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Celebrate these Diamond Jubilee jailbirds

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By Andrea Mrozek

It is hard to drink Champagne in handcuffs. However, this week at least two Canadians are going to try. Linda Gibbons and Mary Wagner recently received Queen Elizabeth Diamond Jubilee medals. Each member of Parliament has the opportunity to nominate 30 people and Conservative MP Maurice Vellacott nominated these two, among others.

What makes this unusual is that Mary Wagner is in jail, and it seems quite likely that Linda Gibbons will join her there soon — she is in and out of jail so often. The nomination of these convicted felons slipped by the censors at the Governor General's Chancellery of Honours and so we arrive at an unusually Kafkaesque moment where the state is both persecuting and applauding two individuals at the same time.

Of course, what they are serving time for remains the important question. Murder? Gang violence? Arson?

As it turns out, the two are serial ... counsellors of women seeking abortions. Of course, there is no law prohibiting counselling against abortion — it's where they choose to do so that makes the difference.

Ontario and British Columbia both have injunctions that restrict the actions of pro-lifers. No other activist group faces this form of discrimination. The Occupiers in parks across Canada were allowed to trespass for weeks on end. Animal rights activists can throw paint on fur coats and pies at the minister of Fisheries and Oceans (as they did in 2010) with no lasting consequences for their movement.

But the "abortion distortion" as it is known to pro-lifers means that a double standard is applied when abortion is the subject at hand.

In 1994, a "temporary" injunction was set up around some abortion clinics in Ontario at the request of abortion providers, violating freedom of expression and assembly. These protest-free bubble zones, generally with a radius of 60 feet from the actual clinic, included public sidewalk space. Linda Gibbons peacefully and quietly enters those boundaries.

Those asking for the injunctions claimed that abortion protesters were intimidating and harassing clients and staff. They argued women who had already made a decision about abortion needed to be protected from messaging that might offend them.

Pro-lifers, on the other hand, have long argued that women choosing abortions are not getting full information and support.

It is true that the injunctions go back to a time when abortion protest was more heated, in the direct aftermath of the Morgentaler decision of 1988, when Canada's abortion laws were struck down.

Today, however, there is a much different movement of abortion protesters outside clinics. They hand out literature and in some cases, openly pray. Linda Gibbons, who has spent nine years in jail over the past two decades for refusing to stay outside of the bubble zones, has signs that read: "Why mom? When I have so much love to give."

This message may strike you as offensive, ineffective or a combination thereof, but it is certainly not criminal. Karla Homolka, Canada's notorious and violent sexual offender, didn't spend much more time behind bars than Linda Gibbons has.

Mary Wagner's crime is different: She was charged with entering a private Toronto abortion clinic and was released on probation, conditional that she not return. She did, and has been charged with breach of probation. Mary, age 38, is generally armed with pamphlets and roses. Again, whether this is worthwhile or effective is up for grabs. But pamphlets and roses are a far cry from guns and knives.

At the end of the day, it appears Canada has no trouble honouring criminals. The name of Henry Morgentaler will be known to most, as the doctor who performed illegal abortions and served several months in jail in the mid-1970s. He was received into the Order of Canada in October 2008.

Perhaps it's Canada's dedication to equality that now leads to two abortion protesters receiving a Queen's Diamond Jubilee medal. Perhaps it's recognition that the decades-old injunctions are anachronistic and serve only to curtail Canadians' freedom of speech and movement for the dubious principle of not offending someone's sensibilities.

Ironically, in some cases, the road to justice requires jail time. Handcuffs and Champagne, all around.

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