

National response needed, Cauchon maintains

By KIM LUNMAN

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OTTAWA -- Canada will act swiftly on an Ontario court decision that rules same-sex couples should have the right to marry, Justice Minister Martin Cauchon said yesterday.

But even as gay couples in the province were rushing out to wed hours after the decision, he could not say exactly what the federal government would do.

"The effect of the judgment that has been tabled this morning is immediate," Mr. Cauchon told reporters.

"That is why the government has to react quickly. We need to have a look at the judgment. . . . Parliamentarians need to be involved," he said. "We need a national solution."

The unanimous ruling of the Ontario Court of Appeal comes as a parliamentary justice committee is preparing a report on same-sex marriage and as Mr. Cauchon faces a June 30 deadline to decide whether the government will appeal a similar British Columbia ruling to the Supreme Court of Canada.

Yesterday's ruling puts even more pressure on Ottawa to determine whether the legal definition of marriage is up to the courts or to Parliament to define. Appeal courts in Quebec, B.C. and Ontario have now ruled in favour of same-sex couples.

"Today is a historic day for equality," said John Fisher of Egale Canada, an advocacy group for gays and lesbians. "Ten judges in a row have now sent a message strong and clear to Parliament. Discrimination against same-sex couples is wrong. We have the right to marry."

Mr. Fisher said all indications are that the parliamentary committee supports

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same-sex marriage. Two of the committee's Liberal MPs, Hedy Fry and Marlene Jennings, were among five MPs who appeared at a news conference in Ottawa to applaud the court ruling. Lisa Lachance and Heather Gass, a lesbian couple, also welcomed the decision and said they would seek a marriage licence in the nation's capital today.

Four years ago, a Reform Party motion to define marriage as "a union of one man and one woman to the exclusion of all others" easily passed in Parliament with 216 votes against 55. Among those voting in favour of the motion were Prime Minister Jean Chrétien as well as Liberal leadership candidates John Manley and Paul Martin.

But yesterday both Mr. Manley and Mr. Martin said they favour same-sex marriage, a position also taken by leadership candidate Sheila Copps.

"The time has come," Vancouver NDP MP Svend Robinson, who is gay, told the news conference. "I am today calling on Jean Chrétien as the Prime Minister, as part of his legacy, to leave a legacy of respect, to leave a legacy of equality and to make it clear that this Liberal government will not appeal this decision."

Tory Leader Peter MacKay said: "I feel we should not change the definition in spite of what the Ontario court has said today."

Some Liberal MPs on the justice committee said they are opposed to changing the definition and advocate appealing the ruling or using the notwithstanding clause in Parliament to overturn it.

"I certainly hope [Mr. Cauchon] is going to appeal this," Liberal MP Pat O'Brien said. "For me, it's a matter of conscience. There's no possible way I'll agree to redefining marriage."

Liberal MP Derek Lee said: "If the courts allowed Parliament no time and no wiggle room, we have to set them [the rulings] aside either by appeal or by using the notwithstanding clause temporarily."



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