An Open Letter to the Premier on Abortion

Dear Premier MacLauchlan: When you recently announced that surgical abortions will now be offered in “compliance” with the Canadian Charter of Rights and Freedoms. As a former Dean of a law school, surely you must be aware that neither the Charter nor any other federal law obliges PEI to offer or pay for abortions? If you believe we should pay for all abortions, whether medically-required or not, and it was your intention to implement abortion-on-demand in PEI, then why didn't you inform Islanders about this before you were voted into power in the last general election?

As you know, I have initiated a judicial review of PEI's current abortion laws. The PEI Supreme Court has just scheduled a hearing for July 18th. I sincerely hope you will allow a judge to rule on the merits of this case and not attempt to have it thrown out on some technicality. I suppose the outcome of this legal action won't matter much if you are determined to rescind the policy enacted by your Liberal predecessor, Hon. Joseph Ghiz; a policy which actually IS in compliance with the Charter in that it protects unborn children by putting “reasonable limits” on abortion.

And that's exactly what the Supreme Court of Canada supported in the 1988 Morgentaler ruling, with all seven judges declaring there is no constitutional right to abortion-on-demand, and unanimously affirming that governments have a legitimate interest in protecting unborn children by putting reasonable limits on abortion. So how can you, in good conscience, offer NO protection to unborn children by implementing abortion-on-demand which forces Islanders to pay for abortions which gynecologists and obstetricians tell us are never medically required to provide optimal health care to pregnant women?

I've created a website to share the documents I've filed with the PEI Supreme Court: https://kja321.wordpress.com. I'm certain that anyone reading my “factum” will see clearly that there is no legal obligation for PEI to offer or pay for abortions either on or off-Island. Mr. Premier: If you truly want to comply with the Charter, then do the morally and legally-right thing and instruct Health PEI to start following the abortion laws currently in force in PEI. Of course, you have a majority government and can change these laws if you want; however, I'm sure the majority of Islanders don't support paying for abortions, especially with so many life-giving medical procedures needing more funding.

Because there is currently no federal law prohibiting or restricting abortions in Canada, Island women can legally procure abortions right up to the time of natural birth. However, as Mollie Dunsmuir with the federal government Law and Government Division clarified in Abortion: Constitutional and Legal Developments: “The state is required only to respect such decisions, or to refrain from interfering with them, not to approve or facilitate them.” So please stop misleading Islanders by claiming that you are forced to provide free, unrestricted access to abortion in PEI to comply with the Charter....you know very well that's simply not true.