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MORGENTALER, Henry

MG 31, K 40

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Historical Biography of Henry Morgentaler

Henry Morgentaler was born in Lodz, Poland in 1923 where he received his early education. After the German invasion of Poland in 1939 his father, a well-known socialist, was arrested and murdered by the Nazi occupiers in March 1940. Later that year he and his family were forced into the Lodz Ghetto. His sister, having run to Warsaw, was eventually sent to the Treblinka death camp. In August 1944 they were transported to Auschwitz-Birkenau concentration camp where his mother perished. He and his brother were then moved to Dachau concentration camp from which they were liberated by American forces in April 1945. Upon liberation in 1945 he studied medicine first in Germany and then at the University of Brussels. He emigrated to Canada in 1950 and graduated in medicine at the Université de Montréal in 1953. After his research and residency he opened a general practice in east end Montreal in 1955.

A life-long secular Humanist, Dr. Morgentaler was President of the Montreal Humanist Fellowship from 1964 to 1968 and the founding president of the Humanist Association of Canada (HAC) from 1968 to 1972. He was also Director of the Civil Liberties Union, Montreal from 1964 to 1968. In 1964 he founded the Committee for Neutral Schools, a social action group, for the replacement of Quebec's confessional public school system with a secular one. In 1967 he presented the Humanist Association of Canada's pro-choice Brief on reform of Canada's abortion law to the House of Commons Committee on Health and Welfare. In 1968, the year he founded the HAC, he established his first abortion clinic in Montreal. In 1973 he embarked on a campaign of civil disobedience against Canada's abortion laws, while pioneering the vacuum-suction method for abortion, having perfected the procedure for use in free-standing clinics. He published a report about the medical abortions he performed in his Montreal clinic in the December 1973 issue of the *Journal of the Canadian Medical Association* while publically proclaiming that he had performed abortions at public rallies across Canada.

Dr. Morgentaler stood trial on four charges of performing an illegal

abortion in 1973, 1975, 1976 in Montreal and 1984 in Toronto. On each occasion he was acquitted by a jury. After his first jury acquittal the Supreme Court of Canada upheld Quebec Court of Appeal decision to substitute a guilty verdict for the jury acquittal. He served ten months in Quebec prisons including Bordeaux jail 1975-1976. While imprisoned, he received the American Humanist Award for his efforts to legalize abortion in Canada. In October 1975, the House of Commons passed the "Morgentaler Amendment" which removes the right of an appeal court to substitute a guilty verdict for a jury acquittal.

In 1988, the Supreme Court of Canada, calling it the "Morgentaler Decision", struck down Canada's abortion law as unconstitutional because it violated Canada's Charter of Rights and Freedoms. Dr. Morgentaler opened free-standing abortion clinics in Winnipeg and Toronto in 1983, Halifax in 1989 and Ottawa in 1994. He eventually won his protracted legal battles against the governments of Manitoba, Ontario and Nova Scotia. On December 22, 1993 Dr. Morgentaler's clinic in Toronto was approved by the Ontario government as a teaching facility in conjunction with the Regional Women's Health Centre. He also established clinics in Newfoundland, New Brunswick, Alberta.

Dr. Morgentaler is the author of *Abortion and Contraception* 1982 and is the subject of several biographies including *Morgentaler: A Difficult Hero* by Catherine Dunphy 1997.

Description of the Henry Morgentaler Fonds

Volumes 1 to 20 are available to researchers who have obtained the written permission of Dr. Morgentaler or his designated representative. The 4.5 metres of papers, chronicling his personal life and career, are of particular historical value in documenting his successful struggle for the right of women to obtain safe, legal, medical abortions in free-standing clinics and providing an historical account of changes in Canadian policy toward abortion. They have been organized into the following groups or series:

The Personal and Medical Studies series (1946-1995) volume 1, 0.100 m. contains material relating to his life after his liberation from concentration camps. It contains documentation relating to his post-war medical studies in Germany, Belgium and Canada as well as his application for German restitution, some personal financial matters including real estate mortgages and loans and the original lease for his first abortion clinic in Montreal.

The Humanist Movement series (1963-1992) volumes 1-3, 0.320 m. contains files relating to his leadership of the Humanist movement in Canada which he founded. Included are numerous files of the Humanist Association of Canada and the Humanist Fellowship of Montreal which deal with various issues and causes which interested the Humanists including the Committee for Neutral Schools established to fight for non-denominational schools in Québec in the late sixties. Also found is a file of material relating to his N.D.P. candidacy for the Quebec provincial election in 1972.

The Abortion in Quebec First Trial and Imprisonment series (1960-1989) volumes 3-5, 0.580 m. chronicles Dr. Morgentaler's earliest attempts to bring the abortion problem to national attention and his successful efforts to reform Canada's existing abortion laws. After Dr. Morgentaler went public with his famous 1973 article in which he stated that he performed abortions in his Montreal clinic, the Québec government felt compelled to charge him with procuring illegal abortions. This series contains numerous files relating to his battle with the provincial government which he ultimately won. It includes documentation (correspondence, memoranda and transcripts) relating to the charges brought against him, his trials, subsequent imprisonment, public support, parole and legal battles with the Québec tax authorities. It includes letters written to and from many admirers whose moral support brought him encouragement during his imprisonment in Montreal area jails, his prison memoirs, a diary he kept as well as court documents and transcripts.

The Defence Committees and Moral Support series (1971-1992) volumes 6-9, 0.800 m. includes material related to the national campaign to reform the abortion laws. The files relating to donations made to the Morgentaler Defence Fund and letters received supporting free-choice constitute the major portion of the series and reflect the strong public opinion which Dr. Morgentaler enjoyed across the country from people from all walks of life. Some of the most significant material is Morgentaler's personal correspondence with associates and leaders of the pro-choice movement including June Callwood and Elinor and Edward Ratcliffe.

The Establishment of Free-Standing Abortion Clinics Across Canada series (1965-1994) volumes 10-13, 0.750 m. is composed entirely of files relating to Dr. Morgentaler's legal battles to establish his free-standing clinics in every province. Included are personal files of correspondence with his lawyers, as well as motions, examinations for discovery, factums and court transcripts. Of special interest is a rich collection of files dealing with Manitoba's N.D.P. government and the Manitoba College of Physicians and Surgeons which both fought his attempts every step of the way in notable contrast to the N.D.P. government of Bob Rae which supported a pro-choice platform and liberalized abortion in Ontario. Also documented is the bombing of the Harbord Street Clinic in Toronto and injunctions granted against anti-choice demonstrators.

The Government Correspondence, Anti-Choice and Hate Mail series (1970-1992) volumes 13-14, 0.250 m. features material pertaining to his fight with successive federal governments including a noteworthy file of correspondence with Prime Minister Trudeau. Also included is Dr. Morgentaler's long-running seven year battle with the Québec government over his income tax assessments. Of special interest is his brief to the 1990 Royal Commission on New Reproductive Technologies as well as handwritten notes about Canadian abortion laws and his 'repeal strategy'. Also featured in this series is a selection of hate mail and more virulent 'anti-semitic crap' prepared by him which he received from individual pro-life (anti-choice) supporters.

The Speaking Engagements, Interviews and Related Correspondence series (1961-1995) volumes 15-18, 0.800 m. represents a large portion of the fonds. Dr. Morgentaler was a prolific writer and public speaker. It contains drafts of numerous articles written by him and handwritten and typed transcripts of speeches and lectures that he delivered to pro-choice rallies and academic audiences and related correspondence dating back to 1961. Also found is material related to interviews he gave for radio, television and the print media. This series also includes articles and typescripts of biographies written about him by others. Of

particular interest are reference files containing public and other resource documents, press releases related to abortion and the pro-choice movement.

The Scrapbooks and Newspaper Clippings series (1967-1993) volumes 19-20, 0.400 m. documents Dr. Morgentaler's own activities in the pro-choice movement and the politics of abortion in chronological order.

Many personal photographs of Dr. Morgentaler and his family and audio-visual material including his abortion training video were transferred to Visual Sound Archives.

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17	7	<u>The Humanist</u> - Abortion and Moral Conscience. Article	Jan./Feb. 1970
17	8	"Humanist Association of Canada". Newsletter	Spring 1990
17	9	<u>Humanist in Canada</u>	n.d., 1983-1986
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17	11	"Induced Abortion: 1979" - by Christopher Tietze, A Population Council Fact Book, Third Edition	1979
17	12	<u>International Humanist</u>	1988, 1991, 1992
17	13	<u>International Journal of Gynecology & Obstetrics</u> . "Abortion Laws and Policies: Challenges and Opportunities"	1989
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18	6	Planned Parenthood Ontario. Adolescent Pregnancy Project	1986
18	7	"The Politics of Abortion: Trends in Canadian Fertility Policy". Atlantis Vol. 7, No. 2	Spring 1982
18	8	"Pro-Choice News: A National Forum of News and Opinion on Abortion Rights"	1987-1989, 1992
18	9	"Prologue and Epilogue - An Answer to the Question of Human Life and Abortion" ms. by G.M. Finger	Jan. 1973
18	10	Readings for Political Science 343, "Law, Politics, and the Judicial Process" The University of Calgary 1991-92 "Morgentaler v. Borowski-Abortion, The Charter and the Courts"	1992
18	11	"Report on First-Trimester Abortions done in my clinic without Hospitalization"	n.d.
18	12	"Reports on Population / Family Planning" - Number 14 (2nd edition)	Dec. 1975

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18	25	"Unwanted Pregnancy - Abortion and the Medical Profession" by Henry Morgentaler, reprint, McGill Medical Journal Vol. 39, Spring 1970	Spring 1970
18	26	"The Vacuum Aspiration Technique of Abortion as Practiced and Taught by Dr. Henry Morgentaler": Draft Video Script	n.d.
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