FOCUS

ABORTION

John Corrie's Private Member's Bill to amend the 1967 Abortion Act represents the most serious threat there has ever been to a woman's right to choose when to have children. There was a majority of 144 in favour of the Bill at its second reading and the Standing Committee which will now consider it in detail has eighteen members, of whom only five (all Labour) are known to be opposed to the Bill, while twelve are favourably disposed towards it. No more than three are women. This parliamentary session is an especially long one, which lessens the chances of the Bill falling due to lack of time; and the overwhelming majority of Tories who voted for the second reading (176 for, 14 against — compared with Labour's 54 for, 82 against) suggests that it may well be given government time if necessary.

An even more formidable factor in its favour has been the propaganda war which preceded it. In the run-up to this year's General Election, there was a sudden spate of grisly stories in the press, alleging that various foetuses had 'cried out', or had been left 'struggling for life' after abortion. There is no doubt that the publicity was deliberately orchestrated: one incident took place in July 1978, but did not hit the headlines until 25 March 1979; another took place in January this year, but did not make news until April.

It cannot be too strongly stressed that all these allegations have been investigated by the Department of Health and Social Services and *none* has been substantiated. However, in each case the media lost interest after the initial sensation, and failed to give anything like equal coverage to the subsequent findings. Thus, it became firmly fixed in the minds of the public that late abortions were commonly performed with the result that 'babies' capable of surviving were left to die by callous women and their doctors. The provision in Corrie's Bill to reduce the upper time limit from 28 weeks to 20 weeks has proved to be its chief asset in winning support. But in fact, Corrie has been able to exploit the public outrage engendered by inaccurate and artificial news coverage to introduce a whole range of severely restrictive measures. It is estimated that if the Bill is passed in its present form, it will reduce the number of legal abortions by 60%.

This attempt to restrict women's freedom to control their own fertility fits in neatly with Thatcher's attempt to promote a 'family policy' while cutting public spending. The Tories hope to throw back into the lap of the family (which invariably means 'mum') functions which have previously been performed by social workers, health visitors, geriatric and nursery nurses, and others. If paid public-sector workers are to be replaced by unpaid domestic workers, it is necessary to ensure that the latter are firmly tied to the home. The fact that ever-increasing numbers of women are combining family life with paid employment has much to do with the availability of effective birth control. The Corrie Bill will drastically reduce that availability — since many thousands of women cannot safely use the Pill, the only form of contraception which is totally reliable; and many thousands more cannot safely use the IUD, the next most reliable method.

What is most important at this stage is to ensure that *accurate* information about current abortion practice and the implications of Corrie's Bill is disseminated as widely as possible. The anti-abortionists deal in sentiment and emotion: their greatest advantage is the public's flimsy grasp of the facts.

In 1976,81% of abortions took place before the 13th week of pregnancy; 15% before the 20th week and less than one per cent after that — comprising 811 from 20 to 23 weeks and 164 at or beyond 24 weeks (in 3.5% of cases the time was not stated). Doctors and pregnancy counsellors confirm that women who have late abortions are often those who are most in need of them: girls under 16 or mentally subnormal women who fail to report their pregnancies through fear or ignorance; older women who mistake the symptoms of pregnancy for those of the menopause; and women in whom foetal abnormalities could only have been detected after the 20th week of gestation. It is not always easy to judge the age of a foetus and doctors usually allow themselves a 3-4 week margin for error, so the practical effect of the Corrie Bill would be to make abortion extremely difficult to obtain after 16 weeks. In the vast majority of cases, delays beyond the 12 weeks are caused by the shortage of National Health Service facilities (which may be reduced even further by public spending cuts). If the Bill goes through, women who are forced to seek late abortions by the failure of the NHS to provide them at an earlier, safer stage, will find themselves prevented by law from having them. The rich will turn to Harley Street, the poor to the backstreets, and the numbers of unwanted and consequently maltreated babies will be bound to increase.

The current time limit of 28 weeks is based on medical knowledge in 1929, when the Infant Life (Preservation) Act was passed, designed to stop foetuses being aborted after they were old enough to survive indepp endently of the mother. There is still no evidence that any foetus born before 24 weeks can survive because at that stage the lungs are not sufficiently well developed to take in oxygen. In rare insances, foetuses of 26-28 weeks have survived. If Corrie's Bill is passed, abortion after 20 weeks will not be possible unless two doctors certify that tests have shown the child will be severely handicapped, and the woman is no more than 28 weeks pregnant; or 'where any person in good faith acts for the purpose only of preserving the life of the mother'. If the health or life of the mother is merely *at risk*, abortion will not be permissable after 20 weeks.

As for abortions before the 20th week, Corrie's Bill seeks to restrict very considerably the grounds on which these may be obtained. Under the 1967 Act, doctors are able to measure the risk (either to the life of the mother or to the physical or mental health of her or her children) against the risk of continuing the pregnancy. The Bill removes that possibility, and allows abortion only where the women's life is in *'grave'* danger; or where there is a *'substantial'* risk of *'serious'* injury to the woman's physical or mental health, or that of her children. It will, of course, be extremely difficult in most cases to establish whether the danger is 'grave', the risk 'substantial' or the likely injury 'serious'. In 1978, out of a total of 112,055 abortions performed on residents in England and Wales, 95,688 were performed on grounds of risk of injury to the physical or mental health of the woman or her children. Only a few of these would have been legal under the terms of Corrie's Bill. The Lane Committee (which conducted the most exhaustive inquiry into abortion since the 1967 Act was passed) and the British Medical Association are among the many organisations which oppose such restrictions.

The Bill sets out to encourage 'conscientious objection' by doctors and nurses — although there is no evidence that at present medical staff are forced to do abortions against their will. This could enable Area Health Authorities to justify inadequate abortion facilities by claiming staff are 'unsympathetic'. Until now, inadequacies of the Health Services have been made good by the charitable sector, in particular the British Pregnancy Advisory Service, who provide advice, counselling and low-cost abortions on a non profit-making basis. Now Corrie's Bill seeks to make it illegal for one organisation to provide advice *as well as* abortion facilities. There have been suggestions that BPAS and PAS behave unethically, encouraging women to have abortions so that they can take their money. However, these are plainly ridiculous. All their staff are paid on a sessional basis, and their pay is unaffected by

the numbers of women who actually have abortions. The doctors who perform the operations in their nursing homes have no control over the numbers of patients sent to them. The charitable agencies have provided an invaluable service to many thousands of women who have been unable to obtain abortions under the NHS. Of the 56,000 women who had to turn to the private sector in 1978, 30,000 were helped by the two non-profit services. All Corrie's Bill will do is to make them less efficient and more expensive.

The only hope of defeating the Bill is a masssive display of public opposition. The TUC held a demonstration on 28 October. The National Abortion Campaign and Co-ord (the Co-ordinating Committee in Defence of the 1967 Abortion Act) will be organising other aspects of the campaign against the Bill[1]. In order to win the battle, we must understand the enemy. The Corrie Bill is not just an over-zealous attempt to 'tidy up' a 12-year-old statute. It is an attempt to deprive women of one of the most important political gains they have made this century: a measure of contrtol over their own fertility. Without that control they cannot be liberated.

JURY VETTING

> 'A jury consists of 12 individuals chosen at random from the appropriate panel. A juror should be excused if he is personally concerned in the facts of the particular case, or closely connected with a party to the proceedings or with a prospective witness. He may also be excused at the discretion of the judge on grounds of personal hardship or conscientious objection to jury service. It is contrary to established practice for jurors to be excused on more general grounds such as race, religion or political beliefs or occupation'.

This is not a despairing submission by defence counsel in some recent case. It is a practice direction made by the Lord Chief Justice in 1973 after consultation with most of the judges of the High Court. It followed the decision of the Lord Chancellor, Lord Hailsham, to remove the jurors' occupations from the published jury list, a decision which followed the string of acquittals of the builders' flying pickets at Mold Crown Court and immediately preceded the conviction of Des Warren and others at Shrewsbury.

What was happening in the political trials of the early 1970s was that judges were starting to accede to defence submissions that jurors should be questioned in general terms by the judge so as to establish whether they had any strong feelings about the issues in the case. This was done, for example, at the start of the Angry Brigade trial. The removal of jurors' occupations from the list and the practice direction were intended to put a stop to what was seen at that time by the authorities as an unfair advantage for the defence.

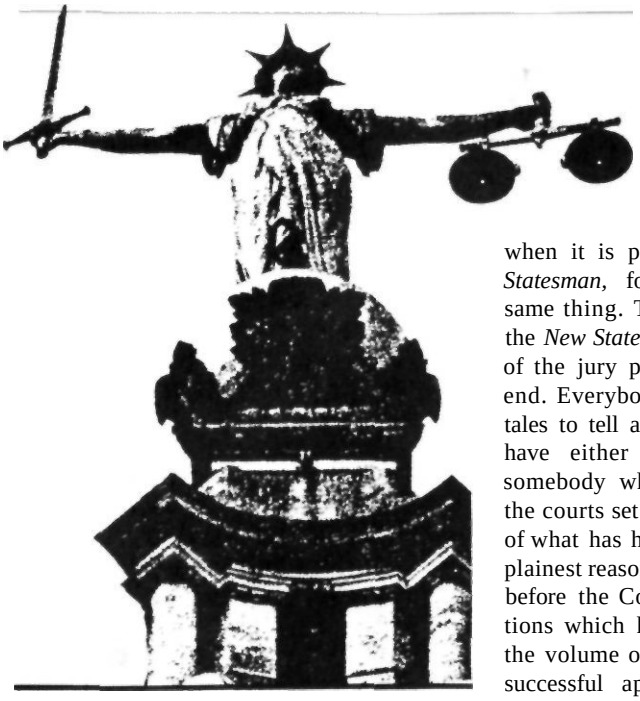
However, in 1978 the Labour Attorney-General Sam Silkin confirmed that private jury vetting had been going on for many years on the part of the prosecution. The point about jury vetting is this. Any juror can ask the judge on various recognised grounds to be released from jury service: the juror states the ground in open court and the judge decides whether it is sufficient. But quite apart from the power of the judge to excuse jurors, both prosecution and defence have a right to challenge them. The defence can today challenge three jurors without giving a reason, but must then 'show cause', which means calling evidence to prove that for one reason or another the juror is disqualified from serving. The prosecution also has the right to challenge jurors, but.again only 'for cause'. Historically, however, they have been granted the indulgence of being allowed to tell jurors whom they propose to challenge to 'stand by for the Crown'; if a full jury is then sworn, the jurors who have been stood by remain off the jury; but if the whole panel of available jurors is exhausted by the various challenges, stand-bys and excuses, those who have been 'stood by' for the Crown are brought back and the Crown must then make its challenge good in the same way as the defence, by showing cause.

Now for centuries it was established and accepted that, apart from formal legal disqualifications, the only things which amounted to good cause for challenging a juror were that he or (in recent years) she could be shown by something they had said or done to be personally biased in relation to the prosecutor, the defendant or a witness, or possibly in relation to the charges on the indictment. There are many old cases in which defence challenges on the ground of the juror's background or general views have been ruled invalid. In other words, what the law has always insisted on — and it has to be said that the steps taken in the early 1970s were in line with this — is a jury of twelve qualified people, warts, prejudices and all, to listen to the evidence and to hammer out a verdict privately amongst themselves. The recent introduction of majority verdicts reinforces this approach, enabling ten or more jurors to outvote the obstinate one or two.

Apart from personal bias, all the disqualifications from jury service are set out in the Juries Act 1974. Judges, lawyers, clergymen and mental patients are declared ineligible, and anyone who has served a prison sentence in the last ten years or at any time has been sentenced to a jail term of five years or more is automatically disqualified.

The Juries Act gives anyone concerned a right to see the panel (that is the list) from which the jury will be drawn, in advance of the trial. No doubt the purpose is to allow checks on eligibility and disqualification to be made. But when Parliament has expressly laid down, for example, what kind of criminal record is to disqualify a citizen from serving on a jury, how can there be any

'National Abortion Campaign, 374 Grays Inn Road, London WCI (01-278 0153): Co-ord, 27-35 Mortimer Street, London Wi (01-580 9360).



justification for either side exercising its right to challenge a juror for cause on the ground that his or her record contains some lesser criminal offence which does not disqualify them in law?

Nevertheless, when in October 1978 the Attorney-General issued a public statement on jury vetting, it turned out that with the aim of 'producing an unbiased jury', checks were going to continue to be made not only through the Criminal Record Office but also with Special Branch records and with local CID officers 'to ascertain if a potential juror is known to be an associate of an accused or of those known to be sympathetic or antagonistic to his cause'. Some of the statement is directed to preventing professional criminals getting at jurors, and some of it is concerned with official secrets cases. But there is no check which can reliably identify the weak vessels on the jury panel in this regard, and the checks that are made will instead not only constitute a serious invasion of jurors' privacy but will encourage the keeping of the sort of police records which are already known to exist — that is, not only criminal records but records of acquittals, unverified accusations, complaints made against the police, and damaging gossip. The fact that this information is supposed to be furnished to the defence makes the matter worse, if anything, by making the defence accomplices in what may very well be an unlawful exercise. For this reason the defence in the current trial of alleged anarchists not only objected to the vetting of jurors, but finally refused to accept the prosecution's list of 'findings' about them.

It is ironic that the Crown is now systematically establishing a power to interfere in this way with the integrity of juries at a time when it is prosecuting a journal, the *New Statesman,* for allegedly doing exactly the same thing. The ostensible difference is that the *New Statesman* interfered at the other end of the jury process — the decision-making end. Everybody who has served on a jury has tales to tell about it, and most people today have either served on a jury or know somebody who has done so. Nevertheless, the courts set their face against any disclosure of what has happened in the jury room. The plainest reason is that if evidence could be put before the Court of Appeal of the considerations which had led some juries to convict, the volume of appeals and the proportion of successful appeals would escalate beyond control. For this reason, no doubt, the authorities are unanimous about the need to keep the lid on the jury box, however many doubts they may have — as evidenced by recent *Telegraph* and *Observer* editorials — about letting the police guard the entrance to it.

NON-ALIGNED SUMMIT

The Sixth Conference of Heads of State or Government of the Non-Aligned Countries, which took place in Havana at the beginning of September was, without doubt, an outstanding conference.

Attended by no less than 94 independent states and national liberation movements, compared with 25 at the first non-aligned summit in Belgrade in 1961, it was the biggest assembly of non-aligned and national liberation leaders ever held.

Recent events in the region such as the successful revolution in Nicaragua, the establishment of new, anti-imperialist governments in Jamaica, Grenada, St. Lucia and Dominica, the winning of concessions from the United States, by Panama in connection with the future of the Canal, and developments in Mexico, Bolivia and Ecuador, along with the upsurge of struggle in El Salvador, all underline the fact that Latin America and the Caribbean have entered a new phase of battle.

The Havana non-aligned summit was also the first such to be held in Cuba — and this fact, together with the final decison to elect Fidel Castro as chairman of the movement for the next three years, is an expression of the enhanced prestige enjoyed by Cuba among the developing countries. Cuba's progress as a socialist country, her attractive pull in Latin America, her refusal to be intimidated by US imperialism, only 90 miles away, and her internationalism expressed, for example, in the way she helped Angola to defeat the invasion from South Africa, has given Cuba a unique position among the non-aligned countries.

Right from the start of the preparations the capitalist press speculated that there would be divisions at the summit and possibly a complete split. The media did its best to play off Cuba against Yugoslavia, and Fidel Castro against Tito. In doing so they tried to exploit the misunderstandings that exist in the West concerning the nature of the non-aligned movement.

Some progressive people consider that the non-aligned movement is an abandonment of principles, a refusal to distinguish between imperialism and anti-imperialism. They equate it with neutrality — and for this reason were more ready to be confused by the debates that preceded the recent non-aligned summit and that were resolved at the summit itself.

Even amongst Communists there are misunderstandings and differences in assessment regarding the role of the non-aligned movement. The fact remains, however, that when the Communist Parties of all Europe, including both the Soviet and Yugoslav Parties, as well as those from Western Europe, met in conference in Berlin in June 1976, they had no doubt as to the historic-significance and positive role of the movement of non-aligned countries. The final declaration of that conference, endorsed by all present, characterised the non-aligned movement as 'one of the most important factors in world polities', and pointed out the significant role which it plays in the fight for peace and detente, to establish a just system of international political and economic relations, and in the struggle against 'imperialism, colonialism, neo-colonialism and all forms of domination and exploitation'.

Despite these clear indications of a consistent line represented by the non-aligned movement since is foundation, debate arose over some questions, such as the participation of Egypt in the light of the Camp David Agreement, and the question of Kampuchean representation. These matters were resolved by leaving them for subsequent examination.

It was not surprising that such questions should have occasioned sharp controversy. After all, between the 5th and 6th Summits there had been tension and even armed conflict between a number of non-aligned countries including in South-East Asia (Vietnam/Kampuchea under the Pol Pot regime), and in Africa (Somalia/Ethiopia and

Tanzania/Uganda), as well as the bitter reaction of Arab states to Egypt's acceptance of the Camp David Agreement.

Debate also surfaced, perhaps more significantly, over the relationship between the movement and the Soviet Union and other socialist countries not members of the non-aligned movement. There were arguments as to how to present this question in the Summit documents. However, agreement was reached, and final formulations accepted which reaffirmed the basic purposes of the non-aligned movement.

This should not be taken to mean that the movement regards itself as 'equidistant' from the Soviet Union and the United States. Nor that a negative attitude is taken towards the Soviet Union.

In the *Borba* interview mentioned above, Tito stated: 'Our position is not one of equidistance nor of *a priori* condemnation'.

In practice, however, on the big questions of peace, colonialism, neo-colonialism, imperialism and all forms of domination, the non-aligned movement finds that its position is very similar to that of the Soviet Union and other socialist countries. As the *Financial Times* commented after the Havana summit 'The non-aligned movement — despite its name — does not necessarily take a neutral stand between the two power blocs. The Soviet Union, whatever Europeans and Americans think about Soviet multi-national territories and relations with Eastern Europe, is not tarred with the colonial brush'. (13th September, 1971).

In his opening address, and expressing Cuba's point of view, Fidel Castro declared:

> 'We are grateful to the glorious October Revolution because it ushered in a new era in human history, made it possible to defeat fascism and created a world situation in which the peoples' self-sacrificing struggle led to the **downfall** of the hateful colonial system. To ignore that is to ignore history itself.
>
> Not only Cuba but also Vietnam; the Arab countries under attack; the peoples in the former Portuguese colonies; the revolutionary processes in many other countries throughout the world; and the liberation movement that fights against oppression, racism, Zionism and fascism in South Africa, Namibia, Zimbabwe, Palestine and elsewhere owe a debt of gratitude to socialist solidarity. I wonder whether the United States or any other NATO country has ever helped a single liberation movement anywhere in the world. In fact, I am convinced — and I have said so on other occasions — that, without the power and influence which the socialist community exerts today, imperialism, harassed by the economic crisis and by the shortage of basic raw materials, would **not** hesitate to divide the world up again'.

It is understandable that Fidel Castro should have presented his country's position in this forthright way. After all, as Fidel himself has made clear many times, the Cuban people conducted their own revolution but they could not have maintained it, carried through their substantial economic and social programme and defended themselves against US imperialism without the many-sided aid of the Soviet Union, and without the change in the world balance of forces which the emergence of the socialist countries has helped to bring about.

It is equally understandable that Tito, bearing in mind Yugoslavia's very different history and experience, should have placed his emphasis differently.

Despite such differences in presentation of the role of the non-aligned movement and its relationship to the Soviet Union and other non-member socialist countries, agreement was finally reached on the conference documents because the participants were aware that their common interests overrode their differences.

One should bear in mind that the 100-odd countries in the non-aligned movement range right across the political spectrum — from socialist Cuba, Vietnam and Yugoslavia to Jordan under King Hussein, Nepal under King Birenda, as well as Kuwait, Pakistan, Indonesia and other states under arbitrary government. It is of historic importance that such an array of states, with such differing systems and state policies, should nevertheless have been able to come together and find common ground. And it was necessary, at the summit, that no formulations should be pressed that would alienate many countries from the movement and disrupt its unity.

Yet it would be wrong to ignore the role of the socialist states or to misjudge its relationship to the non-aligned movement. In practice, it is not so much a question whether or not the non-aligned countries should ally themselves with the Warsaw Treaty bloc. Rather, that the major initiatives and policy positions adopted by the non-aligned movement are supported by the socialist countries since both groupings are pursuing policies against imperialism, colonialism and neo-colonialism, and are striving for peace, detente and disarmament. And these great purposes stand out although differences have arisen, and will no doubt arise again in the future, on this or that particular problem.

Thus is was that the *Financial Times* (13th September 1979) felt it appropriate to headline its final report on the summit: 'Non-aligned nations forge a new unity'.

In his closing speech, Fidel Castro, speaking in the light of the debates that had taken place during the conference, said:

> 'Our enemies predicted there would be a split, predicted that the 6th summit of the Movement of Non-Aligned Countries would explode like a grenade. They were taking into account what has been so often said and repeated: that we are a Movement of very heterogeneous countries, with many a reef in our path. Nevertheless, we overcame the reefs, we have dealt with the most difficult problems and we have reached agreements on each one by almost unanimous consensus. As a result, we can say — we can even proclaim — that our movement is more united than ever!'

No one would pretend that all problems are solved. Nor that, in pursuit of their own state and party objectives, different leaders of the non-aligned countries will not express differences in their presentation as well as in particular policy matters.

But a new unity has been forged. The non-aligned movement has become more powerful. And its weight will increasingly be brought to bear in the interests of peace and national liberation.

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