

Duncan Campbell explains how a New Statesman article contributed to an arrest.

TV journalist arrested under Official Secrets Act

JOURNALIST STEPHEN SCOTT of London Weekend TV, who was arrested for seven hours on Tuesday for alleged Official Secrets Act offences, had recently angered the police and security services by having established the link between the Secret Intelligence Service (MI6) and an accused drug smuggler, Oxford graduate Howard Marks. Marks was recently acquitted by an Old Bailey jury of conspiracy to import drugs. A key piece of evidence introduced in his defence was an article published by Stephen Scott in the *New Statesman* in July 1979.

The article set out, in some detail, how Howard Marks had become involved with MI6 through a former Oxford colleague, MI6 official Hamilton MacMillan. It was based on a report compiled by Thames Valley Police in 1974, when Marks disappeared while on bail, charged with conspiring to import drugs to the United States from Europe. Because the police report specifically confirmed Marks's involvement with intelligence activities, the prosecution at his recent trial was unable to refute Marks's intelligence cover.

Howard Marks is still in custody, and will shortly face trial on the original charges from 1974. His disappearance then seemed a valuable facesaver for MI6, although a row about his work for the service surfaced during the recent trial.

The most sensitive passage of the report, which we quoted in 1979, explained how:

A former Balliol college fellow undergraduate of Marks, who is now an MI6 officer, contacted Marks with a view to using his company 'Annabelinda' which also had a shop in Amsterdam as a cover for his activities. He later realised that Marks was engaged in certain activities and requested him to obtain information concerning the Provisional IRA.

Another point of sensitivity about the police report was a series of references to a leading London criminal lawyer who 'was known to the Security Service' (MI5) because of connections with the

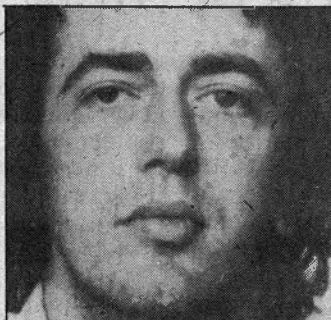
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Howard Marks: is the Official Secrets Act being used to try and suppress evidence from his forthcoming trial?

National Council for Civil Liberties. The report had clearly indicated that NCCL and several of its members, including practising lawyers, had been under MI5 surveillance.

The police report was written by a former Detective Superintendent in the Thames Valley Police Force, Philip Fairweather. Defence lawyers had hoped to ask Superintendent Fairweather to give evidence at the recent trial about Marks's disappearance and intelligence activities. But Superintendent Fairweather committed suicide before this could happen.

Officers from the same force, Thames Valley, have now arrested Stephen Scott, and he was taken to a station in London. If the police intend to bring charges – presumably under Section 2 of the Official Secrets Act – they will have to obtain the consent of the Attorney General. Previous Section 2 charges against journalists have been notoriously unsuccessful. □

Duncan Campbell on Leeds Police double standards

Petrol bombs legal?

A LEEDS SHOPKEEPER who prepared a stock of petrol bomb components for use during the July riots has not been charged with any offence by police, a month after a police raid recovered evidence of the bomb preparations. The case is in distinct contrast to a conspiracy trial of eight youths from the same area who were held in custody and were tried on charges of making or possessing bombs with intent to endanger life or property. Six of them were jailed.

The shopkeeper, Mr Graham

Mick Hamer looks at how Aslef have let the Tories off a hook

Rail dispute threat to electrification

AS THE two sides in the railway dispute became more entrenched this week it was clear that the third party in the dispute – the government – would use it as an excuse to block vital investment in the railways.

The dispute has been deadlocked since 3.00 am last Saturday morning. British Rail (BR) then offered to pay the extra three per cent if Aslef, the train drivers' union, went to binding arbitration on the separate productivity understanding which the two sides came to last August. Privately the doves in BR concede that they should have made this offer earlier – before both sides started digging in. Aslef rejected the deal. Now Acas, the government conciliation service, is to set up an inquiry, chaired by Lord 'Bill' McCarthy, who also conducts the railway's National Staffs Tribunal, the industry's final internal court of appeal for pay disputes.

McCarthy is widely respected in the industry and Aslef and the NUR are likely to co-operate with the inquiry, which will be completed fairly quickly. However, its verdict will not be binding. If it fails to resolve the dispute then the only other obvious step for the government is to order a judicial inquiry.

But the government has no desire for a speedy end to the dispute, which has got it off a particularly unpleasant hook. After several years' prevarication, it had reached the point where it would have to say 'yes' or 'no' to BR's plans for railway electrification –

and 'no' would seem grossly unreasonable.

Back in 1978 Sir Peter Parker went to the then Secretary of State for Transport, Bill Rodgers, with a shopping list of railway lines which he wanted to electrify, to be paid for out of North Sea Oil revenues. Rodgers responded by setting up a joint BR/Department of Transport inquiry into railway electrification, which last year recommended electrification of up to half the rail network. Last year Norman Fowler, then transport secretary, tried to get the Cabinet to agree to the proposals, but the Treasury and other hardliners sent the idea to the Think Tank and to the government's economic adviser, Professor Alan Walters, for second and third opinions.

Both were unfavourable to the plan, and the Department of Transport began to suggest that BR would get electrification only if it improved its productivity. BR's 1981 Corporate Plan set a target of cutting 38,000 jobs by 1985. So far BR and the unions have negotiated a reduction of 12,000 jobs since 1980, rather ahead of schedule. On 22 December, 1981 the new transport secretary David Howell approved half of BR's electrification plans in East Anglia, principally the line to Norwich, and in the Commons that day his junior minister Kenneth Clarke linked the NUR's productivity deal to electrification: that union's acceptance of variable rostering, said Clarke, had enabled the Secretary of State 'to give approval to the rail electrification to Norwich'.

The Department of Transport is now saying that if Aslef doesn't agree to the productivity deal then all future electrification plans are in jeopardy – although Aslef's contribution to the 38,000 job-cut target is bound to be a minor one. A further meeting between the unions, BR and the Department of Transport, scheduled for the end of this month, has been cancelled. □

Bone, who runs the GB Auto Centre in the Harehills district of Leeds, stockpiled over 20 bottles with rags taped around their necks, and eight gallons of petrol with which to fill them. He intended to use them against any crowds or riots which came near his shop, and kept them in a back room ready for use until he was raided in December last year. The secret bomb stockpile was first revealed in the Leeds alternative paper, *Leeds Other Paper*. The report led directly to the police raid.

This week, Mr Bone claimed the allegation that he had gathered the material to make petrol bombs were 'not really' true, and that the reasons for him stockpiling the jars and petrol had been taken 'out of context'. But he was not prepared to discuss why he had obtained the materials.

The West Yorkshire police – already under intense public criticism for their handling of the

Ripper case – were unwilling to comment about the GB Auto Shop case because of its 'sensitivity' in connection with the July riots. They would not discuss whether or not charges would be brought, but said that a report would be sent to the Director of Public Prosecutions.

Understandably, many of those involved in defending the eight Leeds youths, or the Bradford 12 conspiracy case are angered by what they see as discriminatory treatment of a white shopkeeper. Under the 1883 Explosives Act, it is an offence to possess explosive substances where there might be suspicion that they would be used for an unlawful purpose. Although self-defence weapons are sometimes legal, the indiscriminate nature of a petrol bomb would make it difficult to use in self-defence. Anyone charged with such an offence – such as the Leeds youths – has to prove that their purpose was lawful. □