

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

CAMPAIGN LIFE COALITION and MAEVE ROCHE

Applicants

and

PARLIAMENTARY PROTECTIVE SERVICE

Respondent

APPLICATION UNDER section 11 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43 and rules 14.05(3)(h) and 38 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194.

AFFIDAVIT OF [REDACTED] AFFIRMED MAY 7th, 2025

I, [REDACTED] of the [REDACTED],
MAKE OATH AND SAY:

1. I make this affidavit further to my affidavit affirmed January 17, 2025, and in reply to the affidavit of Dr. [REDACTED] sworn April 25, 2025.

Peer Review and Applied Research

2. At paragraph 24(d) of Dr. [REDACTED] affidavit, she states that my report, which was provided as Exhibit C to my previous affidavit affirmed January 17, 2025 (the “**Study**”) has not been peer-reviewed. Moreover, she argues that the Study would not be published in a peer-reviewed journal due to what she falsely suggests as faulty sampling methodology, potentially biased survey items and a lack of researcher neutrality that would inhibit scholarly publication. Dr. [REDACTED] suggests that the lack of publication in a peer reviewed journal reflects insufficient scientific merit. However, the Study was not published, not due to any limitations or concerns about its validity,

but merely due to a technical issue. The Study was published by the organization that commissioned it, which made it previously published and ineligible for publication in a journal.

3. The Study was applied research, not basic research, and therefore it did not require the degree of methodological defense which I provided in my affidavit affirmed January 17, 2025. I provided this defense to demonstrate that the level of rigour common to basic research was present in my applied research analysis.

4. Applied research differs from basic research in that it typically studies a process or policy to gauge its effectiveness and impact in the real world rather than in a laboratory. Applied research includes program evaluations, implementation monitoring, and policy analysis as key examples. By contrast, basic research is conducted within a scholarly setting and is undertaken from inception to finish for the sake of the research itself. The practical and methodological needs of basic research differ from applied research undertaken in response to real-world variables such as a program or policy. Scientific opinion polling conducted in advance of elections provides a familiar example of applied research.

5. Due to the nature of applied research and the logistical improbability of manipulating variables in the way that can be done in a formal laboratory setting, applied research is generally exempt from Institutional Review Board (“**IRB**”) approval. IRBs review research that involves human subjects to ensure compliance with standards for instrumentation, sampling, and informed consent in accordance with fundamental ethical principles like respect for persons, justice, and beneficence. Lack of IRB approval does not imply unethical practices, but the absence of IRB approval can, however, create issues with respect to the willingness of the editors of scholarly journal editors to accept such data for publication. Generally, scholarly journals require IRB oversight because it provides liability protection and assurance that human subjects were protected

during the study. It ensures that the journal is not inadvertently condoning or cooperating with any unethical research practices by accepting a study for potential inclusion in their journal. I seek IRB approval or verified exemption whenever possible for any research that collects primary data from humans because I view it my professional mandate as a scholar to submit to oversight when engaging others in my research. I consider it an ethical duty for social scientists like myself to be trained and certified with various credentials in human subjects' research protections from credible accreditation bodies. I am also a former IRB board member who served in various oversight roles for my university. I endeavor to have applied research accessible in peer-reviewed journals just as basic research I have published, especially when the topic is salient to society and under-examined in academic literature the way this issue is. I want my findings disseminated and accessible to inform as many people as possible, in hopes they might cite and build upon my work.

6. However, I was prevented from obtaining IRB approval for the Study two reasons. First, as stated in my affidavit, the instrument, sampling methodology, and data collection occurred before I was commissioned to provide independent data analysis. Second, the Study was published in a book before I could submit it to a journal. I was provided data after it was collected which made the analysis potentially ineligible for peer-reviewed publication simply because Study methods, instrumentation, and collection were complete before an IRB cleared it for exemption from informed consent protocols. While exceptions can be made after the fact to allow the publication of data that was obtained ethically (i.e. without more than minimal risk to human subjects or issues regarding informed consent), I did not seek an exemption because the Study was published in a book in its only form as the Study I submitted to CCBR, rather than a detailed scientific article with all of the justifications and context unknown to anyone outside of the organization.

7. This was the second reason why peer review was impossible. The Study was published shortly after it was conducted by Jonathan Van Maren, Communications Director from the Canadian Centre for Bioethical Reform (the “CCBR”) as an appendix in his 2017 book *Seeing is Believing: Why Our Culture Must Face the Victims of Abortion*. This was done before I could edit or expand the internal report to include the survey items and other relevant details that affirm its credibility.

8. Ultimately, Dr. [REDACTED] is correct that the Study was not peer-reviewed nor would it likely be accepted in its abridged and informal current form. However, the reasons for this are logistical and unrelated to the Study’s merits and validity. The Study was not eligible due to mere technicalities beyond my control, and it would have been submitted ex-post despite lacking prior IRB approval if it were not considered previously published. Attempts to re-write my own findings and present it as something new could have been considered self-plagiarism without having more than 80% new content to include. This is why, for ethical reasons, I cite it as is in my bibliography although I uphold it as having the same level of quality and in some ways, superior to my peer-reviewed articles without such large sample sizes or novel impact.

9. The absence of peer review in no way means it was lacking in scientific rigour and there is no reasons to believe it would not have prevailed through peer review the way my other studies have where there were more limitations and smaller sample sizes due to natural conditions beyond my control. There are factors inherent to how applied research must be conducted that differs from basic research but applied research is still conducted with the same controls for threats to internal and external validity. When meticulously designed, a policy analysis, public opinion poll or program evaluation will exhibit the same standards of rigour and credibility required to prevail in the peer review process.

The Questions Asked

10. At paragraph 24(b) of her affidavit, Dr. [REDACTED] notes that the Study does not list the questions that the survey participants were asked. This is a valid concern and was not in the Study because the audience reading it had drafted the questions themselves and did not need this information. Had I been writing for an external audience, I would have included these items so that it is clear there is no attempt to manipulate responses in any ideological direction. Below, I provide the list of questions to show that they were objectively worded and explain why this criticism is misguided and how no attempts to bias the survey results before or after would have resulted in misleading or exaggerated claims of success.

11. First, the full list of survey questions is included below for the sake of full transparency. There were demographic questions as well. The questions about abortion are worded objectively, using language applied by both ideological sides of the abortion debate. To ensure objectivity, the words “life” and “choice” were not used. The term “aborted fetus” was used, not “baby” nor “unborn child.” Table 1 shows the items and the responses.

Table 1

| Item | Responses |
|--|--|
| Which of the following statements best represents your views on the legality of abortion in Canada? [Complete the sentence] “Abortion should be _____ throughout all nine months of pregnancy and in all/most situations.” | a) Legal b) Mostly legal c) Mostly illegal d) Illegal e) Undecided f) Refused |
| Currently, in Canada, there are no legal restrictions on abortion at any stage of pregnancy. Thinking generally, do you think abortion should generally be legal or generally illegal during each of the following stages of pregnancy? 1. First three months 2. Second three months | a) Generally Legal b) Generally Illegal |

| | |
|--|--|
| 3. Third three months | |
| What is your general feeling when you think about abortion? | a) Strongly positive b) Somewhat positive c) Somewhat negative d) Strongly negative |
| Have you seen a photo or image of an aborted fetus within the past six months? | a) Yes b) No c) Don't Know d) Refused |
| In what way has seeing a photo or image of an aborted fetus influenced your feelings about abortion? | a) I have a more positive feeling about abortion b) I have a more negative feeling about abortion c) No effect at all d) Undecided e) Refused f) I have never seen an image of an aborted fetus |

12. Second, Dr. [REDACTED] is incorrect when she states that the survey questions could have skewed the results of the study. This is impossible because the same questions were asked in the same way before and after CCBR's campaign. Thus, the difference between the answers is static regardless of how the questions were asked. Any variance that might over-inflate or under-inflate responses before and after cancels itself out in the same way that a scale that measures an indicator as either N units greater or N units lesser would measure the same way both before and after.

13. For example, imagine a scale used to measured weight change in humans before and after an intervention. Even if the scale over- or under-measured weight, so long as it did so consistently each time, any change in weight would be the same. Someone weighing 170 lbs. before the intervention and 180 lbs afterward would have a difference of 10 lbs. If the accurate weight had been 175 lbs. before and 185 lbs. after the intervention, the difference would still be 10 lbs. The difference between the two measurements is the same because the instrument was the same and employed the same way without variance.

14. In the Study, the instrument was the same. The only difference is that the ‘after’ survey asked for details on where the respondent viewed the image of an aborted fetus (if they answered yes to that question). This was asked to isolate the images CCBR used in the campaign from other images that could skew the accuracy of the results. Other than that contingency question that only applied for the follow-up survey, the instrument and collection methods used were identical before and after. Furthermore, it controlled for cases without an intervention (i.e. cases where abortion photography was not seen) by measuring the intervention itself in each survey. Each survey (both before and after) asked if the respondent had seen the images and what the outcome of these images was on their perception of abortion. This was asked to control for how opinion could have shifted across time, apart from the intervention such as endogenous change or the influence of other spurious variables. There were questions about demographics as well and the data can be shared upon request.

15. There was no way to manipulate the sample nor instrument to generate a manufactured result to push any agenda. If the questions were biased to make the sample look more anti-abortion than it truly was, that would only make the campaign look less effective at influencing people to become more anti-abortion after viewing the images. If, on the other hand, the questions were biased to make the sample appear more in favour of abortion, again, that would have made the campaign appear less effective at its intended goal to convert public opinion toward a more pro-life worldview. While the survey was clearly objective, the Study was designed to provide reliability even if the survey was not precisely accurate. The Study would still accurately measure the difference in responses to the questions asked before and after the campaign. Furthermore, the correlation coefficients accurately measure the presence of a statistical relationship and the strength of that relationship. Math is not subjective and these results objectively verify that the

images influence public opinion on abortion in a favorable way toward those promoting a pro-life worldview.

The Study's Design

16. At paragraph 24(a) of her affidavit, Dr. [REDACTED] criticizes the Study's design by arguing that it would have been more reliable to survey the same set of people before and after being shown abortion photography. However, the Study used a larger randomized sample to better achieve its intended research goals.

17. The Study used a randomized baseline and post-campaign sampling rather than a matched-pairs approach. The benefit of this design is that it made the total sample size twice as large (and therefore twice as externally valid). Dr. Foster's criticism reflects a misunderstanding between basic and applied research and between micro-level and macro-level studies. While matched-pairs with before-and-after sampling may be standard for basic, clinical research at the micro level, the Study was designed to assess a macro-level effect of a community-wide initiative.

18. If the purpose of the Study was to determine the effect of abortion victim images on individual viewers, I would have insisted on qualitative data of a smaller sample size that questioned if abortion perception and opinions on legality changed after viewing the images, as well and inquired into how and why the images brought about those changes. However, this could not have achieved the greater purpose of the Study. The purpose of the Study was to determine impact of CCBR's flyer campaign on the community as a whole. Using matched pairs would have resulted in a smaller sample which would not have been large enough to provide statistically valid information about the community at large that the campaign sought to reach. The community studied was used as a proxy for studying the shaping of public opinion across Canada.

19. In assessing the effectiveness of CCBR's campaign, a key factor was how many people the flyers reached. This variable would have been lost had matched pairs been used. This is why the survey, which was administered independently before and after the campaign, asked if the respondents had seen abortion victim images. This was asked to isolate the number of new individuals the campaign reached to assess the effectiveness of how well the message was delivered and determine if multiple viewings of the images incrementally shifted abortion perception with each exposure. I would have designed the survey differently to more precisely count the number of exposures to abortion victim images had I designed it myself. Nonetheless, I was able to filter the data, taking the opinions of those who had never seen the images at all to those who had. This was necessary to estimate what degree of overall change in abortion perception could be attributed to the campaign itself.

20. The question in the survey regarding whether or not the participants had seen photos of an aborted fetus was asked before and after the campaign to confirm the presence of the intervention (i.e. had the participants seen the flyers). The purpose of the Study was to determine if saturating an entire geographic area with these images might increase the degree to which these images changed abortion perception within the community, not just a subsection of the community. By opting for two randomized samples (one before and the other after CCBR's campaign) the Study was able to assess the effectiveness of the images while also assessing the efficacy of the campaign, which was an additional purpose of the Study.

21. Through its design, the Study served the dual purpose of evaluating the implementation of the campaign as well as its impact. Basic research is generally conducted by recruiting participants. By contrast, the Study measured the public opinion of an entire population as a whole by obtaining a randomized sample of sufficient size. As such, I found no limitations nor faults in how the data

was collected and presented prior to my involvement with the project. Had the Study used matched pairs like Dr. Foster insists it should have, the sample size would have been half as large, and results would be far less generalizable. A larger sample size was prioritized to yield more externally valid results.

Objectivity of Language and the Study's Intended Audience


22. At paragraph 24(c) of her affidavit, Dr. Foster argues that the Study lacks objectivity because of the language used to report the findings. However, the Study was commissioned by the CCBR, a self-labeled "pro-life" organization.

23. Basic research is designed for peer reviewed publication from inception, written with a general audience of academics and uses objective language to suit that audience. The Study, however, was applied research undertaken for an evaluation of an intervention by a pro-life organization to inform its advocacy work. The facts reported however are not subjective opinions but scientific measurements that can be verified mathematically. Accordingly, I used the terminology preferred by the Study's intended audience when reporting those facts, but this does not make the evidence any less true than if I had used neutral or even pro-choice nomenclature.

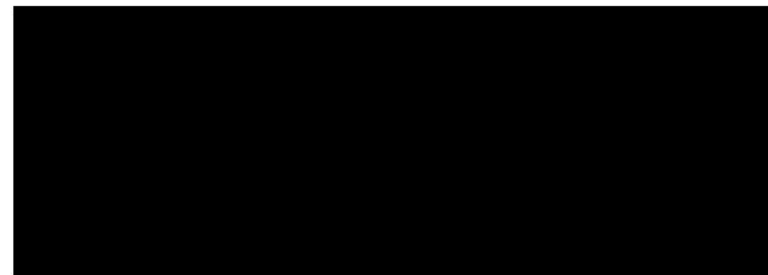
24. I swear this affidavit *bona fide* for no improper purpose.

AFFIRMED REMOTELY by videoconference by

[REDACTED]
at the [REDACTED],
before me at the City of [REDACTED],
in the Province of Ontario
on the 7th day of May, 2025
in accordance with O.Reg 431/20.



Hatim Kheir
Barrister & Solicitor
A commissioner of oaths
in the Province of Ontario



**CAMPAIGN LIFE COALITION ET AL.
APPLICANT**

-and-

**PARLIAMENTARY PROTECTIVE SERVICE
RESPONDENT**

Court File No.: CV-24-00094951-0000

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Proceeding Commenced at OTTAWA

AFFIDAVIT OF. [REDACTED]

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