Reacting to "Killing the Goose"

By ACSH Staff — July 13, 2004

A reaction to Dr. Elizabeth Whelan’s piece on importing drugs from Canada (to add your own comments on this or other pieces, sign up at right):

Dr. Whelan:
An excellent and persuasive op-ed!

As I understand it, the Canadian socialists basically nationalized medicine there via a diktat: a statute that creates a purchasing monopoly in the government of all medical goods and services. The doctor sees a patient, but he can bill for his services only to the government. He is effectively transformed into a serf ("In the feudal polity, a class of persons whose social condition was servile, and who were bound to labor and onerous duties at the will of their lords. They differed from slaves only in that they were bound to their native soil, instead of being the absolute property of a master." Black’s Law Dictionary).

Can you imagine that the serfs of Denmark were freed by the king only in 1798? The Russian serfs, who were really slaves under this definition, since they could be bought and sold and transported, were not freed nominally until 1861, and then did not attain freedom in fact until they bought their way out over a period of 49 years. Of course, the dictatorship of the proletariat expropriated their land and re-enslaved them a few years later after that.

In any case, the Canadian physician must accept whatever the government monopoly offers for his services, so his condition is a social throwback to involuntary servitude, supposedly abolished, at least in this country. He has some residual freedom, but it is limited to a choice to leave the profession and work elsewhere, or not work at all. That leaves little bargaining power.

I was not aware of the 1994 trade agreement your article describes, but I trust the drug companies have examined whether that agreement together with this reimportation bill would effectively condemn and expropriate their private property (i.e., their lawful patent monopolies) without just compensation in violation of the 5th and 14th Amendments. I believe there also are patent reciprocity treaties between the U.S. and Canada, which further would complicate the property issues. These are just some quick thoughts, stimulated by your excellent article.

Ed Cerny, Esq.