



Justice Centre

for Constitutional Freedoms

September 2, 2021

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Assistant Professor
Lung Transplant Program
Division of Pulmonary Medicine, Department of Medicine
University of Alberta & Alberta Health Services
11402 University Avenue
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Via e-mail to: [REDACTED]

Dear Madam:

RE: ANNETTE LEWIS – Mandatory Covid-19 Vaccination for Double-Lung Transplant

We represent Ms. Annette Lewis, a patient who is currently second-in-line for a double-lung transplant at the University of Alberta, Alberta Health Services' Lung Transplant Program. We understand that Ms. Lewis has *ideopathic pulmonary fibrosis* of the lung, a terminal condition affecting both of her lungs that she has had for two and a half years. Ms. Lewis needs a double-lung transplant in order to survive. She has been waiting for this transplant for over a year, and two months ago, her lung capacity was already down to 40%. Ms. Lewis cannot survive much longer without the transplant.

We are writing to you because of your decision to require all patients waiting for a double-lung transplant to take a Covid-19 vaccine, (the "Requirement").

Ms. Lewis has advised you on more than one occasion via email and on the phone that, despite her having complied with your requests that she receive all other childhood vaccinations again, she has chosen not to take the new Covid-19 vaccine because it is experimental, and she fears the growing list of life-threatening complications that have been reported.

She has provided us with an audio recording of a conversation on June 21, 2021 between herself and a member of the lung transplant team acknowledging that your team understands that if she does not get this double-lung transplant, she will not survive. In that recording, your staff inform Ms. Lewis that she will be removed from the transplant list if she refuses to take the Covid-19 shot. She also has a letter dated August 9, 2021 from your team confirming that she will not be able to get the transplant without taking the Covid-19 vaccination, and that message was conveyed to her again in a phone call on September 2, 2021.

Your team's conduct in giving Ms. Lewis an ultimatum of this nature is coercive and unethical. Threatening a patient's access to life-saving medical treatment if she does not accede to your demand that she participate in an experimental treatment that is known to potentially cause serious side effects, including permanent disability and death, is disturbing. Ms. Lewis is concerned about the Covid-19 vaccine for these, and other reasons:

1. The Covid-19 vaccines have not been fully authorized by Health Canada. They are under "Interim Authorization" in Canada.¹ Clinical trials are ongoing and will not be completed until 2023.
2. In the US, the Covid-19 vaccines on the market (Moderna, Pfizer, and Johnson and Johnson) have caused notable side effects, pathology and even death (Vaccine Adverse Event Reporting System ("VAERS") data released by the Center for Disease Control ("CDC") on August 16, 2021 showed a reported 6,789 deaths between December 14, 2020 and June 11, 2021 (<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/safety/adverse-events.html>)).
3. Recent research suggests that the spike protein, present on the SARS-CoV-2 virus and the induced primary mechanism of action of Covid-19 vaccines, is the primary cause of disease, infirmity, hospitalization, and death.²
4. On June 23, 2021, it was announced that the Food and Drug Administration (FDA) would place a heart inflammation *warning label* on fact sheets for Covid-19 made by Pfizer/BioNTech and Moderna.³
5. On April 26, 2021, Health Canada announced that it was placing a *warning label* on the Johnson and Johnson vaccine due to reports of blood clotting following vaccination.⁴
6. On June 30, 2021, Health Canada announced that it was placing a *warning label* on the Pfizer and Moderna vaccines due to reports of myocarditis and pericarditis following vaccination.⁵ On August 6, 2021, Health Canada announced that it was placing a *warning label* on these vaccines due to reports of Bell's Palsy.⁶

¹ <https://www.canada.ca/en/health-canada/services/drugs-health-products/covid19-industry/drugs-vaccines-treatments/authorization/applications.html#wb-auto-4>

² <https://www.qeios.com/read/26GTOD.2/pdf>

³ <https://www.reuters.com/business/healthcare-pharmaceuticals/us-panel-review-heart-inflammation-cases-after-pfizer-moderna-vaccines-2021-06-23/>

⁴ <https://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2021/75479a-eng.php>

⁵ <https://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2021/75959a-eng.php>

⁶ <https://healthycanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2021/76203a-eng.php>

7. The Nuremberg Code, resulting from medical experiments on and abuses of citizens during WWII, requires individuals, “to be able to exercise free power of choice, without the intervention of any element of force....”⁷ It is effectively “force” to mandate compliance on the threat of losing your life.
8. Informed consent is the standard for all medical interventions. The FDA factsheet for the healthcare provider reads, “The recipient or their caregiver has the option to accept or refuse (Pfizer-BioNTech) vaccine.”

The Requirement should be lifted immediately.

The Justice Centre is deeply concerned with the position you have taken in respect of Ms. Lewis. We view the coercive nature of your demand as a profound violation of Ms. Lewis’ human dignity and personal autonomy. The Requirement is also a violation of Ms. Lewis’ constitutionally protected right to life, liberty, and security of the person under section 7 of the *Canadian Charter of Rights and Freedoms* that is not in accordance with the principles of fundamental justice.

In essence this boils down to a **freedom of choice**. Ms. Lewis has the freedom to choose what medical interventions she receives, and she must not be threatened and punished with a denial of the chance to live because she has exercised that freedom. This is not an elective procedure. It is life-saving surgery that she needs to live.

Alberta Health Services is an arm of the government and the *Charter* applies to its actions.

We seek your prompt written confirmation that Ms. Lewis is exempt from the Requirement and will remain at the top of the double-lung transplant list, by no later than September 10, 2021.

Best regards,



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Staff Lawyer,
Justice Centre for Constitutional Freedoms



"Defending the constitutional freedoms of Canadians"

⁷ <http://www.cirp.org/library/ethics/nuremberg/>