

BRIEF TO THE SPECIAL JOINT COMMITTEE
ON THE CONSTITUTION OF CANADA:

AN OPEN LETTER TO
THE HON BRYCE MACKASEY

SUBMITTED BY
DIGNITY/OTTAWA/DIGNITE
(A LAY ASSOCIATION OF GAY
AND CONCERNED ROMAN CATHOLICS)

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December 19, 1980

The Hon. Bryce Mackasey
c/o The Special Joint Committee
on the Constitution of Canada
P.O. Box 1044, E.S.
180 Wellington
Ottawa, Ontario K1A 0A6

Dear Mr. Mackasey:

I was fortunate to be able to attend the session of December 11 of the Special Joint Committee during which the gay men and women made their presentation.

Your observations on the record of the Liberal Party concerning minority rights, and particularly the rights of people with the minority sexual orientation, were justified. Although gay men and women are no more one-issue voters than anyone else, there is no doubt that the Liberal record on gay rights has been a plus from our point of view. The NDP can also be certain that its failure to impliment its Party's commitment for our protection in Saskatchewan has hurt them at the federal level.

Although I believe the secular gay group did an excellent job detailing the need for inclusion of sexual orientation in the Charter, there were two points that I believe merit further comment.

SECURITY The first is the serious concern about potentially damaging consequences to Canadian security. When this was raised by Mr. Svend Robinson, the answer was, "If we (gays) could not be legally discriminated against then there would be no grounds for blackmail." That, unfortunately, is an overly simplistic response. Certainly until societal misconceptions about homosexuality change, there will be instances where individual homosexuals will be liable for blackmail and hence may be correctly determined to be security risks. An example of this would be a homosexual, who although very responsible, has not let his parents know of his orientation, and did not wish them to know. Clearly, if his fear of his parents discovering his homosexuality were great enough he could be liable for blackmail even if discrimination against homosexuals as a group were illegal.

Now, it may interest you to know that one way the security people are presently permitting homosexuals to hold positions which have security clearance requirements is to ensure that the parents of the gay person are aware of their child's homosexuality. Indeed, an acquaintance of mine last year was told either to tell his parents or the security people would have to do so themselves if he were to continue in his position.

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The point is that the security aspect is not compromised by human rights. Our security forces are competent. They do not need to have a blanket or group clause which is grounds for excluding people from security positions. Security risk can and can only fairly be established on an individual basis. Indeed, I fear we will in the long run damage our security forces' ability to do their job if we argue "national security" unwisely because an over reaction to this may ultimately rob them of legitimate room to manouver.

Your committee will note that it is presently illegal to discriminate on the basis of "national origin". Clearly, some Canadians who still have members of their families in certain countries may be security risks. At present, if this is the case, our security force documents why the individual is or may be a security risk. We have not found it necessary or appropriate to exclude "national origin" as a proscribed ground for discrimination and this right has in no way compromised our security. A similar approach concerning homosexuals will be equally adequate and more just. In fact, I believe that this just approach is the present standard currently being utilized by our security people in many instances as far as homosexuals are concerned.

MORAL
TEACHING

The other matter that I felt did not receive as adequate a response as it could have was the question of parental and child rights...and moral teaching, which was understood by the committee to put them in a dilemma between the rights of some and the rights of others, or between individual and group rights.

As a deeply believing Christian, I must say that I do not see a dilemma. Because this issue related to Separate Schools, I should add that I am a devout Roman Catholic and the organization I am representing in this letter is a lay Roman Catholic organization. Neither I, nor our members, see a moral dilemma or competition between rights.

On the moral level, you cannot imagine my sadness in hearing the secular gay group tell you that it felt compelled to argue for freedom from religion (and it was Christian morality from which they felt the need to be protected.) Those of us who are Christians know that Christ has told us that "Whatever you do to the least of my brothers, so you do unto Me". How then, could this group -which surely represents those who are considered among the least of our brothers and sisters- be afraid of us and what we stand for? The answer, I believe, lies in the fact that some of us have gotten off the track a bit. We have begun to say, "I cannot do this, even though I know Christ calls me to do it, because it may cause problems elsewhere." I say to you in all sincerity that we must look into our hearts and ask whether it is appropriate for us to not do as Christ compels us because we fear the outcome. I believe it is incompatible with our Christian faith that we ever can justify doing something that is wrong for the sake of the "greater good", whatever that is. You can argue Locke, Rousseau, and Marx at this level, but you cannot look to Christ to justify the commission of a wrong for a right.

On a level of faith, I am certain that you need not worry about the weakening of Christ's Church on earth, or its institutions, caused by doing something Christ calls us to do. The elimination of injustice and oppression against every person, including and especially the most despised, is a clear Christian obligation. The fact that both the United Church and the Anglican Church have called for inclusion of legal protections against discrimination of homosexual persons is a strong indication that I am not alone as a Christian in this belief.

On the practical level, I also believe that the Separate Schools (or indeed the public schools) have no reason for concern that a person would not be able to be legally refused a teaching position or terminated solely on the grounds of his or her sexual orientation. In the first case, it is contrary to Roman Catholic Church doctrine for anyone to be discriminated against on the basis of sexual orientation alone. My Church recognizes a clear difference between lifestyle and orientation. The state of being a homosexual (sexual orientation) is in no way considered a sin. Certain lifestyles that a person with that orientation chooses to follow are considered to be sinful. The Roman Catholic Church also considers certain lifestyles which heterosexually oriented persons choose to follow are sinful.

As in the case of state security, if in each individual case, the School Board can establish that a person is not competent to teach with conviction Church doctrine, it is on those grounds and those grounds alone that the person can and should be disqualified. Our Church (the laity and the hierarchy) are struggling, as are all Christians, with what constitutes teaching appropriate doctrine. This is appropriately determined within our Church and will continue to be interpreted by School Boards as each understands it.

Members of your committee may have read the front page article in The Globe & Mail on December 13, entitled, "HOTTEST ISSUE: Parents, schools wrangle over teaching of morals". For most school boards, we are informed, it is not drug or alcohol or sexual conduct that is the biggest concern, it is the teaching of moral values.

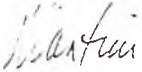
One example mentioned, which parents found particularly offensive, was the following:

"A life-raft exercise in which one child in the group has to be thrown overboard so the rest can survive. In one version, each child argues for his self-worth and the least convincing dies..."

Can you not see that this is a modern parable illustrating exactly what your committee is rationalizing with respect to sexual orientation protection? You are saying that the life -or dignity- of one (the homosexual) must be sacrificed for the overall good. Parents are expressing that it is just this kind of morality or absence of morality that they do not want their children taught.

I will close with a fervent plea that you insist on protection of the physically and mentally handicapped in the Charter of Rights. These people, who face life in a weakened position on many levels, must be able to demand their rights from a position of legal strength.

Sincerely,

A handwritten signature in cursive script, appearing to read "B. A. ...".

Chairperson