PAUL FOOT
a tribute


Plus: EYEWITNESS IN JERUSALEM
Plus: ASBOS: ‘CUMBERSOME, DRACONIAN AND FARICAL’
and more
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The boots of soldiers who were killed whilst serving in Iraq. Organised by ‘Iraq Veterans Against The War and Military Families for Peace’ and ‘Vietnam Veterans Against the War’, New York City, 2nd September 2004

The Haldane Society was founded in 1930. It is an organisation which provides a forum for the discussion and analysis of law and the legal system both nationally and internationally, from a socialist perspective. It is independent of any political party. Its membership consists of individuals who are lawyers, academics or students and legal workers, and it also has trade union and labour movement affiliates.

President: Michael Mansfield QC
Vice Presidents: Kader Asmal; Louise Christian; Jack Gaster; Tess Gilt; Helena Kennedy QC; Dr. Paul O’Higgins; Michael Seifert; David Turner-Samuels; Professor Lord Wedderburn QC
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Haldane Sub-committees;
■ Crime – tel: 020 7242 2897
■ Employment – meets at the Haldane Office on the third Tuesday of the month. Contact Daniel Blackburn: haldane@ictur.org
■ International – contact Bill Bowring b.bowring@unl.ac.uk
■ Student – contact: tohdneybradford@hotmail.com
■ Haldane Society Women’s sub-committee – Anyone interested in discussing the issues facing women involved in the legal system should contact Rebekah Wilson at: Tooks Court Chambers, 020 7405 8828; or email: rebekahmaxine@hotmail.com

The Immigration and Asylum Committee is interested to hear from people who would like to join or to participate in the work of the Committee. The Committee meets every four to six weeks. We campaign on Immigration and Asylum issues from a socialist perspective. If you are interested in the work of the committee or would simply like to join our email list and find out more about us, please send an email to adrianberry@mac.com

The boots of soldiers who were killed whilst serving in Iraq. Organised by ‘Iraq Veterans Against The War and Military Families for Peace’ and ‘Vietnam Veterans Against the War’, New York City, 2nd September 2004
Lessons from history

W e celebrate the 75th Anniversary of the Haldane Society this year and next. You might say that, as socialists, there isn’t a lot to celebrate right now... But no, the real reason is that we do not know the exact date we were founded. Come to that, most people haven’t a clue how we got our name.

So, armed with my dog-eared copy of that seminal but sadly out-of-print publication, Wigs and Workers: A History of the Haldane Society of Socialist Lawyers (Nick Blake & Harry Rajak, Haldane Society of Socialist Lawyers, London, 1980), I offer the following:

Richard, the First Viscount Haldane, was a Scottish Liberal MP who helped found both the London School of Economics and the Territorial Army. He was twice Secretary of State for War before Asquith appointed him Lord Chancellor (1912-1915). Haldane later moved closer to the Labour Party, concerning himself with legal and educational reform. In the first, short-lived premiership of Ramsay MacDonald in 1924, Haldane became the first Lord Chancellor to be appointed by a Labour government. He died in 1928.

Around the time MacDonald returned to Downing Street in 1929, a group of Labour Party barristers joined together to offer their expertise to the government. They called themselves the Haldane Club. Whether that was in 1928, 1929 or 1930 we do not know, since the early archives were destroyed by a Luftwaffe bomb which struck the Temple in 1941. By that time the Club, under the leadership of D.N. Pritt, Sir Stafford Cripps and the young John Platts-Mills, had become the Haldane Society. Originally, the Society was formally affiliated to the Labour Party and described its objects as: “To arrange in suitable cases for the giving of advice of a legal and technical character to national and local organisations of the Labour Party, the trade unions and the co-operative societies” and “generally to promote the interests of the Labour Party and to further the cause of Socialism.”

Individual membership, however, was never predicated on holding a Labour Party card and by 1949 the Executive Committee could justly claim: “Because of the fact that it embraces among its members lawyers of widely divergent viewpoints, [the Haldane] has in the course of time built up a reputation both at home and abroad as the authentic representative of all progressive and socialist legal opinion, and it accordingly enjoys a prestige which no purely political grouping could hope for.”

The formal link to Labour ended in 1949 as the Attlee administration moved further to the right in the chill of the Cold War. Members who, like Pritt and Platts-Mills, Bill Sedley and John L. Williams, stood for the right to criticise the Labour government, successfully resisted an attempt to expel all Communists (not to mention Liberals and non-aligned progressives). The Haldane remained a broad front for progressives of all varieties within the legal profession.

The political climate of the Cold War had much in common with today’s climate of the ‘War on Terror’. But whenever we have perceived a divergence from the Labour Party and “furthering the cause of Socialism,” the Haldane then, as now has no hesitation in choosing the latter path.

In our 75th year, George W. Bush has just been returned to the White House and Fallujah has been turned to dust. The Palestinians have just interred Yasser Arafat in the compound in which the Israelis had already interned him for over three years. Tony Blair has returned from Washington with much spin about a Palestinian state, but little evidence that peace or justice in the Middle East are of serious interest to the White House. Climate change wasn’t even on the agenda, neither were the ongoing war crimes in Guantánamo and Belmarsh. Fair trade for Africa? Preventing genocide? Of course, as long as these don’t conflict with our oil and pharmaceutical interests. Oh yes, and our armaments industries.

To commemorate 75 years of struggle for the cause of Socialism, we are planning events to mark the occasion, plus an Anniversary issue of the Socialist Lawyer and we invite your contributions.

In this edition, Jack Kurzwell offers an insight as to why Bush was re-elected and why Kerry was defeated. Jack is the Treasurer of a new Democratic Party club in California and is participating in building a new progressive wing of the Democratic Party.

The struggle at home is part of a greater worldwide demand for peace, justice, self-determination and human rights. Haldane Executive member Hannah Rought-Brooks has been spending four months in Palestine with an international group of Ecumenical Accompaniers, escorting children to and from school and working with progressive groups of Israelis and Palestinians to promote peace and protection for those threatened by the IDF and settler zealots. We are proud of her courage and dedication and we are delighted to offer her reflections on these experiences in this issue.

In the new year the Society will hold a public meeting where Hannah will report back on this never-ending struggle for justice and self-determination.

Iraq continues to dominate the headlines while Afghanistan rates only an occasional mention. For lawyers the total denial of justice is a paramount concern, which is why the Haldane’s first public meeting of 2005 will feature Clive Stafford-Smith on 20th January in a session entitled: “Guantánamo, the American Gulag.”

The Commons motion to impeach the Prime Minister for “gross misconduct” over the war against Iraq will be dismissed by many, including Blair himself, as a piece of political grandstanding. But it highlights a serious constitutional question; how can the people hold their political leaders to account when government by cabinet is replaced by government by cabal and when a runaway majority in the Commons can override not only the non-elected Upper House but all progressive voices of reason in the Lower?

These are indeed tough times for progressive people. The times are made tougher still by the passing of one of our great progressives. Paul Foot was a hero to all of us on the left, whether we shared his politics or not. He was a fighter for truth and peace who exposed institutional corruption, mis-carriages of justice and governmental hypocrisy. We proudly dedicate this issue to a great non-lawyer, to the principles for which he fought and to the inspiration he continues to give us all in carrying on that fight.

Richard Harvey
Chair of the Haldane Society
New Labour’s asylum laws: ‘Increasingly inhumane’

Once again, asylum seekers find themselves on the end of another pernicious piece of legislation. Under the Asylum and Immigration (Treatment of Claimants, etc) Act 2004, the chances of winning a right to stay in the UK are drastically reduced, while the prospect of being detained, and criminalised, are once again substantially increased. The 2004 Act also escalates the ability of the Immigration Service to arbitrarily interfere with the personal liberty of persons subject to immigration control, without seeking to redress any of the shortcomings in the prevailing system.

The Immigration Appeal Tribunal will be abolished and the appeal system will now only be a one tier appeal before the new ‘Asylum and Immigration Tribunal’. There will be statutory review of the determination of the new Tribunal, however any application must be lodged within five days – such a draconian time limit will be unworkable, and is clearly intended to have a deterrent effect.

Section 2 makes it an offence, punishable by imprisonment, for any non-British or EEA national arriving at a UK port, not to have a passport when at a “leave or asylum interview”. It is not a defence to rely on the instructions of an agent who facilitated entry into the UK. As is widely known, many people who enter through ports are made to return their documents to the agents who need them again and who also fear exposure. The undoubted effect of this provision is the further criminalising of those who are seeking international protection from human rights abuses.

Section 35 makes provision for the prosecution and sentencing on conviction of up to two years of persons subject to enforcement action who fail to co-operate with the process of removal or deportation. This provision is predicated on the increased reliance on fear and coercion rather than counselling and managed return programmes as a means of meeting removals targets.

Section 36 introduces a system of electronic tagging applicable to any person who is currently subject to a residence restriction. The restrictions on residence, reporting, employment, and curfew empower the Secretary of State to use tagging well beyond genuine alternatives to detention and to use the device simply as an expedient tracking and control mechanism. Again, tagging will only reinforce negative stereotypes, strengthening the association between asylum seekers and criminality, given that currently tagging is utilised only in respect of convicted criminals. Tagging in the asylum context may lead to severe levels of humiliation.

The 2004 Act is simply another manifestation of this government’s increasingly inhumane asylum policy. New legislation in this area is always more unpleasant than the last piece. After five major pieces of immigration and asylum legislation in the last 11 years, what is next?

Sadat Sayeed is a barrister at Two Garden Court Chambers.

‘Violence towards children is still leg

Voluntary organisations and charities working for children have severely criticised Clause 36 of the new Children Bill, which allows assaults on children to be justified as “reasonable punishment”.

On 2nd November the House of Commons voted by 284 to 208 to retain the clause, rather than to outlaw all forms of assault on children. The chief supporters of the new formula were the government, which used a three-line whip to stop Labour MPs supporting the outright ban.

After the vote, Mary Marsh, director of the National Society for the Prevention of Cruelty to Children, said: “Bad legal reform is worse than no legal reform – and that is what these proposals amount to.”

“Violence towards children is still legally acceptable, as long as you are careful not to leave a mark. The law needs to send out a clear message that it is just as wrong to hit a child as it is to hit an adult.”

The NSPCC is one of more than 300 charities and voluntary groups which, together with all mainstream

July

2: Home Office figures for stop and search show that the police are still disproportionately targeting black and Asian communities. Stop and searches of Asians under new anti-terror laws soared by 208% in a year.

7: People who want to become British Citizens will have to demonstrate a defined minimum standard of English or take a compulsory course of language and citizenship classes for which those who cannot afford it will be expected to pay.

8: A clause of the Anti-Terror Laws passed after September 11 attacks – placing a “positive duty upon each of us to give information about crime” is condemned after a jury acquitted the first person tried under it. Tahira Tabassum was cleared of failing to tell the authorities that her husband was planning a suicide bomb attack on Israel. Her solicitor Louise Christian said “this disproportionate prosecution against a young Muslim woman will increase fears among Muslims of unfair treatment by the police and prosecution”.

9: The International Court of Justice in the Hague rules the vast West Bank barrier is contrary to international law. The ruling follows the judgment of Israel’s Supreme Court on 30th June that the wall is violating the human rights of Palestinians.
professional associations working with children and families, make up the Children Are Unbeatable Alliance that campaigned against Clause 56 and will continue to argue for its replacement by an outright ban.

The Alliance lobbied parliament before last month’s debate, in which health committee chairman David Hinchliffe MP, one of 47 Labour MPs who defied the Government to vote against Clause 56, said that “equal protection” of children and adults should mean what it says.

“Some adults and, sadly, even some Government Ministers are fond of using the term ‘smacking’ to make them feel more comfortable with what they are condoning or defending,” Hinchliffe said, moving the motion.

“Children, however, tell it as it is; smacking is hitting, and smacking hurts. It does not just cause physical pain, but hurts inside too.”

Professionals say that the new clause, which allows hitting as long as it does not leave a mark, is unworkable.

A spokesman for the Royal College of Paediatrics and Child Health said: “We have reservations about the Children Bill. What constitutes an offence? If we are going to use redenning, then different people react differently to smacks. It is going to be extremely hard for doctors to give evidence.”

Professor Sarah Stewart-Brown of Warwick Medical School wrote in the British Medical Journal that MPs had made a “poor decision”. She argued that health professionals were going to have to deal with the consequences of the legislation as it would be up to paediatricians, and perhaps nurses and GPs, to adjudicate on whether the smack had left a mark.

She said there was already a shortage of doctors to give evidence in child protection cases, as a result of the increasing number of complaints about colleagues involved in such work and recent cases where experts’ evidence had been disputed.

For information on the Children Are Unbeatable Alliance go to the website: www.childrenareunbeatable.org.uk

Family Solicitor, Christian Khan

Families gather to remember loved ones killed in ‘care’

The UNITED Families and Friends Campaign (UFFC) held their sixth annual remembrance procession on 30th October.

Hundreds of campaigners who had lost loved ones in police custody, prison or secure psychiatric care came together in Trafalgar Square and marched together to Downing Street.

Radical poet Benjamin Zephaniah was there. His cousin Mikey Powell died in police custody. Benjamin said, “We would like this case to be investigated as it would be if a police officer had died. In these cases they seem to slow the whole legal process down, trying to wear families out.”

Family and friends of Derek Bennett are pictured left on the march. Derek, 29, was shot dead by police in Brixton, south London, on 16th July 2001.

The UFFC procession has played an important role in bringing together families who have suffered injustices at the hands of the authorities. And each year new families get involved. Benjamin said, “At first it was just black families – now it is white as well. It’s great when we come together. We draw strength from it. Last year I met a white middle class woman who told me she used to see us marching on the TV. She said she couldn’t believe she would end up marching with us.”

21: The Home Office reports the crime rate in England and Wales fell by a further 5% in the past year to produce the longest sustained drop since 1996. Overall crime has fallen by 39% since it peaked in 1995, with the rate of car crime and burglary halving in the past nine years.

27: The Association of Chief Police Officers (Acpo) outlaws joining the nazi British National Party for police and staff in England and Wales. Any officers who belong to the BNP will be sacked.

28: A fast-track recognition scheme for asylum seekers who clearly qualify as refugees is put forward by leading British migrant and welfare organisations.

29: Two demonstrators who were stopped and searched by the police at random on their way to an international arms fair lose their challenge to the use of the London-wide stop-and-search powers given under the anti-terrorist laws.

29: The Court of Appeal rules that three men, including Vincent and Michael Hickey, who spent up to 18 years in prison for crimes they did not commit, must repay 25% of their compensation, because they did not have to pay their living costs while in jail.

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Israel swoops in bid to silence critic

Israel made its latest outrageous attempt to silence Mordechai Vanunu when, on 11th November, thirty armed police – without warning – raided St. George’s Cathedral in East Jerusalem and took him to the Shin Bet interrogation centre at Petah Tikva near Tel-Aviv. The Rt. Rev Riah Abu El-Assal, bishop of Jerusalem, was outraged at this violent trespass of his church where Mordechai was being given sanctuary.

The arrest was ordered by the Attorney General Menahem Mazuz in a carefully planned act to once again attempt to silence Vanunu at the time of Arafat’s death and after the re-election of George Bush. Clearly the Israeli authorities wished to hide this shameful act of intimidation when they thought the world media would be otherwise preoccupied with the death of Arafat.

Since his release from prison on 21st April, Vanunu, faced with numerous restrictions designed to limit his freedom of speech, has refused to remain silent. He has been interviewed on the world’s television, radio and in the press. There is not one instance in all of these interviews, to our knowledge, where Mordechai touches on any issues sensitive to Israeli security, except, of course, that he continues to call for Dimona to be closed or for international inspection and for Israel to disarm its weapons of mass destruction. It is these statements that Israel wishes to silence because they know, as we have always said, that he has no secrets.

As Rayna Moss, one of the Israelis campaigning for Vanunu’s right to leave Israel said: “It is clear that the security authorities have taken this disgraceful action at the time of Arafat’s death while the world’s media is focused on his death. This is just a continuation of the vindictive policies of the security services against a courageous man who continues to tell the truth.”

Yael Lotan, another member and trustee of the Campaign to Free Vanunu, expressed her concerns for Mordechai’s safety and condemned this latest act of intimidation. She said, “This is another violent attack against free speech in Israel and Vanunu’s human rights.”

The charge against Mordechai is likely to be the possession of information detrimental to the state of Israel. Despite completing his sentence, Vanunu is now being told that his very good memory threatens the military might of Israel! On that basis, Mordechai says, he could be held until he dies or loses his mind!

Elsewhere, Mordechai’s status and stature grows ever stronger as more and more groups and organisations recognise his survival of 18 years suffering cruel, inhuman and degrading treatment in an Israeli prison, while showing no bitterness and still retaining his peaceful beliefs, as a truly remarkable achievement.

He recently won the Lennon Ono Grant for Peace, which his adoptive parents received on his behalf in New York, on 7th October, as he was refused permission to leave Israel to take part in the ceremony. (This was his thirteenth such peace award). He has also been nominated by Mairead Maguire for the prestigious Tipperary Peace Prize.

Applications to the governments of Britain, France, Norway, Canada and Ireland by parliamentarians and local groups have been made for him to visit, receive nationality papers or be given sanctuary in these countries.

As Mordechai said on leaving prison, “I am a symbol of the will of freedom. You cannot break the human spirit… I am proud and happy to do what I did”. It is clear from the continuing scandalous persecution of Vanunu that the Israeli authorities still wish to punish him and break his spirit. However, he remains steadfast in his beliefs and as he said outside the prison “They had not succeeded to make me crazy” and he adds, “they will not now”.

He told the Campaign he is determined not to be silenced in his continuing opposition to Israel’s enormously dangerous nuclear stockpile and the threat they pose to the Middle East.

Ernest Rodker

For more info go to: www.vanunu.freeserve.co.uk/
‘Terrorist’ blacklists gathering highlights human rights

On 10th November, Haldane members took part in a lawyers’ conference held in Paris on the topic: Terrorism Lists: European, United States and International Law Approaches. The conference, which attracted several hundred participants from all over Europe, was sponsored by London Metropolitan University’s Human Rights and Social Justice Research Institute (HRSJ). Other sponsors included the Human Rights Institute of European Lawyers, the Human Rights Institute of the Bordeaux Bar, the International Centre for Research and Study of Terrorism, and the Democratic Lawyers of Italy. Members of the Bar Human Rights Committee and the Solicitors’ Centre and the Solicitors’

Human Rights Group were present, as was a large contingent from 2 Garden Court chambers. Papers presented at the conference included: Terrorism Designation with Regard to European and International Law: The Case of the PMOI by Bill Bowring and Douwe Korff of London-Met, International Law and Recognition of PMOI As a Resistance Movement by Lord Slynn of Hadley and Jean-Yves de Cara, Institute for International Law, University of Paris; The Validity of the Inclusion of the PMOI in the EU list of Terrorist Organisations in the Light of European Law, and its Applicability by the judges by Henri Labayle of Pau University and Bruno Nascimbene of Milan University; Can the PMOI be regarded as a terrorist organisation? by Dr. Jörg Arnold, Humboldt University, Berlin and Wolfgang Kaleck, advocate, President of Association of Republican Lawyers, Germany; and Terrorism and Fundamental Rights: International and European Contexts by Christophe Pettiti, Paris Bar, general secretary of the Human Rights Institute of European Lawyers.

The European Association of Lawyers for Democracy and Human Rights (EALDH), of which Haldane is a member, will hold its Annual Assembly in London on 22nd May and, together with Haldane, HRSJ and others, have a conference on 21st May on ‘Suspect Communities: Europe-Wide Consequences of Anti-Terror Legislation’.

● Bill Bowring

Could Zahid Mubarek’s death have been avoided?

The hearings of the public inquiry into the death of Zahid Mubarek began on 18th November at First Avenue House. He was killed in prison over four years ago in March 2000 by Robert Stewart, with whom he was made to share a cell by the prison authorities. Stewart is allegedly a known racist but nevertheless was placed in the same cell as Mubarek, who died during the early hours of the morning after being hit about the head with a table leg, while he slept.

In its first few days, the public inquiry was told that prison authorities missed 14 potential opportunities to prevent Stewart from murdering his cellmate. Errors included warning signs that Stewart had been involved in, although not responsible for, the murder of another prisoner in 1998. The prison authorities also failed to address Stewart’s severe personality disorder and propensity to violence – this was not properly recorded, and he did not undergo a full psychiatric assessment. Stewart’s racist views were expressed in a letter that had been intercepted by Feltham prison officers but this too was not recorded in security files. Counsel to the Zahid Mubarek inquiry, Nigel Griffen QC, said that the inquiry needed to assess whether any failures to protect Mubarek were the product of racial discrimination.

The enquiry is expected to continue until at least March 2005.

● Ashok Kanani

September

1: Linda Dobbs QC is the first black lawyer to reach the High Court bench. Her appointment will also take the number of women High Court judges into double figures, to ten out of 97.

3: A Court of Appeal ruling in the case of Rutherford means that half a million workers over the age of 65 have no right to claim compensation for unfair dismissal or redundancy if they lose their jobs.

4: Fourteen male prisoners killed themselves during August making it the worst month for suicides in penal history. Research by the Prison Service points to a link between overcrowding and the number of deaths.

6: A report by the Prison Reform Trust reveals that six out of ten women sent to jail while they await trial are acquitted or given non-custodial sentences. The number of women re-manded into custody has trebled over the last ten years, even though more than 75% of their offences are non-violent or minor.

7: A British soldier is charged with the murder of an Iraqi civilian, the first to appear before a criminal court since the invasion of the country.

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Sylvester: what kind of justice is this?

The unlawful killing verdict returned by an independent jury in the inquest of Roger Sylvester was formally quashed on 26th November by Mr Justice Collins. He said the summing up by the coroner Andrew Reid was defective and that some of the reasons the jury gave for their verdict were inconsistent.

Roger Sylvester died as the result of being handcuffed and restrained for around 20 minutes by up to eight Met officers who had detained him under the Mental Health Act. On the evidence heard at the inquest the judge accepted that the jury could have returned an unlawful killing verdict, finding that Roger had died from brain damage and cardiac arrest related to his unlawful and excessive restraint. But because of errors by the coroner and jury the verdict has been quashed. In other words the family has had an unlawful killing verdict taken away by a legal technicality.

Roger was a young, healthy, black man who died because of the fatal restraint used against him by police officers. Yet seemingly no one is to be held accountable for his death. What kind of justice system is this?

The Roger Sylvester Justice Campaign said: “With regards to our fight for justice for Roger the judge commented that justice was for all; we couldn’t agree more. Our fight for justice was not just for Roger it was for all the other people who have died and continue to die in custody and for the victims they leave behind.”

The family were represented at the hearing by INQUEST Lawyers Group members Paddy O’Connor QC and Phillipa Kaufman of Doughty Street Chambers, instructed by Raju Bhatt of Bhatt Murphy Solicitors.

The family of Roger Sylvester had previously condemned the decision on 11th November to reinstate the eight police officers suspended following the unlawful killing verdict. At that time, Bernard Renwick, brother of Roger Sylvester, said: “We are bitterly disappointed in learning that the officers involved in Roger’s fatal restraint are no longer suspended. This decision has yet again caused deep anguish and distress to the whole family. Roger would not be dead if these police officers had not laid hands on him.”

Once again the message is sent out that police officers involved in fatal restraint are seen to be above the law and families whose loved ones have died as a result of excessive and unlawful force can get no justice and accountability.

• Deborah Coles and Helen Shaw, Co-directors, INQUEST www.inquest.org.uk

September

7: The McLibel Two, David Morris and Helen Steel, sued by McDonald’s in 1997, have taken their case to the European Court of Human Rights, arguing that English libel law and the lack of legal aid for defamation cases denied them the right to free speech and a fair hearing.

14: Figures released by the Home Office show that 1,000 illegal immigrants have been arrested after random sweeps on tube passengers and pedestrians in London.

15: The House of Commons votes to outlaw hunting in a second reading whilst prohunt supporters clashed with police outside Parliament.

15: The United Nations Secretary General, Kofi Annan, declares explicitly for the first time that the US-led war on Iraq was illegal.

16: Tony Blair announces that the capacity of Britain’s immigration centres is to be increased by 1,000 places in the next nine months as part of the drive to step up the expulsion of failed asylum seekers.

Victor Sylvester: his son Roger was killed by police
After Harry Stanley verdict, prosecutions must follow

The jury in the second inquest into the death of Harry Stanley returned, on 29th October, an ‘unlawful killing’ verdict based on the evidence heard. Harry was killed in September 1999 by Inspector Sharman and PC Fagan, from the Metropolitan Police firearms unit SO 19. A caller told police that ‘an Irishman’ had just left a pub in Hackney ‘carrying a sawn-off shotgun wrapped in a bag’. Harry, 46 and Scottish, had been carrying a table leg that had been repaired by one of his brothers. The armed officers responded to the call and shot Harry in the head. At the inquest, HM Coroner Dr Andrew Reid had left three possible verdicts for the jury to return, open, lawful killing and unlawful killing.

The verdict of unlawful killing is a vindication of the Stanley family’s fight for the truth and the only just outcome of this shocking case. Metropolitan Police officers used unlawful force in deciding to shoot an unarmed man. We now expect that these officers should face criminal charges. The Stanley family have already had to endure an earlier inquest where the coroner denied the inquest jury the opportunity to hear from firearms experts and to consider whether Harry had been unlawfully killed.

After the ruling, Daniel Magovern, solicitor at Hickman and Rose, said: “A prosecution should follow this unlawful killing verdict immediately. The CPS were present in court throughout the inquest and we hope they will announce their decision imminently.” Irene Stanley, Harry’s wife, said: “Finally, justice has been done. But this is only the beginning. Harry was unlawfully killed and somebody must be held accountable.”

We at INQUEST and the lawyers for the Stanley family were surprised by the news that Metropolitan police officers from SO19 decided to cease carrying their firearms in response to the inquest verdict.

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SO19 officers appear to have been misled by the Police Federation into seeing the verdict as a jury second-guessing a split-second decision taken by officers who opened fire believing themselves to be in imminent danger of being shot at. That is NOT correct. That was simply what these officers claimed in their evidence. The family’s view is that, had the jury accepted the officers’ evidence (that the officers believed they were under imminent threat) the jury would never have returned a verdict of unlawful killing. The jury appear to have concluded, beyond all reasonable doubt, that these officers did not actually hold that belief.

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The verdict of unlawful killing is a vindication of the Stanley family’s fight for the truth and the only just outcome of this shocking case. Metropolitan Police officers used unlawful force in deciding to shoot an unarmed man. We now expect that these officers should face criminal charges. The Stanley family have already had to endure an earlier inquest where the coroner denied the inquest jury the opportunity to hear from firearms experts and to consider whether Harry had been unlawfully killed.

After the ruling, Daniel Magovern, solicitor at Hickman and Rose, said: “A prosecution should follow this unlawful killing verdict immediately. The CPS were present in court throughout the inquest and we hope they will announce their decision imminently.” Irene Stanley, Harry’s wife, said: “Finally, justice has been done. But this is only the beginning. Harry was unlawfully killed and somebody must be held accountable.”
High crimes and misdemeanours

The parliamentary motion to impeach Tony Blair for “gross misconduct” over the war against Iraq was published in late-November. Legal historians were dusting off their books to find that the last attempted impeachment was of Foreign Secretary Lord Palmerston in 1848 over signing secret agreements that took Britain to war.

Adam Price, the Plaid Cymru MP who launched the campaign for the motion, said: “This is the only way left to MPs to call the Prime Minister to account over his conduct in the war against Iraq.” Those backing the motion included members of Plaid Cymru, the Scottish National Party, Respect’s George Galloway and Liberal Democrat Jenny Tonge (who was sacked from her front bench for speaking in defence of the Palestinians).

“What Blair said was contradicted by intelligence he had at the time, he may have been sincere; the issue is whether he misled us,” said Adam Price, who added: “In the US, when confronted with the crimes of President Nixon in the 1970s, people resurrected the impeachment procedure, which had not been used for a century. Now people are saying there is no point doing it because there will not be enough support in parliament. But that depends on how many MPs speak up. I understand the pressure some Labour MPs will be under. But I’d appeal to them to join up.

“There are seven anti-war Labour MPs who are standing down at the next election. There’s very little pressure the party hierarchy can put on them. “Although we technically only need one MP to put down the motion, we’d like a big cross-section of parliament behind it. The campaign isn’t only in parliament. It’s outside too. There’s a growing interest in a petition supporting impeachment. We’re asking people to contact their MP and ask them to support the move.

“The impact of the attack on Fallujah and the casualties suffered by the Black Watch has been to highlight feeling against the war. Very many backbench Labour MPs, especially from Scotland, will admit that privately. It’s more vital than ever that people make a public stand. Whether people feel able to sign up to impeach Blair or not, they have to do something.”

The charges against Blair – that he lied to parliament and the public over the war – are contained in a document, A Case to Answer: A first report on the potential impeachment of the Prime Minister for High Crimes and Misdemeanours in relation to the invasion of Iraq, drawn up by Glen Rangwala and Dan Plesch. Rangwala exposed how Blair’s second “dodgy dossier”, supposedly proving Iraq was a threat, was based on a decade-old student thesis.

To download the document, to sign the petition and for more campaign information go to www.impeachblair.org

The impeachment motion:
That a select committee be appointed to investigate and to report to the House on the conduct of the Prime Minister in relation to the war against Iraq, and in particular:
(a) The conclusion of the Iraq Survey Group that in March 2003 Iraq did not possess weapons of mass destruction and had been essentially free of them since the mid-1990s.
(b) The Prime Minister’s acknowledgement that he was wrong when he asserted that Iraq was then in possession of chemical or biological weapons or was then engaged in active efforts to develop nuclear weapons or was thereby a current or serious threat to the UK national interest, or that possession of WMD then enabled Iraq to inflict real damage upon the region and the stability of the world.
(c) The opinion of the Secretary General of the UN that the invasion of Iraq was unlawful.
(d) Whether there exist sufficient grounds to impeach the Rt Hon Tony Blair.

October
7: An employment tribunal rules that the train drivers’ union, Aslef, was wrong to expel active member of the British National Party Jay Lee. The tribunal’s decision means that Lee, who has stood for the BNP in elections in Bevley, is entitled to a cash award of at least £5,000.
7: A reservist airman, Mohsin Khan, who refused to take part in the Iraq war because he did not want to fight against fellow Muslims lost his appeal in the High Court against his prosecution by the RAF for going absent without leave.
7: Teenage gang members who were named and shamed under antisocial behaviour orders for a two-year campaign of intimidation and violence on an estate, lose a landmark High Court challenge which claimed that widespread publicity had breached their human rights.
8: The first torture prosecution of its kind in the world begins at the Old Bailey. Farzad Safar Zardadi is charged with conspiracy to torture and brutality and to take hostages at a checkpoint in Afghanistan.
17: Tens of thousands demonstrate against the continuing war in Iraq. The demonstration came on the final day of the European Social Forum which saw 30,000 activists meet in London.
Finucane family reject public inquiries legislation

The family of murdered human rights lawyer Pat Finucane have angrily denounced the Inquiries Bill, which was published in late-November, and have said they cannot take part in any inquiry into his murder under the terms set out in the legislation. The government had previously agreed: “In the event that a public inquiry is recommended [by Cory] in any case, the relevant government will implement that recommendation”.

Pat Finucane, a lawyer from Belfast, was murdered in front of his wife and children in 1989 by the pro-British UDA. He had successfully challenged the British Government over several important human rights cases. One of those involved in his murder, Brian Nelson, was working for an undercover unit of British Military Intelligence. Retired Canadian Judge Peter Cory was appointed by the British and Irish Governments to examine allegations of collusion surrounding the Finucane and other controversial killings.

Judge Cory recommended a public inquiry into the circumstances surrounding Pat’s murder and identified the “basic requirements” for a public inquiry. One of these requirements was stated to be that “the Tribunal should have full power to subpoena witnesses and documents together with all the powers usually exercised by a Commissioner in a public inquiry”. The family argue that: “Clause 17 of the Bill is a wholesale departure from the Agreement and the Cory Recommendation in that an inquiry established under this draft legislation will have all the powers usually exercised by a Commissioner in a public inquiry since it gives the Minister the power to determine when the inquiry sits in private and what material is to be withheld. These are self-evidently amongst the most important powers exercised by inquiries.”

“Furthermore, this provision in the bill attacks the very independence of any such inquiry since it will not be vested with exclusive jurisdiction and control. In addition, and in order to be truly independent, the tribunal will have to be international in character and be composed of judges of standing equivalent to Judge Cory. The Finucane family cannot take part in any inquiry established under these conditions.”

“We call upon all those who signed up to the Weston Park principles to ensure that they are fulfilled and that Judge Cory’s recommendation is implemented in full.”
“YOU WON’T regret this”, Paul’s satisfied voice boomed down the phone. He had finished picking my brain about various wicked goings on at Newbury Magistrates Court, Greenham Common and the Ministry of Defence. His impatience to get me off the phone, so he could write up the story for his weekly Mirror column, transformed into a roar of laughter when I replied, “I’d better bloody not regret it”. Our professional collaboration and friendship of 25 years began.

One result was the life imprisonment of Michael Brooks, who had abused and murdered the young Lyn Siddons. Derbyshire Police and the Crown Prosecution Service had ignored Brooks, and the damning evidence collected by Lyn’s family against him. They had chosen instead to prosecute Brooks’ young, vulnerable, black, stepson. Paul’s approach was the same as when he was exposing corporations or fighting to free innocent people from prison. He was also someone who will not only be missed by everyone on the Left, but also by everyone who simply wants a better world.

Paul Foot died on 19th July 2004 aged 66.

Jane Deighton, Mike Mansfield, Geoffrey Bindman, Henry Blaxland, Louise Christian and Deborah Coles pay tribute to a man who was a brilliant socialist writer and speaker, a tireless campaigner against injustice and an investigative journalist who helped free innocent people from prison. He was also someone who will not only be missed by everyone on the Left, but also by everyone who simply wants a better world.

Paul Foot speaking at Hyde Park in the early 1970s on the Hannatty campaign; and (right) fighting nursery closures in Hackney in 2002.
people from prison. It was one of commitment to Lyn’s family and their goal, utter respect for the family and delight at each development. He brought much of himself, his learning and his connections to the campaign. He got stuck in with a brilliant focus and dogged persistence for as long as it took. He was always inspirational.

Paul cared and was careful. He was the only journalist I know who routinely asked me (and if he faced an imminent deadline he hounded me) to check his draft copy about my cases for accuracy.

In 1993 Paul exposed the Mirror bosses in his Mirror column, just as he had exposed countless other bosses in the column. The column’s headline was ‘Look in the Mirror’ That column was quintessential Paul – a socialist journalist of complete integrity. And funny. And courageous. The Mirror bosses sacked him for it.

He then became my client. I learnt from him even as a client. His confidence enthusiasm and energy continued to rub off on me. That enthusiasm seemed boundless. It was there even recently when he was struggling with the most ghastly pain.

His love of competition seemed boundless too. We used to meet fortnightly for lunch (I’d bring healthy salad on the days he was too unwell to go out, but it was egg and chips and all things bad if he could make it to the café). Days before he died (and after a salad lunch) he stood up, balancing himself with one hand on a chair and the other one on his stick, and challenged me to a game of table tennis. I ducked the challenge. That I do regret.

Jane Deighton

I GOT TO know Paul through seeing him at meetings in Camden from the mid-sixties. I was a councillor at the time. There were issues about housing and the lack of advice services with which we were both concerned. My main project was the Camden Law Centre which obviously attracted Paul. In 1969, in

Michael Mansfield, QC

Always strong, always clear

ONE OF THE MOST indelible memories of Paul I have was a visit that I made to Homerton Hospital just after he had survived the discovery of an aneurysm. He was severely disabled and could barely move, but even in those stricken circumstances he was able to muster up his usual acerbic observations about the fact that, the day before, Tony Blair had dared to use Homerton Hospital to promote his own political agenda. He had a great admiration for the hospital, but thought that its achievements were hardly down to the Prime Minister.

After his death, I wrote to [his partner] Clare with the following words: “Paul’s enduring support for the many victims of injustice, both social and political, has provided a lasting memorial and testament to his power of positive human endeavour. His was often a voice in the wilderness, always strong, always clear and focussed.” When writing these words, I had in mind a series of miscarriage of justice cases in which Paul had given unstinting assistance and information. Without him on the outside beavering away, coming up with new angles, providing inspiration and encouragement, none of these cases would have achieved the same profile. A sample of them runs as follows: Birmingham Six, Hannatty, Colin Wallace, the Bridgewater Four. Even when faced with seemingly overwhelming odds or adverse scientific findings, his tenacity would not weaken. It is that deep-seated commitment that makes the difference, and often it is in the final moments of investigation and preparation that you may come upon that small detail which unravels what has hitherto been a solid forensic ball.

Quite remarkably, his pen over the last few years has not remained still despite all the pain he must have suffered. He managed also to attend meetings as well as other social occasions. The last occasion I saw him was when we both happened to be at the National Theatre to see David Hare’s incisive docu-drama – The Permanent Way – a searing indictment of government and private enterprise’s inability to implement Health & Safety on the railways. The Corporate Manslaughter Bill, much heralded by Straw and Prescott, has still to reach the Statute books. Without Paul, who is going to provide the journalistic thorn in the proverbial political side? At present, there is no one to match him.

Michael Mansfield, QC
Roy Jenkins ordered a public enquiry into the murder conviction of James Hanratty. Paul insisted he be referred to the family, whom I have acted for ever since. Paul’s powerful book Who killed Hanratty? had blown the prosecution case out of the water, but the enquiry by Lewis Hawser QC was a whitewash. ‘Hung Drawn and Hawsered’ was the Eye’s summary. Paul never gave up. Even after the Court of Appeal upheld Hanratty’s conviction last year on the basis of DNA found on bits of clothing, Paul remained convinced of Hanratty’s innocence. I heard he was upset with me because he thought I had doubts. I am glad that we were able to talk the case through amicably only two weeks before he died.

Another common interest Paul and I had was Percy Shelley and the radical campaigners of the mid-19th century after the French Revolution. Red Shelley was a masterly re-evaluation of the poet whose socialism was airbrushed out of virtually all previous accounts of his life. The reading of some of Shelley’s most famous revolutionary lines at Paul’s funeral was a particularly fitting and moving part of that overwhelming occasion.

Many of Paul’s wittiest and most barbed sallies were aimed at the pretensions and hypocrisies of lawyers, but he was always ready to use the law whenever he thought it could help him in his fearless commitment to equality and justice. For him that commitment was highly practical. It meant putting right wrongs done to individual human beings. It demanded the hard grind of detailed fact-finding and persistent campaigning. Political posturing was of no interest to him. That is the lesson of his life which I believe is most important for lawyers. It is one of the many legacies of that most human, brilliant and inspiring of men.

Geoffrey Bindman

I JOINED THE Socialist Workers Party in 1977 after reading Paul Foot’s book Why You Should Be A Socialist. In the quarter of a century since then, whenever I have doubted the wisdom of continuing to be involved in a political party derided as part of the lunatic fringe of British politics, I have been reinvigorated by reading Paul’s diverse written work or listening to him speak. He always maintained that unique combination of irrepressible optimism, cutting and hilarious mockery of the absurdities of capitalism, martalling of the facts and clear and simple presentation of the argument. He made authentic democratic socialism seem like no more than a common sense.

More recently I knew him in both a personal and professional capacity. On a personal level, he had an infectious enthusiasm, generosity and sense of humour, which made him one of the most loved people I have ever known or am likely to know. But, more than that, he was a great listener and a great encourager. He had a wonderful ability to make almost everybody he met, whatever their age or background, feel good about themselves. This, of course, was an expression of his political philosophy, a belief in the fundamental decency and potential of human beings.

On a professional level, I was lucky enough to be briefed as junior counsel in the appeals of three of the defendants for whom he campaigned so hard: Colin Wallace, Michael Hickey and James Hanratty. Of these, his work for those convicted of the murder of Carl Bridgewater, of whom Michael Hickey was the youngest, is probably the most impressive. It must be remembered that the cold-blooded shooting of the newspaper boy Carl Bridgewater, when he disturbed a burglary at a farmhouse, was one of the most notorious crimes of its time. Those convicted had committed other serious and unpleasant crimes. Not only that, but it was a factually complex case, which even Paul’s lucid prose in his book Murder at the Farm could not reduce to a few bullet points. He would be the first to acknowledge that it was Michael’s mother Ann Whelan who was the single most important person in the campaign to overturn the convictions. But it was Paul’s persistent exposure of the injustice in his column in the Daily Mirror which provided the momentum, which culminated in the successful appeal. I became involved in the case, when that momentum...
had become irresistible. However, in 1989, Paul and Jim Nichol, the solicitor for the appellants, had to endure the rigours of the first unsuccessful appeal conducted in an atmosphere of unrelenting hostility from the bench, with the ever-present suggestion that witnesses called by the appellants had been coerced or bamboozled by the sinister triumvirate of Foot, Nichol and Whelan.

If the Bridgewater case should rank as Paul’s greatest achievement in the courts, the case of Colin Wallace follows close behind. Paul’s book *Who framed Colin Wallace?* is better than any fictional detective story and, had it not been true, it would probably have been dismissed as far-fetched. It is a story in two halves: Colin Wallace’s involvement with the army and secret services in Northern Ireland in the early 1970s and his later conviction for the manslaughter of a friend in England. Paul’s work achieved success on both fronts: the government finally conceded key facts about Wallace’s role in Northern Ireland and the circumstances in which he came to be dismissed, which had previously been denied, and the manslaughter conviction was quashed on appeal.

Finally, Hanratty. This was the first criminal case *cause celebre* in which Paul was involved and he, more than anybody, was responsible for the continuing disquiet about the conviction. His book, *Who killed Hanratty?*, is and remains a brilliant analysis of this extraordinary case. More importantly, the publicity which Paul gave to the case played a significant part in the campaign against the death penalty. Paul remained loyal throughout, not only to the cause, but also to the Hanratty family and, in particular, to Michael, Jimmy’s nephew, who campaigned so tirelessly. Although the DNA evidence ultimately provided an insuperable obstacle to the quashing of the conviction, what emerged in the appeal was that there had been culpable failure by the police to disclose crucial material, even by the standards of the day. In the context of a capital case, this was truly shocking. And, despite the DNA, no-one has satisfactorily explained how it was that a shopkeeper in Liverpool identified Hanratty in her shop at a time which made it impossible for him to have committed the murder.

After his near miraculous survival of a coronary aneurism five years ago we all knew that Paul was living on borrowed time. How he recovered his near photographic memory after three months of unconsciousness and semi-consciousness I still don’t understand. He was left with quite severe physical handicap, which he bore with tremendous courage, despite the immense frustration he felt at no longer being able to humiliate us all at tennis and golf. Marcel Berlins in *The Guardian*, commenting on the wonderful event at the Hackney Empire celebrating Paul’s life, said that he was irreplaceable. I am afraid that is true. No-one else in the field has that special combination of integrity, intellectual rigour, sharp wit and humanity. In particular, no-one else has such a deep reservoir of knowledge and the ability to shine a light on the misdeeds of company executives and politicians by reference to historical precedent, which was his stock-in-trade. Above all, he wrote with a translucent prose that allowed the facts to speak for themselves, which, as Brecht said of communism, is the simple thing, so hard to achieve.
We all miss him terribly. The challenge is to continue with the tradition of principled and persistent struggle against injustice, of which he was such a glowing exponent.

Henry Blaxland QC

PAUL WAS A passionate socialist and believer in social justice, a lover of literature books and history and a brilliant investigative journalist and writer. He was very funny with a wry sense of humour, an engaging and wise conversationalist and self-deprecatingly aware of his own contradictions. I only got to know him as a personal friend relatively recently after his serious illness but then I wished I had known him better for longer.

Unlike other journalists Paul was always interested in the human side of any story. He never turned his nose up at yet another death in custody, yet another racist attack or yet another assault by police as being not all that newsworthy. He always cared and was always involved. Paul had a better understanding than any other journalist of the agony of the bereaved families in disasters. His investigative work on the truth behind the Lockerbie disaster remains one of his most outstanding investigations. Long after other journalists had lost interest Paul continued to be interested in and to cover the long ten year struggle of the Marchioness families for justice. Only days before he died he was asking for the latest news on the quest by the families of those who died in the Potters Bar rail crash for answers. Paul also understood the difficulties of bereavement grief being long and drawn out and of the problems for families when the media lose interest.

In 2001 I agreed to stand for parliament against Barbara Roche, for the Socialist Alliance in north London, to highlight the injustice of the treatment of asylum seekers and when the campaign went on for longer than expected one of the compensations (for there were downsides) was the opportunity to speak on platforms with Paul. Paul had a particularly good understanding of the craven nature of the Labour Party’s response to immigration scares and the connection to racism, his book on the subject remains compelling reading. Despite having only recently recovered from illness and obviously often being in pain Paul would turn up in drafty meeting halls in Haringey to talk about the unpopular subject of asylum.

Paul’s many investigations, from miscarriages of justice to the framing of Colin Wallace, to the PFI financing of public services, survive him, as does his wonderful book on the political ideas of the poet Shelley. Paul believed ardently in the power of words and ideas to change things.

As he wrote in the preface to an anthology of his writings, Words As Weapons: “The whole of society is a teeming mass of stories, many of them interesting and invigorating, the enormous majority of which, since they don’t immediately involve important people or their bank accounts, never get told. A society founded on exploitation spawns countless injustices every day, all of which can and should be exposed.”

Paul’s writings are both a legacy and a challenge to all of us who believe in the same things to carry on the struggle to tell those stories and to fight for justice.

Louise Christian

Paul was a ‘Friend of INQUEST’ for many years. He trusted and respected our work and, in giving a voice to some of the most marginalised and powerless people, he became their friend and defender. Nowhere was the power of the written word so poignant than when Paul wrote about a controversial death in custody, striking at the heart of the issues – compassion with the plight of the deceased and their family and anger at state violence, inhumanity and injustice.

Deborah Coles, co-director INQUEST

The Paul Foot, Our Left Foot Memorial, held at Hackney Empire on 10th October, is now available on DVD. It contains one hour and 50 minutes of edited highlights including Michael Foot, Tony Benn, Gareth Peirce, Richard Ingrams, Rory Bremner, Jeremy Hardy, Mark Steel and Eamonn McCann. For your copy(ies) please e-mail: ourleftfoot@fulcrumtv.com for details
ELEPHANTS, THE PERFECT STORM AND THE NEW COVENANT

Jack Kurzweil offers ‘a contribution to the discussion of what happened in the American Presidential election and where we go from here’ while Haldane member Lucy Anderson reports on her experiences canvassing for John Kerry in the US. The following pictures are by Jess Hurd

This small commentary originally was part of the post-election discussion in the Wellstone Democratic Renewal club in Oakland – Berkeley. The version below is a somewhat modified and expanded version of the original. Jack Kurzweil
great discussion has ensued about why George W. Bush won re-election, with some substantial number of his supporters voting against their own economic self-interests. Many different explanations have been offered ranging from the ignorance of the electorate, the manipulation by the media, the inexplicable hold on the electorate by fundamentalist Christianity, the idea of “values”, the stealing of the election through voting machine skulduggery, the fears generated by 9/11, and much more.

The flip side of this has been the problem of why John Kerry lost. The reasons advanced are similarly multiple. And each of the reasons generates its own solution. Those who believe that Kerry lost on ‘values’ advocate moving more to the ‘center’. Those who fault Kerry for the lack of an adequate programme call for moving to the left. Politically active people who have email have seen scores of analyses and many proposals for action. Most of these are very insightful and useful.

But placed together, they invoke the fable of the blindfolded men and the elephant. You remember that one. The guy who feels the leg thinks of the elephant as a tree, the one who feels the ear imagines a bird, and the trunk reminds yet another of a snake. If we are to more accurately apprehend the elephant, we should at minimum combine the observations and, better yet, remove the blindfold and look at the whole thing.

So I want to try to look at the whole thing, or at least as much of the whole thing that I can see. And I’d like to try to do it so that pieces of the whole thing that I haven’t seen can be added to the concept of the whole.

I think that there is an underlying structural change that has framed the development of this crisis: the transformation of the world economy that began in the 1960s. We all know about this process:

– the revolution in automation, computerisation, communication, and transportation;
– the accelerating application of science to industrial processes including in medicine, agriculture, and biotechnology;
– the transformation of the American economy from manufacturing based to service based;
– the export and outsourcing of manufacturing jobs;
– trade unions in the private sector have been decimated and with that the weight of class based organisation in key sectors of society have been undermined;
– wage levels have decreased significantly, forcing married women into the workplace in a process that has been quite autonomous from the feminist upheaval, in turn leading to considerable stress in the traditional notions of family (please note that I am describing);
– although much new wealth has been created, social mobility has decreased as the income and ownership gap has increased;
– consumerism and its culture, simultaneously repellant and attractive, has made its way into the fabric of American life and has a powerful impact on values and behavior.

World Says No To The Bush Agenda; hundreds of thousands marched on the site of the Republican National Convention in New York City in September.
Now were this happening in isolation from other social and political upheavals, it would be difficult enough. But look at the other things that have been happening alongside:

1. The Civil Rights Movement and the fundamental changes in the social structure that resulted;
2. The spread of that movement to Latinos, Asian-Americans, and Native Americans;
3. The powerful rise of the Women’s Movement and the assertion of the place of women in society;
4. The assertion of the sexuality of gays and lesbians and their demand for civil rights;
5. The rise of a powerful middle-class based environmental movement.

All of these have been powerful emancipatory movements and we wouldn’t have missed them for the world – but each one of them sent a shock to the system and together they interacted with the growing economic dislocations in ways that give new meaning to the term synergy.

Arising from and added to that mix is a new religious and spiritual Great Awakening in American life. From its beginnings, the American nation has gone through a succession of fundamental social transformations, each of which has been accompanied by a Great Awakening. And we are in the middle of such a Great Awakening right now. The very First Great Awakening is dated from 1730-1760, with successive ones from 1800-1830 and 1890-1920.

These awakenings didn’t so much correspond to times of purely economic crisis (there was none in the Great Depression) but to periods of transformation of all of society.

Let us not be snide or clever about these awakenings. The First Great Awakening produced both religious ecstasy and the quality of independence from traditional authority that led the basis for the War of Independence. The Awakening of 1800-1830 gave us abolitionism and women’s rights as well as pro-slavery Southern Baptism, Mormonism and Manifest Destiny. And the current Awakening has given us Buddhism, Rajneesh, Sojourners, Spirited Action, Michael Lerner, Branch Davidians, the rapture, scientific creationism, and the Promise Keepers. We are observing and participating in the spiritual complexity with which the United States responds to profound social transformation.

Religious fundamentalism is not a new phenomenon in American life. It has been there from the beginning of our history, sometimes in the background, sometimes in the foreground, but always there. And with Great Awakenings, fundamentalism comes into the foreground. The fundamentalist response to profound social transformations has been well analysed by Karen Armstrong in The Battle for God. She illustrates that it is a revolt against secular modernity when that modernity is connected to social upheaval and does not hold out the promise of a viable future.

I’m sure that I’ve left things out and I invite others to add to the complexity, but what we have here is the makings of a Perfect Storm. Enter the combination of powerful sections
of capital that opposed the legacy of both Roosevelts and the most reactionary sections of the Christian Right, as noxious a collection of crypto-fascists that this fair land has ever seen. These guys are smart and ruthless and they spend decades building organisation and programme, always looking for ways of building unity in their very diverse forces. Understand that the corporate types who fund Bush likely don’t give a rat’s ass about abortion and homosexuality, but the tax cuts and the destruction of the regulatory process make acquiescing to that agenda very comfortable.

As powerful as these forces are, their power would not have reached its current level were it not for the politics of race. The electoral map tells it all. The states of the old Confederacy contain half of the African-American population of the country and, with the exception of Florida, were all considered firmly in the Bush camp and left uncontested by the Democrats. Put that together with the continuing Republican programme of disenfranchising minority voters, who are the most reliable of Democrats, throughout the country and you have a formidable combination.

So the organised Right has a far better collective understanding of the Perfect Storm than does the left or the mainstream Democrats. And it has a language and a programme to deal with that storm. The language is ‘family values’ and the programme is the ‘free market’. It doesn’t really matter that the free market impoverishes ordinary workers or that small government means expensive health care and education. There are problems and there are “solutions”. What matters is that the “solutions” are clearly articulated, have internal coherence, and are in relation to a set of emerging cultural constructs. George Lakoff has been very useful in helping us to understand this process.

There has not yet been any kind of coherent response to this period of social transformation from the left. Certainly there is a list of demands, reforms, and the like coming from the various sections of the labor and progressive movements, but that list does not make for a coherent response and certainly not a vision of the future.

“I think that the collapse of socialism both as a vision and as a system has something to do with this. Certainly the Cold War and the global victory of capitalism must be added to the mix, but I can’t quite come up with how to do that. Others may be more productive in following this line of thought.”

The New Democrats have embraced globalisation, privatisation, and deregulation as inevitable and desirable processes. There should be no surprise in that, their primary loyalties are to finance capital. And these are the guys that gave us NAFTA and WTO.

Recall that Clinton and Gore proudly announced that the “era of big government is over” at exactly the moment that it had become utterly clear that it was necessary for government to be a primary mover in addressing the cumulative dislocations caused by globalisation and the fraying of the New Deal inspired social safety net. At the top, the Democratic Party leadership has been promoting and accelerating the very economic and regulatory policies that advance the economic dislocations of American society. So the Democratic Leadership Council distances itself from working class and African-American voters because it has distanced itself from the economic and social welfare issues (jobs, health care, education, child care, and the like) that are most important to those constituencies. So it shouldn’t be a surprise that so many of these very same workers either respond to right wing politics or abstain from elections.

After all, as they are displaced from trade unions, the only class based organisations in their lives, and shunned by the party that

“Bush had a framework and a message. Kerry had confusion, absence of a clear alternative, a politically and programmatically divided campaign, lots of polling data and a staff that thinks politics to be a form of marketing”
purports to represent them, where else do you suppose that they will go.

By adopting some of the programme of the environmental and women’s movements and by orienting itself so exclusively toward the New Economy, the New Democrats have also helped widen the class divide in the traditional base of the Democratic Party. This helps to understand why the charge of the elitism of the Democratic Party gets traction in working class and socially conservative communities.

The thing that white progressives should try to assimilate is the stubbornness with which African-American voters refuse to walk away from their authentic interests and the equal stubbornness with which the New Democrats refuse to elevate progressive African-Americans to leadership positions.

At the base, the Democratic Party has been only a little better. We have a collection of interest based groups, some bigger and some smaller: Labor, Environmentalists, Health Care Advocates, Civil Libertarians, NAACP, etc., with only the most occasional common planning and the absence of a common programme.

The basic rule in life is that you can’t fight something with nothing. The Right had spent 40 years developing something and the Democrats had spent almost the same period running away both from their failures in Vietnam and their successes in Civil and human rights. So you can have this ridiculous 2000 Presidential election where Gore hands the election, politically and procedurally, to Bush.

And if that’s not bad enough, we then get Osama bin Laden, 9/11, the war in Iraq and, with those, the Perfect Storm. Bush had a framework and a message. Kerry had confusion, absence of a clear alternative, a politically and programmatically divided campaign, lots of polling data and a staff that thinks politics to be a form of marketing. Were it not for the labor movement, African-American organising, and the political advocacy organisations, can you imagine the results?

What I find optimistic and reassuring is how many Americans saw through the Bush malarkey in 2004 with precious little help from the leaders of the Democratic Party and figured out new ways to organise and mobilise themselves. As Lenin said, “The reaction against Reaction has begun”.

There is no question that we’re going to pay big time in the next four years and how we fight back is going to determine how much longer than that we’re going to have to pay.
So what is required is a New Covenant for America and progressives should try to figure out what it takes to become Covenant Democrats (a label of my making – it already has been pointed out to me that the Covenant is a right wing, racist, armed militia based in Idaho – but what the hell, if it sounds good, wear it.)

At the centre of a New Covenant is a progressive economic and social programme that can point the way through the current economic dislocations. Framing this covenant is the positive role of government in promoting appropriate economic development, providing an institutional framework that makes it realistic for people to be optimistic about their future and the future of their families, and reconstructing a social safety net.

I think that the development of such a programme is the job of the progressive wing of the Democratic Party. And this requires coalition politics.

It also requires some new thinking about the South. I have no idea just how this can be accomplished or just what forms it can take, but the progressive movement has to figure out how to pay attention to the South. Conceding the South to the Republicans, not even struggling to make it contested terrain would continue to guarantee the Republicans a secure stronghold of more than 100 electoral votes.

Parenthetically, I think that language and framing are very important in this process. I also think that there has to be a programme and vision about which language and framing are being developed.

We need a national re-groupment of the organisations and movements that came together around the Democratic campaign and at least the beginnings of the development of common agenda.

The Wellstone Club recognises the following:

1. The need to be mindful that racial minorities, but particularly African-Americans, are at the core of a progressive coalition;
2. The idea of a progressive coalition without the labor movement is self deceptive;
3. Principals in progressive movements have to be in constant contact with each other in order to learn each others agendas and concerns. Common agendas don’t come without work and trust;
4. Progressive communities of trust have to transcend class, race and gender as well as spiritual orientation; engaging and working with differing viewpoints and perspectives is crucial;
5. A progressive movement in the Democratic Party has to operate at all levels, from the national to the local and vice versa;
6. Building a progressive movement in the Democratic Party is realistic, taking it over is not.

The coalition work of the Wellstone Club in this election has been good, but very elemental. We registered more than 7,000 voters in predominantly minority and working class communities and made credible efforts to get them to the polls. We did make a significant contribution by very publicly having a registration campaign among people on probation and those off parole. Our poll watching efforts
A few Philadelphia cheers

In October, I spent ten days tramping the streets of Philadelphia with the local unions campaigning for John Kerry. Despite the overall presidential result, I’m still very glad I put in the effort. The Democrats in fact won Pennsylvania with a swing in their favour. If only that had been reflected elsewhere.

To an outsider, Kerry performed better in the presidential debates and had more effective organisation and grassroots support. Spending time with the Philadelphia unions knocking on doors in deprived black neighbourhoods was a real eye opener. In contrast with UK cross-party political emphasis on tackling anti-social behaviour and supposed fear of crime, the concerns we heard on the doorstep were overwhelmingly about health care and jobs. Pennsylvania has been one of the states hardest hit by manufacturing job losses, and there are now nearly 1.4 million Pennsylvanians without health insurance. In the relatively more well-to-do Italian neighbourhood, the story was the same. In one house I canvassed in top Mafia territory, the registered voters were named Anthony and Carmella. Disappointingly, they were not at home. I did also find myself wondering how the local Democrats won elections in Philadelphia with such filthy streets.

In general, the unions were obviously having a vital influence – not always positively. Several workers we met were not happy about the decision of the Philadelphia union confederation to back sitting Republican Senator Arlen Specter over his Democratic challenger. Specter played a key role in the Clarence Thomas hearings in trying to discredit the testimony of Anita Hill that she had been harassed by Thomas. Nevertheless, the union organising effort for Kerry was impressive, including mass targeted literature at groups of workers such as airline and public service workers, and counteracting the dirt thrown against Kerry on his Vietnam record. For those on the left who say there was no difference between Kerry and Bush, this literature did a very good job of proving them wrong

helped to demonstrate the inadequacy of the election process even in a progressive congressional district. Although we developed some relationships with labor and minority communities, it is only a beginning. Our relationships with the health care, housing, and environmental communities have not yet begun to take shape. Nor are we connected to issues surrounding education. These things will happen if club members take initiatives and if the club welcomes and supports these initiatives.

At the very moment that the Presidential elections are still raw in our feelings, the 2006 California election appears on our plate. There will be a powerful effort to extend the Schwarzenegger coup into a major Republican advance in California. On the other side, we have the opportunity to be part of the process of advancing candidates and initiatives that will help to crystallise a progressive majority.

Jack Kurzweil is the Treasurer of the Wellstone Democratic Renewal Club, a new Democratic Party club in Oakland, California that is participating in building a progressive wing of the Democratic Party.
Many of Home Secretary David Blunkett’s bills, such as the draft Terror Bill he will publish early next year and the new compulsory drug tests for those arrested, are primarily there for electoral purposes – they don’t have much chance of reaching the statute book.

Before the 1997 General Election Michael Howard, when he was Home Secretary, pushed through draconian sentencing legislation, including “three strikes and you’re out” for burglars, with the key purpose of accusing Tony Blair and New Labour of being “soft on crime” if Labour voted against it.

Blunkett is trying to play the same game with the Tories and the Lib Dems in the run-up to the general election and the Queen’s Speech shows that we can expect him to highlight the importance of Anti Social Behaviour Orders (ASBOs) as part of that strategy.

Blunkett is trying to play the same game with the Tories and the Lib Dems in the run-up to the general election and the Queen’s Speech shows that we can expect him to highlight the importance of Anti Social Behaviour Orders (ASBOs) as part of that strategy.

Barely a month goes by now without some new initiative by New Labour to increase the powers of ASBOs.

Cuddly Lord Falconer made one recent announcement of a crackdown on nuisance neighbours. Witnesses bringing orders will be able to use screens or give evidence by video link and the number of courts specialising in anti-social behaviour will increase from 12 to 41.

Talk of dealing with anti-social behaviour started in 1998 when the government introduced the ASBO with the Crime and Disorder Act. Ministers were unhappy with the slow response in bringing them in, so introduced several new initiatives to force their use. The Police Reform Act 2002 extended the power of an order to cover the whole country. In January 2003 the Home Office set up the Anti-Social Behaviour Unit to ensure, in its own words, “that existing measures to tackle anti-social behaviour are used and to drive forward new policy and action”.

This was followed in November 2003 with the Anti Social Behaviour Act. As if that was not enough, there is also the Government Action Plan, “Together: tackling anti-social behaviour”.

The recent Act is like many of New Labour’s criminal laws – cumbersome, draconian and, at times, farcical. The farcical element is reflected in the reference to a devastating epidemic which may have escaped your notice:

“This Act is like many of New Labour’s criminal laws – cumbersome, draconian and, at times, farcical”
penalty notices that can be issued. Blunkett boasts that there have been 6,000 child curfew orders and 150 dispersal orders. These are simply orders against young people to make them stay indoors. The orders prohibit them from going to certain areas and “congregating”, but offer no alternative.

The unsurprising result of the endless pressure from the government to impose ASBOs has been an increase in the number of orders issued (see the graph above), which Ministers then quote in order to prove the serious and widespread nature of the problem they are tackling.

Although the orders are civil and therefore are supposedly a voluntary prohibition on suspected offenders, a breach of them is a criminal offence. They have a minimum duration of two years and can last for life. Here we see what the orders are really about – criminalising and imprisoning such offenders. A breach of an order can lead to a five-year prison sentence. A long time ago we decided as a civilised society that it was not right to send prostitutes and beggars to prison. ASBOs have changed all that.

The definition of anti-social behaviour is so broad it could catch virtually any of us. Anyone acting “in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household” can be considered to be anti-social and served with an ASBO. It is the frightening vagueness of the definition that explains why there have been orders prohibiting a young boy from playing football and an 87-year-old great grandfather from being sarcastic.

The latest Home Office figures are from 2002 and show that more than a third of ASBOs are breached. More than two thirds of those sentenced for breach receive a custodial sentence. These people will leave prison having received no rehabilitation and will more than likely return to the communities from where they came. It doesn’t matter how much Blunkett shouts about the victims of crime, the simplistic ASBOs that instruct alcoholics not to drink or bored youths not to hang about in their neighbourhoods cannot begin to address the causes of crime – and therefore cannot help the victims.

It costs £36,000 to lock someone up for a year in our, already full, prisons. Wouldn’t it be better in many cases to use that money to provide facilities such as youth centres and proper support for beggars and prostitutes?

Socialist lawyers need to look to join up with groups in the community who have taken a stand against the ASBO. It is refreshing to see the number of groups that are speaking out including, among others, the Howard League, Inquest, Young People Now, Community Care and Rainer. The ASBO by its broad nature affects a wide spectrum of people from beggars to prostitutes to youth. If we can bring these groups together we can challenge the very existence of ASBOs.

The simplistic ASBOs cannot begin to address the causes of crime – and therefore cannot help the victims.
20th September 2004

I have now been in Jerusalem for over a week. Surprisingly I had no problem at all in getting into Israel despite the stamps in my passport for Syria, Cuba and the Socialist Republic of Vietnam. It took perhaps only ten minutes to get through security and the exchange about the Syrian stamp went something like this:

Security: Why did you go to Syria?
Me: On holiday
Security: Do you have any friends or family there?
Me: No
Security: Have a nice stay in Israel.

So, pleasantly straightforward, although I think that myself and the other British were quite fortunate as some of the Scandinavians with whom I am now working spent two to three hours coming through security at Ben-Gurion Airport.

The first week has mainly been doing some training – learning a bit of Arabic and Hebrew and meeting the other Ecumenical Accompaniers. Some of the interesting things that we’ve done this week have been to see some of the historic sights of Jerusalem – the Wailing Wall, the Church of the Holy Sepulchre (which is believed to be the site of Jesus’s crucifixion, burial and resurrection) and just walking round the Old City which is divided up into the Christian, Jewish, Armenian and Muslim quarters. Unfortunately we weren’t able to go to the Dome of the Rock (which is very important to Muslims as it is where Mohammed ascended to heaven) because it is considered too dangerous; so if you go you have to be accompanied by armed Israeli guards (whether you want to be or not).

On Saturday morning I went up to the Huwarra checkpoint which monitors mainly Palestinians crossing between the towns of Huwarra and Nablus. We travelled to the checkpoint with some women from an organisation from Machsom Watch, which is an Israeli women’s organisation that monitors many of the checkpoints and writes up reports as well as acting as intermediaries between Palestinians trying to get through the checkpoints and the Israeli soldiers.

What seemed odd to me is that this is a checkpoint between two Palestinian towns in the occupied West Bank so it is not to provide security for the Israelis. Cars go through in two lanes, those with Israeli plates go by in one lane and don’t usually have to stop, everyone else has to go in the other lane and have to stop, get out and have their car searched. This can take some time if there are a lot of cars.
and ambulances also have to wait in this queue. Everyone wanting to go through on foot has to pass through the gates and then have their IDs checked by the soldiers. Generally there were ten to fifteen young men being kept in what looks like a cattle-pen the soldiers call “Jara”, meaning sewage, while they have their IDs checked. It seemed to take them about an hour to do this before the young men were allowed through. Many of them were students going through to the university in Nablus. Nina from Machsom Watch also told us about negotiations she had to have with soldiers to help a man through to have treatment at the hospital and for a Jordanian lawyer whose papers were in Arabic that the soldiers could not translate, so they just refused him entry.

“We then had our passports taken off us and taken away to be checked”

While I was standing at the checkpoint with Katya (another EA from Denmark), we were told to move away and that we were not allowed to write or take pictures. Our passports were taken off us and taken away to be checked. They were given back but we were then told to move further back as we were disturbing the soldiers.

I also met one of the refusenik soldiers – he has spent 18 months in an army prison for refusing to serve in the Israeli army. He is only 22 but is amazingly calm and determined about what he had to do. He has an appeal coming up and I am hoping to meet up with his lawyer.

29th September 2004
The time here is in confusion at the moment, much like
most things here. In Israel the clocks went back one hour for autumn, in the West Bank and Gaza they don’t go back until next month. This means that when you travel between East Jerusalem and West Jerusalem – the time changes. It also means that the Israeli organisations that we are working with are working on one time and the Palestinian organisations on another.

Continuing the work with Israeli peace groups, Eva, Camilla (from Sweden and Denmark) and I met up with Arik Diamant who is the Director of the Courage to Refuse Movement. The movement represents over 600 Israelis who are refusing to fight in the Occupied Territories, many of whom have been to prison several times for their refusal. Arik had done his service and had spent some time in the Occupied Territories but from this time and what he has since seen and heard, he is now convinced that the occupation is doing nothing for Israel’s security or for protecting Israel and in fact is making the situation much, much worse. He thinks that this movement could be the start of a huge change in Israeli society and is sure that more and more reservists will refuse to serve in the Occupied Territories.

On our return to Jerusalem we were greeted with the sound of police sirens and ambulances – a suicide bomber had blown herself up in French Hill, only a mile or so away from where we are staying in East Jerusalem. The tension that you always seem to feel in the city was heightened, with the Israelis understandably fearful and the Palestinians nervous about potential curfews and checkpoint closures.

On Thursday, we went back to Tel Aviv to meet the five refuseniks who have just been released from military prison having served around 18 months. The big Israeli peace organisations – Peace Now and Yesh Gvul had organised a rally to celebrate their release from prison. The five are all young men, age around twenty to twenty-one who have refused to do their compulsory three years military service. There was lots of music (good) and lots of speeches in Hebrew (bad, as I only know Shalom so far). But there was a real spirit of optimism and hope which was good to see.

In the other time zone – Palestine – I travelled to Hebron to the south of Jerusalem to meet up with some other EAs (Ecumenical Accompaniers) who are based in the town. Hebron is well known in Israeli and Palestinian society for the violent (and armed) settlers who live in the old city in Hebron and in a settlement on the outskirts. One of the jobs that the EAs do is escort the pupils at the Cordoba girls’ school into school and home again because of the violence from the settlers who live in the area. The girls have to walk through two Israeli Defence Force checkpoints on their way to school (I think that the idea is that they are there to keep the peace between the Palestinians and the settlers) and often the girls who are aged five to fourteen have to open their school bags as they pass through. The picture above right should give you some idea of what it is like for the girls where they have to walk to get to their school and then get back home each day.

As the six of us, four visiting and two resident we painted the school wall during the school day which runs from age eight to twelve, to cover the graffiti which had covered the outer school wall and gate. (One of the pictures is of us painting) One of the slogans on the walls round the school read “Gas the Arabs”. We walked some of the girls back to their homes after school and were invited in for coffee and tea. One of the homes that we visited has the IDF camped out on the roof, they’ve apparently been there for seven years. The family told us that sometimes the soldiers are polite but they also showed us piles of rubbish that has been dropped down from the roof by the IDF.

There is another home closer to the school which has the
and in the last month had been broken into twice by the IDF. We saw the broken door frame and he told us that the other four families had moved out of his block in the last couple of years. He said that he doesn’t bother calling TIPH because they can’t actually do anything and can only stand and take notes and take photographs.

It’s very hard to get across how it felt like to be in Hebron – seeing armed soldiers on street corners and then armed Israeli settlers strolling casually down the streets, it takes your breath away.

On Sunday night I visited Sawahreh which is on the outskirts of Jerusalem and is one of the towns that is being divided in two by the Separation Wall. It really is a wall in this part, it is a massive concrete structure – nineteen metres high and can be seen from miles around. It was the first time that I had seen it close up and stood next to it to watch a football game between the Peace Cyclists who set off from London in August and a Palestinian team. The team in Sawahreh are doing some work with families who are separated by the wall and trying to get permits for those on the Palestinian side to visit those living on the Israeli side.

One other interesting thing from last week – a New Zealand doctor staying at our guest house told me that a British MP was being treated at the Macassar hospital down the road where he was working and that he would be happy to be visited. It was Ian Gibson MP and he had been travelling in the West Bank when he had a minor stroke – and after being collected by a Palestinian ambulance he had then been held up in the ambulance for almost two hours while trying to come through a checkpoint to get to hospital in Jerusalem. Eventually he was permitted to pass through after being transferred to an Israeli ambulance and was taken by armed guard into the Macassar Hospital. He was in good spirits when I saw him but was also clearly incensed by what had happened to him and the way he had been treated when he had been visibly extremely ill in the ambulance.

12th October 2004

This week should perhaps be headed ‘news from Jerusalem and Yanoun’ as I spent a few days there last week. Another week of varied activities out here, which started with a visit to the very British Deputy Consulate General in East Jerusalem and ended with the assault of a villager in Yanoun by a settler.

I won’t trouble you with the details about our visit to the British Consulate save to say that he was not sympathetic and was interested in receiving reports from us about events in the West Bank. Unfortunately it would appear that any sympathy that he may have as an individual does not seem to translate into any real change in our government’s position or any condemnation of Israel’s actions in the West Bank and Gaza.

I visited an abandoned village called al-Lajjun with an Israeli group called Zuchrot, which means Remembrance in Hebrew. They are concerned with remembering the Palestinians who were expelled from their homes in 1948 and have not been allowed to return to live there although some of them only live a few miles from their former homes within Israel. Around 1200 people had lived in the village and we were shown round the ruins of the village by the organisers of the tour and by former inhabitants who told us their memories of their lives there. You can see the organiser’s version of the days events at www.nakahebrew.org/index.php?id=168

My next experience was to be in a village that had been abandoned in 2002 but that the people have now returned to with the support of Internationals living in the village. There are two people from my programme currently living to with the support of Internationals living in the village.

Needless to say the peace was shattered shortly after we had eaten lunch by the sound of gun shots. After some frenzied phone calls to the two other EAs who had been working on the other side of the valley we learned that two settlers had come down from the settlement in a jeep. According to the two Swedish EAs who were present, the soldiers had initially come down and told them that it was too dangerous for them to pick their olives because the settlers could come down and that they would not be able to protect them and when the settlers did come indeed they were unable to protect the villagers.

One of the men was badly beaten by one of the settler men who had then had fired shots into the ground near where he lay and then up into the air. The soldiers were actually present when this happened but turned away to move away the two internationals and the rest of the man’s family. The soldiers who were present then spoke with the settlers who must have said that the man had started the incident as they were then getting ready to arrest him, despite him being the one lying on the ground injured and...
the settlers standing there with a couple of guns apiece. (I think I should be getting used to seeing all these guns around but I’m really not – these settlers carry these huge machine gun things like the soldiers as well as handguns).

Members of Ta’ayush – an Israeli group – had been called and arrived very quickly on the scene as they had been interviewing the family of the Palestinian taxi driver who had been murdered by a settler not far from Yanoun only a few weeks before. They were able to negotiate in Hebrew with the soldiers to ensure that the Palestinian man was not arrested and taken away. Unfortunately no-one was able to make any headway on persuading the soldiers to do anything about the settlers and they were just free to go home.

The following day a group of Israelis had been planning to come to help with the olive harvest and I met up with about forty of them on my way back to Jerusalem. They had been followed from Jerusalem by police and army vehicles and had then been stopped on the outskirts of Aqraba, a town just next to Yanoun and told that they could not go any further. The army produced a document which meant that the whole area around the village was a closed military zone meaning that Israelis could not enter apparently for their own protection.

This means that the Yanoun villagers are still unable to harvest their olives in the areas close to the settlement as it is simply too dangerous without internationals present. Even with internationals present it is clearly dangerous but at least there are witnesses to what happens and more of a possibility that something will be done. The army has agreed that they will be present on three days in November when they say the harvest can take place. They and the villagers know that there is no possibility that all the olives can be harvested in just three days.

Another depressing day to tell you about – and, yes, it’s from the checkpoints. Again, like the guns, I’m not sure whether I will get used to the ritual humiliations that happen at these places but I’m sure not used to them yet. I went out with two of the women from Machsom Watch and we went to a few of the checkpoints that surround the Jerusalem area. Qalandiya is one of the biggest and is in between the Jerusalem municipality and Ramallah. On Sunday morning, there was an unusually large crowd of people pressing to get through at 8am when we arrived there. We later found out that this crowd included 300 school children who were trying to get through from Ramallah to go on a school trip to Haifa in the north. They had been there since 7am and by 8.30am only around half of the group had got through. Some of the boys gave up and were just walking back to Ramallah, the teachers were desperately trying to get the rest of them through to the buses on the other side. This was extremely difficult in the huge melee of people who have to go in single file through two separate turnstiles where they have every pocket of their bag checked and then through to the end where they finally have their IDs checked.

The turnstiles are extremely awkward and for women carrying children or with children in prams/pushchairs and for older people/disabled people they can be impossible to negotiate. I’m not able to tell you whether the school trip managed to get off in the end – but I’m sure that it’s not the first or the last time that it will happen.

I think I’m going back to Hebron next week as the situation there seems to be getting worse. I also have some meetings planned with some more lawyers working here to try and talk about getting Israeli and Palestinian lawyers coordinating their efforts on human rights cases. The people I have spoken to seem to feel that there is really no organisation that brings them together.

7th November 2004

Arafat. What to say about the situation? Being here I really know no more than you do about what’s going on. Everyone is talking and speculating about Arafat – whether he is dead or alive, where he should be buried, where he will end up being buried and who will succeed him.

I was in Ramallah, (where the PA headquarters are and where Arafat was confined to until last week) today and things seemed to be no different to normal – perhaps a few more journalists in the one restaurant serving food during the day during the month of Ramadan. In Jerusalem security seems tighter but a lot of people are saying that is normal during Ramadan. It’s a strange kind of normality around as no-one is quite sure what is going to happen when the powers that be decide that it is time to declare [Arafat] officially dead.

“There is a kind of tension around as no-one is quite sure what is going to happen when the powers that be decide that it is time to declare [Arafat] officially dead.”
had heard some settlers had thrown stones but that the army. Talking to the soldiers when they arrived, they told us that a group of settlers had emerged from the forest and thrown stones at them. They did not want to stop for waiting for the army and preferred to take the much longer route (10km) rather than take the shorter route with the army and the police and the Red Cross in case some people came running out of the forest.

The attacks have been from Israeli settlers from the nearby settlement in Havat Ma‘on who for several years have been attacking the farmers when they approach too close to the settlement, that is when the villagers try to get to their own olive trees close to the settlement. The attacks on the children which had for a time prevented them from getting to school was what attracted the international presence.

In the previous couple of weeks two volunteers from the Christian Peacemaker Team (CPT) had been attacked, with one having her leg broken and the other having his lung punctured. The two other volunteers, one from Amnesty and another from Operation Dove were also attacked – all this happened while they were walking the children to school. Understandably, CPT felt the need for a retreat (in all senses of the word) so myself and two others Ecumenical Accompaniers went out for a few days to maintain an international presence in the village together with Deborah, an American who spoke fluent Hebrew and Arabic.

It’s strange, but as with my time in Yanoun I really had a lovely four days. Life is hard; the people don’t just have to struggle with the fear of attacks and not being able to get to their land; every day, drinking water has to be brought from the well at the bottom of the village; travelling to the nearest town is difficult because they cannot use the Israeli road that crosses just down from the village and most taxis will not risk even trying to cross it for fear of being stopped by the police or army. But despite all this the people were so kind to us and happy that we were with them in their village. We were invited into homes every evening to share the evening Ramadan meal and even saw some middle eastern soaps as well as some live Palestinian dancing.

While I was there the army had agreed to escort the children to and from school and had closed the area to all but army. The army and the police and the Red Cross in case some people came running out of the forest.

The place did really get to me. These people have so little and are so generous, yet they are being pushed and pushed by a small group of fanatical zealots who think that they have a God-given right to the land.

I’ve been out olive picking a few times in the last few weeks with groups of Israelis organised by Ta‘ayush and Rabbis for Human Rights. This really is a highly organised operation with the peace activists from both groups trying to co-ordinate Israeli and international volunteers to provide a presence in Palestinian villages and towns where they have requested it for the olive harvest. The buses leave Jerusalem at the frankly ungodly hour of 5.45am so to arrive in the villages early enough to be useful, as the farmers haven’t planned to start the harvest until later, they felt they could not risk leaving the olives any longer and so the harvesting started first thing on Monday morning. It felt odd sitting looking on the hillside watching the forest with my mobile phone ready to make all the calls to the army and the police and the Red Cross in case some people came running out of the forest.

It sounds crazy and really isn’t it crazy?

The place did really get to me. These people have so little and are so generous, yet they are being pushed and pushed by a small group of fanatical zealots who think that they have a God-given right to the land.

There has been some progress in the courts this year as well – the army had been providing protection for most villages for only three days during the olive harvest. Clearly not enough time to pick all the olives in the dangerous areas. Last week a petition brought by the Rabbis for Human Rights and the Association for Civil Rights in Israel resulted in the army agreeing to be present in the villages for as many days as they need for the harvest. The bigger issue of year-long access to their land is still to be decided.

I also spent a few days in Nablus which is one of the
It's hardest places on the West Bank to get in and out of. It's surrounded by checkpoints – one of which is Huwarra, which I've talked about before – so most people who live in Nablus have to stay in Nablus. It also has an Israeli military camp on the mountain over the city and there are frequent army incursions into Nablus. It's a big bustling city but there are regular curfews and shootings and combined with the difficulty in getting in and out it seems impossible for anyone to lead any sort of normal life here.

It was closed off completely last week because the Tel Aviv suicide bomber came from a refugee camp inside Nablus. The army destroyed his family home leaving the family homeless. Please do not think that by saying this I am condoning the suicide bomber, I am not. I think that the deaths caused by these misguided people are a tragedy. However, I also do not think that destroying a family home and imposing a city-wide curfew is justice as I know it.

There was an interesting meeting in Jerusalem last week organised by an Israeli-Palestinian dialogue group called Face to Face. Some of the South Africans from our group spoke movingly about their own experiences under apartheid and this was followed by a discussion about any similarities between the South African regime and what is happening in the occupied territories. It was also interesting for me to hear Israelis speaking out in favour of a boycott and this is maybe something you can all think about.

An Israeli group Ta’ayush have a list of companies/products that are from settlements but some sort of wider boycott may be needed to have any impact.

Finally, last week on Tuesday I travelled up to the north near Tulkarem with a group of Mexican artists who are here with a group called Artists against the Occupation, they have been doing some amazing paintings on the separation wall. I haven’t talked that much about the wall, but it really is a monstrosity. It not only looks ugly and is ruining the beautiful Holy/Promised Land but it is dividing communities, mainly Palestinians from Palestinians and is causing huge distress by separating families from each other.

I work for Quaker Peace and Social Witness as an Ecumenical Accompanier serving on the World Council of Churches’ Ecumenical Programme in Palestine and Israel (EAPPI). The views contained herein are personal and do not necessarily reflect those of my employer (Quaker Peace and Social Witness) or the WCC. If you would like to publish the information contained here or disseminate it further, please first contact the EAPPI Communications Officer and Managing Editor (eappi-co@jrol.com) for permission. Thank you. You can find out more about the project on www.eappi.org.
Even the bad boys eventually have to grow up. Phil Daniels, once the pent-up, parka-wearing, pill-popping Jimmy from *Quadrophenia*, has graduated to something approaching respectability, as Manchester duty solicitor Bruce Dunbar in BBC3’s new take on the legal profession: *Outlaws*. But don’t be fooled by a few wrinkles and a pin-stripe suit, Daniels is still the consummate cheeky cockney and in Dunbar he may have found the perfect vehicle for his particular seedy charms.

*Outlaws* is poised at the sharp end of the British Legal system. A world that is long on good intentions and short on resources, where justice is barely seen to be done and ‘a Blunkett’ is a term of abuse.

Daniels’ Dunbar is worldly and sarcastic with a studied air of indifference. He is aware of the inequities of the system but is too cynical or too lazy to care.

His sidekick and junior partner is the naïve, well meaning and expensively educated Theodore Gulliver (played by Ray Emmet Brown). Gulliver has decided to forgo a lucrative life of contract law with Manchester’s largest firm for the pleasure of ASBOs, youth offending teams and long nights at the nick; in order to ‘do good’. In a regular round of court room scraps, Dunbar’s nemesis is tough CPS prosecutor Sarah Beckenham, played by Georgia Mackenzie.

The review tapes I saw were episode three and seven of the current series running now on BBC3, and due to appear on BBC2 from January. *Little Devils*, by Steve Coombes, dealt with four different juvenile offenders. A boy who falsely confesses to running down a police officer to avoid going back to a remand centre; two care home kids who have fallen into the hands of a manipulative pimp; and a young arsonist nicknamed ‘domestos’ (a thick squirt, clean around the bend) who just wants to be sent somewhere where he will be allowed to wear some pants.

In *Three Monkeys* (written by Richard Zajdlic) Gulliver believes a sweet blind grandmother when she says that she was a victim of a cruel hoax after being arrested for handing out racist leaflets at a local shopping centre, until the police show him a list of her previous convictions. Whilst Dunbar firstly has his hands full defending a single mother for the breach of an ASBO imposed upon her ram-paging brood of pre-teens. Then he has to defend an abusive husband whose wife insists that she just keeps falling down the stairs.

*Outlaws* is at its best when it is sharp, snappy and sarcastic and at its weakest when it looks to preach. As in ‘Little Devils’ when the wife of a dead police officer confronts Sarah Beckenham about her lack of justice.

Also with a young idealist with a desire to change the world teamed up with a cynical, world-weary hack. It does feel a little like we may have been here before. But *Outlaws* comes at you with so much pace, style and wit that you really don’t
Reviews

Small screen puts system in the dock

Socialist Lawyer: What was the thinking behind Outlaws? Richard Zajdlic: I didn’t come up with this series so I can only give my impression, but the idea was to look at an area of the legal system not normally seen on TV, the Magistrates Court. The creator, Steve Coombes, wanted to examine how it dealt with the kind of low-level crimes and criminals that are much more a factor of our every day lives than the high profile rape and murder cases we’re usually offered as dramatic entertainment.

It was intended to show how massively pointless the whole system was, how inept at providing justice and how worthless it all was in terms of solving any individual’s or any of society’s underlying problems.

Steve produced a fascinating document called ‘Everything You’ve Always Wanted To Know About The Criminal Justice System But Were Afraid To Ask’ which details how much we spend on dealing with crime in the UK and what an utterly waste of money the whole process has proved to be.

It was full of facts that made for entertaining yet sober reading in itself. For example, in the year 1999 to 2000 the recorded figure for the total value of property stolen was £4.7 billion. To deal with this we spent £13 billion. It would be cheaper to put convicted criminals on a government wage of £20,000 a year each year to commit crime – and still save £8 billion in the process.

To fund a £500-a-week heroin addiction, a user has to steal up to £10,000 worth of electrical goods every week. If the police gave up any attempt to investigate burglaries and set up as receivers of stolen goods, paying ten times as much as current fences, heroin addicts would have to commit 18 per cent less burglaries to feed their habit. In other words, you could cut the police costs and still get an overnight reduction in burglaries by about a fifth. It would also put all other fences out of business.

In 1998, a private firm was awarded a contract to run a Secure Training Centre for 40 kids aged between 11 and 18. Each place costs £250,000 a year and the recidivism rate is over 80 per cent. For the same money you could send that kid to Eton under the full-time supervision of four full-time foster parents on a 24-hour rota with extra support from a private tutor, psychiatrist and drugs counsellor whilst living in a luxury hotel. And you’d still get £50,000 change.

Steve pointed out that with the introduction of the Legal Services Commission, Criminal Defence Franchises and the Public Defender Service we are about to witness the ‘call centre-isation’ of defence lawyers. In his view this is bad news for justice but great news for a TV series. The whole system is a Catch-22 and our story would take place against a backdrop of controversial change leaving our characters to deal with forms of administrative madness which, as he said, you just couldn’t make up.

How did you go about researching for your episode? I spent a couple of weeks going to various Magistrates courts around London, such as Hammer smith, sitting in the public gallery and watching the cases, taking notes and so on. I also interviewed a number of solicitors from a legal firm called Tuckers, who are a huge firm of 24-hour solicitors with offices in London, Birmingham and Manchester – all of them were extremely helpful. I also had a police officer friend who helped me with advice from that side of things.

Does it help having someone like Phil Daniels in the lead role, someone who is already well known? And were you thinking of him when you were writing the lines for his character? A well-known star can be a big deciding factor in getting something made, but it didn’t matter in terms of this series as it was already ‘green-lit’, in other words the BBC had decided to make it, long before they cast any of the roles. It certainly helps in terms of publicity and marketing though. So no, I wasn’t thinking of Phil Daniels because he hadn’t been cast when I was writing the script. My reference for how he and the other characters sounded was the early drafts of Steve Coombes’ first three scripts. But if there’s a next series it will then be very useful for the writers to have heard and seen the actors in their roles, absolutely. It makes things a lot easier.

Where did the ideas for the events that happen in your episode, Three Monkeys, come from? The blind case came from a real life incident I was told about by a solicitor from Tuckers. The case involved a blind man who was arrested for packaging and sending out hard core pornography – obviously his defence was that he didn’t know what kind of material he was dealing with.

It was a funny situation but I decided to make it more relevant for our main characters, particularly Gulliver, by changing the sex of the defendant and making it about racism rather than porn. That way you get the funny story but also more emotional and searching examination of the lead character’s sense of identity.

The blind story made me think of the phrase ‘See No Evil, Hear No Evil, Speak No Evil’ after Blair’s new Britain but a supposedly long forgotten world of Thatcher’s first term. A world of ‘us’, the ‘front line’ and the Toxteth and Brixton riots. What Outlaws highlights is that for those living and working at the sharp end of the law, nothing very much has changed.

Andy Eaton
which I then invented the case about the wife beater whose wife wouldn’t testify (Speak No Evil) and used the on-going situation with a character called Connor who is now so drugged up he can barely function (Hear No Evil) to complete the trio of cases.

The mother with the nightmare kids case encapsulates all three commands simultaneously. This is why the episode is called Three Monkeys – they are obviously a reference to the cases in point but, and more importantly, it’s a description of the three lawyers – Dunbar, Gulliver and Sarah – all of whom are guilty of Seeing, Hearing and Speaking No Evil at some point in the episode. And indeed, throughout their careers.

How do you think it compares with the usual dramas we have seen about the legal system?

I wouldn’t like to comment on other dramas per se but where this counts is in its freshness of subject matter and approach. Most legal dramas are set in the high court or the Old Bailey, but this one is the Magistrates Court which is basically untouched as an arena for a legal drama. It also has a political agenda – the system sucks and it’s not afraid to say so.

Helena has clearly catalogued the enormous erosion of Human Rights over the last decade and she does this against a backcloth, ironically enough, that contains the incorporation of the European Convention on Human Rights. Put simply, that agenda has not filtered through in practice – a matter clearly illustrated by the current case of the Belmarsh detainees in the House of Lords. This instance is featured on page four where Helena lists 18 examples of in-roads into our liberty. She describes them there as “shocking” and goes on to elaborate in the rest of the book, filling out each of the examples with experiences that she has had herself. The theme throughout is that Human Rights, both domestically and internationally, are indivisible and, as she puts it, have the potential of “radically affecting the way in which we relate to each other as nations and as next-door neighbours”. Had this message been remembered by the lawyers who espoused power over the last two years, the rule of law might have been the victor rather than the sword.

Although all lawyers who care should read this book, I think that its appeal is to a much wider audience who may be quite unaware of how serious the threat is, and because Helena is able to draw on excellent illustrations without getting bogged down in the detail, it becomes a flowing and intriguing epistle.

● Michael Mansfield QC
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