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Anarchy 36

**TWO SHILLINGS
THIRTY CENTS**

**ARMS OF
THE LAW**

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The laughter of Inspector Rowley

IAN SAINSBURY

NO ONE WHO HAS BEEN IN THE HANDS OF THE POLICE after a CND or Committee of 100 demonstration, or when they have appeared in their role of The Landlord's Friend, or on any other occasion, will have been terribly surprised at the revelation that two members of Sheffield CID had beaten suspects in their custody. But there were more surprises in store.

On the night of March 14, 1963, two brothers named Hartley and a man called Bowman were arrested, taken to Sheffield CID headquarters, and beaten by two detectives, Streets and Millicheap, in the hope that they would confess to certain unsolved crimes. The accused men showed their scars and bruises to their solicitor, A. C. Hewitt, who caused them to be exhibited when they appeared in court the next day. The charges against them were dropped.

Charges were now brought against Streets and Millicheap, not by the police, but by Hewitt. They were found guilty of assault, fined, and subsequently dismissed the force. About this time, a Detective-Inspector Rowley offered his resignation. There was nothing very new in all this, except that the police were for once made subject to the law. But Streets and Millicheap appealed against their dismissal, and their appeal was heard by a Home Office tribunal, in public.

The tribunal confirmed their dismissal, but also found that Inspector Rowley had been present at, and sanctioned, the assaults, that other policemen had also been present, that an attempt had been made to hush the whole thing up, that when this was found to be impossible, Streets and Millicheap had been told that if they took the whole blame and didn't implicate their seniors they would be looked after; and that the Chief Constable more or less looked the other way while attempts were made to concoct a satisfactory explanation of the prisoners' injuries. (Perhaps the most ingenious of these, which never came to light until the tribunal's hearings, was that they were the result of a flagellation orgy.)

The Chief Constable has now been suspended by the Sheffield Watch Committee, and the head of the CID has handed in his retire-

IAN SAINSBURY is a 37-year-old Irishman living in Sheffield, whose article "How to sell your way to slavery" appeared in ANARCHY 26.

ment papers. (He was to have retired two years ago, but stayed on.) Streets and Millicheap have been dismissed, Inspector Rowley and a Detective-Constable Rowlands have resigned, and certain plain-clothes men have been sent back on the beat.

It is tempting for anyone who has suffered from perjury and brutality by the police, or even has a second-hand knowledge of them, to feel self-righteous about all this, even triumphant over the downfall of the policemen concerned. But while it is good that this extremely grubby linen has been publicly laundered, a closer look at the circumstances leading up to the assaults leaves one feeling considerably less elated, and with some sympathy for the detectives; even Rowley, who, according to the tribunal's report, "displayed callous amusement at the discomfiture of the prisoners."

This is what happened. The Chief Constable told Superintendent Carnill, the head of the CID, to form a crime squad. He formed it in a hurry, rather on the "three volunteers, you, you, and you" principle, because there had been a drop in the detection rate (though not, significantly, a rise in the crime rate). Inspector Rowley seems to have been chosen to lead it on the rather inadequate grounds that he was duty-inspector on the day it was formed. The tribunal found that he was "under pressure to obtain quick results," and, "in fear of the wrath of his superiors," who had assigned him a task "beyond his rather limited powers."

Streets and Millicheap were also in the crime squad. Streets had headed the CID overtime list in two successive years. (Rowley was second.) There were no days off in lieu of overtime and no overtime pay. On Thursday March 14, the squad was given a pep-talk about the necessity for long hours and quick results, which, a certain Chief Inspector Wells seems to have hinted, might be obtained by the use of force.

At eight o'clock that night, the squad, who had been on duty since eight o'clock in the morning "with little food and no success," arrested a number of men in a pub, on rather slender suspicion of breaking and entering. The men "had been drinking and were hostile, indignant and abusive." The detectives were tired, overworked, hungry, worried, and in a hurry to get results. They beat hell out of the men. They thought they had been given authority to beat hell out of them. The rest we know.

Muddle, bad temper, browbeating and buck-passing at the top; not enough leisure, hardly any peace of mind, long hours and small pay at the bottom—a detective's job, it seems, is not very different from anyone else's. The pattern that emerges is familiar to anyone who has ever worked in a large organisation.

The chairman puts the wind up the managing director, the managing director puts the wind up the sales-manager, the sales-manager sends a rocket to the branch managers, they threaten the salesmen with the sack if they don't get some orders—and they needn't be too fussy about how they get them. The salesman loses his temper with an awkward customer, who complains. There is a bollocking for the salesman,

perhaps the sack. But, he says, you told me—. Oh no, we never meant like that.

The same sort of thing happens in families. King George VI was a mass of nerves; he could hardly bring himself to speak in public. His nervous condition began in childhood. One of the royal doctors suggested to George V that the Duke of York might make better progress if his father would be less unbending with him. The king said: "I was terrified of my father, and by God, my children are going to be terrified of me." How *his* father, Edward VII, was treated by Victoria is common knowledge.

We are all links in a chain of fear. No one knows where it starts.

Streets' and Millicheap's defence was that they had attacked the prisoners under orders from, or at least with the connivance of, their superiors. Who else put forward this defence, for crimes of unspeakably greater awfulness? Adolf Eichman.

Hannah Arendt's book, "Eichman in Jerusalem" is aptly subtitled "The Banality of Evil." Eichman does not seem to have been a sadistic psychopath, merely a diligent little functionary toiling away to get rid of his quota of human beings as the manager of a grocery-chain branch might toil to get his quota of creamed rice off the shelves each month. Someone told him to; that's all he wants to know.

Reviewing the book, A. Alvarez commented on the "deliberate mystification" practised by authority; "what is demanded today may be forbidden tomorrow." This fostering of moral confusion is a more insidious weapon than the cosh and the rhino-whip used in Sheffield. It is a recognised technique for wearing down suspects under interrogation—and, it would seem, junior police-officers as well. It helps to destroy the capacity for ethical decision. "O'Grady says kill." Bang. "Kill." Bang. "To the gallows. I didn't say 'O'Grady says' that time."

On March 14 this year, Sheffield CID seems to have reproduced in microcosm the conditions of life in the authoritarian state: its absurdity, its habit of getting someone else to pull its chestnuts out of the fire, its chain of fear. Streets and Millicheap didn't beat up their prisoners for fun; they were obeying orders, and they were punished for obeying orders.

Is the Kafka-esque muddle of life under authority a deliberate stratagem by authority, or is authority itself, as I think, a link in the chain of fear, not the beginning of it? Stupidity is more common than cruelty; evil is banal. The chain can only be broken by someone with the intelligence, and the strength, to disobey.

Inspector Rowley laughed when one of the prisoners begged for the blows to stop so that he could go to the lavatory. Did he laugh out of pleasure in another's pain, or from relief, because the man's collapse meant that he would be out from under the pressure? Either way, it was an ignoble emotion; as ignoble as the society that drove him to feel it.

Close prisoners all

TONY PARKER

PENTONVILLE : A Sociological Study of an English Prison. Terence and Pauline Morris, assisted by Barbara Barer. (Routledge and Kegan Paul, 50/-).

We are all conceived in close Prison; in our Mothers wombes, we are close Prisoners all; when we are borne, we are borne but to the liberty of the house; Prisoners still, though within larger walls; and then all our life is but a going out to the place of Execution, to death. Now was there ever any man seen to sleep in the cart, between Newgate, and Tyborne? between the Prison, and the place of Execution, does any man sleep? And we sleep all the way; from the womb to the grave we are never throughly awake.

JOHN DONNE WAS WRITING—OR RATHER SAYING IT, since it is from one of his sermons—in 1619. Three hundred and forty-five years later imprisoned men may read of how they imprison their fellow prisoners and keep them captive for arbitrary periods, vaguely hoping that this will deter them and others, or reform them, or punish them, or something . . . they do not ask themselves, and are not frequently enough asked by others, exactly what they have in mind.

Dr. Terence Morris is a lecturer in sociology at the London School of Economics, and his wife Pauline a psychiatric social worker presently working for P.E.P. They persuaded the Prison Commission and the Home Office to allow them to go into Pentonville for a period of about eighteen months, and they researched primarily by being there, by listening and looking and feeling and thinking; and behind their amiable and assiduously anonymous exteriors they hid their sharp-steel brains and their humane hearts—usually successfully, but not always, for there were times . . . The most crucial of all was when the work was done, as one of the opening sentences reveals: "The Official Secrets Acts remain in force, and in consequence the draft of this book had to undergo some modification." They continue: "It must be acknow-

TONY PARKER, born in Manchester, 1923, is the author of *The Courage of his Convictions* (with Robert Allerton) and of *The Unknown Citizen*, two remarkable studies of delinquent personalities.

ledged, however, that the Prison Department of the Home Office has gone far in allowing us to publish material which indicates that Pentonville is by no means a 'model' prison. Such a policy is, we think, an optimistic sign."

I think they are right. Many things are missing which ought to have been included, and which would have been if the Morrises had had their way. But insistence would have meant no book; and even as far as it goes, it is shattering enough. A prison visitor at Pentonville said to me after he'd read it "I've been going into that place every Tuesday night for the past four years—and you know, up to now I've been doing it with my eyes shut."

Before this book there was nothing comparable in this country to the two American works, Gresham Sykes' *The Society of Captives* and Donald Clemmer's *The Prison Community*. Pentonville is a long-overdue start on the study of what we are doing.

"The clue to understanding many of the social processes operative in Pentonville lies in the recognition of the fact that the prison is a totalitarian society in microcosm which derives its ultimate authority from the world outside." The prison has a predominantly recidivist population, and it is this type of offender who is *the* problem—to judges, to penologists and criminologists, and to us all. If the authors had taken as their subject a prison for first offenders that choice in itself would have been an avoidance of what really matters. Whether we are floggers-and-hangers or humanitarians, psychiatrists or political theorists, we none of us have any answer at all yet to the problem of the criminal who persists reactively to everything. The simple fact is that we know nothing that even seems relevant, let alone effective.

And if there is one word in this book which suggests any comfort in the contemplation of the matter, then I have missed it. There is nothing anywhere here but a pitiless indictment of our pitiful stupidity.

"The most immediately striking feature about the Pentonville population is the presence of so many chronically socially inadequate individuals . . . The prison contains a significant proportion of men who, without any markedly dangerous criminal propensities, are social nuisances who have deteriorated to a state of social anomie. It also contains a much larger number of men for whom crime is a mode of subsistence and imprisonment an occupational risk. In one sense these men are failures too, in terms of their own criteria of success. Finally there are those whose personality problems and/or mental ill-health is such that they are constantly involved in criminal activities."

There is perhaps already too much of this categorising of human beings as criminal types, this listing of the guilty as social inadequates or disordered personalities; and non-criminals do not have to suffer it. Not much can be learnt about prisoners here that is not already known. But what is much more important, and was to the authors obviously much more interesting too, is the assessment of the staff.

Of necessity the Governor remains an unconsidered name, and so

too does the Chaplain. Deputy and Assistant Governor, Welfare Officers, visiting parsons, prison visitors—they all escape detailed consideration, no doubt to their relief. The Medical Officers, however, are not so lucky, and Chapter IX, "The Health of The Prison", is surely as damning as anything could be under the circumstances. "The Medical Officer . . . for the most part operated in virtual isolation . . . like the mediaeval prelate, he is subject to the temporal authority of the Governor in only a limited sense; his authority derives from elsewhere."

If the words of the Hippocratic oath mean anything, he should be the most humane and enlightened man in the prison. And is he? "One of the most striking characteristics of a prison like Pentonville is its ideological inertia. Nowhere is this clearer than in the medical sphere where concepts of health and treatment which were current twenty-five or thirty years ago remain guiding principles today . . . Where mental health is concerned, mankind is divided into the 'sane' and 'intellectually normal' on the one hand, and the 'insane' and 'mentally defective' on the other. Epileptics are regarded as essentially a problem for the physician, 'neurosis' is a concept of doubtful relevance, and the notions of 'character disorder', 'personality problem' or 'psychopathy' are quite without meaning in the context of the prison . . . (which) adheres rigidly to the view that there are only 'mad' or 'bad' prisoners. Even the 'mad' are sometimes seen as 'bad' if their behaviour is particularly heinous, and the extension of the sick role to them is sometimes seen as an unfortunate necessity. Pentonville cannot adequately handle the mentally abnormal, and attempts to control behaviour problems by increasing repression." A prisoner who had been on report five times in a few months for creating disturbance was punished for smashing up his cell with 28 days loss of remission, 28 days loss of privileges, 9 days No. 1 diet (bread and water), 9 days close confinement, 28 days stoppage of earnings, and 28 days non-associated labour. "From the mass of data gathered by the research, the indications are that as far as disturbed offenders are concerned, incarceration in Pentonville pushes the chances of rehabilitation further and further into the realms of pious optimism." The prison has no psychiatrist and no psychologist, and makes no use of consultants.

The assessments of the lower echelons are in one way more restrained because they are, after all, the lower; and in another more critical because there can be more anonymity. It is they indeed who are the real prisoners in and of Pentonville. At the beginning of the research, Pauline Morris wandered about the prison day after day on her own among the "dangerous" population. Some of the warders arranged to have her protectively shadowed. When no one tried to rape or murder her (fancy!), they began to say the presence of a woman was upsetting the prisoners by making them fight down their desires; when increasingly the inmates began taking their problems to her, the screws retreated into sullen and at times open hostility and sneers.

Out of 82 prison officers invited for interview, 30 refused to co-operate—most of them in the group who had been in the service for between 10 and 16 years. The conclusion from this can only be that

the sample from whom information was taken were therefore the more flexibly-minded of the staff, so what the others were like almost defies imagining.

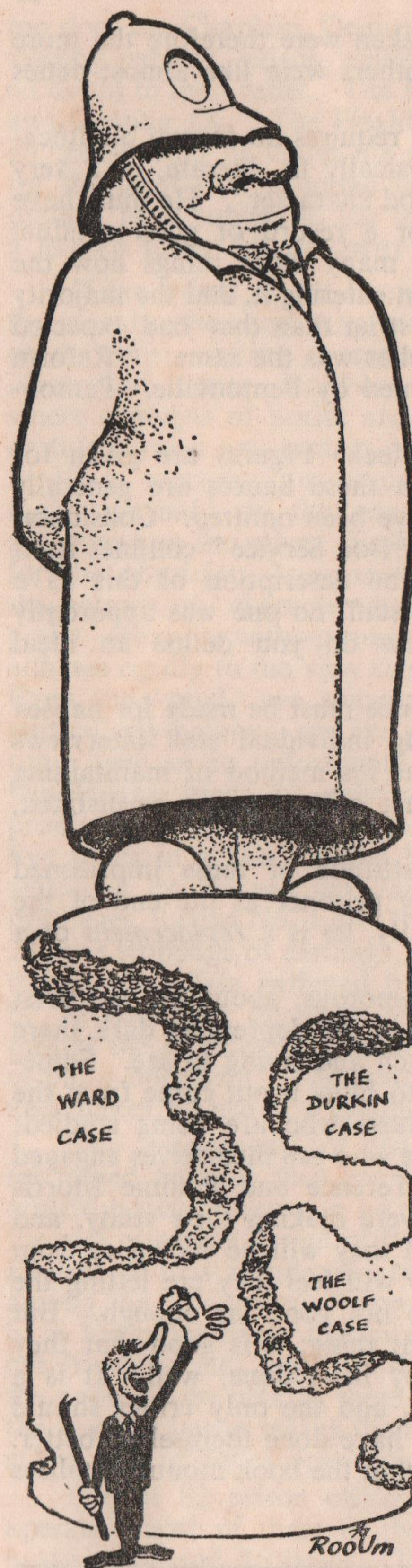
"The candidate for the prison service requires no formal qualifications, and basically needs only to be physically fit, literate, of a very moderate educational standard, and of 'good character'. He must have satisfactory employment references and/or a record of good conduct in the forces." They were asked among many other things how the job differed from what they had expected on entering it, and the majority said that discipline for prisoners was less strict than they had expected it to be. The basic theme in nearly all replies was the same. "Reform is a waste of time. No one can be reformed by Pentonville. Pentonville men are not worth reforming."

There are a few minor criticisms, I feel. Figures are given for prisoners' wages, but not for the staff; as these figures are generally available, I cannot see why they should have been omitted. Consideration of officers' "Reasons for Joining the Prison Service" confines itself to given reasons, which hardly justifies the description of this as a "probe". And in the questioning of the staff, no one was apparently asked the most revealing question "How do you define an ideal prisoner?"

But these are small things, and allowance must be made for nausea and boredom. "It was impressive during individual staff interviews how each officer thought that not only was his method of maintaining order the best, but that however much other officers might be disliked, prisoners certainly liked *him*."

One sentence exactly captures the attitude of these imprisoned staff. To them, as they receive each new prisoner at the end of the day from the sentencing courts, "Essentially, he is a *replacement* of a man who has gone out that morning."

There is nothing exciting, nothing glamorous, about the recidivist and our way of facing him. Occasionally in the depressing dark there is a faint gleam of someone striking a match and trying to see. Sometimes the anxious puffs of breath that try to blow it out come from the authorities, sometimes they come from those who are being studied; and sadly sometimes they come from others who are themselves engaged in trying to research the same gloom. Terence and Pauline Morris experienced it in Pentonville while they were making their study, and no doubt now it is finished and published they will be blown at from several different directions. The hierarchy will feel they are letting the side down, the rebels will feel they have not gone far enough. But they have done this and it is an important thing; it is good that they should have done it, and done it as they have done, well. It is a beginning, that no one else has yet made, and the only critics should be those who can point to something they have done themselves better. Pentonville is an ignoble place, and to say that the book monumentalises its ignobility is its reason and its praise.



Cartoon from
Peace News 17/8/63

I've dislodged a bit of brick

DONALD ROOUM

CERTAIN JOURNALISTS AND POLITICIANS find that by describing anti-establishment demonstrators as dirty, narcissistic or what-have-you, they can avoid discussing the point of their demonstrations. If they notice this document at all, it will be to remark that a demonstrator who writes a detailed account of what happened to him after the demonstration and how he felt at the time, must be pretty pleased with himself.

Thus they will evade the point. I am not particularly pleased that I demonstrated. I am very pleased that, in seeking to save my own skin, I found the means of converting what might have seemed a clear case of conspiracy, to bung bricks at unsuspecting royalty, into what seems a clearer case of conspiracy, to plant offensive weapons on inoffensive citizens arrested at random.

If the planting had been successful, these journalists and politicians would now be saying, smugly, that police repression of demonstrations is fully justified. As it is, the best they can say—without lying—is that the officer in charge of brick-planting operations is a war hero, whose dreadful experiences have sent him round the twist, poor chap.

Tuesday and Wednesday

The State Visit to London of King Paul and Queen Frederica of the Hellenes, between 9 and 12 July 1963, occasioned demonstrations by pacifists, nuclear disarmers, Communists, militant Christians, Greek left-wingers, anarchists, and others.

They were protesting against the murder of Lambrakis by Fascists with police connivance, the brutal suppression of Greek anti-bomb marchers, the retention of political prisoners sixteen years after the civil war, Queen Fred's membership of the Hitler Youth, Queen Fred's

DONALD ROOUM, born in Bradford, 1928, is a typographer and cartoonist who wrote on Freedom of Access in ANARCHY 17.

support of EOKA in Cyprus, the expense of State Visits, the nastiness of States, and what-have-you. But for all their variety the demonstrators were not numerous. Three thousand at the most, well out-numbered by the five thousand or more police whose leave was stopped for the occasion.

Tuesday evening, the ninth, the demonstrators set out from Trafalgar Square to march along The Mall to Buckingham Palace and hold a silent vigil. But the ceremonial gates of The Mall were closed against them, so they marched down Whitehall to the Cenotaph and held a noisy riot. And from there they went by several routes to the Palace after all.

Wednesday, the Royal Party went to the Aldwych Theatre. This time no attempt was made to keep demonstrators away, and the police found no difficulty in controlling them. It was a noisy demonstration of course—the King and Queen of Greece and the Queen and Prince Consort of Britain were roundly booed whenever they appeared—but it showed no sign of getting out of hand.

Then the Home Secretary, Mr. Henry Brook called a press conference. Mr. Brook is not an emotional man; one of the things that annoys his opponents is his apparent coldness. Now, however, he was reported (*Daily Express*, 10 July 1963) to be red-faced and trembling.

"The Queen of England was booed tonight," he said, "and I am furious." He went on to call on loyal citizens to "show contempt" for demonstrators.

I believe it was his fury which decided the police, when the Royal Party visited Claridge's Hotel on Thursday the eleventh, to move all demonstrators well out of booing range. Whether his call to show contempt had any effect, I cannot say.

Thursday

At about nine o'clock on the evening of 11 July, I was captured by a big, stocky, flat-nosed man with a dark suit, boots, and a very-short-back-and-sides.

At the time I was behaving legally. Lines of policemen, shoulder to shoulder across the width of the road, hands clasped as for the Palais Glide, were clearing a huge area surrounding Claridges of all but police and a few press photographers. A Committee of 100 briefing instructed demonstrators stopped by the police to sit down, but I personally could see no point in a sit-down demonstration, or any demonstration, which took place beyond the ken of those for whom it was intended.

So when I was moved on by the police, I moved; but I moved in a circle, in the hope that if I could stay in the neighbourhood until the royal party arrived, I might be permitted to stand silently holding my innocuous paper banner.

I met Peter and Ann who were trying the same tactic, and the three of us did manage to get left behind, somehow, by two separate police cordons following each other. I believe at one point we were the only

people without police permits who could actually see Claridge's doorway. But of course we were moved on, and at about nine o'clock we were emerging from South Molton Passage into South Molton Lane, still well within the cleared area but no longer within hailing distance of Claridges. The police stopped us again. One of them took my banner, and was making a great show of reading it (it said "Lambrakis R.I.P.") when four plainclothes men came and took it off him. I waited until they'd all read it, then said politely:

"Can I have my banner back?"

This big one with the short-back-and-sides stepped forward. "Can you have your *what* back?"

"My banner."

He smiled at me. "You're fucking nicked, my old beauty," he said, and gave me a terrific clout on the ear.

Then he grabbed me by the collar, thrusting his knuckles into my skull, and hustled off towards Claridges.

"Please, officer," I protested. "I'm coming quietly."

"Don't say please to me, my old darling. I've got a stone 'art."

Round the corner was a bus full of uniformed policemen, presumably reserves. The big man pushed me up the stairs and we sat in the one empty seat. And there we all waited for the driver.

The three men who had been with him when he captured me wandered past. He called triumphantly to one of them, "'Aven't you got yourself a prisoner yet? Cor, you *are* slow."

Three younger men were arguing with some uniformed police at the corner. "We know," the police were saying, "You want to get through to 1A. If you just go off for . . ."

"Nick 'em!" yelled the big man happily.

The bus driver didn't come so after a while we moved to a police van, also full of uniformed men. I collided with one of them as I hurtled in, but fortunately he was a pleasant-minded chap.

"Sit down there," my captor indicated the floor. "That's the best place for you, isn't it?"

"If you say so, sir." No point in arguing.

Round and round went the van, slowly past the endless lines of police barriers and jeering demonstrators. A girl's voice called out "Will you give us a lift?"

The big man leaned out from the back of the van. "Yer; right under the bleedin' chops!"

After what seemed a very long time we stopped at the back of a police station. The two of us got out. He pushed me up the few outside steps to where a man in a grey suit waited on a landing, then he let go. There was a corridor, and steps going upwards and downwards.

I opened my mouth to ask which way. The big man's voice behind me roared "Gerrup them stairs" and Wham! A great clout on the ear which sent me scudding across the floor. The man in grey winced and looked disapproving and I decided with relief that if I did not fight back, he would not join in. But he didn't say anything.

I got up them stairs as quick as I could. At the top was a landing, with more stairs going up . . .

Wham! "Gerrup them stairs," and at the top of these stairs, another landing . . .

And so on. When I returned to the Station in December I was surprised to find only three flights of stairs, leading to a charge room only on the first floor. Memory had been confused by a dream I had, lying with my sore ear on a coir bolster in a cell, of stairs and landings which went up and Wham and ouch and up indefinitely.

When we arrived at the charge room the big man called out "I've got a desperate one 'ere," which someone took as a signal to open the door of a detention room. (A detention room differs from a cell, I'm told, in that it has no inside door handle). He frogmarched me in and the door was locked on the pair of us.

He pushed his face into mine and breathed hard. It was not as bad an experience as it might have been. No alcohol, tobacco or onions discernible.

"Boo the Queen, would you?" he snarled.

"No," I said quickly, "not at all."

"Eh?" he looked slightly worried, slightly disappointed. Then craftily, "But you sympathise with 'em, don't you?"

"No," I said.

After the clouting up the stairs I would have been too groggy to defend myself even if I had his weight and training. In any case, I knew that the feeblest attempt to defend oneself against a policeman is seen by magistrates as an unwarranted attack. Let him beat me up and get it over. But at least I could deny him the satisfaction of feeling justified.

None of his business who I sympathised with.

So he didn't beat me up after all. Just three more clouts to the ears which knocked me flying again, but which after the punishment on the stairs, I didn't feel.

"There you are, my old darling," he smiled paternally, "'Ave that with me. And just to make sure we 'aven't forgotten it . . ." He took from his pocket a screwed-up newspaper, which he opened with a flourish. Inside was a bit of brick.

His smile widened. "There you are, my old beauty. Carrying an offensive weapon. You can get two years for that."

The first glimmer

My chances, I could see, were nil. The word of a policeman, or two or three policemen (corroborating witnesses are easy enough to find), against the word of a demonstrator. I suppose most people in such circumstances would take what comfort they could from their religion and as a Stirnerite I am no exception.

I do not surrender to you, says Stirner, I only wait. When I can come at you I will; and meanwhile, if I can find any weakness in you, I will draw it to your attention.

The big man departed with his brick, and some time later I heard muffled voices through the door, so I crept near and listened. My

captor's voice was describing, in courtroom style, how he had stopped someone in the street and taken a piece of brick from his pocket. Odd, I thought, him laying a formal charge against me in my absence. After a short pause the same voice went through the same story a second time, and then a third time! Curiouser and curiouser. True my ears were ringing and the voice was faint through the thick door, but I was reasonably sure I was not imagining the words. The only other explanation I could think of was that he was rehearsing his lines! (The rational explanation didn't occur to me at the time).

But as the story of a brick in a pocket was repeated, hope began to dawn. Only a week or so before, I had finished reading the cheap paperback edition of *Science and the Detection of Crime* by C. R. M. Cuthbert, sometime superintendent of the Metropolitan Police Laboratory (Hutchinson "Grey Arrow" edition, 1962). Most of this book is about instances of Edmond Locard's Principle of Exchange, "Every contact leaves its trace."

A brick in a pocket would surely be another instance; it would leave brick dust behind. So far there had been no brick in my pocket. *If* they neglected to put one there; and *if* this man persisted in his story that he found it there; and *if* I could prove this was the suit I was wearing; and *if* I could get it to the Metropolitan Police Laboratory before I had chance to clean the pockets . . . I *might* have a defence.

So at the first opportunity I asked for a solicitor. Fortunately, as it turned out, the police made no move whatever to supply one.

I have been asked since why I didn't ask for a doctor. But in my innocence of the ways of courts, I failed to see the logical connection between whether I was belted and whether I was carrying a brick.

I also failed to see the significance, from a defence point of view, of the fact that after I had been searched my captor flipped through my diary, and that when it was returned the following day, some pages had been extracted.

One point whose significance I did see was that the list of articles taken from me, which I was asked to sign, included "Portion of Brick." To my enormous relief, when I refused to sign they merely said in matter-of-fact voices "Refuses to sign. Right", and made a note of the refusal.

"Your case, Sir?" the inspector asked my captor. Sir, from an inspector! What rank, I wondered, was this bloke whose brick I hoped to dislodge? How should I know the "Sir" was merely a manner of speaking?

Thursday night

My arrest looked more violent than it felt. The first reaction of Peter and Anne was to ask the police who had also witnessed it, whether they weren't going to do anything about it. They weren't.

So Peter and Anne made some unsuccessful attempt to get the numbers of the uniformed men, then got in touch with Irene and told her, simply, that I had been arrested.

Irene telephoned several police stations and found I was at West

End Central, Saville Row. (This was more than I knew.) An officer told her I was being questioned and would be home later. Several more times she telephoned to ask when I would be coming home. Finally, at 2.30 a.m., an officer snapped that I was still being questioned, I would come home when they had finished with me, and her continual asking would not make it any earlier.

In point of fact I had been put in a cell before midnight.

Friday morning Irene telephoned Peter and Anne, who now told her that as I was arrested, I had been clobbered. She then telephoned Martin Ennals of the National Council for Civil Liberties, who said he was going that morning to Marlborough Street Police Court where I would appear, and had we any money? He would be bringing a solicitor.

Peter and Anne went to Marlborough Street to act as witnesses, and found my name did not appear on the list of cases. (Another of those administrative errors).

The next time Irene heard of me was on Friday afternoon, when a solicitor telephoned to ask if she could bring a suit for me to change into, as he wanted to take charge of the one I was wearing. He didn't say why. She didn't know what I was charged with; only that I had been clobbered.

Friday

On the morning of 12 July I was taken in one of those claustrophobic partitioned vans to Marlborough Street Police Court, and put in a detention room (or cell, or whatever it is technically called) with a tramp, two men with hangovers, an African in a London Transport uniform, and a young Greek with a nuclear disarmament badge.

The young bloke's name was John Apostolou. He was seventeen. He had been walking in Brooke Street with two boys he did not know, when they were all arrested. At the station they had been brought out of a detention room one by one and searched. Mr. Apostolou, coming last, had been appalled to see pieces of brick among his companions' possessions. He had said "I didn't know they had bricks on 'em," and one of the police had said, "The biggest brick for the biggest boy," while the other police had stood around laughing. The one giving out the bricks had been a big, stocky, flat-nosed man with a dark suit, boots, and very short back-and-sides.

Mr. Apostolou, in the confusion of that awful moment, had met deception with deception and given his name as Stylianou. When the police said he could be bailed only after they had checked on his address, he had told them his real name. But they had refused him bail.

The man in the London Transport uniform was a Mr. Padmore. He had a swollen, bleeding lip which he told us resulted from a thump by one Detective Sergeant Challenor, who had arrested him when he kept an appointment at the Station, for a peaceful interview. Mr. Padmore agreed, when I asked him, that Detective Sergeant Challenor was a big, stocky, flat-nosed man who addressed people as "my old darling".

Later, in the prisoner's waiting room behind the downstairs courtroom, I was sought out by the solicitor from Civil Liberties, Mr. S. Clinton Davis. I told him I wanted to fight the charge for all I was worth, and that I needed a remand to get my pockets examined.

Mr. Davis pointed out that this might in practice mean a remand in custody. Mr. Robey, before whom I was to appear, had been refusing bail to demonstrators charged with minor offences, and denying time-to-pay to demonstrators sentenced to small fines. Assuming I was bailed, however, I was to go straight to his office and remain under his surveillance until I could surrender my suit to him.

I almost burst into tears with relief. No need to worry any longer about how to get my pockets examined; no need even to speak to the magistrate. Mr. Davis was going to organise everything, and I could afford to relax and be miserable.

And since this was happening not in 1958 when I was unemployed but in 1963 when I was (by my standards) well off, I didn't even need to worry about the expense.

"Will you see to Mr. Apostolou?" I asked, "His story is much the same as mine."

"Any money?" Mr. Davis asked him.

Mr. Apostolou said no.

Before Mr. Davis could say any more I was rudely telling him to go into court and apply for legal aid for Apostolou. Mr. Davis was too considerate of my distress to retort, as he might have done, that he was going to do that anyway.

Before I was called into court I met the three lads I had seen from the police bus, arguing about getting through to 1A. They too, with a fourth young man, had been charged with carrying bricks.

The first movement

The learned magistrate Mr. Robey was in a more lenient mood than he had been. Possibly his object in putting demonstrators away was to prevent further demonstrations, and now that the State Visit was over there were none to prevent. Anyway, he said my request for a remand was quite reasonable, and asked Detective Sergeant Challenor if he knew of any reason why I should not be bailed.

Mr. Challenor, who had come prepared to go straight on with the case, was not ready for this question. He didn't know offhand, he said, but could find out in one second. The next case was to be that of Apostolou, and he didn't know about Apostolou's bailability either. I went back into the waiting room and the case following Apostolou was called. Half an hour or so later both Apostolou and I were called into court (Apostolou for the first time), and Challenor began "As for the first defendant, Ruin, he should have been bailed last night. The fact that he wasn't was a mistake, and it was my fault entirely. I told the station officer . . ." then the magistrate shut him up.

We were both remanded until 25 July. I was bailed in my own recognisance of £10; Apostolou had to find a surety for the same

amount. As we waited in the Warrant Office the Clerk of the Court caught us up to tell us we had to change the date of remand. The 25 July was in the middle of Challenor's annual leave and "we wouldn't want to spoil a man's holiday, would we?" So the date of remand was changed to 19 July and off I ran (literally, so as not to give myself chance to change my suit) to Mr. Davis's office. Apostolou could not come with me because, of course, he had to wait for his mother to bail him out.

Science and the Detection of Crime says of the official laboratories (on page 85): "Case work is never refused for the defence, and much valuable work is constantly being done which favours the accused . . . The fact that the police use the laboratory facilities much more than the defence is probably due to the fact that the police are more aware of the benefits that can be derived from forensic science laboratories than are some members of the legal profession."

But when Mr. Davis telephoned the police station to ask how he could use the Metropolitan Police Laboratory, he discovered a much better reason. The only way would be to surrender my suit to Mr. Challenor and let him take it!

So we had to find a commercial scientist to search my pockets. This job, which I confidently dumped on Mr. Davis, was more complicated than it sounds, and I have only a vague and possibly erroneous idea of how it was done. I understand Mr. Davis contacted a forensic scientist he knew of—a pathologist—and put a call for a bricks expert on the forensic science grapevine. Meanwhile my suit was lodged for safe keeping in some laboratory attached to a crematorium.

Five days later Mr. Ferdinand Kayser looked at the dirt in my pockets through a magnifying glass, and promptly announced that he could see no brick dust and was refusing the job. He thought he was being retained for the prosecution.

Mr. Kayser is a forensic scientist of several decades' experience, an eminent authority on the marks left by various implements, well acquainted with the High Court and the Chancery Division. But he had never before given evidence in a magistrate's court.

I must correct any impression that without money I could not have had Mr. Kayser for my defence. Having been located, he was also retained on Legal Aid for the defence of Apostolou, and eventually also for Apostolou's companions, one of whom was on Legal Aid.

The specialist I could *not* have had without money, in a magistrate's court, was the barrister. A barrister's job is to prepare and present a case, and Mr. Michael Sherrard prepared and presented my case with brilliance. But besides, and because of, his undoubted skill, Mr. Sherrard brought another quality to my cause: prestige.

He was, for instance, able to cross-question Mr. Challenor in (as near as I can remember) the following words. "Were you involved in the arrest of anyone else carrying bricks on the same night?" "Yes Sir, I arrested one other." "Were you involved in the arrest of Ede?" "Hill, I arrested." "Were you involved in the arrest of Ede?"

"The man I arrested was Hill." "Were you involved in the arrest of Ede?" "Yes, I was involved in it . . ."

Thus Mr. Sherrard used a brilliant dead pan method for making his point of evidence and discrediting the witness at the same time. But would the learned magistrate have allowed a defendant, or even a solicitor, to ask a policeman the same question again and again until he got an answer?

One o'clock came in the middle of my case and the magistrate wanted to adjourn the case until a later date, because he had other cases for the afternoon. Mr. Sherrard (abetted by the Clerk of the Court who perhaps saw a chance of getting a case off his crowded books) argued strongly, and eventually got the magistrate to agree, that there was time after all to hear the whole case on the same day. This even though it meant a change, not only in the Clerk of the Court (and hence incidentally the spelling of "Challenor" in the Notes of Evidence), but also in the prosecuting counsel!

Mr. Sherrard had no difficulty in getting the magistrate to listen patiently to a longish address. Indeed, when he said "Look at that brick Sir," His Worship obediently picked up the brick and watched the dust dropping off.

British justice! The best that money can buy!

Saturday and Sunday

I was a bit surprised that Apostolou hadn't arrived in Mr. Davis's office by the time I left.

Sometime during the same afternoon one of Apostolou's young companions was at court. When he came out he told his father one of the lads arrested with him was a prisoner inside, and not allowed to telephone his mother. The father immediately went in and offered to stand bail for Mr. Apostolou, but the police told him he could not, as he was not a relative.

Later Mr. Apostolou was taken to Ashford Gaol, where his mother arrived to secure his release on the Sunday morning, when he had been in custody for three nights.

His mother had telephoned West End Central on Thursday evening to see if he was there, but had been told he wasn't. She did not hear of him again until Saturday, when the Deputy Governor of the prison telephoned her.

The nineteenth of July

Mr. Kayser did not even see my clothes until 16 July. Naturally he needed time to prepare his report, and further time was needed to prepare a case in the light of his report. Obviously the defence was not going to be ready by the nineteenth. So on the eighteenth my witnesses were told not to attend, and I was told I would be accompanied by a junior from the solicitor's office, who would merely apply for a further remand. Then Mr. Davis informed the police that the defence need more time for preparation.

The police replied that *they* were quite ready, and would not agree to any postponement.

Suddenly it was all on again. Witnesses had to be collected and some kind of defence case put together over night.

The downstairs court was closed on the nineteenth, and all cases were being heard upstairs by Mr. Gradwell. Mr. Sherrard was pleased, because he thought our chances of acquittal were improved. I was scared sick anyway, and I remembered Mr. Gradwell; I had appeared before him in 1961 on a charge of defying a police order, statutory maximum penalty two pounds, and he had fined me two pounds with seven guineas costs.

On most days the two magistrates at Marlborough Street hear first the new cases (divided between them), then as many remanded cases as they have time for, about four or five each. This day, with only one magistrate sitting, we were the ninth remand on the list. The defence had been put to a lot of trouble and expense for nothing. When he discovered this Mr. Sherrard was not pleased any longer.

In a room next door to the prisoners' waiting room, I heard a voice call "D. S. Challenor?" and another voice answer "He's at the Old Bailey." Next time Mr. Sherrard and Mr. Davis came in I told them about this, and then went off somewhere to find out if it was true.

The gaoler suddenly burst out of the courtroom shouting "Room! Room!" I sprinted past the carefully assembled queue of new cases into the dock, but Mr. Sherrard was already well into an indignant speech "... and when after all this we arrive with our army of witnesses, the prosecution does not even appear!" So we were able to choose a date to suit our own convenience, 8 August.

As we were leaving the court Mr. Challenor turned up; he must have been summoned when Mr. Sherrard started his spiel. I looked to see what the lawyers were doing and they were pretending not to notice, so I did the same. The situation was explained to Mr. Challenor by an officer already at the court, and he pretended not to have come.

The other bricks

By this time one of John Apostolou's companions had contacted Civil Liberties, and had then spent a few days tracking down the third boy, of whom he knew only that he was a member of a CND or YCND in North London. They were now Mr. Davis's clients, but there was little point in Mr. Kayser examining their clothes since, after so many days, it would be difficult to prove they were the same clothes, untouched, as they had been wearing when they were arrested.

So on 23 July Mr. Kayser went to examine the bricks themselves, and made the splendid discovery that my bit of brick fitted one of the others!

This is as convenient a point as any to recall the course of the other seven brick-planting cases I know of.

The young men I had observed arguing about getting through to 1A are called John Ryall, Ronald Ryall and Colin Derwin. They, and the boy arrested with them, all live near Claridges. The Ryall brothers had heard of Queen Frederica's visit, but in the words of Ronnie Ryall they "didn't care whether she was coming or going." Derwin, a regular soldier, knew more about it; he had helped his father to put up a ladder for the use of the Special Branch.

On 12 July they applied for a remand to find a solicitor, and during the first week of August they appeared before Mr. Robey with their defence, a simple protestation of innocence, and were fined five pounds each. The sentence on Derwin was subsequently varied to conditional discharge. Their solicitor advised them, rightly, that it was useless to appeal against the word of three policemen.

The boy arrested with them was tried at Chelsea Juvenile Court on 11 September, and was acquitted. His father, called to West End Central on 11 July, had noticed variations in the size of brick, P.C. Goldsmith who had arrested him did not put in an appearance—he was stated to be on his honeymoon—and, in the opinion of the boy's mother, P.C.s Battes and Oakley were hesitant and contradictory in their evidence.

John Apostolou's defence was similar to mine, with the addition of people who had accompanied him from home and others who had seen him searched. But he had two police witnesses against him, he was represented by a solicitor instead of a barrister, and his case was heard in bits over six weeks. Eventually, on 17 September, Mr. Robey directed himself that P.C. Battes was a truthful young man, and fined Apostolou ten pounds with ten guineas costs. Apostolou appealed on the grounds that the magistrate had ignored the weight of evidence. The case was fixed for 22 October, but the police gave notice they would not bring any evidence. The Deputy Chairman of Sessions, Mr. Elan, said it was obvious his name was cleared, and awarded him nominal costs of twenty-five guineas (all paid direct to the Legal Aid people).

The prosecution of Mr. Apostolou's companions was also formally dropped, at Chelsea Juvenile Court on 9 October. The magistrate, Mr. Edie, ruled that he could not award costs as the defendants had not been prosecuted.

I was happy to escape giving evidence on 19 July. On that day I was numb with a nameless terror, unable to think clearly or move decisively for fear of I-could-not-think-what. Mr. Sherrard did not help at all by pointing out that I looked guilty.

A member of the Communist Party who heard of my arrest assumed automatically that I would be defended by an Anarchist lawyer, and was horrified to discover there were none. But the anarchist movement abounds in psychologists; by August 8th, with the generous help of one or two comrades, I had sorted out the worst of my irrational fear and was fairly confident of giving a good performance in the witness

box. I gave my confidence an artificial boost by instructing that, if we went down, we should there and then give notice of appeal.

Mr. Challenor positively radiated confidence. He made me a friendly greeting and asked me, beaming, if I was ready for the fight. I smiled back at him and inquired if he'd had a good holiday. He had.

In the charge room after my arrest, he had said that as he passed me and several girls, he heard me say "He doesn't look like a policeman to me" (!), then one of the girls had said "You want to be careful with that thing in your pocket," so he had quickly turned, put his hand in my pocket, and pulled out a brick(!) Ever since, I had been afraid he would change his story in court, and he did.

His evidence was that he had heard me say "I don't care. They shouldn't push us around like that. I *will* throw my stone, not in revenge, but as a demonstration of my ideals." He mentioned that he was a police officer and asked if I had a stone, and I said "Take it if you will, but you must take all the stones in London to stop me," so he said he would arrest me, to which I replied "Down with the Monarchy!" He had taken me to a police vehicle and there taken a peice of brick *from my pocket*.

So the defence applied as much to the new story as to the old. Change it if you will, but you must take the stone from somewhere else to stop me.

Mr. Sherrard started straight in with his question about whether Mr. Challenor had arrested anyone else. By the fourth question, worded exactly the same as the second and third questions, "Were you concerned in the arrest of Ede?" the balefully glaring Challenor was exposed as an evader of questions, and looked for all the world like the defendant, with Mr. Sherrard the prosecuting counsel; an illusion which Mr. Sherrard kept up, brilliantly, for the rest of the hearing.

Prosecuting counsel, forced into the role of defender, introduced the question of character. How long had Mr. Challenor been in the force? Twelve years. And how long a detective sergeant? Two years. And would he jeopardize his whole career for the sake of a case like this? No.

First witness for the defence was me. After Mr. Sherrard had put me through my story, prosecuting counsel tried to blacken my character. Why should Challenor bring this prosecution if it wasn't true? I didn't know. But I must have given some consideration to the question? Well, I said carefully, I had heard the expression "an officer has such-and-such a prosecution to his credit"—not that I knew what it meant—and he had said "Boo the Queen would you?" which suggested that he suspected me of disagreeing with his politics. And were these the only reasons? They were all I could think of.

Surely they were pretty thin reasons for spending so much time on such a paltry case? I conceded that they were, but persisted that I couldn't think of any others. I believe he was genuinely disappointed.

"You're against the police, aren't you?" I didn't answer this question; I just observed that the half dozen or so policemen I had

known personally had all been splendid men. I was ready for him to ask the same question again, but he didn't. He just glanced at his notes and said "*Did you boo the Queen, by the way?*"

I looked affronted and said "Certainly not!"

Then it was one o'clock, and the argument between Mr. Sherrard and Mr. Robey about whether we should continue the case in the afternoon or adjourn for another month. Mr. Robey had one more job before lunch. He called in from the prisoners' waiting room an old chap with no laces in his shoes, who had pleaded guilty to stealing two books from a library, and sentenced him to six months imprisonment.

First witness in the afternoon was Ann, who described what happened when I was arrested. Prosecuting counsel, a younger, and I suppose less experienced, man than the one who had prosecuted in the morning, asked her if she was suggesting that an officer had struck me, in the public street, before witnesses, for no reason at all. "I am not suggesting it," said Ann, "I am stating it as a fact."

After Ann came Peter. The prosecution put the police story to both of them and of course each of them denied it, point by point. But they worried no one. So far the magistrate had to consider only whether the word of three self-confessed demonstrators should be preferred to the word of a respected police officer; and if the evidence had ended there the only question would have been what sentence to impose.

But then came Mr. Kayser. Mr. Sherrard began by asking him to mention his main qualifications—not all of them, just the main ones. Mr. Kayser listed two or three, then Mr. Sherrard put a lot more qualifications to him one at a time. In the end, Mr. Kayser sounded even more learned and respected than he would have done if he had recited his qualifications at one go.

A broken brick, Mr. Kayser explained, could not have been put into my jacket pocket without scratching the material of the lining, as if the points of many needles had been scraped over it. And an object the size of the brick produced in evidence would have stretched the lining. The most thorough microscopic examination disclosed no scratching or straining whatever.

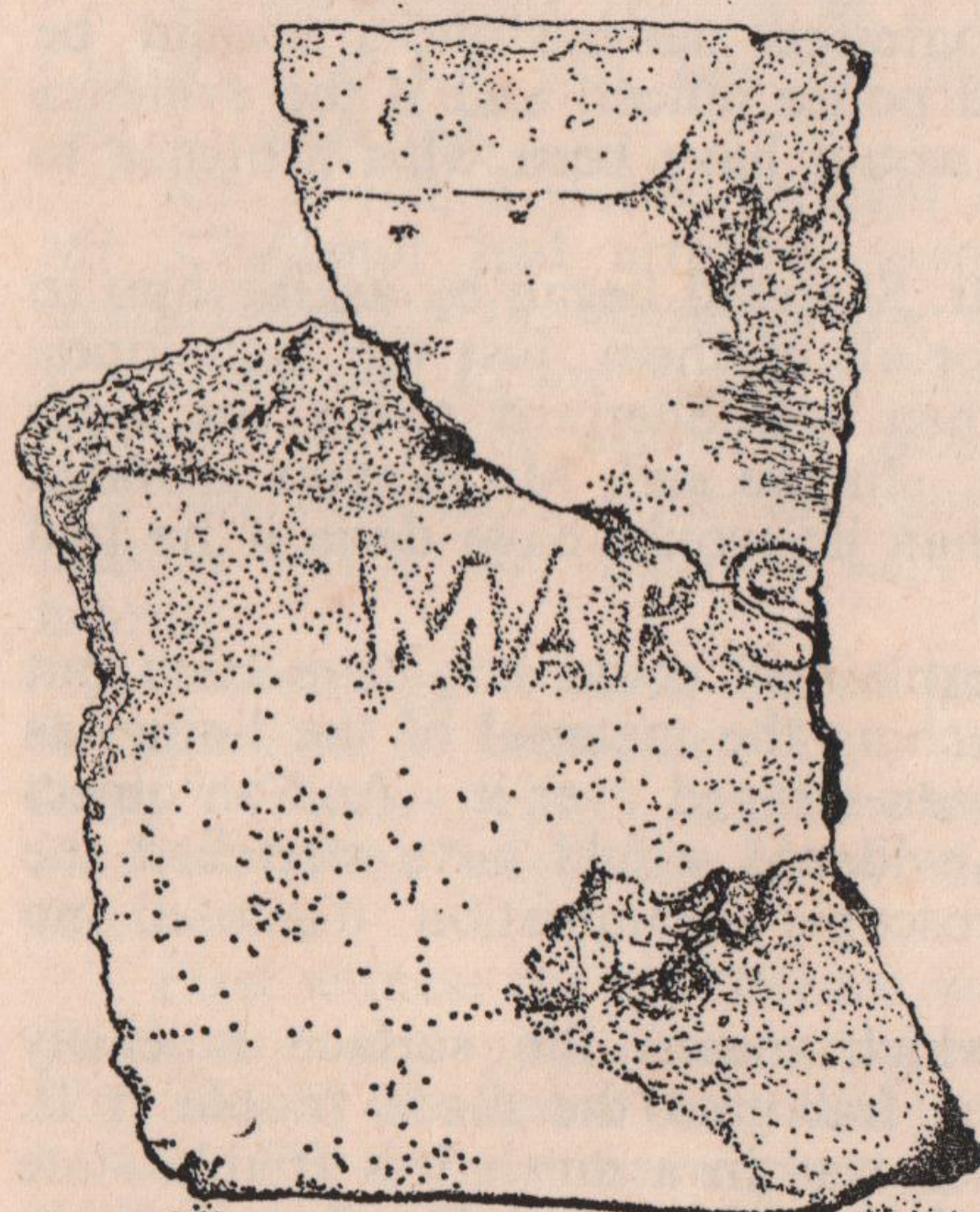
A broken brick is friable (which means the surface is easily detached). The more recently it is fractured the more friable it is. Produced in evidence on 8 August it was in a much less friable state than it had been when he examined it on 23 July. On that occasion he had put the fractured surface face downwards on a sheet of paper to trace round it as a note of the size, and when he lifted it the paper had been covered in bits of brick varying in size from microscopic grains to lumps more than a millimeter across. That would not happen now, when the fractured surface had had more time to settle.

On 11 July, of course, it would have been even more friable. It was inconceivable that it could have been in my pocket without leaving bits. Bits like this could only be removed by thoroughly brushing the lining, say with a toothbrush, then going over it with a powerful vacuum

cleaner, removing the fluff and everything else.

My pockets—Mr. Kayser looked reproachfully in my direction—hadn't been cleaned out for a *very* long time. He selected a test-tube full of fluff from a box (we hadn't know until Challoner was cross questioned which pocket was significant). "This is a sample," he said. "I could have got lots more. I could have got two pounds."

The most picturesque, though not the most important, bit of Mr. Kayser's evidence came as a complete, delightful surprise to me. When he had examined my bit of brick on 23 July he had also examined a bit of brick labelled "Prisoner's Property: Ede," and the two fitted together! So *that* was why Mr. Sherrard had been so insistent on Mr. Challenor's connection with Ede. Both bits were handed to the learned magistrate, and he fitted them together following Mr. Kayser's instructions that the "M-A-R-squiggle" on the Ede brick should be placed below the "squiggle" on the Rooum brick to read "M-A-R-S," probably part of a trade name of Marston Valley Brickworks.



*Drawn from a photograph
by F. Kayser*

The young man who was representing the prosecution took a deep breath and tried to show that the brick would not necessarily leave dust in a pocket, or that the suit examined was not the one I had worn, or that the dust had been cleaned from the pocket. Mr. Kayser was as earnest and helpful as possible, and when he was asked again if the pocket could have been cleaned, held up his test tube and asked the prosecutor if he would like to see it.

The prosecutor said yes, and thought hard for the few seconds it

took the usher to carry the test tube across the room, then examined it minutely and thought hard for another few seconds.

"And is this . . ." he said finally, "is this all the dust you got from a pocket?"

"No," said Mr. Kayser, "it's a sample."

The young man glared at him confidently, opened his mouth, shut it again, and suddenly sat down.

One or two points still to clear up. By some quirk of memory I had "remembered" a false impression that the list of objects taken from me (which I had refused to sign because it included "portion of brick") had also included "diary." The inspector before whom I was charged was called by the prosecution at the request of the defence and testified that it was quite possible the diary had been taken but not listed.

Then Mr. Challenor was recalled to the witness box by the magistrate ("You're still on oath, Sergeant Challenor") to be shown how the two bits of brick fitted together and to offer any explanation. It seemed obvious to him that there was a connection between all the demonstrators; they must have broken up bricks and shared out the bits.

Mr. Sherrard, cross-questioning again, took the opportunity of introducing the names in the case of Apostolou ("Well, Sir, he told me his name was Stylianou"). The officers involved with Challenor in the three arrests were Constable Battes and Constable Oakley.

Then Mr. Sherrard made a long impressive speech. It included every point that might be relevant to the defence including "Sir, this is not oath against oath, it is oath against oaths," and "Sir, unless the citizen can rely on the courts to protect him in a situation of this kind, then something very much worse could happen here than anything they were demonstrating about." But it was mostly about two points; first, that the scientific evidence of my innocence was overwhelming; and second, that to acquit me would not be to say the police were guilty of anything, but merely to find an element of doubt in the case against me.

Mr. Robey listed carefully, and when he was asked to look at the brick, touched the now-much-less-friable surface with his finger and watched the loose bits falling onto his pad. When Mr. Sherrard sat down the Clerk of the Court turned to look at Counsel for the prosecution, but he said nothing. So Mr. Robey directed himself that he was in doubt about the case and dismissed it.

"That way out," said the gaoler. I stepped from the dock. "Wait." Mr. Sherrard was on his feet again.

Sir, the defendant did not earn much and was not entitled to legal aid. He had brought counsel and an expert witness to court, not once, but through no fault of his own, twice. Could some small grant be made towards his tremendous expenses?

No.

A victim of chance

After the trial I was surrounded by a laughing, approving, congratulating, handshaking mob. There were comrades who had come to support me, old age pensioners who had come to court in the hope of entertainment, reporters, counsel, solicitors, counsel's clerks, solici-

tors clerks and legal secretaries. And there was Mr. Kayser, who said "Don't thank me, I'm a professional," then discreetly told my solicitor he would reduce his fee because of the injustice I had suffered.

At the other end of the room, Mr. Challenor, lonely and miserable, packed his bag and stalked out with what dignity he could muster. He had in truth suffered appalling rotten luck.

First, he had made the simple, excusable error of neglecting Locard's principle when he planted his evidence.

Second, he had selected at random a victim with enough general knowledge to notice his mistake.

Third, by the merest accident I was kept in custody all night and had no chance to change or clean my suit.

Fourth, a solicitor had come to me before I was bailed, so I was able to hand my suit to him immediately afterwards and there could be no dispute that it was the one I was arrested in.

Fifth, the solicitor was sufficiently interested and energetic to search the world for the appropriate expert witness.

And sixth, I was rich enough to hire a barrister with the reputation to insist that the magistrate listened to the evidence.

If any of these six fortuitous circumstances had been absent, the prosecutions would have been successful, he would have been praised for his vigilance, the force would have been justified in its repression of the demonstrators, George Clark, Peter Moule and Terry Chandler might even have been convicted of inciting a murderous riot.

Instead he was sued for wrongful arrest, false imprisonment, malicious prosecution and assault. Three of his bricks cases were dropped. At least seventeen of his prosecutions of "protection racketeers," which had earned him the admiring nickname of "gang-buster" and then long terms of imprisonment, were dropped, discharged on appeal, or granted leave to appeal after months of despair. A police internal inquiry into his activities was started. He was confined for a short time in a mental hospital.

The money

Until the trial I had been expecting to pay my expenses myself. I had indeed heard rumours of funds being started, but I had done nothing to encourage them and I had certainly not applied to anyone for relief. My record fine from Mr. Gradwell had come just before the Sit-down-or-pay-up fund was founded, so I had never contributed to it. I had a bit saved. And I wanted to run the case my own way without any obligation to people with what *Freedom* (17 August) described as "revolutionary or moral scruples."

When Irene arrived home after the trial she found the then treasurer of the Sit-down-or-pay-up-fund waiting with twenty-five unrequested nicker. On 17 August *Freedom* started a fund for my defence which raised £88 8s. 9d. And a further £40 was paid direct to me by individuals. So I received a total of £153 8s. 9d.

"Gratitude" is a stupidly inadequate word to describe my feelings. It isn't just the money, though of course that was very welcome; it is the feeling that in one's hour of need one is surrounded by friends.

On 2 September I was called by telephone to a meeting at Mr. Sherrard's chambers. Mr. Sherrard thought the cartoon I had done for *Peace News* on 17 August was good, but it could be presented to a jury as evidence that I would do anything to wreck the police. He also thought the article I wrote for *Freedom* on 17 August had shown unexpected discernment of how he had managed the trial, but he was furious that I had mentioned one incident there which I had not mentioned at the trial, which he thought would have been useful evidence. All in all he was furious with me for mucking up my chances at the forthcoming Civil Action.

In the High Court he planned to reverse the roles again, to treat Mr. Challenor, the Defendant, as the prosecutor in a criminal case, and me the Plaintiff as a defendant. Thus he would emphasize my innocence and the enormity of the wrong done to me. I could hope for £500, and should not settle for less. Mr. Davis, as a respected solicitor and a prospective parliamentary candidate, would in the same circumstances get much more. But I must appear before the jury as a crank.

However, one never knew with juries. I might get £10,000.

Mr. Davis served the writ on Mr. Challenor next day.

Towards the end of October I heard the police were negotiating to settle out of court, and at the beginning of November I received a letter from Mr. Davis saying the police had offered £200, plus all legal expenses, and advising me to reject the offer and ask for £500 plus all legal expenses.

On 12 November he wrote again to say the Commissioner had agreed to pay £500 plus costs. The three whose cases were dropped were also offered what they had demanded. Mr. Davis issued a statement to the press saying "There has been a complete capitulation by the police; the accused have been vindicated."

Two days later the police issued a statement which said:

"The prosecutions against Apostolou and the two boys were withdrawn because of the mental illness of a detective-sergeant who was either an important or essential witness in each case. In these circumstances it was felt proper that an ex-gratia payment should be offered to each defendant on behalf of the Commissioner of Police by way of compensation.

"In the case of Rooum, he was acquitted by the court, the only evidence against him being that given by the detective-sergeant. Rooum issued a writ against the detective-sergeant alleging false imprisonment and malicious prosecution and an offer has been made to Rooum's solicitors on behalf of the Commissioner to settle the action on terms subject to the approval of the court."

As soon as this appeared in the London evening papers Mr. Davis issued a statement of his own, saying "The statement issued by Scotland Yard today represents a mealy-mouthed excuse that the illness

of one of the officers was the only thing which impeded their conviction In the circumstances, my clients will seriously consider not accepting the ex-gratia offers which have been made by the police unless the statement issued by Scotland Yard is withdrawn” And he wrote to the police in the same terms.

The serious considering of the offers took place at a meeting called by Mr. Davis on 18 November, where he read out a letter from the police, saying the interpretation he had put on the police statement was “fanciful”. So it was decided to accept the offers, and free the matter for discussion in Parliament and the press.

In my case there was a further complication. Mr. Challenor was in a mental hospital, which meant the Official Solicitor must be consulted about the implementation of the settlement. Mr. Davis’s letter of 12 November 1963 informed me of this and added “However I feel confident that payment will be made within the course of the next two or three weeks at the most.”

Payment was made on 3 January, 1964, and passed on to me on 8 January. Five hundred pounds, plus all the money I had deposited with Mr. Davis’s firm, minus twenty guineas for services rendered but not included in the settlement.

Immediately I spent some of the money on self-aggrandizement in the form of large donations to Peace News, Civil Liberties and Freedom Press. I also asked *Freedom* for the list of contributors to the defence fund, and by the time this appears I trust all of them (except untraceable anonymous ones) will have got their money back. Please write if you have not got *yours* back.

Some explanations

I need not of course justify or excuse my behaviour. But I have encountered some misunderstanding of *why* I acted as I did, which I might be able to clear up.

Freedom’s editorial of 17 August said that had I not been me, revolutionary or moral scruples might have prevented me from defending myself with the weapons provided by the law. But I have never actually *met* one of these hardshell anarchists who is so opposed to the law that he would refuse to use its own weapons to defend himself against it; I think they are mythical.

Even when, having gone free, I started a civil action, the only objections were in the form of genial mickey-taking. It was quite obvious why I was doing it.

There were no serious criticisms until, having been offered a settlement, I accepted it and failed to get the publicity for the case that would have come from a court scene. In fact I did consider whether I should refuse the offer; but I decided not to.

The official statement of 14 November would never convince those who knew the evidence, that the splendid policemen were innocent and the naughty demonstrators guilty. But it could mislead them another way. Together with many other statements and speeches, it observes

that Mr. Challenor is mentally sick, and avoids mentioning the other officers concerned.

The impression is created that we were the victims of an officer on the verge of a nervous breakdown. The police authority accepts legal responsibility and pays compensation, but they are somewhat in the position of a transport undertaking, one of whose drivers faints at the wheel and runs into people on the pavement. Technically they are responsible, but the real cause is unpredictable illness; no one is really to blame.

Now I, alone of the eight, have no complaint against any officer other than Mr. Challenor. He arrested, charged, and prosecuted me entirely on his own. To give my case a noisy hearing, while the other seven were quietly settled would merely help to make a scapegoat of his illness. I thought it would be much more useful to get the case out of the courts and push for publicity in other directions. (I didn’t realize the case would remain sub judice until the end of the year.)

Another point for explanation is why I am co-operating with the police internal enquiry.

A police force is something like a pair of crutches. If everyone would stand on his own feet they wouldn’t exist. We anarchists are striving towards a situation where everyone can stand on his own feet; but at this present moment, supposing it were possible to kick the police force from under the people, it would do more harm than good.

Getting rid of crutches is not a sudden cataclysmic occurrence but a continuous operation. Weaken them slightly and a little responsibility goes to the citizen’s own feet; as the feet exercise and gain strength, the power of the crutches can be reduced further. Meanwhile we must watch that they don’t aggravate the sickness they are meant to relieve. And we must make people aware of the danger.

Public enquiries are demanded into the bricks cases, Challenor’s other cases, all the activities of West End Central. I hope they all take place, and I hope they lead to some system of keeping a constant watch on the police by somebody who doesn’t blindly think policemen are wonderful.

Meanwhile there is the police internal inquiry, which, if it is anything like any other such inquiry, will *not* result in a public exhibition of police dirt; rather, it will present to the public a big cover-up, and protestations that no dirt ever existed. But one reason it is instituted is that the police may take action privately to clean themselves up. That is why I am assisting the police in this matter.

Detective Chief Superintendent John Du Rose is conducting the inquiry, with his assistant, Mr. O’Connell. I get the impression that their investigation started earlier, and is deeper and wider in scope than has been announced. I hope I am right.

What the papers said

On Boxing Day the Granada TV programme “What the Papers Say,” reviewing the journalistic achievements of 1963, described my case as “the scoop that got away.”

There were lots of reporters at my trial, including one from the Press Association and one from the *Daily Sketch*, but not one of the dailies gave it a mention. The Great Train Robbery occurred on the same day, and must have squeezed out a lot of items, but it is curious that my case got complete silence.

A week later, on 17 August, three small circulation weeklies carried the story: *Freedom*, which was practically devoted to the case, *Peace News* which had a full report and a large cartoon on the back page, and the *Hampstead and Highgate Express*, which carried a cautious news item about the successful defence of a Hampstead man.

On 19 August Tom Driberg mentioned the case in his column in the *Sunday Citizen* (Irene had written to him on 12 July). He said the case "might really turn out to be a serious scandal" and my defence was "well up to Birkett or Maigret standards." None of the other Sundays mentioned it.

On 22 August Michael Frayn, who apparently sees *Peace News* but not *Freedom*, introduced the case to viewers of "What the papers say," and shortly afterwards Merfyn Turner discussed the *Peace News* report on Welsh television, in Welsh.

On 8 September *The Observer* carried a small report that I had issued a writ. The man who buys cartoons for *The Spectator* then asked me about the case. He was a little annoyed because I hadn't told him about it when it was news, but he turned it into a delightful little item, headed "Mr. Ruin's Brick," for the 13 September edition.

Apart from the constant reiteration and comment in the small-circulation left wing press, I know of no public mention of the case, other than those I have detailed above, until the prosecution of Apostolou's companions was dropped, with a loud bang, on 9 October. Then, of course, the story was thoroughly covered in the press, and on Independent Television (though not the BBC). There was another burst of activity when we were offered compensation. I, of course, could not appear on television or say too much to the press, because my case was sub judice.

On 3 December Mr. Challenor was knocked down by a lorry, and the papers, reporting this the following day, mentioned the case again. Two of them, *The Times* and the *Daily Telegraph*, both "AB" papers proud of their accuracy, said that all four of his prosecutions had been withdrawn because of his mental illness!!! I did not see these papers until the evening, when I telephoned their newsrooms and complained that I had been treated unfairly by their inaccurate reporting. They didn't do anything.

I suppose such misrepresentation is "actionable," but I think it more significant that it is despicable.

There have been various reports of Mr. Challenor; how he was a war hero who escaped from a prison camp dressed as a woman; how he was found by uniformed police early in 1963, having a commando raid of his own in a tent in Hyde Park, and sent back to work;

how he was some kind of headmaster of a school for would-be detectives. None of them were either confirmed or denied officially.

I expect there will be many more stories.

Last time I saw Mr. Challenor was on 4 September at Chelsea Juvenile Court, where (if the case had come on) he was to give evidence for the prosecution, and I for the defence, of the boys arrested with Apostolou. He was gallantly fetching a chair from somewhere for the mother of a small defendant.

"Hello," he said to me. "And how are you, my old darling?"

Not to be outclassed in the courtesies, I replied "I'm all right now I've seen you, Harold."

A little later he was collecting names for a football team, and asked me if I would like a game. I told him I wouldn't care to meet him on a football field, and the young men with him all laughed like drains.

No one else apart from criminals has much experience of police methods. And no doubt some things that are said by some criminals are exaggerated. But what is any "straight" person to think, overhearing a conversation between three men who had all been arrested and convicted several times, in which one of them referred in passing to a particular police station and said quietly: "They're a rough lot there, they go for your back, I couldn't lie down for nearly three weeks after they'd done me up"—to which one of the others merely commented casually: "Yes, it's always worst when they do it on your back, isn't it?" and the three of them then went on to another subject? Were they consummate actors, masters of the throw-away line, who had first craftily ensured that an unseen listener would hear it? Or simply men talking about their trade, like stallholders or racing drivers?

TONY PARKER in *New Society*
29/8/63

Lord Shawcross would do well to ponder these words of Oscar Wilde: "As one reads history . . . one is absolutely sickened, not by the crimes that the wicked have committed, but by the punishments that the good have inflicted: and a community is infinitely more brutalised by the habitual employment of punishment than it is by the occasional occurrence of crime."

The remark of Lord Shawcross in the "Ten o'Clock" programme on November 5 that we should not advertise the right of every citizen to refuse to go to a police station for questioning and your report of his speech at Leeds betray an attitude of mind that is a menace to the freedom of us all.

ALFRED WILLETTS in *The Guardian* 9/11/63

No cause for police alarm

A. J. BAKER

STANDING ON A RAILWAY PLATFORM IN STEADY RAIN, handcuffed to two other convicts, Oscar Wilde observed to the warder: "If this is the way Queen Victoria treats her convicts, she doesn't deserve to have any." In the same vein it might be asked whether the New South Wales police force deserves to have citizens to minister to.

But those who raise the question whether the police force is worthy of the people (*vis-a-vis*, for example, the question whether the people are worthy of their police force) should not carelessly amalgamate their moral evaluations with programmes of reform. We should fight against the temptation to believe that just because a proposition is asserted by a policeman it must be false. For as it happens, the view of Mr. Heffron and the late J. J. Cahill that there has, of necessity, to be a police force and that the one we already have is the best of all possible police forces, seems demonstrably correct.

Those who would deny this have two traditional moves open to them: to argue for the reformation or else for the abolition of the police force.

The first view has in the recent controversy been freely canvassed in the press. According to this the police are underpaid and dehumanised by the conditions and traditions of their work. Raymond Chandler hits this off sympathetically: "It's like this with us, baby. We're coppers and everybody hates our guts . . . We come home so goddam tired we can't eat or sleep or even read the lies the papers print about us. So we lie awake in the dark in a cheap house on a cheap street and listen to the drunks down the block having fun . . . Nothing we do is right, not ever. Not once. If we get a confession, we beat it out of the guy, they say, and some shyster calls us Gestapo in court and sneers at us when we muddle our grammar. If we make a mistake they put us back in uniform on Skid Row and we spend the nice cool summer evenings picking drunks out of the gutter and being yelled at by whores and taking knives away from grease-balls in zoot suits." (*The Little Sister*).

The reformers' idea is that the police are to be liberalised and humanised by being much better paid and by being recruited from candidates who have to pass educational and personality tests. This, of course, is a policy likely to remain a maiden performer in political races. But apart altogether from asking how the policy could be implemented, it is just a bare assumption made by the reformer that improve-

A. J. BAKER's article is reproduced from the Bulletin of the Libertarian Society of Sydney University, and follows recent revelations of irregularities among the New South Wales police.

ment would result. The vital point is again suggested by Chandler (whose stories reveal some pre-occupation with the habits of police in the Los Angeles area): "'A guy can't stay honest if he wants to', Hemingway said. 'That's what's the matter with this country. He gets chiselled out of his pants if he does. You gotta play the game dirty or you don't eat. A lot of bastards think all we need is ninety thousand F.B.I. men in clean collars and brief cases. Nuts. The percentage would get them just the way it does the rest of us'." (*Farewell, My Lovely*). We are all familiar nowadays with the idea that organisations like the F.B.I., the Untouchables, the Gestapo or the secret police can have more intelligent, more efficient members, and yet—or as a result—be all the more illiberal. The principle in question is, of course, not confined to the police. If you had been a victim in the French Revolution would you have preferred to be dispatched with aseptic efficiency by Robespierre or to be informally butchered in the September Massacres?

Long ago, in the high days of Andersonianism, D. M. McCallum pointed out that the police are the natural enemies of intellectual inquiry and political independence; to expect otherwise is to misunderstand the role of the police: to *enforce* what is decreed by *authority*. (*Conflict*, Sept. 1947). Censorship, interference, repression, are all in the line of police work, so in accordance with the logical principle that if an elephant is a large animal a large elephant is an even larger animal, we could expect the better paid, executive type of policeman to be even more dedicated and efficient in his work of policing. (It might also be a retrograde step if the new men were more plausible in argument; it would be regrettable, for example if we ceased to have the spectacle of police sergeants moving in circles, as when they simultaneously maintain (a) that a piece of behaviour or a work of art offends them because it is offensive and (b) that it is offensive because it offends them).

But if we can't reform it, why can't we replace the police force by something else? Here we move into the territory of advanced political theory and encounter a whole set of interesting possibilities. Thus, (1) before the war, the entire Rumanian public service, which was rather large, used to be replaced whenever the opposition got into power. If this could be applied to the police it would end the seniority system and might lead to a multifirmity of approach. There is, however, the difficulty that governments never change in New South Wales. (2) It has been suggested that there should be a wholesale interchange between the New South Wales and South African police forces. This might well result in an improvement of race relations in South Africa since the law there would begin to be administered with impartiality to both blacks and whites, while in N.S.W., except for the minority of aboriginals and Asian students who might have to suffer for the general good, everyone could look forward to particularly courteous treatment.

However, each of these suggestions is a palliative rather than a genuine solution, so let us consider (3) the possibility of having no police force at all. In this case, as everyone knows, to prevent us all being murdered in our beds (though who would murder the murderers?), vigilante bands would be formed and would go about hanging the wrong

people. So to avoid these perils we have to understand, as socialists and some anarchists did, that before social conditions would come about, making crime, police and repression impossible, there would first have to be a transition phase, a period, as it were, of the policeman'ship of the proletariat. In periods of stress just after the revolution this might lead to situations of the kind encountered in the Ukraine by Makhno who (in addition to introducing the practice of printing his banknotes "Anyone forging these notes will not be prosecuted") carried on in his time, as J. Earls has pointed out, the good work of shooting thousands of authoritarians. But when things calmed down there could be, as anarchists have suggested, a phase in which police work was done by roster, everyone taking his turn and there being no permanent police personnel to develop bad habits. An interesting consequence here might be a wide variation in the disfranchisements and restraints imposed. Many socialists and anarchists are moral to the point of being Calvinistic and are devoted to the common good, but not all of them are of this kind, and parallel, for instance, to the lumpen proletariat and lumpen intelligentsia with which we are familiar in Sydney, we might find a lumpen polizei emerging which would take its own view of its duties, when its turn came, say, to act as the licensing squad or the vice squad. There would also be the case of those libertarians in the clutches of metaphysical conceptions about authoritarianism. It might be worth coming some distance to contemplate their guilt feelings when, say, they were on point duty.

But unfortunately this inviting prospect is doubly utopian. In the first place, if the picture we can give of the present is too true to be good, the idea of a society so harmonious that it is free from the blunt instrument of the police is too good to be true. But in any case, there is the usual problem of bringing about the new society. If we, the revolutionary elite, repress our repressors, who will repress us? And the idea of the new society forming in the shell of the old is hardly plausible in the present instance. Bob Cumming, a Sydney bohemian, did on one occasion lecture to an interested audience of policemen on anarchism, but he was behind bars recovering from intoxication at the time. The evidence strongly suggests that anarchists and policemen, co-operating as equal partners in police work, would be like a band of incendiaries working with the arson squad.

We must take it, then, that the limits of evolution have already been reached; we cannot take seriously proposals to improve the police force. In this case it remains only to clear up the question of investigating the police force.

The demand is made for an independent investigation of the police. But if they are to be investigated it may be asked why their investigators should be treated as above suspicion. Why shouldn't these investigators first have to be investigated, and their investigators investigated before that, and so on, with the result that no one, not even the police, could be successfully exonerated? But Mr. Hoffron and Commissioner Allan, obviously anxious to avoid any suspicion of being entangled in a philosophical paradox, have wisely decided to take the plain man's way out: have only policemen investigating one another.

You can still get

ANARCHY 9 and ANARCHY 32

ANARCHY 9 on Prison contained an account of the sociology of the prison community, "the captive society", a discussion of penal reform from an anarchist point of view, a description of two kinds of therapeutic community (the work of Merfyn Turner at Norman House and of Maxwell Jones at the Henderson Hospital), and the impressions of recent inmates of Holloway and of Washington DC Jail). We doubt if anyone could read ANARCHY 9 and retain any faith in the penal system.

ANARCHY 32 on Crime begins with a study by Ian Stuart of the concept of crime from an anarchist point of view, illustrated by current delinquency statistics. This is followed by an account of the Sacco-Vanzetti trials "The crimes that were committed against Sacco and Vanzetti were the crimes that are committed in the name of 'law and order' every day in every land . . ." An article on Anarchism and Social Control seeks to develop from the views of the classical anarchists and from more recent sociological thinkers a concept of the social 'containment' of anti-social acts.

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