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# The bust card: policing, race, welfare, drugs and the counterculture in 1960s Britain

## Abstract

Bust cards first emerged in the late 1960s as a way of obtaining help following arrest, giving the user the number of a 24-hour telephone line to call on arrival at the police station. In the 2020s, bust cards are used by direct action groups involved in civil disobedience campaigns, but tracing the bust cards back reveals that their original purpose was different. The bust card was a novel way of enabling an individual to push back against the immediate experience of hostile policing, whilst enabling organisers to collate information on what was happening. By foregrounding the object and examining its creation and development, this article explores how various influences, initiatives and imperatives intersected, and how activist ideas or tools spread across groups. As this article demonstrates, the bust card became part of wider activism to reform the criminal justice system. It was also about pushing to remake the relationship between the state and marginalised individuals, whether that was through an interaction with the police or through accessing public services.

## Keywords

Policing; race; drugs; activism; reform

In the 2020s, bust cards – small pieces of card with a solicitor’s telephone number and brief notes on what to do if arrested – are a key tool for direct action protest groups such as Extinction Rebellion.<sup>1</sup> The card may crumple or tear, but unlike a mobile phone, it will not be broken during the physicality of protest and arrest, and has no digital footprint that could be used by the police.<sup>2</sup> Bust cards are also used for marginalised groups for whom keeping phones charged and in credit can be challenging. In 2022, Liberty issued 4,000 bust cards to people at risk of criminalisation through the application of Community Protection Notices for rough sleeping and begging.<sup>3</sup>

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<sup>1</sup> See Informed Dissent resources page, <https://informeddissent.info/bustcard>, accessed 30 June 2023.

<sup>2</sup> Sam Knights, ‘Introduction: The Story So Far’, 9-10; Jay Griffiths, ‘Courting Arrest’, 96; Legal Team, ‘Police, Arrest and Support’, 136-37 in Claire Farrell et al. (eds), *This is Not a Drill: An Extinction Rebellion Handbook*, (Harmondsworth, 2019).

<sup>3</sup> ‘Liberty launches new bust cards to support people facing penalties for poverty’, *Liberty*, <https://www.libertyhumanrights.org.uk/issue/liberty-launches-new-bust-cards-to-support-people-facing-penalties-for-poverty/>, accessed 28 July 2024.

The bust card originated in grassroots responses to aggressive policing of black people and young white people associated with counterculture in 1960s London. Bust cards were a novel tool that avoided the need to remember a phone number for a solicitor, or for friends and family to have call around trying to arrange legal help. But they were also a tool that addressed a modern problem: the experience of being policed and engaging with the criminal justice system. Bust cards were part of the making and remaking of the relationship between the state, the police and the people. By following the origins of the bust card, this article argues that bust cards were the product of shared experiences and learning between groups of people experiencing over-policing, through the denial of their claims to citizenship or dissent. Bust cards had an impact on the individual, but also shaped activism from the early 1970s that challenged police overreach. This ultimately successful in pushing for the Police and Criminal Evidence Act 1984 (PACE), which radically changed how people were treated on arrest. However, police behaviour in relation to over-policed and under-protected groups remains a live issue in Britain in the 2020s, as highlighted through the 2022-23 Casey Review of the Metropolitan Police.<sup>4</sup>

The bust card cuts across different avenues of research into twentieth-century Britain. The radical organisation of resistance to racism is a key area of research in black British history, as examined by Perry, Waters, Fevre and Elias, amongst others.<sup>5</sup> In addition to considerable popular interest in the counterculture of the 1960s, historians such as Collins, Hilliard, and Nita and Gemie examine the intersections between the counterculture, consumption, policing and law.<sup>6</sup> Voluntary

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<sup>4</sup> *Baroness Casey Review: Final Report*. (London, 2023). Available at <https://www.met.police.uk/police-forces/metropolitan-police/areas/about-us/about-the-met/bcr/baroness-casey-review/>. Accessed 30 June 2023.

<sup>5</sup> Kennetta Hammond Perry, *London is the Place for Me. Black Britons, Citizenship, and the Politics of Race* (Oxford, 2015); Rob Waters, *Thinking Black: Britain 1964-1985* (Oakland, 2018); Hannah Elias, 'John Collins, Martin Luther King, Jr. and the transnational networks of protest and resistance in the Church of England during the 1960s', in Tom Rodger, Philip Williamson, and Matthew Grimley (eds), *The Church of England and British Politics since 1900*, (Martlesham, 2022), 279-297; Christopher Fevre, "'Race" and Resistance to Policing Before the "Windrush Years": The Colonial Defence Committee and the Liverpool "Race Riots" of 1948', *Twentieth Century British History* 32 (2021): 1-23.

<sup>6</sup> Christopher Hilliard, *A Matter of Obscenity: The Politics of Censorship in Modern England* (Princeton, 2021); Marcus Collins, 'Permissiveness on Trial: Sex, Drugs, Rock, the Rolling Stones,

action after the introduction of the welfare state is a considerable area of research, with a growing body of work looking at activity in deprived urban areas in the 1960s and 1970s, particularly in the Notting Hill area, and the concept of ‘community work’, as seen in the work of Schofield and Jones, and Davis.<sup>7</sup> Berridge explores shifting social attitudes and political responses to drugs, alcohol and tobacco, whilst Mills focuses on tracing development of a market for cannabis and ensuing restrictions on it, including policing of black people and counterculture in the 1950s and 1960s.<sup>8</sup> Davis examines the evolution of London drug markets into the 1960s, alongside Mold’s work on the growth of heroin in the same period.<sup>9</sup> Mold has also studied the development of drugs charity Release, analysing them as a new social movement and (with Berridge) locating them within growth of the voluntary sector.<sup>10</sup> Finally, legal historians and criminologists have explored the relationship between police and racially minoritized people, such as Whitfield’s work on the Metropolitan Police in the post-war period, and Britton and Skinns’ studies of the establishment of Help on Arrest schemes in the 1970s and campaigns to push for what would become PACE through the lens of race and policing.<sup>11</sup> Perry’s work on David Oluwale reveals the

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and the Sixties Counterculture’, *Popular Music and Society* 42 (2019), 188-209; Maria Nita and Sharif Gemie, ‘Counterculture, Local Authorities and British Christianity at the Windsor and Watchfield Free Festivals (1972-5)’, *Twentieth Century British History* 31 (2020), 51-78.

<sup>7</sup> Camilla Schofield and Ben Jones, ‘Whatever Community Is, This Is Not It’: Notting Hill and the Reconstruction of ‘Race’ in Britain after 1958’, *Journal of British Studies* 58 (2019), 142-173; John Davis, ‘Community and the Labour Left in 1970s London’, in Chris Williams and Andrew Edwards (eds) *The Art of the Possible: Politics and Governance in Modern British History, 1885-1997: Essays in Memory of Duncan Tanner* (Manchester, 2015), 207–23.

<sup>8</sup> Virginia Berridge, *Demons: Our Changing Attitudes to Alcohol, Tobacco, and Drugs* (Oxford, 2013); James H. Mills, *Cannabis Britannica: Empire, Trade, and Prohibition 1800-1928* (Oxford, 2005); *Cannabis Nation: Control and Consumption in Britain, 1928-2008* (Oxford, 2012).

<sup>9</sup> John Davis, ‘The London Drug Scene and the Making of Drug Policy, 1965-73’, *Twentieth Century British History* 17(2006), 26-49; Alex Mold, *Heroin: The Treatment of Addiction in Twentieth-Century Britain* (DeKalb, 2008).

<sup>10</sup> Alex Mold, ‘The Welfare Branch of the Alternative Society?’ The Work of Drug Voluntary Organization Release, 1967-1978’, *Twentieth Century British History* 17 (2006), 50-73; Alex Mold and Virginia Berridge, *Voluntary Action and Illegal Drugs: Health and Society in Britain since the 1960s* (Basingstoke, 2010).

<sup>11</sup> Nadia Joanne Britton, ‘Race and Policing: A Study of Police Custody’, *British Journal of Criminology* 40 (2000), 639-658; Layla Skinns, *Police Custody: Governance, Legitimacy and Reform in the Criminal Justice Process* (Abingdon, 2011); James Whitfield, *Unhappy Dialogue: The Metropolitan Police and Black Londoners in Post-War Britain* (Cullompton, 2004).

systematization of state violence, de-victimisation and harassment Oluwale experienced at the hands of police in Leeds.<sup>12</sup>

Whilst all these avenues of research are important, they do not necessarily engage with each other, resulting in a gap in our understanding of how these developments shaped experiences of being over-policed and under-protected, and the impact on law and police practices. As an object circulating in different contexts, focussing on the bust card allows the various literatures to intersect.

Using an object to explore wider social issues adopts an approach similar to scholars such as Robertson, Mattern, Daston, Turkle and Vismann.<sup>13</sup> Mattern exhorts us to think not only about functions of objects like bookshelves, but also about how these objects 'render complex intellectual and political ideas *material* and *empirical*'.<sup>14</sup> As will be seen, the bust card stands for a set of ideas around power imbalances, inclusion and exclusion, the idea of an 'Establishment' culture in active opposition to a growing 'counterculture', and the 'state'. Robertson, Vismann and Mattern draw attention to ways in which objects are part of social relations. Object biographies are used as a means of understanding the context and relationships of an object.<sup>15</sup> In this case, an object biography allows us to take an ephemeral object and interrogate the social connections and meanings it represents.

In archival terms, the bust card is a slippery object: it was produced to be given away, to be tucked into a wallet or purse, ready for use when needed. The Modern Records Centre (MRC) at the University of Warwick holds what is thought to be the first extant version of the bust card in the Release collections, along with later

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<sup>12</sup> Kennetta Hammond Perry, 'The Sights and Sounds of State Violence: Encounters with the Archive of David Oluwale', *Twentieth Century British History* 34 (2023): 467–90.

<sup>13</sup> Craig Robertson, *The Filing Cabinet: A Vertical History of Information* (Minneapolis, 2021); Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences*, (London, 2001); Sherry Turkle, ed., *Evocative Things: Things We Think With* (Cambridge, MA, 2007); Cornelia Vismann, *Files: Law and Media Technology*, trans. Geoffrey Winthrop-Young (Redwood City, 2008).

<sup>14</sup> Shannon Mattern, 'Intellectual Furnishings', *Medium*, 2014, <https://medium.com/@shannonmattern/intellectual-furnishings-e2076cf5f2de> (correct at 30 June 2023).

<sup>15</sup> See, for example, Arjun Appadurai, ed., *The Social Life of Things: Commodities in Cultural Perspective* (Cambridge, 1986); Samuel J. M. M. Alberti, 'Objects and the Museum', *Isis* 96 (2005), 559-571.

iterations.<sup>16</sup> Many of the groups who later produced their own bust cards were short-lived and did not save their papers in a systematic fashion. In some cases, if those groups engaged with public bodies and funding organisations, bust cards have survived, for example, within a funding application that is now archived.<sup>17</sup> In other instances, they have been archived within an individual's personal papers.<sup>18</sup> Whilst the Release collection is extensive, it does not contain papers that would explain *why* the bust card was created and the design choices made.<sup>19</sup> To explore this, we undertook an oral history interview with artist and activist Caroline Coon in August 2022, as Coon designed and produced the first card.<sup>20</sup> Further oral history interviews with others involved in Release and other groups were not possible, as the individuals were no longer with us or unable to participate. In some cases, their testimony exists in autobiographies and memoirs, whilst others gave interviews to the press or those working on histories of the counterculture. Some wrote obituaries for their friends. Secondary data of this kind needs to be handled with consideration of its collection for different purposes, and caution for the reliability of narrators and those editing the work. However, many of those involved in the groups here also published accounts and reflections on their work in the countercultural press at the time, and both the *International Times (IT)* and *Oz* have been digitally archived.

This article will begin with an examination of the legal context and rights upon arrest up to the 1960s, before looking in turn at the foundation of two groups concerned with connecting arrested persons with appropriate legal support: Defence and Release.

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<sup>16</sup> Modern Records Centre, University of Warwick, Coventry, Release collection, MSS.171/3/12/12 (part), <https://mrc-describe.epexio.com/records/REA/3/12/12/1>, accessed 28 July 2024.

<sup>17</sup> London Metropolitan Archives, London Council of Social Services papers, ACC/1888/250/010 ADVISE Leaflet and cards.

<sup>18</sup> University of Sheffield Archives, Keith Dewhurst papers, 431/6/7/12, Bust card issued by the Release organisation.

<sup>19</sup> Personal correspondence by lead author with MRC, 17 June 2022.

<sup>20</sup> This interview is in the process of being deposited at the Release Archives at the Modern Records Centre.

## **Policing and legal context**

The criminal justice system in England and Wales underwent radical change during the eighteenth and nineteenth centuries. Consequences included the introduction of professional police forces from 1829, the involvement of solicitors and barristers in criminal proceedings, and the 'administrative turn' that increasingly brought minor offences into magistrates' courts.<sup>21</sup> This broad shape endured through the twentieth century, but relationships between public, police, and legal profession continued to be revised.

Professional police forces were established to investigate and prevent crime through watch duties. During the nineteenth century, they largely replaced the private citizen plaintiff in bringing criminal charges to court. The UK's adversarial court system differed from inquisitorial court systems in much of Europe, in which magistrates and judges would be involved in preparing the case against a defendant. Rather, magistrates and judges depended on police and prosecutors to bring cases that were robust, fair, and consistent. Fair treatment of suspects was not a given, with concerns raised throughout the period about people being coerced into false confessions. As Wegg-Prosser notes, interventions from judges began in the 1880s, when Lord Brampton's guidance to police as to principles they should follow in treatment of suspects was used as the preface to the Police Code, a manual prepared by Howard Vincent, then Director of the Criminal Investigation Department. Some twenty years later, Lord Chief Justice Lord Alverstone wrote to the Chief Constable of Birmingham, raising concerns about how suspects were being cautioned there. This led to creation of the first four Judges' Rules, drawn up in 1912 at the Home Secretary's request.<sup>22</sup> A further five were added in 1918, along with clarification of the Rules in 1930, and two circulars from the Home Secretary in 1947

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<sup>21</sup> See Charles Wegg-Prosser, *The Police and the Law*, ed. Gerald Sanctuary, *It's Your Law*, (London, 1973); Leon Radzinowicz and Roger Hood, *The Emergence of Penal Policy in Victorian and Edwardian England*, vol. 5, *A History of English Criminal Law and Administration from 1750*, (Oxford, 1990); Clive Emsley, *The English Police: A Political and Social History* (London, 1996).

<sup>22</sup> Wegg-Prosser, *Police*, 91.

and 1948.<sup>23</sup> Continuing revision speaks to ongoing concerns about the relationship between police and public. These concerns were enough to instigate the Royal Commission on Police Powers and Procedure in the late 1920s.<sup>24</sup> In its 1930 report, the Royal Commission stated that people should ‘immediately on arrival at the Police Station, be allowed to consult their legal advisers, and also their friends unless there is strong reason to anticipate improper disclosures to confederates’.<sup>25</sup>

This statement was incorporated into seven administrative procedures that were included with the overhauled Judges’ Rules issued in 1964. Procedure 7, ‘Facilities for Defence’ stated:

- (a) A person in custody should be allowed to speak on the telephone to his [sic] solicitor or to his friends provided that no hindrance is likely to be caused to the processes of investigation, or the administration of justice by his doing so. [...]
- (b) Persons in custody should not only be informed orally of the rights and facilities available to them, but in addition notices describing them should be displayed at convenient and conspicuous places at police stations and the attention of persons in custody should be drawn to these notices.<sup>26</sup>

The Judges’ Rules therefore recommended that an individual in custody should be able to obtain legal advice but did not require it. No means was established to put people in touch with lawyers before the Duty Solicitor scheme was implemented following PACE in 1984.<sup>27</sup> The state-funded legal aid scheme established in 1949 did not allow for aid and advice at the point of arrest – criminal legal aid was applied for

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<sup>23</sup> T.E. St. Johnston, ‘Judges’ Rules and Police Interrogation in England Today’, *Journal of Criminal Law and Criminology* 57(1966): 85-86. Also Diane Beckman, ‘You have the right to be silent ... Anything You Do Not Say May Be Used Against You. Is the Right to Silence in Great Britain Really a Protection?’, *Penn State International Law Review* 14 (1995), 95-126.

<sup>24</sup> John Carter Wood, ‘Press, Politics and the ‘Police and Public’ Debates in Late 1920s Britain’, *Crime, Histoire & Sociétés/Crime, History and Societies* 16 (2012), 75-98.

<sup>25</sup> Royal Commission on Police Powers and Procedures, Cmd. 3297 (London, 1929), 68.

<sup>26</sup> St. Johnston, ‘Judges’ Rules’, 91-92.

<sup>27</sup> For detail on what PACE introduced at the station, see Michael Zander, ‘The Act in the Police Station’, in John Benyon and Colin Bourn (eds) *The Police: Powers, Procedures and Proprieties*, (Oxford, 1986), 123-135.



at the first court appearance, when the court clerk would initiate the application.<sup>28</sup>

Unless people *knew* they could make a telephone call, had connections to a solicitor with criminal law expertise, and could pay the lawyer, independent legal advice came late in the process.

However, ‘hindrance’ in this process usually derived from the police rather than the individual under arrest.<sup>29</sup> In the early 1970s, Zander interviewed 134 people who appealed to the Court of Appeal, Criminal Division, against their convictions. When asked if they had been able to speak to a solicitor when they were first taken to the police station, 108 said no. Of these respondents, 42 asked for a solicitor, but the police refused the request. Zander’s respondents spoke of a range of delaying tactics, so that if a person got to see a solicitor at all, it was only after they had been interviewed. One was told that they were too young to need a solicitor, whilst another was told that the police only had a couple of questions, and there was no point in bothering a solicitor at night. Another was refused on the grounds that they had “‘been watching too many films.”<sup>30</sup> Later that decade, as part of a wider study of 500 contested trials heard at Birmingham Crown Court, Baldwin and McConville found that around only a third of defendants requested a solicitor and that most of those requests were denied by the police. Of the two thirds who did not request a solicitor, most did not know that they had the ability to do so.<sup>31</sup> The Criminal Justice Act 1977 and PACE radically changed this by requiring police to tell those arrested of their right to legal advice upon arrival at the station, and provide a copy of the custody record, with this information being offered in print as well as verbally.<sup>32</sup> Section 58 of PACE made a telephone call to a solicitor or friend a right.<sup>33</sup>

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<sup>28</sup> Wegg-Prosser, *Police*, 140-41.

<sup>29</sup> Andrew Sanders et al., *Advice and Assistance at Police Stations and the 24 Hour Duty Solicitor Scheme*, Lord Chancellor’s Department (London, 1989), 1-2.

<sup>30</sup> Michael Zander, ‘Access to a Solicitor in the Police Station’, *The Criminal Law Review* (1972): 343–45.

<sup>31</sup> John Baldwin and Michael McConville, ‘Police Interrogation and the Right to See a Solicitor in England’, *Criminal Law Review*, no. March (1979): 148–49.

<sup>32</sup> Zander, ‘The Act’, 127.

<sup>33</sup> Police and Criminal Evidence Act 1984, s.58, <https://www.legislation.gov.uk/ukpga/1984/60/section/58>. Correct on 30 June 2023.

Therefore, by the mid-1960s the ability, but not the right, to make a telephone call existed. Making this call was likely to involve negotiation with police in an emotionally demanding situation. The Judges' Rules assumed police would act in good faith and follow their principles. The bust card therefore emerged in a context where those who were not already familiar with processes of arrest or the implications of accepting a caution could find themselves overwhelmed by the system.

### **Legal consciousness**

Acquiring an understanding of law and one's rights came through a mixture of personal experience, hearsay, professional advice, or informal education. Popular culture offered potential to learn something of what happened when interacting with the police. The Ealing Studios film, *The Blue Lamp* (1950), and the BBC TV series that grew out of it, *Dixon of Dock Green* (1955-76), established the police procedural as an enduringly popular entertainment genre.<sup>34</sup> *Dixon* and its successors, like *Z-Cars* (1962-78), *The Sweeney* (1975-78), and *The Bill* (1984-2010), offered accounts of arrest and police custody, albeit with considerable poetic licence, to millions of viewers each week.

The concerns about police overreach that had led to the Royal Commission continued into the 1930s. The National Council for Civil Liberties (NCCL), later known as Liberty, was founded in 1934 in response to issues around the policing of after-hours drinking or surveillance of hunger marchers resulting in the formation of the National Council for Civil Liberties (NCCL), later known as Liberty, in 1934.<sup>35</sup> The NCCL was concerned with upholding the rights of those who dissented politically as well as those experiencing injustice in a range of circumstances. In addition to their role as a watch dog for human rights, the NCCL also provided

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<sup>34</sup> Eugene McLaughlin, 'From Reel to Ideal: The Blue Lamp and the Popular Cultural Construction of the English "Bobby"', *Crime, Media, Culture* 1 (2005): 11–30.

<sup>35</sup> Chris Moores, *Civil Liberties and Human Rights in Twentieth-Century Britain* (Cambridge, 2017), 32.

information to people on their rights on arrest and how to navigate the discretionary powers of the police and courts, for example in whether legal aid should be granted.<sup>36</sup>

The NCCL was itself part of a wider movement to make rights advice more readily available to the public. From the later 1920s, BBC radio programmes such as Professor John Hilton's *This Way Out* demystified new state welfare services and offered remedies to common individual problems. Hilton pioneered the newspaper advice bureau and its accompanying feature in the paper: between the 1940s and 1960s, most tabloid newspapers offered readers the opportunity to write into their bureau to get legal or other advice.<sup>37</sup> Public libraries were an important resource, along with Poor Man's Lawyer/Free Legal Advice evening clinics at settlement houses and community associations. General readers' guides to law were common by the mid-twentieth century, often published by consumer interest groups for their members, like the Consumer Association's *The Law and You*.<sup>38</sup> Although arrest and rights were covered in this literature, the NCCL published various editions of *Arrest: A Guide to Your Rights* from 1963 to offer more specialised advice.<sup>39</sup> *Arrest* was a slim, pocket-sized pamphlet that offered focussed, detailed advice on an individual's rights at different stages of arrest. Whilst helpful and clear, it was not suited for emergency use.

The immediate forerunner of the bust card originated in the US in the 1950s. As Walker outlines, the bust card was developed as a response to police misconduct, and the need to have common principles and expectations between different state forces. Lois Forer, a judge and Pennsylvania Deputy Attorney General, and the Philadelphia American Civil Liberties Union (ACLU) police committee pressured the Philadelphia police to standardize guidance on making arrests. In 1955, the force produced a manual outlining how to correctly arrest a

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<sup>36</sup> Tony Smythe, 'The Role of the National Council for Civil Liberties', in Robert Benewick and Trevor Smith (eds) *Direct Action and Democratic Politics* (London, 1972), 281.

<sup>37</sup> Matthew Hilton, "Hilton, John (1880-1943", *Oxford Dictionary of National Biography* (Oxford, 2006).

<sup>38</sup> Marcel Berlins (ed), *The Law and You*, (London, 1987).

<sup>39</sup> National Council for Civil Liberties, *Arrest: A Guide to Your Rights* (London, 1963).

member of the public. Forer suggested there should be a parallel version for citizens. The New York Civil Liberties Union produced a booklet called *If You Are Arrested*, which was an immediate success: 40,000 copies were distributed in the borough of Manhattan alone. *If You Are Arrested* became one of the foundations of ACLU activity, with versions produced by other city and state branches.<sup>40</sup> Later in the 1960s, the Black Panther Party offered a 'Know Your Rights' card which distilled information about what one should expect on arrest.<sup>41</sup> However, neither the ACLU nor the Black Panther Party offered a telephone number for legal aid and advice. Whilst both sides of the Atlantic shared problems over the role and remit of the police, the position with access to legal aid was very different by the 1960s. The US Supreme Court ruled in *Betts v Brady* in 1942 that courts should offer state-funded legal aid on a case-by-case basis, a principle further extended by the court through *Gideon v Wainwright* in 1962.<sup>42</sup> The Sixth Amendment of the US Constitution outlines nine rights of persons accused of criminal offences, including the right to counsel. States vary in how they provide this support: some, like New Jersey, established an Office of the Public Defender, whilst others contracted this work to private law firms.<sup>43</sup>

Although the US established legal aid voluntary groups from the later nineteenth century, President Lyndon B. Johnson's War on Poverty created an environment in which innovation around access to legal support could happen, through what became the Neighborhood Law Center movement.<sup>44</sup> This attracted the

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<sup>40</sup> Samuel Walker, *In Defense of American Liberties. A History of the A.C.L.U.* (Carbondale and Edwardsville, 1999), 246-47. Wolfgang Saxon, 'Lois G. Forer, 80, a Judge and Author, dies', *New York Times*, 11 May 1994, 25. Available at <https://www.nytimes.com/1994/05/11/obituaries/lois-g-forer-80-a-judge-and-author-dies.html>. Accessed 30 June 2023.

<sup>41</sup> Catherine Flood and Gavin Grindon, *Disobedient Objects* (London, 2014). No page number available.

<sup>42</sup> John D. King, 'Beyond 'Life and Liberty': The Evolving Right to Counsel', *Harvard Civil Rights-Civil Liberties Law Review* 48 (2013), 1-49.

<sup>43</sup> James P. George, 'Access to Justice, Costs and Legal Aid', *American Journal of Comparative Law* 54,(2006), 312-15. State of New Jersey Office of the Public Defender, <https://www.nj.gov/defender/>. Accessed 30 June 2023.

<sup>44</sup> Felice Batlan, *Women and Justice for the Poor: A History of Legal Aid, 1863-1945* (Cambridge, 2015); Jack Katz, *Ú[ [ ! Á Ú ^ [ ] | ^ q • Á Š æ*, (Rutgers, 1982); Edith Baer Primna, 'The Neighborhood Justice Center Movement', *Kentucky Law Journal* 81 (1992-3), 1067-1083.

attention of British lawyers associated with left-wing legal groups, the Society for Labour Lawyers (SLL) and the Haldane Society. US experiments heavily influenced SLL's 1968 report, *Justice for All*, and inspired the creation of the North Kensington Neighbourhood Law Centre in 1970.<sup>45</sup>

Therefore, the Judges' Rules set expectations of how people should be treated, but without a means of enforcement. There was a risk people could be 'set up' through drugs being planted during a search or talked into admitting an offence without independent advice. Tackling this to protect the individual and reform the system would require both raising legal consciousness and providing a tool for getting assistance in the police station.

## Founding Defence

1960s Notting Hill in West London was home to two over-policed groups: African Caribbean migrants and young people associated with the counterculture. As Perry observes, the African Caribbean migrants were British citizens with all the rights and responsibilities that came with that citizenship through the British Nationality Act 1948. Yet their citizenship was challenged in multiple ways, including being denied equitable access to decent housing through a combination of overt racism, exclusion from council housing, and Britain's ongoing housing shortage.<sup>46</sup> Notting Hill became a locus for African Caribbean migrants because Perec Rachman, the notorious 'slum' landlord, had many properties there which he would rent property to black people above market rates and in poor condition.<sup>47</sup> As the community grew throughout the 1950s and 1960s, so too did African Caribbean cafés and social clubs.<sup>48</sup>

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<sup>45</sup> Morris Finer et al., *Justice for all: Society of Labour Lawyers Report*, (London, 1968); Anthea Byles and Pauline Morris, *Unmet Need - the Case of the Neighbourhood Law Centre* (London, 1977); Nick Blake and Harry Rajak, *Wigs and Workers: A History of the Haldane Society of Socialist Lawyers, 1930-1980* (London, 1980).

<sup>46</sup> Perry, *London*, 48-51.

<sup>47</sup> Shirley Green, *Rachman* (London, 1979), 56–63; John Davis, 'Rents and Race in 1960s London: New Light on Rachmanism', *Twentieth Century British History* 12. (2001): 69–92.

<sup>48</sup> Darcus Howe, *From Bobby to Babylon: Blacks and the British Police*, (London, 2020), 50.

In August and September 1958, the African Caribbean community in Notting Hill was subjected to a campaign of racist attacks and harassment that culminated in rioting, and some members of the community were arrested. Rather than treating this as a problem for those individuals to solve, the community drew upon a model that emerged around ten years earlier in Liverpool. As Fevre shows, this involved raising funds for and organising *trusted* lawyers to defend black people in the face of a hostile criminal justice system. Ras Makonnen, the Secretary of the Pan-African Federation (PAF), lived in Manchester in the 1940s where he ran a chain of restaurants which became important venues for the black community and also generated profits that Makonnen used for paying lawyers to successfully defend cases. Following the Liverpool 'race riots' of 1948, the city's black community set up the Colonial Defence Committee (CDC) to raise funds for the legal defence of those charged following a public meeting, at which Makonnen was present. The CDC raised funds locally and with national support from the PAF and the League of Coloured Peoples. Harry Livermore, a white Jewish solicitor who worked as a partner in the firm of Sydney Silverman, radical lawyer and Labour MP for Nelson and Colne, was instructed to take on the cases.<sup>49</sup>

Legal defence funds were not new. Whilst there had been various forms of provision for those who could not pay for their defence since the twelfth century, and significant changes through the Poor Prisoners Defence Acts of 1903 and 1930, recourse to an appeal for funds was often needed.<sup>50</sup> Charles Peace, a prolific burglar who gained notoriety in the 1870s after murdering Arthur Dyson, attempting to murder one police officer and murdering another, along with a dramatic attempt to leap from a train to escape custody whilst being taken to trial, auctioned his violins and piano to raise money for his defence.<sup>51</sup> Dorothy Jewson, later one of the first

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<sup>49</sup> Fevre, "Race".

<sup>50</sup> Tamara Goriely, 'Gratuitous assistance to the "ill-dressed": debating civil legal aid in England and Wales from 1918-1939' *International Journal of the Legal Profession*, 13 (2006) 41-67, 42; see also *Committee on Legal Aid for the Poor . First Report*, Cmd. 2638, 10-11.

<sup>51</sup> John Springhall, "'Wanted, the Elusive Charlie Peace": A Sheffield Killer of the 1870s as Popular Hero', *Historian*, 65 (2000): 10-16. 'Relics of a murderer', *Warrington Evening Post*, Friday 7 February 1879, p.3.

women Labour MPs, set up a defence fund in 1913 for Miriam Pratt, a suffragette charged with arson.<sup>52</sup> What was different about Makonnen's model was its framing of providing not just a defence, but a defence that was truly in the defendant's interest and would therefore uphold their rights. This was the model that was used in response to the 1958 arrests by activists Claudia Jones and Amy Ashwood Garvey, who raised funds for the defence through the Notting Hill Carnival at St Pancras Town Hall in 1959 and as well as creating an ongoing legal fund for black defendants through the Association for the Advancement of Coloured People that Ashwood Garvey founded.<sup>53</sup>

The Rio café was established by Frank Crichlow following the riots. Born in Trinidad in 1932, Crichlow travelled to Britain in 1953, working on railways, then as a musician, before setting up the Rio in 1959.<sup>54</sup> The Rio offered a venue for people from different Caribbean islands to come together, and was open 24 hours a day. In Crichlow's words, it became a strong source of community for 'people who were rebellious and a bit smart, those with street intelligence, those for whom the factory was not their speed' and it was 'a kind of school, a university. It just happened'.<sup>55</sup> Unsurprisingly, the café attracted negative attention from police, in addition to Crichlow's refusal to bribe the local police to overlook the illegal gambling club in the café basement.<sup>56</sup> There were other reasons for increasing police interest in the Rio and other cafés: as Mills notes, the Metropolitan Police had been observing the cannabis market in clubs and cafés since the 1950s. By the early 1960s, police were aware of young white 'Beatniks' frequenting cafés and clubs, raising concerns around growing use of illicit drugs.<sup>57</sup>

Michael De Freitas, originally from Trinidad, was in London working as an enforcer for Rachman at the time of the riots and was arrested. Following the riots,

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<sup>52</sup> Cartwright, "'The Enfranchisement of Baptist Women'?", 31.

<sup>53</sup> Cantres, *Blackening*, 81.

<sup>54</sup> Mike Phillips, 'Crichlow, Frank Gilbert (1932–2010)', *Oxford Dictionary of National Biography* (Oxford, 2014).

<sup>55</sup> Tony Gould, *Inside Outsider: the Life and Times of Colin MacInnes* (London, 1993), 194.

<sup>56</sup> Howe, *Babylon*, 50.

<sup>57</sup> Mills, *Nation*, 117.

de Freitas found himself serving as a gatekeeper to the white sociologists and social workers flocked to Notting Hill.<sup>58</sup> As the 1960s unfolded, de Freitas became involved in anti-racist activism and, through girlfriend Nancy Bacal, with the counterculture.<sup>59</sup> In early 1965, de Freitas became aware of Malcolm X and the Black Power movement in the US, whilst in a barber's shop.<sup>60</sup> Deeply impressed by what he learned, de Freitas accompanied Malcolm X on his February 1965 visit to the UK. Following Malcolm X's example, de Freitas converted to Islam and changed his name to Michael Abdul Malik, though the press swiftly dubbed him 'Michael X'.<sup>61</sup> Michael X set up the Racial Adjustment Action Society (RAAS) with Roy Sawh, Jan Carew and Abdullah Patel in February 1965 as a group for black people only, with a focus on grassroots activism.<sup>62</sup> RAAS gained traction in national media through their role in the strike of Indian workers at Courtauld's factory in Preston, where Patel worked. Despite this prominence, RAAS never had more than two hundred members in their five-year existence, though Michael X claimed they had around 60,000.<sup>63</sup>

RAAS created the environment for a significant change in legal and rights activism through founding Defence in their first year. Operating in Notting Hill, Defence offered a 24-hour telephone line connecting black people under arrest to a willing criminal solicitor.<sup>64</sup> Inspiration for Defence came from the informal activism of Notting Hill-based white writer, Colin MacInnes. MacInnes was a regular presence in the Notting Hill cafés and social clubs and was always willing to help those who had been arrested. MacInnes would pursue bail for them and offered advice on a range of matters.<sup>65</sup> Writing in the first issue of the countercultural magazine *Oz*, MacInnes claimed these experiences led to the idea of Defence. In MacInnes's account, RAAS began by identifying criminal solicitors who were willing to take on the cases.<sup>66</sup>

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<sup>58</sup> Malik, *From*, 79-93.

<sup>59</sup> Malik, *From*, 126-27; John L. Williams, *Michael X: A Life in Black and White* (London, 2008), 92-93.

<sup>60</sup> Malik, *From*, 131.

<sup>61</sup> James Sharp, *The Life and Death of Michael X* (Waterford, 1981), 23.

<sup>62</sup> Humphry and Tindall, *False*, 45-46, 51.

<sup>63</sup> Humphry and Tindall, *False*, 49-50.

<sup>64</sup> Malik, *From*, 164-65.

<sup>65</sup> Malik, *From*, 163.

<sup>66</sup> Colin MacInnes, 'RAAStus: WI in W2', *Oz*, February 1967, 14-17.



The catalyst for Defence was what MacInnes described as a 'rather sensational immoral earnings case' in which the community rallied around to raise funds supporting the defendant.<sup>67</sup> The case was heard at Inner London Sessions in November 1966, with the defendant found guilty and sentenced to four years' imprisonment. Inspector Sallabank of the Metropolitan Police told the court that the defendant spent most of his time in Notting Hill cafés and was deeply disparaging of people who used them.<sup>68</sup> MacInnes read the case differently: the defendant was well-known within the community, who believed him innocent. Having heard about RAAS's work, his supporters got in touch with the group and Defence was formed following a meeting at the Rio.<sup>69</sup> Defence's organising committee included Crichlow, Michael X as treasurer, MacInnes as press officer, and Courtney Tulloch as field worker. Defence went further than RAAS's activities by standing bail for people and arranging prison visits.<sup>70</sup> Defence 'settled down with an office, telephone (operating day and night so that victims could call from the station on arrest), a part-paid secretary'.<sup>71</sup>

Cafés were key sites for Defence. On one hand, they were, as Inspector Sallabank's testimony demonstrated, a focus for police with a prejudiced view of café clientele. On the other, cafés were valuable community spaces, and Defence publicized their service through them. As Michael X wrote, 'the arrested man had only to ring a number which had been posted on boards in cafés and gaming houses throughout the ghetto.'<sup>72</sup> This was a form of bust card before the bust card, albeit one that relied on the café goer to remember the number or write it down.

Defence was short-lived, lasting just seven months. Tensions were caused by Michael X's high public profile and his involvement with the daily work of the group;

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<sup>67</sup> MacInnes, 'RAAStus', 14-17.

<sup>68</sup> 'Four Years for a Bully and a Pest', *Kensington Post*, Friday 11 November 1966, 11. British Newspaper Archive, [www.britishnewspaperarchive.co.uk](http://www.britishnewspaperarchive.co.uk), Image © Reach PLC. Image created courtesy of the British Library Board. Accessed 30 June 2022.

<sup>69</sup> MacInnes, 'RAAStus', p.15.

<sup>70</sup> Humphry and Tindall, *False*, 53-54.

<sup>71</sup> MacInnes, 'RAAStus', p.15.

<sup>72</sup> Malik, *From*, 165.

his arrest and prosecution in Reading under the Race Relations Act 1965 brought Defence to an end.<sup>73</sup> Most of the work was done by Tulloch, who answered the phone, sorted out lawyers and arranged for bail to be paid.<sup>74</sup> Dean Raphael Sargeant, a solicitor involved with Defence reflected that Michael had not anticipated 'how much boring graft went into something like that' and his enthusiasm wore off.<sup>75</sup> However, Sargeant's wider experiences with Defence meant that, as Caroline Coon recalled, 'there was a nascent bust card' in his mind.<sup>76</sup> Sargeant was grappling with how best to provide people with information they needed, which was at the centre of what Defence sought to do. They developed a powerful model for another group subject to aggressive policing.

## Drugs and the counterculture

The counterculture emerged in the later 1950s, first through the Beatnik and anti-nuclear movements. During the 1960s, counterculture became broadly concerned with different forms of consciousness, which could be reached through several means – including use of illicit drugs. This was met with a rise in aggressive policing of its members. Detective Sergeant Nobby Pilcher of the Metropolitan Police's Drug Squad and his dogged pursuit of the Rolling Stones and the Beatles has received much coverage in print and podcasts.<sup>77</sup> Experiences of young people being stopped on the street, or their homes raided in the middle of the night attracted less mainstream coverage.<sup>78</sup> The underground press did address the emergency, however. John 'Hoppy' Hopkins, a co-founder of the *International Times* (hereafter *IT*), covered drugs policing in the paper under the by-line 'Bradley Martin'. In January

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<sup>73</sup> Courtney Tulloch, 'The Reading Collective', *Race Today*, 4 (1972), 95.

<sup>74</sup> Tulloch, 'Reading', 97.

<sup>75</sup> Williams, *Michael X*, 148.

<sup>76</sup> Interview with Caroline Coon, 3 August 2022.

<sup>77</sup> For example, Jake Brennan, 'Rolling Stones (Part One): Swinging London, a Prison Break, East End Gangsters and the Anti-Beatles', *Disgraceland Podcast*, episode 60, 23 June 2020, <https://www.disgracelandpod.com/060/rolling-stones-swinging-london-pt-1>, accessed 30 June 2023; Fred Goodman, *Allen Klein: The Man Who Bailed Out the Beatles, Made the Stones and Transformed Rock and Roll* (Boston, 2015); Norman Pilcher, *Bent Coppers: the Story of the Man who Arrested John Lennon, George Harrison and Brian Jones* (London, 2020).

<sup>78</sup> Caroline Coon, 'We were the welfare branch of the alternative society', in Helene Curtis and Mimi Sanderson (eds), *The Unsung Sixties: Memoirs of Social Innovation*, (London, 2004), 184.

1967, he wrote about calls for a 'Marihuana Bust Fund'. This fund would campaign for legalisation of drugs through a 'smoke-in' of a thousand people smoking cannabis in Trafalgar Square in London. It would also provide 'basic legal advice and brief people as to their rights under arrest. It would be a clearing house for all information of any use'.<sup>79</sup>

Articles in *IT* portrayed experiences of aggressive policing. Michael X recounted a phone call he received from Hoppy informing him that Dave Tomlin, another counterculture figure, had been arrested:

In the world I come from, one does [not] think of who's a charming person to have to dinner. No, there one thinks of Who Could I Call When I Am In Trouble. Today I look at what is called the underground and see that they too are thinking in this way [...] My reaction to Hoppy's call was to get a lawyer and a doctor, for one hears such terrible stories about the police framing people and beating them up.<sup>80</sup>

Michael then recounted his trip to arrange for Tomlin's bail, which resulted in his own police stop on suspicion of possessing 'dangerous drugs'. Refusing to be searched on the street, he went to the station. The Inspector observing Michael's search said, 'We are sorry, but you know what kind of place the Rio is'.<sup>81</sup> Another *IT* article focussed on harassment of residents in Hampstead when police raided a flat on a Friday night, staging a telephone call to get another resident home from counterculture nightclub UFO on Tottenham Court Road on the pretence that a party was happening at home.<sup>82</sup> *IT* and the Indica Bookshop were busted in early June 1967 on suspicion of obscenity, with police taking materials away.<sup>83</sup> Hoppy was sentenced on 1 June 1967 to nine months in prison for possession of cannabis,

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<sup>79</sup> 'Interpot Report No 5', *International Times*, 6, 16 – 29 January 1967, 12.

<sup>80</sup> Michael X, 'Michael X Words', *IT*, 26 May 1967, 11

<sup>81</sup> Michael X, 'Words', *IT*, 30 May 1967, 13.

<sup>82</sup> 'Bradley Martin', *IT*, 16 June 1967, 2.

<sup>83</sup> 'Errata', *IT*, 16 June 1967, 1.

further entrenching *IT*'s position on drugs.<sup>84</sup> As Joe Boyd, a record producer and co-organizer with Hoppy of the UFO nightclub, recalled:

The police were getting much more aggressive, busting people in the queues for UFO, searching people for drugs. We had a 'pass the bucket' plan to raise money to help people, but it was very haphazard. Michael [X] said 'Come on, the police are now starting to behave towards hippies the way they've always behaved towards black people, and there's only one thing to do, and that's to get organised, but you're not doing it. This bucket is not going to do the job'.<sup>85</sup>

UFO operated as a similar community space to café culture of Notting Hill. The UFO club night on 2 June brought its largest turnout to that point, with a 'rather emotional crowd' needing to be calmed out of action against Hoppy's imprisonment before his appeal by Boyd and Suzy Creamcheese, Hoppy's partner.<sup>86</sup>

This happened while the Rolling Stones were pursued both by *News of the World*, a national Sunday newspaper, and the Drug Squad. Lead singer Mick Jagger was suing the newspaper for libel when West Sussex police raided Keith Richards's home in West Wittering on 12 February 1967. Jagger, Richards, and friend of the band Robert Fraser were later arrested on drugs charges. Associates of the band believed the newspaper tipped off police. The following month, West Sussex Police issued summonses against Jagger, Richards, and Fraser to attend Chichester Magistrates Court on 10 May 1967.<sup>87</sup>

Protest swiftly followed Jagger and Richards receiving prison sentences. On 29 and 30 June, 200 young people gathered outside *News of the World* offices on Bouverie Street, just off Fleet Street, to protest the sentences and the newspaper's perceived involvement.<sup>88</sup> The next day, Saturday 1 July, a 'sit down' protest was more formally organized in the same location to disrupt distribution of the paper the

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<sup>84</sup> 'Free Hoppy', *IT*, 2 June 1967, 1.

<sup>85</sup> Williams, *Michael X*, 149.

<sup>86</sup> 'UFO', *International Times*, 16 June 1967, 0; Estate of John Hopkins, 'BIT', <https://hoppyx.com/timeline/bit/>, correct on 30 June 2023.

<sup>87</sup> 'Summonses for two Rolling Stones', *Guardian*, 18 May 1967, 1.

<sup>88</sup> Ronald Faux, 'Gaol sentences on 2 Rolling Stones', *The Times*, 30 June 1967, 1.

following day.<sup>89</sup> Clive Goodwin phoned Caroline Coon to help gather people for a sit-down protest outside *News of the World*.<sup>90</sup> Goodwin was then launching his literary agency and involved with the countercultural arts scene with his wife, Pauline Boty.<sup>91</sup> Coon, then an art student at Central St Martin's, was trying to secure the release of a black friend imprisoned for drug possession, and was known in the counterculture as someone involved in legal activism. Coon's family solicitors were unhelpful, so she began to learn the law to help her friend and met Michael X through her friend telling her about the activities of the Campaign Against Racial Discrimination and other groups.<sup>92</sup> Phoning around to gather people worked, though as Coon noted: 'Nobody had telephones in those days. You had a little bit of cash, and everybody went to the telephone box at the end of the road.'<sup>93</sup> Coon's practice reflected the use of 'telephone trees' by activists in the US from the 1950s, which Keys argues allowed 'psychological neighbourhoods' to be created in which information could be shared quickly amongst activists and volunteers for actions recruited.<sup>94</sup>

These protests were part of an intense period of organisation. As Coon recalls, countercultural social networks gathered to discuss ideas. Coon met Rufus Harris as they milled around Piccadilly Circus with friends after the protest ended: they would co-found Release. Coon remembers one meeting taking place at Boyd's flat with Michael X and MacInnes attending, along with others associated with *IT*, such as Jim Haynes.<sup>95</sup> Steve Abrams recalled that:

The aim of the meetings was to form an organisation for drug users modelled on a group called Defence, representing black people, formed by Michael [X]

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<sup>89</sup> 'Newspaper denies planting allegation', *Guardian*, 3 July 1967, 3; 'Two fined after sitdown in Fleet Street', *Guardian*, 4 July 1967, 14; 'Demonstrators sat in road', *The Times*, 4 July 1967, 6. The *News of the World* was a national Sunday newspaper.

<sup>90</sup> Coon, 'Welfare', 183-84.

<sup>91</sup> John McGrath, 'Clive Goodwin 1932-1977', *History Workshop* 5 (1978), 234-237.

<sup>92</sup> Caroline Coon interview.

<sup>93</sup> Caroline Coon interview.

<sup>94</sup> Barbara Keys, 'The Telephone and its Uses in 1980s US Activism', *Journal of Interdisciplinary History*, 48 (2018), 485-509: 486-68.

<sup>95</sup> Coon, 'Welfare', 184; Green, *Days*, 197.

and the writer Colin MacInnes. MacInnes thought the plan over-ambitious and stormed out.<sup>96</sup>

However, the folk singer Julie Felix had donated to Hoppy's defence fund, and this was repurposed as the initial financing of Release.<sup>97</sup> Coon was still an art student and volunteered to take on setting up Release.<sup>98</sup>

Whilst Michael X reflected on how his world revolved around thinking about who would be good to call in a crisis like being arrested, interaction with police put middle-class members of the counterculture in an unaccustomed place. David Offenbach, a solicitor involved with Release and the counterculture, saw the increase in drug arrests as something of a shock for middle classes:

Middle-class parents were suddenly finding their eighteen-year-olds in police stations, being treated like working-class villains. That's when people said, "What on earth is going on?"<sup>99</sup>

Offenbach's statement reveals much about classed experiences of policing in the 1960s and 1970s. The legal profession was becoming more diverse by the 1960s, both solicitors and barristers were still overwhelmingly middle-class, white and male.<sup>100</sup> For the most part, the white middle classes expected to work in or with the legal system in relation to business or property, to have the police solve their problems rather than being the subject of police attention. Before the massification of car ownership, the middle and upper classes experienced being policed through motoring offences. As Emsley shows, reactions to middle- and upper-class drivers being stopped by the police threw into relief ideas that criminality was the province of working-class people, as well as horror at being policed by a working-class police

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<sup>96</sup> Steve Abrams, 'Obituary: Rufus Harris', *Guardian*, 30 April 2007, <https://www.theguardian.com/news/2007/apr/30/guardianobituaries.drugsandalcohol>. Accessed 30 June 2022.

<sup>97</sup> *Ibid.*

<sup>98</sup> Williams, *Michael*, 149-50.

<sup>99</sup> Green, *Days*, 201.

<sup>100</sup> Richard L. Abel, *The Legal Profession in England and Wales* (Oxford, 1988).

officer.<sup>101</sup> Moss's work on the launch of the 999 system shows how earlier take-up of domestic telephone lines by the middle classes meant that such households could access the emergency services faster, and had a convenient, private medium for reporting suspicious behaviour.<sup>102</sup> Middle-class youth were more likely to be disciplined by their schoolteachers or university, thus avoiding a criminal record, unlike their working-class counterparts whose earlier entry into the workforce and tendency to have fewer home-based leisure pursuits meant they were more exposed to police intervention, as Peter Willmott found in the 1970s.<sup>103</sup> Coon reflected on how she had been conditioned by her class background to see the system as 'absolutely fair old boy, incorruptible, the best in the world'.<sup>104</sup> Harris noted 'People who in legal terms were otherwise perfectly law-abiding with no need of a criminal lawyer, who wouldn't know where to get one from'.<sup>105</sup>

Defence offered a model of a 24-hour phone line for reaching a sympathetic lawyer or doctor, but Coon found inspiration in the Samaritans crisis line, founded by Reverend Chad Varah in 1953.<sup>106</sup> Varah conceptualized the Samaritans after becoming frustrated with lack of out-of-hours support for mental health crises:

I studied my telephone. On it was announced EMERGENCY: FIRE POLICE AMBULANCE DIAL 999. Inspiration: what was needed was a sort of 999 for potential suicides, an easily remembered number despairing people could ring at any hour of the day or night.<sup>107</sup>

Coon's conceptualisation of Release was similar: if most people were arrested on drugs charges during the night, waiting until morning to speak to a solicitor was too late.<sup>108</sup> However, Release and Samaritans differed in their strategies for connecting

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<sup>101</sup> Clive Emsley, "'Mother, What Did Policemen Do When There Weren't Any Motors?'" *The Law, the Police and the Regulation of Motor Traffic in England, 1900–1939*, *The Historical Journal* 36, (1993): 357–81.

<sup>102</sup> Eloise Moss, "'Dial 999 for Help!'" *The Three-Digit Emergency Number and the Transnational Politics of Welfare Activism, 1937–1979*, *Journal of Social History* 52 (2018): 468–500.

<sup>103</sup> Peter Willmott, *Adolescent Boys of East London*, (Harmondsworth, 1975), 132.

<sup>104</sup> Coon, 'Welfare', 184.

<sup>105</sup> Green, *Days*, 201.

<sup>106</sup> Coon, 'Welfare', 186

<sup>107</sup> Chad Varah, *The Samaritans: Befriending the Suicidal*, Revised ed. (London, 1985), 18.

<sup>108</sup> Coon, 'Welfare', 185-86.

people to services. Whilst the Samaritans had a memorable number – MAN 9000 – Release used the bust card.

Coon's starting point was to work out what information needed to be conveyed:

What I felt I needed to do was explain to young people what they should do if they were arrested. How do you do that? How do we give out this information? What information do you need to give out? [...] With [Raphael] Dean [Sargeant], we boiled it down to the very minimum.<sup>109</sup>

The resulting card combined practical considerations around cost and size with being visually appealing, and conveying the political purposes of Release:

We had this little card that, it's small, compact because people can carry it on them, they can put it in their jeans pocket. It's got to be portable [...] I made the first iterations, they were simple and plain, just cheap, a little tiny card, you could print four on a sheet of A4 paper. My art school aesthetics clicked into the whole of the way that we were designing Release: the design consideration was to be as graphic and simple as possible. And then it was only later that we decided that we needed a logo. How to brand an organisation was to me quite interesting because I had been interested in the branding of the Suffragette movement. I knew that political organisations and avant-garde art movements had smart branding and so that came into play too.<sup>110</sup>

The next step was establishing what happened once young people were able to make their phone call:

The first thing that we printed at Release, before anything, was the bust card. So, we're still in my studio, I've spent my art school grant on getting a phone in the house, because if we are going to work overnight, somebody is going to have to be by the phone. The whole strategy was how, in an emergency, do

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<sup>109</sup> Caroline Coon interview.

<sup>110</sup> Ibid.



we get as many young people current with the law, so that they don't disappear into the bowels of prison system without knowing what to do.<sup>111</sup>

Release had a clerking system which served a dual purpose: keeping records of those contacting them, and providing an evidence base of what was happening, using a bust form to gather data systematically.<sup>112</sup> Coon and Harris used this data in preparing the *Release Report on Drug Offenders and the Law* and as the basis for Release's campaign work.<sup>113</sup>

Release was active within a fortnight, from the *News of the World* demonstration on Saturday 1 July to the launch of Release at the Legalise Pot Rally in Hyde Park two weeks later on Sunday 16 July 1967. Although Release had been announced at counterculture club nights ahead of the rally, the event brought together people with a common interest – and a common need for advice:

We handed out the card. We had barely got home when phone began ringing off the hook. So, then we realised... we are needed, this is *really* needed. We are going to have to find an office, and we found an office, just up the road from me. [...]. It's the simplest thing, we hadn't got any money at that point. It was a response to a serious emergency which was decimating the lives of young people and it worked.<sup>114</sup>

However, newspaper coverage of the rally focussed on the spectacle of the event, running photographs of so-called 'flower children'.<sup>115</sup> Although the article also concentrated on the 'flower power' optics of the event, the *New York Times* was unusual in drawing attention to Coon and the launch of Release.<sup>116</sup>

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<sup>111</sup> Ibid.

<sup>112</sup> Ibid.

<sup>113</sup> Caroline Coon and Rufus Harris, *The Release Report on Drug Offenders and the Law* (London, 1969).

<sup>114</sup> Caroline Coon interview.

<sup>115</sup> Stephen Jessel, 'Drugs call by "flower children"', *The Times*, 17 July 1967, 2; 'When the Flower People tinkled bells and burned incense in the park', *Daily Mail*, 17 July 1967, 3; 'March of the Flower (Pot) men', *Daily Mirror*, 17 July 1967, 3; Dana Adams Schmidt, 'British "Smoke-In" Puffs Marijuana', *New York Times*, 17 July 1967, 9.

<sup>116</sup> Dana Adams Schmidt, 'British "Smoke-In" Puffs Marijuana', *New York Times*, 17 July 1967, 9.

*IT* began its regular advertising of Release following the Hyde Park rally. A column written by Hoppy as Bradley Martin was accompanied by the strap line, 'DO NOT PANIC. PHONE RELEASE AT 603-8654 for aid or advice in times of legal stress or confusion'.<sup>117</sup> From its second issue, *IT* offered listings and classified adverts alongside adverts placed around its editorial content. This built and served community needs, but also raised income for a publication unlikely to gain much mainstream advertising income. In early 1967, *IT* offered its first 'Notes toward a 25-hour city', which gave details of all-night services in Central London or easy reach of the centre.<sup>118</sup> Following the Legalise Pot Rally and launch of Release, a 'Comm-Serv' box began from issue 22. The first box offered Release's contact details, alongside those for NCCL, Samaritans and Simon Community's addiction support services, as well as the 24-hour pharmacy and Post Office in Central London.<sup>119</sup> The Comm-Serv box was a form of signposting to services. Nonetheless, the box was an act of curation of important phone numbers, reprinted in each issue. Some – like Release – were constant, whilst others reflected shifting welfare needs.

### **Building bridges**

Release served as a bridge between professions and a community of the over-policed and under-protected. In this way, Release had common cause with work undertaken by Reverend Kenneth Leech and others in trying to meet needs of 'drifters', those young people who made their way to central London and found themselves caught up with drug addiction, homelessness and more.<sup>120</sup> The critical difference was that Release were of the counterculture and did not need to do the trust-building that Leech had to do.

Offenbach also saw himself as serving as a bridge between the counterculture and the legal profession. Offenbach was associated with the Society

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<sup>117</sup> Bradley Martin column, *IT*, No. 17, 28 July 1967, 7.

<sup>118</sup> 'Notes toward a 25-hour city', *IT*, No. 7, 30 Jan-12 Feb 1967, 16

<sup>119</sup> 'Comm-Services', *IT*, No. 22, 1967, 20

<sup>120</sup> Kenneth Leech, *Youthquake: Spirituality and the Growth of a Counter-Culture* (London, 1976).

of Labour Lawyers (SLL), founded in 1945 when the Haldane Society of Socialist Lawyers split.<sup>121</sup> With a close relationship with the Labour Party and its leadership, SLL were influential in developing Labour's approach to legal reform in the 1950s and 1960s. As Lord Chancellor, long-time Haldane and SLL member Gerald Gardiner implemented an ambitious and far-reaching programme of legal reform – but Labour Governments of 1964-1970 also oversaw changes in law and policing practice that caused the need for Release.<sup>122</sup> The NCCL was also closely connected to SLL, further linking in support for Defence and Release.<sup>123</sup> These legal groups brought together solicitors and barristers with interest and expertise in aspects of human and civil rights, many of whom put considerable energy into activism. For example, Peter Benenson was not only heavily involved with SLL and the Campaign for Nuclear Disarmament, but also founded Amnesty International.<sup>124</sup> Lawyers who were supportive of the counterculture could be found in these networks. Offenbach recalled being contacted by Coon to advise Release clients, but before then he had done little work in relation to drugs. Offenbach had, however, supported a commercial law client in the music business whose musicians had been arrested on drug charges, and he had a long-standing interest in civil rights.<sup>125</sup> Other lawyers involved with Release included Martin Polden, Desmond Banks, David Pedley, Ian Sheratt, Howard Weston, Bernie Simons and Dennis Muirhead. Simons and Muirhead would set up a law firm together in 1971, which initially concentrated on types of criminal and civil rights law work they had done with Release.<sup>126</sup> This was the beginning of a distinct legal specialism.

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<sup>121</sup> Blake and Rajak, *Wigs*, 21.

<sup>122</sup> Norman S. Marsh, 'Gardiner, Gerald Austin, Baron Gardiner (1900-1990)', *Oxford Dictionary of National Biography* (Oxford, 2010), Muriel Box, *Rebel Advocate: A Biography of Gerald Gardiner* (London, 1983).

<sup>123</sup> Christopher Moores, 'The Progressive Professionals: The National Council for Civil Liberties and the Politics of Activism in the 1960s', *Twentieth Century British History* 20 (2009), 538-560.

<sup>124</sup> Tom Buchanan, 'Benenson, Peter James Henry (1921-2005)', *Oxford Dictionary of National Biography* (Oxford, 2009).

<sup>125</sup> Green, *Days*, 201.

<sup>126</sup> Green, *Days*, 200. Abrams, 'Obituary – Rufus Harris'; SMB, 'Who we are', <https://www.smb.london/who-we-are/>. Accessed 30 June 2022.

## Conclusion

The bust card was taken up by other groups concerned with aggressive and racialized policing, such as the Help on Arrest schemes developed in the 1970s by Community Relations Councils. Wandsworth and Brixton Community Relations Councils established the earliest schemes, in 1971, though both struggled with police officers refusing to engage with them.<sup>127</sup> Such Help on Arrest schemes and similar anti-racist projects continued throughout the 1970s and beyond, despite reforms to rights on arrest through the Criminal Law Act 1977 and PACE.<sup>128</sup> Release continue to offer bust cards in the 2020s, now as digital downloads, including one developed with young people as both a printable and an app.<sup>129</sup> Bust cards remain an important element of protest organisation and direct action campaigns, as can be seen in Liberty's early 2020s work with Migrants Organise and Black Protest Legal Support to provide bust cards in a range of languages.<sup>130</sup>

In tracing the origins of the bust card, we find that it served as an important tool in the experience of being policed in modern Britain. Whilst it was by no means a guarantee of police compliance, but it provided the possessor with knowledge about how to conduct themselves and access to supportive legal assistance. Developed by those who experienced hostile policing, and the sharing of knowledge and strategies between different groups, it offered a route to resistance and regaining agency in a potential overwhelming situation. Although bust cards were connected with legal defence funds, they emerged out of the specific need not just for money to pay for lawyers, but lawyers who had suitable expertise and who saw the defendant as a person and citizen who had the right to be treated with respect and care. In this way, the bust card is part of the longstanding and ongoing negotiation of what the role of the police and justice system in relation to the public should be.

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<sup>127</sup> Eric Clark, 'Police in row on arrest card', *Guardian*, 14 November 1971, p.2.

<sup>128</sup> Pope, 'Police', 16-18; Britton, 'Race', 639-658.

<sup>129</sup> Release, Y-Stop Project, <https://www.release.org.uk/y-stop-project>, accessed 28 July 2024.

<sup>130</sup> Liberty, 'Practical protest tips', [https://www.libertyhumanrights.org.uk/advice\\_information/practical-protest-tips/](https://www.libertyhumanrights.org.uk/advice_information/practical-protest-tips/), accessed 28 July 2024.

