

Memorandum

To: Ontario Roman Catholic Bishops

From: Deacon Larry Worthen

Re: 2018 Call for Conscience Campaign Update and Results of *CMDS Canada et. al. vs. CPSO et. al.*

Date: 5 February 2018

Your Eminence, Your Graces, Your Excellencies:

As you probably are all aware, the decision of the Ontario district court that we received last Wednesday was very disappointing. In a unanimous verdict the court held that our right to religious freedom has been violated, but that violation was justified in order to provide access to patients to abortion and euthanasia in Ontario.

The court made a number of findings that are difficult to reconcile with each other.

1. The right of freedom of religion was violated in the CPSO policy.
2. The court held that there were other protocols in place in other jurisdictions that provided access but were less restrictive on freedom of religion, but the CPSO policy framework was deemed to be "reasonable".
3. While there was no proof that the exercise of conscientious objection has ever affected access to procedures, the apprehension that it might affect access was sufficient to justify the policy.
4. The effect on the applicants of the policy was not trivial but was held to be substantial. The court indicated that since there was no right to join the profession of medicine, the physicians in question could alter their practice or leave medicine entirely. What the court failed to understand is that almost all specialties in the practice of medicine have the risk of a request for assisted suicide and it is very difficult for a physician to be reeducated to move from one specialty to another.
5. The court held that the policy had no discriminatory effect, as the class of persons in question was not a disadvantaged group. They failed to understand that if they were unable to access positions in medicine, they would *become* a disadvantaged group.
6. The court upheld a controversial section of the policy that requires doctors to actually perform procedures in an emergency. College lawyers suggested that this clause could be used to require doctors to write prescriptions for a chemical abortion.

CMDS Canada, along with our fellow applicants, is strongly considering making an appeal of this disappointing ruling. Thank you to the ACBO for your help as an intervener in the case. We appreciate your support. We will keep you informed as things progress.

This is a stark reminder of the need for the government of Ontario to create legislation to protect physicians, nurses, and pharmacists from being needlessly required to participate in euthanasia. It is important to note that nothing in this ruling would preclude a legislated solution. The Call for Conscience Campaign is more important than ever. Perhaps “people power” will be an effective way to let candidates in the election know that there is a silent majority who want conscience protection in healthcare. Thank you for the work you have done encouraging the laity to come together in unison to amplify the support for conscience protection for facilities and caregivers and for an increase in palliative care. Please ask all your parishioners to join us in prayer for this cause, particularly as we approach Feb. 11, Feast of Our Lady of Lourdes and World Day of the Sick. We have the opportunity to spur change in policy and also to sincerely re-evangelize our broken culture.

Please let me know if you need further support to ensure that the Call for Conscience Campaign is a success in your diocese. Please ask all of your parishioners to visit www.canadiansforconscience.ca to write to their candidates in the upcoming election.

Here is an interview I did on the CTV News Channel on January 31.

<https://www.facebook.com/CTVNewsChannel/videos/1679094358818555/>

Deacon Larry Worthen
902 880 2495
lworthen@CMDSCanada.org