

## Exposing the anti-choice networks trying to deny doctors a voice

20<sup>th</sup> March 2019

### Introduction

According to polls conducted over the last three decades<sup>1</sup>, there is a clear and overwhelming majority<sup>2</sup> of public support for assisted dying being a legal option for terminally ill, mentally competent adults. Nonetheless, there have been significant blocks to the legalisation of assisted dying, perhaps the most powerful of which is the medical profession.

Were you to examine the positions of the British Medical Association or the Medical Royal Colleges, from the surface it appears there is staunch opposition to a change in the law. Digging a little deeper shows that the profession has a division of opinion<sup>3</sup>.

Earlier this year, the Royal College of Physicians (RCP) confirmed it would survey its members and fellows as to what position the college should take on the subject of assisted dying. It has polled its members twice before, in 2006 and 2014<sup>4</sup>. The surveys have been conducted differently on each occasion, with the most recent poll in 2014 finding that 44% of respondents thought the college should be opposed to assisted dying, 25% thought the college should support it and 31% thought it should be neutral. The college decided to maintain its opposition to assisted dying, in spite of the fact that the majority of respondents disagreed with that position.

In 2019 the RCP announced<sup>5</sup> that it would conduct a new survey of their members and fellows. On this occasion, the Council of the RCP decided that, unless a supermajority of 60% of respondents believed the RCP should be either supportive or opposed, it would take a neutral stance on assisted dying. This would allow the college to represent the views of all its members, not just the minority who oppose change.

Not surprisingly, this decision was immediately criticised by a range of voices from those who oppose assisted dying. A campaign was set up by doctors to speak out against the RCP's decision. **However, links can be drawn between those voices, this new campaign, and certain networks that have opposed choice at the end of life – and in some cases, opposed LGBT and reproductive rights – for many years.**

A more worrying revelation is the news that campaigners linked to organisations in the USA have shown an interest in the assisted dying debate here in the UK. The apparent links between these organisations have allowed opponents of assisted dying to speak far louder than their small numbers would suggest. Questions may be asked as to how far these links are made public, how some of the smaller organisations are funded, and whether these opponents of assisted dying have wider shared objectives.

### Judicial review

In March 2019 it was announced that a judicial review was to be brought against the RCP, challenging the decision to commit to a neutral position unless the supermajority of 60% was reached. One of the leading spokespersons, and solicitor for the case, is Paul Conrathe<sup>6</sup>. It was welcomed<sup>7</sup> by ADF International, a 'faith-based legal advocacy organisation' linked to the Alliance Defending Freedom in the USA. Alongside the announcement, a crowdfunder<sup>8</sup> was set up by Dr David Randall, a registrar in renal medicine.

## **ADF International (UK)**

A global partner of the Alliance Defending Freedom<sup>9</sup>, ADF International is an organisation with offices in the UK that provides legal advocacy on various pro-life issues.

The Alliance Defending Freedom has been designated as an ‘anti LGBT hate group’ by the Southern Poverty Law Centre<sup>10</sup>:

“Founded by some 30 leaders of the Christian Right, the Alliance Defending Freedom is a legal advocacy and training group that has supported the recriminalization of homosexuality in the U.S. and criminalization abroad; has defended state-sanctioned sterilization of trans people abroad; has linked homosexuality to pedophilia and claims that a “homosexual agenda” will destroy Christianity and society. ADF also works to develop “religious liberty” legislation and case law that will allow the denial of goods and services to LGBT people on the basis of religion. Since the election of President Donald Trump, the ADF has become one of the most influential groups informing the administration’s attack on LGBT rights working with an ally in Attorney General Jeff Sessions.”

The ADF International website lists several cases<sup>11</sup> in which it has intervened since its establishment, acting in 2010 to defend the Irish constitution’s ban on abortion, in 2014 to argue against the liberalisation of Switzerland’s assisted suicide laws, and in 2018 to argue against the decriminalisation of abortion in Northern Ireland. It has also criticised judgments permitting same-sex marriage, notably in Romania<sup>12</sup>.

In 2017, ADF International launched the ‘Affirming Dignity’<sup>13</sup> campaign to fight assisted suicide and euthanasia laws in Europe. ADF International represented Tom Mortier<sup>14</sup> in a case at the European Court of Human Rights, challenging Belgium’s euthanasia laws.

Mortier was represented by Robert Clarke, Director of European Advocacy for ADF International, who appears to be a leading spokesperson on the ‘Affirming Dignity’ campaign. Clarke completed an ADF leadership development programme and became a Blackstone Fellow in 2011.<sup>15</sup> The fellowship was set up by ADF and is designed to nurture “accomplished law students who are committed to their faith and are dedicated to impacting the law-profession culture”.<sup>16</sup>

ADF International has also worked with the Lawyers Christian Fellowship and the Evangelical Alliance, both of whom are also members of Care Not Killing, to produce ‘an employer’s guide to Christian beliefs’.<sup>17</sup> Paul Conrathe has previously worked with the Lawyers Christian Fellowship<sup>18</sup>.

In its annual reports<sup>19</sup>, ADF International makes several references to appearing on ‘In The Dock’, a Premier Christian Radio programme hosted by Sir Jeremy Cooke, a former Vice-President of the Lawyers’ Christian Fellowship<sup>20</sup>.

## **Paul Conrathe**

Paul Conrathe is a senior consultant solicitor at SinclairsLaw. His legal career prior to joining this firm included a number of cases linked to pro-life issues. He represented the Society for the Protection of Unborn Children (SPUC)<sup>21</sup> in Diane Pretty’s legal case in 2001, represented Stephen Hone<sup>22</sup> in a case in 2001 where he sought an injunction against his ex-partner to prevent her from having an abortion and in 2005 represented Leslie Burke<sup>23</sup> in a case against the General Medical Council’s guidelines on artificial nutrition and hydration. Also in 2005 he represented the Christian Institute<sup>24</sup>, which was challenging the BBC’s decision to broadcast Jerry Springer – The Opera until and unless it issued an apology for offending Christians.

Aside from his legal practice, Conrathe was a director of UnitedLife church in Cheam until 2019<sup>25</sup> and a director of Premier Christian Media Radio until 2012.<sup>26</sup> On its website, Premier Christian Radio

says it “does not have a stance on issues, but merely provides a platform for the views of others to be heard”<sup>27</sup>. As a licensee of OfCom this is understandable, but would appear to be incompatible with its membership of Care Not Killing (CNK), a campaign group set up to oppose assisted dying. Premier Christian Radio has published several stories on assisted dying over the years, including criticisms of the RCP and highlighting the legal challenge.

In 2005 Conrathe spoke at a conference for the Christian Medical Fellowship (CMF), another member of CNK, which was until recently headed up by Peter Saunders, also the former director of the CMF.<sup>28</sup>

### **Dr David Randall**

David Randall is a registrar in renal medicine at the Royal London Hospital and has been vocal in his criticism of the RCP’s survey. He has arranged and been the lead spokesperson for a crowdfunder to support the legal challenge against the RCP.<sup>29</sup> Other signatories include Dr Dermot Kearney and Dr Adrian Treloar. Kearney is the current president of the Catholic Medical Association UK,<sup>30</sup> another member organisation of Care Not Killing, while Treloar is listed as a Council Member of the CMA.<sup>31</sup>

Dr John Saunders, previously Chair of the RCP’s ethics committee, wrote a letter before action in anticipation of the RCP judicial review,<sup>32</sup> but he is not named either on the pages of the case’s crowdfunder, nor by Our Duty of Care (see below).

Randall has written extensively for the Christian Medical Fellowship, as recently as 2017, when he wrote in ‘Triple Helix’, the journal of the CMF, about the experience of working as a Christian doctor.<sup>33</sup> He is listed on the website as having worked as a medical school link for the CMF, “a graduate doctor who supports the local CMF medical student group by being a point of contact for them, and by linking them with other doctors locally and CMF generally, in order to further the aims of CMF (discipleship, evangelism, mission, values)”.<sup>34</sup>

### **Our Duty of Care**

Randall is also a founding member of Our Duty of Care, an organisation established to oppose the RCP’s survey.<sup>35</sup> The organisation was created soon after the details of the survey were announced and has run adverts in the British Medical Journal in the 16<sup>th</sup> February and 23<sup>rd</sup> February editions. Those adverts were paid for by Care Not Killing, but this was not declared in the advertisement.<sup>36</sup> Our Duty of Care does not reference any source of funding, whether from individuals or outside organisations, or association with any other campaign groups. Among the groups first followers on twitter were Care Not Killing, the Christian Medical Fellowship, Right to Life and the Church of England and Catholic Church parliamentary teams.<sup>37</sup>

A Google search of the wording of the privacy statement used by Our Duty of Care only brings up a handful of organisations, which use similar wording.<sup>38</sup> These organisations are Right to Life UK (a pro-life campaign group) and numerous groups established to campaign on related issues: the Free Conscience Campaign (supporting dramatic extension of conscientious objection laws in the UK), Be Here For Me (opposing abortion protest ‘buffer zones’), No To Assisted Suicide (opposing Rob Marris’s Assisted Dying Bill) and Don’t Screen Us Out (opposing prenatal screening).

### **Dr Amy Proffitt**

Dr Proffitt is a consultant in palliative medicine at Barts and was originally the lead spokesperson for Our Duty of Care, as the first person quoted in their advertising.<sup>39</sup> She was listed as part of ‘Our Team’ on Our Duty of Care’s website, but her name has now been removed. She also serves as Honorary Secretary of the Association for Palliative Medicine, the professional body for palliative

care doctors, which was a founding member of Care Not Killing and takes an active role in the assisted dying debate.<sup>40</sup>

Proffitt was also involved in the RCP's survey at the outset, authoring the accompanying paper for the survey that argued for the RCP's position to remain opposed.<sup>41</sup>

On 7 February 2019, in response to media coverage of a man who intended to end his life at Dignitas in Switzerland, Proffitt was featured on BBC Radio 4's Today programme arguing against a change in the law on assisted dying.<sup>42</sup>

### **Dr Claud Regnard**

Another member of the Association for Palliative Medicine, Dr Regnard is an honorary consultant at St Oswald's hospice. He co-ordinated responses from APM members to the RCP survey and is listed as a signatory against Lord Falconer's Assisted Dying Bill in 2014.<sup>43</sup> Regnard is listed as one of the members of 'Our Team' on Our Duty of Care's website.

On 13 February 2019 the Association for Palliative Members distributed an email on behalf of Regnard, in which they described him as "a concerned member".<sup>44</sup> The email urged fellow members to vote in the RCP poll and provided a link to Our Duty of Care, with Regnard's claim that "This new UK website also may be helpful".

Any remaining funds from David Randall's crowdfunding efforts for the Judicial Review will be offered to the Association for Palliative Medicine, though the crowdfunding page states the APM has not endorsed or funded the legal challenge.

### **Long-standing opponents**

The above organisations and individuals appear to be major players in the challenge to the RCP, but they have links to several other organisations. These are detailed below:

#### **Care Not Killing (CNK)**

CNK is an umbrella organisation formed to oppose assisted dying. A full list of CNK's members can be found in Appendix 1.

While portraying itself as consisting of a broad range of interest groups, its members are predominantly pro-life and faith-based organisations, several of which have been mentioned above. CNK also includes amongst its members a number of hospices and has recently intervened in a legal case<sup>45</sup> to oppose the withdrawal of treatment from patients in minimally conscious states without court approval. Individuals in such circumstances are likely to be cared for by palliative care doctors, potentially in hospices.

As noted above, Premier Christian Radio is another member of CNK, which raises questions over their neutrality in the assisted dying debate. Similarly, the Richard Challoner school, a Catholic school in south west London, is also a member, which seems difficult to reconcile with the restriction on schools' campaigning on political issues.

Until recently, CNK was headed up by Peter Saunders, the former Chief Executive of the Christian Medical Fellowship. The Christian Medical Fellowship has itself campaigned against abortion and assisted dying, while as recently as 2017 it published an article criticising the Church of England General Synod's motion that condemned gay conversion therapy, saying there were "well-documented, serious health risks associated with homosexual behaviour" that may "amount to very good reasons why people might want to move away from homosexual desires and behaviours".<sup>46</sup>

CNK is now headed by Gordon Macdonald, who formerly worked for CARE (Christian Action Research and Education), another CNK member organisation, which has also campaigned against abortion and equal marriage.

### **Living and Dying Well**

The organisation Living and Dying Well describes itself as a think tank that “researches and analyses the evidence surrounding the end-of-life debate”.<sup>47</sup> It was established by staunch opponents of assisted dying, including Lord Carlile (a former Director of Care Not Killing) and Baroness Finlay (a former President of the BMA and Association of Palliative Medicine). Other patrons include Baroness Hollins, another pro-life former President of the BMA; and Lord Mackay, the former Lord Chancellor and an opponent of equal marriage and abortion.

In December a number of new directors were appointed to Living and Dying Well,<sup>48</sup> including Baroness Hollins. Other new directors included Lord Alton, perhaps the most fervent campaigner against abortion rights in the House of Lords. Lord Alton also hosted a reception to mark the launch of ADF International’s offices in the UK in the House of Lords.<sup>49</sup> Also appointed as directors at the same time as Lord Alton were Baroness Campbell of Surbiton, founder of Not Dead Yet UK, an organisation of disabled people campaigning against assisted dying; and Baroness Grey-Thompson, who is also linked to Not Dead Yet. Baroness Grey-Thompson was one of the first individuals to comment publicly against the RCP’s survey in a column in The Times in January.<sup>50</sup>

Living and Dying Well has been funded on at least two occasions by the Catholic Bishops’ Conference of England and Wales (itself another member of CNK) via the Catholic Trust for England and Wales – the 2011 annual report of the Trust declares £13,000 of grant to Living and Dying Well, while the 2015 annual report says “core funding support” was provided to Living and Dying Well.<sup>51</sup>

Baroness Finlay has been the recipient of a grant from the Catholic Church of New Zealand<sup>52</sup> in 2012. During her visit there she spoke at a number of events on palliative care and spoke at a public meeting against the legalisation of euthanasia in New Zealand.<sup>53</sup>

### **Not Dead Yet UK**

NDY was established by Baroness Campbell as a campaign group against assisted dying consisting of the voices of disabled people, despite the fact that a number of polls of disabled people have found a clear majority in support of the law.<sup>54</sup>

It was revealed in a valedictory lecture by Peter Saunders on his departure from the Christian Medical Fellowship that Not Dead Yet had been deliberately used as a front organisation by pro-life campaigners against assisted dying:

“This was a demo that was fronted, you can see virtually entirely by disability rights campaigners. But actually, everything was put together by one of the groups involved in Care Not Killing, that was Christian Concern, who provided the financial support, made the placards, came along, got the disabled people along to the event and were completely invisible in doing it, because they realised it was better for disabled people to be fronting it.”<sup>55</sup>

### **Christian Concern / Christian Legal Centre**

Christian Concern is a UK-based organisation that mirrors the campaign aims of the Alliance Defending Freedom. It has even worked with the ADF in setting up the Wilberforce Academy, a course aimed at training and recruiting Christian campaigners, much like the Blackstone fellowship.<sup>56</sup>

Christian Concern itself lists its areas of campaigning including “Church and State, Blasphemy, Education, Freedom, Family and Sexual Ethics, Islam, and Life and Bioethics”. In practice this has

included campaigns against abortion, equal marriage and assisted dying but has also argued against same-sex parenting, defended gay conversion therapy and called it “blasphemous” that a trans individual could consider themselves to have been born as the wrong biological sex.<sup>57</sup>

Christian Concern’s sister organisation, the Christian Legal Centre, has funded legal cases in its interest areas, including by Not Dead Yet member Nikki Kenward, who unsuccessfully challenged the Director of Public Prosecutions’ updated guidelines on assisted suicide.<sup>58</sup> Other individuals that the CLC has advocated for include: Gary McFarlane, a relationship counsellor dismissed by Relate for refusing to counsel same-sex couples; Margaret Jones, a registrar who was dismissed by Bedford Register Office after said she would not conduct same-sex weddings; and Andy Stephenson and Kathryn Sloane, members of Abort67, who were arrested after demonstrating outside an abortion clinic.<sup>59</sup>

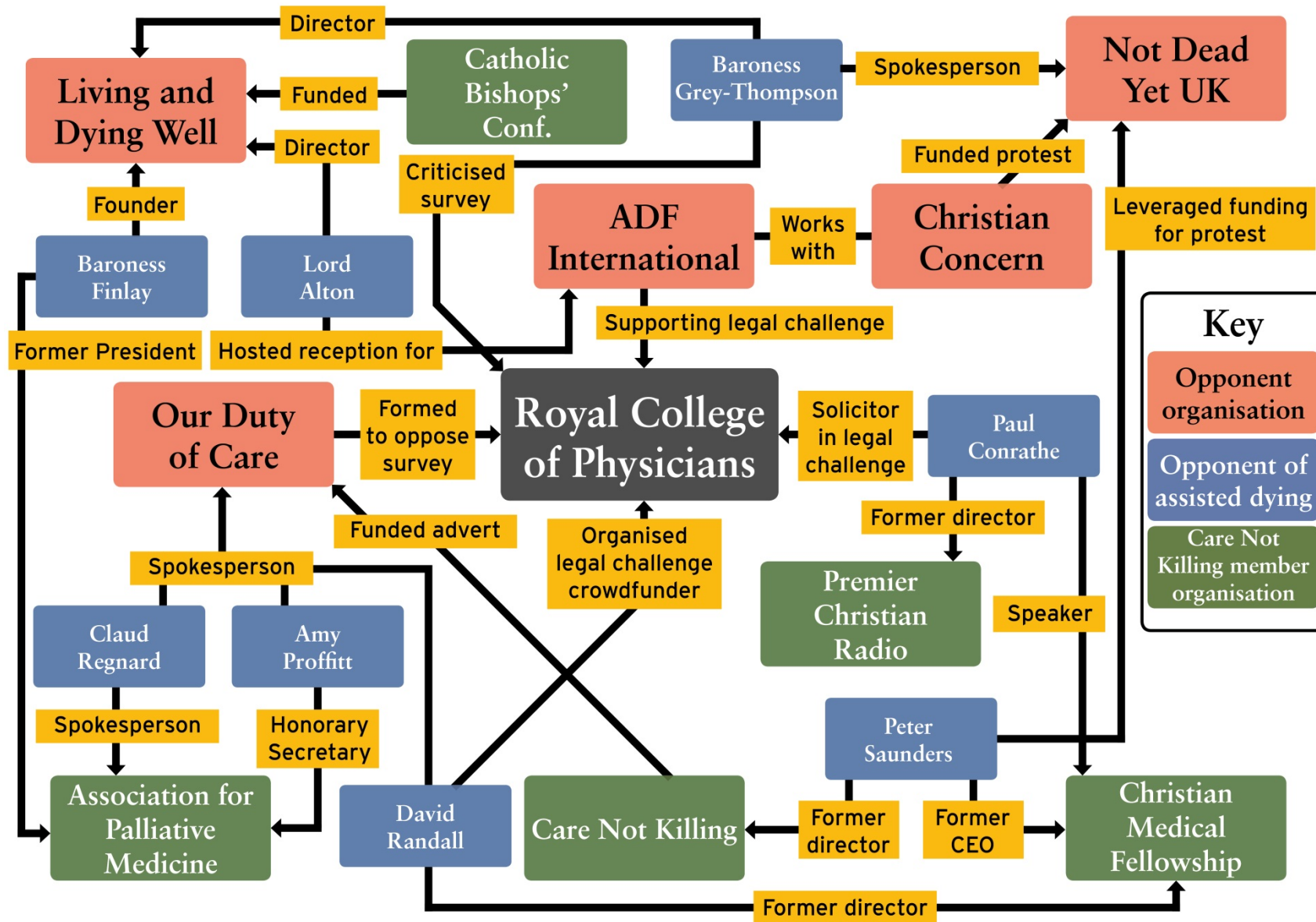
## Conclusion

It would appear from the above that the networks of anti-choice activists in the UK have worked together for many years, amplifying the voices and influence of certain individuals and organisations, not just on the assisted dying debate but in some cases the debates on abortion, equal marriage and other socially progressive causes. A further worrying development is the interest in, and presumed involvement of, organisations from the USA and elsewhere.

Dying people deserve to have a safe and legal choice over how they die, but they have been denied this for too long by a law that is tragically out of date. In order to bring our assisted dying laws in line with other more progressive states around the world, we need to overcome the influence, power and funding of the small, vocal minority who stand against change.

## Appendix 1. Members of Care Not Killing, July 2018

ALERT (<http://alertuk.org/>)  
Anscombe Bioethics Centre (<http://www.bioethics.org.uk/index.php>)  
Archdiocese of Thyateira (<http://www.thyateira.org.uk/>)  
Association of Catholic Women  
Association of Priests for the Gospel of Life (<http://www.apgl.org.uk/>)  
Baptist Union of Scotland (<https://www.scottishbaptist.com/>)  
Catholic Bishops Conference of England & Wales (<http://www.cbcew.org.uk/>)  
Catholic Medical Association (<http://www.catholicmedicalassociation.org.uk/>)  
Catholic Union of Great Britain (<http://catholicunion.org.uk/about/>)  
Christian Action Research and Education (CARE) (<https://www.care.org.uk/>)  
Christian Medical Fellowship (CMF) (<https://www.cmf.org.uk/>)  
Christian Nurses and Midwives Association (Scotland)  
Church of England Archbishops' Council (<https://www.churchofengland.org/>)  
Dechen Community (<http://www.dechen.org/>)  
Disability Rights UK (<https://www.disabilityrightsuk.org/>)  
Evangelical Alliance (<https://www.eauk.org> )  
First Do No Harm  
Free Churches Group (<https://www.freechurches.org.uk/>)  
Highland Hospice (<https://highlandhospice.org/>)  
Hospice 23 (<http://www.hospice23.org/>)  
Islamic Medical Association (<http://www.britishima.org/>)  
Lawyers Christian Fellowship (<https://lawcf.org/>)  
Life (<https://lifecharity.org.uk/>)  
Medical Ethics Alliance (<http://www.medethicsalliance.org.uk/>)  
Methodist Central Hall Westminster (<https://methodist-central-hall.org.uk/>)  
New Community Church (<https://newcom.church/>)  
Northern Ireland Hospice (<https://www.nihospice.org/>)  
Nurses Opposed to Euthanasia  
Premier Christian Radio (<https://www.premierchristianradio.com/>)  
Prolife Alliance (<https://prolife.org.uk/>)  
Richard Challoner Roman Catholic School (<http://www.richardchalloner.com/>)  
Society for the Protection of Unborn Children (SPUC) (<https://www.spuc.org.uk/>)  
SPUC Scotland (<https://www.spuc.org.uk/spucscotland>)  
St Anslem's Church (<http://stanselmstbec.org/>)  
St Gertrude's Catholic Church (<http://stgertrude-croydon.org/>)  
St Joseph's Hospice Association (<http://www.jospice.org.uk/>)  
St Mary's Hospice Birmingham (<https://www.birminghamhospice.org.uk/>)  
Through The Roof (<https://www.throughtheroof.org/>)





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[http://www.bsa.natcen.ac.uk/media/39147/bsa34\\_moral\\_issues\\_final.pdf](http://www.bsa.natcen.ac.uk/media/39147/bsa34_moral_issues_final.pdf)
- <sup>2</sup> See for example Populus survey of 5,018 adults between 11<sup>th</sup> March and 19<sup>th</sup> March 2015, finding 82% support for assisted dying: <https://www.populus.co.uk/poll/dignity-in-dying/>
- <sup>3</sup> See for example medeConnect survey of 1,005 UK GPs between 14th-31st January 2019, finding 32% supported assisted dying, 33% opposed and 34% were neutral or didn't have a fixed view.
- <sup>4</sup> RCP reaffirms position against assisted dying: <https://www.rcplondon.ac.uk/news/rcp-reaffirms-position-against-assisted-dying>
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- <sup>9</sup> A History of Success, ADF International: <https://adfinternational.org/who-we-are/history-of-success/>
- <sup>10</sup> Alliance Defending Freedom, Southern Poverty Law Center: <https://www.splcenter.org/fighting-hate/extremist-files/group/alliance-defending-freedom>
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- <sup>16</sup> Blackstone Legal Fellowship: [http://www.blackstonelegalfellowship.org/?page\\_id=1993](http://www.blackstonelegalfellowship.org/?page_id=1993)
- <sup>17</sup> ADF International UK Annual Report and Accounts (year ended 30 June 2018), Companies House
- <sup>18</sup> See for example, Employment Equality Regulations 2003 briefing, found at: <http://www.religionlaw.co.uk/reportaa.pdf>
- <sup>19</sup> ADF International UK Annual Reports and Accounts (years ended 30 June 2017 and 30 June 2018), Companies House
- <sup>20</sup> Sir Jeremy Cooke, 7 King's Bench Walk: <https://7kbw.co.uk/barrister/sir-jeremy-cooke/>
- <sup>21</sup> Life and death battle – as motor neurone victim, Diane Pretty goes to the House of Lords in her fight to commit assisted suicide, solicitors who are for and against euthanasia have their say, Law Society Gazette: <https://www.lawgazette.co.uk/news/life-and-death-battle-as-motor-neurone-victim-diane-pretty-goes-to-the-house-of-lords-in-her-fight-to-commit-assisted-suicide-solicitors-who-are-for-and-against-euthanasia-have-their-say-/21890.article>
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- <sup>35</sup> Our Duty of Care UK: <https://ourdutyofcare.org.uk/>
- <sup>36</sup> Email correspondence with the BMJ, 1 March 2019
- <sup>37</sup> Twitter, @ourdutyofcare: <https://twitter.com/OurDutyOfCare/followers>
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