

Gateway

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Footnotes Editor: Cathy Zlatnik

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Reader Comment

On Wednesday, October 9 at 8:00 Dr. Henry Morgentaler will speak at the University of Alberta in the Students' Union Building in Dinwoodie Lounge. Admission is free.

by Liz James

Dr. Henry Morgentaler, a Montreal physician sentenced to 18 months imprisonment and 3 years probation for performing illegal abortions, is making a cross-Canada speaking tour October 8-18.

Part of the tour will include Edmonton October 8 and 9. The purpose of the tour is to rally together those opposed to the specific attack against Dr. Morgentaler by the Quebec Court and those who are opposed to the restrictions on the availability of abortion now being imposed.

Dr. Morgentaler has been an outspoken advocate for the right of women to safe, legal abortion since 1967 when he publicly presented a brief to the federal government urging that "abortion on request" be made available in the first three months of pregnancy. Faced with growing publicity he was attracting for his outspoken views, the Quebec government decided to act.

Since June 1970, Quebec police have arrested Morgentaler three times and laid a total of thirteen charges against him.

Dr. Morgentaler's colleagues, Dr. MacHabee, Dr. Tanquay and nurse Johanna Cornax, have also been arrested.

In March 1973 Morgentaler demanded openly in a letter to Quebec Social Affairs Minister Claude Castonguay that the provincial government legalize his abortion clinic. The clinic would grant an abortion to any woman who wanted one. The request was rejected.

In publicly announcing the existence of his clinic in Montreal, Morgentaler stated

that "1) the operations had to be done competently under modern, and safe medical conditions, 2) the fees had to be reasonable and adjustable downward even to zero so that no person would be denied this service because of inability to pay."

He affirmed that over the course of five years he had performed some 5,000 abortions without a single death of serious after-effect.

"I am firmly convinced that the law under which I am now being tried is unjust, cruel and dangerous to women," he said. "I do not believe that doing medically safe abortions is a criminal act. On the contrary, I feel very strongly that denying women safe abortions and exposing them to death and injury is criminal."

During the trial, Morgentaler's lawyers began their defence by proposing a motion to drop the charges on the basis that the Canadian laws were unconstitutional in relation to the Canadian Bill of Rights.

They used the U.S. Supreme Court decision that abortion is a woman's right, as well as similar judgments in England, as jurisprudence for their case.

The judge, however, ruled against the defence motion and the criminal trial of Morgentaler began on October 18, 1973.

In November the twelve-person jury acquitted Dr. Morgentaler. Despite public opinion in favour of repeal of Canada's abortion laws (opinion poll January 4, 1973 showed 2 out of three Canadians agreed that abortion should be a private matter between a woman and her doctor), the government and courts have pursued Morgentaler and have made his case into a test case for the reinforcing of anti-abortion laws.

The Crown appealed the acquittal to the Quebec Court of Appeal which ruled that the trial

judge had improperly instructed the jury on the law. Instead of ordering a new trial before a new jury, the Court of Appeal "undermined the jury system and our system of justice; it declared there was no further evidence any jury could hear, it declared Dr. Morgentaler guilty." (Globe and Mail, May 17/74)

Morgentaler is presently appealing the decision of the Quebec Court to the Supreme Court of Canada. Hearings will start October 2. In an unusual step, the Supreme Court ruled that the Canadian Civil Liberties Association, the Foundation for Women in Crisis and four anti-abortion groups be allowed to present briefs during the hearings.

Although a common practise in relation to civil cases, this only occurs with criminal cases if, in the opinion of the court, significant social issues are at stake.

If Dr. Morgentaler loses his appeal, he will go to jail for 18 months and Canada's anti-abortion laws will be reinforced.

The victimization of Morgentaler is only part of a campaign by government and other opponents of women's rights, such as the Catholic Church, and so-called "right-to-life", to reinforce an unjust and barbaric law, by further reducing the availability of inexpensive medically safe abortions.

Through Justice Minister, Otto Lang, the government has made its backward, anti-woman views quite clear.

According to Lang, the demand that a woman should have control over her own body is "a silly slogan." He has even promised to make abortion more inaccessible.

In Montreal, abortion facilities have been cut back. In Regina prohibitive fees of \$150-\$200 are being charged for therapeutic abortions - over and above the cost of medicare. The Toronto Metro Council refused a grant to the Birth Control and V.D. Control Center because it provided an abortion referral service.

The issue is clearly one of women's rights and Dr. Morgentaler as an outspoken supporter of a woman's most basic right, control over her own body, deserves our active support.

"Our fight is a fight for human rights, for freedom to choose, freedom of conscience, freedom of religion. Our fight is for decency and humanity and the most fundamental of freedoms: the right to decent medical care when needed by women who have decided they need an abortion." (Dr. Morgentaler, May 4/64)

letters

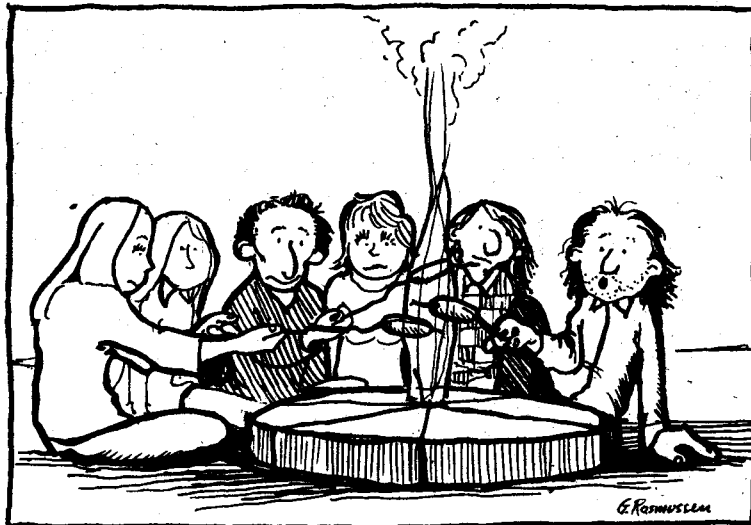
Left rights

This letter is to clear the confusion concerning the struggle of the Native People for the restoration of their hereditary rights, and to urge people to investigate and support.

Hereditary rights are based on the fact that the Native People were the first toilers on this land. Hereditary rights are rights to self-government, to territorial integrity, and to develop their societies in the way they choose. The Native People constitute nations and tribes, not merely ethnic groups, as they have distinct cultures, histories, territories and economies. This is recognized in the treaties between the Native People and the Canadian Government. The Libertarians Nimmons and Bissell deliberately confuse hereditary rights with feudal inheritance of private property. The Native People have classless societies where the land is held in common. It is the monopoly capitalist class which is trying to turn the land into private property so that it could be sold by a few individuals to the land and natural resources speculators.

The Libertarians also talk a lot of nonsense about the "inherited or collective guilt" of "this generation of English Canadians." This is racism, saying that the entire Canadian people is oppressing the Native People. It is the monopoly capitalist class and its governments, a handful of the population, that carries out genocide against the Native People and tramples underfoot their hereditary rights, and not the Canadian people. If the Libertarians feel that they indeed have "inherited" this guilt then maybe they belong to the class that is guilty!

When capitalism developed in Canada, it needed both land and labor. While the capitalists had labor in the form of immigrants, the Native People had the land. They refused to give up their land with such tenacity that the capitalists found it more expedient to carry out genocide against them, destroy their economies and drive them onto "reserves". Only the Native People's strong resistance forced the capitalist class to sign treaties recognizing them as nations, with their territories and hereditary rights. However, from the day of



BOY, THIS HUNGER STRIKING SURE WORKS UP AN APPETITE!

Berry wesGateway

comfortable.

The second "Upright Digit" goes to the U of A Bookstore. They're the people who anticipate a \$90,000.00 profit this year.

Mind you, for some obscure reason, this money is already budgeted for over-expenditures from previous attempts at providing service. In other words, don't expect reductions in book costs, or expect your current texts to be carried until after mid-terms; the Bookstore will be too busy playing with their new digit.

*It's UFO sighting season again and last week we were flooded with reports by students expressing their concerns about UFO's. A little investigative

reporting confirmed that all reports were true, and so we dispatched someone to check it out.

Apparently the UFO's were all plate-shaped, and varying in colour from green, brown, black and sometimes red. All the Unidentified Fried Objects were discovered during dinnertime at the SUB Cafeteria.

None of it was photogenic Or palatable.
But expensive.
I think I'm going to be sick.

*If you've seen the guy hanging around all day in CAB that doesn't have any legs, don't be alarmed. He just burns around all day.

