

Revealed: a British community

OUT OF COURT

Gareth Pierce

ON JULY 11, 1981, in the grounds of a nurses' home in Bradford, a number of young men made 38 petrol bombs. They filled milk bottles with petrol, stuffed rags in the necks as wicks and left them in crates under bushes in the grounds. They had learned, just before, that skinheads were coming that day in coach loads to Bradford, where they lived, a town with a large Asian population, that shops were closing early and being boarded up and that the town was alive with rumour and fear.

It was only one week before, on July 3, that skinheads committed to racist ideology had invaded Southall, a peaceful community predominantly Asian, and had rampaged through the main street on their way to a prearranged concert, hurting individuals and wantonly damaging property. Despite forewarning, the police in Southall had done nothing to prevent the attack upon the Asian community and young Asians had turned out to keep the skinheads from returning through the town.

It was the expectation of Asians, young and old, in Bradford that the West Yorkshire police would do nothing either. In the streets of Southall skinheads had handed out leaflets announcing the onslaught of a new

national crusade of violence against the black community and other events during that week preceding July 11, including the murder of an Asian woman and her three children, suggested that the announcement had become an actuality.

No skinheads, in fact, arrived in Bradford on July 11 and the petrol bombs were left, not needed and never used. The young Asians who made them, however, were arrested on the discovery of the bombs by the police. They were charged with conspiracy under the Explosives Act and with making explosive devices, intending to endanger life and damage property, charges that require the consent of the Attorney General and which are normally reserved for urban terrorists. The 12 were tried at Leeds Crown Court and pleaded not guilty. Last week, after a trial lasting almost two months, all 12 were acquitted.

The defendants agreed that they were, indeed, arming themselves, and explained why; the evidence was tested and considered carefully and at length; the judge considered the implications of the trial so important that he sent the jury out to consider their verdicts with the warning that they would, by their decision in the case be setting standards for the whole of society.

With such important issues clearly at stake, the failure of the press to report the trial in any informed or consistent way, locally or nationally, meant that not only are the reasons for the acquittals of the defendants not understood, but the historical im-

portance of the issues that the trial raised, clarified and exposed died a death at the end of the trial.

It was not merely yet another example of indifference by the press towards issues of concern to the black community, but negligence on a wider scale, the press turning its back on the issue crucial to the whole of society and its future, the relationship between minority communities, Fascists, the police and the state. The evidence that emerged in Leeds Crown Court deserved at least some of the headlines reserved for the reporting of another struggle deemed defensive against aggressors acknowledged Fascists some 8,000 miles away.

The defendants claimed as their entitlement the protection of the English law, namely that they had a right, an absolute right, to defend themselves and their community from imminent attack. They did not deny the making of the petrol bombs—they said, each in his own way, that the bombs were made as a defensive arsenal, to be used as a last resort to keep people at bay who were coming for no other reason than to attack them.

The law says that any person can take measures to defend himself if under attack; even, in extremis, to kill, if there is no other way. If the defence is proportionate to the threat then those who respond defensively are afforded an absolute excuse in law.

"What sort of society do we want to live in?" asked

the prosecutor in his closing speech to the jury, suggesting that if they were to acquit the defendants they would be allowing a licence to the population at large to make petrol bombs, and, by implication where would it all end?

By its verdict, however, the jury accepted the proposition that society should afford protection to all its citizens and that if it did not, as the evidence they heard showed clearly that it does not, then those unprotected can arm themselves.

To sit in Court 2 in Leeds for the past seven weeks was to acquire an education in what was already known to the defendants as part of their daily existence. A torrent of evidence bore witness to propositions which, while vehemently denied by the police who appeared to give evidence, were at no time rebutted or contradicted by the prosecution in any way other than by the verbal assertions of the police in the case.

The evidence was that the Asian community was under constant real fear of attack; that there was continuous and increasing National Front and British Movement activity orchestrated nationally; that the police did nothing to provide effective protection for the community or take any steps to stem the growth of violent fascism and indeed, tended to treat complainants or victims themselves as potential criminals, questioning them on their immigration status or advising, in the event of actual assault, that the victim should prosecute the assailant himself — that it was no affair of the police.

In any criminal trial the

prosecution presents its case first, the defence second, and frequently a major proportion of a trial can pass before a jury can understand what case it is that a defendant is putting forward. From the outset of the trial in Leeds, however, the answers of police officers to questions provided not only revelations of attitudes of the West Yorkshire police towards Asian and West Indian communities, but an effective acknowledgment of a central assertion of the defendants, namely that they had to prepare defences because the police do not know or care when members of their communities are attacked or threatened with attack.

Senior police down to constables denied across the board any knowledge of racist attacks, denied that there was any reason for police concern or action, denied knowledge of the Home Office report prepared last year on the basis of police statistics required specifically from West Yorkshire amongst other selected areas, a report entitled Racial Attacks which concluded that there was national cause for anxiety both in relation to the increase in attacks on ethnic minorities and Asians in particular and a need for greater awareness on the part of the police of the existence of the threat.

The detective chief inspector in charge of the arrests of these 12 defendants had already gone on public record as saying that "West Indians in tea cosy hats, loitering in town centres" constituted by appearance alone, suspicion that there were involved in mugging.

No officer had heard of rumours of skinhead invasions of Bradford on July 11 and no police were deployed to provide protection for the Asian community on that day. The police did not accept that the defendants could have, by past experience or prevent fears, any reasonable belief that an attack upon their community was imminent, actual or even possible.

Other witnesses from both Bradford and elsewhere included magistrates, councillors, broadcasters, bus drivers, children, solicitors, community relations officers, politically active young men, reporters, victims of continuous orchestrated attacks. All, whatever their age or politics, reinforced what the defendants said. They believed that if, the youth had not been prepared to defend the community in the event of an attack, the police would not.

Those from Bradford gave evidence that the police had been told of the rumoured skinhead invasion; curiously the prosecution did not challenge this evidence, or indeed, any other, as if, by this stage it had conceded that the assertions made by the police at the outset of the trial had become manifestly untenable.

What filled the courtroom in Leeds however, and never reached outside, was more than this. It was an outstanding, appalling canvas painted, that many in the court room viewed personally for the first time. That canvas revealed that for the Asian community this is a country

living in terror

where families now seal their letter boxes, keep buckets of water next to their beds and sleep fearfully, if at all, because of knowledge that killers could come in the night, pour petrol into their houses and burn them alive, burn so many of them that those who are left will want to leave the country in which they may have been born, in which they have their families and everything they possess.

For the Asian community this is a country in which families are subjected to daily abuse, in which the graffiti of Nazi Germany remain unerased on walls in public places, in which shopkeepers who are by appearance and name identifiably distinct from the majority of the population are daily targets, for whom grilles across glass windows have become inadequate protection when shotgun attacks are made by men in cars passing by.

For the Asian community this is a country where men who proclaim the ideology that sent Jews to the gas chambers until 1945 walk the streets in public parades escorted by police forces that exist to protect the Queen's peace.

Literature is publicly handed out announcing an end to peaceful protest against the presence of people with a different colour of skin, and caches of arms are found in the homes of fascist terrorists with international connections. A doctor is knifed to death by a racist to win a £15 bet. A taxi driver has his throat cut because he, like the doctor, is the object of blind hatred because of the colour of his skin.

Those who were present in

court for the last seven weeks learnt all this, and were taught it by the defendants. At great personal cost, and with extraordinary courage, the defendants, all young, stared prison in the face and explained what they had done. Those who were involved in making the 38 petrol bombs said that they had done

They said that they would, if it became unavoidable, be prepared to do it again. Those who were not involved in the manufacture of the bombs stated that they agreed in every way with those who had been. The jury agreed that they were innocent. To do so it had to accept the basis of the defendants' explanation — that the threat was real and the defendants' individual reactions to that threat reasonable in the circumstances.

Ignorance of evidence heard as a whole by the jury in cases such as this has, in the past, led to ill-informed attacks upon the jury system, upon jurors individually or by race, and upon the whole basis of legal concepts on which time-honoured common law defences have been based. The defendants here have two legitimate expectations; that the basis upon which they were acquitted be understood and not undermined, and that the prediction of the trial judge and the prosecutor — that the verdict of the jury would determine the society in which we live, be taken seriously and in the light of the jury's acceptance of the defendants' veracity.

Gareth Pierce is a solicitor who acted for six of the Bradford 12.