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Episode 3: Sturge Before Scarman

Part 2: Britain Against Police

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Remember, Remember, Twenty-Fifth of
November: Britain Against The Police.

Both Sturge and Scarman harnessed the 25 November, (1839 and 1981, respectively) to convene a public conversation about activism against the police. Scarman held a press conference to advertise the conclusions of the report he had just written into the so-called 'Brixton Disorders'. Sturge convened a public meeting to advertise the conclusion of a report he was about to commit to paper, regarding the so-called 'Bull Ring Riots'.

The British State was afraid of Sturge's public meeting. According to the Tory-supporting *Birmingham Advertiser*, before what it called 'the Sturge meeting' began, 'the town [...] was, at an early hour of the day, in a state of considerable excitement, and the authorities, from fear of popular tumult, had taken every precaution to suppress any violent outbreak which might take place. The Police were placed at various stations in the neighbourhood, and the Military were fully prepared at the Barracks.' According to the Whig-supporting *Birmingham Journal*, the resultant meeting was an 'immense assembly'.

In some ways, the positions of Sturge and Scarman were similar. Both acknowledged that the uprisings, in the Bull Ring and in Brixton, were caused by the police. The Scarman Report said that 'the Brixton Disorders [...] began as a spontaneous reaction to what was seen as police harassment' and that they 'were essentially an outburst of anger and resentment by young black people against the police'. Similarly, the Sturge Report, regarding the Bull Ring Riots, said that, '[h]ad it not been for the abrupt introduction of the police, and the violent proceedings to which it necessarily led, the meeting, in all probability, would have quietly dispersed, and the people gone home in peace'.

However, in other ways, Sturge, at his public meeting, and Scarman, at his press conference, stood at two ends of a spectrum. Scarman said 'I think there has to be policing, conducted firmly.' By contrast, for Sturge, 'it was the duty [...] of every true friend of his country, to use every constitutional means of opposing [the police]', to 'resist by all possible means such measures as the Government Police Bill'. Thus, while both identified Britons as being against the police, one

went further, identifying himself as being also against the police. Sturge wanted to Abolish The Police. Sturge wanted to Kill The Bill that had invented the police. In this way, not only did Sturge come before Scarman in chronological time, Sturge went before Scarman in radical ambition.

Indeed, according to the Birmingham Reverend George Dawson, who spoke at the unveiling, in June 1862, of the statue of Sturge, Joseph Sturge 'was a radical in season and out of season, and he was a Chartist when to hold that name was to be contemned. His friends might boggle at the word Chartist, [Dawson admitted] but he was a Chartist, and they could not deny it'. Sturge's being called a 'Chartist' was so controversial, because, as the *Birmingham Advertiser* put it, '[t]he Chartists were, of course, against any police whatsoever.' Universal suffrage was '[t]he fundamental principle of the People's Charter', from which the Chartists got their name, and, to the extent that Robert Peel's New Police was the means through which the British State exerted its reactionary opposition to these would-be working class voters, Chartism, being a challenge to the British State, became inevitably a movement against police.

For example, at what contemporary newspapers reported as Joseph Sturge's 'Great Anti-Police Meeting', the leading Birmingham Chartist, Edward Brown, said '[h]e had no respect for the police force, and would do everything in his power to destroy its efficiency'. Brown explained his position, by saying '[h]e considered that when the police were introduced into the town, the object was to stifle public opinion'—and that this was '[s]imply because the working men[,] having been gulled long enough, had determined not to submit any longer. The government saw them determined on having their rights, and then the government and local authorities resolved on crushing them, in breaking up their organisation.' To do this, the government had invented and introduced the police.'

Their friend, Mr. Joseph Sturge, had laboured hard to get up that great and glorious meeting', said 'EMESON, a[nother] working man, speaking from the gallery', and, although he himself was a middle-class capitalist, Sturge agreed with these working-class men. Sturge recognised that 'the working classes, though outwardly quiet, were at heart, full of bitterness towards the police, from whom they had experienced such unwarrantable injuries and indignities'. Sturge aimed, he said, 'to prevent encroachments upon the liberties of his country, though they might not affect him personally, and it was also [he said] his duty to advocate the rights of the poorest individual in the community'. Indeed, '[h]e also knew there were some who considered that the few and the wealthy should govern the poor and the many; but he could not find in his Bible [Sturge said] a single passage to justify such an opinion or such a practice'. In a scathing criticism of the

Metropolitan Police, Sturge declared that '[t]hey kept the poor in order, without checking the rich in their excesses [...] That is one reason why liberty had made no progress in the metropolis'.

The 1830s were a very different place from the 2020s. Parliament was dominated by two political parties, ideologically almost identical and inter-changeable. Working class people didn't feel represented by their essentially middle and upper class MPs. Like the community who felled the statue of Edward Colston in Bristol, the British working-classes had for decades, since the 1790s, tried everything, sending petition after petition to the parliament that did not represent them.

The idea to send one final petition, before taking the matter into their own hands, came from Birmingham. 'The Birmingham petition', as it was known, was, they said, 'the last petition'; if this too was dismissed, they would, they said, 'never petition again'. As the leading Birmingham Chartist, Joseph Fussell put it, at Sturge's Great Anti-Police Meeting, '[t]hey had [finally] got into the House of Commons such a petition as never before was presented, and they could defy their enemies to procure its equal. Well, they had petitioned, and how had they been treated? Why they had their heads broken, and many of them had been sent to prison, merely for attending a legal meeting'.

What's more, the idea to set up an alternative rival parliament also came from Birmingham. British working-class self-government was founded in Birmingham. Considering that the Parliament in Westminster was not a parliament for the people, but rather a parliament for the rich, meaning both the capitalists and the landowners, the Chartists invented Britain's first, and to date only, People's Parliament. Consisting of fewer than fifty not MPs but MC's, that is to say 'Members of the Convention'—a name chosen for its association with the French Revolution—'[t]he General Convention of the Industrious Classes [so William Lovett, a leader and historian of the Chartist Movement, tells us] originated with the Birmingham Political Union, as did also [...] the first National Petition[, a] document [...] drawn up by the [...] then editor of the Birmingham Journal'.

The Birmingham Petition and the People's Parliament are related to the Abolition of Apprenticeship. For, just as Jamaica celebrates Emancipence week, in Britain, in August 1838, emancipation from slavery and political independence were celebrated in one and the very same week. On 1 August 1838, the Birmingham Children's March officially marked the end of British slavery; a few days later, on 6 August 1838, at what was hailed as the 'Grand Midland Demonstration', which Mark Hovell calls 'the official beginning of the Chartist Movement, that is, of the union of all working-class radicals in one movement', the Birmingham Political Union set up

both the Birmingham Petition and the People's Parliament. 'In the wake of the great Birmingham meeting [James Epstein tells us] mass demonstrations were convened [...] in the late summer and autumn of 1838 [...] throughout the country'. This was Britain's Emancipence Week.

Although it started sitting in London, in February 1839, the People's Parliament didn't really get going until, in April 1839, Birmingham's five middle-class Members of the Convention were replaced by working-class representatives, including Edward Brown and Joseph Fussell. Fussell, who stayed behind to manage the public meetings in the Bull Ring, wrote to Brown, urging him to encourage the Convention to move to Birmingham: 'as this [is] their battlefield and the men of Birmingham their forces'. Thus, the People's Parliament moved to the city of gunmakers not in retreat, but to rearm. As the celebrated 'schoolmaster of Chartism', Bronterre O'Brien, put it: '[t]he people were very anxious that the Convention should meet in Birmingham under the shelter of the guns made by the people there, especially when the time came for ulterior measures'. Ulterior measures were 'measures to be adopted after the Petition was rejected', which they fully expected it would be. Birmingham was, they thought, where the Revolution would begin.

The People's Parliament sat in Birmingham between 13 May and 10 July, interrupted by a six week adjournment, during which took place so-called 'simultaneous meetings' across the country, designed to demonstrate democratic accountability and to get national working-class buy-in for the Manifesto of the General Convention of the Industrious Classes, published in Birmingham the day after arrival. The Birmingham Manifesto promised that the People's Parliament 'will endeavour to ascertain the opinions of the people on all these important questions; having thus carefully ascertained the opinions and determination of the country, immediately after the First of July, IT WILL [and this was in capital letters] PROCEED TO CARRY THE WILL OF THE PEOPLE into execution.' The Birmingham Manifesto declared that the People's Parliament refused 'to be awed into silence by the bludgeons of policemen'. It accused 'our modern legislators [of] preparing to dispense with [soldiers'] services in England, and to substitute a legion of police, to mar the peace'.

But not only did the Birmingham Manifesto talk of 'Peace', it also talked of 'Slavery'. Boldly, and in capital letters, the Birmingham Manifesto asserted that 'THE GOVERNMENT OF ENGLAND IS A DESPOTISM, AND HER INDUSTRIOUS MILLIONS ARE SLAVES'. Similarly, at the Grand Midland Demonstration, the year before, Mr. H. Sansom, a 'working man' of Birmingham, had said that '[t]he last time he had the pleasure of meeting [so many delegates from the country] was on the occasion of celebrating the emancipation of the black slaves of Jamaica, and now he was most happy to meet so many thousands met to emancipate the white natives of their own country'. For

his part, Mr. Henry Watson, another 'working man', had said that '[t]hey were, in fact, real slaves'. What's more, Mr James Moir, a 'delegate from Glasgow', told the Great Midland Demonstration that 'the man who was compelled to obey laws which he had no hand in making, was no less a slave than the negroes.' In the main, these White Chartists saw themselves as in competition with Black Apprentices for the philanthropic attention of the middle-classes. If anything, as Malcolm Chase argues, White working-men in Britain took more inspiration from White settler colonisers in Canada, than from Black Apprentices in the Caribbean. It took Sturge to see the unity and possible solidarity of these two struggles against tyranny.

Building on Britain's Emancipence Week, back in August 1838, Joseph Sturge, in November 1839, convened both, on 25 November, his 'Great Anti-Police Meeting', and also, on 20 November, the first meeting of his newly renamed 'Birmingham British and Birmingham Foreign Anti-Slavery Society', in one and the very same week. Captain Constantine Richard Moorsom presided over that 'antislavery soirée' of November 1839, and a cameo of Captain Moorsom appears immediately behind that of Sturge, both under the anointing arm of Thomas Clarkson, the so-called 'father' of anti-slavery, in Benjamin Robert Haydon's painting of the first-ever World Anti-Slavery Society Convention of June 1840. From Sturge's close collaboration with Captain Moorsom, it is evident that central to the most decisive and dispositive part of British anti-slavery was British anti-police.

Our knowledge of Sturge's anti-police campaign comes from top secret espionage notes, passed to the Home Office by Birmingham-based spy-cops, that is undercover political police spies. These spy-cops reported not only that Sturge 'has made himself lately very conspicuous by encouraging a Spirit of opposition to the Police', but also that 'Sturge, Moorsom and others sit daily[,] or nearly so[,] secretly at the Public Office, [in] a room there, no doubt for the purpose of concocting measures of annoyance to us'. These spy-cops reported not merely that

Sturge and his party are playing a dangerous game, they met last night[,] and the night before[,] privately[,] at the Public Office[,] to consider means to thwart our Police', but also that 'the great meeting expected to [take place] at the Town Hall against the New Police, [was] called on the requisition of [...] 1400 rate payers, headed by Joseph Sturge & Captain Moorsom.

The reference to 'rate payers', here, is noteworthy. In September 1839, Sturge 'suggested that passive resistance to the payment of the Police Bill might do much'. In November 1839, a fortnight before his Great Anti-Police Meeting, Sturge nominated Captain Moorsom for the high office of

Mayor of Birmingham, arguing that, Moorsom 'had not', unlike his rival, Philip Henry Muntz, 'subscribed to the fund raised for the London Police'. And when, in May 1840, fed up with his fellow councillors who refused to pay for the printing of the Sturge Report, he resigned his role as town councillor, citing, as his reason, 'the introduction of a police force into the town', Sturge emphasised his 'determination to resist payment of the poor rate, on account of the police rate, with which it is mixed'. Refusing to pay for the police is in keeping with not only the Chartist ulterior measure of 'refus[ing] payment of rents, rates, and taxes', but also the demand, of Black Lives Matter, that we Defund The Police. Needless to say, this disinvestment from the violence of the New Police was married, in Sturge and Moorsom's mind, with a fresh commitment to Invest in Communities. For instance, we have already seen that Sturge wanted us to invest public money in erecting not statues, but schools. For his part, Moorsam—as director, between 1837 and 1839, of the London & Birmingham Railway, Britain's first inter-city line to London— invested in the very public transport, officially opened on 17 September 1838, that will have brought the People's Parliament from London to Birmingham.

Read aloud at Moorsom's 'antislavery soirée' was the first annual report, since abolition, of the renamed Anti-Slavery Society. It, too, attested to the relationship between anti-slavery and anti-police. The report said

[t]he first indication that the spirit of tyranny had not departed [...] was developed in the passing of sundry statutes by the local legislatures of several of the West India Islands, on the subject of police and vagrancy. By these statutes, [the report asserted] it was most obviously endeavoured to perpetuate that slavery which the legislators themselves had just consented to abandon.

Similarly, as Sturge wrote in January 1838, '[a] Police Act [...] affords an illustration of the new forms in which oppression will learn to exhibit itself in the West Indies'. Just as it was Robert Peel who had, on the eve of abolition, refused 'to put an abrupt and immediate termination to the state of apprenticeship without any preparatory measures', by which he had meant 'police regulations', so too was it, according to the Birmingham Borough Council, on which Sturge was a prominent town councillor, not 'until Sir Robert Peel, and a deputation from the Birmingham Tories, in perfect consistency with their known hostility to popular institutions, and the representative principle, had signified to [the Home Secretary] their wishes on the subject (wishes apparently too much like commands)[,] that [the Home Secretary]' had imposed upon Birmingham a Government Police.

Thus, Sturge and Moorsom saw the policing of Black Apprentices in Jamaica and the policing of the White poor in Britain as one and the same oppressive phenomenon. From the perspective of Sturge and Moorsom, the movement against Vagrancy Laws was the movement for the Right to Vote, and British Anti-Slavery—when it mattered—was British Anti-Police.

In fact, it is only by making sense of what anti-slavery activists were up to in 1839, that we can begin to make sense of what anti-police activists were up to in 1981. It is often said that the Uprisings of 1981 were uprisings against 'sus'. That is not entirely accurate. Although it was Section 4 of the Vagrancy Act 1824, the so-called 'sus' law, that set out which persons could be deemed 'suspicious', it was Section 66 of the Metropolitan Police Act 1839, that gave the New Police a new power to detain supposedly 'suspicious' persons. Although it was the law of 1824 that said 'every suspected Person ... shall be deemed a Rogue and Vagabond', it was the law of 1839 that said 'every ... Constable may ... stop, search, and detain...any Person who may be reasonably suspected'. However, as Lord Scarman was himself later to point out, '[t]he problem, of course, is how to enforce the safeguard of reasonable suspicion'.

Enacted within a week of each other, at the end of August 1839, both the Metropolitan Police Bill and the Birmingham Police Bill were resisted by movements to Kill The Bill, or, in Sturge's words, to 'oppos[e] this most obnoxious Police bill' — 'a bill which fastened a despotism on the country'. Alternatively, after it had been enacted as law, 'they could, at least, [hoped Sturge] next session of Parliament, ask for a repeal of the Police Act'. Thus, the abolition, in August 1981, of the 1824 definition of 'sus', fell far short of what Sturge in 1839 and, indeed, Black folks in 1981 were actually campaigning for: that is to say, an abolition of the 1839 power to stop and search.

That 1839 power, which is still in force today, was the match that lit that fuse in 1981. 'Swamp 81' was a police operation which, according to Scarman, 'envisaged the extensive use of the power of a Metropolitan Police Constable to stop and search people on the basis of a reasonable suspicion that they are in possession of unlawfully obtained property, contained in Section 66 of the Metropolitan Police Act 1839'. Although, in his Report, Scarman acknowledged that stop and search 'is bound to inconvenience, and may well embarrass and anger, innocent people who are stopped', at his press conference, he over-confidently stated that '[t]he true objection to Swamp 81 is not that it was a saturation operation on the streets in which people were to be stopped and searched — and inevitably many innocent people — because that's an operation that has to be conducted from time to time'.

Indeed, in his Report, far from advocating an end to stop and search, instead Scarman argued that 'the power of stop and search is necessary to combat street crime' and for 'the need to ensure that stop and search operations [...] are conducted carefully and courteously, as well as firmly'. Similarly, the Metropolitan Police, today, tells us that '[s]top and search remains a hugely important police power for protecting the public, tackling crime and keeping our streets safe'. But '[w]hat happens', asked Ken Hyder, reporting on Scarman's press conference for *Labour Weekly*, 'when the view of the community is in direct opposition to the view of the police, wherever that is, whether it's in London or [elsewhere]?' . Noticing that Scarman had dodged giving an answer this question, a second reporter posed it again—and more pointedly: 'Is the gulf not too wide now, between the police in Brixton and the Labour Council?' Scarman's reply was instructive. Hesitating and stuttering for the first and only time in his otherwise confident and, dare I say it, pompous performance at this press conference, Scarman said '[o]ne can get an exaggerated and distorted view from a, a, a, a report. Err, that's not to criticise the report or to criticise the evidence on which it is based. But one has got to look at it in real life'.

To which report was he referring? Not his own. Perhaps he didn't name the report because he didn't wish to bring attention to it, perhaps he didn't name it, because, coming just ten months before his own, and on the very same subject, it rather made his report, the Scarman Report, redundant. Indeed, this is what the Brixton Defence Campaign—'an organisation of black ([meaning] African and Asian) groups and individuals formed following the Brixton Uprising'—had argued, back in April 1981: 'There are those who will say that [...] Scarman's Inquiry is an opportunity for the black community to put detailed evidence to the state about repression in Brixton and elsewhere. This line only makes sense if we forget the massive evidence previously presented to and ignored by the state on police brutality, unemployment, bad housing, educational genocide etc. What for example[, asked the Brixton Defence Campaign,] did the state do about the Final Report of the Working Party into Community Police Relations in Lambeth and the mountain of evidence upon which it was based?'

According to the *South London Press*, '[t]he working party—made up of three barristers, a clergyman, a journalist, a Tory councillor, a trade unionist, and two race workers— set out 'to inquire into the nature of policing in Lambeth in recent years and its effect on the local community and to make recommendations''. During 'an 18-month enquiry[,...] the nine-strong panel heard statements from 266 witnesses, held 41 public meetings and considered a total of 1500 pages of evidence'. From Scarman's perspective, although, in his own Report, he meekly acknowledged that the earlier Report 'reflected attitudes, beliefs and feelings widely prevalent in Lambeth since 1979',

'The Final Report of the Working Party, published in January 1981, succeeded only [claimed Scarman] in worsening community relations with the police'. What's more, '[t]he true criticism of Swamp 81 [claimed Scarman] was its timing. [...]he build up of tension, in the early months of 1981[...] was serious. And it is that, the timing, the judgment in launching it at that time, which is criticised'. Essentially, Scarman said that it was 'unwise' of the police to have been stopping and searching Black people in the wake of the publication of the Final Report of the Working Party.

Well, what did that Final Report say? '[O]nly 34 [of its] witnesses ha[d] a good word to say for the force'. Indeed, the Final Report quoted the Council for Community Relations in Lambeth, who described the police as 'an army [against the community]'. This comment, and the mass of evidence supporting it, led the Working Party to open its Final Report with the assertion that the police constitute an 'army of occupation'. Yet, this was not merely the argument of a so-called 'Loony Left' Labour Council, but it was precisely the White Whig Liberal Joseph Sturge's own argument against the police—both in Jamaica and in Birmingham. For, Sturge argued that 'the Special Magistrates [who had responsibility for policing Apprenticeship in Jamaica] in their relation to the Governor [of Jamaica], and their immediate responsibility to his authority, [...] more nearly resemble subordinate military, than civil officers'. What's more, Sturge argued that 'the London police[...] seem to have acted as though something like martial law were in force,—all civil rights utterly at an end,— and the persons, and almost the lives, of the working people of this town, placed at their mercy'. However, it is in the conclusion of the speech he delivered at his Great Anti-Police Meeting where we find the clearest statement of Sturge's anti-police argument:

the Government force now organised in this borough is much more dangerous to the lives and liberties of the Inhabitants than a body of soldiers, because, while they wear the appearance and receive the appellation of Police, they have the power of the military, without being under the direction and superintendence of the magistracy, and are responsible to no one except the Secretary of State for the time being; thus becoming, in fact, a second standing army, more objectionable to the country than the ordinary military force.

Sturge's claim, '[t]hat the Government Police was more dangerous than the soldiers, was evident [Sturge said] from the fact that they were under no control but that of the Secretary of State'. Agreeing, on this point, with Sturge, at a press conference earlier in 1981, on Friday 30 January, to launch the Final Report of the Working Party, 'Lambeth Council's leader Ted Knight [...] said the Metropolitan Police were answerable only to the Home Secretary. 'We shall be demanding much

more democratic control,' he said'. Scarman did not agree: 'For national reasons, with which I agree, [said Scarman] the Home Secretary is the police authority'.

But Sturge had good reason to mistrust the Home Secretary: for, he was spying on Sturge. Just as the Home Office thought Sturge a subversive and revolutionary character; Sturge thought the Home Office a repressive and oppressive institution. Sturge thought the very idea of spy-cops was morally wrong: He said 'that the employment of the men as political spies is contrary to the duties of a Police' and he proposed a motion, according to which his Great Anti-Police 'Meeting deems it to be a duty which it owes to the country, to protest against the adoption of a system of centralisation and espionage', because that was 'a tyrannous exercise of power'. Because the New Police, Sturge said 'are responsible to no one except the Secretary of State for the time being,' and because 'the entire control of the police was invested in some agent of the government of the day', the government police, Sturge declared, were 'servile instruments in the hands of the party who happen to be in power'. As John La Rose put it, in June 1981, the British Police are the 'gatemen of Babylon'.

'Harlem is policed like occupied territory', wrote James Baldwin, in 1966. A decade later, responding to a headline in *The Sunday Times*, asking 'Will Harlem come to Birmingham?', Stuart Hall taught us that, 'Nothing makes one aware of living in a 'colony' so much as the permanent presence of an 'occupying force'', by which Hall meant 'the constant pressure of police harassment on the streets'. 'I am not aware [said Scarman, arrogantly] that [police] officers were particularly harassing or troublesome. Of course, local people thought they were; an immense myth about the [police] has developed'. Joseph Sturge disagreed with Lord Scarman and agreed with James Baldwin and Stuart Hall. Handsworth in Birmingham and Harlem in Manhattan, just as much as Hanover in Jamaica, are colonies, and the police within them, Sturge would likely have argued, are an anti-democratic army.

When, in January 1838, Sturge published his account of his journey to Jamaica, between January and March 1837, as a book, *The West Indies in 1837*, he recounted an episode in which the police exercised their power to stop and search people whom they deemed suspicious: 'We observed to day in the streets six or seven women, several of whom were hand-cuffed, in the custody of the police by whom they had been apprehended as runaway apprentices. They were subsequently taken before a Special Magistrate, when it appeared, that there was no proof that they were apprentices except that they could not produce their 'free papers.' They were in fact free, and had been taken, some from their own houses and others from their peaceable avocations. They were of

course liberated, and the police reprimanded, but the injured parties received no compensation for their loss of time, or for the outrage committed on them'. For Sturge, Swamp 81 would have been an 'outrage', at whatever point in time it was conducted by the police. For Sturge, stop and search was, and still is, an 'outrage'.

Let us conclude with the words of the Reverend George Dawson, spoken at the unveiling of the statue of Sturge: 'He was without doubt one of the most impracticable men of his day, had little indeed to do with prudence, and yet he was right. He was far in advance of his age—so long a distance off, indeed, that he was almost out-of-sight—but we were very slowly marching up to him. So truly did he (Mr. Dawson) believe this, that he thought there was scarcely a principle that Joseph Sturge held, but the world would have come to[,] sooner or later. Many of his principles were nobly impossible and sublimely absurd, but at the same time every one of them was founded in righteousness and based in reason, and as a necessary consequence they must be true, no matter how backward we were to see it'.