

ABORTION CORRUPTION & COPS

The Bertram Wainer Story

Teachers Notes



FILM AUSTRALIA

NATIONAL INTEREST PROGRAM

SYNOPSIS

In 1967 a young woman came to Dr Bertram Wainer's Melbourne surgery seeking emergency medical attention after a backyard abortion. She was desperately ill yet too afraid to go to hospital.

For Wainer this was the start of a long, hard campaign to overturn laws that made abortion an offence punishable by up to 15 years in jail and forced women to turn to unskilled operators.

In the process, Wainer uncovered a web of corruption involving highly paid doctors, backyard abortionists, high-ranking police officers and power-broking politicians. It started out as a story of secret love affairs, crooked deals and double-crosses and rapidly became a desperate game of cat-and-mouse played out in clandestine meetings and phone-tapping sessions.

Faced by a government that refused to address the problem, Wainer decided to put abortion law to the test himself, forcing the issue into the headlines. This would lead to attempts against his life and those of his supporters, until eventually public pressure forced the government to announce the first major public inquiry into a state police force.

But the threat to women's health remained so in 1972 Dr Wainer decided to establish Australia's first public abortion clinic. After years of struggle, abortion in Victoria was finally accessible, affordable and safe.

Thirty years later, the law remains unchanged.

CURRICULUM LINKS

This program is suitable for middle and senior secondary studies in English (Issues), Legal Studies, Media Studies and Social Studies, and at TAFE and tertiary levels in Legal Studies, Media, Sociology and Women's Studies.

Note: The Office of Film and Literature Classification has given the documentary a M (for mature audiences) classification, with the consumer advice: adult theme, infrequent coarse language.

AFTER VIEWING

What do you recall from viewing the program?

- Describe the biographical elements in Bertram Wainer's life that gave him an awareness of social injustice.
- What position did Wainer hold in the Australian Army, and why did he resign?
- The program refers to abortion law in Victoria in the 1970s. For what purpose was this law designed and why was it considered outdated?
- What was the penalty in Victorian law for a woman or a doctor procuring an abortion?

- What was the ALRA organisation; when did it hold its first public meeting and what were its aims? What was its fundamental attitude to the relationship between citizens, parliament and law?

- Define the three levels of abortion providers, and the different groupings of women who accessed these providers.

- What were the tactics used by Homicide Squad detectives in investigating illegal abortions?

- Why did Wainer set up a fund-raising campaign?

- To whom did Peggy Berman pay bribes, and why? What was her relationship to Jack Ford?

- What steps did a woman have to take to arrange for a 'backyard' abortion?

- Why was Dr Kenneth Davidson acquitted of committing an unlawful abortion? What conditions made an abortion lawful?

- According to the program, in what way was the Democratic Labor Party an important player in Victorian state politics and the abortion issue?

- Explain why Wainer began to receive threats and anonymous warnings.

- Describe the incident that offered proof to Wainer that Peggy Berman's accusations of police corruption were correct.

- Who was Charlie Wyatt, and why did he become important to Wainer?

- Describe the role of the Melbourne Age newspaper in bringing about a 1970 Victorian government inquiry into police corruption and abortion.

- What was the outcome of the Kaye Inquiry?

- After the Kaye Inquiry was completed, ALRA's aims changed. Why?

- What were the purposes of the new clinic set up by Jo and Bertram Wainer? What opposition did they encounter?

- What were the results of the 1975 Beach Inquiry?

THE ABORTION ISSUE

In general the program concentrates on the abortion laws as they applied to the state of Victoria in the 1960s and 1970s. The following activities are designed to broaden the issue.

- As a general introduction, in pairs or small groups, research then construct a wall-poster timeline from the mid-20th century to the present day of the main events concerning the abortion issue in Australia. Using the historical details in the program as a starting point for your research, draw attention to the central activities and campaigns of groups and individuals, important events, the results of legal cases, royal commissions and landmark government legislation around Australia.

- In small groups, select a state or territory other than Victoria, and research its past and current abortion laws and penalties. Finally, have a whole class discussion about the similarities and differences in laws, and whether they have altered over time. Also examine whether Australia's major political parties have stated policies on the issue, and whether the federal parliament has debated the issue, and to what purposes and results. What are the officially stated positions on the abortion issue of medical and nursing bodies such as the Australian Medical Association and the Australian Nursing Federation?
 - In groups, research the current abortion laws of another country—such as Ireland, France, Iran, Afghanistan, the United States of America, China, Sweden—and debate how you regard those laws and the way they are put into effect and prosecuted. Include in your research the types of political, cultural and religious systems that inform those abortion laws and attitudes towards women, families, marriage and pregnancy in general.
 - Draw a graph showing abortion statistic figures by age of female in Australia and any other two countries. Draw a graph showing abortion statistics for the USA or for Australia in terms of single and married females, and in terms of ethnicity. Discuss in class the findings and how you might interpret them.
 - Prepare either a research article or an illustrated website on the history of abortion (or the avoidance and dangers of abortion) prior to the 20th century, looking at issues such as social, religious and political attitudes and medical practices and improvements through time. At what point did the possibility of abortion as a relatively safe medical procedure become a reality, and why? Compare statistics of women dying as a result of an abortion up to this point, to later, and to the present-day. Are these figures relevant to all parts of the world or not?
 - In detail, explain the Menhennitt ruling of 1969, and its repercussions.
 - Write an essay on the dominant pro-life and pro-choice groups in Australia, examining each group's credentials, history, organisational background and *raison d'être*, its central arguments and opinions, its influence and power in the community, its funding and its public relations activities, methods of dissemination of messages and its relationship to the mass media. Re-present the same information in a more popular or accessible form for a website or a magazine for young people.
 - Debate in class whether you believe the pro-life and pro-choice groups have any influence in changing people's opinions towards the issue, or whether they merely confirm existing attitudes by 'preaching to the converted'.
 - What are fertility control and family planning clinics? Put together a public awareness information booklet, pamphlet, internet site or radio program about the availability of these clinics in your locality, region or state, aimed specifically either at teenagers, new migrants, tertiary students or specific ethnic and religious groups.
 - View the film, *Vera Drake* (dir. Mike Leigh, 2004). Write a review of the film, discussing its attitude to the abortion issue, and what it tells you about the English abortion laws of the 1950s. Do you think the film's viewpoint simplistic and unreasonably biased or not? Plan and write a scene that reverses the sympathetic or unsympathetic portrayal of any of the characters depicted by the film—this may involve not only dialogue and behaviour of the characters but also instructions for *mise-en-scène*, editing, music and sound effects, lighting and camera angle as devices to manipulate audience response.
 - Plan and present a research project on the 1973 *Roe vs Wade* abortion case in the USA. Explain the details of the case, those who were involved, the judgement and its ramifications. Are there any other legal cases of similar nature in the world? If so, include a brief history of comparative cases in your project. (See the following activity for more on the *Roe vs Wade* case.)
 - Discuss in class the possibilities for writing a fiction story that presents the abortion issue in science fiction or metaphorical form, as allegory or parable. For example, it may be a story about futuristic medical experimentation, animals, fantasy aliens or androids. Write your story. As stimulus material you may want to read Philip K. Dick's 1974 science fiction short story, *The Pre-Persons*, which is claimed to be a reaction to the *Roe vs Wade* case (see also previous activity).
- ### BERTRAM WAINER AND THE 'PLAYERS'
- From the program we may observe that although Dr Wainer was the featured 'player' in the Victorian state abortion scandals, many other people, and the mass news media, particularly the *Melbourne Age* newspaper, were very important in bringing the issue into the light of day and into judgement.
- Is Wainer a 'hero' or not? Debate in class. (You may need to define such terms as hero, anti-hero, whistle-blower, trouble-maker and anti-establishment, and to provide comparative examples.)
 - Write an editorial about Wainer and his activities of the kind that might be published in an anti-abortion (or pro-life) newsletter; write an editorial about him that might be published in a pro-abortion (or pro-choice) newsletter.

- Prepare a research article on the role played by *The Age* and *Truth* newspapers (mainly journalists Kevin Childs and Evan Whitton respectively) in reporting and commenting on the activities of Wainer during the years of the Victorian abortion scandals and later. From the letters to the editor pages, is it possible to gain an impression of the public's view of Wainer? In what terms was Wainer's life summarised and assessed in editorials, letters and obituaries when he died? Was there a shift in attitude through the years? (You may require access to microfilm of *The Age* and *Truth*; *The Age* is generally available in many Australian libraries.)
- Plan and construct a biography of Jo Wainer suitable for publication either in a weekend newspaper magazine or for a website aimed at providing people with information about fertility control. Discuss in class whether there would be any differences in style, presentation and message between the two types of media outlets.
- In the program some women recount their own experiences of procuring an illegal abortion. Using this information as a starting point, and gathering anecdotal evidence from other sources, plan and write a short fiction story or film script dramatising a situation involving an illegal abortion, either before, during or after the event. It may be presented from any viewpoint.
- Read then write comparative reviews of Bertram Wainer's book, *It Isn't Nice* (1972), and the book co-written by Peggy Berman and Kevin Childs, *Why Isn't She Dead?* (1972). Present these reviews in such a way that they would be suitable for web page display for a general viewing audience. An alternative to this may be for the class to participate in a recorded panel discussion about the two books, with those class members not on the panel able to take part in question and answer, and to debate with the panel.

CRIME, CORRUPTION AND JUSTICE

The program details the links between illegal abortions and corrupt police officers, and the Victorian government inquiries that were set up in the 1970s to report into the extent of these matters.

- Examine and discuss the initial refusal of the Victorian government to hold an inquiry into the extent of criminal activity surrounding illegal abortions, its reasons for this refusal, and why the government changed its mind on the matter. In carrying out this activity, it may be necessary to look at such issues as political expediency as a reason for non-action—the connections and power relationships between the ruling parties of the day, and the minor Democratic Labor Party, and the need to win and maintain seats in parliament.
- Research and write a report on the reasons for, and the findings of, both the Kaye Inquiry of 1970

and the Beach Inquiry of 1975. What were the differences between the two? What have been the long-term effects, if any, of these inquiries?

- In small groups, write, prepare and enact a short fiction play about an illegal abortionist, a patient and a police officer willing to accept or to extort protection bribes. The play may be presented in any way, but it should make clear the connections and relationships between the central characters, and the flaw in the existing laws that can create this situation. Aspects to consider, for example, are whether it is possible to be sympathetic towards the police and the abortionists.
- In groups, drawing from newspaper reports and other sources, research the court trials of the Victorian police officers accused of taking bribes from abortionists. What specific charges were brought against them, who gave evidence for and against them, what were the verdicts, sentences and punishments? Prepare your findings for popular consumption either as a magazine item or as a website.
- Write a fictional short story based on the events surrounding the claims of death threats and attempts on Wainer's life, which led to reports that he later carried a gun for protection. The story, for example, may be written in diary or confessional mode, and from any viewpoint—that of the intended victim, the assassin, an onlooker, a friend or family member.
- Prepare and carry out mock interviews for radio or television in which Peggy Berman, Jack Ford, Jack Matthews and Charlie Wyatt each defend, justify or explain their own behaviour and activities. (It may be of interest to know that when released from jail, Matthews became a Melbourne newspaper columnist, dispensing advice to readers of *Truth* then later the *Sunday Observer*.)
- Debate the case for and against the decriminalisation of abortion in Australia.

THE PROGRAM AS A MEDIA CONSTRUCTION

As is well-known, documentary films do not present reality, they seek to re-present or to construct it, and in so doing, they seek to provide fact, opinion and truth, and perhaps to aim at some group consensus of attitude towards the subject amongst the viewing audience. The following elements and the ways in which they may be manipulated, or edited, combine to produce not only an impression of reality, but versions of truth, meanings and messages that may offer degrees of accuracy:

- lighting
- camera shots and angles
- sound, including a scripted narrative voice-over, background mood music and incidental sound effects

- archival news and current affairs film (or video), home movies, paid-for public relations footage and photographs
- directed re-enactments by hired actors
- reminiscences of people years after the event
- Discuss in class generally how we as an audience can know or assume that what we are seeing and hearing in this program may reliably be authentic. What are the purposes of re-enactment, and what are its strengths and weaknesses or dangers (if any)? Is there any part of the program that you felt required further detail or explanation, or any important information that you felt was omitted?
- Write a media analysis of the program. To carry this out, examine and discuss the following:
 - The sequential structure of the program, looking at whether or not it is entirely presented in chronological order.
 - The purpose of contemporary 'talking head' interviews inserted at particular points in the program.
 - The use of film footage, sound and photographs that are not directly associated to the Victorian abortion scandals (eg the Vietnam War). What messages are these intended to convey?
 - the relevance of the re-enactment scenes. Do these add to or detract from our understanding of the story and the issues being presented? Do they influence our reactions to the characters being portrayed, especially in terms of 'heroism' or 'villainy'?
 - The wording and presentation of narration voice-over, and the background mood music accompanying it. Examine these in conjunction with the images simultaneously appearing on screen for the range of audience responses that it is possible to create.
 - The uses to which archival footage may be put. Especially compare the footage of Bertram and Jo Wainer to that of Inspector Jack Matthews. Discuss whether Dr Wainer asserts any awareness, control and manipulation of the use of television media in its presentation of images of him, or whether he is merely a 'player' in the news, captured on film. Which of the people who participated in the real-life events of the 1960s and 1970s are accorded a voice in the program, and which are not—and does this affect our judgement of them?
 - The way the program depicts Victorian political leaders Henry Bolte and Arthur Rylah. What messages of these two men are presented, how, and to what purpose? (Consider, for example, whether the program's comments about Rylah's alcoholism are relevant to the issue; also look at the depiction of Bolte and Rylah in comparison to the images and sounds of general social progress within the wider public.)

- Select a sequence from the program and suggest a way of re-presenting it so that an alternative viewpoint may be offered to the audience. For example, you may try to reverse objective for subjective, or vice-versa. It may be necessary to provide a storyboard for this activity, to write a new narrative voice-over to accompany it, and to explain any changes you would make to the background mood music.
- Working in small groups, select any part of the program that is not a re-enactment scene, and write a script to develop any aspect of it as a re-enactment or as movie bio-pic fiction. For example, those sequences involving reminiscence and biography, such as Wainer's life-changing decision to resign from the army, may be dramatised. Another example may involve the hiring of an assassin by a group of 'backyard' abortionists.
- Divide the class into three groups. One group is to write a review of the program from a pro-life viewpoint; the second is to write a review from a pro-choice viewpoint; the third is to write a review for a popular newspaper or magazine television guide. As a class compare the reviews, discussing the similarities and differences in approach, examining how reliable or informative they are—that is, the class may review the reviews.

SELECTED REFERENCES AND FURTHER RESOURCES

Books

Peggy Berman and Kevin Childs, *Why Isn't She Dead?*, Gold Star Publications, 1972

Rod Bretherton, *Abortion: RU 486, Anecdotes of Anguish and Hope*, Rodney Bretherton, Daylesford VIC, 1997

Philip K. Dick, 'The Pre-Persons', short story first published 1974, republished in *The Little Black Box*, volume 5 of *The Collected Stories of Philip K Dick*, Gollancz, London, 1990

Ellie Lee (editor), *Abortion: Whose Right?*, Debating Matters series, Institute of Ideas, Hodder Arnold H&S, London, 2002

Bertram Wainer, *It Isn't Nice*, Alpha Books, 1972

Films

Mike Leigh (director), *Vera Drake*, 2004
www.veradrake.com

Websites

Abortion law in Australia

Green Left Weekly online articles:
 WA abortion law reform
www.greenleft.org.au/back/1998/313/313p6.htm

Abortion law reform debated
www.greenleft.org.au/back/1998/318/318p8b.htm

Parliamentary Library
www.aph.gov.au/library/pubs/rp/1998-99/99rp01.htm

Abortion issues, arguments and viewpoints

Association for the Legal Right to Abortion (ALRA)
www.alra.iinet.net.au

Australian Medical Association www.ama.com.au

Australian Nursing Federation www.anf.org.au

Between Two Worlds
<http://theologica.blogspot.com/2005/02/if-abortion-becomes-illegal-again.html>

Children By Choice Association
www.childrenbychoice.org.au

Pro-life reading list compiled by A Casey
www.cqnet.com.au/~user/dancasey/Pro-life_resources.html

Pro-Life Victoria www.prolife.org.au/links.htm

Women's Issues <http://womensissues.about.com>

Women's Web: Women's Stories, Women's Actions
 (Jo Wainer article)
<http://home.vicnet.net.au/~womenweb/sources/Later%20Narratives/Jo%20Wainer.htm>

**ABORTION, CORRUPTION AND COPS–
 THE BERTRAM WAINER STORY**

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Writer/Director: John Moore
 Producers: John Moore, Sue Seeary
 Executive Producers: Penny Robins, Franco Di Chiera
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Front photo: Kurt Geyer as abortion law reformer Dr Bertram Wainer in *Abortion, Corruption and Cops–The Bertram Wainer Story*.
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