

## Avoiding the Predictable

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Last December, CHP Canada was invited to be an intervenor in an Ontario Superior Court Judicial Review between Guelph and Area Right to Life (GARL) and the City of Guelph regarding Guelph's decision to remove 3 pro-life ads from their buses. For nearly 20 years, GARL has sponsored pro-life ads on Guelph buses; certainly an admirable cause, but in 2020, Guelph had the following 3 ads removed:

1. "Life should be the most fundamental human right. Say no to abortion." With a blurry picture of a healthy baby in utero;
2. "Human rights should not depend upon where you are. Say no to abortion." With a picture of a pregnant woman on one side of the frame and the same woman holding a baby on the other;
3. "What about her choice? Say no to abortion." With a picture of a healthy baby in utero.

Guelph's justification for removing the ads was that, in their opinion, these ads were misleading for these reasons:

1. An unborn child is not human.
2. Women do not routinely abort the foetus they carry, and to suggest they do is demeaning to women.
3. The use of the word 'her' falsely gives the impression of personhood.

These reasons for taking the ads down will be tried in court; this is an important case! CHP has been granted intervenor status after the necessary funds were raised; now our law firm has filed their Final Court Factum.<sup>1</sup> This Factum contains 15 pages of solid arguments as to why Guelph's decision must be overturned. It will be orally presented to the Court on June 14, 2021.

The argument in the factum is presented in 5 parts:

**A. It is not misleading to use the term "human," "rights," or "human rights" in reference to an unborn child:**

1. The meaning of "human" and "human being."
2. The meaning of "rights" and "human rights."
3. Government cannot restrict "rights talks" to one side of a moral political debate.
4. Censoring appeals or arguments to reform the law is constitutionally impermissible.

**B. It is not "misleading" to use a personal pronoun to refer to an unborn child.**

**C. It is not misleading to refer to an unborn child's "choice."**

**D. To morally critique an act is not to disparage persons who have engaged in or may engage in that act: such reasoning would stifle moral and political debate.**

**E. The indispensability of free political speech and access to public forums.**

It is not feasible in this Communique to present the depth of wisdom presented within the 15 page factum, so we encourage you to read and digest it for yourself—and to share it with others. However, we would like to highlight a few key points made:

- "If anything, the statement that an unborn child or fetus *is human* is demonstrably true. When humans reproduce, they produce new humans."
- "You are not free to express your beliefs or opinions if you may only do so using state-approved language or state-preferred definitions of contested moral, philosophical, or political terms."
- "Political participation is at the core of what section 2(b) of the *Charter* protects. Political expression and debate belong in public forums like this."
- "It is characteristic of a totalitarian society to regulate the meaning and use of language for the purpose of entrenching uniform political and ideological views in society, as famously derided in the writings of George Orwell and Aleksandr Solzhenitsyn, among others. To dictate the meaning of words or control the use of language is to attempt to control thought. To say that someone, in making a moral appeal or argument or expressing an opinion, may not use a term in a way that differs from how it is used in a particular part of a statute is not only absurd but would stifle debate over what the content of the law should be. Free and open debate about what the law should be is essential to a free and democratic society."

Some may say, "What if the Court rejects our arguments? What if we lose the case?" To that we respond: "What if we sit safely on the sidelines and allow the banning of pro-life expression on public property? What if we do nothing?" Consider this: **doing something is no guarantee for success however, doing nothing has a predictable outcome.**

We at CHP Canada are not called to do nothing nor to accept the associated predictable outcome of doing nothing, rather we are called to be light in darkness, and if that fails, then to stand anyway. Thank you for standing with us.

Join CHP<sup>2</sup> and take a stand for the truth!

## **Footnotes**

<sup>1</sup> [www.chp.ca/images/uploads/Factum-Intervener-Christian-Heritage-Party-17-MAY-21.pdf](http://www.chp.ca/images/uploads/Factum-Intervener-Christian-Heritage-Party-17-MAY-21.pdf)

<sup>2</sup> [www.chp.ca/get-involved/](http://www.chp.ca/get-involved/)