

STATE RESEARCH

**BULLETIN
No. 21**

UK AND US INTELLIGENCE CHANGES – STOPPING TRIDENT

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**NEWS &
DEVELOPMENTS**

**PRISONS: NEW POWERS
SLIP THROUGH**

'This is one of the most dangerous laws to be put on the statute book since the war', said Larry Grant, chairperson of the National Council of Civil Liberties, after the prison warders' strike led to the passing of the Imprisonment (Temporary Provisions) Act – the day after the strike had spread. Despite the Home Secretary's contention that the Act is temporary, it not only includes a new permanent power for the

police to hold people (who would otherwise be in prisons or detention centres) but also enabling powers for the Home Secretary to maintain the Act on the statute book and to reintroduce the 'temporary' aspects as and when he wishes.

The Imprisonment Act was rushed through parliament in just a day and a half. On Thursday, October 23, when the prisons were nearly full, Home Secretary William Whitelaw was still very secretive about his intentions – although he did tell parliament that he had not ruled out the use of troops. He made no mention of the emergency legislation that was to appear just four days later. On Monday, October 27, he announced that emergency legislation was to be presented to parliament that evening – by Wednesday it was law. Like other hastily introduced legislation (the 1911 Official Secrets Act and the 1974 Prevention of Terrorism Act), it contains crucial new

powers that raise fundamental constitutional and civil liberties questions which received little public attention. Part I of the Act allows the government to take over some of the centuries-old powers of the judiciary and set up prisons in military camps; it removes prisoners' rights and gives troops full police powers. Part II allows for these powers to be reintroduced by order of the Home Secretary.

New Permanent Powers

The Act has two Parts. The first, presented as 'temporary provisions', has to be renewed by parliament each month. The second, which on the face of it is limited to 12 months, in fact includes the power for Home Secretary to extend the Act indefinitely. This interpretation of the enabling powers given under the Act has been confirmed by a Home Office spokesperson.

Part II of the Act contains two important clauses. Section 6, which is permanent, gives the police the right to hold prisoners (convicted and unconvicted) in police cells or other unspecified places. The government were retrospectively trying to cover themselves, prisoners having been held in police cells for four weeks before the Act. The possible illegality of this practice was admitted by Whitelaw in parliament: 'I want to . . . put beyond possible doubt something I understand has been in doubt for some time – that is, the legal position of the police in such circumstances' (**Hansard**, 28.10.80). The legality of holding people in police cells relates to the rights of suspects and convicted prisoners, for example, access to lawyers and friends and decent living conditions. These rights can now, if the government so orders, be suspended by order of the Home Secretary.

The other crucial element in Part II is Section 8, whose very complexity hides its true import. It starts by saying that Part I has to be renewed each month by parliament. This means in fact that it is simply 'laid before parliament' (S.8(3)) and deemed to be approved unless positively rejected by a vote in the Commons. S.8(6) also says that

Part I will be repealed 12 months after the passing of the Act. However, S.8(7) completely contradicts the picture presented above, the one also given to the public by the media. This clause allows the Home Secretary 'by [an] order made by statutory instrument' to 'postpone . . . the repeal provided for in subsection 6' for periods of up to 12 months. In simple terms, the government can not only make the Act permanent, by renewing it every 12 months, but can also reintroduce the powers under Part I by order of the Home Secretary. This process is even simpler than that for renewing that other piece of 'temporary' legislation, the Prevention of Terrorism Act.

The 'Temporary' Features

Part I of the Act defines the 'Temporary Provisions'. It gives the Home Secretary power to designate 'any place' as an 'approved place' for the detention of prisoners (S.1(2)) – for example, army camps and prison cells. S.1(4) says that the rights of prisoners, which are laid down in S.47 of the Prison Act 1952, will be maintained in these 'approved places', 'only so far as is practicable in the circumstances'. It also allows the Home Secretary, by 'order', to introduce 'such modifications' will be maintained in these 'approved places', 'only so far as is practicable in the circumstances'. It also allows the Home Secretary, by 'order', to introduce 'such modifications' as he sees fit to the rules governing prisoners' rights.

The next sub-section, S.1(6), gives the troops (or anyone else appointed by the Home Secretary) who are manning the approved places 'all the powers, authority, protection and privileges of a constable' – but without their *duties* related to these powers being defined as they are for prison warders under S.8 of the Prison Act 1952. How the troops exercise the powers of a 'constable' (e.g. to arrest and detain) is therefore left totally undefined, and could, in theory, lead to soldiers arresting people in the community. It is a situation without constitutional precedent.

Under S.2 a person on remand who would usually appear each week before a magistrate (to hear bail applications for example) may now be remanded 'in his absence'. S.3 introduces, for the first time (outside of war), the concept of 'executive bail', whereby the Home Secretary rather than the courts can order the release of prisoners. And, in order to enforce this latter provision, the powers of the police have also been increased to back this up (S.3(6)).

Bringing in the Troops

Behind the passing of the Act and the involvement of troops lay a series of planned moves by the government. On Thursday, October 23, Whitelaw told the Commons that the use of troops had not been 'ruled out'. Yet the very same day, a request for the use of troops was made by the Home Office to the Civil Contingencies Unit (CCU) – the channel for all such requests – in the Cabinet Office (see **Bulletin** nos. 2, 4, 10 and 14). Within hours the request had been agreed and passed on to the Ministry of Defence (MOD). On the Friday morning army officers were at Frankland prison in Durham and the Defence Council passed an 'order-in-council' (which does not have to be 'laid' before parliament but goes via the Privy Council Office to the Queen) authorising the use of troops under S.2 of the 1964 Emergency Powers Act. This is the same Act which was used in the 1977-8 firemen's strike and allows parliament to be by-passed where troops are used in strike-breaking role. The 1964 Act was never intended for this purpose, as such a situation was already covered by the 1920 Emergency Powers Act. The legality of the use of troops in civil situations (like strikes) under this Act is, moreover, constitutionally highly dubious (see **Bulletins** nos 4, 5, 6, 10 and 14).

The Defence Council, in passing the 'order-in-council' on Friday October 24, revealed yet another change in precedent. The Defence Council is comprised of five members of the government, the five most senior military officers and the three top

MOD civil servants. In the past, an 'order-in-council' could be passed by any three members, one of whom was the Secretary of State for Defence. The order passed on October 24 was signed by two members of the Council, General Sir Patrick Howard-Dobson, Vice-Chief of the Defence Staff, and Geoffrey Pattie, the Under-Secretary of State for the RAF. The Secretary of State – the politician responsible to parliament for the military – it appears no longer has to take part in the procedure.

By mid-November, according to Home Office figures, 3,279 prisoners were being held in police cells throughout the country: 591 were being held under army guard at the hastily opened Frankland prison in the North-east and 138 were being held at the Rolleston army camp on Salisbury Plain in the South. If the strike continues, other army camps under consideration by a joint MOD and Home Office team are those in Oxford, Plymouth and Preston. As yet there is little information on the conditions and rights of those being held in places under army guard. There are, however, increasing numbers of complaints from solicitors on the conditions that prisoners held in police cells are experiencing, including cases where solicitors and relatives have had great difficulty contacting or visiting those held (**Sunday Times**, 28.9.80; **Guardian**, 13 and 18.10.80).

Where Next?

As the prison warders strike nears the end of its third month, the government, and in particular the CCU, is considering in what other areas of essential services the troops be called in. The CCU has been told by the MOD that a maximum of 20,000 regular troops can be used in industrial disputes at any one time without withdrawing troops committed to NATO or Northern Ireland (**Times**, 19.11.80). This situation has led to high-level discussions about whether the Territorial Army (TA) or a civilian volunteer force (like the 'Organisation for the Maintenance of Supplies' in the General Strike) should become involved. Both suggestions, the CCU has been told, would

be highly provocative. The TA includes many trade unionists, while the idea of civilian volunteers received a very cool reception from local authority associations when Mr Elders, Department of the Environment defence planning and emergencies division, secretly sounded out opinions during the summer.

The next two sectors of public sector workers the government will have to take on are the firemen and the electricity workers. On November 14 the ancient Green Goddess fire engines were again being put on standby, and the Transport Minister signed an order allowing troops under the age of 21 or without heavy goods vehicle licences to drive fire engines. Remembering their bitter strike in 1977-78, the Fire Brigade Union decided on November 27 to organise a series of random one-day strikes to protest against the offer of 6 per cent (part of the government's new public sector pay policy rather than the 18.8 per cent previously promised). The electricity workers, who could bring the country to a standstill very quickly, have said that unless they receive a satisfactory pay offer they will initially undertake selective shutdowns of power supplies, including hospitals (**Daily Mail**, 11.11.80). The ability of the troops to replace electricity workers is, however, very limited because of the highly-skilled nature of the work – the industry is nearly top of the list of 16 key industries where the workforce cannot be replaced by troops or volunteers. The outcome will depend on whether the Thatcher government will be flexible or retains its determination not only to enforce its public sector pay policy (which is inextricably linked to its general monetary policy) but also to bring the unions, including the large ones, into line.

BRITAIN POLICES THE CARIBBEAN

During his visit to Barbados in August 1980, Lord Carrington addressed himself to the need for existing governments of the Caribbean to prepare to deal with such

potential threats of subversion as the Grenadan revolution in March 1979 and the seizure of St Vincent's Union Island by Rastafarian militants in December 1979. Carrington told the governments that, 'If they ask our help in the development of the training of their police, or help in small ships, or whatever it might be, or in technical assistance of any kind we shall be ready to consider it' (**Latin America Regional Reports Caribbean**, London, 31.10.80)

Prime Minister Tom Adams of Barbados has been at the core of plans to contain supposedly growing 'Cuban influence' in the Caribbean. Planning for coordinated defence began in early 1979, and was discussed then by Adams and James Callaghan when the latter visited Barbados. It was envisaged that British coast guards and servicemen would be lent to Barbados. An Organisation of East Caribbean States – Antigua, Dominica, Grenada, Montserrat, St Kitts-Nevis, St Lucia and St Vincent – was proposed in the immediate aftermath of the Grenadan revolution, and the governments held talks on an integrated regional police force. A new Labour government in St Lucia in July 1979 put paid to this particular force to suppress internal unrest. But after a British naval team followed up the Adams/Callaghan talks, Britain provided 10 million dollars assistance to Barbados for a regional coastguard, including communications coordination by Barbados and British Navy training for the new coastguard. Barbados in 1980 contracted to buy a 37-metre fast armed patrol boat from Brooke Marine (UK) and is refitting three shrimp trawlers for permanent offshore surveillance with the British money. Likewise, St Vincent ordered a 25-metre patrol boat. Britain is also advising Barbados, St Lucia and St Vincent about setting up a regional police training college. Barbados sent troops to St Vincent to hold the fort while Vincentian forces put down the revolt on Union Island in December 1979, and prime minister Adams said he would send troops to any other island which asked. Meanwhile Britain refused to sell Grenada two armoured cars and some scout cars, while

supplying similar equipment to Barbados.

Britain's active intervention has been pushed hard by the Institute for the Study of Conflict, which in August 1980 published a report. **The Caribbean Strategic Vacuum**, by Richard Sim and James Anderson, recommending development of the coastguard.

The British moves are part of an effort to shore up declining US political influence in the Caribbean. The US is backing the creation of the counter-revolutionary coastguard, and created a military presence in the form of Carter's Caribbean Contingency Joint Task Force in October 1979. US aid for Barbados military training and arms sales for 1981 was projected at 5m dollars before the US elections, but Barbados may not accept it. The US is legally enjoined from military aid to police forces, following exposure of the role of public safety programmes in promoting torture (at least until the new administration changes the law).

As an American poodle, Britain has worked hard to stem the apparent rising tide of popular government in the Caribbean since the Grenadan government of Maurice Bishop took power.

WHY TRIDENT CAN BE STOPPED

The announcement that the government had decided to go ahead with the purchase of Trident nuclear submarines in the middle of 1980 was made with customary lack of public or even cabinet debate. As so often with official secrecy, the basis of the decision is so shaky that extensive public discussion would almost certainly have precluded a decision to go ahead. Debate since the decision has left Trident exposed, and as the real cost of the project and the lack of substantial reasons for it begin to bite, there is a real prospect of overturning the decision to buy Trident.

All that has been done so far is that the decision to go ahead has been taken. Very little has actually been spent, and little will be spent in the immediate future. So the

announcement was politically cheap for the government. The existing Polaris submarines can easily last into the 1990s. The Chevaline programme which produced new warheads in extreme secrecy in the 1970s presumably means Polaris warheads are well up with the state of art. The Ministry of Defence consultative document on Trident (made available after the decision was announced!) makes much of an argument for Britain to continue to have independent nuclear weapons. But it does not make a case that such weapons would make the slightest difference in any realistic situation or significantly increase Nato's military nuclear capabilities. The real importance of Trident is political, in two arenas. Domestically, Trident is a major gain for the navy which has been feeling somewhat undernourished. And internationally, as Dan Smith pointed out in **The Defence of the Realm in the 1980s** (chapter 9; reviewed **Bulletin** no 19), 'the military field is where the British state can find its bargaining counters' in Nato and in Europe in the 1980s, given its declining economic significance.

The air force has been advocating air-launched cruise missiles, for obvious reasons, and is not impressed by the Trident decision. The submarines, when they come to be built, will provide jobs at the Barrow shipyards, but Barrow shop stewards have already shown an interest in converting to non-military work. Mary Kaldor wrote a report about Barrow on non-military alternatives to the through-deck cruiser (in **Sense About Defence**, Quartet, 1977) and similar alternatives are clearly available for Trident. The electronics and defence equipment firms which expect to supply most of Trident's innards are at the moment flush with other work (though they may not always be). The missiles themselves are to be bought from Lockheed in California, so their cancellation is cheap in British terms and would help the balance of payments. The major loser, apart from Ronald Reagan's California base, would thus seem to be the Atomic Weapons Research Establishment at Aldermaston. Aldermaston has sufficient political clout to

get the unnecessary Chevaline programme to while away their time in the 1970s, and are not likely to appreciate cancellation of Trident. The nearby and much bigger Atomic Energy Research Establishment at Harwell, however, in a few years during the 1970s reduced its almost total dependence on nuclear work by nearly half, thereby decreasing job security. One industry magazine, **Engineering Today** (23.9.80), has suggested a similar programme of diversification for Aldermaston.

Among those who do not think Trident will increase security are Lord Carver, a recent Chief of Defence Staff, and Lord Zuckerman, long-term chief scientific adviser to the MoD and the government. Marplan polls for London Weekend TV's **Weekend World** showed public opinion on November 1 disagreeing with the Trident decision, 59% against 41% in favour (of those with an opinion). Disagreement with the Trident decision had risen since a September poll when 52% were against (perhaps due to the national CND demonstration). The September poll found that a staggering 48% of the sample expected nuclear war in their lifetimes (BBC-TV, **Panorama**, 22.9.80).

The main costs of Trident will come in and after 1986. A 1984 (or earlier) Labour government will be saddled with an existing commitment unless it decides quickly to cancel before the main costs begin to bite. David Greenwood, the director of the Centre for Defence Studies at Aberdeen University, has for several years been arguing, on the basis of close study of increasing costs of advanced military technologies, that a decision to replace Polaris without saying which of the existing roles of Britain's armed forces would be cut back to pay for it, would be the height of political irresponsibility (see evidence to the Commons Select Committee on Defence, H.C. paper 674-iii of 1979-80; and 'Trident: the Budgetary Impact', **Defence Attache**, 5, Sept/Oct 1980). If the present fuss about the Trident decision is not pushed to the point of cancellation, the continuing fiasco of Britain's defence policy so ably outlined by Dan Smith's book, will face the government

after this one with the unenviable choice between cancellation after considerable resources have been wasted or carrying on with an unnecessary but already committed programme.

The government's search for cuts may not find Trident the most obvious target, since it involves relatively small immediate savings. But aerospace publications like the US **Aviation Week and Space Technology** (especially 10.11.80) are worrying that cancellation or delay of Trident is one of the options being considered by the Ministry of Defence and the Treasury. Several Tory MPs have publicly called on the government to drop the Trident missile programme as part of the current struggle over defence cuts. So Trident's future is far from secure, and most of the population apparently think we will be more secure without it.

NEW UK INTELLIGENCE HEADS

Over recent months there have been a number of new appointments to top intelligence and security posts. In the early autumn Sir Brooks Richards, a career diplomat and a Deputy Secretary in the Cabinet Office, took over from Sir Maurice Oldfield (ex-Director-General of MI6) as the Security Coordinator in Northern Ireland. The post of Security Coordinator in Northern Ireland was created in October 1979 in order to patch-up the bad liaison between the Royal Ulster Constabulary and the Army. Oldfield was brought out of retirement to fill the post.

The man who succeeds him, Sir Brooks Richards, was not just a Deputy Secretary but had been the Coordinator of Intelligence and Security in the Cabinet Office since the summer of 1978. This post, created in 1970 by Edward Heath, first filled by Sir Dick Goldsmith White (an ex-Director-General successively of both MI5 and MI6) in order to formalise the role held by George Wigg under the previous Wilson government. He was followed by Sir Peter Wilkinson, a career Foreign Office diplomat, in 1973, and in 1974 by Sir

Leonard Hooper, who had been the Director of the Government Communications Headquarters (GCHQ) at Cheltenham for many years. Richards successor is not yet known. The job of the Coordinator is not to direct the intelligence and security services – MI5 and Special Branch (internal), MI6 (external), and Defence Intelligence (at the Ministry of Defence) – but to ensure that the Prime Minister and Cabinet are kept informed of important events (or potential embarrassments, like the Blunt affair), and to oversee the budgeting and accounting of the various agencies. The government Minister responsible for this area is Angus Maude, the Paymaster-General.

The other new appointment this year is Mr Wade-Gery, who has replaced Sir Clive Rose as the Deputy Secretary in the Cabinet Office responsible for the Civil Contingencies Unit (the CCU) and for servicing the Civil Contingencies Committee (which is chaired by the Home Secretary) and the Overseas and Defence Committee of the Cabinet. It is through Wade-Gery's Unit that overall plans are made for strikes, like the present prison warders dispute and the potential firemen's strike (see **Bulletin** nos, 2, 4, 8, 14). Sir Clive Rose's predecessor was Sir Patrick Nairne (1973-75), who came from the Ministry of Defence and later became Permanent Under Secretary at the Department of Health and Social Security. The first head of the CCU was Sir John Hunt (1972-3), who went on to become Secretary to the Cabinet. The CCU and its ministerial committee grew out of the National Security Committee, chaired by Lord Jellicoe, which Heath set up after the first miners' strike in 1972. Wilson changed the name of the Unit and of the Committee in 1975 to make their titles less contentious. The full effects of the CCU were not publicly evident until the firemen's strike of 1977/78 when troops replaced an entire workforce for the first time in a strike-breaking role.

At the beginning of November it was announced that the Special Branch is to have a new head; Colin Hewitt replaces Robert Bryan as the Deputy Assistant

Commissioner (DAC) at Scotland Yard. Hewitt was previously the DAC for 'A' Department (Administration). Bryan goes to the Foreign Office to act as overseas police adviser offering advice and training in specialised techniques to Third World countries.

POLICE AND BOSSES ON PICKETING

The Association of Chief Police Officers have called for a 'highway code' rather than legislation on the closed shop and picketing. In evidence to an all-party committee of MPs on the codes of practice, they said they also want to amend the clause limiting the number of pickets:

'They want it to read that the number should "not often" exceed six instead of "it will be rare" to exceed that number. Sir Philip Knight, Chief Constable of the West Midlands, said he was in favour of more than 10 pickets in certain circumstances. But he could also envisage a situation when more than two would be too many' (**Guardian** 30.10.80).

In their evidence to the committee, the Institute of Directors called for a two-month limit on picketing, and claimed that Employment Secretary James Prior's strategy on the closed shop and picketing would mean Britain remaining 'in the grip of a strike mentality.'

POLICE REACT TO CRITICISM

In a series of speeches and articles published recently the police and the Home Secretary have responded to criticism of the police.

At a recent meeting of the London Rotary Club, Sir David McNee, Commissioner of the Metropolitan Police, denounced **State Research** for producing material

'so outrageous and blatantly inaccurate that one cannot believe that it stems

solely from being ill-informed or under a misconception. It has to be deliberately perverse and damaging. We should not underestimate the possible effect it may have.'

Commissioner McNee referred to the background paper, *Policing the Eighties* (**Bulletin** no 19) admitting that its basis 'was material from the annual reports of chief constables and his own report'. But, McNee told the Rotarians, while

'At first glance the title of the bulletin and the presentation might lead the uninformed to think that it was some organ of Government or perhaps was funded from that source. On the contrary, it represents the work of an extremist group' (**Security Gazette**, November 1980).

The August issue of **Police**, the magazine of the Police Federation, was devoted to critics of the police and demands for greater accountability. An editorial described these as making the police 'more amenable to the expectations and priorities set by politicians'. The magazine included an article by Jack Straw on his private member's bill to increase accountability (see **Bulletin** no 18). An accompanying article concluded that greater accountability meant 'attacking the principle of a strictly impartial and independent police service.' Another article attacked Ted Knight, the leader of Lambeth Borough Council in London. Knight had demanded the removal of the senior local police commander after the Special Patrol Group had been summoned to the area. The article entitled 'Can the Red Knight slay the Blue Dragon? - a modern fairy story') questioned how 'representative' Knight was, describing him as 'either naive or culpable'. **Police** claimed that politicians put forward a view of the SPG, 'which is totally at variance with the truth, but as Goebbels knew, a tale repeated often enough comes to be believed.'

Delivering the James Smart Memorial Lecture in Edinburgh in September on 'The Police and the Public' the Home Secretary, William Whitelaw, said that the police were being subjected to an increasing barrage of criticism and that the police themselves 'feel

that they are more exposed and under attack today than ever before'. Such criticism focussed on deaths in custody, the police complaints system, public order and the policing of demonstrations, the use of technology and the store of information; and those who propounded it included those who, 'recognising that an efficient system of policing is crucial to the continued existence of our democratic system of government, are anxious to seize every chance to denigrate the police.' Perhaps Mr Whitelaw was referring to the background paper 'Policing the Eighties' when he said: 'there have always been facile and loaded criticisms. Nowadays they are often presented in the guise of well documented research.'

Ten days later, James Anderton, the Chief Constable of Greater Manchester, returned to a similar theme referring to 'the creepy and dangerous minorities, including not a few well-known public figures active among us, who are obviously using the protection imparted by our very constitution in order first to undermine it and then eventually to displace it.' The chief constable called for greater use of the common law of sedition and further restrictions on the right to demonstrate. In more widely reported remarks, Mr Anderton said the 'race relations industry' ought to be dismantled: 'some community relations groups . . . have been infiltrated by anti-establishment factions . . . Black racialists and revolutionaries grab every opening to alienate black youths from their families, the police and all established systems.' Further, 'Pressure groups are often so extensively politicised that the moderate middle ground is deserted.'

In October, Philip Knights, Chief Constable of the West Midlands, accused Michael Meacher MP of perpetrating 'inaccuracies, half truths and innuendoes' in an article in the **Guardian** (20.10.80). The chief constable stated for example that he was able 'to firmly refute' his statement that the West Midlands Police would soon have semi-automatic weapons. 'This force has never had and does not have any intention whatever of equipping itself with semi-

automatic, or indeed automatic, weapons of any kind.' (**Guardian** 23.10.80) Mr Meacher pointed out that the officer in charge of firearms in the West Midlands had said publicly in September that the use of semi-automatic weapons was being considered by the Home Office and that it was 'possible' that such weapons would be issued to the police. (**Guardian** 1.11.80)

This small sample of Home Office and police responses to what the Home Secretary called 'criticisms . . . in the guise of well-documented research' suggests that the law and order establishment is more interested in abusing critics than dealing with the criticisms. Perhaps this is because debate about these matters is considered something best left to those in the know, who know the practical compromises which must be made.

UK MONETARISTS ON SOCIAL POLICY

A Unit of Social Affairs at the stronghold of monetarist economics, the Institute of Affairs, is to be set up this Autumn. It aims to counter state interventionist arguments in the social policy field and will be based at the ILEA's London HQ (**Times Higher Ed. Supp.**, 19.9.80).

Dr. Digby Anderson, formerly at Nottingham University, will be its head. With W.W. Sharrock, Anderson wrote an attack on media sociology for its alleged methodological failings (**Sociology**, British Sociological Association September 1979). Anderson attacked professional sociologists for not criticising effectively 'the antics of a minority', advocating that sociologists 'do sustained work in defined fields of practical-technical action trying to produce something of sociological use to their industrial clients' (**Times Higher Ed. Supp.**, 14.3.80).

Advisers to the Unit of Social Affairs include professors Julius Gould of Nottingham University and David Martin of the London School of Economics, both members of the Institute for the Study of

Conflict's study group on higher education which produced the Gould Report, **The Attack on Higher Education** (ISC, 1977). The Gould report accused Marxists and radicals of subversive activities in the universities and polytechnics (**Bulletin**, nos 1 and 6). Dr Anderson has clearly been doing one thing that the Gould Report recommended: giving right-wing attention to communication and cultural studies.

The Institute for Economic Affairs has a permanent staff of 12, and moved to Lord North St, Westminster, as a result of a 1968-69 appeal to bankers and industrialists by Lord Cole, the 1960-70 Chairman of the Anglo-Dutch food, soap and detergent giant, Unilever (and chairman of the Leverhulme Trust). The home of British monetarist economics, the IEA publishes Hobart Papers on ways of extending private market mechanisms to such areas as roads, health services, and public expenditure generally. It has published various works by the monetarist gurus, Milton Friedman and Friedrich Hayek, and says it has 'sponsored studies that have sufficiently informed opinion so that within a few years of their publication a change in public opinion has followed'. With Lord Cole among the trustees are: Nigel Vinson, who was treasurer of the right-wing Centre for Policy Studies (Sir Keith Joseph's think-tank) until this year; Sir William Younger, the chairman of Scottish and Newcastle Breweries, and of the Scottish Tory Party 1971-4; and a major funder, A.G.A. Fisher, who was a director of the company which publishes **Free Nation** for NAFF.

Ralph Harris, made a life peer by Margaret Thatcher, has been director general of the IEA since its foundation in 1957. He is also secretary of the monetarist economists' international, the Mont Pelerin Society. He was a contributor to the Institute for the Study of Conflict's rallying call to the private sector, then seen to be endangered by the defeat of the Heath government in 1974 and the coming to power of a Labour government with Tony Benn as industry minister, published as **The Survival of the Capitalist System**. Among other right-wing activities, Lord Harris of

High Cross, is secretary of the Wincott Foundation, which gives prizes for monetarist economic and financial journalism, and is a director of the Churchill Press, which was set up to combat alleged leftist bias in publishing.

SCOTTISH CRIMINAL JUSTICE ACT

The Criminal Justice (Scotland) Act which makes extensive changes in criminal procedure in Scotland and which confers substantially increased powers on the Scottish police (see **Bulletin** no 16) received the Royal Assent in November. Only a few amendments of substance were made during committee and report stages.

The police will not now have the power, provided for in the original Bill, to detain a person believed to have information about a suspected offence while they check that person's identity. But they will still be able to require such a person's name and address and it would be an offence (punishable by a £50 fine) either to refuse or to give false details. A police officer will be able to arrest without a warrant anyone he has reasonable grounds for suspecting has committed such an offence. Speaking on this point in the House of Lords, Lord Gifford said: 'It is a short step from there to the requirement that we should all carry identity cards so that we can answer these requests for names and addresses . . . what use will be made of the information which is thus required? It will no doubt be stored in the police computer . . . There is absolutely no safeguard as to what will be done with the records that are thus amassed about the people who have asked these questions.' (**Hansard**, House of Lord, 15.1.1980)

The provision for more than one period of detention for questioning on the authority of a justice has also been dropped. (The idea of such redetention was opposed by the two present government law officers when in opposition.) The police will now be able to detain a suspect for questioning only once in respect of an offence or grounds

arising from any set of circumstances.

A number of changes have also been made to the proposed pre-trial judicial examination. While these considerably weaken the government's original proposals, the provisions of the Act remain a serious undermining of the presumption of innocence and the right of an accused to silence.

In most cases attempts by back bench Labour MPs to delete certain provisions or mitigate their worst excesses were unsuccessful as in Donald Dewar MP's attempt to repeal the law relating to 'sus' in Scotland and the attempt to establish an independent police complaints machinery. But Robin Cook MP successfully introduced a new clause bringing the Scots law on homosexuality into line with that in England and Wales.

The government proceeded with the Act despite trenchant and unprecedented opposition from a wide range of organisations including the Scottish TUC, the Scottish Labour, National and Liberal parties and most of the legal profession. In an open letter to the Secretary of State for Scotland, George Younger, David Godwin of the Scottish Council for Civil Liberties wrote: 'Scarcely can there be another instance of a measure which a Government did not require, facing so much weight if informed opposition, detested by a huge majority of Scottish MPs, yet proceeding so unstoppably into law.'

EUROPEAN POLICE UNIONS DIFFER

Cross-border cooperation between Europe's police forces must be extended, according to delegates attending this year's international police unions' congress at Brighton in September. In spite of opposition led by French delegates, the congress voted to press governments for "practicable decisions" to improve joint action.

The resolution passed by the congress for action in several areas: "exchange of

information regarding all data of international criminality; establishment of contact centres in the border areas; coordination of practical police work beyond national borders; coordination of all police research; standardisation and perfection of the communication network in Europe; simplification of assistance in justice; improvement of police border traffic."

Other resolutions called for the implementation of the Council of Europe's May 1979 'Declaration on the Police' and for resistance to racism and violations of individual freedom.

The congress, the eighth meeting of the Union International des Syndicats de Police (UISP), met in Brighton from 29 September to 1 October. It was the first time that the congress, which is held every three years, has taken place in Britain. Fifteen police unions were represented, including the Police Federation from this country.

Politically, the UISP is dominated by the 180,000 strong West German police union, the **Gewerschaft der Polizei**, whose president, Helmut Schirmacher, is also president of UISP. The congress itself, however, was dominated by the militant line taken by the French union, the **Federation Autonome des Syndicats de Police (FASP)**. Backed by Belgium and Monaco (and with Holland abstaining) the FASP opposed the resolution on cross-border cooperation, on the grounds that it threatened civil liberties such as rights of asylum and control of personal data and because it might presage a supranational European police force. The FASP also sponsored the motions, adopted unanimously, against racism and violations of individual freedom.

The stance, taken by the French clearly caused great indignation among the Police Federation representatives at the congress. However, an editorial in the Federation's magazine, **Police** (October 1980) warns against pulling out of UISP. The UISP enjoys consultative status with the Council of Europe, the editorial points out, and providing it avoids 'national politics and sectarian issues' it is in the Federation's interest to remain inside it. 'Our

membership has to be viewed as a long term interest. knowing that as things change in Europe what happens will affect the police to a much greater extent than at present.'

The congress was addressed by David Lane, chairman of the Commission for Racial Equality, John Alderson, chief constable of Devon and Cornwall, and William Whitelaw, the Home Secretary. The new president of the Association of Chief Police Officers, George Terry, chief constable of Sussex, told the congress that he wished chief officer cooperation was as frequent as contact at union level.

'I would like to see further developments amongst the countries of the Western civilisation so far as police liaison is concerned,' said Terry. He proposed that 'liaison units' should be posted in neighbouring countries.

PTA EXTENDED

The Prevention of Terrorism Act, the government has now confirmed, is not limited to suspected terrorist activities in relation to Northern Ireland. The new policy came to light through questions put by Dafydd Elis Thomas MP to the Home Secretary. Leon Brittan responded to them by claiming that section 12(1)(b) of the PTA contains

'powers not specifically restricted to terrorism connected with Northern Irish affairs. Arrest is a matter for the chief officer of the force concerned, but an extension of detention under these provisions is granted only where a connection with terrorism related to Northern Irish affairs is established or suspected'.

Under the section, police can arrest without warrant a person reasonably suspected to be or have been concerned in the commission, preparation or instigation of acts of terrorism, and hold such persons for up to 48 hours. The police can take steps to identify such persons, including forceable fingerprinting. Only after 48 hours must the Irish angle be established (or suspected) if

extension of detention for up to a further five days is sought from the secretary of state.

In 1978, Lord Shackleton stated 'that the Prevention of Terrorism (Temporary Provisions) Act was passed to deal with problems arising out of terrorism in the Northern Ireland context; if problems were to arise in this country from terrorist activities unrelated to Northern Ireland, my clear understanding is that the powers in this Act as it stands are not appropriate to be applied to them; in any case, specific Parliamentary authority would be called for'. There has been no such 'specific Parliamentary authority' for the PTA's extended use. Shackleton, the deputy chairman of the important transnational minerals company, Rio Tinto Zinc, had been asked to prepare a report on the operation of the PTA as a result of sustained dissatisfaction expressed by civil libertarians and MPs (**Cmnd 7324**, 1978, see Bulletin No 9).

CBI – THE MONETARIST BACKLASH

The government's monetarist policies are not going down well in some quarters of British industry, who feel that they, not the public sector, are bearing the brunt of the recession. This disquiet was forcefully raised at the November annual conference of the Confederation of British Industry. CBI Director General Sir Terence Beckett (until recently chairman and managing director of Ford UK) caused a stir, telling CBI members:

'You had better face the brutal fact that the Conservative Party in some ways is rather a narrow alliance. How many of them . . . in Parliament or in the Cabinet have actually run a business? . . . They don't understand you . . . They think they do . . . but they don't . . . They're even suspicious of you . . . We're in a bare knuckle fight on some of the things we've got to do. Because we've got to have an effective and a prosperous

industry, and it matters to the people of this country.' (**Sunday Times**, 16.11.80)

There followed a flurry of resignations from CBI-member companies most loyal to the Thatcher government. These so far include: European Ferries, chaired by Tory MP Keith Wickenden (the company paid out £15,000 to the Tory Party in 1979); Trafalgar House, publishers of the **Daily Express** (£40,000 to the Tories); **Now** magazine publisher James Goldsmith's Cavenham Foods (£5,000 to the Tories); Babcock International (£10,000 to the fund-raising City and Industrial Liaison Council); and Town and City Properties (developers of the Arndale shopping centres).

The day after his 'bare knuckles' speech (in response, he said, to the feeling of CBI membership) Beckett appeared to make a U-turn when he paid a visit to Downing Street to report direct to Thatcher. He came out praising her 'magnificent' performance in attempting to cut public spending. Beckett's change of line prompted the remark from Sir John King (chairman of Babcock's) that, 'they went in like Brighton rock and came out like Turkish delight.' (**Sunday Times** 16.11.80)

Whether Beckett will 'behave' after having his knuckles rapped by Thatcher remains to be seen. His statement, and similar statements from the CBI chairman, are not isolated; the CBI has been increasingly critical of government policy. On September 17 the CBI Council passed a resolution calling for further cuts in public spending and objecting 'most strongly to the fact that the main burden of the government's counter-inflationary policies is being allowed to fall on productive industry and those who work in it.' In October the CBI issued their 'blackest ever' economic survey, calling on the government to cut interest rates substantially, Beckett saying 'the longer the government delays, the longer the dole queues will grow.' (**Financial Times** 29.10.80)

While it is true in broad terms that there is a traditional close relation between industry and the Tory party, closer examination reveals various divergent interests among firms which are reflected in support for

divergent Tory policies. The **Investors Chronicle** explains the way it is working at the moment:

'Many traditional Tory voting businessmen are torn between their loyalty to the Party in power and the knowledge that some of the side effects of the government's application of its policies will wipe their businesses off the face of the earth.' (14.11.80)

The CBI was formed in 1965 by a merger of the Federation of British Industries, the British Employers' Federation and the National Association of British Manufacturers, under prodding from the Donovan Commission.

The Donovan Commission, in turn, had been set up as part of the 1964 Labour government's efforts to produce national consultative machinery in the National Economic Development Commission ('Neddy') and in the 'Little Neddies' of particular industries, which helped to produce the abortive 'National Plan'. Campbell Adamson, CBI's director-general 1969-76, came to the post after being seconded from his job as general manager of the Llanwern steelworks to head the Department of Economic Affairs' industrial advisers, 1967-69. As CBI chief, he was very much the professional lobbyist for industry vis-a-vis the government of the day, rather than the stereotype big business Tory at odds with Labour governments and in support of Tory governments.

But the present Tory party political infighting has its counterpart in the period of the end of the Heath government and the start of the Labour government in 1973-5. The small business membership of the CBI then wanted firm opposition to the stated plans of Labour, and a close alliance with the right-wing Tory party forces who pushed Margaret Thatcher to the Tory leadership, and consigned Edward Heath to the wilderness. Campbell Adamson several times offered to resign in that period, finally leaving in 1976. The present statements of the CBI are very much reassertions of the CBI's role in representing industry vis-a-vis the government whatever its complexion, a role which was never entirely relinquished.

US INTELLIGENCE AFTER CARTER

The chairman of the US House of Representatives intelligence committee, Rep. Ed Boland, said on November 19 that there will be no new legislation on the CIA in the current 'lame duck' congressional session (until the newly elected members take their seats). Both the CIA and civil libertarians are happy with this, but the CIA will be pushing for stronger legislation against critics in the 1981 congress. Senator Barry Goldwater is a strong contender to head the Senate's intelligence committee, replacing defeated liberal Birch Bayh, and Strom Thurmond is tipped to chair for the Judiciary Committee, replacing Edward Kennedy in this very powerful position. William J. Casey, head of the wartime Office of Strategic Services' secret intelligence branch which ran agents into Germany in the closing stages of 1944 and 1945 (R. Harris Smith, **OSS. The secret history of America's first Central Intelligence Agency**, Univ. of California Press, 1972, p225), is tipped to head the CIA. A wealthy New York lawyer and supporter of the Nixon/Kissinger policy of destroying in Indochina after 1969, Casey was Nixon's nominee to head the Securities and Exchange Commission, which fails to police US stock exchanges.

NEW POLICE FOUNDATION

The existence of the Police Foundation was announced this year but it was actually formed in 1979. Its aims include development of 'police procedures, methods and organisation for the prevention of crime and the preservation of public order' and the improvement of police efficiency. The Foundation is a registered charity which is seeking funds from commerce and industry to undertake research into problems facing the police. Its

trustees include a number of senior industrialists, civil servants and police officers. They include: Sir David MacNee, Metropolitan Police Commissioner; Alan Goodson, chief constable of Leicester and President of the Association of Chief Police Officers (ACPO); Sir Philip Knights, chief constable of the West Midlands and a former ACPO President; Alexander Morrison, chief constable of Grampian; Lord Harris, former Minister of State at the Home Office and chairman of the Parole Board; Lord Sieff, chairman of Marks and Spencer, a vice-president of the Policy Studies Institute and recipient of the Aims National Free Enterprise Award in 1978; Sir Brian Cubbon, Permanent Under Secretary at the Home Office and former Permanent Under Secretary at the Northern Ireland Office; and Sir Robert Armstrong, Secretary to the Cabinet.

The Institute was apparently the idea of Lord Harris who responded to criticism of the organisation saying that 'We are not a propaganda organisation, but a medium- to long-term research group.' (*Evening News* 28.5.80). The organisation is modelled closely on the American Police Foundation.

LAWLESSNESS IN CABINET OFFICE: SUEZ COVER-UP

A quarter of a century on, the 1956 Suez invasion, when the British, French and Israelis tried to regain control of the Suez canal and overthrow President Nasser,

again 'raises two important constitutional issues' (*Sunday Telegraph*, 9.11.80). Two November disclosures stirred controversy, partly about the invasion and partly about the constitution. First the *Listener* (2.11.80) and the *Times* (5 and 11.11.80) published the story of the suppression of Lord Mountbatten's BBC-TV programme on Suez by Sir Robert Armstrong, our present cabinet secretary, and extracts from the transcript. Mountbatten had been acting chief of defence staff at the time, and he described how prime minister Anthony Eden (Lord Avon) overrode his military advisers. Then the *Sunday Telegraph* told how the secretary to the cabinet, Lord Normanbrook, destroyed top secret cabinet papers, leaving 'great gaps' in the Foreign Office and Public Record Office files (still closed under the 30-year rule). The *Sunday Telegraph's* two constitutional issues – 'the power of Ministers to interfere with official records of their actions and the propriety of a senior civil servant carrying out a political instruction which must falsify history' – seem to demand an extension of law into the cabinet office. (The struggle over the Crossman diaries was but one major case in which ministers and top officials have tried to stop informed discussion of the workings of Britain's central government.) Perhaps criminal sanctions for destruction of public records are appropriate. The problem of how Armstrong persuaded the trustees who own the film used in *Lord Mountbatten Remembers* to suppress it is more intractable, since it worked through informal class solidarity.

SUPERGRASS POLICING

BACKGROUND PAPER

The 1970s saw the development of a new phenomenon in the Metropolitan and City police forces' war against crime — the 'supergrass'. This background paper

exposes the dangers involved in the supergrass strategy, as they have emerged in the last few years.

Supergrasses are criminals who, in exchange for immunity from prosecution or reduced penalties for their own crimes, turn state's evidence against their erstwhile colleagues. Beginning with Bertie Smalls in 1973, there has been a growing stream of

supergrasses who have been responsible for 'shopping' hundreds of associates. This has been the consequence of a deliberate policy of encouragement. In some areas – particularly that of armed robbery – the cultivation of supergrasses is the main policy of London police. Traditional methods of detective work have been increasingly laid aside in the face of its success.

The Home Office, the Attorney General, the Director of Public Prosecutions, the courts and the media have to a considerable degree ceded arbitrary powers to the police by their largely uncritical acceptance of the legitimacy of supergrass policing. The police claim that the policy of using supergrasses led to a fall in armed robberies after the 1972 peak. The fall is real, but cannot be attributed simply to the 'success' of supergrass policing. The rationale of the supergrass strategy, conceived as part of a war on crime, is therefore effectiveness not justice. The police set out to divide the opposition by a calculated system of rewards and sanctions as a means of effectively managing armed robbery.

It is a system that does not even pretend to aim to provide either justice between individual criminals involved in the same bank jobs, say, or justice between criminals involved in armed robbery and the wider society . . . It is based on a process riddled with opportunities for the police to exercise discretionary powers. First, there is the question of who is offered supergrass status, on what terms and for what information. Second, there are decisions about whom to proceed against and on what charges (and even whether information on the police themselves is followed up). Third, there are increasing claims that supergrasses are not only telling of what they know first-hand, but are agreeing to a police version of events.

The policy is not unlike that used by British counter-insurgency experts in their post-war 'counter-revolutionary operations' in Britain's ex-colonies, where rewards were offered for dead 'Communist Terrorists' and to revolutionaries who gave themselves up and agreed to fight for the British forces against their former comrades

(see, for example, General Kitson's early work on **Kenya, Gangs and Counter-Gangs**, 1960). In Malaysia today, ex-'terrorists' are given the opportunity to appear on TV to renounce their former comrades in exchange for freedom.

Supergrasses should not be confused with traditional informers. The latter played no part in court proceedings, except as part of police evidence ('information received'). Supergrasses, on the other hand, not only appear in court, but are often the main prosecution witnesses – 'their role is now . . . crucial to convictions in court' (Duncan Campbell, paper presented at Justice Against Identification Law conference, November 1978).

Blood Money

Rising rates of highway robbery in the seventeenth century produced the Highwayman Act 1692. This offered £40, then a large sum, to anyone who arrested a highwayman and prosecuted him to conviction. This reward came to be known as 'blood money', depending as it did upon information available normally only to those directly involved in crime. From the seventeenth to the early nineteenth century, a criminal could similarly gain immunity from prosecution by the conviction of two or more accomplices (or supposed accomplices).

Such a policing system naturally produced *agents provocateurs* and professional thief-takers, who lived off 'blood money' and the possibilities it presented. Thief-takers tended to prosecute the weak and ill-organised criminals, while the major operators paid to avoid prosecution.

'It is established beyond question that at the commencement of the nineteenth century, persons were brought up charged with offences to which they had been tempted by the very officials who arrested them.' (Major Arthur Griffiths, **Mysteries of Police and Crime**, Vol. 1, 1901, p 240. Griffiths had been HM Inspector of Prisons and governor of both Millbank and Newgate prisons.)

Early in the eighteenth century, Jonathan Wild, who called himself 'thief-taker general of England and Wales', organised a massive criminal gang (in 1724 some 7,000 strong) by paying good rates for stolen property sold to him by his thieves. Theft victims would then pay to retrieve the stolen articles. Wild had immense power to inform against or prosecute thieves who crossed him, and many were hanged. When he himself was hanged, in 1725, establishment figures were worried about the likely effect on rates of conviction of thieves. (On Wild, see Griffiths, cited; Patrick Pringle, **The Thief Takers**, 1958; Gerald Howson, **Thief-Taker General: The Rise and Fall of Jonathan Wild**, 1970; and Carl B. Klockars, **The Professional Fence**, 1975).

The number of street robberies in London in the mid-eighteenth century forced the government to give Bow Street Magistrate Henry Fielding £400 p.a. for 'judicious and secret disbursements' to informers. The eight Bow Street constables, appointed in 1792, continued in the thief-taker tradition. They were described before a Parliamentary Committee in 1837 as 'private speculators in the detection of crime, rather than efficient officers for the ends of justice'.

In 1842 the plainclothes thief-takers were incorporated into the Metropolitan Police, but reluctantly. Formed in 1829, it had not included detectives – the British state preferred not to condone explicitly plainclothes police, who were likely to become *provocateurs* of crime. A Parliamentary Committee report of 1833 allowed that

'the occasional employment of police in plain clothes . . . affords no just matter of complaint while strictly confined to detecting breaches of the law . . . At the same time the Committee would strongly urge the most cautious maintenance of these units, and solemnly deprecate any approach to the employment of spies . . . as a practice most alien to the constitution' (Sir John Moyland, **Scotland Yard and the Metropolitan Police**, 1929, p 14).

A 1868 plan to employ civilians in detective

work was also abandoned because it would invite unaccountability and encourage *agents provocateurs* (Moyland, p184).

Informers

More recently, these scruples have been buried. In December 1945, Sir Ronald Howe, the Metropolitan Police Assistant Commissioner for Crime, set up Scotland Yard's special duty squad in consultation with the Home Office. Detective Inspector John Capstick led a four-man team 'to infiltrate into the underworld and establish and maintain contacts with anyone who can give information which will lead to the arrest of criminals.'

Called the 'Ghost Squad', this team had '*carte blanche* to mix with criminals' and was only accountable, through Capstick, to the Home Office. Unlike supergrasses, its informers only made reports by phone and never appeared in court. It seems that some informers, regularly paid as long as they got convictions, not only helped in crime detection but in its creation (Peter Laurie, **Scotland Yard**, 1970, p285). Over less than four years, informers were paid £25,000, one getting £40 a week for two years.

Detective Superintendent John Gosling claims that the Squad was disbanded in under four years (**The Ghost Squad**, 1959). But in 1950 **Reynolds News** (16.4.50) carried glowing accounts of its continuing success, and, others say, it involved 50 CID men and was only broken up in 1958. Its members 'were becoming indistinguishable from the criminals – some were even caught "on the job" by the Flying Squad' (T. Bunyan, **The Political Police in Britain**, 1977, and Laurie p284-5). In 1979, the **Daily Telegraph** said that revival of the Ghost Squad was being considered (10.4.79).

The First Supergrass

In summer of 1972 there was one armed robbery every five days in London and some £3m had been stolen since 1969, without the police finding the money or the criminals. After the theft of £138,000 from Barclays Bank in Wembley in August 1972, the

Metropolitan Police (newly headed by Sir Robert Mark) set up a Central Robbery Squad of 25 detectives to tackle the problem.

Ordinary methods of detection unearthed the involvement of Derek Creighton (Bertie) Smalls in the Wembley job. In 1973 Smalls decided to turn state's evidence against his former accomplices, and gave the names of 27 men, most of whom he had worked with on bank jobs. They went to jail for a total of 315 years (**Observer** 7.1.79). The Robbery Squad realised that the robberies were not the work of old-style gangs of constant composition, but that of groups whose 'only link seemed to be Bertie Smalls' (John Ball, Lewis Chester and Roy Perrott, **Cops and Robbers**, 1979, p77).

Smalls, who described himself as 'a pretty good frightener' (p37), 'confessed to being on 15 robberies and gave details of seven others' (p88). Counsel suggested that he personally netted '£150,000 or £200,000' (p122). On arrest, Smalls first thought of bribing his way out (p80), and then, faced with the 'distinct prospect of a 20-year sentence', became the first supergrass. The police put him and his family first in the 2001 penthouse suite at the Esso Hotel in Wembley, and then into a rented house. They also paid him £25 per week pocket money. Smalls' solicitor negotiated the prototype 'supergrass' deal, which, with variations, has been the core of the Met's response to armed robbery since 1973. Whatever the merit of using a man who had spent the last 'five years as London's foremost bank robber', the Smalls deal was handled in a more even-handed way than subsequent supergrass deals.

In the Smalls deal, the Director of Public Prosecutions agreed in writing that he would be granted immunity for all his criminal activities 'other than homicide' (p83) (he refuted with difficulty his ex-accomplices' claims that he had been involved in a 1970 murder), and that bail would be supported by the Crown. Nor would he be required to return the proceeds of his criminal enterprises. Smalls, a major instigator of the series of robberies concerned, produced an account of the

involvements of his lesser accomplices, which played a major part in sending most of them to gaol for long terms. In the trials the courts stressed that those on trial should not be convicted on Smalls' unsupported evidence. So credible was Smalls, that his statement that 'Arthur Saunders, who had by that time been in jail for over two years, was *not* part of the robbery that netted £238,000 from Barclays Bank in Ilford in February 1970 (p94) was accepted by the Court of Appeal as the main evidence for quashing Saunders' conviction. (This original conviction had relied on 'the record of alleged remarks made to a senior police officer' (p119). Smalls' statements to the police, in contrast to later supergrasses', were not subject to claims that he falsely 'shopped' particular individuals. (It is not known whether Smalls named police officers, or whether all those he named were prosecuted.)

For the police, the Smalls deal had obvious advantages. It finally cleared up a long string of armed robberies. It reduced the number of armed robberies; the possibility of an accomplice turning state's evidence had a depressing effect on armed robbers. The Robbery Squad adopted supergrass policing as their primary method of combatting armed robbery, turning away from ordinary detective work.

By early 1975, Scotland Yard was boasting that at least 12 major criminals had become supergrasses, implicating some 150 accomplices. In the same year, at the Wembley bank case appeal, Lord Justice Lawton expressed the 'hope that we will not see the undignified sight of the Director of Public Prosecutions making agreements with professional criminals again'. However, by 1977, Detective Superintendent Bob Robinson, of the City Road police station, had formulated the basis for 'supergrasses' to become the foundation of the Met's response to armed robbery.

'Robinson studied the case histories of the first five "supergrasses": Derek Creighton Smalls, Maurice O'Mahoney, Billy Williams, James Trusty and Stuart Buckley. Between them they had been

involved in robberies which had netted almost £10m in cash. When they decided to change sides, they named a total of 240 people who had been involved in some 200 armed robberies. Their former associates have so far collected nearly 400 years imprisonment excluding concurrent sentences' (Colin Simpson, editor of the **Police Review**, in **Sunday Times**, 28.8.77).

A supergrass charter

Robinson proposed a three-point plan to maintain the flow of supergrasses, based on his studies. With some variation, these – reduced sentences, secure prison facilities, and help with safety and new identities after release – have remained the core of the state's supergrass strategy.

After Smalls, who got total immunity from prosecution for his admitted crimes, policy settled at a five-year sentence on appeal, which with normal parole after 20 months, good behaviour and allowance for time spent in police custody could mean no jail whatsoever. But there were threats of protest by supergrasses at Reading prison early this year when the appeal court allowed longer sentences to stand. (See **Sunday Times**, 13.1.80; and Robert Parker, **Observer** 23.3.80) The policy became clear when Maurice O'Mahoney (see below), instead of the 20 years expected for his 'grave and terrible crimes' got only a five-year sentence.

Prison rule 43 relates to prisoners 'removed from association' with other prisoners for various reasons. Reading prison is the main rule 43 prison, providing special facilities for supergrasses. The so-called Imprisonment (Temporary Provisions) Act just passed (see this **Bulletin**) provides for prisoners to serve their sentences in police stations, and this provision will undoubtedly be used as a permanent feature of supergrass policy.

Finally, after release police have given special protection to supergrasses including help with new identities. In 1980, following study by 'a committee of Yard and Government experts headed by Assistant

Commissioner Gilbert Kelland', Scotland Yard set up a new department, C5, headed by Commander James Sewell of the Robbery Squad to 'help the men, their wives and children to assume new identities . . . All appropriate Government services are involved. If a man changes his name, he will also need a new National Insurance number . . . Men without cash or jobs are provided with social security and help in getting council houses in the areas to which they choose to go . . . If there is known to be any immediate threat to a freed informer, the police will drive him to his new home' (**Daily Mail**, 6.6.80). The **Sunday Times** (18.11.79) explained that 'Western intelligence agencies have earmarked agents to act as 'uncles' for years to protect defectors from assassination. The Yard's 'uncles' will provide new homes, names and identities, fresh passports, driving licences and National Insurance numbers for the men and their families. Clearly supergrasses policing is getting to be firmly entrenched as policy.

After Smalls, there was a stream of Supergrasses. Take Maurice O'Mahoney, arrested in 1975, who called his autobiography **King Squealer** (1978). He gave evidence in ten trials, naming 200 men (of whom only 20 were convicted) as his accomplices in crime. O'Mahoney spent most of his custody in Chiswick police station, where he was allowed 'colour television, stereo, drinks and visits from his wife and a mistress' (**Observer**, 1.7.79). Sentenced to five years for his 102 offences, including 13 armed robberies, he served only 23 months. After his release he claimed that the police had found him a new identity, a job and a house. Lord Justice Lawton, weighing up the respective claims of Smalls and O'Mahoney at the 1976 appeal of Ronald Cook, adjudicated that 'It's a matter of degree, but I think Smalls has the edge over O'Mahoney.' (**Guardian**, 20.6.77)

Where's Charlie Lowe?

With Charlie Lowe the supergrass scenario took on new dimensions. It is probable that

Lowe had worked for the police before 1975, when he first came to public attention in the trial of George Davis and his associates for the Ilford LEB robbery. The prosecution named Lowe, who had worked with the defendants previously, as the missing 'fifth man'.

In 1976, Lowe told Commander Bert Wickstead about his previous activities and workmates. At the time, the 'George Davis is innocent' campaign was gathering force. It now seems likely that, in the face of this pressure, the police and Home Office released Davis, knowing that Lowe could testify against him later (**Observer**, 30.7.78).

In June 1976, following Davis's release, Lowe, who had been on unopposed bail since early 1974, at the request of the police, was taken into custody. Yet, in October 1976, when he was due to appear at the Old Bailey, the police told the judge that his whereabouts were unknown. The **Police Gazette** went so far as to describe him as a 'most wanted man'. In fact, while the London courts were issuing four warrants against him, the Regional Crime Squad was remanding him each week at Southend Magistrates Court, under the false name of John Chapman (**Times** 9.10.76; **Guardian** 2.11.76).

Eventually the **Guardian** announced Lowe's whereabouts. Scotland Yard responded by claiming that now 'the cover of an important informer has been blown', attempts would be made 'to silence him before he can give evidence in court' (**Evening Standard**, 6.10.76). No reference was made by the Yard to their role in perverting the course of justice and contempt of the London courts.

Lowe named 45 people, allegedly involved in 87 crimes (**Observer**, 30.1.78), but the resulting conviction rate was not high, and several defence solicitors claimed that on at least two occasions, while at Chelmsford police station, he had made threatening phone calls to defence witnesses (**Guardian**, 28.2.78; 2.3.78). To bolster his credibility when he gave his first testimony in court against George Davis and others, the police put him in an unwieldy bullet-proof vest. In addition, everyone who

entered the court was searched and Regional Crime Squad detectives stood in the public gallery and surrounded the witness box. But Davis was acquitted – the first case in which 'supergrass' evidence was not believed by a jury. (Davis was later caught and jailed for 15 years for the attempted robbery of the Bank of Cyprus in Holloway.)

In April 1978, Home Secretary Merlyn Rees exercised the royal prerogative of mercy, freeing Lowe after only 17 months of his original 11½ year sentence, saying 'It is right to make use of every available legitimate means to fight crime' (**Daily Mirror**, **Guardian**, 21.4.78). Labour MP, Arthur Latham: 'The message to criminals seems to be clear enough. Do what you like, turn in old mates, and walk out' (**Guardian**, 21.4.78). The **Evening News** told of a £30,000 contract on Lowe's life and a gang dedicated to 'terror' against 'people who are helping the police' (22.4.78). Lowe underwent plastic surgery and then refused to appear at the final set of trials based on his information. Seven months after his release, Lowe was arrested under his new name, George Edwards, for attempting to smuggle a large quantity of cannabis into the country, and jailed.

Lundy's Mob

In 1979 a group of up to 15 supergrasses were held by Detective Inspector Tony Lundy at North London police stations in Finchley and at Whetstone. The key figures among them were William Amies, Segars, Dowling, Keith Warne, David Smith and George Williams.

Lundy was rising fast as a member of the new detective technocracy, at a time when the Robbery Squad was rife with resignations and dismissals. Outspoken in his view that the ends justify the means ('we are at war'), he would tell suspects of his desire to fill the vacuum left by the early retirement of Commander Wickstead, 'The Old Grey Fox'.

Detective Superintendent Robinson claims that supergrasses are motivated by a combination of fear of high sentences and

an ambivalent attitude towards their crimes. For Lundy's supergrasses, however, given the magnitude of their crimes, the prospect of immunity must have provided more than ample motivation for betraying their accomplices.

Take David Smith and George Williams, who, in July 1979 appeared for the prosecution in the trial of Daniel Gowan, Patrick Austin, Bernard Rees and Alfie Berkley for armed robbery. One of the counts against Smith at his own earlier trial was that of manslaughter. During a robbery in August 1971, Smith had coshed Kurt Hess so hard that he died three weeks later. The police charged Smith with murder only after complaints from Hess's relatives. Since a five-year sentence for murder would be anomalous, the charge was reduced to manslaughter after consultation with the DPP. (Two other men implicated in Hess's murder also had their charges reduced to manslaughter, after giving assurances that they would not testify against Smith. As a murderer Smith's credibility as a supergrass in the witness box would be drastically reduced. These men subsequently got a two-year suspended sentence and a six-year sentence respectively for their various charges including Hess's manslaughter.) Smith was sentenced to five years for manslaughter and armed robberies, but before he had served a year the police wanted his release by Royal Prerogative (*Guardian*, 27.7.79).

George Williams was given a five-year sentence at the Old Bailey in November 1978 for some 60 robbery offences and possession of firearms. He apparently also admitted his part in a killing to police. In October 1967, the manager of Sainsbury's supermarket in Swiss Cottage was waylaid on his way home to St Albans. Both Smith and Williams were involved in the subsequent robbery of the supermarket safe, using keys taken from the manager. Williams 'looked after' the manager, who was found dead the following day, slumped over the wheel of his car. The death was put down to natural causes.

The crimes of another Lundy supergrass, William Amies, were particularly

reprehensible. Amies was given the standard five-year sentence in Liverpool in October 1978 for 42 armed robberies (*Guardian*, 27.7.79). In the course of one he sexually assaulted a young boy, and in another stripped and threatened to rape a young girl if the father did not cooperate. It is said that on both occasions other members of the robbery team restrained Amies.

At the end of the trial in which supergrasses Smith and Williams featured, Judge Argyle made an award of £150 out of public funds to Flying Squad Sergeant Bernard Craven, because he had 'to retire as a result of injuries sustained when he was assaulted while escorting a supergrass' (*Daily Mail*, 26.7.80). In January 1979, two Liverpool men were charged with grievous bodily harm, and then had them dropped, after a fight in a pub where Craven had taken Amies. Amies and Craven had played no part in this particular trial, but were involved in its early development. In the pub, the villains had recognised Amies and set upon him and Craven. Despite the usual stories of a contract on Amies life, his assailants satisfied themselves with dumping him after a beating.

At the end of the same trial, Judge Argyle stated that Smith and Williams were 'two of the most dangerous criminals in Britain's history' and regretted that 'as a matter of policy they have only been sentenced to five years each' (*Daily Mail*, 26.7.79).

Defendants Gowan and Berkley were given 25 years each for robberies claimed to have been done with Smith and Williams. When Recorder of London, James Miskin, sentenced Smith to five years in February 1979, he said it was because

'you have had the courage to name names and so have put yourself and your relatives in peril. I believe that in the interests of justice, men who behave like you should be entitled to the benefit I am giving you' (*Sun*, 27.2.79).

Another Lundy supergrass, Keith Warne, a close friend of Smith, was arrested along with Berkley and Gowan. Warne negotiated a deal and made statements about both his criminal associates and about

Metropolitan police involved in crime. On one occasion, when Warne was taken to his home to see his wife after a drinking spree with detectives, he escaped through the bathroom window with the keys to a car conveniently waiting outside. To say the least, security for such a dangerous and apparently endangered man was lax.

Early in 1980, after an attempt to rob a bank in Fortis Green, East Finchley, four men were arrested. One of them, Christopher Wren, apparently made various statements to Detective Inspector Lundy. In consequence, some 50 men were arrested for a variety of offences, including armed robbery. Some of these also made statements, and some did not.

Among those arrested were two well-known criminals, both of whom turned state's evidence. Unlike Wren, both were involved in armed robberies and their statements implicated a number of professional criminals. Their statements presented Lundy with a series of choices about whom to proceed to lay charges against. Certain serious charges were preferred against some men and were then dropped. It appears from this and the fact that Lundy has apparently been transferred to the uniformed constabulary, that he made the wrong decisions. Detective Sergeant Snodgrass, who has taken over from Lundy, has given two explanations of why he is no longer available: that he 'has a broken leg' and that 'he is out of the country so much it's difficult to get hold of him'.

Operation Countryman

Supergrass information of the type Warne was willing to give Lundy was primarily responsible for the setting up of Operation Countryman in August 1978. Following supergrass allegations about 'an organised web of corruption within both the City and Metropolitan police forces', the original brief of Countryman was to look at three specific armed robberies – a £175,000 payroll snatch at the Daily Express in May 1976, a £225,000 robbery at Williams and Glyn's bank in September 1977, in which a security guard was shot in the leg, and a

£197,000 payroll robbery at the Daily Mirror in which a security man was shot dead (see 'The Story of Operation Countryman' by Peter Chippindale, *New Statesman*, 18.1.80).

The allegations made to Leonard Burt, the director of the Countryman exercise (but not made to the Met's own A10/C1B2 complaints investigation unit, which London's criminals regarded as hopelessly compromised), included those that

'detectives from both the City force and the Met have been involved in setting up robberies by telling criminals of the movements of millions of pounds; facilitating robberies by making sure there were no police around when they took place; steering inquiries away from the real culprits to innocent men (naturally with criminal records and therefore likely candidates); helping criminals to get bail (the very thing McNee complained so vociferously about to the Magistrates' Association); deliberately offering feeble evidence in some cases; framing criminals in others by planting evidence such as shotguns and 'verballing' (inventing supposed confessions)' (Chippindale).

While the Met and City forces, and the DPP, have sought to portray the Countryman investigation as country hicks out of their depth in the big city, 'the general consensus of opinion is that Burt is doing an extremely thorough and competent job' (Chippindale). Two criminals, Patrick Carpenter and John Twomey had a robbery charge against them dropped at the Old Bailey after Burt intervened. The evidence against them 'was two sawn-off shotguns supposedly found at the Twomey's house, forensic evidence connecting them to the robbery, and a 'confession'. The two said they had been framed and that the two officers were still at it, 'approaching other criminals and telling them that if they did not pay £1500 to each of them they too would be fitted up'. Solicitor James Saunders was able to tape a meeting where these threats were made. The Met's CIB 2 refused to look at the case until it had been

decided in court, but Burt authenticated the tape and the case against the two men was dismissed. The two men had spent 18 months in Brixton jail.

Peter Mathews, the Chief Constable of Surrey, was made adviser to Countryman in March 1980. He asked the Yard for help, and Deputy Assistant Commissioner Ron Steventon, who as Commander headed the CIB 2 complaints bureau, was brought in as Mathews' assistant.

The allegations which started the Countryman operation were made to Regional Crime Squad no 5, not to the Met or City police directly. Only after some investigation did the allegations go to the Met and City Commissioners, who set up Countryman. When it became clear that London police would not control the investigation, London's criminal community came forward with a flood of allegations, and the investigation team grew to nearly 100 provincial police officers. Mr Arthur Hambleton, the overall head of the investigation until he resigned as Chief Constable of Dorset, stated that eighty officers up to but not including deputy assistant commissioner were under investigation of whom between 20 and 25 would eventually be brought to trial (**Guardian** 7.3.80, 21.6.80, **Telegraph** 22.3.80).

Since then there has been considerable public controversy about the standards of evidence required by the Director of Public Prosecutions before he will allow cases to be brought against police officers. The DPP's rejection of Countryman cases against police officers led to the seconding of a top DPP barrister to help Countryman prepare cases. But when he recommended charges against six officers, the DPP refused to press charges. One detective chief inspector of the Met was consequently reinstated after a 14-month suspension and the DPP did not offer evidence against a City officer of the same rank charged with retention of stolen property (**Guardian** 21.6.80).

Since then, Countryman has returned to the control of London police. 'Initially Countryman tried to entice informers by offering some degree of immunity for those

who helped to nail 'beat' officers. Now the informers are being told that if their information involves them in criminal activity, they must face trial themselves' (**Observer** 25.5.80). While immunity or reduced sentences were granted to supergrasses, only 'certain limited undertakings' against prosecution were offered to people willing to sign statements and go to court in police corruption cases. The winding up of Countryman clearly leaves those who have made statements to Countrymen, exposed to retribution from the police they have named. Sir Michael Havers, the Attorney General recognised this, and suggested that those who thought they were being fitted up should contact the DPP directly (**Times** 17.3.80). It seems clear that the supergrass strategy only works one way – against crime by criminals not crime by police.

Changing Court Practices

When supergrass policing caught on as the main Metropolitan police response to armed robbery, supergrasses began to affect accepted court practices in various ways.

While in the cases involving Smalls there was other prosecution evidence to corroborate his statements, the same cannot be said of some recent supergrasses. Increasing numbers of people have been convicted on the uncorroborated evidence of one or two criminals, or with corroboration only from 'verbals' (statements of the accused allegedly made to the police while in custody). The courts began to treat supergrass evidence as police evidence. At the start of the supergrass era, defence counsel would often ask the witness in cross examination how many times he had previously pleaded not guilty to charges and been found guilty – an indication to the jury of the witnesses' honesty. But this practice has been undercut by the courts' increasing acceptance of supergrass evidence.

Supergrass statements to police often include crimes committed seven or eight years previously, and it is obviously very difficult for defendants to find alibis for

events so long ago. Two other types of questionable evidence have been used to corroborate supergrass evidence: identifications and 'verbals'.

On identification George Ince (serving 15 years for the 1972 Mountnessing silver bullion robbery), was accused on supergrass evidence of a robbery which had taken place seven years before. He was discharged when it became clear that an identification parade so long after the event would be effectively challenged before the jury. But others have been picked out on identification parades for offences at about the same time.

'Verbals', likewise, have often been attacked by barristers. They claimed that records of whole interviews with the police, in which the defendant has admitted an offence, were fabrications. However 'verbals' have steadily entrenched themselves in the supergrass era as a successful way in which the police can circumvent the unwillingness of Parliament to abolish the right to silence. Faced with such silence, in some cases police simply write statements and confessions.

Take the case of Michael Morris. In May 1977, William Amies, one of Lundy's supergrasses, made statements about robberies at private houses. One of them, in October 1976, was particularly violent. Amies named Morris as a participant in the robbery. There was no evidence against Morris, but he had previously had dealings with Lundy. At Morris's trial, in July 1979, the prosecution brought in Amies to say Morris was on the robbery. Two other informers, David Smith (see above) and Ronald Simpson, supported Amies. In particular, Simpson claimed that while Morris was on remand in Brixton he had confessed his part in the robbery to him. Smith's statement was made two and a half years after the robbery, and Simpson had spent only 5 days in Brixton before being given bail. At Morris's trial a prison officer gave evidence that Simpson had never received *anyone* in his cell and that he had never left it. On this evidence Morris was found guilty and given 14 years.

The evidence used against Leonard

Turner was equally weak. After supergrass Keith Warne escaped from his police escort on March 31, 1978, (see above), he made contact with, among others, Turner. After his recapture, Warne made statements to Lundy about those who helped him. He claimed that when Turner met him, on the evening of April 1, he had said 'I've been on one that went boss-eyed' (i.e. wrong), and that on another occasion, when driving along Commercial Road, Turner had said, 'That's where things went boss-eyed Saturday'. There had in fact been a robbery involving three men in nearby Whitechapel Road on Saturday April 1. Two men had been quickly arrested and charged, both admitting their involvement. In June, Lundy arrested Turner on the basis of Warne's statements. Fearful of being verballed, Turner remained silent for seven days. Lundy claimed that by remaining silent, Turner was refusing to stand on an identity parade, and confronted him with the witnesses to the robbery in a cell full of police officers. One of them, despite having only had a 'fleeting glimpse' of the robbers, identified Turner. On the basis of this evidence alone, Turner received an eight-year sentence, and was later refused leave to appeal.

Director of Public Prosecutions Sir Thomas Hetherington, in March 1978, demonstrated his support for changes in court practice. The DPP took over the private prosecution by supergrass victim George Turner against Colin Saggs, who had supergrassed him on three charges of robbery. The DPP stopped the prosecution by offering no evidence against Saggs (*Guardian*, 12 and 13.6.78).

The Media

The media have covered supergrasses cases with their customary acceptance of the police viewpoint. The very term 'supergrass' is a morally dubious and admiring description for a man who has initiated armed robberies and then turned in his accomplices in exchange for a reduced sentence. Even Detective Superintendent

Robinson, whose studies of the first supergrasses were mentioned above, now has grave reservations:

'I feel that while the recent Supergrass phenomenon is beneficial in the short term, there is a grave danger of police completely losing their credibility . . . Revenge is sweet but if society needs and accepts Supergrasses, then society must make every effort to ensure that he does not become the sweetness of the criminal society's revenge' (**Time Out**, 6-12.10.78).

Since the evidence of supergrasses is suspect, and in danger if subjected to the scrutiny of a competent defence lawyer, the police have made dramatic efforts to bolster their credibility. The media have picked these up and amplified them. Thus, the police try very hard to suggest that, far from saving their own skins by helping convict their associates, the supergrasses are in serious danger and are bravely scorning underworld 'contracts' for their violent elimination.

Talk about the danger from the underworld does not seem to be justified by the record – no supergrass has yet been killed in retribution for putting his associates behind bars. But police security measures – spectacular convoys, armed police, searches – continue to create the impression that supergrasses are in grave danger. Serious attempts by criminals to stop supergrasses might indeed suggest that someone thinks their evidence is true. The lack of such attempts correspondingly raises questions of their reliability. Metropolitan Police Assistant Commissioner Gilbert Kelland admits the facts but interprets them differently.

'The first supergrass did not get his ears chopped off by the underworld as everyone gaily warned would happen. And others did not get their throats cut as threatened: This gave others a little courage. There has not been one gangland execution because of turning Queen's evidence' (**Daily Mail**, 26.7.79).

Kelland's statement was part of a **Daily Mail** centre spread which also reported that David Smith, one of Lundy's supergrasses,

was threatened with a £30,000 'contract' on his life. At the time, Smith, who was in hospital with hepatitis and a slipped disc, was on a female ward, protected by armed police. (The police nonetheless loosened the security enough to let the **Mail** photographer get his picture of Smith.) Detective Inspector Lundy added spice and excitement to the war on crime in a story in the **Sun** (27.1.79). He explained that Smith had been 'hurriedly moved from Finchley police station a few months ago when police heard that an armed gang were planning to attack the station and silence him.' The media have also propagated the notion that policing the professional criminal community in Britain is as violent and dangerous as it is in the United States, and that therefore 'short-cuts' are essential. Thus, when David Smith gave evidence at Highbury Magistrate's Court against a large number of defendants, armed police ringed the court. Elaborate references to Left-wing political groups and associations with the IRA were woven into the texture of the depositions to dramatise the significance of Smith's evidence. Combined with the failure of the media to consider critically the record of the Robbery Squad in dealing with armed robberies, or to examine the high turnover of its personnel, the main effect of the media coverage of supergrasses has been to sanction and glamorise this style of policing. 'Life in danger' stories not only give the evidence of turned criminals credibility, but also make it less likely that anyone will look too closely at the short-cuts taken in the use of such uncorroborated evidence.

Media coverage has done little to examine the deals the Home Office, the DPP, the courts and the police have worked out with professional criminals. During the spate of cases depending on such turned criminals in 1978 and 1979, Scotland Yard claimed that no inducements were in fact given. Supergrasses, it said, had to throw themselves at the mercy of the trial judges, who hopefully took into account the difference between those criminals who helped the police and those who did not. In fact, some criminals seem to have *absolute*

immunity, being neither charged with their crimes nor having them put on file for the future.

Police Corruption and Supergrass

Sir Robert Mark wrote about his efforts at the Met at 'putting your house in order' in his book, **In the Office of Constable** (Collins 1978, Fontana 1979). Quoting one of the DPP's staff to the extent that 59% of police compared with 17% of the DPP's other cases were acquitted, Mark said 'obviously, therefore, the system of criminal justice is not effective for the purpose of maintaining an honest police force' (pp103). Mark put his faith in the Met's internal disciplinary system, claiming that 'the best evidence' of its effectiveness is that during his term, '478 men left the force following or in anticipation of criminal or disciplinary proceedings', 402 by simply resigning. Mark explains how he explained to representatives of the Met's CID 'that they represented what had long been the most routinely corrupt organisation in London, that nothing and no one would prevent me from putting an end to it and that if necessary I would put the whole of the CID back into uniform' (p138).

The Robbery Squad, a Mark innovation, has had a chequered career. As Ball, Chester and Perrott put it, 'the principal legacy (of Smalls' supergrass cases) was a series of investigations within the force itself' (**Cops and Robbers**, p162). Chief Superintendent 'Dick' Saxby and Det. Inspector Vic Wilding who handled the bank jobs which culminated at Barclays in Wembley were both investigated by Mark's A 10 investigation department. Its report suggests that reward money from the 'Informants Fund' was claimed by both men for information supplied by other informants (Ball p166-70). Further there are allegations that Saxby, who left the Met, took £25,000 from a safe deposit box supposedly containing proceeds of robbery (pp162-171). The Robbery Squad has constantly featured in allegations of corruption, not least during

Countryman.

When the discretionary powers of the police and law officers involved in supergrass policing are combined with widespread belief that those who operate the deals with supergrasses are corrupt, the wisdom of relying on supergrass policing is doubtful. Whatever Sir Robert Mark's and Sir David McNee's intentions, it seems clear that neither has managed effectively to clear up corruption in London's police. 'In the past eight years (since Mark's take over) about 800 Metropolitan Police Officers have been dismissed or forced to resign, with a few dozen, up to the rank of commander, being prosecuted for corruption or dishonesty . . . It is clear from the allegations reaching Operation Countryman that the firm (of bent cops) has prospered, and even grown' (**Guardian**, 16.1.80).

The law and order lobby pays little attention to 'operations and methods' of police – to what the police actually do. Peter Laurie argued in his work on Scotland Yard that there was little evidence that police activity had significant effect on crime, and that as much deterrence of crime might be gained by efficient prosecution of known criminals for known crimes as by changes in methods of policing. The sentences for armed robbery were determined in the Appeal Court in 1975 at 15 years, and this presumably has some relation to supergrass policing. But does it merely lead to greater willingness to do deals with the police after doing banks? Moreover, there are signs that the seriousness of crimes which supergrasses are used to 'clear up' is declining – that supergrass policing is spread to other areas than armed robbery.

Calls for accountability for London's police (see **Bulletin** no 17) will require much broader discussion of the methods of policing London. The policy of supergrass policing certainly seems to demand more sustained examination. The disturbing confusion about what is happening to the Countryman cases against police officers and to the grasses who provided evidence must necessarily be resolved as part of any such assessment of supergrass policing.

REVIEWS & SOURCES

THE RISE AND FALL OF THE 'SOVIET THREAT': DOMESTIC SOURCES OF THE COLD WAR CONSENSUS, by Alan Wolfe. Institute for Policy Studies, Washington DC, 1979, 94pp

The recent resurgence of anti-Soviet propaganda and military preparations in the West follows a long period in which diplomatic relations between the US and the Soviet Union had produced scores of agreements, and war between East and West seemed inconceivable.

Four aspects of the late 1970s – China's pro-Nato stance, the increasing criticism of Soviet policies from Western Communist Parties and from Eastern Europe, the small successes and limited influence of the Soviet Union in the Middle East and the Western success in presenting Vietnam as a Soviet puppet to be legitimately invaded by China in retribution for the overthrow of Pol Pot – make the Soviet invasion of Afghanistan seem more an expression of weakness than of strength and expansionism. The Soviet Union seems no more capable of converting its military strength into usable political-diplomatic influence than the US has been. So where is the 'new' cold war, the resurgent war scare and the 'increased' Soviet threat coming from?

The United States, with 6% of world population and one-quarter of world productive capacity (against the Soviet Union's 7% and one-tenth), is by far the most powerful world power. Wolfe argues 'that in the past, US perceptions of hostile Soviet intentions have increased not when the Russians have become more aggressive or militaristic, but when certain constellations of political forces have come together within the United

States to force the question of the Soviet threat on to the American political agenda.'

Washington's recent 'extremely negative perceptions of the Soviet Union' are due, not to the Russian military build-up, but to 'the peculiar features of the American political system'(p.2).

Wolfe looks at five features of the US system through two previous cycles of postwar anti-Soviet hostility. He considers 'why, when the evidence is always ambiguous, (do) the more negative perceptions develop at the time they do?' Given that 'Anti-Communism is a more-or-less permanent feature of American politics' why is it sometimes taken seriously, and sometimes not?

The cycles of cold war militancy are not just rhetorical. They involve real changes in military and covert activity against the Soviet Union, its allies and those political forces in the West which are represented as Soviet allies. The two previous peaks, in 1948-52 and 1957-63 (after Sputnik satellite demonstrated unexpected advances in Soviet rocketry and gave rise to talk of a 'missile gap', which then proved not to exist) contrast with three periods – the immediate postwar years, the first Eisenhower term (1953-57) and the 1969-76 Nixon/Kissinger/Ford administrations – when military spending and anti-Soviet rhetoric were comparatively restrained. (The Johnson years are a special case: Vietnamese resistance to US policy discredited the Cold War rhetoric with which Johnson attempted to justify the assault on Vietnam.)

Wolfe's description of the postwar cycles of hostility takes up a third of the booklet. He then proceeds to five aspects of US politics whose changes explain changing government attitudes to the 'Soviet threat': the state of party politics, the strength or weakness of the presidency, the state of rivalry among the armed forces, the

struggles between alternative US foreign policy coalitions, and, finally, the economic situation. Wolfe devotes a section to each.

US party politics: Democrats Truman and Kennedy presided over the two previous postwar cold war peaks. Why Democrats? When not in office, republicans opportunistically attack Democrats for softness towards Communism; but in office their invulnerability to such attacks and influence with the military allow them to engage in anti-Soviet rhetoric, while controlling military budgets in the interests of fiscal conservatism. The more popular social and economic programmes of the Democrats mean they tend to dominate mainstream politics, but they are vulnerable to attacks on their 'softness' if they do not prove their anti-Communism with action.

There is no effective US Left to counter-balance right-wing anti-Soviet pressure with pressure for substantial economic and social transformation, so Democratic presidents bow to the political wind. The radical Right in the US is now stronger than it has been since the days of McCarthyism, and Carter, since 1978, has responded.

The presidency: The three rounds of increased 'Soviet threat' have taken place when the presidency itself was weak. 'Truman, Kennedy and Carter were all in precarious political positions', and weak but activist presidents must find a way to act. Strong executive leadership is required to govern the United States and its world-wide interests. Such imperial presidency is always subject to 'isolationist' (if not anti-imperialist) pressure.

One way to establish presidential power against isolationism is to step up the Soviet threat. Truman did it to get Congress to pass aid to Greece and Turkey in 1947, the Marshall Plan for European Recovery in 1948, and Nato in 1949. Kennedy's 'brinkmanship' over Berlin and Cuba, and espousal of the cause of 'special forces in Vietnam, were counterparts to his well-known inability to get programmes through Congress. After Kennedy's assassination, Johnson's resignation over the 1968 Tet offensive. Nixon's departure over Watergate and Ford's caretakership, the presidency

was not the powerful working institution with a sure grasp over the American state which Carter would doubtless have preferred. After a year of rhetoric and ineffectiveness, Carter began in 1978 to take the traditional road to restoration of presidential power.

Military rivalries: 'The most negative perceptions of an external enemy tend to occur when the military services cannot agree on their proper share of the budget and make their differences public.' Different military doctrines involve different forces and hardware, and one element in presidential elections tends to be differences of military doctrine.

Given the political vulnerability of Democrats, once in office they tend to increase the overall military budget to provide for the favoured forces, without making corresponding cuts elsewhere which would expose them to opposition from the Right. Eisenhower limited military expenditure by sticking to the none too coherent notion that the threat of 'massive retaliation' by the nukes of the Strategic Air Command would deter any Soviet military action, and limited the Army. The Army seized its time with Kennedy, who adopted pro-Army doctrines of 'graduated response' to different possible Soviet attacks and counterinsurgency against liberation movements (which produced the defeat in Vietnam). Nixon withdrew the US troops from Indochina and carried on bombing. He also cut the overall military budget as a share of GNP. Carter not only expanded the US military budget (5½% in real terms this year), but pushed a commitment to 3% per annum real increases for five years through all Nato nations, as well as bringing us both Nato's US cruise missiles and Trident submarines.

Coalitions around different foreign policy priorities: Foreign policy is a matter for elite policy groups in normal times, and usually they prepare a consensus position within which domestic discussion is contained. But elites can fail to reach a consensus about priorities. In that case,

'negative perceptions of Soviet conduct are an important device by which . . .

foreign policy coalitions try to win support for a change in the locus of US foreign policy . . . The first peak in anti-Soviet hostility was related to an attempt by a European-oriented elite to shift policy away from a pro-Asian direction.'

The second peak was a shift towards the Third World, and the third 'has much to do with attempts to form a new foreign policy coalition in the wake of America's defeat in Vietnam' (p.62). In none of these has Soviet activity caused the problems with respect to which the different foreign policy coalitions disagree. The more elitist the policy of a coalition, the more likely it is to need to be stridently anti-Soviet.

Economic growth: Peaks in the 'Soviet threat' 'were times in which political coalitions were arguing for a strategy of macroeconomic growth'. Such coalitions were usually Democratic, requiring growth to carry out expanded social programmes. Democrats 'found the use of the defence budget the most politically acceptable way' to co-opt economic conservatives into commitment to growth.

Wolfe is not arguing that the economic impact of military spending has worked to even out cycles of prosperity and recession. New coalitions oriented to growth have defined an anti-Soviet propaganda line in support of growth in years of recession or anticipated slumps, as in the late 1940s (when postwar return to the 1930s slump was still generally feared), 1957 and the mid-1970s. 'The attempt to create a macroeconomic strategy of economic growth . . . explains the rise of anti-Soviet perceptions' better than the counter-cyclical explanations.

Wolfe quotes some cynical letters between 'liberal' cold warriors around the National Strategy Information Center, which in 1976 received \$1 million to 'crank up' the Soviet threat. It was they who shaped the three basic US government reports on the Soviet threat in the postwar period - NSC-68 of 1950, the Gaither Report of 1957 and the ambiguous Carter PRM-10 (from which Carter has since moved to a more hawkish position). Some of their links to British cold warriors were

described in the background paper on Labour's Transatlantic Links (See **Bulletin** No 16). More to the point, most British and Nato intelligence about the Soviet threat comes from the US.

American cycles in the 'Soviet threat' have influenced both government policies in Western Europe, and the activities of cold war coalitions outside governments. The US is the dominant influence within Nato, providing by far the largest share of its budget and all but the British component of Nato's nuclear weapons.

If, as Wolfe argues here, the growing 'Soviet threat' and the increasingly war-like international atmosphere are consequences of features of the US political system, and the US is the dominant influence in Nato and thus in West European politico-military affairs, there is a clear need for the anti-nuclear movement to explain these facts as part of their opposition to cruise missile and Trident submarines.

Wolfe's case is convincing (and readable). If it is accepted, the basic questions are about reforming the political and economic structures of the West, not about Soviet 'expansion'. Wolfe's arguments are therefore essential in establishing the real issues, as well as in opposing nuclear war preparations.

The Reagan administration, allied with a Republican Senate, will be in a stronger position in terms of the effectiveness of the presidency. The question is whether it will follow a traditional Republican economic policy of tight budgetary control over federal expenditure (cutting funding for the military and for the cities) relying on verbal expressions of American power and staged shows of strength, or whether it will really give military hawks their heads. This will not be clear immediately, but there is some contradiction between Reagan's stated anti-government line and his rhetoric of restoring American power, and the choice will have to be made. This choice will greatly affect the state of the world economy, as well as military interventionism, in the 1980s.

NOTHING TO DECLARE: THE POLITICAL CORRUPTIONS OF JOHN POULSON, by Michael Gillard and Martin Tomkinson. John Calder, 1980, 340pp, £12.95 and £6.95

John Poulson, an unqualified, Yorkshire-based architect, had two fatal weaknesses for a man devoted to corruption: he kept voluminous records of his bribes and he became bankrupt. It was his bankruptcy hearing which inevitably led to his conviction for corruption in a sensational trial in 1973-74. Thereafter, a succession of men in public life faced court charges arising from Poulson's way of life.

This valuable book is far better researched and documented than the proofreading suggests. It shows how Poulson built his empire, and the essence of his relationship with T. Dan Smith ('Mr Newcastle') and the Members of Parliament whom Poulson paid: Sir Herbert Butcher (National Liberal), Albert Roberts (Labour) and John Cordle (Conservative). More than half of the book is devoted to Poulson's biggest catch, leading Tory MP Reginald Maudling, who died suddenly in February 1979 before his full role could be established.

The essence of corruption in local government is the same as that in the police or big business: give people vast unaccountable powers and there will always be some who abuse them. The numbers will vary with the circumstances and opportunities, rather than with the location of people happening to be congenitally evil. The world remembers the massive corporate bribery engaged in by leading American multinationals Lockheed Aircraft, United Brands and Gulf Oil, and forgets that almost 200 other American companies admitted dispensing £150m illegally in six years.

In British local government, over £20,000m is spent annually by some 26,000 councillors on an allowance of only £13 a day. And at Westminster MPs – unlike local councillors – are outside the scope of the corruption laws as far as their activities inside Parliament are concerned. But myths are often more important in public life than

evidence, and the myth survives of the incorruptible public servant, whose ranks are unsullied save for those rare breakdowns of officials overburdened by private circumstance.

One of the great strengths of this book is that it shows the social consequences of corruption: it is not simply additional undisclosed sums changing hands for services rendered. In Poulson's case, it led directly to inferior housing, the waste of taxpayers' money, absurd prestige projects, the elimination of competition in tendering and the financial starvation of socially useful undertakings. In Parliament, it led to monumental abuse of the privileges of elected representatives and, perhaps most dangerous of all, in the case of Maudling, to campaigns for military and other expenditures in which the Tory Deputy Leader had a personal interest.

The authors show that Maudling's only interventions in the House of Commons on Malta were all made between January 1967 and April 1968, when he repeatedly urged on the Labour Government his humanitarian concern about the Maltese economy, levels of Maltese unemployment and the need for greater military expenditure. Throughout this time Maudling was actively pursuing his Poulson interests in Malta. When they came to a halt, so did his utterances in the Commons.

THE GLOBAL MANIPULATORS. The Bilderberg Group, The Trilateral Commission – Covert Power Groups of the West, by Robert Eringer, Pentacle Books, Bristol, 1980, 96pp.

This booklet contains the basic information about each of the two organisations in two sections plus appendices. Both groups consist of scores of the most important figures in the coordination of the foreign policies of Western nations. Bilderberg meetings began in 1954 and are now annual in April or May. Bilderberg participants come from Western Europe and North America, while Trilateral meetings have included Japan since their initiation in 1973. Both groups are concerned with global Western strategy. Bilderberg, a Cold War

creation, meets to discuss the alliance of the US with Western Europe, and concentrates on Nato and the creation of European institutions. Trilateralism, a product of the 1970s, is more concerned with economic coordination of the West and thus requires Japanese involvement.

Bilderbergers were chaired by Prince Bernhard of the Netherlands until his disgrace over Lockheed bribes for aircraft sales, and then by Lord Home, and the new chairman is Walter Scheel, President of West Germany in the 1970s. Zbigniew Brzezinski was the first director of the Trilateral Commission before moving to Carter's White House to replace Henry Kissinger (an executive of both groups). David Rockefeller is chairman of the US Trilateralists, of the top establishment foreign policy brains trust, the Council on Foreign Relations, and of the huge global bank, the Chase Manhattan. Rockefeller's interests in the 'success' of American foreign policy and in its coordination with those of Western European nations and of Japan are thus not academic.

This booklet lists Bilderberg and Trilateral members and officers and gives some background on them. It does not pretend to be an assessment of their role in running the postwar West as a system. Such assessment involves difficult methodological questions and extensive study of the whole of postwar history. What is undeniable is the importance of the participants in both national and alliance policymaking, and their ruling class backgrounds and roles.

The radical Right in the US mounted a massive attack on the US foreign policy establishment described here in support of Ronald Reagan during the elections. The Right used similar materials presented in a publication called the **Freeman Digest**, November–December 1978, on Bilderberg Meetings. A more lunatic version of the Right's account is given by the extreme Right-wing Liberty Lobby, in its **Spotlight on the Bilderbergers**, and there are numerous more-or-less factual attacks on 'Rockefeller Communism' and 'internationalism' in a spate of cheap

paperbacks. While this literature provided electoral propaganda for Reagan's election, there is no likelihood whatsoever that Reagan will not use the established key figures in the US foreign policy establishment in his administration.

BRITAIN'S STATE WITHIN THE STATE, New Park Publications, 21b Old Town, London SW4. £1.50. This booklet brings together articles which have appeared over the past six years in **News Line** and **Workers' Press**, papers of the Workers' Revolutionary Party. Identifying 'strong state' tendencies within the police and the army, it adduces a 'state conspiracy' against the working class, spearheaded by the Tories as agents of the ruling class. This 'state conspiracy' is, in fact, contingency planning to counter industrial and social unrest. Much of the information will be familiar to readers of **State Research**, and the central thesis that the state has refined its plans to combat 'internal subversion' is substantially correct. But the booklet suffers from a hysterical tone, circumstantial assembling of facts and lack of detailed analysis of the complex factors behind contingency planning and the changes in the forces of law and order.

PAMPHLETS

Wigs and Workers, Nick Blake and Harry Rajak, published by the Haldane Society of Socialist Lawyers, 14 Parkfield Road, London NW10, £1.50. This history of the Haldane Society, since its establishment 50 years ago, is a detailed and highly informative account of a group which has consistently striven to develop a theory of the ambiguous nature of the law in society.

Prisoner Transfer Treaties, a joint Release/National Council for the Welfare of Prisoners Abroad report. Available from Release, 1 Elgin Avenue, London W9. £1. It argues the case for the immediate institution of these treaties not only because of the distress experienced by foreigners imprisoned here and by Britons abroad, but also because of the lack of action on their behalf by the Foreign and Commonwealth office.

Missile Madness, Peter Binns, published by Socialist Workers Party, available from Socialists Unlimited, 265 Seven Sisters Road, London N4. 40p. An explanation of the new weapons system and the threat it causes for all our lives.

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