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## NEWS

# Black jurors to sue Denning unless . . .

by DAVID LEIGH

LORD DENNING, the Master of the Rolls, faces a libel action from two black jurors in the Bristol riot case, after claiming in a book published last week that they had failed to convict guilty people because they were 'their own.'

Lord Denning, 83, gave last year's Bristol riot trial as an example of a 'packed' jury overloaded with what he described as 'coloured people.' He then claimed that 'black, coloured and brown' people did not have the same standards of conduct as whites.

Last night Ms Gareth Pearce, of the London solicitors Birnberg & Co., said that letters had been sent to Lord Denning and to Butterworths, publishers of his book 'What Next in the Law,' on behalf of two black jurors in the case.

Ms Pearce said that unless the book was withdrawn, with a public apology and damages, the jurors would immediately issue a writ for libel, and possibly an injunction to stop distribution of the book.

'This is the second time these jurors have been stigmatised by Lord Denning,' Ms Pearce said. 'His account of the facts is riddled with inaccuracies and his claims about the reasons behind the jury's decision are clearly defamatory.'

Lord Denning said last night: 'I don't think I want to make any comment on anything like that.'

Lord Denning's main claim is that two among the 'ring-leaders' of the riot were never convicted because a 'packed' jury at Bristol Crown Court, containing five coloured people, split on racial lines. There is no legally permissible method by which Lord Denning could claim to know what went on in the jury room.

He said in the book that defendants tried to use the right of challenge to get jurors sympathetic to their own side 'or at any rate to get enough so that more than two will disagree.'

In the coloured area of



**LORD DENNING:**  
Factual mistakes.

Bristol, he said, 'police moved in to make inquiries as to illegal goings-on there, such as prostitution and the like . . . They were attacked by mobs of coloured people living there . . . 12 of the ringleaders of the riot were arrested.'

By using 35 challenges, the 'ringleaders' got five 'coloured' jurors, he said. 'The evidence against two of the accused was so strong you would think they would be found guilty. But there was a disagreement.'

Lord Denning then went on to make a series of remarks which have already led black and civil liberties spokesmen to repeat calls over recent years for him to retire.

He said British citizens were no longer all qualified to serve on juries, because 'the English are no longer a homogeneous race. They are white and black, coloured and brown . . . some of them come from countries where bribery and graft are accepted . . . and where stealing is a virtue so long as you are not found out. They no longer share the same code of morals (or) religious beliefs.'

Lord Denning's account of what happened in Bristol contains a number of factual mistakes. The crown case

was not that police made local inquiries about prostitution: it was that they raided a cafe with a search warrant, handcuffed the proprietor on a cannabis charge, and confiscated cannabis and unlicensed alcohol.

Sixteen people, not 12, were charged with riot. The crown case was that only one was a 'ringleader.' Four of the 16 were cleared by magistrates at committal, for lack of evidence.

Three of the people Lord Denning describes as 'ring-leaders' were cleared on the direction of the trial judge at the end of the crown case, for lack of evidence.

One further man, against whom there was only one policeman's evidence, was unanimously acquitted after a hint from the judge his case should be scrutinised particularly carefully. Four more were acquitted after prolonged deliberation, by majorities which must have included at least five whites voting to acquit.

Of the remaining four people, the jury said they might reach a verdict on one with further direction, but were deadlocked on the others. Of the three, not two, about whom there was disagreement, one was not black, but white.

Lord Denning's claim that five of the jurors were 'coloured' could be misleading. One was an Asian, who would not share the same cultural background as the West Indians in the dock: another was of West Indian background but white appearance.

Lord Denning's implication that 'coloured' will never take the word of a policeman against 'one of their own,' is also disputable. In the recent Thornton Heath murder case, where a number of blacks were accused of killing a white, black jurors, including a black forewoman, convicted several defendants in a tense atmosphere, and were praised for their overall sense of responsibility by the judge.