



First Session - Thirty-Seventh Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Law Amendments

Chairperson
Mr. Doug Martindale
Constituency of Burrows



Vol. L No. 2 - 10 a.m., Monday, May 1, 2000

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LAW AMENDMENTS

Monday, May 1, 2000

TIME – 10 a.m.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Mr. Doug Martindale
(Burrows)**

**VICE-CHAIRPERSON – Mr. Jim Rondeau
(Assiniboia)**

ATTENDANCE - 10 – QUORUM - 6

Members of the Committee present:

Hon. Ms. Barrett

Ms. Allan, Ms. Asper, Mrs. Dacquay, Messrs.
Filmon, Martindale, Praznik, Rondeau,
Schellenberg, Mrs. Smith

APPEARING:

Mr. Gregory Dewar, MLA for Selkirk
Mr. Marcel Laurendeau, MLA for St. Norbert

WITNESSES:

Mr. Michael Lazar, Canadian Jewish
Congress and Jewish Federation of Winnipeg

MATTERS UNDER DISCUSSION:

Bill 19–The Holocaust Memorial Day Act

Mr. Chairperson: Good morning. Will the Standing Committee on Law Amendments please come to order. This morning the Committee will be considering Bill 19, The Holocaust Memorial Day Act. If you have a presenter that is registered to speak to this bill this morning, it is the custom to hear briefs before consideration of the bill. What is the will of the Committee? *[Agreed]*

The name of the presenter registered to speak to this bill is Mr. Michael Lazar, Jewish Federation of Winnipeg and Canada. If there is anyone else in the audience that would like to register or has not yet registered and would like to make a presentation, would you please register at the back of the room.

Before we proceed with the presentations, is it the will of the Committee to set time limits on presentations?

An Honourable Member: No.

Mr. Chairperson: As a courtesy to persons waiting to give their presentation, did the Committee wish to indicate how late it is willing to sit this morning?

An Honourable Member: Until the bill is completed.

Mr. Chairperson: Until the bill is completed, thank you. We will now commence the public presentations. Mr. Lazar, will you please come forward to make your presentation to the Committee.

Mr. Michael Lazar (Canadian Jewish Congress and Jewish Federation of Winnipeg): Thank you very much, Mr. Chair, honourable members. My name is Michael Lazar and I am here on behalf of the Canadian Jewish Congress and the Jewish Federation of Winnipeg, formerly known as the Winnipeg Jewish Community Council, to address you with respect to Bill 19, The Holocaust Memorial Day Act.

Canadian Jewish Congress is a national elected representative voice of Canadian Jewry, and the Jewish Federation of Winnipeg is the Manitoba equivalent and in fact doubles as the Manitoba regional branch of the Canadian Jewish Congress. My own position is that of

being a member of the national executive of Canadian Jewish Congress and vice-president for community relations of the Jewish Federation of Winnipeg. With me in the gallery are Evelyn Hecht, Director of Community Relations for the Jewish Federation of Winnipeg; Joe Reisen, Chair of the Holocaust Awareness Committee; and, David Davis, Regional Chair of the League for Human Rights of B'Nai Brith Canada.

The Holocaust was an event without parallel in the often bloody history of humankind. It was a deliberate, state-sponsored persecution and systematic attempt at annihilation and extermination of the Jewish people by the Nazis and their collaborators. They nearly succeeded. Six million Jewish men, women and children, one-third of the then world population of Jews, were murdered by the Nazis. These were not people killed by stray bombs or bullets or the other hazards of war. These were people who were separated out from their fellow citizens, shipped off in cattle cars to concentration camps, often half a continent away, separated from their families with the young, the old, the weak and the infirm, sent immediately off to the gas chambers, while the more able-bodied were starved to death or worked as slave labour and than gassed when they could work no more.

The horrors of the Holocaust have many dimensions. The enormity of the crime, six million murdered with death factories covering a continent. The brutality with which children, the weak and the infirm were butchered; the deliberate state policy that actuated the murder; from the Nuremberg laws which stripped Jews of their citizenship and their rights to the Wannsee conference, where government officials planned implementation of what they referred to as the "final solution"; the systematic, orderly way in which it was carried out—the Nazis kept meticulous records of their criminal activities; the methodical way of selection—to the right, you go to the gas chambers; to the left, you live on for a while as slave labour; the business of death that accompanied the genocide from industrial use of slave labour to the killing industries such as the massive production of Zyklon B, the gas used in the gas chambers; to the studies carried out by the Nazis to determine the most efficient ways to kill.

For example, Zyklon B was found to be more efficient than an earlier system of using vehicle exhaust that was pumped into a chamber crammed with condemned people. The business of death also included the exploitation of the bodies of the dead, scavenging gold teeth, cutting off hair for use in mattresses, producing soap from body fat. Then there were the hideous medical experiments conducted by ghouls such as Dr. Jozef Mengele on live human subjects.

As time marches on and the survivors of the Holocaust grow older and fewer, we find ourselves in a race against time to record and establish these events while witnesses are still alive and can remember. This is important to all of us, because the Holocaust stands as a landmark on the geography of human history, one which not only reminds us of what has been done but which also warns us of what can be done if we are not vigilant.

The lessons of the Holocaust are many. Perhaps the most poignant relates to the cost of silence. That the Holocaust was allowed to reach the horrific dimensions that it did is as much due to the world's silence as it was to the evil actions of the Nazis and their henchmen.

As Manitobans, we are pleased to see that our government is not remaining silent. This legislation is important for a number of reasons. It provides an opportunity to reflect on and educate about the enduring lessons of the Holocaust, to help eradicate the hate that can lead to future tragedies. It reaffirms a commitment to uphold human rights, to value diversity and teach tolerance in response to those who foster or commit crimes of violence, racism and hatred. It bears testimony to the historical record of the Holocaust in the face of the mischief and the hate of those who would deny the Holocaust in order to further their own racist and totalitarian agendas.

This most recent version of the big lie goes beyond mere anti-Semitism, although it is clearly anti-Semitic. It is an attack on Western liberal democracy by attempting to rewrite history in favour of tyranny, totalitarianism and intolerance. The Holocaust Memorial Day Act is a statement reaffirming the historical record and

our faith in a tolerant, multicultural, democratic society.

Yom Hashoah, the day of the Holocaust, the 27th day of the Hebrew month of Nissan, begins this year at sundown today and runs until sundown tomorrow. There are a number of programs and services sponsored by the Jewish community throughout the week culminating with a memorial program at noon on Friday at the Holocaust Memorial located in the southwest part of the Legislative Grounds.

That monument lists the names of approximately thirty-seven hundred Holocaust victims with Manitoba connections, primarily family members of Manitobans. There are some three hundred or so remaining direct survivors of the Holocaust living today in Manitoba. I say direct survivors because in a way we are all of us survivors, all of us who believe in a pluralistic, democratic society.

On behalf of six million who perished and on behalf of those who live on and remember, we thank you for bringing forward this legislation and we wish it speedy passage.

Mr. Chairperson: We thank you for your presentation. Do members of the Committee have questions they wish to address to the presenter?

Ms. Linda Asper (Riel): What would you see appropriate, for example, with this day in Manitoba schools as activities for children and—

Mr. Chairperson: Excuse me, Ms. Asper, could you pull your microphone close to you and speak into it, and we will ask you to start again for Hansard. Thank you.

Ms. Asper: Given this day, what would you see appropriate as activity or activities in public schools, private schools on this day? Could you just give me a few examples of what you recommend?

Mr. Lazar: Well, certainly education is one of the biggest and most important things we can do, including—

* (10:10)

Mr. Chairperson: I am sorry. Excuse me, sir. I am falling down in my job as Chair. I am supposed to recognize you for the purposes of Hansard recording. So, Mr. Lazar, please.

Mr. Lazar: Thank you. Certainly education is something that we have always considered to be an extremely important facet, Holocaust education as well as in general antiracism, anti-intolerance, if you will. Education is important and it is important every day of the year, not just on Holocaust remembrance day.

However, certainly in the schools, it could and should be brought to the attention of the students and of the faculty, and certainly there are educational presentations available either directly from the schools, or certainly ourselves. B'nai Brith and many other organizations are able and often do put on presentations at schools and in other gatherings on the Holocaust and on the meaning of the Holocaust. I think it would be appropriate for schools in one form or another to have at least a discussion of what the Holocaust was, what it means and race sensitivity and understanding that way.

Mr. Chairperson: Are there other questions?

Hon. Becky Barrett (Minister responsible for Multiculturalism): I appreciate your presentation. It was moving—a word I can use. It was very pointed and addressed some of the dimensions of this horrific—"event" is not even the right word to use, because it was so much more than an event, but the words that you have used, like "targeted," "deliberate," "systematic," "orderly," "methodical," "business"—these are the things I think that for those of us who know anything about the Holocaust is one of the most horrific parts of it, is the scale was just unimaginable.

But, as you said, the systematic way. People did not die because of the vagaries of war, which is bad enough, but they were targeted and systematically and brutally annihilated with a final purpose of total annihilation. That is just something that is hard for us, certainly hard for me, to comprehend, the mind of mankind could be that evil.

I think what we want to do with this piece of legislation is to have this as a memorial in legislation, that we must never forget; we must never, ever forget what happened and what continues to happen in the world today. This is a way that we all as legislators—and this is one of the times when the whole, entire Legislature has worked unanimously. The bill could not have passed as quickly as it did without the consent of all of the Members of the Legislature.

So I think it is a positive thing for us as legislators to be able to do something like this in a very small way to participate in recognizing that we are members of a democratic, pluralistic society and that we must have legislation like this and remembrances like what will happen this week and, hopefully, in schools and communities always, so that we can do our part to ensure that the silence does not happen again.

So thank you very much for a wonderful presentation.

Mr. Gary Filmon (Leader of the Official Opposition): I want to, on behalf of the members of the Official Opposition, Michael, thank you for your presentation and assure you of our support for the bill. Certainly, there have been some eloquent speeches given, and I intend to add my remarks at third reading to those that have been made by members on all sides of the House.

I want to just indicate that I appreciate information that has been shared by various people, including the copies of legislation that had previously been passed in a similar vein in New Brunswick, Nova Scotia, Ontario, British Columbia and Prince Edward Island. I expressed a concern which I have discussed with Legislative Counsel about just some wording that appears in the preamble of this bill that does not appear in the other pieces of legislation that have been passed. It is just a matter of the manner in which different thoughts have been combined in one clause. If I may, perhaps I could ask if you would have any objection. I believe when we pass legislation, it is intended to be here for a long time, hopefully forever, to govern our lives. We should attempt as much as possible to ensure that it is clear and unambiguous.

The second WHEREAS, Michael, says "WHEREAS six million Jewish men, women and children perished under this policy of hatred and genocide as well as others, including people with physical or mental disabilities, those targeted for racial or religious reasons and those targeted for their sexual orientation." The way in which that latter section "as well as others" is connected, it could be interpreted to say that that modifies the policy, whereas it is intended, I believe—and the minister can correct me if I am wrong—to add to the six million Jewish men, women and children.

In every other bill that I have looked at, those two thoughts are either separated so that they are two separate clauses referring to the fact that the Nazis not only targeted Jewish men, women and children, but did indeed, with their policy of hatred and genocide, target people with physical and mental disabilities or because of their sexual orientation. So it is either separated or else the two areas, the juxtaposition of Jewish men, women and children and the others are put together with the verb then following, so it is understood that all of these people were targeted. This way is confusing, and, with the permission of the committee, I have an amendment that was prepared by Legislative Counsel to ensure that it is very, very clear what we are intending to do. As I say, from my perspective, only to ensure that we pass the bill with the same kind of clarity that has been done in other bills that have been passed in Canada.

Mr. Lazar: That is fine. You are quite correct. In addition to six million Jewish victims, there are approximately five to five and a half million other victims who were murdered and otherwise mistreated as well in concentration camps and the like under the other headings as well.

Mr. Filmon: May I ask if the Legislative Counsel can pass along the amendment that I have asked to be prepared? What it does and if I may read it to you, it separates the two into two subclauses. It says: WHEREAS six million Jewish men, women and children perished under this policy of hatred and genocide; and WHEREAS millions of others were victims of that policy because of their physical or mental disabilities, race, religion or sexual orientation—and it goes on with the rest of it. So, it just

makes clear that we are not modifying the wrong part of the clause.

Mr. Lazar: By us, that would be just fine.

Mr. Chairperson: Any other questions of the presenter? That concludes the list of presenters that I have before me. Are there any other persons in attendance who wish to make a presentation this morning? Seeing none, is it the will of the Committee to proceed with clause-by-clause consideration of Bill 19, The Holocaust Memorial Day Act? Agreed? *[Agreed]*

Does the Minister responsible for Bill 19 have an opening statement?

Ms. Barrett: Mr. Chair, just briefly a note of process and procedure for the audience. We will be concluding the clause by clause very quickly of this piece of legislation. My understanding is that it will go to the House this afternoon, where we will do the third reading and then royal assent and proclamation, so that by sundown today the legislation will actually be official government. It will be part of the official statutes and will actually have become law, and we will let you know as quickly as that happens. So we will have this finished and concluded by today.

* (10:20)

Mr. Chairperson: We thank the Minister. Does the critic from the Official Opposition have an opening statement?

Mrs. Louise Dacquay (Seine River): Not other than to say that our caucus is extremely supportive of this legislation, particularly with the proposed amendment, and we are hopeful that all members of the Assembly will accept the proposed amendment.

Mr. Chairperson: During the consideration of a bill, the preamble and the title are postponed until all other clauses have been considered in their proper order. Just for my own clarification, Mr. Filmon's amendment is to the preamble, so we will do that after the clause by clause. Okay.

Clause 1—pass; Clause 2—pass; Clause 3—pass. Shall the preamble pass?

Mr. Filmon: Mr. Chairman, I move, seconded by the Member for Lac du Bonnet (Mr. Praznik),

THAT the second paragraph of the preamble be deleted and the following substituted:

AND WHEREAS six million Jewish men, women and children perished under this policy of hatred and genocide;

AND WHEREAS millions of others were victims of that policy because of their physical or mental disabilities, race, religion or sexual orientation;

[French version]

Il est proposé de remplacer le deuxième paragraphe du préambule par ce qui suit:

que six millions d'hommes, de femmes et d'enfants juifs ont péri en raison de cette politique de haine et de génocide;

que des millions d'autres personnes ont été victimes de cette politique en raison de leur handicap physique ou mental, de leur race, de leur religion ou de leur orientation sexuelle;

Motion presented.

Mr. Chairperson: Mr. Filmon, would you like to speak to your amendment?

Mr. Filmon: Aside from my concern about the possibility of misinterpretation because of the way in which the clause is currently constructed, I think that it strengthens the entire presentation, Mr. Chair, because, as our presenter pointed out, this was not just an aside or an afterthought. There were, indeed, four or five million others who perished in the Holocaust because of the Nazi policies of hatred and genocide that were directed not only at Jews, but directed at people with many other physical or mental disabilities or because of their race or religion or sexual orientation.

It was indeed a Holocaust of massive proportions, of incredibly ugly hatred that resulted in this. I believe that if we separate the clause properly, as it has been done in the other acts that I have examined, then we give, I think,

full import to all of the various things that we are attempting to recognize in this bill. I would commend it to the Committee's attention.

Ms. Barrett: Yes, having read this amendment, my view is that it maintains the spirit of the other WHEREAS and does make it clearer that this is in addition to and not a subset of the six million people, so I thank the Member for that. It again shows that sometimes the public hearing process and the amendment process can end up with a better piece of legislation, so we will be in support of this amendment.

Mr. Chairperson: Thank you, Madam Minister. I neglected to say earlier that I am advised by our new Clerk Assistant, Mr. Rick Yarish, that the amendment is in order.

Amendment—pass; preamble as amended—pass; title—pass. Bill as amended be reported.

As there is no further business, committee rise.

COMMITTEE ROSE AT: 10:23 a.m.