

# 18 months for leafleting soldiers

**Pat Arrowsmith has been found guilty of incitement to disaffection and sentenced to 18 months on two counts, the sentences to run concurrently. In passing sentence on May 20, Judge Abdela said, "if only you and the public knew what burdens our troops had to bear, you would not seek to undermine their morale". But, he insisted, this was not a political trial. Bill Hetherington reports:**

Pat Arrowsmith appeared before Judge Abdela at the Old Bailey on Monday, May 13, on two charges arising out of leafleting the married quarters of the School of Infantry, Warminster, Wiltshire on September 22, 1973. There were two counts under the Incitement to Disaffection Act 1934: first that Pat "maliciously and advisedly endeavoured to seduce a member of HM Forces from his allegiance or duty to Her Majesty"; and second, that she had in her possession 95 copies of a leaflet entitled "Some Information for Soldiers" which was of such a nature that its dissemination among members of HM Forces would amount to an offence of endeavouring to seduce etc.

## 'Bombarded with leaflets'



The trial began inauspiciously with an evidently calculated attempt by the Court authorities to inhibit a public hearing, for the Court was held in a temporary courtroom in an annex to the Old Bailey, with six chairs wedged tightly in a corner instead of a proper public gallery. Admission even to these chairs was restricted to nominees of three organisations—NCCL, Amnesty International (Pat's present employers), and the British Withdrawal from Northern Ireland Campaign (publishers of the leaflet in question). Even press representation was muzzled with initial restriction to reporters who could produce a Metropolitan Police permit.

Outside, some four or five supporters of Pat and BWNIC kept up a poster parade daily outside the Court throughout the trial, exhibiting such slogans as "Pacifist arrested for disturbing the war".

Pat formally pleaded not guilty, and the trial then opened with the traditional disclaimer by Mr Coombe that it was in any sense a political trial or that Pat was being tried for her beliefs. The defendant was entitled to her views and to express them, but it would be "unfortunate if soldiers are to be bombarded with leaflets" and "it is the duty of the law to protect soldiers from seduction to treachery, desertion or being false to their duties". He read the leaflet in full, omitting the Swedish addresses, and stressed the references to desertion and disobeying orders.

In offering evidence, he called six military witnesses and three civilian police officers who went to great lengths to establish the area of leafleting as being indisputably labelled military property. It was also established that the military sent for the police before interviewing Pat themselves, and that Warrant Officer Chater had placed Pat and her three comrades "under military restraint" by placing a guard armed with a pick helmet to prevent their going away. After the civilian police arrived, Pat pushed (non-violently) past them and persisted in continuing to leaflet, whereupon she was arrested for behaviour likely to cause a breach of the peace. None of the soldiers who had received a copy of the leaflet was able to assert that he had in any way been influenced by it, and indeed RSM Laidlaw had to be stopped by the judge from continuing his patriotic peroration about his "27 years in this most honourable profession". He had already caused great merriment by treating the Court as a parade ground, stamping his feet and shouting "Sir" when he meant "Yes".

The prosecution case concluded on Tuesday morning, and the remainder of that day and part of Wednesday morning were spent in legal submissions, the relevance of which I propose to discuss in a later article. As a result of the judge's ruling on the submissions, Neville Kesselman, counsel for Pat, felt it necessary to withdraw from the case, whereupon Pat asked for a two-day adjournment. The judge allowed her one day, but on Thursday, her new counsel, Rock Tansey, was able to secure a further adjournment until the afternoon.

## 'Disaffected already'



Addressing the jury, Mr Tansey pointed out that intent was the essence of the case. It was not disputed that Pat had distributed the leaflet to soldiers; the question was whether Pat had intended to break the law by doing so. He contended that the leaflet was informative rather than emotive. Pat then gave her own evidence, citing her whole history of campaigning and development as a pacifist. Many of her past activities were described in detail with minimal interruption by prosecuting counsel and the judge. But the incident in 1972 of the distribution of a leaflet prepared by the WRI to soldiers in Belfast was ruled irrelevant. Pat referred to her acquittal by the Colchester magistrates on a charge of using insulting words and behaviour, in which case the same leaflet had been exhibited in evidence but no prosecution under the Incitement to Disaffection Act had been brought. She also claimed that rather than incite soldiers, the leaflet merely gave information to soldiers, many of

whom were already disaffected, that is, totally alienated from the idea of butchering people in Northern Ireland: The tremendous slump in recruitment figures was further evidence of disaffection.

In cross-examination by Mr Coombe, Pat admitted her readiness to break the law, but denied incitement. She agreed, however, that even if she had been convicted at Colchester, she would still have continued to leaflet soldiers because it was her duty to draw their attention to the Geneva Convention on methods of warfare.

Four "notables" gave evidence of character on Pat's behalf: Lords Soper and Brockway, Hugh Jenkins MP and Bernadette McAliskey. Ms McAliskey described a meeting at which, she said, Pat had advised representatives of both the Official and Provisional IRA to desist from violence, which could only exacerbate the political situation, and to adopt nonviolent means of struggle. Wendy Butlin concluded the defence evidence by showing that she and two others had distributed the leaflet on the day in question and on other occasions without being prosecuted. She agreed, however, that she had desisted from leafleting upon request.

On Friday morning, the prosecutor summed up his case with a rhetorical appeal: "Could there be a more flagrant dereliction of duty than the invitation to desert? Yes, the encouragement to disobey superior orders". Mr Tansey replied with greater fervour that the Department of Public Prosecutions was itself guilty of gross dereliction of duty in failing to either prosecute or issue a formal warning in the Colchester case if it really felt that the leaflet was subversive.



## Undeterred

Albert Beale adds: In his summing up on Monday morning, May 20, the judge said there was little dispute about the Crown's evidence. He then went through the defence case, querying one point after another. Referring to Bernadette McAliskey's evidence, he noted that "apparently with some ease, contact has been made with the IRA. This gives some indication of the politics that sits like an umbrella over this case". Abdela also suggested that her inference that the leaflet had been ruled non-subversive (after the DPP wouldn't consent to a prosecution under the Act last September) was so far-fetched as to reflect on her intellectual qualities.

After telling the jury to disregard all extraneous matters—some of which he mentioned to help them forget—Abdela finished his summing up in just over an hour. The jury took about 40 minutes to both eat a meal and reach their unanimous decision.

Before sentence was passed, Pat told the Court that this had been a trial about free speech, the soldier's right to disobey inhuman orders, and British repression in Ireland. "My colleagues will continue to distribute this and other leaflets, and, if free, I shall consider it my duty to join them... To those urging British withdrawal from Ireland, I say 'Right on!'"

There will probably be an appeal against the sentence. BWNIC remains undeterred.