

**IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL OF ONTARIO)**

BETWEEN:

INTERFAITH COALITION ON MARRIAGE AND FAMILY
Applicant (Party Intervener)

-and-

HEDY HALPERN and COLLEEN ROGERS
MICHAEL LESHNER and MICHAEL STARK
ALOYSIUS PITTMAN and THOMAS ALLWORTH
DAWN ONISHENKO and JULIE ERBLAND
CAROLYN ROWE and CAROLYN MOFFATT
BARBARA McDOWALL and GAIL DONNELLY and
ALISON KEMPER and JOYCE BARNETT (the “Respondent Couples”), and

METROPOLITAN COMMUNITY CHURCH OF TORONTO
Respondents/Moving Parties
(Respondents)

and

THE ATTORNEY GENERAL OF ONTARIO
Respondents (Appellants)

-and-

EGALE CANADA INC.
Respondent (Party Intervener)

-and-

THE ASSOCIATION FO MARRIAGE AND THE FAMILY IN ONTARIO
Respondent (Party Intervener)

AFFIDAVIT OF MARY PETERSON BENNETT

I, Mary Bennett of the City of Vancouver MAKE OATH AND SAY:

1. I am the executive director of the Canadian Unitarian Council, (CUC) the national body for the Unitarian Church in Canada and as such have knowledge of the matters contained in this affidavit.
2. During my 3 years as executive director, I have worked closely with our volunteer committee, the Gender and Sexual Diversity Monitoring Group to apprise our member congregations of issues related to rights of homosexuals. The Vision Statement of the group is: That all Canadian Unitarian Universalist congregations and organizations concretely reach out to and support communities who may be experiencing oppression based on their gender and/or sexual identities. The Mission Statement is: The Group seeks to uphold Unitarian Universalist Principles in order to assist and support the safe and equitable representation and inclusion of sexual and gender minorities and their supporters in Canadian Unitarian Universalist congregations by offering education, representation, political action, and historical preservation.
3. I am aware that we have 100 per cent support of all our ministers on this issue.
4. The Canadian Unitarian Council/Conseil unitarien du Canada (CUC), is an association of forty-four congregations located across Canada with 5,200 individual members. Arising out of the work of outspoken reformers and dissenters within the Christian tradition five centuries ago, the Unitarian movement today includes Universalists and flows in a broad religious stream augmented by Humanist, earth-centred, Buddhist and other progressive beliefs.
5. We participated in the presentation to the Parliamentary Committee as an organization, as well as a member of the Interfaith Coalition in Support of Same-sex marriage.

6. Reverend Mark Morrisson-Reid of the Canadian Unitarian Council filed an affidavit in support of the position of the Metropolitan Community Church of Toronto in the Ontario Divisional Court.
7. Our organization and member congregations welcomed the decisions of the Ontario Court of Appeal, British Columbia Court of Appeal and Québec Superior Court reformulating the common law definition of marriage as “the voluntary union for life of two persons with the exclusion of all others.” We issued statements to this effect which can be found at www.cuc.ca/queer.
8. It is my opinion that freedom of religion, as guaranteed by the Canadian Charter of Rights, requires that a definition of marriage be extended to same-sex unions.
9. Our ministers and lay chaplains are performing same-sex marriages in B.C. and Ontario. Since 1974, we have performed holy unions of same-sex couples. Unitarian ministers and lay chaplains in B.C. and Ontario have spoken out on this issue in the media. In Ontario alone, they have booked or performed over 100 same-sex marriages.
10. We strongly also believe that no church or other religious authority will be forced to conduct marriages ceremonies that are not in conformity with its beliefs and rituals because such interpretation of new definition of marriage would violate freedom of religion and go afoul Canadian jurisprudence. All clergy have the right to determine the criteria on which they will agree to marry two individuals and we support that right for ourselves and others.
11. We strongly support the position of the Government of Canada not to appeal the decisions of the Ontario and B.C. Courts of Appeal and instead propose a legislation that would extend marriage rights to same-sex couples. We also believe that the Reference to the Supreme Court is the most appropriate way of

dealing with the issue of freedom of religion in the context of the proposed legislation on same-sex marriage.

12. In addition, we understand that the process of passage of the Bill will give Canadians of all political and religious denominations further opportunity to express their views with regard to the Bill.

13. We therefore oppose the leave to appeal to the Supreme Court by other religious groups as it is an unnecessary step duplicating the efforts of the Government to resolve the issue of freedom of religion by the way of the Bill and the Reference.

SWORN before me at)
the City of Toronto, in the)
Province of Ontario,)
on the th day)
of August, 2003.) _____

A Commissioner for Taking Affidavits