

RELIGIOUS FREEDOM AND CANADIAN LAW : AN HISTORICAL EVALUATION

by

M. James Penton

Speaking for the Supreme Court of Canada in the case of Chaput v. Romain et al., Mr. Justice Taschereau declared:

Dans notre pays, il n'existe pas de religion d'Etat. Personne n'est tenu d'adhérer à une croyance quelconque. Toutes les religions sont sur un pied d'égalité, et tous les catholiques comme d'ailleurs tous les protestants, les juifs, ou les autres adhérents des diverses dénominations religieuses, ont la plus entière liberté de penser comme ils le désirent. La conscience de chacun est une affaire personnelle, et l'affaire de nul autre. Il serait désolant de penser qu'une majorité puisse imposer ses vues religieuses à une minorité.

A few years later the Parliament of Canada asserted much the same sentiment when it passed the Canadian Bill of Rights. That document asserts that, along with other rights, freedom of religion has "existed and shall exist without discrimination by reason of race, national origin, colour, religion or sex."

Such august bodies as the Supreme Court of Canada and the Canadian Parliament based their assumptions on a long tradition of religious toleration in Canadian society which goes back to the "victory of voluntarism" and beyond in British North America before Confederation. For after a long struggle, particularly in Canada West, in 1851 the Parliament of what was then Canada passed an act which stipulated that the government would initiate action and pay the costs of testing the legality of patents under which more than forty endowed rectories of the Church of England had been established in 1836. The act also contained a section which was to have great significance in later years. It read:

Be it therefore declared and enacted, . . . that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, so as the same do not be made an excuse for acts of licentiousness, or as a justification of practice inconsistent with the peace and safety of the₂ province, allowed to all her majesty's subjects within the same.

From the above juridical and statutory statements many have assumed that in Canada religious freedom and religious equality are as greatly respected

as in the United States, a nation with an excellent although somewhat checkered record as in the area of civil liberties. Even able scholars such as Searle M. Bates and D. A. Schmisser have taken that position.³ Yet the facts are somewhat more complex and demonstrate clearly that there are far fewer constitutional guarantees of either religious freedom or religious equality in Canada.

In the first place, there is no restraint on the powers of either the Parliament of Canada or provincial legislatures in the way there is on those of Congress or American state legislatures. Under the terms of the First Amendment to the United States Constitution "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." At state level, at least since the 1830s, every state legislature has been under similar restraints through provisions in their own constitutions; and in 1940 in the case of Cantwell v. Connecticut⁴ the United States Supreme Court held that the religious provisions of the First Amendment were applicable to the states under the terms of the Fourteenth Amendment. What this means is that it is theoretically--and generally practically--impossible for American legislative bodies to outlaw or discriminate for or against religion or religious movements. But in Canada the doctrine of parliamentary supremacy means that within their own jurisdictions Parliament and the provincial legislatures can legislate as they see fit. Thus, when Canadians have gone to court in defence of what they considered to be their right to religious freedom, they have never been able to appeal to constitutionally entrenched bills of rights which might serve as restraints on the excess of Canadian legislatures.

In this regard the experiences of Jehovah's Witnesses in the two countries during the Second World War are most interesting and instructive. In the

United States, while the Witnesses experienced religious persecution unparalleled since early nineteenth-century attacks on the Latter Day Saints in Missouri and Illinois, they were able to win an impressive number of cases before the Supreme Court against municipal, state and federal legislation. But in Canada the Witnesses were placed under a total ban between July 1940 and October 1943 through an order-in-council promulgated under the terms of the War Measures Act. For the Witnesses to have attempted to appeal to the courts against such a ban would have been useless--there was no authority higher than Parliament itself.

Even today, after the passage of the Canadian Bill of Rights in 1960, any and all provisions guaranteeing civil liberties, including freedom of religion, could be swept aside should the Canadian government again invoke the War Measures Act as it did in 1970. While there has long been much talk about replacing War Measures with less draconian legislation, that in itself would not solve the problem. Without an entrenched Bill of Rights, Parliament might again do as it did with Jehovah's Witnesses during the Second World War by the simple expedient of passing other equally stern legislation.⁵

In fighting cases before Canadian courts in the name of religious freedoms, Canadians have had to resort to other expedients than to claim that certain laws are "unconstitutional." Sometimes they have sought to have the regulations of various administrative bodies or municipal governments declared invalid on the basis of provincial legislation. In other instances they have argued that specific legislation cannot or should not be applied to them. When arguing against provincial legislation they have often asserted that under the British North America Act--Canada's primary constitutional document--certain powers are ultra vires of the provincial legislatures.

Among the first to challenge municipal laws were members of the Salvation Army in the 1880s. In both Ontario⁶ and Quebec⁷ they were most successful in doing so, and in the latter province they became the first religious community to use the provisions of what has become known as the Freedom of Worship Statute--the above quoted 1851 legislation of the Parliament of Canada.⁸

In the twentieth century it has been Jehovah's Witnesses who have gone to court most frequently to have provisions of municipal governments directed at them declared illegal. During the 1920s they took numerous cases into magistrates' courts in Alberta, Manitoba, Ontario and Quebec to demonstrate, usually successfully, that they could preach and place religious literature without purchasing commercial licences.⁹ Following the Second World War they were able to establish their right to pass out handbills on the streets of Nanaimo, British Columbia, and Saskatoon, Saskatchewan, in Rex. v. Kite¹⁰ and Rex v. Naish.¹¹

Of equal significance the Witnesses challenged flag salute and patriotic exercises regulations passed by school boards in Alberta and Ontario during the war. In Ruman v. Lethbridge District Trustees¹² the Alberta Supreme Court held that the Lethbridge School Board had acted within its powers under the Alberta School Act. In the Ontario case, Donald v. Hamilton Board of Education,¹³ the Ontario Supreme Court, influenced by the American case West Virginia State Board of Education v. Barnette,¹⁴ held that unlike the Lethbridge School Board, the Hamilton Board of Education was acting contrary to the Ontario Public School Act.

Some years later Jehovah's Witnesses were able to challenge Quebec School Board regulations which would have denied their children the right to attend classes. When Rouyn Protestant school trustees declared that Witnesses were not Protestants and therefore could not attend the Rouyn Protestant

School, a local Witness father fought a case through to the Quebec Court of Queen's Bench. Mr. Justice Brisonet held for the court that to be "a Protestant it is sufficient to be a Christian and repudiate the authority of the Pope."¹⁵ In another instance, the Quebec Court of Queen's Bench upheld sections of the Quebec Education Act and school regulations which provided that children in Catholic schools must participate in religious exercises. Nevertheless, they held that such provision applied to Catholic children only and, where there was no other school available, Jehovah's Witness children could attend a Catholic school and be exempted from such religious exercises.¹⁶ Recently Haldeman Mennonites in Alberta were also able to have a court interpret legislation so as to allow them to operate their own school denominational school system.¹⁷

But others have not always found the courts or governments so lenient or "reasonable" as have the Jehovah's Witnesses or Haldemen Mennonites. As Professor Walter Taropolsky notes, when denominational education in Manitoba was abolished in 1890, "neither the courts, nor the Governor General in Council (the Cabinet), to whom the right of appeal under subsection 3 of s. 93 [of the B.N.A. Act] is provided for, reversed that action."¹⁸ And when Sons of Freedom Doukhobors in British Columbia tried to keep their children out of school on religious grounds in the 1950s, they were told by the court that their beliefs were not religious.¹⁹

In general, when religious groups have challenged provincial authorities successfully, they have had to show that (a) the legislation used against them was not applicable or (b) provincial authorities were themselves acting in violation of the law. Again, Jehovah's Witnesses have been most successful in this regard. For example, they were able to have the courts hold them innocent of blasphemous libel²⁰ and seditious libel,²¹ in both instances after

they had been charged by Quebec authorities. In three other instances, in the cases of Chaput v. Romain et al.,²² Lamb v. Benoit²³ and Roncarellie v. Duplessis,²⁴ they were able to have courts hold clearly that police officers and even the Attorney General of Quebec could not act capriciously or interpret the law as they saw fit.

In testing federal legislation on the same bases, various groups, and in particular the Witnesses, have been less successful. During the First World War they, the Pentecostals and others were unable to claim the status of conscientious objectors even though the Military Service Act of 1917 would have seemed, reasonably, to have granted it to them.²⁵ In the Second World War the Witnesses were equally unable to have any of their young men exempted from military service as ministers of religion.²⁶

Another tack taken by religious organizations in protecting themselves from legislation or administrative acts is, as noted above, to try to have the courts hold that the actions taken by a certain level of government (the provincial) are beyond its powers. These attempts have been only partially successful, however. As early as 1899 the Privy Council held that:

In assigning legislative power to one or the other of these Parliaments [the federal or the provincial], it is not made a statutory condition that the exercise of such power shall be, in the opinion of a court of law, discreet. Insofar as they possess legislative jurisdiction, the discretion committed to the Parliaments, whether the Dominion or the provinces, is unfettered. It is the proper function of a court of law to determine where are the limits of the jurisdiction committed to them; but, when that point has been settled, courts of the law have no right whatever to inquire whether their jurisdiction has been exercised wisely or not.²⁷

Where, then, does power reside with respect to matters religious? Curiously, this question has not been answered satisfactorily. Although S. 93 (13) of the B.N.A. Act places "property and civil rights" under provincial jurisdiction, there is serious question whether "civil rights" means civil

liberties as the term does in the United States. In fact, the major decisions of the Supreme Court of Canada seem to indicate that it does not. For example, in the Alberta Press case,²⁸ Chief Justice Sir Lyman Duff held that freedom of the press was a matter which fell directly under the jurisdiction of Parliament and not of the provincial legislatures. In the famous case of Saumur v. the City of Quebec,²⁹ the ruling of the court was more confused: three justices held that under S. 93 (13) religion as a civil right fell under provincial jurisdiction; four held that it came, rather, under federal jurisdiction; and two did not deal with the question. Nevertheless, because of the Freedom of Worship Statute, a Quebec City by-law was held inapplicable to Saumur, a Jehovah's Witness missionary. But two years later, in the Birks case³⁰ the court took a firmer stand to the effect that prohibitions of a nature which effect religious matters are within federal control under its criminal law power.

Since the 1950s, in the case of Robertson and Rosetanni v. the Queen,³¹ the Supreme Court has rendered a decision which, according to Walter Tarnapolsky, places religious freedom in Canada on an equivalent footing, under the Canadian Bill of Rights, with religious freedom in the United States and Australia.³² Yet by that he cannot mean that it is as clearly guaranteed in a constitutional sense. Besides, in an important case in the late 1960s, Walter v. Attorney General for Alberta,³³ in which Alberta Hutterites tried to have the Alberta Communal Property Act declared an infringement on their freedom of religion, the Supreme Court held that since the act dealt with landholding, it fell under S. 93 (13) of the B.N.A. Act. Thus, on the basis of this case and Attorney General of Canada v. Dupond,³⁴ it seems that what is religious or affects religious freedom is being treated very narrowly by the courts. As Mr. Justice Beetz stated in ruling on that case:

"Freedoms of speech, assembly and association, of the press and of religion are distinct and independent of the faculty of holding assemblies, parades, gatherings, demonstration or processions on the public domain of a city."

The fact that the courts appear to be defining what is religious in such a way has alarmed many within various religious communities. For example, in Ontario and Alberta, the Church of Scientology has been denied the right or privilege to solemnize marriages under the terms of A. 92 of the B.N.A. Act and provincial marriage acts. And while the Scientologists have petitioned for that privilege again and again, they have not as yet taken the matter to the courts. As they are a non-theistic movement, they fear that Canadian courts might decide that they are not a religion.³⁵ After all, a British court has done just that. In Regina v. Registrar General, Ex parte Segerdal,³⁶ Lord Denning, Master of the Rolls, stated:

Religious worship means reverence or veneration of God or of a Supreme Being. I do not find any such reverence or veneration in the creed of this church. . . . There is considerable stress on the spirit of man. The adherents of this philosophy believe that man's spirit is ever-lasting and moves from one human frame to another; but still, so far as I can see, it is the spirit of man and not of God. When I look through the ceremonies and affidavits, I am left with the feeling that there is nothing in it of reverence for God or a deity, but simply instruction in a philosophy. There may be belief in a spirit of man, but there is no belief in a spirit of God.

Curiously, however, other non-theistic religions such as the Buddhists have never had any difficulty in being recognized as such.

Provincial legislatures, unfettered by anything like the First Amendment to the United States Constitution, have also passed legislation or considered the passage of such which may very well restrict religious liberty in a severe manner. For example, because of the refusal of Jehovah's Witnesses to accept blood transfusions for themselves or their children, all the provincial and Territorial child welfare acts in Canada but one--that of Manitoba--allow

individual physicians, acting without additional medical advice or special authority from a court, to administer to minors any type of therapy or treatment they consider necessary without parental consent in what they may rightly or wrongly consider to be emergency situations. In effect, then, parental religious objections may be ignored by physicians with impunity, and not just in the case of Jehovah's Witnesses. Physicians may very well take actions which will offend the religious beliefs of Christian Scientists, Scientologists, Roman Catholics and others as well.³⁷

Perhaps of more significance, however, is the fact that in recent years governments have also begun to intrude into the area of personal belief in a way that never has happened before. Formerly, at least since the passage of the Act of Toleration in Great Britain during the reign of William III and Mary II, religious belief in the English-speaking world has generally been a private matter. But during the 1970s there arose a profound change in attitude towards members of certain religious movements--those that are commonly called "cults" by their enemies or "new religions" by those who take a more friendly or neutral view of them. What happened is that parents of youthful converts to these faiths often felt that their children were in some way "hexed" into groups such as the Children of God, Sun Myung Moon's Unification Church, the Krishna movement, Scientology or any of some sixty or more new religions or quasi-religious movements. At the same time, professional adversaries of these "cults" began to claim that they were "brainwashed" and had lost their freedom of will. Their conversions to their particular faiths were frequently described as "snapping." In consequence, numerous laymen, some clergymen, lawyers and psychiatrists began to engage in the practice of seizing young adults by force and deprogramming them. Although most cases of deprogramming have occurred in the United States, there have been a number in Canada as well.

The literature on the new religious movements and the deprogramming issue is already vast and has generated much heat and some light. Naturally, all sorts of significant psychological, legal and constitutional issues have been raised. It is not my purpose to discuss these problems in depth here, however. Rather it is simply to note them in passing and to point to their significance respecting religion and law in Canada.

What, then, is their significance? Perhaps what has been said about the role of legislatures with respect to control over religious freedoms needs to be stressed again. Various professional groups, notably the psychologists, and various politicians and anti-cult organizations have sought to have the legislatures pass legislation which would limit severely traditional religious liberties. In the last several years, the British Columbia legislature passed a Psychology Act³⁸ which civil libertarians view as a real threat to religious liberty. Similar bills were withdrawn in Ontario and Alberta when many representatives of the major churches united with members of smaller sectarian communities and even spokesmen of the new religions, notably the Scientologists, to defeat those bills.³⁹ What the religious community as a whole seemed to feel with respect to the British Columbia act and the Ontario and Alberta bills was that ministers and priests might legally be prohibited from carrying on pastoral counsel because they were not licensed psychologists.

Interesting, too, has been the fact that the Ontario government has commissioned a study of cults and mind-development groups,⁴⁰ and there has been at least one attempt by a Liberal MPP to have an anti-cult bill passed by the Ontario provincial Parliament. That body rejected the proposed legislation after a debate in which both Conservatives and New Democrats put forward stirring civil libertarian arguments,⁴¹ but there is always possibility that

12

similar legislation may at some time be passed in Ontario or some other province.

At this point it is useful to turn to another aspect of religion and law in Canada. Although all religions in Canadian society are theoretically equal, in fact they are not. Since there is nothing constitutional prohibiting special legislation to discriminate against religions, except perhaps S. 93 of the B.N.A. Act which guarantees denominational education in certain provinces, neither is there anything which prohibits Parliament or the legislatures from passing special legislation favoring a religion or religions. Thus, instead of there being "a wall of separation between church and state," in Canada there is what may be described as a quasi-establishment.

This is most notable in the field of education. Section 93 of the B.N.A. Act places jurisdiction over education exclusively under provincial authority subject to the proviso that "Nothing in such a [provincial] law shall pre-judicially affect any Right or Privilege with respect to Denominational Schools which any class of Persons have by Law in a Province at Union." Thus, denominational schools are specifically guaranteed in Quebec and Ontario. Furthermore, by the terms of the acts which made them provinces, denominational schools must exist in Alberta, Saskatchewan and Newfoundland. The case of Manitoba has been discussed earlier.

Of course S.91 (1) does not apply directly to the other provinces, but there is nothing to stop them from funding denominational education if they desire to do so. Consequently, in every province there is some support for religious education.

Many who have examined this aspect of the Canadian tradition have regarded it positively. Catholics are generally most wedded to the idea of having their own publicly supported school systems. They feel that in most

of Canada they escape what is referred to as "double taxation," a common complaint of American Catholics who resent paying taxes to support public schools which their children do not attend. But Catholics are not alone in manifesting such feelings. Many Protestants, including various sectarian groups, enjoy some public support for denominational primary and secondary schools, and so do Jews. In addition, most of the major churches and some smaller ones receive public support for denominational colleges and institutions of higher education. Hence, there seems to be a greater toleration of religion as such in Canada than in the United States.

Nevertheless, there have been significant historic problems with the Canadian tradition--as many, perhaps, as with the American. Public support for denomination schools was long a source of bitter friction between Catholics and Protestants and too often between French-speaking and English-speaking Canadians. So, too, have other issues. But in general these have involved political rather than strictly legal concerns. What should be noted here, however, is that there have also been legal and social problems generated by the fact that in granting privileges to certain religious communities, discrimination of a sometimes troublesome sort has developed.

Note that in the late nineteenth century special privileges were accorded to Mennonites,⁴² Doukhobors⁴³ and Hutterites.⁴⁴ Among other things, they were granted exemption from military service and, in the case of some of the Mennonites, were granted the right to their own schools. Yet frequently Canadian and provincial governments interpreted the agreements with these groups very differently than the groups did themselves. Certainly much of the subsequent trouble with Doukhobors arose from this fact⁴⁵ as did the migration of thousands of Mennonites to Mexico in the 1920s.⁴⁶

But what really demonstrated the problems of special legislation for distinct religious communities was federal legislation during the First World War and both provincial and federal legislation between the two World Wars. Under the terms of the Military Service Act of 1917 any man could claim exemption from combatant military service "if he conscientiously objects to the undertaking of combatant service and is prohibited from so doing by the tenets and articles of faith, in effect on the sixth day of July, 1917, of any organized religious denomination existing and well recognized in Canada at such date, and to which he in good faith belongs."⁴⁷ That, in effect, meant that members of traditional peace churches were exempted from combatant service, but all other conscientious objectors could be conscripted for it. Not only were members of the "new religions" of that day⁴⁸ not given exemption, neither were Catholics, Anglicans, Methodists, Presbyterians or Baptists who might have been opposed to taking up arms for personal reasons of conscience.

Following the War in 1920 British Columbia passed legislation which prohibited Doukhobors living in that province from voting in provincial elections,⁴⁹ in spite of the fact that most of them had committed no crime and had not been subject to conscription. In 1934 the federal government passed similar legislation whereby all Doukhobors who were disfranchised by British Columbia were prohibited from voting in federal elections.⁵⁰

Even during and following the Second World War, the Alberta government placed specific restrictions on specific religious groups. The now famous or infamous Communal Property Act⁵¹ was not directed at the development of communal farming as such. Rather it was directed at Doukhobor and Hutterite communal farming. Then, during the 1960s and '70s Catholics in both Saskatchewan and Alberta ran into a peculiar problem. In several cases where Catholic parents wanted to send their children to public schools, they were

told they could not. And the courts upheld the positions of local school boards.⁵²

What all of this meant was that if special legislation could be passed to favor a specific religious movement, special legislation could be passed against it. But of equal significance is the fact that in Canada individual rights have been and can be subsumed under group rights or the lack thereof. In effect, then, under Canadian law treatment can and does vary with respect to the individual on the basis of the religious community to which he holds allegiance, a curious holdover from British and continental medieval law. The likelihood of this changing is not great unless Canada entrenches a bill of rights and even then it may not. Nevertheless, religious discrimination will probably be no greater than in other Western countries, including the United States. However, a number of issues may soon come to the fore. These may include a further attack on the new religious and, equally important, the question of the authority of religious organizations to discipline or excommunicate members of their own communities. As is well known, several churches have recently taken actions against persons whom they consider to be less than orthodox in other countries. Catholic efforts do deal with Hans Klüng in Germany and the "liberal" Dutch Church in the Netherlands are examples of this problem. But more to the point, Mormon and Mennonite excommunications of dissidents in the United States have raised important church-state questions. In Canada, however, the issue is being raised by a number of Jehovah's Witnesses who claim that they have been excommunicated or "disfellowshipped" and shunned, contrary to their community's own rules and natural justice.⁵² However, what happens in these instances is of future importance and not at present a matter to which the historian should direct his interest.

NOTES

1. (1955) 1 D.L.R. (2d) 241, at p. 246.
2. 14 and 15 Vict., c. 175.
3. D. A. Schmeiser, Civil Liberties in Canada (London: Oxford University Press, 1964), p. 54.
4. 310 U.S. 296 at p. 303 (1940).
5. Even with the proposed Trudeau entrenched Bill of Rights which has been presented since this paper was delivered, there would be no satisfactory guarantee against provisions such as the War Measures Act. Most libertarian experts believe this to be true because of Section 1 of the proposed Canadian Charter of Rights and Freedoms reads: The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits as are generally accepted in a free and democratic society with a parliamentary system of government.
6. The most famous decision in their favor which was made in the famous Bella Nunn case which was reported in full in the Toronto Globe, July 25, 1884.
7. City of Montreal v. Madden (1884) 29 Lower Canada Jurist 134.
8. Regina v. Bice (1889) 15 Que L.R. 147. The appeal on this case in which the statute was used does not seem to have been reported.
9. M. James Penton, Jehovah's Witnesses in Canada: Champion of Freedom of Speech and Worship (Toronto: Macmillan of Canada, 1976), pp. 90, 91.
10. [1949] 2 W.W.R. 195.
11. [1950] 1 W.W.R. 987.
12. (1943) 3 W.W.R. 340.
13. (1945) O.R. 518, D.L.R. 427, O.W.N. 526 reversing (1944) O.R. 475, 4 D.L.R. 227, O.W.N. 559.
14. U.S. 624, 634, 642, 63 S.Ct. 1178, 1183, 1187, 87 L.Ed. 1628 (1943).
15. Perron v. Syndics d'Écoles de Rouyn, [1957] Que. Q.B. 707; D.L.R. (2d) 796.
16. Chabot v. Les Commissaires d'Écoles de Lamorandière (1957) Que. Q.B. 707, 12 D.L.R. (2d) 796.
17. For a full discussion surrounding this issue see Elmer J. Thiessen and L. J. Rory Wilson, "The Problem of the Curriculum in the Church - State Controversy in Education: Are the Mennonites Justified in Rejecting the Public School Curriculum?" (Calgary, an unpublished article, 1978).
18. W. S. Tarnopolsky, "Freedom of Religion in Canada: The Legal and Constitutional Basis" (unpublished typescript), p. 3.

19. Perepolkin v. Superintendent of Child Welfare (No. 2), (1957) 23 W.W. 592, pp. 599-600.
20. Rex v. Kinler, (1925) 63 Que. S.C. 483.
21. Boucher v. Rex (1949) Que. K.B. 238, 95 C.C.C. 119.
22. As cited in note 1. above.
23. (1959) S.C.R. 321, 123 C.C.C. 193, 17 D.L.R. (2d) 369.
24. (1959) S.C.R. 121, 16 D.L.R. (2d) 689.
25. Penton, pp. 56-65.
26. Ibid., pp. 162-81.
27. Union Colliery of British Columbia Ltd. v. Bryden, [1899] A.C. 580, 585.
28. (1938) S.C.R. 100.
29. (1953) 4 D.L.R. 641, 2 S.R.C. 299, 106 C.C.C. 289.
30. (1955) S.C.R. 799, 5 D.L.R. 321, 113 C.C.C. 135.
31. [1963] S.C.R. 651.
32. Taropolsky, p. 21.
33. (1969) 3 D.L.R. (3d) 1.
34. (1978) 84 D.L.R. (3d) 420.
35. Based on statements made by representatives of the Church of Scientology in Toronto and Edmonton.
36. [1970] 2 Q.B. 697.
37. On this matter see W. Glen How, "Religion, Medicine and Law" in The Canadian Bar Journal, October 1960.
38. Revised Statutes of British Columbia (1979), Chapter 342.
39. Interestingly, practically every religious community, large and small, opposed this act. As a result it was withdrawn by the Ontario government.
40. Since this paper was delivered, the report in question, the Report has been published. It recommends no new legislation against "cults" or new religions.
41. The bill in question was put forward by John Sweeny, the MPP from Kitchener. It was overwhelmingly defeated on second reading by a combined vote of the Conservatives and New Democrats.

42. See Frank Epp, Mennonites in Canada (Toronto: Macmillan of Canada, 1974), Chapter 6.
43. See George Woodcock and Ivan Avakumovic, The Dukhobors (Toronto: McClelland and Stewart, 1977), Chapter 6.
44. See Victor Peters, All Things in Common: The Hutterian Way of Life (New York: Harper and Row, 1965), Chapter 3.
45. Harry Leonard Sawatzky, They Sought a Country (Berkeley: University of California Press, 1971).
46. The details of this controversy are found in R.G. 13 A2, Vol. 232 (1919) in the National Archives at Ottawa.
47. Statutes of Canada (1917), Chapter 19, Section 11(1)(f). See also Section 11(2)(a), and Schedule Exemption 6.
48. Penton, pp. 308, 9, note 14.
49. Statutes of British Columbia (1920), Chapter 27, Section (2)(b)(c).
50. Statutes of Canada (1934), Chapter 51, Section 4(c)(12).
51. Revised Statutes of Alberta (1970), Chapter 599.
52. A case is now pending in Alberta over the matter.