Public Letter to Premier Frank McKenna

October 18, 1995

The Honourable Frank McKenna
Premier of New Brunswick
P.O. Box 6000
Fredericton, New Brunswick
E3B 5H1

Dear Mr. McKenna,

In my recent letter of August 18, 1995 I offered to negotiate an arrangement with your Government so that my clinic in Fredericton could provide abortion services to New Brunswick women under medicare. In this way women who go to clinics will not be penalized by having to pay out of their own pockets for a service that legally must be paid for, and is indeed paid for if done in a hospital.

You failed to respond to my letter but I understand from statements made by your Minister of Health that your Government continues to stubbornly refuse to recognize my clinic for what it is - a medical centre of excellence providing good quality care to women.

I asked you in my last letter to remove the obstacles that stand in the way of doctors receiving medicare payment for their work. I pointed out to you that the Medical Payments Act which forbids such payments is obsolete legislation in view of my victory against your outdated provincial laws against clinics and asked you not to force me to undertake legal steps to overturn this legislation, with legal costs to me and useless expenses to your taxpayers.

Before I instruct my lawyers to proceed in a case you are bound to lose again (and as a lawyer you obviously know that) I wish to appeal to you again publicly to stop victimizing women. You just won an election and hopefully you can take another look at the whole issue. Is it worth it for you to stubbornly fight this battle again so that a few hundred women in New Brunswick are denied payment for medical services which they require and are entitled to? Does that make sense?

As Premier you designated yourself to be Minister responsible for the Status of Women, a protector of women, yet you abused your power by fighting the establishment of a medical clinic whose purpose was to provide good medical care to women who otherwise had to travel to Halifax or Montreal or Maine because they could not receive services in their own province.

You did not see the irony apparent to all Canadians when your Minister of Health asked the College of Physicians to remove my licence and thus stop the operation of the clinic for three months. Imagine, a Minister of Health, on your orders, torpedoing the establishment of a medical facility for your citizens. I appealed to your conscience then and could not sway you. I am now appealing to your sense of fair play and justice.

By now the clinic has been operating in Fredericton for over a year. In the first year we helped 400 women from all over New Brunswick compared to 420 for the major hospital providing abortions in your province. We have established an enviable record for professional excellence and safety and provide services the hospital does not provide, namely second trimester abortions for which, before my clinic opened, women had to leave the province.
Under normal conditions, had it not been a question of abortion, my clinic would have been welcomed by any provincial Minister of Health as a valuable addition to pre-existing medical institutions. Instead of that the mindless hostility continues. Bureaucrats are raising obstacles in order to stop my clinic from obtaining the documents necessary to bill the province for doctors' fees.

The Minister of Health insists that the Medical Payments Act is still valid legislation in spite of common sense and the rulings of the courts in my favour.

It is my estimation that before the establishment of my clinic roughly 500 women per year had to leave the province to seek abortion services elsewhere. Thus the New Brunswick Government saved an average of $750.00 (cost of a hospital abortion per person) multiplied by 500 equals $375,000.00 per year. Over the last 26 years since abortion became legal in Canada, your province saved (26 multiplied by $375,000.00 equals $9,750,000.00) almost 10 million dollars on the suffering of women. You have a moral debt to the women of your province.

I invite you to act as a responsible and compassionate man, to forget past pettiness and to redeem yourself in the eyes of the women in New Brunswick and Canada. I am asking you to begin full funding of abortions in New Brunswick at my clinic. I am willing to negotiate with your Government the conditions under which my private clinic will become a public institution so that women will be able to receive their medical services covered by Medicare. The advantages would be obvious: easier access, less waiting time, better medical care, less complications and no penalty for the poor and indigent.

As you know, the Federal Minister of Health, Diane Marleau, of the Liberal Government of Canada, gave the province till October 15th to make sure that medically necessary procedures be provided to all Canadians. She is defending the principles of Medicare. Is your Liberal Party of New Brunswick, impregnated by your personal misogyny, going to fight the Liberal federal Minister of Health? What for? To victimize and oppress a few hundred women per year?

I hope against hope that you will not abuse your power and that you will set aside your own machismo and choose a sensible solution in the public interest. Should I not receive a positive answer by October 25, 1985 I will instruct my lawyers to take your Government to court immediately.

Yours sincerely,

Henry Morgentaler, M.D.

cc: Diane Marleau, Federal Minister of Health
Sunera Thobani, National Action Committee on the Status of Women
Marcia Gilbert, Canadian Abortion Rights Action League
Amanda Le Rougetel, President, Canadian Abortion Rights Action League
Bernard Valcourt, Leader of the Opposition
Elizabeth Weir, Leader of the New Democratic Party
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For further information please contact Dr. Henry Morgentaler - (416) 832 0448 ex 234