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SAME-SEX MARRIAGE - A PECULIAR MOTION

On December 6, 2006, the Conservative government, as promised, tabled its motion on same-sex marriage. It was a very peculiar motion:

> That this House call on the government to introduce legislation to restore the traditional definition of marriage without affecting civil unions and while respecting existing same-sex marriages.

The motion raised concerns among those Liberal MPs who are in support of traditional marriage. If they voted for the motion they were concerned that they then would also be supporting civil marriages as well as all the same-sex marriages that had taken place under the same-sex legislation (Bill C-38) passed in June 2005. The Conservatives, however, argued that they had joined together the civil union provision and recognition of previously performed same-sex marriages into one motion so as to prevent MPs from voting against the motion on the grounds that it might later result in the banning of civil unions or in rejecting same-sex marriages previously undertaken in "good faith." It was a very confusing motion for all concerned. The bottom line, though, was that if the MP was a pro-family MP, he supported the motion (13 Liberal MPs did so) and if he/she was for same-sex marriage, they voted against the motion (13 Conservative MPs did so). The Conservative votes opposing the motion included the votes of six Conservative Cabinet Ministers. These were: John Baird former President of the Treasury Board, now Minister of the Environment; Peter McKay, Minister of Foreign Affairs; Jim Prentice, Minister of Indian Affairs; David Emerson, Minister of International Trade; Lawrence Cannon, Minister of Transportation; and Josée Verner, Minister of International Co-operation and Official Languages. The motion was defeated 175 to 123.

Fraudulent Vote

This vote, however, was fraudulent. Although Mr. Harper had given a free vote to his own caucus, this was not the case for the NDP and Bloc Québécois, which required their members to vote along party lines. The Liberal Leader, Stephane Dion, was not much better. Begrudgingly, he allowed a free vote for his MPs on the same-sex marriage motion, but he gravely misled them and the public on the issue by claiming same-sex marriage was a "fundamental" right under the Charter. Either Mr. Dion was deliberately misrepresenting the situation or he is ignorant about the fact that the Supreme Court of Canada has never at any time ruled that traditional marriage was unconstitutional and that same-sex marriage was a "fundamental" right. Canadians and the Liberal party members deserve better leadership than that.

A Lackadaisical Debate

The debate on same-sex marriage was lackadaisical. The party leaders, with the exception of NDP leader Jack Layton, did not participate in the debate. Noted homosexual MPs from the Bloc Québécois, Réal Ménard (Hochelaga - Montreal), NDP Bob Siksay (Burnaby-Douglas), Liberals Bill Graham (Toronto Centre), and Mario Silva (Davenport-Toronto) figured prominently in the debate. However, Christian Liberal lawyer MP John McKay (Scarborough-Guildwood) supported the Conservative motion stating:

> I believe that marriage is between a man and a woman and it is the central institution in society by which society perpetuates itself. That is the core reason for marriage. It is the central bridging institution. It bridges between the genders and it bridges back into previous generations and it bridges into future generations. I take those as self-evident truths. That is the core reason for marriage.
>
> There will be consequences. We cannot renovate the institution with nothing happening or expecting that nothing will happen. I expect the first consequence will be that heterosexuals will accelerate their detachment from marriage. There is a trend that is already there. We see more and more couples living together. We see more and more couples

living together and then getting married. In both cases, there is less stability in those relationships.

The second, and more troubling, consequence is that we will need to redefine parenthood and limit children's rights. We already see the same sex couples, who are inherently sterile, asking courts to declare that their child, conceived by whatever means, is in fact their child, regardless of the biological rights.

Other traditional marriage supporters included, among others, Dean Del Mastro (Peterborough), Harold Albrecht (Kitchener-Conestoga), Stockwell Day (Okanogan-Coquihalla), James Lunney (Nanaimo-Alberni), Ken Epp (Edmonton-Sherwood Park), and Bev Shipley (Lampton-Kent-Middlesex).

Conservative Pierre Lemieux (Glengarry-Prescott-Russell) who replaced the highly partisan Liberal Don Boudria in the 2006 election stated during his speech:

Marriage concerns not only adults. Marriage concerns families and families concern children. Children need a stable environment in which to grow and mature. A healthy family founded on the traditional definition of marriage provides just this environment.

Children have been ignored within this debate. We have focused on adults to live as they so choose, but we have forgotten our children.

The children of same sex couples are deprived of the right to be raised by both a mother and a father. They do not have role models in the home to teach them and to show them how to be wives and mothers, husbands and fathers and they do not have the opportunity to experience how a man and a woman live out their married life.

I also remind my fellow MPs that our time as an MP is short, even when we think it is long, and when we cease to be MPs, sadly, we will likely be forgotten by our fellow man but not by God, who knows each of us intimately.

If God himself is truly the author of marriage, then let us be able to give a good account of ourselves when we stand before Him as we must all stand before Him.

I shall conclude my speech as follows, 'Almighty God, protector of all families, guide us in our efforts to defend the holy sacrament of marriage as the union between a man and a woman. I ask You this in the name of our Lord Jesus Christ. Amen.'

Mr. Lemieux's speech and prayer are a lament for our nation.

DANCING ON THE COFFIN OF MARRIAGE

When the former Liberal government under Prime Minister Paul Martin pushed through the same-sex marriage legislation in June 2005, Mr. Martin's Chief of Staff, Tim Murphy, celebrated the event with former Conservative MP Belinda Stronach, who had shortly before crossed the floor to become an instant Liberal and received a cabinet position for her effort. According to newspaper reports, the pair celebrated the passage of the same-sex marriage legislation by dancing gleefully to the sound of Madonna's "Material Girl." The lyrics included the following appropriate lines (see REALity May/June 2005, page 14):

Some boys kiss me, some boys hug me, I think they're OK. If they don't give me proper credit, I just walk away. They can beg and they can plead, but they can't see the light that's right, 'cause the boy with the cold hard cash is always Mr. Right.

Ms. Stronach, an ever-ready party girl, was dancing happily again on December 7, 2006 to celebrate yet another same-sex marriage victory, when the Conservative motion to re-visit the issue was defeated in the House of

Commons. The celebration party this time was held in Ottawa's trendy Byward Market area and was thrown by Liberal MP Bill Graham (Toronto Centre), the interim Liberal party leader. Mr. Graham is a homosexual or, at least, is bisexual since, despite well-known same-sex dalliances, he also has a (female) wife. Others attending the party were homosexual Liberal MP Scott Brison, who also made headlines by crossing the floor to become an instant Liberal, and Alex Munter, a homosexual former Ottawa alderman and unsuccessful candidate for Ottawa mayor in November 2006. Mr. Munter headed the same-sex marriage organization "Equal Marriage" sponsored by EGALE in 2005. Former Liberal MP Paul Martin rushed back, jet lagged from China, to join the party. Also included in this happy group was Conservative Cabinet Minister, John Baird, former President of the Treasury Board and now Minister of the Environment. Mr. Baird voted against his party's motion on same-sex marriage. Mr. Baird was also in attendance at the homosexual sporting event in Montreal, the "Outgames" last summer, which lost over $5 million, despite the fact it had received financial support from the province of Quebec, the City of Montreal, the Montreal Tourism Board and the federal government.

Ms. Stronach and Messrs, Brison, Graham and Baird, according to the homosexual newspaper Capital Xtra (December 8, 2006 issue) all had a grand time celebrating the defeat of the same-sex marriage motion.

HOMOSEXUALS CLIMB TO POWER AND INFLUENCE IN CANADA BY VIRTUE OF THE LIBERAL GOVERNMENT

Over the past ten years, Canadians have experienced a revolution in regard to the homosexual issue. This revolution, whereby homosexuals, who, according to the 2003 census, consist of approximately one per cent of the population, have acquired enormous power and influence in this country. These new-found rights of homosexuals have priority over other basic rights, such as freedom of religion, speech, belief etc. This has not been accomplished by the will of the public, but rather by a number of other factors, such as the one-sided promotion of the homosexual issue in the secular media, judicial activism, and the decisions of human rights tribunals. However, even these significant institutions could not have brought about the homosexual revolution by themselves. The real engine behind the success of the movement was the federal Liberal government, which undertook a cunning and calculated campaign to achieve recognition and rights for homosexuals during the past ten years. It was a long, insidious but successful campaign, achieved step by step, largely accomplished out of view of the Canadian public.

The Liberal Government's Step by Step Campaign to Legitimize Homosexuality in Canada

Prime Minister Trudeau

The first step in the calculated campaign by the Liberal government actually began long ago, in 1969, by Liberal Prime Minister Pierre Trudeau, when he amended the Criminal Code to decriminalize homosexual acts for those 21 years of age and over. In 1987, the Criminal Code was again amended, this time, to lower the age of consent for homosexual acts to 18 years of age. Mr. Trudeau was famous (infamous) for his statement that "there's no place for the state in the bedrooms of the nation". He went on to state that "What's done in private between adults doesn't concern the Criminal Code". However, the decriminalizing of homosexual acts for those over 21 years of age had the opposite effect of what he claimed he intended. However, the decriminalizing of homosexual acts for those 21 years and older, provided state approval, for the first time, for homosexual acts to take place, whether in the bedrooms, bathhouses, or even the parks of this nation.

Since then, a succession of Liberal Ministers of Justice have pulled the strings, privately and publicly, as well as financially, to further the homosexual cause. These actions commenced with Justice Minister Allan Rock (1993 - 1997); followed by Anne McLellan (1997 - 2002); Martin Cauchon (2002 - 2003); and Irwin Cotler (2003 - 2006). The support for the homosexual agenda by this succession of Liberal Justice Ministers was carried out with the full approval of both Prime Minister Jean Chretien and Prime Minister Paul Martin.

Allan Rock (1993 - 1997)

Allan Rock started the ball rolling, pushing for homosexual rights in 1996, when he put through an amendment to the federal Human Rights Act to provide protection on the basis of sexual orientation. In order to accomplish this, Mr. Rock met first with representatives of the homosexual organization EGALE to strategize and map out how the Human Rights Act could be successfully amended. (See REALity, March/April 1996) Mr. Rock managed to push this amendment through Parliament by deliberate misrepresentation and the use of the parliamentary guillotine of closure, in order to cut off debate. This resulted in this controversial legislation being passed in an astounding 10 days: that is, between April 30 to May 9, 1996. The bill was hurried through, apparently because Mr. Rock did not want to give any time for resistance to gain momentum. The Justice Committee reviewed the proposed amendment in a remarkable one day hearing, which allowed very little input from the public.
Throughout this brief and tumultuous debate, the Liberal government steadfastly maintained that the amendment would not lead to the legal recognition of same-sex marriage or special rights for homosexuals, knowing full well that was, in fact, the intention.

Effect of Federal Human Rights Act Amendment

This amendment to the federal Human Rights Act had the effect of legalizing and protecting homosexual sex acts, notwithstanding their detrimental medical, psychological, and social ramifications. This legislation protected homosexuals in jobs -- especially in sensitive positions such as in the schools, as well as regarding adoption and foster parenting, when similar amendments were made to provincial Human Rights Acts. Also, the military, which requires a united fighting unit to protect morale and the effectiveness and cohesion of the unit, was obliged to accept homosexuals. In other words, the amendment protected homosexuals in their jobs, despite the fact their orientation may be detrimental to the institution in which they are employed or to individuals, such as children. All that was considered in these decisions was the protected "rights" or entitlement of homosexual/lesbian adults - to carry out their sexual practices without legal interference.

This amendment to the federal Human Rights Act also had another far reaching implication, since it placed sexual orientation in the same category in the human rights legislation as those protected on grounds such as race, sex, place of birth etc. The latter however, are unchangeable, morally-neutral characteristics: this is not the case with sexual orientation, which is a changeable behaviour (just ask all the former homosexuals who are now happily living in heterosexual marriages). Nor is homosexuality morally neutral, which is quite different from race, sex, and place of birth. Moreover, for the first time, "behaviour," rather than unchangeable or immutable characteristics, was given special protection under the federal Human Rights Act. Finally, there is a public consensus that race, sex etc. should be protected under human rights legislation, but there is clearly no public consensus that homosexual behaviour should be a protected right. Rather, in Canada, such protection has caused enormous turmoil socially, politically and legally.

Justice Minister Anne McLellan (1997 - 2002)

Justice Minister McLellan's contribution to the homosexual agenda was to provide family benefits to same-sex partners on an equal basis to those given to heterosexual couples.

In March 1998, the Ontario Court of Appeal Judge Rosalie Abella handed down a decision in the Rosenberg case, in which she stated that homosexual couples must be considered "spouses" under the Income Tax Act. According to a confidential briefing note prepared for Ms McLellan, written the day that decision was handed down, Ms. McLellan agreed with the homosexual lobby group, EGALE, to consult with them before deciding whether to appeal this case. Ms McLellan subsequently decided against appealing the case to the Supreme Court of Canada, obviously on the advice of her EGALE advisors.

Ms McLellan was determined to provide more family benefits for homosexuals. Before doing so, however, at tax payers' expense, she retained advice from a consulting research firm, Sage Research Corporation, located in Mississauga, Ontario for advice as to strategies she would use to "promote public understanding and support…for

benefits beyond the traditional scope of marriage and spouse" i.e. homosexuals. (See REALity, March April 1999, "Justice Department Hires Market Research Company to Sell Same-sex Benefits," page 6).

Ms McLellan also again met privately with representatives of EGALE to discuss the further expansion of family benefits to homosexual partners. This subsequently resulted in her introducing the Modernizing of Benefits Act, in March 2000, which amended over 80 federal statutes, giving benefits to same-sex marriage couples. Interestingly, however, this Act was at pains to point out that none of these beneficial changes should be interpreted as affecting the definition of marriage which was expressly set out to be the recognition of a relationship between one man and one woman.

The day this same-sex benefits bill was tabled in the House of Commons, it was learned that EGALE had received a copy of the bill prior to it being made available to the MPs in the House of Commons. It is not difficult to understand how they obtained a copy of it (see REALity March/April 2000, The Justice Department's Private Consultations with Homosexuals, page 9.)

Questionable Ethics of Justice Ministers

These private meetings, held by the Ministers of Justice with the special interest lobby group of homosexuals, did not go unnoticed. In an editorial in the National Post (March 1, 2000) the behaviour of Ms. McLellan and her predecessor, Allan Rock, holding private meetings with EGALE "raises more than just political questions; it raises questions of ministerial ethics as well." The actions of these ministers speak far louder than words and indicate their determination to force homosexuality on Canadians, regardless of any ethical consideration, the views of the public or implications to Canadian society.

Minister of Justice Cauchon (2002 - 2003)

Justice Minister Cauchon's contribution to the homosexual cause was to implement the strategy to legislate same-sex marriage in Canada. In this particular undertaking, Mr. Cauchon was assisted by the chief policy advisor to Prime Minister Jean Chrétien, Paul Genest, Alex Himelfarb, Clerk of the Privy Council (administrative arm of the government) and Deputy Minister of Justice Morris Rosenberg (See REALity July/August 2004, page 12). It is a concern, by the way, that Morris Rosenberg is now the Deputy Minister of Health under the Conservative government. One wonders what further damage he is causing by way of this influential position.

Mr. Cauchon began implementing his strategy to legislate same-sex marriage in November 2002 when he sent a personal letter to the House of Commons Justice Committee requesting an examination of the issue. What was significant about this initiative was that the Justice Committee was requested to review the issue at the personal request of the Justice Minister, rather than through Parliament, which is the usual and accepted process by which Parliamentary Committees act. The objective of Mr. Cauchon's approach was to prevent any parliamentary debate on the issue at that time: as such a debate could possibly have led to the defeat of any proposed same-sex marriage bill. In effect, the Liberal government wanted to delay the debate and vote until such time as the public's attitude and resistance to it had moderated or softened. In short, the country had to be brought around to accept same-sex marriage by several diverse strategies, such as intense propaganda in the media, political pressure on the MPs, and court decisions.

In this regard, the legal challenges on same-sex marriage funded by the Court Challenges Program were key. That is, the favourable decision in support of same-sex marriage by the Ontario Court of Appeal, as well as other provincial courts who followed the lead of the Ontario court, were all funded by the Court Challenges Program. This was made clear in an article in Capital Xtra (October 19, 2006), which stated:

Money from the Court Challenges Program helped EGALE win equal marriage rights through the courts in BC, Ontario, and Quebec. When government sent questions to the Supreme Court in 2004, EGALE was there to help make the legal case that gay and lesbian marriage was a Charter issue - with the help of the Court Challenges Program money.

Mr. Cauchon did not appeal the Ontario Court of Appeal decision in support of same-sex marriage as it was a strong decision favourable to his objective - to make same-sex marriage legal in Canada. He did not state this publicly, but instead claimed that he was unable to appeal the Ontario decision because the Justice Committee had passed a motion rejecting such an appeal. What Mr. Cauchon did not disclose, however, was that he had manipulated the committee vote by removing two Liberal Justice Committee members opposed to same-sex marriage and replacing them with two MPs who were in support of it. This allowed the motion by homosexual NDP MP Svend Robinson to reject an appeal of the Ontario decision to pass. Moreover, in June 2003, before the Justice Committee was able to write its findings on the same-sex marriage issue, the House of Commons was unexpectedly adjourned for a three-month summer recess. This early adjournment was accomplished by Liberal House Leader, Don Boudria (Glengarry - Prescott - Russell) quietly slipping into the House of Commons on Friday afternoon, June 13, and, using an obscure Parliamentary rule, adjourning the House of Commons for the three-month summer break. (This was made easy by the fact there were fewer than 25 MPs present in the House at that time.) The abrupt adjourning of the House of Commons made it impossible for the Committee, which was expected to oppose same-sex marriage, to complete writing its report, until Parliament resumed sitting in the fall. However, the committee on same-sex marriage was never allowed to resume sitting.

With Parliament safely away for the summer recess, on July 17, 2003, Mr. Cauchon announced legislation (Bill C-38) to legalize same-sex marriage. At that same time, he cunningly announced that a reference would be made to the Supreme Court of Canada on the issue. In other words, Mr. Cauchon jumped the gun and put forward his legislation legalizing same-sex marriage without waiting for the report from the Committee. The Committee had visited 12 cities, heard almost 500 witnesses on the issue and dealt with over 250,000 pieces of correspondence and was expected to reject same-sex marriage as a reflection of the public's view on the issue. Mr. Cauchon did not want this opposing view to be known, which would have "muddied the waters" in his efforts to legalize same-sex marriage in Canada.

Further, the purpose of the reference to the Supreme Court of Canada of Bill C-38 was to do another end run - this time around Parliament. Using the approval of the Supreme Court of Canada on the constitutionality of same-sex marriages, (even though the court never stated that opposite-sex marriage was unconstitutional), together with the legal opinions of the provincial courts on same-sex marriage, the Liberals were ready to begin the debate on the issue in Parliament. Liberals piously argued that they had no choice but to bring in same-sex marriage on the basis of the court decisions.

The final chapter on same-sex marriage was carried out by yet another Minister of Justice, Irwin Cotler, who replaced Mr. Cauchon after the June 2003 federal election.

Justice Minister Irwin Cotler (2003 - 2006)

The responsibility of pushing the same-sex marriage Bill (C-38) through Parliament fell to Justice Minister Irwin Cotler. Mr. Cotler accomplished this by applying the usual Liberal devices of manipulation, deceit and misrepresentation. For example, when Mr. Cotler appeared before the Justice Committee, which was reviewing Bill C-38 (same-sex marriage) on May 12, 2005, he stated flatly that same-sex marriage would not lead to polygamy. This was a straightforward lie, as Mr. Cotler knew that this result was, in fact, a real possibility.

He knew this because, under the Access to Information Act, the Canadian Press had learned that Mr. Cotler had requested a legal opinion on the impact of same-sex marriage on polygamy and had been advised that polygamy could possibly result from the same-sex marriage legislation. During the debate on Bill C-38, Mr. Cotler further argued that religious bodies would be protected from having to perform same-sex marriages if it was against their conscience or religious beliefs to do so. However, Mr. Cotler knew, as a lawyer, that this affirmation was utterly meaningless because freedom of religion is a matter of provincial jurisdiction not federal legislation. To insert such a supposed "protection" in federal legislation was legally pointless and only served to mislead the public further on the issue of religious freedoms under the same-sex marriage bill.

During the final debate on same-sex marriage, held in June 2005, the Liberals, true to form, applied the guillotine of

closure, refused to allow any amendments to the bill, and forced the 39 members of the Liberal cabinet to vote for it. Only one cabinet minister, Joe Comuzzi, representing the riding of Thunder Bay - Superior North, had the moral courage to resign from his position in the cabinet on the most profound moral issue of this generation.

Mr. Cotler also acted unconscionably when he instructed his department to publish a paper in May 2004, claiming that same-sex marriage would have no effect on children. Mr. Cotler was hypocritical in doing so. This position by his Justice department directly contradicted the position taken the year previously in the Ontario Court of Appeal on same-sex marriage. It was highly significant that many of the studies listed by the federal Justice Department in its summary of cases supporting same-sex parenting were published in either homosexual, lesbian or feminist journals. At best, these studies could be considered as advocacy studies, not objective data. Very few studies raising concerns about same-sex parenting were included in the Justice Department's list and, when they were included, they were either criticized or completely dismissed, out of hand.

In contrast, the National Assembly in France, in its report in January 2006, rejected same-sex marriage, mainly because of its detrimental effects on children. The French report also seriously criticized the studies on same-sex parenting that claimed that such parenting carried no ill effects for children. The report noted the lack of scientific rigor, inadequate samplings and the flagrant lack of objectivity in these studies.

Yet, Mr. Cotler was prepared to throw Canadian children to the wolves in order to legalize same-sex marriage in Canada.

Ironically, Liberal leader Stéphane Dion has appointed Mr. Cotler as his expert on "human rights" in his shadow cabinet. It is likely only the politically correct human rights will concern Mr. Cotler.

The Liberals' Journey to Promote Homosexuality

The above facts outline the long journey taken by the Liberal government to provide homosexual relationships with special recognition and protection in Canada. Some might describe the Liberals' methods in accomplishing this to be clever political manoeuvering. Others might characterize the Liberal government's actions on the homosexual issue as being devious and dishonest manipulation, which has betrayed the trust of Canadians. You decide.

POLITICAL AND JUDICIAL MANIPULATION ON THE PROSTITUTION ISSUE

The former minority Liberal government lived and breathed for the sole objective of holding onto power. To this end, it was willing to undertake any legislation that would find favour with the two opposition parties in Parliament, the NDP and the more leftist, Bloc Québécois. Thus, when NDP MP Libby Davies (Vancouver - East) brought a motion to the House of Commons in February 2003, to review the prostitution laws in Canada, the Liberals were delighted to back her motion, which passed easily with the Liberal and the two left wing opposition parties' support.

Work began on the review in October, 2003. It quickly ended, however, after just five meetings because Parliament was prorogued due to the election being called. After the 2004 federal election, the Liberal Minister of Justice Irwin Cotler, who was also determined to change the prostitution laws, wrote to the chairman of the House of Commons Justice Committee, on November 19, 2004, requesting that the sub-committee on prostitution be re-constituted because of the "need to more adequately protect individuals in prostitution against exploitation, violence and abuse".

The sub-committee was quickly re-constituted with only one member from the Conservative party, Art Hanger (Calgary North-East), battling alone against the majority Liberal, NDP and BQ members of the Committee, who were all in favour of widening the prostitution laws. This sub-committee heard testimony from approximately 300 witnesses from January to May, 2005, including more than a hundred individuals who were prostitutes. (See Committee's Report, "The Challenge of Change: A Study of Canada's Criminal Prostitution Laws," page 3.)

However, before the Committee's report was finalized, Parliament was again dissolved, in November, 2005, with another election to take place in January, 2006.

When Parliament resumed sitting under the newly elected minority Conservative government, in February 2006, the opposition still held the majority of seats on the Justice Committee. The majority voted to resume the work of the sub-committee on prostitution. This latter re-constituted committee was to be composed this time of six members - two from the Conservative party, two from the Liberal party and one member each from the NDP and Bloc Québécois.

Although Conservative MP Art Hanger finally had the support of another Conservative on the sub-committee, the two Conservatives were, nonetheless, outnumbered by the four opposition members. The sub-committee was required to submit its report to the full Justice Committee on December 8, 2006. This report was to include all the findings of the two previous sub-committees on prostitution, which had been acquired during the life of two different Parliaments.

Prostitution Sub-Committee Rises Up Like a Phoenix

It is noteworthy, that this prostitution sub-committee kept rising up again and again like a Phoenix from the ashes of previous Parliaments in order to continue with its work to revise the prostitution law.

This process was in sharp contrast to the Committee set up in 2003 to review the issue of same-sex marriage. Although that Committee had traveled across the country visiting 12 cities, hearing testimony from 500 witnesses and dealt with over 250,000 pieces of correspondence, its report had not been finalized when Parliament recessed for the summer of 2003: the Committee was expected to finish its report when Parliament sat again that September. However, the Committee's work was pre-empted by the Minister of Justice Martin Cauchon, when he produced a draft of same-sex marriage legislation (Bill C-38) and announced that a non-binding reference was to be made to the Supreme Court of Canada to determine the constitutionality of his Bill. That is, the Liberal government did not want to hear the Committee's findings, which it understood would oppose same-sex marriage. As a result, the Liberal government did not permit the Committee to continue its work and the committee never sat again so it could not complete its report.

It seems that when the Liberals want to hear a committee report, such as the one on prostitution, they make sure the committee continues sitting, even over the life of several Parliaments, regardless of the fact that the Committee's work would, under normal circumstances, have ceased when Parliament was prorogued. However, when the Liberals don't want to hear a Committee's report, they devise ways to ignore that Committee, even though it is still technically sitting, since the Parliament which established the Committee was still in existence.

Sub-Committee on Prostitution's Final Report

To the chagrin of the opposition members on the prostitution sub-committee, the two Conservative members on the committee, Art Hanger a former Calgary policeman who had considerable experience dealing with prostitution, and Patricia Davidson (Sarnia - Lambton) refused to go along with the majority position on the committee to decriminalize prostitution. Instead, they struggled vigorously against that majority position. As a result, the chairman, regretfully, had to announce, when he submitted his report to the full Justice Committee in December 2006, that there was no consensus on the sub-committee as to what action should be taken on this issue.

This outcome was profoundly disappointing to the Liberals, NDP and BQ who had hoped to use the Committee's report as a platform to decriminalize prostitution. The lack of a consensus was also profoundly disappointing to homosexual activists. They had been relying on MP Libby Davies, a self-acknowledged lesbian, to have the committee recommend the elimination of the Criminal Code provisions prohibiting bawdy houses (places where "indecent acts" occur), as these provisions have been used by the police to conduct raids on gay bathhouses and other sexual meeting places.

According to MP Libby Davies, "Art Hanger did everything in his power to slow down the release of this report" (Xtra

West Dec. 21, 2006). Long time Montreal homosexual activist Michael Hendricks stated in the same issue of Xtra West, "… Hanger and the other Conservative committee member are a constant obstacle to consensus. Working with someone like Hanger is like trying to run with an enormous black iron ball chained to your leg." Obviously, Mr. Hanger did an excellent job.

Judges to Settle Prostitution Issue

Frustrated by the Conservatives' refusal to bend to the will of left-wing activists, the latter have now decided to resort to the tried and true method of changing laws in Canada by arranging for politically appointed judges, in this case, the Ontario courts, to do the job for them. The Ontario courts have long established a reputation of ignoring legal principles and legal precedents by re-writing the law to suit their own ideology. For example, the Ontario courts ordered the legalization of marijuana for medical purposes, even though there was not a scintilla of evidence that marijuana provides medical benefits. The Ontario judges also declared that common law relationships were equivalent to legal marriages. The latter decision was handed down by former Ontario Court of Appeal Judge Louise Arbour, also formerly a member of the Supreme Court of Canada, and now High Commissioner of the UN Human Rights Council in Geneva. Ms. Arbour, who never married, was living common law with the father of her three children at the time that she handed down the decision supporting legal benefits for common law couples. Other decisions of the ever "progressive" Ontario courts were the decision to support same-sex marriage, and more recently, the decision to redefine the family to legally recognize three-parent families (two lesbians and a sperm donor). See article "Ontario Court Legalizes Three-parent Family".

Access to Court Provided by Way of Leftist Professors

The court challenge is being undertaken by a prostitutes' association called Sex Professionals of Canada, led by long-time Toronto prostitute, Valerie Scott, as well as homosexual activists.

Unfortunately for them, they no longer have access to the taxpayers' money by way of the notorious Court Challenges Program, which was eliminated by the Conservative government in September, 2006. Therefore, their legal challenge of the prostitution law is to proceed with the assistance of the York University law faculty, at Osgoode Hall in Toronto, as professors there have agreed to prepare the court challenge on behalf of the prostitutes' association and homosexual activists. This is not the first time that law professors from Osgoode Hall have initiated left-wing legal challenges. It was a professor from that institution who brought the marijuana as medicine court challenge.

The court challenge to re-write Canada's prostitution law commenced in the Ontario Superior Court of Justice in January, 2007.

The fix is in for judicial activism to arbitrarily change the prostitution laws in Canada.

P.S.
It is important, however, that we acknowledge the excellent work of MP Art Hanger on the prostitution sub-committee. He did an outstanding job under very trying circumstances. We seem always ready to criticize our MP's - but rarely do we thank them - and this is an excellent opportunity to do so.

Please write to Mr. Hanger at the following address:

Mr. Art Hanger, MP
Confederation Building, Room 530
House of Commons
Ottawa, ON K1A 0A6

PRESIDENT'S MESSAGE

We have had another unusual weather event and as I write this, my children have constructed a 150-foot long toboggan run with a 20 foot drop over the length in our back yard. This snowfall was above knee deep before it started to compact. It will be gone by the time you receive this newsletter, but the echoes of children's triumphs and peals of laughter linger on.

REAL Women of Canada will be very busy in the next few months. We will be presenting a brief to the Standing Committee on the Status of Women in February on the cuts to the Status of Women. We also will be appearing before the Human Resources Committee on the issue of child care, and also the Justice Committee on the issue of raising of the age of consent. We are also continuing to meet with like-minded organizations on the marriage issue to discuss our future options on it.

It is possible that we will have a spring election. The budget is expected to come out in March with, hopefully, some great things for the family in it. The opposition parties may decide to reject the budget which will result in a new election.

One of the positive things expected to be introduced in the budget is income splitting for Canadian families. We have been calling for this change to level the playing field in how single income and double income families are treated under the Income Tax Act for years! Income splitting for seniors has recently been allowed after years of lobbying so treating younger, non-retired Canadian families the same is only fair and reasonable.

Another issue that is exciting is the possibility of a Registered Disability Savings Plan (RDSP) which will allow family members to save or set aside money for the care and use of their disabled children or other family members without affecting the disabled person's provincial disability benefits. The RDSP hit the political consciousness before the last election when an excellent study was released on how much money it would save the government. In the last election, it was part of the Liberal election platform. When the Conservatives won, it was introduced as a good idea in the 2006 budget! It seems only reasonable that the NDP will also support the RDSP as well. This measure will fill the gap for disabled Canadians who have been systemically discriminated against until now. Do contact your MP, no matter what their political affiliation, and request that they support the budget for these reasons.

Also, write letters to the editor; take everything you read in the big media with a grain of salt and a large dose of common sense; work for and donate to the political party of your choice, and pray that our next government will be a majority which can effectively and efficiently make Canada a better place for all Canadians.

Don't forget to come to our Annual General Meeting to be held in Ottawa on Friday, April 27th, 2007. There will be no conference this year, but next year, (2008) will be our 25 Anniversary Conference and it promises to be a grand and glorious affair and well worth the wait and the trip! It will be held in Ottawa. We had been hoping to have our conference this year in New Brunswick but we discovered that our volunteer organizers lived too far out of the larger cities with direct flight airports and thus, were unable to organize for us. Any volunteers out there for a future conference in the Maritimes? Let me know!

Good bye till next time!
Laurie

JUDICIAL COUNCIL PROTECTS JUDGE McMURTRY

On July 17, 2006, REAL Women of Canada laid a complaint with the Canadian Judicial Council about the conduct of Ontario Chief Justice Roy McMurtry in the same-sex marriage case, which was handed down in June 2003. We stated in our complaint that his actions in the case gave rise to an apprehension of bias for a number of reasons, including the fact that Chief Justice McMurtry's daughter was a lesbian living in a homosexual union at the time the case was

argued. (See REALity, "Complaint Laid Against Ontario Chief Justice McMurtry on Same-sex Marriage Decision," September October 2006, page 1.)

Mr. Justice Rosenblatt of the New York Court of Appeal recused (withdrew) himself from the same-sex marriage case before that court because of his daughter's lesbian orientation. The New York Court of Appeal rejected same-sex marriage in July, 2006.

Further, two weeks subsequent to the court's decision, Chief Justice McMurtry partied with two of the litigants and a photograph of the Chief Justice and the litigants together is widely available on the internet.

Not unexpectedly, almost five months to the day, December 19, 2006, the Canadian Judicial Council replied to our complaint, stating that the Chief Justice had done nothing improper in failing to disclose the fact of his daughter's sexual orientation and her lesbian relationship.

In its letter, the Council claimed:

> … the sexual orientation of a judge's children, and indeed the fact that a judge's children are married or living in a common law relationship are not, in Chief Justice Scott's view, indicative of any bias on the part of a judge.

The Council, however, knew very well that the issue before the Court was whether same-sex unions should be recognized as legal, i.e., to acquire legal rights. That is, the case dealt specifically with the legal rights of same-sex unions - a matter which directly related to McMurtry's daughter's own personal relationship. The case dealt with the acquisition of new controversial rights and privileges, which directly applied to his daughter's situation.

The Council went on to quote former Supreme Court of Canada Judge Peter Cory:

> … The requirement for neutrality does not require judges to discount the very life experiences that may so well qualify them to preside over disputes. It has been observed that the duty to be impartial does not mean that a judge does not, or cannot bring to the bench many existing sympathies, antipathies or attitudes. …
>
> … Rather, the wisdom required of a judge is to recognize, consciously allow for, and perhaps to question, all the baggage of past attitudes and sympathies that fellow citizens are free to carry, untested, to the grave. …

The Council then concluded that there is no basis to support the view that Chief Justice McMurtry should have recused himself on the basis of the personal relationship of members of his family.

This conclusion, however, flies in the face of the very guidelines of the Canadian Judicial Council set out in its document, "Ethical Principles for Judges, 1998," Chapter 6, Impartiality:

Conflicts of Interest

> Judges should disqualify themselves in any case in which they believe they will be unable to judge impartially.
> Judges should disqualify themselves in any case in which they believe that a reasonable, fair minded and informed person would have a reasoned suspicion of conflict of interest between a judge's personal interest (or that of a judge's immediate family or close friends or associates) and a judge's duty.
> The potential for conflict of interest arises when the personal interest of the judge (or of those close to him or her) conflicts with the judge's duty to adjudicate impartially. Judicial impartiality is concerned both with impartiality in fact and impartiality in the perception of a reasonable, fair minded and informed person.
> … a judge … should disqualify him or herself if aware of any interest or relationship which, to a reasonable, fair minded and informed person would give rise to reasoned suspicion of lack of impartiality.
> …a judge should disclose on the record anything which might support a plausible argument in favour of disqualification ….

It seems clear that the Judicial Council chose to ignore its own guidelines in order to protect Chief Justice McMurtry.

In regard to Chief Justice McMurtry partying with the same-sex litigants two weeks after the decision was handed down, the Council said:

> … it is well established that Chief Justices have public and representative functions as well as judicial responsibilities. Attendance at such events is important to ensure ongoing exchanges between the judiciary and other members of the legal profession. If Chief Justice McMurtry was asked to have his photograph taken with Messrs Bourassa and Varnell, it might indeed have been viewed as mean-spirited or worse to have declined. …

If a judge had refused to be photographed with any other successful litigant in a case he had recently presided over, it would have been regarded as a reasonable and common sense decision. In the case of these litigants, however, according to the Council, such a refusal would have been "mean-spirited or worse." A ridiculous and shallow double standard.

It is noted that S.64 of the Judges Act provides that when a judge is the subject of a complaint or investigation he / she shall:

> … be afforded an opportunity, in person or by counsel, of being heard at the hearing of cross-examining witnesses and of adducing evidence on his or her own behalf.

One can only suppose Chief Justice McMurtry did just that.

From the above, it seems clear that the purpose of the Canadian Judicial Council is not to protect the public from the judges, but rather to protect the judges from the public. It also serves to continue the myth that judges are above politics, impartial and objective. This is not necessarily the case.

Chief Justice McMurtry will reach mandatory retirement age in May 2007. It is expected that the liberal secular media and Bar associations will claim his retirement will be a loss to the legal system. His retirement will be no loss to justice in Canada.

ONTARIO COURT LEGALIZES THREE-PARENT FAMILY

There they go again. Judges of the Ontario Court of Appeal, as usual, ignoring common sense and an objective analysis, and never thinking through the consequences of their decisions, recently decided that a child may now have three legal parents - two lesbian mothers and a sperm donor father. REAL Women, Focus on the Family, together with the Evangelical Fellowship of Canada, Catholic Civil Rights League and the Christian Legal Fellowship, under the name Alliance for Marriage and Family, intervened in the case, raising realistic concerns about the elimination in law of the traditional definition of family: mother, father and child(ren). The case was argued last September, but we knew for certain the outcome of the case three days before it was argued when Chief Justice Roy McMurtry suddenly inserted himself as one of the judges on the panel. Why else was he there? Not even the brilliant arguments of a Clarence Darrow would have changed the outcome of the case.

Seldom has the Ontario Court of Appeal had a case dealing with social issues that it hasn't used to re-design society and its laws according to the ideology of the liberal judges sitting on that bench. Hence, its decision in this case.

The judicial activism of this court has, once again, created confusion, disruption and division in Canada. It's put Canada into dangerous unexplored territory. It is obvious that the court didn't think through the ramifications of its decision, in its haste to make a progressive "break-through" in family law. Even the liberal Globe and Mail, in its editorial of January 4, 2007, stated:

… Family law requires certainty. Where there is uncertainty, separated or divorced parents will do legal battle; and where they do legal battle, the child's interests will usually be harmed.

… The Ontario Court of Appeal did not answer this concern.

… But unless the court has a crystal ball, it cannot foretell where its decision will lead.

The court, claiming that this arrangement was in the child's "best interests," changed the intent and the wording of the Ontario Children's Law Reform Act, claiming it was "filling-in" the gap in the legislation. However, if a child can now have three parents, why not four or six? Children born into marriages or common law arrangements which end in divorce or separation, may now be subject to multiple parents unrelated to them by blood or adoption having legal claims over them, as the adults in his / her life enter into other relationships.

We already know the bitterness and hostility that arises over custody and access when biological parents separate. How much worse will it be when three, four or more adults are fighting for a piece of a child, i.e. the right to control that child's life? Controversial issues, such as religious upbringing, education and health matters, as well as custody, access and financial support, will all serve as fodder for battles among feuding parents of the child. In short, children are now pawns in an adult game promoting adult interests and satisfactions, but not necessarily the best interests of children.

Moreover, multi-parent families will almost certainly lead to polygamy. That is, if a child can have three or more legal parents, how can a court deny all these parents legal marriage?

The truth is, the courts were never established to decide these far ranging, controversial social issues since the courts can only decide cases on the narrow facts placed before them. Unlike Parliament, the courts do not have access to extensive research facilities, nor to all the social facts involved in the issue, nor can the courts make the compromises often necessary in such issues.

Moreover, an appointment to the bench, usually made on the basis of political considerations, does not mean necessarily the acquiring of wisdom or common sense on the part of the judge. The courts, therefore, should defer these complex social issues to Parliament, since judicial activism leads to confusion, not only for the children involved, but also to the infrastructures in society, which are in place to protect children and others.

Maybe a legislature would reach the same conclusions as the court, however, its decision would be the result of research, analysis and debate - not the personal philosophy of unaccountable judges. (Also, the public could throw them out at the next election, if they wanted to.)

The Alliance for Marriage and Family, who appeared as interveners, is appealing this case to the Supreme Court of Canada.

WHY ARE WE PAYING THESE MPs' SALARIES?

At one time, Parliament actually reflected the views of the public. That is certainly not the case today.

There is no more glaring an example of the MPs using their position to promote their own personal views than the feminist MPs' reaction to the funding cuts to the Status of Women.

For example, Liberal MP Maria Minna (Beaches - East York) arrogantly stated, in her question to the Minister for the Status of Women about the cuts on September 21, 2006 (Hansard page 3090), that she was raising questions "on behalf of all women in Canada". Who gave her the authority to speak on behalf of all Canadian women? No one. She, in fact, represents only her constituents and it is dubious whether they do support her.

The House of Commons Standing Committee on the Status of Women set aside two days to review the funding cuts. The televised hearings (to be shown on CPAC) took place on December 6th and December 13th, 2006. The number of witnesses before the Committee who opposed the cuts in funding totaled 17, while those in support of the cuts, consisted of a grand total of two groups! The latter two organizations spoke very well, even though they had no specific background knowledge on the SOW.

It is interesting that on November 23, 2006, REAL Women received an email from the Status of Women Committee stating that we had been proposed as witnesses and that we were invited to submit a one page brief outlining our views on the SOW cuts. We responded to the request and submitted our Statement on November 28, 2006.

It was no surprise that the Status of Women did not select us as one of its witnesses! Perhaps if we had not been so clear in our statement and had added a little deception to our statement we may have made the cut as a witness, but then, with so many feminist MPs on the Committee, that would still be unlikely.

So much for democracy and for MPs' listening to all views. Why are we paying these people's salaries?

REAL Women was not about to take the matter lying down, however. We wrote directly to the chairperson of the Standing Committee on the Status of Women, Liberal MP Judy Sgro (York West), inquiring about why we had not been selected as a witness, especially since we had specific information on the Status of Women funding situation. No response. We then let others know about the biased stick handling by the feminist MPs sitting on the Status of Women Committee. Consequently, we were gratified to be notified just before Christmas, that another day for hearings would take place when the House of Commons resumes sitting at the end of January, and that we would be appearing then as a witness. That should be a very interesting day!

DEATH BY GENDER ABORTION

REAL Women was concerned about information provided by Statistics Canada that abortions for gender reasons were being performed in several areas in Canada that were highly populated by immigrants from India and China. Apparently the normal gender rates of birth of 105 males for every 100 females has been altered in these areas, so that there is now a marked gender gap in the birth rates between males and females.

This discrepancy can be plausibly explained by the use of ultrasound, which, among other uses, determines the child's gender prior to birth and can lead to sex selection abortions.

Some cultures traditionally desire to preserve the bloodlines through the male offspring, and it is this preference that now seems to be in effect in certain areas in Canada.

Unfortunately, there is no distinction under Canadian abortion law between abortions performed for medical reasons and abortions preformed for any other reason. That is, under our current federal abortion law, there is no prohibition of abortion on the grounds that the child's gender is not acceptable.

As a result of our concern, REAL Women wrote to every provincial and territorial Minister of Health on June 15, 2006 requesting that they look into the matter and, should gender bias be confirmed, that they consider regulating the ultrasound procedure to prohibit the disclosure of a child's gender prior to birth so as to preclude abortion being performed for gender reasons.

We were encouraged by the fact that the Ministers of Health did subsequently review the matter as requested.

Curiously, however the Ontario Minister of Health, George Smitherman, who is a well-known homosexual, did not respond to our request, despite the fact we sent him a reminder on September 20, 2006. Why not? Did Mr. Smitherman think it was a trick question? Or did he not respond because REAL Women, which is well known for its

rejection of same-sex marriage had asked the question? Or did he not bother to reply because the issue was not one of his own pet projects?

It would appear that REAL Women's concerns were justified. According to an article published in the Globe and Mail (January 19, 2007), there is a discernable imbalance between boys and girls in families of East Indian origin born in the Greater Toronto Area (GTA) of Mississauga and Brampton. In an editorial in the Globe and Mail (January 22, 2007), it was stated:

> …health workers in the Indo-Canadian community will affirm, some immigrants from India have brought with them the traditional desire to have boys rather than girls, and that has meant severe family pressure to arrange abortions - unacceptable bullying that can help traumatize the women. …

The editorial then stated that this issue needs to be addressed.

As a result of this further information, REAL Women again wrote to Mr. Smitherman on January 24, 2007 requesting he review this matter. Because of our previous experience with Mr. Smitherman, we took the precaution this time of writing to Mr. Smitherman's boss, Premier Dalton McGuinty, as well, as we thought he might be able to convince Mr. Smitherman to act on this issue.