

ways. As he puts it, he 'very inconveniently fell in love with a woman which dealt a major blow to my credibility as a gay spokesman'. In an interview with NME from the punk years, Julie Burchill asked Robinson how it felt 'to be a faggot in the UK '77'. 'It's OK,' the singer replied. 'You wouldn't choose it if you were given a say in the matter, but you get used to it.' How does he feel about that interview now? 'Actually I would choose it. I had a very, very good time for the first 34 years of my life,' he says. He points out in the 1977 NME interview he did say he was bisexual. How has society's attitude towards changed since he wrote Glad to be Gay almost four decades ago? 'We have been blessed,' he says. 'In this country and in many parts of the western world to have found a level of acceptance.' But, he adds, that it is 'still very hard for the 13-year-old that comes to the realisation that they are queer'. 'It is tough. But nothing like as tough as it was,' he says.

Forensic Review of Sex Cases

Dr Gill Tully, the forensic science regulator, is reviewing a series of sexual assault cases to examine whether poor evidence gathering at crime scenes may be compromising criminal justice in the UK. "I am aiming to find out whether there are occasional examples of poor practice or whether there are more systematic issues," Tully told the Guardian. The forensic review, which is expected to take nine months, will look at decision-making at every stage of the investigation in order to examine the quality of the forensic strategy. The focus is on complex and often under-resourced sexual assault cases. Forensic scientists have warned the over-reliance on cheap DNA techniques and the loss of expertise, for example in fibre analysis, following privatisation of the Forensic Science Service, may have already led to miscarriages of justice in the UK. "We are in an era where everyone's budget is under tremendous pressure," said Tully. "But if there is a real skill shortage, that would obviously be a quality concern. I would be concerned if these evidence types were to die out completely." Mike Penning, minister for policing and crime, disputed claims of a crisis. "We continue to ensure forces have access to the best possible forensic services, while protecting taxpayers from the £2m losses that were made by the Forensic Science Service each month before its closure in 2012," Penning said. "We monitor the market closely to make sure it remains competitive and continues to provide forces with what they need."

Birmingham Six Reunion

BBC Radio 4's The Reunion remembered the release of the Birmingham Six in 1991. Breda Power, whose father Billy was one of the men convicted, told Sue MacGregor that at first no-one wanted to listen. Ann Farrell, daughter of Richard McIlkenny, another of the Six, said: "When you know that someone you love is in prison for something they haven't done, you never give up, no matter how hard it is". Paddy Hill, one of the most vocal of the Six in

Hostages: Mark Alexander, Anis Sardar, Jamie Green, Dan Payne, Zoran Dresic, Scott Birtwistle, Jon Beere, Chedwyn Evans, Darren Waterhouse, David Norris, Brendan McConville, John Paul Wooton, John Keelan, Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinane, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva, Terry Smith, Hyrone Hart, Glen Cameron, Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert Knapp, William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jamil Chowdhary, Jake Mawhinney, Peter Hannigan, Ihsan Ulhaque, Richard Allan, Carl Kenute Gowe, Eddie Hampton, Tony Hyland, Ray Gilbert, Ishtiaq Ahmed.

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MOJUK: Newsletter 'Inside Out' No 548 (24/09/2015) - Cost £1

Flash Grenades Used to End Prison Disturbance

Staffing cuts are to blame for disturbances in two separate prisons last weekend, the prison officers' union has said. It warned of hidden costs to the cuts, saying that they were leading to some prisoners going unsupervised. Prison riot squads had to storm a cell at the high-security Whitemoor prison in Cambridgeshire last weekend when a prisoner took a hostage. Negotiators failed to persuade the hostage-taker, who had flooded the cell and started fires, to end the siege, which lasted nine hours. On the same day, riot squads ended a standoff involving 13 prisoners who erected barricades blocking two entrances to one of the wings at Garth prison, in Lancashire. "Once again, we are seeing serious incidents which we believe are a result of staff cuts. These have resulted in a lack of purposeful activity and prisoners being unsupervised," said Glyn Travis, spokesman for the Prison Officers Association. "Such incidents were costly and involve detailed investigations by the prison service and the police. These are the hidden costs of the cuts to the taxpayers."

Whitemoor houses 450 prisoners, including some of the most dangerous in the system. Last Saturday at 4.15pm a prison officer on the jail's D wing was alerted to an incident in cell 118, where a prisoner was holding another inmate against his will. Prison service national negotiating teams were called in and efforts were made to talk the prisoner into releasing his hostage. The inmate refused and flooded the cell with water and lit a series of small fires. At 1.15am, after negotiations failed, the riot squads stormed the cell using flash grenades and released the victim. Neither of the prisoners, both in their 40s, was injured. The POA said that one prison officer suffered a minor injury to his leg.

At 6.15 pm on the same day, 13 prisoners erected two barricades in HMP Garth, blocking the entrance to B wing. Staff withdrew and national negotiating teams were called in. Several hours of negotiations failed to resolve the situation and, at 2.45am, two "tornado teams" of riot officers attacked the barricades. They met some resistance but no injuries to staff or prisoners were reported. The 13 prisoners were transferred to other jails. Garth is a category B prison holding around 850 inmates. Stuart Horner, who protested on the roof of Manchester prison this week, was transferred there from Garth when staff suspected he was planning an escape.

A spokesman for the Ministry of Justice said an incident involving two prisoners at HMP Whitemoor was successfully resolved by staff and there were no injuries. "The police are investigating," he said. A Prison Service spokesperson said: "Staff at HMP Garth successfully resolved an incident involving a group of prisoners who had refused to return to their cells on Saturday 12 September. No prison officers were injured and one prisoner suffered a minor facial wound, which was treated by on-site medical staff. The incident was confined to one part of the prison and the rest of the establishment was not affected. The police were called and are investigating."

Inmates Charged With Making Rap Video In Prison

Guardian, 17/09/2015

Two criminals accused of filming a rap video behind bars have been charged in what is believed to be the first prosecution of its kind. Demehl Thomas and Moysa Shepherd have been charged with an offence of making a sound recording in HMP Birmingham. The pair are said to have used a banned mobile phone to film a "selfie rap" featuring boasts about drug

dealing and violent assaults on rival gang members. West Midlands police said Thomas and Shepherd, both 25, had been charged with “making a sound recording without authorisation at some stage between 1-16 August this year”. The force said it was believed to be the first prosecution of its kind under the 1952 Prison Act. If convicted the pair could face an extra two years behind bars. DI Nick Dale said: “The law is intended to minimise the potential for a camera or recording device being used to produce images or sound which can then be transmitted to people outside the prison and possibly compromise security or pose a threat to the safety of prisoners and staff. “There is no security issue in this case ... rather an allegation of two inmates brazenly defying prison rules to show off and give the impression they are still calling the shots behind bars. I hope the decision to charge these two individuals shows this kind of behaviour won’t be tolerated and we will always seek to prosecute offenders.” Birmingham prison, which has a capacity of 1,450 inmates, has been run by G4S since 2011. Its director, Pete Small, said: “The decision to charge these men sends a strong message to prisoners who think they can brazenly break prison rules without consequences. “While these men have already been stripped of their prison privileges I am delighted that West Midlands police have also brought charges and they now face additional time behind bars. Today’s decision is testament to our strong links with the police, and prisoners should be in no doubt that where legislation exists in addition to prison rules, we will always pursue the toughest sanctions possible.”

Inmates at Buckley Hall Staged Protest Following Death of Prisoner

Prisoners mounted a protest after an inmate who had been ill died of a suspected heart-attack in his cell. Derek Patrick Flynn, 43, was found collapsed in his cells at Rochdale’s Buckley Hall shortly after roll call on Tuesday morning 15th September 2015. Staff attempted heart massage and he was taken to hospital but later died. A band of about 25 fellow inmates then staged a protest at the Category C prison, refusing to return from the exercise yard. But the stand-off came to an end within about half-an-hour, it is understood. Sources have claimed Mr Flynn had been ill and claimed prison staff had neglected him. But the prison insists he was being checked regularly because of his ill-health. It is understood a prison officer had seen Mr Flynn sitting on his bed about five-minutes before he collapsed. A Prison Service spokesman said: “HMP Buckley Hall prisoner Derek Patrick Flynn was found unresponsive in his cell on Tuesday, September 15. Staff attempted CPR and he was taken to hospital, where he later died. “As with all deaths in custody there will be an investigation by the independent Prisons and Probation Ombudsman.” In July, two inmates staged a six-hour rooftop protest at Buckley Hall, making allegations about ‘prison brutality’. The drama ended peacefully. HM Prison Buckley Hall, off Buckley Farm Lane, is a Category C men’s prison, located in the Buckley district of Rochdale. It has a population of around 445 and takes its name from a historic house which previously occupied the site.

‘Sabotage via Provocation’ Statement From Republican Political Prisoners

Over the last number of months Republican Prisoners have been working and liaising closely with a number of bodies in an effort to progress the core issues effecting us in HMP Maghaberry Jail. The securocrats and bigots of MI5/NIO and the DUP/POA have responded to these efforts with their tried and tested methods of sabotage via provocation. This methodology has been seen repeatedly during the Steele review of 2003 and the subsequent establishment of the Republican Wing in 2004, again during the August 2010 Agreement and most recently during the 2014 Stocktake. The Jail have provoked tension; contrived alarm situations; issued false charges alleging threats and then used these falsified charges as a pretext for impending progress.

raids of gay bars. Its anger no doubt informed by his own experience. At the age of 16 years Robinson attempted suicide after falling in love with another boy. A sympathetic teacher transferred him to a therapeutic community for disturbed adolescents. The singer updates the songs when he plays it live. He offers me the following post-Leveson version:

The papers in Britain are really the pits commissioned by bigots and written by shits;
They plaster their pages with tattle and tits;
Then all this scandal and slander that fits;
They doorstep their victims, tap into their phones,
Go through their dustbins and burgle their homes;

We discuss the treatment of his friend and fellow broadcaster Paul Gambaccini who was on police bail for a year before the case against him was dropped. I had asked him whether he thought there was a ‘homosexual witch-hunt’ in relations to historic sex claims (as recently claimed by the Conservative MP Harvey Procter). ‘Paul went through hell,’ he says. ‘Two people made an accusation against him who he had never met. The accusation was not credible, he was not in the country at the time when it was said to have place – but he still got the 4 o’clock knock on the door. The police took away every computer in his house and kept them for year. So, a witch-hunt? Yes, I would say so.’ Robinson also points to the controversy over South Yorkshire police tipping off the BBC about its raid on Cliff Richard’s home. ‘Of course, we can’t know in all cases where guilt lies,’ he says. ‘People who have suffered have been treated appallingly. They haven’t been believed by the police and have to carry their suffering for few years and years. But [Richards] hadn’t not been charged. He has been dragged through the mud.’ Was it being gay that first got him politicised? ‘Yes, totally,’ he replies. ‘The Gay Liberation Front specifically said that gay liberation is everybody’s liberation. You cannot ask for one person’s liberation in isolation from everybody else’s. So we have to be for fair wages for working people, women having equal status with men, people with brown skin having the same rights as people with white skins.’

Tom Robinson was a leading light in the Rock against Racism campaign which was set up in response to an onstage racist outburst by Eric Clapton. The Tom Robinson Band headlined a famous 1978 Victoria Park gig. Hearing Glad to be Gay and seeing men kissing triggered a political epiphany for the then 19 year old Billy Bragg who was in the crowd. Robinson recalls the Lesbians and Gays Support the Miners campaign where activists raised £20,000 to help families caught in the 1984 miners’ strike. ‘I remember people going around the pubs and clubs collecting with the tin cans and thinking to myself: “I wonder if that is really mutual?”’

It wasn’t. At the start, the National Union of Mineworkers did not want to risk the negative PR of being supported by lesbians and gays. So the activists took their donations directly a small mining village in Wales which began an unlikely alliance between the two communities. That remarkable story was told in last year’s film *Pride*. In 1985 the annual *Pride* march was led by an NUM banner. Tom Robinson was playing the main stage and recalls the words of Siân James, a young miner’s wife, now MP for Swansea East, telling the crowd: ‘Since my involvement with lesbians and gay men during the strike, I now know that if any of my children came to me and say “I’m lesbian” or “I’m gay”, I’ll understand.’ ‘There wasn’t a dry eye in the house,’ the musician remembers. At the Labour Party conference that year there was a resolution committing the party to the support of LGBT rights passed as a result of the NUM’s block vote. ‘We eventually got a Labour government and equal rights. Thanks to those people with their collecting tins doing the right thing.’

Having it both ways: Tom Robinson’s last album was released in 1996 and called *Having it both*

But even mighty justice has one almighty flaw;

There is one law for the rich and one law for the poor.

Billy Bragg also takes a verse attacking undercover cops infiltrating the Occupy movement. Enforcing for the bourgeoisie: Tom Robinson doesn't profess to have any special insight into the government's assault into the parlous state of publicly-funded law. He was invited to join the Justice Alliance by tweet. 'My only qualifications are that I have a father who was a solicitor back in the 1950s and I can play the bass guitar,' he tells me. 'I'm going on gut instinct. But it seems something has gone very wrong. People need to get angry about it.' 'It was a real eye-opener to hear from duty solicitors who work all the hours that God sends for the smallest amount of money because they believe in it,' Robinson says. 'It made me understand better that it's not all about obscene damages and excessive fees which is what we read about in the headlines in the newspaper.'

Robinson describes the imposition of the new criminal court charge – as of April this year, anyone convicted of a criminal offence has to pay between £150 and £1,200 – as 'scandalous and wrong.' He recently played the Latitude festival and, of all his set, it was the Mighty Sword that went down the best. 'It's an issue that resonates,' he reckons. You can watch it below – 25 minutes in. 'Enforcing for the bourgeoisie' is how Robinson characterizes his father's legal practice in the song. 'He came out of the army after the war with no qualifications, did night classes, and eventually did his articles with a local solicitor. He hated it,' he recalls.

Why? 'A lot of it was evicting tenants for rich farmers, and helping to enforce employment contracts that were completely pernicious.' His father quit the job as soon as he could and took refuge as a lawyer in the Treasury Solicitors' Department where, as Robinson puts it, he was busy 'drafting legislation for the M1 and things like that'. Has the protest song finally gone out of fashion? 'I don't think in the hip-hop world it is gone out of fashion at all, anything but,' he says. 'Maybe in terms of white middle class men getting up and playing the acoustic guitar it's lost its appeal.'

The broadcaster is frustrated by his employer's reluctance to push young cutting edge artists. 'The problem with the BBC is that our leaders are running scared of the Daily Mail. In the days when we had strong leadership from – for example, Greg Dyke – people pulled together and try to do the right thing.' He describes former director Mark Thompson's tenure as 'a disaster for the BBC' which at the time was 'like an abused dog eating his own bed'. 'Rupert Murdoch and the Lord Rothermere empire have such influence with the government and the public they use every opportunity to bash the BBC,' he says. 'Our producers are increasingly timid about putting on anything with any teeth on air. They do not want to hand further ammunition to our enemies with which to try and destroy the BBC. I have some sympathy with that.'

That said, the song-writer reflects that protest songs don't change the world. 'Bob Dylan didn't change the face of America with his songs but he did change the face of American pop music. It was his wider body of work that was more interesting than his protest songs,' he says. 'Elvis Presley wasn't protesting about anything but socially he did more to break down the barriers between black and white than anybody else.' 'People don't call Ghost Town a protest song. They call it a number one hit,' he continues. 'That's the way that these things are done best.' By way of an example of an effective protest song, he offers Stevie Wonder's Living for the City ('To find a job is like a haystack needle/Cause where he lives they don't use colored people'). 'It was a worldwide hit, played in clubs across the world and yet you couldn't hope to find a more potent condemnation of racism.'

Tom Robinson's most famous contribution to the protest song oeuvre – Glad to be Gay – is up there with the best of them. It is a furious polemic railing against the bleak realities of being gay in the 1970s: queer bashers, a homophobic press and brutal and unnecessary police

At the end of 2014 through to the beginning of this year during the Stocktake and its failed implementation, Republican Prisoners highlighted the sustained efforts of the Jail to subvert progress. This included the further closing down of already restricted living space via the closing of a stair grill and the building of a steel bird cage structure to hem us in. To justify all of this there was an aggressive raid on the Republican Wing by the notorious Jail Riot Squad; a violent assault on a Republican Prisoner; falsified charges both within the Jail and in conjunction with the PSNI amid claims of threats peddled by the DUP and carried by their Belfast Telegraph PR machine.

Within the last few months we have seen our movement and living space further restricted via the closing of a kitchen hatch which was followed by an all too familiar aggressive raid on the Republican Wing by the Jail Riot Squad; 2 Republican Prisoners assaulted and forcibly extracted from their cells with one of them dragged to the boards and forcibly strip searched, simply to intimidate; countless petty charges have again been laid along with the Jail repeating their threats, orchestration and intimidation mantra within these charges. All the usual pawns have once again been put in place by Security Governors, directed by MI5, to claim they cannot move or progress.

We wish to make it clear to all concerned bodies that these falsified threats are simply the Jail's well tested means to lay the grounds to halt progress. Intimidation and provocation will not dissuade Republican Prisoners from tackling the failed policies of degradation and criminalisation. The Security cabal which has held disproportionate sway over events in Maghaberry Jail and the lives of Republican Prisoners must realise that the ending of controlled movement and of the other core issues is inevitable. Trying to stem the flow of progress, whether through contrived charges or physical abuse, will always be met head on.

Republican Political Prisoners, Roe 4, HMP Maghaberry, 16/09/2015

Broadmoor Hospital Inspection Reveals 'Urgent' Changes Required *Daily Mirror*

The Care Quality Commission (CQC) rated the high-security hospital in Berkshire "inadequate" after an inspection. Inspectors said low staff levels and low morale were affecting on safety and the quality of services. The hospital's trust it had been rated "good" in many other areas but pledged to make improvements. West London Mental Health NHS Trust was told it must improve its practices in relation to the use of restraints and seclusion, which was an issue across the trust. Restraint was being used mostly on acute, forensic and high secure in-patient wards, including Broadmoor, the report found. In 179 out of 432 cases, patients were restrained in the prone position, also known as face-down restraint, which the government considered banning in 2013. Dr Paul Lelliott, the deputy chief inspector of hospitals and lead for mental health, said: "We were concerned at the apparent overuse of physical restraint. "Staff must use restraint only as a last resort, and minimise the use of restraint in the prone position." Three main areas of concern across the trust: 1) A substantial problem with staff recruitment and retention. There were too few staff to consistently guarantee safety and quality in the forensic services, high secure services and community based mental health teams." 2)"The trust must improve its practices in relation to restrictive interventions such as the use of restraint and seclusion." 3)"The trust had a problem with low morale and poor engagement with front-line staff in some of its services."

The trust, which covers numerous mental health wards and psychiatric intensive care units in and around London, was told it must ensure staffing levels are sufficient and morale is improved after inspectors said there were too few staff to guarantee a safe and quality service. Across the trust, 25% of staff surveyed said they experienced physical violence from patients and relatives, compared to the national average of 18%. In line with other high secure services, Broadmoor, based in Crowthorne, had withdrawn additional payment for bank staff

and newly appointed staff, which the CQC believes has had an impact on staffing levels.

Overall the trust was rated as "requiring improvement" but was told it must address highlighted changes as a "matter of urgency". Trust chief executive Steve Shrubbs said: "The inspection was rigorous and the CQC's assessment of the trust is very fair. "They recognised our staff's hard work and compassion, many of our services were found to be good, and all of our services were found to be caring and staff should feel rightly proud of this. However, we know that we have more work to do and need to deliver improvements if we are to deliver consistently high quality care to every single patient. I apologise to patients and their families if they have received poor care from us."

IPCC Identifies Failings in Wiltshire Police Complaints Handling

The Independent Police Complaints Commission (IPCC) has identified failings in the way Wiltshire Police dealt with complaints about its handling of sexual abuse allegations. Following a thorough investigation, the IPCC found the complaints lodged against Wiltshire Police in 2008 and 2009 were not taken seriously enough by three officers; the force's former Chief Constable Patrick Geenty, an inspector and a detective constable. The investigation also found evidence that information provided to the complainants by both Mr Geenty, who was then Assistant Chief Constable, and the inspector was unclear and open to interpretation. However, the investigation did not find any clear evidence that the officers deliberately misled the complainants. The IPCC found cases to answer for misconduct against all three officers in that they may have breached their Standards of Professional Behaviour. Two misconduct meetings, in respect of the inspector and detective constable, were convened by Wiltshire Police in September 2015. The inspector was issued with a written warning after misconduct was proven in that the officer should have recorded and investigated two related complaints. Misconduct allegations against the detective constable were not proven. Mr Geenty retired from Wiltshire Police in June 2015. Under current legislation, police forces are unable to hold misconduct meetings in respect of former officers. IPCC Deputy Chair Sarah Green said: "We thoroughly investigated the conduct of the officers in this case and found that the complaints were not responded to as they should have been. It is vital that the public are confident that police forces will take their complaints seriously and that complainants are provided with clear information."

Police Officers Accused of Taking Bribes in Major Corruption Probe

Jonathan Owen, Guardian: A number of police officers and security-firm bosses are the focus of a major corruption investigation centred on allegations that police took bribes to press clubs in central London to use bouncers from certain companies. Seven people, including three police officers, have been arrested on suspicion of conspiracy to commit misconduct in public office. The arrests are part of an ongoing police investigation, dubbed Operation Joseph, being led by detectives from Scotland Yard's Directorate of Professional Standards. In a statement confirming details of the arrests, a Metropolitan Police spokesperson said: "The Met's Directorate of Professional Standards Anti-Corruption Command continue to examine allegations of corruption by Westminster Licensing Officers and inappropriate relationships between police officers and people running local businesses."

A police sergeant, 42, nicknamed "the Sheriff", and a constable, 55, dubbed "the Gruffalo" due to his 18-stone bulk and fondness for free meals, are at the centre of the claims, according to a report on the BuzzFeed website. The officers are based at the Metropolitan Police Licensing Unit at Westminster, which is responsible for granting entertainment and alcohol licences. They are said to have accepted cash payments and other inducements from private security firms in

committed. We've seen similar attitudes from the USA and Britain to certain offences, but there are also other areas to consider. For example, the WWE could not distance itself from Hulk Hogan quickly enough after audio was released of his reported racist remarks. In contrast, Luis Suarez was found guilty of racially abusing Patrice Evra by an FA Commission, who published a report that Suárez had "damaged the image of English football around the world". Yet his club, Liverpool, stuck by him and in the first match involving the two players after his 8-game ban, Suarez ignored Evra's hand during the pre-game handshakes. Support from high-profile players and teammates largely drowned out any public condemnation of Suarez's action and subsequent behaviour.

The conclusion I draw is that whilst there are some offences that are viewed differently in Britain and the USA, the treatment of celebrities is similar on both sides of the Atlantic. Regardless of guilt, if you admit to the crime, show remorse and promise to be a better member of the community, you will be judged more favourably. The leverage you have is significantly increased if you are a celebrity with a platform to dissuade other from making the same mistakes. Continuing to protest your innocence may serve your personal quest for justice, but its effect on public opinion is in complete contrast to contrite cooperation with the appropriate governing bodies. Given the way juries can be swayed and public perception altered, returning to the opening quote, maybe it should be adjusted for the modern day to be, "A jury consists of twelve persons chosen to decide who has the better lawyer and PR firm".

If there is any pattern in the cases I have researched, it is that charges against celebrities are less about the law and more about how much the celebrities can manipulate the situation. Can you make the accusation disappear without going to court? Do you have influence or leverage to submit a plea bargain for a lesser charge? If you have to go to court, can you control the narrative? Can you sway public opinion by taking pre-emptive steps toward absolution? If you are valuable to your team, they will be your ally. Professional media, social media, TV and radio interviews can all be used to tell people what they need to hear. The public need to believe you are not above the law. They won't forgive you until you show humility and remorse. As Ched Evans now understands, the 12 jurors in court might not be the most important jury you face. It is not necessarily the case that celebrities are dealt with more leniently in the USA, it may just be that they are better and more experienced at understanding and dealing with the bigger picture. In the cases I have examined, administering justice is now only partially about the law.

Tom Robinson: People Need to Get Angry

Jon Robins, Justice Gap

'The revelation for me was to hear people getting up to speak to the crowd about being wrongfully imprisoned and to hear them say that it was only legal aid that had got them out.' The 65-year old singer-songwriter and broadcaster Tom Robinson is recalling his impressions of last year's Justice Alliance demo outside the Old Bailey against the legal aid cuts. Tom Robinson – whose best known songs are 2-4-6-8 Motorway, Glad To Be Gay and War Baby – wrote a brand new song for the demo called The Mighty Sword of Justice, and tonight he kicks off a tour in support of his first album for 20 years of the same name. The song is as overtly political as any by the Tom Robinson Band which split in 1979. It is – and I stand to be corrected – the only protest song to address our emasculated legal aid system. Robinson lays into the failings of a justice system that lets dodgy newspaper editors and wealthy bankers off the hook but fails the likes of Doreen Lawrence.

The mighty sword of justice stands high above us all;

All citizens stand equal before her mighty laws;

young and very talented. “So, chances are, he'll play. Chances are, he'll play this season. The Jets will search their conscience, and after Richardson serves a long suspension, he will apologize—again—and the Jets will say he has a zero-tolerance policy. Then Richardson will stuff the run and get some sacks and all will be forgotten” .

This view supports the theory that sports leagues and teams, in general, will ignore or play down as many transgressions as the media and public allow them to. If they believe tougher sanctions or bans would hinder the team's success or financials, they will do all they can to protect their asset and his public image. What was it about these types of crimes that avoid public backlash? Again, we see remorse by way of guilty pleas and public statements. Is it also possible that these crimes are not pre-meditated, and therefore more accidental than a domestic abuse or rape charge, for example?

To examine this angle, we go back to 2013 when NFL running back Ray Rice was arrested on domestic violence charges and received a 2-game ban from the league for violating their Personal Conduct policy . The incident involved Rice dragging his then-fiancé out of a hotel lift after striking her with enough force to leave her unconscious . Initially, both Rice and the NFL tried to play it down (or cover it up, according to some). Precious little remorse was on view. In fact, with an astounding lack of tact or appreciation of the gravity of the situation, during his initial statement, Rice apologised publicly to everyone but his wife and said: "Failure is not getting knocked down, it's not getting up" In a Grantland editorial post, Bill Simmons agreed that, “The Ravens and NFL were willing to embrace the man right up until public opinion made that a bad business move” . When TMZ released the infamous video footage, there was an immediate outcry and the NFL suspended Rice indefinitely . He was found guilty of 3rd degree aggravated assault, but the criminal charge was later dropped when Rice agreed to court-supervised counselling . Kim Gandy, the president of the National Network to End Domestic Violence, commented, “It's a sad commentary on the criminal justice system that there wasn't stronger action taken,” she said. “I guess celebrity has its privileges” . Janay Palmer, the victim, forgave Rice and went ahead with their marriage . Rice successfully appealed the NFL's suspension on the grounds a player cannot be suspended for the same incident twice and his team settled his request for \$3.5m in back pay . While he has been eligible to play for a team since the ruling in November, 2014, no team has signed him.

This would appear to align itself with Ched Evans' situation in Britain. However, Tony Porter and Ted Bunch — co-founders of A Call To Men, a national organization that encourages men to end violence against women — have worked with Rice since November and say he deserves an opportunity to play football again. "He's held himself accountable," Bunch said. "He is saying everything that you would want him to say and doing everything that you would want him to do. So why wouldn't he deserve another chance?" .

We certainly see this attitude in the entertainment industry. Chris Brown saw continued success after the public learned of the physical abuse he inflicted on Rihanna whilst threatening to kill her . After the initial negative publicity, he hired a Crisis Management team, entered a guilty plea, avoided jail time and released an album a month after sentencing. There appears to be a sliding scale for how much attention the public pays to celebrities being charged with certain crimes. Arrests involving ‘soft’ drugs and DUI's do not appear to warrant anything more than passing interest. A crime involving assault requires a show of contrition. Assaulting women requires management to pacify the public.

This is dependent on the particular country's public and media attitude to the type of crime

return for pushing strip clubs and bars in Soho into using their bouncers. Club owners feared losing their licences if they did not do as suggested, according to the website.

The two officers, along with three other men in their late forties and a 38-year-old woman understood to be from two private security firms, TSS Security and Profile Protection, were arrested in June, when police conducted nine searches of homes, workplaces, and police premises. The two officers have been suspended. And all six have been released on bail until later this month, pending further inquiries. Since the first arrests in June, a 48-year-old woman, 68 year old man and 43 year old female constable based at Westminster Licensing Unit have been interviewed under caution. And earlier this month, a 30-year-old constable based in Westminster, but not part of the unit, was arrested on suspicion of conspiracy to commit misconduct in public office and released on bail until a date in December.

Tony Clarke, a former Met detective who now runs a London-based security company, complained to Scotland Yard's anti-corruption unit in 2013 that “massive corruption between TSS and the Metropolitan Police” had allowed the company to control a “monopoly” of door contracts in central London. Several other security companies based in London echoed the allegations. Saeed Azimi, the former owner of the now closed Avalon nightclub in London, claimed that a police sergeant told him last year that he would be more likely to keep his licence if he employed TSS. “Everyone knows in Westminster that if you want to run a club or a bar you need to use [TSS] in order to get more protection,” he said. And security-industry insiders suspect the alleged corruption may have reached more senior figures within the Met, according to BuzzFeed. “I think it's a lot larger than just the people who have been arrested and I think it goes back a lot longer. I've been told that it went... incredibly high,” a former TSS insider said. TSS has denied the allegations and said the firm is being smeared by individuals with a motive to lie. In a statement released, it said: “The company and its officers deny any wrongdoing. The company works to the highest standards, maintaining at all times its integrity and honesty”. It added that it had been and would continue to co-operate with the investigation. Profile Protection did not respond to a request for comment.

Protecting Witnesses

'Blackstone's Senior Investigating Officers Handbook'

An Senior Investigating Officer (SIO) may wish to consider supporting some witnesses who are critical to a prosecution case and who are at substantial risk. Most forces and some local authorities have existing arrangements for offering support to witnesses, which operate on a sliding scale depending on the perceived seriousness. Witnesses, however, should never be offered any incentive, inducement or guarantee to provide a statement of evidence on promise of special treatment. Support must not be seen to significantly increase their current living standard. Witness support measures are highly confidential and cannot be explained in any detail. However, when considering potential candidates for a support scheme, an SIO may wish to consider * whether they contributed to their own predicament; * the background and make-up of the person's family; * if threat is ‘real’ or ‘perceived’; * if they or their immediate family have a criminal record; * how essential their witness testimony is.

Expert advice can be sought from specialists on witness protection tactics, who should be consulted at the earliest opportunity so they can plan for eventual involvement. Regional Public Protection Units require a structured assessment and application process, due to the assessment of risk balanced against the resource and financial implications potentially extending over the lifetime of the witness. Victims who are also witnesses may need support from an appropriate victim support scheme. Support may also be required for witnesses

who are 'secondary victims' because of the traumatic effects of what they have seen. In either case Victim Care Units may be able to assist.

Offering protection: As a general rule the police should not publicly comment on particular tactics for protection that have been given to witnesses, or in regard to any operational element of witness support. To do so would risk compromising people who have been subject to those arrangements. However, public statements contained within a communication strategy can reinforce a commitment to protecting witnesses aimed at encouraging people to have confidence in coming forward. It is advisable to seek advice from a communications expert such as a Media Liaison Officer(MLO) (or Witness Protection Officer) who can assist on the best form of words. SIOs should aim to send out a positive message of how the police, CPS, Prosecuting Counsel, and those responsible for the conduct of criminal trials have successfully brought prosecutions in a number of (and perhaps named) serious cases where witnesses have had the benefit of such arrangements.

Anonymity orders: Part 3, sections 74 to 97 of the Coroners and Justice Act 2009 (CJA), Chapter 25, which came into effect on 12 November 2009, allows the police to apply to a court for an 'Investigation Anonymity Order'. This is an order made by a Justice of the Peace (JP) in relation to a specified person prohibiting the disclosure of information: 1. that identifies the specified person as one who is or was able or willing to assist a specified qualifying criminal investigation; or 2. might enable the specified person to be identified as such.

'Blackstone's Senior Investigating Officers' Handbook is designed specifically to meet the quick-reference needs of any officer conducting a serious investigation. The only portable step-by-step guide to the processes and actions involved in the role of a Senior Investigating Officer (SIO), it explains all the relevant procedures and instructions integral to the position in a clear and accessible style. A must read for all those in or out of prison!

Black Lives Matter in the Age of Obama

Gary Younge, Justice Gap

In the film *The Matrix*, Morpheus (played by Laurence Fishburne) offers Neo (Keanu Reeves) a stark choice. He can either gain a greater understanding of the complex forces that comprise the world in which he lives; or he can continue in a state of imperilled ignorance as though they do not exist. "You take the blue pill and the story ends," promises Morpheus. "You wake in your bed and you believe whatever you want to believe. You take the red pill and you stay in Wonderland and I show you how deep the rabbit hole goes."

Generally speaking America prefers the blue pill. Most wealthy western countries do. In America's case it starts with the founding myth that the nation was found, not on genocide and slavery, but freedom and democracy. And since then there has been the unrelenting pursuit of progress. Sure there have been bumps in the road. The few hundred years of slavery, the decades of Jim Crow, the internment of the Japanese, McCarthyism. Some bumps were bigger than others but the general understanding has been that they were rumbling on the right direction.

When I first went there in 2003 I bought a school history text book, *America's Promise*, so I could know what they all know. I know England's myths. I was raised with them. I've seen the way it eases itself into its murky history like an old man into a cold bath. I know what you have to remember and, more importantly, what you have to forget, if you want to put the Great in Great Britain. I know that power has many parents but that the brutality it takes to acquire it is an orphan. That's why so much of black history month takes place in the passive voice. India was colonised; Rosa Parks was kicked off the bus; People were denied service at the lunch

tion, or the offense being merely carrying a gun where he shouldn't have – a law that millions of Americans disagree with anyway. Let's move onto more serious crimes.

In December 2012, Dallas Cowboys' Josh Brent was sentenced to 180 days in jail and 10 years of probation for a drink driving incident that killed the passenger, teammate Jerry Brown. He was more than twice the legal alcohol limit when he flipped his Mercedes, travelling in excess of 110mph in a 45mph area. The toxicologist at the trial estimated that a man of Brent's size (23 stone) would have to drink 17 alcoholic drinks to attain that blood alcohol level. Brent had a previous drink-driving conviction. One of the many quirks of this case was the fact that the mother of the teammate who died testified for the defence and said she forgave Brent for his actions. She also requested that Brent be at her son's memorial. In another twist, the jury only gave him the 10 years' probation – it was the judge who gave him the 180 days incarceration (the maximum allowed given the jury's verdict). Despite minor protests from several anti-drink-driving groups, The NFL suspended Brent for only 10 games and he returned to the team in 2014. Should the views of grieving family be taken into account in such cases? Is such context relevant to the conviction, or should convictions be based on the law, not opinion? Juries are a group of men and women, prone to influence. Are we seeing cases judged on the power of the celebrity's status and the 'good' they can do by raising awareness of the crime they were guilty of? Alongside the ability to pay accusers to drop charges, this is another option not afforded to others and the concept that we are all equal in the eyes of the law seems to be frequently disproven. Even if you accept the premise that their community work will do more good than sending them to prison, how do you explain the message when they re-offend and still avoid a serious prison sentence? The actual message appears to be more along the lines of, "If you are a celebrity and have money, the law does not necessarily apply".

However shocking Brent's story may appear, similar outcomes have been seen in Britain. Luke McCormick and Lee Hughes have both been convicted of 'causing death by dangerous driving' and returned to professional football relatively easily. Both players were believed to have been drinking prior to the incidents (it was suggested Hughes fled the scene to avoid a breath test) and McCormick's actions caused the death of two children. Hughes served 3 years of his 6-year sentence, only to be charged with sexual assault in 2011. He was found guilty of common assault, but the charge of sexual assault was dropped. Again, he returned to his professional career and still plays today.

At the time of writing, NFL player Sheldon Richardson is the latest to be embroiled in controversy. Allegedly, the police report related to the charge details him being caught speeding at 143mph, fleeing the scene and leading the police on a high-speed chase through residential neighbourhoods. To exacerbate matters, when cornered, he is alleged to have reached down for something in his car, causing the police to draw their guns. When the car was approached, police say they found a semi-automatic handgun, the smell of marijuana, and 3 passengers including a 12-year-old child. Two weeks before the arrest, the NFL had announced Richardson was to serve a 4-match ban for failing a drugs test.

If Richardson is found guilty of the alleged offenses, would you expect a public backlash, given the endangerment of a child? Would the NFL and Richardson's team terminate his contract and give him a lengthy ban for a further breach of contract? Not according to NFL National lead writer, Mike Freeman. "Now, I don't buy that Richardson is done. He's not. This is a league that let dog killers, child beaters, woman beaters and drug dealers play. The 24-year-old Richardson is very young and very talented. Teams are very forgiving for the very

article due to the lack of a conviction. We should be comparing (bad) apples with apples.

One note before we start - regarding Ben Roethlisberger's first rape accusation in 2010. No charges were made but, "Roethlisberger was suspended for six games for violating the NFL's personal conduct policy. After convincing the NFL commissioner that he had turned his life around, Roethlisberger was allowed back two games early" . This is a pattern that we will see frequently when witnessing the employer's reaction to charges against their valuable assets. Before we head off at a tangent, I want to focus on those in the public eye who are guilty of crimes which usually lead to prison sentences. The cases I have chosen are predominantly from the world of team sports to provide more of a direct comparison to Ched Evans' environment.

There are historic cases where celebrities from both sides of the Atlantic have served time in prison for similar charges and were able to return to their profession with relative ease. Possibly the highest profile was Mike Tyson, who after being convicted of rape in 1991, served 3 years of a 6-year sentence and returned to boxing in 1995 . This was in a different generation long before the world of wide-spread social media, so I prefer to concentrate on more recent reactions to celebrity wrongdoings. In December, 2009, NBA basketball player Gilbert Arenas, allegedly brought 4 unlicensed guns to the Washington Wizards' arena, which is against the law in the District of Columbia and carries a 5-year sentence – this crime was a huge focal point in a city trying to shake its "murder capital" moniker. Alluding to the country's gun-culture, the NBA has a rule that stipulates that while players are allowed to possess guns, they are forbidden from bringing them to NBA facilities .

Initially, Arenas didn't appear to take the charge seriously. When asked the reasons for bringing weapons to the arena, Arenas joked, "I'm a bank robber. I like to rob banks. " The actual reason stemmed from an altercation between teammates over a gambling debt on the team plane a few days earlier. The teammate in question, Javaris Crittenton, also had a gun at the facility and reportedly loaded it "but did not point it at anyone" . Arenas and Crittenton were suspended by the NBA for the rest of the season (4 months) . Crittenton did not serve any time for that incident (but was convicted of murder in 2011 and sentenced to 23 years in prison). Arenas entered a plea bargain and was given 2 years' probation and 30 days in a halfway house - possibly assisted by writing an open letter published in the local paper, admonishing the use of guns . Arenas returned to the Wizards the next season but was traded to another team. Despite playing in China in 2012 and never returning to the NBA, the remaining \$62.4m of his contract was honoured , where he only played 17 games over those 3 years. In the 2013 NBA season, Arenas was the third highest paid player in the league (\$22m), despite not playing for any team . Player contracts for NBA players, along with all major sports league in the USA, contain clauses allowing the termination of contracts for all manner of reasons. From high-risk offseason activities such as hang gliding to players convicted of or plead guilty to a felony crime, in addition to the 'catch all' engagement in acts of "moral turpitude" . In other words, anything that would reflect negatively on the league.

In reference to Winter's claims, we have an example of a person who produced 4 guns in an altercation with a colleague, and not only being allowed back to work, but returning and becoming one of the best-paid members of his profession in the world. A club standing by a player convicted of a violent offence is not without precedent in the UK. Examples include the footballers Jonathan Woodgate and Eric Cantona , suggesting that English sport is not immune to showing favour to valuable assets. When Arenas returned to the Wizards after the suspension, there was no public outcry, possibly due to his contrition before the convic-

counter. Things were done but nobody did them. There was racism – nobody denies that – but apparently no racists. Anyway, the final chapter of America's Promise ends with this rallying cry.

"The history of the United States is one of challenges faced, problems resolved, and crises overcome. Throughout their history Americans have remained an optimistic people, carrying this optimism into the new century. The full promise of America has yet to be realised. This is the real promise of America; the ability to dream of a better world to come." Such are the assumptions beamed from the torch of Lady Liberty, coursing through the veins of the nation's political culture and imbibed with mothers' milk. America, many will tell you, is not just a land mass but an ideal – a shining city on the hill beckoning a bright new tomorrow and a dazzling dawn for all those who want it badly enough. Almost everyone, across races and ethnicities, buys into that to some degree.

Take the blue pill and the story of the last few years that has brought the Black Lives Matter movement into existence can be interpreted any range of ways: the necessary slaying of unruly street thugs by honourable police officers; a series of incidents in which young people and rattled officers have produced unfortunate but inevitable outcomes. Or even outrageous examples of individual police exercising unnecessary and unlawful force on minority communities. All these conclusions would qualify for the blue pill simple reason that in their various ways they would understand them as one-offs. They suggest the shootings were possibly flawed responses, but essentially isolated incidents the significance of which does not spread beyond their own borders. Glitches in the matrix, but not a challenge to the matrix itself. But take the red pill and you are forced to recognise that there can only be so many isolated incidents before we must establish a pattern and that the nature of that pattern will not only shape our understanding of those incidents but frame our ideas about how a society operates. "The way we see things is affected by what we know and what we believe," wrote John Berger in Ways of Seeing. "The relation between what we see and what we know is never settled." And what is truly unsettling about these high profile police killings is that they don't contradict what takes place daily in America but simply illustrate it.

What was unsettling was those who questioned the wisdom of protesters in those moments where the protests turned violent in Ferguson or Baltimore or elsewhere must at least acknowledge that the issue of police killings of black people would not be a nationwide talking point had there been no violence. That there would have been no federal investigation into Ferguson by the US attorney general without those riots. To quote the title of the cabinet paper, written by the then Conservative environment secretary, Michael Heseltine about the uprisings in Liverpool and elsewhere in the early eighties: "It took a riot". And that if it takes a riot for America to remember the names of children killed by police officers then that tells you more about the country than it does about the rioters.

Indeed what became clear following the Department of Justice report into the Ferguson police force was just what a state of day-to-day tyranny people in that suburb were living under. To cite just a few examples: between 2007 to 2014, one woman in Ferguson was arrested twice, spent six days in jail and paid \$550 as a result of one parking ticket for which she was originally charged \$151. She tried to pay in smaller instalments – \$25 or \$50 a time – but the court refused to accept anything less than the full payment, which she could not afford. Seven years after the original infraction she still owed \$541 – this was how the town raised its revenue. It was not a glitch in the system; it was the system. Then there was the man pulled out of his house by the police after reports of an altercation inside a home. As they dragged him out he told them: "You don't have a reason to lock me up." "Nigger, I can find something to lock you up on," the officer told him. "Good luck with that," the man

responded. The officer slammed the man's face into a wall and he fell to the floor. "Don't pass out, motherfucker, because I'm not carrying you to my car," the officer is claimed to have said.

This last story happened the same month Brown was killed. Were it not for the disturbances following Brown's death, there would have been no investigation – not only would we have heard nothing of these things but, because no light had been shone on them, the Ferguson police would be carrying on with the same level of impunity. This was a small midwestern suburb few had heard of – unremarkable in every way, which is precisely what makes the goings on there noteworthy. If it was happening there, then it could be happening anywhere.

"Terror," the anthropologist Arjun Appadurai writes in his book *Fear of Small Numbers*, "is first of all the terror of the next attack." Most African Americans, of course, are not shot by the police. But few believe that what happened there could not happen to them. The terrorism resides not just in the fact that it happens, but that one is braced for the possibility that it could happen to you at any moment. "Living in a state of terror was new to many white people in America," the late Maya Angelou told me when I interviewed her in 2002 in reference to the September 11 attacks of the previous year. "But black people have been living in a state of terror in this country for more than 400 years." Evidently they still are.

What is unsettling is that there are places in America where young people are not supposed to die. Movie theatres. Schools. College campuses. Their deaths prompt great moral panic if little change. And then there are areas where they are expected to die. The shooting of a teenager in poor black neighbourhoods often earns little more than a paragraph in the local paper. Beyond their communities, their passing prompts little more than a weary, familiar sigh. To exist as a working class African-American is to be vulnerable: to live in a poor, black area simply renders you collateral. So each time these kids are shot we are told to wait until the facts came out before rushing to judgement. But "to suspend judgment," wrote James Baldwin when covering a trial in 1982, "demands that one dismiss one's perceptions at the very same moment that one is most crucially – and cruelly – dependent on them."

For the facts are out there. - We know that a black person is killed every 28 hours by the police or someone working in security. - We know that black kids are 21 times more likely to be shot by police than white kids. - We know that police stopped and frisked more than 4 million people in New York in a decade, most of them black and Latino, and, according to their own figures, 90% of them were innocent. - We know that at current rates one in every three black boys born in 2000 will go to jail. - We know that black youth do not use drugs at a greater rate than white youth but are far more likely to be incarcerated for drug crimes. - We know that Black male life expectancy in Washington DC is lower than male life expectancy on the Gaza Strip. - We know that Black infant mortality in Chicago is on a par with infant mortality on the West Bank, - We know that black pre-schoolers (that's four year olds) are four times more likely to be suspended than white pre-schoolers. - We know that there are more people in the US penal system than were imprisoned in the Soviet gulag at its height. We know that because felons lose the right to vote there were more African American men disenfranchised in 2004 than in 1870, the year male franchise was secured. - We know that there are more African American men in prison on probation or on parole in the US now than there were enslaved in 1850. "You already know enough," wrote Sven Lindqvist in *Exterminate All the Brutes*. "So do I. It is not knowledge we lack. What is missing is the courage to understand what we know and draw conclusions."

And so it's difficult not to come to the conclusion when we see what happened to Michael

caught doing something they shouldn't. At first glance, there seem to be many situations where the rich or famous experience a different justice system compared to those less fortunate. Does 'different' always mean 'better' when the court is not the only place you are put on trial?

[Ched Evans: CCRC Not Ready to Decide If Rape Case Should go to Court Of Appeal

The former Sheffield United and Wales striker applied for a review by the Criminal Cases Review Commission last year. A case committee of three CCRC commissioners met to consider his case on Tuesday 15th September 2015, after an investigation lasting 10 months. It could reach three conclusions: that more investigative work is needed before a decision is made, that Evans's case should not be considered for appeal, or that it should be referred to the court of appeal. Evans, 26, was released from prison last year after serving half of a five-year sentence after being convicted of raping a 19-year-old woman at a hotel in Rhyl in April 2012. Evans has always maintained his innocence. An earlier appeal against his conviction was rejected by three judges at the court of appeal in 2012. Evans has made attempts to restart his career but moves to Oldham and his former club Sheffield United collapsed in the face of public outcry. If a provisional or final decision is made, it is typically several days or even weeks before the applicant and others are informed. As has been widely reported, the Commission confirms that the case of Ched Evans was considered yesterday by a Committee of three Commissioners, in accordance with our statutory role. The Committee decided that further investigation was needed before it meets again to make a final decision on whether or not to refer Mr Evans' conviction back to the Court of Appeal. There is no date yet for that next meeting.]

My interest was piqued by the reaction of the British public to Ched Evans' release from prison and his attempts to return to professional football. More specifically, how at odds this reaction was to the way celebrities are treated in America. To briefly summarise the saga, Ched Evans was convicted of rape in 2012 and was sentenced to 5 years and eligible for release in half that time. He was released on licence in October 2014 and whilst continuing to protest his innocence, attempted to reestablish his career. A number of clubs attempted to sign him, but each was met with a huge public backlash including multiple petitions, threats to boycott the clubs, pulled sponsorship and resignations. Sarah Green, from the End Violence Against Women Coalition, said, "Ched Evans is an unrepentant convicted rapist. Any club who sign him need to think hard about the message they are sending to their fans, to the local community and to all football supporters". His rhetoric during and after his incarceration drew ire (and worse) from the media and public alike. As Henry Winter wrote, "it was people's disgust that a convicted rapist felt he could swan back into a high-profile job after revealing no remorse for a crime that would preclude re-employment for many".

This comment seems at odds with the perception of how American celebrities are treated after breaking the law. The Ched Evans saga received so much attention from professional and social media, the vast majority being extremely negative and making it near impossible for Evans to play professional football again. I wondered if American media wielded the same power. If there were differences, I wanted to examine possible reasons behind those differences. I won't dwell on cases against Kobe Bryant, Ben Roethlisberger, or any other celebrity where no formal prosecutions were made due to out-of-court settlements. The common pattern here being no admission of guilt on the part of the accused, the alleged victims given a large sum of money to drop all charges and are forbidden to talk about the incident. Although there are major issues with people with large bank accounts being able to circumvent the judicial system using a method unavailable to the less-wealthy, they cannot be included in this

Today the signs are down, the abstract rights exist, the physical barriers are gone. And yet equality has not arrived. Racism is so utterly embedded in our institutions – from the courthouse to the schoolhouse – that to unpick one part is to make the whole thing unravel. So literally where do we march? To the jail; to the police stations; to the courts; to the governors' mansion? And when we get there what do we demand? An end to racism? What would that even look like? Police cameras? How much good did that do Eric Garner?

These are problems to which we don't have the answers. What is encouraging is that we are starting to ask the right questions. At least we are mobilised, even if we don't exactly know where we're going. The blue pill is a sedative. It puts you to sleep believing a cure is round the corner only to wake up and find that nothing has changed. The red pill offers some clarity but no cure. It shows you how deep the rabbit hole goes but it cannot show you how to get out.

Moinescu v. Romania (no. 16903/12)*

The applicant, Dumitru Moinescu, is a Romanian national who was born in 1952 and lives in Medgidia (Romania). The case concerned Mr Moinescu's conviction on appeal without witnesses being heard, after he had been acquitted by the lower courts on the basis of the same evidence. In April 2006 a fight broke out in the small hours of the morning between two groups of people in nightclub in Medgidia. The nightclub and two vehicles parked nearby were badly damaged. Mr Moinescu, who was the mayor of Medgidia at the time, went to the nightclub and asked the municipal services to clear the scene and clean up. He then went to the town hall for a meeting with his adviser on the Roma community and the latter's brother, who had been involved in the fight. Criminal proceedings were commenced against eight individuals and Mr Moinescu was prosecuted for harbouring a criminal, accused of seeking to hamper the investigation into the fight. The Court of First Instance acquitted the applicant after hearing evidence from him and from 21 witnesses. That judgment was upheld following an appeal by the public prosecutor's office.

The public prosecutor's office lodged a further appeal and the Court of Appeal sentenced Mr Moinescu to a suspended term of six months' imprisonment for harbouring criminals. It found that the applicant had lent assistance to persons involved in the fight, interfered in the investigation and sought by his actions to intimidate the judicial authorities with a view to hampering the investigation. Relying on Article 6 § 1 (right to a fair trial), Mr Moinescu alleged that his right to a fair trial had been breached as he had been convicted by the appellate court without the direct taking of evidence and despite the fact that he had been acquitted at first instance on the basis of the same evidence. Violation of Article 6 § 1 Just satisfaction: EUR 3,000 (non-pecuniary damage)

American Justice and the Value of Celebrity

Max Davies. Inside Justice

Around a century ago, Robert Frost said, "A jury consists of twelve persons chosen to decide who has the better lawyer". Since that time, whilst we'd like to believe the Western world has become more cognitive of what justice actually means and who it applies to, this article seeks to examine if that is always the case. With the recent news that UK legal aid has been cut, forcing more people to represent themselves, Fiona Kendall, from Jones Myers solicitors remarked, "Someone who isn't properly represented needs additional help and the trouble is that there just isn't the court time for it".

There is no shortage of high profile businesses or celebrities who pay large sums of money to avoid criminal charges. An embarrassment of riches, so to speak. It's also clear the general public are exposed to only a fraction of instances where those at the top of the food chain are

Brown, and Eric Garner and Tamar Rice and Vonderrit Myers and Kajieme Powell and Oscar Grant and Freddie Gray, and Trayvon Martin and on and on, is that these are not statistical aberrations but systemic abominations. "A system cannot fail those it was never meant to protect," wrote WEB Dubois. That this is not a glitch in the matrix. This is the way the matrix was designed. So the grand jury deliberations, trials and convictions into these murders are not just about the fate of a few police officers and a few dead black people – it's about the value of black life. It passed judgement on whether there was a price to pay for summarily removing people from the planet or whether it's the cost of doing business when one person has a badge and a gun and the other has too much melanin.

Under slavery, an owner would have to be reimbursed for a slave who was deemed unreasonably slaughtered. Under Jim Crow they would leave lynched bodies hanging to warn others of the price of transgression – real or imagined. When Michael Brown's body was left lying lifeless on the streets of Ferguson for four hours before the police collected it, it was an ugly metaphor for the contempt for black life in this post-civil rights, post-industrial moment – dispensable, despised and discarded. Just take a step back for a moment and think through the hashtag #blacklivesmatter. You wouldn't have a hashtag that said #blackmencanplaybasketball or #blackmusicmatters because only the most deluded would ever challenge that. But the reason #blacklivesmatter has resonated so widely is because it succinctly summarises where we are. We can celebrate a black president, black professors, black astrophysicists, black tennis players all we want. But the issue of the sanctity of black life has still not been settled.

The red pill is a very bitter pill to swallow and the rabbit hole is deep and dark.

That these uprisings should have come in the midst of a slew of 50th anniversaries from the civil rights movement – The Mississippi Freedom Summer, The Civil Rights Act, The Voting Rights Act, the March on Washington and so on – is sobering – particularly for those who still believe that America is a land of unrelenting progress. Just two years ago the, while arguing that the US Supreme Court to dump key elements of the Civil Rights Act, Bert Rein said of Southern racism: "There is an old disease, and that disease is cured. He won the case. The act was gutted. But those who go in search of this cure will find it quite elusive.

The discrepancy between black and white employment is the same as it was 50 years ago. The discrepancy between black and white wealth is greater; the discrepancy between black and white incarceration is greater. Black children across the South now attend majority-black schools at levels not seen in four decades. This is not to say that we have literally reverted to a bygone era. "No man ever steps in the same river twice," goes the proverb. "For it's not the same river and he's not the same man." We have a black president, a black attorney general and a black editor of The New York Times; there's a growing trend to interracial relationships; suburbs are becoming more diverse. If the civil rights movement had been about getting black faces in new and high places, its work would now be done. But it wasn't. It was about equality. And the problem is not that we still have a great deal of progress to be made or that progress is too slow—it's that we are regressing. And there is no place in the myth for regression.

Hence the title – Black Lives Matter in the Age of Obama. For on the night of the grand jury verdict which decided that Darren Wilson did not even have a case to answer Obama did what presidents do in moments of strife. He came on television and declared: "We are a nation based on the rule of law so we need to accept that this was the special jury's decision to make." The sight on a split screen, of the first black president appealing for calm on one side, and alienated black youth looting and burning on the other – lays bare the limits of what constitutes success

in the post civil-rights era. What does it mean to say that everyone is equal regardless of race in a nation where economic and social inequalities are not just endemic but actively encouraged as part of the national myth about success? So these public executions of black civilians comes at a time when there is an unprecedented number of Black elected officials, corporate executives, movies stars and athletes (in tennis and golf as well as boxing and basketball).

So for Black America in many ways these are Dickensian times – they're the best of times and the worst of times. Never have so many been doing so well and never have so many been doing so badly. When Obama catapulted to national attention during the 2004 Democratic convention he wrapped himself in the flag with the claim: "for as long as I live, I will never forget that in no other country on Earth is my story even possible". But it is no less true that in no other Western country would 205 Black people have been shot dead already this year. In no other Western country would Black America's poverty, poor health, poor housing and incarceration be possible. Indeed the class and economic disparity is even more pronounced among African Americans than it is among whites. For whites, the richest among them have 74 times more wealth than the average white family. But among African Americans, the richest families have 200 times more wealth than the average Black family.

With these levels of inequality within Black America a reckoning is in order about what we mean by black power. Do we mean the broad uplift of a historically oppressed community or the elevation of a handful of prominent, high profile individuals. So long as the system of oppression remains intact the identity of those administering it holds only symbolic relevance. In fact having black people at the helm who don't change helps deflect accusations of racism. People become fixated on what an organisation looks like rather than what it does. As a result the principal of fighting anything structural racism becomes eclipsed by a desire to look different and act the same. Those who start out campaigning for equal opportunities end up settling for photo opportunities.

When I interviewed the Black radical Angela Davis in 2007 she told me: "The Republican administration is the most diverse in history. But when the inclusion of black people into the machine of oppression is designed to make that machine work more efficiently, then it does not represent progress at all. We have more black people in more visible and powerful positions. But then we have far more black people who have been pushed down to the bottom of the ladder. When people call for diversity and link it to justice and equality, that's fine. But there's a model of diversity as the difference that makes no difference, the change that brings about no change."

Obama has insisted that the US is "a nation of laws." This is no doubt true. Without further clarification and qualification it is also meaningless. The trouble is that the United States, for far longer than it has been a "nation of laws", has been a nation of injustice. And in the absence of basic justice such laws can amount to little more than codified tyranny. It was no less a nation of laws when they jailed children as young as 6 in Birmingham, Alabama or massacred Native Americans and stole their land. The question is whom these laws are supposed to serve and protect, by what means and to what end. "The law," wrote James Baldwin, "is meant to be my servant and not my master, still less my torturer and my murderer." And so the call for law and, at certain points, in times of revolt, order, has no meaning without an assessment of the order that prevailed. Those who call for law and order must understand that there is no order because men with badges have been acting lawlessly.

What peace can their be when an 18 year old can be shot dead while walking down the street with his hands up in a surrender position. What order are we to observe when a man selling cigarettes on the street can be strangled to death. The truth is that almost all the significant gains that black people have made towards full citizenship, in America, and indeed across the world, have come not by observing the law but by breaking it. It is through this chasm, between the official claim to an impar-

tial legal system and the legacy of endemic racial injustice, that so many of these trigger- happy police officers make their escape, with the flames of the ghetto in hot pursuit. For when so few policemen are indicted, let alone convicted, of killing black people they comprise not a special category, but a protected and elevated one. In this "nation of laws" those charged with enforcing the law evidently operate above it, while the judiciary exists not to mediate between the police and the public but to defend them from the public. Once again, this is not a bump in the road. This is the road. So this is not a morality play in which a decent, black people are slain by malicious, white cops. The inherent nature of the injustice was not systematic but systemic. If we are to believe the DOJ report into Ferguson the entire system was corrupt and somehow Darren Wilson came out unscathed. This is why the efforts to both defile the assailants character and even defend the characters of the dead are so wrongheaded.

The Right concentrate on character defamation. Brown was a thug, they say. He allegedly stole cigarillos. He deserved to die. Tamar Rice shouldn't have been playing with a gun in a park. Where were his parents. And Black people brought into this too. At Brown's eulogy Al Sharpton emphasised. "Blackness has never been about being a gangster or a thug," Sharpton continued. "Blackness was, no matter how low we was pushed down, we rose up anyhow." But here's the thing. Thugs have rights too. Thugs are human beings too. #Thugslivesmatter. In this nation of laws the penalty for stealing cigarillos is not summary execution. And those who don't understand that but who claim to be on the side of justice will forever be trying to justify why someone was not worthy of a bullet rather than protecting any person's right to walk the streets in safety. Were this an isolated episode we could talk in terms of individuals. But it's not. They are structural. So these personalities are at best secondary if relevant at all.

You can't fight white supremacy by behaving better. Indeed we know from movements passed that it was when we filled the jails and taking to the streets that things started moving. These young kids can pull their pants up all they like – and frankly I wish they would – they still won't be able to outrun a cop's bullet. Similarly the police officers in question do not need to be evil. They just need to operate in an institution where the chance that you will sanctioned be for killing a black youth is minimal and in a culture where armed white people can cite their fear of unarmed black people as a defence. A fear so intense that they have to shoot them. Have to. Since, apparently, no other possible outcome was possible. Such fears do not come from nowhere. To assume that when you see a black man you see a criminal is rooted in the fact that black men have been systematically criminalised.

So what now. What next? What we have seen so far have been very popular mediated interventions and eruptions that have, significantly, gained global attention. But popularity isn't the same as efficacy. It has found an audience. It has yet to develop a program. This is in no small part as much about the moment as the movement. In the post-civil rights era racism, much like neo-liberal globalisation, has become a force without a face. Black people can be whatever they want to be, individually, so long as it's not equal as a group. We can have a black president so long he does not stand too openly and too closely alongside black people. We can revel in him singing Amazing Grace so long as he has ditched his radical black preacher and is singing at a black funeral. This is why comparisons between this moment and the civil rights era fall short. Back then there were clear targets. when they marched over Edmund Pettus Bridge in 1965 in Selma they were marching for the vote. When they went on the freedom rides in 1961 they were trying to integrate interstate travel. When they marched in Birmingham in 1963 they were opposing segregation.