

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

**TIME — 7:00 p.m.**

**LOCATION — Winnipeg, Manitoba**

**CHAIRMAN — Mr. C. Santos (Burrows)**

**ATTENDANCE - 11 — QUORUM - 6**

*Members of the Committee present:*

Hon. Messrs. Penner, Storie, Hon. Mrs. Smith (Osborne)

Messrs. Birt, Connery, Dolin, Maloway, McCrae, Mrs. Hammond, Messrs. Santos, Smith (Ellice)

**APPEARING:** Ms. Debra Beauchamp, Private Citizen

Dr. John McKenzie, Private Citizen  
Mr. Wes Woodcock, Private Citizen  
Mr. Ray Schmidt, Private Citizen  
Ms. Rozalia Bugan, Private Citizen  
Mr. & Mrs. Rose & Paul Dubois, Private Citizen  
Mr. Kell Frandsen, Private Citizen  
Ms. Denise Sancan, Private Citizen  
Mrs. Nancy Armstrong, Private Citizen  
Mrs. Una Johnstone, Private Citizen  
Mrs. Bertha MacKenzie, Private Citizen  
Mr. Jake Durksen, Private Citizen  
Mr. Tim O'Rourke, Private Citizen  
Mr. Larry McCrady, Private Citizen  
Mr. Art Cornelson, Private Citizen  
Mr. Lorn Bergstresser, Private Citizen  
Mr. Harry Koop, Private Citizen  
Ms. Joan Miller, Private Citizen  
Mr. Stuart McKelvie, Private Citizen  
Mrs. Eva Kalteck, Private Citizen  
Ms. Kim Gross, Private Citizen  
Ms. Sally Papso, Private Citizen  
Mr. Gordon Gray, Private Citizen  
Ms. Marilyn Robertson, Private Citizen  
Ms. Shirley Lippmann, Private Citizen  
Rev. Graham Tyson, Private Citizen  
Mr. Allen Smith, Private Citizen  
Ms. Deborah Dworan, Private Citizen  
Mr. Nick Jones, Private Citizen  
Ms. Joanne Chesley, Private Citizen  
Pastor Garth McGinn, Grant Memorial Baptist Church  
Mrs. Gwen Parker, Manitoba Women's Institute

Pastor Lloyd Peters, Steinbach Ministerial Association

Mr. Lloyd Peters, Private Citizen  
Mr. John Martens, Private Citizen  
Mr. Kurt McGifford, Private Citizen  
Mr. Dave Perry, Private Citizen  
Ms. Mary Barton, Private Citizen  
Mr. Rick Hefford, Private Citizen  
Dr. Tom Snowdon, Social Concerns Committee of the Pentecostal Assemblies of Canada - Manitoba and Northwest Ontario  
Mr. David MacLean, Morality in the Nation  
Mr. Dave Derksen, Private Citizen  
Miss Debra Esau, Private Citizen  
Mr. Randy Loewen, Private Citizen  
Ms. Heidi Munech, Private Citizen  
Mr. Michael McDermott, Private Citizen  
Pastor Ron Adrien, Winkler and District Ministerial Association  
Mrs. Dora Adrien, Private Citizen  
Mr. Peter Toews, Private Citizen  
Mr. Abe Peters, Private Citizen  
Mr. George Hildebrand, Private Citizen  
Mr. Ron Epp, Private Citizen  
Ms. Bonnie Kowal, Private Citizen  
Mr. John McDonald, Private Citizen  
Mr. Corney Hildebrandt, Private Citizen  
Mr. Robert Klassen, Winkler Evangelical Mennonite Mission Church  
Mr. Bob Toogood, Springs of Living Water Center  
Ms. Margaret Cogill, Private Citizen  
Ms. Margot Johnston, Private Citizen  
Mr. Mark Fewster, Private Citizen  
Mrs. Ruth Gamble, Private Citizen

**MATTERS 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, we shall continue hearing the public on Bill No. 47, The Human Rights Code.

The first presenter tonight, Ms. Mary Barton, private citizen.

The next presenter is page 6.

**A MEMBER:** Page 67

**MR. CHAIRMAN:** Yes.

**HON. R. PENNER:** What do you mean, page 6? What do you mean the next presenter is page 6?

**MR. CHAIRMAN:** I'm starting on page 6, on the top of page 6.

**HON. R. PENNER:** Mary Barton is on page 6.

**MR. CHAIRMAN:** Ann Braun, private citizen; Dave Derksen, private citizen; Bob Blair, private citizen; Sue Sinclair, private citizen; Brian Kelly, private citizen; Miss Debra Esau, private citizen; Mr. Al Cooney, private citizen; Marie and Thomas Wiebe, private citizens; Marjorie Kennan, private citizen; Heidi Munech, private citizen; Michael McDermott, private citizen; Murray Ross, private citizen.

Debra Beauchamp, private citizen.

**MS. D. BEAUCHAMP:** Good evening. I am a graduate of the University of Manitoba Law School and I was called to the Manitoba Bar in 1982. I'm also a part-time lecturer at the University of Manitoba.

I come before you as a private citizen, having listened to many of the presentations made before the committee and the questions asked by the members. I feel it is important to remind everyone here that the question, with respect to the inclusion of sexual orientation in this Human Rights Code, is whether or not gay, lesbian and bisexual citizens of Manitoba are to be afforded protection from unjust firing, from eviction, and from discrimination in the provision of services based on their sexual orientation.

The issue is quite simply one of social justice. The new Human Rights Code does not legislate acceptance based on any of the characteristics outlined in section 9 of the act. Acceptance can never be legislated any more than open-mindedness can be or respect for each other. What legislation can and does do is it sets out some rules for our coexistence, and the new rule being proposed here is that it will no longer be permitted to discriminate against a person based on his or her sexual orientation. This new rule cannot direct Manitobans to show tolerance, but it can increase the likelihood that such tolerance will grow.

Many of you here are grappling with your own fears and your ignorance around the reality that many citizens of Manitoba are gay, lesbian or bisexual in their orientation. I emphasize that the noun "ignorance" derives from the active verb "to ignore." However you choose to resolve your own response to the fact that there is a diversity in sexual orientations amongst the citizens of Manitoba, I invite you to stop ignoring the discrimination that members of all your constituencies are subjected to, based on their sexual orientation. To vote in favour of this Code is to do just that.

I've recently returned to this province, having lived in Montreal for over a year. Quebec has had legislation in place prohibiting discrimination based on sexual orientation for 10 years. It is a province that has fostered a climate of tolerance and this has benefited all citizens of Quebec. It is a province where most citizens, who are members of an organized religion, are Roman Catholic; and even the directive of the official church

which would obstruct such legislation has not sought the citizens of Quebec from giving expression to the more basic teachings of Christ which, after all, were about love, compassion, respect for each other and about truth. Perhaps Quebec also recognizes more clearly that, for some centuries now, there has been a separation of church and state.

There has been much curiosity expressed here about the question of how a person develops their sexual orientation, especially whether it is a choice or not. This is not the matter that is to be decided through the process of this hearing but, nonetheless, I'm going to comment on it.

There seems to be, on the one hand, a view that stems from a fear that, if it is a choice, then we must defeat this bill, lest children learn to be homosexuals, despite the fact that most children will be raised by heterosexual parents and most people involved in the lives of these children will be heterosexual. On the other hand, if it's not a choice, then perhaps there's some kind of duty to legislate protection because somehow this school of thought thinks that people who "can't help it" are deserving of the same rights and protections already guaranteed to other citizens.

My own view is that this bill is to be supported, not out of pity, but out of recognition that what it does do is extend rights already enjoyed by a segment of the population to others who are no more or less deserving of the same protection.

Perhaps one of the choices that we all make in our lives, and often several times a day, is whether to be true to ourselves or not. Many people will live their lives without finding the courage and support they need to make the choice to be true to their sexual orientation. Instead, they will be met with the views expressed by many persons coming before this committee who profess to be members of fundamentalist churches who contradictorily direct people to live their lives as lies.

The issue of choice that the members of this committee and all the members of the Legislature have before them with this new Human Rights Code is to choose whether or not to support a prohibition of discrimination based on sexual orientation. To vote in support of this bill is to say that such discrimination will no longer be permitted and to provide citizens who may experience such discrimination with the possibility of lodging a complaint with the Human Rights Commission. I invite all members of the Legislature to be clear that this is a choice that is before them. Each of you has the opportunity to be a participant in creating a more just society for the benefit of all Manitobans. I hope you choose to do so, for yourself too, whatever your sexual orientation.

**MR. CHAIRMAN:** Questions? Hearing none, thank you, Debra.

Gerald Friesen; Denise Flynn.

John McKenzie, private citizen.

**DR. J. MCKENZIE:** Mr. Chairman, members of the committee, I am speaking as a private citizen. I would like to introduce myself as a Professor of Medicine at the University of Manitoba and also as a Christian, a member of the United Church, who like the Rev. Williams has undergone - I guess over many years - a faith's

journey, not necessarily believing that I know or that anybody knows what God's will is for a particular time, but that I have the great commandments to go by: "Thou shalt love the Lord Thy God with heart, soul, mind and strength and thy neighbour as thyself."

I do not believe that anything which takes away the dignity and worth of any individual can be loving one's neighbour. I just cannot feel and I have, like the Rev. Williams, felt today the great fear of some of the speakers in terms of how much a recognition of a lifestyle might mean to the community.

My greater fear is that what we are doing in not passing this bill would be to perpetuate injustice and oppression. I believe that a bill of this nature has to be presented, has to be passed because the Charter does not give sufficient rights to oppressed individuals in the groups which have been named.

I am also a father of five children, including one who has recently been able to come to the conclusion that she is a lesbian. This has been despite pain and fear. She grew up in a well-known secondary school. She had a great deal of pain in attending that school, trying to decide who she was and how she came eventually to understand that she was indeed a lesbian. I believe that this pain is now ending with the recognition that she is a member of the lesbian community. I might say, in fact, that she receives a good deal more support from that lesbian community than she ever did from the heterosexual community. I'm happy that she's been able to make this choice and I, of course, had a lot of adjustments to make myself, and I'm still learning.

I can empathize with those speakers of homosexual orientation who have already spoken of fear and oppression. This bill is not giving special rights to any particular group, I believe, but it is a step - and perhaps an imperfect one and I think even those bringing forward the bill would agree that it's imperfect - but it is a step in lifting oppression.

I really wish to make only one further point, and that is to reiterate how immensely powerful is the fear of discovery at present for homosexuals. If those who believe that the present laws provide sufficient rights for homosexuals to be able to receive justice and equal treatment, why is it that so few homosexuals have been able to come before this committee and, without fear, provide their own testimony? It has been said many times today that in fact this is a very difficult thing for them to do and only a few have been able to do it.

I wish to illustrate that point from a medical point of view by quoting from a lecture which I recently heard about three months ago from an expert in infectious diseases who told us about AIDS and how AIDS was affecting the American community, particularly and specifically Minnesota. One of the questions which has been raised repeatedly here is that bisexuality is a matter of choice. I believe that bisexuality is often not particularly a matter of choice. It's a matter of somebody who is of homosexual orientation who is unable to declare himself and therefore has to become a bisexual, if you will.

To illustrate that point and how powerful this fear of discovery is, let me give you the story. You may have heard that there are many people in the U.S. who fear blood transfusions as a possible vehicle for AIDS. A practice has arisen of families and friends donating blood, and that has certainly gone further back than

just the time that we are experiencing now of the AIDS epidemic, but has become much more pronounced since that time so that those who receive the blood in this case would be free of the fear of contacting AIDS. Those who had an operation slated and were going to need blood would solicit transfusions.

That has occurred within families and, to my knowledge, this speaker said that to his knowledge he knew of four families in which AIDS had been transmitted to a daughter or son because the father had been unable to admit that he was a bisexual. That is fear of discovery. There we have a situation where, in fact, fear is so powerful that the father was unable to carry out his duties as a father, which was to keep his children safe.

Therefore I'm for any bill, however imperfect, which relieves some of this fear, even in small amounts. I believe it's worth supporting, and I strongly urge all members to vote for this bill, including those who have definite and well-recognized fears about the passage of the bill. To my way of thinking, the human rights and the dignity of the individual far outweigh the possible harm that may come from providing those who have a homosexual orientation with sufficient rights.

Thank you.

**MR. CHAIRMAN:** Questions?  
The Member for Portage.

**MR. E. CONNERY:** You mentioned blood transfusions. What about emergency operations where there isn't time to bring in family and that to donate blood?

**DR. J. MCKENZIE:** As a physician, AIDS is not my field, but I do have sufficient information to tell you that there is very little or no AIDS-infected blood in the Canadian Red Cross Blood service. There is none now.

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

For the record, Jean McGinn had already submitted some written submissions. So we go to Ron Adrien, representing Winkler and District Ministerial; Dora Adrien, private citizen; Peter Toews, private citizen; Abe Peters, private citizen; George Hildebrand, private citizen.

Wes Woodcock, private citizen.

**MR. W. WOODCOCK:** Mr. Chairman, honourable committee, I'm not an orator and I don't have an awful lot to say, but what I do have to say comes from my own heart. I believe my heart beats somewhat similar to the God who created us, so I'm going to say what I do believe.

I'm opposed to the passing of this bill in its present form because we have morality as a very, very fragile tenet of our freedoms. If we tolerate the incursion of any sexual deviation - and I don't use that term in a negative sense - in our society, I believe that God is going to remove his protection from us as a nation.

I wonder if it occurs to those of you who sit in judgment of the absolutes of God that you will answer to Him, because you will. I ask you, on behalf of my family and my loved ones, to consider these matters before you acknowledge pressures for modification to

a natural biology in a spiritual world which you had no say in creating.

There is a verse in the Bible that says, in Job: "He makes the nations great, then destroys them and He enlarges the nations, then He leads them away. He deprives of intelligence the chiefs of the earth's people and makes them wander in a pathless waste. They grope in darkness with no light and He makes them stagger like a drunken man." And as I sat and looked on these things, I just remembered that we all lack information to make us suitably wise. But unfortunately we're given the task, each one of us in this room, of shaping the country that we live in.

I believe that homosexuals, like other humans, have privileges affirmed by their status as humans created by a loving God, and I might add they are loved by God, not by their attempt to modify morality or by changing the laws on the majority of society. At issue here is the impression of a vocal, powerful few on the social fabric worked out by a heritage of godly men and women who have their beliefs and their moral code in this country, much the same way as we do in this time and in this age.

I think the only thing I really have to say about Bill C-47 (sic) is that it isn't an issue of human rights because every one of us really, if it comes down to it, has no rights. We can be blown away by walking outside that door by some weirdo. But the fact is, we all have privileges.

I have a little poem if you could just grant me a couple of seconds here: "A little froggy hops inside a pan so cozy and warm. He feels secure, and the heat's turned up, yet still there's no alarm. The pan's a-boil, just like our land; the frog's demise is sure. And once I wondered, now I know, our country, like the frog, shall go."

Please don't let it be us who turn the stove on.

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

Ron Epp; Bonnie Kowal; John McDonald; Tina Jerger; Corney Hildebrandt; Robert Klassen; Bonnie Klassen; Daniel Skibitzky; Bob Toogood.

This is the last opportunity - I'm going to start again at the top of the list, the last opportunity for those who registered.

Ms. Mary MacLean; Mr. Pierre Brochu; Mr. Alan Buckley; Irwin and Donna Neufeld; Lee and Agnes St. Hilaire, representing Victims of Child Abuse Laws; Constable R. Christmas, Brandon City Police Association; Dr. Brian M. Evans, University of Winnipeg, Faculty Association; Mr. Lewis Martin; Mr. Rick Wilgosh; Mr. Gordon Kooper.

Ray Schmidt, private citizen.

**MR. R. SCHMIDT:** I just had a few little points about Bill 47 here. I'm against Bill 47. It goes against the family unit. The family unit was meant to be a man and a woman and they're supposed to have children. It goes against what the Bible says and what God had intended a sexual relationship to be.

In Genesis, it says, "God put man and woman on the earth to have children, to reproduce." It doesn't say he put man and man on the earth; it didn't say he put woman and woman. It says man and woman, and they're supposed to become one and have children.

If this bill is passed, it will lead to legalization of homosexual marriages and that could also lead to adoption of children by homosexual people who have been married. I do not want my children, when I have children, to be taught and influenced by a homosexual teacher in their school and the teacher's due influence at the children's school, and that's all I have to say, basically.

Thank you.

**MR. CHAIRMAN:** Questions? There being none, thank you, Ray.

Wendy Peter.

Rozalia Bugan - do you have some briefs for us, Rozalia? Rozalia Bugan, private citizen, please proceed.

**MS. R. BUGAN:** First of all, I'd like to commend you, as a citizen, for your patience and perseverance through all these hearings. It's quite remarkable what you're doing here.

Mr. Chairman, ladies and gentlemen, can you hear me?

**MR. CHAIRMAN:** A little bit louder.

**MS. R. BUGAN:** I was deeply moved after Thursday night's hearings for I realized, even more than I had before, how much the gay members of our society are reaching out for love and acceptance.

I heard the word "discrimination" used against them over and over again. They claimed that people showed disapproval of their lifestyles and many act disrespectfully toward them. I feel their pain, and I feel compassion for them as people.

What I would like to accomplish, through my speech today, is to suggest that homosexuality can be corrected and, as such, our society should strive to introduce programs through which these people learn how to develop heterosexual relationships in order that their needs for love and acceptance could be met. I would like us, as a society, to stop condoning this practice and to reverse the trend of growing homosexuality for their and for society's sake.

I have done much reading on homosexuality in the past, and what stood out to me about its development from all articles was that psychological factors during the growing-up years were the main reasons for becoming homosexual. Homes were usually characterized by lack of genuine love, acceptance and a normal atmosphere for healthy relationships to develop. Although I could not find those articles and books I read in the past in such a short time, I did find three articles within an hour of search that essentially says the same.

I would like to present them to you in the forms of two photocopied articles and by reading to you a psychiatrist's report. The copies are taken from Christianity Today, a monthly-published magazine. It is important to mention that the articles were written in the light of much compassion and understanding toward the homosexual, and lean toward rebuking those Christians who have mishandled them, and teaching them how to best help a homosexual. This is to say that they are not biased toward Christianity.

Now one copy includes only excerpts of a long article. By now, you've probably got them, so let's just look

at those articles. I'd like to point out to you, first of all, that the articles represent ex-gays.

If you look at this one that says, "These Christians Are Helping Gays Escape from Homosexual Lifestyles" and underneath like a sub-title it says, "Where churches fail to reach out to homosexuals, ex-gays are setting up their own ministries and seeing results."

You see on the front two pictures of ex-homosexuals and, as you turn over, you will see another two pictures of ex-homosexuals. They are the ones stating the reports. I'm going to be reading a few lines from this and also this other article which is actually just excerpts from a longer one. I would like to read from that as well but, first of all, from the list, I'm reading from the brief, on the second page.

I'd like to quote Dr. Enos B. Martin, teacher of psychiatry at Pen State University. He says this: ". . . my own clinical experience supported by the experience of many other clinicians and researchers indicates that homosexual orientation can change, that sociocultural factors play a significant role in the development and change of sexual orientation, and is part of a pattern of inability to attain a mature level of intimacy with either sex.

"Concerning change, my own experience in treating and interviewing persons with homosexual orientation is similar to that found by M. Pattison in his study of 50 ex-gays, 15 of whom claimed to have changed from exclusive homosexual to heterosexual orientation through a religious self-help group. His study is reported in a chapter entitled 'Religious contexts for change in sexual orientation' in the 'Psychiatry and Religion: Overlapping Concerns.'"

So let's look at the articles. What I'd like to point out from these, especially what I'd like you to notice, ex-gays have written in it, therefore gays have changed. Also notice that there are organizations that are reaching out to gays and also that cure is available to those who are seeking it.

Why don't you read the one with the two pictures on the front? These Christians are helping gays escape from homosexual lifestyles. Now to support the idea that it is learned behaviour, let's read the first sentences.

"Like a river at its source, homosexual tendencies may develop out of tentative, disconnected tributaries of emotion, learning and circumstance. 'If those tributaries don't meet one another, they'll evaporate,' says Hal Schell, coordinator of a ministry to homosexuals at College Hill Presbyterian Church in Cincinnati."

If you just begin reading the next paragraph, you'll realize that Schell was a homosexual and says: "In Schell's life, those random streams converged with a vengeance." And he went to explain how it came about.

The very last line on that page begins, "Since 1982, Schell has set the same . . ." - the same meaning the help that he got - ". . . process in motion for other homosexuals through a church-based ministry called Spring Forth. It is part of a growing network of evangelical organizations based on the premise that there is no such thing as a genetic condition of homosexuality."

Further down, in the middle of the paragraph, you read, ". . . secular researchers have produced no conclusive evidence that homosexuality is a natural trait."

Further down, you read: "Many who minister to homosexuals believe gays need to learn ordinary patterns of friendship with people of the same gender in order to break free of the homosexual lifestyle. 'A false belief about homosexuality is that it is a difficulty in relating to the opposite sex. No. The difficulty is in relating to one's same sex,' Schell says."

Just below the middle of the second column, we read, "It appears that increasing numbers of homosexuals are seeking a way out."

Further down: "In Seattle, a ministry called Metanoia has organized five Homosexuals Anonymous (HA) chapters that involve more than 60 counselees. In 10 other U.S. cities and two Canadian cities, HA chapters, patterned after Alcoholics Anonymous, are rapidly expanding their work. Daniel Roberts, director of HA Fellowship Services in Reading, Pennsylvania, anticipates 700 chapters nation-wide by the end of the decade. The program offers 14 'steps out' of homosexuality."

Below that, the picture on the right-hand side, I just underlined "Doug Houck," who directs Metanoia and is also a former gay.

Also, on the last page, in the very last column, there is a reference to the book that I think which says the program offers 14 steps out of homosexuality is probably found in the book "Steps Out of Homosexuality," written by Worthen, who also was an ex-gay himself.

May we go to the other article, please? Turning to the second page - as you can see, the front page says, "Homosexuals Can Change."

I found it interesting that, after Thursday night's hearing, I felt exactly the same way then what I was reading here. It says, "Acceptance and love," and those are exactly the two things I picked up from hearing the gays speak. It says here: "Acceptance and love are two words that are sounded repeatedly in interviews with homosexuals and those who deal with them."

Now it was interesting that, in my previous quote from this particular psychiatrist, he referred to this Mr. Pattison, and my article that I found also refers to him. It says: "Mansell Pattison, chairman of the Psychiatry and Health Behavior Department at the Medical College of Georgia in Augusta, in an article in the December issue of the American Journal of Psychiatry, documented 11 cases of men who claimed not only to have resisted successfully their homosexual drives, but changed their basic homosexual orientation to the point where they have developed satisfactory sexual attraction to females. Eight of them no longer have homosexual dreams, fantasies or physical arousal.

"In other words, these eight were cured - something gay activists often claim is impossible."

Now notice again, reading the underlined portion in that column: "All of our subjects remarked on the fact they soon learned how psychologically immature they were and how poor their interpersonal relations were . . . All the subjects remarked at how surprised they were to experience acceptance, nonjudgmental evaluation and nonerotic love from both men and women . . . as a result they began to identify with other mature Christian men, and began to experience and practice nonerotic relationships with these Christian women . . ."

Now, in the middle of the second column on the right-hand side: "Nevertheless, Pattison's findings are

significant, because Evangelicals Concerned, an organization of self-styled Christian homosexuals, is adamant about the failure of true homosexuals to be able to change their sexual orientation. All Pattison's subjects were true homosexuals."

I do encourage you to read the whole thing, but I don't want to take up the time of reading the whole thing but just the underlined sections. So let's read on.

In the bottom: "Donald Tweedie, a clinical psychologist in suburban Los Angeles, has counseled about 300 homosexuals in 25 years of practice. He is more optimistic than Pattison about reversing homosexuality, although he doesn't believe a 'cure' necessarily implies a life free from homosexual temptation. He explained that many of his patients have gone on to satisfactory married lives. He sees homosexuality much like alcoholism, an addictive practice.

"Many others who have tried to determine its roots don't picture it like that, but most agree that it's a learned response, whether conscious or subconscious. Those who contend it's something a person is born with are in the decided minority among the experts."

Just a few more lines here, now here we are talking about Worthen who wrote the book. "Frank Worthen of 'Love in Action,' the longest running of the so-called ex-gay ministries, believes that overcoming homosexuality is extremely difficult." I did want to include this because I recognize the fact from my reading that it is not an easy issue. It's not something that somebody can overcome very easily. But listen now as to what he says: "He believes most people who attempt it don't make it. Yet he's strongly convinced it can be done, and he offers himself as proof."

I believe this man became a homosexual after 60 or 70 years of age. He was quite a bit older when - no, I'm sorry. He became heterosexual. He left his gay lifestyle when he was older. He says a lot of them don't make it but not because it's impossible but they don't try hard enough. He says he's convinced it can be done and he offers himself as proof.

"He said" - further down - "I personally think (homosexuals) have an excellent chance of going on to marriage and a family. Not many of them do, however. They're usually held back by fear, inhibitions and the like. (At Love in Action) we have seen a lot of marriages. I have seen all kinds of people come out of the gay lifestyle and develop a heterosexual response. This isn't to say it's easy. It's never easy. It requires a real heavy commitment to Christ.'" And this was his answer to the dilemma.

I'd like to read on in my presentation. I would like to mention at this point that I myself worked together with and talked to ex-gays, males and females, in Las Vegas where I spent six months doing inner-city missionary work. I esteemed these people highly and loved them, for they were capable, intelligent and lovely people. They testified to me that leaving their homosexual lifestyles behind felt like being set free from a bondage for they knew very well that they were doing wrong. This is what they told me.

Now I would like to give two reasons why the public seems to be hostile toward the homosexual and his lifestyle. This is not necessarily my viewpoint, but I think this is the way the majority feels and to, I guess, protect

the rights of the way the heterosexual society feel. The two reasons I'd like to give, one is disapproval and the other is fear.

Disapproval, I hate to compare ourselves to the animals, though scientists label man as only a high form of animal, but I cannot help noticing that, in all forms of life, there are two and only two distinct different sexes for a reason far too obvious, which is procreation. There are no in-between sexes.

Due to the gays' intense brain-washing efforts, I can see many people who have been influenced by the thinking, rationalizing it away, it is left out, and rejected that which is most obvious and normal. Two males and two females cannot procreate, however hard they try.

It seems to be a shame that, in order to come back to reality and to learn what is normal, we have to observe and learn from lower forms of life. The natural thing is that the opposite sexes attract to each other. In this life, is it surprising then that homosexuals find homosexuality repulsive, distasteful, disgusting and that it makes them feel uneasy and uncomfortable around them?

It is no small task for many heterosexuals to overcome these feelings. These feelings are innate instincts of the majority of men and women and, when you try to do that with deep conviction that what they are reacting this way to is perversion, it takes very strong and loving persons to overcome their negative feelings and to replace them with love and acceptance toward homosexuals but not their lifestyle.

To feel free from such negative, disturbing and unpleasant emotions is one of the rights the majority of society is wishing to maintain. Can and should they have that right? The amendment to Bill 47 will announce that right.

Fear, now we hear a lot about fear coming from homosexuals, which I can understand, but let us look at fear from the heterosexual point of view:

(1) In their quest for love and acceptance, the homosexuals are becoming increasingly aggressive using intimidation and coercion. Coercion is not subsiding but increasing, whatever is believed by the present government will be achieved by the approval of this bill. I have heard the gays last Thursday night demand family and health benefits, among other things just as it is found in heterosexual family units. And they will not stop until they get all their demands! This is scary! When will the government stop this movement? Maybe the public's eyes are more open than the government's to see the disaster coming faster than one can imagine.

(2) The second reason for fear, parents are panicking for their children. If you are a parent here today, ask yourself these questions. Now, here I'd like to make more personal on your part because I feel that sometimes, when there is an issue and it is just an issue that may not touch me or it's just out there, I found myself thinking differently than when I make very personal to myself. So I'd like you to think right now - and I assume most of you are parents - and ask these questions:

- (a) Would you like your child to become a homosexual?
- (b) Would you like your child taught that homosexuality is normal sexual orientation? Just think for yourselves.

(c) Would you like your male child to become a victim of child prostitution?

(d) Would you like your male child to become a male prostitute? Remember there was no such thing before the homosexuals came on the scene.

(e) Would you like your child to contract AIDS through any means?

(f) If, God forbid, you and your spouse would die shortly, would you like your child to be adopted by homosexual parents or to be partially nurtured by a homosexual Big Brother or Big Sister? Remember they are presently fighting for these rights.

(3) Homosexuality is on the rise, as are incest, drug abuse, crime, divorce, pornography, etc. How can that be? Whose right is the government really protecting? How can all immorality be on the rise? Are the laws partially responsible for this? Is it not obvious that we are suddenly being drawn into societal suicide? If allowed to grow, how will homosexual society procreate? A society is as strong as its family units are. Families are the foundation and cornerstone of our society and, when they fall apart, society falls apart.

We, as responsible citizens of our society, have to live by moral laws and principles. We cannot live by our feelings alone, doing what feels good and right. We all have temptations to do things that might feel very good, but we cannot do them because they are wrong and would hurt - the word "hurt" was left out by mistake - would hurt us or others or all involved.

Thus, for example, stealing or destroying someone else's property may feel good, especially if done in revenge or if it provides one with challenge, but they are obviously wrong and destructive. People may face temptations to commit adultery, incest - which is rampant in our society, but not much talked about yet - or rape, but they cannot do them because they are wrong since they violate the rights of others and cause much hurt and pain.

Homosexuality is also destructive psychologically. We have to face it, admit it and offer real help to these love-craving people. I'd like to put it right here that they are very afraid to admit that. They are scared and fearful to admit it, but that is the exact step for them to admit it to for healing, and this is what they use. We also have to admit that this is a problem and we have to deal with it. On my last page here, I'm going to suggest how we can deal with it more correctly.

**MR. CHAIRMAN:** It's just the announcement that the Session is starting in the House.

**MS. R. BUGAN:** Shall I go ahead?

**MR. CHAIRMAN:** Please proceed.

**MS. R. BUGAN:** I'll speak louder.

**MR. CHAIRMAN:** We can take a break while the buzzer . . .

**MS. R. BUGAN:** I'm almost finished, though.

**MR. CHAIRMAN:** Proceed.

**MS. R. BUGAN:** Homosexuals are recognizing the public's attitude toward them and, in their desperate search for love and acceptance, they are trying now to force the members of society, legally, to accept them. They are out to change society's view of them and to force them into loving and accepting them. Unfortunately, the craving for love and acceptance cannot be filled by people who are forced by law to do so. I suggest that instead of allowing them to change our society as to how to think, believe and act, they take steps toward seeking help to change themselves.

I do recognize that in some cases, although definitely not in all, it seems an almost insurmountable task. However, through the voluntary, non-judgmental and loving support by the members of our society, which is something we admittedly have to work on, together with governmental support by providing rehabilitation programs, of which many exist in the U.S. for homosexuals, we will get much closer to solving the problem for each of these individuals involved and for our society as a whole.

The key is that instead of focusing on, condoning and supporting what is wrong, the government should focus on the love and help homosexuals can be provided. It is possible that some self-supporting groups will arise even as a result of these hearings.

I would like to encourage the government to get involved in supporting already established and newly arising programs for helping the homosexuals find what they are yearning for, which is love and acceptance in the heterosexual society.

**MR. CHAIRMAN:** Questions?

The Member for Kildonan.

**MR. M. DOLIN:** Thank you.

In the brief that homosexuals can change - and there seems to be a page missing, by the way, page 173. It runs from 172 to 174, and 172 . . .

**MS. R. BUGAN:** Yes, I mentioned that I just took excerpts because it is a long article.

**MR. M. DOLIN:** Okay. I would like to ask you a question about the statistics. The ministry that Pattison mentions had 300 cases in five years and reported 30 cases of claimed changes, which is 10 percent. I assume that all of these 300 cases were people who were motivated the change and who came for help. I would assume there's an awful large community out there who are not motivated for change. The question I have is 10 percent who motivated for change did achieve some sort of change from their own point of view. It is possible then, you're pointing out and as the article points out, that homosexuals can change.

The question I have for you is: Must they change? What about the ones who did not come for assistance? Should they be brought in for ministries and attempts made to change them to heterosexual behaviour?

**MS. R. BUGAN:** Sir, these people are so much yearning for love and acceptance. I believe the fear they have, the fear they feel is not so much of others, but what they feel inside. I feel they're fearful of themselves, finding out their own emotions; they're fearful, very fearful.

It is true, the problem is with us that we are too judgmental and would rather look at the sin and judge the sin, rather than having the sinner and accept them. We have to learn, we have to change the community to accept and have them, to encourage them to talk to us. But they go to each other because, unfortunately, we haven't been giving them that support. What happens when they go to each other, all the more they encourage each other because that's where they find it, and maybe there are others who are looking for love and acceptance, especially among gays, and they are attracted more to it. I think they should because I think they're craving for it.

Why are they doing what they're doing right now for heterosexuals in communities to accept them? Why are they legalizing acceptance, if that's not what they want? That's what they want. They want us to accept them. I don't believe it's true, like through Bill No. 47. I'm against the bill per se. I think we have to change our society, and government doing rehabilitation for their sake, as well as ours.

**MR. CHAIRMAN:** Questions? Hearing none, thank you Ms. Bagan.

Rose and Paul Dubois, private citizens.

Mrs. Dubois.

**MRS. R. DUBOIS:** Yes, good evening.

I was here this afternoon, and just something that Reverend Williams said is that in God's word, there's no absolutes against the act of homosexuality, and there are absolutes from the Bible that I read. I find absolutes that God is not against the person but against the act of homosexuality, and He says that He hates that act. I believe in the Bible and, just with the absolute, he said there were none. There is a Scripture that says that.

I am totally opposed to the bill, particularly the inclusion of "sexual orientation." To clear up things, I do believe in equality for all people, homosexuals or not, but I do not believe in special privileges for any group.

Right now the bill may not appear dangerous but, looking down in years, I would not approve of my child being taught or influenced by a homosexual for the reason that I do not believe or agree in this alternative lifestyle. I've heard it stated here that the lifestyle would not influence the children, but from my own experience at school and with my teachers, their lifestyle affected me and many of my classmates. I believe that that lifestyle of homosexuality will also affect the children.

I believe if we do a survey, the majority of parents - and I believe we should do a survey with the majority of parents and all population - that they would feel the same way.

As the law stands now, I believe there is equality and protection for all people. The basic argument that I have heard - and there have been other arguments - but one that I have heard is that the protection for homosexuals is not efficient, and that there have been a lot of threats and beatings going on. Just reading an article that I read in the newspaper, it talked about in a park where there are a lot of beatings and threats going on there. I don't believe those people should be going there. I wouldn't go in the park late at night and

just sit around, because I know I'd be asking for trouble if I went there.

I believe, if this bill is passed, the people in Manitoba are making a big mistake. We will be fulfilling the Scriptures, where men say that evil is good and good is evil.

Thank you.

**MR. CHAIRMAN:** Questions? Hearing none, thank you. Paul Dubois.

**MR. P. DUBOIS:** I think the biggest thing that's come out of this, when you hear the gays for equality side and the homosexual side and the Christian side, I don't want the Christians to come down as people who think they're pious and above the judgment of God, because we're all in the boat together. We're all people who live on the face of this earth.

What I want to say is that God is a righteous judge and he judges sin. Sin is sin, whether gays do it, Jimmy Bakker does it - it doesn't matter who does it - Christians can sin, and sin is sin. Homosexuality is sin in God's eyes. We cannot hide that. But I think the issue here is, I don't believe the gays should be fearful of the Christians, they should not. If anything, gays, homosexuals and lesbians should be able to turn to the Christian church for help. I believe that the Christian church has the answers for them. Jesus Christ is alive and He's real. He can change your lifestyle, He really can.

**MR. CHAIRMAN:** Order please. Until the presenter is finished, you don't show appreciation until he's done.

**MR. P. DUBOIS:** I just want to say, I'm not trying to say if they don't change that we just "X" them out of society, that's not it. Because if you look at the life of Jesus, He always sat with the publicans, the sinners, the tax collectors, people who were looked down upon and frowned upon by the hierarchy, okay. But do you know what? He always said He was the doctor and it was the sick people who needed the doctor, not the people who were well.

So I think we, as a Christian body, as the Christian church, should reach out in love and compassion, but with a gospel that is true and ever-changing. People can change, God can change people.

Thank you.

**MR. CHAIRMAN:** Questions? Norman Woods. Kell Frandsen, private citizen.

**MR. K. FRANSEN:** Before I get into my brief, I'd just like to tell you where I'm coming from. I'm coming as a private citizen. Some of my comments in my brief are from my experience as a former police officer, and also from approximately seven to eight years of experience as a minister on the streets.

Something I'd just like to address before I get into my brief, absolutes have been mentioned quite a bit this afternoon. I saw something rather interesting as I was driving here with my wife. I saw a car that was full of rust, and it was kind of sitting like this because the rust had just eaten it. It says: "rust never sleeps". That's an absolute, like it's too bad if you don't agree



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with rust, it's still there; it's an absolute. If you jump out this window, you're going to fall. That's just the way it is.

Our United Church Ministers have said, well we believe that it's right for homosexuals to have those rights and stuff like that; that's an absolute. I hate to break it to you, but that's an absolute.

The reason homosexuals are what they are is a number of different reasons. One of them is, the Scripture says, "A man is what he thinks." You start saying, I'm a homosexual, I'm a homosexual, I'm a homosexual; that's exactly what you're going to be.

**MR. CHAIRMAN:** Please address the Chair and the committee.

**MR. K. FRANSEN:** Well, they're behind me. I don't want them to throw stuff at me.

**HON. R. PENNER:** That's out of order.

**MR. K. FRANSEN:** Okay, sorry.

**MR. CHAIRMAN:** Please proceed.

**MR. K. FRANSEN:** The point is that there are absolutes, and you could take God's absolutes or you can make up your own absolutes. Whatever it is, it's an absolute. If you decide to go with this law, that's your absolute. That's what the law becomes; that's the absolute in this country, in this Province of Manitoba.

Anyway, I'd like to go on to my brief. What I'd like to present is some empirical information in a couple of different areas. The first one is medical, and most of my quotations are from a book called, "The AIDS Cover-up" by Gene Antonio.

The first point is that over 50 percent of syphilis reported in the U.S. occurs in homosexual men. Incurable genital herpes is almost everywhere among practising male homosexuals and is linked to cancer of the tongue, rectum - I can hardly say this - nasal pharyngeal, that's an area behind the sinuses. Ninety percent of active homosexuals have carried the herpes virus infection. Many homosexuals have venereal warts, anal warts, a common disorder among homosexuals. It produces intense itching and fecal discharge and is very painful and embarrassing. Repeated exposure to semen and urine in homosexual activities leads to a breakdown in the immune system. That's why you have, like in the case of San Francisco, a 2,400 percent increase in venereal diseases.

In 1979, in San Francisco, an average of 10 percent of all patients - in a symptomatic contact reported to the San Francisco Department of Public Health re diseases, fecal samples - were employed as food handlers in public establishments. Forty-five percent of all sexual offences committed on children under 14 years of age are homosexual, and that's a study by Richard Knudten, "Crime in a Complex Society." This is empirical evidence.

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MR. CHAIRMAN:** Order please.

**MR. K. FRANSEN:** A follow-up study of a segment of 6,875 homosexual men initially seen at a San

Francisco city clinic between 1978 and 1980, the number testing positive for AIDS and infection increased from 4.5 percent in 1978, to 74.5 percent in 1985.

At the end of 1985, Dr. James Staff, the Medical Investigator of the National Institute of Health, estimated 70 percent to 90 percent of practising homosexuals in San Francisco had the AIDS virus. Parasitic diseases among homosexuals are from 40 percent to 50 percent.

In the U.S., between 1976-81, 94 percent AIDS in homosexuals or bisexual men. In Europe - this is from a 1986 report - homosexuals were over 85 percent of the AIDS cases. In the U.S., over 75 percent of all AIDS cases are homosexual.

At the present rate of infection in the U.S., just taking exactly what's happening right now, they double every year; and by the year 1990, at the present rate, there will be 64 million people affected by AIDS. That's sickening.

The AIDS virus, when it's isolated, can be found in plasma, serum, saliva, tears, semen, urine, cerebrospinal fluid and the brain tissue. These are all medical facts. I'm not a doctor, I'm just quoting guys who have studied this stuff - the practices of homosexuals by the New York Times, J. Crofts, October '85: "Homosexual clubs all over the States and Canada have dimly-lit orgy rooms and multiple partners. More avant-garde establishments practise sadomasochism and bestiality as part of their activity. Twenty-eight percent of homosexuals will have over 1,000 different partners in their lifetime; 70 percent have one-night encounters. Evidence clearly demonstrates the rectum is not designed for admission of actual or makeshift sex organs - fists, forearms and the like which are used in homosexual practices."

I have a friend in Vancouver who is a homosexual. He regularly has homosexual men from San Francisco at his house for sexual orgies. That's just the way it is. Two homosexual couples that I've met in this city, they'll sleep with anybody and they have no respect for one another like heterosexual relationships. There's no loyalty; they'll sleep with anybody. That's just the way it is.

You know, my wife and my daughter were riding down here along Memorial Park, Assiniboine here, and the lawn just cluttered with guys with G-strings on, like totally embarrassing - you know, there's just no modesty. I have a friend of mine who lives in the Colony area - well, he actually works for me - he lives in the Colony area over here which has a large influx of homosexuals. He drives home - we worked nights for a while - he drives home and he gets eyed from guys in cars.

I'd like to just say what God says about this, from Romans. It says that they are full of lust, anger, burning desire, depraved mind, wicked, greed, evil, full of envy, murder, strife, deceit, malice, insolent, slanderous, haters of God, boastful, inventors of evil, disobedient to parents, untrustworthy, unloving and unmerciful.

God says that His wisdom is above your wisdom. I hate to break it to you but God was around a long time before you were and I was, and He's a little bit smarter than we are, and His wisdom is above your wisdom and He says that the wisdom of man is foolish to Him.

The conclusion is that, people of Manitoba - look, we're all people, okay? We're just a drop in the bucket

of humanity. Let's decide where we want to go with our lives. Let's decide whether we want something good, healthy and moral in our society. Let's stand up and get some guts in our bellies and stand up for what is right.

In the Old Testament, those who were foolish enough not to bow to God's laws and committed homosexuality were stoned. And do you know what God says? He says, because I love you, I gave you this instruction. Now, that doesn't make a lot of sense, does it, to our sentimental hearts?

But you know, I'd go and arrest somebody when I was a police officer. There was a law there, and a lady was beaten to a pulp by four other ladies, and we arrested her and that was a loving act to do because they committed a crime against that lady. And God says that this homosexuality is a crime against the homosexual, against society. It perverts them inside. It causes all those things I read before in them.

Many homosexuals work with food in restaurants, whereas my friend in Vancouver works as a nurse's aide, and transmission of the AIDS disease or other diseases through a number of means occurs with these people. When it first came out, it was almost exclusively homosexuals who had this disease. Now the next percentage who have the AIDS virus are people who do up on drugs because they get it from the needles, from other homosexuals who do up drugs and they pass dirty needles, and that's the next percentage.

People who practise orgies, multiple sex partners, bestiality and sadomasochism, and who are full of social diseases presents a grave danger to society medically, morally, and spiritually.

It seems that tolerance is one of the gods of this age, and homosexuals need protection from themselves through society recognizing their lifestyle as unacceptable and providing them with medical, psychological and spiritual protection, rather than promoting their cause with this legislation.

This province has come a long way. You know, I've talked to customers who told me, elderly people, 40 years ago, women could walk downtown here in Winnipeg and they would never have to fear about being molested. People didn't have to lock their doors. The family unit was strong and - you know what? - 70 percent of Canadians went to church regularly.

Now rapes are epidemic. Little girl prostitutes who I minister to down there, they're all over those streets. We ministered to one last Friday night. She was down there because her boyfriend had forced her and beat her and we got her off those streets and into a home to minister to her. They are down there. Why don't you put some legislation to stop that garbage?

I'd never let my son come down here in this area at night. My son is a very good looking boy. He's got blond hair and I would never ever let him drive down here. I would be absolutely crazy because he would have a danger coming down here, and that's just the way it is.

You know, in this lax society, crime is escalating. I work a lot in Tuxedo and almost every home has been broken into. Isn't that sick?

There's a country called Wales. At the turn of this century, 1905-1906, that had a mighty visitation of the outpouring of God's spirit. Within one year - and I have a friend who worked for me from Wales who talked to

people who remembered the revival and it documented - within one year there was no crime Wales. The police force, because of a Christian move of God's spirit, there was no crime, the police office had nothing to do. They formed barbershop quartets and they fixed toys for kids - that's what they did and they sang at the different functions.

God is a loving God and He says, if you abide by my laws, I will preserve man and beast, and it say in your light, there is light - you walk away from God light, you're in darkness. And God says, what you sow is what you reap. That's just the way it is. And God says to you tonight and every day, I've set before you life and death, and He says, choose life.

Thank you.

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

Rob Friesen, private citizen; Doris Friesen; Bet Friesen; Harv Thiessen; Richard Koopany; Henry Dueck; Ian MacPherson; Nancy Abos; Pastor Dan Neufeld; Estelle Carson had already submitted a written submission for the record; Albert Faudet; Denis Sancan; Nancy Armstrong.

This is Denise Sancan.

**MS. D. SANCAN:** Yes, good evening, Mr. Chairman, ladies and gentlemen. Can you hear me alright?

**MR. CHAIRMAN:** Louder, please.

**MS. D. SANCAN:** I thank God that this is a free country where I can offer my opinion. I respect and admire the opinions that have been presented here today.

I think a lot of things that were said revealed a great deal of integrity, of people standing on their convictions and their belief, and revealing an unusual amount of honesty. I'm proud to associate myself as a Canadian citizen. I pray that it will always be this way, that our country will always be free and equal.

With regard to Bill 47, I am here to speak out as a concerned citizen and as the representative of My Lord Jesus Christ. Now, you're not going to see Jesus Christ walk down the hall and stand up in front of you. What you're going to see is Jesus Christ living in the lives of those who have chosen to give their life to Him. And so, I pray that you may see Jesus Christ somewhat in my person tonight, as I present my brief to you.

God loves all people - all people - including homosexuals, but the practice of homosexuality against the law of God. Nowhere, nowhere in the Bible is a marriage between the same sex ordained, nor is it considered a righteous lifestyle. God declares the practice of a homosexual lifestyle to be immoral. I do not wish to support a system whose schools teach that homosexuality is accepted, legal or an alternative lifestyle, nor do I feel that the adoption of children by same-sex parents is appropriate or healthy. God created man first and then He created woman as a helpmate to man, as a complement to man. He did not create woman for woman or man for man.

Now I realize that you've heard this before today and I'm grateful for the opportunity that all of you have had to hear so much Scripture, because I love Scripture with my whole heart.

A God-ordained marriage between a responsible man and woman is right. It is orderly and it is approved of by God, for such a union is the cornerstone of civilization. When decency is removed from society, then society decays, just as it did in the days of Sodom and Gomorrah when Lot left. When Lot left, he took with him the semblance of all human decency, and so the city fell in upon itself; God destroyed it. But in fact it fell in upon itself because it had nothing to uphold it.

To pass Bill 47 is to legalize indecency and immorality and I am here, with God as my witness, with Jesus Christ as my Saviour, to say that I take a stand against Bill 47. But I'd also like to add something. I'm sure that everybody here has heard the story of David and Goliath. You know it very well. Maybe many of you have told it to your children. I'd like to read it to you or a portion of it:

"David said to the Philistine or the giant, you come against me with sword and spear and javelin, but I come against you in the name of the Lord Almighty." I'd like to paraphrase that somewhat to make it relevant to today with regard to Bill 47.

If you challenge God's law by presuming your own to be superior, then you fight against God. You come against God's laws with your bills, with your statutes, with your ideas, with your proposals, with your statistics, with your pomp, with your glory, with your doctrines, with your diplomas, with your position and with your earthly power. But I come - or David came - in the name of God, in His name.

So you see, the Goliath of today is the corruption of civilization. It is in fact the perversion of truth. And the David of today is what has always been, God's eternal word which is without beginning, without end, which is absolute, and which is pure truth.

That is my stand, and I thank you most graciously for having heard me.

**MR. CHAIRMAN:** Questions? Hearing none, thank you, Denise.

Nancy Armstrong. By the way, there's a correction here - it's U-n-a Johnstone.

Nancy Armstrong.

**MRS. N. ARMSTRONG:** Mr. Chairman, committee members, ladies and gentlemen, my name is Mrs. Nancy Armstrong and I make the following presentation as a public citizen residing in the constituency of Inkster.

I am strongly opposed to Bill 47, The Human Rights Code, and in particular, subsection 9(2)(h), sexual orientation; subsection (11), affirmative action.

As a Christian, as a Canadian citizen, without threat to my life or that of my family, I am given the privilege of standing before members of a committee representing the Legislative Assembly for the Province of Manitoba and stating my opposition and my declaration, as a Christian, believing in the Judeo-Christian lifestyle and values as taught through the Word of God.

This freedom is allowed to every Canadian citizen. That is our human right. I do not believe in nor do I condone the chosen lifestyles of the homosexual and bisexual. I do not support their issues or their rights, as supported in Bill 47. The passing of this bill would allow an open door to the already fast-breeding immorality in this country.

We live in a very powerful country, to which entry is sought after by many foreign citizens. This country was built on a firm foundation and united east to west, in 1867, by a government with good moral judgment. But just like the powerful Roman Empire, which crumbled due to its immoral behaviour, Canada could be and will be destroyed in the same like manner if we allow bills to be passed which support this immoral and unnatural lifestyle.

The Charter of Rights in Canada strongly emphasizes equality for every one of its citizens. It opposes discrimination to minority groups or those characteristics as I find defined in section 9(2) of Bill 47. How much further must we pursue this issue? Why should the Government of Manitoba feel it necessary to give special privileges and condone and support the rights of the gay society?

I do not believe a large majority of Canadian citizens would look upon the Government of Manitoba with respect for their support of a homosexual lifestyle. If we legislate sexual orientation, it could lead to judgments against parents, businesses, organizations and everyone who has convictions that moral character does matter.

Because I am so strongly opposed to the issues in Bill 47, I took it upon myself as a Christian duty to inform the members of my congregation at church on Sunday morning. I explained Bill 47 and presented my concerns as a Christian of the effect this bill would have on our society. The support I received from the congregation was overwhelming. Some of them have written or phoned their MLA's. Others have joined me here today and all were anxious to declare their opposition to Bill 47. Many signed a prepared petition that I took with me to church. So for the record, I can say that I represent over 50 concerned citizens. The membership of my church may not be large, but the members represent various constituencies in this city.

I appeal to the committee to consider the harmful impact on the society as a result of supporting the homosexual lifestyle. Every day, new victims are being struck down by the deadly disease of AIDS. Some of the innocent victims are children. This is a good example of what could result from homosexual activity. Medical research costs are mounting higher and higher, resulting in a good deal of these costs being paid for by the taxpayers, but still every day the death occurs in our country, in other countries afflicted with the AIDS disease. We have got to stand up for what we believe to be good and moral standards of life and begin to put a stop to the immorality which is plaguing our country.

On the issue of affirmative action, I am opposed to the concept of mandatory affirmative action. To give a woman preferential treatment on the basis only of her sex is unfair. It is reverse discrimination against qualified males, as well as minority groups such as ethnics and Native people.

I have been in the work force for 23 years and have considered myself to have held some very responsible and administrative positions. I have been a private businessowner for part of those years, owning and managing my own business. I have never felt threatened by my position, by any other individual, based on the fact that I was a female. I obtained my positions based on my qualifications as a person who could do the best

job and had the ability to perform the duties needed in that capacity.

Should I have been refused a promotion or denied a position, it would have come to my mind that my qualifications did not meet the criteria, and I would continue to upgrade my qualifications and ready myself for the next opportunity. I believe the majority, either males or females, would pursue this same course of action. It is my position that appointments should not be made on the basis of gender. Appointments should be made on the basis of the best qualified for the position, regardless of sex. In this way, I oppose section 11.

In conclusion, I appeal to the members of this committee to delete subsections 9(2) and 11 from Bill No. 47, The Human Rights Code. I ask you to search your heart and conscience and to uphold the moral values of our country. In this way, the Government of Manitoba can maintain pride and gain respect as a government who did not base their decisions solely to support a minority group who have chosen an immoral lifestyle.

I thank you very much.

**MR. CHAIRMAN:** Questions? Hearing none, thank you, Ms. Armstrong.

Una Johnstone.

**MRS. U. JOHNSTONE:** Thank you.

Mr. Chairman and members of this committee, it is important that I, as an individual member of the community, inform the government and at the same time express my views on Bill No. 47. This is democracy in action. I would like to say that I will not be invoking God or grandchildren.

**MR. CHAIRMAN:** The Honourable Government House Leader.

**HON. J. COWAN:** As the members can tell, there is now a vote calling members to the Chamber.

However, what we'd like to do is continue on with the presentations here until we've satisfied ourselves that all members are ready to come into the Chamber for the vote. We would then adjourn this committee temporarily while that vote takes place and then come back after the vote.

So in order to allow the presentations to continue, we'll continue on with the bells ringing for a short period of time until all members have been summoned to the appropriate place.

**MRS. U. JOHNSTONE:** The following are points I wish to make:

(1) This bill does not indicate in any way that the homosexual lifestyle is unacceptable to the mores of Manitobans as a whole.

**MR. CHAIRMAN:** Please speak louder, or pull the mike in a little bit.

**MRS. U. JOHNSTONE:** This bill does not indicate in any way that the homosexual lifestyle is unacceptable to the mores of Manitobans as a whole.

(2) Children and teenagers learn not only from books, but by perception of the actions of their parents,

teachers, clergy et al, and in fact from everyone they meet. You can be certain that the students in schools are very much aware of their teachers' lifestyles, which they are - in the vernacular of the day - "shacking up with." In my younger days, this was called "companionate marriage," the prelude to today's version. Thus if teachers and others in authority can hold these positions of trust, ergo it is an acceptable way of life and is condoned. So, do we want this? say no, emphatically no.

(3) The governments have started to put in their stamp of approval on common-law relationships or marriage so-called, in giving this relationship the status of marriage and the exemption on the income tax. I may not be correct in this remark, but I understand that homosexual couples are seeking these same exemptions. The die is cast.

(4) The family unit is threatened. In the paper recently was the news that some airlines in Europe were contemplating giving homosexual couples family far discounts.

(5) Can a homosexual couple, if they can adopt a child, get maternity or paternity leave? After all, women will now be able to call maternity leave a sick leave in order to obtain full salary instead of maternity leave pay. This is just one of the questions that will have to be answered in the future.

In closing, I would say that the section defining harassment as vexatious and unwelcome conduct is a comment made on the basis of, among other things: ancestry, religion, age, sex, pregnancy and political belief, is superfluous because these are already protected under the Charter of Rights. My warning is that, in the present trend, we are following in the footsteps of the Holy Roman Empire whose downfall was hastened by the society's practice of homosexuality.

I sincerely hope this brief will assist you in your deliberations.

Somebody brought up the subject of prostitution. A friend of mine told me a delightful little incident that happened to her. She was in the lineup at a Safeway store, and there was a very personable young lady in front of her who went up to the cash register and the two girls looked at each other and the one that was the customer said: "What are you doing here?" The cashier said: "Well, it's much better than Austin Street."

Thank you.

**MR. CHAIRMAN:** Questions? Hearing none, thank you, Una Johnstone.

Bertha MacKenzie.

**MRS. B. MacKENZIE:** Mr. Chairman, and members of this committee.

You will notice in my brief that there are a number of questions, but these are for rhetorical reasons only, not for the panel to answer because I know that I am not to ask the panel questions.

Civilizations have flourished because of the strength of the family unit, as civilizations have also fallen because of moral decay. By condoning the lifestyle of the homosexual, we are set on destroying the moral fibre of our present-day society. In this present day so-called civilized and enlightened society, we should

be aware of the destruction of the earlier societies by moral decay. Where are the leaders of organized religions on this vital issue? We have not heard from any of the leaders, not Archbishop Exner of the Catholic faith, or Rev. Scott, head of the United Church, nor have we heard from the Anglican Church - I beg to change that because we have heard from a number of United Church ministers today, but this was done yesterday, so if you'll correct that on your paper.

The only one who we've heard from is an evangelical minister. My rhetorical question is: Are the organized religions afraid to speak out? Time was when they upheld the morality of their flocks. This is not a political issue, this is really a moral one.

And what of the people's party? Are they considering the will of the majority of Manitobans? The majority of Manitobans and the political Opposition have told them that this deviant lifestyle is not acceptable, but they are not listening. Like many have said before me, I do not want to see these people persecuted, nor do I want to see their lifestyle promoted. This Bill 47 must be defeated to save our social structure.

Our moralistic Cabinet Minister says that her first consideration is the welfare of the children. If this is so, how can this government consider allowing children to be brought up in this deviant lifestyle milieu, where these innocent babes would be more likely to be sexually abused?

This Bill 47 must be defeated if we are to maintain the family unit which, to date, has been the backbone of our society. The question in my mind is: Why has this minority deviant group been singled out for special consideration? One would almost think it embodied a death wish on the part of the Provincial Government.

I would suggest that perhaps some people, some members of the Legislature, might read Wilder Penfield's book called "Man and His Family." In it, he says: "Times have changed, but basic moral values and codes change little. The codes of behaviour that are taught to children in a good Christian or agnostic or Muslim home are remarkably alike, and the child could be brought up in any type of home as long as it is a nurturing and loving home."

Thank you.

**MR. CHAIRMAN:** Questions? Hearing none, thank you, Ms. MacKenzie.

There is a misprint in here. It should be Jake Durksen, private citizen.

Mr. Durksen.

**MR. J. DURKSEN:** Mr. Chairman, members of the committee, I have attended over 12 hours of these sessions. You have attended more, I'm sure, and it seems to me that, during these last few hours, there has been more heat than light presented, and that saddens me a bit.

Much information, much light, has been given to you. No new light has come across, as far as I can see. It has been repeated over and over again, so I would like to be very brief and present my case.

I am presenting this statement in opposition to the inclusion of the clause "sexual orientation" in Bill 47 for the following reasons:

One is in the matter of education it is important to us, as parents - and I am a parent with three children

- that our children be well educated, including the Family Life instruction. Last year our daughter, who was in Grade 5, was to have a teacher who, in our opinion, was questionable in terms of her lifestyle. This was the year that Family Life education was to be taught. We decided to take her and our son out of the public school system and send them to a private school - and by the way, they were not beaten in the private school.

Secondly, if Bill 47 were passed the way it stands now, it would eventually mean that employers and organizations such as Big Brothers as well as churches would, by law, be forced to hire homosexuals against their principles and beliefs. That is the principles of the organizations and the church and thus their rights being taken away.

It seems to me that The Human Rights Code makes everything right until there are no wrongs and I, for one, believe in the absolutes of the Scriptures. If this nation will not heed to the commands of the Scriptures, judgment is the only result and no human court can withstand the judgments of the Divine Court.

Lastly, I would just like to clarify one thing. I am a teacher in the Province of Manitoba and, on Thursday night, I was here and heard the Manitoba Teachers' Society presentation presenting their brief indicating that, at the general meeting of the Society, support of Bill 47 was passed. I could agree with that. It was also indicated that the delegates voted according to the decision of each division but, according to my findings this morning by phone, nothing of the kind was discussed in our particular division. I didn't hear about it; neither did the people on the council that I spoke to. It was not discussed at all. So, in my opinion, it seems to me that the vote taken was an individual vote out of the, I think, 275 or 257 delegates that were there at that AGM meeting. So I believe that statement was a bit misleading.

So, Mr. Chairman, I stand here as one who is opposed to Bill 47 with the inclusion of that sexual orientation clause.

Thank you.

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

Sid Mander.

Tim O'Rourke, private citizen. Mr. O'Rourke has some briefs.

**MR. T. O'ROURKE:** Thank you.

The personal identity of an individual human being can be premised only on two alternative assumptions. The British Empiricists such as David Hume and Adam Smith, for example, insist that man is defined by his irrationalistic, hedonistic impulses for seeking of pleasure and avoidance of pain or looking after his own desires. Christianity most emphatically denounces the doctrines of Hume and Smith as the most debased immorality. Christianity insists that the human identity is not located in the sensual appetites, but rather in the individual's divine spark of potential for creative reasoning or in that individual finding the will of God.

This defines three different types of personality. Let the symbol "A" signify perfection of the individual's potential for creative reasoning, and let symbol "B" signify the individual's surrender to irrationalistic,

hedonistic impulses. This provides us with only three possible combinations. All right. So we have the person in section A who wants the will of God and the person in section B who doesn't want it.

I will illustrate by using Dante's "Divine Comedy" to show the general levels of mankind's possible development. Level or combination AA, the man who is after the will of God - that's the human condition of Dante's paradise; level AB, the human condition of Dante's purgatory; and level BB, the human condition of Dante's inferno.

Dante Alighieri, who is an Italian poet, describes 100 degrees or cantos of human progress from the inferno to paradise - also 100 degrees of decadence - with approximately 33 cantos in each of the inferno, purgatory and paradise. These degrees take into account not only the development of man's rational powers but also the individual's sense of purpose in developing these powers. Paradise, in Dante's "Inferno," is obtained not merely by the development of reason but by the love of God and the love of His Truth.

The essence of morality is the individual's recognition that, at the point of death all memory of sensual pleasures die. An individual who lives as Adam Smith prescribes, e.g., becomes at least or at best or less than nothing when he or she dies, the moral individual is concerned primarily with that which survives his death, that which is the beneficial consequence of his having lived. Any Canadian citizen who has not violated his oath to uphold the law commits his life to the general welfare of all of our posterity as well as the general welfare of the living. The moral individual is therefore driven to discover the nature of the true good that he might order his personal development of his rational powers accordingly.

If the individual can be assured that his . . .

**MR. CHAIRMAN:** Excuse me. Order.  
The Honourable House Leader.

**HON. J. COWAN:** I'm sorry to interrupt the presenter, but we have our members in the Chamber ready to vote now. Members from the committee need to go in there. So if we can beg your indulgence for about 10 minutes, we'll go and complete the business of the vote and then return back here. Staff will wait here until we return, which should be hopefully within 10 minutes. I apologize for interrupting the brief.

### (RECESS)

**MR. CHAIRMAN:** We are resuming the proceedings in the committee. We have been hearing presentations from the members of the public. Tim O'Rourke is in the middle of his presentation.  
Please resume.

**MR. T. O'ROURKE:** Thank you.  
Should I begin at the beginning?

**MR. CHAIRMAN:** The record, it has been recorded in there already. It will be repetitious.

**MR. T. O'ROURKE:** All right.

If the individual can be assured that his personal development is guiding his actions in a manner consistent with the love of the good, the individual will walk proudly and happily through life in that degree. For the moral individual, this is the essence of his personal identity, the essence of his or her self-interest.

To those who are able to override those contrary hedonistic impulses or those contrary desires which prompt him to violate his self-interest have achieved at least or at best one of the degrees of what Dante represents as paradise. Those who wish that they might live so but are unable to resist contrary hedonistic impulses much of the time are those who inhabit what Dante represents as purgatory. Those who hate the imperative to do good, those anarchists and existentialists who view this as a denial of the complete freedom to be irrationalistic in service of hedonistic impulses, are inhabitants of the inferno.

Satanic evil is that quality of hatred of the good which impels the individual to commit acts not so much in service of hedonism or of his flesh as to violate the principle of goodness sadistically. The lesser degree of this evil is typified by the criminal mind who does personal evil for personal sadistic motives. The more profound evil is that typified by such a Lucifer worshipping man as Aleister Crowley whose motivation was the eradication of the tyranny of the good from this planet.

With the 1960's came the introduction of the rock sex-drugs counterculture, a culture that wooed man's youths from Dante's purgatory into the inferno. First "rock, recreational drugs and sexual liberation" were promoted as forms of pleasure seeking, tending to drag infected youth down into the inferno by that means alone. Second, recreational drugs and sexual liberation: both involved activities which were either outright illegal or which at least were in violent defiance of prevailing morality. A large part of the pleasure taken in these activities came from the excitement of partaking of the forbidden. The R-S-D counterculture is spreading among our pre-mid-life crisis-age generations and becoming more and more explicitly satanic as the process continues.

But the majority of the Canadian population has not adopted this counterculture. Rather, over the course of the years, the majority of the population has adapted itself to toleration of the counterculture as a "legitimate political current." The counterculture has been accepted or at least tolerated as an accredited constituency of a pluralistic society. A social contract has been established to this effect within some political parties and within some of the courts. It is the toleration of the counterculture minority by the majority, which is the root of our nation's loss of the political will to survive.

A cultural shift has taken place in our society in the last 20 years from a Judeo-Christian system that believes man can live a life pleasing to God, with His help, to a hedonistic pleasure-seeking, uncaring counterculture. We must do two things: (1) regard the rock, sex, drugs counterculture as a pandemic disease which it is most fairly described as being; and (2) regard the Canadian political process as the victim of infection with this disease. We must not only consider the disease itself, but also the inability of the political process to immunize itself effectively against this terrible social disease.

The case of AIDS proves that I and other concerned citizens are not indulging in mere analogy. AIDS is characteristically - I say characteristically - a pandemic form of tropical disease capable of spreading into temperate zones of habitation. However, as if by fluke, it happens that homosexual practices and drug usage are two atypical or not typical conduits through which this disease can spread like wildfire.

Neither homosexuality nor recreational use of drugs are behaviour of the human species. They're both inhuman aberrations, not typical or atypical behaviour of human beings. The counterculture itself is the worst of all infectious diseases. The measure of a nation's moral fitness to survive, even physically survive, is the nation's immunological potential for destroying the attempted infection of its people by the counterculture.

In closing, man must change for the good of himself, his nation and God. We must not be like Sodom and Gomorrah and be destroyed. Homosexuality is a perverted lifestyle. It must not be encouraged. Man must change because God will not.

God is God simply because of the fact that he doesn't change, so obviously God won't budge. Man has to budge. This is my belief and I believe that I am accepted by God because of who I am, but the reason that I can stand before God, the only reason, is because I want to change. I realize that God is unchanging and that I must fit into his mold and that God cannot change into 5 billion people's molds because he's only one God. So I must fit into God's mold, and all 5 billion people on this planet must fit into God's mold to find that perfect happiness.

If it's wrong, it's wrong. Me, as a heterosexual, if I do something wrong in the sight of God, then I'm doing something wrong and I must change. This is the whole essence of the thing is that we must be willing to change and agree with what God says and then reap the benefits of it.

Thank you.

**MR. CHAIRMAN:** Any questions? Hearing none, thank you, Mr. O'Rourke.

Before we proceed any further, I wish to announce to all the presenters, because of the constraint of time, we would request and urge them strongly to make their point direct and, if possible, self-discipline themselves into five minutes so that we can go through all the presentations. Thank you.

Mr. Larry McCrady, private citizen.

**MR. L. McCRADY:** Thank you very much.

I would like to just explain, I am speaking as a private citizen, but also one who has worked in the public school system for 25 years and who takes a great deal of pride in the accomplishments of that system. In that light, I would like to, in a sense, place or put some questions to you. I know you cannot respond, but there are questions I know that I am being asked at the present time by the public I serve in the small rural school division of where I am superintendent of Schools.

First of all, Bill 47, as you can see by the number of speakers, has created quite a good discussion. What I hope does not happen is that for one part that all the bill itself is destroyed. But what I would like to point out here is that Manitoba Education is in the process

of developing a unit of work which is to be presented in the fall and this is pertaining to AIDS. We are, in the school system, along with Manitoba Health, cooperating to present this information to the parents and then the students of our school division. In this presentation on AIDS, the homosexuals are designated as a high-risk group.

What I am being asked at this time by parents and board members, if you are required - and I say "if," because I don't really know what is coming yet - to equate a homosexual with that which has been the traditionally accepted lifestyle in our area, what are we really saying to the people? We are saying one thing and then we are saying we are then going to accept something which has been contributing to the spread of AIDS. That question has been placed to me already and people have only been following this in the papers and on the radio.

This concern then is real, and our credibility and your credibility is at stake and we have to deal with it very carefully. I think that is something that so often when we make statements we often forget the people back there in the field. I know that I am in contact with them on a daily basis and I think that is important that you people also get that feedback.

If we are required to teach specific aspects of homosexuality as comparable to the lifestyle of the traditional heterosexual relationship, then will it mean that parents who have misgivings on moral or religious grounds about what their children are exposed to in the public school system, will those same parents demand that we prepare a separate or a tailored curriculum for their children away from what may be suggested?

Now this is something that is allowed in the school system. It is. If you want to check in the administrative handbooks, we are allowed to modify the programs to meet what we believe are the community norms and expectations. If this happens - and in some of my communities I know very well that the homosexual lifestyle is not acceptable. They have been very specific - very, very clear. Some of the people have spoken and will speak about that. Will we be contravening the Bill 47 if this section is included on the homosexual? If we do not handle or do not present that on an equal basis just as we present creation/evolution in our system, will we be in a position then of contravening that bill? I would hope not, but we don't know because we really haven't been informed to this point.

Have those responsible for drafting this Bill 47 talked with the representatives in Education Manitoba, Manitoba Health and in the Attorney-General's office? Is this a joint effort? Because - and I have to be careful left and right here when you are speaking to a joint committee of this group - sometimes in government, we in the field say that the left hand doesn't know what the right hand is doing or saying, and we have the illustrations of that with examples of new fire regulations when a brand new building is built that they just don't match and we have to make modifications immediately. So there are those things. It's an assurance that we need at this time. In a haste to pass this kind of legislation, is this overriding this consultation? And we would hope not.

I would like to comment further on the Family Life program that was introduced into the Province of

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Manitoba. As you are aware, the Calgary program was brought in, it was then withdrawn - and I give the Minister of Education full credit - and, because of the public outcry, realized that something was in this. The program has been redrafted in spite of what you have heard today. It is acceptable to many people today because of its emphasis on the going away from the idea of the moralless, they felt the moralless curriculum to one of specifically talking about abstinence and so on.

Adding this other aspect to what may come forward, people are saying well, is this part of a hidden agenda because at one time we were told this whole area of sexuality, now you have this package, you can deal with it, now this is being added to it? There is mistrust and we are having a hard time dealing with that because we don't know in fact where you people are coming from. We have to have some answers as well. We will deal with it as we have in the public system to the best of our ability.

Now public trust is something very important, and I hope to all the members of the Legislature, and I know at this time it is at a bit of a low ebb. I think you will realize that people, once they start to not believe that those who are elected to their office or those who are working for those people are not acting in the public interest do take things into their own hands. You only have to follow the recent newspaper stories of the Calgary drugstore shooting and what was the result of the court hearings, the subway shooting, if you want to borrow from the States, what people will do, what happened to the jury in the situation. A few years ago, there would have been no question, but what was the answer this time?

People have a way, once they say or see that they feel that their governments and the people who are working for the governments are, in their opinion, not listening; they have a way of going around what is put down in writing. That can mean discrimination, and that is something that we will have to deal with. No law passed will change the attitudes of people in the sense that I have heard here today. It takes time, and people are very capable and very innovative in finding ways to consider a solution to a problem they feel that we are not dealing with correctly.

The final point I would like to make - and this is more of a personal point - I take exception to turning over to the judges of our country almost total responsibility to working out the complex balancing that political decisions that are being made in this Legislature and the Canadian House, as well, these political decisions that are placed before society. Justice works very slowly and at times in a very - well, shall we say - strange manner. Some problems take years to get responses. Is this going to happen with this kind of legislation and are we going to be left in limbo for this period of time?

I would ask that these be considered and I would hope that, with all the expertise that is available in this province and with the very capable leadership that is available, we can come to some decision in that sense. I would hope that we get those answers soon because the questions are being asked, and I hope the members here have had that opportunity and the people all realize that there are a great number of people asking questions but are not prepared to come forward at

this time because they are looking to ourselves in the school system and you people for those answers. hope you are there to be able to answer those question when they are being asked.

Thank you.

**MR. CHAIRMAN:** Any questions?  
The Member for River Heights.

**MRS. S. CARSTAIRS:** The presenter made reference to the Family Life education curriculum. Would it be satisfactory with you that the AIDS curriculum, which would be part of this program, would remain optional for each school division to decide to opt in or opt out of the program.

**MR. L. McCRADY:** You're asking would the AIDS instruction itself be optional? Is that what you're saying?

**MRS. S. CARSTAIRS:** Yes.

**MR. L. McGRADY:** I, personally, for my family - and I have two boys - want them to be given that information

**MRS. S. CARSTAIRS:** Would you then want any local viewpoints, curriculum adjustments to be made with regard to the particular objectives of your local community?

**MR. L. McGRADY:** Yes, there will have to be in some of our communities. I could point out the reason why we have had situations - and remember we're representing small rural area that in one situation we had, because of difference in beliefs, 95 students pulled out of one school at one time.

Now in some of the centres, such as I saw the member for the Morris constituency, if we were to pull 25 out of the school of the community he lives, because of this kind of issue, we would destroy that school as a viable entity; we'd be down to 25 to 30 students. We take pride in our small rural communities. We work to support them, and our board is on record of supporting those small schools. So we would like to try and keep our people together on those issues, if at all possible

**MRS. S. CARSTAIRS:** Do you believe and do you think it is part of your community's belief that each parent should have the right to opt out a child even though the curriculum might be acceptable to the school division, but each parent should have the right to opt out?

**MR. L. McGRADY:** That is the policy within our division and I had a hand in helping to develop that, yes.

**HON. R. PENNER:** Yes, I just wanted to thank Mr. McCrady for raising some of the questions that he has raised. Although I'm not permitted, nor could I in every instance, answer the questions, I would invite him, if he chooses to send me - invite anybody else - the questions and if I can answer them, I'll try to.

**MR. CHAIRMAN:** Any other questions? Hearing none, thank you, Mr. McCrady.  
Art Cornelson.



**MR. A. CORNELSON:** Mr. Chairman, members of the hearing committee, the proposed Bill 47 as it stands now is of great concern to me and many others, mainly because of the practical consequences that may result from it if passed in the Legislature. The bill says specifically that no person shall discriminate in the provision of a service, accommodation, facility, good, right, benefit program or privilege available to the public or a section of the public. Homosexuals are already protected, both by the Canadian Human Rights Act and provincial Human rights Code. What they want is special recognition of their lifestyles and sexual preference.

So it appears that those who wish to add sexual orientation to The Human Rights Code refused the term "equal rights." Instead, they asked that homosexuals receive special status. Were they to obtain this special status, the rest of the public would be discriminated against.

As a Canadian, I believe all Canadians, including homosexuals, should share equally in the privileges of a free and democratic society. I hold the view that homosexual practice is unacceptable and will certainly affect our credibility in our already faltering society. It further has the potential of criminalizing the behaviour of ordinary people who are applying the ordinary standards of prudence and moral judgment. Therefore, I oppose the passing of Bill 47 as proposed.

I'd like to also add to this, I have a concern because of the financial aspect. Those of you who read Time Magazine will have noted that, in 1986, the government of the United States had an expense bill of something like .5 billion. They are now saying that by 1991, in just four years, they can expect \$37 billion to be spent on medical care, which is a spinoff of the dreadful disease of AIDS.

I also talk to you tonight as a school trustee in the public school for six years, and I want to also tell you I appreciate the Minister of Education's effort in keeping our funding limits down. I think this is a benefit to the whole province to cut our expense items. So it seems kind of ironic to me to cut back in educational services when we want to promote something like this. I simply can't see this connection.

Thank you.

**MR. CHAIRMAN:** Questions? Thank you, Mr. Cornelson.

Lorne Bergstresser, private citizen.

**MR. L. BERGSTRESSER:** Thank you, Mr. Chairman, ladies and gentlemen of this committee, and respected leaders of this province.

I thank you for this opportunity to express my thoughts on the proposed legislation included in Bill 47. I really have very little problem with any of the other proposed legislation in this bill, other than the one item referring to sexual orientation. The so-called experts express many reasons for the relatively higher proportion of our population today engaged in the homosexual lifestyle. These reasons, we have heard many of them today and I am not going to go into them in the interest of conserving time.

In many ways, the acceptance of homosexuality is a sign of our times. In our efforts to be broad-minded

and tolerant, the dividing lines between levels of morality have become markedly blurred. The "anything goes" philosophy, whether in the short or long term, always bears its fruit. AIDS is presently the most dramatic harvest of the homosexual lifestyle.

By now, you undoubtedly know where I am coming from. That there be no question whatsoever, I believe that the practice of homosexuality is immoral just as heterosexual promiscuity is immoral, but this personal conviction of mine is not the focal point of my concern regarding the proposed legislation. I want that to be perfectly clear.

I have no problem whatsoever with homosexuals receiving the same human rights as everyone else. We live in a pluralistic society and I understand that. Every Manitoban, as a central tenet of his belief system, needs to express and believe in the intrinsic value of every human being and we all deserve the same rights, but I have a problem with singling out a specific minority for special inclusion in any Charter of Rights.

Do we believe, for example, that fat people are included in our bill of rights, in our rights legislation? Of course we do. But because obese people do experience both outright and subtle discrimination, should we therefore mention them specifically in a Charter of Rights? Are they not already covered? Of course they are!

What about the handicapped? Because there has been and probably still is some discrimination against them, should they be mentioned specifically in a bill of rights? No, they are covered.

What about our Pakistani population? We all know there is an undercurrent of discrimination against these people and all the many other minorities in our society. Do we give them special status in our Charter? No, they are already covered. They have recourse to the same rights as any one of the rest of us. So why single out sexual orientation?

Homosexuals, too, have recourse to the same human rights legislation as you and I. Should we really not then be looking at including every possible minority group in our Charter of Rights? Aside from listing immigrants . . .

**SOME HONOURABLE MEMBERS:** Hear, hear!

**MR. CHAIRMAN:** Order please.

**MR. L. BERGSTRESSER:** . . . from 150 or more countries, should we not include every other variable? Should we not specify: "There shall be no discrimination against any fat vegetarian homosexual Pakistani paraplegic who wets his bed on alternate Thursdays"?

**SOME HONOURABLE MEMBERS:** Yeah, yeah!

**MR. CHAIRMAN:** Order please.

We want to hear the gentleman.

**MR. L. BERGSTRESSER:** There is no need to be specific. This specific human being that I mentioned is already covered by existing legislation. If so-called "sexual orientation" is the legitimate basis for any form of discrimination, that human being who is just as

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worthwhile as you and I can already access the courts and have a judgment awarded for or against him.

Again, why specifically mention any particular group in a Charter of Rights? All terms in a Charter of Rights have to be generic. Our laws rightfully protect morally neutral characteristics such as race, creed and gender. There is no need to include morality in our Charter.

The inclusion of sexual orientation in our Charter would open a whole new drum of worms, the only beneficiaries of which would be lawyers. For example, what about an adult male who uses juvenile boys and claims that is his sexual preference? Would he or would he not have the full protection of the Charter of Rights? There are lawyers who would love to get their teeth into that one. Will the North American Man Boy Love Association be lobbying for their group on the basis of sexual orientation? There are many other areas of sexual expression whose proponents may well claim that their particular "orientation" should not be discriminated against. I won't go into any detail, we heard lots of that today. These things may not occur tomorrow, after this legislation is passed, but they will happen down the line. The door has been opened and that door swings only one way. What kind of world do we really want our children and grandchildren to grow up in?

There are other implications which somehow seem to escape the attention of many of us, although we can be certain that the lobbyists for inclusion of sexual orientation are certainly aware, at least, of them.

With all due respect to the Minister of Education, whom I personally appreciate immensely, there is no way that he or anyone else can guarantee that, down the line, schools will not be pressured to advocate or at least inform students that a homosexual lifestyle is a very normal alternative to heterosexual marriage and lifestyle. This action would obviously affect Christian and many private secular schools where demands are made that teachers maintain strong moral standards. As a trustee in our public school system, I personally would strongly object to such pressure in an area of our province where the overwhelming majority of our population adheres to traditional Judeo-Christian values.

Much has been mentioned about the effect that this legislation may have on Christian churches, synagogues, and other religious groups. The homosexual community could, without or with serious investigation, misconstrue that such teaching by these groups is an attack against them.

Just as the medical profession teaches that smoking is harmful, many Christian groups, on the basis of Scripture as we heard today, teach that homosexuality is harmful. The doctors don't attack the smokers. Christianity teaches love for the sinner. The law isn't broken by doctors teaching that smoking is wrong, nor should the law be considered broken by Christians or any other group teaching that homosexuality is wrong. The law of the land does not presently legislate against homosexual relationships between consenting adults, nor should it. But no one group should, by direct or implied force of the law, be pressured into teaching that homosexuality is a normal viable lifestyle, nor should teaching against this lifestyle be construed as discrimination.

Volunteer groups and agencies have been mentioned. Four hundred and seventy-five miles down the road,

in Minneapolis, 10 years ago this summer, if my memory or my facts serve me correctly, the Big Brothers faced this very problem in Minneapolis. Check the records and you can see what happened. Affirmative action was commanded or judged in this situation. They had to advertise in the San Francisco newspapers for homosexual males to come to Minneapolis as a form of affirmative action. Hopefully, this would never happen in Manitoba.

One of the shortest-term effects of the proposal to include sexual orientation in the Charter would be the legalization of homosexual marriages and, down the line, homosexuals adopting children. Whether we consider such a course is right or wrong, that result must be considered inevitable with this legislation.

Mary Smith has lost her husband. She's raising her two children. In an effort to supplement a rather meagre income, she rents out a basement apartment to a man who she finds out to her chagrin is a practising homosexual. She doesn't wish to have her children so close to that situation and asks the renter to please leave. Discrimination, he charges. Bill 47 would support his position in English and French, thus trampling all over her rights.

Pierre Trudeau, a gentleman whose previous office I deeply respect but with whom unfortunately I seldom agreed, once said government has no place in the bedrooms of the nation. In the context of Bill 47, I totally agree with him.

Please look very closely. Those who propose adding sexual orientation to human rights legislation are not looking for equal rights. They are looking to receive special status as a uniquely protected group. I affirm justice and equality for all, including homosexuals. I strongly oppose providing special Charter protection for them.

No thoughtful human being, regardless of his sexual orientation, will deny that the growing spectre of AIDS is the end result of homosexual activity. Victims are to be pitied and cared for, albeit at astronomical cost in terms of money and even possibly lives.

Can it be possible that any one of us is so naive as to think that providing special status for homosexuals will not have the effect of legitimizing their actions and even promoting their lifestyles? Who will be benefited tomorrow when seven people think that homosexuality is okay, where only five did today? Who will be benefited when four AIDS victims die tomorrow, when two die today? Who will be benefited when the AIDS epidemic triples rather than doubles within a specified period of time? All at least partially do, to our legitimizing the cause of AIDS in a Charter of Rights.

As school trustees, we repeatedly hear that education is the answer to the AIDS problem. I agree that education is a major weapon against AIDS. But if on one hand we discourage homosexual activity to forestall the spread of AIDS, and on the other hand inform our population that we must accept the homosexual lifestyle as legitimate, we are chasing the horse into a barn with two open doors. We're telling people, to avoid drowning, you must learn to swim. We teach him to swim, he becomes an expert, and then we take him out into the middle of the Pacific Ocean and tell him to walk a plank.

Some would say that the homosexual practices of great civilizations of the past were at least in part, and

maybe in large part, responsible for their demise. I am not a historian, I can't prove that. Virtually all investigative historians, however, would agree that homosexuality was rampant during the last years of the Greek and Roman empires.

It is a dark mark on human nature that we almost never learn from history. It would disappoint me immensely to think that the legislators of my home province would give special status - special status - to a practice which closely accompanies the decline of empires.

Ladies and gentlemen of this committee, I submit to you that we do ensure the rights of homosexuals, blacks and Jews, fat people, whites, Hispanics and Hutterites, East Indians and Natives, workers and managers, police officers and victims of crime and criminals, Muslims and Christians, and etc.

Within our legal system, we already have all the tools necessary to protect the rights of homosexuals against unfair discrimination. Let's use those tools effectively without at the same time trampling on the rights of many others to teach and practise their own values which, as we've heard today, many firmly believe are set in place by a power infinitely superior to any government on earth.

An issue of such magnitude as the one before you today goes a way beyond - and I use this term advisedly - fickle politics. I urge each one of you to vote according to the dictates of your deepest conscience, giving much thought both to the issue itself as well as to its many ramifications. No Manitoban will condemn any of you for voting for what you honestly believe is right, even if it means changing your minds or voting against party lines.

Sincere thanks for allowing me to express my opinion. I truly appreciate it.

**MR. CHAIRMAN:** Questions?  
The Attorney-General.

**HON. R. PENNER:** Yes. Mr. Bergstresser, you asked whether any member of the committee has checked the record in the Minneapolis case. Have you?

**MR. L. BERGSTRESSER:** Yes.

**HON. R. PENNER:** You're familiar then with the judgment of the court in Big Brothers Incorporated versus Minneapolis Commission on Civil Rights?

**MR. L. BERGSTRESSER:** No, I'm not.

**HON. R. PENNER:** Are you familiar with the passage, the court looked at the nature of the service being provided by Big Brothers and ruled that the organization could question applicants about their sexual or affectional preferences and could communicate this information to the parent of the little brother who was then treated to determine whether or not the little brother was to be paired with that applicant?

**MR. L. BERGSTRESSER:** The information that I read on the case did not include the subsequent follow-up to that court action.

**HON. R. PENNER:** I see. If you're interested, I can give you the citations so you can read it for yourself.

**MR. L. BERGSTRESSER:** I would appreciate that. Thank you.

**HON. R. PENNER:** Secondly, have you read Bill No. 47?

**MR. L. BERGSTRESSER:** Yes, I have.

**HON. R. PENNER:** You've raised the question of Mary Smith, who might have a problem if she rented her basement to someone who turned out to be a homosexual. Are you familiar with section 16(2): "Subsection (1)" - that is, discrimination in rental premises - "does not apply to the choice by the occupier of a private residence of a boarder, roomer or tenant for the residence or any part thereof"?

**MR. L. BERGSTRESSER:** Let's not confuse the issue.

**HON. R. PENNER:** No, I'm just dealing with the example that you gave. I'm using the example that Mr. Bergstresser gave, that's all I'm doing.

**MR. L. BERGSTRESSER:** I just feel, Mr. Penner, and honourable members, that when we are looking at a situation like this with this kind of legislation, anything can go.

**MR. CHAIRMAN:** Other questions? May I remind again that the presenters may or may not want to answer questions? That's their privilege.

Mr. Bergstresser, thank you very much.

**MR. L. BERGSTRESSER:** Thank you.

**MR. CHAIRMAN:** I appeal again to the members of the public. We counted the number of people waiting to be heard, and we have 90 on our list. I appeal again to self-discipline. If they have a brief longer than 5 minutes to read, could they kindly point out the highlights? But that's voluntary. We are appealing to the members of the audience.

**A MEMBER:** They should all be heard, Conrad.

**HON. R. PENNER:** Yes, that's what we're trying to do.

**MR. CHAIRMAN:** That's what we're trying to do, to hear everyone.

Mr. Harry Koop.

**MR. HARRY KOOP:** Mr. Chairman, members of the Committee, I will take one minute. I am a principal of a school, students K to 12 with 300. All people should certainly receive equal treatment before the law.

The schools in our province are expected to give equal opportunity to the rich and the poor, the gifted and the not-so-gifted, the athletic and the handicapped. We do not question the religious belief, nationality or creed of our students. Our churches and synagogues, etc., differ from schools in that becoming a functional member usually means embracing certain beliefs. Both school and church forever welcome all to attend and teach universal values such as honesty, mutual respect and acceptance.

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The Golden Rule is still generally believed to promote cooperation, respect and appreciation of all men. However, accepting a person for what he or she is not the same as accepting his or her behaviourism.

We love our children and the students in our school, therefore we counsel, therefore we teach, therefore we challenge them to choose the best options. We do not want our children to receive the message that choosing a lifestyle, whether homosexual or heterosexual, is the same as choosing whether to live in Winnipeg or Brandon, is the same as choosing whether to become a teacher or an engineer.

We do not want our children to receive the message that a homosexual relationship or a wife and family are two equal options. Our laws already protect individuals as individuals. Equal rights before the law - yes. Suggesting or promoting homosexuality as a lifestyle that is just as acceptable as a heterosexual lifestyle - no.

Thank you.

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

Ms. Joan Miller, private citizen.

**MS. J. MILLER:** Hello. My name is Joan Miller. I'd just like to mention that I'm from rural Manitoba and I enjoy the acceptance and friendship of my neighbours who are mostly conservative and Christians. I support sexual orientation being included in the Human Rights Act. I will keep my presentation short.

I could talk to you about the discrimination against lesbians and gay men, but the presentations against the bill clearly document the discrimination we face every day of our lives.

I think it's significant to note that, while many presentations have been made both for and against Bill 47, 30 of the presentations in favour were made by organizations, while less than 10 groups presented against. Further, I'd like to repeat a statistic for which I do have a source, which is a Gallup Poll conducted in 1985. Over 70 percent of Manitobans support protection from discrimination based on sexual orientation.

Some presenters have focused on the inclusion of orientation in the Human Rights Act as a moral issue. If justice is a moral issue, I agree. Including sexual orientation gives support to the principle underlying the Canadian Charter of Rights and Freedoms that all of us are equal before and under the law, and have the right to equal protection and benefit of the law without discrimination.

The question to be decided is not whether homosexuality is moral but whether it is moral for society to tolerate discrimination against a minority group of its citizens. Including sexual orientation in the Human Rights Act does not confer special rights or privileges on lesbians and gay men. Inclusion simply confers the same rights enjoyed by other Manitobans.

**MR. CHAIRMAN:** Questions? Hearing none, thank you, Joan Miller.

We can applaud without shouting.

Stuart McKelvie. Mr. McKelvie, private citizen.

**MR. S. MCKELVIE:** I am here as a private citizen. I'll give some introductory comments while the brief is

being passed around. I feel I'm a minority here. I'm a businessman and the only satisfaction I can have in being here is not only did it cost me but it cost the government, because they lost some of the revenue as well. I'm also a father and a husband, and come with those credentials and only those credentials.

I believe that Bill 47 is good legislation, but I have some concerns with the inclusion of sexual orientation, which I'll address. The committee, I believe, is very serious about hearing from the public. I was very encouraged in some of the conversations I've had with its members. Marty Dolin was one who encouraged me to stick it out and stay up here. I've had a good experience by being here.

I want to preface my remarks by giving you a little bit of background into my personal relationships. An extremely good friend of mine who passed away on December 6, 1985 from a complication arising from AIDS was a practising homosexual, and that fact did not affect our friendship one bit. I was very grieved to have this happen.

I've also had a chance to meet Chris Vogel and find him a very good and interesting gentleman to talk to. He could teach my children almost any subject. I wouldn't have any problem with him in any kind of normal encounters through the community. There is absolutely no fear on my part and, as a matter of fact, Chris, you're welcome to come to our church anytime if you're free to do so.

I'll now refer to the points in the letter, and I'll try to be brief. I'll have to apologize. I referred to Honourable Roland Penner as the Chair of this Committee. I was unaware that he was not. It was hard to get the information.

I'm concerned about the far-reaching nature and broad scope of subsections 1(c), (d) and (e) and because of the lack of conclusive evidence surrounding sexual orientation. I believe it would be unnecessary and could be an irresponsible act to grant special status under the Code for those defined under sexual orientation, which would be heterosexuals, homosexuals and bisexuals.

It may be expedient to include this in subsection 9(2), but I think the consequences would far outweigh any advantages to expediency. In my brief, I've outlined just some of the reasons for not including sexual orientation in The Human Rights Code, and I've recommended alternative action steps which could be taken to ameliorate the circumstances where discrimination on the basis of sexual orientation has occurred.

I first find that sexual orientation is fundamentally different than the other applicable characteristics listed on section 9(2). Sexual orientation is a practice or a behaviour which is chosen intentionally or unintentionally by an individual, and that individual should be afforded and accorded every equality of opportunity with all other individuals.

But The Human Rights Code is having trouble separating the practice from the individual. I think that by this difficulty it would unintentionally, as it stands in these sections - again I remind you I'm talking about sections 1(c) and (d) and (e) - it can unintentionally result in promoting and furthering sexual practices as defined in the Code and going beyond what is intended by the Code in the first place. I have given an example

of such legislation, which I will not read. There are two examples I've given from sources which were not researched, and one was shot down earlier. I appreciate that, Mr. Penner, but Mr. Vogel helped me to check out the sources and so you can strike out the examples I've used.

I also feel that, since it's impossible to separate the practice from the person, The Human Rights Code, through these provisions for affirmative action in education programs, will provide a legal basis for the promotion of the practice of homosexuality. No other groups listed in subsection 9(2) will be afforded such legalized promotion of their cause. The Roman Catholic Church, NDP party, Single Parents' Association, and Association for the Mentally Retarded will not have their activities, beliefs, and practices automatically furthered by this Code.

The other point made is that there is greater ignorance being exercised in the cure than in the cause. The subsection 1(d) of The Human Rights Code states: "Much discrimination is rooted in ignorance . . . ". There is greater ignorance being perpetuated in present efforts used to promote homosexuality as an acceptable lifestyle than is behind any discrimination against homosexuals within The Human Rights Code.

What will happen to those groups who oppose homosexuality based on religious teaching? The teaching will actually discriminate against homosexuality based on knowledge and not ignorance. So I'm asking the question: Will discrimination based on knowledge be legal, and discrimination based on ignorance be illegal?

I would hope that discrimination would be illegal, regardless of whether it was in knowledge or ignorance. Education has furthered this kind of ignorance. Subsection 1(d) further states: ". . . education is essential to its" - meaning the discriminations - "eradication." But because of the lack of concluding evidence surrounding the causes and effects of homosexuality, education and affirmative action programs promoted by The Human Rights Code will increase rather than decrease ignorance about sexual orientations.

The Human Rights Code could actually promote a backlash, which increases discrimination rather than decreasing it. Education, to date, has furthered ignorance with regard to homosexuality. There are MLA's who believe that a homosexual is the way he or she is from birth, and therefore is supporting the inclusion of this in Bill No. 47. There is no evidence which establishes homosexuality as an innate, genetic or otherwise, biological trait, which would warrant the inclusion of sexual orientation as an applicable characteristic in subsection 9(2) of the Code.

I'll pass on to my next point. The definition of sexual orientation as shown in the Code is not broad enough. I understand it's being expanded to include minors, but the definition being concisely defined as heterosexual, homosexual or bisexual is still relatively narrow. This definition is based on a judgment of moral values of a minority which has organized and lobbied for legal protection.

If the government desires to pass legislation of this nature, it should anticipate the needs of those whose moral values have not been expressed due to lack of organized lobbying and fear of discrimination. For

example, a person's sexual orientation may be that of preferring an animal for a partner over a man or woman. Why should this definition of sexual orientation be excluded? I will go on to refer to the fact that the two practices of bestiality and homosexuality are referred in the same two, in the same paragraph in the Old Testament, which has been quoted many times over today.

My conclusion, in asking this committee to proceed with caution, because the information is not complete and maybe it cannot ever become fully complete, but I think you need some more information. Including homosexuals as those with special needs requiring reasonable accommodation reaches far beyond what is necessary in the case of discrimination on this basis of sexual orientation.

Sexual orientation does not belong in The Human Rights Code. Provisions to accommodate the needs of individuals discriminated on this basis can be achieved in specific areas where it's applicable. For example, amend The Landlord and Tenant Act to legislate against discrimination where rented accommodation is being denied on the basis of sexual orientation or amend The Employment Standards Act in order to eradicate discrimination relating to employment conditions.

Due care and caution should be exercised by this Legislature. Bill 47 does not have to pass in its present form. I'm asking you to take time to examine the evidence and study the consequences. I especially want to draw attention to the consequences surrounding this disease called AIDS, which has received lots of verbiage today and I don't want to belabour that point. But I would ask you to examine the risks that are associated with that.

In conclusion, this bill could pass, and right through the Legislature immediately if you were to remove that one section out of subsection 9(2) and the resulting definitions. I've been speaking to other members of the Legislature and it's my understanding that the Opposition is only concerned about this one point. You may correct me now - and it would pass without any problem whatsoever.

Alternatively, you could remove paragraphs 1(c), (d), and (e) and pass it with the sexual orientation clause because I believe that there is a need to make certain that sexual orientation is not the grounds of any kind of discrimination. But if I read the words in subsection 1(c), (d) and (e), it says that it's important to provide for affirmative action programs and other special programs designed to overcome this historic disadvantage. That makes me nervous; it's very broad.

In (d), it says that much discrimination is rooted in ignorance and education is essential to its eradication, and therefore it is important to the human rights educational programs to assist Manitobans to understand all their fundamental rights and freedoms. Well, as far as it is to understanding rights and freedoms, I would agree, but it still makes me nervous when the statement is made that much discrimination is rooted in ignorance; and yet in this particular example, sexual orientation, there is more ignorance surrounding the cure than the cause.

Lastly, paragraph 1(e), is designed to make this statute paramount to other statutes in this province, and it would then be my understanding that it would take precedence over any other law where this was not specifically dealt with.

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I appreciate the opportunity of addressing you and would invite any questions the committee would have.

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

Magnus Eliason, private citizen; Mr. Robert Clague has given a written submission; Laura Brenn, private citizen; Eva Kalteck.

Betty Gross.

**MRS. B. GROSS:** I'm actually not here to present for myself tonight - that's a mistake on the brochure. I was here to ask your indulgence by allowing me to present

**HON. R. PENNER:** I'm sorry, I can't hear you.

**MR. CHAIRMAN:** Do you have a written submission?

**MRS. B. GROSS:** I was asking your indulgence. I have the presentation of Eva Kalteck to present to you, rather than myself. It was a mistake that I was put on the agenda. You know that I've spoken to you already on my own behalf. I have Eva's presentation here, and she asked if you would allow me to read it on her behalf since she comes from out of town and was unable to be here.

**MR. CHAIRMAN:** So you are making Eva's presentation?

**MRS. B. GROSS:** Yes.

**MR. CHAIRMAN:** Thank you.

**MRS. B. GROSS:** This is a letter actually addressed to the legislative committee hearings.

Mr. Chairman, and committee members, "Re: Bill 47. As a former public health nurse who was obliged under law to report all cases of syphilis, gonorrhoea, infectious hepatitis, etc., as well as to trace all contacts, I find it totally incomprehensible that AIDS contacts are to be protected at the expense of the general population. Would you please explain to the public how Bill No. 47, The Human Rights Code, section 9(2), which prevents discrimination on the basis of sexual orientation, would influence the tracing and control of infectious diseases?"

"Such a bill would require me to overrule my common sense regarding health practices to place myself and my children in jeopardy in public schools, restaurants, clinics, hospitals, wherever. If this bill were passed, the battle against drunk driving, smoking, STD's, infectious hepatitis, etc., would be a total farce. If, in fact, this bill were passed, the entire Public Health Department may as well be put to sleep now for its efforts will be in vain.

"Surely, we will not proceed with obtuse legislation that will inevitably result in public health practices that would jeopardize an entire population.

"The world has not seen such insanity - such evil - since Sodom, Rome, Greece and Egypt fell to depravity. 'Willingly, they believed a lie!' May this not be said of us. Respectfully submitted, Eva Kalteck."

**MR. CHAIRMAN:** Thank you.

Kim Gross, please proceed.

**MS. K. GROSS:** Mr. Chairman and members of the committee, I am here today because I am against the establishment of The Human Rights Code. It has its many flaws, one of which is reverse discrimination. When one is given a right, the freedom of another is taken away. If we all followed the Golden Rule, as was already stated by Mr. Sidney Green, there would be no need to create Bill 47.

Why does the government have to get involved? By creating Bill 47, it is imposing itself on the whole of society. The people are not able to choose with a free will the employees of their choice since the government will dictate that certain groups should receive special privileges.

Out of the complete package, I am particularly upset with the addition of sexual orientation. It is added to protect specifically those who have chosen to be homosexuals or bisexuals. I have sympathy for those who are discriminated against, but I ask, how can they be discriminated against if they keep their sexual affairs to themselves? My point is a person cannot be discriminated against because of their sexual orientation unless that person chooses to talk about his or her sexual preference. When an employer is hiring, he or she is already prevented by law from asking the prospective employee about that person's marital status, so I would assume that this privacy would extend to include the person's sexual affairs as well.

So what is the bill to protect? Is it to give the homosexual and the lesbian the right to speak up about his or her sexual orientation? It is obvious that the bill would allow them to speak and act upon their choice of orientation without any condemnation from anyone. This puts them on the same level as heterosexuals. The government is then condoning their behaviour as acceptable. This measure is drastic since many people believe that whatever is legal is moral.

If this bill is passed and employers are forced to hire or promote or guarantee positions for homosexuals, this will be taking away their freedom of conscience, religion, belief or opinion which is guaranteed by the Charter of Rights and Freedoms, section 2.

By guaranteeing the rights of homosexuals, facilities and groups such as churches, private schools, group homes, housing projects produced by churches that are based on religious commitment will be unable to practise their fundamental beliefs that homosexuality is wrong. God's word gives plenty of references to show the behaviour of homosexuals as abnormal and sinful (Lev. 18:22, Lev. 20:13, Romans 1:26-28, 31, I Corinthians 6:9-10, I Timothy 1:10, Genesis 1:27-28). How can these establishments hire or teach or rent or sell according to their beliefs when the government dictates their staff or their renters and buyers, etc.?

Another major concern is education. Many people are upset that homosexuals could teach their children. This too concerns me, but I believe in all probability homosexuals are already teaching but they are not open about how they satisfy their sexuality. Bill 47 would guarantee them their positions and allow them to be open about their sexuality. This is wrong. Teachers are to be role models for their students, and this opportunity for homosexuals to demonstrate their lifestyle as

acceptable would be interfering with much of the public as most people would not want a homosexual as a role model for their children.

If the bill is passed, students will be under the impression that homosexuality is an alternative and normative lifestyle, and it is not. The government, whether it wants to accept this fact or not, will be condoning this lifestyle by passing this bill.

If I were to ask you to pass a bill protecting the rights of those who choose to express their sexuality with animals, you would probably think I was sick. You would feel as though you were condoning their behaviour. Then why do you not see that you are condoning the behaviour of homosexuals with this bill?

It is clear that homosexuality is not a normal function just by examining the anatomy. There are certain obvious purposes for parts of the body and the practices of homosexuality are clearly distorting these purposes. It is sick, and society must help these people. By condoning their behaviour, we are not helping them, but instead we are leaving them in bondage and encouraging others to be involved in the same bondage.

I would like to make it clear that I love the person who commits homosexuality, but it is their sin I do not like. By giving them rights based on their sin, we are condoning the sin.

When a Native person, for example, applies for a position, the possibility of discrimination is evident because of his skin colour. It is a physical factor that he or she cannot change. Unlike the Native, homosexuals can change, and many have, contrary to what the media and the homosexual community would have us believe. The homosexuals want to keep their people captives in the dark about former gays who have changed from their gay lifestyle and found happiness.

We cannot allow these people to attain their special rights when the only way people can know about their sexual affairs is if they flaunt them.

I realize that we in Winnipeg are fortunate to have a chance to speak to this issue before the legislation is passed, an opportunity not offered in other provinces that passed similar legislation. However, I fervently hope that this opportunity will not be just an exercise in futility and that you who govern us will take into account that we, the governed, not just the special interest groups who get government funding or tax-exempt expenses, have a say.

Thank you.

**MR. CHAIRMAN:** Thank you, Kim. Are there any questions? Hearing none, thank you.

Loretta Riedner.

Sally Papsa, private citizen. Please proceed.

**MS. S. PAPSO:** Thank you. Can you hear me?

**MR. CHAIRMAN:** Do you have written submissions?

**MS. S. PAPSO:** No, I'm sorry I don't.

Mr. Chairperson, honourable members of the committee, citizens of Manitoba. My name is Sally Papsa. For the last 11 years, I've worked as a juvenile counsellor and teacher at the Manitoba Youth Centre. In this capacity, I have worked with numerous victims

of child sexual abuse, both boys and girls, so I speak to you as a person with some experience. I have a B.A. in Sociology and I'm presently pursuing my Masters in Educational Psychology, so I speak to you as a person with some education.

I am here today to speak in support of the inclusion of sexual orientation in The Human Rights Code. I was motivated to make this presentation because of the misleading statements presented before this committee and reproduced in a front-page article of Saturday's Free Press regarding homosexuals and child assault.

Based on retrospective studies, leading experts in the field of child sexual abuse agree on several points that are of concern to us today. I refer you to studies done by Finklehore 1979; Groth, 1979-81; Summit and Kryso 1978; Herman and Herschman, 1977; Conte and Berliner, 1981; Burges and Groth, 1981; Wenet, 1981; Herman, 1982; Landus, 1956; Kinsey, 1953; Gagnon, 1965; Badgley, 1984; Kemp and Kemp, 1984; Sanford, 1980, just to name a few.

These, in turn, synthesize other studies which further corroborate these findings. For any of you in this room who are familiar with the issues of child sexual abuse will certainly be familiar with these authorities. For any of you who are not familiar with the issues of child sexual abuse, I encourage you to introduce yourself to these authorities.

Findings from these studies support the following: the offender, in 98 percent of the reported cases of child sexual abuse, was found to be an adult or a teenager heterosexual male. Most of the offenders are known to the victims; 80 percent to 90 percent of the time, the offender is a relative. In more than half the cases, he's an uncle, brother or cousin, and the largest category of offender is the father or father-figure upwards to 97 percent. The largest number of victims are girls, one out of three, while one out of ten are boys, Finkelhore, 1979. The Badgley study which is our Canadian study, which took three years to do and was completed in 1984, estimates one out of two girls and one out of three boys.

The adult sexual contact with the child is a behaviour the offender engages in for his own pleasure without regard for the child, and he does this even though other outlets for consenting adult relationships are available to him and he engages in these also. A most dangerous and prevailing myth that has been perpetrated by some in these hearings is that homosexuals collectively and innately are molesters of children.

Dr. Nicholas Groth, PH.D, clinical psychologist and a leading authority on the psychology of the offender has this to say in reference to this myth. He says that men who sexually molest boys are misidentified as homosexuals, when they are, in fact, pedophiles. For clarification, I will define for you the term "pedophile." Pedophilia literally means love of child. It denotes the preference of an adult for pre-pubescent children as the means of achieving sexual excitement. Either girls or boys may be the object, with some variations in the patterns of preference for each. The range of actual activity may include any of the forms of sexual abuse, since the term pedophilia really indicates not a kind of activity, but the fact that a child must be the participant object in the activity. A pedophile then is a significantly older person whose conscious sexual interests and overt sexual behaviours are directed either partially or inclusively towards pre-pubescent children.

He goes on to tell us that child sexual offenders are not all alike, that there are various patterns of pedophilic behaviour. One type of molestor is a fixated offender. His primary sexual orientation is to children. His pedophilic interests begin at adolescence. From the onset, children, primarily males, have been the primary or inclusive object of his sexual interest. Any sexual contact with age mates that occurs is usually situational in nature, initiated by the other individual involved, and never replaces his preference for and chronic involvement with children. Of this type of offender, 12 percent were married at the time of the offences.

Another type of molestor is the regressed child offender. This type is usually married, about 75 percent of them, has children of his own, and his primary sexual orientation is to age mates, people of his own age of the opposite sex. His pedophilic interest emerges in adulthood.

In general, fixated child molesters are drawn to children sexually in that they identify with the child and appear, in some ways, to want to remain children themselves. It is for this reason that the trend for fixated offenders is to target boys as victims. This does not represent a homosexual object choice psychologically, but a narcissistic choice. They see the boy as a projected representation of themselves. They feel themselves to be more child than adult, more boys than men, and therefore find themselves more comfortable, especially sexually, in the company of children, boys and girls, than adults, men and women.

The myth of the homosexual offender is further dispelled by the findings of Linda Sanford, the author of "In Defence of Ourselves," a rape presentation handbook for women, founder of the Rape Prevention Forum in Seattle and therapist for victims of child sexual abuse since 1973. I will quote from her.

"Often the parents, when told of their son's encounter with a child molestor, mistakenly label it as a homosexual approach. They react very differently than they would if the same man made an identical approach to their daughter. When their son is involved, the offender is considered gay and the approach is homosexual. Disgusted and fearful of the homosexual approach, the parents overlook the fact that the man was approaching their son as a child, not as another male.

"If the offender is apprehended, his chances of going to prison are greater than if he had molested a little girl. In society's mind, boy molesters have broken two taboos: child sexual abuse and homosexuality. The molestor's defence is limited. The story of the ravishing, seductive little boy does not work as well as the "Lolita made me do it" rationalization.

"The offender has less of a chance to explain away his offence and is in double jeopardy for having offended society. The few boy molesters who go to trial are more likely to be found guilty and receive substantial prison sentences.

"Many offenders choose boy victims, first and foremost, because they want to have sex with a child, and the individual circumstances dictate that boys are the most acceptable children. For some, premeditation, especially the desire not to get caught, leads them to boy victims. Convenience rules their choice. 'I molest boys because they don't get pregnant,' this from a 34-year-old offender. 'When I want a relationship with a

kid, I like to get to know them first. It takes a long time to figure out if I can trust them: If I hang around a bunch of girls playing volleyball, as an adult male, I stand out like a sore thumb, but if I'm around a bunch of boys every day playing baseball or something, nobody thinks twice about it,' this from a 22-year-old offender. 'Parents are the problem you know. They are always checking up on the girl, making sure they know where she is. With boys, there isn't this hassle. The parents assume he can take care of himself. They don't check up and it gives me more time to work with,' a 37-year-old offender.

"As with any molestor, individual needs or personal history determines who is the desired victim. 'I wish someone had been a friend to me when I was a boy his age, do the kind of things I do for these boys. Teaching someone about sex is really important and I'm just glad I'm here to do it,' this from a 25-year-old offender. 'Anyone can push a little girl around, tell her what to do, they are easy victims. Now little boys, they have a mind of their own and to get them to go along with you is a challenge,' a 42-year-old offender. 'I pick up boys because I was a boy,' a 36-year-old offender."

**MR. CHAIRMAN:** Excuse me. Do you have a long time to go?

**MS. S. PAPSO:** I took a long time to prepare this.

**MR. CHAIRMAN:** I'm sorry. Please proceed.

**MS. S. PAPSO:** "For some, there are specifics of sex with boys that are more attractive than sex with girls. 'I used to like girls, but they aren't as sexually curious or spontaneous as boys. Girls are less discreet, boys are more sexually free, you know, less hung up,' a 29-year-old offender. 'I look for the most sexiest kid I can find,' a 36-year-old offender.

"Opportunism is the predominant feature in the varied reasons given for choosing boys. The other common theme is that the offender is choosing a child instead of an adult. To the offender, boys are more child than male. As stated before, the majority of child molesters do have an adult sexual preference, which they may choose not to act on or will be sexually active with both adults and children at the same time. Given this situation, it is important to understand that few boy molesters express or act upon a homosexual preference. Simply, boy molesters are not gay."

Society, in general, tends to have two views on the relationship between homosexuality and child molestation. On the one hand, we seem to believe that all homosexuals are innate child molesters. If they can't find a boy to molest, they will molest a girl. Any child will do. On the other hand, some of us might believe that very few child molesters desire sexual relations with boys, but those who do comprise the entire population of homosexuals. The facts strongly dispute both views.

From 15 percent to 20 percent of boy molesters are married at the time of their offences. In Kinsey's overall study on human sexuality, he found that only 3 percent of the homosexual men in his large sample were child molesters. This is a far lower percentage than the projected percentage of offenders among heterosexual men.



Two additional studies demonstrate the paradoxes of boy molesters - I'll skip that.

"The majority of same-sex offenders report being repulsed by homosexuality. 'Sex with kids is good, even sex with women is okay, but sex with another guy is really unnatural,' a 24-year-old offender. Same-sex offenders do not identify themselves as homosexual and, in fact, may have never had sexual relations with another adult man. Above all, same-sex offenders are gratified by sex with children. Somewhere in their development, they decided boys were preferable sex objects to girls, but rarely does this decision reflect their adult preference. If the issue was as simple as desiring sex with another male, same-sex offenders would molest each other. Given a choice between sex with an adult male and sex with a child, the same-sex offender would choose the child as a sex partner.

"As we might imagine, gay men are as perplexed by and as disapproving of the sexual abuse of boys as many heterosexual men are condemning of girl molestation. The rejection of an adult relationship in favour of sex with an unknowing, malleable child makes no sense to any healthy adult, regardless of sexual orientation. 'I love men because of the specialness I find in that relationship, the give and take, the sharing, the choice we both exercise to both be with each other. I can't even stand emotionally immature men, let alone children.' This is from a 32-year-old gay man." I'm just about through.

The furor over child molestation as a homosexual problem is unfounded. It is curious that, although opposite-sex offenders are anywhere from twice to nine times more prevalent, girl molesting is never discussed as a heterosexual problem. In addition to the terms heterosexual and homosexual to describe adult sexual preference, we need the third category. A child molestor is neither heterosexual nor homosexual; he is a child molestor.

In reference to sexuality, Dr. Groth informs us that not a lot is known about it, but that it is rooted in biological needs. According to his findings, we differ sexually in five ways: who appeals to us, what activities we like, the frequency and intensity of our sexual drives and desires, the attitudes we have towards our sexuality, our abilities to inhibit unwanted sexual desires. "The point to all this," he says, "is that none of us choose our sexual nature. We discover it."

To summarize, there is no evidence to support the myth that homosexuals are collectively and innately the molesters of children, that those boys who are molested by an adult male become homosexuals, or that those molested necessarily even become offenders. There is, however, overwhelming evidence that the largest number of offenders of children is the heterosexual male.

Thank you.

**MR. CHAIRMAN:** Questions? -(Interjection)- This is out of order, only the members of the committee. Any questions for Sally Papso? Hearing none, thank you, Ms. Papso.

The next person on the list has already left a written submission, so we go to Gordon Gray, private citizen. Do you have a written submission, Mr. Gray?

Mr. Gray, private citizen.

**MR. G. GRAY:** Mr. Chairman and members of the committee, I am a father of two children and I come to you as a very concerned citizen. I am concerned with the inclusion of homosexual rights in Bill 47, and I strongly urge that the term "sexual orientation" be removed from this bill on the grounds that its inclusion will seriously erode the moral and religious fabric of our society and, in the end, affect even the very health of our population.

I am not going to repeat what I've heard all afternoon. The interesting thing that I have to present to the committee is that I was a practising homosexual for over 15 years, and I come from that perspective over eight years ago now. I left that lifestyle behind me. I became a practising Christian and, through the love of the church ministering to me, I was set free from this bondage. I can also tell you that I can understand most of the submissions that the homosexual people have been presenting. I can understand where they're coming from, and I can sympathize with them.

The homosexual person really honestly and truly believes that they were created that way. I know exactly where they're coming from. It's a very deep-rooted honest emotion and an honest feeling. They are honestly attracted to people of their own sex. They honestly enjoy sex with people of their own sex. That is the way they choose to live, and I think they have a right to live that way.

But I think that there are a number of people who are practising homosexuals like myself who are not happy, and the laws of the land - I am diverting from my brief. I am just going to hit the high points and you guys can read the rest. The laws of the land helped me to establish in my own being that there was something that was not quite right, and I began to search for answers in my own life. I searched in a number of different areas but eventually, for myself, I found a relationship with the God that created me and I found out, to my surprise - and I really found out from him directly. I didn't have any professional counselling. I did not have a pastor or a church that was preaching or teaching to me, but I found this out just between me and God that he didn't create me this way. He showed that to me in His word.

Many of the Scriptures that you heard today I saw for the first time in my life as I flipped the Bible open, after having asked God directly, alone in a room, I just asked him a point-blank question: What was his opinion of homosexuality? The Bible that was in front of me, which I had never read a Bible in my life, flipped open three times. I opened it, but it opened to three different passages, and they were the same passages you have heard today. On the basis of that, I took that as an answer directly from God Himself and I acted on that. I turned it over to him. A homosexual person cannot change themselves, and I doubt very much if even people who are skilled in counselling can effect any kind of a realistic change in a person's sexual make-up. But certainly the person of Jesus Christ that created all of us - all of us - can make a change within us, if we are willing to allow him to.

So that's the main point of my presentation, and you've heard from a number of people who have quoted Scriptures and I'm certainly not going to get into that. You've heard from a number of people who have alluded to the fact that there are homosexuals who have

changed, and I'm one of them, and that's why I'm here. I'm here to attest to that.

I really find it important that society sets boundaries through the Legislature. I feel that homosexuals have rights. I've known many homosexuals in my lifetime, many homosexuals in all walks of life, and I've very rarely found a case of discrimination, even towards myself, in that lifestyle or anybody else who I was in a relationship with. They are well-protected, much better protected today than they were when I was growing up and going through university. In fact, if you had meetings like this 10 or 15 years ago, I would be here representing the homosexual element because I was searching, at that time, for some release through society.

But it's important to me now that the Legislature maintains a moral standard, doesn't restrict any further the rights that homosexuals have, but maintaining a moral standard and a moral fibre in our society, because I believe and I know cases where there are many people who are on the verge either of entering this lifestyle or of leaving it, and you can affect both of those groups. For those who are becoming unhappy with being homosexual and they're searching for answers, if you pass legislation that further entrenches the homosexual lifestyle as part of our society, even fewer of them will question within themselves their make-up. For those who are currently experimenting with that lifestyle, the more acceptable it becomes in our society, the more people will enter into that lifestyle. It's not a natural lifestyle and it doesn't bring much happiness and I don't recommend it to anybody.

So I really would like to see the Legislature change the wording on this bill and to remove that sexual orientation clause. It's very important to me. By the way, in many of the submissions this afternoon, you asked what church people belong to. I want you to know very, very clearly that I am a United Church person, that I was set free from homosexuality within the United Church, came into a relationship with Jesus Christ within the United Church. Not all the pastors that represent the United Church here represent the total church. It's important that you understand that.

Thank you very much. There is more in my presentation. I would ask that you read it.

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

Ron Krahn had also distributed some written submissions, so we go to Marilyn Robertson. Do you have a written submission?

**MS. M. ROBERTSON:** I do not. Mr. Chairman, members of the Legislature and ladies and gentlemen, I know you're tired, you've been here a long time. Many of us have been too. I'm here to oppose Bill 47, section 9(h), a Human Rights Code which singles out the homosexual population of our society, giving them special status, thereby seeking to approve and to promote their lifestyle as appropriate. This presumes that sexual orientation, other than that created by God of the universe, should be protected. I'm against the clause regarding sexual orientation for these reasons.

It is a threat to the nuclear family as we know it today. The implementation of this bill will result in a need for a redefinition of the word "family." Also, that

these people would be allowed to adopt children into that same-sex marriage is sad, because children in that relationship would possibly never know the relationship that God created them for.

I'm against allowing freedom to homosexuals to teach in our schools, not because they're not good teachers but because of what their lifestyle represents. Our children, young or older, will be subjected to the belief of that person. In essence, that person will have a greater impact on the child than you or I can imagine because of the hours that they spend under their teachings.

I am against this section of the bill because I am a Christian, God's representative on this earth, and believe that the word of God is inherent. I believe the homosexual and bisexual are that way because of choice. They were not created that way. It is a learned behaviour. We are all created by God, in his image. Whether we choose to believe it or not, we will be judged by Him as well, if we believe in Him or not.

Those of you in the position of authority will be judged even greater than the rest of us, because of the responsibility that you have to govern us. God views this behaviour as wrong, and I don't believe you have the right to legislate it as right.

Thank you.

**MR. CHAIRMAN:** Questions? Hearing none, thank you, Marilyn Robertson.

The next presenter is Shirley Lippmann, private citizen. She has a brief. Ms. Lippmann, please proceed.

**MS. S. LIPPMANN:** I'd like to commend you all for your patience in staying here and listening. You have two things going for you that some of us don't have though. No. 1, you get paid for being here and a lot of us are taking time off work or paying babysitters; and No. 2, your chairs are an awful lot softer, but we pay overtime for the babysitters.

I am Shirley Lippmann. I am very concerned about this bill, and I would oppose the inclusion of the phrase "sexual orientation" in it. The brief that I have presented is too long, and I will do my very best to skip through it, missing several parts. I would ask you to show me the courtesy of reading it please.

I came here last Friday and I came here basically to listen. I wasn't speaking. I listened and I took notes. There are a few things that I would like to bring up that I think bear repeating. One homosexual man spoke and I didn't get his name, but I have listed details of it in here and you could check it out. He read a very moving letter published in the book, "Morningside Papers." It was from a homosexual man who was very ill, very despondent and lonely. Because he was unable to find any suitable place to stay or rent, he ended up alone and dying in a squalid boarding room where it was stated he did not even have facilities to care for himself properly. That letter moved my heart with compassion, as I am sure both the writer and the reader of it intended.

However, one question kept running through my mind. Why did no homosexual take that man in and offer him friendship and care? In all of that city was there not one homosexual with a spare bedroom or an empty couch? Why did his own people who share his lifestyle,

his beliefs, and his general philosophy of life not give him shelter? Bill 47 could force me, as a landlord who totally opposes that man's lifestyle to bring him into my home and rent my basement suite to him, exposing my children to his illness and his lifestyle, and I oppose what he does. Why should the homosexual community require of me to do something for him or face a penalty of law that they are not willing to do for him themselves?

This same man made another statement that just really jumped out at me, and I will quote from the notes that I took, but I urge you to listen to his tape to verify this. He said, and I quote: "Homosexuals do not practise safe sex or look after themselves." This was his statement, it was not mine, but it really scared me.

A large part of what Bill 47 is supposed to do is to further open the doors of employment in all areas to homosexuals. Thus, this would mean schools, daycares, hospitals, churches, Big Brother, Girl Guides, etc., would no longer legally be allowed not to hire homosexuals, even though they may oppose their lifestyles or practices or deem it inappropriate to their organization. I am going to skip down a ways, gentlemen.

You are probably aware of the report published in the June 1, 1987 edition of Newsweek called, "A New Worry for Health Care Professionals." It lists three health care workers who have contacted AIDS as a result of handling blood from an AIDS patient, and then touching a mucous area of their body or having it mixed with their own blood.

One was an emergency room nurse who was applying pressure on an open wound to stop the flow of blood when a catheter came out of an artery. Her hands were badly chapped and, because she was unaware that the patient had AIDS, she did not first apply gloves. She has since contacted AIDS. A second person, a lab worker, was examining blood from an AIDS patient and rubbed her badly infected ear. The third worker had blood splashed into her face and mouth when a vacuum tube broke.

If AIDS can only be contacted through sexual intercourse, as the gay community would like us to believe, why did a major news magazine like Newsweek cover these stories? Also, why are they not being sued by civil libertarians in a court of law, if it is not true? I am going to skip down again, gentlemen.

I know that there has been a lot said about AIDS and its tie-in with the homosexual community, and I know that the homosexual community resents that. AIDS is not strictly a homosexual disease; it is a disease. However, it is predominantly, in Canada, in the homosexual population. Now these are statistics from June 13, 1987, 82 percent of the more than 1,000 cases of AIDS in Canada are male homosexuals or bisexuals. It is not strictly a homosexual disease. However, the incidence that it is in the homosexual community means that we do have to consider it. This same article listed three ways to protect yourself from catching AIDS: to limit sexual partners; to use condoms, which have a 60 percent to 80 percent protection rate; and it said do not practise anal sex.

I want to refer again to what one homosexual man stated in this room last Friday: "Homosexuals do not practise safe sex or look after themselves." Dr. Beckwith, on behalf of Planned Parenthood, spoke last Friday in favour of including sexual orientation in our Human Rights Code. She mentioned some of the work

of Planned Parenthood in educating teachers and social workers, public speaking, preparing curriculum for schools, giving talks in the schools, etc. She also stated the schools must teach equality, respect for the beliefs of others, and social justice.

I would like to propose a scenario to you. Imagine with me that I went to apply for a job working for Planned Parenthood. I do have a Bachelor's Degree in Psychology and Sociology. I have been accepted for social work positions in both Saskatchewan and Alberta. I worked for two years as a research assistant for the Provincial Government in British Columbia. By the way, that was the NDP Provincial Government in British Columbia.

This job included involvement with community leaders, working on various research projects, supervising others and, during a three-month period, I went to every kindergarten to Grade Three classroom in North Vancouver presenting a brief educational talk on behalf of the government program I represented. These qualifications could possibly enable me to fulfill a job similar to what Dr. Beckwith discussed. However, if in the course of my interview, I stated that I have strong Christian beliefs that affect my value system and my lifestyle, do you honestly think that I would get a job publicly representing planned parenthood? Do you not agree that they would decide that my philosophy and my lifestyle would not be conducive to the furthering of their goals and philosophy? I oppose the homosexual lifestyle; they support it. Would they hire me?

Bill 47 would deny a private school, a church, a non-profit organization, or a private employer, the right to deny employment, paid or volunteer, to a person supporting and living a homosexual lifestyle even when this lifestyle is opposite to the goals and ideals of that organization.

Ladies and gentlemen, is that social justice? There has been much discussion here about what really is justice. There are many things in this society where I have to restrict myself or my beliefs or what I stand for or things that my own lifestyle and my beliefs would restrict me from, even though I have freedom of religion guaranteed under The Human Rights Code.

I'm going to jump down again, ladies and gentlemen.

I want to refer you to an hour-long radio interview heard over CKJS that the Surgeon-General of the United States, C. Everett Koop, spoke. And he stated that, with what he knows about AIDS, the rate at which it is being spread in the United States and the rapidity with which the virus is mutating, he is terrified. I would suggest to you, ladies and gentlemen, that he in all likelihood has access to the latest statistics and research papers and probably knows more about it than anyone in this room. If he said that he is terrified, would we not be wise to at least be cautious? Should we not remember that, in Canada, 82 percent of all known cases are in the homosexual population?

If this bill passes as it is, it will have a profound effect on many areas. I would suggest that one area is in our public school system. As more and more homosexuals enter the teaching profession or those in it become more vocal about their views and more open about their lifestyles, there will inevitably be a response from the general public and the Evangelical community in particular. As they become increasingly concerned with the values the public schools represent - and here I'd

like to remind you of the uproar over the Family Life Program that this government piloted in St. Vital - more and more people are going to remove their children to private schools. How long do you think that will take? What would happen to the public school system if 10 percent or 15 percent or 20 percent of the students were removed? How long do you think that those parents will silently continue to pay taxes to schools they no longer have confidence in or paying private school tuition fees at the same time? Sooner or later, they will develop an effective voice to have their taxes directed to the school they are using, and one of our political parties will correctly read the signs of the times and use it as a campaign platform. Where then is our public school going to be?

People now, already, are paying for the AIDS epidemic and they're paying for a lifestyle that they do not support. I refer here to a recent talk we had with our insurance agent and he said, and to quote him: "AIDS is going to kick a hole in the life insurance business, and all policyholders can expect the premium to jump drastically, up to 50 percent, in the next five years." Our policy, as a five-member family, would jump over \$40 every month from now on as a result of an illness found predominantly in a lifestyle we consider deviant and wrong. How long will people continue to pay increases like this without protest?

I will skip the next section. I feel it's been covered by other people.

And in closing, I would like to say that I find Premier Pawley's stand in denying his party members a free vote on this bill lamentable. Each MLA is elected to represent the needs and the wishes of his constituents and is trusted to vote accordingly. By refusing his members the right to vote according to their constituents or to their conscience, he is clearly demonstrating to the people of Manitoba that responsible government is not a high priority with his administration.

Thank you.

**MR. CHAIRMAN:** Questions? Hearing none, thank you, Shirley Lippmann.

I have to make an appeal again to those presenting. Please present the main highlights and points of your presentation.

Lloyd Garner; Henry and Helen Giesbrecht; Roy Campbell; Inez Dietz.

Tyson Graham, private citizen.

**REV. G. TYSON:** Yes, I'd like to make a correction before I begin. My name is Graham Tyson, not Tyson Graham.

**MR. CHAIRMAN:** Oh, sorry.

**REV. G. TYSON:** Okay, that's fine.

Mr. Chairman, committee members, ladies and gentlemen, I'd like to state that I'm associate pastor of the Baptist Church in Stonewall and part of the Baptist General Conference of Canada, of which Roy Campbell was the executive minister of our district here, who was in absence and has given a paper. I'm speaking on behalf of the senior pastor who has given a written letter to the Premier and on behalf of 250 adherents

in our church. The clarification that I need to give here is that we were looking presently at the possibility of taking on a third pastor for staff so, as I read the letter, you can pick that up.

Reading the letter then, from Pastor Henry Ozirney, the senior pastor of New Life Baptist Church: "I am writing with my concerns concerning Bill 47, The Human Rights Code. In reading the bill, I have observed that section 9(2) states that sexual orientation is one of the characteristics that is proposed to be covered against discrimination by this bill. As you can see from my letterhead, I am a clergyman and this proposed legislation distresses me greatly. If this legislation is enacted, then it will have significant ramifications on me and my church and upon hundreds of other churches and, for that reason, I wish to speak against it. If this legislation is enacted, then I will be faced with this very possible scenario. As a church, we are looking for a pastor to add to our staff. We interviewed a fellow whom we feel will do the job adequately, and then we discovered that he is a homosexual.

"Now, as evangelical Christians, we believe homosexuality to be incompatible with Biblical Christianity. The Scripture clearly states that homosexuals, along with adulterers, murderers, idolators, thieves, etc., will not inherit the Kingdom of God unless they put aside their thieving, idolatry, murdering, adultery and homosexuality. Now, we could now not in clear conscience hire a homosexual, more than we could a man who was running around on his wife or was shoplifting. So, what do we do? The new law will say hire him or suffer the consequences of the law. Either we comply against our Biblical convictions or we have to engage in civil disobedience and are forced by our government's legislation to become criminals, notwithstanding that we are attempting at all times to be good citizens.

"The new Charter of Rights assures me and my congregation freedom of religion, but now my own Provincial Government has come into my church and dictated for me what my religious convictions ought or ought not to be. Now we have a situation where the government has taken upon itself the role of judge of religion which, in my opinion, completely violates the separation of church and state.

"I face another problem. I write a regular weekly column on religion on a variety of topics in our local paper, the Stonewall Argus. Since the Bible clearly speaks against homosexuality, I have from time to time written against it. But section 18 now tells me that no person shall publicly broadcast, circulate, or publicly display any sign, symbol, notice or statement that discriminates or indicates intentions of discrimination. That means that I cannot write against homosexuality any more.

"Do you realize how sweeping these laws will be? Even section 19, which talks of harassment, will give licence to any to put a stop on any church or group which speaks against them." And this, I close, and it was written, Sincerely, Henry A. Ozirney. A carbon copy was given to Roland Penner and Harry Enns.

Just as a follow-up to this, I'd like to make mention of something that has come up several times as I've heard, that is, the idea that somehow or other Christianity is coming across as heavy upon the homosexuals. Now, this letter can even insinuate that

in certain degrees. But what we're saying, and it's been said several times, is that we are not, say, endorsing the sin, but we love the person who is indulging in this sin. And God, through Christ, loves him as well.

Let me give you one illustration. There was a woman caught in adultery in Scripture, and Jesus loved that woman very much. In fact, he said to those who were accusing that woman, "If any of you have not sinned, you may cast the first stone." And they all eventually left because they all acknowledged their sin. "So who remains to condemn you," said Jesus to the woman. The woman said to Jesus, "No one, Lord." So she acknowledged through the love of Jesus that he loved her, but he hated her sin. So what he said after that, after she said, "No one, Lord," he said to her, "Then go and sin no more." Then go.

So the emphasis and the irreversible standard that God has established since creation is purity and obedience to his will and I see that from the Scriptures. No amount of legal freedom established through sexual orientation in this bill will ever create the inner peace if any individual chooses not to heed to Christ when he says to each one of us here - we're all sinners - go and sin no more. That ends my presentation.

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

Allen Smith, private citizen.

**MR. A. SMITH:** Good evening. On reviewing this legislation, I am pleased that such freedoms are being protected in this province. My only concern is the reference pertaining to sexual orientation. I must ask that it be removed. My views, based on my upbringing that I have had - and now as a parent I'm even more convinced that the moral conduct as laid out in the Bible, which is the word of God, must be maintained.

Not many years ago, someone whose conduct was affected by the overuse of alcohol was excused because he was drunk. Thank God, that attitude is changing and is being dealt with accordingly.

I am concerned that including the term "sexual orientation" in this bill will eventually open the door to the promotion of sexual conduct, other than heterosexual. As a father of five children, three of which are now in the public school system, we do not need the added pressure of the possibility of having our children confronted with promotion of homosexuality as an acceptable lifestyle.

As a member of the United Church, I am breaking rank with the vocal hierarchy of my church as presented here. I assure you that I am not alone in my stand at the grassroots level within my church. I appeal to this committee that has the task of collecting information that would eventually affect the resulting vote in the Legislature to remove the term "sexual orientation" as it is morally unacceptable.

**MR. CHAIRMAN:** Any questions? Hearing none, thank you very much, Mr. Smith.

Mark Davidson; Deborah Dworan, private citizen.  
Ms. Dworan, proceed.

**MS. D. DWORAN:** Mr. Chairman, members of the committee, ladies and gentlemen, I am Deborah

Dworan. I would like to express my concerns about Bill 47.

I feel that, by passing Bill 47, much damage will be done. I am a single mother with an eight-year-old boy. Approximately three years ago, my child approached me that he saw a little boy around the age of four years old, "humping another boy in the bum with his pants off." Be honest with yourselves. What would you do if your child or grandchild came to you and told you that? How would you feel? Tell me, where did this child pick this up from? Was it a pornographic movie containing homosexual acts? Many parents rent these movies, and I know from experience that they go out and leave these tapes in the open, easily accessible for children to view. This happened to my own son.-(Interjection)-

**MR. CHAIRMAN:** Order please.

**MS. D. DWORAN:** This happened to my own son when he went to visit at his friend's house. The parents left the VCR tapes easily accessible; the parents went out. The children, out of curiosity, put the tape in the machine and my son was there. The parent had to come home and she saw these children watching these movies. My son told me, as I found this out a year later, and he told me this and I approached her and she admitted, yes, the children did see these acts.

I did not know anything until the school psychologist - if you want a name, see me later - came to see me with the fear that my son himself had been sexually abused because of the type of uncharacteristic behaviour he was exhibiting at school. Also, the psychologist was aware of that other little boy who was doing this. Was he also at school exhibiting uncharacteristic behaviour, or did that little four-year-old view daddy's or someone else's pornographic books containing acts of homosexuality? Or did he witness two homosexuals engaging in the act? Or was that little boy himself abused? If so, was the man who abused him his teacher, a counsellor, an uncle, a brother, a stranger, a father, or a close friend, or was he a Big Brother? This is where my concern comes in because my little boy has a Big Brother. If homosexual men have the right to become a Big Brother, what influence will he have on that child? I know from personal experience, in my past, those who I associated with, they had an influence on me, be it good or bad.

My concern is the protection of innocent children. Should we condone and entrench this behaviour in law, knowing its detrimental effect upon our children and a society as a whole?

I appeal to you, as a citizen of Manitoba, a mother and a Christian, to let your conscience and the wishes of your constituents be your guide, not the demands of a minority group.

Thank you very much.

**MR. CHAIRMAN:** Questions? Hearing none, thank you very much, Deborah.

**MS. DEBORAH DWORAN:** Thank you.

**MR. CHAIRMAN:** Nick Jones, private citizen.

**MR. N. JONES:** I come here, I have no brief, Mr. Chairman.

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**MR. CHAIRMAN:** Proceed, Mr. Jones.

**MR. N. JONES:** Mr. Chairman and members of the committee, I come to you as a man of God but also as a father and a concerned father.

I'm very concerned right now with the lack of fundamental education that my kid is getting right now. And sometimes I have to talk to my trustees and government to ask them why aren't the basic fundamentals taught to my child.

You have a child of 10 - and I can remember when I was even four years old, I could tell the time. Today you're lucky if 11-year-olds can tell the time. So the children of our society are mixed up enough with this and that, that if Bill 47 passes, then they're going to be more confused.

Now, we've heard religions mentioned and everything about why homosexuality is wrong. However, science even tells us that it's wrong. Like poles repel, unlike poles attract. I would like, and I challenge you, to take a vacuum cleaner, take the prong and try put it in a prong of an extension cord, you'll never get any electricity. We live in a society that you have to put the prong in the socket and that's the only way it will work. Also, I would like to see if homosexuals, like two men or two women, if they can create children. Of course not, because it's not the way.

Now, what I would like to do is to talk to the committee and I know they have lots on their minds and everything, but I would like to try and straighten out their minds. You see, homosexuality isn't a way of life; it's an illness. What has happened, I've taken a study and I know homosexuals myself and what has happened - they had a good relationship with the opposite sex. They lost that relationship and so they wanted revenge on the opposite sex; that is why we have this situation.

However, homosexuals could have rights, but it infringes on our rights, on my rights, because if I need a serious operation I'm leery now of having a blood transfusion because I'm scared I'm going to get AIDS. And AIDS and all these other diseases - yes, they're manufactured all right, but people won't listen to God other ways, so he creates all these diseases and he's trying to get to people. In fact, the Bible states that a good tree gives good fruit; a bad tree gives bad fruit; a bad tree cannot give good fruit. Also, I tell you and warn the MLA's who are going to vote on this, remember, yes, you're going to have to answer to us citizens in the next election but, more, you're going to have to answer to God.

Thank you.

**MR. CHAIRMAN:** Questions? Hearing none, thank you, Nick Jones.

For the record, we're on Pastor Garth McGinn. The committee has received some written submissions from Mrs. Jean McGinn.

Joanne Chesley, private citizen.

**MS. J. CHESLEY:** You're enduring very well. You're not looking quite as . . .

**MR. CHAIRMAN:** Joanne Chesley.

**MS. J. CHESLEY:** Can you hear me?

**MR. CHAIRMAN:** Yes.

**MS. J. CHESLEY:** I thought you'd be looking a lot more exhausted. When you're sitting at the back behind a pillar, it's kind of hard to see your faces.

I'm representing myself as a private citizen. I'd like to thank you, Mr. Chairman, and elected representatives for this opportunity to express my viewpoint. I've sat here since 11:45 this morning and listened and evaluated - sat and stood, I should really say - some of the viewpoints. I've come because of an article in the Free Press stating the lack of notification by the Brandon Police Force regarding an opportunity to come and present its brief.

When I read that article as a private citizen, I really wondered what's going on. I see that my question, reading that, not having any other information, was this a deliberate ploy on the part of the government to prevent them from presenting their brief. I am wondering how many other citizens are thinking that very same thing.

I am concerned, not only for the Brandon Police Force, but there was also a question earlier today wondering why there aren't more organizations represented here today. I think it ties in with that very same question that I presented earlier, and it is because of lack of notification. I think there would probably be a lot more organizations also represented if proper, adequate notification to this bill was presented.

I am really questioning the fact whether or not you should even be dealing with this issue or if this should be presented to the public for a vote. I am leaving those questions with you.

I have sat here; I have looked around and observed two camps of people - those in the homosexual/lesbian camp and those in the heterosexual camp, some of which have taken stand that they are Christians. I have seen and heard speakers come to this podium here and I sense fear coming from both camps, fear by the homosexual/lesbian that they are going to be physically assaulted for their beliefs. I believe in freedom, freedom for both peoples. I feel they should be free from that fear to live a lifestyle that they choose, whether right or wrong. It's not for me to judge.

I also feel, though, that the heterosexuals who have come up here and voiced opinions should also live in freedom of fear of themselves or their children having advances put upon them by either homosexual or even heterosexuals or lesbians, if it is against their wishes. I believe this is an interest you have. I believe this is why you've come and I've read parts of this report here. I see a lot of work has gone into it, a lot of good work has gone into it.

I sense, however, that in your desire to help, which I feel you are doing, is helping a minority and then bypassing the majority. I feel the Canadian Charter of Rights and Freedoms says that everyone has the following fundamental freedoms: (a) freedom of conscience and religion; (b) freedom of thought, belief, opinions and expressions, including freedom of press and other media, of communication; (c) freedom of peaceful assembly; and (d) freedom of association.

Can justification for entrenching these rights for certain minority groups of people over the rights of the majority people, which have not as yet been

demonstrated, cause legalization of a bill which will, in effect, result in criminalization of behaviour of people who are, therefore, applying their own standards of prudence and judgment based on their own conscience, religion, thought, belief, opinions and expression, all of which the Constitution already guarantees? Why do you, the Manitoba Government, have to duplicate it? Are you not complicating issues then? Can a bill with such controversy surrounding it not be put to the public for a vote?

I have been in the medical field and I am still very much interested in it. I have been both a worker, as well as an employer. I sense several things with this bill: No. 1, my husband works for the Manitoba Telephone System and I see that there are certain standards that they maintain there. I have a question to ask from an employer's viewpoint, do I, as an employer - and I'm not at the present time - have a right or should be forced to hire someone because of their sexual orientation or their ethnical viewpoint or the colour of their skin just because we have to have "X" number of those type of people working in that position? Can I not base my hiring on their qualifications for the job, whether male or female, or the colour of their skin? I feel to impose legal legislation in that area is just not right.

Also, I have a question in regard to imposing, because I have been in the medical field, and I've also served on the St. James School Board recently in their Family Life Education Review Committee, and I have a concern. We've studied C. Edgar Koop's, the Surgeon-General for the United States, his report, and I am concerned about what is going to happen in the next few years. I realize what has been stated earlier that the homosexual community here believes that they're born that way. However, is it right for us to totally ignore statistics and facts and mock at some of the comments made by "The AIDS Cover-Up" book, some of which may be fear-orientated, but some are very factual? If you look at what's happening right now in New York City and other places, not only sputum but blood and all body fluids, whether tears and so forth, are going to be sources of contamination and spread of the disease.

I've worked as a lab technologist, as a registered laboratory technologist, and I know the precautions we had to take in dealing with infectious materials. How many peoples' hands though are those specimens passed through? Not only are you looking at the possibility of patients in hospitals being subject to infection if another person is put in the next bed with them. Some of the patients, it's proven today, have uncontrollable gas explosions and are contaminating the whole room because of the disease.

I realize I'm probably going on and you're probably really not interested. You've probably formed a viewpoint already, but I'm really wanting you to think seriously about the possible repercussions in the next few years. You, as the government, are concerned right now about closing down beds in hospitals because of expenses. What about the expense of having to educate the public to another lifestyle?

You're stating in 1(d) here that much discrimination is rooted in ignorance and education is essential to its eradication. Look at the expenses you're going to have to come into, at the expense of what - either raising

taxes or using the money that could best be used in filling those hospital beds.

I had just come from the hospital before 7:00 p.m. here tonight visiting someone in the hospital. There are wards being closed down because of not enough funding, and there are many patients waiting to get into hospitals that really seriously need to be having surgery and other treatments and they're not able to get it. I realize that you have many things to consider, but I'm asking you to really consider the costs and evaluate and balance things out. We have to walk in balance.

I'm concerned about this rule. You're going to be spending much on education and educating the public. What standards, I question, are you going to use? Are you going to be using some facts, medical facts? Are you going to also be using the Bible as a standard?

Also, section 4(d) says you want to develop, promote and conduct educational programs to eliminate all forms of discrimination. It's a nice thought, but doesn't the Golden Rule already pass that and therefore this bill is unnecessary?

I'm going to close at this point, asking you to really consider some of the things that have been said here today. I, if you haven't already picked it up, am opposing this bill.

Thank you.

**MR. CHAIRMAN:** Questions? Hearing none, thank you, Joanne Chesley.

I appeal again to the public. We have to hear all the people who want to present, so be considerate to others. Try to do it by focusing on your main arguments, your highlights. I'm under duty to be fair.

Pastor McGinn was on his way when I called his name, so I'm giving him the opportunity. Pastor McGinn, representing Grant Memorial Baptist Church.

**PASTOR G. MCGINN:** Mr. Chairman, committee members and ladies and gentlemen, last week, many people in this province were informed through the media of your intent as a government to pass legislation that would make homosexual orientation a part of The Human Rights Code, in your attempt to deal with what you believe to be inequalities experienced by the homosexual community.

It would be appropriate at this time if the government would specify what those inequalities are and address those issues in specific legal arrangements without opening the door to a wholesale reorientation of Canadian law and values. Incorporating sexual orientation into a Human Rights Act means that this government is willing to legislate and legitimize a particular sexual behaviour. The government has exceeded its bounds when it enters into the legislation of morals.

The inclusion of sexual orientation in The Human Rights Code is unnecessary. It is not necessary for the protection of human rights, including the rights of homosexuals. To do so makes the government more intrusive than is justifiable in a free and democratic society.

The fundamental issue is not whether homosexuals should enjoy the same rights as everyone else in Manitoba. On this we all agree. However, by inclusion

of sexual orientation into The Human Rights Code, the rights and freedoms of many individuals and groups will be threatened and the intent of the government to provide and protect human rights would be distorted.

Volunteer agencies could lose their right to define their code of conduct. Previously the issue in terms of Big Brothers in Minneapolis was cited, and I understand that Mr. Penner has spoken to that issue. But I still feel that the government, that the Big Brothers and other volunteer agencies need to be concerned about the inclusion of sexual orientation in The Human Rights Code. Mr. Penner, not any of you can speak for future generations of politicians who will interpret this Code.

Would private and religious schools be forced to teach homosexuality as a legitimate normal and alternative lifestyle? If such equal time was not provided, the school could jeopardize its right to function or be forced to defend itself in a court of law. If sexual orientation was not made part, that a school system was forced by law to recognize, even if their religious views opposed homosexuality, by law it could be forced to violate its own beliefs or commit an offence in this Human Rights Code.

Would day care and religious group homes be forced to employ those whose code of conduct is so incompatible with the established purposes and guidelines of the home or centre? Would they be compelled to disregard their convictions on sexual behavior because their budget may in part be funded by the government? Clearly, to insist that a religious social agency not entertain matters of religious belief in its hiring is to erode the very essence of that group. The law, in effect, would force that group to deny what it is.

Would the legislation affect the traditional rights of religious groups to hire staff members whose lifestyle is faithful to the practices of that religious community? Mrs. Carstairs and others have pointed, in correspondence to one of her own concerned constituents, that the phrase "unless bona fide and reasonable cause exist for discrimination" is a protection. This should be of little comfort to anyone within this category, especially when the terms "bona fide and reasonable cause" are not defined in the act, and especially when those who will determine their definition are a committee set up by the very government that initiated the legislation to begin with, a government that has become autocratic and heavy-handed in its introduction of Bill 47, putting enmity between the church and the government.

Would the family be redefined? Would homosexuals and lesbian marriages be legalized? What about the adoption of children? The response to such questions cannot be based on the way things are now. By protecting the citizens' rights to a homosexual lifestyle, the ground rules for same-sex marriages is laid, and it will be eventually argued that it would be discriminatory to deny such marriages. Marriage statutes could thus be challenged and become legislatively vulnerable. Thereafter, the adoption of children in the same-sex marriages would be substantially increased.

Premier Peterson addressed these concerns in Ontario by saying, it is unlikely that a homosexual parent or parents would be deemed to be in the best interest of the child in most cases. This was stated before the

inclusion of sexual orientation into their Human Rights Code. Our concern is that such legislation will give rise to a trend in which the assumption will be made that it is discriminatory either to suppose or act on the supposition that a homosexual atmosphere is undesirable for the raising of children.

Proponents of the amendment that have maintained that to include homosexual orientation in the provincial Human Rights Code is not to condone or legitimize homosexual lifestyles - but then, is it?

Inclusion of homosexual orientation in a list of protective classes that include race, colour and creed is an attempt in our view to incorporate homosexuality officially in recognition of status. Such a measure would make a radical departure from traditional classifications grounded in essence on unalterable or on neutral characteristics or status and not on behaviour orientation. No other minority group are protected by a human rights code based on lifestyle.

Would a homeowner lose all freedom in deciding whether or not to rent a home or a room to a homosexual couple? It is evident that the inclusion of sexual orientation in this human rights legislation changes the very purpose of the Charter of Rights and Freedoms proclaimed on April 17, 1982. At present, laws protect moral-neutral characteristics such as race and sex. The proposed inclusion of sexual orientation will serve to protect a particular lifestyle. In essence, what now serves to provide an environment of fair play for all Canadians gets caught up in the dubious task of requiring support for a particular lifestyle.

We call the government: 1) to slow down the process to grant more time to make positions clear; 2) separate, isolate and treat separately the issue of sexual orientation because of its unique character and far-reaching implications; 3) allow its members to vote according to conscience as opposed to a requirement of voting in a block. To do otherwise is autocratic and heavy-handed and the constituents would not be fairly represented. Do not introduce Bill 47 as written for Third Reading.

We uphold the view the Scriptures teach that homosexual practice is unacceptable. At the same time, we call on all Manitobans to affirm justice and equality to all people, including homosexuals who presently share equally in the privileges of a free and democratic society.

We oppose the inclusion of the words "sexual orientation" in Bill 47 for the creation of a special category protecting a particular lifestyle. Such an inclusion makes legislation more intrusive than is necessary and than is intended, has the potential of criminalizing the behaviour of ordinary people who are applying the ordinary standards of prudent and moral judgment, may support attempts to force through the legal system changes in the definition of such fundamentals as marriage, and adoption - changes that most citizens would disapprove of but would be powerless to erase.

Therefore, we call the government to withdraw this legislation and, if necessary, to work through their own considerable resources to combat victimization of homosexuals and other citizens.

Thank you, gentlemen.

**MR. CHAIRMAN:** Any questions?



The Minister of Education.

**HON. J. STORIE:** Yes, to Mr. McGinn, two very short questions: No. 1, were you aware that this bill was actually introduced for Second Reading more than a month ago?

**PASTOR. G. MCGINN:** No. The first time that we became aware that this bill existed was when we heard of it in the paper in terms of these hearings, in the back section of the paper, which has eventually become the front section.

**HON. J. STORIE:** You referenced the autocratic nature of the government. I was wondering if you are aware that two other provinces, Ontario and Quebec, and the Yukon have similar provisions so that more than 50 percent of the homosexual population now enjoy rights similar to what's being proposed by this government?

**PASTOR. G. MCGINN:** I am aware of that. We were told in a conversation with Brian Stiller of the Evangelical Fellowship of Canada that even this last week the Ombudsman has made a statement to the effect that I believe there may be a redefinition of "family" in line in Ontario because of that legislation passing.

**MR. CHAIRMAN:** Other questions?  
The Attorney-General.

**HON. R. PENNER:** The legislation to which the Minister of Education refers in Quebec has been in force for 10 years. You've expressed a number of concerns; others have as well. Did you make any attempt to find out whether in fact in Quebec, after 10 years, the laws with respect to the family or marriage, adoption, have changed at all?

**PASTOR G. MCGINN:** I would propose that if you would allow this legislation to drop now and open it again in February, when you open up your Sessions, you would allow us the time to do such investigation.

**HON. R. PENNER:** I just want to advise you that I have done such investigation and I can assure you that is not the case with respect to institutions and marriage. Marriage is governed by federal law, in any event, that is, who may marry.

**PASTOR G. MCGINN:** The federal law is now bogged down in their efforts to incorporate sexual orientation into their bill, but their efforts have been concerted to do so and may continue to be concerted to do so.

**MR. CHAIRMAN:** Other questions? Hearing none, thank you, Pastor McGinn.

Gwen Parker, representing Manitoba Women's Institute.

**MRS. G. PARKER:** Mr. Chairman, and committee members, we certainly thank you for the opportunity to present the paper before you.

The Manitoba Women's Institute is a voluntary, non-partisan, non-denominational, non-sectarian, educational organization with 1,600 members in 96

locals, primarily in rural Manitoba. We have been active in the province since 1910.

Women's Institutes came into being in Ontario in 1897 because of a death due to inadequate education on health issues. Our founder's child died from drinking unpasteurized milk. In the ensuing years, our role has been to educate and address issues which affect the well-being of women and families. Our motto "For Home and Country" encompasses the concern that "a nation cannot rise above the level of its homes."

Manitoba Women's Institute has no official position on Bill 47. We have been very busy presenting to the Curriculum Review Committee of the High School on Bill C-22. However, the standing policy of the organization is to study issues and the ensuing ramifications for proposed legislation before supporting such. It is for this reason that we cannot accept the inclusion of sexual orientation within this bill without much more information.

Concerns include:

1. Giving special legislative treatment to a group based on a lifestyle which is supported by a limited number in our society, yet can affect our entire society.
2. If included, what are the possible ramifications? Conversely, if there are none, why is sexual orientation being considered for inclusion?
3. It is medically well-documented that there is a direct relationship between the homosexual lifestyle and AIDS - an epidemic that Dr. Wm. Haseltine, a leading researcher at Harvard Medical School, Boston, has warned public health officials may be "relatively powerless to contain." This past June, our organization commissioned preparation of a study paper on AIDS for our entire membership for February 1988. Without more facts, we cannot support "sexual orientation" included in Bill 47.

We respectfully urge the Government of Manitoba to:

1. Provide the public with reasons for the necessity for inclusion of "sexual orientation" in Bill 47 and the benefits that would ensue from same.
2. To delay this bill to allow hearings to be scheduled in rural Manitoba, with rural Manitobans given sufficient notice of hearings to allow them time to participate. Community activities in rural Manitoba are at their peak in summer, and it is difficult to juggle time schedules in communities on a moment's notice and also to travel hundreds of miles.

Premier Pawley has asked our organization to meet with the Minister of Health shortly to discuss health issues. This we appreciate.

Manitoba Women's Institute could not support the Calgary-based family life course originally offered to Manitoba schools, but upon review of the "Made in Manitoba" family life course launched in July 1986, we fully support its optional inclusion in the school curriculum, and we have since asked that a section on AIDS be added.

**MR. CHAIRMAN:** Questions? Hearing none, thank you, Gwen Parker.

Pastor Lloyd Peters, Steinbach Ministerial Association.

Mr. Peters.

**PASTOR. L. PETERS:** I have a brief here.

Mr. Chairman, committee members, ladies and gentlemen, I represent in this ministerial association approximately 20 churches with an excess of membership and adherence of over 5,000 people.

We appreciate the opportunity to have our voice heard in relation to the issue of Bill 47. The disturbing part of this bill is that the Provincial Government is attempting to make sexual orientation a part of this legislation. I am assuming that this government is doing this to alleviate the pressure that now exists and that they are experiencing in the so-called inequalities that now exist in the homosexual community.

As ministers, we are not in favour of anyone in our great country to experience inequality. We desire justice for all. If there are, in fact, any inequalities, they would be best taken care of through the judicial system that now exists, including the words "sexual orientation," which only opens the door to a wholesale reorientation of provincial laws and values. In essence, the government is attempting to legislate and legitimize a particular conviction concerning sexual orientation. We feel that the government has no such mandate from the people of Manitoba to engage in such legislation of morals.

The Steinbach Ministerial Association believes that the addition of sexual orientation to Bill 47 is unnecessary because it singles out homosexuals in our society. When this is done, their lifestyle is approved of and considered normative. Along with this comes the explicit message that the homosexual lifestyle is equivalent to the traditional nuclear family. We are concerned about what will happen on the long-term basis.

Will governments provide health and child care benefits to same-sex marriages? Will same-sex married couples be allowed to adopt, to look after foster children? Our present definition of family will need to be changed if this legislation becomes law. We would urge this government to prohibit this legislation from becoming law until more research and evaluation can be done.

Who then will determine if someone is being discriminated against? Will a committee be given specific powers to make decisions on the basis of their personal judgments and bias? Where does this leave the many churches who hold to the biblical view that the homosexual lifestyle is wrong and is not to be tolerated within its membership? This legislation has the possibility of leaving churches impotent in following through with some of their basic religious beliefs.

With this in mind, is this province now going to ratify religious convictions and policies for the churches of Manitoba who do not agree with the homosexual lifestyle? Is the state trying to run the church? This bill not only affects freedom of religious conviction but also the expression of those convictions. This bill, with the inclusion of sexual orientation, will only cause bitter feelings between the government and the church.

With the inclusion of sexual orientation, Bill 47 is, in our view, a legislation of immorality. Therefore, we urge

this committee and this government to slow down the process and to allow more time for positions to be made clear. Treat sexual orientation in the bill separately.

We would also urge this government to listen to the voices of their constituencies. You represent us, not as much as a block of oats, but as individual members of the Legislature. We would urge you to allow the voting on this bill to be done on the basis of the individual. On an issue so controversial, the NDP ought not to push this Bill 47 through in a heavy-handed manner. You represent the people, all the people, not only the few minorities.

Thank you.

**MR. CHAIRMAN:** Questions? Hearing none, thank you very much.

Bob Shelton, Garden Park Baptist Church; Duar Burden.

Lloyd Peters, private citizen.

**MR. L. PETERS:** Mr. Chairman, committee members: for the last few hours, I have heard the chairman and this committee wish that those of us who make presentations keep them short and brief in consideration of the time, and I agree it is late. But I also point out the inconsistency of the request in view of the fact that we have not been given much consideration as a public to react on it because of the very time that this whole thing has been brought out - vacation time, July - hardly fair to the constituency to bring this kind of a thing up at this time of the year.

If justice is the issue here - and I assume that apparently it is - if justice is the issue, why discriminate against the majority of the citizens of this province? If justice is the issue here, why not then go to the people of your constituency and listen to them? If justice is the issue, why should the NDP Government refuse to allow the members to vote on the individual basis? Where is the justice? If justice is the issue, on what do you base your justice on? Personal humanitarian reasons? What is the background, what is the basis of your justice?

I oppose Bill 47, and I appeal to the government to let the vote go through on the individual basis and not in a block. Postpone it, take some time, look into the ramifications of this thing. Let the people make some choices. They put you into power.

Thank you.

**MR. CHAIRMAN:** John Martens, private citizen.  
Mr. Martens.

**MR. J. MARTENS:** I have no brief.

**MR. CHAIRMAN:** Proceed, please.

**MR. J. MARTENS:** When I caught a bus to come over here, it was about seven o'clock and I was really scared I was going to be late. I guess there's not too much to worry about. I took a little break and I walked with a lady a way down the street just to talk - it was about 9 o'clock or so - and she was a lesbian. We talked back and forth about why we were what we were.

When I turned the other way and came back, I met this Indian fellow. He was, you know, nearly bald and

I could smell alcohol on his breath. He stopped and he shook my hand and I shook his hand and I was glad to see him. He looked at me and said, "Who is it?" I said, "What did you say, sir?" He says, "I'm an Injun." I said, "Oh, you're an Indian; yeah, I'm a white man." Then he stuck his hand out again and he shook it cause he was happy that I cared for him. We walked a little ways, he stuck his hand out again and we shook hands again and then we were ready to part and he looked at me and he says, "No difference." I said, "I'm sorry, sir, I can't understand you." "No difference," he says. I said, "You mean there is no difference?" He says, "Yeah, yeah, no difference."

Yes, that's right, there's no difference between us - absolutely no difference. I'm glad that happened before I came in here. It impressed me. There is really no difference. There are not three sexes, there are not old and young, there are not male and female. We are all one planet; we're one race. We must face bills and legislation in that way, too.

I have a few things to say about Bill 47. Generally, I like it very much. I like the tone of it. I like the atmosphere it's presented in. I believe, very passionately, that every person is valuable, as it says in the bill, whether they be young or old or black or white, male or female, educated, uneducated, crippled or have all their limbs, unborn, born. I believe everybody is a valuable human being and part of good government - I think government has a twofold job. One is to provide an environment for us to be able to work freely in so that we can make money or so that some people can make money, not me, for people to produce and not be tied down; and also, on the other side, to protect the poor people, to protect those who have no power of their own. That's what this bill is trying to do and, for that, I commend it. I have heard of some people saying we should have an anarchist government - everybody do whatever they feel like doing. That might be fine for some people, but I would rather not live in such a society.

I, myself, was unborn at one time. I will be old sometime, and I am glad that I will be allowed to live at both ends of the spectrum. I might be crippled someday. I might have a mental impairment. I could have been born homosexual.

There are three things though in this bill that I would like to have relooked at if that would be at all possible. One of them is that the unborn are never mentioned. I know that's a problem area and it's a hot topic and everything, but I speak about this, not for really any religious reasons but for very pragmatic reasons. I was unborn. I will be old and, when I'm old, I might be of no economic use whatsoever to our society, and if I feel that when I'm at that stage in my life, if my government will not protect me, then I will fear growing old. But if the government will protect people who are helpless at one end of the spectrum to help us at the other end of the spectrum, then we will have people who are unafraid, even poor people who are unafraid. The government is there to protect people who cannot protect themselves, who don't have power, who are discriminated against, and I believe sometimes the unborn are discriminated against.

A second point - and this might seem a little bit odd - but I have been thinking about this and I don't think it's odd. The clause there about religious activity - you're

not permitted to discriminate because of religious activity - I think that should be scrapped. Now I'll get into that in a little while and explain why, but I don't think that's proper to put a statement that we have freedom of religious activity as a basic human right. There are some things that are a basic human right. We should not discriminate against somebody because he comes from a Catholic background or because he's from India, because he has a certain ethnic or religious background. But when a person chooses to adopt a behaviour or to go a certain road in life, even if it's a religious activity, that shouldn't be protected as a basic human right. A basic human right is what we are because of what we are, not because of what we choose to do. That's a different section altogether. We might protect against religious activity, but that's not part of our basic human right.

I'll leave that point and I'll go onto my third point, which is the one that everybody has been talking about, and it's the one to do with sexual orientation. Many objections have already been raised, most of them religious. I haven't heard from any Hindus or any Moslems or any people with Indian religions, and I don't know whether that's because they haven't had time to formulate their objections or whether - I don't know the reasons, I don't understand the reasons. I know that the Moslems would come forward and speak on this bill too, because they do not all agree with this, but I'm not sure of that and I can't provide data right now.

I want to raise some other objections which have not necessarily been raised yet through this clause, "sexual orientation." One of them is that I don't think most people have a clear understanding of the term "sexual orientation." It has not been defined in people's minds and, I don't think, clearly defined in the legislation as well. The confusion comes between two different terms which are not exactly the same thing, one of them being sexual orientation and the other being sexual activity. I believe we should make a distinction between those two. They are not the same thing. They sound the same, but they're really light years apart.

After doing a lot of soul-searching and research and talking to some of my friends who are both heterosexual and homosexual, I have come to the conclusion that there is such a thing as sexual orientation. I appreciate the party who came up here and said that nobody is born a homosexual, but I cannot agree with that. I think that there are certain paths, be they genetic or biological or hormonal, that lead a person to have a desire for his own sex or her own sex above and beyond any desire that there is for an opposite sex. I believe often it has to do with youthful trauma but not necessarily always. I think there is such a thing as sexual orientation and much of our orientation may, in fact, be trained in the family.

But a sexual activity, I consider to be another game altogether, and I cannot agree with a bill that says that we will protect people due to their sexual activity. Now some people might say, well, it's really hard to differentiate the two, but I don't think so. I don't think most churches would have trouble hiring people who say that they have homosexual orientations as long as they would not indulge in those homosexual orientations. Our society is so very, very free about sex, and we think that everybody has to have sex every few

days or so. Otherwise, they're going to break apart. We have not really seen that sex is really required for existence.

We can be quite happy without it, and probably there are quite a few - do I hear whispers in the back? - but there are probably quite a few people in history who were great people, very happy people, who never expressed their sexual orientation. There are still virgins in the world; I'm pretty sure of it. Buddha was one of them. John the Baptist, he was a virgin as far as we know. Jesus was. Isaac Newton was - you know, the guy who discovered gravity - he was also a virgin. So I don't know what their sexual orientation was, and it is possible to live a happy life without expressing your sexual orientation. So maybe it is time that we actually say, well, you should not discriminate on the basis of somebody's orientation, on their desires but, on their activity, it is right to discriminate.

I want to get to another point here. I think that this term about sexual orientation does not belong in this bill. All the rest of the statements in the bill deal with things such as your . . .

**MR. CHAIRMAN:** Can we make a humble request that you go to the point, straight?

**MR. J. MARTENS:** All right. In the bill, you are protected about your sex. Whether you're male or female, that's an amoral thing. Whether you are crippled, there is nothing you could really do about that; whether you are big or tall, or fat or short; whether you have a certain background or not; but a human rights bill has no rights protecting sexual activity. I don't think sexual activity is an innate human right. It is a privilege. I was going to compare it to driving a car, but I'm not sure that's fair comparison. Sexual activity is a privilege that you must take along with responsibility, and to just simply say, well, we're going to protect all sexual activity is not right, and that's how this bill is being interpreted.

I was going to make two more points . . .

**MR. CHAIRMAN:** Go ahead.

**MR. J. MARTENS:** Go ahead? Okay. Our third point is that . . .

**MR. CHAIRMAN:** But be brief.

**MR. J. MARTENS:** I'll try. I've never done it before in my life.

Homosexuality is not healthy. Now I'll deal only with male-male homosexuality and I won't go into any details, but mostly male-male homosexuality is penis-anal intercourse as a substitute for penis-vaginal intercourse. Physiologically, the rectum is not designed for the penis. It is not designed for that purpose. And so what that does is when any hard object is inserted into the rectum, it creates lassitudes and cuts along the thin wall of the intestine which easily causes bleeding and the entry point of many of these sexually transmitted diseases is much easier, apparently, to transmit than through blood and through normal heterosexual intercourse.

Also semen, when it is inserted into the blood stream, is known to be an immune depressant, and it further depresses the ability of the body to fight off infection.

The only point I want to make on that point is that male-male homosexuality is not a healthy practice

And that will lead me into my fourth and last point and I'll quit after this one. Homosexuality is not normal - and I'll view this from one of two ways. Whether your persuasion is that of an evolutionist or of a creator that you believe we evolved or we were created, either way I believe that the arguments show that homosexuality is not normal.

If you believe that we evolved - and I have studied quite a bit about evolution, even sexual evolution, understand what the teaching is about this and, if we evolve from a lower animal, we are now in the form where we have adapted to fit the niche that we are in and the male-male intercourse, the homosexual relationship, if it ever occurred in the history of evolution it would have no evolutionary purpose to propagate. So basically, it is a self-destructive act and through whatever channels, through whatever evolutionary channels, that action would be siphoned off from the society. It's possible, some evolutionists would say, that disease and social rejection of homosexuals is for the purpose of siphoning off homosexuals from the normal strain. Now, I don't personally agree with that, but that is what some evolutionists would teach.

If, on the other hand, you believe that we are created then God would know what we are made for and what is normal. I think we should listen to that too and at least look into it. I'll close there.

**MR. CHAIRMAN:** Questions? Hearing none, thank you John Martens.

Mrs. Peter Meyer; Kim UnRau.

Mr. Kurt McGifford. Before you begin, Kurt, we agree to appeal, otherwise we stay here. I don't know. I'm reacting . . .

**MR. K. McGIFFORD:** I'll make it brief.

**MR. CHAIRMAN:** . . . to stay here anyway.  
Kurt McGifford.

**MR. K. McGIFFORD:** Mr. Chairman, members of the committee, I thank you for allowing me this indulgence for the opportunity to present my opinions regarding Bill 47.

I've sat here for the better portion of the evening I've listened to people talk about AIDS; I've listened to people talk about the Bible; I've listened to people talk about judgment, about morals; I've also heard a few people speak about justice.

I brought my Bible up with me. I don't think I'm actually going to delve into it because I think we've all had enough Scripture for this evening. There's a lot of valuable information in this book, but my God tells me that this is a book of love. And to use this book to condemn lifestyles, to condemn people, to condemn anything, is against what I believe in. I don't believe in a vengeful God. I believe in a God of love. Love, in my eyes, can be equated as justice, as truth. These are some of the issues we have to be looking at.

I support this bill. The reason that I support this bill is because it is not a moral issue. It is a justice issue. By sheer virtue of the moralists who have come up here and presented their views, in my mind, from a

justice standpoint, these people are supporting this bill, even though they may not realize it. The bill is designed to protect basic human rights. Those are the rights of employment, housing, services, medical and otherwise, be they private sector or government.

We, in Manitoba, pride ourselves I believe - I pride myself on the integration that has occurred within our province: different races, ethnic origins, religious affiliations, they have all either been born or come to call Manitoba their home. Whether or not people are willing to accept this, the majority is not always in the right. We must protect our minorities, whoever they may be, so that people can enjoy the freedoms and basic civil liberties that every human being is entitled to.

**MR. CHAIRMAN:** Questions?

Thank you, Kurt.

The next presenter is Mr. Peter Meyer. Carey Winslow. Mr. Dave Perry, private citizen.

**MR. D. PERRY:** Mr. Chairman, honourable members of the committee, my brief is brief, deeply felt and, I hope, clear. Bill No. 47, as it presently reads is flawed, in my opinion, in several respects. It is a flawed legislation, No. 1, because it asks Manitobans to accept something that is not true, namely, that sexual orientation is of no more moral consequence than gender, race or national origin. These categories are not even similar. Whether I am male or female, whether my parents came from the Ukraine or the U.K. is not a moral issue. The way I live my life is a moral issue, because it has to do with the way I treat myself and other people.

Questions of sexual behaviour are profoundly moral, and should not be lumped together with issues like gender, race or national origin in the drafting of anti-discrimination laws.

No. 2, Bill No. 47, as it presently reads, is flawed legislation because it imposes on tens of thousands of Manitobans a proposition that they do not believe, namely, that the difference between heterosexuality and homosexuality is a morally neutral difference. Strictures against homosexual practice are deeply felt and long held by many Manitobans, and it is not for the government to try to enlighten these many Manitobans. They know what they believe and should not have to submit to moral re-education by the province.

No. 3, Bill No. 47, as it presently reads, is flawed legislation because its impact will be different from its stated purpose. Its stated purpose is to ensure all Manitobans fair treatment in such areas as housing and employment. The bill's impact will be to give Manitoba's legislative blessing to the practice of homosexuality.

Bill 47 would, in the name of fairness in housing and employment, affect something that has nothing to do with housing and employment. The bill would, in the name of all Manitobans, accomplish something that, I believe, few Manitobans desire or agree with, the governmental legitimizing of homosexual practice.

I speak for myself and my family and, I believe, for many others. We are tired of a vocal minority demanding revision of our society's convictions about what is right and wrong. Bill 47, as it presently reads, is a flawed

legislation. I would appeal to you to change it and to remove the sexual orientation provision from this bill. Thank you very much.

**MR. CHAIRMAN:** Thank you.

Walter Grymaloski; Anne Diachun; Mr. G. Zacharias; Bill and Christine Sudak; George Back; Terry Machnik; Eugene Romanec.

Helen Kennedy, private citizen.

**MS. M. BARTON:** We're not both Helen Kennedy, obviously. I am on the list, as well - my name is Mary Barton - but we have buses to catch and we were wondering if one of us could speak on behalf of both of us, and just get it over with, rather than two taking more time. Would that be acceptable?

**MR. CHAIRMAN:** Is that agreed? (Agreed)

**HON. R. PENNER:** What's the other name?

**MS. M. BARTON:** The passing of this bill . . .

**MR. CHAIRMAN:** Who is speaking, please?

**MS. M. BARTON:** Mary Barton. The passing of this bill, specifically the inclusion of the sexual orientation code makes some very big assumptions, assumptions which, if false, would be completely detrimental to society. These assumptions are that homosexuality is a normal, healthy alternative lifestyle that is not only good for the individual, but for society as a whole.

This government, this committee takes on a responsibility of passing laws to protect this province as a whole, and not just a few individuals. My concern is this: Does this bill ensure that Manitoba, as a whole, will benefit or does it ensure destruction in the long run?

The passing of this bill assumes that its effect on society would be more positive than if the bill were not passed. Has there been a considerable amount of study and research done to ensure that this is so, so that those of you who vote on this bill can have a clear conscience that what you have done is right, or are you merely taking risks and throwing Manitoba into grounds where it has never been before - *que çera çera*, whatever will be will be.

The reason I am so concerned as to whether homosexuality has indeed been proven to be a healthy - that is psychologically and physically speaking - normal, alternative lifestyle is I am convinced it is the opposite, that it is at best a destructive lifestyle. I believe the reason it is so destructive is because it is totally opposite to the way human beings were created. It is against basic human nature. I base my belief on the literature I've read on the subject and from what I have seen in reality and, most importantly, in a book I believe is 100 percent fact, that is, the Bible, God's eternal word.

Perhaps some of you are thinking, snicker, snicker, ha, ha, basing her beliefs on an old book called the Bible. Well, let me ask you this. What do you base your belief on - and I emphasize the word "belief" because those of you who are for the bill have just as strong belief that it is right as I have a strong belief that it's wrong. Like it or not, this is a moral issue.

The fact remains there is great controversy and doubt as to its effect on society. If drugs must be proven safe before being put on the market; if products must pass certain safety standards before being sold; if food additives and chemicals must be proven unharmed before being used, is it not then only obvious that the possible results of this bill be proven positive before it is passed? What research has this government taken the time to do?

In closing, let me leave you with a few questions. Search your hearts. Why is this government so anxious to pass this bill? Why does there seem to be such a sense of urgency? Are you just anxious to get out of here and on your recess? Whatever the reason, surely such a controversial bill should be given intense, thorough study and consideration and not merely shoved through as quickly as possible.

Is this committee committed to represent the voice of the majority of Manitobans or only a select few? Has the government done extensive studies on what psychological effects children being brought up in same-sex marriages will have? What effect will homosexual teachers have on the impressionable minds of young children? What cold hard facts have you got to prove to me, as a citizen in Manitoba, that in the long run this will not negatively affect my children or other people's children.

Assuming, with the passing of this bill, that our children will be indoctrinating with the new teaching that homosexuality is a normal alternative lifestyle, are you prepared to let it touch your own home? For example, assuming you have a teenage daughter, how would she feel about another teenage daughter lusting after her and the two engaging in sexual activity in your home? Are you willing to take responsibility for helping to shape your child into a homosexual? That's all I have to say.

**MR. CHAIRMAN:** Questions? Hearing none, thank you, Mary Barton.

Lorna Dyck.

Rick Hefford, private citizen.

**MR. R. HEFFORD:** Mr. Chairman, committee members, I'm afraid I have to admit to being part of the apathetic majority. Up until two days ago, this wasn't an issue, personally or in our home. And I guess I'd like to qualify some of my statements by indicating that I can't really speak with any authority on the incidence of AIDS among homosexuals, or how frequent, or how many partners they might have, or how many partners heterosexuals have. I can't speak with any authority on whether more children are abused or raped by homosexuals or heterosexuals. I can't talk to you about orgies or whatever. I guess I don't know too much about the homosexual community. I don't know if any of my friends are homosexuals - none that have let me know anyway.

I've never had a solicitation or I've never been approached or made to feel uncomfortable by anybody in the homosexual community, but I am apathetic. I am apathetic in that I haven't addressed this issue up until recently, and probably the only reason that I'm addressing it now is because my mother-in-law was put on the spot in rural Manitoba as to whether or not

she should support or not support a United Church issue as to whether they should be included in their congregation or not. Having put her on the spot, it put me on the spot, because she happened to ask me the question and I didn't know the answer. I hadn't ever addressed the issue.

So I decided to address the issue. I decided to do whatever research I could and to find out a little bit about what's going on. Unfortunately, this gathering came a little premature and my research is not nearly what is being shared with you today. But I did do a little research. I went to my friends - most of them are just ordinary folks - and asked them about the issue that's been in the newspaper, and they didn't know. They didn't know, they didn't care, they didn't think it was an issue. They didn't think it was affecting them.

So I went to my other friends - and these are Christian friends - and they had a little different response. They had a whole bunch of reasons why it was an issue. I wasn't prepared to accept their statements that it was an issue, until I found out some reason why it should be an issue, so I asked what their references were. They directed me to the Bible, figuring that authority was greater than mine and greater than theirs. I thought I would look and see what it said there.

They did happen to make some statements and I looked at it pretty critically. I'm not well-versed in the Bible, and therefore, I looked at it as much skepticism and looked at it to see what statements it made that were directly applicable to this issue. There have been far more adequate people than myself who can quote Scripture and who can explain what it means. The conclusion that I've come to is that homosexuality is not condoned by God; it's not something that He supports in His written word. Based on that understanding and based on that interpretation of what God says in His word, and accepting Him as a higher authority than myself and the peers that I relate to, I have to be concerned about the sexual orientation aspect of the bill that you are proposing.

I am also a father and a husband, a father of three kids who go to public school - correction, two kids who go to a public school and one to enter a Christian school this fall. My concern in that area is: Will this bill permit the homosexual teacher to be hired regardless of the position that a particular church or a particular school chooses to take? I have a concern that a homosexual might be prepared to promote their particular lifestyle, their particular orientation to my child. I can't speak for the broad population, I can't speak for society, but I have to speak for my own children.

I am concerned that this legislation may lead to other things that I haven't been able to research, and I've heard a great deal of discussion today about whether or not a homosexual couple will be viewed legally as a family. I have a concern that, if they are viewed as a family, will they be allowed to adopt children? I have a concern that if my wife and I should die prematurely and our children, for whatever reason, are put up for adoption, I would not want them raised by two consulting homosexuals who consider themselves a family. If the court or whomever decided that they could not challenge them, they could have access to our children. I am concerned that this legislation might allow a male homosexual to volunteer in a social service

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agency and, again unrestricted, have access to kids without the parent having the right to deny them based on their sexual preference.

And finally, I'm not sure how the courts will react to this legislation. We've all seen instances of the courts having to interpret, and I'm not sure of what has been said or done by other provinces or other circumstances, but it is a concern of a parent of three children.

I thank you for providing me with this opportunity.

**MR. CHAIRMAN:** Questions? Hearing none, thank you, Rick Hefford.

Ian Semour.

Dr. Tom Snowden, Social Concerns Committee of the Pentecostal Assemblies of Canada - Manitoba and Northwestern Ontario.

Dr. Snowden.

**DR. T. SNOWDEN:** It's a written brief, Mr. Chairman.

The Social Concerns Committee of the Manitoba and Northwestern Ontario District of the Pentecostal Assemblies of Canada wants to thank our Premier, Mr. Pawley, our Attorney-General, Hon. Roland Penner, and all the members of the Manitoba Legislative Assembly for allowing these public hearings on Bill 47.

The Pentecostal Assemblies of Canada is a denomination of over 1,000 churches in Canada attended by some 200,000 people across the country. Here in Manitoba and Northwestern Ontario, we have some 75 congregations, mostly in Manitoba, with members and adherents numbering around 7,500.

In April, the 60th Annual Conference of our district churches was held in Morden, Manitoba. This predated the introduction of Bill No. 47 by some weeks. However, since similar legislation had already been passed in Quebec and Ontario and since similar legislation has been considered at the federal level, our conference unanimously passed Resolution No. 7 which deals with the whole matter now before us. I'd like to read that resolution to you.

Resolution No. 7 re toward equality:

"WHEREAS there has been a positive acceptance of the "Toward Equality" paper by the Department of Justice, Ottawa; and

"WHEREAS this paper advocates that sexual orientation be a prohibited ground for consideration in hiring and dismissal procedures by employers; and

"WHEREAS federal legislation and provincial legislation in Manitoba may soon be proposed; and

"WHEREAS such legislation would, in fact, give special rights to homosexuals;

BE IT THEREFORE RESOLVED that the 1987 Conference of the Manitoba Northwestern Ontario District of the Pentecostal Assemblies of Canada again strongly protest these considerations of any such proposed legislation, communicate this opposition to the Federal Minister of Justice, the Prime Minister of Canada, the Federal Opposition Leaders, the Attorney-General of Manitoba, the Premier of Manitoba and Manitoba Opposition Leaders, and urge our constituency to express this opposition individually."

We feel that this clause in the legislation is unnecessary and troubling. It, in fact, discriminates against those individuals and groups in Manitoba society whose moral standards prevent them from employing practising homosexuals or accepting them into membership in their various societies.

We believe this legislation threatens this moral standard in a most serious way. While some may maintain that exceptions will be made for some groups to hold such standards, we believe it is naive to assume that all groups and individuals who hold such moral standards will be free to put their convictions into practice.

The spirit of Bill No. 47 is one that denies the validity of such a moral standard and goes to some length to ensure that it is hindered. We, therefore, firmly oppose Bill No. 47 and hope that it is either withdrawn or defeated - I would like to add - or modified to exclude the inclusion of the sexual orientation area.

Thank you, Mr. Chairman.

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

Mr. David MacLean, Morality in the Nation.

**MR. D. MacLEAN:** I have an extensive package to submit. I'm going to keep it very brief, and I'm submitting this to Mrs. Carstairs who will go through it and then submit it to the committee.

I've been here for almost 15 hours, starting Thursday night, to hear and see what was going on. I've never been involved in a process of this type before, and I've never come before a committee like this, and I've learned a lot over the past few days. I've come to understand a lot about the gay community which I did not know before. I had a belief and a very strong conviction, and I've seen my perspective change over the past few days.

I've come to see that people are here because they have a care. You're here because you have a care and I believe everyone here is here because they have a care. They have a care for people and they don't want to see people exploited or discriminated against. There are some very strong feelings here, but it all comes out of a need to care for each other and the fact that people do have strong-felt feelings toward each other on this.

Having a look at all the arguments that have been placed, I believe there's a bottom line to the whole discussion that's going on here. The bottom line that needs to be addressed: Is homosexuality genetically determined or is it a moral choice? And if homosexuality is genetically determined, then we cannot refuse the homosexual community rights. They have to be established and they have to be granted and it has to be included in this bill because, if it is genetically determined, something that they cannot change and have no choice in the matter, then it would definitely be a discrimination to form opinion based on that because they cannot change it.

I've come here to say that I do not believe it is genetically determined, and I think that has been very well substantiated by a personal testimony of a man who was a confessed homosexual for, I believe he said eight or fifteen years, and his life has been radically changed.

I'd like to read some documented evidence quickly out of this paper that was put together by the Hon. Glenn Dobbs. He's a representative in the House of Representatives for the State of Washington, and he submitted this to the Governor in Washington State.

The question posed was - isn't homosexuality a genetically determined trait? - which is what most people believe.

The unfounded assumption that some people are born heterosexual and some are born homosexual is at the very heart of the gay rights movement because, if the individual has no more control over being a homosexual than other people do with the colour of their skin, their height, their age or handicaps, then obviously they should qualify for the same protections under the federal and provincial anti-discrimination statutes as any other minority group.

Masters and Johnson, the contemporary gurus of sexuality studies, have concluded from their expansive studies that, and I quote: "The genetic theory of homosexuality has generally been discarded today." Further, regarding the rare instances of prenatal hormone excess or deficiency, they conclude that no serious scientist today suggests that a simple cause-effect relationship applies. That's the Masters and Johnson study called "In Human Sexuality, 1982."

Like the overwhelming majority of scientific specialists, Masters and Johnson maintain that homosexuality is acquired behaviour. In his book, "Toward an Understanding of Homosexuality," psychologist David Kappen (phonetic) concludes, "Homosexuality is a deviant or pathological form of behaviour." On page 70 of his book, he further states, "It has been shown beyond a shadow of a doubt that neither the homosexual male or even the transvestite, nor the homosexual female, nor any of the sexual deviates of either sex show any abnormalities in the chromosomal formula or the chromosomal sex of body cells" - genetically the same.

If homosexual deviancy is genetically determined, how does one account for instances in which identical twins live two entirely different lifestyles, one a homosexual and the other a normal heterosexual? That's a tough one for the proponents of the genetic theory to explain.

Traditionally, the field of psychology, psychiatry and medicine have treated it and have continued to treat sexually deviancy today as a psychological and pathological aberration. Even the World Health Organization classifies homosexuality as a disease and mental defect.

Finally throughout the United States, there are now many organizations and groups which provide counselling and support to the homosexual who wants to leave the community and lead the straight and normal heterosexual life. There are literally thousands of men and women who have tried it and didn't like it, some who lived a life of sexual deviancy for years and who have, with the help of their families, friends, churches and community, turned their lives around. If homosexuality, lesbianism, pedophilia were indeed genetically preset lifestyles, these dramatic reversals would be an impossibility.

Clearly, the preponderance of scientific evidence and opinion substantiates that homosexuality is acquired behaviour, not the irreversible result of nature's genetic misallocation of a few poor souls who just can't help themselves.

I believe there's a very powerful lie circulating through the gay community and throughout our society that homosexuality is genetically determined and cannot be helped. And that is indeed a lie that has captivated

and placed a lot of people in bondage. I believe there are a lot of homosexuals, if not all, living in the bondage believing that their condition is genetically determined and they have no way out. Because of that, they are guilt-ridden and unhappy, resentful and bitter with their situation and seek public approval to form some sort of acceptance of their condition, which they themselves can't really accept.

I worked for a homosexual employer and talked to him about his homosexual friends and asked him what their heartfelt feelings were. He's told me that most of them are not happy with their situation, and are not happy with the way they act, but they feel there is no way out. So therefore, they're trapped in that kind of lifestyle. That is a lie that has captivated literally hundreds and thousands of people across the nation, that they have no way out. Well, I believe firmly that there is a way out and they can be liberated from the bondage that they're experiencing.

I come to you tonight to assert the fact that you as legislators and myself, as a member of society and all of us here, have a responsibility - the first responsibility as legislators, and myself as having input into your decisions as witnessed tonight, that you have the responsibility of enacting just and responsible law for the betterment of society.

Being that homosexuality is destructive to the personage being involved in it, as we've heard tonight through many testimonies with regard to AIDS and sexually transmitted diseases, I believe that you would be doing an injustice to the homosexual community to assert their rights to operate in this fashion, because what they're involved in is destructive to their own flesh and destructive to society as a whole.

If you are to support their rights and legislate their rights to be involved in this activity that is detrimental to their own personage, even if they don't realize it because they have believed the lie that they have no choice, then you'll be doing an injustice to them and an injustice to society.

Secondly, I believe that you as legislators and myself, as a citizen in Manitoba and in Canada, have the responsibility - I want to get away from asserting rights tonight. I believe it's time that we assert responsibility, because rights without responsibility leads to tyranny, and we need to understand what our responsibilities are. I believe one of our responsibilities is to do everything we can to see the gay community and homosexuals as individuals liberated from the bondage that they are in with regard to this deviant behaviour. I believe there are very real answers and very real solutions to the bondage that they are living in.

I want to quickly make mention - there's been a lot of reference tonight made to the Bible as a standard for society. A lot of people have scoffed at that and laughed at the relevance of Scripture to today. I think we need to understand the history of Christianity and the word of God in Canada. I wonder if we realize that the name, the Dominion of Canada, came from Sir John Tilly after reading Psalm 72, where it states, "He shall have dominion also from sea to sea." I wonder if we understand that the original rendition of our national anthem, O Canada, had the chorus, "Lord of the lands, make Canada thy own." I wonder if we understand that Samuel de Champlain, one of the founders of Canada, preached the gospel of the good



news of the Kingdom of God to the Indians and prayed for their healing on the St. Lawrence River.

I would challenge you, the next time you're in Ottawa, to have a look at the Peace Tower on the west, the north and the east side, and to see that there is scripture emblazoned on the Peace Tower on the west side saying: "Without a vision, the people perish;" and on the front side of the Peace Tower that says: "Give the King thy judgments, Oh Lord, and righteousness to the King's sons;" and on the other side of the Peace Tower that says: "He also shall have dominion from sea to sea."

Any nation that cuts itself off from its heritage will not have the strength to embrace the future because they've lost perspective to have any kind of vision as to what is ahead of it. Canada has very really been established on scriptural principles and the Bible, as an understanding of a standard to be raised in this land.

And I ask you, as legislators, to understand that I believe you would be doing an injustice to the homosexual community and to society as a whole to legislate sexual orientation as an upheld right in Manitoba.

Thank you very much.

**MR. CHAIRMAN:** Question? Thank you, Davie MacLean.

Randy Loewen; Mrs. May Winters; Jim Klause; Peter Dawes; Laura Batchelor; Cheryl Batchelor; Scott Kennedy; Anne Braun.

Dave Derksen, private citizen. Do you have some briefs?

**MR. D. DERKSEN:** Mr. Chairman, yes, it's hand-written, one copy only.

**MR. CHAIRMAN:** Copies available to the committee?

**MR. D. DERKSEN:** No.

**MR. CHAIRMAN:** One copy, thank you. Proceed, please.

**MR. D. DERKSEN:** Mr. Chairman, and honourable members of the committee, I threw out and trashed my original because I guess, basically, you've heard what there is to hear from the public. So I'll try and shorten it up and I won't try and belabour you with my morality.

Truly you have awesome power. May you exercise the wisdom God gives to those who ask. I will not try to bore you or put you to sleep. The question I have is: What is justice? Someone else mentioned that already.

(1) Is justice served when we give extra rights to pedophiles, still too small a group and are not organized or legal?

(2) Is justice served if we give people who are given to bestiality extra rights, still too small a group and not organized or legalized?

(3) Is justice served if we butcher babies - now illegal?

(4) Is justice served if we give homosexuals extra rights - now legalized and organized?

My position, Mr. Chairman, is no one group is entitled to additional rights, and I mean any group. We all have

the basic rights then that are provided for by the Charter. Sadly, a lot of the complaints that the homosexuals have, maybe they are being unjustly persecuted in some areas. I don't know.

To compare sexuality and color of skin is a red herring, and that has been done by many people. I have been the only white in a colored group and the prejudice was minimal, something which changes from group to group. You can be a group of whites and you can have some colored and you can have no prejudice, minimal or extreme. It depends on the people, and you cannot legislate that love. No one can do that.

I have also been one of few straights in a group of homosexuals, and the prejudice was awesome. That would not always have to be that way either. There are people who are homosexual, I'm sure, who have been one in a group of straights and have felt very prejudiced or been treated to a lot of prejudice also.

To legislate something additional to what you give to society, I don't feel will really solve the problem. It is the acceptance of people and the love that only God can give us for each other. Some of you will find that offensive, but I won't belabour you with that.

If you pass Bill 47, I have mixed feelings. (1) Immoral life, in my eyes, is being seen as acceptable, legitimized and right; and (2) the prophecy of God's word is being fulfilled and Christ's return is being hastened.

That is all.

**MR. DEPUTY CHAIRMAN, M. Dolin:** Any questions? Hearing none, thank you very much.

Bob Blair; Sue Sinclair; Brian Kelly.

Debra Esau, private citizen.

**MS. D. ESAU:** "Revert" means to turn back to; "convert" means to turn with; and "pervert" means to turn from. In this sense, homosexuality is a perversion, a turning or veering away from healthy sexuality. It is no less a perversion than any other distortion of monogamous heterosexual relationships, such as incest or pedophilia. In this sense, homosexuality is a disease or dis-ease and, as such, causes untold suffering: physical, mental and spiritual. By all means, let us show compassion for the sufferers.

It is true that individuals in our society often and sadly refuse to accord homosexuals their human worth. Nevertheless, the legislation you are attempting to impose on the people of Manitoba does not answer that problem because you cannot legislate the human heart. Moreover, Bill No. 47 only introduces a host of new problems as perhaps you are beginning to hear. I say that we cannot afford to air, no matter whether it is out of the best intentions. This would be as harmful to our whole society as to homosexuals themselves.

No doctor, moved by compassion for a patient's suffering, ever tries to help a patient by deliberately proffering a clean bill of health while he knows a destructive disease is gnawing away at that person's integrity of body and spirit. The doctor knows that no amount of wishful thinking can right the wrongful situation. Therefore, the doctor channels his compassion into curative efforts. Treatment can improve the problem; turning a blind eye can't.

In our eagerness to recognize the human worth of homosexuals, let's not lose sight of right and wrong.

Mere glossy words cannot legitimize that which is inherently wrong. To call homosexuality an alternative lifestyle is to ignore its fundamental threat to human dignity, health and well-being.

Across historical, cultural and religious divisions, homosexuality is wrong. Legislation can't change its wrongfulness. It can only increase its detrimental effects. Therefore, courage is needed, courage to quit pretending, courage to acknowledge and suffer with the struggles of homosexuals rather than to say they don't struggle at all, and courage to say what is right and what is wrong while we still have the ability to distinguish between the two.

Thank you.

**MR. DEPUTY CHAIRMAN:** Any questions for Miss Esau? Hearing none, thank you very much.

Mr. Randy Loewen.

**MR. R. LOEWEN:** First of all, I'd like to say I'm very proud to be a citizen of Canada. I really love this country, and I seriously want the best for our nation as I'm sure everyone here does. That's why they're having these meetings in the first place.

I feel as of late, just recently actually, in the last few days - and I believe that's one of the problems is the lack of knowledge surrounding all the people of Manitoba with regard to what is exactly going on. I believe that this bill, which is being passed, should maybe be postponed and put off till a later date.

But, for myself, I oppose the inclusion of sexual orientation in section 9(2)(h) of Bill No. 47. As a Christian myself, I oppose these rights to be given for homosexuals. Our laws are really then the word of God. Throughout the Old Testament, Israel was called by God and indeed we have been called by God as well. God promised that, if they obeyed those laws that God gave them, He would bless them. I believe this applies to us today. As Canadians, as a nation, God will bless us if we obey His laws as presented in the Bible and, if we do not obey these laws, God will indeed put that curse of disobedience upon us - indeed, diseases, etc., etc., which is obviously within our society.

I'm just going to skip through some of these things that were mentioned already.

With regard to education, I myself would not wish to have my future children's health and values or share the values in observing those teachers who would be role models for them and those kids would obviously pick up those values.

With regard to the employment of homosexuals, I believe someone who started from scratch and worked their way up to attain a thriving business should have a choice of whom he wants to hire. Of course, he must hold no partiality opposing to those listed in the Charter of Rights like people of visible minorities, etc. Must he stand to have to hire a homosexual? I believe it should be his decision if he is the one who worked his way up the ladder of success and owns the business. Maybe with regard to Crown corporations, you may hire homosexuals with your opinion put in there but, with regard to someone who has his own business, it's just taking away from his rights and literally, if the homosexual is qualified, you're forcing the owner to hire him.

The threat of our province's health has also been mentioned tonight. Indeed, with legislation of homosexual and bisexual rights, there is a danger of horrifying increases of sexually transmitted diseases. Is Medicare in Manitoba ready to pay the long-term price of taking care of such health risks? What about the decreasing number of hospital beds already as was mentioned already tonight? Are Manitoba's hospitals ready to handle literally thousands of sexually diseased persons? I thought the government cared about the health of all Manitobans. I would seriously question the government's caring if they do include section 9(2)(h)

(Mr. Chairman in the Chair.)

For the sake of Canada, Manitoba in particular, plead my case with you to exclude section 9(2)(h) due to the serious implications. If the government goes through with section 9(2)(h), there most certainly will be problems with health, morality, employer and employee harmony, and most frightening of all is indeed the judgment of God. He is loving and compassionate but He detests sin. Let Canada once again be seen as holding Judeo-Christian principles, rather than being observed as a pagan country.

Thank you.

**MR. CHAIRMAN:** Thank you very much.

Mr. Al Cooney; Marie and Thomas Wiebe; Marjorie Kennan.

Heidi Munech, private citizen.

**MS. H. MUNECH:** Thank you for your patience and I thank the audience for their patience. I'm surprised, as I think they are, that I even got to speak tonight.

I'm speaking tonight from a position of privilege as a heterosexual woman who isn't putting the custody rights of her children on the line, who isn't facing job discrimination, who isn't facing social ostracization because I may declare myself lesbian.

My experience in terms of my jobs include being a former teacher. My life experience includes being an incest survivor.

I have many things I would like to address that were said by others, to me, in a rather patronizing caring for the sinner. Just one comment, though, I fail to see how any regard can be unconditional when it is linked with the word "sinner." To me, that is a paradox that cannot be explained away.

What I would like to focus on, because of the time or the lack of time left, is again what Sally Pappo mentioned in her address this evening, the myth of the supposed sexual perversity of gays and lesbians. As an incest survivor and as a woman who knows many other survivors, I have yet to discover one woman who was molested or raped as a child by a gay or a lesbian. What I know is that we were raped by our fathers, our brothers, our uncles, our grandfathers, our older brothers, the man who came to the house very often, the man who didn't come to the house very often.

I want to reinstate my view of the world, which is not only a personal view. As a feminist, I think I espouse views that have become rather public in the last couple of decades, which certainly are supported by various evidence in various disciplines, including psychology, sociology, social work.

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If there is a perverse form of sexual orientation, I think that the last 5,000 years of history would indict heterosexist attitudes, not homosexual attitudes. If you go to any battered women's shelter, you won't have women saying that homosexuals to whom they were legally married battered them. If you go down the streets and see who is using prostitutes, who is exploiting runaway children who have been coerced or lured into that kind of "professionalism," it will not be the homosexual or lesbian segment of society.

If you talk about who actually coerces men and women into degrading acts that deny their basic humanity, it won't be homosexuals and lesbians; it will be almost completely heterosexist males, and I would really like to stress this. Women find it very hard to walk the streets at night - and it's interesting to see that some of the presenters, particularly males, are very afraid that they are going to be accosted by some homosexual, and presumably they assume that their wives and children are in danger from lesbians. This is a fear that every woman who walks the street every day in this city has, and it's very interesting that it becomes heightened and becomes so focused on when it's a male fear. I mean, we live with it every single day of our lives.

We live with men in our lives who have proven their safety; we live with children who we love dearly. It is, in part, because of the children in my life that I love dearly, and the men in my life who I love dearly that I am here tonight. I don't want them to be lumped into the same group that, for whatever supposedly religious reasons and moral reasons, degrades a segment of society. I don't want them to be seen as heterosexists. I don't want them to grow into a world that perceives homophobia as something that isn't bad. I want them to grow into a world where homophobia is perceived as destructive, as out-and-out murder, or as destructive as racism.

I would just like to end on what I think is the waste of lives led in a closet situation. It seems to be lost in the talking of people who don't lead these lives, that living in hiding is a tremendous waste of human potential, not only for the people who have to lead these lives coerced into silence, but also for us. What we could gain from these people is immeasurable. What the culture has lost because these people cannot take forerunning positions or public positions or display their talents freely is immeasurable as well.

I'm speaking tonight because I couldn't live with myself if I didn't speak tonight, and I'd like to end with a quote from a poem called "Litany for Survival," written by Audrey Lord. It's a very short quote. She is a black, lesbian writer of great repute in the United States, and she has certainly been one of the women who has shaped my life.

"And when the sun rises, we are afraid it might not remain; when the sun sets, we are afraid it might not rise in the morning; when our stomachs are full, we are afraid of indigestion; when our stomachs are empty, we are afraid we may never eat again; when we are loved, we are afraid love will vanish; when we are alone, we are afraid love will never return; when we speak, we are afraid our words will not be heard nor welcomed; but when we are silent, we are still afraid; so it is better to speak, remembering we were never meant to survive."

I dedicate this poem to the homosexuals that were killed most recently in the Second World War, and to the lesbians that were killed, and in past history, to the homosexual males who were used as human faggots, which is where the word "faggot" comes from, to light the pyres that burned the witches, who were also independent, autonomous women. I think that it is very strong that all of us speak.

Thank you.

**MR. CHAIRMAN:** Michael McDermott, private citizen.

**MR. M. McDERMOTT:** My name is Michael McDermott. My attraction to my partner is all that makes me different from heterosexual men. I'm a caring, intelligent, productive member of society, and a taxpayer too.

I wish to share with you some of my background to give you an idea of how it is that I base some of my conclusions about my own sexuality. I was married to a female who is a medical doctor, a truly beautiful woman, who went through the hell of standing by me as I went through two-and-a-half years of therapy to "go straight."

My therapist was Dr. John Goodman of Hamilton, Ontario, who advised me that the only therapies available in this matter are barbaric, at best, and inhumane as any available with no absolute, concrete evidence of positive results, as based on past work with clients of his own and the work of other psychologists.

Incidentally, I've since spoken to many people who have gone through the same therapies that I have and I'll talk about those in a moment. Many of them have said to me, very confidentially, that in spite of going through the therapy and in spite of the fact that they've told their families, their parents, their priests, their ministers that it worked, it didn't. It didn't work.

John Goodman agreed to work with me as long as I understood that it was painful and the results were unlikely to be those I hoped for. The aversion therapy, as it is called, goes like this. The psychologist applied electrodes to the fingertips and administers an electric current to create extremely intense pain that shoots through the whole body each time that a photograph of a man is projected on the wall. There is a relief of the pain when a photograph of a woman is projected onto the wall. The theory goes that when, in future, I see men, I will subconsciously associate the thought of men with pain and the thoughts of women as relief and comfort. I endured this treatment two and often three times a week for the whole two-and-a-half years.

Another part of the treatment was hypnosis and self-hypnosis five to ten times daily, whereby I imagined a fantasy of incredible sex with a male partner during the first moments of the hypnosis, and then each time imagined horrible consequences during the fantasy, which resulted in intense nausea. This added to my homophobic self-disgust of my fate in life.

Add to that the pain of sacrifice of material things to finance the therapy at \$35 per visit, 1971 to 1973 inclusive, plus the time out of my life in therapy sessions and negative hours spent in hypnosis; add to that, the pain of parting with the woman I loved - I was torn for years between my love of my wife and my more natural attraction for a partner of my own gender; add to that

the pain I experienced knowing I was the source of pain for my wife during all of this; add to this the pain of ridicule, hatred and abuse from my peers and my own acceptance of their judgments against me as someone unworthy of love - interesting that it was my peers presumed assumptions of my sexuality, about which they had no confirmation, because I did not have that until years later. I could have experienced this hatred from homophobic people and been innocent of the very innocent act of choosing a male partner.

The pain of it all haunts me to this day in this room. Imagine the pain of hiding your sexuality from your family out of fear that they too would persecute you. I carried this threat of persecution within my thoughts until I was 35. At that point, I accepted myself as normal within 10 percent of the population.

At that point, I finally risked telling my mother. I'm happy to say that my mother said she was glad that I shared with her so that she could know that, if and when I choose a male partner, he would be welcomed into the family as my wife had been. My partner, David, is a part of my family. He and his family are my only family here in Winnipeg.

I count many heterosexual people as my close friends who support this inclusion in the act we are discussing today. One of my best friends is my ex-wife and her second husband who, by the way, was quite homophobic until meeting me, and now welcomes both David and I into their home as his friends.

Thank you for hearing me.

**MR. CHAIRMAN:** Questions? Thank you, Michael. Murray Ross; Gerald Friesen; Denise Flynn. Ron Adrien, Winkler and District Ministerial.

**REV. R. ADRIEN:** Mr. Chairman, committee members, ladies and gentlemen.

I'm here representing the Winkler and District Ministerial Fellowship. However, I also share these same concerns as a private citizen, as a concerned Christian, and as a pastor of a church of over 600 people, who share this view.

The implications of Bill 47 concern us greatly and I stand here as one who is opposed to the bill. Section 9(2)(h) "sexual orientation" is the major concern. I'm not suggesting that homosexuals should not have the same privileges, for they do in fact have the same rights as any other citizen but, in this pursuit of moral disorder, the request for special protection under Bill No. 47 becomes a request for special privileges and that, in turn, takes away from us, as Christians and churches, the rights and freedom of religion.

It is our concern that, if the bill is passed, it will not allow us to use all of Scripture in our preaching and teaching without being harassed. The Bible clearly teaches that the practice of homosexuality is sinful. It is part of God's word and it needs to be shared as a warning to those who practice such sins, as any other sin, not picking on this one as any other.

It is also our concern that, as section 14(4) indicates, we as churches will, for example, no longer be able to deny someone a job on pastoral staff or other ministry-related position if we are aware that they are homosexuals, nor will we be able to practise biblical church discipline and deal with those who have fallen

into such sin, as any other sin, as I Corinthians 5 instructs us to do. The bill is set up in such a way that it discriminates against the Bible-believing Christians and this concerns us greatly.

We are not here by saying that we hate the homosexual as a person, but we are concerned about the moral sin. The Bible clearly teaches that, unless a person repents of such sin, they will not be able to enter into the Kingdom of God. God's word is clear that this sin, as any other sin, can be repented of, and I would like to share three verses out of I Corinthians, Chapter 6: "Or do ye not know that the unrighteous shall not inherit the Kingdom of God? Do not be deceived. Neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor homosexuals, nor thieves, nor the covetous, nor drunkards, nor revilers, nor swindlers, shall inherit the Kingdom of God."

But the next verse gives hope to any who have fallen into this sin, it's past tense, but "such were some of you; but you were washed, but you were sanctified, but you were justified in the name of the Lord Jesus Christ, and in the Spirit of our God."

I, therefore, urge each one of you to reconsider Bill 47, especially section 9(2)(h) regarding sexual orientation, encourage and beg you to remove that from the bill.

Thank you.

**MR. CHAIRMAN:** Questions? Thank you, Rev. Adrien. Dora Adrien, private citizen. Please proceed.

**MS. D. ADRIEN:** Mr. Chairman, committee members, ladies and gentlemen, I come here to speak in opposition to Bill 47. One of the areas of great concern for me is section 14(4). The way I see it, school boards, representing parents in a given district, will no longer have the freedom to choose teachers with high moral standards and religious beliefs of that community. Not only that, but teachers will be forced to teach homosexuality as a variable lifestyle.

I also see, coming in the future, children's textbooks will be revised. Reading books, which now portray a family unit as a father and mother, will be changed to that alternative of parents as two men or two women, a direct contradiction to God's plan for a family.

I speak on behalf of my children and my grandchildren in the future. Tonight, as my daughter and I were washing the dishes - she's 15 years old - we were discussing this matter that is going on, and she says: "Mother, our future is in your hands." That's why I'm standing before you tonight and I am speaking out against this bill for the protection of my children and my grandchildren.

Thank you.

**MR. CHAIRMAN:** Questions? Hearing none, thank you, Dora Adrien.

Peter Toews, private citizen.

**MR. P. TOEWS:** Mr. Chairman, committee members, ladies and gentlemen, I speak as a private citizen, as a farmer, and as a parent of three children, and a wife.

First of all, I want to speak on the grounds of health. I want to quote Dr. Otis Bowen, Secretary of the Health and Human Service. It says: "A worldwide AIDS

epidemic will become so serious it will dwarf such earlier medical disasters as the Black Plague, smallpox and typhoid. If we can't make progress, we face the dreadful prospect of a worldwide death toll in the tens of millions a decade from now."

We have seen what happened to Rome. We have seen what happened to Greece. We are seeing what happens in the States. Canada is known in the world as a very respectable country compared to some countries; let's keep it that way. Let's keep the Charter of Rights that our forefathers established many years ago when they came to Canada, when they built this country in the name of God and on various religions and I respect them. I think they all built it in the name of God.

Therefore, I want to quote a few quotations because no government can side-step this book in this world. Communists have never done it, nor will Conservatives, nor Liberals, nor the NDP's. Let me say that, once more, God has given you a great responsibility. The greater responsibility you get, the more God will expect of you. Let me emphasize it very strongly that I, as a member, have responsibility. You as a delegate, we have voted for you and you have a great responsibility. I see a man here that I know, Mr. Arnold Brown, and others, you have a great responsibility and I appreciate that you are here, but this bill that you are considering, we are very, very concerned about.

Let me read something here. Romans 1, verse 26: "For this cause God gave them up unto vile affections: for even their women did change the natural use into that which is against nature." It was suggested tonight where homosexuals come from, it's right here. "And likewise also the men, leaving the natural use of the woman, burned in their lust one toward another; men with men working that which is unseemly, and receiving in themselves that recompence of their error which was meet. And even as they did not like to retain God in their knowledge, God gave them over to a reprobate mind, to do those things which are not convenient." And in verse 20, it says: "So that they are without excuse," and that means you, too, have great responsibility.

Then let me turn to I Corinthians, chapter 6, verses 9, 10. "Know ye not that the unrighteous shall not inherit the Kingdom of God? Be not deceived: neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor abusers of themselves with mankind, Nor thieves, nor covetous, nor drunkards, nor revilers, nor extortioners, shall inherit the Kingdom of God." But there is hope: "And such were some of you: but ye are washed, but ye are sanctified, but ye are justified in the name of the Lord Jesus, and by the Spirit of our God."

Thank you.

**MR. CHAIRMAN:** Questions? Thank you, Mr. Toews. Abe Peters, private citizen.

**MR. A. PETERS:** Mr. Chairman, committee members, ladies and gentlemen, I think everything has been said that I was going to say. I am also concerned about the sexual orientation in this bill, especially when it comes to hiring a pastor for the local church. As Christians, we would want a Christian pastor and not somebody

who was a homosexual or preaching homosexuality. By giving them the rights, special rights, it would deny the rights of a very small minority, and that is the Christian minority. So I would speak against the bill for that reason.

There are also the passages that have already been read and that was I Corinthians 6, verses 9-11.

Thank you.

**MR. CHAIRMAN:** Questions? Thank you, Mr. Peters. George Hildebrand, private citizen.

**MR. G. HILDEBRAND:** Mr. Chairman, honourable committee members, ladies and gentlemen, first of all, with regard to a question that was given to one of the previous speakers earlier in the evening, the Honourable Minister Roland Penner made a statement regarding an incident that related to a private residence.

I looked at section 16(2) which deals with that and it reads: "Subsection (1) does not apply to the choice by the occupier of a private residence of a boarder, roomer or tenant for the residence or any part thereof, unless the part in which the occupier resides is self-contained and capable of being locked." So you really lose jurisdiction in your own house when you do that.

All right, we all know that homosexuality is not a normal lifestyle. I know of no man giving birth to a child, and of only one woman giving birth to a child outside of a heterosexual union, and that was my Lord Jesus Christ. I am a father; I'm glad I have four healthy children. They are all heterosexual. They are all happily married, and I have eight beautiful grandchildren - if you want to see some of their pictures, I'll show them to you later - and I would like to protect them. I feel for those who are in a homosexual union; they have problems. They do not have some of the privileges I have. I realize that.

Right now, I count it a privilege to make some statements regarding Bill 47 to this committee. I regret that my preparation was on the spur of the moment. I did it on the way to Winnipeg, so I have read only some sections. I haven't studied it in detail.

I have noticed that during the presentations there has been a little bit of heckling out in the back, and I think it is obvious to you where that heckling has come from.

I am opposed to Bill 47, not only because of the sexual orientation mentioned in it, but to the whole bill in general. We have a Canadian Bill of Rights and I think that should be sufficient for us. Just because certain other provinces have a Bill of Rights doesn't say that we have to have one. If my neighbour drives a Cadillac, that doesn't mean to say I have to have one. I can still get along with a Model T if I need to, if I can find one.

Freedom of speech is limited by this bill, and it is something we have cherished for years, particularly in regard to employment. According to several points, section 14(3), section 14(4), you are not allowed to ask personal questions relating to individual habits. In fact, it gives special privileges and protection to those some people might not care to hire. I am not saying that I wouldn't.

Freedom of association is endangered if the law forces me to hire workers I might consider undesirable

or, as a worker, I may have to work side by side with someone I may not consider desirable, section 14(5).

Freedom of religion is threatened. That was already mentioned in section 14(11); I won't elaborate on that.

There are exceptions for "bona fide and reasonable" requirements - I appreciate that, exceptions for bona fide and reasonable requirements or qualifications, but who decides whether the exceptions are bona fide or reasonable? Who decides now, after the bill is passed, if indeed it is? Who decides after the next election? It may be a different party in power then. At this rate, I hope so. Who decides 30 or 40 or 50 years from now when some of you, and maybe most of us, will be in the future abode we have chosen while we walk on earth? Some of you don't believe that there is life after death but, whether you believe it or not, it's true.

It appears to me the bill of rights is a bill of restrictions, rather than a bill of rights. Being from out of town - as I said I was unable to make a thorough study of the bill - I would appeal at this point to your better judgment to reconsider this bill and defeat it at this point. As I said before, we already have a Canadian bill of rights left to us by a certain Pierre Trudeau, and I think that bill of rights is causing us enough hassles today.

I realize that we have a party in power which appears to have a desire to rewrite the moral and ethical rules of our society, not only in our province but right across Canada. If you vote for this bill, as a government member not having a free vote, I hope that some of you will have many sleepless nights when you see the far-reaching results of your actions.

Many of you have a heritage similar to mine. When our forefathers came to Canada they were greeted with many freedoms which you now want to legislate away piecemeal. These freedoms are based on Scripture. Our morals and ethics were based upon what Scripture affirms. Throwing these morals and ethics away results in ultimate spiritual death. You already had the Scripture read to you; I won't read it again.

I fear for the negative influence that will result from the passage of this bill, particularly with regard to the homosexual section, sexual orientation, the influence on our school children, the children in child care centres.

Today we take children away from homes when they are abused there, and I suppose tomorrow we would put them into homes of homosexuals who would possibly abuse them as well. I went to teacher's training, to Normal School many years ago and, at that point, there was in the same class, in my class, a teacher who was a homosexual, someone in training who was a homosexual. It was discovered that he had molested a child in the neighborhood community and he was quietly released from the school.

Medical centres have already been mentioned. The threat to churches has been mentioned. Some of them have already been infiltrated, and society in general. I fear for our neighborhoods, already mentioned by someone else. I fear for our Medicare system. I'd like to emphasize it again, it is already overloaded, and it would still be more overloaded with AIDS-related diseases. There was a time when people with communicable diseases were isolated, but this is not done with people having sex-related diseases.

There are forces at work today in our society, in our country, and not only ours but the country south of us

as well, forces that would destroy everything that has been declared good by our Judeo-Christian heritage and to establish a pagan society. They are succeeding. In fact, Canada is presently considered by the rest of the world as a heathen nation.

I regret to say that our Manitoba Government appears to be part and parcel of this threat. Instead of being real leaders and seeking good, rather than evil, for people, you're being used as pawns by the forces of evil.

I'd like to also quote some Scriptures. There are others who have done it; I would take the liberty to do that too. I'd like to quote two verses: (2) Peter 3:3 "Knowing this first, that there shall come in the last days scoffers, walking after their own lusts." That is a sign of the times. And Proverbs 3, 7 - by the way Proverbs is a tremendous book to read, at least a chapter a day every month, you get through it once Proverbs 3:7 and 8: "Be not wise in thine own eyes fear the Lord, and depart from evil. It shall be health to thy navel, and marrow to thy bones."

I hope before this legislation is passed, you will take into consideration some of the advice that you have heard tonight.

I would like to express appreciation to many of the young people who have had the courage to go up here and express their opinion, no matter which side they took. It takes some guts to go up here, and hear the jabbering and snickering - what have you - behind you. Thank you for listening to me.

**MR. CHAIRMAN:** Questions? Thank you, George Hildebrand.

Ron Epp, private citizen.

**MR. R. EPP:** Good evening, Mr. Chairman, members of the committee, ladies and gentlemen.

I'm here tonight to speak to you on Bill 47. I'm here to speak in favour of Bill 47. I can stand before you and proudly say that I am a gay male. Because I'm proud of that fact and have been very open about it I have faced discrimination on several levels. I have been ostracized from my church, in the workplace comments like, change your hairstyle - it's too gay - every day on the street because of the fact that I'm proud to be gay and I can speak out on issues unlike a lot of other people because they're scared to lose their job.

I've faced quite a bit, I've managed to come through it, and I've got nothing else to lose so I can speak out but there are 10 percent of the population out there who can't speak out because they're afraid to lose their jobs, lose their housing, discrimination in schools.

I mean out there, two hours ago, I had to call the police because there were people called bashers who go out there and beat up gay people who are cruising the area, whether it be socially or they're hustling. I work with some of the hustlers out there. They have to put up with the verbal abuse, physical abuse. There is discrimination out there and it has to be stopped.

You can stand up here from a religious viewpoint and say, well, it's morally wrong to be gay. God teaches to love. I have a unique ability to love another human being, whether it be somebody of the opposite gender or somebody who is the same sex as myself. I have

the unique ability to be sexually intimate with a partner of the same sex and yet love and care about other men and women just as you. I don't feel that I should have to be discriminated against and my rights infringed upon.

That's all.

**MR. CHAIRMAN:** Questions? Thank you, Ron.

The next presenter is Bonnie Kowal, private citizen.

**MS. B. KOWAL:** Mr. Chairman, members of the committee, I would like to state that I am strongly opposed to the section of the bill that gives special rights based on sexual orientation. I'm going to focus on the educational aspects as that deals with where I stand. My friends and I have already been exposed many times to the idea that homosexuality and lesbianism are considered acceptable lifestyles.

For instance, a French teacher recommended a book for our reading that she was afraid to assign in class. It had to do with a homosexual love affair in a relationship which involved the presence of a pre-teen boy in a home. With this legislation in effect, teachers such as this will have no reason to curtail assignments of this nature.

I also have a friend who, without this legislation, has become extremely uncomfortable in gym class partly because of the actions of her gym teacher who allegedly is a lesbian. These unbearable situations for young people will become more and more frequent if this kind of legislation is passed.

Aside from the educational aspect, the health risk worries me as well. Not only do my friends, family, etc., feel threatened, the next generations - our children, grandchildren - are far more threatened and this worries me. Being an 18-year-old student, I strongly state that I am scared for the future.

Thank you.

**MR. CHAIRMAN:** Questions? Thank you, Bonnie.

John McDonald, private citizen.

Mr. McDonald, please proceed.

**MR. J. McDONALD:** Thank you, Mr. Chairman, committee members, ladies and gentlemen.

I'm coming forward tonight as a private citizen to protest what I feel is the unnecessary inclusion of sexual orientation in Bill No. 47, The Human Rights Code. Why - and I repeat the question "why" - is it necessary to have a certain segment of our society feel it's necessary to have their lifestyle endorsed by the present government?

Through the bill of Charter of Rights and Freedoms, their rights as human beings are protected already as are mine. No other group has such a freedom. It has been said by a certain member - and this was out of the Free Press - of the present government in power that the exertion of the words "sexual orientation" most likely - I say "most likely" - will not affect education, churches or certain service organizations. The words "most likely" do not sound very secure to me.

I do not agree with the homosexual lifestyle and I fail to see why, through this Bill No. 47, their value system, lifestyle and future medical expenses that have been brought up here before should be forced upon

me as a taxpayer or on fellow society members and taxpayers.

After reading this bill, I for once agree with Mr. Green who I believe was quoted as saying this is the worse piece of legislation ever drafted. This bill to me is a very blasphemous bill.

I take you to Part I on page 9, section 8(5), where the words are "So help me God. (Omit the last four words where the member affirms.)" I know that the God who some of you elected representatives swore your oath before doesn't endorse a homosexual act or lifestyle. How can you, as elected members, forsake your oath?

On page 7, "personal merits," which is in subsection 4, what is personal merit? It says: "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." This is not found in the definitions as what is the definition of personal merit. I could think the guy's a jerk and has no personal merit.

Page 19, Part II, subsection 18, this to me is not very clear. "No person shall publish, broadcast, circulate or publicly display, or cause to be published, broadcast, circulate or publicly display any sign, symbol, notice or statement that (a) discriminates or indicates intention to discriminate in respect of an activity or undertaking to which this Code applies; or (b) incites, advocates or counsels discrimination in respect of an activity or undertaken to which this Code applies."

Now does this mean that any church which does not belong and go along with the homosexual lifestyle can't preach it anymore? Will their written material be censored so they can't print it anymore? The way I interpret this particular section - and this has to be interpreted by someone else later on, a judge perhaps, a lawyer - I interpret this bill as saying that anything that has been presented tonight against sexual orientation being implemented in this bill would be against the law. That's the way I interpret it.

Part I, section 4(c), this has to do with education. It goes through many programs to set up the education requirements to get the understanding that this bill hopes to put across in place. But my understanding is that it's going to tell my children or my grandchildren what they are to do, what they are to think. Whose freedom is being breached here, I ask?

In conclusion, I see that other minority groups don't have their lifestyles legislated in, but this bill doesn't give any other group special status with this regard. With this in mind, I question the reason for this bill and the competence of the government of introducing this bill.

Thank you.

**MR. CHAIRMAN:** Questions? Thank you, John McDonald.

Tina Jerger.

Corney Hildebrandt.

**MR. C. HILDEBRANDT:** Mr. Chairman, committee members, ladies and gentlemen, as a private citizen of Manitoba, a member of an Evangelical Church, I would like to express my concern against Bill 47 regarding sexual orientation.

In section 14(1), the question that I have there is: Who decides the requirements and the qualifications? So far, I, as a citizen of Manitoba, have had the privilege of doing so and I am being discriminated against if that right is removed.

Section 14(2)(c), speaks about customs and practices. The customs and practices of our community are unique. We, as a people, have various traits. Shall we be discriminated against by depersonalizing our heritage, our various communities, let it not be; and I fear that Bill 47 will do that.

Section 14(6), speaks of discrimination by organization. I would like to suggest that, by enforcing Bill 47 as it exists, we as an evangelical people are being discriminated against. We need to keep our identity. Remove our identity, and you've lost the character of the land that we are so proud of, along with the desire to make our land envious of the entire world.

My aim in my personal life and that of all evangelical believers is to praise God, the Creator of all that exists. The children of our future generation must also be given that opportunity to be faithful to this mandate.

I fear that Bill 47 will bring this opportunity to an end. It is my desire to maintain our Christian heritage in our future generations and therefore, I want to continue to have the opportunity to decide what the person believes, who babysits my child, teaches my child in school, teaches my child in church. Well, perhaps these are not the objectives of this bill, but it could conceivably be the result. I want these people to train my child according to God's word.

In Proverbs 3: 5 and 6, it says: "Trust in the Lord with all thine heart; and lean not on thine own understanding. In all thy ways acknowledge him, and he shall direct thy paths." And as a government, that is a verse that is very meaningful to you too.

As our government, I request that you listen to our pleas. Let God direct you. Let's together fall on our knees before God and ask for His guidance on our decisions.

2 Chronicles 7: 14 says, "If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then I will hear from heaven, and will forgive their sin, and will heal their land." Let's allow God to heal our land by basing our government laws on his word. And may God forbid that the sexual orientation portion of Bill 47 will become a reality.

Thank you.

**MR. CHAIRMAN:** Questions? Thank you, Corney Hildebrandt.

Robert Klassen, representing Winkler Evangelical Mennonite Mission Church.

**MR. R. KLASSEN:** Honourable Chairman, members of this Assembly, ladies and gentlemen, I solemnly come before you as a member of a church. I'm a youth pastor who was formerly a public schoolteacher. I come with some very serious concerns regarding Bill 47. I'd also like to speak on behalf of my wife Bonnie, who is next on the list, to save some time because I want to go to sleep and so do you.

My concern is in the area of education, as has been mentioned by so many people, so I won't belabour that

point, except that my concern is that if it does go through and if there were some implications in the future, I can foresee in the communities that I have been involved in a lot of home schooling taking place. And I can see a real challenge between the public school system and people who take their children out of the school system because of this concern.

One other comment that I'd like to make is regarding the democratic system. Basically, it's a discriminating method of Parliament because you have to make a choice and, in every choice, you discriminate against the alternative. And yet, in the past, the word discriminating has always been a positive term. A person being a discriminating person, a person who had a discriminating taste, meant a person who could delineate between truth and error, between right and wrong. Now, all of a sudden, we're taking that same word which was so positive in all history and now we're using it in a way of saying we should no longer distinguish between right and wrong, between good and evil, between truth and error.

On the basis of the democratic system, I really see discrimination as something which can be good and it can be bad, depending on the basis of the discrimination, if it is done by selfish motives or unselfish motives. There's a whole basis of which we have to determine our choices. I'd just like to promote the choice that's based on the Judeo-Christian tenets of law, on a behavior. So I'd like to formally oppose Bill 47.

Thank you very much.

**MR. CHAIRMAN:** Questions for Robert Klassen? Thank you, Robert. Since he has spoken for Bonnie, I don't know if Bonnie wants to speak - no.

Daniel Skibitzky, private citizen.

Bob Toogood, representing Springs of Living Water Center.

**MR. B. TOOGOOD:** Yes, Mr. Chairman, committee members, I come as a representative of our church and we are opposed to this Bill 47 for a lot of the reasons that you've heard already. One of the reasons is that our elders and deacons, who are a ruling body in the church, have qualifications that they must meet in order to fulfill their responsibilities, and practising homosexuality is not one of them. So, we feel that our foundation, our principles upon which our church is founded, would not be able to operate; we would not be able to if this bill is implemented to its full measure. We would not be able to dismiss somebody from that particular position if that happened, and we feel that this really undermines our church.

I guess, one of the questions that I have, really, is the fact that tonight I counted pastors who represented upwards of 20,000 people. I guess the question is: Will the church respond if this bill is passed? I think that history has shown that the church will respond. A lot of times people are persecuted, not for their religious beliefs, but politically they are persecuted. St. Peter was not crucified upside down for religious reasons; he was crucified for political reasons. He would not say that Caesar was a god like Jesus was a god. He was crucified because of the word "a," rather than "the." He said Jesus was "the" God, and the political body



at that time said that Caesar was a god and Jesus was a god and so, for political reasons, he was persecuted. I believe, from what I've seen this evening, and I've only been here this evening, that the church has many, many members who are represented by those pastors who have spoken, and we are concerned about the fact that we also represent a school. We have a Christian academy, Grades K to Grade 8, and we are concerned about this being taught as an alternate lifestyle in the school systems. That also is a concern of ours.

I guess what we are facing then is whether this is genetic or is it a choice. If it is genetic, then special status should be given to all those who are genetically different. If I have blue eyes or I am blessed with grey hair but some people have blond hair, eventually we will all end up in a special category represented by a minority group, and eventually then we all come back to the situation we are now where we all in the evangelical world believe that we are represented by the Canadian Charter of Rights. But if it is a choice, then we choose not to support that particular lifestyle.

I know that is a difficult decision to make and that's probably the question that's being asked. Is it a lifestyle or is it genetic? I sympathize with people who are persecuted or who have to go through the treatment that they've gone through.

I know, for myself, I was one raised in Winnipeg. I've got a teaching degree, played seven years of professional football here in Winnipeg, and there's discrimination against football players. So are we all going to stand up here as a minority group? We've gone through all sorts of hardships and everything else like that as far as physically. Was I born a football player or did I become a football player? I mean, is it genetic or is it a choice? I think that is a very difficult question to answer, but I think the majority of the people who have been represented tonight feel that it is a choice, and I think as elected representatives that to voice our opinion as the people is that we believe, speaking for our church, that it is a choice and it is a choice that we don't go along with.

I guess I feel my greatest concern is the fact that I'm allowed to come here tonight and disagree with this bill if it's against my religious beliefs, but I question whether the NDP party will allow its members to be against this petition or bill if it's against their religious beliefs. I think, as a free moral agent, a Canadian citizen, representing the people of the community, that it should go before the people of the community so that elected representative can properly reflect the views, not of the party line but of the people of his community who voted him into power.

Thank you.

**MR. CHAIRMAN:** Questions? Thank you, Bob Toogood. Margaret Cogill, private citizen. Margaret, please proceed.

**MS. M. COGILL:** Mr. Chairperson, committee members, citizens of Manitoba, I appreciate this opportunity to briefly speak in support of the inclusion of sexual orientation in Bill No. 47. You've been given much information on this committee. You have a responsibility to the citizens of Manitoba to bring in a just and fair Human Rights Code. I'd ask you to remember that will

be measured by the protection you give to the groups who need it.

May each of you be able to live with the decision you make, and we hope that we'll be able to live with the decision you make as well.

**MR. CHAIRMAN:** Questions? Thank you, Margaret. Mr. and Mrs. J. Diehl; Mr. Ron Meisner; Mr. Tom Johnson.

Margot Johnston - Ms. Johnston.

**MS. M. JOHNSTON:** Mr. Chairperson, members of the committee, fellow Manitobans, my name is Margot Johnston, and I speak to you tonight as a private citizen and as a lesbian.

Many of the presentations I've heard seem to focus on whether or not homosexuality is innate or learned. To me that's an irrelevant question, because it implies that, if it is innate, then I am to be pitied, and if it learned I am to be feared. Well, I am not to be pitied, and I am not to be feared. I live my life with pride and with dignity. I am a good friend, a good co-worker, a good aunt, a good sister, a good daughter and a good lover. In the past I have also been a good child care worker. I am not ashamed of my sexual orientation.

Many presenters during the past few days have been concerned with the granting of special privileges to a certain minority group above others. If indeed lesbians and gay men shared equal rights with others, then the inclusion of sexual orientation in Bill No. 47 would be a privilege.

The fact is, however, that discrimination does exist. Lesbians and gay men do lose their housing, their jobs, their friends, custody of their children and the support of their families, purely on the basis of their sexual orientation.

If, as some have suggested, The Human Rights Code is not justified in protecting beliefs and behaviours, then should not freedom of political and religious beliefs and activities also be omitted? It is my belief that political and religious freedom should be protected, so should freedom from discrimination based on sexual orientation.

Finally, let me conclude with a statement of frustration and anger with some supposedly well-meaning statements I've heard tonight. I do not wish to be changed by those who profess to love and accept me while condemning my lifestyle.

Thank you.

**MR. CHAIRMAN:** Thank you. Questions? Mark Fewster, private citizen. Please proceed, Mark.

**MR. M. FEWSTER:** I've come to you basically unprepared and have to ask your forgiveness for that. But the point which I wish to make is that by limiting the human rights by sexual orientation is not just affecting those who are making the decision, it's also affecting families and friends and other people who are involved.

My father is gay and, because of that, in altered ways, I've had to face different degrees of people putting me down in a sense when they make an off-hand comments about how someone is just some fag or they make some very discriminative comment. It hurts me

and it makes me feel bad. I don't believe that we can allow this sort of thing. I believe it's important that there be ways of protecting this sort of thing so that people like myself, my mother, my sister, friends of my father and friends of myself won't have to feel this way, and they won't have to fear about legal rights and just the ability to go out and not fear being put down on by society because of sexual orientation as it is.

That's basically what I wanted to get across.

**MR. CHAIRMAN:** Questions? Hearing none, thank you, Mark.

That concludes the presentations tonight. In the interest of duty of fairness is there anyone in the audience who would like to be heard tonight? Please come. Can you give us your name, please?

**MRS. R. GAMBLE:** Good morning, everybody. My name is Mrs. Ruth Gamble. I am a resident of Winnipeg, wife and mother of two.

Mr. Chairman, committee members, ladies and gentlemen, much has been said and you've heard a lot on both sides. I would just like to say several things.

Given the controversial nature of this bill, as evidenced by the presentations throughout these hearings, I earnestly request that the final vote be postponed until the committee members have had adequate time to digest the reams of paper that you've been presented. I think in fairness to yourselves and in fairness to those of us who have made presentations, and in fairness to the Manitoba citizens, it is your duty, it is your right.

Also, considering the sensitive nature of sections of this bill and from the input of constituents on section 9(2)(h), the NDP Government must allow its party members to vote according to conscience, because that's your right, and according to the wishes of the constituents who have elected you and trust you to represent their wishes.

My concern also is with particularly section 9(2)(h). I feel that the rights of all persons in Canada are already protected by the Canadian Charter of Rights and to include what I feel might lead to special rights for persons embracing the homosexual lifestyle is not necessary.

I also fear for the future fallout from this bill. I don't know what it could lead to, but one thing I don't want is for my children to be influenced by a teacher, a guidance counsellor, a Sunday school teacher, etc., who may well present the homosexual lifestyle as normal and acceptable. That's just contrary to what I believe and I don't want my children to be unduly influenced in the other direction.

I also think that there have been a lot of hard feelings created by what has been said and a lot of ill will. I think that people from the so-called straight life and the people from the gay life ought to get together and dialogue and be more open and honest about their fears. I think that this has been maybe one forum, but I would like to see it take place in a lot more informal settings.

Thank you very much.

**MR. CHAIRMAN:** Thank you. Questions?  
The Member for Brandon West.

**MR. J. McCRAE:** You suggested that the bill should be postponed. Did you say for how long?

**MRS. R. GAMBLE:** No, I didn't say for how long, but I think rushing it through at the end of a Session is not giving it its justice, its right dues. It needs more time, particularly considering the controversial nature of what you've been hearing the last several days.

**MR. J. McCRAE:** Recognizing that a large number of people did come forward to this committee speaking on both sides of certainly the issue of sexual orientation, but also recognizing that this bill contains many, many other very, very important provisions and recognizing that, of all those people who came here, I couldn't really tell, but I don't think there were very many from areas outside the City of Winnipeg, certainly very few from the City of Brandon and even fewer, I suppose, from the cities of Flin Flon, The Pas, or Thompson. Would you also recommend to the government that public hearings be held across the province on the issue of the provisions of this bill?

**MRS. R. GAMBLE:** Yes, I think it would be advisable since people from rural areas, particularly if they were not informed and only found out about this on the weekend through the press or the media, we're perhaps not prepared to take time to come into the city. I think it would be well-advised.

**MR. J. McCRAE:** I don't know if you share this sentiment or not, you can tell me, but there does seem to be sentiment that the views of people from outside the City of Winnipeg or the further areas of our province don't seem to matter as much. As you stated, this was kind of rushed through near the end of the Session - (Interjection)- a very important piece of legislation dealing with the . . .

**A MEMBER:** Whose presentation is this?

**MRS. R. GAMBLE:** I don't mind the questions.

**MR. CHAIRMAN:** Order please.  
Questions are for clarification only.

**MR. J. McCRAE:** Mr. Chairman, I'm clarifying the position of this presenter on how well the matters contained in this bill have been aired and my whom and from whom have we heard.

It's all right, if that's the way you want to do it, Mr. Chairman, I'll stop. It's late, I recognize that.

**MR. CHAIRMAN:** Any other questions?  
The Member for Ellice.

**MR. H. SMITH:** Do you not think that the member of the Legislature from rural areas should have, in effect, notified you of this legislation coming forward?

**MRS. R. GAMBLE:** I'm not a rural Manitoban, I cannot speak to that.

**MR. CHAIRMAN:** Any further questions? Thank you, Mrs. Gamble.

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That concludes all the presentations. How shall we consider the bill? Section by section? Page by page?

**HON. R. PENNER:** May I propose page by page?

**MR. CHAIRMAN:** Page by page.  
Page 1.

**HON. R. PENNER:** Mr. Chairperson, in accordance with the usual custom, there are some amendments which will be proposed, and I think it would be fair to members of the committee if they were distributed first before we began page by page to get an idea of where they are.

**MR. M. DOLIN:** While we're doing that, I wonder if I could make, maybe not a gratuitous comment, but on my own behalf and I suspect some of the people. What we've seen here is very strong feelings; we've seen some high drama; we've seen a lot of courage; and we've seen people who have come here to present to us their feelings, their wishes, their beliefs and their lifestyles, and I think they ought to be thanked for giving us their presentations and the benefit of their wisdom.

**MR. CHAIRMAN:** On behalf of the committee, I wish to thank all those citizens who have taken time and trouble to come here and make known to us their feelings, one way or the other. Thank you very much.

Page 1—pass.

Page 2 - the Member for Kildonan.

**MR. M. DOLIN:** I move

THAT the definition of "complainant" in section 1 of Bill 47 be amended by adding, immediately after the word "the" in the second line thereof, the words "Commission or the".

(French version)

IL EST PROPOSÉ de modifier la définition de "plaignant" figurant à l'article 1 du projet de loi 47 par l'insertion, après le mot "exception", des mots "de la Commission ou".

**MR. CHAIRMAN:** Is that agreed to? (Agreed)

Page 2, as amended—pass; page 3—pass; page 4—pass.

Page 5.

**MR. M. DOLIN:** I move

THAT the definition of "sexual orientation" in section 1 of Bill 47 be struck out.

(French version)

IL EST PROPOSÉ de supprimer la définition d'"orientation sexuelle" figurant à l'article 1 du projet de loi 47.

**MR. J. McCRAE:** What are you going to replace this definition with?

**HON. R. PENNER:** I would like to speak to the amendment. The amendment clearly has a lot of difficulties with it. The definition was meant to indicate that the prohibition of discrimination, which is later contained in section 9(2) is with respect to, for example,

heterosexuals discriminating against homosexuals or homosexuals discriminating against heterosexuals was meant to indicate to the public that this bill, as indeed all of our legislation is, is subject of course to federal legislation, including the Criminal Code. But in attempting to define in that way, it contained a number of problems, not the least of which, for example, in referring to consenting adults acting, it seemed to indicate that the prohibition against discrimination would be with respect to acts rather than with respect to being.

As many people have said during the course of their presentations that we're really dealing with who people are. What they do may or may not be determined by other laws. The proposed amendment to eliminate the definition should be read in conjunction with the further amendment that you'll see to add 9(4) so that it's made clear that for - and I'll just indicate what it is - the purpose of dealing with any case of alleged discrimination under this Code - that's any case of alleged discrimination - no character referred to in subsection (2), so that it's the whole gamut of characteristics shall be interpreted to extend to any conduct prohibited by the Criminal Code of Canada. So we're making that clear because I think that, out of an abundance of caution, it perhaps should be in the bill and that would be the proper place for it.

Finally with respect to the Member for Brandon West's question, the legislation in both Quebec and Ontario just used the term "sexual orientation," which I think is well understood at law.

**MR. C. BIRT:** And the phrase "sexual orientation" will stand alone and there will be no definition throughout the act trying to explain what it refers to, is that correct?

**HON. R. PENNER:** That's right. There was a concern as well that people had that, by definition of that kind, there was some attempt to equate one type of sexual activity with another, when of course the bill is aimed against discrimination, and we wanted to make that clear.

**MR. CHAIRMAN:** What is the pleasure of the committee? Pass.

Any other amendments - the Member for Kildonan.

**MR. M. DOLIN:** By the way, I should also add I was moving the French in those first two amendments.

I would also move

THAT subsection 2(3) of Bill 47 be amended by striking out the word "five" in the 4th line thereof and substituting therefor the word "three" and also move the French.

(French version)

IL EST PROPOSÉ de modifier le paragraphe 2(3) du projet de loi 47 par la suppression du mot "cinq" et son remplacement par le mot "trois".

**HON. R. PENNER:** Some concern was expressed in the debate on Second Reading that this length of office was inordinately long, that it might not give a subsequently elected government - if a different government either of the same party or different party - an opportunity to make its own appointments in key

positions, and I want to make it clear that was not the intention of the clause to begin with. We feel that, with respect to commissions of this kind that to some extent have a quasi-judicial function, there should be some continual level of expertise which is built up over time, but we would agree that the term of office should not be inordinately long. So we're simply making the tenure of the chairperson consistent with the tenure of other members of the Commission.

Other members of the Commission will be rotated, so that there will always, in each year, be at least one-third of the members of the Commission will come up for appointment. So a new government will have the opportunity very early in its office of appointing at least one-third of the members of the Commission and very early on in this tenure will have an opportunity to appoint, if they wish to do so, a new chairperson, so that's the reason for that particular amendment.

**MR. CHAIRMAN:** What's the pleasure of the committee? Pass. Page 5, as amended—pass.

Page 6 - the Member for Fort Garry.

**MR. C. BIRT:** I have an amendment that basically deletes all of clause (2) and all of its subsections and replaces it with the old human rights appointment. I can appreciate what the Attorney-General has just attempted to do and it comes part-way on the argument that we've made in various debates here, but I don't think it goes far enough. I move

THAT sub-clauses 2(1), 2(2), 2(3), 2(4), 2(5), 2(6), 2(7) and 2(8) of Bill 47 be deleted and substituted by sub-clauses 10(1), 10(2), 10(3), 10(4), 10(5), 10(6), 11 and clause 12 of the existing Human Rights Act, being H-175, be substituted for those particular clauses.

**MR. CHAIRMAN:** Under existing rules, all amendments must be in writing, motions must be in writing.

**HON. R. PENNER:** The problem with the act that is enforced now, in terms of appointment, is that it did not in fact statutorily mandate, require that there be a rotation of membership in the Commission. I really do feel that it is a salutary thing to make sure that there is the opportunity, and indeed the statutory requirement, to change at least one-third of the members annually, so that you (a) have continuity, but (b) have the opportunity for fresh points of view to be reflected in the membership. So I would oppose the amendment being proposed by the Member for Fort Garry.

**MR. C. BIRT:** Basically, I'll keep it brief because the hour is late. No other commission or board or, if there are, it's relatively few have a type of appointment that the government is contemplating in its total section 2 of this new proposed act. I can appreciate there's need for rotation. I don't think it has to be spelled out in legislation. I have no quarrel with any government's attempt to deal or adjudicate with human rights and appoint people to that Commission to deal in set policy and carry through the intent of the act or any proposed amendment. That is not at issue.

The issue, I think, is sort of the entrenching of the appointments for a specific period of time and the

removal only by cause, whatever that might be. I know there's the attempt to remove political interference from human rights and its involvement but I, quite frankly, don't think that this Commission or board is any different than any other number of ones that are carrying out the wishes of the Government of the Day as it relates to its legislation. I mean, the government may change the personalities, but unless it change the legislation, that body must still carry it out.

As I indicated earlier, the amendments come part way to meeting some of the concerns. Initially I thought the Attorney-General was trying to entrench his point of view and his appointees to the board and that's fair game. But I feel that you have greater flexibility and a better way, quite frankly, of administering this and you can never remove politics from appointments whether it be to the judiciary or anything else. As long as you're getting good people, they're bound to follow the act. So that is the reason I'm proposing this particular amendment.

**MR. CHAIRMAN:** The question before this committee is the motion that sub-clause 2(1), 2(2), 2(3), 2(4), 2(5), 2(6), 2(7), 2(8) of Bill No. 47 be deleted and substituted by sub-clause in the existing Human Rights Act, sub-clause 10(1), 10(2), 10(3), 10(4), 10(5), 10(6), 10(11) and 10(12). The question is being asked. As many as are in favour of the amendment . . .

The members of the committee, according to my list are: Penner, Smith (Osborne), Cowan, Maloway, Santos, Dolin, Smith (Ellice), Johnston, Birt, Hammond and Connery.

**HON. J. STORIE:** The members of the committee are here.

**HON. R. PENNER:** Okay, I was just going by the list that the Chairperson had. Okay, what are the changes that were made? McCrae for Johnston; and Storie for . . .

**MR. CHAIRMAN:** There are six votes against this amendment.

**QUESTION put, MOTION defeated.**

**MR. CHAIRMAN:** Page 6—pass; page 7—pass; page 8—pass; page 9—pass.

Page 10 - the Member for Kildonan.

**MR. M. DOLIN:** I move

THAT section 9 of Bill 47 be amended by adding, immediately after subsection (3) thereof, the following subsection:

**Criminal conduct excluded.**

9(4) For the purpose of dealing with any case of alleged discrimination under this Code, no characteristic referred to in subsection (2) shall be interpreted to extend to any conduct prohibited by the Criminal Code of Canada.

(French version)

IL EST PROPOSÉ de modifier l'article 9 du projet de loi 47 par l'insertion, après le paragraphe (3), de ce qui suit:

**Conduite criminelle exclue**

9(4) Aux fins du règlement de tout cas de discrimination visée au présent code et qui aurait été exercée, aucune caractéristique mentionnée au paragraphe (2) n'a pour effet de s'appliquer à une conduite interdite par le Code criminel du Canada.

**MR. CHAIRMAN:** You have heard the amendment. What's the pleasure of the committee?  
The Honourable Attorney-General.

**HON. R. PENNER:** Yes, as I said, it's out of an abundance of caution to make it clear, both to whoever may have to interpret this act and to the public, because some concerns were raised that nothing in a human rights bill, a provincial human rights bill, can supersede the Federal Criminal Code.

People were, I think, not clear about the paramountcy provision in the proposed Code and thought that would make the proposed Code above the criminal law of Canada. Of course that is not right legally, but this is making it clearer.

**MR. C. BIRT:** For clarification, there was some thought that the removal of consenting adult clause would then lower it to those who are under the age of majority.

I believe the Criminal Code deals with age 21. Then is this then saying that any homosexual act or whatever it might be under the age of 21 then is not permitted because we kept bouncing between - I'm sorry. I am just trying to make sure that it is clear that the point I'm trying to get clarified here.

**HON. R. PENNER:** The prohibition against discrimination of being, let's say, a homosexual applies to anyone who is a homosexual just as the rights in the Charter apply to every citizen, but that, nevertheless, does not displace the prohibition in the Criminal Code with respect to a whole variety of sexual abusive acts.

**MR. C. BIRT:** But the age 21 is the trigger there, I believe?

**HON. R. PENNER:** Yes.

**MR. CHAIRMAN:** Page 10, as amended - pass? Not yet?

**MR. C. BIRT:** I have an amendment that I wish to make. It relates to 9(2). I move

THAT sub-clause 9(2)(h), "sexual orientation," be deleted from Bill 47 of The Human Rights Code.

**MR. CHAIRMAN:** It has been moved by the Member for Fort Garry that sub-clause 9(2)(h), "sexual orientation," be deleted from Bill 47, The Human Rights Code. I understand the rules of procedure say that if you are opposed to a particular section, you just vote against it.

**HON. R. PENNER:** You can just vote against the page.

**MR. C. BIRT:** Well, I had asked the Clerk this afternoon and that's what she had told me to do.

**HON. R. PENNER:** I want to make it clear I am not taking any objection against . . .

**MR. C. BIRT:** I can appreciate that, but . . .

**HON. R. PENNER:** Yes, we can vote on the motion so that -(Interjection)-

**MR. CHAIRMAN:** Okay, by leave of the committee, let's vote on the motion.

The motion is to delete 9(2)(h), "sexual orientation," from Bill 47. As many as are in favour of the motion, please signify it. As many as are opposed to the motion, please signify.

I declare the motion lost.

Page 10, as amended—pass; page 11—pass.

Page 12 - the Member for Kildonan.

**MR. M. DOLIN:** I move

THAT the French version of subsection 14(1) of Bill 47 be amended

- (a) by striking out the words "ou à une profession" in the third line thereof; and
- (b) by striking out the words "ou la profession" at the end thereof.

(French version)

IL EST PROPOSÉ de modifier le texte français du paragraphe 14(1) du projet de loi 47:

- a) par la suppression des mots "ou à une profession";
- b) par la suppression des mots "ou la profession".

**HON. R. PENNER:** I am advised by counsel who are here and can give further explanation if you desire, French translation counsel, that this makes the French more legally consistent with the English.

**MR. CHAIRMAN:** What's the pleasure of the committee?

**SOME HONOURABLE MEMBERS:** Pass.

**MR. CHAIRMAN:** Pass.

Page 12, as amended—pass.

Page 13 - the Member for Kildonan.

**MR. M. DOLIN:** I move

THAT the French version of subsection 14(2) of Bill 47 be amended

- (a) by striking out the words "ou à une profession" in clause (a) thereof; and
- (b) by striking out the word "ou à la profession" in clause (b) thereof.

(French version)

IL EST PROPOSÉ de modifier le texte français du paragraphe 14(2) du projet de loi 47:

- a) par la suppression, à l'alinéa a), des mots "ou à une profession";
- b) par la suppression, à l'alinéa b), des mots "ou à la profession".

**HON. R. PENNER:** Same explanation.

**MR. CHAIRMAN:** Is that agreed to? Amendment agreed to? Page 13, as amended—pass; page 14—pass; page 15—pass.

Page 16 - the Member for Kildonan.

**MR. M. DOLIN:** I move

THAT the French version of subsection 14(10) of Bill 47 be amended

- (a) by striking out the words "ou à une profession" in the sixth and seventh lines thereof; and
- (b) by striking out the words "ou la profession" in the second last and last lines thereof.

(French version)

IL EST PROPOSÉ de modifier le texte français du paragraphe 14(10) du projet de loi 47:

- a) par la suppression des mots "ou à une profession";
- b) par la suppression des mots "ou la profession".

**MR. CHAIRMAN:** Is that agreed to? What's the pleasure of the committee, agreed? Page 16, as amended—pass, no not yet?

**MR. M. DOLIN:** I move

THAT subsection 14(11) of Bill 47 be amended by adding, after the word "lawful" in the second line thereof, the words "and reasonable."

(French version)

IL EST PROPOSÉ de modifier le paragraphe 14(11) de projet de loi 47 par l'insertion, après le mot "légitimes", des mots "et raisonnables".

**MR. CHAIRMAN:** What's the pleasure of the committee—pass.

**MR. M. DOLIN:** I move, and the French thereof

THAT the French version of subsection 14(11) of Bill 47 be amended

- (a) by striking out the words "ou à sa profession" in the sixth line thereof; and
- (b) by striking out the words "ou de cette profession" in the seventh and eighth lines thereof.

(French version)

IL EST PROPOSÉ de modifier le texte français du paragraphe 14(11) du projet de loi 47:

- a) par la suppression des mots "ou à sa profession";
- b) par la suppression des mots "ou de cette profession".

**MR. CHAIRMAN:** Is that agreeable to the committee? The motion—pass. Page 16, one more amendment - the Member for Fort Garry.

**MR. C. BIRT:** Are the 12, 13 and then the new 13 - I take it they're all part of the same thing. Could we get an explanation instead of dealing with each one specifically, because I think technically we've got to take them individually?

**HON. R. PENNER:** Which one is that?

**MR. C. BIRT:** Well, you've got the deletion of 14(12) deletion of 14(13), but you're substituting in a new 14(1) it would appear. Am I reading this right?

**HON. R. PENNER:** They each stand on somewhat different grounds, but 14(12) is now being moved and I will speak to it.

**MR. M. DOLIN:** I move

THAT section 14(12) of Bill 47 be struck out.

(French version)

IL EST PROPOSÉ de supprimer le paragraphe 14(12) du projet de loi 47.

**HON. R. PENNER:** Yes, 14(12) in the first instance is redundant. It is clear that it is no defence to contravention of the section that the contravention required or authorized by a contract to which the person against whom the contravention is committed is not party of a collective agreement. It's already clear by law that no private agreement, and a collective agreement is the same as a private contract, can supersede a public statute. That was decided, for example, Derksen versus Flyer Coach. But secondly, the very wording, you can say well okay, it's redundant but it doesn't do any harm. In fact, the very wording, an analysis by legal counsel advised me that it's so worded that in fact it could be quite misleading. So looking at how to deal with it, the proposal is simply to take it out.

**MR. CHAIRMAN:** Is that agreed to by the committee? Page 16, as amended—pass.

Page 17 - the Member for Kildonan.

**MR. M. DOLIN:** I move

THAT subsection 14(13) of Bill 47 be struck out and the following subsection be substituted therefor:

**No reduction of wages, etc.**

14(13) An employer shall not, in order to comply with this section,

- (a) terminate the employment or occupation of any person; or
- (b) reduce the wage level or diminish any other benefit available to any person in an employment or occupation; or
- (c) change the customs, practices and conditions of an employment or occupation to the detriment of any person;

if the person accepted the employment or occupation at the wage level or other benefit, or the customs, practices and conditions in good faith.

(French version)

IL EST PROPOSÉ de supprimer le paragraphe 14(13) du projet de loi 47 et de le remplacer par ce qui suit:

**Réduction des salaires interdite**

14(13) Un employeur ne peut, aux fins d'observation du présent article:

- a) soit mettre fin à l'emploi d'une personne;
- b) soit réduire le niveau de salaires ou diminuer

tout autre bénéfice accessible à une personne dans le cadre d'un emploi;

- c) soit changer le usages, la pratique et les conditions reliés à un emploi au détriment d'une personne,

si celle-ci accepté de bonne foi l'emploi, le niveau de salaires ou l'autre bénéfice, ou les usages, la pratique et les conditions reliés à l'emploi.

**HON. R. PENNER:** By way of explanation, what we are actually doing here is adding (c) at the top of page 3; 14(13)(a) and (b) is just taking 14(13) and breaking it down into two clauses to make it clear since we're adding another clause and the whole paragraph would be too run-on unless it was broken down.

So the addition is (c). The whole clause deals with this situation. Assume an employer could be in contravention and, let's say with respect to a dismissal, has to bring someone back, it should not be the case in doing so that some other employee is made to lose his or her job or have a wage reduction or lose some benefits. And that's consistent throughout human rights legislation and jurisprudence.

**MR. C. BIRT:** Just a point of clarification, shouldn't there be a clause in here that says you renumbered it?

**HON. R. PENNER:** We do have a general renumbering at the very end.

**MR. C. BIRT:** Sorry.

**MR. CHAIRMAN:** The Member for Kirkfield Park.

**MRS. G. HAMMOND:** I just wanted to get this straight, Mr. Chairman, in my mind. This means that if someone was hired because someone was let go, is that what this section is about? If someone had been hired and someone was let go, and then they subsequently were put back in place, that this other person has to be kept?

**HON. R. PENNER:** That's right, and it's a very good question. Assume the case where the employer only has the one job, then the remedy for the person who lost or didn't get the job would be another remedy, a remedy in damages, but we don't want, in human rights legislation, to have a third party to suffer a penalty inadvertently.

**MR. CHAIRMAN:** The pleasure of the committee?  
The Member for Kirkfield Park.

**MRS. G. HAMMOND:** I may be tired here, but the person then would get - which person would get the money, say, in kind?

**HON. R. PENNER:** The complainant, the person who was denied the job.

Assume two people applied for a job, one of whom is hired, the other is not. Assume that the evidence establishes fully that the person who was not hired was at least as good, if not better, but was not hired because of the colour of his or her skin, and assume that that's

a finding and a remedy must be found. The remedy would not be to say to the person who was hired, sorry, you're out of a job, and the complainant will have that job. That would then make two victims, but to say that some damages would have to be paid by the employer, who is contravened to the person who didn't get the job because of discrimination.

**MR. CHAIRMAN:** Is that agreed to by the committee? Amendment agreed to.

Page 17, as amended—pass; page 18—pass.

Page 19 - the Member for Kildonan.

**MR. M. DOLIN:** I move

THAT section 19 of Bill 47 be struck out and the following section be substituted therefor:

#### Harassment.

19(1) No person who is responsible for an activity or undertaking to which this Code applies shall

- (a) harass any person who is participating in the activity or undertaking; or
- (b) knowingly permit, or fail to take reasonable steps to terminate, harassment of one person who is participating in the activity or undertaking by another person who is participating in the activity or undertaking.

"Harassment" defined

19(2) In this section, "harassment" means

- (a) a course of abusive and unwelcome conduct or comment undertaken or made on the basis of any characteristic referred to in subsection 9(2); or
- (b) a series of objectionable and unwelcome sexual solicitations or advances; or
- (c) a sexual solicitation or advance made by a person who is in a position to confer any benefit on, or deny any benefit to, the recipient of the solicitation or advance, if the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or
- (d) a reprisal or threat of reprisal for rejecting a sexual solicitation or advance.

(French version)

IL EST PROPOSÉ de supprimer l'article 19 du projet de loi 47 et de le remplacer par ce qui suit:

#### Harcèlement

19(1) Il est interdit à une personne responsable d'une activité ou d'une entreprise visée au présent code:

- a) soit de harceler une personne qui participe à l'activité ou à l'entreprise;
- b) soit de permettre sciemment le harcèlement d'une personne qui participe à l'activité ou à l'entreprise par une autre personne qui y participe, ou d'omettre de prendre des mesures raisonnables afin que ledit harcèlement prenne fin.

#### Définition du terme "harcèlement"

19(2) Au présent article, le terme "harcèlement" s'entend, selon le cas:

- a) d'un comportement ou de commentaires, qui s'avèrent de façon répétée offensants ou inappropriés, attribuables aux caractéristiques mentionnées au paragraphe 9(2);
- b) d'avances sexuelles répétées qui sont désagréables et inappropriées;
- c) d'avances sexuelles faites par une personne qui a le pouvoir d'accorder ou de refuser un avantage à la personne qui les subit, si la personne qui fait les avances sait ou devrait normalement savoir que celles-ci sont importunes;
- d) de représailles ou de menaces de représailles adressées à une personne qui a refusé d'accéder à des avances sexuelles.

**MR. CHAIRMAN:** Explanation.  
The Attorney-General.

**HON. R. PENNER:** Yes. There were some criticisms, and I think appropriate criticisms of the wording of section 19 on two counts. One was that with respect to 19(1) that it seemed to be too broad in its application. When you talked about "no person shall," it seemed, on its face, to create a situation where if, let's say, employees as between themselves are arguing about politics or religion, or whatever, that one such employee could lay a charge under the Human Rights Act against another such employee - I'm talking about employees at the same level.

The change that is proposed here is one to ensure that, indeed, that breadth of application is not there. "No person who is responsible for an activity or undertaking to which this Code applies," that means employment, provision of services or accommodation shall, when participating in an activity or undertaking to which this Code applies, harass any other person. And so we have a more limited application of 19(1).

Secondly, with respect to 19(2), there is a wording change in (a) with respect to the use of the word "abusive," a course of abusive and unwelcome, rather than vexatious. Vexatious seemed a little bit arcane. Abusive is more clearly understood, and it was the notion of abuse that should be conveyed when dealing with harassment, to make sure we were not again cutting the cloth too widely.

Secondly, with respect to - I think it is generally understood that sexual harassment should be clearly delineated. The way in which the clause was originally worded, it only dealt with sexual solicitation or advance made by a person who was in a position to confer any benefit. It is clear that a lot of sexual harassment on the job may come from somebody who is not necessarily defined as a person who is in a position to confer any benefit, but may come from someone else. But to constitute sexual harassment under this Code, it would have to be a series of objectionable and unwelcome sexual solicitations or advances. That's the kind of conduct that could drive a woman out of the workplace because of that objectionable situation, and we wanted to make it clear that was included.

**MR. C. BIRT:** Mr. Chairman, could the Attorney-General or someone from his staff advise, is this wording coming

from another provincial jurisdiction, or is this a creation of Manitoba mind or minds? What are we doing here?

**HON. R. PENNER:** The latter, with one modification that is, we have reference in this wording to existing jurisprudence. But it does not come from either the Quebec bill, for example, or from any other provincial bill.

**MR. M. DOLIN:** I would just mention I was moving the French translation, I forgot to mention it.

**MR. CHAIRMAN:** Okay. Any other amendment on this page? Is this amendment agreed to? (Agreed)  
Page 19, as amended—pass; page 20—pass.  
Page 21 - the Member for Kildonan.

**MR. M. DOLIN:** I move  
THAT 21(5) of Bill 47 be struck out and the following subsection be substituted therefor:

**Effect of modification.**

21(5) Where the Commission modified an advisory opinion, the person who requested the opinion shall upon receiving notice of the modification, be entitled to rely upon subsection (4) in respect of a subsequent act or omission to the extent that the modification, or any part of the advisory opinion that has not been modified, indicates that the act or omission does not contravene this Code.

(French version)

IL EST PROPOSÉ de supprimer le paragraphe 21(5) du projet de loi 47 et de le remplacer par ce qui suit:

**Effet de la modification**

21(5) Si la Commission modifie un avis consultatif, la personne qui a demandé l'avis a droit, suite à la réception de l'avis de la modification, de se référer au paragraphe (4) à l'égard d'une omission ou d'un acte subséquent, dans la mesure où la modification ou une partie de l'avis consultatif qui n'a pas été modifiée indique que l'acte ou l'omission ne contrevient pas au présent code.

**HON. R. PENNER:** Yes, it's a technical amendment to make this clear, namely, that supposing an employee seeks an advisory opinion, remembering that now an advisory opinion constitutes a defence, and the employer proceeds on that advisory opinion, and suppose that somewhere down the line the Commissioner alters that advisory opinion, it should be clear that the employer has a clear defence up to the time that the opinion is altered, and the alteration is not retroactive.

**MR. CHAIRMAN:** Amendment pass? Pass.  
Another amendment - the Member for Kildonan.

**MR. M. DOLIN:** I move  
THAT subsection 21(6) of Bill 47 be amended by adding at the end thereof the words "in respect of any subsequent act or omission to which the advisory opinion would have applied".

(French version)



Monday, 13 July, 1987

IL EST PROPOSÉ de modifier le paragraphe 21(6) du projet de loi 47 par l'insertion, après les chiffres et signes "(4)", des mots et signes "à l'égard d'une omission ou d'un acte subséquent auquel l'avis consultatif se serait appliqué,".

**HON. R. PENNER:** Same explanation applying to revocation.

**MR. CHAIRMAN:** Page 21, as amended—pass; Page 22.

**MR. M. DOLIN:** I move

THAT subsection 22(3) of Bill 47 be struck out and the following subsection be substituted therefor:

**Complaint by Commission or executive director.**

22(3) Where the Commission or the executive director believes on reasonable grounds that any person has contravened this Code, the Commission or the executive director may file a complaint against the person, and the provisions of this Code apply with such modifications as the circumstances require to the complaint.

(French version)

IL EST PROPOSÉ de supprimer le paragraphe 22(3) du projet de loi 47 et de le remplacer par ce qui suit:

**Plainte déposée par la Commission ou par le directeur général**

22(3) La commission ou le directeur général qui a des motifs raisonnables de croire qu'une personne a contrevenu aux dispositions du présent code peut déposer une plainte contre cette personne. Les dispositions du présent code s'appliquent à la plainte, compte tenu des adaptations de circonstance.

**MR. C. BIRT:** Why the inclusion here of the Commission? Because, as I read it, they're only adding the "Commission," everything else is the same. Why, if the executive director is the designated body throughout, do you give the authority to the commission or the executive director?

**HON. R. PENNER:** It was felt that to be consistent with the function of the commission as a whole that the commission should not be in a lesser position than the executive director. There may be circumstances in which the commission, after due deliberation, feels that there's a circumstance in which the commission, itself, may file a complaint, remembering of course that the commission, itself, does not adjudicate the complaint.

**MR. C. BIRT:** Mr. Chairman, the executive director is the commission.

**HON. R. PENNER:** No.

**MR. C. BIRT:** Would the executive director be dealing with that complaint in the executive director's name - is that how it could go - or the commission?

**HON. R. PENNER:** If the commission files, the complaint would be in the name of the commission.

**MR. C. BIRT:** Or otherwise it would be the executive director of the Human Rights Commission.

**HON. R. PENNER:** Or a complainant.

**MR. J. McCRAE:** Pass.

**MR. CHAIRMAN:** Page 22, as amended—pass; page 23—pass.

Page 24 - the Member for Kildonan.

**MR. M. DOLIN:** Thank you.

I move

THAT section 26 of Bill 47 be amended by striking out the word "Commission" in the third line thereof and substituting therefor the words "executive director".

(French Version)

IL EST PROPOSÉ de modifier l'article 26 du projet de loi 47 par la suppression des mots "La Commission" à la première ligne dudit article et leur remplacement par les mots "Le directeur général".

**HON. R. PENNER:** It's just the executive director has the administrative arm to carry out. This is with respect to complaints generally.

**MR. CHAIRMAN:** Amendment—pass.

Page 24, as amended—pass. Pages 25 to 30, inclusive, were each read and passed.

Page 31 - the Member for Kildonan.

**MR. M. DOLIN:** I move

THAT Section 40 of Bill 47 be struck out and the following section be substituted therefor:

**Amending complaint or reply.**

40 At any time prior to the completion of the hearing, the adjudicator may, on such terms and conditions as the adjudicator considers appropriate,

- (a) permit any party to amend the complaint or reply, either by adding parties thereto or otherwise; or
- (b) on his or her own initiative, add other persons as parties;

but the adjudicator shall not exercise his or her authority under this section if satisfied that undue prejudice would result to any party or any person proposed to be added as a party.

(French Version)

IL EST PROPOSÉ de supprimer l'article 40 du projet de loi 47 et de le remplacer par ce qui suit:

**Modification de la plainte ou de la réponse**

40 En tout temps avant la fin de l'audience, l'arbitre peut, selon les termes et les conditions qu'il juge appropriés:

- a) soit permettre à une partie de modifier la plainte ou la réponse par la jonction de parties à celle-ci ou autrement;
- b) soit de sa propre initiative, joindre d'autres personnes à titre de parties.

Cependant, l'arbitre n'exerce pas son autorité en vertu du présent article s'il est convaincu qu'un préjudice

excessif serait de ce fait causé à une personne envisagée comme partie devant être jointe à la plainte ou à la réponse.

**MR. CHAIRMAN:** The Attorney-General for explanation.

**HON. R. PENNER:** The addition are the words contained in 40(b) and this in fact is found in the present act and was inadvertently omitted in the drafting. It's similar to the power that a court has so that full justice may be done and you don't have a multiplicity of proceedings.

**MR. CHAIRMAN:** Amendment—pass.  
Page 31 as amended—pass. Pages 32 to 36, inclusive, were each read and passed.  
Page 37 - the Member for Fort Garry.

**MR. C. BIRT:** I have an amendment.  
I move

THAT sub-clause 50(1) of Bill 47 be deleted and the following clause namely - and I'm quoting here the old section of the act, it would be the French as well - an appeal under section 30 be made on questions of law or fact or both and the court after hearing the appeal may; (a) affirm and reverse the decision in the order of the board of adjudication or; (b) direct the board to make any other decision or order that the board is authorized to make under this act or; (c) substitute its decision or order for that of the board of the existing Human Rights Act and be substituted for clause 50(1).

It basically expands the powers that can be of the party to take the matter to the Court of Queens Bench where currently, they've been restricted.

**MR. CHAIRMAN:** The Member for Fort Garry has moved that sub-clause 50(1) of Bill 47 be deleted and the following clause of the existing Human Rights Act be substituted for sub-clause 50(1). The clause reads as follows. Taken as read.

The Attorney-General.

**HON. R. PENNER:** I'd like to propose a compromise here. It's clear that with an entirely new Code, there may be uncertainties and to limit the court to jurisdiction may in fact be too limiting. On the other hand, to have the court able to retry facts may be going too far.

I would invite the Member for Fort Garry to consider that we simply amend 50 as it is so that (1)(a) the adjudicator committed an error of jurisdiction or law. So that in fact some unknown questions of law may be referred to the court for interpretation, and I'm offering that as a compromise, which I think will meet some of the concerns of the member halfway.

In light of the fact that it is a new Code and there are, as was indicated in response to a question a short time ago, many clauses which are here drafted for the first time and don't appear in other legislation, haven't been the subject of court decisions that that far we perhaps ought to go.

**MR. CHAIRMAN:** There is a motion before the committee.

**MR. C. BIRT:** My preference would be the whole question of appeal on fact because of what the Minister just said, because we're into, I think, some new areas here. I think it's important that we establish some precedents, and they're good precedents. I'm not knocking or condemning any adjudication because I'm assuming everyone will do their fair share to come to a reasonable decision. It's just that I'd like that ultimate protection but, if I can't have that, I'll settle for the law.

**MR. CHAIRMAN:** Are you withdrawing your motion and substituting another one?

**MR. C. BIRT:** I don't know how far we're negotiating here.

**MR. M. DOLIN:** Not being a lawyer, my understanding of this is what the amendment of the Honourable Member for Fort Garry would do would be to make all decisions on fact of the adjudicator appealable to the court, which I think basically castrates and dismantles the powers of the adjudicator and gives powers to the court, which I do not think was the original intent; that we wanted the adjudicator to have that intent.

On certain areas, I think what the Attorney-General has suggested on matters of an error in jurisdiction, or law as he says, or in (b), which I don't think there's any problem with, I think would be satisfactory. We really, as a matter of principle, do not want to have the adjudicator. The decisions of fact, the evidence in the case is retried in the courts, because we don't think that's appropriate, and that was not the original intent.

So I would suggest that perhaps the member would settle for half a loaf and get at least positions of law in there, which I think would be reasonable.

**MR. C. BIRT:** My concern is - I'm trying to remember back to my administrative law days when I was in the Attorney-General's Department, a question of jurisdiction dealt with law.

**HON. R. PENNER:** No. The jurisprudence on this is now reasonably clear. It wasn't always that way. Questions of jurisdiction, although legal questions are not as broad as questions of law, it's as to whether or not the adjudicator had jurisdiction because of something in his person, let's say conflict of interest or something of that kind, or was properly appointed or had jurisdiction, because the matter which the adjudicator purported to be seized was simply not covered by the Code. That would be what questions of jurisdiction would deal with.

Questions of law are broader. What is the legal meaning of certain words that haven't been previously interpreted? I think it is reasonable. If I can just back up one step. The purpose of drafting, the way in which it was drafted to begin with, is the feeling which I and others have - and this is a non-partisan feeling, it's generally in the field of administrative law - that specialized tribunals should have a fairly wide ambit, that judges are only seized of a human rights case once in a year, or of a case from The Surface Rights Act, once in two years, don't build up the expertise that a body of adjudicators or a quasi-judicial tribunal might build up.

Therefore, one generally, in the whole field of administrative law, seeks to say yes, there's some recourse to court, there always has to be with respect to due process and fairness and things of that kind. But, in terms of retrying, no, who needs it? Even, in some instances, in terms of questions of law. But it's my feeling, and I've reflected on this, that where you have an entirely new Code with, in a sense, no play on words intended "untried language," we shouldn't leave the final word on the meaning of language just to the level of adjudication.

**MR. C. BIRT:** Mr. Chairman, I would agree in some instances, the underpinning to this act or sections in the act is the Charter of Rights. I think what has troubled me throughout here is the interpretation of the adjudicator. Depending on what he says or the finding he makes may have some startling revelations for some people. That's why I wanted to get it into the higher tribunal to make sure that the law was properly canvassed.

I'd be prepared to settle for it. My preference is still, of course, to have the retrial, but I'm not going to spend the whole night hung up on the retrial aspect. I think this is going to achieve a fair amount of what I would like to have seen.

**MR. CHAIRMAN:** Can we have a formal withdrawal of the amendment then?

**MR. C. BIRT:** Mr. Chairman, I will withdraw that motion that I've just made relating to the . . .

**MR. CHAIRMAN:** And make another?

**MR. C. BIRT:** I think that actually the Minister is making . . .

**HON. R. PENNER:** Here's a bit of a problem.

First of all, I would like, on the record, to give an undertaking that the amendment which I am proposing will be brought in at Report Stage. The reason for that is that there are other changes in sections 54 and 55 that counsel advise me may have to be made. But I'd give an undertaking to bring in at Report Stage an amendment that will give the courts the power to hear questions of law.

**MR. CHAIRMAN:** Is that agreed to? (Agreed).  
The Member for Brandon West.

**MR. J. McCRAE:** I have a question, Mr. Chairman, in an effort to try to understand this a little better.

We were talking a moment ago - the Minister and the Member for Fort Garry were - about questions of fact and law. What happened to the questions of fact? Now, those questions of fact, as I understand this legislation, will be found on rules that are set by the adjudicator himself or herself. Is that not correct? Or will the facts be found on the rules that are used in court, for instance, where there are similar rules about admissibility of evidence? That's where I'm confused.

**HON. R. PENNER:** This is different, Member for Brandon West, than the question of the rules of

evidence. Those questions, as to admissibility, would have to be ruled upon in the first instance by the adjudicator as they are by the ordinary trier of fact. It is possible, however, that an error, indeed, it may almost be certain that an error in, let's say with respect to the admissibility of a piece of evidence would be an error in law. So that the net result is this, that the motion with respect to 50(5) is withdrawn, right? And we'll come back with an amendment at Report Stage to deal with the understanding that we have here.

**MR. CHAIRMAN:** Subject to that understanding.

**MR. M. DOLIN:** Pass.

**MR. CHAIRMAN:** Page 37.

**MR. C. BIRT:** The motion to strike out and substitute 50(5) is . . .

**HON. R. PENNER:** Yes, to come back at Report Stage with the one that we'll deal with.

**MR. C. BIRT:** No, I was . . . - (inaudible) - . . .

**MR. CHAIRMAN:** The amendment opened by the Member for Kildonan . . .

**HON. R. PENNER:** Is out - it hasn't been out, but it won't be moved.

**MR. CHAIRMAN:** Oh, it won't be moved.  
So page 37 as is, subject to the understanding.

**HON. R. PENNER:** Page 38, same.

**MR. CHAIRMAN:** Page 38—pass.  
Page 39 - the Member for Fort Garry.

**MR. C. BIRT:** Mr. Chairman, I don't know whether it appears in the other amendments - I don't think it does, I've done a fast check - but I would move that the clause, which is currently 33(5), in the existing Human Rights Act be included: "No prosecution for an offence under this act be instituted without consent in writing of the Minister of the existing Human Rights Act" be added to Bill 47 after sub-clause 51(5) and numbered 51(6). In other words, all of 51 deals with the prosecution and the steps that deal with it and this merely says that they have to get the consent of the Minister before they can commence it. It was a safeguard in the old act and I think it was a good one. And I have it in writing.

**MR. CHAIRMAN:** It has been moved by the Member for Fort Garry that the clause in the existing act, No. 33(5) of the existing Human Right legislation be added to Bill 47 after sub-clause 51(5) and numbered 51(6).  
The Attorney-General.

**HON. R. PENNER:** I have no objection to that amendment. Actually, I think perhaps, on reflection as a matter of sound public policy a prosecution as such ought to have the consent of the Attorney-General.

**MR. M. DOLIN:** Perhaps through you, Mr. Chairman, I can ask the Mover, without this, that would mean that cases can proceed under 51(5) as suggested without the consent of the Minister which would take it out of the political realm. What is the advantage or disadvantage according to the Mover of having ministerial approval of this? Through you, Mr. Chairman, perhaps, if I can get an explanation.

**HON. R. PENNER:** If I might, too bad, of course the question has been directed to the Member for Fort Garry and I don't want to pre-empt his right to answer it.

There is a difference presently and in the new Code between the ordinary - you'll forgive the term - run-of-the-mill case which the commission tries to mediate, tries to resolve and if it can't, finally suggests an adjudication. And then under the new Code from a panel of adjudicators somebody at the top of the road has chosen, then they have an adjudication. It is quite different from a prosecution; a prosecution has an air of criminality about it or quasi-criminality. It's felt that where, in fact - and that's reserved for the rare case, a more egregious kind of case - where it's felt that there ought to be a signal, that this is so profoundly wrong that it's more than a question of adjudication and civil remedy but a question of a finding of guilt, if you will, in those cases, I think it's probably, indeed I feel certainly, a better part of public policy that prosecutions, which are conducted by the Department of the Attorney-General, should have the consent of the Attorney-General.

**MR. C. BIRT:** Mr. Chairman, I don't think I need to add anything now. I can appreciate from the drafting point of view that I may have just given some problems, and we may have to go the undertaking routes to make sure that the numbering sequence and phraseology goes back and if that is . . .

**HON. R. PENNER:** Yes, because there are some wording problems. We'd have to substitute code for act.

**MR. C. BIRT:** We know what the principle is, and if the Minister's undertaking . . .

**MR. CHAIRMAN:** Then subject to this undertaking, page 39—pass.

Page 40 - the Member for Kildonan.

**MR. M. DOLIN:** I move

THAT subsection 54 of Bill No. 47 be struck out and the following section be substituted therefor:

**Application for court order.**

54(1) Where a complaint has been filed, the Commission may apply to the court for an order restraining the respondent from engaging in conduct alleged to be in contravention of this Code, or requiring the correspondent to comply with this Code in specified respects, or to do or refrain from doing any act or thing, until the complaint has been disposed of in accordance with this Code or for such other time as the application may specify.

**Where an order may be issued.**

54(2) Upon hearing the application referred to in subsection (1), the court may grant the order on such terms and conditions as it considers appropriate, if the court is satisfied that

- (a) the Commission has established a prima facie case that the respondent has contravened this Code; and
- (b) granting the order would further the objectives of this Code.

(French version)

IL EST PROPOSÉ de supprimer l'article 54 du projet de loi 47 et de le remplacer par ce qui suit:

**Demande d'ordonnance du tribunal**

54(1) Si une plainte a été déposée, la Commission peut demander au tribunal de rendre une ordonnance empêchant l'intimé d'adopter une conduite présentée comme une contravention au présent code, ou l'enjoignant de se conformer à certaines dispositions particulières du présent code ou de faire ou de s'abstenir de faire tout autre acte ou toute autre chose jusqu'à ce que la plainte ait été réglée conformément au présent code jusqu'à un autre moment que précise la demande.

**Délivrance de l'ordonnance**

54(2) À la suite de l'audition de la demande mentionnée au paragraphe (1), le tribunal peut rendre l'ordonnance selon les termes et les conditions qu'il juge appropriés, s'il est convaincu:

- a) que la Commission a établi une preuve suffisante à première vue selon laquelle l'intimé a contrevenu au présent code;
- b) que la délivrance de l'ordonnance favoriserait les buts du présent code.

**HON. R. PENNER:** The significant new words, because we now again have broken it down to two clauses so that it's clearly understood, are found in 54(2)(a) and (b) where the commission has established a prima facie case that the respondent has contravened the Code and (b) granting the order would further the objectives of the Code.

Although it's only a temporary court order which is being sought, nevertheless a temporary court order may be in place for some weeks or months and may affect the rights of the respondent. We just want to make it clear that the commission has to establish a prima facie case before getting such an order.

**MR. M. DOLIN:** I also move the French translation.

**MR. CHAIRMAN:** Page 40, as amended—pass. Pages 41 to 45, inclusive, were each read and passed.  
The Member for Kildonan.

**MR. M. DOLIN:** I move

THAT legislative counsel be authorized to re-number Bill 47 to take into account amendments made at committee stage.  
And the French thereof.

(French version)

Monday, 13 July, 1987

IL EST PROPOSÉ que le Conseil législatif soit autorisé à renuméroter le projet de loi 47 afin qu'il soit tenu compte des modifications apportées lors de l'étude en comité.

**MR. CHAIRMAN:** Amendment—pass; Title—pass; Preamble—pass.  
Bill be reported.

**HON. R. PENNER:** On division. Do you have on division in committee? Objection reported.

**MR. CLERK, W. Remnant:** On division.

**MR. CHAIRMAN:** It will be on division in committee. What's the pleasure of the committee?  
Committee rise.

**BRIEFS PRESENTED BUT NOT READ:**

Written Submission by Mrs. S. Carson.

Manitoba Legislative Committee on Bill 47  
Winnipeg, Man.

Dear Honourable Members,

I wish to express my concern on the wording "sexual orientation" contained in Bill 47. Granting special privileges to aberrant behaviour runs counter to the complementary natures of man and woman. Instead, government officials should be encouraging counselling methods that help homosexuals overcome their deviate behavioural lifestyle. Groups such as Courage, Integrity, Homosexual Anonymous Fellowship Services, and similar groups offer help and hope for homosexuals.

The homosexual rights are already protected under The Human Rights Act and the Charter of Rights and Freedoms. Why the missionary zeal to proselytize the majority? Recruitment is a means that leads many to live homosexual lifestyles. This lifestyle has been fanned by purveyors of pornography.

In the January 1974 edition of Marriage and Family Living, John F. Harvey, professor of moral theology, writes:

"In today's society, this deeper knowledge of the psychology of homosexuality is combined with another factor; the presupposition, applied equally to the homosexual and heterosexual individual, that one cannot be a complete person unless one has had full sexual expression. The combination has acquired explosive force. We see homosexuals themselves forming associations to claim equal rights with heterosexuals; moralists liberalizing the sexual norm to give everyone the right to the full genital expression which is conceived as necessary for personal fulfillment; the view gaining ground that the body may be used to express human love in any way which is pleasing to the lovers. The concept of homosexuality as a neurosis is being rejected - believe that homosexuals should be allowed to do their own thing. It does not matter whether such love exists between members of the same or of opposite sexes.

"Now whether we regard homosexuality as a neurosis or not, it is clear that the attitude outlined in the foregoing paragraph considers only the need for sexual enjoyment, and not the consequences which such

permissivity would bring to the individual and to society."

Harvey concludes that "the most basic need of the human person is not for full sexual expression, heterosexual or homosexual, but to have the sense of being loved and be able to love in return."

The chosen and preferred lifestyle of homosexuals will not foster any possibility to sexual reorientation. Tolerance and compassion for the homosexual should not be interpreted as acceptance. Scripture teaches Christians to condemn the sin, not the sinner. Christ told the prostitute to "Go and sin no more." He did not say "Go and sin more."

If society continues to disregard God's laws, the wrath of God may bring about consequences greater than Bubonic Plague or the Death Plague.

I urge you to reconsider the "sexual orientation" clause in Bill 47. I am enclosing some material to support my views.

Submitted by,  
Mrs. S. Carson  
77 Greendell Avenue  
Winnipeg, Man.  
R2M 2P9

**Written submission by R.E. Clague.**

R.E. CLAGUE,  
July 11, 1987

Other groups and individuals will have dealt at length with the moral and religious objections to the proposed legislation.

This submission seeks to emphasize certain less obvious consequences implicit in the measure in question.

1. The thin edge of the wedge:

In the current age of sexual consumerism with all its diverse manifestations, let no one be deceived into supposing that the present demands and the measures proposed to satisfy them will be the end of the line.

Just as the present clamour and the resultant response would have been undreamt of two decades ago, so practices held to be beyond the pale of decency today will become the targets for tomorrow's demands.

As in the case of demand for the legalization of certain soft drugs, so in the present instance demands currently made will not resolve the problem but will merely open the floodgates for new demands and new problems.

Whatever else could have been said of Pandora's box, it was never categorized as a cure-all.

2. The erosion of parental authority:

Any doubts as to the validity of the foregoing contention should be quickly dispelled when one of the proposed amendments to the projected legislation is considered.

The extension of homosexual rights to young people will effectively curtail the residual controls exercised

by parents and thereby contribute to contemporary social malaise by further weakening the role of the conventional family.

3. Expansion of overlapping sub-cultures:

The rights that the measure in question will extend to the gay community will permit the present wide overlap between itself and the drug culture to be extended not only sideways but also downwards.

This will not only involve more young adults but will extend to children as well.

Is the solicitude professed by the sponsors of the present legislation for child welfare restricted merely to protecting children from physical violence?

Are there not other forms of abuse that are equally if indeed not more devastating?

4. Increased social welfare costs:

Behavioural patterns endorsed by the measure in question will, as noted, abet the disintegration of the conventional family.

Many members of such families who will opt for this alternative lifestyle and therefore choose to live in their own establishments, but who are without visible means of support, will then become dependent upon society in the form of the state to pick up the costs.

Such subsidization may be very gratifying to the empire-builders in the social welfare system.

It will obviously be much less gratifying to the provincial taxpayers when called upon to subsidize this alternative lifestyle.

And in the end, it will be even less palatable to the provincial electorate.

5. Increased costs from criminal activities:

Nor does the matter stop with social welfare costs being increased. The type of establishments noted above are all to often a recruiting ground for criminal groups.

Not infrequently they become fronts for such groups, constituting an essential link in an unholy alliance among sexual deviants, drug pushers and criminal elements.

6. Educational implications:

Once the rights of non-discrimination on the basis of sexual preference - a high-priced term for sexual deviation - have been established, it will be simply a matter of time before the demand for explicit exposition of such alternative lifestyle and behavioural patterns will be made with a view to their inclusion as part of the standard coverage in family-life guidance courses.

The issues supposedly disposed of yesterday after great controversy will resurface once more, but armed now with a measure of legal authority.

7. Media warp:

The media seek, in their attempt to attract public attention whenever possible, by focusing attention upon what they consider shocking, i.e. groups at variance with conventional conduct and values.

So was it for years after the drug problem began to surface. So is it today in the case of gay rights - that the number of those involved at the outset in such activities was not overly great did not matter.

All that mattered was the amount of noise such groups could make and the amount of attention they could draw when this noise was amplified by the media. The promotion of such causes through publicity meant

all too often that the media were shifting from the role of news reporters to that of news shapers. But what if the noises generated do not represent more than those of a small but highly vociferous minority? And what if the government in office, regardless of party, takes or mistakes such clamouring for public demand? And what if the government, through this error in judgment, gets turfed out at the next election? Would all the media be unhappy about that? Either way the media win. One misjudgment and the government loses.

8. Limited benefits and negative results:

Apart from the adverse impact the proposed legislation will have upon society at large and upon special groups in particular, as already noted above, the groups for which the measure is ostensibly designed will not benefit to the extent anticipated.

The more vulnerable of the groups, young persons no longer supported by their parents but without other means of support, will become dependent upon government assistance, criminal exploitation, or worse still, upon both.

9. Increasing health costs:

The introduction of such a measure of protection as is envisaged in the proposed legislation could scarcely have been more poorly timed.

To confer upon a group whose activities have contributed more than those of any other social group in western society to the insidious spread of the most devastating epidemic in human history, a measure of legitimacy that endorses the indulgence in such activities will serve only to produce misfortunes to the public at large far out of proportion to the benefits conferred upon the protesting minority.

To do this at a time when health delivery costs are escalating more rapidly than the means of financing such costs is folly beyond folly.

10. Tyranny of the minority:

Upon closer scrutiny the measure ostensibly designed to protect minority rights discloses a more sinister implication. What it amounts to in reality is the imposition of certain minority demands upon the majority in such a way as to deprive the majority of freedom of choice and therefore of action.

To protect minority rights is one thing. To do so in such a manner as to infringe upon, if not indeed to extinguish the rights of the majority is quite another. At best, such action lacks clarity of thought. At worst, it is a formula for political suicide on the part of its sponsors.

11. Limitations to idealism:

Ideals and charters of rights as well as legislation that implement such ideals have unquestionable excellencies. They also have their limitations; not least of these is fuzziness of thought. It may therefore not be amiss at this point to recall the words of Alfred, Lord Tennyson on this matter:

“Hold thou the good; define it well:  
For fear divine Philosophy  
Should push beyond her mark, and be  
Procuress to the Lords of Hell.”

12. Political madness:

Toynbee in his "Study of History" describes how almost every civilization on record perished from within. Self-destruction, not external assault, brought about its downfall.

As it is with civilizations so also is it with political societies and with those political parties that temporarily hold rule over them. "Whom the gods would destroy, they first make mad." Thus ran the Greek proverb.

If discretion be the better part of wisdom the sponsors of the present legislation still have ample time to amend their policy.

For any astute politician the choice between losing face today through a reversal of policy or of losing office tomorrow through a reversal of political fortunes should not be too difficult a one to make.

**Written submission by Mr. Rodney Grahn.  
Re Bill No. 47**

552 Harbison Ave. E.  
Winnipeg, Manitoba  
R2L 0Y9  
(204)667-6095

I am not opposed to minorities having rights as long as it is not harmful to the majority of Manitobans.

I feel Bill 47 is not in the best interest of the majority of Manitobans. It has dangerous weaknesses. Section 9(2)(h) on "sexual orientation" must be removed.

This section describing sexual orientation as heterosexual, homosexual or bisexuality is not included for the benefit of heterosexual people. They don't need this bill on the basis of their sexual preference. What this section of the bill is doing is legalizing gay rights.

Gay rights cause the rights of others to be seriously infringed upon.

Legalizing gay rights will not solve the problem of discrimination - it will cause a greater rift. The majority of people do not feel homosexuality is an acceptable lifestyle. This bill will cause or encourage people to disobey the law in order to protect themselves and their children from a lifestyle that is totally contrary to their beliefs.

I am shocked that with the recent AIDS epidemic it would be encouraged to allow a lifestyle where this disease is so prevalent. By legalizing it, it is also encouraging it.

I would be very cautious in having myself and my children interacting with people who are so susceptible to this disease by their actions.

If Bill 47 is passed, it will hinder people with these concerns from knowing or even enquiring as to the sexual orientation of an employee, teacher, etc. That I feel is a great threat to the majority of Manitobans. This lifestyle also is detrimental to the family unit, for obvious reasons.

I feel this bill will greatly affect our children. They are influenced by those who teach them. I would be outraged if my child's gym teacher or health teacher or counsellor were homosexual. This bill would provide these people of totally contrary belief and lifestyles to influence my children without me even knowing.

I feel there are certain jobs for which not all people are qualified. For example, placing a homosexual in a boy's locker room would be like placing an alcoholic

in a bar. For certain jobs, particularly those in role models, there are requirements that go beyond education and ability, to morals and ethics.

In conclusion, I strongly urge that each member of this committee make their decision based on what is good for the majority of people, not only now but in the long range.

How would each of you feel if your child or grandchild decided to turn to a homosexual lifestyle because of an "outside" influence they were given or by the knowledge that homosexuality is legally accepted?

**Written submission by Mrs. Jean E. McGinn.**

July 13, 1987

**A Response to Bill 47**

By: Jean McGinn

To: The Legislative Committee Hearings  
Room 255, Legislative Building  
Broadway Avenue  
Winnipeg, Man.

Dear Chairman and Committee Members:

I am opposed to the inclusion of "sexual orientation" in section 9(2) of Bill 47 - The Human Rights Code of Manitoba. To do so is to violate the rights of other Manitobans who understand homosexuality as a psychological illness, and that it is immoral and harmful to society. Inherent in the bill is the belief that homosexuality is part of a person's make-up, is not a choice, and cannot be changed. This is only one unproved theory concerning homosexuality to the exclusion of other theories that are equally as plausible.

As an occupational therapist, mother of two, and currently studying counselling in a master's degree program, the theory of homosexuality that is credible to me is that homosexuality, like the anorexic eating disorder, or other psychological problems, is a symptom of family and personal problems. As a child, a homosexual did not learn to identify with their own male or female role model due to extenuating circumstances such as an unaffectionate father, overprotective mother, or exposure to a confusing sexual experience(s) at an early age. Our society's tendency to stereotype certain physical or behavioural characteristics as exclusively male or female compounds the problem in some cases, as does our reluctance to meet our need for human touch in an appropriate and affectionate way.

The result is a person who does not understand what human love is meant to be. Instead of sex being an expression of love to another, based on a strong commitment to their partner's long-term best interests, a homosexual often sees others as someone to be used for personal gratification or, at best, mutual gratification (as do a lot of heterosexuals). A homosexual is afraid of assuming the role and responsibilities of their own gender for fear of failure in that role.

To say that homosexual tendencies can be easily changed is true only at a certain point in a person's

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Monday, 13 July, 1987

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development. However, when the sex drive gets attached to a particular object through exposure and practice, be it someone of the same gender or another object, then it is often difficult to redirect that drive. But it can be done through counselling and an inner conviction of the need to change one's attitudes and behaviours.

To promote homosexuality through Bill 47 as a viable lifestyle, equally as valid as heterosexual relationships, is to promote a disordered view of sexuality and human relationships. Susceptible children or adolescents will easily be swayed towards homosexuality.

The answer to the problem lies in our society supporting and facilitating loving family relationships and by compassionately helping homosexuals deal with their psychological problems.

As a Christian, I also oppose the inclusion of "sexual orientation" in Bill 47 on moral and religious grounds. Homosexuality is said to be wrong by the God who designed us and knows what is best for us as individuals and as a society. The Manitoba Government is now trying, through pushing the bill through, to dictate to the church and to other moral, perceptive people that they must support the view of homosexuality inherent in the bill.

Homosexuals are already adequately protected as individuals worthy of dignity in the present legislation. To entrench and force acceptance of homosexuality is going far beyond the government's mandate. Why the NDP Government is so determined to force this bill through that they are willing to coerce their members to vote as a block for this bill, rather than encouraging their members to vote according to their conscience and in representation of the vast majority of their constituents, is perplexing.

I sincerely hope they will become aware of the far-reaching societal consequences that the passing of such a bill would unleash. The Federal Government wisely avoided this unnecessary pitfall by deleting "sexual orientation" from their legislation, and I hope the Manitoba Government will have the wisdom to do this as well.

Respectfully submitted,  
(Mrs.) Jean E. McGinn  
43-1321 Beaumont Street  
Winnipeg, Manitoba.  
July 13, 1987