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## ANDERTON'S SELF — CENSORSHIP

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One of Britain's most politically controversial police chiefs has adopted a new, low-key style in his latest annual report.

James Anderton, Chief Constable of Greater Manchester, has, in the past, written an extensive introduction to his annual report to the local police authority. In his report for 1979, for example, Anderton wrote a ten-page introduction covering not only uncontroversial subjects but also airing his views on politically contentious issues. He described 1979 as a 'year of unusually vicious propaganda carried to extremes against the police who were required to defend what did not need to be defended, to answer what did not have to be questioned, to explain what was already known and abundantly clear, and to account for matters to an exceptional and unreasonable degree.'

In his 1977 report Anderton complained that, 'far too many established and worthwhile values have gone and far too much initiative is in the hands of hotheads and unruly and criminally disruptive elements in society.' Unless such trends were halted, he claimed, 'we are surely heading for a situation in which stricter measures of social control may have to be applied to stabilise society and secure our democratic system.'

Anderton's report for 1980, however, shows a complete change of style. In place of the long introduction, he simply records his thanks to the various local government bodies with which his force works, thanks his force for their conscientious work and formally submits the report to the police authority. The body of the report also avoids controversialism in every respect.

This brings Anderton's report back into line with the traditional formality and neutrality of such reports, which each chief constable is obliged, under the Police Act 1964, to submit to the local police authority. Many forces in England, Scotland and Wales still adhere to this format. But in the

1970s Anderton was prominent among the small group of chief constables who used their reports as an opportunity to express a wide range of political opinions. This trend is still well in evidence, as several of this year's annual reports testify. But, this year at least, Anderton has decided to distance himself from it.

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## MAJORITY FOR TROOPS OUT

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Fifty eight per cent of voters favour the withdrawal of British troops from Northern Ireland according to a Marplan opinion poll conducted on April 16 and reported in the *Guardian* on April 22. Although only 23% favoured unilateral nuclear disarmament by Britain, 53% disapproved of the Trident programme and 50% disapproved of the government's decision to base cruise missiles on British soil.

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## BRIXTON: NEW FACTS EMERGE

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The 'riots' in Brixton over the weekend of April 11/12 were the culmination of years of harassment by the police of young black people in the area. They followed a similar, but smaller, confrontation between police and young black people in St Pauls, Bristol, in April 1980. St Pauls and Brixton are just two of the many inner city ghettos where 'riots' could also break out in the very near future, not because of any one event but because these ghetto areas have been subjected to 'fire-brigade' policing tactics for many years. All the indications are that the government will back even tougher police responses to 'riots' as they did after Bristol (see *Bulletin* no 18). Here we look at the events of April 11/12 and the reactions of the government and police to them.

### 'Swamp 81' (April 6-10)

Following the Black People's Day of Action when more than 10,000 marched into the

centre of London to protest at the murder of 13 young black people in the Deptford fire-bombing, the police presence in South London, including Brixton, is reported to have been unusually large (*New Statesman*, 17.4.81). On Monday April 6 a special police operation was launched in Brixton, code-named 'Swamp 81', to combat 'muggings' and street crime. This was the first in a planned London-wide operation, 'Operation Star', to be carried out by the Metropolitan Police later this year. Brixton was chosen as the first target because it had long been viewed by the police as one of the prime 'high crime' areas in London, a term which is a euphemism for ghetto area, usually with a large black community.

Uniformed police were taken off the beat and together with local CID officers were formed into a team of 120 officers that was drafted into the Railton Road area of Brixton. In the first four days of the operation more than a thousand people were stopped and questioned, and over a hundred were arrested. The operation included raids on homes and cafes as well as stop and search drives in the streets. In one of the reported incidents, teachers, parents and pupils at the Henry Fawcett School saw a black man being beaten up by plainclothes officers:

'One parent who tried to remonstrate with the officers was coshed with a truncheon and arrested for obstruction' (*South London Press*, 10.4.81)

The man in charge of 'Swamp 81', the head of the local CID, Det Chief Supt Gerry Plowman, said the operation was 'a resounding success' (*New Standard*, 13.4.81). At the weekend, Brixton was on fire.

On Friday April 10 an incident occurred which was to spark the first of the weekend's 'riots'. Michael Bailey, a black youth who had been wounded in a fight, was stopped by two uniformed officers in Atlantic Road and put in the back of a police car. About 100 black youths surrounded the car, took Bailey out and sent him to hospital in a mini cab (*Socialist Worker*, 18.4.81). This confrontation led to the swift arrival of at least 60 police officers and a 20-minute battle occurred during which two police

vehicles had their windows smashed by bricks and bottles. This, however, was no ordinary confrontation: the police came with riot shields and dogs and carried out several baton charges (*Guardian*, 11.4.81). They then made a 'tactical' withdrawal having made only eight arrests.

#### **Brixton on fire (Sat April 11)**

On Saturday morning the whole area around Railton Road in the centre of Brixton, known as the 'Frontline', was swarming with police. After the events of Friday the local police chief, Commander Brian Fairburn, had requested reinforcements; these were sent in from all over London. Cllr John Boyle, vice-chairman of Lambeth's Community Affairs Committee, said that before the fighting started he saw officers from P, E, L, W, S, F, M, N and T London police divisions and the Special Patrol Group (*Morning Star*, 13.4.81). A black resident reported:

'The police were in twos all the way down Railton Road, at every corner, there was nothing but police all the way down the road. I was very frightened' (*Guardian*, 13.4.81).

And a local community worker said that, 'It was as though they wanted to show that they ran the streets after what happened last night' (*Sunday Times*, 12.4.81). The scene was set for confrontation:

'By mid-afternoon the battle lines were forming in Railton Road . . . Policemen patrolled under the eyes of large groups of black youths waiting on street corners. Other policemen stood by in vans. An incident seemed inevitable; it came at 4.45 pm' (*Observer*, 12.4.81).

At 4.45pm a young black man was arrested outside a minicab office in Atlantic Road after what some papers described as 'a scuffle with a plain clothes police officer' (*Guardian*, 13.4.81). An eye-witness who works at the Brixton Advice Centre said:

'One of the plain clothes guys started saying "You're nicked". He punched the black in the stomach. Everyone was saying he had done nothing. They dragged him into a police van. People smashed on the door of the transit and a

window got broken' (*Observer*, 12.4.81).

The street quickly filled with police and young blacks, and, as further arrests were made, the crowd started to pelt the police with missiles. The first three police cars to arrive on the scene were overturned and set on fire (*Sunday Times*, 12.4.81). The battle of Brixton had begun.

In the words of Scotland Yard's Assistant Commissioner, Wilfred Gibson: 'Events moved alarmingly quickly and escalated to what amounted to an emergency situation within minutes' (*NOW!*, 16.4.81). The greatly outnumbered police made several futile attempts to baton charge the crowds; fighting continued, stones were thrown and by 6.30 pm the first petrol bombs were thrown setting fire to police cars (*Guardian*, 13.4.81).

Between 6.30 pm and 8.30 pm many vehicles were set on fire, and the Windsor Pub in Lesson road and the George pub in Railton Road were ablaze. The local newspaper commented that the burning of the George was:

'undoubtedly an act of revenge for years of racial discrimination. In the early 1960s it was the scene of a demonstration on this issue and in 1966 the then manager was reported to the Race Relations Board... local black people say that they have never been welcome there' (*South London Press*, 14.4.81).

During a lull in the fighting, at about 8.30 pm, Councillor S Lansley, the chairman of the Lambeth Community Affairs Committee, approached about 500 youths behind a barricade of cars. 'They are not willing to disperse,' he said, 'and are demanding that all the police withdraw from the area before they disperse. As far as I understand it the police could defuse the situation by withdrawing, but they are unwilling to do so.' A police spokesman replied, 'The police will not withdraw. The only people who control the streets of London are the Met' (*Sunday Telegraph*, 12.4.81).

The general police response was to urgently order up reinforcements, first from Brixton police station itself, secondly from all over London, and, soon after, from all the forces in the South-East of England.

Initially, around 1,000 extra police came in from London divisions; Brixton police station was ringed with police, cars and coaches ready to counter any attack on it. And the 'riot' area covering the whole of Brixton and parts of Stockwell was sealed off, an area of several square miles. Within the cordon, private cars and public transport were almost brought to a halt. Despite Commander McNee's assertion that, 'there are no "no-go" areas', the police had clearly lost control in the centre of Brixton: all they did was to seal off the area and 'hope the trouble would die down' (*Times*, 12.4.81)

Within the cordoned-off area fighting between the police and the crowds of black - and white - youths broke out in many different spots. For example, at 9 pm a group of police moved down Effra Road:

'Many lacking riot shields and equipped with plastic milk crates or wooden boxes to protect themselves. Within minutes there was a line of police officers sitting with bandaged heads on the kerb beside a police first-aid van' (*Times*, 13.4.81).

Several instances like this were reported, of small groups of police trying to charge and disperse the crowds, a tactic reminiscent of Bristol which proved both fruitless and provocative. In other incidents, larger groups of officers attempted to break up the 'rioters'. The *Sunday Mirror* reported:

'At one stage the police managed to bottle up the hard core of the mob in Railton Road and the order to advance was given. *The police began beating their riot shields with their truncheons like Zulus as they shuffled forward foot by foot in phalanxes 15ft apart.* On the opposite side the rioters responded with the cha-cha beat of dustbin lids and taunts of: "Come on then, whitey fuzz".

The massed police ranks were met with a hail of bricks, iron bars and Molotov cocktails. Then suddenly a police sergeant in shirt sleeves broke through the line screaming "Charge!" (*Sunday Mirror*, 12.4.81, their emphasis).

This charge broke up the group of 'rioters', but 'afterwards the rioting spread to surrounding streets' (op.cit.).

Although large-scale fighting died down

around midnight it was not until 9am the following morning that the fire brigade could get in to fight all the fires (*Guardian*, 13.4.81).

#### **'Riot' continues (April 12)**

On the Sunday, Home Secretary William Whitelaw and Sir David McNee visited Brixton guarded by armed Special Branch officers. The press and television gave the visit much attention and McNee attributed the violence to the influence of 'outsiders' (as he had done at Southall two years previously). The real reasons were not hard to find. In the words of one black youth: 'This is not against the white community, it's against the police. They have treated us like dirt. Now they know it's not that easy' (*Sunday Telegraph*, 12.4.81). The chairman of the West Indian Standing Conference, William Trant, added: 'The youths of Brixton don't need the prompting of outsiders to respond to police behaviour and attitudes' (*Daily Mirror*, 13.4.81).

Even as Whitelaw and McNee visited injured police officers in hospital, the first casualties from renewed fighting arrived. Around 6pm running battles between police and youths broke out in the cordoned-off area. It was five hours before the 'police largely succeeded in breaking up the crowds and clearing the main roads' (*Guardian*, 13.4.81). Over 1,000 police were on the streets, Commander Fairburn's car was attacked with a petrol bomb, and 250 youths tried to storm the police station (*Daily Mirror*, 13.4.81).

In one of many incidents 40 SPG officers raided the Stockwell Park Estate and told people to stay behind their doors. Jean Styles, chairwoman of the estate's tenants association and Communist Party candidate for the GLC election, went round the estate at 10.30pm with her two sons to see if the tenants were alright. The SPG told her to go home, and when she refused an inspector 'duffed' her up; when asked his name, he replied 'bollocks'. One of her sons was arrested for 'assault' but was later released - an official complaint was made.

By the end of the weekend over 2000 people had been arrested, 63 police vehicles

burnt or damaged and 26 buildings badly damaged by fire.

#### **Use of illegal weapons**

There were many reported instances of police officers, usually in plain clothes, going out over the weekend to 'get their own back' on the youths. A freelance photographer standing behind Brixton police station on the Sunday saw about 15 men in jeans and casual jackets walk by with 'a pick-axe handle, rubber tubes . . . and a piece of chain about 18 inches long' (*Sunday Times*, 19.4.81). A uniformed officer asked, 'What's that bloody rabble?' He was told by a colleague, 'It's OK, they're ours.' John Clare, BBC Radio's community relations correspondent, reported on 'World at One':

'I should say, contrary to evidence police gave all through the Blair Peach inquest, that they may have unauthorised weapons in their lockers . . . (I) saw two plain clothes policemen carrying riot shields and taking part in police charges. One was carrying a pickaxe handle, the other a flexible solid rubber cosh' (12.4.81).

Homes were also invaded by police with riot shields and illegal weapons. The home of Mr Swarby and his family was raided twice over the weekend and his three sons taken away (*Guardian*, 13.4.81). In one of the raids, 60-year-old Mr Swarby was himself attacked with an 18-inch wooden baton and a half-brick - both of which were left behind in the house.

#### **Police stretched to the limit**

Few commentators reported on the 'no-go' areas within the cordoned-off area of 3 square miles which existed from round 6pm on the Saturday through to the Monday morning. Commissioner McNee denied that this situation existed: 'Brixton is not a no-go area, nor will it be' (*Guardian*, 13.4.81). The fact that the police had lost control of the situation in Brixton was never admitted, although it is very apparent from reports of the weekend. Nor was it admitted that the police had committed all their reserves to Brixton and the surrounding areas.

Most papers reported, like the *Guardian*, that 'about 1,000 officers were *in action* at the height of the troubles' (13.4.81). Only the *Daily Mirror* reported on the actual numbers present on the Sunday:

'An estimated 4,000 police were in the area. About 1,000 ringed the (police) station up to 3 deep, riot shields at the ready after stone-throwing youths had been driven off. Another 2,000 were on call in 30 coaches parked within 200 yards of the station. A further 1,000 officers sealed off major trouble spots . . . .'

(13.4.81).  
The latter were those 'in action'.

Moreover this figure excludes the police who were maintaining the cordon around the area.

In order to maintain this level of police strength on a 24-hour basis, numbers far in excess of those mentioned above must have been involved. This would have entailed the deployment of all the Police Support Units (uniformed police specially trained in riot control) and Special Patrol Groups, not just from London, but from all the forces in South East England – if not from further afield as well. Police capacity was stretched to its limits.

National contingency plans provide for the military to come to the aid of the police in a public order situation if the latter are unable to maintain control (known as Military Aid to the Civil Powers, MACP, see *Bulletin* no 8). It was therefore not surprising that:

'A Military Liaison Officer – a Naval captain – was drafted into Brixton police station (codename 'Lima Control') in case troops needed to be called in' (*Time Out*, 17.4.81)

From the evidence there is little reason to doubt that if the 'rioting' had spread to other areas of London over that weekend we would have seen troops on the streets in a public order role for the first time since the 1919 police strike when troops were used in Liverpool.

#### 'Army of occupation' (April 13-18)

Whitelaw and McNee failed to contact the leaders of the local council or other

community leaders over the weekend. Indeed several council, church and community leaders who attempted to talk to the local police over the weekend were dismissed in no uncertain terms. The leader of Lambeth Council, Ted Knight, said at the weekend, 'We have asked the police to withdraw, we've got an army of occupation' (*Sun*, 13.4.81). This was to continue for the whole of the next week, and by the end of the period the number of arrests had risen to 286. Those arrested were mainly black, and nearly all came from Brixton and its immediate vicinity. A Scotland Yard man admitted that the figure of 286 charged 'doesn't count those dragged in and thrown out again' (*Sunday Times*, 19.4.81).

On Monday April 13, police were still patrolling with riot shields; a police van was attacked, abandoned and set on fire; a crowd of 300 youths were baton charged by the police (*Guardian* and *Times*, 14.4.81). By Wednesday Ted Knight was saying that the police presence was intolerable: 'The police must withdraw from the scene . . . there is the potential for conflict because people feel they are living in occupied territory' (*Morning Star*, 16.4.81). But even the following weekend, 'the streets were almost deserted except for police walking in pairs. Coachloads of police stood by in side streets' (*South London Press*, 22.4.81)

#### The government's response

On Monday April 13 the Prime Minister, Mrs Thatcher, gave a special interview to ITN's 'News at Ten'. Giving the impression of total non-comprehension, Thatcher said that, 'Nothing but nothing justifies what happened'. Asked about the description of the police as an 'army of occupation', she angrily replied: 'What absolute nonsense, what an appalling remark. I condemn the person who made it.' The term was originally coined by the Chief Constable of Devon and Cornwall, John Alderson, who, in 1979, said that if 'fire-brigade' policing policies continued in urban areas the police would soon become 'akin to an army of occupation' (See *Bulletin* no 13). As to solutions, Thatcher wasn't for improving the local environment and reducing unemployment: 'Money can't buy either

trust or racial harmony'.

The government's response was two-fold. In the Commons, Whitelaw announced that an enquiry would be carried out by Lord Scarman under Section 32 of the 1964 Police Act. Its terms of reference were: 'To enquire into the serious disorder in Brixton on 10 to 12 April and to report, with power to make recommendations' (*Hansard*, 13.4.81. Scarman himself 'widened' the terms of inquiry to include the 'background' to the events). Like Thatcher, Whitelaw refused to recognise that the root cause of the Brixton 'riots' was the racism of the Metropolitan Police, and even suggested to the Commons that the blame lay with the laxity of immigration controls in the past:

'That a large number of those concerned came here between 1957 and 1962, and that all of us who were in the House at that time bear a similar share of the responsibility' (op.cit.).

The Government's second response was an unprecedented meeting between Whitelaw and the leaders of all the police organisations and the Commissioner for London on May 1. After the meeting it was announced that Whitelaw was setting up a working party to consider ways of improving police riot gear. Almost certainly the review of what happened in Brixton will go much further than this.

After the 'riot' in St Paul's, Bristol, in April 1980 when there was a 'no-go' area for the police for four hours, the Home Office and police organisations met to 'thoroughly and urgently' examine plans for responding to 'spontaneous public disorder' (see *Bulletin* no 18). This review looked at the speed with which reinforcements could be brought in to quell disorder on the streets. And, just a month before Brixton, a national 'mutual aid' exercise was carried out at Scotland Yard to see how quickly police support units could come to the aid of other forces (see *Bulletin* no 23). Clearly police reinforcements did arrive on April 11/12 from many forces around London, but such was the scale of the 'disorder' that all the police could do was to act on a policy of 'containment', restricting the 'no-go' area by a cordon and, apart from the occasional foray, to wait for things to cool down. Thus if the numbers of police are not the answer it

is more likely that police tactics will change in future.

#### **The police reaction**

While senior police chiefs publicly called for better protection for the police in 'riot' situations, rank and file organisations called for a more direct response. The Constables Central Committee of the Police Federation called for the police to move 'into the offensive role instead of a defensive one', including the use of 'water cannon and the like' (*Daily Telegraph*, 30.4.81). There was also a lot of anger among the lower ranks:

'Amongst the stories which are now being bitterly repeated is a suggestion that some senior officers removed their own epaulettes so that they would not be targets for the rioters and thus made it impossible for junior officers to know who was supposed to be in charge' (*Guardian*, 27.4.81).

It is clear that the police did lose control of the situation in Brixton over the weekend; that there was a 'no-go' area; that thousands of trained riot police could do little to quell the 'riot'; and that groups of police resorted to 'dispensing justice' on the streets with the use of illegal weapons, as they did in Southall in 1979.

#### **The response in the community**

The *Guardian* reported that the black community was 'four square behind the youths' (18.4.81). And local MP John Fraser commented with some bewilderment: 'Not one adult or leader of opinion in the black community has uttered one word of condemnation.' Such a reaction is not surprising. For years the black youth of Brixton – and other areas of London – have been subjected to continual harassment. The Special Patrol Group has been used on numerous occasions since 1975, and its activities have brought repeated calls from the local councils, church leaders, community workers and many others for a change in policing tactics. The situation came to a head in November 1978 after a month-long SPG operation resulted in 430 arrests, 40% of which were

black youths. This and other incidents led Lambeth Council to set up an official inquiry into community/police relations which issued its report in January this year. The report showed that the bulk of the 257 submissions made (comprising 1,500 pages of evidence) painted a picture of widespread and persistent racism, both in the assumption that all black youths were

potential criminals and in the police's failure to protect the black community from racist attacks (see *Bulletins* nos 11 and 23).

The reason for the Brixton 'riots' is not hard to see, for it was directed specifically at the police, not the white community. The state's reaction to it will, from all indications, be to adopt more 'offensive' tactics in the future.

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### THE BRITISH ARMY: 25 years of illegality

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## BACKGROUND PAPER

There is today no constitutional basis for the maintenance of a standing army in peacetime as required under the 1688 Bill of Rights. This means that the British Army has been an 'unlawful' body since 1955 when parliament stopped legalising its existence by passing annual Acts.

Each of the three armed forces in the United Kingdom has a different constitutional standing. But that of the army is the most obscure. The historic hostility to the maintenance of a standing army dates from the battles between parliament and the monarch in the seventeenth century which led to the 1688 Bill of Rights. This statute forms the basis of modern parliamentary democracy. One of its articles states that the maintenance of a standing army inside the UK during peacetime is unlawful unless sanctioned by parliament. Thus every year from 1689 to 1954, in a period covering 265 years, two world wars and dozens of colonial wars, parliament passed an annual Act authorising the existence of a standing army.

The Bill of Rights placed limits on the power of the monarch to raise an army through the exercise of the royal prerogative (the ancient and still existent power of the monarch to make laws). Parliament, by passing the Bill of Rights, a statute, began to establish its supremacy over the monarchy on this and other questions. Under the British constitution a statute passed by parliament overrides any law enacted by the monarchy; equally, where parliament has not passed statutes, laws or powers stemming from the royal prerogative are operative. In most important areas of policy parliament has over the years replaced laws made by the monarch, but in the field of military affairs the constitution is still determined by a combination of acts of parliament and prerogative powers.

In the seventeenth century parliament sought to limit the powers of the monarchy to use the home-based army to further its own ends. Today, with the advent of parliamentary democracy, the issue is rather what constitutional basis the executive (effectively the Cabinet) has for maintaining an army in peacetime in the UK. Because the army is increasingly being used in civil society – during strikes, and, potentially, in public order situations – the legitimacy of its existence and activities is far from being an academic question, and is one to which this Paper is directed (See *Bulletin* no 8 for the potential use of troops against disorder or insurrection, and *Bulletin* no 14 on their employment in strike-breaking).