

How they rewrote the law at Orgreave

Peirce, Gareth

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The 'infantry' in battle positions at Orgreave, June 18, 1984

How they rewrote the law at Orgreave

Gareth Peirce

IT IS probable that by next year Parliament will have abolished any absolute right to peaceful assembly in this country. It will have established new offences of riot and violent disorder, and will have made it an offence to disobey the order of a police officer at a demonstration.

In passing such legislation, it will have recollected how extraordinary numbers of people arrested during the miners' strike for serious offences of riot and unlawful assembly had the charges against them dropped.

On each occasion, the reasons given suggest that because of the numbers of people arrested — with consequent difficulties of identification, or because of the complexities of the law of riot — convictions could not be obtained. Guilty men have gone free and shortcomings in the law have made for acquittals.

If, however, before coming to any such conclusion and acting upon it, Parliament had read the entire transcript of the recent Orgreave riot trial abandoned by the prosecution on its 45th day, it would pass no such legislation. No body of sane persons, after reading that account, could contemplate providing more powers to any cross section of police officers such as gave evidence at that trial, but instead would be alarmed as to how to deal with the terrifying aggregation of power to the police that has hap-

pened without attracting any real public notice.

Orgreave on June 18, 1984, revealed that in this country we now have a standing army available to be deployed against gatherings of civilians whose congregation is disliked by senior police officers. It is answerable to no one; it is trained in tactics which have been released to no one, but which include the deliberate maiming and injuring of innocent persons to disperse them, in complete violation of the law.

Chief constables, like medieval war lords, each have their own trained militia; these they lend to each other — "foreign forces," as they were referred to during the Orgreave trial. The concepts and terminology have become those of the military. Senior officers at Orgreave spoke of "incapacitating" demonstrators, "flushing out" pickets, and leaving "strike zones" as they advanced through empty fields.

Understanding of this is slow; blue uniforms provide an effective camouflage against any instinctive reaction to the deployment of soldiers against citizens. Yet the 8,000 police present at Orgreave on June 18 had all been trained in accordance with a manual compiled for private consumption by chief police officers; called *Public Order, Tactical Options*. It exhorts the use of para-military manoeuvres which break the law, and June 18 at Orgreave was their first public display — squads of officers with short shields and batons drawn, running into crowds to frighten and injure them were new.

Police officers do not en-

joy any special dispensation or immunity if they commit crimes; such dispensation is awarded only to the military, and only at times of declared national emergency; the Riot Act no longer exists. And yet the testimony of all the police officers at the Orgreave trial indicated that, unilaterally, senior police officers have rewritten the law and are acting upon it. If, in their view, they encounter a situation in which they wish to disregard the law, they no longer feel inhibited from doing so.

The senior officer in command at Orgreave, Assistant Chief Constable Clements, was reminded by the judge at the trial of the first (and last) men to appear before the court charged with riot, that people had a right to be present at Orgreave and peacefully demonstrate. While briefly agreeing, Mr Clements reverted to the view that he repeatedly expressed to the press at the time, that people had "no right to be there."

Consequently, he would "not be the slightest troubled if they were trampled on by police horses." In the minds of the police that day, emergency provisions had effectively been passed which would allow them immunity for their actions — they were at war.

Before June 18, Mr Clements had stated that if there was to be a battle, he wanted it "on my own ground and on my own terms." His second-in-command, asked at the trial about conflicts between commands given in the chief police officers' manual and

the law as expressed in the normal standing orders had no hesitation; "If there is a conflict between the standing orders and the manual, the chief constable is autonomous in his area."

Mr Clements, commenting on the law as it has always been — namely that truncheons should only be used by police to defend themselves or if necessary to resist violence — considered "the manual is different. If there is a riot, standards are different."

Was there a riot at Orgreave on June 18? Illegal practices are frequently secured and legitimised through repeated misinformation. The police asserted on the day that there was a riot, and they still do. If changes are made in the law of public order, and the police are given new powers that accord more closely with what they took upon themselves, "Orgreave" will be used in the debate as shorthand for violent disorder on the part of miners.

When television news that night showed one man being repeatedly truncheoned by a police officer, it treated it as an isolated instance. And when the evidence was quoted from one police disciplinary witness at the trial, suggesting it wasn't just one officer who had "gone off at half cock; all the senior officers were getting stuck in too"; the senior officer giving evidence on oath at the time interpreted "getting stuck in," as "doing his duty."

Parliament should therefore see, if it takes its investigations seriously, the film that the police made for their own purposes that day,

and in juxtaposition with the account given by the police — as did the jury at Sheffield Crown Court. The two are irreconcilable. The film was never produced as part of the prosecution case but only at the insistence of the defence. Instead, it was being used by one of the senior officers giving evidence at the trial at Bramhill Police College to demonstrate "options available" to police in crowd control.

In the film, you see how men arrived at Orgreave on a beautiful summer's day from all corners of the country. You see them from 6 am onwards being escorted by police towards an open field; being brought by police over open ground from the motorway, being steered by police from below the coking plant to the field above. For two hours, you see only men standing in the sun, talking and laughing. And when the coking lorries arrive, you see a brief, good-humoured, and expected push against the police lines; it lasts for 38 seconds exactly.

You also see — the film being shot from behind police lines — battalions of police in riot uniforms, phalanxes of mounted officers, squadrons of men with long shields, short shields, and batons. You see in the distance, in a cornfield, police horses waiting, and down a slope, on the other side, more police with dogs.

Suddenly the ranks of the long-shield officers, 13 deep, open up and horses gallop through the densely-packed crowd. This manoeuvre repeats itself. In one of those charges you see a man

being trampled by a police horse and brought back through the lines as a captive, to be charged with riot. You see companies of "infantry" dressed in strange medieval battle dress with helmets and visors, round shields and overalls, ensuring anonymity and invulnerability, run after the cavalry and begin truncheoning pickets who have been slow to escape.

You hear on the soundtrack "bodies not heads" shouted by one senior officer, and then see junior officers rush out and hit heads as well as bodies. You see this over a period of three hours and you see men begin to react and throw occasional missiles. After 12 noon, they begin to construct defensive barricades against further police onslaught.

One senior officer, who said that it was the first time he had seen horsemen riding at people with batons drawn, was asked at the trial whether people might throw missiles out of terror to repel attacks by mounted officers. He said, "no, that never occurred to me." Another officer conceded that the purpose of the horses and the short-shield officers was to terrify; if miners did not disperse when they were run at by the police, then they were eligible for arrest. This was the view of the law expressed by the last junior officer to give evidence before the riot trial was finally jettisoned by the prosecution.

Remember the positive encouragement seen on the film, of the police escorting

men into that open field, were they as one Welsh miner put it "like the Belgrano, there to be sunk."

That day 95 men were arrested and charged with riot and unlawful assembly. If what really happened was that the police had been allowed to declare war on the miners, injuring men and taking prisoners, it is small wonder that any eventual trial capsized for the prosecution. You cannot have the actions of a military junta and accommodate them comfortably within the legal requirements for trial in a democracy.

The conventions still demand that we do not call the police the militia and that we refer to captured prisoners as defendants; we charge them with specified offences; set out the evidence of crimes we say they have committed, and stand them on trial.

To fit into that expected pattern, the account that the police give must suggest conventional arrests and a legal sequence of events. The *ex post facto* attempt to impose such a conventional structure upon police mayhem formed the heart of the evidence at the Orgreave trial. The trial revealed unprecedented attempts to coordinate evidence — a necessity where the police version of events never happened — but undermined entirely by the lackadaisical approach of the officers required to give individual evidence about the actions of individual pickets.

Orgreave was the logical culmination of the four years since 1981 in which the police have been allowed, or at times positively encouraged, to develop their physi-

cal strength out of public view. "Training is done in the hope that short shields will never be used" one senior officer said at the trial. He is now training other police on the basis of Orgreave.

The deployment of those short-shield units shocked almost no one; television news that night reversed the order of the footage available to show men throwing missiles and then police charging, the theme that the police attempted to pursue during the trial in contradiction of their own visual evidence.

At Peterloo, 150 years ago in similar circumstances and for similar motives, the army sent its cavalry into a peaceful crowd — the press, then, proved capable of outrage. That they did not in 1984 has ensured the reappearance of those same short-shield units, of identical appearance and identical tactics, at Stonehenge this year, truncheoning men, women and children. Officers are still assuming that to disobey a policeman's word provides a valid basis for arrest or assault.

No changes in the laws on police powers can preserve our public peace; Orgreave was never to do with the niceties of police powers, it was to do with power, absolute power, exercised at will. Arbitrary arrests and brutality are hallmarks of any dictatorship — they were evident at Orgreave on June 18 and ignored. By our silence, we have endorsed the existence of a militia.

Gareth Peirce is a solicitor and acted for eleven defendants at the first Orgreave trial.