

## WHY I AM PROSECUTING PETER HAIN

by FRANCIS BENNION

### The Facts

In the March, 1970 issue of 'Challenge', the Young Communist magazine, Peter Hain wrote—

The campaign against the all-white South African Rugby team provided us with a perfect springboard upon which to mount a sustained and militant campaign to stop the cricket tour this summer . . . . Local groups and activists have been mobilised throughout the country in preparation for the 'Seventy Tour'. In addition, it cannot be over-emphasised that *we have already stopped half the tour—this* in itself is a pretty staggering achievement . . . . an important part of our build-up strategy will be to mobilise the trade union movement in support of the campaign. This will be an area where we shall need the active support of young workers and particularly Young Communists . . . . In the final analysis, though, this campaign will be won on the strength of our commitment to direct action. STST's basic organising tactic has always been to stop the games. We have not been prepared to continue with the tactics of patient petitioning and polite protesting . . . .

On 22nd May, 1970 Mr. Hain's 'Stop the Seventy Tour' Campaign achieved the other half of its stated object, and the remainder of the proposed tour of South African cricketers was called off completely. The cost to the M.C.C. and cricket counties has been authoritatively estimated at £140,000. In cancelling the tour the Cricket Council were obeying a formal request by the British Government. The Council deplored 'the activities of those who, by the intimidation of individual cricketers and threats of violent disruption have inflamed the whole issue.'

The grounds for the Government's request were stated by the Home Secretary, Mr. Callaghan, as being the possible impact of the tour on race relations, its divisive effect on the British people, and the diversion of police resources. Mr. Hain's campaign having done its work, these factors had reached the danger mark.

The invitation to the South African cricketers was lawfully extended by the M.C.C. four years ago. Arrangements were made for them to play twenty eight matches in a stay of four months. Many thousands of people would have attended these matches; millions would have watched them on television. All these activities were entirely and undoubtedly within the law of this land. They were prevented from taking place by the unlawful activities of Mr. Hain and his associates.

### How do I stand on Apartheid ?

How I stand on Apartheid is totally irrelevant, because Apartheid itself is totally irrelevant to the issue on which my prosecution of Peter Hain is based. In fact (to be irrelevant for a moment) I am opposed to Apartheid, and all other racist doctrines. I have worked with coloured people in many countries and have a lot of friends among them. Some years ago, when (on secondment from Whitehall) I was working in West Africa, I met a man who was my intellectual superior in every way. He was a classical scholar, the first black African to be elected a Fellow of All Souls—that pinnacle of English intellectual achievement. He was a walking demonstration of the folly of judging people by the colour of their skin. But not all demonstrations are equally agreeable.

### Am I opposed to demonstrations ?

Britain has taught the world what liberty means. We are the most tolerant nation on earth, and this is reflected in our laws and constitution. In many leading cases in our courts the right to demonstrate has been established. So too has the right to hold public meetings in the street, to organise processions, to use loudspeaker vans, to distribute broadsheets, to put up posters. Any methods of persuasion are lawful, and rightly so, provided they do not go *beyond* persuasion, provided they do not defame the innocent or inflame the gullible. So it follows that I am not against demonstrations—not even when they are carried out by youngsters with long hair and exotic dress.

### **Am I against the young ?**

A stupid question. One might as well be against life itself. Most of our young people are admirable, and where they are not there is usually some good reason for it. The idealism of the young, and their hatred of injustice, oppression and prejudice is a most valuable quality in our society. Young people sacrifice comfort, leisure, money—even, in rare cases, liberty and life itself to further causes they believe to be right. They constantly remind those who are older of the need to re-examine settled institutions, to assert principles and defy tyrannies. They see with clear eyes, take nothing for granted, and demand proof of all our engrained assumptions. This is healthy. From their elders in return the young need discipline, and instruction in the old, abiding values.

### **Am I a ‘Monday Club reactionary’?**

I am not a member of the Monday Club or any similar group. Some might think me reactionary, but this is because I fervently believe that a new doctrine is not necessarily right just because writers in the liberal press feel in their bones, and altogether agree, that it is right. This generation suffers from a peculiar form of arrogance, which is that the truth is what liberal intellectuals feel intuitively in 1970 is true. The fact that sincere, intelligent people believed in the recent past that quite different things were true is dismissed or not even thought of. The eternal verities are not to be discarded so easily. Courage, unselfishness, sympathy, tolerance, truth and justice remain what they always were—the basis of civilised society.

### **Should the Tour have gone on ?**

I was disappointed when the tour was cancelled because I agree with the Cricket Council’s view that cricket is a wonderful improver of racial harmony and the South Africans would have benefited from playing multiracial teams here. All cricketers know (and I am proud to be a cricketer myself, even though one of the rabbits) that this is a game which really does build the qualities that make character—courage, judgment, and the ability to mix. A man’s real nature shows pretty quickly on the cricket field, and cricketers are accustomed not to care about a player’s social class or the colour of his skin. It’s his skill as a cricketer and his qualities as a man that count every time—and that’s why cricket is important in improving race relations, and why the coloured cricketers in England are bewildered and unhappy at the recent intimidation they have suffered. But this is something else that’s irrelevant, because my case against Peter Hain does not depend on whether or not it was right, in the circumstances of May, 1970, to cancel the tour.

### **What is my Case?**

My case will be presented to the court, and I mustn’t anticipate that here. But I can say why I decided to bring it. There’s only one point, and it’s quite simple. *Agitators must not be allowed, however good or bad their cause may be, to stop the lawful activities of others.* I don’t care whether it is Peter Hain stopping lawful cricket matches (and all the other innocent activities associated with a sporting tour), or a handful of extremists shouting down the Foreign Secretary in the Oxford Union, or a gang of students occupying the administrative buildings at Southampton University, or—most heinous of all perhaps—Welsh language militants bringing the work of the High Court itself to a standstill. It is quite irrelevant what the reason is. No cause can justify the lawless disruption of a lawful activity. Freedom under the law is the proud boast of the British Constitution. The law, and nothing else, must determine what activities are forbidden.

### **What is the answer?**

Our young people must be taught the meaning and importance of the Rule of Law. If it is thought to be wrong to invite South African cricketers to play in Britain the answer is to persuade Parliament to pass a law making it illegal to do so. We are a democracy. We elect our representatives by an elaborately fair process. It is for them to decide whether to outlaw a particular activity—after full consideration and debate. Unless and until they do so it is a dangerous impertinence for the Hains of this world to take the law into their own hands. What a nerve they have—what colossal cheek! Someone must, for the sake of us all, take the initiative in checking the spread of such presumption.

That is why I am prosecuting Peter Hain.

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