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# Operation Washington and the Gandalf Trial. A Personal View by Stephen Booth

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‘conspiracy’, there were people from all over the world, from a variety of political standpoints, all saying ‘We’ve never even heard of you, we probably don’t agree with your politics, but this is totalitarian, it stinks, we oppose it, and you are coming out of there..’

The mainstream media were silent, hostile, but they couldn’t silence the alternative press. The supermarket trolleys of evidence found a sort of counterpart in the wodge of letters arriving at the prison every day. So it was that on March 27<sup>th</sup> 1998, as I struggled to carry those four huge prison bin bags full of letters of support out of the gatehouse at Lancaster Castle, I saw that the trial had failed. For all their lies and propaganda, they just couldn’t silence the radical press. So, don’t think that what you do doesn’t make a difference.

Stephen Booth

12<sup>th</sup> January 1999.

## Conclusion

The best way to fight for our own freedoms is to exercise them.

The mainstream media was mostly silent and complicit. Throughout the trial and after, the Portsmouth News was nothing more than a police sewer. (see note 30) Chris Atton, of 'Index on Censorship' wrote 'Whilst mass media coverage has not been as hysterical as might be expected, given a case involving anarchists, it has been very disappointing.'<sup>47</sup> The liberal establishment was also complicit, the group 'Liberty' promising help, and sending an observer on just two days out of the 12 week trial, after the end putting out a watery statement suggesting something ought to be done about multiple inchoate offences, while busy sucking up to Shayler. The Pinochet case has shown the close connection between the British judicial establishment and 'Amnesty International'. The alternative movement, on the other hand, was amazing; the Oxford Statement of 5<sup>th</sup>-7<sup>th</sup> September 1997 being the real turning point, and ultimately vindicating my point of view about a political trial having to be opposed politically.

News about the case was reported on the internet, taken up by Index on Censorship, and London Greenpeace began organising a campaign. While I was in prison, letters of support kept coming in from all over the world; USA, Canada, New Zealand, Holland, Scandinavia, Argentina, as well as from all over Britain. The writers of the many magazines in those supermarket trolleys of evidence wheeled into court every day of the trial were all now on our case; and together formed an effective, multiple path, multi-mode means of transmitting information. The Undercurrents video was going the rounds. The very diversity of the radical movement was our strongest point. Far from being a single, monolithic, over-arching

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<sup>47</sup> Chris Atton 'Foundation Stone of a Police State', Index on Censorship website.

'Government gunning for the Green Alliance' –  
Guardian headline, 28<sup>th</sup> May 1995, page 11.

In March 1995, the Hampshire police began 'Operation Washington', a long series of raids, at least 55 of them<sup>1</sup> up and down the UK. Many of the people raided were animal rights activists, some were greens, others, like myself, were anarchists. At least two alternative bookshops in Oxford, EoA and Artemis Books, as well as Frontline in Manchester, were turned over. On January 16<sup>th</sup>, 1996, a second wave of arrests took place. Saxon Wood, Noel Molland and the ALF press officer, Robin Webb, were taken to Lymington police station. Paul Rogers, Simon Russell and myself were taken to Lyndhurst police station in the New Forest. After interrogation, we were all charged with Conspiracy to Incite Criminal Damage<sup>2</sup>, and bailed. The committal hearing began on 9<sup>th</sup> December 1996, at Portsmouth Magistrates Court, and lasted a week. At the end of this, Robin Webb was acquitted, but the police appealed against this decision and his case went for judicial review at the high court. The Crown Court trial itself started on August 26<sup>th</sup> 1997, and lasted 12 weeks. Early in the trial, the barrister acting for Paul Rogers, Ken McDonald QC, refused to call secret state witnesses like the agent provocateur, Tim Hepple, and resigned the case rather than accept instructions. As a result of this, Paul was 'severed' from the trial on September 15<sup>th</sup>. Of the remaining four, one, Simon Russell, was acquitted, and the other three, Saxon, Noel and myself, were jailed for three years. The jailings brought widespread international out-

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<sup>1</sup> 55 raids – the figure arrived by Green Anarchist, but see note 23, the testimony of Desmond Thomas on 11<sup>th</sup> December 1996.

<sup>2</sup> The precise wording of the charges as issued on the 16<sup>th</sup> January 1996: That between 1<sup>st</sup> January 1991 and 17<sup>th</sup> January 1996 [the six named] conspired together to unlawfully incite persons unknown to commit criminal damage contrary to section 1 (1) of the Criminal Law Act 1977.

An amended charge dated 9<sup>th</sup> February 1996 was the same except ending: contrary to section 1 (1) and (3) of the Criminal Damage Act 1971, contrary to common law.

cry, with a campaign mounted by London Greenpeace, and Index on Censorship putting information about the case on the internet. After four and a half months in prison, we were released, pending appeal, which was eventually heard at the High Court on July 21<sup>st</sup> and 23<sup>rd</sup>, 1998. The second Gandalf trial, of Paul Rogers and Robin Webb, began on November 2<sup>nd</sup> 1998, but eventually collapsed on November 25<sup>th</sup>, due to the legal unsoundness of the first trial.

## Protest and Direct Action Politics. The Political Context of ‘Operation Washington’

During the 1990’s, the politics of protest and direct action has grown. Perhaps most prominent in this area are the road protesters. Twyford Down, near Winchester, in Hampshire, during 1991–1993 was the first large road protest, and the state employed Brays Detectives, of Southampton, to spy on the protesters<sup>3</sup> Group 4 and Reliance Security, large numbers of yellow jacketed security staff, were used to evict the Dongas protest camp on December 9<sup>th</sup> 1992, but this did not break the back of the road protest movement, as had the Molesworth Rainbow Village Fields peace camp eviction in the mid 1980’s. Instead, the anti-road protest movement spread: Solsbury Hill, Wanstead, Cuerden near Preston, Pollok in Scotland, Stanworth Valley and Earcroft near Blackburn, and Newbury were all examples. Their tactics developed, from tree houses to tunnels, and Swampy became a national figure.

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<sup>3</sup> New Statesman, 17<sup>th</sup> February 1995, page 9.

Thus Hampshire became a logical county police force to build up a base of experience and information about the road protest movement. The Hampshire Constabulary has a long track record of reactionary behaviour, the Stoney Cross attack on the traveller convoy, (1984) being one obvious example. ‘The Hampshire Police and the KGB would get on like a house on fire.’ Alan Bennett, ‘Writing Home’, page 147.

ALF fire bomber, Barry Horne. Doubtless, this would colour their deliberations.

## Smashing the Image Factory. The Mainstream Media Response to the Gandalf Jailings

Indeed unless the billboards fall I’ll never see a tree at all.

Gandalf co-conspirator Ogden Nash

This is going to be a short section. The Daily Express, November 15<sup>th</sup> 1997, page 2, ran the expected splash headline, ‘ANARCHISTS JAILED FOR BOMBING PLOT’. ‘No defence of press freedom from the Express then.’<sup>43</sup> The Guardian, that suppository of all that the liberal establishment holds most dear, ran a more thoughtful piece by Diane Taylor, tucked away in the back G2 section<sup>44</sup> marred by the sensationalistic picture of a masked up ALF activist plastered over most of the page. This item was shown on TV’s ‘Big Breakfast Show’, and I have the distinction of being skitted on there, not for my politics, but for my bad hair cut. Media trivialization. Diane Taylor also wrote the article ‘The Man They Couldn’t Jail’<sup>45</sup> pushing the animal lib ‘It’s all about Robin Webb’ angle. ‘People within the animal liberation movement believe the prime motivating force for the charges against the GA 3 and Russell was to drag Robin Webb along too.’ Er, and that’s it from the Big Boy Media. As the NUJ ‘Journalist’ magazine asked ‘Three jailed, where’s the commotion?’<sup>46</sup>

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<sup>43</sup> Quoting Mark Lynas Corporate Watch 5/6, Winter 1997, page 8.

<sup>44</sup> Diane Taylor, Guardian, November 24<sup>th</sup> 1997, page 8.

<sup>45</sup> Diane Taylor, Big Issue, November 24<sup>th</sup>-30<sup>th</sup>, pp 6–7.

<sup>46</sup> ‘Journalist’ January / February 1998, page 9.

of the evidence against myself, mixing up Noel's character reference as though it referred to me, claiming there was no evidence I ever met or spoke to Robin Webb (true) or to Paul Rogers (!), and describing me as 'talented in a strange if unpleasant way'. A high compliment. He mentioned the water tank sabotage idea. In the course of wandering through various bits of correspondence, my jokey address of Kropotkin on Sea was judicially transformed to 'Potemkin on Sea'. The oft cited quote 'GA sets great store by its results pages' was trotted out again, as was Rabid Eigol. Judge Selwood described me as 'an archetypal anarchist'.

As Selwood read out the editorial to Anarchist Lancaster Bomber issue 10, Summer 1995, (Exhibit 268), his voice got louder, and his face got redder. This was the LB editorial after the first raids, calling for better actions and better magazines, announcing that freedom is worth defending, and saying 'The illusion that ordinary people have anything in common with Tory Blair or Maurice Minor must be smashed. We have no common interest with any part of the state.' Selwood declared that the Lancaster Bomber magazine was not harmless. (Conspiracy to incite criminal damage to political illusions – dangerous stuff!) After thus registering his disagreement with Mr Venton, Judge Selwood finished that afternoon sitting on a suitable note of high dudgeon, and must have considered it a job well done.

The next day, Friday 7<sup>th</sup> November, after the 11:30 break, Judge Selwood then went on to summarise the case against Simon Rogers, or as he later had it, Paul Russell.<sup>42</sup> After this, he again stressed that the case had no political content or sub text behind it. At the end, Selwood mired himself down into a somewhat scholastic and casuistic argument about the difference between desire and intention, and whether both of these needed to be proved. By spinning it out in this way, the jury deliberations coincided with the start of the

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<sup>42</sup> Simon Russell in the '12 Weeks in Portsmouth' article considers it a fair summing up in his case.

Direct action politics has many other forms. The 1990 anti poll tax campaign<sup>4</sup> marked a turning point where many people lost faith in the representational political paradigm, and used their own capacities to oppose the government policy. The same methods could be adopted to protest against multi-national corporations or different government bureaucracies. New movements responded to the growing awareness of environmental problems.<sup>5</sup> Earth First! blockaded the tropical hardwood importer Timbmet, at Cumnor near Oxford on 11<sup>th</sup> May 1992. Peat cutting machinery on Hatfield and Thorne Moors was smashed on April 8<sup>th</sup> 1992. In the Summer of 1994, Michael Howard's Criminal Justice Act (=CJA) brought together a whole swathe of disparate groups. On the 17<sup>th</sup> February 1995, the Department of Transport HQ in Marsham Street, London, was broken into and computers were interfered with. On 14<sup>th</sup> July 1996, Reclaim The Streets (=RTS) blockaded the Westway in London, causing widespread traffic chaos in the metropolis. The execution of writer Ken Saro Wiwa and the threat of dumping the Brent Spar oil platform in the Atlantic brought a vigorous anti Shell campaign in 1995. The Ploughshares, natural successors to the 1980's Peace Protesters, smashed Hawk jets at Warton, planes destined to be used for genocide in East Timor, on January 16<sup>th</sup> 1996. Through 1994 and onwards, there was the long running McLibel case<sup>6</sup>.

## Animal Liberation

Animal liberation is a special category of the area outlined above. Animal liberationists have mounted big protests, like the anti-live exports showdown at Shoreham, Brightlingsea, Dover, Coventry Airport, in early 1995. More recently, there has been a long-

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<sup>4</sup> The best account of the poll tax campaign is: Danny Burns 'Poll Tax Rebellion' AK Press, 1992.

<sup>5</sup> For general news about this area, SchNews is a must, PO Box 2600, Brighton BN2 2DX

<sup>6</sup> John Vidal, 'McLibel – Burger Culture on Trial', London, Pan Books, 1997.

running, ongoing series of protests at Hillgrove Cat Farm, near Witney, in Oxfordshire. At the same time as the large protests, there are militants like the ALF (Animal Liberation Front), breaking into laboratories, 'liberating' animals used in experiments, burning meat trucks, sabotaging slaughterhouses. Protesters can pull off 'spectaculars' as they did in April 1993, reducing the Grand National horse race to a total shambles, reportedly costing bookmakers ?63M. There are people like the Hunt Sabs, disrupting hunts. Groups like the 'Justice Department' (=JD) or more likely, lone individuals, have posted tubular incendiary devices to vivisection, and intervened in the live exports controversy – bombs were sent to the offices of Stenna Sealink in Ashford, June 3<sup>rd</sup> 1994. The so-called 'Animal Rights Militia' (=ARM) firebombed outdoor sports and leather goods shops in Cambridge, York, Harrogate, Oxford, and the Isle of Wight during the summer of 1994. The Isle of Wight bombings (24<sup>th</sup> August 1994) swamped the fire services on the island, and it is thought that this is one reason why Hampshire Police chose to attack the protest movements by mounting 'Operation Washington'

## Hepplegate

If Green Anarchist (=GA) is the most militant publication<sup>7</sup>, drawing together elements from all across the protest movements, the secret state in particular, would have a more immediate and distinctly personal reason to persecute GA. Green Anarchist had an important part in the Tim Hepple affair, as exposed by Larry

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<sup>7</sup> Mike Durham, Observer, 9<sup>th</sup> July 1995, page 10.

'The most radical underground newspaper on the animal rights and road protest fringe.'

Student Outlook, Summer 1995

'Green Anarchist, Britain's most notorious and seditious radical newspaper.'

He suggested five categories of incitement: (1) How to do it. (2) Direct exhortation, eg 'get out there and do it'. (3) Promoting of literature, eg reviews and ads. (4) Lists of actions. (5) Narratives of actions.

Selwood then went on to review the evidence against each of the six in turn, starting with 'Virtual Defendant' Robin Webb. Selwood then went on to Paul Rogers, likewise absent from court. This took all morning.

After his return from the Mayoral Luncheon, Judge Selwood got a little hazy over the names of the remaining defendants, even though we were sitting in front of him all those weeks, while Paul and Robin were not. Selwood started with Saxon Webb, who lived at Parkhurst, (the name of a prison on the Isle of Wight) a somewhat Freudian slip indicative of judicial prejudice. The magazine itself changed its name from 'Green Anarchist' to 'Green Activist'. Later, the defendant became Saxon Booth, in much the same way that later 'Mad Dog Guzman' became 'Old Man Gazman'. The premiss behind many of Selwood's comments was that 'knowledge entails guilt'. The defendant, (whatever his name was) obviously knew of the publication; Green Activist, Do Or Die, or 'Into the 1990's With The ALF' and certainly distributed them, but the magazine or booklet incited criminal damage and so Saxon Webb must be guilty.

'My filing system is my flaw' – Saxon's interview transcript.

'My filing system is my floor...' – What he really said on tape. (30<sup>th</sup> September)

Judge Selwood then went on to sneer about Noel's RAT newsletter, particularly the 'Janet and John' story about catapulting the window of 'Murdering Bastard the family butcher'. Then he mentioned the quick drying cement down the toilets at McDonalds, and all the rest of that. The judicial parody continued with a summary

a foreign security service, shows the lengths the state went to, to twist the trial to secure a conviction.' Perhaps the RCMP did indeed supply false information, but to do this they would have to have been approached by either Special Branch or MI5. Perhaps it was a collaboration between them (a conspiracy maybe?) I think that a simpler explanation is that the information went from the British Security Services directly to Heathrow, via contacts in the police or by telephone taps of the defendants. We only really have the immigration services' own word for it that the information came from the RCMP. Just another aspect of the secret state in operation. All this effort just to prevent one defence witness testifying...

## Judicial Transmogrifications. Judge Selwood's Summing Up

This said, I am strongly opposed to measures that are going to undermine the autonomy of local groups or turn the GA network into a talking shop ... Such discussions should remain informal, with those hearing views they disagree with arguing against them and opposing tactics they disagree with by refusing to lend them their support.<sup>41</sup>

Judge Selwood began his summing up on Wednesday 5<sup>th</sup> November, the same day that a protest had been planned, during which the judge would be burned in effigy outside his own court. Selwood was at great pains to deny that the case was a political trial.

<sup>41</sup> This is from a letter by PNR, 2<sup>nd</sup> August 1993, which was Exhibit 125, page 565 in the evidence. It suggests a radical decentralization of the GA structure, with an eventual aim of rotating editorships, spreading out the workload of producing it. In fact, this was the post Hepple re-organization of GA. Much was made of the letter in court, but by applying the principle of 'refusing to lend support' to tactics people disagree with, the very diverse character of anarchism was clearly shown. The principle expressed in the letter disproved the prosecution.

O'Hara in his April 1993 pamphlet 'A Lie Too Far' (=ALTF), and subsequently 'At War With The Truth'. (=AWWTT)<sup>8</sup>

Tim Hepple was an enthusiastic activist, if a somewhat changeable character, who hung about in the GA orbit. In September 1991, at the Green Party Wolverhampton conference, he took part in a banner unfurling stunt, protesting at the take over of the Green Party by the 'Green 2000' Jonathan Porritt / Sara Parkin faction<sup>9</sup>. Action of this sort was calculated to gain him credibility with the green movement. He introduced a friend of his to GA, Ray Hill, a shop keeper in the Caton village, who also wrote a column in Searchlight. At this stage we were naive enough to believe in Searchlight as a positive anti fascist credential. Ray Hill wrote an article 'Creating a Community' advocating people donate ?1,000 each to buy a Scottish island. This article was published in GA 28, pp 14-15.

Early in 1992, Hepple went off to Welling, in order to infiltrate the BNP (=British National Party, fascists) during the 1992 General Election period, on behalf of Searchlight. After this, he was supposedly hiding out in Scotland, but late in 1992, resurfaced, telling tales about a street war, with fascists attacking left wing people, Socialist Workers, and anarchists. The fascists were said to be publishing hit lists, 'Redwatch' and 'Target'. In order to redress the balance, Hepple offered to supply a list of fascists' names and addresses to GA. After all, who better to give these than the infiltrator who just seven months earlier had been inside the BNP ?

Hepple pleaded with GA to publish the details he had handed across in the magazine or as leaflets under our own logo. We would not do this. Many, but not all of the details on Hepple's list were spurious; one of the addresses given that of the National Bad-

<sup>8</sup> Larry O'Hara, 'A Lie Too Far' ?1.50p from BM 4769, London WC1N 3XX (April 1993)

Larry O'Hara 'At War With The Truth', October 1993

<sup>9</sup> 'Confused? You Won't Be', GA 33, page 4, Winter 1993, explains the Hepple saga.

minton Centre, for example. Hepple also demonstrated suspicious foreknowledge of the contents of 'Target' issue two, three months before it came out<sup>10</sup>

In early 1993, fascists from Combat 18, or perhaps state agents posing as C18, attacked alternative bookshops: Key Books in Birmingham, Mushroom in Nottingham, as well as an arson attack on the Morning Star newspaper, and the smashing of the Freedom bookshop and press in Aldgate<sup>11</sup>

On April 19<sup>th</sup>, 1993, Tim Hepple appeared on 'World in Action' admitting his BNP infiltration, and being present at the vicious assault on the SWP paper seller so graphically described in that spook-opera. Syndicated highlights of his Searchlight ghosted biography were published in the New Statesman<sup>12</sup>. Shortly after the 'World in Action' programme, Larry O'Hara published 'A Lie Too Far', the booklet which first exposed Tim Hepple as an agent provocateur, and which began a chain of other events which eventually brought AFA (Anti Fascist Action) to proscribe Searchlight<sup>13</sup>.

## John Harlow and Jason Bennetto. Two Studies in Media Bias

If Green Anarchist was being made a target for manipulation by state-sponsored agent provocateurs like Hepple, the mainstream mass media were likewise concentrating their attention on the protest movements. I would like to present you with two key examples:

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<sup>10</sup> 'At War With The Truth' page 3 and page 20.

<sup>11</sup> Freedom Press was first attacked on 27<sup>th</sup> March 1993. See issue of Freedom dated 2<sup>nd</sup> April 1993.

<sup>12</sup> New Statesman, 6<sup>th</sup> August 1993 and 13<sup>th</sup> August 1993.

<sup>13</sup> 'Fighting Talk', 19<sup>th</sup> April 1998. see Notes From The Borderland, issue 2, Autumn/Winter 1998-99, page 41.

At the committal hearing and throughout the trial, we often returned to this Alice in Wonderland argument that to publish a disclaimer at the end of a magazine is indicative of the intention to incite. Personally, I have no faith in disclaimers, legally they are not worth the paper they are written on. Let the magazine stand in its own right. This said, GA carries a disclaimer on it. Something of the same 'if they float, they are guilty' logic was applied against Simon Russell's seeking of legal advice. To seek advice is indicative of intent to circumvent the law.<sup>39</sup> Wrestling with fog again.

The second front of the prosecution attack on Simon was about his previous animal rights conviction. Part of Simon's defence was that he had been in prison previously, and so had no intention of going back there. He even wished to call his former Probation Officer to corroborate this. That was one reason why he was always sure of checking the ALF(SG) out with the barrister. There are rules about not mentioning previous convictions in court, but as this was germane to questions of intention, after legal argument, it was eventually allowed.

The third front of the 'case' against Simon hinged on the list of JD parcel bombings posted on the World Wide Web. A Canadian, Darren Thurston, was going to come to court and testify that he put the list on the web. Legal aid money was sought to fund the air fare. When Thurston arrived at Heathrow airport, on October 12<sup>th</sup>, he was arrested by immigration officials, and deported back to Canada, supposedly on false information supplied by the RCMP<sup>40</sup> Simon, who went to the airport to collect him, was also interrogated. As 'Underground' magazine puts it; 'The involvement of the RCMP,

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<sup>39</sup> 'Journalist' January / February 1998, page 9. Compare this to libel, where newspapers have lawyers checking them for libels. This must mean that newspapers want to commit libel. Well, yes, up to a point, M'lud. But intention is not required to libel.

<sup>40</sup> Underground 9, Winter 1997, page 15 has an account of the Darren Thurston episode. This says that the incident took place on October 10<sup>th</sup>, but I am fairly certain it was the 12<sup>th</sup>.

Even Judge Selwood joined in, and began asking prosecutorial questions, unable to believe his own ears. What did Noel think a call for mass sabotage and economic damage in RAT issue 6 meant ?

... it would be too easy to confuse specific incitement to commit crime with the expression of political views (however extreme) and the methods to achieve the aims.

Venton Memorandum

And so it went on, with poor Noel sinking deeper and deeper into the shit with every question. Black Widow catapults, paint stripper, 'supermarket sabotage', immobilising vehicles, light bulb paint bombs; the printed suggestion to ring up the ALF press officer and tell him what you'd done. The judge questioned Noel about his attitude to the JD. Noel disapproved of arson because it could endanger the lives of small animals, mice and spiders.

Simon Russell went into the box on October 23<sup>rd</sup>. In his position as editor of the ALF(SG) newsletter, he had taken legal advice, and had every word vetted by a barrister, Quincey Whitaker. This was clear proof that Simon had no intention to incite, intention being necessary to the offence. The intended presentation of the barrister's notes, clearing each issue of the ALF(SG) prior to publication, was a reversal of the normal legal myth of 'innocent until proved guilty'. But could the documents be presented in court? The prosecution put every legal obstacle in the way, and tried to have these notes ruled inadmissible, because legal advice from counsel to a defendant is protected by legal rules of confidentiality. After much legal argument, the Quincey letters were allowed in.<sup>38</sup>

<sup>38</sup> Simon Russell, '12 weeks in Portsmouth' — Simon points out that as he was acquitted on a majority verdict, even after producing these letters, at least one and perhaps two of the jurors still thought him guilty.

## 1. The John Harlow 'Green Guerrillas Booby-Trap Sites', Sunday Times, July 4<sup>th</sup> 1993<sup>14</sup>

The John Harlow 'Summer of Hate' piece is probably the archetypal anti green smear, claiming eco-protesters had dug Vietnam style pits with metal spikes in the bottom to trap and injure construction workers. The Harlow piece was published to coincide with an anticipated mass trespass at Twyford Down. Some of the same material later re-appeared in a TV documentary 'Ride On' in October 1994<sup>15</sup>. Such false negative publicity self-evidently supports the security forces 'make work' project.

## 2. Jason Bennetto 'Crackdown on Green Terrorists', Independent, 28<sup>th</sup> December 1994.

As with the Chester Stern Grand National piece, Bennetto specifically named Green Anarchist, but this article went further. GA was claimed to be a terrorist organization, in a re-cycling of the Harlow 'Summer of Hate' mantraps lie. 'Nationally, organizations such as the Environmental Liberation Front (sic) and Green Anar-

<sup>14</sup> The John Harlow 'Summer of Hate' piece is reproduced in GA 36, page 9, and Stephen Booth 'Into the 1990's With Green Anarchist' Oxford 1996, p 121.

<sup>15</sup> 'Ride On' documentary, Channel 4, 25<sup>th</sup> October 1994, is described on page 2908 of the Gandalf Case evidence. This documentary claimed that with the Criminal Justice Act, then just on the statute books (October 1994) the road protesters would be forced to either shut up shop or turn terrorist. As evidence of the terrorist option, the 'Terra-ist' magazine was hyped. (Terra-ist featured at length in the Gandalf Trial) and the Harlow 'Summer of Hate' was recycled in TV form. Gordon Waters was the Tarmac spokesman. Mark Ponsford and Mike Hartwell spoke for Reliance Security. Ken Petch repeated the pit and spikes story for the Highways Agency.

An example of the same type of approach was the Chester Stern Mail on Sunday piece, 6<sup>th</sup> February 1994, blaming GA and the 'Lancaster Bomber' for the 1993 Grand National fiasco.

chist have been credited with using booby traps to disrupt work on several motorway sites.<sup>16</sup>

This type of fabrication, hype and hysteria is not a one off or a mistake, but part of a consistent, consciously arranged pattern. Mostly, the media ignores the protest movements. On rare occasions, when it suits the state, it makes a splash, as with the August 1998 Ringwood mink releases, or the 10<sup>th</sup> December Channel 4 'Dispatches' anti-ALF spook opera<sup>17</sup>. With the benefit of hindsight, we can see now how Bennetto was clearing the propaganda path for the start of 'Operation Washington' just over two months later.

## Make Work

Police chiefs want Anti Terror Squad to Spy on Green Activists

Guardian top of page 1, March 27<sup>th</sup> 1996

The central police in Frankfurt are themselves of the view that what is at stake above all is the need to secure the existence of the secret police, and what means we use to achieve this are of complete indifference.

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<sup>16</sup> Bennetto's fable was the subject of a PCC complaint by GA. We consider the PCC to be beneath contempt. We also wrote to the NUJ, pointing out the piece was in breach of the NUJ code of conduct. This was replied to by Jacob Ecclestone, deputy General Secretary of the NUJ on January 24<sup>th</sup> 1995. A handwritten comment on this letter, which formed part of the Gandalf evidence, seemed to amuse Judge Selwood.

<sup>17</sup> Propaganda outfalls are closely co-ordinated. Consider this: On November 7<sup>th</sup> 1998, we had our old friend, Jason Bennetto repeating the ARNI / NPOIU broadening out the terms of reference story in the Independent. On November 8<sup>th</sup>, we had Inspector Wexford 'Road Raging' cop serial, (a two parter), showing how the nasty eco-terrorist kidnappers were a threat to civilization and decency. Then on the 9<sup>th</sup> November, Europol threw in their bit by reporting the 10 McDonalds restaurants torched in Belgium, a news item they admitted sitting on for three months. As if to reinforce the horrible eco-terrorist angle, they claimed the ani-

this, but what did he have to fear from the Good Burghers of Portsmouth? How many juries know of this right, and if no one knows this right exists, how shall they exercise it? Selwood fumed, but had to allow it. The cops and the judge were on safe territory though. They don't accept any nonsense about freedom of speech in Dachau on Sea. As expected, the ratepayers' association failed to assert their membership of any ethical community, and this was the first concrete indication of what was to come later.

## Three of the Accused Take the Stand

ONSLow: Are there links between the ALF(SG) and Green Anarchist?

SIMON RUSSELL: If you go far enough, there's going to be links somewhere.

Saxon, Noel and Simon all went into the witness box. I did not, and I recommend this course to anyone faced with the same situation. In his case, Simon was right to go into the box as he was on as solid ground as he could be in that he had nothing to do with GA. Noel and Saxon were both wrong to take the stand, in my opinion.

The worst part of Saxon's cross-examination, on October 15<sup>th</sup> centred around the fact that Saxon had distributed the 'Into the 1990's With The ALF' sabotage manual. In my opinion, Saxon did this because he believed in freedom of speech, not out of any fanatical commitment to animal rights. In the box, Saxon repudiated the politics of GA and described Paul Rogers as 'a nutter'.

Noel Molland's 21<sup>st</sup> October testimony was probably the darkest point in the trial. Under direct questioning by Mr Onslow, Noel admitted that he supported butchers' shop window breaking, damage to hunt supporters' vehicles, damage to chicken sheds, Boots the Chemist, and criminal damage to road construction vehicles. He admitted that he thought his own newsletter, RAT 'very stupid'.

ing venue for the October 1994 'Anarchy in the UK' festival, one of the calls lasted for 9 seconds, somebody else answered the phone, Paul was out, and that was it! — It was that tenuous.

Some of this legal argument was hypothetical. 'If there was indeed a conspiracy, then there were two of them...' found the legal system at its surreal worst. Some of the barristers' pleas were ingenious, but it was no surprise to me that Judge Selwood rejected them all.

On October 13<sup>th</sup>, Steve Kamlish, the barrister acting for Saxon Wood, argued that Saxon's intention (*mens rea*) was not to incite criminal damage. Steve said Saxon's taped interview at Lymington showed this. The Judge's response exposed the circularity of the whole case. GA is inciting, and therefore anybody associated with it is guilty. Saxon distributed it, and so conspired to incite. Essentially robotic and rubber stamp like, the task of the court was simply to fit people into the green chairs of the dock. 'They are guilty because they sit in the dock together.' Something like the Gandalf case is not about reasoned argument — yet another reason for rejecting the illusions of the liberal paradigm.

GA issue 36 printed a list of MP's addresses, together with the rubric 'have fun lobbying them'. This was taken to be some sort of incitement. A comparable list of MP's addresses and phone numbers were published in the Sun newspaper, (July 31<sup>st</sup> 1996) after some MP's refused to vote for a guns ban after the Dunblane massacre. We wanted to introduce this for comparison purposes, but it was ruled inadmissible by Judge Selwood. Ben was quite upset by this. Any and every irrelevant document, like the 'Matron From Hell', thought helpful to the prosecution, or capable of prejudicing the jury, was allowed. 'Tell The Six Guilty MP's What You Think..' from the Sun was excluded. One law for Murdoch, another for GA.

Saxon's barrister Steve Kamlish, was responsible for one of the more dramatic moments of the trial, on Wednesday 15<sup>th</sup> October, when he told the judge of his intention to inform the jury of their right to stop the case at any point. Naturally, Selwood opposed

State Asset Stieber<sup>18</sup>

With the end of the cold War, the IRA ceasefire, MI5, Special Branch and the other spooks have to justify their continued existence. Stieber, a police agent contemporary of Marx, describes the agenda perfectly. Outfalls like Harlow, Bennetto and Mike Durham repeatedly tell how the secret state is watching the 'eco-warriors'. On March 6<sup>th</sup> 1995, at just the same time that 'Operation Washington' was starting, it was reported that ARNI (the Animal Rights National Index, a Scotland Yard department and police data base) was being expanded to take in the greens. During the early 1990's, 'Operation Snapshot' and various police / council schemes logged movements of so-called 'New Age' travellers. Other police groups like the 'Forward Intelligence Team' collected information about the RTS movement. All of this appears to be collecting together under one organization, the National Public Order Intelligence Unit (NPOIU). There is a certain parallel between all this and similar state actions against the Autonomen in Germany, and anarchists in Italy, which suggests a certain unity of action and policy. 'Operation Washington' falls into place within a Europol / SCHENGEN Europe-wide clamp down on dissent.

## MI5 Against the new Superpower

All the technological resources formerly used against Communism are now ranged against us greenies. So we had better start thinking and acting accordingly.

GA 49/50 page 11

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mal libbers had dug up a corpse and dumped it at McDonalds. Why this sudden convergence of themes? — The second Gandalf trial began on 2<sup>nd</sup> November...

<sup>18</sup> Karl Marx 'Herr Vogt, A Spy in the Workers Movement' 1860, tr R A Procter, New Park, 1982, pages 203–231.

Notes From The Borderland issue 2, page 25.

## The Concepts of Incitement and Conspiracy

Seven months before the beginning of the 1926 General Strike, on 13<sup>th</sup> October 1925, twelve Communist leaders, including William Rust and Wal Hannington, were raided, arrested, tried and jailed for 'Unlawfully conspiring to publish seditious libels and to incite others to commit breaches of the Incitement to Mutiny Act 1797'.<sup>19</sup>

Thus, we can see how 'conspiracy to incite' has a certain pedigree among British political charges. In the Autumn of 1979, the 'Persons Unknown' trial saw six people; Ronan Bennett, Stewart Carr, Vincent Stevenson, Irish Mills, Dafydd Ladd and Trevor Dalton charged in the same way with 'Conspiracy to incite...' Such a charge is a vague, catch-all type of 'offence', in that it is a multiple inchoate charge (inchoate — just begun). Nothing need have happened, it is all about desires and intentions. It is a different business from, for example; an animal rights activist breaking a butchers' shop window. Here, in legal terms, an obvious crime, criminal damage, has occurred. These are substantive offences. Inchoate charges are incomplete, amorphous, fog like.

The real offence is that we exist....

Something as broad and far-ranging as the radical protest movement is more of a culture, a revolutionary climate. As with the Taunton genetically modified crops, people know that the law will never protect their interests, and so trash the fields themselves. Direct action is so much more direct. It is not 'smash this window' but 'smash the system'. If you steal a loaf from the bakery, this is serious theft, but how can the law deal with people who want to take the whole bakery?

Powerful though they are, even the police and the secret police state cannot suppress a whole ideology. So they grasp hold

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<sup>19</sup> Margaret Morris, 'The General Strike', Penguin Books, London 1976, p 162.

the one conspiracy to incite others to commit criminal damage.<sup>37</sup>

## 'Half Time' Legal Arguments

The main legal arguments were over whether or not there were one or two 'conspiracies'. Various possibilities and permutations were offered; that there might be a 'Green Anarchist' conspiracy separate from an ALF(SG) conspiracy. Perhaps there might also have been a 'Justice Department Internet Conspiracy'. (Echoes of Operation Washington 1a ?) The prosecution was supposed to show that there was just one, single, overarching 'conspiracy'. The problem was that the unitary overarching conspiracy was not a hypothesis to be proved, but a fundamental assumption pushed by the police, adopted by the prosecution and accepted by the judge alike. To abandon this assumption would mean abandoning the trial, a political development the judge, for one, was not prepared to accept.

Given the vagueness of the notion of 'conspiracy', the defence barristers were wrestling with fog. They might advance along one path, arguing about a specific link between A and B, (the 12 second phone call say) but as they moved, the fog of that fundamental assumption would close in behind them again. The barristers tried their best, but nobody can be criticised for not doing something that is impossible.

Various diagrams were produced to illustrate the tenuousness of the 'links' between the defendants. I for example, had never met Robin Webb, or Simon Russell, prior to the arrests. Saxon's sole 'contact' with Robin Webb was that he attended a 1994 rally in Cambridge where Robin Webb spoke. We were shown a police video of Robin Webb speaking at a rally in Sheffield on the 16<sup>th</sup> July 1994. Robin Webb had rung Paul Rogers twice, to try to arrange a speak-

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<sup>37</sup> Richard Onslow, prosecution case summary, page 3.

our backs on technology' taken from GA 31, and he claimed that it 'resonates' with the concepts of 'Spectacle and Recovery'. Thomas linked together GA, Robin Webb, Saxon, the Angry Brigade of the early 1970's, into one seamless 'conspiracy'. Even the judge seemed to reject Thomas's laughable interpretation of anarchist politics. Thomas was obviously out of his intellectual depth.

The object of the police is to arrest people. As at the committal, Thomas was quite proud of the fact that he had discovered a crime he could arrest virtually anybody for. When being asked about that long list of raids, Thomas boasted 'All the people referred to on the searches could potentially have been defendants'.<sup>36</sup> He was questioned about the arbitrariness of his procedure; some of the other editors and former editors of GA, like John Rogerson or Kevin Lano, or Richard Hunt for that matter, had not been charged. Another individual, who was known by the police to be the author of a magazine called the Terra-ist, and who was arrested selling it at a World Day event, on 23<sup>rd</sup> April 1994, in Hyde Park, but not charged then nor put in the Gandalf dock, was asked about. Thomas said the police had to stop somewhere. There had to be limits — the dock could only hold so many.

Thomas made a damaging declaration, which openly proclaimed the circularity of all their reasoning, when he said 'They are guilty because they sit in the dock together'. This seems to me to be a correct statement regarding the legal position, but if so, why go to the expense and bother of having a trial?

It may be that each conspirator had his own ends in mind — Rogers, Booth and Wood, anarchistic; Webb and Russell, animal rights, Molland a mixture of both, as well as earth rights, the case is that all joined in

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<sup>36</sup> Committal court, 12<sup>th</sup> December 1996, transcript p 14 = p 798 Gandalf evidence.

of shapeless legal concepts like 'incitement', attempting to make individual writers and editors responsible for the things they report. (Retrospective incitement). By a sort of legal osmosis, the publishers are made responsible for every action undertaken by the movement. It is all about your opinions and desires. The climate of protest is so wide, that by the time they get around to holding individuals responsible for it, the 'guilt' has to be spread a little thin.

Is it possible for publications to 'incite' protest? I do not think so. I think that the facts of the world as we find it are sufficient cause, a clear enough explanation for the origins of our climate of protest and the culture of resistance. The actions of the state and system are so outrageously unjust, that people will act against them. As the Oxford statement has it: 'Environmental degradation, animal abuse, economic injustice and poverty, attacks on freedom, weapons exports, nuclear weapons — these among many others are the real inciting factors, not the reporting of direct action protests.'<sup>20</sup>

Because the police are lazy, and because conspiracy is easier to 'prove', the police are increasingly turning to conspiracy charges in order to convict people. The concept of 'Conspiracy' is a politically dangerous legal weapon, and in any decent, democratic society, it would be abolished. A conspiracy is a joining together of people with a common purpose, under a tacit or implied (read non-existent) agreement to do harm. Thus most political groups could be said to be conspiracies. The fact the police resort to conspiracy charges shows that they cannot prove that a substantive offence has taken place; which in itself ought to start alarm bells ringing. In the legal sense, the radical movement as a whole is one big 'conspiracy', and as Desmond Thomas, the police officer in charge of 'Operation Washington' testified, virtually anyone connected with

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<sup>20</sup> Corporate Watch issue 5/6 has a print out of the text of the Oxford Statement of 5<sup>th</sup> — 7<sup>th</sup> September 1997.

the radical movement could be prosecuted for participation. A connects to B, B connects to C and so A and C are in the same conspiracy, even though they never met. The only real limitations on the use of the conspiracy repression weapon, were the physical size of the dock and the capacity of the sixty police officers to process the paperwork. The fact that it could be anybody in there was part of its intended effect.

Exhibit 988A was a list of supporters / participants in the October 1994 'Anarchy in the UK' Festival.

The legal notion of 'conspiracy' might be applied to any political group which the state takes a dislike to. The best defence against this is for people to exercise their capacity to speak freely more and more; not for the movement to be silenced but to develop and strengthen its own, multiple-path methods of communication. Experience shows that we cannot rely on the mainstream media to report what is happening<sup>21</sup> A stronger, more effective movement, with increasing political momentum for change, is the only real answer.

## The December 1996 Committal Hearing

The committal took place at Portsmouth Magistrates Court, between the 9<sup>th</sup> and the 16<sup>th</sup> December. Portsmouth was chosen because as a reactionary right wing town, prosperous, southern and the capital of the Royal Navy, it gave the greatest likelihood of conviction after Winchester. Prior to the case starting, the defendants had been served with somewhere between 4,000 and 5,000 photocopied pages of 'evidence'. More was constantly being added to this during both the committal and the crown court case proper. This

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<sup>21</sup> Jane Affleck reports on the Gandalf appeal in Lobster issue 36, page 29, commenting on the mainstream media silence; see also the 'Smashing The Image

## Desmond Thomas in the Box Again

DSI Thomas took the stand on 8<sup>th</sup> October 1997, and was asked more questions about the poultry product contamination press release case, covering much the same ground as before. Thomas then went on to ludicrously claim that Robin Webb is an anarchist, and that the ALF is an anarchist front! Much of Thomas's hatred was directed against Saxon Wood, indeed the judge himself seemed to dislike Saxon more than the rest, aside from the Virtual Defendant, Robin Webb. DSI Thomas also ridiculously claimed Saxon had 'duped' his brother, Scott Wood, into writing for GA. The presence of Saxon in the dock was a continual reminder of Hampshire Police incompetence — initially they had arrested the 'wrong' S Wood.

From Thomas and Venton's testimony at the committal, and also here, we learned that prior to 'Operation Washington Part 2' there was another trial intended (Operation Washington 1a?) a follow on to the PLO egg contamination trial, centred on a list of postal bombings carried out by the JD from October 1993 onwards<sup>34</sup> and published in the ALF(SG) newsletter and on the internet. Some of the same people prosecuted in the Gandalf trial would also have been present in Washington 1a, together with 'at least four others' including, as Thomas put it in his rabidly hyperbolic declamatory style 'the animal rights terrorist, John Curtin.'<sup>35</sup>

Thomas had a notion that anarchism was all about exploiting irreconcilable differences in society to create trouble. Thomas claimed to have discovered this from reading the works of 'Guy de Bard'; and he found this author's concepts of 'Spectacle and Recovery' (sic) helpful in understanding anarchy. At this point the barristers handed back a note saying that I must not laugh out loud at this tosh or make adverse comments. Thomas was asked what he thought was inciting about the phrase 'we must recreate, and turn

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<sup>34</sup> The Justice Department list was Exhibit No 965, page 4757 and onwards in the Gandalf case evidence.

<sup>35</sup> Committal court, Thomas testimony, 12<sup>th</sup> December 1996.

with 'Operation Washington Part 2' was taken on the afternoon of 15<sup>th</sup> December 1995.

Mr Venton had written out legal advice and notes about the case. He argued for a narrow definition of 'incitement', comprising the 'How to do it' articles, like the instructions on how to make an incendiary device contained in the animal rights pamphlet 'Into the 1990's with the ALF.' Venton was afraid that a broad definition of 'incitement' would lay bare the political nature of such a prosecution. He was right, and it did.

'All the subjects of this investigation are people who hold extreme political views, basically anarchists.' Venton admitted near the top of his memorandum. Lower down, he then went on to say 'I left out of the equation all general exhortations for direct action, as the literature is full of it, and it would be too easy to confuse specific incitement to commit crime with the expression of political views (however extreme) and the methods to achieve the aims'.

The uncovering of Roger Venton's memorandum in the unused police papers was a good piece of legal work by Naim, Tim Greene and Ben Emmerson. Venton's memo exposed the methodological flaw at the heart of the police process. Venton's narrow definition of 'incitement' did not fit with the political intention of the case, and so was sidelined. Instead, the broadest possible definition (see note 22) of 'incitement' was taken, encompassing every type of radical literature, the ALF, eco protest and community resistance diaries in GA; slogans like Robin Webb's 'Take courage, take heart, take action'. Venton specifically denied that T-Shirts were capable of inciting, but on 29<sup>th</sup> August, there they were; ALF T-shirts with pro JD slogans like 'Animal Liberation — It's Quicker By Tube!' were paraded through the court like trophies of war, and being held up by Jill the court usher. If Venton's advice had been followed, the trial would have been a lot shorter, but it would not have had the desired political effect of criminalising an entire ideology and movement.

'evidence' consisted of issues of GA, the ALF Supporters' Group Newsletter [=ALF(SG)], together with many other anarchist, animal rights, environmentalist, punk and other magazines.<sup>22</sup> There were letters, invoices, art work, receipts, the animal rights bomb maker's manual 'Into the 1990's With The ALF', 'Urban Attack', and many other things. Basically, we six were being held responsible, not just for what we ourselves had written, nor collectively for each others' writings, but for any and every other radical piece of protest literature collected during the 55 police raids, and produced or sold between 1990 and 1996.

The court process consisted of going through these documents page by page, picking out all the choice sentences of passages. It was here that we were first introduced to the concept of incitement by reviewing another publication. We also learned about retrospective incitement (just reporting the facts), incitement through commentary, incitement by slogan, incitement through expressing an opinion, incitement by advertising, and indirect incitement. Anyone who thinks that by allowing a barrister to read out a long, continuous selection of choice quotations could 'prove' that people who never met could be part of some vast but indistinct 'conspiracy' is a fool. I for example, as an anarchist who wishes to develop human capacities and freedoms, would like to see the state overthrown by a physical revolution, but I had little or no interest in animal rights. I had never met Robin Webb before the arrests, I had not even heard of Simon Russell; but here we all were — 'co-

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Factory' below.

<sup>22</sup> Stephen Booth 'Gandalf Diary' on the Index on Censorship website listed some of the publications in the trial:

Terraist, Bolton Evening Noose, Land and Liberty, Arkangel, Animal Liberation Primer, No Compromise, Do Or Die, Liberator, Smashing The Image Factory, Without A Trace, Partizan, Kerosine (Yugoslavia) Underground (Canada) Berkshire Wood Elves, ALF(SG) Newsletter, Smoke & Whispers, Cement Cross, Urban Attack, No Comment, Devastate to Liberate, By-Pass, New Zealand Anti Vivisection Society Newsletter, The Power Is Ours, Anarchy in the UK, Against All Odds, Keep it Spikey!

conspirators' for having some sort of place in very different parts of the 'same' broad protest culture and movement.

The main point of interest at the committal, was the testimony of Detective Superintendent Desmond Thomas. Quite a lot of words have been written about the mental state of DSI Thomas, particularly in animal rights publications. It is clear that he has mounted a crusade against animal liberation, and it is also clear that he has a personal vendetta against Robin Webb. The danger is that we personalize the Hampshire Police activities, so that the issue becomes Thomas. We personalise the police as Thomas, and end up with a mirror image of the Channel 4 'Dispatches' pastiche of 'That evil terrorist Robin Webb'; or to give another example of the same type of process, the 1984 miners strike becomes that of Arthur Scargill's mortgage. Thomas has a grudge, but he is also a 'useful idiot' to do the dirty work for the secret state.

Thomas himself testified, that during 1995, 56 police raids took place.<sup>23</sup> 'Operation Washington' had 15–20 officers working on it, with 24–30 active plus 30–40 support staff at peak times. For example, we can note that for the 16<sup>th</sup> January 1996. Washington could command the exclusive use of two police stations. Thus, it compares with a murder case or a major anti-drugs operation. In money terms, the cost of the case has been put at somewhere between ?2M

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<sup>23</sup> In the printed court transcript of Thomas's testimony, 11<sup>th</sup> December 1996, Thomas gives several figures, and it is not clear how these relate together. He seems to be saying there were two waves of raids, 44 in the first, 31 in the second, and 25 raids related to the defendants. Do we add 44 to 31 and subtract 12 = 63 raids? Do we count ourselves twice = 75?

The transcript is not exactly what he said, more a paraphrase, typed out by a clerk as he spoke. In my own court notes I have the figure 56, which is what I remember him saying.

GA counted up the figure of 55, from raids known about plus what we could sort out from disclosed papers in the evidence. There was a list of raids, Exhibit 952, but as far as I know none of us was given a photocopy of this. So 55 or 56 are probably close to the truth, as close as we are going to get.

contents. We had no business to make such an abdication. Pleading guilty would also have implications for Paul Rogers and Robin Webb, and would make the next Gandalf type prosecution easier, and therefore certain. You have to draw a line somewhere. Simon was in favour of the plea bargain for pragmatic reasons. Noel, who sought animal rights martyrdom, was also in favour. Saxon and myself were against. I explained to the others that I would have no part of it, and if it came to that then I would sooner take the ferry than plead guilty. I had my passport with me, somewhere, but as far as I remember I did not actually wave it in their faces. During the lunch hour, I went out for a walk round the Portsmouth city centre. I felt so angry about it. I reasoned that Judge Selwood, who was obviously a bastard but not as big a bastard as I am would probably only tell them to 'shove it' and add five years on to the sentence for cowardice. So I walked back to the court, and I think I might have been a little late getting back. The others looked a bit worried, they were probably thinking 'Perhaps he really has taken the ferry'. Luckily, Judge Selwood did tell them to 'Shove it', and saved them from themselves, but all the same it was a bad display of defence weakness, and something I wish hadn't happened.

## The Venton Memorandum

The police ignored their legal adviser because his advice did not suit their political objectives. One of the key prosecution documents of the case, among the unused evidence but revealed, perhaps unintentionally by the prosecution, was the 'Venton Memorandum'.<sup>33</sup> Mr Venton, a solicitor and legal adviser working for the CPS in Portsmouth, had earlier testified during the committal hearing of December 1996. Among the facts learned there, about policy and the management of the case, was that the decision to go ahead

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<sup>33</sup> The Venton memorandum is reproduced in GA 51, Spring 1998, page 5.

effect. Paul could continue to publish the magazine, and he was left free outside to campaign on behalf of the rest.

ON SLOW: (Working his way through the case papers)

A Lie Too Far, Searchlight, Hepple and the Left — I'm not going to refer you to any of that...

— Tuesday 16<sup>th</sup> September 1997

We can learn a lot from this. The legal system is terrified of secret state stuff. So one possible response, when being questioned by the police in a repression of freedom of speech case, is not to say 'no comment' but to answer every question with a statement like 'Tim Hepple is an MI5 sponsored agent provocateur.' In my opinion, when faced with a trial with some spook content, it would be a good idea to have at least one defendant unrepresented by barristers, and so free to ask the most awkward of awkward questions, assisted by a 'McKenzie Friend'. In my opinion, political trials should be slowed down — we ought to bung them all up like the Mc Libel case. Challenge every page of evidence. If the political cost of the trial is raised enough — it just won't happen.

## The Plea Bargain

To join yourself to the law is to become part of the corruption.

Four Brothers, page 102

The political situation demands that when faced with a desperate situation like the Gandalf trial, it is important not to show weakness. Unfortunately, on 19<sup>th</sup> September, the defence barristers decided they would attempt a plea bargain. This was a completely outrageous move, in my opinion, because it surrendered to the state the right to censor our magazines and punish the editors for their

and ?10M.<sup>24</sup> A decision to commit police and CPS resources to this extent, is not within the remit of just one middle-ranking police officer with a personal grudge. It would have to be a policy decision, taken higher up. Obviously, given the politically charged character of the case, Thomas is not the ultimate point of control.

DSI Thomas himself, testified that the secret state was involved in the Gandalf case:

Could you just help me about this? You have told us that there were other forces involved in this investigation, that there has been public debate about the role of the secret services. Were they involved in this investigation?

I did. [quoting previous PLO trial transcript-] 'They were involved in one part of it which was not significant until after Mr Webb had been arrested that other people had been arrested but may I just say that it does not relate to these proceedings today' My answer did not refer to those proceedings or to Mr Webb in these proceedings and any other issues related to the security services, I would ask the court deal with by means of public immunity hearing. It related indirectly to these proceedings.

It would have been the middle of 1995.<sup>25</sup>

A lot of the cross-examination related to the earlier Robin Webb and Gillian Peachey Poultry Liberation Organization (=PLO!) egg

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<sup>24</sup> I distrust putting a figure on the costs. All those police though, all those raids, the CPS reading through the evidence, police time, barristers in court. The court itself was admitted to cost ?7,000 per day. 'Quite a few hospital wings and kidney dialysis machines later ...' (As Ben Emmerson put it in his closing speech.)

<sup>25</sup> Desmond Thomas's testimony on 11<sup>th</sup> December 1996, page 4 of the transcript, p 788 of the evidence. This is as typed, but it is not quite what he said. It captures the convolutedness and pompous tortured style of his speech, though.

contamination press release conspiracy trial, held in Winchester in late 1995. This trial was the result of the so-called 'Operation Washington Part 1' which held Robin Webb responsible for handing a press release out to the press, in his capacity as ALF Press Officer. The PLO trial collapsed on 11<sup>th</sup> December 1995, when DSI Thomas revealed that some evidence taken during a raid on Gillian Peachey had been left unattended in the boot of a WPC's car over the weekend. As a result of this, Peachey could no longer be charged, and for a conspiracy you need at least two people, so the whole case fell.

Why did Thomas reveal the fact that his own chain of evidence was broken? Four days after the PLO trial collapsed, on December 15<sup>th</sup> 1995, the decision was taken to go ahead with 'Operation Washington Part 2', the arrests and raids taking place a month later. January 16<sup>th</sup> 1996 was just three days after an openly advertised GA editorial meeting — this timing is not coincidental. Did Thomas receive orders from elsewhere to stop the first trial in order to widen his frame?<sup>26</sup>

James Wood, the barrister at the December 1996 Gandalf committal, argued for abuse of process. Robin Webb had been tried under the same evidence at Winchester. On the Friday, almost at the end of the committal hearing, the prosecutor, Richard Onslow, made a gross mistake, and conceded that were Webb to be re-prosecuted on his own, that would indeed be oppressive. However, he was be-

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At the time, I took this to refer to the Hepple case. I still think this, but now I also think it relates to the Super-Armi / anti Green Squad / NPOIU too, as mentioned in the regulation issue Bennetto type newspaper article. 'Let's target the greens' they said. 'Let's go after Green Anarchist.' Hepple's activity fits with that same agenda.

<sup>26</sup> Bail was cancelled after the first batch of raids on 11<sup>th</sup> May 1995, but the raids resumed and continued until late November. Frontline Books, for example, was at the end of June. There were various reports of raids in Freedom, mostly playing down the seriousness of it all, pretending they were a joke. 'Hampshire Special Branch On Tour' for example, Freedom, 22<sup>nd</sup> July 1995, or 'Green Anarchist reader raided' from 19<sup>th</sup> August 1995, page 4.

legal defence, which would obviously fail. Their dogma that 'It's all about Robin Webb' depoliticised the trial.

I am not criticising the animal lib people for this, but simply trying to tell it how it was, then. Various attempts to politicise the trial were made; the free speech demonstration on PII day, which was successful, the Princess Diana Death Celebration, which was prevented. Hepplegate, which failed, the publication of GA49/50, a classic act of defiance in the face of oppression, and lastly the Selwood effigy burning. These five had some potential to turn it over, but because the initial momentum never developed, each event began from a lower point. Staging political events contradicted the animal lib purely legal approach. A political trial cannot be opposed in purely legal terms.

It is not about whether you are 'guilty' or 'innocent', as if these judicially fabricated categories have meaning; but whether you've got enough treacle to gum up the machinery. All the PII and Hepple / secret state stuff were our best shot at stopping the trial, but the defence barristers just would not run with it. The crisis came to a head on the morning of the 11<sup>th</sup>, when Ken McDonald QC, Paul's barrister, refused to accept instructions to follow Paul's strategy, and resigned the case. There was an almighty row over this, and harsh words were spoken. This left Paul unrepresented, with Judge Selwood demanding that Paul represent himself, adjourning the trial until the next week, to give him time to 'prepare'. This led to one fortunate political consequence; in that Paul got a chance to look at and photocopy part of the unused evidence. The point about the unused is that this is the inconvenient stuff the police and prosecution would rather bury, for example material about informers within the movement, and provocateurs like Hepple. The unused stuff would be most useful for discrediting the case, politically.

However, when the court resumed, Paul was severed from the trial on the 15<sup>th</sup> September, lest he do more damage. As Paul was the main editor of Green Anarchist, and in the absence of Robin Webb the principal defendant, this destroyed a lot of the intended

## Severance of Paul Rogers

It was a surreal experience to be on trial, with Robin Webb as a named co-defendant, without Robin being present in court, except perhaps in some notional sense, as a 'virtual defendant'. Much was made of the now familiar story of the gay ex-Special Branch detective, who talked too much at a party somewhere, and revealed where the bug was planted in Robin Webb's car. Much was made of a loan from the ALF(SG) to Robin Webb, to buy a Lada car to help him get around to meetings and protests. The fraud squad were called in but found nothing improper in the loan. This prompted a little rhyme about our virtual defendant:

What or where is Robin Webb?

Is he alive or is he dead?

Speeding off inside his Lada

Making cops work that much harder.

The first big crisis came on Thursday 11<sup>th</sup> September. From the point of view of GA, the main part of the defence strategy was to raise the political cost of the trial by calling secret state assets like Hepple and others, putting Searchlight and the Secret State itself in the dock. We already had Thomas's testimony at the committal, and the fact of the PII itself as starting points. In this, August 26<sup>th</sup> and the Shayler Case, (much in the news at the same time), ought to have been used to develop momentum and discredit the trial in the minds of the jury, if possible, but certainly to the wider public. Our analysis and ambitions ran far ahead of our capacities. What was needed was not just a legal defence inside, but also political action outside. We also needed psychological warfare against the CPS and the judge. These strands would have worked together to turn it into a circus. The problem was that the animal lib defendants lacked the political confidence to try this. They just wanted a purely

ing prosecuted along with others. James Wood, in reply, pointed out that each defendant must be considered on his own, each particular case weighed on its own merits. It was no less oppressive than if Robin Webb were there on his own. They could not use the fact that others were being prosecuted alongside to justify the prosecution of Mr Webb.

James Wood's argument is just, of course, but this is what a conspiracy prosecution does. You need others to make a conspiracy, and their 'guilt' confirms you 'guilt'. Wood's objection lays bare the flaw behind the whole trial. Yet it was the mistaken concession by Onslow, which persuaded the Stipendiary Magistrate, Mr Clarke, to halt the case against Robin Webb, but allow those against the rest. At this point, it looked as though the whole Gandalf farce would unravel in the Hampshire Police's hands.

In early 1997, we organised a Gandalf Tour to try to raise awareness of the case. We had begun campaigning in 1996, coining the name 'Gandalf' (Green Anarchist aND Animal Liberation Front) as a handy acronym to describe the defendants. During the 1997 general election, we carried out an anti Jack Straw campaign in Blackburn, Straw's constituency, which failed to generate any media support — no surprises there. If nothing else, the Blackburn campaign gave us the chance to talk to sympathetic people opposed to censorship.

## The Trial Itself Begins

'Court hears men were devoted to anarchy'

Portsmouth cop outfall, the News, 29<sup>th</sup> August 1997,  
page 7

The police appealed against the Webb acquittal, but went ahead with the trial of the rest of us anyway. The Crown Court trial began on 26<sup>th</sup> August 1997, and did not get off to a good start. The first

day was given over to 'Public Interest Immunity' or as I renamed it 'Police Interest Impunity'.<sup>27</sup> PII certificates were used to convict innocent men in the Matrix Churchill case, and the mere fact they were used in the Gandalf trial, in my opinion, discredits the entire case. PII is incompatible with an open society. PII is an iniquitous procedure, a closed session, attended by the judge and prosecutor, but with the defence counsel and defendants excluded. Thus the one sided nature of the whole trial was shown on day one.

At the start of the trial, a list of questions were prepared, to try to exclude potential jurors who had connections with blood sports, road building, or the armed forces.<sup>28</sup> At the time, this seemed a fair procedure, but in retrospect, it would probably have been better not to have done this. To ask people about their awareness of environmental issues and politics automatically excluded the intelligent and aware. Decent people would have nothing to do with the trial, and we just provided people with ready-made excuses to avoid jury service. We ended up with the people too stupid to adopt an excuse, a jury of Sun readers. The anticipated length of the trial, 6 to 8 weeks, selected the older, middle class conformist types. The state's choice of the Portsmouth venue had already determined the Blimpish, Nineteenth Century centre of political gravity of the jurors, in any event.

In my opinion, the state never intended to hype the Gandalf prosecution as a show trial. The mainstream media hardly reported the police raids or build up; except for one small item in the Guardian reporting the raid on the Frontline bookshop in Manchester, and a riposte to this, a character assassination piece on Paul Rogers in the

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<sup>27</sup> The police interest impunity joke appeared in An Phoblacht / Republican News, Thursday 20<sup>th</sup> November 1997, page 13.

<sup>28</sup> Simon Russell, '12 Weeks in Portsmouth', ALF(SG) Newsletter, January 1998, is Simon's account of the trial. He gives the list of questions asked of the jury.

See also: Portsmouth News, August 28<sup>th</sup> 1997, page 7 'Potential Jurors are asked about fishing.'

Observer.<sup>29</sup> After the conviction, the more lurid selective quotes could be used, as with the Harlow and Bennetto above. The trial itself was aimed at the alternative press, and for this the alternative press and the radical rumour mill could be relied on to spread the message. It would not do to tell the dreaming public too loudly that they are living in a police state.

The timid conformity of the mainstream media is epitomised by the Portsmouth News reporter Graham Keely, who appeared to be wholly at the beck and call of the state.<sup>30</sup>

Any adverse mainstream publicity there might have been in the opening week<sup>31</sup> was wiped out by the crash of Princess Diana in Paris, and the tsunami of mass hysteria which followed this. Shortly after the start of the trial, between September 5<sup>th</sup> and 7<sup>th</sup>, in Oxford, the 'Alternative Media Gathering'<sup>32</sup> published a statement condemning the trial, and endorsed by many different groups. This was posted on the internet, and endorsed by many all over the world. We were filmed by the Undercurrents radical video makers. The Oxford Declaration was the real turning point in the radical fight-back against the trial.

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<sup>29</sup> David Ward, Guardian, 30<sup>th</sup> June 1995, page 5.

Michael Durham, Observer, 9<sup>th</sup> July 1995, page 10.

<sup>30</sup> 'Underground' North American ALF(SG) newsletter, Winter 1997, page 15.

<sup>31</sup> Just prior to the start, and quite uncharacteristically, there were two sympathetic pieces in the mainstream:

Nick Cohen, 'Have a go justice at the greens' Observer, 24<sup>th</sup> August 1997, page 10.

Matthew Kalman, Independent on Sunday, 17<sup>th</sup> August 1997, page 4.

<sup>32</sup> Corporate Watch, issue 5 / 6.