

EXCALIBUR INTERVIEW

With Dr. Henry Morgentaler

Dr. Henry Morgentaler has had to put his beliefs on the abortion question on the line. Morgentaler believes women have the right to choose on the issue of abortion. He admits to having performed thousands of abortions himself. This stand led to his trial and imprisonment at the hands of the Quebec and federal Liberal governments, despite three jury acquittals.

The recently elected, Parti Quebecois government, released Morgentaler shortly after taking office and dropped all charges pending against the doctor. Since his release, Morgentaler has remained virtually out of the press. This week he granted Excalibur an exclusive interview.

By ALICE KLEIN

EXCALIBUR — How do you feel about the recent action of the Quebec government in dropping all charges against you?

MORGENTALER — I feel it was overdue. It was the only right decision it could have made. I think it's recognition of the will of the people as expressed by three juries.

EXCALIBUR — How do you think it affects the abortion situation in Canada?

MORGENTALER — First of all it affects the abortion situation in Quebec in the sense that we have assurances by the Minister of Justice that no doctors performing abortions will be prosecuted, which permits doctors in the province of Quebec to help women in need. It's an indication to the rest of the country that this law is unworkable and unenforceable and it should be repealed as soon as possible.

EXCALIBUR — Do you think it will affect the availability of abortions outside of Quebec?

MORGENTALER — That is much harder to estimate. Possibly it would not because it would still take a lot of courage for a doctor to perform an abortion outside the Article 61. In view of all the harassment that I have been subjected to, not many doctors over there are likely to do it.

EXCALIBUR — How do you account for the action of the PQ government?

MORGENTALER — I think it was a normal and predictable action in the sense that after three juries acquit, chances of a successful prosecution are practically nil. They recognize that it was very unpopular with the people who saw me prosecuted. The action of the Liberal government before to continue to prosecute me seemed to most people to be sheer persecution, so it was logical that they would come to a decision that finally the will of the people has to be recognized, three juries have pronounced themselves. The juries are an expression of the popular will; juries are known to take a more lenient, human view of the law than lawyers or judges. It was clearly a popular kind of decision.

EXCALIBUR — What about the reaction of the Catholic Church? You explained that your persecution was unpopular but Quebec has always been seen as a bastion of the Catholic Church which is opposed to the right of a woman to an abortion. Is that a problem in Quebec?

MORGENTALER — I don't think that is much of a problem in metropolitan areas, especially around the Montreal area. There is a tremendous gulf between the official teaching of the Catholic Church and what the people really believe on the question of contraception and abortion, and many other things. Catholics do not follow the Church anymore. The three juries that found me not guilty were all Roman Catholic juries.

EXCALIBUR — Has the Right-to-Life made any protest about the acquittals?

MORGENTALER — Oh yes sure, they made the usual noises, the usual insinuations.

EXCALIBUR — Will the PQ be enacting any further changes that will make the right

to terminate pregnancies more accessible in Quebec?

MORGENTALER — No, I don't think you should accuse the PQ government of being any more lenient on abortion than any other government. It is nothing to do with that. I think that they are just as careful, and just as afraid of the pro-lifers and Catholic vote as the previous government had been. Their decision not to prosecute was on very pragmatic grounds. The further prosecution would have been seen as completely irresponsible, as a denial of the rule of the people, in a sense they had to do that.

EXCALIBUR — I understand you have set up a free standing clinic as you had always said you would during your many trials harrassments, is that true?

MORGENTALER — Yes, that is true. I've had this free standing thing for a number of years before, the only reason I could not practice was first of all I was in jail, and second there was a specific injunction that I was not to perform abortions in my clinic.

EXCALIBUR — Can you explain how your clinic functions?

MORGENTALER — It functions in the sense that I consider that abortions in my clinic are legal, under the sense of necessity which is recognized by the juries and by legal authority, consequently any woman who comes to my clinic who cannot obtain an abortion in a hospital, and who needs the abortion, is eligible to have an abortion in my clinic.

EXCALIBUR — Are these abortions able to be paid for through medicare?

MORGENTALER — Well I'm not sure about that but I submitted my first batch of claims to Medicare in Quebec and I haven't receive an answer yet.

EXCALIBUR — You have a phenomenally low rate of complications and you suggested that you would be interested in teaching other doctors to use the vacuum aspiration method that you use in your clinic. Has anybody come forward to request this service?

MORGENTALER — Yes, a group of doctors is organizing that and I will be teaching shortly.

EXCALIBUR — Are there any further clinics planned outside of yours in Montreal?

MORGENTALER — Well yes, a number of other doctors have started to work as well.

EXCALIBUR — You have been through so much, how do you feel about it, was it worth it, would you do it again?

MORGENTALER — Yes, sure it was worth it. It was worth it for all the people I have helped in spite of all the radius of the law. Whether it was worth it to me is a different question. You know I've suffered a great deal, it is still worth it in the sense that I felt that I was doing something in line with my principles. I was helping people in immediate need who could not have gotten help anywhere else, and it gave me a great deal of satisfaction to practice what I preached.

EXCALIBUR — What are your future plans?

MORGENTALER — After training the doctors and sufficient facilities are established across Quebec, and across Canada, I'd like to go on to other forms of medicine, I'm interested in psychotherapy and psychiatry, and especially that branch of psychiatry that is lifestyle related, so people get more meaning out of life.

EXCALIBUR — You incurred enormous expenses through all these legal hassles, is that something that has been cleared up, how is that being handled?

MORGENTALER — That's been cleared



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up. I've been helped a great deal towards the \$110,000 in legal expenses, I expect I'll have to work hard to pay it off.

EXCALIBUR — What do you think people across Canada should be doing to continue the work that you've begun?

MORGENTALER — I think people should become more indignant about the continued victimization of women across Canada, because of this cruel and unjust law and that they should make it known to the politicians that they're the majority and that it is cruel and barbarous that a law should remain on the books that victimizes women. I think that people should really get involved.

EXCALIBUR — When it's well known by means of Gallup Polls that a strong majority of Canadians and Quebecers feel that the abortion laws are unjust, and it's clear that many women are being victimized by them, how do you account for the failure of a more active and indignant response?

MORGENTALER — The failure is due first of all to the stubbornness of the government. The federal government has sold out the rights of women on the alter of political expediency. They're afraid of the Catholic vote, they're afraid of the Catholic Church, they're afraid of the so called pro-life, which I call the compulsive pregnancy people and what happens is because abortion is more readily available in the United States and it is available to women in the big cities that those women who can't get them remain without spokesmen. People in rural constituencies, people who live in areas where they cannot get anything, those women really have nowhere to go, and are not effective in voicing their complaints. I think those people who are for freedom of choice have in a sense given up, they're not active. It's really staggering to see that. The politicians should not be listening to the reactionary voices, they should be listening to the freedom voices.

EXCALIBUR — What do you think of the Badgley Commission report which was recently released?

MORGENTALER — Well I haven't seen the whole thing. It contains extremely valuable material but the conclusions are all

wrong. It's almost hard to believe that after seeing so many negations of the law that they should come to the conclusion that the law is OK, but the application is bad. The entire reason that the application is bad is within the law itself. The law, which according to the Badgley report itself makes it so that women get an abortion up to eight weeks after making an application. They have to spend the anguish and anxiety and waiting and the danger of a method which is much worse than they could have had. How can you say that the law is okay? The law is the biggest stumbling block to women obtaining access to an abortion.

EXCALIBUR — Why do you think the report was so wishy-washy?

MORGENTALER — I think the report was wishy-washy because the government wanted the Badgley Commission to come to these conclusions. I think they tried to satisfy what the government expected, and they tried to satisfy everybody and that's impossible.

EXCALIBUR — Do you think that now that they've at least made the information available it will be included in an equitable application of the law that abortions will become more available in Canada?

MORGENTALER — I don't think so, it doesn't look so. Obviously the government is not, according to statements made by Mr. Basford (Minister of Justice) the government is not willing to change the law. The government is cowardly as far as the abortion law is concerned, they don't want to move at all. It's up to the people concerned with the health of women in this country to put pressure on the government, the students, and many others to get themselves involved in this.

EXCALIBUR — What originally motivated you to begin the fight that you've been carrying the last many number of years?

MORGENTALER — The injustice of this law was so incredible, after I got involved and presented a brief on this law I received so many requests for abortions that I realized that my conscience as a doctor was more important than the letter of the law. That it was my duty to lend a helping hand.