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Anti-abortion activist goes to court over taxes

By OLIVER MOORE
Globe and Mail Update

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New Brunswick is facing a legal challenge from a man who believes that his tax money should not be used to fund abortions.

David Little faces three counts of refusing to pay his taxes and is expected to appear in a Fredericton court later Friday. His wife, Madonna, said that he will refuse to enter a plea.

Ms. Little, pregnant with her seventh child, says that she is a Roman Catholic and that her family's stand is based on their humanitarian desire to protect the unborn.

"I see this as a human-rights debate," she told globeandmail.com in a telephone interview. "My religious beliefs teach me that every life is sacred, at every stage of human life."

The court case comes on the heels of pressure from Ottawa, which has threatened Canada Health Act penalties against New Brunswick for its abortion-funding policy. The province pays for abortion under limited circumstances only and refuses to fund the procedure if it is done in a private clinic.

For an abortion to be publicly funded, the New Brunswick government insists that two doctors deem the procedure medically necessary and that it be done at one of the two approved hospitals. New Brunswick women who require more timely attention must travel out of province or pay for the procedure at a private clinic.

Mr. Little said that his case is based on his religious belief.

"Jesus said, 'Render to Caesar the things that are Caesar's and to God the things that are God's,' " he said a few hours before he was due in court. "Human life doesn't belong to Caesar or Paul Martin or anyone else. It belongs to God. They can't command us to give them money when we know they use a portion of

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it to kill babies.”

The couple is willing to pay the non-abortion portion of their taxes, Ms. Little said, but the government has refused to tell them how much that amounts to. As a result, they have paid no taxes for several years.

The Littles expect to win their case, she said, because it is fundamentally different from a citizen choosing to withhold taxes because of disagreement with any other kind of government policy.

“We’re not dealing with bad pavement, we’re dealing with human lives,” Ms. Little argued.

David Perry of the Canadian Tax Foundation, a national non-profit tax research organization, said, however, that challenges such as this have never succeeded in Canada.

The federal Health Minister, Ujjal Dosanjh, said this week that New Brunswick could face penalties if it continues to refuse to fund the procedure at private clinics. Henry Morgentaler, the abortion-rights pioneer, operates a clinic in Fredericton and is suing the New Brunswick government to pay for abortions performed there.

The New Brunswick government has dismissed the strong words from Ottawa, saying that the federal government has not followed through on earlier threats to penalize them. As well, the province believes it has the law on its side.

“The Canada Health Act makes it clear: Jurisdictions can decide which procedures to fund in their jurisdiction. If he was to proceed with the dispute resolution, we will be ready to defend our position,” provincial Health Minister Elvy Robichaud told reporters earlier this week.

Manitoba has until recently denied funding to private-clinic abortions. A judge has ruled, though, that it is unconstitutional to force women to pay for the procedure, and a lawsuit is expected.

With a report from Canadian Press


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