

# PHOTOGRAPHERS UNDER PRESSURE

*First it was the riots, now the 'obstruction' acquittal of an Observer photographer prompts a look at forces besieging photographers from another direction*

On 9 October Observer photographer Ben Gibson was acquitted at Salisbury Magistrates Court of obstructing a police officer. He had been arrested on 1 June whilst covering the police operation to stop Stonehenge Festival. Tim Malyon was also taking photographs that day, and reported the disturbances for *New Statesman* and *City Limits*. He describes Gibson's case and the mounting concern amongst press photographers at hostile police behaviour which, like that of rioters, threatens their work and safety.

It was a balmy summer's afternoon when several hundred police officers equipped for a riot swarmed into a field next to the A303 where the brightly painted living vehicles of the so-called 'hippy peace convoy' were surrounded. Members of the convoy had previously offered to leave the field peacefully with their vehicles and not proceed towards Stonehenge. Wiltshire Assistant Chief Constable Lionel Grundy had personally rejected this compromise and insisted that everybody in the field, men, women and children, be taken into custody. Over four hundred people were eventually arrested.

Gibson's turn came near the end. Packed coaches careered wildly around the field to avoid arrest, some attempting unsuccessfully to break out of the cordon. As the last of them which, it is reported, had been repeatedly rammed by a van commanded by the police, ground to a halt, police officers converged on it. 'It was a mayhem situation,' Gibson recalls. 'I was trying to get close to the bus, but there were so many police around it that I couldn't get near.'

A young coloured boy was the first to emerge from the scrimmage, arms held on either side by police officers, face pouring blood. 'I saw policemen leaning over each others' shoulders to



1 June 1985. Ben Gibson after his arrest.  
Photo: Tim Malyon.

get in a blow on bodies being dragged out of the bus, bodies begging to surrender,' claims *Observer* Home Affairs correspondent Nick Davies. I myself also witnessed police officers out of control hitting people apparently indiscriminately with their truncheons and also, with Davies, heard an inspector who came running over to the mêlée shout 'Thin out lads, calm down, don't give the press a field day.'

Gibson had lost his press pass when

he had been knocked to the ground earlier in the riot. By the bus a police officer grabbed him and ordered him to leave the field. Gibson started to walk back towards the road but was then confronted by the spectacle of Nick Davies with two officers beside him brandishing truncheons. He raised his camera for a shot, and was immediately held from behind. 'You're nicked,' he heard.

The arresting police officer's account differs in his assertion that Gibson walked behind a van after being told to leave the field and then prepared to take another picture before being arrested. This contradicts both Gibson's and Davies' accounts. No account, however, portrays Gibson in any sense hindering the police: he had simply not obeyed an order sufficiently swiftly. 'He wasn't getting in anyone's way,' admitted PC Buzzleworth, the arresting officer. After the prosecution had finished their evidence, and before any defence witnesses had been called, Gibson's barrister, Lord Gifford, submitted that no obstruction had taken place. Magistrate David Miller accepted this, and immediately acquitted Gibson.

The acquittal was somewhat hollow, however. Miller refused to award Gibson costs, an exceptional decision in view of the acquittal but one which seemed to reflect a personal bias. In his summing-up Miller castigated Ben Gibson for his behaviour, commenting that 'a prudent photographer would obey the directions of the police.' Lord Gifford was incensed by this attack on his client, an attack launched without hearing any of the defence witnesses or Gibson himself. Gibson is understandably aggrieved and labels the magistrate's remark 'an endorsement of press censorship'.

*Observer* Picture Editor Tony McGrath supports Gibson in his condemnation. 'It's a free democratic country. If a photographer is not impeding the police in any way, or

inciting people to riot, the police have no right to ask him to leave. He is recording the event visually for consumption by the people of the United Kingdom who can't actually be present to observe democratic processes of law and order in action. It is convenient for the police to remove the visual media. I can't imagine why they would want to remove any working photographer from a news event unless there were some ulterior motive, some dark reason for not wanting him to be there, like the desire not to have their actions photographed.'

Both myself and Nick Davies narrowly averted arrest that day. According to Davies, 'two large officers appeared at my side with truncheons up above their heads in a rather threatening way telling me to get out of the field. Because Ben was being arrested, I was immensely polite and agreed to leave the field, although I didn't.' As I photographed the inmates of another bus being dragged out and hurled to the ground, a police officer noticed me. He shouted 'Grab him!' and gave chase. I ran faster, and lost myself in the chaos of the field.

The inspector's admonition 'don't give the press a field day' provides the rationale for Gibson's arrest and what can be interpreted as attempts to hinder the press and prohibit their access to the field. It would appear that police officers did not want witnesses to their behaviour. (There were both

*Right: 1 June 1985. Young coloured boy, face pouring with blood is taken away by police. Photo: Tim Malyon.*

*Below: Freelance photographer David Gordon arrested while photo-graphing another arrest. Gordon was later released without charges. Photo: Jeremy Nicholl, 30 July 1983. Tottenham, London.*

MoD police present, and large numbers of officers without identifying numbers.) Furthermore, this hostility towards the press is by no means



isolated. Obstruction, verbal intimidation and violence are regularly claimed to have been employed by the police to remove reporters, and especially photographers, from scenes which police officers do not want revealed to the general public.

Such allegations are not lightly made. They result from my own experiences, and numerous conversations with other photographers who have been covering public order disturbances. Andrew Moore, photographing police officers apparently kicking a man on the ground during the recent Brixton riots, received a blow on the shoulder from a truncheon. 'I spun round, clutching my camera, and a police officer with no visible identification just hit directly at my fingers, which were wrapped around the motor drive. It was a premeditated thing to do to a photographer, a good way of stopping you working. Obviously that was the last picture I took that night.'

During the Tottenham riot, David Rose found himself amidst a group of four or five policemen. 'They started to jostle and poke me, making jibes

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*We regret that Tim Malyon's article printed in last week's (8 November) issue, under this title and expressing the growing concern of press photographers at hostile police behaviour, was incomplete. The missing conclusion is printed below.*

*It will be recalled that on 9 October Observer photographer Ben Gibson was acquitted at Salisbury Magistrates' Court of obstructing a police officer. He had been arrested on 1 June while covering the police operation to stop Stonehenge Festival. Tim Malyon was also taking photographs that day, and reported the disturbances for New Statesman and City Limits.*

*In his BJP article, Malyon describes the circumstances of Gibson's arrest and acquittal — while pointing out that the magistrate's refusal to award costs and the remarks in the course of his summing-up amounted in the view of the acquitted photographer to 'an endorsement of press censorship'. Malyon also describes his own experiences on the day in question, and those of other journalists on the scene.*

*These and experiences of other photographers who have covered recent public order disturbances lead to the conclusion that reporters, and particularly photographers, are being harassed and intimidated in their work. Among those quoted are photographers from Fleet Street papers who have experienced intimidation, violence and damage to equipment. Concern is expressed that the natural competition between press photographers, particularly freelancers, appears to be pushing them into more and more vulnerable situations. Malyon continues:*

Freelancer David Gordon's case is a disturbing one. He was bundled into a police van whilst photographing an arrest at a National Front counter-demonstration; driven to the police station and then released (see *photograph* on p1257, 8 November issue). When Gordon was detained, however, a bystander had protested and then been arrested for obstruction. The bystander was not released and subsequently appeared in court where the police denied that any photographer had been present during his arrest.

The defendant asked for an adjournment, which was granted. He contacted Gordon and two other photographers at the scene, Jeremy Nicholl and *Report* photographer Andrew Wiard, who subsequently exhibited a bundle of photographs at the resumed hearing showing clearly that Gordon had been present. The man was acquitted. A defence submission for the case papers to be sent to the DPP for consideration of perjury charges against the police officers was dismissed. The police subsequently admitted unlawful detention of Gordon, denied unlawful arrest, and paid him £500 damages in an out-of-court settlement.

'Appalling', is NUJ Deputy General Secretary Jake Eccleston's description of press photographer/police relations. Responding in particular to the magistrate's advice in Ben Gibson's case for the press to obey the police he added: 'I don't see why photographers should operate from positions where the police want them to operate. This is what happened at Orgreave. Most of the newsreel film was taken from positions where the police wanted it taken to present a certain view. It's a fine line. I'm not saying generally that photographers should break the law. But I don't think that a photographer who feels the police to be unreasonable in telling him to stop taking pictures should necessarily obey. We're either in a police state or we're not.'

Eccleston's line is indeed very fine. The police may sometimes be morally or legally justified in ordering the press away from an area, if they anticipate an imminent explosion for instance, or a breach of the Official Secrets Act. In other instances, where the police are simply obscuring unpalatable behaviour, the photographer, especially on his own, is in a very vulnerable position. The best practical solution is that offered by David Hoffman and carried out by most photographers, to go away and find another angle. Physical assault, temporary detention and a charge of obstruction are nevertheless ever-present threats. Obstruction does not necessarily involve physical intervention. Described to me by one solicitor as a 'catch-all offence which is often used as a means of social control', cases can only be heard in a magistrate's court, not before a jury, and it

is relatively rare for defendants to be acquitted. One photographer charged with obstruction in a case where police officers alleged he had actually impeded them only avoided a guilty verdict thanks to a tape-recorder which was switched on throughout the events surrounding his arrest.

A further issue compounds the gravity of the situation. Many London police officers only recognise as valid, press cards issued by the Metropolitan Police, not NUJ cards. This in itself presents a serious threat to press freedom, a procedure by which the police can vet journalists. Outside London, NUJ cards are also often not recognised. Staff photographers frequently hold 'Met' cars, or cards issued by their own papers. Freelancers rarely hold either. It is freelancers, however, more than staffers, who are increasingly being sent out to cover public order disturbances, often with no support to replace damaged equipment or pay possible legal fees, and no police recognition.

In one sense, therefore, Ben Gibson is fortunate. He is affiliated to a highly reputable newspaper with a record of fair reporting and support for its journalists and photographers. It can only be hoped that the *Observer* will lend its full backing to Gibson's recent decision to sue the police for wrongful arrest and false imprisonment. Well-publicised success in that action might well deter any repetition.

Meanwhile, Jake Eccleston has called for concerted and unified action by the NUJ and all professional bodies representing photographers to put a stop to the disturbing police practices outlined here. What measures might be effective is difficult at this juncture to determine, beyond firm police instructions from the top to recognise NUJ cards and not impede the press; increased co-operation amongst all photographers and journalists to watch each others' backs during public order demonstrations; and a possible law guaranteeing press freedom, like the US First Amendment. One conclusion is clear, however. Without effective action now, by the police, unions, politicians, professional bodies and the media, press photographers will become an increasingly endangered species and the democratic right of the British public to see what is happening on our streets will be fatally eroded. ■