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Police making a dawn search of the mud flats at Hill Head, Titchfield, Hants. (Daily Telegraph, 23 July, 1974.)
 However, they did not find a single copy of that infamous mud-slinging mag. Up Against the Law!

UP AGAINST THE LAW

Issue
No.5

Price 7½p
(50p to Lawyers & Professionals)

MURDER AT THE SCRUBS?

The letter below came to UPAL from the Scrubs. Immediately upon receipt, we issued a press release and contacted Scotland Yard.

Hello UPAL,

The press said, "Stephen Smith found hanged in his cell at Wormwood Scrubs. There will be a Home Office enquiry." That is very unlikely to be more than a whitewash. So it's a matter of urgency if they try and push the inquest through fast, that people are there and a demand is made for an independent enquiry,

These are the facts as we've been able to piece them together. In the middle of last week he returned from the 'Segregation unit' (the block) to the allocation wing—C wing. He was taking no shit off screws, and on Friday a con heard a screw boasting that he'd pushed Steven Smith into his cell and broke his glasses and his radio.

Saturday, just before lunchtime it went off again, and he was taken to the bare segregation cell at the end of 'C' wing. A con heard him being beaten and rushed off to tell the P.O. in the control box what was happening, but this merely prompted a whole lot of screws to rush down to the segregation cell and lay in. Sometime in the early afternoon, two screws emerged, their shirts torn, and Steven Smith was carried off to the seg. unit, situated at the end of A wing block.

Later in the afternoon, a con in the seg. heard three screws boasting they'd

given him another kicking. At 6.30 the same afternoon, he was found hanged. The independent pathologist would be able to make deductions from the bruises which were undoubtedly on his body. Thus the urgent need for one.

I heard he has a wife and three kids.

All the best—this news and that from the French nicks is leaving us all a bit numb.

End of letter.

This letter came from Wormwood Scrubs. Parts of the letter which may identify the warders or the writers of the letter have been omitted.

Up Against the Law has also been given additional information from a reliable source to the effect that:—

- 1) A prisoner overheard a Prison Officer say to the officers involved in the beating, "You murderers!"
- 2) The same officers are being ostracised by the other officers since the incident.

A full enquiry must be held, as a matter of great urgency, into the circumstances of Steven Smith's death, in order to ensure that murder or manslaughter is not passed off as suicide. On Monday, 12th August, Steven Smith's body was cremated.

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To: Up Against the Law
 66 York Way, London, N 1.

Please send me your mag. for one year. I enclose £2.50 ordinary subscription; £6.00 lawyer's and professional's subscription.

Name.....

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INTRODUCING ISSUE 5

Hello again to all our good readers. UPAL 4 was a very popular issue; our fame is spreading. This issue has been produced by a few different people, but it's still packed with useful and tasty stuff guaranteed to drag you to the edge of your seat, and, we hope, onto your feet.

September is known to be the best apple picking season, so we've left 'One Bad Apple' to stew for a month. (Groan.) However, never fear, it will appear in the next issue.

UPAL needs information, support, people to sell it, people to write it, and, of course—MONEY. If any of you have plenty of poke, we are in urgent need of an IBM typesetter, which is capable of justifying (cost £2,500+ or £60/month 5 years H.P.).

UPAL is making an effort to come out on a regular basis, hopefully every month. Subscription rates are £2.50 a year, or £6 if you are a lawyer or professional (professional anything!).

So much for our needs. Hope this issue satisfies yours.

Up Against the Law
66 York Way, London N 1.
01-837-4194



McKenzies

More and more people are representing themselves in courts and using McKenzie advisors. UPAL started around the experiences of people who had had bad deals with lawyers and who felt that the only way to get justice was to do their own talking in court, with a friend there to help and advise them. That friend can be a professional or a lay person; your solicitor or your friend.

Now the habit is not only spreading, it's also succeeding. Instead of pouring thousands of pounds down the greedy gullets of the legal profession and then getting a shoddy deal from them, people are taking the law into their own hands and finding McKenzies to help them.

Recently a defendant in a North London Magistrates Court turned to the legal bench and said, "You lawyers might as well go on the dole or go out thieving

like us lot, because the way things are going you'll soon be out of business."

They laughed, but nevertheless the legal establishment seems to be getting worried. They fear the power of McKenzies.

In a recent squatting case (*R. v Mercy*), a McKenzie was allowed to speak for the defendants. However, Lord Denning made it clear that this was an exception, and not to be encouraged by the courts. (UPAL agrees. McKenzies should not be speaking in court. The point of a McKenzie is to help you to speak for yourself, not to take over your case.)

New Society (13 June 1974) seized upon Denning's ruling to make the comment, "the McKenzie lawyer can only be a rarity in the future. . . . Clearly lawyers and judges are now given every encouragement to protest against the appearance of McKenzie men in court."

A rarity they may well wish! And New Society might take note that women, as well as men, are being McKenzies!

"Any person, whether he be a professional or not, may attend as a friend of wither party, may take notes, may quietly make suggestions, and give advice; but no one can demand to take part in the proceedings as an advocate, contrary to the regulations of the court as settled by the discretion of the justices."

Lord Tenterden C.J. in *Collier v Hicks* (1831) 2B and A 663, at p. 669.



Entrance to the courts?

ILLEGAL AID?

On the 27th of April 1974, a man was arrested and later charged with failing to provide a specimen of blood. In the North London Magistrates Court, this "failure" is classified as a case of "excess alcohol." Three times the man applied for legal aid and three times he was refused.

Miss J.A. Dawson, a clerk in the Legal Aid Dept. of the North London Court explained over the phone, "We don't nor-

mally grant legal aid for excess alcohol. . . the magistrates don't grant legal aid for excess alcohol."

Our astonished bloodless friend was then handed over to the deputy chief clerk who elaborated. "The practice of this court, and most of the Inner London Courts is—we don't grant legal aid for excess alcohol. There are certain offences where it's a matter of practise that we don't grant legal aid and this is one—traffic offences. The only type of traffic offence in which we grant legal aid is 'taking and driving away.'"

There is nothing in the Legal Aid and Advice Acts to justify this illegal practice of the Inner London Courts.

Now we know that some of these magistrates have got ambitions of dating God, but who the hell gave them the right to make up their own laws? As it stands, if you ain't got the money of a Nabarro or Brown, then you don't get legal aid for excess alcohol.

Having illegally deprived people of the money to pay for a lawyer (for whatever one's worth), you'd think they'd let you have a McKenzie. Here too, they are a law unto themselves.

Thrice refused legal aid, our friend asks for a McKenzie. At first he is refused. Then they change their minds and say he can have one, but the McKenzie must not address the court or help with cross-examination.

During the case, the defendant starts to attack the character of the police surgeon, and he appears to have a lot of ammunition. In any court a defendant is perfectly entitled to discredit the character of a prosecution witness. But again, those old maggots say NO. In this particular court you can't do it unless you're legally represented. Ho.Ho. Red faced, and with their knickers in a twist, the court adjourned in consternation.

After half an hour in which the prosecution witness was allowed to leave the courtroom, the Bench returned.

Bench: "Mr. X your interests will be better served of you are legally represented."

Defendant: "I don't want legal aid."

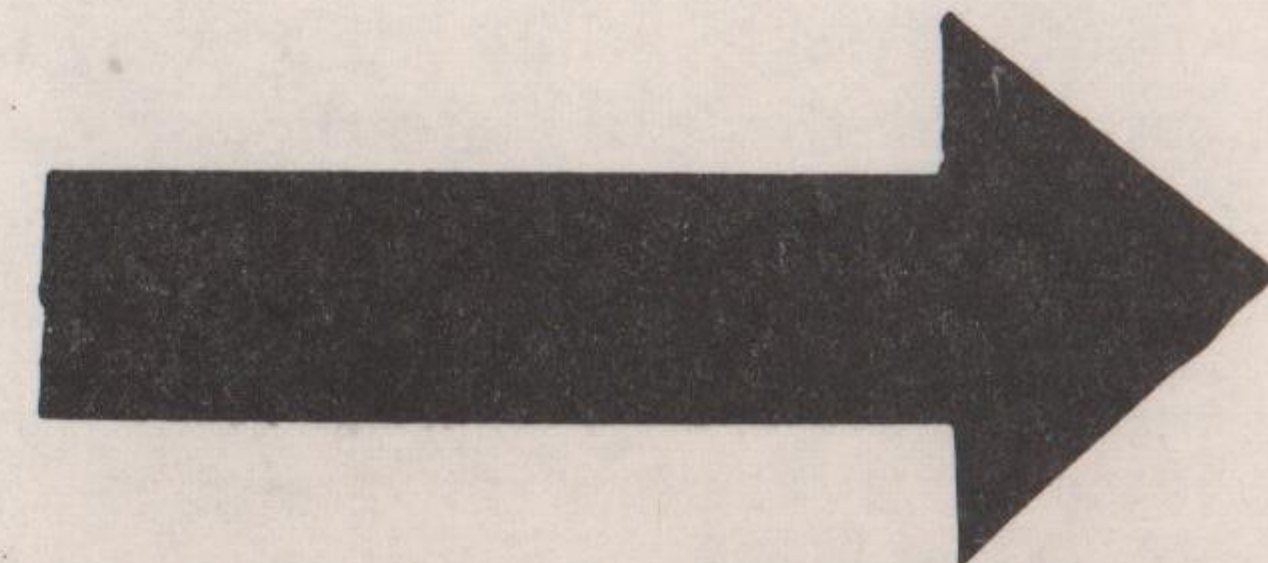
Bench: "It is the decision of the Bench that you should be legally represented."

Defendant: "I don't want it."

Bench: "That is our ruling. You WILL be represented!"

Well, make up your minds! And while you're at it, get your law straight!

* Anyone wishing to know the identity of Mr. X should phone P**I F**t of Neasden Junction.



Tommy Tittlemouse

A True Lament

Is there a law for the rich and the poor? If they say NO—then read on some more. The Solicitor General was pulled for 'NO TAX.' Read his reply when presented with facts.

"The car there in question was left in a will, To my wife - by her aunt - who is now in Boot Hill.

I'm at a loss to what happens in a case such as this. I wasn't aware of the 'OUTDATED DISC.'

"But three moons have passed now," said Constable Bread, "Like your Auntie, this Tax Disc is stone fucking dead.

Someone has Grassed you—it's down in our book. It's now down to you—to get off the hook."

And lo and behold, that's just what he done, That's how I read it, in a Rag called 'The Sun.'

So I placed an old Banger outside my street door, Then sat back and waited for the Arm of The Law.

A short time elapsed, and the 'Horrible' came, In the form of a Cospot, demanding my name.

Like thousands of others, I duly obliged. A little while later the Summons arrived I phoned up 'The Sun' and demanded the FACTS,

"Has that toffee nosed bastard been NICKED for NO TAX?"

"So far he hasn't—We're hanging around, Our newshounds with noses and ears to the ground."

"Perhaps I can help you," I said to the guy. "I'm due up in court, with a foolproof reply.

I'll be dressed as a Totter—no wig and no gown."

The Sun was delighted—"We'll send a guy down."

The Mugs up before me were ALL duly FINED

By the Bench who determine THE LAW as defined,

The LAW that states clearly—a LAW we must meet,

"You must NOT have motors, UNTAXED on the street."

They were all ushered in—and ALL ushered out,

"FINED twenty pounds, and endorcedments throughout."

"Bring in the next MUG—that mug was ME.



The battle commenced, for all there to see.

They read out the charges and looked with dismay, When I answered the Bench, "I don't want to say."

The Bench started smiling, and made it so clear, "You must make a PLFA—or the case we CAN'T hear."

"Now, I've been to the Bailey—The Sessions and such, So don't try and tell me of what I know much.

I'll pose you a problem for YOU to make clear Should the SOLICITOR GENERAL also be here???"

"I'm just an old Totter who ain't got a POT.

Will you tell all here present of your guy at the TOP?

You're all brainy bastards and you all know the law.

With no POT to Piss in, I've got to be POOR.

Owing to illness, being flat on my back, I couldn't go Totting, to PAY for the tax;

But a dirty slag bastard with plenty of DOUGH

Sticks up a Porkie* that he didn't know.

The one I've just quoted—shall I repeat? It's for you to pass judgement, from your judgement seat."

They went in a huddle—just like a scrum, Scratching their bollocks—they were all on the run.

"If we FINE this old Totter—then he's got a case,

It means we are knocking our GUY off his Base.

A base that is called JUSTICE—Justice for All.

The answer to this—is to FINE HIM FUCKALL."

With a smile on his face, the Chairman intoned, "We've considered your case; we'll leave you alone. We'll dismiss all the charges, we'll forget it this time, So Fuck Off and leave us—FOR OTHERS TO FINE."

*Porkie=Pork Pie=Lie.

Courts Taken to Pieces Workers Unscrew the Law

Last year, the Lord Chief Justice's new super-plush carpet was nicked before he even got to put his smelly feet on it. An ambitious group of lads in white coats came in and whisked it away to be cleaned, never to be seen again!

Now the place is being taken apart at the very seams! A fine example has been set by recent raids by workers on brass and copper fittings at the High Court in the Strand. According to the Telegraph: "Security men at the Law Courts in the Strand have failed to check extensive thefts of brass and copper fittings. Air-conditioning plant and radiators are the main targets.

In the Queen's Building, the hardest hit, almost every piece of equipment has had panels unscrewed or grilles removed. An official said: "Hundreds of pounds worth of equipment is missing."



UPAL wishes to thank D.I. Green of Albany Street station for the story he offered us. Unfortunately we're not running it, due to the fact that it turns out to be a load of old cobblers. Better luck next time, Inspector.

Villain Casting at O07 Studios

Could it possibly be true that our noble and upright friendly British police have taken to a new form of statement-taking without telling anyone? Surely not!

We always thought that they had to take your statements down on a separate piece of paper, that you read it and signed it if you were in agreement. We also thought that it had to be purely confidential, and that no one other than the officer in charge of the case could read it.

After all, if anyone could read your statement, then it wouldn't be too hard for the coppers to make their evidence tally, rather than conflict in the way it sometimes so obviously does.

It has been said that there's a certain practice going on in Limehouse nick, where your statement is written down in a leger, along with all the other statements.

Now we all know that it's hard for them to get things in order, and that the Metropolitan Force is hard up for secretaries, but this is taking efficiency beyond the realms of law. After all, if any officer is able to read officers or detainees state-

ments, then he is in a position to corroborate any other officer's statement.

And when it came to reading your statement and signing it, you'd want to see what the old bill were up to, wouldn't you?

Recently three men who had been arrested by O07's Special Crime Squad and taken to Limehouse nick, are alleged to have said when asked if they wanted to read their statements, "No, it's perfectly alright. We have seen that officer write it down, so it must be alright." Such trust apparently existing between the Special Crime Squad and those 'violent men of crime' is truly amazing. . . indeed, even touching.

Might there be a remote possibility of a connection between such methods, and what happened in the case of Tibbs and Dixon last year?

We do vaguely remember that Bertie Wig-instead's name was mentioned round about the time we were told this dreadful story. (We don't believe a word of it. We mean. . . well, there's such a thing as British justice, isn't there?)

thousand times richer until his arrest. However, before we shed tears for Developer 'Why Pick On Me' Dan, we can be consoled with the thought that Dan will be well looked after when he's transferred to Ford open prison.

OOOO

It is my unhappy duty to announce a startling crisis of confidence in the courts. Murmurs and whispers have it on good authority that well-known hardened criminals have wriggled their way onto the benches of law'n order, flog 'em forever, and God Save the Queen.

Among the worst examples of corrupt magistrates are those bosom pals of that well-known recidivist architect, John Poulson. It is curious that so many of his criminal associates were either law-abiding magistrates, councillors or Home Secretaries. Even now, the full extent of his villainy is not known.

But we do know this—Alderman Andy Cunningham, J.P. and Chairman of the Durham Police Authority, and his wife were both magistrates. We also know they were both charged with bribery and corruption.

The Times, 15 June, 1971

"Alderman Andrew Cunningham, chairman of Durham police authority, said today that police might sometimes have to break the law in fighting crime. He added "The point is they have not got to be found out breaking the law."

Has it occurred to the Home Secretary that anyone convicted by a magistrate who is later convicted of a criminal offence has not exactly had a fair trial?



Good News. I'm delighted to report that London's favorite dope satcher, ex-head of Drugs Squad, Vic, has made a marvelous recovery. . . a brief interlude of going bonker. . . committing himself to a mental hospital following his acquittal for 'Conspiracy to Pervert the Course of Justice.'

Vic's illness, of course, had nothing whatsoever to do with securing his retirement pension.

Times being what they are, Vic is now back in action working for a private detective agency run by a Mr. Walsh in Surrey.

OOOO

In a certain area of Newcastle, there's been a spate of abandoned wives. The men responsible are all local journalists councillors and other renowned P.R.O men for that hardened criminal, T. Dan Smith—the man who terrorized councils everywhere into accepting his highly profitable development plans.

The North-East is still the same old slag-heap but T. Dan Smith was a

IS THE FRAUD SQUAD A FRAUD?

Fraud Squad Chief, Donald Barker, has been charged for taking part in a £35,750 fraud. Chief Barker was leading the investigation into a big company fraud. It was alleged in court that he was being well-paid for services rendered in the direction of finding 'insufficient evidence to prosecute.'

Deputy Head of the Squad, Chief Supt. Etheridge, was one of the many senior officers at the Yard who was wined and dined by the Soho porno chiefs.

James Humphreys, now doing an eight, named Etheridge among his 30 plus entries of senior officers at the Yard with whom he carried favours.

Exposed in 'The People,' Etheridge was cleared in an internal police investigation conducted by Deputy Chief Supt. Collins, of the very self-same Fraud Squad.

Meanwhile, Etheridge is a leading light in the Poulson inquiry.

Head of Fraud Squad is Commander James E. Crane, (now promoted to the post of Dept. Assist. Commissioner at the Yard). Commander Crane was involved in the Kelaher affair (See 'The Big Fish That Got Away,' UPAL 4.) Crane went to Middlesex Quarter Sessions to take notes on the evidence in the Basil Sands case, which tended to cast rather heavy criminal aspersions on good cooper Kelaher (ex-head of Drugs Squad). Crane is now the gov'nor of the Poulson inquiry.

Crane has so far displayed an amazing ingenuity by avoiding any contact with such crucial witnesses as Reggie Maudling, Edward Short, and other celebrities in the law and order circles of our society.

But after all, prison is no place to put an ex-Home Secretary, now is it? Fraud onward!

The Malta Caper

We also have information that members of the Serious Crime Squad, including Inspector Bernard Tighe, commented on a case which was subjudice, and gave damaging and wrongful information in a 2 page article in the Malta Times Newspaper last year.

Members of the SCS are continually in Malta, acquiring permanent suntans at our rate payers' expense. Their explanations are either that they are looking for new evidence (even though this case had been in hand for 7 months and the committals were in March), or that they are protecting witnesses.

Very nice, if you are in a position to get it.

PARK KEEPERS & MIDNIGHT CREEPERS (Plainclothes on the GLC Payroll)

One of the nastier tendencies that firms are developing these days is the need for additional security that only a private police force can provide. There are an awful lot of security firms, bodyguards, fortified estates and so on. The latest and perhaps most unlikely firm to feel this need is the GLC Parks Dept.

You may have seen ads in the Islington Gazette of Evening News for 'Special Duty Officers' in the Parks Dept, featuring open air work with plenty of opportunity to earn overtime.

DOG PATROLS

There are at the moment 24 such officers, together with 15 Alsatian dogs and their handlers. These men patrol GLC parks, particularly in South London; you may have seen them in Battersea, Dulwich Hornimans, North and South Avery Hill, and so on. They also patrol Council estates; Thamesmead is one of them.

The duties carried out by these officers consists in enforcing the byelaws. In fact, most of their work involves citizens arrests under section 13 of the Sexual Offences Act; indecent exposure and mutual masturbation are the most common.

The dogs are there to control hooliganism. The handlers receive the same training as Special Duty Officers, and indeed, all Park Keepers—in first aid, byelaws and tree identification. They have no proper training on handling dogs. Apparently the dogs are not as well trained as they might be; that is, they do not bite people only when told to. There have been reports, not very well publicised, of a child being bitten by one such dog after it had slipped the lead.

The ads lead you to believe that your job is to protect women and children. Parks are often the only place for children to be high-spirited in, and a Park Keeper's ability to tell the difference between high spirits and rowdiness is likely to be limited, to say the least. So Special Duty Officers, whatever they might think to begin with, spend quite a bit of time chasing after kids rather than protecting them.

SECURITY

The officers are also used for security duties, again in plain clothes. Some instances of them acting as security include at pop concerts at Crystal Palace; during the rates strike, when GLC tenants

marched to the GLC building; and when the "IRA" stole those paintings from Kenwood House and threatened to burn them (all 24 officers and the doghandlers turned out, presumably to track down the thieves).

Of course, its not all boring plain clothes work. The officers have a Park Keeper's uniform for special functions, such as the visit a while back of King Feisal of Saudia Arabia.

The jarring note comes when reading about the activities of these officers in the Press, where they are described as "Private investigators," "plainclothes police" or "officers specially employed By the Council."

Why would the Council go to the lengths of describing what is effectively its own private police force as part of the Parks Department? Why do they keep a security force which very few people know about? It is quite possible that the rent struggle in 1960, where tenants and local workers prevented the police from entering the streets at all for a period of three weeks may have played some part in their decision to employ their own secret security force.

Mr. Kennedy of the GLC said when the article was read out over the phone, "I'd love to reply, but I'm not going to. Will you send me a copy of it. There's an awful lot of truth in it, but also a lot of "five letter words" in it. We would like to have the opportunity to reply to it."

Recruiting Sergeant in the Courts

Recruiting Sgt. Tobias Springer, alias Magistrate, number one court, Old Street can be compared to the old time press gangs of Lord Nelson and Lord Kitchener, who kidnapped, coerced and induced the masses to rally round the flag.

KITCHENER 1914



"Go in the Army or go to prison." Tobias then sentenced the lad to 80 days community service and then added, "By the time you have concluded that, I expect to learn that you have joined the Army, where you will receive the discipline which you are so much in need of."

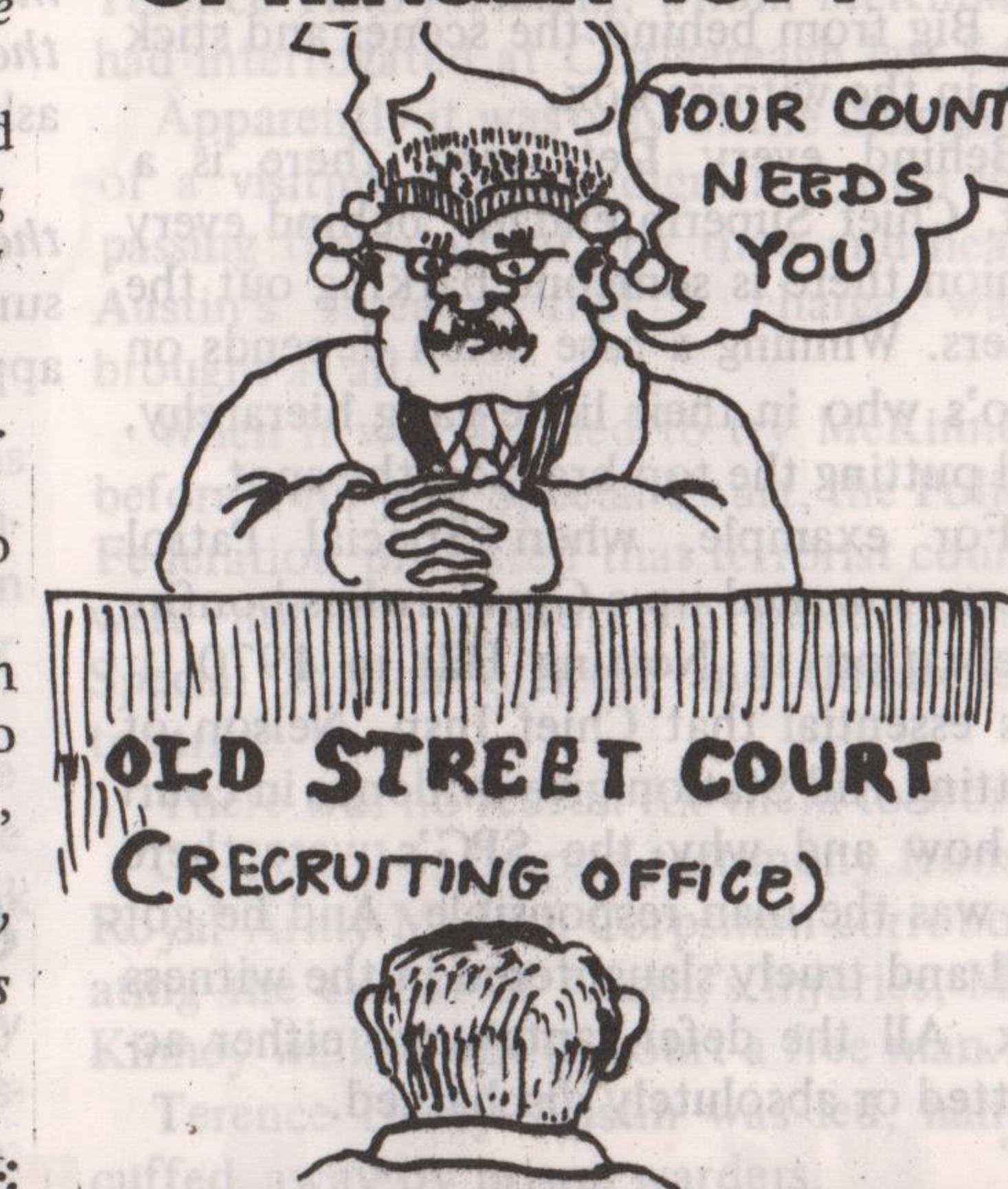
The lad assured Tobias that he would comply with the illustrious recruiting sergeant's orders, and then did a slovenly

'right turn' and slouched out of the dock. The next defendant, another young lad, left to join the Merchant Navy, also slouching.

The next defendant, a Russian youth mystified Sgt. Springer a little. Turning to the press bench, he remarked wittily, "Seeing as he comes from Russia, we can not learn whether or not he has any previous convictions, as we all know it is impossible to obtain co-operation from the Russians."

The defendant was put back for further enquiries—no suggestion was made with regard to him joining the Army.

SPRINGER 1974



TIPS AND TIPOFFS On The Law

SUPPRESSION OF WITNESSES

The prosecution doesn't go out of its way to do you, the defendant, any favours. They will only call the witnesses on behalf of the prosecution that they want to call. They may deliberately not call other witnesses, whose statements to the cops might be unfavourable to scoring a conviction.

Obvious? Perhaps. But most defence lawyers don't ask crucial questions like *how many witnesses have the police decided not to call? How much evidence are they sitting on? How many potential defence witnesses are being concealed from the jury?*

In the notorious Stafford/Luvaglio murder case, 15 important witnesses were not called because they only helped the defence, and neither the prosecution nor the police thought it would be in the interests of justice (sic) to inform the defence.

Many court cases involve specific police operations; searches, raids, crowd control, surveillance, and arbitrary round-ups of "suspects."

Often the prosecutions will not call the senior officer in charge of the overall operation. This is because they don't want any background motivation or instructions to other cops to come out in open court.

The defence must take every opportunity of asking the prosecution to produce all senior officers in charge. Get Mr. Big from behind the scenes and stick him in the witness box.

Behind every Det. Insp. there is a Det. Chief Superintendent; behind every minion there is someone barking out the orders. Winning a case often depends on who's who in their little gang hierarchy, and putting the top brass on the spot.

For example, when Special Patrol Group smashed up a Guy Fawkes bonfire celebration in Notting Hill in 1970, it was essential that Chief Insp. Nelson of Notting Hill Station give evidence in court of how and why the SPG's were there. He was the man responsible. And he got well and truly slaughtered in the witness box. All the defendants were either acquitted or absolutely discharged.

Sometimes the prosecution will agree to have the top cops appear, particularly if you make it clear that you're going to have them in court anyway. In the Angry Brigade trial, the prosecutor didn't want to call Habershon, and the defence had the great pleasure of doing a subpoena on that fine detective (now an O.B.E.).

WANTED

For Questioning?

If for any reason you are informed that you are wanted for questioning by the police, whatever the circumstances, always remember that the police have no right to take you to the nick unless they arrest you. UPAL's advice is to go to a solicitor and ask him to contact the police and arrange an interview in his office with the solicitor present. This ensures that you cannot be verbaled or otherwise implicated in a crime for which the police have no evidence against you. It may also save you a trip to the hospital. It's a very simple piece of advice, but it's very important.

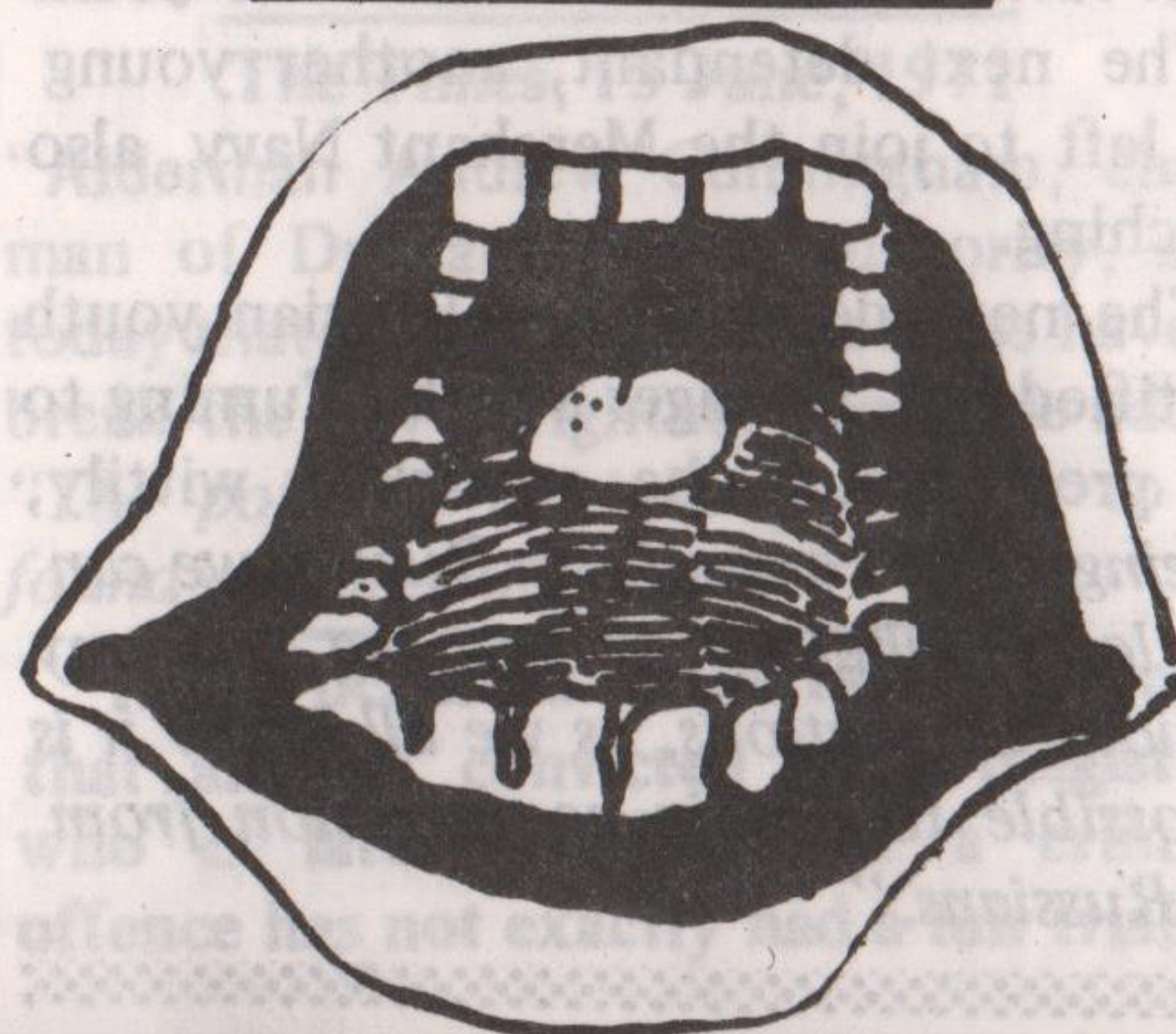
WITNESS SUMMONS

If a witness refuses to give evidence for the defence, then you must apply for a witness summons at the relevant court.

This must be granted, unless the beak decides your summons is "frivolous and vexatious." You should always be prepared to deal with this sort of standard excuse, and to argue against it.

In order to secure the witness summons you must have already contacted the witness. Any magistrate or judge will ask you, "have they told you NO?"

You must also know the address of the witness. The court can only issue the summons if you furnish them with an appropriate address.



PHONE NUMBERS

If you value your freedom, get yourself the home telephone number of a lawyer, so that any time you're nicked you've got a number to phone for assistance. Most times when people are taken to the copshop it is out of office hours so the home telephone number of your lawyer is pretty useful, to say the least.

"SILKS"

In all Old Bailey classics, it's the done thing to employ a Q.C. (Queen's Council or 'silk') who specialise in big trials and fat fees. Silks, the aristocrats at the bar, are always loyal servants of the court and therefore cannot be trusted. They readily make deals with the prosecution, and have dinner with the judge. Confide your secrets to them, and they sell you down the river.

Many of the defendants put up for the Silver Bullion Robbery have learnt this the hard way. Their Q.C.'s all did a squalid deal with the law over missing witness statements. If the jury had known the full story, the verdict could have been decidedly different.

So if you're going to use a brief in the courts, be very wary of using a silk.

EVIDENCE

This is the most confusing bit in any criminal court. Before you rush into any dock, have a good read of the law on hearsay evidence.

In most cases evidence is narrowly confined to the tiny compartments of facts, circumstances relevant to the facts plus a tiny concession to motives based on the facts.

With a conspiracy charge, the prosecution blows its normal games and drags in anything it feels like, who you or your wife is sleeping with, homosexual associates, and the whole rag-bag that comes out of C-11 dept. at the Yard (Criminal Intelligence.)

In other words, they bend the rules whatever way suits them. You've got to do the same.

Always argue the relevance of a particular question. Don't let them push you around.

H.M. POLICE SAY...

IF IT OPENS LOCK IT!

CAN YOU BE ARRESTED FOR QUESTIONING?

Pick a number between 0 and 3. That's about the total number of cases each year where a cop is successfully sued for wrongful arrest and false imprisonment.

That means the scales of justice are kept in balance by 1 in a thousand cases of wrongful arrest, assault, and false imprisonment being recognised by the courts.

In most cases of false arrest, imprisonment and assault, the true facts never come to light.

You may have been grabbed in the street, dragged by the hair into a waiting van, beaten up on the way to the station etc. But by the time the case gets to court the facts will have totally changed; "I

went up to the defendant told her I was a police officer and was arresting her for a breach of the peace, etc." And in 90% of cases the police version of the truth is accepted hook, line and sinker by old cloth ears on the bench.

However, for what they are worth in practice, some recent cases have confirmed that detaining a person for questioning without arresting him or her is an unlawful act and a serious interference with a citizen's liberty.

According to these cases, if a copper puts his hands on your shoulder to stop you for questioning you are entitled to struggle free and either kick the copper (Ludlow v Burgess, Criminal Law Review 1971 page 238), or hit him (Kenlin

v Gardner, 1967, 2 Q.B. 510).

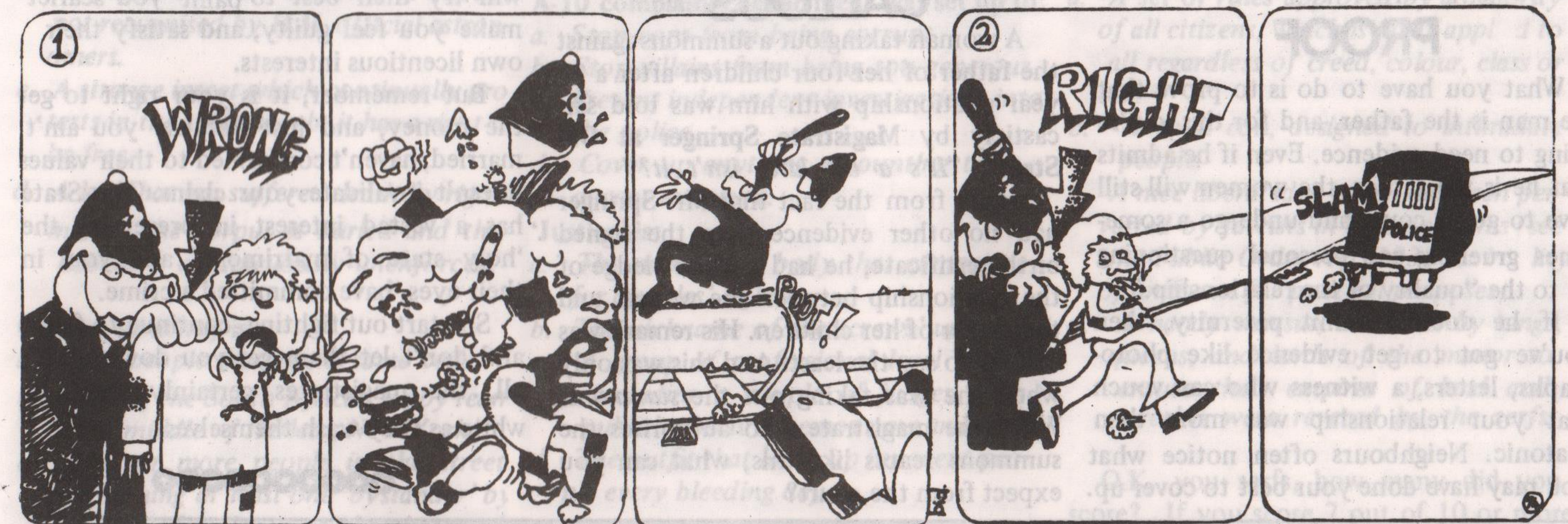
But, if he merely taps you on the shoulder without stopping you, don't get stropy with him; he can do this (Donnelly v Jackman, 1970, 1 A.U.E.R. 987).

You needn't speak to him or answer his questions (Rice v Connolly, 1966, 2 Q.B. 414, 419).

You have a right to silence except in London, where you have to give your name and address (Metropolitan Police Act, 1839). For other towns check the local byelaws.

You don't need to go to a police station to help in inquiries unless you have been told that you are under arrest. You can get up quietly and leave at any time if you have gone down voluntarily and are not under arrest. (Inwood, 1973 1 W.L.R. 647).

This last case shows how far the courts are out of touch with reality. Just try walking out of the nick once they've got you there, and you'll quickly find out why old bill is issued with heavy duty boots. The obvious thing is never to get in there, unless you absolutely have to. And when you're in there, keep your mouth shut.



① IF A COPPER PUTS HIS HANDS ON YOUR SHOULDER TO ... STOP YOU FOR QUESTIONING ... THEN ... BUT ... KICK OR HIT HIM! ... IF HE MERELY TAPS YOU ON THE SHOULDER ... WITHOUT STOPPING YOU ... AND YOU STRUGGLE ... HE CAN DO THIS!

SPECIAL BRANCH BRUISER WALKS FREE (business as usual)

The saga of super Special Branch man, George McKinney continues. Constable McKinney you will remember was charged with causing grievous bodily harm to three Belfast men in April 1972.

Following their interrogation, the 3 men had to spend considerable time in hospital with injuries which included a broken arm and internal injuries.

Their case became internationally known as "The Case of the Broadway 3" and has been accepted at the international

Court of Human Rights at Strasbourg as part of the NICRA, ALJ and NCCL sponsored case against British Army torture in Northern Ireland. McKinney was however acquitted of the charge in March 73.

In December 73, McKinney again made the news when he was beaten up by some of his colleagues who alleged they mistook him for a terrorist!

Then in March of this year, McKinney was again charged with assault and causing grievous bodily harm, this time to

Terence Henry Austin, whom McKinney had interrogated at Castlereeagh last Sept.

Apparently it was only at the insistence of a visiting English dignitary who was passing the room at the time and heard Austin's screams that a charge was brought at all.

When it was decided to try McKinney before a no-jury Special Court, the Police Federation protested that terrorist courts were not the appropriate place to try Special Branch officers and threatened to strike.

There was no reason for them to worry.

On May 14, despite testimony from a Royal Army Medical Corpsman corroborating the extent of Austin's injuries, McKinney walked out of court a free man.

Terence Henry Austin was led, handcuffed, away by prison warders.

AFFILIATION ORDERS

- Getting Money for your Children

Given the comparative numbers of women and men in our warehouses, women just don't seem to commit large crimes. They get put away for shoplifting, defrauding the SS, child neglect and sometimes murder. Very few get done on big jobs. It's hard to tell whether they're just so good they don't get caught, or they're just not interested.

Most of the time women are up against the law on the most petty and mundane charges. However, there is a section of women whose experience of the law is in trying to make it work for them. The only time they even see a solicitor or go to a court is when they file an affiliation order - when they try to get the guy who fathered their child to pay something towards the upkeep.

PROOF

What you have to do is to prove that the man is the father, and for this you're going to need evidence. Even if he admits that he is the father, the women will still have to go to court and undergo a sometimes gruelling and personal questioning as to the "quality of the relationship."

If he doesn't admit paternity, then you've got to get evidence like photographs, letters, a witness who can vouch that your relationship was more than platonic. Neighbours often notice what you may have done your best to cover up.

If there is any doubt as to the paternity, perhaps you're married, or have other relationships, then a court can order a blood test on the child, father and sometimes the mother.

The mechanics of filing an affiliation order are quite simple, and the Family Guide to the Law carries a section on how to do it. However, there are traps and pitfalls to watch out for.

Remember, if you need to file an affiliation order, you are the guilty party. It's alright for a guy to have a bit on the side, but if you're carrying the evidence, of it around, i.e. you're pregnant - you're a dirty woman. Your child is labelled illegitimate - outside the law - even a bastard. And the courts themselves don't help.

CALLOUS

A woman taking out a summons against the father of her four children after a 19 year relationship with him was told sarcastically by Magistrate Springer at Old Street, "It's a bit late, isn't it?"

Apart from the fact that Mr. Springer had no other evidence than the signed birth certificate, he had no knowledge of the relationship between the woman and the father of her children. His remark was callous to say the least. And this was only when she was taking out the summons. When the magistrate who authorises the summons reacts like this, what can you expect from the court?

In some cases, if the child is under a year old, it will be enough to go to a woman probation officer for help with the summons.

But if the claim is more complicated, then you will need to see a solicitor. He will need a full statement of how the relationship began, when you first had intercourse, what form the relationship took and most of all he will have to know how much lolly this old fox has got. If he's got a house, a car, hobbies, expensive tastes, holidays abroad, a wife who's earning, property - it's all assets, so write it down. After all, why should you work your fingers to the bone looking after and providing for his children?

IRRELEVANT

When you get to court, you'll find some of the questions are completely irrelevant. You don't have to answer questions about contraception. If the child is there and paternity is proved, there's nowt the court can do about it. So any questions other than those relevant to proving he's the father you can refuse to answer. They will try their best to paint you scarlet make you feel guilty, and satisfy their own licentious interests.

But remember, it is your right to get the money, and just because you ain't married, haven't conformed to their values doesn't invalidate your claim. The State has a vested interest in preserving the 'holy state of matrimony' and you, in their eyes, have committed a crime.

So start out fighting, continue to fight, and don't let them get you down. After all, the magistrates certainly aren't as white as they wash themselves.



Fuss

A judge who gave a man 15 months "overtime" in jail said last night, "What's all the fuss about?"

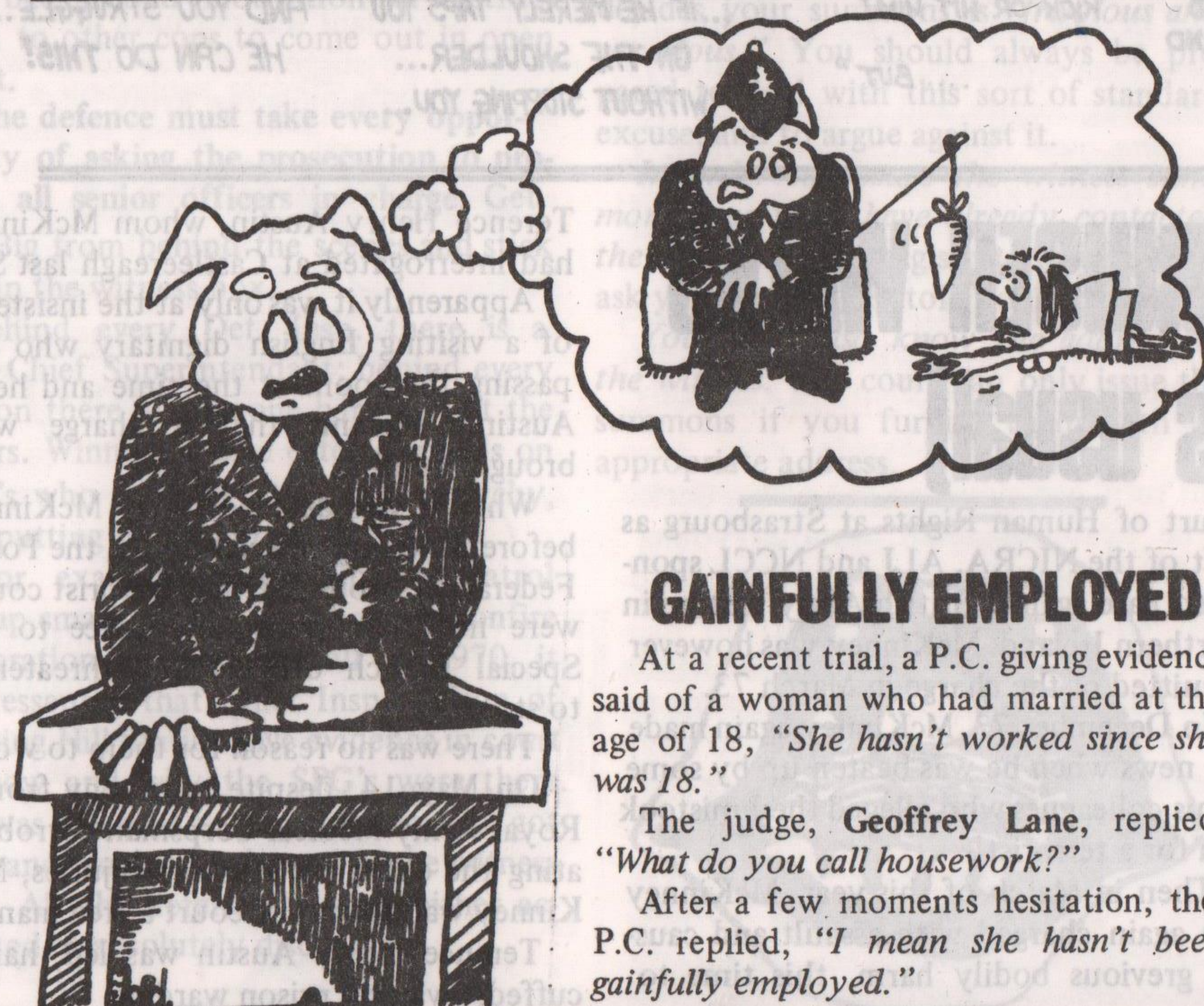
Judge William Davidson had handed Roger Clarke a sentence SIX TIMES that permitted by law.

But Judge Davidson, aged 54, said, "It does not worry me. This sort of thing is happening every day of the week."

Clarke finally had his case heard on appeal, and it turned out that Clarke had been trying to stop a fight, and Justice Lawton ruled that he should never have been jailed at all.

It's callous criminals like Judge Davidson that need to be jailed.

(From The Sun, 19 July 1974.)



GAINFULLY EMPLOYED

At a recent trial, a P.C. giving evidence said of a woman who had married at the age of 18, "She hasn't worked since she was 18."

The judge, Geoffrey Lane, replied, "What do you call housework?"

After a few moments hesitation, the P.C. replied, "I mean she hasn't been gainfully employed."

Uncle Mac's Problem Page

WOT D'YER KNOW



The Recorder of London is:

- a. A man from L.B.C. radio looking for a programme.
- b. Someone from the Guinness Book of Records sitting in the stands at White City Stadium.
- c. Sir Carl Aarvold - a much revered judge at the Old Bailey.
- d. A senile historian pacing up and down the Thames.

Habeus corpus is:

- a. A grand bit of legal justice that sets free all those wrongfully imprisoned. (Rule Britannia, Britons never shall be slaves.)
- b. A planet between Saturn and Jupiter not recognised by H.M. official astronomers.
- c. A strange insect which continually protests in the spiders web, it has a right to be free.
- d. A law that has suffered death by rigor-mortis - the corpus is buried and the habeus is conspicuously unenforced.

Causing an affray is:

- a. Three people sharing the same bed.
- b. Sticking the South African rugby team in the middle of Harlem, New York.
- c. Two or more people in the street frightening at least one 'bystander' by reason of violence or the threat of violence.
- d. Turning up at the Policemans Bal dressed as yourself.

The Director of Public Prosecutions is:

- a. A fair-minded, highly-principled man who undertakes the onerous job of prosecuting the fat cats on behalf of the underdogs.
- b. A nasty little man who enjoys persecuting homosexuals, heterosexuals and anything 'sexy' that he cares to call obscene.
- c. A vile flunkey of the ruling class who prosecutes the majority working class public at every opportunity.
- d. The office that prevents the violence of pollution, industrial accidents, etc. by vigorous law enforcement against all offenders.

A-10 complaints department was set up to:

- a. Stop cops from being corrupt.
- b. Stop villains from being too generous.
- c. Prevent independent investigations into the police.
- d. Cover up anything amounting to indecent exposure.

'Justice' is:

- a. The name of a body that campaigns for peoples' rights.
- b. The nickname of the screws' union.
- c. A group of professional legal hacks, including a couple of judges, who publish obscure memos now and again.
- d. The outfit that locks up innocent people every bleeding day.

Queens Bench is:

- a. Where you wait to be knighted by ole Liz.
- b. The royal lavatory.
- c. A division of the High Court which

- d. The local boozier for beafeaters from the Tower of London.

Judges' Rules are:

- a. Rules to protect judges from public abuse and ridicule.
- b. Rules to protect defendants from abuse by the cops.
- c. Rules to protect cops in the police station from the brutality of members of the public.
- d. Rules to protect police brutality from malicious prosecutions by defendants.

The law is:

- a. A set of rules approved by a majority of all citizens, which is fairly applied to all regardless of creed, colour, class or sex.
- b. A total con, designed to intimidate people.
- c. A nice liberal idea which has been perverted by fascists in blue uniforms (see the Public Order Act, 1936 re: liability of uniforms for political purposes).
- d. A handy measure invented by kings, queens, and lords of the manor to ensure their empires of land and wealth were revered by the serfs.

O.K. you serfs, how many did you score? If you score 7 out of 10 or more you win a free copy of UPAL no. 5 and a unique opportunity to distribute 25 copies of our glorious mag. on yer manor.

William-Rees Davies, well-known alkie, Tory boozier, and dangerous driver was finally brought to justice.

Rees-Davies M.P. often seen pissing it up in the drunken company of senior Kent police officers, was not going to be prosecuted for various driving offences.

However, hats off to P.C. Trevor Joy of Margate, who disobeyed orders. P.C. Joy was the key witness to the good Member's driving offences. He, unlike 99% of police officers, did not see why an M.P. should receive special treatment.

When the Kent police force refused to take action, he proceeded to take out a private prosecution.



Mr. Rees-Davies (left) and Mr. Greenwood (right) who took the decision not to prosecute him.

While this was going on, it was announced that P.C. Joy was under investigation on an internal disciplinary matter. Of course, there was no connection between the police investigation into Joy and his embarrassing persistence in prosecuting the M.P.

As a further point of interest, several inquiries are 'in progress' on the Kent police force. Some cops have already resigned, others suspended. However, the investigation will, as usual, be conducted by friends from Essex, and will, therefore just gingerly touch the tip of the iceberg.

That is, if we're lucky. Following the Ince fit up, the Essex force is, itself, under investigation by the Yorkshire force.

The continuing saga of the Unacceptable Face of Capitalism

This time even the Press got worked up about the activities of the former Lord Mayor of London, Sir Denys Lowson. The Sunday Mirror (owned by millionaire Sir Don Reed) got especially incensed, calling the unfortunate businessman "Sir Denys Loathsome," and generally taking a swing at him.

What did this experienced and shrewd financial brain do? He used his inside knowledge of the potential value of the National Group of Unit Trusts Ltd. to buy 80% of the shares in it. He used his position as director of 5 of the companies who owned the shares to get them at a favourable price, while at the same time negotiating to sell the shares. He sold the shares 6 months after buying them for £8 a share more than he paid, realising a profit on the deal of £5,000,000.

Everyone, including Sir Denys, considered the deal to be improper. There are certain aspects, however, which seem to be a little more than improper.

Sophisticated Lies

Here is an extract from a draft letter to shareholders of the First Re-Investment Trust Ltd. Sir Denys bought shares in National from the company, and is also a director in the company.

"Your company held 23,000 shares of the National Group; this represented 6.02% of the Issued Equity Capital of that company.

"We are informed by the National Group that during the 5 years prior to the sale with which we are concerned, there was one transaction of 520 shares at a price of 37½p per share, and that in June 1969, a price of 63p was agreed with the Inland Revenue for Probate purposes. The shares have been valued by your directors in the Audited Annual Accounts on the basis of operating results at 50p per share.

"In realising the holding for a sum of £14,260, which represented 0.15% of the value of the Company's Portfolio at the date of the last annual accounts, your Directors were, in their opinion, carrying out a normal business transaction, one of the many adjustments in the Company's portfolio which are effected during the course of a financial year. A sum of £14,260 represents 0.35p for each ordinary share, which at 15th October last had a net value of 179p.

You may have seen in the Press some months later that the majority of the shares in



Sir Denys with one of his mates

the National Group were acquired by other interests at a price of £8.4226 per share, and that thereby another party acquired control of the National Group.

Shareholders should know that at the time that their Company sold its small holdings in the National Group, no approach had been made by the buyer to whom I have referred in the preceding paragraph, and that there was, in fact, at that time, no prospect of any change in the control of the National Group."

But is it Fraud?

The sentences in bold were discussed with Denys before they were put out in the draft letter. They are of course deliberately misleading, since Sir Denys had discussed selling the shares with the banking house of Montague before he, himself, bought them.

Section 17 (1) (b) of the Theft Act 1968 says, *Where a person dishonestly, with a view to gain for himself or another or with intent to cause loss to another, in furnishing information for any purpose, produces or makes use of any account, or any such record or document as aforesaid, which to his knowledge is or may be misleading, false or deceptive in a material particular; he shall on conviction or indictment, be liable to imprisonment for a term not exceeding 7 years.*

Of course the point is whether or not Sir Denys KNEW what the letter meant.

At a meeting held to discuss the draft letter, other people *did realise* what it meant.

"Mr. Retallack (Sir Denys' lawyer?) and Mr. Guthrie realised at once that the draft circular could not stand, and the offending phrases did not appear in any later draft of the final circular."

Mr. Retallack also told Sir Denys to seek the advice of another solicitor (a polite way of telling him to piss off.)

Similar to that 'man of the hour,' Richard Milhouse Nixon, Sir Denys claims that he didn't quite realise what was going on at the time. However, Sir Denys has been in the cut-throat world of the City for 40 years. He has made a lot of money out of it, and the Dept. of Trade Inspector's Hearing is a strange place to start accusing oneself of being weak in the head.

Still, Sir Denys has offered to pay the money back. Isn't that nice?

But what about the people who get caught shoplifting, who offer to pay for the things they stole? That never amounts to £5 million worth of anything, but its off to court, nick and porridge for them.

The treatment of the former Lord Mayor of London has no connection whatsoever to the possibility of there being one law for the rich and one law for the poor.

Trial Farce at Lambeth

7 women from Brixton Claimants Union appeared at Lambeth Magistrates Court in the aftermath of a visit to the local social security office.

In court, the Clerk pointed out to the defendants that the worst that would happen to them was to be bound over to keep the peace for a small sum of money, and that the alternative of pleading guilty would undoubtedly save the court's time.

The women however, chose to take the proceedings in the normal way, and an epic pantomime of laughs followed.

The first witness for the prosecution was Mr. Paull. Below are excerpts from his evidence.

Mr. Paull: *I don't go out much at lunch time. I went out during the lunch hour 2 weeks ago and was pestered by a young lady in Brixton market. She approached me with a social worker and said, "This is the neurotic old fool who won't give me any money*

Mr. Paull: *We were retreating into the corridor. I had 3 or 4 staff with me and we managed to push the door shut. They were laughing and shouting and took no notice whatsoever.*

Defendant: *Why did you close the office?*

Paull: *I was afraid for the safety of my staff.*

Defendant: *So you ran as 7 helpless females climbed over a six foot wall?*

Later on...

Defendant: (to magistrate) *Would you define breach of the peace for us?*

Magistrate: *I have no intention of telling you.*

Mr. Paull was followed by a Mr. Smith, also from DHSS.

Defendant: *You don't have a very high opinion of me, do you?*

Smith: *No, I have a very low opinion of you.*

Defendant: *Have you ever had a conversation with me?*

Smith: *No, I have never spoken to you in my life.*

Magistrate: *I don't see where this is leading us.*

Defendant: (to policeman) *You know I once worked at DHSS?*

Policeman: *I was told you had once worked for the SS.*

Defendant: *Who told you?*

Policeman: *I heard it said.*

Magistrate: *If you want to bring out something incriminating, by all means try.*

Later...

The Great Carbon-paper Conspiracy

We all know about high pressure salesmen making people buy things they don't want and don't need. Apparently some of the most successful of these operate in the carbon paper industry. It is here that the police and the DPP have chosen to start protecting the public.

In December 1973, several men were goaled for conspiracy to cheat and defraud. The offences include selling £150,000 worth of carbon paper to Mr Jones of Witworth Holdings and £39,000 worth to Mrs Helen Avery, another buyer.

One of the convicted men, Mr. David Courtney, received 4½ years for his part in the conspiracy. There are several points about his case which bear thinking about.

FOOD FOR THOUGHT

The sum total evidence against him came from Mr. Paine of Refrigerated Compo-nants Lts. He alleged that Mr. Courtney had tricked him into signing a contract by folding it so that he could not read part of it. This was introduced by the prosecution as evidence of a systematic plot to alter and falsify documents. The Police Forensic Laboratory established that Mr. Courtney's copy of the contract had not been tampered with, although Mr. Paine's copy had been altered with a biro. Also, photocopies of the contract showed no signs of the alleged fold.

*There was no other witness that said he had sold them carbon paper.

*Courtney had never heard of one of the companies involved—Witworth Holdings, before his arrest. It was established in court that he had had no contact with them.

Clerk: *Have you any beliefs?*

Defendant: *Yes, I believe in voodoo.*

Clerk: *If there is any more of this violent laughing...*

Prosecuting lawyer: *You went at the barricades like a storm trooper!*

Defendant: *There are no barricades at the DHSS office and in any case I don't know what a storm trooper is. We calmly climbed over the partition.*

Black Defendant: (to policeman) *Could you recognise me with 12 other black women, what with you Europeans having difficulty and all that?*

Magistrate: *I think perhaps you exaggerate that a little.*

Black Defendant: *I'm overwhelmed.*

After one defendant made a few wry comments on the farcical nature of the charge and the court, they were all farcically bound over in the sum of £20 to keep the farcical peace.

—From Peoples News Service.

*All the witnesses to whom Courtney had sold computer ribbons said that it had been a pleasure to do business with him.

*Courtney said that he had not worked with his co-conspirators for 18 months before his arrest and that he had never met two of them.

STATEMENTS DESTROYED

Apart from Mr. Courtney's particular circumstances, there are other irregularities about the case in general:

A Det. Sgt. Gorman interviewed Mrs. Avery and charges were brought as a result of this report—which he later destroyed. Two of the defendants said that Mrs. Avery's statement had been shown to them while they were being interrogated.

Det. Sgt Gorman and Det. Sgt. Davies took a statement from a Mrs. Diana Fowke and later admitted destroying it. Det. Sgt. Davies had previously been reprimanded and placed on a disciplinary suspension for destroying statements. Mr. Justice Boreham did not see fit to comment and actually prevented counsel from questioning Sgt. Davies about the matter.

The court case lasted 55 days. After that length of time the jury was doubtless a bit confused and consequently dependant on the judges summing up. Justice Boreham made references to Mr. Courtney's visit to Mr. Paine. Despite there being some doubt as to the reliability of Mr. Paine's evidence, Judge Boreham said that the jury should consider whether Mr. Courtney could have sold carbon paper instead of just delivering it, as he said he did. Of course that could have occurred, but there was no evidence of it, and the jury was not reminded of that fact.

Any feeling that no one was much bothered (except Mr. Courtney) about a possible miscarriage of justice can only be reinforced on learning that the Judge who heard Mr. Courtney's first application for an appeal, Justice Stocker, refused it after only reading the statements in mitigation. Since he had not read any of the evidence it is difficult to see how he could have had any idea of the facts at all.

Mr. Courtney is still trying to appeal and still in prison.

We'd just like to say that we hope Officer Gorman's new Lotus Elan is running well.