

*Abortion*

that in its opinion continuation of the pregnancy of such female person would or would be likely to endanger her life or health. It has been traditional in this country that the definition of "health" is the World Health definition. I shall read that definition:

Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

With that kind of background, one must examine what the minister said in the memoranda now released to the public. I wish to see more of the correspondence so that the minister will have an opportunity to defend himself against the very serious charges made that his own personal views on the subject of abortion have been reflected in the administration of his office. It is also interesting that at the time the law on abortion in this country was passed, the minister of justice at that time was the present Minister of Finance (Mr. Turner). I should like to quote the minister of justice at that time, the present Minister of Finance, who had an intimate connection with this bill and piloted it through the committee and the House. This is what he said on June 2, 1970:

This act is deliberately left open to medical judgment in order to give doctors some latitude.

That was his interpretation as the minister responsible for the bill that was subsequently passed in this House and which is now being administered across the country. When we look at the statement made by the Minister of Justice in respect of the interpretation of that section, we find it is in clear conflict with what was intended when the bill was passed and is clearly in conflict with the statements the minister of justice made at the time he attempted to bring before the public some humane considerations on the subject of abortion.

Now I should like to quote from a memorandum which was circulated in October, 1974, to various officials by the present Minister of Justice. He said that social and economic considerations were not to be taken into account in determining whether a pregnancy lawfully could be terminated. That statement is in clear conflict with the law as it was understood, it is in clear conflict with the statements of the minister of justice at the time the bill was passed, and it is in clear conflict, I suspect, with the advice given him by the law officers of the Crown.

Therefore, I make the charge, knowing it is serious, that there can be an abuse of the role of this minister who indeed has a sensitive responsibility, in the administration of his office, to administer that office objectively—regardless of his personal views—and in accordance with the law, and to administer it fairly and justly in accordance with the views of his law officers. There is a substantial body of evidence to the effect that this has not been the case.

Unless this correspondence is tabled, how can members of parliament and the public determine whether the minister acted properly in carrying out the duties and responsibilities of his office? The cloak of confidentiality is no excuse, because the onus is on the government to tell us why this correspondence cannot be tabled and why the government is sensitive about this matter. I suggest it is sensitive merely because of embarrassment to the minister that would be created in having further correspondence

[Mr. Leggatt.]

released which might pertain to the conduct of that high and important office.

I submit that there is no right of confidentiality when a matter such as this becomes such an intense and important problem. There are circumstances in which the public interest is so great that when a government hides behind the cloak of confidentiality it is not doing a service to itself or to the Minister of Justice, and in fact leads one to the suspicion that justice is not being done or certainly is not appearing to be done. I believe it is incumbent upon the Minister of Justice to tell this House what he told the attorneys general of the provinces about the manner in which they should administer this most important section of the Criminal Code.

This matter is of great public interest, as was evidenced today by the many people who were here from the Right to Life group. That important group feels sincerely and strongly that this is a matter which should be imposed upon the country through the Criminal Code. The Morgentaler case is one reason this subject is so important in this House. I cannot argue for the release of this correspondence without again dealing with the real facts in respect of the Morgentaler case. He is in jail for one reason—his honesty and integrity in refusing to continue to participate in the sham that has been going on in the province of Quebec over all these years. The fact is, it has been admitted that 5,000 abortions were performed. Most of those were referred to Dr. Morgentaler by medical practitioners.

How many charges have been made against the medical club? How many doctors have faced charges? How many members of boards of directors of Montreal hospitals are facing charges today? The fact is that Dr. Morgentaler is carrying the load for the whole hypocritical system that has developed. The reason it got into that kind of state is simply that therapeutic abortion committees were not established in the province of Quebec. The state of New York now does 6,000 Canadian abortions a year. The only people who have more abortions in the state of New York are New York state residents. We have a law for the rich and a law for the poor. Those who can afford to go to the city of New York can get their abortions, but what happens when you come from Chicoutimi, from somewhere up in the sticks, or from the Northwest Territories?

● (1710)

**An hon. Member:** What's wrong with Chicoutimi?

**Mr. Leggatt:** I have nothing against Chicoutimi, I can assure you.

**Mr. Knowles (Winnipeg North Centre):** He comes from the sticks of Vancouver.

**Mr. Leggatt:** But there is no doubt in my mind that Dr. Morgentaler would not be in jail if he had not done something that can be called courageous. I agree he broke the law. That has been confirmed. Also, I abide by the decisions of our courts. But there is an element of courage in what he did. Today, 116 doctors in the province of Quebec admit that they, too, commit illegal abortions and that they conspire in these acts. I suspect that the number