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Anti-abortionist's tax appeal dismissed

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An anti-abortionist with strong connections to Fredericton said he would sooner go to jail than file his tax returns.

David Little, formerly of the Fredericton area but now living in Alberton, P.E.I., made the comment Friday to reporters after Justice Hugh McLellan of the Court of Queen's Bench dismissed his appeal of an earlier conviction for refusing to file tax returns.

"It's either we're going to win here or I am going to be in jail until I rot," Little said. "I am never going to file again until the law is changed to take away the collusion and coercion of us participating, as a people, in something that many million of people believe is very, very wrong."

Little, 62, was convicted in November 2007 for failing to file tax returns for the years 2000, 2001 and 2002 and was fined \$3,000. He believes that since his tax dollars go to fund abortions in hospitals, it constitutes a violation of his freedom of religion.

"This is not about paying taxes; this is about co-operating with a government that uses our money to kill innocent children and I don't want to get involved with that any more," said Little, who represented himself but had pro-bono legal help in preparing for the case.

Little, a devout Roman Catholic, said he was not surprised by Friday's outcome and that his next step would be to take the matter to the New Brunswick Court of Appeal or to the Supreme Court of Canada.

"There's no question that I am going to win, in court or in jail." he said.

McLellan said Little did not present anything to the court that indicated it was OK not to file income tax returns. McLellan said Little also failed to show any legal error regarding the way the chief judge of the provincial court handled his case last year. As a result, McLellan said he had no choice but to dismiss the action. He encouraged Little to make his arguments in a political and religious forum. In the meantime, McLellan said, Little had a duty to file tax returns "like everybody else."

In his presentation to the court, which lasted just under three hours, Little asked the judge to overturn his conviction because it violated his religious beliefs under the Charter of Rights and Freedoms.

He asked the court to look at the preamble in the Charter of Rights and Freedoms and how it applies to the right to life.

Little argued that abortion was both morally and religiously unjustifiable.

"We are contracepting and aborting ourselves out of existence," Little said. "One child or no child families are becoming the norm."

He said he couldn't condone his tax money being used to finance abortions.

"Roman Catholicism does not accept abortion. Neither do I," Little said. "One cannot practice abortion and remain a practicing Catholic."

Little said that while he prays for life, his taxes pay for death.

"It is my sincere belief, your honour, that (we) should not be filing (tax) returns that can be used to fund abortion," he said.

He said such action is in conflict with the laws of the church, his own beliefs and is a grave sin.

Little told the court that he would gladly pay taxes if new legislation were to come out where abortion was not funded.

In a brief rebuttal, Crown prosecutor Keith Ward said Little was "dumping civil disobedience into a spandex called religion."