

Catholic Bishops
of Alberta

Catholic Boards of School Trustees
of Alberta

Dear Trustees:

I am writing to you as a devout Christian and a committed Catholic, who is deeply troubled by what continues to be said and done in Alberta in the name of our faith. Specifically, I am referring to the position of the Catholic Bishops of Alberta in opposing the administration of the human papilloma virus (HPV) vaccine in Catholic schools and the response of some boards of trustees.

Since its release in 2008, the bishops' pastoral letter on this matter, and reaction to it, have generated a great deal of media interest, locally, nationally and even internationally. This interest has been renewed this past June in Calgary.

As a former Chief Superintendent of the largest Catholic school district in Alberta, I believe that I have an understanding of many of the issues at stake. Nevertheless, I have tried my very best to avoid involving myself in this controversy. For four years, I have been hoping that someone from the Catholic community in Alberta, would come forward and address with you the meaning, implications and possible consequences of this issue.

In the apparent absence of such a person, my conscience compels me to find my own voice, not only as a Catholic lay person, but as a parent and grandparent with a continuing stake in the Catholic schools of Alberta. In doing so, I labour under no illusions concerning my powers of persuasion, nor your likely disposition to same. Nevertheless, I do have a responsibility to express my concerns to both bishops and school trustees, and I do so in the spirit set out in the Catechism of the Catholic Church:

907 "In accord with the knowledge, competence, and pre-eminence which they possess, (lay people) have the right and even at times a duty to manifest to the sacred pastors their opinion on matters which pertain to the good of the Church and they have a right to make their opinion known to other Christian faithful, with due regard to the integrity of faith and morals and reverence toward their pastors, and with consideration for the common good and dignity of persons."

As you know, HPV is a sexually transmitted disease that causes cancer that kills approximately 40 women in Alberta each year. The most efficient, effective and reliable method for administering the HPV vaccine is as part of the regular school-based immunization program offered by Alberta Health.

In response to the bishops' pastoral letter and other communications with trustees, approximately half of the Catholic boards in Alberta have banned public health nurses from administering the HPV vaccine in their schools. In an effort to deal with students from these school districts, Alberta Health has had to set up a community clinic option. Catholic parents who wish their children vaccinated, are required to call and schedule three separate visits to these clinics and provide the necessary transportation. The logistics involved represent a challenge to many parents, but most particularly to lower socio-economic families, especially the working poor and immigrants, as well as single-parents. Their children are the ones least likely to be vaccinated. Of the Catholic students identified for vaccination in 2009, less than 20% of those in Calgary utilized community clinics.

There are three provinces in Canada which publicly fund separate schools that offer Catholic education: Alberta, Saskatchewan and Ontario. Why do the Catholic bishops of Alberta stand opposed to the administration of the HPV vaccine in Catholic schools, while those in Saskatchewan and Ontario do not? The Vatican doesn't oppose it, nor does the Canadian Conference of Catholic Bishops.

Clearly, there is absolutely nothing in the teaching of the Catholic Church, nor is there anything unique to this province, that would justify the Alberta Bishops' position. On the contrary, ensuring easy access to a potentially life-saving vaccine is completely consistent with the Church's teaching on the sanctity of life, from conception to natural death. Cooperation in public health measures is also consistent with one's moral obligation to safeguard one's own health and that of one's children and community.

The question must then be asked: Who, or what, has persuaded the Bishops of Alberta to make the routine immunization of children in Catholic separate schools a public issue?

We know that the answer to this question has little to do with Catholic schools giving “mixed messages” or otherwise encouraging promiscuity by vaccinating children against a sexually transmitted disease. Nor has it anything to do with any real expectation of influencing the future sexual behaviour of anyone. It has everything to do with the exercise of ecclesiastical power and its use to pressure Catholic institutions in to promoting those things for which bishops in Alberta believe the Catholic ‘brand’ ought to stand. This time, apparently, it is opposition to premarital sexual activity. Previously, it was opposition to government sponsored gambling.

Because school districts bear the name ‘Catholic’, bishops believe that they are entitled to use their authority to enlist our schools and our children in their campaign against a permissive secular society, even if it places the future health and even the lives of some of these children at risk. According to one bishop, this issue is “one of the lines in the sand we draw because this is who we are” as Catholics.

I am writing to tell you that this is not who we are as Christians! The words by which we live out our Catholic faith are inspired by scripture: “They will know we are Christians by our love”.

How can such a cavalier disregard for the health and safety of our children, particularly the disadvantaged, ever be reconciled with the teaching of Christ? What sort of witness to faith do we offer the world when we publicly seek to condemn the sins of others, while demonstrating a spirit so devoid of charity and justice?

The Catechism addresses the basic moral principle that is at issue here:

1789 “One may never do evil so that good may result from it.”

What are Catholic parents, who work hard to create a faith-filled home, and who have chosen a Catholic education for their children, to think when they see the health and safety of their children being used as a pawn in an empty, futile and self-alienating gesture? Surely these parents, and their children, are no less entitled to ready access to the ‘safety net’ of a vaccine.

As a result of this vaccine issue, I believe that publicly-funded Catholic education in Alberta may be about to face its greatest threat ever. This threat does not originate with the government or a third party, but ironically, from a segment within the Catholic Church itself. It comes at the hands of bishops, among whose ecclesiastical responsibilities is the protection of Catholic education. But it also comes through the enabling hands of some Catholic school boards who, despite their election to make decisions, have been persuaded by some bishops to believe that they are incapable of making moral decisions.

It is totally unacceptable to claim, as one bishop has, that all decisions are moral decisions when it comes to Catholic education, and guess what, I'm the one mandated to speak authoritatively. Public statements such as these undermine the role and personal integrity of democratically elected Catholic trustees, making them appear irrelevant. Why would anyone, with the option to be elected to a public board, ever want to serve as a Catholic trustee when they are treated in such a paternalistic and disrespectful manner by their own church leadership?

Catholic trustees who have accepted publicly the redefinition of their role as school governors who 'don't make moral decisions,' serve only to validate such outrageous claims. In abrogating their moral and legal responsibility for making these decisions, Catholic trustees are abandoning the quintessential Christian dimension of their calling to servant leadership.

Simply put, Catholic separate schools are fully funded by taxpayers, including Catholic taxpayers. They are not like parochial schools that are owned and operated by the Church. The moral owner and operator of these separate schools is the Catholic community itself, which elects a lay board of trustees to represent it in making decisions that are in the best interest of its students.

The bishop is the spiritual leader of the diocese and its school districts. He is the ultimate authority on religious education programs and also advises boards of trustees on faith-based issues and projects. Because a bishop possesses the authority under Canon Law to deny any school the right to call itself 'Catholic', however, does not give him the right to direct or pressure a board of trustees into violating its mandate or collective conscience. Nor does any bishop have the right to interfere in the administration of a Catholic separate school district, or its schools.

A Catholic separate school is an instrument of the Church's teaching, but it is not an instrument of the church itself. Any threat against the legislated independence of an elected Catholic separate school board is ultimately a threat against publicly-funded Catholic education.

More than one hundred years ago, determined Catholics fought hard to create separate schools where their children could be educated in their faith. Those who opposed denominational education for minority faiths eventually were persuaded to accept the separate school model because these schools would not be run by the clergy, but by a lay board of trustees, elected by Catholic or Protestant ratepayers. In virtually every public school jurisdiction, Catholics were, or were to become, the minority faith. Nevertheless, with the good will of others, and their own determination to succeed, these schools have endured to contribute significantly to the richness of life in the Province of Alberta.

Mindful of this historical partnership with the wider community, knowledgeable and conscientious Catholics are alarmed by the very public intrusion of bishops in the governance role of Catholic trustees. Regretably, our bishops today, seem oblivious to the fact that they are tampering with the basic underpinnings of the separate school model.

Apparently they do not realize that this interference not only violates an historic compact with our fellow citizens, it also offends the deeply held commitment of all Canadians to the principles of democratic representative government. Furthermore, the bishops' very public interference in a routine vaccination program is seen as violating the Catholic principle of solidarity. As citizens of this society, we cooperate with our fellow citizens to address common problems. In the absence of a clear, intellectually honest rationale, the failure of Catholics to cooperate in such a public health initiative raises fundamental questions about our reliability as a publicly-funded community partner.

By denying trustees their legal and moral rights to decide a matter according to their own conscience, bishops are reaching back to the pre-Vatican II period when we rarely talked about conscience. When it came to moral decision-making, back then, the job of church leaders was to tell us what was right or wrong, and our job was to obey. That changed with Vatican II, which identified the vital role of conscience in one's search for truth. The document "*Gaudium et Spes*", or "Church in the Modern World", describes the role of conscience:

“Deep within their consciences, men and women discover a law which they have not laid upon themselves and which they must obey. Its voice, ever calling them to love and to do what is good and to avoid evil, tells them inwardly at the right moment: do this, shun that. For they have in their hearts a law inscribed by God. Their dignity rests in observing this law, and by it, they will be judged. Their conscience is people’s most secret core, and their sanctuary. There they are alone with God whose voice echoes in their depths. By conscience, in a wonderful way, that law is made known which is fulfilled in the love of God and of one’s neighbour.” (16)

This primacy of one’s conscience, as presented in this quote, was commented on by theologian Father Ratzinger (now Pope Benedict XVI) in 1968:

“Over the pope as the expression of the binding claim of ecclesiastical authority, there still stands one’s own conscience, which must be obeyed above all else, if necessary even against the requirement of ecclesiastical authority. This emphasis on the individual, whose conscience confronts him with a supreme and ultimate tribunal, and one which in the last resort is beyond the claim of external social groups, even of the official church, also establishes a principle in opposition to increasing totalitarianism.”

Coercing or even pressuring members of the Catholic laity to abrogate their responsibilities as elected officials, to countermand their own God-given conscience and to force them to act against what they believe to be in the best interests of students and their families, is clearly wrong. The Catechism of the Catholic Church also speaks to freedom of conscience:

1782 “Man has the right to act in conscience and in freedom so as personally to make moral decisions. He must not be forced to act contrary to his conscience. Nor must he be prevented from acting according to his conscience, especially in religious matters.”

It is also wrong for school trustees to permit themselves to be pressured into ceding their jurisdiction to make moral decisions, or into complying with what they perceive as undue pressure to make a particular decision. In either case, one cannot call oneself a follower of Christ, or a true trustee of anyone’s interests, while at the same time ‘contracting-out’ one’s conscience to another person, even a bishop. The Catechism is also clear about the implications of this:

1970 “A human being must always obey the certain judgment of his conscience. If he were deliberately to act against it, he would condemn himself.”

Those who choose to comply with the pressure from others, are still accountable, both morally and legally, for the decisions they make. “I was just following orders” is not a defence that excuses an immoral or illegal act. Prompted by an informed conscience, one is obliged not to follow the directives of an authority when these clearly are contrary to the demands of moral order, the fundamental rights of persons, or the teaching of the Gospel.

I would like to address now the more practical implications of the original issue involving the vaccination of students against HPV in Catholic schools. This includes legal and political considerations.

First, there are already efforts underway to mount a legal case against a major Catholic board in the province. This test case will undoubtedly involve The Charter and deal with the fundamental right of students to equal and ready access to health care. Although not a legal expert, I believe that any Charter defence, using religious freedom, would fail simply because neither the board’s position, nor that of the bishops, on which it is based, represents the teaching of the universal Catholic Church.

In addition, Catholic boards in Alberta who have banned it, will continue to live under the specter of lawsuits arising out of future illnesses, personal injuries (infertility), and possible deaths which could be attributed to HPV strains that would have been prevented with today’s vaccine. The accepted standard for ‘duty of care’ of our students is likely to be based on the vast majority of those Catholic separate school boards, in Saskatchewan, Ontario and Alberta, who have chosen to permit the in-school administration of the vaccine.

It is highly unlikely that Catholic dioceses would escape the tendency of litigants to sue everyone in sight. The basis of such a suit would be, presumably, that bishops pressured, directed or even coerced school boards into banning the HPV vaccine, knowing the potential harm that this could cause.

If you have not already done so, I would strongly recommend that dioceses and those boards that have banned the vaccine, seek a legal opinion on their possible liability, and perhaps consult with their insurance underwriters.

Control of this vaccine issue is poised to be taken out of the hands of the Catholic community. It will likely be moved into the courtrooms first. It may also end up in the hands of the provincial government, which could become concerned about its own liability, or the reaction of the public to allowing an unwarranted interference in a public health immunization program. Needless to say, the Catholic community would not be well served by the wide open public debate that would surely ensue.

A debate will be unavoidable, however, when trustee elections are held next fall. Catholic ratepayers will be asking candidates this question: “If elected as a Catholic school trustee, would you be able and willing to resist pressure that might otherwise prevent you from making decisions, including moral decisions, that are based on your conscience and in the best interests of students and parents?”

In closing, I want to thank you for taking the time to read this lengthy letter. I regret that it may seem harsh at times; the truth often is. I believe, however, that both bishops and school trustees are entitled to know how others view their words, actions and apparent motivations. I also believe that it is critical to the future of publicly-funded Catholic education in Alberta, that this issue not be left to be resolved by others, outside the Catholic community. The status quo for those boards that have banned the HPV vaccine is not sustainable. It is important that no one miscalculates the significance of this matter, but move quickly to resolve it.

Respectfully yours,



Jeremy J. Simms, PhD
September 6th, 2012

c. Alberta Catholic School Trustees Association
Canadian Conference of Catholic Bishops
Apostolic Nuncio of Canada