

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON
PRIVILEGES AND ELECTIONS
Monday, 13 July, 1987

TIME — 10:00 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. C. Santos (Burrows)

ATTENDANCE — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Cowan, Penner; Hon. Mrs. Smith (Osborne)

Messrs. Birt, Connery, Dolin, Santos, Smith (Ellice)

Mrs. Hammond

APPEARING: Mr. David Bloom - Private Citizen
Pastor Dan Neufeld - Glencross EMMC Church

Ms. Marietta Harms - Private Citizen

Ms. Pamela Walford - Private Citizen

Ms. Dolly MacDonald - Metropolitan Community Churches of Winnipeg

Ms. Kris Purdy - Private Citizen

Mrs. Evangeline Neufeld - Private Citizen

Ms. Keith-Louise Fulton - Private Citizen

Mrs. Lieselotte Mueller - Private Citizen

Mr. Will Feldbusch - Private Citizen

Mr. Ed Plett - Private Citizen

Dr. James Romeyn - Private Citizen

Mr. Don Van Leewen - Private Citizen

Mr. Arden Boville - Private Citizen

Rev. Bob Haverluck - Private Citizen

Rev. Ken Voth - Private Citizen

MATTER UNDER DISCUSSION:

Bill No. 47 - The Human Rights Code; Code des droits de la Personne

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MR. CHAIRMAN: The Standing Committee on Privileges and Elections, please come to order.

This is a continuation of public hearings on Bill No. 47 - The Human Rights Code.

May I call on the first presenter this morning: Ms. Mary MacLean, private citizen; Mr. Pierre Brochu, private citizen; Mr. Alan Buckley, private citizen; Erwin and Donna Neufeld, private citizens; Lee and Agnus St. Hilaire; Constable R. Christmas; Dr. Brian M. Evans; Mr. Lewis Martin; Mr. Rick Wilgosh; Gordon Kooper; Ray Schmidt; Ms. Wendy Peters; Mr. David Bloom, private citizen.

Mr. Bloom, do you have any brief?

MR. D. BLOOM: No, sir.

MR. CHAIRMAN: Thank you.

MR. D. BLOOM: I thank you I was able to speak. I just got here. Thank you.

I want to speak particularly in relation to the sexual orientation part of Bill 47, expressing myself as a private citizen and as a father, and as one who is very concerned particularly in the education area of children.

I've heard and hear it on the news that various things are being said that this is not going to involve a position in terms of education and various other aspects. As I've read and tried to find out something about the bill, I've not been able to discover this, if there's any protection other than just what it says. It doesn't say the protection is there and I'm concerned about that.

I have chosen to send my children to Christian schools and have decided, because of that, not just because of the public school system but because of the particular area on morality, and therefore I have chosen that area in my own life and in our family life.

I'm concerned particularly that this could affect my own personal freedom of that choice of being able to keep my children from a situation where the lifestyle that I would oppose is then forced onto me in that area and to my children. Therefore, I am concerned about that.

I also am concerned about some of the things I've been able to hear, and that's regarding the problem that we have discrimination. I recognize and realize that some of the concern is that this would stop discrimination. My own personal feeling here is that it will only enhance it because it draws lines and causes people to be more aware of situations, more aware of the dilemmas that they can have, and especially if they're trying to protect their own freedoms.

The dilemma that I can see is that instead of trying to stop the discrimination, I'm going to have to even more and more carefully speak to my children and tell them carefully, and that tends to increase discrimination. I don't want that and yet I know also that, as a Christian father, I must again and again show forth and protect my children in every area I can.

I'm concerned also about an area that has been spoken of to this committee and I just want to say one more thing about it and to myself, and that is an area that where we are not able to keep protecting our children and protect this society in terms of those, when we have the private organizations who are helping organizations who then have to, by this law it would seem to me, hire those who would not agree with their own position. I think of the church particularly and I think of other private individuals and private organizations.

So this is a concern that I have; I've heard it spoken to. I don't feel satisfied in what I'm hearing, and I just wanted to express that and say that I think that it's a dangerous precedent that the government is putting in this sexual orientation.

I believe that the homosexual is protected by its civil rights; and I think to make this, in that sense, mandatory in this way of putting it in this bill, that it endangers us down the road. We might be saying, it's not going to happen, but it seems to me that we can never see too far down the road. I just want to put that kind of warning or sounding alarm that I sense that this could involve many of us in ways that we might not at this present time think.

Thank you, sir.

MR. CHAIRMAN: Any questions? Hearing none, thank you, Mr. Bloom.

MR. D. BLOOM: Thank you.

MR. CHAIRMAN: Rozalia Bugan; Rose and Paul Dubois; Norman Woods; Kell Frandsen; Rob Friesen; Doris Friesen; Betty Friesen; Harv Thiessen; Richard Koopanyi; Henry Dueck; Ian MacPherson; Nancy Abas; Pastor Don Neufeld, representing Glencross EMMC Church.

Pastor Neufeld.

PASTOR D. NEUFELD: Thank you for this opportunity to speak to this Bill 47.

I represent a small church of 150 in Southern Manitoba, a church that's concerned about this bill because everything that begins in the city eventually ends up in the country. This bill will affect us directly in the not too distant future should it be passed.

There are different presuppositions represented here today by those of us in opposition to Bill 47. I come with a simple but fundamental presupposition that the Bible is the infallible Word of God, and in it we have recorded for all who can read that God is noble through His Son, the Lord Jesus Christ, and that God has a design for the ordering of all life until the death of the individual or the return of Christ.

The Bible claims repeatedly in an explicit way that homosexuality is unnatural and despised by the Living God. Homosexuality is unnatural because it is contrary to God's plan for sexual relationships.

In five locations in the Bible we read these words: "Therefore a man leaves his father and his mother and cleaves to his wife and they become one flesh." Genesis 2:18 reads: "It is not good for man to be alone. I will make him a helper, not the same, but suitable for him."

Based on my initial presupposition that the Bible is God's authoritative Word, I have no trouble seeing God as the Creator - He being the one who has designed women for men and men for women, two within the covenant of marriage experience and enjoy sexual union, warm companionship and support as only a male and female can.

A male-female marital relationship which takes seriously the teaching of the Bible as God's Word is the best relationship on earth. The Bible condemns homosexuality because it is sin. In Corinthians I and Timothy I, the Apostle Paul, under the inspiration of the Holy Spirit, includes the sin of homosexuality with sins of drunkenness, murder, immorality, greed, perjury, etc. All of these sins are the result of unrestrained desire.

Probably the saddest fact of all is that the Bible teaches that no homosexual shall inherit the Kingdom

of God. True born-again Christians, and I refer to those who are true and born-again, which differs from those individuals in churches which play games with God and His Word - the Bible - have for too long condemned the homosexual and the homosexual activity. When in part they should have condemned the homosexual activity, the homosexual should have been helped in every way possible.

I, as a born-again Christian, am advocating that based on the view of God as expressed in the Bible, we must help each person who chooses to engage in homosexual or any other immoral activity - example: premarital sex, extra-marital sex, lust in any form, etc., to recognize that what they are engaged in is sin; breaking the law of God, which is missing the mark and will lead them and others to destruction, and that God has a far better way for living life.

It's not my job to throw stones at the person engaged in this or any other form of immoral activity. It is my privilege as a member of God's family to lead them to a point of repentance and acceptance of God's plan which is to accept His Son, the Lord Jesus Christ, and to allow Him to begin working in and through them toward a lifestyle which is pleasing to them.

Bill 47 is one step away from Sodom and Gomorrah. It is one step from the destruction of the family and society as we know it today. We the people, many who have been committed to the Lord in the past, have allowed a few legislators and a few lobby-type anti-God individuals to represent all of us and to suggest, push for, adopt and institute all manners of destructive ideas.

We live in a permissive society like none ever before, since the time just prior to the fall of the Roman Empire. God will not be patient with any of us forever. He will not wait forever without acting. The Bible says that Jesus is coming soon in power and that all of us - everyone - whether we choose to believe Him or not, will bow before Him. "Every knee shall bow" the Bible tells us. Those who have trusted in Jesus will bow gladly for salvation and those who have not will bow from force. As a permissive society that we live in - we are living in a time of self-destructiveness; there is nothing new. The Old Testament Prophets from four, five, six thousand years ago wrote of similar problems and we see the historical records of what took place.

Bill 47 equates homosexuality with heterosexuality. It is one step following from movements such as the ERA which attempt to show that both sexes are exactly identical, the same - wrong. Men and women loved by God equally are not the same. They have different functions, different roles innate to each party. Both males and females are loved by God and they have been granted rights by God. The homosexual who chooses to engage in this activity has done so by choice and he has therefore forfeited his rights for marriage, adoption and any of the things that would go along with that. Homosexuality is a choice. To choose this or any other immoral activity is to choose by oneself.

Lastly, it is never too late to turn to God through His Son, Jesus Christ. If my words are right and accepted then one has everything to gain. If I am lying and my words are incorrect, perhaps the stakes are too high - eternity with God, or eternal separation from God. In Jeremiah we read: "We have the opportunity even this day to repent and return to the practices of God's Word, the Bible."

MR. CHAIRMAN: Questions? Hearing none, thank you, Reverend.

Estelle Carson; Albert Foret; Marietta Harms, private citizen.

Ms. Harms.

MS. M. HARMS: Mr. Chairman, committee members, ladies and gentlemen, I speak as a private citizen and I would speak against granting special privileges to homosexuals as outlined in Bill 47.

I would like to support my statement with quoting a paragraph from one of Billy Graham's "My Answer" columns which appears in the Free Press. He states that contrary to popular opinion, homosexuality is neither a disease nor a problem of heredity. According to the Scriptures, it is sinful, learned behaviour, and that's good news. If it were hereditary, a person would be trapped with no means of escape. Because homosexuality is a sin, there is a remedy. God can forgive the sinner and, by His Grace, new patterns of behaviour can replace the old sinful ones.

Thank you.

MR. CHAIRMAN: Questions? Thank you, Miss Harms. Denise Suncan; Pamela Walford, private citizen.

Ms. Walford.

MS. P. WALFORD: Thank you for hearing me.

I am opposed to Bill 47 for several reasons, namely because I do not think it is necessary. The two issues I take the most exception to are affirmative action and sexual orientation.

The supposed purpose of this bill is to protect the rights of all Manitobans. The goal of the gay community is social acceptance and the goal of the feminist is equality. I do not feel Bill 47 will promote this. Granting these groups clauses on sexual orientation and affirmative action makes them special, apart from society rather than a part of.

Do the gays want societal acceptance or do they want to be special? Do women want to be equals or do they want to be special? A person's opinions can not be controlled by legislation. The key lies in education. It would be far more effective to educate ourselves into understanding that a person is still a person no matter how they choose to live rather than forcing the acceptance of a specific lifestyle.

Further, have we considered the potential ramifications of a precedent like Bill 47? Will jobs be filled based on qualification or will they be filled on a quota basis? Is it possible a potential employer may legally be forced into hiring unqualified labour?

Giving sexual orientation special status is forcing me to accept a way of life which may be both morally and religiously unacceptable to me. Is this not infringing on my right to believe how I so choose? Homosexuality was once referred to as an infliction or an illness. The passage of time has seen it change to sexual orientation. My question is, where do we stop? Could this also happen to pedophilia? Will this illness someday become a sexual orientation as well? What makes sexual orientation or being a woman so much more special than other areas of society wherein people are discriminated against for their differences?

Are we going to be as generous and liberal-minded when it comes to protecting the rights of the unborn,

the elderly, the physically disabled, the mentally unstable, the chemically dependent, the terminally ill, etc.? Will we have to continually argue over the rights and merits of a special cause for each one of these? Could we perhaps avoid all this trouble by merely protecting each and every person's right to live with dignity. Our differences merely make us individuals. It is by being a person that makes us special.

Thank you.

MR. CHAIRMAN: Questions? Thank you, Ms. Walford. Nancy Armstrong; Tina Johnstone; Bertha MacKenzie; Reverend Beverley Baptiste, the Metropolitan Community Church.

Reverend Baptiste.

MS. D. MacDONALD: It's Dolly MacDonald. Bev had to work today.

Mr. Chairman, the Metropolitan Community Churches of Winnipeg is part of the larger denomination, the Universal Fellowship of Metropolitan Community Churches. It is an international church which moves in the mainstream of Christianity and has a special outreach to gay men and lesbians. We have grown rapidly in the past 19 years to meet the spiritual needs of gay and lesbian persons in many countries. We would like to join with many others in the Christian community in speaking out for the need to protect the human rights of gay and lesbian people. The list of these churches is attached to the material that I've given to you.

We are not going to put forward, at this time, any great argument about why the Bible does not speak against homosexual orientation. Suffice to say that along with major theologians of our day, we believe the passages quoted by many against homosexuality are misrepresentations. These passages speak only against certain homosexual behaviours, such that are abusive, hurtful and idolatrous in the same way that numerous passages in the Bible speak against heterosexual behaviours that are abusive, hurtful and idolatrous.

The need to include protection from discrimination, based on sexual orientation in The Human Rights Code, is indeed a moral issue. It is an issue of justice. We maintain that not to include sexual orientation in the amendment is morally wrong. Discrimination against lesbians and gay men affects employment, housing and services. Many are concerned about what would happen to their jobs and careers if their orientation should become known. They fear the loss of their ability to support themselves and their families. Our young people's education is affected by the stresses of trying to hide their orientation or suffering from discrimination from their peers and teachers if they become openly gay. These same stresses occur for children of gay men and lesbians. Partners and their families cannot be included in benefit programs at work because their relationships are not considered valid. A person does not even have a legal right to make decisions concerning a partner's health care in a life-threatening situation. Some have experienced discrimination in housing; others fear losing custody of their children.

It is not enough to argue that homosexual persons are already protected under current legislation. If the

broader legislation protects all people, why do we have specific categories at all in the legislation? Why is it necessary to protect people on the grounds of ancestry, nationality, ethnic background, age, sex, gender-determined characteristics, marital or family status, source of income, political beliefs and physical or mental handicaps? It is because it has been discovered that these people have been discriminated against. Similarly, lesbians and gay men are discriminated against because of their sexual orientation. Gay men and lesbians are not asking for more special rights. They are asking for the same rights as other Manitobans.

This legislation affects not only those gay men and lesbians whom you do not know. It also affects the members of your family - the children, the brothers, the sisters, the cousins, the aunts, the uncles - whose sexual orientation you have not yet discovered.

It is for these reasons that we urge the members of the Manitoba Legislature to vote in favour of Bill 47 which includes protection from discrimination on the basis of sexual orientation.

I, also, as a private citizen who is a lesbian mom and grandmother, want to encourage this government to endorse Bill 47, so that hopefully my grandchildren, as well as some of yours, may not have to live their lives with the discriminations that my children and I faced during their growing up years.

Thank you.

MR. CHAIRMAN: Questions?
The Member for Portage.

MR. E. CONNERY: Thank you.
Do you think that homosexuality should be compared to or made equal to a heterosexual lifestyle?

MS. D. MacDONALD: I think so, but that has nothing to do with the legislation here today.

MR. E. CONNERY: Should it be taught in the school as being a comparable lifestyle?

MS. D. MacDONALD: It is a comparable lifestyle.

MR. E. CONNERY: Should it be taught in the schools?

MS. D. MacDONALD: Why not? That's only my opinion. It still has nothing to do with the legislation here.

MR. CHAIRMAN: Other questions? Thank you, Ms. MacDonald.

Jake Durksen; Sid Mander; Kris Purdy.
Ms. Purdy, private citizen.

MS. K. PURDY: Thank you.
Good morning. I'm very pleased to be here. It's certainly a difficult thing to do. It wasn't one that I planned on doing, but after listening to many hours of presentations, I decided it was something I had to do.

I'd like to present myself to you, but in particular to the media. I'd much prefer that you refer to me as Exhibit A, B, C, something like that, rather than using my name, because you see I'm worried about losing work by being here and that's a reality for me, because you see I'm a lesbian. It's an interesting place to be

and because that's the very thing we're discussing today and have been discussing for quite a good deal of time - discrimination as it is experienced by lesbians and gay males.

You know, the fact that I'm a lesbian, I think, is probably a relatively minor point when it comes to who I am. I'm going to tell you some of the other things about me which I think are much more interesting in a lot of ways.

I'm 38 years old. I have two heterosexual parents; my father died two years ago. I have two sisters and one brother. One sister is dead and my other siblings are both heterosexuals. My family accepts me and loves me as I am. They support me. I had a Catholic education, primary and secondary school.

I have a Master of Social Anthropology from the University of Toronto. It took me a long time to figure out what I wanted to do in terms of a career. I didn't want to be an anthropologist and I did a number of different kinds of work. I ended up, kind of by accident, in broadcasting and worked for a very major Canadian television and radio network for 12 years. Toward the last few years in the broadcasting business, I discovered an old love of mine which is music and I decided to continue being a part-time broadcaster and go and study music, which I did for about four years. I studied guitar and music theory and all those kinds of things and now I am a professional musician and music writer.

Just to throw it in for credibility - it's really kind of a mute point - but at one point, when I was trying to figure out what I was doing with my professional life, I was accepted by Osgoode Hall and spent some time there studying law, but decided that wasn't what I wanted to do. I ended up going back from that into the broadcast business.

Now as for my personal life, that's one thing I find I'm very uncomfortable talking about in public. My friends will tell you that I am an extremely private person. I really don't like talking about my personal life at all, but it seems to me that's what's on the line here.

We are being put in the position of having to come forward here and plead our humanity. It's a rather absurd position, I think, because I have no question in my mind who I am, how healthy I am, how normal I am. I have no question in my mind. And I think the fact that we're put in the position of having to defend ourselves is, I suppose, just understanding the way history works and the way people work, it's perhaps expectable, but it saddens me.

In terms of my personal life, well it took me a long time to accept the fact that I was a lesbian. It's not an easy decision to come to because of issues just as these that we are talking about today.

For a long period of time, I dated men. It never really took. I was never really happy with it. I never really thought of it in terms of grandiose philosophical schemes like "Am I a lesbian or am I a heterosexual?" I just thought, well, gee, if that doesn't really work out, I don't like that about this person or that about this person, but it never really worked. And it wasn't until I started realizing that I was gravitating in my social life toward the lesbian community that I realized that that was what was an essential part of me, an essential part of who I am.

It was after coming to that acceptance of my own being, really, that I made changes in my life so that

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my life, shall I say, fell into place, it made sense. Problems that I had had before, which I never really understood, fell into place and made complete sense to me - what had been problems, why I had had problems. I decided then that I had to accept the reality of my existence and accept the fact that I was a lesbian.

I feel that there was a choice there. That question has come up quite a few times; there was a choice there. I think the choice was: Am I going to choose to live a lie so that my life would be in some way easier? It would be more socially acceptable. Or am I going to choose to follow my heart? I would really like to emphasize heart - following my heart - following no other part of my body.

I spent a few years celibate, after I accepted my lesbianism, deciding that that is a reality for me and this is true for many people. It does not mean that you immediately jump into mad, frantic sexual activity - that's not what the world is like for any of us, heterosexual, gay or lesbian. Because you see what I was searching for in my life was the same thing that all of us are searching for and that is a partner, someone who I could commit to, someone who I could spend most of my life with if I'm lucky, and that's also an issue faced by heterosexuals these days - nothing guarantees a lifelong relationship, but that's what I was searching for, so it took me a while to find that.

I'm very happy to report to you all today that I think I have. I'm very happy about that. My relationship with this woman gives me a great deal of strength and gives me joy and openness in my life, and a chance to grow as a human being, as many of our relationships offer us all. It also gives me a certain amount of strength to be able to come forward here today, which is not an easy thing to do.

So what I want to do - now that I've dealt with the personal side of things - I want to talk about a few of the points that have been raised over the last little while that had me sitting back there biting my nails to keep my mouth shut, because I just consider them fallacies.

And I will speak only about lesbianism and this is the same for gay men, but of course my experience is as a lesbian, that lesbian means sexual activity. That is not what it means. It's a part of who you are. It is not an activity. It is an orientation; it is not an activity.

As I mentioned before, when I accepted the fact that I was a lesbian, I did not immediately jump into this frantic activity; that didn't change. My life didn't change in that sense at all, until I found someone that I felt I could make a commitment to. That's true about many other lesbians I know, who are single lesbians, a very common thing. They haven't found someone in their lives that they want to have a relationship with and it's exactly the same process that goes on for heterosexuals; it's no different. So you have lesbians who are celibate, that may seem to you to be a contradiction in terms, but it's not.

Another aspect that is fairly well documented at this point, there's been some literature on it recently, that there are women who are lesbian nuns, for example. That is not a contradiction in terms, just as there are heterosexual nuns. These women acknowledge the fact of their orientation, but they don't act it and they honour their vows of celibacy. So I want to make that point very clear to you, that being a lesbian or being a gay man does not equate to sexual activity, a sexual act. It's an aspect of your being.

The other point that I find rather disturbing is that everything would be just jim-dandy if we just wouldn't talk about it, if we wouldn't be public, if we wouldn't show how we feel in public. I'd like to suggest to you that that is an incredibly difficult thing to do. Also, that it is incredibly damaging.

I'd like to ask you to do something, a little exercise perhaps. It's a fairly common kind of approach for thinking about situations that are really outside your own personal experience. I would like you to think about your own spouses. I'd like you to think about your husbands, your wives, and think about trying to pretend to the rest of the world that that special relationship did not exist. Think about what that would be like.

Well, for starters, you'd drop "Mrs." right away. You would have no marriage contract, no legal contract, that would be too public. Joint property would certainly be suspect, a joint bank account, deadly. People would definitely have some suspicions about you then. The whole area of walking around outside holding hands, uh-uh. Kissing your spouse good-bye as you drop them off for work, forget it. It's an incredibly curdling thing to try to hide who you are. That causes illness; that causes problems; that will cost society a toll further down the road, not who we are. The attempt to hide it is a devastating thing and a wrong thing to ever ask.

Also, the third point I'd like to make follows closely on the heels of that. It's been mentioned time and time again, there's this image of this mad, frantic sexual activity that happens out there. You know, it's like this wild world. It's just not true, it is not true. We're accused of not having long-term relationships, as being a proof of this scene. It is an extremely difficult thing to have a long-term relationship when everything in society works against you, absolutely everything, especially if you have to hide a relationship that takes an incredible toll in the personal sense, in terms of stress, and in the relationship between two people. It's very hard, even though in your mind, you believe and you know in your heart that you're healthy and whole and normal, if you're hiding in a closet, either with someone or by yourself, it's a hell of a battle to put up to maintain that sense of yourself if you're hiding. I would say it's next to impossible.

One of the things I find the most difficult about all of this is that it seems that we are judged by heterosexual standards. We're judged by a heterosexual world. You judge us by your standards, but yet you expect us to operate under an entirely different set of rules; that is injustice.

To get back to a little bit of a personal thing for you. I just want to close by saying that I learned a great deal when my father died, that was about two years ago, when I lived with my mother and father for six months while my father was dying. I learned that there is no point in existing at all unless we are true to ourselves, unless we are honest with ourselves and therefore honest publicly to everyone around us; otherwise, our lives are a lie and we might as well not be here. Given love and justice between people as prerequisites, the most important thing in life is being true to yourself. I firmly believe that and that's about all I want to say.

Thank you.

MR. CHAIRMAN: Questions?

The Member for Morris.

MR. C. MANNES: Mr. Chairman, the Attorney-General assured us, in introducing this bill, that it was directed towards discrimination of homosexuals associated in the areas of employment, residency, so on and so forth. Your whole presentation has dwelled upon a more perfect world where homosexuals can become more public in all respects.

What noticeable changes will occur toward that end, in your view, as a result of the passing of this bill, because certainly that's not the manner in which the Attorney-General has presented it to the public . . .

MS. K. PURDY: The most noticeable difference as far as I'm concerned, and of course we all know that legislation is legislation and the practice of it is something we have to see - it's in the future - but ideally, given the legislation, I believe the difference it is going to mean is that it will lessen fear. It will lessen fear among people who are gay or lesbian. They will no longer be as afraid because it doesn't guarantee anything. It just means if you feel you've been discriminated against, you can present your case; and there is some legal backing to prevent discrimination if you prove it. But if you feel discriminated against in those areas you mentioned, then you have some recourse to the law.

Also the other thing, I think perhaps it would give us a chance to dispel ignorance because I think there is ignorance about who we are; I think there really is. There were times when I was sitting here during this Session last week that I felt like who I really wanted to talk to were the other people who were presenting opposing points. I mean, we were the ones who should be talking to each other and getting to know each other a little better perhaps and maybe from there, like the woman who got up and spoke earlier, I mean, she was speaking from the opposite side, but she was talking about education and I think that's absolutely correct.

MR. C. MANNES: You are saying then that greater tolerance can be brought about as a result of a law, more so than talking, like you say, might be a better aspect than the law itself.

MS. K. PURDY: No, I think you have to have legal recourse.

MR. CHAIRMAN: Other questions? Hearing none, thank you, Ms. Purdy.

Tim O'Rourke; Larry McCrady; Art Cornelson; Lorn Bergstresser; Harry Koop; Joan Miller; Stuart McKelvie; Magnus Eliason; Robert Clague; Evangeline Neufeld, private citizen.

Mrs. Neufeld.

MRS. E. NEUFELD: Mr. Chairman, Mr. Penner, ladies and gentlemen, my name is Evangeline Neufeld. I'm a wife, a mother of six and a grandmother of eight. I speak on behalf of Bill 47.

In section 9(2) of the bill, the phrase "sexual orientation," is defined as homosexual, heterosexual or bisexual, which creates a special status for a certain group of individuals who are otherwise protected as

members of our society under the existing law of the Charter of Rights. Sexual orientation, if included in this legislation, demands that our society not only condones and accepts but gives special protection to lifestyles which are not only unacceptable to many but are increasingly detrimental to our society.

If I would be asked to testify in court, I would be asked to place my hand on the Bible to swear to speak the truth. I'm pleading with all of you to please rule according to what it says in the Bible. In it, it clearly states, in Leviticus, you shall not lie with male as with woman, that it is detestable. It also speaks of that in 1 Corinthians 6:9. Homosexuality blurs the distinction between men and women. In Genesis 1:27, God created male and female.

So I ask you not to press and pass this bill. It would only prove to be the ruin of our society; and I hope my grandchildren can grow up where homosexuality, heterosexuality and bisexuality is not taught as an alternative lifestyle, but sin, as the Bible states.

Thank you.

MR. CHAIRMAN: Questions for Mrs. Neufeld? Hearing none, thank you, Mrs. Neufeld.

Laura Brenn; Eva Kalteck; Betty Gross; Kim Gross; Loretta Riedner; Ms. Keith-Louise Fulton, private citizen.

MS. K.L. FULTON: Thank you.

Mr. Chairman, honourable members of the committee, citizens of Manitoba.

My name is Keith-Louise Fulton. I'm a professor of Women's Studies and hold the position of joint chair in Women's Studies at the University of Winnipeg and the University of Manitoba. I thank you for the opportunity to speak today.

As a woman and professor of Women's Studies, I'm aware of how important this opportunity to speak is for we know that women have been silenced through much of history. We know that women are silenced today, that our survival is often too dependent on others for us to risk disapproval by speaking out on our own behalf. Even worse, we internalize that disapproval and cannot find the words for ourselves. The many forms of discrimination that women suffer have one common result - we are silenced.

I'm here today because I support the inclusion in The Human Rights Code of specific characteristics where discrimination is prohibited. Sexual harassment, systemic discrimination, pregnancy or the possibility of pregnancy, marital or family status, gendered characteristics and sexual orientation. The inclusion of sexual harassment in The Human Rights Code will not only give women who suffer from this discrimination some recourse in law, it will also send the message that sexual harassment is discrimination and that it violates a person's right to individual worth and dignity.

This legislation will not immediately restore opportunities, jobs, apartments, freedom to walk around the city, never mind a woman's sense of self-worth and social value that sexual harassment daily strips away, but it will name and prohibit that process. Those of us who have been silenced know that naming itself is a first and essential step in recognizing the social limitations in our lives. We also know from experience that unnamed oppression does not disappear. Perhaps

the golden rule should be enough to dispel historical intolerance, fear and self-interest, but it is not.

If we look at the realities of women's lives, we know that as a group we have not been treated by men as a group, as men would have themselves be treated. Many women work the double day, responsible for home and children as well as for their jobs. Although now 11 percent of all Canadian families are headed by a single parent, most of these women, women in Canada, are still ghettoized in low paying jobs and earn only 64 cents for every dollar a man earns.

The devaluing of women's work, whether the unpaid work of the home and care for the sick, the old and the young, or whether in the forms of employment that women have few alternatives but to accept, this devaluing leads to the feminization of poverty and to the impoverishment of our opportunities as women. I commend this government for recognizing and prohibiting systemic discrimination and support their inclusion of acts and omissions that result in discrimination, whether the person responsible for the act or omission intended to discriminate.

I also commend this government for specifying characteristics where discrimination is prohibited. Pregnancy, marital or family status and gender-determined characteristics - while these are all related in our experiences as women to the roles and appearances we are expected to match, discrimination against women on these grounds was not prohibited under the larger unspecified category of sex. We have not been protected against forums of discrimination that we have not named.

The Human Rights Code also acknowledges the need for affirmative action, and I urge the government to act affirmatively beginning with the adjudicators and the commissioners on the Human Rights Commission so that women hold these positions in proportion to our percentage in the population whose human rights these positions serve.

I'm glad then to speak today to support The Human Rights Code, and I appreciate the work of those who have spoken out for years, women and men who have named and documented the grounds of discrimination prohibited in this Code. Discrimination hurts. Not just jobs and apartments are lost, but lives, and those who speak out against discrimination often risk further hurt.

In the last few days, we have heard many accounts of the pain experienced by those suffering discrimination on the basis of sexual orientation. We have also heard from a proxy speaker who presented on behalf of those too unprotected by law to speak for themselves.

We have heard from gay fathers, from a lesbian mother, from gay sons and lesbian daughters, from the father of a gay man. I applaud their courage in speaking up for the inclusion of sexual orientation in The Human Rights Code and I applaud the wisdom and political courage of this government in drafting a piece of legislation that acknowledges their responsibility for the human rights of all Manitobans, even those who cannot speak freely for themselves.

My support of the inclusion of sexual orientation is consistent with the goals in Women's Studies; that is, to identify and analyze the oppression of women for the purpose of eliminating it. Sexism, racism, classism and the discrimination on the basis of sexual orientation all contribute to the oppression of women.

A second and equally important goal in Women's Studies is to explore and examine knowledge from the perspective of women. For centuries, women have not only been restricted from full participation in the universities, we have had no choice, once we got there, but to study the knowledge codified and taught by men.

Since we do not want in Women's Studies now to perpetuate the codified experiences of a privileged few, we are concerned to include perspectives usually omitted from general study such as those of racial, cultural and class minorities. Sadly, however, even in Women's Studies, these perspectives often do not include the perspectives of lesbian women. For many professors, it is just too risky.

Historically, the charge that a woman working with or on the behalf of other women is a lesbian has been used to discredit female teachers and scholars and since our position as female professors at the university is already marginal, few of us can risk doing teaching or research that includes lesbian material.

The general consensus among members of the Canadian Women's Studies Association is that lesbian studies today is where women's studies were 20 years ago - virtually non-existent. We cannot understand the experiences of all women by systematically excluding the experiences of some. That exclusion is all the more dangerous because it is based on prejudice and fear.

Our goal of social understanding and tolerance and, beyond that, of a society where the well-being of some is not achieved at the expense of others means that we must acknowledge and respect the diversity of human experience.

During these hearings, we have heard the argument that to confer rights on one group is to take rights away from another group. That might be the way privilege works, but not human rights. Human rights is not about power over someone else, but about the value of human life.

Bill 47 opens: "Whereas Manitobans recognize the individual worth and dignity of every member of the human family, and this principle underlies the Universal Declaration of Human Rights, the Canadian Charter of Rights and Freedoms, and other solemn undertakings, international and domestic, that Canadians honour." That each of us, as a member of a human family, is not just a figure of speech but a crucial principle underlying fundamental worth and dignity of each human life. Each of us belongs here; we are born into a human family, but for our family to be humane, we must make some effort.

We have heard homosexuals tell of their experiences with their families. If they can achieve humanity and understanding, can we settle for less in our larger human family? Sexual orientation is not about criminal behaviour, but about the rights to live with dignity as who we humans are. We all have a sexual orientation.

Democracies are not easily achieved. We gain our franchise slowly and relinquish our perceived privileges even more slowly. One we are especially fond of is being able, automatically, by reasons beyond our individual control, to feel superior to another person or persons. This is both the basis of discrimination and the nemesis of democratic society.

Extending human rights protection to all members of our human family in Manitoba will continue the

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process of eliminating discrimination and strengthening our democratic society. The Human Rights Code has limitations. These have been discussed in the briefs presented by the lobby group, the Manitoba Action Committee on the Status of Women, the Manitoba Advisory Council on the Status of Women, the Women's Study Students Association, the University of Winnipeg Women's Centre, the University of Manitoba Women's Centre, the Manitoba Association of Women and the Law, and the Charter of Rights Coalition, to name a few. I second their criticism, but I also second their support for Bill 47.

Thank you.

MR. CHAIRMAN: Any questions?

The Member for Portage.

MR. E. CONNERY: Ms. Fulton, you're in a very responsible position and you had a very good brief, a very well written brief, and I appreciate it.

Is homosexuality something that you were born with or attained very early in life, or is homosexuality something you can learn as you go and maybe attain those desires?

MS. K.L. FULTON: I don't think I know the answer to that question. I'm not convinced that we know the answer to that question.

MR. E. CONNERY: Are you supportive of the bisexual community in the same way?

MS. K.L. FULTON: Could you explain to me what "supportive" means?

MR. E. CONNERY: Do you think they should have the same - you talk about sexual orientation. Are bisexuals to be considered within that sexual orientation?

MS. K.L. FULTON: I understand that each of us have a sexual orientation. I wouldn't take away the human rights of anyone of us on the basis of sexual orientation.

MR. E. CONNERY: In your Women's Studies at the university, is homosexuality discussed as being an acceptable alternate lifestyle to heterosexuality?

MS. K.L. FULTON: As I indicated in this brief, homosexuality is barely discussed at all, and in fact that's a terrible shame. I don't think that we're going to get very far in understanding gendered characteristics and human sexuality if we eliminate from our research and from our discussion certain segments of the population that happen to be different than the majority.

MR. CHAIRMAN: Other questions? Thank you, Professor Fulton.

Sally Papso; Rodney Grahn; Gordon Gray; Ron Krahn. Lieselotte Mueller, private citizen.

MRS. L. MUELLER: My name is Lieselotte Mueller.

Mr. Chairman, members of the committee, ladies and gentlemen.

I'm standing here proudly as a woman or as a lady who portrays many people in our city and in our country.

I immigrated years ago to this country. My English and my understanding of the English law, in all its details is not as good as many other people who stand up behind these mikes today, but the concern which represent today or this morning to you, as members of the government and as chairmen and as people of Canada, I would express that I am sincerely concerned about this Bill 47, section 9, which allows homosexual people to be of equal right and bisexual people be of equal right with the normal family lifestyle which we represent from generations ago and where the foundations of our governments centuries ago kept the simplicity of the family and our children and our home in a peaceful manner together.

Seeing and coming from a European country and having seen the things which were coming over, the sufferings which families went through, because of a law which was passed which gave one group a greater right than the other group and the tremendous suffering which was going over our families and our children, that our children had no more freedom and our families had no more freedom to guide and direct the children in the way the family decided or the family believed, seeing this law coming through, if it comes through, I will see that my grandchildren, in this country I came to, will not be allowed to believe as their grandparents believe, but they will be taught in their schools against the foundation which has kept families together.

When I look today what's going on in society, I'm living not too far away from Grace Hospital, and if I go down to the hospital, I just can speak out of the very lifestyle everyday people live. Doctors and nurses are afraid of getting infected by AIDS, but here we're coming down to the government building wanting to present and endorse a bill which opens the door for my grandchildren to sit beside some homosexual people who can infect them or be taught by them, not knowing by the appearance, which are their teachers, which are their babysitters, and who they are coming in contact with.

I oppose this bill.

MR. CHAIRMAN: Questions? Hearing none, thank you, Mrs. Mueller.

Marilyn Robertson; Will Feldbusch, private citizen. Mr. Feldbusch.

MR. W. FELDBUSCH: Mr. Chairman, committee members, ladies and gentlemen.

I'm here as a private individual, but also as a pastor of Bethel Baptist Church in St. James, to express my concern and objection to the inclusion of the term "sexual orientation" in Bill 47 of The Human Rights Code. Reverend Neufeld has given us, I believe, a good overview of the scriptural teaching of God's view on homosexuality and lesbianism, and it is my intent today to talk more about my personal concerns, as a member of Manitoba, a resident here.

While Bill 47 includes many admirable conditions and changes with regard to discrimination, it also opens up opportunities for discrimination against the majority for the sake of a special minority.

My individual rights in a free and democratic nation and province are challenged by this law, particularly with regard to my view of sexual orientation. For

instance, were I an individual landowner and wishing to rent out property, the government will legislate who I may or may not rent my property to, the conditions and the conduct that I, as an individual landowner believe to be the styles and the qualities of people that I want living on my property. Secondly, were I an employer, this would take away my right to choose who I would prefer to have in my employment.

As a minister, I see also a direct ramification for the church which is, in some ways, becoming a minority group in the Province of Manitoba. The inclusion of sexual orientation in Bill 47 places the church in a position of becoming a law breaker. When the government legislates morality and forces churches to violate their scriptural interpretation when hiring pastors, teachers in private schools, or any part-time workers in the church, the church and I, as a minister, are being demanded by law to perform homosexual marriages.

As section 13(1) states: "Discrimination in service, accommodation, etc. No person shall discriminate with respect to any service, accommodation, facility, good, right, licence, benefit, program or privilege available or accessible to the public or to a section of the public, unless bona fide and reasonable causes exist for the discrimination."

Section 14(1) says: "No person shall discriminate with respect to any aspect of employment or occupation, unless the discrimination is based upon bona fide and reasonable requirements or qualifications for the employment or occupation."

For the church, for myself, as a person in Manitoba, I ask who determines what is bona fide and reasonable requirements or qualifications for employment or occupation? Does the church have the right or is it the government who will define for us what is bona fide according to our interpretation of Scripture?

I appreciate that I am addressing a Legislature that may or may not uphold the authority of the inspiration of the Word of God and I cannot expect you, if you do not believe in the authority of the Word of God, to uphold the standards of the Word of God, but I do not feel you have a right to force on me, as a Christian pastor, what I must believe the Word of God teaches.

According to section 14(2) "Any aspect defined in subsection (1), 'any aspect of an employment or occupation' includes (a) the opportunity to participate, or continue to participate, in the employment or occupation; (b) the customs, practices or conditions of the employment or occupation; (c) training, advancement or promotion; (d) seniority; (e) any form of remuneration or any other compensation received directly or indirectly in respect of the employment or occupation, including salary, commissions, vacation pay, termination wages, bonuses, reasonable value for board, rent, housing and lodging, payments in kind, and employer contributions to pension funds or plans, long-term disability plans and health insurance plans; and (f) any other benefit, term or condition of the employment or occupation."

Members of the Legislature, this is clearly religious discrimination. This discriminates against the church and it is discrimination by the government of the Province of Manitoba.

Section 18 prohibits my right to interpret and to teach my interpretation of Scripture and to clearly expound

that homosexuality, lesbianism, bisexuality, adultery, fornication, is sin in God's sight, and to teach that God hates sin, but loves all sinners.

Section 18 says: "No person shall publish, broadcast, circulate or publicly display, or cause to be published, broadcast, circulated or publicly displayed, any sign, symbol, notice or statement that (a) discriminates or indicates intention to discriminate in respect of any activity or any undertaking to which this Code applies; or (b) incites, advocates or counsels discrimination in respect of an activity or undertaking to which this Code applies; unless bona fide and reasonable cause exists for the discrimination."

Again, I ask the question: Who determines what is bona fide? Does the government or does the church have freedom in the Province of Manitoba? I have no freedom of speech under this bill, as it now stands to be passed as law. As a parent, I also oppose this bill on the basis that homosexuality, lesbianism must be taught in our public schools as a viable alternative lifestyle, despite the fact that representatives for the Manitoba Teachers' Association, trustees and superintendents deny this fact as reported in this morning's Free Press.

Such statements as made by Vera Derenchuk or Judy Silver or Education Minister Jerry Storie or Dick Marshall are discriminatory and contradictory to this bill. I would like to quote this morning's Free Press: "Representatives from Manitoba teachers, trustees and superintendents say it defies all logic to equate an end to discrimination with the promotion of a certain lifestyle. 'If you discriminate against homosexuals, then that doesn't lead you into promoting the homosexual lifestyle,' Vera Derenchuk said. 'You accept who people are, but you don't have to sell that style of life.'"

Derenchuk, superintendent of education for Transcona-Springfield School Division and second vice-principal of the Manitoba Association of School Superintendents, said it would be impossible to stop students from asking questions about homosexuality, but she doesn't think the issue would become formally introduced into the school system.

Judy Silver, president of the Manitoba Association of School Trustees, said that public pressure would probably prevent the teaching of homosexuality in the schools. That is discrimination. Silver said, "Family Life programs in each school are developed with the support of parents." I question that statement.

Two months ago, our school, Ness Junior High, had a series of films on the sexually transmitted diseases. Consent forms were sent home two months prior to the viewing of this film by the parent council of Ness Junior High. The film was shown to the parent council on a Tuesday afternoon and viewed by the students on a Wednesday morning; 98 percent of the parents had already signed consent forms. How much notice will the schools give us of the teaching of homosexuality in our schools? "Parents are aware of material," Judy Silver says, "when the classes are being held," and I believe that they are not aware of the material until after the classes are held, and all the information that will be discussed. If there's going to be any changes, the parents will be aware of it. I believe the parents would become aware of it, according to this law, after it is introduced into the system, not before. If, under this law, we were to voice our opposition to it, we would

be liable to prosecution by the Government of Manitoba for inciting or publicly declaring our opposition.

Education Minister Jerry Storie said Friday, "Suggestions that the proposed Human Rights Code will promote teaching about homosexuality in the schools is highly irresponsible. I just think it's a rather outlandish suggestion," Storie said. He said, "School curriculum is determined by the community and changes would have to come from the community. The question of homosexual discrimination is not an issue with teachers. School boards are not allowed to ask about an individual's sexual preference," adding that a teacher could only be fired for professional incompetence. Marshall said, "Students would probably want to discuss homosexuality in Family Life programs, but that doesn't mean that teachers would actively promote it as a practical lifestyle. Family life programs deal with the norms and, quite frankly, the gay lifestyle is not what one would call the norm for the majority and would not be looked upon favourably."

I ask the question: How does one educate without teaching, and according to page 2 of the bill, section (c)(d) and (e), it states: "(c) in view of the fact that past discrimination against certain groups has resulted in serious disadvantages to members of those groups, and therefore it is important to provide for affirmative action programs and other special programs designed to overcome this historic disadvantage; (d) much discrimination is rooted in ignorance and education is essential to its eradication, and therefore it is important that human rights educational programs assist Manitobans to understand all their fundamental rights and freedoms, as well as their corresponding duties and responsibilities to others; and (e) these various protections for the human rights of Manitobans are of such fundamental importance that they merit paramount status over all other laws of the province."

How do we educate if we do not teach? If we're going to teach, then we are going to have to teach homosexuality, lesbianism, as an alternative lifestyle to the normal lifestyle, as accepted by the community at large, according to the Minister of Education.

Section 4 states: "In addition to discharging its other responsibilities under this Code, the Commission shall (a) promote the principle that all members of the human family are free and equal in dignity and rights and entitled to be treated on the basis of their personal merits, regardless of their actual or presumed association with any group."

Section (c) "disseminate knowledge and promote understanding of the civil and legal rights of residents of Manitoba and develop, promote and conduct educational programs for that purpose; (d) develop, promote and conduct educational programs designed to eliminate all forms of discrimination prohibited by this Code; and (e) promote understanding and acceptance of, and compliance with, this Code and the regulations."

Sex education teaches reproduction, which is a physical impossibility for the gay or lesbian relationship without a heterosexual partner. We have heard from gay mothers and gay grandmothers. I wonder how they became mothers without deviating from their sexual orientation. The question has to be raised, God created man to procreate, to fill the earth, to subdue it and rule over it. Homosexuality and lesbianism limits the population growth of the Province of Manitoba.

Furthermore, I cannot understand a law which propagates a lifestyle that is directly known to be the leading cause of a medical disease of the epidemic nature of AIDS. I remember when it was believed that saccharine was a direct cause of cancer, that it was immediately pulled from the shelves in stores; not promoted, educated or taught. It was deemed to be a cause of physical harm. After reading over this bill, I would request that the government give further study and consideration to the overall implications of this bill.

Thank you.

MR. CHAIRMAN: Any questions?
The Member for Kildonan.

MR. M. DOLIN: Thank you.

Mr. Feldbusch, I was just wondering, you mentioned education. In the current system, as I'm sure you're aware, there are homosexuals teaching in the schools who are not overt homosexuals. If those people were to be discovered to be homosexual by you - you pointed out you are a parent - would you go to the school board or the principal of the school and ask for the removal of that person?

MR. W. FELDBUSCH: I probably would go to the board and ask that. I would also weigh my choices of relocating my children to another school, putting them into a private school, if that is the only option available to me. I think, as a parent, I have the right to know whether or not homosexuals are teaching my children.

MR. M. DOLIN: Just to clarify, would you go to the school board and ask for that person to be removed?

MR. W. FELDBUSCH: I would go to the school board and ask if they are aware of that. I would also ask that the public, as a whole, be notified and leave that decision to the school board.

MR. M. DOLIN: Thank you.

MR. CHAIRMAN: Other questions? Hearing none, thank you, Reverend.
Shirley Lippmann; Ed Plett, private citizen.
Mr. Plett.

MR. E. PLETT: I count it a real privilege this morning to be able to share with you my personal view. I declare before you that I am an Evangelical Christian and therefore will be taking that viewpoint, but I want to make a few clarifications.

One is that we, as a group, and I, as an individual, are not coming to you and forcing our opinion and feeling our opinion is better than anyone else's opinion. The basis on which I speak, and I believe that we, as Evangelical Christians, speak, is that we believe there is a God and we believe there is a God that created the universe. He created human beings to live according to His plan. We believe that He has, as a God, revealed His plan to us through the Bible, and the Bible is clear in its teaching that homosexuality is not God's idea of a normal lifestyle.

So although I realize that many of you do not have that personal commitment to this God that I have, that

many of the Evangelicals here today have, and the Christian community has; yet I ask you to take into consideration the power that the Bible has had in society throughout history. For many years, even in the founding of this country, biblical principles were taken into strong consideration.

The way I see it, this government has nothing to gain by passing this legislation, in that we already have human rights. We already have the rights that we cannot be discriminated against legally, as individuals. So I do not believe that you stand to gain anything by passing this legislation; and on the other hand, even though you do not necessarily hold, as I do, that God is sovereign, that God has the right to tell us how to operate, I do not have the right to force my opinion on anyone. My opinion is only worth as much as anyone elses. And yet, God, if He is sovereign, if He created this universe, if He laid out a set of rules, then He has the right to tell us. Whether we understand it or not, He has the right to tell us and to clearly show us, in His Word, as I believe He has, through the Bible, declared to us what we should and should not do.

I would also like to say that I have no harsh feelings against people that are homosexual, that are bisexual. I happen to believe, because of my strong belief in Scripture, that they are practising a lifestyle that God does not condone, but so are many other people. There are many other sins, as revealed clearly in Scripture, which people are practising that are also wrong. But that does not mean that I cannot associate with these people; that does not mean that I cannot love these people; that I cannot relate to them as fellow human beings; that I could not sit down with them and have a good discussion with them and respect them as an individual; but I cannot condone what God, in what His Word, the Bible, condones as sin.

That is my personal standing, and I believe it also reflects the stand of the Evangelical Church in Manitoba. Thank you.

MR. CHAIRMAN: Questions? Hearing none, thank you, Mr. Plett.

Before we proceed any further, I'd like to make a notation for the record that we have received written briefs from Mr. Edward Lipsett, a supplementary brief dated July 3, 1987, and from John and Francine Alexander, a written brief also from this couple from B.C.

The next presenter is Mr. Lloyd Garner; James Romeyn.

Mr. Romeyn.

MR. J. ROMEYN: Good morning.

MR. CHAIRMAN: Do you have some written briefs for distribution?

MR. J. ROMEYN: No.

MR. CHAIRMAN: Thank you. Mr. Romeyn.

MR. J. ROMEYN: Mr. Chairperson, committee members and citizens of Manitoba.

I'm very pleased to have the opportunity to come and speak to you and to support Bill 47. I'm very glad

you have committees like this that allow us to come and speak. I'm a medical doctor and a professor at the Manitoba Medical College, although I retired some nine years ago from active teaching and research. In my retirement, I work with my wife as a counsellor and a therapist, and although we do see individual people, we very often see couples who are in difficulty with each other and want some help.

I have three children and, as you may imagine, they are now grown up. Two of them are married, and one of them, a woman, is a homosexual, a lesbian, the youngest. In January of this year, I became a grandfather. My older daughter presented the world and me with a grandson, and I'm telling you it's a very good feeling. I reflect that this grandson has a lesbian aunt, and I find that I am not at all worried about any bad influence that that lesbian aunt is going to have on my grandson. I feel fine about the relationship that she will build with him, because I know her. So you see that I speak from personal experience of having a homosexual in my own family.

Now before I decided to come speak to you today, I phoned my younger daughter in California where she is at the present time taking a course. I said, look, I really want to come out and support this bill, but I'm a bit scared that you might lose your job here in Winnipeg. She said that's okay, dad, you go out and speak. I'm proud to do so, but being afraid of that kind of thing is not very pleasant. I'm a bit shocked to find that I have this fear in this year of 1987 in Manitoba. I'm shocked I felt really I ought to phone her. I didn't want to do anything that she didn't approve of in this respect.

In reading the newspaper reports actually in the last few days, and in hearing some of the presentations this morning, I have heard great fear as well and I don't think it's any more pleasant for other people to be afraid than for me to be afraid and for my daughter to be afraid. I am of the opinion that there is no cause to be afraid in making sure to be afraid of making sure that homosexuals are not debarred from jobs by their homosexuality. I don't think that their homosexuality will prevent them in any way from doing excellent jobs and serving our community as I wish it to be served. I think there is great cause to be afraid if we cannot be sure that homosexuals have the freedom that the others in our society and in our families have.

Thank you very much.

MR. CHAIRMAN: Questions? Hearing none, thank you, Dr. Romeyn.

Henry and Helen Giesbrecht; Roy Campbell; Inez Dietz; Don Van Leewen, private citizen.

Mr. Van Leewen.

MR. D. VAN LEEWEN: I've never been to any of these meetings before. I'd like to just ask the question: Is it my understanding that everybody from my hand to this wall votes on this issue?

MR. CHAIRMAN: Only members of the committee.

HON. R. PENNER: Well, no, sooner or later in the Legislature, yes.

MR. D. VAN LEEWEN: But everybody from here down to there will vote for this?

HON. R. PENNER: It's at the Clerk of Committees.

MR. D. VAN LEEWEN: No, no. I'm sorry. Wait a second. Everybody gets a vote, excuse me. Okay.

I'd like to speak as a citizen of Manitoba. I'm concerned for this. No. 1 - I've had some experience in counselling homosexuals out of their homosexual lifestyle and into a normal lifestyle. I also have an uncle that was a homosexual for years and has recently gotten married.

I would like, for the record, to state that there are no homosexual people who have children. There never has been; there never will be. It's impossible for somebody to have a child when they are a homosexual. So I would like to state that record.

The only thing that I would like to do, because I feel that you people have an awesome responsibility and I feel for you in that awesome responsibility, and so knowing that you have that awesome responsibility, I'd like to take a time and just pray for you if you wouldn't mind, please:

Lord Jesus, I pray for these men and these women and others that will vote either for or against this bill. I pray that You give them wisdom, guidance, leadership. I pray, Father, that You would help these men, these women, and others that will vote either for or against it, to vote according to what You want, God. I pray that for them, in Jesus' name, and for their comrades and their workers together. In the name of Jesus, I ask that, Father. Amen.

MR. CHAIRMAN: Rev. Graham Tyson; Allen Smith; Arden Boville, private citizen.

Mr. Boville.

MR. A. BOVILLE: Thank you.

I'm very glad to have this opportunity to speak to you. I just arrived into town for a month's holidays and was greeted with the fact that this gathering was going to be taking place. So I have to admit that my thoughts are not really well-correlated as far as the bill itself, but as far as personal opinion and some things I did notice, I would like to express my concern regarding the bill.

First of all, the concern of specific definitions for some terms that are given within the bill, the term "sexual orientation" seemed to be very open as far as what it included, of course - heterosexuals, homosexuals and bisexuals. But where does it end - beastliness, and so on? We have to draw a line and yet it was open to interpretation.

Then there were other words that have been mentioned already, and that is "bona fide" and "reasonable." I think those are very important terms and yet I wonder what is accepted as reasonable and what is acceptable as bona fide.

A few weeks back, or actually I guess it was a little while before that, I was listening to the news and I was quite disturbed by the fact that early in the newscast it spoke of the perils of AIDS. It spoke of the education that was going to take place in our school systems to warn our children about AIDS and the transmission of that disease and other social diseases. I thought that was good and it struck a little fear in me as I heard that broadcast and then heard other information on

AIDS. But then later on in the same broadcast, I heard the newscaster tell me how many millions of dollars that governments across Canada were going to spend concerning the education of people concerning AIDS. I thought that was good.

Then, near the end of the broadcast, we had the issue of this bill, the issue of human rights, the issue of freedom for homosexuals and lesbians and so on and I thought, why is the government defeating its whole purpose and cause? Why does it plan to educate now? Why does it plan to spend money now, which is all good and well, and then turn around and allow an opening just so that more money will need to be spent and more education would need to be spent? I wondered, is that reasonable?

Early this morning, we heard from an individual who spoke of lesbianism and the word "AIDS" was never actually used. The terms referring to great sexual activity were used a few times and I wondered if that was a way of saying, well, we don't have in the homosexual community this great rampant sexual activity, so therefore don't fear the spread of AIDS. Yet, as educated men and women, we know that one occasion of intercourse can lead to pregnancy, one interaction sexually can lead to the transmission of AIDS, and not even sexually.

I have a small child, two-and-a-half years old, my wife is expecting my second child in October, and I fear for them. When I go out now in public places, my wife even is reluctant to let them drink out of a fountain, let them swim in a public pool and so on. Maybe that's going to the extreme, but I question five or ten years from now, would that be the extreme if this bill should pass?

If we allow what is not an acceptable norm for society to become an accepted norm for society, then where does the whole thing stop? Where is the line drawn? It's been expressed, and I won't take your time with going over it again but I just reiterate the fact that the standards, the values and the morals that this country were founded on seem to be slipping away. If they are slipping now, my question is: How far will they slip, where will they end, and what will that mean for us as a society? Also Pastor Feldbusch stressed strongly the aspect of education and how it's going to possibly affect us. I feel for that as well, as my children will enter into the educational system. I'm thankful for this country of Canada. I'm thankful that I've had the privilege and the opportunity to live, to be born and be raised in this country. I'm thankful for an opportunity like today to come and to express my opinion. I'm also thankful that all Canadians have rights. I'm thankful that the homosexual members of our community can come today and voice their opinions. I feel that they have that right, but I don't feel that they have any special rights which would not be granted to others. I think we need to be aware of where the special rights will lead us.

I guess what I'm trying to say is: Have we really considered all the ramifications of what will happen should this bill pass today? I think we need to stop and consider what some of the possibilities are. As we realize the possibilities, as we realize some of the dangers, then maybe it will cause us to think a little more on this issue before we make a decision or before you make a decision on our behalf.

Thank you for the opportunity of sharing with you and speaking to you. I trust that you will really consider the real major importance of the decision that will be made regarding this bill.

MR. CHAIRMAN: Questions? Hearing none, thank you, Mr. Boville.

Mark Davidson; Deborah Doran; Nick Jones; Rev. Bob Haverluck, private citizen.
Rev. Haverluck.

REV. B. HAVERLUCK: Sometimes I'm called Reverend Bob Haverluck, just to give you a background. It's not a term I use that often.

As I read the papers and listen to the news and hear the religious language, which is so much a part of this debate, I felt compelled to respond and remind you of some other elements of which you may well be familiar and, if not, to introduce some other sides of the question.

My background involves doctoral studies in biblical theology in Lancaster, England. I presently work as an educator and a cartoonist, as well as a preacher. We've heard much talk about the authority of the Word of God in regard to this question as if it's a thing without mystery or ambiguity. I want to address that issue because it is one that is used as an appeal to a kind of authority which I think obviously has to be engaged. We hear talk as well this morning about the issue of the Christian position. Now obviously there are numerous so-called Christian positions. We hear talk about Christian schools and such this morning.

The other day I was talking to a neighbour child who goes to a Christian school. We were just walking along the street as I was walking my dog and she says, yes, I go to a Christian school. I said, well, that's interesting. Do you like it? Yes, very much. "What is it that you like about it?" I asked her. She says, "Well, if I do something wrong, they beat me." That was an eight-year-old child's definition. Now, obviously, that is not exhaustive of the Christian school, but I think the role of authority in authoritarianism in many a Christian school and in many flavours of right-wing Christianity is a very strong element that underlies a number of the comments and presentations here. That, I think, has to be dealt with.

I would question, very strongly, whether the positions put forward as the Word of God by some of the earlier speakers who so quickly moved to quotations is an adequate examination of the ambiguities of the issue.

I can understand, in our time, the tone of fearfulness which is a part of many of the presentations. It seems to me that in the time of fearfulness where uncertainty abounds in every aspect of life, when certain issues surface, the fearfulness gets focused on the particular element in the foreground that can be loaded with all the feelings and anxieties that are a part of the present cultural situation, with unemployment, cold war machinations, Jimmy Bakker, all the elements which are so disturbing to so many.

The issue of homosexuality is ripe for inheriting this anxiety and inheriting the kinds of fears that have been expressed here today. I think one has to recognize that we're not just dealing here with the issue of homosexuality; we're also receiving other social dimensions, fears, anxieties played out on this issue.

I think you can go to Scripture and torture out a few select quotations as has been done. You can find quotations dealing with homosexuality. But as has been pointed out, I believe, in one or two earlier briefs, the biblical concern with sexuality is sexual abuse in forms of aggressiveness, brutality, infidelity. This is the primary concern and underlying it is not the issue of sexuality itself. The primary concern is the issue of the well-being of the community. Scripture has very little interest in sexuality as such. Its interest is in the structure and laws of the community. Its concern is when sexuality is abusive, broken, aggressive, violent and is contrary to the well-being of the community.

For the most part, if you go through Scripture, the great target is not homosexual abuses but heterosexual abuses. So it's very selective to go back to the half dozen or so quotations in regard to homosexuality in a very self-serving kind of process of quotation. It's very distorting of the Word of Scripture. My own work in a pastoral setting has involved ample work in pastoral counselling.

I, too, have been involved in counselling people out of a homosexual orientation as well as heterosexual orientation, and have spent time working in psychiatric wards, mental homes, as part of the pastoral experience. I would suggest to you that the kind of stories of abuse, of violence towards children and the spouse is a kind of abuse that does not come out of simply sexual lines. The predominant abusers, in fact, are heterosexual. The predominant abusers are, in fact, not the stranger from outside the home, the teacher, the unknown person who might talk to your child on the street, who might be knocking at your door. The ever-frightful dark stranger is not the bearer of bad news of abuse. Usually it's dad, Uncle Billy, it's people people know, and the kind of religious flavour, the religious orientation that comes with these abusers, in my experience, doing counselling, the great abusers are those who are the most self-righteous, who are the God talkers; those who are endless in their Lord - Lord talk; those who function out of a rigid moralizing of a complexity of creation and the ambiguities of social life; those who wish to simplify, purify, order in a way which, on the one hand, is understandable given the fearfulness of our times and the fearfulness of so many of these hearts.

My first reaction is to be angry, my second reaction is to feel pity, because that's the most appropriate response to the kind of fearfulness that abounds and gets translated into this issue, gets played out in this issue and you could work on some others and it would be played out there too in a kind of neurotic fashion, I would suggest.

So the pastoral counselling experience suggests to me, and many others with whom I work, that it's the rigid moralizing that often cloaks and is a part of abusive situations. People who come with incredible repression, attempt to order and control, which ironically presupposes a kind of obsession with sexuality, a kind of obsession with violence that is so quick to pick up its reverse and wishes so much to order it, to sit on it, to control it, to purify not only in their lives but in the lives of others; these people have first done in their own lives what they now want done to the lives of others, so that the counselling experience, I would suggest, warns us against a kind of deflection by

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religious moralizing that appears to gain the high ground by being the first to accuse, less they be accused. It's, if you wish, a kind of Jimmy Bakker syndrome.

What's unusual about Jimmy Bakker - and it's relevant, honest - is not that he was part of the shenanigans that he may or may not have been part of, but the utter self-righteousness of the man and the moralizing and the constant attacking of those in other religious groups for being less moral. That's the irony and that's the stuff that cartoons are made out of, thank you, Jimmy Baker.

But the problem is to come to terms with the diversity and the ambiguity, which is the life of creation and social life, and to find guidelines that ensure the respect and the dignity and the protection of people. It doesn't solve all the problems, as you know better than I, but it does help to curb the kind of abuses that do abound in this matter and is a fearful thing to live with, as folks have told you about the fear of losing jobs and work because of sexual orientation.

One other biblical appeal that is made, and I would like to move towards closing by addressing this, and that is the constant holding up of the family, this idolatry of the family, the Christian family. If you follow the biblical narratives and stories, the families in Scriptures, the great families like Ahab and Jezebel, Ananias and Sapphira, these are the kinds of families we have to bring our spiritual sensibilities to. These are the kind of families who wish to secure a place for themselves and order their world, which inevitably means the abuse and the oppression of others. These are the kinds of families which recur in Scripture. The biblical vision is not of a group of Christian families huddled together against the world. The biblical vision is not a kind of incestuous gathering of Christian families protecting their children from the diversity and the complexities and the frightening elements of existence.

The biblical vision is of community with its incredible diversity and complications which you, as legislators, have some sensitivity to, and the vision is not of families but of singles, of widows, of orphans held together, not just those who have 2.5 children. There's nothing there that allows for the kind of idolatry that we hear around the family, above all, from so-called Christian churches.

So I would warn you against - and I hope you don't need warning against - those who presume to own the Word of God in a kind of real estate business of the Spirit; those who have taken, chosen, grasped God for themselves in a kind of theft. I would suggest that no one owns God. No one can take or choose God except in their own fantasy world; that the issue here is a God who has created a diversity, a complex diversity of creation that we have to struggle to live with and that is the kind of guideline that Scripture gives, and within that, you are called to legislate direction and guidelines.

But I would suggest that the bottom line of Scripture is this kind of vision of a diverse community that requires that those in authority protect the dignity and the place of all and that abuse can come from any corner. Within the biblical story, the main abusers are the self-righteous, those who are masters of the Lord, Lord talk, those who claim to own Scripture and the Word of God. Read the narratives, those who are targeted. So hold on to the vision of the complexity of community and the need for its protection. That, I suggest, is the kind of guidance that Scripture offers.

Thank you.

MR. CHAIRMAN: Any questions?
The Member for Portage.

MR. E. CONNERY: Mr. Haverluck, I missed what church you are attached with.

REV. B. HAVERLUCK: The United Church of Canada.

MR. E. CONNERY: You're supportive of the bill, I gather. The United Church has been before it on three presentations. You didn't come out directly saying that but I assumed by . . .

MR. CHAIRMAN: Mr. Haverluck, the record is recording your question and answer, so I have to call before your answer.

REV. B. HAVERLUCK: Yes, I speak as a private citizen.

MR. E. CONNERY: Then you're supportive of the bisexual act of the bill also?

REV. B. HAVERLUCK: Well, basically, I'm supportive of the bill, yes.

MR. E. CONNERY: As a member of the United Church, I have some difficulty with your presentation.

REV. B. HAVERLUCK: Oh, you may well, yes.

MR. E. CONNERY: We are looking at now saying to people that you can have the choice of being heterosexual or bisexual. We're not talking about people who are homosexual. We are not talking about people who are born this way and can't change. You're saying we're going to give people the choice to be homosexual or heterosexual regardless and the United Church is accepting this position?

REV. B. HAVERLUCK: Underlying your comment is a particular reading of what makes for homosexuality and what makes for a lesbian orientation. Your assumption is it's something people are educated into. I don't know that. There's much to suggest that folks of this orientation are not, indeed, educated into it. It's not an issue of choice.

MR. E. CONNERY: If we're talking about the bisexuals then it is choice. Bisexuals can be with the opposite sex or the same sex, and I'm just making a choice back and forth, and I gather from your presentation that you're supporting that.

REV. B. HAVERLUCK: They make the choice in one sense in the same way that I suppose a lesbian person or a gay person makes a choice to engage in social relationships with people of their own orientation. At one level, there is a choice, yes. I would suggest that at another level it may be more ambiguous than that. I think you have to distinguish choice in its different dimensions here.

MR. CHAIRMAN: The Member for Brandon West.

MR. J. McCRAE: Sir, the Gay-Lesbian Youth Group came to this committee and suggested that the definition of sexual orientation be changed. As we see it in the bill now, sexual orientation means heterosexual, homosexual or bisexual and refers only to consenting adults acting within the law.

Would you be supportive of an amendment to delete any reference to consenting adults acting within the law?

REV. B. HAVERLUCK: I'd have to think about that. I have to sit with that for awhile.

MR. J. McCRAE: I take it you haven't . . .

REV. B. HAVERLUCK: I'm not familiar with that particular presentation, no.

MR. J. McCRAE: Have you read the bill?

REV. B. HAVERLUCK: No, I've read what I've read in the paper and heard in the news.

MR. J. McCRAE: Thank you, Mr. Chairman.

MR. CHAIRMAN: Other questions? Hearing none, thank you, Reverend.

Pastor Garth McGinn; Joanne Chesley; Gwen Parker.
Reverend Ken Voth.

REV. K. VOTH: Mr. Chairman, Mr. Penner, and members around this table.

I'm a pastor in the Osborne Village area at Trinity Baptist Church, and we represent a congregation of about 400 or 500 people. I've been involved in counselling and various areas of counselling anywhere from marital problems to sexual orientation. Personally, I am married, I have two small children, and I am heterosexual by orientation. Personal experience in the counselling area suggests to me that - now what I am saying now is from personal experience - homosexual orientation is a learned behaviour.

Through the process of counselling and in one case, over a number of years, of someone who was very strongly oriented to a homosexual lifestyle, there was a display of a progressive understanding of himself and how he was made to be, resulting in a reorientation to a heterosexual lifestyle and in recent years in involvement in a marriage. This person happens to be one of my closest male friends and we have enjoyed sharing on many common areas of architecture, sculpture, art and music.

Some of the information that I have before me has only come to me this morning; it was mailed from out of province. I was in the Legislative Building on other business and I was not prepared but I saw the opportunity, so if you'll forgive me that I don't have all this information xeroxed and available to you.

There's been some comments made at various times about the homosexual lifestyle being a genetic or inherited trait. For one, I've personally heard Sharon Carstairs say something to that effect on a television interview and I've heard it said here today.

I have before me some information that has only come to me today and I would like to read some

excerpts from it. It comes from the State of Washington from Glenn Dobbs who is a member of the Washington State House of Representatives. This is some research that he and his office, his staff, have done in the consideration of a similar bill, dated 1985-86, in the State of Washington. This information, after I had read it, unfortunately is not available to you but will be made available to my own MLA, Sharon Carstairs. It will be delivered to her office at sometime today or tomorrow and will be available there. A few excerpts I'd like to read:

The consideration of genetics: This brief, as it was presented, is duly footnoted and credit given where credit is due. F.A. Bach observes that I don't know of any authenticated instances of male or females in the animal world (non-captive state) preferring a homosexual partner. Masters and Johnson insisted that homosexuality is primarily a learned phenomenon. They concluded, "The genetic theory of homosexuality has been generally discarded today."

Scientific evidence has overwhelmingly reinforced this conclusion and even more recent standard text, *Human Sexuality 1984*, by James Gere (phonetic), reaffirmed that, at the outset, "it should be noted that men and women who engage in homosexual behaviour, whether exclusively or not, have no abnormal chromosomal pattern." They also refuted any hormonal theory of homosexuality, maintaining that no scientific evidence has established a cause-effect relationship between hormonal irregularity and homosexual behaviour. The book posed this final telltale question: "Since homosexuals are seldom the offspring of other homosexuals, why hasn't homosexuality been substantially reduced through the evolutionary process of natural selection? Yet homosexuals have perpetuated what Dr. Charles Czoriad (phonetic) described as the medical hoax of the century."

The concerns that I have today - I don't want to reiterate much of what has been said. An area of concern which I would like to address more specifically which has not been mentioned at much length, at least at this time, at least today, is the concern over socially communicated diseases and more, in effect, the concern of AIDS in our society.

The statistics that are now evolving and are being accumulated in the last few years are sobering but they do tell a story. The information most of us have available to us is of Canada and the United States. One of the recent articles in, I believe it was *Time* or *Newsweek*, in the last month, suggested in the San Francisco area that the incidence of AIDS in the homosexual population had increased in the study period of, I believe, five years, approximately 2,400 percent, whereas in the heterosexual population it had increased by a percentage, I believe, of one digit. Forgive me for not having that information. I didn't come prepared to address you this morning or this afternoon.

The statistics suggest that the concern of this disease can threaten the whole population. The information that is being accumulated about the means of communication, the means of spread of this disease, the body of information continues to suggest that the homosexual, and primarily the male homosexual lifestyle, is the most volatile vehicle and arena in which this is communicated.

My concern, as we talk and consider civil rights, is that people of genetic features, such as race and colour,

have equal rights and complete access to society in every way. My concern is that we are now making access for an acquired behaviour or a learned behaviour to have that same access.

I would like to describe in words a metaphor that may be more helpful to understand. If we consider our society as being in a boat and its survival being concerned with remaining safe in that boat and not sinking in the vast ocean, in the area of civil rights, in the area of rights of human beings, we may view in this lifeboat a crowded boat with people of many different interests, but we consider that there are people in this boat who have a desire to, and a preoccupation with, and find fulfillment with the use of a wood drilling device of drilling holes in wood.

In the issues of human rights we are not too concerned that they drill holes above deck and above the water line; but when we begin to consider, with a body of statistical information, as we have with the correlation between particularly the male homosexual lifestyle and the spread of the AIDS disease, there is room for serious consideration that perhaps we are allowing a person with a wood auger to drill below the water line. Are we then willing, for the sake of human rights, to say he has every freedom to continue to drill below that water line? I leave that with you because it's in your wisdom and in your efforts you seek to make decisions such as this.

I would like to address within that area the submission that the homosexual lifestyle is not that much different than the heterosexual lifestyle. The concern and the ramifications that are going to come out of the decisions that are going to be made in our Legislature, we must consider that there are differences in lifestyle and there are - perhaps "unpleasant" is a good word to use - unpleasant considerations in the gay homosexual and the male homosexual lifestyle which will continue to engender or continue to encourage the spread of a very serious disease.

I'd like to read approximately two paragraphs. I beg your indulgence for a moment. I read this after much consideration because some of this will be unfamiliar to some of the audience and perhaps not to you. I don't know what you've all heard in the last days and in the many hours, but this comes out of the same presentation to the Washington State House of Representatives.

Now I'm considering a behaviour and a lifestyle which encourages particularly a volatile disease, a disease that is not increasing arithmetically, but geometrically or exponentially. The decisions you make about the access of the gay lifestyle to the general population and the protection of that lifestyle, there's a sobering consideration of how that may affect the general population particularly in this disease. As to the frequency, the interaction and the mobility of people within this lifestyle have, according to Bell and Weinberg in their book, *Homosexualities*, 84 percent of homosexuals had 50 or more partners and 43 percent had 500 or more. I remind you that this is all duly footnoted in its presentation to the State House of Representatives.

Love relationships between a man and woman manifest a sense of being complete, entering a union, transcending two individual beings. Homosexual love is an ego-saving operation designed to compensate

for defects in masculinity. These are his words: "Seeking to incorporate the masculinity of another, it springs from totally different motivations than normal love."

By age 19, most gays, and I assume he's addressing these statistics, are concerning male homosexuals. Most gays admit to rimming or oral anal sex. By age 30, 89 percent admit to it. I find it difficult to read the details of it, but it goes on to speak about the exchange of various and all body fluids as part of the sexual act and part of the seeming fulfillment of that. The details of that can be found in here. As we know, the AIDS disease at current information is spread through the various body fluids. The description given here indicates how frequent and how varied these interactions are. I say, advisedly, that I don't read this, that we may be repulsed by people, that we may be concerned about a behaviour and turn from a behaviour. I want to keep a clear separation between man and his behaviour. My concerns in human rights is that it tends to fog that issue and that we are losing; the human rights threaten the area of grace of one man to another between his behaviour and who he is intrinsically as a person.

Sex and gay baths usually include between 10 and 30 anonymous partners each night. There are statistics and clear descriptions of sadomasochism, etc., which involve the exchange of all body fluids. Again, I do not read this to humiliate or belittle anyone here. These are not my statistics, but these are statistics that have been researched, hopefully, by a responsible body of information gatherers and presented to the Washington State House of Representatives in their Session of 1985-86, so it is fairly current information.

A personal note - this very close friend of mine phoned me some time ago and that as a result of his previous lifestyle he has been exposed to AIDS, and I feel sometimes emotionally and sometimes psychologically the uncertainties that he feels about his future.

The ramifications of the decisions made by this Legislature involve many of the realities of which I've tried to describe to you this morning. The various presentations that have been made to you suggest that there is a body of information that still needs to be gathered before a decision is made on this issue that is very complex.

As an Evangelical pastor, I have a personal and theological position. Some of my fellow pastors of the evangelical position have stated much of which I could say, and I will not say that. What I want to leave with you again is the picture of us in the lifeboat and that due consideration of "are we going to allow, for the sake of civil rights, the man or the men or the people to continue to drill holes in the boat below the water line"?

Thank you.

MR. CHAIRMAN: Questions?

The Attorney-General.

HON. R. PENNER: I should advise you, Mr. Voth, that much of the material that you referred to, the Glenn Dobbs material, has in fact been presented to this committee by various presenters.

But I have a question, and it's a question for clarification. At one point in your brief you appear to

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make a distinction in terms of matters deserving of protection against discrimination in The Human Rights Act between sexual orientation, which you believe is acquired or learned, and race or colour, which is genetically determined. Did I understand your point correctly?

REV. K. VOTH: Yes.

HON. R. PENNER: In what category would you put religion or creed, or religious belief, religious association or religious activity? Is that genetically acquired or is that learned?

REV. K. VOTH: This, as far as I'm understanding it at this time, it's still defined as something of a personal choice, but is not something that is given vast access to the public in terms of proselytizing and in terms of exposing as a viable alternative.

As far as I understand, in the school divisions, for example, certain school divisions at least have a position where the teachers cannot in any way, shape or form read from Scriptures, say the Lord's Prayer, etc.; so we are putting boundaries on that.

HON. R. PENNER: My question, however, just to be certain, was: Do you think that religion or creed or religious belief is something which is genetically acquired or something which is learned by the human person?

REV. K. VOTH: I believe it to be learned.

HON. R. PENNER: It's learned. You would agree, would you not, that this learned behaviour should be protected against discrimination?

REV. K. VOTH: I believe there are boundaries for it, as there is described within school divisions. I believe the concern here is for these many presentations is that we are seeing, perhaps if you like, the thin edge of a wedge.

HON. R. PENNER: I understand your concern.

MR. J. McCRAE: Mr. Chairman, the Minister in his question referred to religion or creed or religious belief, and asked the question as to whether that was genetic. The same question could be put regarding marital or family status; the same question could be put regarding source of income; or the same question could be put regarding political belief, political association or political activity.

MR. CHAIRMAN: Any other questions? Hearing none, thank you, pastor.

REV. K. VOTH: Thank you.

MR. CHAIRMAN: The next presenter is Edward Tetrault.

Mr. Tetrault, do you feel that you can do it in five minutes.

MR. E. TETRAULT: In five minutes, probably not.

MR. CHAIRMAN: Then you would probably prefer to do it at 2:30 this afternoon.

MR. E. TETRAULT: Sure, that's fine with me.

MR. CHAIRMAN: Committee rise.

COMMITTEE ROSE AT: 12:25 p.m.

BRIEFS PRESENTED BUT NOT READ:

**Bill 47 - The Human Rights Code
Supplementary Brief of Edward Lipsett
July 13, 1987**

I regret not having prepared a written submission in time for my oral presentation on July 9. In deference to the committee and all the people waiting to be heard, my oral presentation was shorter than I had intended. In retrospect, I realize that I omitted several fairly important points. I respectfully request the committee to consider these additional points and I apologize for the condition of this supplementary brief.

Section 14(8): I respectfully submit that this exception is too narrow, and that "personal services in a private residence" should be completely exempted from the Code.

Here, we have an example of conflict of basic values. Certainly, the "egalitarian" values call for the protection of domestic workers. However, "privacy" values entitle an individual or family to decide whom to have in one's home (as an employee or otherwise) without having to justify such a decision to an organ of the state. Furthermore, a central consideration in a "free" society must be that even in pursuing the most valid and noble goals (e.g. the eradication of discrimination), the reach of the state and of the law themselves must be limited. It is respectfully submitted that the latter two factors "tip the scale" in favour of completely exempting private households.

Additionally, the possibility that applying this Code to private homes might violate the Canadian Charter of Rights and Freedoms must be considered. Family privacy might be within the protection of section 7. Freedom of association, protected by section 2(d), might also be implicated. Though freedom of association might not ordinarily apply to employment situations, the intimacy of the home and family might distinguish this from ordinary employment. (Note the U.S. Supreme Court decision in *Roberts v. U.S. Jaycees*, 104 S. Ct. 3244. Though that case dealt with membership rather than employment, and upheld the prohibition of sex discrimination as applied to the Jaycees, its discussion of the concept of "intimate association" might be instructive.)

Furthermore, the investigative procedures quite legitimately used by the Commission in investigating a complaint against a business might be unduly intrusive when investigating a private household.

Though this exemption must be complete in cases where the householder is the actual employer, it might be otherwise where a public or private agency sends its employees to work in a private residence. Even in

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such cases, a greater degree of deference to the wishes and privacy interests of the "client" than is ordinarily appropriate might be necessary.

Section 14(12)(a): It should not be a defence when "the person against whom the contravention is committed" is a party either. Indeed, the courts have already ruled that one cannot "contract out" of human rights legislation. Though perhaps not very likely, section 14(12)(a), by referring only to third-party contracts, and (b), by referring to collective agreements, could lead to the interpretation that an individual party could "contract out" of the Code to avoid even the risk of such a retrograde interpretation.

Perhaps paragraph (a) should read something like: "(a) a contract, whether with the person against whom the contravention is committed or with a third party."

Section 14(12)(b): Certainly a collective agreement must not be a defence to intentional discrimination. However, there may be allegations of "failure to make reasonable accommodation" or "systemic" or "unintentional" discrimination where a collective agreement could legitimately be a relevant factor. For example, in *TransWorld Airlines v. Hardison* (1977), 97 S. Ct. 2264, the U.S. Supreme Court held that an employer's duty to make "reasonable accommodation" for an employee's Sabbath observance did not extend to forcing another employee to trade shifts with the plaintiff when that other employee was entitled to his choice of shift under the seniority provisions of a collective agreement. Similarly, bona fide seniority provisions are protected by Title VII. Perhaps section 14(12)(b) ought to be amended to allow such matters to be taken into account.

Similarly, there might be instances where contractual rights of a third party could legitimately be a factor in a "reasonable accommodation" or "systemic discrimination" complaint. Perhaps section 14(12)(a) should also be drafted to provide for such occurrence.

Section 45(2): It is unfair to hold the complainant liable to costs in such a case after the Commission decides to request adjudication when the Commission has the power under section 29(1)(a) to dismiss a frivolous or vexatious complaint. Furthermore, as another witness pointed out at Thursday evening's hearing, this could pose a "chilling effect" on those even with legitimate cause for complaint. On the other hand, reference to "frivolous or vexatious reply" may have a "chilling effect" on the defence. Section 45(2) as worded should be eliminated.

However, the adjudicator should have the power to order the Commission to pay costs to an exonerated respondent. It is unfair for a person (individual or corporation) to bear the costs of an unfounded allegation. Furthermore, if a respondent knows that he will have to bear heavy costs of a defence, win or lose, he may be unjustly pressured by a complainant (or even the Commission?) into settling a (potential) complaint he believes to be unfounded. (I suppose that if costs could be awarded against the Commission, it seems fair that it should be possible to award them against a respondent found to have contravened the Code; however, I suggest that this should be done only in the most egregious of cases or where there is bad faith on the respondent's part.) Also, in "test cases" where a fully contested hearing could serve the public benefit, it might even be fair to require the Commission to pay a losing respondent's costs as well as its own.

WRITTEN SUBMISSION OF JOHN ALEXANDER:

Box 1009, Stn. A,
Surrey, B.C.
V3S 4P5

July 9, 1987

Dear Honourable Member:

Re: Discrimination is not the same as prejudice

I am writing in regard to the movement within government which seeks to add "sexual orientation" to our human rights statutes.

Why would anyone desire to do this? Homosexual citizens already have the same civil rights every other Canadian does. They can vote, exercise their right to free speech, to assemble, own property, demand trial by jury, and have police protection etc., etc.

Currently the Charter lists age, sex, race, colour, national or ethnic origin, mental and/or physical disability as areas where we must not discriminate. These categories cannot be changed by an individual.

Even religion is unchangeable because, with the influx of immigrants, their religion is often handed down from one generation to another and/or is part of their ethnic culture.

If such a law is passed, those who commit sodomy (anal sex) would be the first immoral group to have such special protection. No other group is placed into the human rights statutes based on "behaviour."

They would also be the first group to gain special protection for conduct that is now criminal in Canada. Buggery (sodomy; anal sex) carries up to 14 years imprisonment whenever any participant is under the age of 21 years. (See sections 155 and 158 of Canada's Criminal Code.)

Any proposed bill seeking to include "sexual orientation" into The Human Rights Act will do more than further homosexuality. It will grant legal credence to the practice of approximately 60 sexual perversions such as pedophiles, necrophiliasts, etc.

A pedophile's sexual orientation is toward children. Seventy-three percent of male homosexuals surveyed in "The Gay Report" by Jay and Young admitted to having had sex with children at some time.

A necrophiliast's sexual orientation is toward dead bodies. A person who practices bestiality has a sexual orientation for disease-carrying animals, etc.

If this amendment is approved, what would prevent a pedophile claiming he was discriminated against on the basis of his sexual orientation if he were denied a job in a day care centre?

"While gay rights laws have been in effect for the last decade in San Francisco, the city has seen a sharp increase in the venereal disease rate to 22 times the national average; infectious hepatitis A increased 100 percent, infectious hepatitis B 300 percent, amoebic colon infections increased 1,500 percent. Venereal disease clinics in the city saw 75,000 patients every year, of whom close to 80 percent were homosexual males; 20 percent of them carried rectal gonorrhoea." (Are Gay Rights, Right? by Roger Magnuson, pp. 17)

"The B.C. Government alone is facing an AIDS tab of up to \$24 million over the next 16 months." (The Province, August 22, 1985.)

Monday, 13 July, 1987

Can the Canadian taxpayer financially afford to make his sexual preference of 4 percent of the population equal?

Discrimination is healthy for any nation. Discrimination is discerning or making a value judgment that could protect one's family and/or nation. We discriminate any time we make a choice.

We will either legislate the morality of the minority, or we will legislate the morality of the majority of Canadians. This nation was founded on Judaeo-Christian principles. Please do not forget the traditional values of 80 percent of Canada's citizens.

Perhaps you have been told that homosexuality has nothing to do with their employability. Do you know what their chosen sexual practice centres around human waste and urine (water sports)? Can we afford to give them special hiring rights in the food industry, medicine, first-aid, etc.?

Newsweek magazine referred to homosexuals as being a "tropical island of disease." Should they be pushed upon the military where it is often necessary to house soldiers or sailors in tight quarters on land or on ships? Should these citizens be permitted to teach in our classrooms that this is an acceptable alternate lifestyle, when anal sex has recently been labelled as the primary cause of AIDS? Should these citizens who practice buggery or anal sex, which violates section 155 of our Criminal Code, be permitted into the RCMP to police those Canadians who are not breaking the law?

Historically, buggery (anal sex) and bestiality (sex with animals) have been placed together in Canada's Criminal Code - see section 155. This was not done because of prejudice. It was done because Canada was one of the most progressive leaders in the area of national health. Practices of licking a person's anus to provide lubrication for anal sex, or copulating with manure-caked farm animals was recognized to breed disease. The Creator first placed buggery and bestiality together in His law word, the Bible - "Thou shalt not lie with mankind, as with womankind: it is abomination. Neither shalt thou lie with any beast to defile thyself." Lev. 18:22, 23.

Presently, we legislate morality when we make it illegal to murder, rape, commit child molestation, perjury, buggery, etc.

I would like to know who you plan to support, the 4 percent of the population that ascribe to sexual perversion or the 80 percent of the voters who wish to raise their children according to traditional values? Would you please do me the courtesy of receiving a personal answer? I have the Justice Minister's form letter already.

Thank you for serving Canadians by being in office.

Sincerely yours,
John Alexander.