Controlling State Crime in the United Kingdom

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CONTROLLING STATE CRIME IN THE UNITED KINGDOM

by

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THE UNITED KINGDOM (encompassing England, Wales, Scotland and Northern Ireland), through the actions of its police, national security agencies and military branches, has often been accused of committing state crimes both at home and abroad. Consequently, a number of traditional and innovative controls have been advocated, some of which have been implemented to decrease, minimize, reduce, prevent, and hereafter control these types of illegitimates from occurring. This chapter identifies the more salient crimes committed by these state agencies domestically during the past three-and-a-half decades and focuses on the methods citizens and state organizations have used to combat this form of political crime.

Identifying crimes by the state is not popular in Britain. Most Brits do not criticize the state because there is a strong belief in government legitimacy, loyalty, and patriotism and a high deference for authority. For example, “Public opinion polls record widespread support for and confidence in the police...” The media and politicians regularly pronounce that UK criminal justice remains “the envy of the world” (Scarron, 1985:5). Behind this popular image lies many incidents of state crimes as well as selected public governmental indignation when it occurs. “These sorts of crimes usually “reflect the embarrassment of the British government” through “public opinion, Amnesty International, the European Court and the United Nations [which] have all denounced aspects of “vicious disdained state actions” (Thirlow, 1994:357).

However, the police, national security, and military branches are not monoliths. The police are organized in a regional fashion, with Great Britain having 43 police forces, Scotland having eight, and Northern Ireland having one (i.e., the Royal Ulster Constabulary). Both the RUC and the London Metropolitan Police (hereafter Met) garner considerable attention for question-able practices. Each have a number of divisions. One of the more controversial
developments has been the use of public-order policing units such as the Met's Special Patrol Group (disbanded in 1987) and Manchester's Tactical Aid Group. Ostensibly designed to deal with large scale protest or strikes, they have often been viewed as a political police (O'Byrne, 1976). The national security services include Military Intelligence 5 (MI 5), the Secret Intelligence Branch (SIS) (or MI 6, as it is commonly referred to), the Special Branch, and the Anti-Terrorist Branch. The military primarily includes the Royal Navy, Air Force, and Army. Finally, although Scotland has its own legal and civil code and mechanisms for control (e.g., judiciary), it has been slow to achieve its own parliament.

As a democratic country, the United Kingdom has a number of traditional mechanisms to keep state power in check and to monitor the abuses and crimes that government representatives and their agencies might commit against their citizens. However, in the last three-and-a-half decades, a period that corresponds to what some individuals (e.g. Ingelhart, 1977) call the post-industrial era, the legitimacy of state actions has increasingly been called into question (Thudiaow, 1994), leading to the establishment of additional controls.

During the period covered by this analysis (1960-1997), state crime in the U.K. occurred in a variety of contexts, including, but not limited to, the ongoing conflict in Northern Ireland, and the police role in responding to domestic and civil unrest and public disorder elsewhere in Great Britain. Among the acts of state crime that have received the greatest amount of attention are police and military use of deadly force, unwarranted surveillance, human rights violations and unfair criminal proceedings (e.g., purging of exculpatory evidence).

CRIMES COMMITTED BY STATE ORGANIZATIONS

The liberal democratic state can be characterized by a range of agencies, organizations, departments and policies established to carry out the wishes, desires and preferences of a variety of constituencies. Although state agencies in advanced industrialized democracies develop elaborate mechanisms to screen and monitor "undesirable" individuals from entering the civil service, and later from engaging in crimes, these processes sometimes fail either through oversight, poor design, supervision or implementation. Some organize, by virtue of having the highest amount of contact with citizens (e.g., the military, national security agencies and police), are more prone to engage in acts of state crime than others; hence this analysis concentrates on these particular agencies. It begins with a review of the military, the organization among the three that has committed the fewest state crimes.

CONTROLLING STATE CRIME IN THE UNITED KINGDOM

Britain has always prided itself on its military, particularly its naval fleet, which allowed it to expand and protect its growing need for raw materials and markets during its greatest time of capitalist growth. During the post-World War II era, Britain's military has been a pivotal player in the North Atlantic Treaty Organization (NATO). Despite this role, three prominent types of state crime have been committed by the British military: a variety of activities in Northern Ireland, some actions of the Special Air Service, and the sales of weaponry to particular states with questionable human rights records.

Perhaps the most important area of the military's state crimes has been in the context of policing the Northern Ireland conflict. The British army "is a controversial presence amidst the ebbs and flows of violence between republican and unionist forces, and is subject to grim accusations that it has violated the human rights of detainees and been used as a pariah instrument for the repression of Irish nationalism" (Kesselman et al., 1997:32). For example, in 1971 the army detained and interrogated 14 members of the Irish Republican Army Provisionals and exposed them to a variety of questionable interrogation techniques, including methods of sensory deprivation such as "prolonged wall standing, loud noises, hooding, and deprivation of food, water, and sleep" (Hurwitz, 1995:301; Roberts, 1976:16).

In February 1972, in Londonderry, British soldiers shot to death 13 people and wounded 16 unarmed civilians following a civil rights demonstration. This incident, generally referred to as "Bloody Sunday," was the subject of a highly publicized inquiry that culminated in the Widgery Report, which, in turn, was perceived as a whitewash of British army activities during this incident. Additionally, the army has been accused of being pro-Protestant because of its failure to act "during the Protestant workers' strike in Ulster in May 1974" (Roberts, 1976:16).

The Special Air Service (SAS), an elite strike force of the Royal Air Force, "tend to see all security in terms of force... As early as 1969 some SAS soldiers were operating in Ulster, but it was not until 1976 that [Former Prime Minister] Harold Wilson formally announced their presence... The SAS soldiers were trained to shoot terrorists even if they were apparently surrendering, and they did so. When they appeared in court at the trial of the terrorists they were disguised and nameless" (Sampson, 1982:254-255).

The military has also been accused of selling weaponry and technology to countries with abysmal human rights records (e.g., Iraq) (Dawish and Alexander, 1991; Sampson, 1982). "The deals made with foreign governments in the
Third World are among the most carefully guarded secrets in the ministry, immune from parliamentary questioning.” (Sampson, 1982:251).

Nevertheless, the military is probably the most constrained division of government as a result of its political culture, decreasing size, and continuing removal from formal political decisions and minimal public debate. As one commentator has suggested “[the place of the armed forces in the national psyche has always been uncertain. Britain has liked to regard herself as one of the least militarised of nations, able to put away the symbols of war as soon as peace is declared” (Sampson, 1982:246). However, “military values still play an unseen part in the country’s thinking... The sense of military hierarchy and the ancient class division between officers and NCOs can still be perceived through the ranks of industrial corporations... In moments of national humiliation or betrayal, the British can still summon up almost instantly the memories of the Second World War, which her former enemies had no difficulties in forgetting” (Sampson, 1982:246).

Since 1957, the number of members of the armed services has decreased. “The generals, admirals and air marshals had seen more rapid changes in their role and technology than almost any elite, as the territory they were defending had dwindled from a quarter of the world’s population to the frontiers of Western Europe including Ulster” (Sampson, 1982:247). Additionally, “[the army took the most obvious buffing in the post-war decades, defending the indefensible positions in successive colonial invasions, cutting down regiments, retreating from the Far East and Africa into Europe, and now moving between West Germany and Ulster” (Sampson, 1982:252-253).

The military has become less open to public inspection. “Since [former prime minister] Harold Macmillan... abolished the political heads of the three services... successive politicians have tried to integrate the three services into a more unified structure, but of all the many mergers of the services and services this has been the most resistant” (Sampson, 1982:248-249). Public debate on the armed services is less than in other countries. This was particularly evident during the discussion over the use of Trident missiles. “Most cabinet ministers [are] kept in the dark, and... decision[s are] only debated after it had been made” (Sampson, 1982:251).

Not surprisingly, during the early 1970s, as a result of public statements by former high ranking officers and then current members of parliament, there was talk of a possible military coup d’etat (Sampson, 1982; Roberts, 1976). This crisis, however, was dismissed in several quarters. According to Roberts (1976), “a direct military take-over seems most unlikely not only because it runs against military traditions, but also because it would arouse strong political opposition and would most probably be countered effectively by wide-spread civil resistance, including non-cooperation” (p.18).

CRIMES COMMITTED BY NATIONAL SECURITY AGENCIES

Although there have been security failures, British intelligence, collected through the country’s national security agencies, has been credited with several successes, including but not limited to breaking the Nazi and Soviet codes during the second World War. In fact, “after the Soviet Union and the United States, Britain has the world’s largest espionage, counter-intelligence and eavesdropping services” (Doherty, 1986:10). Unfortunately, security leaks, media exposés and the revelations of former national security personnel paint a picture of a national security establishment engaging in periodic state crime.

The national security organizations have been accused of “mounting disinformation campaigns against elected governments” (Dorrell and Ramsey, 1991; Leigh, 1986:215-255) and summarily executing people believed to be engaged in violence against the state (Doherty, 1986; Kirkup, 1989; Stalker, 1988; Taylor, 1987) (Gill, 1993:81).

It is difficult learning about these state crimes. “[f]or reasons of national security and, with the danger of compromising current operations, it is often very difficult for the authorities to comment on matters of alleged wrongdoing by the military, the police, or the security and intelligence services operating in Northern Ireland. Very often the political authorities are quite legitimately, on the need to know principle, not informed about the current operations. When such activities turn sour the media may pick up hints of alleged wrongdoing” (Thafer, 1994:373). In particular, four major events can be classified as crimes committed by British national security organizations: the spy scandals of the 1960s, the Stalker Affair, the trials, conviction and incarceration of suspected IRA terrorists, and illegal surveillance of British citizens and interests.

First, the spy scandals inside British intelligence organizations, presents an interesting case of state crime. After World War II, a number of British citizens who were acting as spies for the Soviet government were detected. These individuals included, but were not limited to Michael Bettaney, George Blake, Anthony Blunt, Guy Burgess, Donald Maclean, Kim Philby, Anthony Price and John Vassall. Their presence “proved that internal security was still deficient, causing new problems between Britain and her allies” (Laqueur, 1985:208). In this case, the state was negligent in protecting its citizen’s national security, causing a crime of omission, and thus committing a state crime.

Second, in the Stalker affair, John Stalker (Deputy Chief Constable of the Manchester Police) “was appointed to head an enquiry to investigate the 1982...
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police custody. Ironically, the Director of Public Prosecutions (DPP) refused to prosecute a single police officer in connection with deaths in custody and neatly thirty other cases referred to it since 1970. This official passivity was reflected in the coroner’s court verdicts on misadventure, accidental death, suicide and unlawful killing (Brogdan, 1982).

Perhaps the most controversial of the public order groups has been the Met’s Special Patrol Group. It was regularly criticized for being overly aggressive and confrontational, particularly in the policing of public disorder. In the late 1980s, as a result of an internal inquiry, the SPG was disbanded. In 1978, Operation Countryman was established to clear up allegations that the Metropolitan Robbery Squad, the successor to the Flying Squad, was also corrupt (Brogdan, 1982).

In sum, each of the three principal state agencies has engaged in a handful of incidents which can be classified as state crimes. The following section addresses the controls that were implemented as a response to these crimes.

**CONTROLS ON CRIMES BY STATE AGENCIES**

Controls are exercised from a variety of institutions characteristic of democratic societies. Most of these organizations have typical constraints found in most bureaucracies. Regardless of the state agency, controls can be generally divided into two types: internal and external. Internal controls include such mechanisms as supervisors, chain of command, etc. External controls can be divided between governmental/legislative solutions and nongovernmental/citizen mechanisms (Rosk, 1993b). Among the governmental/legislative controls are the parliament and its political parties, the media and the European Convention on Human Rights. What distinguishes Britain from many of the western democracies, however, is the lack of a formal Constitution or Bill of Rights. No single written document serves as a constitution or a Bill of Rights. But a number of documents (e.g., Magna Carta, the Petition of Rights, and the Statute of Westminster) have constitutional status. Custom, precedent, and widespread familiarity with Constitutional precedents is perhaps more important in protecting human rights and civil liberties. Additionally, much written commentary exists on precedent and there is a willingness to play by the rules. Among the nongovernmental/citizen controls are the media, trade unions and interest groups such as the National Committee on Civil Liberties. The controls specific to each agency that exist will briefly be reviewed, those that were relied on or experimented with during the past three decades will be analyzed.

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**CONTROLLING CRIMES BY THE MILITARY**

The detention of citizens and use of highly questionable interrogation methods by the army led to three official reports: two by Sir Edmund Compton in 1971 and another by Lord Parker in 1972. Lord Gardiner, who provided the minority (opposition) report to these documents, disagreed with the military’s interrogation methods (Roberts, 1976). The Loughcarron incident led to the Widgery report (1972) produced by Lord Chief Justice Widgery, which reviewed the events of Bloody Sunday. In 1971, the questionable practice of detaining and interrogating suspected or suspected members of the IRA motivated the Republic of Ireland to send a petition to the European Court of Human Rights. “Although the Irish petition contained a series of charges and demands, the most important and significant component of the Irish petition was the allegation that the British security forces in Northern Ireland ‘tortured’ suspected Irish Republican Army (IRA) internecine” (Hurvitz, 1995:301). “These methods were termed ‘sensory deprivation’... and they were designed to elicit desired information from the interned... one of the major issues was not whether these occurred, but, rather, whether such behavior and additional actions by the British government constituted a violation of the European Convention” (Hurvitz, 1995:301). Great Britain “admitted fault, stopped the practice of sensory deprivation, gave assurances that it would not be resumed, and made compensation of up to £25,000 to those subjected to the special interrogation techniques” (Hurvitz, 1995:302-303). Although Ireland appealed particulars of the case to the European Court, “the existence of the Commission and the European Court... [mainly helped to give] international publicity... to their experience, and Britain was ashamed for its behavior” (Hurvitz, 1995:307).

Finally, in 1997 new material emerged in connection with Bloody Sunday to further implicate the British army in a planned act of murder. This included the Breigio report (with Raymond McClean’s medical report), compiled by Don Mullen and published by the Bloody Sunday Justice Campaign. The Irish government, too, has just published its own review of Bloody Sunday to coincide with the 25th anniversary of the previously mentioned Widgery Report.14

**CONTROLLING CRIMES BY THE POLICE**

Although there is a difference between how the Met and other police forces are controlled, there are three dominant internal mechanisms: police orders by senior officers, chief constables and the commissioner of the police
of the Metropolis (London). In addition to the internal mechanisms, the external ones include a variety of laws, including the Metropolitan Police Act of 1829 and the Police Act of 1964; Police Authorities and local councils\(^9\) the Home Secretary/Office and its Inspectorate of the Constabulary,\(^{10}\) and the publication of annual reports and royal commissions (Alderson, 1984; Bregdon, 1977; Bannion, 1975; Marshall, 1965).

There are several nongovernmental organizations that exert a measure of external control over the police. These organizations include the National Council of Civil Liberties, the Association of Chiefs of Police Officers, other police associations (e.g., the Police Superintendents Association (PSDA) and Police Federation) and the mass media (Reiter, 1985).

Several individuals and organizations have criticized the police committee. For example, Simon (1986) presented a strong attack on police authorities, in particular their managerial and non-accountable management members. Additionally, the police committees have been accused of being "insulated with data of a largely insignificant nature which presented an image of the force as a painstaking body of experts. With financial matters minimized and the issues in question apparently covered in depth, the committee was more often than not presented with a fait accompli against which members were ill equipped to argue" (Bregdon, 1977a). Over the past decade, the balance of power in the committees has shifted once again with local councilor representation diminishing and the number of non-elected members increasing. This allowed the state to better manage dissent and deflect attention away from police abuses.

Moreover, some observers argue that the distribution of power within the tripartite structure has shifted considerably in recent years from the police authorities to the Home Office (Spencer, 1989). The power of the Home Secretary over forces outside the metropolis has grown since 1829, while the discipline, which continues to be strict, remains primarily in the hands of professional officers (Critchley, 1967; U.K. Royal Commission, 1962; Reith, 1945; Fosdick, 1915/1975). In short, "Although the British tradition of local control by police authorities is still intact, the increased bypassing of Watch Committees through Home Office coordination with Chief Constables has led to several clashes between central and local government, particularly between Conservative administrations and Labour controlled authorities. The ambiguity of the wording of the Police Act (1964), which made the Chief Officers of police responsible for operational matters, and gave the Home Secretary power to veto decisions of appointment by the local Police Committees, ensured that the long-run trends toward greater centralization, more coordi-
at least two unofficial inquiries by the National Committee on Civil Liberties (1980, 1981).

There has also been increased attention by academics, including the launching of the scholarly journal Police and Society and media coverage "in particular Robert Goodman's six (television) programmes about policing in Thames Valley Force, shown in January and February 1982 that broke new ground by filming real police work" on a daily basis (Smith, 1991:2).

A number of reforms occurred both at the federal and municipal levels to increase control over the force, including the Home Office Police Complaints Board, the revised Met Complaints Board, and the London Greater Council Monitoring Unit. The Police Complaints Board (later renamed Police Complaints Authority) is an independent body whose chair (a layman) and members are appointed by the Prime Minister and Home Secretary, respectively. In 1979, on the occasion of its first triennia1 review, "the Board recommended that complaints of serious injury inflicted by police should be investigated by an independent body of police officers seconded for that purpose. Great pains have been taken to ensure that every complaint is properly investigated and, since 1976 an extra independent element has been introduced in the form of the Complaints Board" (Rhind, 1981:49). The main criticism of the complaint procedure is that it involves an internal investigation, the police investigating themselves.

During the 1980s, Police Monitoring Units were established by local governments in every district. For example, the Greater London Council (GLC) financed these units in each borough. In 1981, after the Labour Party came to power, a Police Committee Support Unit provided consultation services to the GLC. It also published a journal called Police Lawyer. Other monitoring units included the Community Alliance for Police Accountability and the Newham Monitoring Project. The main emphasis of these bodies was their ability to provide personal contact to the cases for complainants. These organizations, such as the London Police Monitoring Committee, had sizable budgets and staffs. Nearly all of these outfits had publications that influenced both media and academic coverage of police-community relations. Another example of monitoring is the work of "Inquest," founded by families and friends of people who died in police or prison custody, or in circumstances in which police violence or neglect was alleged.

Finally, increased training in police race relations has occurred. Responsibility for this practice fell on "the National Police Training Council, which established a Working Party to review the current state of police community and race relations training and to make detailed recommendations." (Oakley, 1990:50). Controversially, "[i]n these cases the public order aspects of the problem were of particular concern to the authorities. Although the Race Relations Acts have been used against instigators of racist behaviour aimed at immigrant groups, it remains true that more stress has been made against those who promote against racial violence than those who either foment it or who were directly responsible for it" (Thurlow, 1994:328).

CONTROLLING CRIMES BY THE NATIONAL SECURITY AGENCIES

A number of efforts have been made to reduce actual and probable state crimes by the national security agencies including, but not limited to, changes in the way individuals are recruited to these organizations, new lines of authority, the passage of the National Security Act, and a series of internal inquiries.

First, motivated by the scandals involving Soviet moles operating inside the British Intelligence agencies, the method by which individuals are recruited for MI 5 and MI 6 "was changed and the new directors were no longer military people but diplomats and civil servants or officials who had risen from the ranks of the secret services" (Laqueur, 1985:208).

Second, in 1970, increased control was achieved by the establishment of the Official Co-ordinator of Intelligence and Security in the Cabinet Office. The Official Committee of Security is "an in-house body... which is an outside supervisory group usually headed by a very senior judge and made up of former career wodecees and military officers. The coordinator is directly responsible to the prime minister, in acting as a two-way conduit, providing the prime minister with current information from MI 5 and MI 6 and Directorate General of Intelligence (DGO) and informing these agencies of the requirements of the prime minister." (Laqueur, 1985:209).

Third, although MI 5 is not established by "an act of Parliament,... MI 6 is sanctioned by the Official Secret Service Vote. To whom are the agencies accountable? Clearly not to Parliament, which in a secret vote each year ratifies the MI 6 budget. According to a 1952 order by the home secretary, the director general of the Security Service (MI 5) is personally responsible to him, even though the organization is not part of the Home Office." (Laqueur, 1985:210).

"Some postwar prime ministers have asserted greater control than others over the secret services. Prime Minister James Callaghan reported meetings with the secret service chiefs and even the subjects discussed; Mrs. Thatcher told the House of Commons that MI 5 had been ordered to report directly to the home secretary (and to her) if any minister, ex-minister, or senior civil servant might be or might have been a security risk. Consequently, whether control is exercised and guidance given depends very much on the personality
and forcefulness of the prime minister's coordinator of intelligence" (Lecquer, 1985:211).

Fourth, in November 1988, the Security Service Bill was introduced in Parliament. It "was...described as placing MI 5 'on a statutory basis,' but at Home Secretary Douglas Hurd made clear, the 'bucket of secrecy' which separated the operations of MI 5 from public accountability and political scrutiny was to remain intact. A new complaints procedure was unveiled, with a tribunal of lawyers to investigate complaints about operational matters, and a special commissioner to investigate questions of policy" (Hiley, 1993:378).

The Security Service "was placed on a statutory footing in 1989, but the inspiration for this was the threat of an adverse decision in the European Court on Human Rights... and therefore it was more a measure aimed at legalizing Security Service activities than the kind of rights-oriented proposal being advanced by Labour and Liberal Democrats" (Gill, 1995:88-89). The Security Service Act (1989), "requires ministers to sign warrants authorizing Security Service 'interference with property'" (s. 3). However, the prime determinant of the extent of ministerial interest in the Security Service is the amount, type and degree of public attention. "Therefore, it might be suggested that there is a direct relationship between the autonomy of the security intelligence agency and public ignorance or apathy. Of course, to the extent that security intelligence matters remain shrouded in unnecessary secrecy, being publicized normally only through state (dis)information policies, then this autonomy will be self-reinforcing" (Gill, 1995:63).

Unfortunately, the Act "permits an expansion of its [MI 5] duties, for under section 1(2) MI 5 is charged with the investigation not only of 'threats from espionage, terrorism, and sabotage' but also of 'actions intended to overthrow or undermine parliamentary democracy by political, industrial or violent means'" (Hiley, 1993:379). Additionally, "[t]he autonomy of MI 5 had indeed been increasing since November 1987, when it was announced that, as part of the new 'grievance procedures,' a special staff counsellor had been appointed to hear complaints from disaffected officers" (Hiley, 1993:378).

Moreover, "[s]ignificant changes since the interwar period have included improved technology and more centralized administration, which have enabled the authorities to monitor and control unrest and the growth of extremism. This has meant not only more sophisticated methods of political surveillance, but also more international cooperation and pooling of sight knowledge between the signatories of the UK-USA agreement in 1947" (Thudew, 1994:318).

Although a variety of suggestions have been made to improve accountability, such as "the possibility of Party Councillors or other representatives..." being kept informed about the operations of the secret state," when scandals do in fact take place the "government always denies knowledge." This denial is reinforced depending on the subcommittee, who often carry out the government's dirty work and who are difficult to link to official agencies (Thudew, 1994:321).

Fifth, "the government... sought to limit the damage of... allegations by instituting a series of internal inquiries with narrow terms of reference. In 1992, however, the courtroom confessions of a former government minister that the government had misled the House of Commons regarding arms sales to Iraq... led to the establishment of a judicial inquiry that started to shine some uncustomed light into the murky recesses of the British state, including its security intelligence agencies" (Gill, 1995:81). "Although it is quite clear that the forces of law and order and the secret state will not be subject to radical rethinking, piecemeal tinkering will no doubt continue to be the response to the failure of the authorities to defeat the PIRA (Provisional IRA) either in Ulster or on the mainland... the major administration is at least more sensible and less secretive about these matters than the governments dominated by his predecessor" (Thudew, 1994:390).

Sixth, there is an apparent opening up of MI 5. Ouwardly, and more recently (January 18, 1993), MI 5 has attempted to present an image of a more opened agency, a move termed "a charmed offensive by the state" (Thudew, 1994:320; Hiley, 1993:371). For example, the Home Office announced that Stella Rimington was the current Director General. This public announcement "was said to be part of the Prime Minister's new commitment to open government" (Hiley, 1993:372). "The new prominence of the head of MI 5 naturally raised questions about her precise status within the government... In April... the Prime Minister revealed the existence of a standing cabinet committee, under his chairmanship, that existed to 'keep under review policy on the security and intelligence services'" (Hiley, 1993:372).

Currently, "[t]he material gathered... by MI 5 does not necessarily concern foreign espionage and subversion, for MI 5 has also developed an interest in economic and industrial affairs. Section 1(3) of the Security Service Act 1989 charged it 'to safeguard the economic well-being of the United Kingdom,' and it seems that MI 5 has expanded enthusiastically into this new era of operations. In June 1992, Robin Robinson, a former administrative officer in the Cabinet Office's Joint Intelligence Committee, thus revealed that the telephone and telex communications of British companies... were 'routinely' monitored by MI 5 and General Command Headquarters, along with those of their competitors such as General Motors, and that the results were circulated to government departments" (Hiley, 1993:379-389). "Yet other branches have
recently been expanding their area of operation, for MI 5 has not only ex-
pressed an interest in assuming responsibility for the organization of security
on state occasions, but has also been given a key role in the fight against
terrorism" (Hiley, 1993:380).

In the spring of 1992, "the lead responsibility for intelligence work against
Irish republican terrorism in Great Britain. . . passed to the Metropolitan
Police Special Branch to MI 5 accountable to the Home Secretary" (Hiley,
1993:380). This "removal of a controversial area of domestic policing from any
form of parliamentary scrutiny, but, remarkably, the government was not
prepared to admit that this action had raised any question of accountability. In
December 1992, when the Home Affairs Select Committee questioned the
Home Secretary on this matter, its members were bluntly informed that there
was an important difference between policy, which might be subject to parlia-
mentary scrutiny, and operations, which could never be" (Hiley, 1993:380).

Many of the new controls were made or were a result of insistence by
nongovernmental organizations. For example, in the use of new technologies
and practices, including plastic bullets and sensory deprivation in Northern
Ireland, a major counterbalance to the official line came from the British
Society for Social Responsibility in Science, which produced a number of
critical reports. Without this alternative interpretation, the techniques used on
the prisoners would not have been identified as variations of sensory depriva-
tion.

CONCLUSION

It is difficult to protect civil liberties and human rights in societies where
there are periodic threats to civil order and the state is obligated to perform a
policing role. In Britain, it appears that the state typically responds to crimes
committed by its army, military and police by holding some sort of internal
inquiry, and when this will not suffice, it may use a royal commission in the
aftermath of particularly questionable events. These practices temporaril-
y diffuse public and governmental criticism and often serve a series of recom-
mandations. The implementation of the recommendations, however, is typi-
cally the responsibility of a different government (party) in power or a new set
of administrators in the public bureaucracy, because of party turnover, attrition,
or personnel transfers. Thus, there is ample room for reinterpretation, discretion
or poor administration in carrying out the original recommendations.

Unfortunately, "the British media is too well controlled by the estab-
lishment in London to allow a scandal of Watergate dimensions to be revealed.
Even. . . Harold Wilson found this to be the case, too late, and to his cost.
2. In general, all material referred to in this chapter was collected from open source literature, including academic and "popular" books and articles, and newspaper stories written during this period.

3. In the 1965 "fight against crime" the Police Federation used to mobilise public opinion. Subsequent interventions included Robert Moore's (Met Police Chief) 1973 televised critique of the criminal justice system and his much publicised resignation over the reforms to the police-complaints procedure that year. Finally, in 1975, the Police Superintendents Association supported a law and order campaign launched by the Police Federation (Ratté, 1985).

4. The Ministry of Defense "established a Directorate General of Intelligence (DGI), which incorporated the intelligence sections for the armed services... Navy, air force, and army intelligence were still responsible for collection and internal security, but evaluation and dissemination was done by a combined unit, the Joint Intelligence Bureau (JIB). The body dealt not only with military intelligence but also with political and economic affairs that impinge directly on overall strategy" (Lacqueur, 1985:208).

5. A large number of these units are the Guards, Special Air Service (SAS), and Special Boat Service (SBS).

6. The British government has had difficulty "to prevent intercommunally tensions, sectarian murders, terrorism and continuing violence in Northern Ireland since 1968. This failure has led to some highly liberal features of government in the province: the ending of local self-government based in Stormont Castle, the termination of the jury system in criminal cases and the imposition of so-called Diplock courts, the internment without trial in 1971-2 of over 700, the use of uncoordinated evidence proffered by apologists and the promotion of the use of the military to aid the police in Northern Ireland" (Thurlow, 1994:372).

7. This chapter will not explore in any detail the infringements of civil liberties as a result of the provisions of the 1972 Special Powers Act, Direct Rule, the Emergency Provisions Act, and the Prevention of Terrorism Act of 1974. For an extended discussion of this legislation see, for example, Thurlow (1994:356-357).

8. Including but not limited to the citizenry, ruling class and elites

9. Although it is difficult to say that it is a state crime and who committed it, the Prevention of Terrorism Act (1974) "outlawed media coverage of some of the activities of terrorist groups. As with all such legislation, its provisions are subject to interpretation and, as with all such legislation in a free society, it represents a tension between two legitimate concerns of any liberal democracy: freedom and order" (Miller, 1993:314).

10. The legislation "sailed through the Parliament with incredible speed is all the more astounding. It presents us with an extraordinary picture of the reliance of liberal democracy on stability. Where stability is challenged, civil liberties do not find a conducive and lasting environment" (Miller, p.314). "Established as a 'temporal act,' the Act was renewed annually, and reviewed in 1976, 1979 and 1984. With renewal came new and harsher impositions on civil liberties" (Miller, p.314). "The BBC ignored Sir Michael's threats to enforce Sections 10 and 11 against the cooperation. Indeed they pursued a pattern quite commonly enunciated in American journalistic circles in similar circumstances: journalists are not policemen and cannot do their job and law enforcement simultaneously" (Miller, p.316).

11. In British jurisprudence, unsafe refers to that which is unsupported.

12. This may reflect a number of factors, in particular the fact that London is host to a variety of mass media outlets.

13. In general, the United Kingdom is governed by a parliamentary system. Members of parliament are elected and members of the House of Lords, the hereditary organiza- tion on parliament, are appointed. Thus, police accountability has been the subject of intense party political controversy (Ratté, 1985). Advocates on the left (Labour and Social Democrats) favor radical constitutional reforms to create a locally elected police authority for London and to grant all local police committees the power to determine a 'aspect of police policy that have hitherto been held to be the prerogative of chief constables (Lagerven, 1986). But the Conservative government is committed to retain the separate structure. However, the government is giving it initiatives designed to maintain or restore the partnership between police and community that, it is argued, has been the hallmark of British policing by consent.


15. The Police Act of 1964 gave all jurisdictions Police Authorities (sometimes called police committees), two-thirds of which are elected politicians from local councils and the remaining one-third are judicial magistrates. Thus the Police Authorities are both political and bureaucratic, just as the Joint Standing Committee had been before (Beaumont, 1975). In Scotland, the role of the Police Authorities is essentially the same with two important exceptions. The Authorities are composed entirely of councillors drawn from the eight regional areas of government. Secondly, the Secretary of State is
the responsible minister, but he is under no general duty to promote police efficacy (Mitchell, 1962).
17. Most recommendations lead to changes in policies, procedures and/or legislation.
18. For legal reasons, these unions could not take up cases unless they were representa- 
tive of some broader underlying trend (Personal Correspondence with Steve Wright, 
July 1997).

THREE.
CONTROLLING STATE CRIME IN THE UNITED STATES OF AMERICA: WHAT CAN 
WE DO ABOUT THE THUG STATE?

by

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THIS CRIME STORY is about how the state is able to repress itself as a democracy, while it permits, perpetrates, and promotes systematic criminal 
actions against its own people. Democracy is a distant political rhetoric for many Americans, especially non-elites (e.g., the working class, poor), who are economically exploited, politically powerless, and harassed by a variety of governmental agencies. State crime is an integral part of the political processes that operates to deny oppressed segments of society basic democratic rights and opportunities.

State crime can be defined as the illegal and/or immoral acts of agents of government. Ross (1995b:5-6) lists state crimes as "cover-ups, corruption, 
disinfluence, unaccountability, and violations of domestic and/or interna-
tional laws." To this list may be added state activity that may not be officially illegal but can do violence to, violates the trust of, socially harms, or exploits individuals. This includes both crimes of commission or omission (Ross, 1995b; Henry, 1991).

Now that we have defined state crime, we need to delimit our discussion. In this chapter we define the thug state, discuss political state crime, state 
complicity with corporate crime, and crimes of the federal intelligence agencies, 
local police intelligence activities, and police and their control. By covering these diverse matters we argue that state crime is not a collection of anecdotal incidents. We conclude by suggesting that the most important factor in con-
trolling state crime is the empowerment of the actual and potential victims of