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Dear Alberta friends,

On any typical day we come across so many things that are troubling. Most of the time, there is little we can do about it apart from praying, "Come LORD Jesus, Maranatha!" One of the challenges this presents is that our calling and responsibility to be a faithful representative of Christ *today* is so easily stifled amidst the distractions, stresses, brokenness, and busyness of life.

Many of you have heard of Bill 10, and how it became law in Alberta this spring. Some of you may have already studied the matter and even contacted your MLA about it. But before long it will become a distant memory. There is now a new government in Alberta, and enough reason for uncertainty about the economy and the general direction of this province.

Bill 10 is one of the most problematic laws that we have seen passed in recent years. Our hope with this letter, and the accompanying document, is to open the eyes of Albertans to see how this law undermines parental authority, imposes secular humanist beliefs on all schools, undermines freedom of association, oversteps the authority that God has given to the state, and will do little to actually combat bullying.

At Christmas time Bill 10 was shelved and laid dormant for months. Then on March 10th, in a matter of less than three hours, it was dusted off, debated, voted on and passed into law nearly unanimously! Only two MLA's opposed the legislation. As of June 1st, it is law for all in Alberta, including private Christian schools.

One of the most disappointing reactions to Bill 10 has come from Christians in the province who seemingly shrug their shoulders and dismiss the matter, making claims that it's really not so bad. There is a spirit of apathy and, perhaps, materialism. We cannot dismiss things that have eternal consequences and should matter to those who love God and our neighbour.

Our motivation with this letter is to:

1. Open the eyes of Albertans to what Bill 10 requires and how this is bad law and policy for both Christians and the broader public;
2. Assist Albertans with communicating their concerns to the Alberta government with the purpose of repealing or amending Bill 10 soon;
3. Explain why a constitutional challenge should be seriously considered; and
4. Promote proactive political engagement by more Albertans to try prevent more bad legislation.

HOW BILL 10 IS REVOLUTIONARY:

Media reports suggest that Bill 10 is just about promoting gay-straight alliance (GSA) clubs in Alberta schools. The actual law is much broader than this and includes the following:

1. ***Bill 10 adds the terms sexual orientation, gender identity, and gender expression to the list of prohibited grounds of discrimination in the Alberta Bill of Rights.***

   - For the actual language of the bill confirming this statement, see Amendments to Bill 10, An Act to Amend the Alberta Bill of Rights to Protect Our Children, A6 agreed to March 10, 2015 A which says:

     > Section 1(2)(a) is struck out and the following is substituted: (a) by striking out "or sex" and substituting ", sexual orientation, sex, gender identity or gender expression";

   - **ARPA Note:** We have devoted entire presentations, articles, and videos to explain how problematic this is when it was considered in Parliament and the Ontario Legislature. See the accompanying article "A Christian Critique of Bill 10" for further details. But it's not only Bible-believing citizens who ought to be concerned. This change fundamentally twists law and public policy so that they are dependent on how a person feels about themselves rather than being based on any objective reality. Law transitions from something based on characteristics that can objectively be measured and evaluated as true and real to characteristics that are purely subjective and thus arbitrary. Yes, this does mean that anyone can now choose a bathroom that lines up with how they feel about themselves rather than their biological sex.

2. ***If just one student requests an activity or organization intended to promote a learning environment that "respects diversity" and "fosters a sense of belonging", the school MUST permit the activity or organization.***

   - For the actual language of the bill confirming this statement, see Amendments to Bill 10, An Act to Amend the Alberta Bill of Rights to Protect Our Children, A6 agreed to March 10,2015, C, stating:

     > Section 2(4) is amended by striking out the proposed section 35.1 and substituting the following:
     > **Support for student organizations**
     > **35.1(1)** If one or more students attending a school operated by a board request a staff member employed by the board for support to establish a voluntary student organization, or to lead an activity intended to promote a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging, the principal of the school shall
     > (a) permit the establishment of the student organization or the holding of the activity at the school, and
     > (b) designate a staff member to serve as the staff liaison to facilitate the establishment, and the ongoing operation, of the student organization or to assist in organizing the activity.
     > **(2)** For the purposes of subsection (1), an organization or activity includes an organization or activity that promotes equality and non-discrimination with respect to, *without limitation*, race, religious belief, colour, gender, gender identity, gender expression, physical disability, mental disability, family status or sexual orientation, including but not limited to organizations such as gay-straight alliances, diversity clubs, anti-racism clubs and anti-bullying clubs.

- **ARPA Note:** This is the most problematic part of Bill 10. It goes beyond gay-straight alliance (GSA) clubs and includes *any activity*. It also applies to *every* school. That means that if a student in a Christian school requests a "pink shirt day", the school MUST comply. If they request that a rainbow flag be hoisted up the flag poll, the school MUST comply. It's not up to schools to shape the request, or come up with some other way to meet the student's wishes. Immediate action is required. We have heard some Albertans claim that Christian schools can just implement their own clubs to deal with the issue. That is wishful thinking. As the law is written, the schools must immediately support whatever club or activity a student requests, *as it is requested*. They can't change the name, purpose, or activities.

3. Bill 10 requires every school board to implement a policy to promote a safe learning environment and a code of conduct pertaining to bullying.

- For the actual language of the bill confirming this statement, see Bill 10, section (11), which says:

The following is added after section 45:

Board responsibility

45.1(1) A board has the responsibility to ensure that each student enrolled in a school operated by the board and each staff member employed by the board is provided with a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging.

(2) A board shall establish, implement and maintain a policy respecting the board's obligation under subsection (1) to provide a welcoming, caring, respectful and safe learning environment that includes the establishment of a code of conduct for students that addresses bullying behaviour.

(3) A code of conduct established under subsection (2) must

(a) be made publicly available,

(b) be reviewed every year,

(c) be provided to all staff of the board, students of the board and parents of students of the board,

(d) contain the following elements:

(i) a statement of purpose that provides a rationale for the code of conduct, with a focus on welcoming, caring, respectful and safe learning environments;

(ii) one or more statements that address the prohibited grounds of discrimination set out in the *Alberta Human Rights Act*;

(iii) one or more statements about what is acceptable behaviour and what is unacceptable behaviour, whether or not it occurs within the school building, during the school day or by electronic means;

(iv) one or more statements about the consequences of unacceptable behaviour, which must take account of the student's age, maturity and individual circumstances, and which must ensure that support is provided for students who are impacted by inappropriate behaviour, as well as for students who engage in inappropriate behaviour, and

(e) be in accordance with any further requirements established by the Minister by order.

(4) An order of the Minister under subsection (3)(e) must be made publicly available.

- **ARPA note:** Although this sounds nice, it is another example of the state intruding into a domain that it has never been given authority by God over. Christian schools already do far better than public schools when it comes to creating a safe learning environment. For far too long we have been following the state's beck and call when it comes to the education of our children. This is a calling God has given to parents, not the state. Furthermore, when the state has a very different definition of "safe", "caring" or "respectful", this becomes all the more troublesome. In most cases today, the state's definition of "caring" is antithetical to a Christian understanding of caring.

4. ***Bill 10 removes the requirement for parents to be notified if their child is being taught anything pertaining to sexual orientation. Instead, the law limits this to just religion and human sexuality.***

   - For the actual language of the bill backing up this statement, see Bill 10, Alberta Human Rights Act, Amends RSA 2000 cA-25.5, which says:

     4(1) The Alberta Human Rights Act is amended by this section.
     (2) Section 11.1 is repealed.
     (Section 11.1, before being repealed, read as follows:
     11.1(1) A board as defined in the School Act shall provide notice to a parent or guardian of a student where courses of study, educational programs or instructional materials, or instruction or exercises, prescribed under that Act include subject-matter that deals primarily and explicitly with religion, human sexuality or sexual orientation.
     (2) Where a teacher or other person providing instruction, teaching a course of study or educational program or using the instructional materials referred to in subsection (1) receives a written request signed by a parent or guardian of a student that the student be excluded from the instruction, course of study, educational program or use of instructional materials, the teacher or other person shall in accordance with the request of the parent or guardian and without academic penalty permit the student
     (a) to leave the classroom or place where the instruction, course of study or educational program is taking place or the instructional materials are being used for the duration of the part of the instruction, course of study or educational program, or the use of the instructional materials, that includes the subject-matter referred to in subsection (1), or
     (b) to remain in the classroom or place without taking part in the instruction, course of study or educational program or using the instructional materials.)

   - **ARPA Note:** With this change, the Alberta government has decided that education about "sexual orientation" is not something parents should be aware of. Only specific instruction about sexuality and religion are worthy of such awareness. In other words, matters pertaining to homosexuality or transgenderism can be included in all parts of the curriculum and shouldn't even be an issue worth informing parents about. It's striking how the state once again demonstrates such a naïve understanding of religion – as if it is something that they stand objectively above. In reality, the entire education system in Alberta is religious, and increasingly becoming the publicly funded catechism class of secular humanist doctrine.

MYTHS AND FACTS SURROUNDING BILL 10

What follows is a small part of a 25 page analysis published by Parents for Choice in Education (PCE) called "Gay Straight Alliances: What Alberta parents should know about Bill 10", freely available at www.parentschoice.ca. We encourage our readers to make use of the full document to find a fuller explanation of why Bill 10 is so problematic.

Myth #1: Bill 10 merely allows GSAs to exist in schools.

Fact: Prior to Bill 10, GSAs were already legally permitted in all Alberta schools. The principal of each school had the authority, entrusted to her or him by parents, to grant or deny a request for a GSA.

Myth #2: Bill 10 does not apply to Catholic schools and other religious schools.

Fact: Bill 10 applies to "a school operated by a board", which means every school in Alberta. Only home-schooling families are exempt.

Myth #3: Schools can refuse a GSA if the principal and/or parents are against it.

Fact: Bill 10 says that a principal "shall" permit the establishment of a GSA if one or more students request one. This "request" (which effectively functions like a demand) can be put to the principal or any teacher. The principal is legally obligated to say "yes" to this demand.

Myth #4: Bill 10 is limited to student clubs.

Fact: In addition to what Bill 10 says about student clubs, Bill 10 expressly authorizes the holding of an "activity" such as a Gay Pride Day, a raising of the rainbow flag, or the hosting of an outside speaker on "diversity" or "non-discrimination". The principal no longer has any legal authority to refuse a student demand to hold an "activity" at the school. Parents' concerns are irrelevant under Bill 10.

Myth #5: Religious schools can still refuse to have a GSA, by establishing their own anti-bullying club.

Fact: Bill 10 denies principals the right to refuse a "voluntary student organization" requested by one or more students. A club established by the school itself likely does not qualify as a "voluntary student organization." Further, it is open to any student to argue in Court that the school's anti-bullying club does not promote respect for "diversity", in which case the Court would order the establishment of a GSA even if the school already has an anti-bullying club. Furthermore, Section 35.1(3) empowers students (not parents, teachers and principals) to choose the club's name.

Myth #6: Bill 10 is limited to GSAs. The new law cannot be used or abused by various special interest groups seeking to promote their views to children.

Fact: Bill 10 applies to any and all school clubs and "activities", which "intend to promote a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging". These words from Bill 10 can be used by any group that wishes to promote its beliefs or goals to students through a student club or "activity".

Myth #7: Parents still have a say as to what clubs are permitted at the school where their children attend.

Fact: Parents have no say at all as to whether or not a GSA or "activity" is permitted at the school where their children attend. Even if 100% of the parents of a particular school believe that they have a better solution to bullying than GSAs, and even if 100% of these parents disagree with the GSA's mission of curing "homophobia" and fighting "heterosexism", the school's principal has no legal authority to act on parental concerns.

Myth #8: Bill 10 respects the autonomy of schools to make their own decisions about anti-bullying policies.

Fact: If the school's principal and teachers are unwilling or unable to help establish and maintain a GSA, the Minister will appoint an outsider ("responsible adult") to work with the students to establish a GSA or to organize an "activity". The Minister could appoint a political activist or any person who is hostile to the school's mission, vision and purpose.

CALL TO ACTION: WHAT CAN BE DONE?

Now that Bill 10 is law, we have to be realistic about the likelihood of seeing Bill 10 repealed or even amended. However, we have a Christian duty to make our elected representatives aware of the problems explained above and respectfully urge them to govern rightly. Based on the government's response, legal action should also be considered.

Regardless of what happens with Bill 10, our hope is that Christians in Alberta will increasingly become proactive in their public engagement. That means building meaningful relationship with our government, regardless of which political affiliation they have. We can then respectfully but firmly direct them to promote justice, freedom, and life. This takes time and commitment, but it's essential if we want to continue living in a land of freedom.

In particular, we recommend that all Albertans consider doing the following:

1) **Increase awareness of Bill 10:**
   a. We have included an extra copy of this letter so that you can share it with a friend, colleague, church member, or someone else.
   b. Bring the matter up at your summer barbeques, church parking lots, and workplace coffee breaks. Talking politics is not always welcome, but it's important to make others aware of the issues.
   c. Share our articles and action items on social media – ARPACanada.ca, Facebook.com/ARPACanada and Twitter.com/ARPACanada.
   d. Write letters to the editor of your local paper. Keep them to the point, cover just one issue, make it respectful, get someone to check it over, and then send it in! This is such an under-utilized opportunity to increase awareness. Community papers are as effective as the larger dailies. Even if you have never done this before, now is the time.

2) **Inform your MLA about your concerns:**
   a. It only takes 10 minutes to use ARPA's Easymail program (easy.arpacanada.ca) to send one of our letters on Bill 10. Please note that it will take some time for the program to receive the updated contact information of the new MLA's. If it's not giving you the new MLA, just copy the letter and send it via your email program to your new MLA. Their email address is available at www.assembly.ab.ca.
   b. A phone call is even better. Search your MLA's name online and you will find a phone number quickly. We recommend you write out a few points ahead of time, and ask to speak with the MLA. If they aren't available, ask them to give you a call back. If you don't hear from them in a few days, do a follow-up call. Even if you can't get a hold of the MLA, its well worth sharing the concerns with their staff. Remember that it is as important to be respectful with staff as the MLA themselves.
   c. Request a meeting with your MLA. The best way to do this is to get a few people together – perhaps a school principal, school board member, or friend. Then email the MLA asking to meet with them about Bill 10. If you don't hear back in a couple of days, do a follow-up call. Summer is an ideal time to meet with MLAs, as they are usually home in their ridings.

ARPA Note: If the MLA's respond to your concerns by saying that Bill 10 is already law, so its too late, let them know that new legislation can be created which repeals Bill 10 or amends it. This is done all the time with other legislation. Ask them if they will bring the matter up with their colleagues in the Legislature. Don't hesitate to also ask that they get back to you to inform you about what action they have taken. All this must be done respectfully and kindly. We also advise that you ask how you/we can help them. It's not an easy job to have to represent a riding with so many challenges and variety of opinions. Finally, it's almost always appropriate to pray with them – just ask if they would like this before doing so.

CAN AND SHOULD BILL 10 BE CHALLENGED IN COURT?

If the legislature is unwilling to consider significant amendments or repealing Bill 10, another option is that a legal challenge be launched against the province of Alberta on the basis that Bill 10 is illegal (i.e. unconstitutional) because it violates a higher law – the Canadian Constitution, which includes the *Charter of Rights and Freedoms*.

Many Christians are hesitant to engage in legal action and to challenge our government officials because we rightly seek to uphold God's calling for us to submit to those in authority over us (Romans 13). But it is important to recognize that court action, in a constitutional democracy, is a legitimate form of government interaction. In our constitution, there are three branches to the government: the legislature (makers of the law), the executive (those who carry out the law) and the judiciary (those who review the application of the law). All three are necessary in a democracy to balance each other out. The purpose is to create appropriate checks and balances in a world where everyone is naturally inclined to seek their own good.

Our tendency as Christians is to be suspicious of using the judicial branch due to the misapplication of 1 Corinthians 6. However, that passage applies to two private individuals, particularly, two members of the Church, and the passage urges settling the matter before going to an "ungodly court". In the case we are considering here, the "ungodly court" and the other entity in the legal dispute are of the same nature – both government bodies. What we are doing is much more akin to Paul's appeal to Caesar (Acts 25) than to Paul's urging to avoid court. Further, 1 Corinthians 6 must be seen in the context of internal church strife: in the church, the wisdom of fellow-members or church leaders should prevail over the need to go to court. A court challenge of the unjust passage of Bill 10 does not enter the picture of 1 Corinthians 6 at all.

In Calvin's Institutes, he writes (quoting from a modern translation): "there may be magistrates appointed as protectors of the people in order to curb the excessive greed and licentiousness of kings… I would not forbid those who occupy such an office to oppose and withstand, as is their duty, the intemperance and cruelty of kings. Indeed, if they pretended not to see when kings lawlessly torment their wretched people, such pretence in my view should be condemned as perjury, since by it they wickedly betray the people's liberty of which, as they ought to know, God has made them defenders."

In Canada then, a judge is allowed (in fact, is duty bound) to curb the injustice of another civil power for the protection of the people under his oversight. A legal challenge of this nature should not be seen as a lawsuit in the sense that we are most familiar with – a vengeful opportunity to get rich over against an equal opponent. Rather, we are simply approaching one of the three branches of the government and asking the magistrate to do its God-given duty to call the other branch to account, and to remind it of what exactly its obligations are under the Constitution and what its obligations are with regards to justice and righteousness.

ARPA Canada has devoted significant time and resources into intervening in the Loyola Supreme Court case over the past few years, and we were encouraged by the decision that was made public earlier this year. We are convinced that this decision relates to Bill 10 in Alberta (as it does to Bill 18 in Manitoba and the sex-education policy in Ontario) and affirms that the State may not require private Christian schools to promote a worldview that contradicts its own religious beliefs. As our friends at the Justice Centre for Constitutional Freedoms have confirmed, the Loyola decision provides sufficient grounds to declare Bill 10 to be an unjustifiable violation of the freedom of religion and conscience of Albertans.

At this point, ARPA Canada is not committing to undertaking a legal challenge of Bill 10. We believe that the first step must be for Albertans to interact with their new government, urging them to uphold freedom of religion, parental authority, freedom of association, and ultimately God's standards of justice, freedom, and righteousness.

However, should the government be determined to continue to subvert freedom and the constitution, we will consider ways to proceed with legal action. Some factors to consider include:

- *Deciding who should initiate the legal action:* ARPA Canada, a coalition of schools, or a coalition of organizations?
- *Determining if we have the capacity to undertake an action which could continue for as many as 3-5 years:* It's likely that any decision would be challenged in court and could go all the way to the Supreme Court of Canada. This will take a long time. The reality is that ARPA Canada has a lot of other work to do and is already engage in legal action with the TWU cases in Nova Scotia and BC, as well as a separate legal challenge we have conducted against Ontario in regard to abortion censorship.
- *Costs:* Although it's always difficult to estimate, a court challenge of this nature could cost approximately $50,000 at each level of court. At the same time, if we lose the case there is a good possibility that we would have to pay the legal costs of the other side (the province of Alberta) which could be as high as $80,000.
- *Interest:* Do Albertans care about Bill 10 and these broader challenges? If there is little appetite to do anything, there is wisdom in focussing on parts of Canada where there is such a willingness.

ARPA request: Please let us know how your MLA responds to your letters, phone calls, and meetings. Our decision about legal action will depend in part on this. We also welcome your feedback on whether a legal challenge should be undertaken.

CONCLUSION

Thank you for taking the time to read through this lengthy letter and prayerfully considering what you and your family can do about this matter. ***Regardless of what the future holds, we have no reason to be anxious***. God is our Father, and we trust Him when He tells us that everything happens not by chance but by His fatherly hand. All things really do work together for the good of those who love him. That includes Bill 10. But that doesn't absolve our calling to be His ambassadors on earth and to live as prophets, priests and kings.

We look forward to hearing your thoughts, concerns, or questions. And we especially encourage you to let us know about how your government representative responds to your interactions with them about this issue.

May the Lord use all of these efforts to His glory and the furtherance of His Kingdom.

Sincerely,

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