

15 February 2005

The Right Honourable Paul Martin, P.C., M.P.
Prime Minister of Canada
Langevin Bldg.
80 Wellington Street
Ottawa, Ontario
K1A 0A2

Dear Mr. Prime Minister:

The Catholic Bishops of Canada oppose Bill C-38, *An Act respecting certain aspects of legal capacity for marriage for civil purposes*. Our opposition is based on the conviction that the common good of society will not be served by the proposed redefinition of marriage, as well as out of misgivings as to the protection of freedom of conscience and religion. We will continue to encourage Canada's 13 million Catholics, together with millions of other Canadians from all faith traditions and no faith tradition, to express their concerns about this proposed legislation.

Despite the ruling of the Supreme Court of Canada on the marriage reference and the inclusion of conscience and religion as a fundamental freedom in the Canadian Charter of Rights and Freedoms, the Government of Canada in Bill C-38 fails:

1. To recognize, protect and reaffirm marriage as the union of a man and a woman, which the Supreme Court of Canada did not suggest was contrary to the Charter of Rights and Freedoms nor that a redefinition of marriage was necessary to conform with the Charter;
2. To affirm cooperation with provincial and territorial governments to enact the necessary legislation and regulations to ensure full protection for freedom of conscience and religion, so Canadians are not compelled to act contrary to their conscience and religion;
3. To affirm cooperation with provincial and territorial governments to ensure all leaders and members of faith groups are free everywhere in Canada to teach and preach on marriage and also on homosexuality as consistent with their conscience and religion;
4. To affirm cooperation with provincial and territorial governments to ensure that in addition to sacred places, all facilities owned or rented by an organization that is identified with a particular faith group are protected from compulsory use in preparations for or celebrations relating to marriage ceremonies contrary to that faith;
5. To affirm cooperation with provincial and territorial governments to ensure all civil as well as religious officials who witness marriages in Canada in every province and territory are protected from being compelled to assist when these are contrary to their conscience and religion;

6. To safeguard faith groups that do not accept the proposed redefinition of marriage from being penalized with respect to their charitable status.

Marriage is a loving, life-giving partnership between a man and a woman which is essential to the survival of society. Its purpose is the good of the couple and the procreation and education of children. Marriage as the union of a man and a woman is a unique and irreplaceable institution that merits government protection and social recognition.

The interest of the state in the institution of marriage has always been, and should continue to be, the integration of the sexes in an ideal social unit from which children are born and nurtured, not only for the benefit of the children but for society as a whole. The proposed legislation eliminates this time-honoured interest and replaces it with an interest in a committed relationship. Once this becomes the recognized state interest, marriage as a social institution becomes meaningless, as all consensual adult relationships will have a claim to be treated equally.

Why rush into radically new legislation when there are such important long-term consequences for all society, and significant risk of dividing our country over freedom of conscience and religion?

Finally, in accordance with the recent ruling of the Supreme Court of Canada on the marriage reference and in keeping with the fundamental freedom of conscience and religion in the Canadian Charter of Rights and Freedoms, as the pastoral leaders of the Catholic community in Canada we reiterate our appeal to you and to the other leaders of political parties in the Parliament of Canada to ensure that all members, including members of Cabinet, may be free to vote according to their conscience.

Sincerely,

Most Reverend Brendan M. O'Brien
Archbishop of St. John's
President of the Canadian Conference of Catholic Bishops

CC Mr. Stephen Harper, leader of the Official Opposition and national leader of the Conservative Party of Canada
Mr. Gilles Duceppe, national leader of the Bloc Quebecois
Mr. Jack Layton, national leader of the New Democratic Party of Canada