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Gregg L. Cunningham, Executive Director

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Dear Pro-Life Supporter,

In addition to protecting pre-born babies and their mothers at home and abroad, CBR also intervenes when pro-life activists are being persecuted (sometimes, shockingly, by more powerful pro-life activists). CBR is often their last and/or only source of defense. Your kind financial support allows us to be there when these dear souls would otherwise stand largely alone. We are involved in just such a struggle to protect a young woman named Aisling Hubert, who is a member of the staff of our UK office under the direction of CBR-UK leader Andrew Stephenson. Aisling is being terribly mistreated by the judicial system for using the UK private prosecution mechanism to penalize abortionists who were violating Great Britain's supposed ban on gender-selection abortions. Our excellent UK attorneys (barristers and solicitors) have moved Heaven and Earth to protect her, but CBR is pursuing a parallel strategy on the political side of the equation. Here is the petition I have drafted to submit to Parliament in her defense. It tells an infuriating story of total corruption:

To: The Right Honorable Fiona Bruce, MP;

From: People of Conscience Across the Civilized World, for Whom We, the Undersigned, Humbly and Respectfully Speak;

Subject: The Persecution of Aisling Hubert, Victimized by Abuse of Judicial Discretion, for Having Undertaken the Defense of Pre-Born Baby Girls Who are Being Systematically Exterminated for the Offense of Being Pre-Born Baby Girls;

CONSIDERATIONS IN THE MATTER OF COURT ORDERS IMPOSING APPROXIMATELY £25,000 (BRITISH POUNDS STERLING) (\$32,800 US) IN COSTS ON AISLING HUBERT:

1. PROPOSITION:

Whereas Fiona Bruce has demonstrated the greatest possible humanity and integrity in opposing the atrocity of gender-selection abortion in the UK, we pray for her introduction of parliamentary initiatives sought to be enacted for:

- a. The relief of Aisling Hubert, by barring any court from enforcing any cost order imposed against her in matters related to the unsuccessful private prosecutions (and associated proceedings) of abortion providers, and/or the appropriation of funds sufficient to discharge Ms. Hubert's cost obligations and relieve her of all further financial responsibility in this matter.
- b. The amendment of the Prosecution of Offences Act, by immunizing any individual or organization from potential liability for the imposition of any cost order in any failed private prosecution against any person acting in their official capacity on behalf of any governmental entity (at any level of government, and whether full time, part time, as a contractor, consultant, or in any other capacity, irrespective of compensation), especially where the official's alleged offense involves matters of substantial public import.

2. WHY AISLING HUBERT SHOULD NOT BE MADE LIABLE FOR COSTS IN THIS MATTER:

In both cases initiated by Ms. Hubert, the trial courts issued summons on the private prosecution charges, and the Director of Public Prosecutions (DPP) also acknowledged there was some chance of obtaining a conviction -- but abandoned prosecution of these matters as being inimical to the public interest. The courts may not have deemed Ms. Hubert's prosecutions meritorious but neither can they fairly be called frivolous.

- a. The courts were outspokenly critical of the manner in which Ms. Hubert's able and highly respected counsel handled various aspects of these matters. Counsel obviously dispute the legitimacy of such criticisms, but the courts' disapproval is now a matter of public record, and these disagreements should not be held against Ms. Hubert.
- b. Paragraph 9 of the High Court's decision/opinion in *Sivaraman* cites *Practice Direction* guidance (Section 4.1.1) which refers to "costs incurred as a result of unnecessary or improper act of omission – by or on behalf of any party ... as distinguished from his legal representative." Since Ms. Hubert is not representing herself in this matter, the interests of fundamental fairness demand that her role, and therefore the limits of her responsibility, must be distinguished from those of her counsel.
- c. The DDP justified discontinuing Ms. Hubert's private prosecutions in part on grounds that both abortionists would be disciplined professionally. The investigation against the female physician, however, was summarily dropped and the suspension of the male physician's license was lifted shortly after being imposed. The General Medical Council made clear their intent to essentially confer a grant of immunity on both abortionists, irrespective of the gravity of their misconduct. Aisling Hubert may, on the other hand, go to jail for exposing these shocking official hypocrisies.
- d. Before regaining his suspended license by offering an unconvincing *mea culpa* and apology to the General Medical Council, the male abortionist defended his lie concerning the mother's motivation in seeking an abortion (youth of the mother) by contending that he thought it in his *patient's* interest to misrepresent the truth. The DPP said it was in the *public's* interest to exonerate him, and by implication, all the many abortionists who routinely flout the illusory limits of the Abortion Act.
- e. Paragraph 25 of the High Court's decision/opinion in *Sivaraman* chides the claimant's unreasonable "persistence" in pursuing these prosecutions. *The Telegraph*, however, reported March 13, 2015 that the two abortionists prosecuted privately by Aisling Hubert had both been the subjects of previous Crown Prosecution Service (CPS) reviews which resulted in advice to Scotland Yard that it was not in the public interest to charge the pair for performing sex selection abortions. The appellate jurist who complained of Aisling Hubert's "persistence" in attempting to save baby girls made no reference to the equally determined persistence of these abortionists in attempting to kill baby girls.
- f. The courts herein acknowledge that they have broad discretion in matters related to the imposition of costs. That discretion is being abused, however, by prosecutors and jurists whose bias was evident from the outset of this matter. One judge dismissively described the evidence offered by *The Telegraph* with an unambiguous pejorative, as having been obtained by "trick." These officials are punishing Ms. Hubert to signal that any private citizen who attempts to enforce any provision of the Abortion Act (whose violation is being ignored by the government) will be ruined financially.

- g. *The Telegraph* doomed any hope of successfully using its abortion investigation as grounds for prosecuting sex-selection physician misconduct when they mistakenly coached their pregnant accomplice to say she was seeking a sex-selection abortion at least in part because she had miscarried a previous pregnancy involving a genetically defective female fetus. This negated the sex-selection issue and changed the subject by opening the door to a permissible ground for termination (birth defects). The paper also erred in using a mother whose pregnancy was not sufficiently advanced to permit reliable diagnosis of her baby's gender. Ms. Hubert should not be punished for lacking the legal training and experience required to detect this error.
- h. The female defendant abortionist saw *The Telegraph* undercover mother when she was only 8 weeks' pregnant and the male abortionist when she was only 12 weeks along. *The Telegraph* should have allowed her pregnancy to advance into the second trimester to confer legitimacy on her claim to have had her baby's gender reliably diagnosed. Ms. Hubert should not be punished for lacking the medical training and experience to detect this error.
- i. This left only the possibility of an insufficiently thorough assessment of the patient's eligibility for termination as evidence with which to establish the physicians' criminal liability. Again and again, the law governing patient assessment standards has knowingly been made so murky as to be unenforceable. Such a prosecution strategy was arguably a dubious ground on which to risk Ms. Hubert's safety. Adequate patient assessment is a matter of great public importance, but, unlike the issue of sex-selection abortion, it is a question of little public interest. Ms. Hubert should not be punished for lacking the legal training or experience required to detect this error.

FURTHER CONSIDERATIONS:

3. Mental Health Fraud: Department of Health Guidance cautions that "unwanted pregnancy" is not sufficient grounds for approving termination, but 97% of British abortions are performed for vaguely defined "mental health" reasons. There exists, however, no requirement that pregnant women applying for abortions on those grounds be examined by a psychologist or psychiatrist.

4. Government Cover-Up: MPs have rightly complained to the press that sex-selection abortions are occurring (citing authoritative studies) despite the government's false claim to the contrary.

5. Government Hypocrisy: The House of Commons passed overwhelming an unenforceable measure condemning (as distinguished from criminalizing) sex-selection abortion in November 2014. In February 2015, Commons soundly defeated an attempt to explicitly criminalize sex-selection abortion.

6. Stacked Evidentiary Deck: Crown Prosecution Service (CPS) claims to have reviewed all the evidence to which Aisling Hubert was denied access in her private prosecutions and offered a "trust us" justification in support of their conclusion that no useful purpose would be served by granting Ms. Hubert's production demand regarding all relevant evidentiary materials. The purpose of the private prosecution mechanism is obviously to impose accountability on public prosecutors who are not uniformly trusted by the public. Yet *The Telegraph*, the Director of Public Prosecutions and the trial and appellate courts conspired to deny her access to the evidence the courts criticized her for lacking.

The edited/redacted version of the undercover video was deemed inadmissible but the DPP and the courts and the newspaper conspired to deny the private prosecutor access to the unedited/redacted version.

7. Relative Risk: The Abortion Act of 1967 requires that abortion be approved where “continuation of pregnancy would involve risk, greater than if the pregnancy were terminated, of injury to the physical or mental health of the pregnant woman.” The medical establishment has taken the political position (insufficiently supported by reliable clinical research) that the physical risks of early abortion are always lower than the risks of pregnancy and childbirth. This assumption only makes sense when decision makers attempt to discredit studies suggesting the contrary (particularly as regards longer-term consequences of abortion) while ignoring the methodological flaws in studies which greatly understate abortion’s hazards. The problem of relative risk (full-term delivery versus termination) raises an historical problem which mirrors that encountered when corrupt scientists (who are essentially politicians) have been compensated by special interests who hire them to find that cigarette smoking does not cause lung cancer and that sports-induced concussions don’t cause dementia.

8. Animal Rights: Private prosecutions are widely used by RSPCA to prosecute animal cruelty. It is apparently in the public interest to protect baby cats but not baby humans.

9. Patient Assessment: Consulting physicians could not have formed the requisite “good faith” opinions regarding a patient’s eligibility for termination if the consultant never met the patient and is relying exclusively on information provided by an examining physician who, as in these cases, “asks no questions” or lies as to the patient’s motivation in seeking the termination. The (DPP) asserts that the relevant practice standards lack the specificity necessary to adequately guide the conduct of medical practitioners and law enforcement officials. Concerning these matters, however, the real issue isn’t whether the patient assessment was “sufficiently robust,” but whether it occurred at all. As noted above, with one physician in this matter “asking no questions,” and the other knowingly falsifying the record which documents the potential abortion patient’s motivation, the assessment process, by any reasonable standard, was a charade.

10. Pre-signed Approval Forms: Notwithstanding all the recent controversy, the medical establishment remains so committed to inhibiting true abortion reform that the newest patient assessment guidance from the Department of Health still does not compel either the examining or consulting physician to actually examine or even meet with women whose eligibility for abortions they are statutorily obligated to assess.

11. Medical Establishment Bias: *The British Medical Association Handbook of Ethics and Law* says “Fetal sex is not one of the criteria for abortion listed in the Abortion Act and therefore termination on this ground alone has been challenged as out with the law.” The text then adds, however, that “The pregnant woman’s views about the effect of the sex of her fetus on her situation and on her existing children should nevertheless be carefully considered.” It adds that “Many doctors felt that an unwanted pregnancy could cause considerable stress and anxiety.” This is shameless sophistry. It is despicable duplicity. The exceptions dishonestly consume the prohibition.

God bless you, our faithful donors, for enabling us to get between brave but largely defenseless pro-lifers and cowardly bullies, whether those bullies are pro-abortion or pro-life!

Lord bless,

A handwritten signature in black ink, appearing to read 'Gregg Cunningham', with a long horizontal line extending to the right.

Gregg Cunningham
Executive Director