the comments by Mr. Horgan and Mr. O'Brien, I apologize for not mentioning this at the start. We appreciate your cooperation in being available today. I have to explain to you that it was only yesterday afternoon, approximately 24 hours ago, that members of the committee agreed on the types of hearings we would be having, the types of condensed invitations.

We have 63 witnesses to hear, of whom six have already been heard—in good faith, both sides of the issue had agreed to let us hear six witnesses. So we have 57 witnesses left to hear between now and June 14 of this year. The committee agreed that we would be hearing witnesses until and including June 14. We would then be doing the clause-by-clause on June 15. The report would be tabled June 16.

I apologize for the inconvenience, but I thank you very much for your cooperation. I'm sure you understand the types of delays we have.

Now, we will move to the question period. As I explained to you, the first round is seven minutes each. We start off with the Conservative Party, and the member can address his question to whomever of the witnesses he wishes.

Mr. Moore, you have seven minutes.

Mr. Rob Moore (Fundy Royal, CPC): Thank you, Mr. Chair.

Thank you to all the witnesses for appearing on short notice and for your submissions today.

There are some things that, Mr. Horgan, you spoke about in your submission. I'd like to hear a bit of an elaboration on them.

I try to believe that everybody around this issue is acting in good faith, those who are opposed and those who are in favour of changing the definition of marriage. But one area where I think we're seeing a lack of good faith, I really believe, is on the issue of protecting religious freedoms. You're a lawyer; I'd like to get your perspective on this.

The Supreme Court was very clear in ruling that clause 3 of the draft legislation, one that purported to protect religious freedoms, was ultra vires the federal government, that the federal government had no authority to say this does not impact on individuals' religious freedoms. With that said, we still see it included in the bill. I think this is being done to sell the bill to the Canadian public, because many Canadians, if they see anything, they'll see this. It may have also been done to sell members of the House of Commons. Not all of us have the time to research all these issues thoroughly. Many people would take it at face value that we're protecting religious freedoms.

You mentioned a few cases, and these were ones that if you hadn't mentioned them I was going to ask you about. Oftentimes, people say such and such could happen if.... People accuse you of being a conspiracy theorist or say you're on a slippery slope, but we see some of these things happening now. So quickly, I'd like you to discuss the situation with the Knights of Columbus in British Columbia, what's happened with them; the situation with Bishop Henry of Calgary, where we know that there's been at least one human rights complaint lodged against him; also, just generally, your concerns about freedom of religion as it relates to your organization; and also, relating to Bishop Henry, the situation dealing specifically with charitable status, because he apparently was threatened with having his charitable status revoked.

Thank you in advance for your response.

•(1615)

Mr. Philip Horgan: The Catholic Civil Rights League was a party or intervenor in every one of the court cases in British Columbia, Ontario, and Quebec, all the way through the courts of appeal. In fact, Mr. O'Brien, we sought leave from the Supreme Court to act as an intervenor in the Halpern decision back in the summer and fall of 2003, and we were turned down five to zero by a court panel. The argument on that occasion was interesting, because the Supreme Court effectively said it's up to the executive branch of the government to manage the file, so they allowed this reference to proceed.

Curiously enough, then a fourth question appeared and bumped the argument from March of 2004 till October. We had an election in the meantime, and then we had the reference last fall.

Returning to what the Supreme Court had to say in the reference, I agree with you. The draft bill that was being analyzed talked about protections for religious officials. In fact, what the Supreme Court said was that this is something the federal government doesn't have jurisdiction to oversee. When Bill C-38 talks about recognition of the charter rights that exist, quite frankly, that causes some level of concern. We don't have provincial protections in place in most of the provinces. Even in the province of Ontario, which I'm most familiar with, the Bill 171 that went through provides no protection with respect to conscience rights, religious schooling issues, and so on.

In effect, we are not really moving into uncharted territory. We're moving into an area where those types of protections, religious freedoms or freedoms of conscience, are going to have to be challenged and met by people on a case-by-case basis. In fact, the Supreme Court made it pretty clear that they'll look at those cases on a case-by-case basis in the normal course. Well, at what cost? What cost to citizens? What cost to Canadian public life generally?

We're seeing that cost. The Knights of Columbus, who manage a church-owned property in Port Coquitlam, a banquet hall, took a reservation for a wedding reception. On discovering that in fact it was for a lesbian wedding reception, they said they could not do that. If I understand the evidence properly, it's that they effectively returned the deposit, offered another place at their own cost, and also reimbursed any cost for wasted invitations. Nevertheless, the Knights are being taken to the B.C. Human Rights Tribunal. In a five-day hearing last January—we're awaiting the decision.... They were challenged on whether those property rights they've known and come to understand for many years in this country were going to be sustained.

Bishop Henry is an unusual case. It's a remarkable proposition. It's not merely Bishop Henry. Representatives of the Canadian Conference of Catholic Bishops and the Evangelical Fellowship of Canada last year, prior to the federal election in June, were invited for coffee with representatives of CCRA and were told to be careful about what they said during the next election, because CCRA was going to be taking a look at their charitable status. Bishop Henry was directly approached by a representative of CCRA with respect to statements he'd made about the Prime Minister in a pastoral letter. I guess using the term "from a shepherd of my church" to suggest that someone may be acting in a morally incoherent way is now going to put you on the wrong side of the crosshairs of the state.

Bishop Henry is now being faced with two complaints over another pastoral letter on the church's position on same-sex marriage. Bishop Henry may be in a position to afford the defence; other Canadian citizens may not. Quite frankly, we've seen that situation in a variety of other issues where folks have had to tone down, back down, and accommodate various demands of the state because they have fears a provincial human rights commission is not going to stand up.

You asked about what impact it may have on charitable status. That's an open question, but quite frankly, it's odd. If the proponents of this bill actually perceive that protection in issues of religion and conscience is a matter of great interest, why wouldn't you do something in the very area of jurisdiction over which you have authority to protect religious and charitable institutions or other

people with respect to speech rights or association rights on this issue? It's remarkable.

• (1620)

In fact, the draft bill that went to the Supreme Court only talked about one particular item for protection, church officials. What about other lay people? What about marriage commissioners? What about clerks who work in municipal offices? Again, those are issues the Supreme Court has said are going to be dealt with at a provincial level under provincial jurisdiction. Under areas of federal jurisdiction, the bill is silent.

[*Translation*]

The Chair: Thank you.

Now, over to Mr. Marceau, of the Bloc Québécois. You have seven minutes.

Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ): Thank you very much, Mr. Chairman. Thank you to our witnesses for being here despite a very short notice. We appreciate your presence and thank you for clarifying your respective opinions.

Mr. Horgan, you will not be surprised to know that I do not share your position, and vice versa.

[*English*]

Mr. Philip Horgan: I remember that from 2003.

[*Translation*]

Mr. Richard Marceau: But that was done nicely. We are always very nice. It is always better than a trip to the dentist. In fact, this committee's hearings have always been so memorable that my friend Pat O'Brien mistook me for Mr. Ménard earlier. I suppose he is nervous because he is before us today.

All kidding aside, Mr. Horgan, I understand very well that you are not completely willing to support Bill C-38. If we were to make an amendment to Bill C-38 which would clearly state that no organization, nor any Church, would lose its status as a charitable organization because it opposes same-sex marriage—I am not asking you if you would support Bill C-38, because I know your answer—would such an amendment help curtail some of the public's fears? I am of the understanding that the fear is not that churches would be forced to marry same-sex couples, just as the Church is not obliged to marry Catholic divorcees. Would such an amendment somewhat calm your fears? I am not saying that you would go so far as to support Bill C-38, but would that calm your fears?

[*English*]

Mr. Philip Horgan: If such an amendment were considered, it would at least show some recognition by this Parliament and its members of the importance of these issues in areas of federal jurisdiction. But I wouldn't limit it to applications under the Income Tax Act. You have issues with respect to potential statements that could be made leading to charges under the Criminal Code, merely for preaching or teaching on issues of homosexual conduct.

If I could go further, that doesn't address what Mr. Moore was talking about, which is with respect to conscience, employment, property rights, and all sorts of other issues that are in the provincial sphere.

•(1625)

[Translation]

Mr. Richard Marceau: I know that at a provincial level, there are issues, for human rights' tribunals, among others.

But let us get back to what you were saying on criminal charges. Bill C-250—which Pat O'Brien said he voted for at the time—stated that one could not be found guilty of hate propaganda if what was said was based on religious texts. I do not recall the exact wording, but it was something along those lines. Would a clause similar to what Pat O'Brien voted in favour of have not calmed your fears?

[English]

Mr. Pat O'Brien: Let me say, with my colleague's indulgence, it was not Bill C-250 that I referenced. I forget the number of the bill, but it was the bill to change the act to add sexual orientation to the hate crime.... It wasn't Bill C-250. It was back about six or seven years ago; it wasn't the recent Bill C-250, which in fact I opposed.

The Chair: I'm told it could have been Bill C-41.

[Translation]

Mr. Richard Marceau: I apologize, we misunderstood one another. I thought it was Bill C-250 which provided for that. My apologies, Mr. O'Brien.

Mr. Horgan.

[English]

Mr. Philip Horgan: In the context of the situation that we're facing, I don't know the details of what parts of this brochure of our coalition called Defend Marriage are found to be offensive, discriminatory, or whatever, when in fact it's establishing, effectively, political or legal arguments with respect to these issues. But take a look at the changes that were made to Bill C-250 and what you proposed as defences available to plead either religious grounds or pleadings from a religious text.

The Catholic Civil Rights League or the Canada Family Action Coalition or others are sometimes of a religious orientation, but we're not religions. In effect, we're speaking on the importance of religious freedom generally. Is it appropriate in the circumstances of arguing in a democracy about political positions that we're effectively going to have to suffer or that the Toronto police are going to have to investigate us for a hate crime for making political submissions?

Those are the kinds of warnings we gave these committees at the time in the Bill C-250 debate, that individual citizens were going to have to defend themselves from what may be frivolous charges or complaints.

[Translation]

Mr. Richard Marceau: That can occur for all sorts of reasons.

Mr. Horgan, once again, I am not asking you to support Bill C-38. I know that you would refuse. However, would it not be possible to put forth suggestions for amendments which could calm your fears? I understand very well that for you this is not a way of supporting the bill, but could you make some suggestions for amendments which would calm your fears with respect to the comments you made on hate propaganda, the Income Tax Act, and so on and so forth? I

would look at those suggestions. Are you willing to send me those suggestions?

[English]

Mr. Philip Horgan: I'd be pleased to give you some suggestions. Do I have 24 hours? What is the proposition?

[Translation]

Mr. Richard Marceau: You have until the 15th.

[English]

Mr. Philip Horgan: Gosh, I'll have to talk to Mr. Justice Farley at the commercial list that I'm appearing in front of tomorrow to say I have this assignment from Parliament Hill to get done, so that case can just move aside.

I guess then the concern I have is.... I'd be happy to take on the assignment. Can I be assured that you or this committee would take on those suggested possibilities with earnestness and real consideration prior to June 16?

[Translation]

Mr. Richard Marceau: I cannot speak in the name of my colleagues from other parties, but I can assure you that on my part, I will look at those suggestions seriously. Firstly, I want to make sure that same-sex couples have the right to marry. This is my wish, because I believe that it is the right thing. However, I also want to make sure that religious institutions, among others, do not fear being obliged, in any way, to marry same-sex couples or to lose their status, or a right that they are entitled to, such as the status of being a charity organization, if they refuse to marry same-sex couples.

For me, religious freedom is as fundamental as is the right to equality provided for in section 15 of the Charter. That is the commitment I can make, personally, and on behalf of the Block.

[English]

The Chair: Thank you.

May I say that we have your presentation, which is being translated, and as soon as the French version is available, both the English and the French will be distributed. Under our rules, if you are to distribute something to the committee, it has to be available in both official languages. So it is being translated, and we will then distribute it.

•(1630)

Mr. Philip Horgan: It doesn't answer the question that Mr. Marceau was raising.

The Chair: No, but I wanted to make sure that you understood that you have some recommendations in your document and that document will be distributed. But this is another endeavour.

We are now with the New Democratic Party. Mr. Siksay, seven minutes.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Thank you, Mr. Chair.

Thank you to all the witnesses for being here this afternoon. It was on short notice, but I do suspect that you folks knew what you were planning on presenting to us. I know from visiting the Catholic Civil Rights League website certainly that you have fairly extensive documentation there. So the presentations were waiting to be made, I suspect, but I do thank you very much for coming, even on this short notice.

I want to say, just from my personal experience, that the work of PFLAG has been crucial to me and to my family. I know that my parents, if they happen to be watching today, will have been relating very closely to the testimony that you gave, Mr. Stimson. The work of PFLAG has been very important to them and to me, and I want to thank you for the hard work and the commitment your organization has shown over the years.

I had one question for you, Mr. Horgan. You were asked, by my colleague from the Conservative Party, about the Knights of Columbus case in British Columbia. I just wondered if you knew anything of that particular association's hall rental policy and their past practices, or knew whether they subjected all potential renters to a test on their conformity with Catholic doctrine and practice, that kind of thing. Is that something you're aware of? Do you know the details of their practices in that circumstance?

Mr. Philip Horgan: I can't speak to those details, Mr. Siksay, but my understanding of other jurisdictions is that if in fact there is a request for use of Catholic space, whether it's sacred space, related properties, or so on, typically the use of that space is reserved to the ultimate consent or authority of the local Ordinary, the bishop.

Mr. Bill Siksay: But you don't know the particular policies of that chapter of the Knights of Columbus in terms of this particular banquet hall—for instance, if in fact they rented to couples who weren't Roman Catholic for wedding receptions or other events that may not have had anything to do with, or had been in opposition to, Catholic doctrine and policy on other issues.

Mr. Philip Horgan: I don't, but my sense is that it's one thing to talk about making space available for certain purposes and then making it available for purposes that the Catholic Church cannot abide by.

But you raise a very interesting theme, and that is, what do you do with service providers in the business world? The most important case in that area is probably the case involving Scott Brockie, a printer in Toronto. He was taken to the Human Rights Commission, appealed to the divisional court, and ultimately was fined \$5,000 by the Human Rights Commission for saying that in that location, the city of Toronto, where probably 15 to 20 different printing operations are within a one-mile radius of his location, he didn't wish to do business cards and letterhead for a gay advocacy organization.

So there is a case of refusing, on religious and conscientious grounds, to do business in circumstances where it's readily and widely available, and nevertheless being fined by the Human Rights Commission, subjected to roughly seven years of litigation.

Mr. Bill Siksay: I think we're talking about different sorts of situations, though, in that circumstance. I was trying to establish if you had any particular knowledge of the B.C. Knights of Columbus case, which is what you were originally asked about, I think.

Mr. Philip Horgan: I raised those parts of the evidence that were significant, I think, that despite the efforts they made to solve the problem, they were nevertheless taken to the commission.

Mr. Bill Siksay: Thank you.

Mr. Hawke, I know you didn't get a chance to get to your part of the presentation. I just wondered if you wanted to use some of my time to take us through some of the things that you might have wanted to say at that point. I'd be happy to have you share some of my time.

Mr. Bill Hawke (Member, Parents, Families and Friends of Lesbians and Gays (Canada)): There are a couple of things I wanted to get across. One of the big ones was that members of Parliament are being asked to make their own individual decisions on this legislation. I really hope they'll have a hard look at the material or information they have available to do so. Are there members of their own family who are gay or lesbian? Are there members of their family who might be gay or lesbian but wouldn't come out to them because it wouldn't be recognized as an acceptable condition? Are there members of their constituency who are gay and lesbian? I would offer that probably every member of Parliament has gay and lesbian members in their constituencies. Are they really prepared to say to them individually, "No, I'm sorry; I don't believe you're equal to heterosexual couples who wish to get married. You don't deserve to marry."

I have a gay son and a straight daughter, and if this legislation is defeated, really the government is saying to me that my two children aren't equal; they can't both marry.

I'm the proud grandfather of a brand-new baby two days ago, and I would really search for the day when the mother of that baby—be she lesbian or straight, it doesn't matter—when they're all accepted in the same vein and can be married the same way in both environments, and there is no discrimination. That's really what I think the members of Parliament need to look at, making a decision based on that.

I'm really saying that if you're saying no to this legislation, you're saying no to real people who are going to be greatly affected by it. It's not fair. You're discriminating against those individuals.

• (1635)

Mr. Bill Siksay: Thank you.

How are we doing for time, Mr. Chair?

The Chair: You still have a minute, Mr. Siksay.

Mr. Bill Siksay: Maybe with my minute I'll ask whether the folks from the CLC might expand a little on the marriage leave provisions they mentioned and say something more about how this legislation might affect those.

Ms. Sue Genge (National Representative, Women's and Human Rights Department, Canadian Labour Congress): Sure, I'll make a couple of comments about it.

One of the concerns we've heard from our affiliates is that workers who move for their job to keep their employment should be able to have the same rights regardless of which province they live in. We have situations where we will have to be fighting in some provinces for rights that people enjoy in other provinces. It gets us all tangled up in grievance procedures and court challenges, and we've had quite enough of that in trying to fight for same-sex benefits and equal rights over the years. We're just hoping we can have a standardized law across the country.

Of course, we support equal marriage because it's based on charter rights and fundamental equality provisions for all the people in Canada. Partly it's that we don't want to get into that kind of a battle, because we don't think it's necessary. We think Parliament can follow the charter and enact this legislation.

The Chair: Thank you.

We now go to the Liberal Party and Mr. Macklin, the parliamentary secretary.

Hon. Paul Harold Macklin (Northumberland—Quinte West, Lib.): Thank you, Chair, and thank you, witnesses, for appearing today.

I'm just picking up from the CLC. When you have your debates, as you said you have had and will have again, do you have a fulsome debate about the questions that are being raised by Mr. Horgan and others who reflect that perspective at the time you're doing the debate, or are you just limiting it to, as you see it, a human rights issue? Do you look at the religious freedom side of the protection that ought to be offered there?

Ms. Marie Clarke Walker: I answered this question the last time we appeared before the committee as well—the last committee, which Mr. O'Brien sat on. We have very thorough and very open debates, so a number of issues come out when we are talking about equality rights—same-sex marriage, same-sex benefits. Nothing is swept under the rug; it's all open.

The trade union movement is a large movement, with people with different points of view and different understandings. There are people there who don't necessarily agree with some of the points of view of others, but there is a consistent understanding that these are equality rights. We have fought very hard and very long for all equality rights, and if one person's right is violated, it sets it up for somebody else's rights to be violated. In terms of opening the door, you may have heard the slogan from the trade union movement “an injury to one is an injury to all”. We truly believe that.

So there is open debate and open discussion. There are votes taken, and the majority of the delegates at conventions, whether it be the Canadian Labour Congress's convention or an affiliate's convention, just as everywhere else, determines where we go on these issues.

Sue, do you want to add anything?

• (1640)

Ms. Sue Genge: You'll appreciate, of course, that members of trade unions in Canada come from every religious persuasion. Some have no religion, some belong to churches that are opposed to same-sex marriage, and some belong to churches that support same-sex marriage. But trade unions are not churches and we don't take a

religious position on this question, obviously. We would not be able to get any kind of agreement anywhere on that front.

We do, however, strongly support religious freedom and religious association in the country. That's in our brief to Parliament on this question, and we obviously support that as well. That's been part of the discussion and debate within our movement.

Hon. Paul Harold Macklin: I want to pick up on the concerns that have been expressed with respect to religious freedom. As part of your advocacy before this committee, and obviously through your union, do you have any recommendations or thoughts that your members have brought to you that we ought to be considering in dealing with the protection of those who believe that there isn't broad enough protection at the moment for religious freedom, and that in fact this should also cover areas of religious conscience? Have you any thoughts on that or advocacy that you could make?

Ms. Marie Clarke Walker: Again, it's in our previous submissions, but we are quite content with the fact that religious freedoms are protected. We have situations where particular churches don't marry people who have been divorced. We have other religious organizations that deny marriage and other religious activities based on their religious doctrines, and we think that is protected under the charter and also protected in the bill. We haven't had that concern raised with us because our members believe that it is already there and it is already protected.

Hon. Paul Harold Macklin: Thank you.

Mr. Horgan, you raised a lot of issues, and I think the undertaking you gave to Mr. Marceau is helpful—and where I wanted to ask you a few questions—in terms of giving us some guidance on where you think the key points are in federal jurisdiction where we could actually deal with areas of concern. But clearly, the charter itself is applicable federally and provincially and is universal in that sense.

When we look at some of the areas of concern that have been addressed—and with great particularity—they're provincial in nature in many cases. As a matter of fact, I think the majority of cases you mentioned are provincial.

I know that in the Caldwell case the Supreme Court of Canada did, with respect to religious schools, uphold the right of religious institutions to fire teachers who didn't follow their religious tenets. At Trinity Western, it was upheld that religious schools had the right to train their future teachers in conformity with their religious values.

I believe there has been a movement to sort of meet the needs you have expressed, in particular, most recently, as you've mentioned, in Ontario. They have made amendments to try to meet the needs of those of religious conscience who are in an administrative role and to assist in giving them the comfort they need.

I understand that there is a rule that is used quite often to find accommodation where there is a conflict between individuals and the charter concerning such issues of conscience. As an example, at a recent federal-provincial justice ministers meeting, Quebec and Ontario were asked if they were having any difficulty in meeting the concerns that were expressed by those who would be in the equivalent position of a marriage commissioner. In fact, Ontario said that they had no problems in meeting the concerns of those who might have some concerns about their religious beliefs and the job they perform.

Maybe, and I suggest this to you, it is a question, really, of some time being given to the provinces to allow them to adjust to this regime and to allow them to advance and conform with the Constitution and the concept of religious freedom.

I wonder if you would comment on that.

• (1645)

The Chair: Mr. Macklin, you will be surprised when I tell you that your seven minutes have all been taken, but we will let the witness answer your question very briefly.

Hon. Paul Harold Macklin: Sorry. Thank you.

The Chair: Please, sir.

Mr. Philip Horgan: Thank you, Mr. Chairman.

You make reference to a couple of cases, the Caldwell v. Stuart case and the Trinity Western case. But I think it's important to recognize that I don't throw those references around loosely. You have to look at the issues.

In the Trinity Western case, for example, the court found that there was no collision of rights in terms of Trinity Western University's freedom of conscience, religion, institutional teachings, and the allegations raised by the B.C. College of Teachers. Under the circumstances, the court found that as a result of no collision in rights, there was effectively no issue that had to be determined by the courts. In fact, it was the finding at trial and appeal. The Supreme Court also said in their decision, and I'm paraphrasing, that the freedom to believe is broader than the freedom to act on those beliefs.

I guess we're going to get into this issue, whether you talk about the Ontario legislation or other provincial legislation generally.

The reality is that marriages in Canada are performed by clergy to the tune of 75% or 80%. The rubber hits the road rather intimately on the marriage file. You certainly have marriage commissioners doing marriages in various parts of the country, but the great majority of marriages in this country are performed by clergy, to the extent that there will no doubt be challenges on where that freedom to act or not to act will be allowed when a person of faith or a person of a religious or other conscientious conviction objects to the request being made.

The reality of the notion of clergy, whether it's a clergyman, rabbi, imam, priest, or whatever the case may be, is that they are licensed in most cases by the province. As a licence-holder to perform marriages, is it going to be an available defence for those people to effectively refuse to provide the services that they are entitled to offer under provincial jurisdiction? Although the proposed act talks

about recognizing the rights to abstain, we are definitely going to see challenges.

The Chair: Thank you.

We now move to the next round, and to your surprise, these are five minutes.

Let's start with the Conservative Party, Mr. Warawa.

Mr. Mark Warawa (Langley, CPC): Thank you, Mr. Speaker.

I too would like to thank each of the witnesses for being here today.

In my riding of Langley, British Columbia, I did some unscientific polling. I sent a householder to every household and asked for input on this. We did not count the input that we received online. These were actual responses from Langley residents. For those who responded, 96% support the traditional definition of marriage, along with giving Canadians equal rights to have a union with the same legal rights and benefits. But because it's a same-sex union, the option would be to call it a civil union. For those who responded, 96% of Langley residents supported that.

My first question is for Mr. Horgan. A previous witness, from Egale, was in the audience and has now stepped outside. We heard from that gentleman and also from the minister, Mr. Cotler, that funding went to Egale on this issue. I appreciate the work that you've done as the Catholic Civil Rights League. Have you received any funding from the federal government?

• (1650)

Mr. Philip Horgan: Absolutely not. In fact, we've been ordered to pay costs in the Quebec marriage case, after having lost on the appeal. We're paying the costs of the lawyers for the successful litigants in that case.

Mr. Mark Warawa: Do you have an approximate cost?

Mr. Philip Horgan: The amount the Quebec Court of Appeal ordered us to pay, I believe, is roughly \$1,350 for the decision that was rendered March 19, 2004.

Can I comment generally about your riding responses?

I've heard in the last two weeks, and it's certainly been in all the papers, that national unity is apparently a major issue for why we're in fact not in an election season today. I'm bewildered at the effort to put forward this legislation, which has the most disruptive influence on national unity in this country that I can ever imagine.

Mr. Mark Warawa: I'm sorry to cut you short, but I'm halfway through.

I also have Trinity Western in my riding. I'm an alumni from Trinity Western. It cost that university a lot of money that could have gone into education, to try to defend itself, and I'm glad it was successful. It was very unfortunate that those attacks were aimed at Trinity.

I have a question for Mr. O'Brien. It's concerning the assurances that you received from the Prime Minister. We heard, as a committee, that the Prime Minister has no influence on this committee. You've assured us that there is possibly some influence. I'm wondering why you or other members of the Liberal Party who were speaking against Bill C-38 are not represented on this committee. That's one question I would like you to answer.

Also, there's no travel on this committee, and we heard a comment from one of the witnesses that we've heard enough, we've had adequate input. The previous committee, which was two years ago actually, had 467 witnesses. This committee is limiting that number to 63, and we're limiting the time for which the witnesses can come. It appears to me that this is being rammed through, and it appears there is a bias.

I'm wondering if you could elaborate a little bit more on what assurances you had from the Prime Minister, and whether you believe you're having adequate public input.

Mr. Pat O'Brien: Thank you very much for the questions.

I would have been willing to sit on the committee; there's no question about that. I think it's pretty clear, mostly—there are no political rookies around here any more—even to the new MPs, that when the party whip is picking the people to be on the committee, he or she is going to pick people who support the government position. I guess that would be expected. I happen to think it would be a little more representative a committee if there were at least one Liberal member of Parliament to represent the 35 known to oppose it, as well as the others who will join the 35 in the ultimate vote. And there will be others. That's the political reality. I've been here 12 years, so I'm not surprised by the membership on the committee, from any party. There is no disrespect intended to my colleagues; we simply disagree. Within the Liberal Party we have significant disagreement on this issue of same-sex marriage, no surprise.

I didn't seek travel with my assurance from the Prime Minister that convinced me to stay in the caucus; I didn't make travel an issue, and I'll tell you why. I was on the committee that did travel extensively. I said if the committee decides to travel, wonderful. As for the previous witnesses who said we've heard enough, that's quite wrong; we have not heard enough since the Supreme Court ruled. Even if you reference the committee hearings that I sat through, I repeat, they were reduced to a farce: the committee didn't even write its report; it didn't even try to appeal the incredibly arrogant ruling of the Ontario court to instantly redefine marriage.

Am I satisfied? I have some concerns about what's going on here. I understand the realities the chairman deals with. I'm chairing the Standing Committee on National Defence myself. But the reality, as Mr. Siksay pointed out, is that the position may have been well known and easy to bring here, but people have forgone very significant other commitments to be here, and that's simply not fair, in my humble opinion.

I'll finish my question with this. What is the rush? Unless this committee imposes the June 14 deadline, there is no reason for the rush, and this kind of situation could be avoided.

• (1655)

The Chair: Thank you.

We're back to the Liberal Party. Mr. Savage, you have five minutes.

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Thank you, Mr. Chair, and thanks to all the witnesses for coming today.

I'd like to start off with a question to the two gentlemen from PFFLAG. You certainly bring a human dimension to this discussion, which I think is very important. You both indicate, through your testimony, how welcoming you have been with your children, in terms of their sexuality. I wonder if that was always the case. Had you thought about this before finding out that your children were gay or lesbian?

Mr. Dennis Stimson: Mr. Savage, I can't honestly say that I had thought about.... First of all, I want to know for sure what you're asking about, same-sex marriage or heterosexuality?

Mr. Michael Savage: I can't recall if you told us how old they were when they told you they were gay.

Mr. Dennis Stimson: One was approximately 20, the other about 25.

Mr. Michael Savage: In either case, then, let's talk about the marriage specifically. Had you thought about gay marriage before your children confronted you with that?

Mr. Dennis Stimson: No. I had spent 34 years in the Canadian Forces. I firmly believe that during all that time I was protecting the rights, equalities, and treatment of every citizen of the country, my sons included. When they came out with being gay we did not think at that time, under the current legislation, that it would be allowed for them to be married. The change in Ontario certainly changed that for us, and we are extremely grateful for it. We believe it should be across the country.

Mr. Michael Savage: So do I.

Mr. Hawke, I think what I'm getting at is does news of this personal connection make you think about it more and perhaps influence the thinking?

Mr. Bill Hawke: I think probably in our case the marriage of our daughter really brought home the lack of equality that existed in our family, because at that time our son did not have the right to marry. He was in Edmonton, and Alberta doesn't recognize equal marriage. He has since moved to B.C., and now fortunately he does, but he's not in a relationship at this point, so it's not an issue. Certainly for him to have that option, should he desire it at some point in the future, is why we're here—it's important to us.

Had we thought about it ahead of time? Yes, I think it's something, this equality issue, that we have watched evolve, and the marriage issue is another significant step in recognizing the equality of my two children.

Mr. Michael Savage: One of the reasons I asked the question is that I was raised in a Catholic family, and I'm Catholic. I attend an Anglican church now, in which I'm very happy and welcomed in as well, but I still consider myself Catholic. My parents were very what you would call strong Catholics, identified as such in the community, and my father had a high profile. Of all the interaction that I've had on this issue, and I respect both sides of this position, the only thing I've been somewhat offended at has been letters that indicate your parents would not agree with your position.

One of the last things my mother told me before she died, knowing that she was dying, was that if I was ever in a position to assist my sister, who is in a committed lesbian relationship in Toronto, to have her country recognize that relationship as the marriage that it was, I should do that. I know that families having this close connection focuses the mind a little bit, but I'm sure there must be a lot of people in PFLAG who have undergone some significant transformation as a result of hearing news in their own family.

I wonder if maybe people might want to put themselves in that position, even if they're not actually in that position, and think about how fair it might be to exclude only gays and lesbians from being married—not criminals, not pedophiles, not murderers, just gays and lesbians. Is that fair? I don't think it is.

Mr. Bill Hawke: Certainly not in our view.

Mr. Michael Savage: Thank you, Mr. Chair.

The Chair: Thank you.

Mr. Siksay.

Mr. Bill Siksay: Thank you, Mr. Chair.

I have a question for Mr. Horgan and Mr. Bastien. I wonder if the Catholic Civil Rights League has any concern for religious denominations that chose to marry gay and lesbian couples and about their religious freedom to make that choice and to perform that in exactly the same way they would do it for a heterosexual couple. Do you see that as an issue of religious freedom that merits concern in the Canadian Parliament?

• (1700)

Mr. Philip Horgan: It may well be that the Court of Appeal for Ontario actually didn't find there was any breach of those religious rights in the Halpern case, so I suggest that if those arguments are to be raised they're going to have to find the case. I think, quite frankly, the bill will overreach on that issue and by making it available in effect give that remedy to those faith groups. I urge you to have a look at the Halpern decision of Mr. Justice McMurtry for the bench in that case where the claim of the denial of freedom of religion was not accorded to the Metropolitan Community Church.

Mr. Bill Siksay: I think that's all I want to ask in this round, since I'm up for a second time. I'll pass on so others can get in.

The Chair: We'll go back to the Liberals.

Madame Boivin.

[Translation]

Ms. Françoise Boivin (Gatineau, Lib.): I would like to thank all of the witnesses for meeting with us today. I know that some of you received a very short notice.

We have quite a bill before us. To repeat what my colleague Pat O'Brien said, I am a new recruit, but I understand that the bill has reached a legislative committee. The role of this committee is to analyze the bill before it and to send it back to the House after having amended it, if necessary.

I believe that everyone who sits on this committee is aware of the fact that this debate may appear to divide certain people, but two votes have already taken place in the House which reveal that there is majority support for the bill. For me, it is important to underscore this.

That being said, as a new recruit, I did not have the benefit of hearing the different perspectives of some 400 groups that you had the pleasure of hearing at the Standing Committee on Justice a few years ago. Nonetheless, I can tell you that as a very conscientious member of this committee, I apprised myself of most of the opinions of these groups and many other groups. This goes well beyond the 60 or so opinions we will be hearing from groups here.

I would like to ask a question of Mr. Bastien: you made a few statements, on which I would like some clarification. Perhaps I misunderstood, but you seem to be saying that marriage transcends cultures and ages. Do you acknowledge that your concept of marriage, as you defined it for us, has gone through changes over the course of time?

Mr. Richard Bastien: Of course, the institution of marriage has undergone changes and it has not been consistent across all cultures. I simply wanted to point out that the institution of marriage is comprised of a fundamental characteristic, it is a union between a man and a woman. Such has been the case throughout all the ages we have known.

Some have pointed out that at certain points in Muslim civilization, things were different, because Islam allows for polygamy in marriage, with up to four wives, and an indeterminate number of concubines.

I have some Muslim friends with whom I debated the issue. Generally speaking, they are a bit troubled when this issue is raised with them. However, they tell me that this is basically a provision allowed for very wealthy people. The Koran obliges a husband who has two or more wives to make sure that he is able to provide them all with the same level of material comfort. My Muslim friends tell me that for the majority of Muslims, marriage is a union between a man and a woman.

• (1705)

Ms. Françoise Boivin: Mr. Bastien, let us concentrate exclusively on marriage as the Catholic religion sees it. You are a member of the Catholic Civil Rights League. I hope you also take up the issue of women's rights. In your opinion, has Catholic marriage undergone transformations over the course of history?

Mr. Richard Bastien: No, not fundamentally. In fact, according to some historians, Catholic marriage or Christian marriage has contributed enormously to promoting women. I can send you some historical literature.

Ms. Françoise Boivin: I will have to tell that to my mother, who was very much in favour of the vow of obedience at the time.

Mr. Richard Bastien: I'm thinking specifically of Régine Pernoud. That being said, I'm not defending the interpretation that certain members of the clergy have made of marriage over the years. I'm talking about the official interpretation of marriage as it is defined in the tradition. I know that there have been deviations, but the same applies everywhere else. It is not a serious argument.

Ms. Françoise Boivin: Are you telling me that my argument is not serious?

Mr. Richard Bastien: No, but a serious argument...

Ms. Françoise Boivin: I cannot debate that with you, Mr. Bastien. It was a joke.

Mr. Horgan...

The Chair: Ms. Boivin, your five minutes have expired.

Mr. Jean, five minutes.

[English]

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Thank you, presenters.

I only have five minutes, so I'm going to sound like I'm rushing.

I'd like to direct this to the Canadian Labour Congress. The first question I have is, how did you poll your membership for their responses? What kind of poll did you use to get the response in relation to your position?

Ms. Marie Clarke Walker: We don't have a poll; we have conventions, where the issues are put out on the floor, where we discuss policy papers. We have working groups with people sitting around the table talking about a number of issues that are of importance to all working people, including same-sex marriage and other equality issues, and those discussions go back to the particular affiliates. They also have conventions where people vote on their own policy papers, and that comes back—

Mr. Brian Jean: On this particular policy issue—

Ms. Marie Clarke Walker: It's on all of the issues, including this issue. It comes back to us, and when I'm making that reference, I'm talking about all the issues we talk about.

Mr. Brian Jean: I'm just interested in this one, though.

Ms. Marie Clarke Walker: It's the same process we use for everything.

Mr. Brian Jean: What year was it done?

• (1710)

Ms. Marie Clarke Walker: As early as 1980 we started the discussion around equality rights. In 1994 we had a—

Mr. Brian Jean: When was this particular resolution adopted?

Ms. Marie Clarke Walker: In 1994 we adopted it through resolution and a policy paper. There are a number of things that go to convention every year, and again, as I originally said in my submission, it will be talked about again this year.

Mr. Brian Jean: The reason I ask is that I represent about 10,000 or 20,000 of your members in Fort McMurray and they're very curious about that. Some of them brought it to my attention that they weren't aware of that resolution, and I was curious as to—

Ms. Marie Clarke Walker: All of our issues and all of our policy papers are put out. They're on websites, they're sent to the individual members, and they're sent to committees of every single affiliate, so they should be well aware of that particular issue.

Mr. Brian Jean: My next question relates to all the members on the pro side. I litigated in northern Alberta for many years in criminal cases, aboriginal cases, and constitutional and charter cases as well. In relation to this marriage issue, I even divorced a lot of people. I'm curious. I can't get beyond the point of why can't we have two words that have the same rights flow from them? That's the difficulty I have, because I see a definition of traditional marriage that's been here for a lot of years, and the issue of rights is different from an issue of words, to me.

I understand rights, because we have anglophones and franco-phones; we have the same rights—hopefully we do, anyway. We have a lot of different categories and definitions of people who have the same rights—identical rights, in fact—but using different words, and I would suggest to you I'm a very strong proponent of rights because I have argued those cases vehemently in the past and have been successful.

And I'm curious, for the people who are in favour of this legislation, why you would not support what seems to be what a majority of Canadians would support, and that is two definitions that would cover two different, separate entities who in this case would have the same rights.

Mr. Bill Hawke: In my case I have two children, a gay son and a straight daughter, and my daughter is married. You're saying my son can't marry, then, and to me that's an equality issue. You're saying my son is not equal to my daughter.

Mr. Brian Jean: No, sir, I'm not saying that. Actually—

Mr. Bill Hawke: Yes, you are. You're saying we can't use the word “marriage”, and that's an inequality issue. You're identifying him as being different.

Mr. Brian Jean: I don't see it that way, sir.

Mr. Bill Hawke: Well, I do.

Mr. Brian Jean: If I wanted to be called a woman, I couldn't go and be called a woman. I couldn't have that status because, as a matter of fact, I'm not a woman.

But my question is actually for Marie Clarke Walker, if you don't mind, Madam. Do you see it the same way?

Ms. Marie Clarke Walker: I think the example you used, that you couldn't be called a woman if you wanted to be called a woman, is a ridiculous example, because a man and a woman are different. For marriage, whether you're being married as same sex or as opposite sex, it's the same thing.

Mr. Brian Jean: So you feel it's an equality issue as well?

Ms. Marie Clarke Walker: Right now we have religious marriage and civil marriage. They're both marriage.

Mr. Brian Jean: Do you agree that it's an issue of equality even if you have the same rights that can extend to two different definitions? Do you still believe it's an issue of equality?

Ms. Marie Clarke Walker: Can you repeat that for me, please?

Mr. Brian Jean: Certainly. If you have two different words, whatever the words may be, but the exact same rights flow from both of those words, would that be acceptable to your organization?

Ms. Marie Clarke Walker: Why would you use two different words to mean the same thing?

Mr. Brian Jean: They don't mean the same thing; they have the same rights from—

Ms. Marie Clarke Walker: That's the answer.

Mr. Brian Jean: That's what I'm saying. The issue has been one of equality. What I'm asking is, can you not have equality flow from two different words that confer equal rights?

Ms. Marie Clarke Walker: As you said, the words don't mean the same thing.

Mr. Brian Jean: Well, it's a different definition, but with the same rights.

Ms. Marie Clarke Walker: But why would you have different words for...why would it be different?

Mr. Brian Jean: I'm not trying to open up a debate. I don't understand why it's an issue of equality, and that's what I'm trying to understand. How is it an issue of equality if you have the same rights and obligations—and, quite frankly, I would like to extend those rights to common-law couples. Why can't you have the same rights and obligations flowing from two different words—or three, as I would like to see it?

Ms. Marie Clarke Walker: I still have difficulty with your explanation of it. If it's the same, let's call it the same thing. Why treat one group differently? It goes back to being separate but equal, right? You're saying that there are two separate definitions—

Mr. Brian Jean: There are two different groups, though.

Ms. Marie Clarke Walker: —but they're equal under your definition.

Mr. Brian Jean: But you explained that they are two different groups, so that's what I was capitalizing on, I guess.

The Chair: Thank you, Mr. Jean.

[Translation]

We now go to the Liberals.

Mr. Boudria.

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.): Thank you, Mr. Chairman.

We are a legislative committee and the goal is to make technical changes, if necessary, to improve the bill. The purpose of this committee is to neither be for nor against the bill. This bill was tabled in the House at second reading, and the House approved it in principle. It will either adopt or defeat the bill at third reading.

We are a legislative committee, and our role is very clear. The Standing Orders of the House of Commons are very clear on changes that we can make. With respect to protections for priests and ministers of the cloth, did you study the relevant clauses in detail? Can you suggest any changes that we can make to better protect members of the clergy, or do you believe that there is sufficient protection under the provision, as currently worded?

[English]

Mr. Philip Horgan: I think one of the amendments that could be considered is in fact incorporating a pause with respect to the application of the bill until provincial legislatures have incorporated the requisite protections that this Parliament would see to be important. Then, in fact, if you're satisfied that a province is ready to provide those protections in conscience and in religious freedom to existing clergy, that would be a basis upon which the bill could be enacted in the province.

• (1715)

Hon. Don Boudria: Sir, that's not my question.

Mr. Philip Horgan: You asked about what realistic amendments you could draw. That's a realistic amendment.

Hon. Don Boudria: Yes, sir, and may I suggest that for you to suggest that we could put forward an amendment that's out of order is not realistic?

I'm asking you, specifically, if you've read the text of that particular clause. If you don't think it protects sufficiently, I'm a practising Roman Catholic, and I'd like to know if you have suggestions to amend the bill. Saying that I can put forward an amendment that's out of order is not very helpful, with respect.

Mr. Philip Horgan: I'll take on the question. I'll throw out something, which, quite frankly, I don't think your party has been largely in favour of. Wouldn't notwithstanding clause protection with respect to these types of issues be something worth considering?

That's out of order too. In effect, you're suggesting that this—

Hon. Don Boudria: Is beyond the scope of the bill. It is. Thank you.

Well, Mr. Chairman, I can't help it. I'm asking a question. We know what the clauses are, and I'm trying to get help from our witnesses. We are supposed to hear technical assistance; that's all I'm asking, if anyone has improvements that can assist us.

I'd like to go through the process and ask where we can improve the legislation. Incorporating the notwithstanding clause, Mr. Chairman, if I tried to provide for that, it's a new element that's beyond the scope of the bill. It's not provided in the bill. Mr. Chair, you would rule me out of order. I've chaired committees before; I know that.

The same would apply for us having a recommendation or adding a clause to say that we do not enact the bill or that we have a stay on enacting the bill. That's not a legislative committee—maybe a standing committee could offer that as part of a study, but not at clause-by-clause.

The Chair: Mr. Boudria, are you directing your question to any of the witnesses, or were you making a statement?

Hon. Don Boudria: Well, if anyone has recommendations in that respect, I'd appreciate it.

Mr. Philip Horgan: Well, we've got a clause in our materials, which unfortunately were not given to you in advance of being translated and available to you. Certainly we've raised issues of incorporating protections in a variety of ways, whether it's to ensure protections under the Income Tax Act regarding charitable status, or whether it's with respect to ensuring that rights of association and speech will not be infringed so that religious leaders, clergy or others, will not be subjected to state intrusions as a result of speaking, from their faith perspectives, on issues of homosexual conduct or other parts of a gay and lesbian lifestyle.

It's hard to contemplate how every bill within the purview of this House can or will be affected. In fact, that's what we will see on a case-by-case basis, going forward. You're the legislator. I'm the guy who has to argue these cases. If in fact this government is serious about according those protections in law, my suggestion is that it would state so by providing notwithstanding reference. I don't know if that's a technical application of what this committee is about, but quite frankly, I defer to Mr. O'Brien on what may be required.

The Chair: I'm sorry, we're running out of time on that five minutes.

Mr. Scheer.

Mr. Andrew Scheer (Regina—Qu'Appelle): Mr. Chair, maybe I'll use some of my time to allow Mr. O'Brien to address what you wanted to....

Mr. Pat O'Brien: Thank you very much.

I had short notice too, but I was already here.

Going back to Mr. Boudria's point and the concerns that I have about this process—and they're growing as I sit here—you have people coming to the committee on extremely short notice. The chair has explained why. It doesn't change the reality that it's extremely short notice. You have something verging on browbeating of witnesses, because they're not, in my view, adhering to the strict terms of the interpretation of the parameters of this committee, yet these people weren't given adequate opportunity to address these strict parameters.

You know, you can't have it both ways. Either it's a full and fair and meaningful process, or it's not. So far today, I've got mixed feelings about exactly what I'm seeing.

I want to take another opportunity, if I might, to thank you for the opportunity. I was asked earlier about the provisions for the committee and the agreement I had with the Prime Minister. I stress there was no.... I didn't make a point with the Prime Minister about travel. Let me tell you why. It was because I take him as a man of his word, and I know, as an experienced parliamentarian of 12 years, that most hearings take place on this Hill. That's where most hearings take place.

The committee did travel extensively in 2002-03, although the process was reduced to a farce and we didn't report, but one would assume that since the committee is not going to travel, it wouldn't impose an artificial deadline of June 14 or whatever it is. It wouldn't expect witnesses to come on extremely short notice and then lecture them on the parameters of the committee and when they're offside, not speaking specifically, or not keeping themselves within those parameters. It's just.... Let's get realistic about this. Either there's a

desire to consult with significant groups at this stage or there isn't. To tell us what the very strict parameters are of this committee and the hearings is not necessarily in keeping with the spirit of that kind of a dialogue to address the democratic deficit we all want to address around this place.

Thank you.

• (1720)

Mr. Andrew Scheer: I'd like to ask Mr. Hawke a question.

You mentioned that you had one homosexual child. Do you feel that he cannot access the institution of marriage, that he is somehow discriminated against...from being married, as your heterosexual child is?

Mr. Bill Hawke: He lives in the province of British Columbia, so he has the opportunity to marry, but it's not recognized on a federal level. If he moves to Alberta, that marriage wouldn't be recognized, and other areas of this country wouldn't recognize it also.

Mr. Andrew Scheer: If you take marriage as a fundamental institution as it has existed for the past two thousand years, he has every right to marry as any other human being does, in the sense that if they follow what marriage is, they can therefore be married. Right? It's not like he, as a homosexual, can't be married. It's just that the person who he would like to marry does not fit within what marriage is.

Mr. Bill Hawke: The institution as it now sits federally doesn't allow him to choose his partner.

Mr. Andrew Scheer: Just like it doesn't allow me to choose to marry certain people. There are certain people who, because of the natural definitions of what it is, are closed to you because the institution is what it is—consanguineous relationships, age restrictions.

And there's motherhood. I can't claim that I'm being discriminated against to the institution of motherhood, because it's just not there for me. A homosexual person has just as much access to the institution of marriage as a heterosexual person, in that they're free to marry one member of the opposite sex to the exclusion of all others.

Mr. Bill Hawke: You're discriminating against him—

Mr. Andrew Scheer: Absolutely not. As a homosexual, he has every right to do that.

Mr. Bill Hawke: Sure you are, because you're saying that it has to be a heterosexual relationship.

Mr. Andrew Scheer: I'm not saying that; that's what it is.

Mr. Bill Hawke: Well, that's what the federal jurisdiction is saying, yes.

Mr. Andrew Scheer: Motherhood is a woman and her child. It's not that someone is saying that because of your sexual orientation, you don't have access to this institution. It's just that this is what this institution is, and those people who want to access it have the same rights as everybody else. Your homosexual son wishes to partake in another relationship and no one on this level is telling him that he can't. We're just saying that's not what marriage is.

I see Mr. O'Brien wants to jump in here

Mr. Pat O'Brien: I'd love to jump in briefly. I repeat what I said to the gentleman who is asking the question, Mr. Hawke, and I want to hear the answer. Not a single national or international court or tribunal has ruled that this is a matter of human rights. Some judges in Canada have ruled it's a matter of human rights; some judges in Canada have ruled it is not.

Mr. Andrew Scheer: So just because your son—

The Chair: Mr. Scheer, I'm sorry.

Any questions on the Liberal side?

Mr. Warawa, I understand, has a question. It will be the last five minutes of this meeting.

Mr. Mark Warawa: Thank you, Mr. Chairman.

This has been a very interesting dialogue, and again, I appreciate the witnesses....

I'd like to ask the Catholic Civil Rights League questions on faith-based schools.

We've been focusing on religious rights through the clergy, through solemnization of marriage, but there are many young people who go to faith-based schools, be it the Punjabi school, be it the Christian school, the Muslim school. I've heard it expressed to me personally that there are concerns that schools are possibly going to have to teach against their faith—and what would happen?

You represent the Catholic faith, the Christian faith. Could you comment on how this may affect schools?

• (1725)

Mr. Philip Horgan: We've raised those concerns in the past in the court cases and our submissions elsewhere. There are grave concerns about publicly funded education, whether in your province or other provinces, that there will be mandated curricula from provincial ministries of education. In the circumstances, if in fact the cultural and legal norm of the country redefines "marriage" as "an institution between two persons", you are going to create all sorts of problems in that area. We've had the situation where Muslim parents in public schools in Ontario have had to fight even to get notice of what was being introduced in the classroom, which may have been objectionable to their children, and not given the right even to back out or have their children removed from those classes.

When you're dealing with religious schools, I think it's probably within the ability of those religious institutions to have a little more protection of that process. I think the graver concern is that religious students or religious-sensitive students at public schools are going to be effectively inculcated in a cultural or legal norm that their faith group finds morally objectionable.

Quite frankly, that is a problem that has been addressed to some extent by the Supreme Court—on the wrong side, in my perspective. That was the Surrey School Board case, effectively mandating the introduction of gay-positive literature at the age of kindergarten and grade-one students.

We've had situations where the B.C. gay and lesbian educators have asked—and demanded, in fact, as part of a Human Rights Commission issue—to have curriculum words changed, to remove words like "mother" and "father" from the teaching curriculum in

favour of "parent" and "caregiver". In other words, this whole degenderization of the culture is a remarkable turn of events. In fact, the literature and the gay theorists who advocate gay marriage don't do so because of equality rights; they're actually doing it in the context of the pursuit of degenderization, of the advancement of queer studies, and so on.

We are engaging in, quite frankly, an extreme experiment in social engineering. That's what this is about. This is not the thin edge of the wedge. We're well along the edge of this wedge, in my view.

Mr. Mark Warawa: Mr. Jean wanted to share time with me, if that's possible.

The Chair: Mr. Scheer.

Mr. Andrew Scheer: I have a really quick question, and this does address some of the technical aspects of the bill. It's for the Catholic Civil Rights League.

The word in the bill is "solemnize", that they'll be protected from having to "solemnize" homosexual marriages. Do you see any concern with perhaps—and as you mentioned, we're well past the thin edge of the wedge—one day having issues about recognizing homosexual marriages? We know that Catholic ceremonies.... Catholic faith-based schools might have a moral issue when they have the issue of dealing with someone who might come for other ceremonies or other types of education for their children. They'll be presented with the fact that for civil purposes they'll be recognized as married couples, but the faith groups, in some of the different ceremonies, might have problems with that.

Do you foresee any issues?

Mr. Philip Horgan: Here's an example for you. Say the children of a male-female marriage relationship, perhaps from a Catholic perspective or for whatever reason, go to Catholic schools—that includes Ontario. Let's say the mother from that male-female relationship ends that relationship and now takes up with a lesbian partner, perhaps engages in a marriage recognized by either this bill or by the current state of the law in Ontario, and for the purposes of the notion of being at the same school and so on, she wishes that her children continue at that same school. Then yes, these are going to be very interesting issues as to what happens in that scenario.

Can we actually exclude a Catholic student who's at that school, as a result of our concerns about the faith relationship of her mom? Are we going to be in a situation where these kinds of issues may arise?

I've heard Mr. Boudria and others talk about being practising Catholics. With the greatest of respect, they haven't done enough reading about their faith to understand what that means, especially what it means to a Catholic politician. In the context of how the rubber hits the road with these cases, it will be awfully difficult to determine if courts are going to provide protections to faith-based schooling in that kind of scenario.

• (1730)

The Chair: Thank you very much. We have run out of time.

For members, and for people who are interested in scheduling their time for later on this week, tomorrow we will have a meeting from 3:30 to 5:30. Thursday we will have a meeting from 3:30 to 5:30, and another one from 6:00 to 8:00.

Thank you very much for being here today.

The meeting is adjourned.

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