



Catholic CIVIL RIGHTS League

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Review of Morgentaler appointment refused

League notes that all such appointments may now be immune to public scrutiny

The League expressed disappointment with the Nov. 24 Federal Court decision striking the application of Frank Chauvin for judicial review of the decision awarding the Order of Canada to Henry Morgentaler in 2008.

Mr. Chauvin, a retired Windsor police detective and winner of the League's 2009 Archbishop Exner Award for Catholic Excellence in Public Life, was inducted into the Order of Canada in 1987, largely in recognition of his work in the support of underprivileged girls in Haiti. As a member of the Order of Canada, Mr. Chauvin took issue with the secretive process by which Morgentaler had been recommended by the Order's Advisory Council, stating that this award was directly contrary to the high purpose of the Order of Canada to unite Canadians behind truly meritorious recipients.



Frank Chauvin

Morgentaler's appointment led to numerous previous recipients returning their honours, several petitions against his conferral, and a national outcry objecting to honouring Canada's leading abortionist. It has been acknowledged as the most controversial appointment in the history of the Canadian honours system, with more than 100 Members of Parliament indicating their objection to the nomination.

Mr. Chauvin pointed out that according to various press reports Morgentaler had been previously nominated and passed over for the Order, was apparently recommended by the Advisory Council in 2008 by a majority vote rather than a unanimous vote, and that the Chair of the 11-member Advisory Council, Chief Justice Beverley McLachlin, did not recuse herself from the nomination, despite the fact that Morgentaler is currently before the New Brunswick Court of Queen's Bench seeking a constitutional right

to public funding of his private, for profit abortion clinics in that province. (On a previous occasion, the Chief Justice had recused herself from the deliberations of the Advisory Council of a previously inducted member of the Order in circumstances where that individual was before provincial courts on criminal charges.)

Morgentaler's nomination effectively served to politicize further the Canadian honours system by taking sides on a matter of ongoing political, religious and social controversy.

Federal Court Prothonotary Kevin Aalto, in the written decision, noted that Morgentaler had been installed as a member of the Order by Governor General Michaëlle Jean on April 10, 2008, following the Advisory Council's recommendation. He struck out Mr. Chauvin's application, ruling that it could not succeed in its objective to overturn a matter protected by royal prerogative. While acknowledging that the case was possibly justiciable (that, is, that there were objective legal criteria to assess), the court further stated that Mr. Chauvin did not have standing to bring the case, either in support of his personal interests or as a matter of public interest.

As the public announcement of such honours is only made several months after the instrument of the appointment has been sealed by the Governor General, the ruling effectively prevents any review of the activities of the Advisory Council, whose deliberations remain confidential.

"I have been quoted in the media as intending to return my award," said Mr. Chauvin. "I may yet do so, but I first wanted Canadians to have a chance to take a close look at what can happen when an Advisory Council

Continued page 8 ►►

Important notice about e-mail distribution

We hope you enjoy our regular e-bulletins. Next year should be even better, as we plan to introduce a monthly newsletter that will bring CCRL news updates to your inbox in a much timelier way than we have been able to do as a quarterly. Please ensure that we have your current e-mail address, since this publication will replace many of our hard copy mailings. **We will continue to serve you by postal mail if you request it.**

Unfortunately, some League e-mails are going into spam folders because of aggressive spam filtering by carriers, and also because, unfortunately, our domain name has been co-opted by spammers enough times that some e-mail clients are identifying it as spam.

Here are some steps you can take: Add the editor's e-mail address (joanne.mcgary@ccrl.ca) to your address book. If your spam is saved to a file on your computer or in a junk or spam folder in your on line email service (e.g. all

Rogers accounts have this even if you regularly download your emails onto your computer), go into it, find an e-mail from us, highlight it, then use the "Move" feature and choose "Inbox". If your e-mail system offers a "not spam" choice, use that. That will usually identify to the online email service that emails from CCRL should no longer be put into the junk or spam folder. As a last resort you may have to contact your Internet service provider's technical support and ask them to take actions to ensure that League emails, and others that you have requested, are no longer blocked by them.

If despite this you, or any friends and family members, still do not receive our e-bulletins, send the addresses to us by postal mail, or just call us, and we will serve you from another computer with a different domain name. It's hard to solve a problem that can go on for a while with neither party being aware of it, but anyone who has requested our e-bulletins should be receiving one at least every two weeks. Recent bulletin dates include Nov. 20, Nov. 27 and Dec. 4. ■



2009
D E C E M B E R

PRESIDENT'S MESSAGE

By *Phil Horgan, President*

At the end of November, the decision of the Federal Court was released rejecting Frank Chauvin's application for judicial review of the process leading to the decision admitting Henry Morgentaler to the Order of Canada (page 1). (In the interests of fair disclosure, I was personally involved as part of Frank's legal team, and argued the motion last March.) There are numerous cases in which the League is asked to participate, usually as an intervenor, as in the challenge to existing prostitution laws recently argued in Toronto with the assistance of Derek Bell, Ranjan Agarwal and Rob Staley's team at the Bennett Jones law firm. In Frank's case, I was requested to assist Windsor lawyer Gerard Charette as counsel in court. As with most cases, we were called upon to review materials, participate in the court submissions, and provide context to media inquiries. Such cases are taken largely on a pro bono basis by the counsel involved, for which we are most grateful. However, there are usually demands for coverage of some fees and disbursements, and in some cases a modest contribution to the legal work involved.

We are most appreciative of the work of so many counsel from all parts of the country who, through their own charity, have been called upon to assist in the important "witness" to matters of public interest. It should be remembered that an individual applicant, such as Frank Chauvin, can be faced with the risk of having to pay the legal costs of one's opponent. Thankfully, the court did not make such an order in Frank's case, owing in part to the novelty of the application.

Much of our law is developed by court decisions. The League has now participated in over 30 separate cases or hearings over the past 15 years. Our participation allows a different perspective to be raised in court, and our interventions provide a broader context than what the parties may submit. In the prostitution challenge, the League provided additional morality-based arguments to those submitted by the federal and provincial Crown attorneys, to oppose striking certain provisions of the Criminal Code. (A decision is pending.) The opponent in Frank Chauvin's case was the federal Department of Justice, which in effect sought to maintain the secrecy of the workings of the Advisory Council of the Order of Canada, such that even a current member of the Order could not challenge the process.

Nevertheless, these cases served to generate additional information in respect of issues involved, and disclosed to the court that other perspectives should be considered.

I am particularly mindful that the support of League members allows such initiatives to be pursued, in courts and in other public forums. With your support, the League continues to engage with the media in the interest of achieving some balance and fairness to Catholic positions.

As we reported at our annual meeting (page 4), the League has been fortunate in the past in having sufficient support to operate a small office and participate in selected public engagements. Your contributions to our fundraising appeals allow this work to happen. Unfortunately, this year the League has faced a real challenge in maintaining even the modest budget demands to continue this important work. Like most organizations, we have experienced a drop in donations due to the economic downturn. Unlike many, we have no ongoing foundation support or government grants to fall back on; we operate entirely on the generosity of our members, and the willingness of good people to get involved on a volunteer basis to pursue these issues. The League has only been able to sustain one full time employee for several years. Nevertheless, we have been able to maintain a presence in public affairs, and we are called upon again and again to provide a voice to defend a fair hearing of Catholic views in the public square.

First, the good news. Your gratifying response to our Fall Development Appeal – almost \$20,000 – has made it possible for us to look ahead and start planning the coming year, working on a budget reflecting new realities. However, the bad news is that our revenues have dropped this past year by roughly 40 per cent. As noted on page one, this will require a more modest format for our regular newsletters. Expenses will need to cut on many fronts. We will continue to try to maintain healthy communications with our membership, with greater reliance on electronic media. We remain hopeful that there will be further recognition of our efforts from across the country, leading to a larger membership base.

We will continue to defend the right to the free expression of religious beliefs, and encourage a fair hearing for Catholic teaching on public issues, particularly in the media. To pursue that mandate, we need your ongoing support.

If you were planning to donate to the Appeal but have not yet done so, please do it now. If your membership is overdue, please renew now, perhaps with a donation to the Appeal. We understand that this has been a difficult year for almost everyone, so if you cannot afford anything more at this time, we urge you to keep the League, the executive, and our members in your prayers. I certainly appreciate that in going to court, or in speaking to the media, that I have a "back office" of committed supporters of the League, beyond the one room headquarters of the League here in Toronto.

We trust that you recognize that our initiatives are of value. Your prayers and financial gifts are urgently needed to allow the League to continue this important work. ■

Please accept, on behalf of the executive and board of the League, best wishes for all the blessings of the Christmas season. May you and your families enjoy the manifestation of God's presence in the days ahead.



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Catholic CIVIL RIGHTS League

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REGIONAL ROUNDUP

League applauds BCCLA support for freedom of expression on campus

In letters to the Minister of Higher Education, the President and Chancellor of the University of Victoria, and the UVic Student Society (UVSS), the British Columbia Civil Liberties Association Oct. 22 protested the discriminatory treatment of the campus pro-life club, Youth Protecting Youth (YPY). The Association also expressed grave concern about freedom of expression at the University of Victoria.

The difficulties faced by the pro-life club since the fall of 2008 are exemplified by a comment by UVSS Director, Sinead Charbonneau. "I don't believe in giving equal rights to everyone because I wasn't born equal." (UVSS Minutes, 23 March, 2009)

Ms. Charbonneau represented the University of Victoria Women's Centre. She was one of five UVSS Directors who, in March, 2009, tried to prevent the approval of a campus pro-life club. Despite the efforts of Ms. Charbonneau and like-minded directors, the UVSS board approved club status for Youth Protecting Youth (YPY). However, repeating a move made the previous semester, the Board denied YPY the funding it granted to other campus clubs because YPY would not accept the UVSS party line that abortion is morally acceptable.

On 5 October, 2009 the UVSS Board again denied funding to YPY, apparently because the club had arranged for a debate on campus about abortion.

In view of the UVSS Board's continuing harassment and discriminatory treatment of Youth Protecting Youth, the League welcomed news that the BC Civil Liberties Association has come to YPY's assistance.

Joanne McGarry, the League's executive director, hopes that the BCCLA action will begin to reverse a trend that has seen across the country. A number of campus pro-life groups have been refused status or funding. Some have been attacked and harassed by militant students, occasionally while university authorities looked on.

"These attacks on freedom of expression are consistent with what we have seen in some of the human rights cases involving freedom of expression of religious belief," said Ms. McGarry. "We hope to see this trend reversed."

With respect to the concerns of YPY, Ms. McGarry is optimistic that they will be fully investigated, as required by University policy. ■

Calgary students see free speech victory

The League was pleased to learn Nov. 3 that the Alberta Crown Prosecutors' Office has decided to stay the trespassing charges against several University of Calgary Campus Pro-Life members. The university had pressed the charges after the students went ahead with a display featuring graphic posters and controversial analogies after being asked to make changes to the

exhibit but refusing to do so (League press releases, Feb. 3, 2009).

According to the Canadian Constitution Foundation (CCF), which represented the students, the Crown Prosecutors' Office has decided to stay the charges.

"The Crown's decision is good news for free speech," stated John Carpay, executive director of the CCF. "The CCF takes no position on abortion, but we defend free speech for all Canadians, especially on the campus of a taxpayer-funded university."

The charges stem from the club's Genocide Awareness Project in November, 2008, which featured posters of aborted fetuses and compared abortion to the Holocaust, Ku Klux Klan crimes and the genocide in Rwanda. Although the exhibit had been shown at the university in the past, prior to the November exhibit the school asked the organizers to turn the posters inward, citing safety concerns. The club did not comply and the protest went ahead as planned, even though they had been warned of possible sanctions including fines, suspension or even expulsion.

"We're pleased that the principle of free speech has prevailed in this instance, and we hope to see students at other pro-life clubs across Canada able to present their viewpoint on an equal footing with those who don't share it," said CCRL League Executive Director Joanne McGarry. "Not everyone is in favour of the kind of imagery used in the exhibit, and that includes people who are pro-life. However, universities are publicly-funded institutions and should not be in effect discriminating against one side of a controversial question."

A number of student pro-life clubs, including those at York and Carleton in Ontario, Memorial in Newfoundland, University of Victoria and McGill University, have had problems gaining or retaining accreditation in recent years. Those problems relate to a "pro-choice" resolution passed by the Canadian Federation of Students, and how individual student councils choose to apply it. The charges against Campus Pro-Life, however, are the only case of which the League is aware that saw school administration taking the step of charging students with trespassing in relation to any pro-life project. ■

League chapter updates:

The Antigonish Chapter of CCRL began its fall schedule Sept 8, and meets the first Tuesday of each month at 7.30pm. For more information, please contact Don MacLellan, president at don_maclellan@hotmail.com

Windsor-Essex chapter meets quarterly. For further information, contact President Bob Baksi at robert@baksi.com

For information about starting a chapter in your area, contact Joanne McGarry at ccrl@ccrl.ca, or 416-466-8244. ■





Gwen Landolt

Public record of dissent counts, League told

Participation in public life, whether through the court and legislative process or by writing in newspapers and challenging media portrayals, should not be thought of in terms of winning or losing, Gwen Landolt, national vice president of REAL Women of Canada, told the League's annual general meeting Oct. 28.

Noting that REAL Women has intervened in at least 20 court cases, most of them all the way to the Supreme Court of Canada, Mrs. Landolt said that while there were few "wins," such participation creates a public and lasting record that some of the negative social changes we have seen faced credible, serious opposition. Unrestricted abortion on demand and the change to the legal definition of marriage are just two of these changes.

"We never regard these efforts as wasted. The work we do is not just for today, but for tomorrow as well."

She added that there are some victories. Just this Fall one judge refused to allow an intervention by Christian Legal Fellowship, the League, and Real Women in the court challenge to Canada's prostitution laws, citing in part a belief that the moral and religious perspective would not be of value to the issue. However, the intervention was accepted on appeal (report, page 5).

While radical feminist and other groups were often on the receiving end of government grants over the years, groups including REAL Women are financed completely by members' donations, she added. "It's an honour to be able to represent those who may not otherwise be heard. We each serve God and society in our own way, but it's important to have organizations with their own mandates."

Mrs. Landolt urged League members to continue to support the right to a fair hearing for Church teaching in the public realm, especially in the media.

"The media continue to attack the Church because the Church speaks to eternal truths, something many journalists have no use for, especially when it stands in the way of the liberal agenda. That's why we hear so much about the two per cent of clergy who have faced charges involving sex scandals, and so little about the vast majority."

The business portion of the meeting saw the election of the League's new slate of directors for 2009-2010. The League welcomed Robert Baksi, a lawyer from Windsor, Ontario to its board of directors. Mr. Baksi has been president of the League's Windsor-Essex chapter for several years and has been active in several initiatives with the media and the local hospice association.

Treasurer John Sidle presented the financial report for 2008, noting revenue of \$157,780 and expenses of \$154,553 for the year, with office rent, newsletter and salaries being the main expenses. He also noted the year

ended with a reserve for legal expenses and some retained earnings to finance future activities.

Joanne McGarry presented the annual activity report for 2008-09. She noted that moves to legalize euthanasia, and the misuse of human rights codes to penalize free speech based on religious belief, were the subject of many initiatives over the past year. She added that while media monitoring and reaction consumes more League time, individual engagements tend to be shorter and topical while public policy matters involving government relations and court cases usually take longer, which is why the ongoing support of members is so important. She also discussed the importance of attracting new members, particularly among younger age groups, and reminded members to keep the League advised of changes of address, including e-mail address as that is increasingly our preferred mode of communication.

President Phil Horgan discussed some of the court initiatives with which the League has been involved recently, including the current challenge to prostitution laws and Frank Chauvin's application for federal court review of the awarding of the Order of Canada to Henry Morgentaler (report, page one). He highlighted the difficulties of persuading courts to welcome the moral dimension of life and family issues into public dialogue, but noted that some success has been achieved. Mr. Horgan also discussed moves over the past year to hinder doctors' freedom of conscience when professional bodies have suggested there is a duty to refer patients for morally contentious procedures. He agreed with our guest speaker that having a dissenting view on the public record is a valuable outcome of court engagements, regardless of who "wins".

All League annual meetings begin with Mass for the repose of the soul of Frederick W. Hill, long-time League director and benefactor, and include prayers for all members who have died the previous year.

*** The League's annual report for 2008-09 is available in pdf (preferred) or by mail upon request. ■**

Pro-life victory in Northern Ireland

BELFAST (LifeSiteNews.com) - Pro-life advocates in Northern Ireland celebrated a major court victory Nov. 30 as the Belfast High Court has ordered the recall of health guidelines that they said would have undermined and effectively overturned the province's pro-life laws. Lord Justice Girvan found that the guidelines failed to deal properly with conscientious objection to abortion and counseling on abortion. The judge said the guidelines were open to misinterpretation, saying the language was "ambiguous" and left doctors and staff unclear as to what was expected of them. The judge said the guidelines needed to be absolutely clear, otherwise they represented "a trap to the unwary." Justice Girvan awarded court costs against the Northern Ireland Department of Health, Social Services and Public Safety. ■

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Arguments heard in prostitution case

Arguments concluded in late October in the Ontario Superior Court case challenging Canada's prostitution laws. The case, which attracted a great deal of media attention, involves an application by a group involved with the sex industry to make it legal to keep a common bawdy house, solicit for prostitution, and live off the avails. The provisions are the only remaining Criminal Code provisions that control prostitution; the activity itself is legal.

The applicants have said they are basing the challenge mainly on their belief that safety and security of those working in the business would be improved if their activities were legal. The federal and Ontario Attorneys-General are opposing the application, as are the intervenor group consisting of the League, Christian Legal Fellowship and REAL Women of Canada. All have cited evidence that the safety risks of prostitution are inherent in the activity itself, and would not be improved by legalization. Other evidence showed that when prostitution is made legal, the illegal side of the business, such as trafficking and "pimping," usually increases. Our joint intervention, in addition to these factors, noted that the majority of Canadians belong to religions that consider prostitution immoral and degrading. A decision in the case is pending. ■

Christian Horizons appeal to begin

Arguments will begin Dec. 15 in Ontario Divisional Court to appeal the decision by the Ontario Human Rights Tribunal against Christian Horizons. The Tribunal ruled against the social service agency in April, 2008, stating that it cannot insist on faith requirements in its hiring, nor require employees to sign agreements attesting to such requirements (League press releases, April 20, 2008).

The decision raised significant concerns about the freedom of all religious organizations to require employees to pledge to adhere to tenets of a religious faith. Christian Horizons operates more than 180 residential homes for people with developmental disabilities and provides support and services to about 1,400 people. It is funded almost entirely by the province, receiving about \$75 million each year. Prior to the OHRT decision, all staff were required to sign its Doctrinal and Lifestyle Morality Statement, which forbade a number of activities, including homosexual conduct. The organization's management had always regarded their work as a ministry arising from evangelical Christian convictions.

The complaint to the human rights commission was made by former employee Christina Heintz, who signed the employee agreement when she joined the organization in 1995, but later entered a lesbian relationship which became known to her supervisor. In upholding the complaint, the tribunal ordered back pay and damages to Ms. Heintz, and required the organization to adopt non-discrimination policies in keeping with the Ontario Human Rights Code. Significantly, the decision specified that any future contract cannot require behaviour consistent with Christian teaching on homosexual conduct or lifestyle.

In the year since the OHRT issued its decision, a non-Catholic teacher filed a complaint when his application for employment was not considered by a southwestern Ontario Catholic school board. A teacher in Alberta has filed a complaint with the provincial human rights agency because a Catholic school board discontinued his employment as a supply teacher when he notified them of his gender change. The board based the decision on the teachings of the Church regarding gender identity. Both complaints were accepted.

Historically, the denominational hiring rights of Catholic schools – probably the largest single faith-based employer - have been explicitly protected by the Ontario human rights code, and have some protection in the codes of other jurisdictions. While the situations are not identical, the decision in the Christian Horizons case could be cited credibly in future decisions on this

topic. That is why many Catholic organizations have intervened or commented on the case, and why all will be watching it closely. ■

Alberta appeal decision upholds free speech

Stephen Boissoin, who last year was fined \$5,000 and ordered to desist from any public expression of his views on homosexuality by the Alberta Human Rights Commission, has been successful in his appeal to Alberta Court of Queen's Bench. In a ruling Dec. 3, Alberta Court of Queen's Bench Justice E.C. Wilson set aside the Panel's order against Mr.Boissoin, ruling that he did not violate section 3(1)(b) of the legislation. Accordingly, the order against Mr. Boissoin, that he pay \$5,000 to complainant Professor Darren Lund and that he refrain from making "disparaging remarks" about homosexuals, is no longer in force. The judge called the latter provision "unenforceable."

The conviction stemmed from a letter to the editor in 2002 in the Red Deer Advocate, in which Mr. Boissoin, who was serving as a youth pastor at the time, stated forcefully that homosexuality is immoral and dangerous, and that some related components of the province's public school system were inappropriate.

"People of faith should not be fined or jailed for expressing their political or religious beliefs," Mr. Boissoin's lawyer, Gerald Chipeur, said in a press release when the appeal was filed. The appeal sought a full dismissal of the complaint and conviction, and the granting of costs incurred by Mr. Boissoin in his defense as well as repayment of the fine Mr. Boissoin paid to the complainant. The Canadian Constitution Foundation was an intervenor in the case.

"The ability to express one's conscience is a fundamental human right protected by the Charter of Rights and Freedoms. This pastor cannot be muzzled simply because someone else does not share his viewpoint, and a recent decision from the Canadian Human Rights Tribunal in a national case confirms this," said Mr. Chipeur.

He was referring to a Sept. 2 decision in which the CHRT wrote that Section 13 of the Canadian Human Rights Act, which regulates the Internet expression of so-called hate speech, is inconsistent with the Charter guarantee of freedom of expression (League press releases, Sept. 3/09).

The League is pleased with the court's decision in the Boissoin case, but notes that the human rights provisions used to penalize him are still on the books. We continue to work for an end to the use of human rights tribunals in cases involving the peaceable expression of opinion based on religious belief. ■

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- James Hitchcock, Professor of History, St. Louis University

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Much of the media overkill and anti-Catholic bias that we have seen in print and on message boards in the past few months was focused on the charges against Raymond Lahey, former bishop of Antigonish, of possession of child pornography. The League does not comment on current charges that have yet to be heard in court. However, we do as much as we can to insist on a facts-based approach to news and particularly headline writing in the reporting of this case. Several headlines have been changed as a result of this effort, including some on cbc.ca. At the height of the reporting, some message boards were closed down, but this was mainly for legal reasons.

Macleans article draws response

Macleans Magazine (Dec. 7/09) ran a cover feature entitled “The Truth About Priests” which, while it mentioned the Lahey case, focused more generally on the fact that, according to all statistics, priests are no more likely to be charged with sex offenses than any other group, and that no more than two to four per cent have ever faced charges. One expert quoted even ventured that children “are probably safer in a Catholic Church environment than they are anywhere else.” This may be the first time that such blunt context has been provided in a prominent way in any major Canadian media report about sex scandals, though admittedly it has sometimes been buried in other articles.

Nevertheless, there was one contextual problem that we felt deserved a response. Namely, that the article’s discussion of past mistakes tended to single out the Church for a pattern that was general. In a letter from Joanne McGarry, League executive director, we thanked them for a perspective that was generally balanced, but we pointed this out: “As you acknowledge, these tragedies happen in every institution that has much to do with children. What you haven’t mentioned is that until the past few decades, none of them handled it well. The cover-ups, the transferring of suspected offenders, and lack of support for victims and families, are disgraceful, but pretty much summarize how the problem was dealt with everywhere until fairly recently. I suspect you’d be hard-pressed to find any mention of it in press releases or h.r. policy manuals much before the 70s. Whatever the mistakes of the past, it is very sad to have any clergyman (or anyone else) associated with such charges, and it is important that priority be given to the needs of the victims in their pain.” ■

A better way to help the poor

In a profanity-laced monologue which made the rounds on YouTube in time for UN World Food Day in the latter part of October, comedian Sarah Silverman suggested it's time for the Pope to “move out of your house that is a city” and use the proceeds to feed the world's poor.

By all accounts Ms. Silverman's diatribe was more vulgar than most. However, her tired old viewpoint is not uncommon among people who think the Church has vast riches that could and should be easily sold to help the poor.

A few points are worth remembering: The Vatican's riches don't belong to the Pope, any more than the crown jewels belong to the present-day royal

family. Both are part of an historic trust. In the Church's case, most of the Vatican's artwork was donated to the Church to inspire people to prayer and good works, not because it could one day be used to turn a profit.

To its credit, Reuters, which carried most of the reports about the Silverman rant, helped put things in to context: While the Vatican's artistic holdings would easily be worth millions, the institution itself doesn't have a great deal of money. In 2008, it ran a \$1.28-million deficit, the second year of losses.

According to published figures, Reuters added, in 2004 the Vatican disclosed that the Holy See's real estate was worth 700 million euros, or about \$908 million at the time. That doesn't include St. Peter's Basilica and the Sistine Chapel, which the Vatican termed priceless and valued at a symbolic 1 euro. The League contacted the reporter to thank her for countering a popular myth with facts. ■

Child pornography Bill introduced

On Nov. 24, federal Justice Minister Rob Nicholson introduced Bill C-58, a third piece of legislation that would make it mandatory for Internet Service Providers to alert police to sites that link to child pornography and any tips they receive about sites they host. In June, he introduced two related bills: Bill C-46, which would require providers to give police the e-mail addresses and provider addresses of child porn viewers; and Bill C-27, which would require providers to create the technical ability for police to obtain information about clients.

“The creation and distribution of child pornography are appalling crimes in which children are brutally victimized over and over again,” said Mr. Nicholson in a release. “A mandatory reporter regime across Canada will strengthen our ability to protect our children from sexual predators and help police rescue these young victims and prosecute the criminals responsible.”

In an interview with Canadian Catholic News, we welcomed the news that efforts are being made to eliminate the scourge of child pornography, and protect children both in Canada and around the world. We also expressed the belief that privacy concerns raised by the legislation could be worked out at the committee stage. ■

House motion against Internet suicide counselling

The House of Commons voted unanimously Nov. 18 in favour of a motion that could change how the Criminal Code deals with people who counsel others over the Internet to commit suicide.

The motion put forward by Harold Albrecht, Conservative MP for the Ontario riding of Kitchener-Conestoga, was a response to the death of Nadia Kajouji, an 18-year-old Carleton University student who threw herself into the Rideau River in March 2008.

During the investigation into Kajouji's death, police discovered that a 47-year-old male nurse from Minnesota — who was posing as a 28-year-old woman online — might have encouraged Kajouji via an Internet chat room to commit suicide. No charges have been laid in the case, under either U.S. or Canadian law, though the nurse has lost his Minnesota nursing license.

According to CBC News, Mr. Albrecht would like to see the Criminal Code definition of aiding and abetting clarified to include the use of technologies like Internet chat rooms. The November motion isn't legally binding, but he plans to work with the federal Justice Department to draft a formal bill. ■

CCRL IN THE NEWS

A partial listing of media engagements on our members' behalf since our last edition

16:9, The Bigger Picture, Global TV, Nov. 22, League Executive Director Joanne McGarry discusses League's work on joint intervention in court challenge to Canada's prostitution laws.

Prostitution: Liberation or Slavery, Catholic Insight, November, 2009. League's participation in national challenge to Canada's prostitution laws.

Media focus on divisiveness in Pope's invite to Anglicans, Catholic Register, Nov. 8, column by Joanne McGarry about the creation of a protocol for the reception of groups of Anglicans into the Catholic Church.

Panel debate on euthanasia, John Oakley Show, AM 640, Oct. 16. Joanne McGarry in conversation with Ruth Von Fuchs of the Right to Die Society of Canada.

Sex scandals not the Church's fault, National Post, Oct. 16, letter from Joanne McGarry about coverage and reaction to charges against former bishop of Antigonish.

Blasphemy Buffoonery, Catholic Register, Oct. 11, column by Joanne McGarry about "International Blasphemy Day."

Other League interviews about the challenge to Canada's prostitution laws:

Canada AM, Oct. 7

Globe and Mail, Sept. 22

Radio 570 AM, Oct. 7

CFAX Radio 1070, Oct. 7

National Post, articles, Oct. 21 and 27

Rob Breakenridge Show, Sept. 23

Catholic leaders applaud tribunal decision upholding free speech, Canadian Christianity, Sept. 17, Joanne McGarry comments on Canadian Human Rights Tribunal adjudicator's refusal to apply Section 13 in hate speech complaint

The New Freedom Fighters, U of T Magazine, Autumn, League comments on questionable Catholic content in feature article.

Italians protest crucifix ruling

ROME - The European Court of Human Rights ruled early in November that crucifixes should be removed from Italian classrooms, prompting Vatican anger and sparking uproar in Italy, where such icons are embedded in the national psyche.

"The ruling of the European court was received in the Vatican with shock and sadness," said Vatican spokesman Father Federico Lombardi, adding that it was "wrong and myopic" to try to exclude a symbol of charity from education.

The ruling by the court in Strasbourg, which Italy said it would appeal, said crucifixes on school walls -- a common sight that is part of every Italian's life -- could disturb children who were not Christians.

Italy has been in the throes of national debate on how to deal with a growing population of immigrants, mostly Muslims, and the court sentence is likely to become another battle cry for the center-right government's policy to restrict newcomers.

"This is an abhorrent ruling," said Rocco Buttiglione, a former culture minister who helped write papal encyclicals.

"It must be rejected with firmness. Italy has its culture, its traditions and its history. Those who come among us must understand and accept this culture and this history," he said.

The Vatican spokesman said it was sad that the crucifix could be considered a symbol of division and said religion offered a vital contribution to the moral formation of people. The majority of Italians said they oppose the ruling. A poll in the Corriere della Sera newspaper showed 84 percent of Italians want the crucifixes to stay.



The case was brought by an Italian national, Soile Lautsi, who complained that her children had to attend a public school in northern Italy which had crucifixes in every room.

(©report from Reuters News Service) ■

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Euthanasia pressures and conscientious freedom

We saw an interesting convergence of pressures for the legalization of euthanasia in early November. The Quebec College of Physicians and Surgeons (CMQ), as expected, recommended making euthanasia legal in certain circumstances. Just days earlier, an Environics poll commissioned by Life Canada showed that while most Canadians support some legalization of the practice, they also have significant concerns about its abuse. As these debates unfold, Private Members' Bill C-384, which would legalize euthanasia in some cases, has received first reading in the House of Commons and is scheduled for second reading in early February. Many League members have expressed their opposition to C-384 to their MPs.

The Environics Research Group poll found 61% of all Canadians (75% in Quebec) approve of legalized euthanasia -- figures that have been fairly consistent for the past several years. But the poll also revealed that support might be weaker once respondents are asked to consider the potential consequences of such a law.

Fifty-five per cent of those who expressed strong support for euthanasia are worried that a "significant number" of people could be put to death against their wishes, according to the pollster. Among those showing tentative support, that number rose to 72%. This concern is a key reason why many disability rights advocates have opposed any liberalization of the law. The CMA is also opposed to any legalization, and urges its members to uphold the principles of palliative care.

The fact that no medical body other than Quebec group has come out in favour of euthanasia is significant. Any change in our laws about end-of-life care, even if, as some claim, it would only legalize things that are already happening, would mark a change in the dynamic between doctor and patient. Those who were once perceived exclusively as healers would also be seen, occasionally, as killers.

Step back a year or so, to the debates about compliance by doctors with the

Ontario Human Rights Code and how it might co-exist with doctors' religious or conscientious refusal to prescribe or participate in morally contentious treatments or procedures such as abortion, non-therapeutic sterilization or certain forms of birth control. After the circulation of draft policies, public debate and debate by the governing council of the Ontario College of Physicians and Surgeons, the right to conscientious objection was upheld, albeit with perhaps a grey area over the requirement to refer patients to others for these treatments. A similar debate has since played out in Alberta.

What became obvious to us, as observers and participants in the draft process, and later in the public debate, is that many people already see a doctor merely as a service provider who should be expected to give the patient what he or she wants, despite the doctor's religious or conscientious beliefs or even, in some cases, his or her professional evaluation.

It's not too difficult to see where this could lead in an environment where euthanasia is legal, regardless of how many safeguards we include in any law. Doctors who believe they must never take active steps to end life may be pressured to change their views. Doctors who believe such steps are in fact appropriate in some situations may pressure family members to opt for an earlier end of life for their loved one, or be perceived as exerting that pressure.

While most observers expect that Bill C-384 will be defeated, it is probably only a matter of time before such legislation is sought again.

Canadians should not be misled about what is at stake. It is already legal to refuse treatment, to discontinue futile treatment, and to receive sufficient pain medication even if a secondary effect would be the risk of shortening life. A commitment to palliative care could go a long way to addressing the fears of extended, futile treatment, uncontrolled pain and loss of hope that often lie behind the belief that euthanasia is acceptable.

- A longer version of this article appears on our website, ccl.ca ■

Continued from p. 1 ►► REVIEW OF MORGENTALER APPOINTMENT REFUSED

abandons a consensus model and uses the award to advance a highly divisive view, in this case the effective promotion of the tragedy of abortion in Canada."

CCRL President Philip Horgan noted, "The impact of the current decision effectively 'immunizes' any possible challenge of an Order of Canada conferred by the Governor-General, and perhaps the deliberations of the Advisory Council itself. The Court's ruling prevented even the disclosure of the records of the Advisory Council. The court case did reveal that Morgentaler was in fact made a member of the Order on April 10, 2008. Canadians only learned of the appointment on July 1, 2008, following the publication of the list of honorees that day. It appears that the only possible objection that could have been raised to the process would have been by a dissenting member of the Advisory Council itself. However, as those deliberations remain shrouded in secrecy, Canadians may never learn what happened on this or on previous occasions."

The court cited the process for requesting the termination of Order membership as an avenue that Mr. Chauvin could have pursued before bringing this challenge. Mr. Chauvin noted, "The prospect of bringing an application to the very same Advisory Council to terminate the membership of Morgentaler from the Order, following their recommendation to give him the honour, is non-sensical. It is mystifying to suggest that this approach would have generated any response.

"In fact, I am aware that numerous complaints were filed with the Secretariat of the Order, including one from me. I am not aware that any of those complaints even received a response. I am still waiting for mine."

This is not the decision we had hoped for, but we commend Frank for his initiative in making the application. Your generosity made it possible for us to provide some financial support for this effort. As Civil Rights went to press, no decision had been made with regard to appealing the ruling. ■

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