

# Ontario priest arrested for violating abortion bubble zone

Constitutional lawyer Albertos Polizogopoulos will represent an 83-year old Catholic priest who was arrested for violating Ontario's abortion bubble zone law.

"It's a great opportunity to challenge it," said the lawyer who has argued many religious freedom and charter challenges before the Supreme Court of Canada. He described the arrest as "demonstrative of how overbroad the legislation is and how it is unconstitutional."

Police arrested Father Tony Van Hee on Oct. 24 while he sat on a portable stool across the street from the Morgentaler abortion facility wearing a sandwich board carrying two signs. On his front it said: "The Primacy of Free Speech: Cornerstone of Western Civilization."

On his back, the sign read: Without Free Speech the State is a Corpse."

Even though his signs said nothing related to abortion, police charged him under the *Safe Access to Abortion Act* passed by Ontario's previous Liberal government for "attempting to intimidate" those seeking access to abortion.

"Clearly that is not what he was doing, so clearly the law is overbroad," the lawyer said.

The Jesuit priest is best known for fasting and praying on Parliament Hill every day the House of Commons was in session for the past 28 years.

Polizogopoulos said they will challenge the law "at the very least" on freedom of expression ground. "The law was purported to be enacted to protect women seeking abortions and abortion providers from being met with violence," Polizogopoulos said. "That was the narrative put out. Now we see with Father Tony's case the implications are much broader."

The law prohibits any negative expression against abortion within 50 metres of abortion facilities or hospitals. Pharmacies can also request an exclusion zone. The law also allows abortion providers to apply to extend the zone up to 150 metres.

The first court appearance for Father Van Hee is Nov. 16, but Polizogopoulos said he will be sending an associate that day and the priest does not need to come.

They will be asking for disclosure of any evidence the police have that the priest was intimidating or attempting to intimidate with a view to interfering

with abortion services, or dissuading people and set a later date, he said.

“Did anybody complain?” he asked. “Where there surveillance cameras? Who called police? These kinds of things.”

Polizogopoulos pointed out the law “actually makes it a crime to display or voice disapproval” of abortion within the 50 metre bubble zone.

“That means if you are walking down the street wearing a WeNeedLaw.ca T-Shirt you are now in contravention of the law,” he said.

If even proclaiming the charter right to freedom of expression within the bubble zone gets you in trouble, “that shows you how problematic the law is.”

“Make it a crime to harass and intimidate, that’s fine,” he said. “But making it a crime to provide information in a bubble zone if the intention is to dissuade from abortion, that goes too far.”

Father Van Hee said he was told by his lawyer not to grant any more interviews, but he had told LifeSiteNews shortly after his arrest: “I will fight it on my own and if they fine me, I will not pay it and go to jail. If they jail me, I will fast.”

The priest could face a fine up to \$5,000 and imprisonment up to six months.

Father Van Hee is the second person to be charged under the bubble zone law. The first was Cyril Winter, who died March 9, only days before his scheduled first court appearance. Like the priest’s demonstration, Winter’s signs did not refer to abortion, but to the charter of rights and freedoms.

The priest has asked for prayers, but he will also need money for his legal defence.

Polizogopoulos explained the case is “different than a straight charter challenge; it’s a defense of a quasi-criminal charge.”

As for payment, he said, “We’ll figure out that as we go.”

Campaign Life Coalition has set up a fundraising website.