

# SHITTING ON DEFENCE

## NEW LEGAL AID PROPOSALS STRIP DEFENDANTS OF RIGHTS

Justice Secretary Chris "Failing" Grayling claims criminals are not connoisseurs of legal services. Ignoring the obvious point that they are in fact the people most likely to be in the know, he goes on to assert that most of those who find themselves in our criminal justice system are too poor and uneducated to know whether they're being well represented or not: "too thick to pick". Interestingly he hasn't yet proposed IQ testing for Tory voters.

As a result he's proposed a massive overhaul of the legal aid system. The proposals would see the current 1600 criminal legal aid firms cut to just 400 contracts across the country with just four contracts in most regions. Contracts would be awarded for three to five years, to the lowest bidders, with clients allocated on a no-choice basis on arbitrary criteria – your initial, your day of birth, star sign, so that each provider is guaranteed enough business.

The lowest bidders will be big companies that can run massive warehouse operations of low paid and minimally qualified paralegals supervised by a few overstretched solicitors and, since experience in providing legal services is not going to be an essential criteria, the expected winners are Tesco, G4S and Eddie Stobart. Yes, Eddie Stobart. Cheap justice off the back of a lorry.

Inevitably the quality of legal services will go down because everyone (however poor or uneducated) knows whether or not a lawyer is working hard for them. A lazy or incompetent lawyer just doesn't get any more clients. Under Grayling's scheme they would have another 3-5 years' worth of clients on tap. They'll get the same - win lose or draw and it'll be you looking at the wrong end of a stretch.

The proposals attack the very concept of offering a fair defence. Your brief should be there to argue the case as you would yourself if you had the relevant expertise and education. Being able to pick your own representative is fundamental to justice, after all you're up in the dock you're up against a highly trained prosecutor with the full resources of police and state behind them – and they have an incentive to win.

Of course there isn't as big a difference between "criminals" and "the public" as Grayling would have us believe. All sorts of people end up in court and of course when they have a chance to put their case (by proxy) in front of a jury they are acquitted. Many of us have been arrested on legitimate protests that the state doesn't approve of and anyone can find themselves falsely accused at any time and in need of a skilful and hardworking legal aid lawyer.

Grayling also intends to taper the fees paid to

lawyers as the trial goes on. By the 40th day of a long running trial the defence barrister would be paid just £14. That this might be less than the fare to court is immaterial; that it is well below the minimum wage is also irrelevant. Grayling thinks it will shorten trials, despite the lack of any evidence that defence lawyers are elongating trials. Needless to say the taper is not to be applied to prosecutors.

### ATTORNEY, ATTORNEY - WE ALL FALL DOWN

SchNEWS spoke to a criminal defence barrister G.T "For those who are inclined to feel no sympathy for the barrister paid only £14, firstly junior barristers are not paid a vast fortune. Many have to borrow the money to get to court, several I know have quit the profession because they can't even pay what they owe to their Chambers each month, let alone their mortgages or rent. Second, since the ones who qualify and get into practice as barristers have faced massive competition to get there, the consequences a few years down the line are easy to see: back to the days of only rich kids being able to qualify and practise as lawyers and an inevitable drop in quality and availability of lawyers."

Clive Stafford Smith, founder of Reprieve and representative of many of the Guantanamo detainees, describes it as an Americanisation of the system, replacing the Defendant's choice of lawyer with a system like the US Public Defender system, an underpaid, overstretched and often inexperienced lawyer providing a third class service for those who can't afford the huge cost of representation; massive inequality between the resources of the state and the defence.

The proposals for civil legal aid cuts are as bad, if not as obviously ridiculous because they don't involve lorry drivers and supermarkets – at least not yet.

Prisoners will no longer qualify for legal aid, however appalling the circumstances, however arbitrary the conduct against them, however serious the abuse, even if it amounts to cruel, inhuman or degrading treatment or punishment – which is all the more alarming given the rise in private prisons (run by the same companies that provided the defence "lawyers" -sweet!)

Grayling proposes that judicial reviews won't be funded at all until they have been granted permission. Judicial review is the only way in which citizens can challenge unlawful, unreasonable or unfair decisions by government and public bodies (like the funding of the Ilisu Dam and the stopping of the investigation of arms sales to Saudi Arabia).

The process, in a nutshell, is this: assess the



### RAP ARREST OF THE WEEK

For throwing down some rhymes...

Meet Cameron D'Ambrosio. He's 18 and lives in a small town outside Boston. He wants to be a rapper and calls himself "Cammy Dee" in his YouTube videos.

Oh, and he's been locked up without bail for weeks - facing terrorism charges and 20 years in prison - all for something he posted on Facebook.

On May 1st, Cam was skipping school and messing around online. He posted some lyrics that included a vague reference to the Boston Marathon Bombing and called the Whitehouse a "federal house of horror." Shortly after that he was arrested and charged with Communicating a Terrorist Threat, a felony that carries 20 years in prison. The post contained no specific threat of violence against any person or group of people, and in the context of the rest of the lyrics and Cam's rap persona, it was clearly nothing more than a metaphor. A search of Cam's house found NO evidence that he was planning any violence, but a judge still ordered him held without bail for the next 3 months, pending trial.

There's a campaign trying to get the locked-up lyracist freed: see <http://cms.fightforthefuture.org/teenager/>

facts and law to see if there is a case; write a pre-action letter to the public body concerned, presenting the facts and law and asking them to take the appropriate action; if there is no reply or the decision is maintained then draft grounds for permission to proceed to judicial review. The defendant public body then files an acknowledgement of service and a defence.

A judge will consider the case on the papers, without a hearing, and may grant permission then. If not, the application is renewed for an oral hearing of the application for permission. If permission is granted, either on the papers or after a hearing, then the case is listed for a full hearing.

Grayling thinks his proposals will discourage "unmeritorious" applications for judicial review, citing the "statistic" that of 11,359 judicial reviews lodged in 2011 only 144 were successful. This is disingenuous in the extreme. In fact 144 succeeded at final hearing. The vast majority of those lodged are concluded without ever having a final hearing.

G.T "Of my own judicial review cases, probably about half settle before they are even considered by a judge, when the papers are passed to a lawyer for the government to draft a defence and it is clear that there is no defence. They file an acknowledgement of service and propose terms of consent at the same time. In others, once permission is refused on the papers, the case is settled in our favour outside the courtroom on the day of the hearing between me and the lawyer for the other side. Once permission is granted the case invariably settles in our favour.

"Only twice have I been refused permission

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## SHITTING ON... CONTINUED

and failed to get what we asked for. Never yet in six years have I had to argue the case at a full hearing. I'm far from unique, which gives a different meaning to the numbers Grayling cites." (They also appear to overstate the number of applications made, possibly by double counting those refused on the papers and renewed to an oral hearing.)

### HOLY GRAYLING!!

Grayling also proposes, playing the usual anti-immigrant card, that no legal aid at all will be granted to those who haven't been lawfully resident for at least 12 months. That takes out all fresh asylum claims, where someone had bad representations the first time they claimed asylum, or has obtained further evidence to prove their case, or where circumstances have got worse in their country of origin.

It takes out all challenges to rejection of the validity of an application, where the Home Office wrongly asserts that they applied on the wrong form or filled in the payment details wrong, unless the person has already been lawfully resident for 12 months – even if they've been lawfully resident for 9 months and were making a proper application to extend that lawful residence.

It takes out challenges to negative decisions in trafficking claims, which will put the UK in breach of its obligations under international trafficking conventions. It will also take out funding for inquests and challenges to the conduct of racist detention centre guards, like the ongoing inquest into the death of Jimmy Mubenga during removal from the UK, creating an underclass of people who have only theoretical access to justice.

Addressing the first Save Legal Aid demonstration, Gerry Conlon, jailed for 15 years as one of the Guildford Four, said "We only get what we fight for." If we don't fight for legal aid we'll lose not only access to justice but also the right to a fair trial, the ability to demand our liberty through the courts and the possibility of challenging unlawful government decisions. If you've ever benefitted from legal aid, if you think you ever might, now is the time to fight for it.

\* See <http://www.savelegalaid.co.uk> (and loadsa other useful links on the website version of this story.)

## BALCOMBE'N'HAVE A GO YOU FRACKERS...

Residents of Balcombe, West Sussex, are gearing up to prevent the first exploratory fracking well from being drilled just south of their village – and have warned they're going to use all possible methods, including determined direct action, to stop it.

Preparatory work has been completed and drilling of the well is due to start sometime in June. Tensions are running high for the locals, who are waiting for the trucks to rumble into sight.

The locals are taking tips from the highly-networked resistance efforts in Australia, where entire communities have declared themselves 'gas free' and physically stopped vehicles entering their land. Their tactics have proven effective – big energy corporations are pulling out of projects faster than you can say 'PR disaster'.

The planning application for the well got passed without publicity in 2011 – with the fracking element pushed into scientific small print. After word spread (in part thanks to Frack Off organised info

If the British state wears knickers (and since it is always eager to cover its own arse, Schnews reckons it definitely does!), then it's certainly getting them into a right twist over opposition to the G8.

It has been using a draconian section of the Terrorism Act to stop and quiz anti-capitalist campaigners about what's being planned. And with protests due to kick off in both London and Northern Ireland, the authorities seem to be having trouble deciding where they should be focusing their attention.

Originally it was reported that the Met Police wanted to buy two German Ziegler Wasserwerfer 9000 cannons, which cost £1.3 million each, in time for the anti-G8 protests in London. But then the Daily Mail ran photos of police training with one of the cannons at a "secret" location in Hampshire (which it named as Longmoor base, near Petersfield, so it wasn't exactly a secret any more!). This particular Ziegler Wasserwerfer 9000 was "quietly brought in from Northern Ireland ahead of the G8" said the Mail, and up to 4,000 cops are being trained to use water cannon, "ostensibly so they can work alongside colleagues across the Irish Sea at the talks at the Lough Erne resort at Enniskillen".

It's also been announced that 730 police from forces across the UK have been trained in Northern Ireland to drive armoured landrovers for the first time as part "the significant policing operation" during the G8 – presumably these won't be patrolling Piccadilly or Mayfair on June 11, but in all the copfusion we wouldn't rule it out!

While the water cannon, and possibly the armoured landrovers, notch up those sea-miles on the Birkenhead to Belfast ferry, the government is going to have use its own version of FedEx to make sure its cops are delivered to the right place at the right time. The police operation in Northern Ireland will apparently involve 8,000 police - 4,400 of them local and 3,600 from England and Wales. Riot cops from London are mainly being kept back, though, because of what the Evening Standard is calling "fears of unrest in the capital". The authorities across the border are also freaking out a bit, with the Gardai reported to have devised a major security operation "after receiving "intelligence that riots may occur in the Republic during the high-profile event".

In their own desperate bid search for a modicum of intelligence, the UK's Special Branch stopped a couple of anti-capitalist campaigners coming back from an anarchist festival in the

## G8: COPFUSION IN THE RANKS!

Netherlands. The duo were intercepted at Dover, then detained and questioned for three hours under Schedules 7 and 8 of the Terrorism Act 2000. Schedule 7 makes it a crime not to provide information to an officer if the questions are intended to investigate "terrorism". However the activists refused to provide information, insisting the police's questions were, instead, intended to gather information on political dissent. As they argued their case, they were presented with print-outs of the Act's definition of 'terrorism', which the cops claimed could include protests.

As far as events in London go, there's a packed week of action in store for activists, with an anti-militarist action on Wednesday June 12, a No Borders, No Prisons event on Thursday June 13 and a "They Owe Us/Shift the Debt" action at Canary Wharf on Friday June 14. The biggie, though is the J11 Carnival Against Capitalism on Tuesday June 11, which will take place in the swanky West End.

Stop G8 have produced a map especially for this event, showing "the hiding place of power". Among all the dodgy financial vultures and weapons dealers, this also features Buckingham Place – "hideout of the infamous Windsor family". The J11 map is causing a few ripples among the pin-stripe suit brigade in the West End – emergency breakfast meetings all round! According to the Financial Times, hedge funds have been liaising over how to handle the protests and have been in contact with the Metropolitan Police over ways to deal with the "threat". It quotes an anonymous employee of one of these firms as saying the contingency plan may include getting staff to work at offices elsewhere in London on the day of the protest, or asking staff "not to dress like a hedge fund manager" on their journey to and from work. But how will they avoid dressing like a hedge fund manager who's trying not to dress like a hedge fund manager?

Details of the meet-up for J11 are due to be released any time now – keep an eye on [network23.org/stopg8](http://network23.org/stopg8) for the latest. If you're heading for the convergence space in central London, this will be announced at 11am on Saturday May 8. Go to Freedom Bookshop in Angel Alley, 84b Whitechapel High St, London E1 7QX, very close to Aldgate East tube station. This will also be an infopoint throughout the week of action, which also features pre-action training, talks from Ian Bone and others, several gigs and an unconfirmed guest appearance by Ziegler Wasserwerfer.

### ...and finally...

Well, yes, we all know that the G8 leaders are an absurd bunch of deluded fantasists. But in a real case of emperor's new clothes, it seems that the host county's council is more than willing assist by doing all it can to shield them from any, er, reality.

With the G8 circus just about to roll into town, could it really be coincidence that, despite Ireland's ongoing austerity squeeze, large treasure chests of cash have materialised to splurge on tarding up host town Enniskillen and surrounding area; cleaning up, painting, a few repairs, screening derelict buildings and, best of all, painting empty shops to look like full busy thriving shops.

The council have denied that they are planning to lock up all the residents and replace them with cardboard cut-outs of happy, prosperous aspirational consumers.

Maybe if all the protesters took some extra cardboard rioters with them we could have Seattle all over again...

### Disclaimer

SchNEWS warns all readers, it's an J11 wind that blows. Honest!

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