

### Abstract

Mr Sawatsky, the interviewee, provides both personal information and details about the court case [Legal Challenge] that have not been recorded in any other way. He attended the University of British Columbia (UBC) in 1977, graduating in 1982 with a Bachelor's Degree in Commerce. Later, in 1992, he received a degree in Law from University of Victoria. In the interview, he lists several highlights of his career in law, including his involvement in the Trinity Western University (TWU) case, which went to the Supreme Court of Canada. He provides the names of those who formed the legal team for TWU, and a brief explanation of how they became part of said team.

The interviewee provides a definition of legal bias, as well as an explanation of his own views on the possibility of a bias-free environment and the grounds on which teachers may be convicted of inappropriate bias. He also alludes to goals and objectives for the case beyond the primary goal of victory. He clarifies a very important misunderstanding; TWU was the petitioner in this case. As such, they did not go to the court with a defense, but with a petition. Further, he comments on some of the resources used in the case; the British Columbia Civil Liberty's Association, for example, was an intervener in the case.

Several of the questions revolved around how things might have been different had this case not involved Christians. Mr. Sawatsky answers all of these in a very professional manner, demonstrating the validity of the arguments provided in the petition. He also states that the case received great support and encouragement from the Christian community. There is discussion regarding the role of the media and their portrayal of the case; Mr. Sawatsky acknowledges the crucial role of Guy Saffold as the media spokesperson for the University.

**[Side A]**

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**Okay, this is Lorinda Geddert and Jen Cairns at Trinity Western University, students interviewing Kevin Sawatsky on the topic of the Legal Challenge for History 310, Oral History Project. This interview is taking place in Dean Sawatsky’s office on the 12th of October, 2001**

JEN: Good afternoon Mr. Sawatsky

K. SAWATSKY: Hi

JEN: We’d like to begin with some brief questions about your personal background

K. SAWATSKY: Sure

JEN: Why did you become a lawyer?

K. SAWATSKY: Well, um, that would take me probably our whole interview to answer that question [laughter]. Let’s see if I can do it in a short summary. Umm as long as I can remember, I wanted to go into law; I’m not just sure where that came from, but when I started university way back in 1977 my plan was, uh, to go to law school. Started through the uh Comm. Law program at UBC- um wrote my LSAT in 1981 and was accepted to go to UBC Law School in 1982; got some very strong advice, umm, from my conservative church at that time that a Christian really couldn’t be a lawyer. Umm- there were a lot of concerns that were expressed to me, ones you’ve probably heard. You know, how as a lawyer, can you defend someone that’s guilty- all those type of uh statements, and very strong pressure. And so I, I caved into that and I didn’t go to law school back in ’82; finished up my Bachelor of Commerce degree, started to work for Grand and Toy. By 1986 still thought God wanted me to go to law school. Uh- for the second time wrote the LSAT because the- the format, the structure, of the LSAT had changed, and so if I wanted to reapply I had to rewrite the LSAT. Did it again, second time- For the second time, in 1986, I was accepted to uh go to law school. Um got the same pressure um- as a Christian its just not something you should do, um- Comments were, you know, Christian and lawyer are really oxymorons, you know; they just they don’t mix, um. So I- for the second time caved in, didn’t go to law school, and instead did my MBA degree. Um 1989 came, and by that time I’d started my own construction business, and my wife uh kept hearing me saying, “You know, I wish I had gone to law school, I wish I’d gone.” You know, I really felt that’s what God wanted me to do. So she finally said, “You just gotta go- you just gotta do it, um- if you don’t you’re going to spend your whole life saying ‘I should’ve, I should’ve, I wish I had.’” So finally, third time around, in 1989, I did go to law school and, um- it was very much a very strong feeling that that’s what God wanted me to do- notwithstanding some of the comments I had heard previously. Um- just one kind of final part of the story, we had, um, prayed

*Side A Kevin Sawatsky, Lorinda Geddert and Jen Cairns – “Oral history Interview”*

*Side B Kevin Sawatsky, Lorinda Geddert and Jen Cairns – “Oral history Interview”*

that if we were meant to go to law school- that's really what God wanted us to do, that He would give us some sort of an indication, and one of the things we asked for was that we would know quickly. Um, I had a number of construction contracts that were coming up and, uh, I had to hear quickly or otherwise I would've been contractually, uh, bound for September and wouldn't have been able to go that year. And so we sent off our application, uh, sometime in February of 1989, and our prayer was: if its right, if we're meant to do this, let's hear quickly. And what I found out later- what happened was, the admissions committee at UVIC met the day my application came, reviewed my application immediately, and within about a week I had heard back from UVIC that I had an offer to go. I said, "Well, okay God [laughter], I guess that, uh, that's your answer," and, um no regrets, and I won't take all your time on your tape, but I can certainly tell you that a Christian can be a lawyer.

JEN: So I'm taking [it] you rec- received your degree from UVIC?

K. SAWATSKY: I did, umhm.

JEN: Okay.

K. SAWATSKY: I kind of sped through my law program. I did it in just over two years, um, but finished- uh, finished in '91, but got my degree in '92, 1992.

JEN: What has been the highlight of your career?

K. SAWATSKY: Um, there's been quite a number of of highlights. Uh, a very early highlight for me- I was involved in, uh, what was a- almost a billion dollar, uh, commercial transaction, when a company here in Vancouver was buying, um, the worldwide gas installations of another company in New Zealand; and, um, just being part of a legal team that was involved in a billion dollar transaction-

JEN: um hum

K. SAWATSKY: -was pretty, um, pretty unique. Um, so that was one. Um, there have been some very small cases that have been highlights. Um, I can think of one where there was a dispute between, uh- an employee of a Christian organization was gonna go to court; I acted for the employer. Um, another Christian lawyer acted for the, um, employee; we were able to get the parties to a uh mediation instead of going to court. Um, again not going through the whole story, but at the end of the day the parties reached a settlement and reconciled, prayed together. It was very, very unique. And I've had a number of experiences like that, that really are highlights. Uh, I think as a Christian lawyer that's something that you, you work towards, you want to see happen. Um, in terms of kind of major cases, obviously the one we're going to talk about now, uh, was a highlight, uh- being involved with, with a case that goes to the Supreme Court of Canada is pretty unique. There are only, uh, about eighty to a hundred cases a year that go to the Supreme Court of Canada, a very small number, so uh there aren't very many lawyers

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*Side B Kevin Sawatsky, Lorinda Geddert and Jen Cairns – “Oral history Interview”*

that ever get to the Supreme Court of Canada. I think of eighty cases, you know, maybe half a dozen lawyers, uh, that's a pretty small number on an annual basis for the entire country; and to have got there, to have actually have been at the Supreme Court of Canada, is pretty unique. It's a highlight.

JEN: How did you become a part of the staff at Trinity Western, and how long have you been working for this institution?

K. SAWATSKY: 'Kay. Back in, uh, 1993 I was working for McCarthy Tetrault, which is the largest law firm in Canada, and working on commercial transactions- [telephone ringing] one which I was just telling you about. Um, I was put in touch with John Sutherland, uh- again I won't go through all the circumstances, but John indicated that there was a teaching position here uh, looking for someone in law and marketing, and my master's degree was in marketing, so it seemed like a very good fit and, um, my wife and I started to pray about it. A lot of my colleagues thought I had lost my mind in making a move from a large law firm to Trinity, but again, we just felt that was very much God's calling for us and, uh, came to Trinity in September of '93.

JEN: Sounds good. Why did you accept the case? Trinity's case?\*

K. SAWATSKY: Well, I don't know that I can say I accepted Trinity's case. It was a very, very unique set [of] circumstances. Trinity recognized very early on that this was a very unique case, and they needed a legal team that had expertise in this area, but [that] also understood the Trinity community and the Christian context of the case. So, Trinity was looking for a particular legal team back in the summer of 1996. Because of my involvement here, Trinity knew that I was connected with Baker-Newby at that time, and worked with Bob Kuhn. Bob is an alum of Trinity way back 1972 or '73-

JEN: um hum

K. SAWATSKY: -has had a fairly close relationship with Trinity over the years, is well respected both as a lawyer, but also in the Christian community; and so it seemed to be a very natural fit for Trinity to use Bob and I, and eventually a third lawyer joined us, Kevin Boonstra- all Christians, all connected with the Trinity community. Obviously I had a very significant connection [laughter] because I was also an employee here, but we, we understood the context of the case very, very well.

JEN: That's good. What is the legal definition of a bias?

\*From this point on the incidental uh's and um's have been omitted, since they do not add to the historical relevance of this transcription

K. SAWATSKY: The legal definition of a bias. Um. The, the courts- [phone ringing] the courts have developed some different definitions of bias, but in order for a government body like the College of Teachers to have a decision overturned because of

*Side A Kevin Sawatsky, Lorinda Geddert and Jen Cairns – “Oral history Interview”*

*Side B Kevin Sawatsky, Lorinda Geddert and Jen Cairns – “Oral history Interview”*

bias, the courts have said there has to be a [phone ringing] reasonable apprehension of bias on their part. So they have to- the court looks for indications that the tribunal, the administrative body, was likely unable to come to an, an un- there I'm using the same word again, but an unbiased decision. That their decision was basically prejudiced in some way, and if you're going to try to argue bias, you have to show that there were some council members that had a closed mind. Actually, that's another word that the courts use, a 'closed mind' to making a fair decision. So we would need evidence that some of the tribunal members actually had a closed mind. That no matter what Trinity said or did the decision would've been the same.

JEN: Okay. Is there a legal difference, then, between a bias and a belief?

K. SAWATSKY: I think very, very much. Many people have beliefs about many things, but still can evaluate something fairly and equitably. A bias is when you will not look at a matter with an open mind. You won't listen to one of the sides; you just- you approach it, um, predetermined what your answer will be. So I think yes; very, very much there's a very significant difference between bias and belief.

JEN: Okay, then do you believe in the concept of a bias-free environment?

K. SAWATSKY: Difficult question. Um. There, there will always be, um, certain biases that people have, and I think maybe in some circumstances that's okay. But especially in the context of this case where you have a government body making a public decision, that government body is expected to be open-minded, to make a fair and equitable decision. So I may be side-stepping your question a little bit, but in the context of this case I certainly believe that a government body has to be without bias.

JEN: Okay. Under what terms can a teacher be convicted of inappropriate bias?

K. SAWATSKY: Um - I'm not an expert on disciplinary proceedings with the College of Teachers, but I would anticipate that a teacher whose conduct flowed out of their bias could be disciplined. So, if you had a certain bias and you allowed that to translate into conduct in the classroom, that, then, could become disciplinary action. Let's just say, you know I may be putting it into very practical terms in light of the recent conflicts- if you were a Jewish teacher, now you may have certain biases flowing from your religion, but if you allow those biases to translate into the classroom, where you would say that certain Arab students should be treated differently, that would be inappropriate. Or you flip it, it could be the exact opposite. An Arab teacher who is treating Jewish children in a certain way because of their bias so that there was harassment or intolerance or something of that nature. I think then certainly you would be in the area where the College of Teachers would look at the conduct of that particular teacher.

JEN: Okay. Aside from winning the case for TWU, what were the other goals or hopes you had had for the case and its outcome?

*Side A Kevin Sawatsky, Lorinda Geddert and Jen Cairns – “Oral history Interview”*

*Side B Kevin Sawatsky, Lorinda Geddert and Jen Cairns – “Oral history Interview”*

K. SAWATSKY: Well, I think- you say, “Other than.” Clearly the overriding goal was to be successful in the case. But you’re right. There were a number of other objectives. One of the objectives was simply to speak rationally, reasonably, for the Christian community-

JEN: umhum

K. SAWATSKY: We were entering into an issue that some people have very, very strong views on. Some people, I think, speak sometimes in a very harsh manner on the particular issues, and we wanted to make sure as a legal team- and I think as the University as well- that our comments were always respectful- our comments were always shown- show compassion; even [that] our legal arguments were rational, reasonable, well-defendable legal arguments. And I think, you know, with respect to just public relations, to make sure that the media was always treated respectfully, and what was said in a public manner properly represented the Christian community.

JEN: Okay. Was there ever a moment in which you felt this case was lost, and why?

K. SAWATSKY: I don’t think so. I think right from day one when we looked at this case, we believed that legally we were correct and that we would succeed; and I don’t think there was ever a moment where we kind of panicked and said [inhaled breath], you know, our arguments aren’t going to work. There was always a, a certain confidence in this case, and I can compare that to other cases- I’ve been in many cases where you know you’ve got a chance, but you also know [laughter] that [there’s a] pretty good likelihood you’re not going to succeed. This was never one of those cases; I think there was always a confidence that the legal arguments were there and, and we would be successful.

JEN: Good. What were your main resources used in the defense?

K. SAWATSKY: Well, I should maybe just correct your terminology.

JEN: Okay.

K. SAWATSKY: Trinity actually brought this case, so it wasn’t-

JEN: Oh. So it wasn’t in the Prosecution.

K. SAWATSKY: Yeah, it wasn’t actually a defense; although because we were successful at the first round, we were in essence justifying what the court did- the first court did- and I suppose in some ways you might say we were defending the original decision as we moved through. But the College of Teachers, a government body, made a decision, and we believed in law they were incorrect, and so we challenged that decision before the court. We were- if you’ll see the top of that handout [inserted at end of transcript] I gave you, we were the petitioners; we were bringing the case before the court. I don’t know if that changes your question or if you want to-

*Side A Kevin Sawatsky, Lorinda Geddert and Jen Cairns – “Oral history Interview”*

*Side B Kevin Sawatsky, Lorinda Geddert and Jen Cairns – “Oral history Interview”*

JEN: Okay, well what was- what were your main resources used in your petition?

K. SAWATSKY: Okay.

JEN: -against [the] BCCT.

K. SAWATSKY: In terms of resources, I guess that could be interpreted in a whole lot of different ways-

JEN: -umhum- or arguments made-

K. SAWATSKY: In terms of legal resources, we had a three-member legal team- we all had kind of our areas of expertise, areas that we all tried to have responsibility for. We did use other lawyers at various points throughout the process, we had some and I- I can't tell you- some of them remain not to be known, but we had some very significant people that have- [pause] there were some very significant resources, let's just say that, that were able to provide us advice from time to time. We had a number of interveners who we worked with very early on to come on board and support Trinity, and in that sense [they] were a wonderful resource- a British Columbia Civil Liberty's Association who was an intervener in the case. Now, I won't say that we influenced their decision- decision to, to intervene; I think very early on they made their own decision to do that. But, we were with the lawyers from BC Civil Liberty's in developing some of the arguments, and just having them there throughout the process was very, very valuable.

JEN: Okay. As a Christian, what effect did your beliefs have on the BCCT and their arguments, as a Christian legal team?

K. SAWATSKY: I really don't think that was a factor. I think we went into court as lawyers, to make the very best legal arguments that we could. I don't think the court looked at us as a Christian legal team; I don't think the opposing lawyers looked at us in that way. We were simply the lawyers that represented Trinity Western- that were there to make good legal arguments. I think the fact that we were Christian lawyers had a real benefit in other contexts- in an out-of-court context. Again, just being connected with the Christian community, and understanding it, and being able to give advice on- kind of- media relations and things like that, it was very valuable. But in the court itself I don't think the fact that it was a Christian legal team was really a factor.

JEN: Okay. If Trinity Western had hired secular counsel, how might the defense have changed, or would it have changed?

K. SAWATSKY: I would hope- again that's a hypothetical- so it's hard to answer that, but I would hope that whoever the lawyers were, that they would've made basically the same arguments. Again, our arguments were not predicated on the- on the fact that this was a- that we were a Christian legal team. The arguments that we made were, I think, based on [a] very solid legal basis. And so I would think that any lawyer, Christian or

*Side A Kevin Sawatsky, Lorinda Geddert and Jen Cairns – “Oral history Interview”*

*Side B Kevin Sawatsky, Lorinda Geddert and Jen Cairns – “Oral history Interview”*

otherwise, would likely have made very, very similar arguments. Every lawyer approaches a case a little bit different[ly]; they're never exactly the same. But, I, I think that- by and large- the arguments would have been identical, and in fact some of the people who gave us advice from time to time were not Christians, and we specifically did that to make sure that we were staying objective throughout the process.

JEN: Good. Do you think the BCCT had an alternative agenda, outside the bounds of this case?

K. SAWATSKY: I really- I wouldn't want to answer that. The, the College of Teachers made a decision that we challenged and were successful in challenging. I don't think it would be fair on my part to speculate on what their agenda was. I can tell you some facts, and I can leave you to maybe draw your own conclusions from the facts, but I don't want to speculate. If you look at this timeline [inserted at end of transcript] that I gave you, you'll see right at the bottom of the page, 'Program Approval Team visits TWU.'

JEN: umhum.

K. SAWATSKY: What happened was Trinity made its application for the Teacher Education Program and it took an awful[ly] long time to get to the January 1996. And again, I won't go through all of the pre-stuff there that's on that timeline, but in January 1996, the College of Teachers sent a Program Approval Team out to Trinity, and that team was looking at the quality of the proposed program, looking at the library to see if there were enough library resources, looking at faculty- they wanted to talk to prospective students- They were doing what you would expect an academic research team to do. And they came back, and they recommended approval with some conditions, but they said, We recommend that the program be granted. And you'll see on the top of the next page, there PAT-that's the Program Approval Team- recommends approval to the- the Teacher Education Programs Committee-

JEN: umhum.

K. SAWATSKY: -the, the College of Teachers has a number of sub-committees, and one of these sub-committees is the Teacher Education Programs Committee. Now, that committee is made up of a number of the actual members of the College, so you've got- I can't remember the exact number- I think it's twenty-one; I might be wrong on that, but I think it's twenty-one members.

Now, a number of those twenty-one College members sit on the TEPC, on the Teacher Education Programs Committee, so Program Approval Team makes recommendation to TEPC. And on May 15th, the Teacher Education Programs Committee, which remember is made up of council members, recommends approval. They say, Yeah, we think that Trinity should get its program. Now, [the] very next day- one day- the overall council of the College of Teacher meets, and the very next day, they decide not to approve Trinity's Program. Now, if you look at the numbers, and I can dig these out for you- I don't have

*Side A Kevin Sawatsky, Lorinda Geddert and Jen Cairns – “Oral history Interview”*

*Side B Kevin Sawatsky, Lorinda Geddert and Jen Cairns – “Oral history Interview”*

them right in front of me- but the vote was 17 to 1 in the overall council against Trinity. The day before, these same people- a number of them- had voted in favor of Trinity. So in a 24-hour period, something happened. I don't want to speculate on what that was, but something took place there. So was there an agenda? I don't know, but I can tell you the facts of how the- this kind of broke out, and I guess any conclusions can be drawn from that.

JEN: Thank-you. What would the BCCT have gained, had they won the case?

K. SAWATSKY: I, I think I might expand that beyond the BCCT. The implications were far beyond just for [the] College of Teachers. The implications- in a negative sense- for the Christian community, the religious community at large- not just Christian, were very, very significant, because what the College of Teachers was really arguing is that a government tribunal- that's what the College of Teachers were- that a government tribunal should be able to examine religious belief and then be able to penalize people because of religious belief. That's in essence what they were saying, that because of the religious beliefs of graduates coming out of the Trinity Program, they should be denied potential certification as teachers. At least, they were going to have to do something else, like go to SFU or to UBC to be deprogrammed in, in some way. So there was a, a penalty; there was a, a punishment, in essence, attached to religious belief. Now, if you think of the implications of that- if government is allowed to do that- then anyone- any organization that has similar beliefs to Trinity, that has charitable status- maybe that charitable status should be taken away, because there's a public benefit. Any church that has a tax exemption from municipal government, maybe they should lose that because isn't that a benefit, a government benefit? So, I think the implications- kind of in the reverse to your question- were very, very significant. Now, what would the BCCT themselves have, have gained? I think what they were hoping was to have the court very clearly indicate that they have very, very broad jurisdiction to look at the worldview of teachers, the worldview of teacher education programs; so this would've given them a very broad jurisdiction, and I don't know if that was their objective in setting out on this process, but I think that that would've been one of the implications.

JEN: Okay. Were there any legal precedents for the case?

K. SAWATSKY: There- its hard to answer that, because there were so many different aspects to the legal arguments. I can tell you that- let me back up- in, in the Canadian legal system, we use what's called Common Law. Common Law is based on precedent, so that when you go into court you expect a judge to follow what has been done in the past; and particularly, you expect a judge to follow what the Supreme Court of Canada has done in the past. That's known as- the legal term is 'stare decisis.' It means you stand by the decision, and judges are expected to stand by the decision of previous judges. So, when we went into court, we had many, many cases for different points in our argument that were precedent- that we were saying, You should follow what the courts have done in the past on these particular areas. The difficulty we have- and I think this is maybe what you're looking for in answer to your question- we didn't have a case

*Side A Kevin Sawatsky, Lorinda Geddert and Jen Cairns – “Oral history Interview”*

*Side B Kevin Sawatsky, Lorinda Geddert and Jen Cairns – “Oral history Interview”*

that was exactly the same. There was nothing like this in Canadian jurisprudence that we could just go the shelf and say, Let's see what happened back in 1976, when a similar government body denied a similar university a government program for the same reason; there was just- there was nothing like that, and so there wasn't an immediate parallel-overall parallel for us. There's precedent for the many different little parts of the case but not the, not the general precedent.

JEN: Okay. Did the BCCT use the homosexual community and if so how?

K. SAWATSKY: Um. [Pause] I don't know that I can say that they used the homosexual community. I, I don't think that would be fair for me to comment on that. I can tell you that an organization by the name of EGALE, Equality for Gays and Lesbians Everywhere, intervened in support of the College of Teachers at the Supreme Court of Canada. Now the extent that those groups worked together [phone ringing], or co-operated I really don't know. I'm not able to, to comment on that.

JEN: Okay, that's fine. Has there ever been a documented complaint by a homosexual over the Community Standards?

K. SAWATSKY: Not that I'm aware of.

JEN: Okay. Let's move on, then. How did the media's portrayal of the case influence either side?

K. SAWATSKY: Well, the media was, by and large, very positive in their reporting of the case, at least from Trinity's perspective. There were some negative comments, a few of them, but by and large, we were very, very pleased with the overall reporting. Did that kind of have an impact in the case? Did that impact the decision? Lawyers have a saying that, 'Judges read newspapers too,' and you know, I think to some extent that's true. You know, judges sit there, have coffee in the morning, and read the newspaper. They see what's being written about Trinity Western; they see what's being written overall about the case. I do think judges, though, do try very hard to be unbiased, and to be fair, and to try as much as possible to set aside anything that they've read in the media. So, did the media actually impact the outcome of the case? I doubt it; I don't think so. Did media impact the way that the public at large perceived the case? Yes, probably it-

**[End Side A]**

**[Side B]**

JEN AND LORINDA: Okay [laughter].

K. SAWATSKY: Um. I, I think Guy Saffold deserves a huge amount of credit for being the media spokesperson for Trinity, and the positive way that he was able to portray the

*Side A Kevin Sawatsky, Lorinda Geddert and Jen Cairns – “Oral history Interview”*

*Side B Kevin Sawatsky, Lorinda Geddert and Jen Cairns – “Oral history Interview”*

University- present the University- present our legal arguments in the media- was phenomenal; and I think the result of that was very good.

JEN: Good. Under what legal code did the BCCT take Trinity Western to court?

K. SAWATSKY: Well, again I have to kind of correct that because the College of Teachers didn't take Trinity Western to court

JEN: Right.

K. SAWATSKY: Trinity Western took the College of Teachers to court. Um. When a government body like the BCCT makes a decision, in some circumstances the party that has been- if I can use the word- wronged by the decision, can use the Judicial Review Procedure Act, the JRPA. In British Columbia, that allows you in some circumstances [to] go before the courts and ask the courts to review the decision of the government body. And that's what we did in this case, is we used the JRPA, the Judicial Review Procedure Act, as the springboard- as the basis to going to court, and asked the court to review the decision of the College of Teachers.

JEN: Okay. How would you have defended the case for the BCCT?

K. SAWATSKY: Ha [laughter]. I wouldn't have [laughter]. I don't know that I would have done anything different than what they did. Their, you know, basic argument was, We are the gatekeepers of education; we should have a very broad jurisdiction to look at any potential Teacher Education Program; we should have the right to look at all qualifications for future teachers; we have to make sure that teachers aren't biased and intolerant and harassers in the classroom. And that really was their best- that was their argument- Now, there were an awful lot of holes in that, but I don't think they really had much else that they could have argued. I think [they] argued what they should've, legally, and the courts eventually didn't accept that argument.

JEN: Okay. What was the most emotional point for the legal team?

K. SAWATSKY: Ha. Lawyers aren't emotional [laughter]. What was the most emotional moment? I guess it depends; there are different emotions-

JEN: umhum-

K. SAWATSKY: -that you go through in a case- between anxiety, humor and thankfulness- there's all kinds of different emotions; so it's difficult to kind of pick a particular moment. I think all three of the moments when we got positive decisions were, were wonderful moments- the, the time we got it from the BC Supreme Court, from the Court of Appeal of BC, and then the Supreme Court of Canada. In each case, we knew the decision was coming, and so you're kind of- you're anxiously there, you know, waiting for the decision. With the Supreme Court of Canada we were just huddled

*Side A Kevin Sawatsky, Lorinda Geddert and Jen Cairns – “Oral history Interview”*

*Side B Kevin Sawatsky, Lorinda Geddert and Jen Cairns – “Oral history Interview”*

around the telephone, because we had our agent in Ottawa finding the decision and [we] had agreed that he would call us right away; and so, you know, we met very early in the morning, and just were kind of huddled around the table, and got the decision, and it was actually a very interesting emotion. You might expect that we would be dancing on the tables, but it really wasn't- we were very quiet, when we got the decision, and I think it was just a- it was a relief, it was a sense of thankfulness, that we had come through the case and had been successful, and God had answered our prayers in some remarkable ways, and that was, that was a very unique moment.

We had a lot of other wonderful moments, I can think of times, you know, writing our factums in the middle of the night, and I don't know if you're this way but I am, and some of the lawyers I was working with, you know, when you get kind of tired, you get kind of giddy, yeah. And you know, I can think of times when we just started to laugh and laugh and laugh in the middle of the night, you know. Those were great moments, those were very emotional moments and good times, but certainly the highlights were when we got the decisions.

JEN: Good. Is there any legal reason that Trinity Western should not have been accredited?

K. SAWATSKY: Not that I'm aware of, and I do think after a five-year process in front of three courts all told- let's make sure I got this right- one, three and nine, whatever that adds up to- that must be thirteen, in all thirteen judges looked at this, and eleven out of the thirteen said, There's no legal reason why Trinity should not receive its program. So I think had there been a legal reason, you wouldn't have had eleven judges come to that conclusion.

JEN: What do you think the effects of the ruling on this case will be in 20 or 50 years?

K. SAWATSKY: Well, I think- much shorter- obviously means that Trinity is going to start its program. We'll- I understand- be starting that in September of next year, and I would hope that twenty years from now that program is still functioning and is a very exciting program. I do think that much more generally, this case helped to define religious freedom in Canada. I won't say that it, it has fully defined religious freedom, but there haven't been a lot of cases that have discussed really what religious freedom means in this country, and this case did, and it did talk about the need in our country to have religious freedom- that it's a fundamental right in our society. And I would hope that that precedent is going to be with us for a long time, that twenty years out people will still refer to the Trinity Western case, in the same way that when we argued we referred back to a number of cases from the 1940's and '50's in Quebec, the Jehovah's Witness cases. Jehovah's Witnesses were persecuted horribly in Quebec in very terrible ways; they were put in jail, business were closed down, and there were a number of cases that got to the Supreme Court of Canada from that period, and the Supreme Court of Canada made some very, very fundamental statements that that was not acceptable conduct in our country. [That] religious freedom is something that is a [part of the] fabric of our society,

*Aud. 273*

*Side A Kevin Sawatsky, Lorinda Geddert and Jen Cairns – “Oral history Interview”*

*Side B Kevin Sawatsky, Lorinda Geddert and Jen Cairns – “Oral history Interview”*

and I think that this case will hopefully in twenty years, or fifty years even- people will be looking back and saying the Trinity Western case helped to define religious freedom in the same way that we kind of look back on some of those cases back in the 1940's and '50's.

JEN: Good. Thank-you very much for doing this interview.

LORINDA: Thank-you.

K. SAWATSKY: You're welcome; that was easy.

ALL: [laughter]

**[End Side B]**

**Index of Significant Terms**

This index contains a list of significant references and names found in the Sawatsky transcript. Note that numbers in parentheses correspond to page numbers within the transcript.

Baker Newby (3)  
Boonstra, Kevin (3)  
British Columbia Civil Liberties Association (6)  
British Columbia College of Teachers (BCCT or College of Teachers) (6-11)  
    Program Approval Team (PAT) (7, 8)  
    Teacher Education Program Committee (TEPC) (8)  
Canadian Jurisprudence (9)  
Common Law (9)  
Equality for Gays and Lesbians Everywhere (EGALE) (9)  
Grand and Toy (1)  
Judicial Review Procedure Act (10)  
Kuhn, Bob (3)  
LSAT (1-2)  
McCarthy Tetrault (3)  
Saffold, Guy (10)  
Supreme Court of Canada or Supreme Court (2-3, 9-12)  
Sutherland, John (3)  
Teacher Education Program (TWU) (7-8, 11)  
Trinity Western University (TWU) (1, 3-8, 10, 12)  
University of British Columbia (UBC) (1, 8)  
University of Victoria (UVIC) (2)