

Privilege ¹

The telephone rang just after half past eight, and as it was a Sunday morning Bill Chadwick was still in bed. He tried to ignore it, but it just went on ringing. After ten rings he hauled himself out of bed and down the stairs to the hall.

'Yes?'

'Hello, Bill? Henry.'

It was Henry Carpenter from down the road, a man whom he knew socially, but not well.

'Morning, Henry', said Chadwick. 'Don't you have a lie-in on a Sunday morning?'

'Er, no,' said the voice. 'I go for a jog in the park, actually.'

Chadwick grunted. He would, he thought. Eager beaver type. He yawned.

'What can I do for you at this hour on a winter's day?' he asked. Down the line, Carpenter seemed diffident.

'Have you started into the morning papers yet?' asked Carpenter. Chadwick glanced towards the hall mat where his usual two lay unopened.

'Nope,' he said. 'Why?'

'Do you take the *Sunday Courier*?' asked Carpenter.

'Nope,' said Chadwick. There was a long pause.

'I think you should have a look at it today,' said Carpenter. 'There's something about you in it.'

'Oh,' said Chadwick, with rising interest. 'What's it say?'

Carpenter was even more diffident. His embarrassment was evident in the tone of his voice. Clearly he had thought Chadwick would have seen the article and would be able to discuss it with him.

'Well, you'd better look at it for yourself, old boy,' said Carpenter, and put the phone down. Chadwick stared at the buzzing telephone and replaced it. Like all people who hear they have been mentioned in a newspaper article they have not yet seen, he was curious.

He returned to the bedroom with the *Express* and *Telegraph*, handed them to his wife and began to pull trousers and a polo-necked sweater over his pyjamas.

'Where are you going?' his wife asked.

'Just going down the road to get another paper,' he told her. 'Henry Carpenter says there's something in it about me.'

'Oh, fame at last,' said his wife. 'I'll get the breakfast.'

The corner newspaper shop had two copies left of the *Sunday Courier*, a heavy, multi-supplemented newspaper written, in Chadwick's view, by the pretentious for the pretentious. It was cold on the street so he refrained from delving into the numerous sections and supplements there and then, preferring to restrain his curiosity a few minutes more and look at them in the comfort of his own home. By the time he returned his wife had the orange juice and coffee on the kitchen table.

He realized as he started into the paper that Carpenter had not given him a page number, so he began with the general news section. By his second cup of coffee he had finished that, thrown down the arts-and-culture section and similarly discarded the sports section. That left the colour magazine and the business review. Being a self-employed businessman in a small way on the outskirts of London, he tried the business review.

On the third page, a name caught his eye; not his own, but that of a company which had recently collapsed and with which he had had a brief and, as it turned out, costly association. The article was in a column that prided itself on its investigative intent.

As he read the piece he put his coffee down and his mouth fell open.

'He can't say this sort of thing about me,' he whispered. 'It's just not true.'

'What's the matter, dear?' asked his wife. She was evidently concerned at the stricken expression on her husband's face. Without a word he passed her the paper, folded so she could not miss the article. She read it carefully, emitting a single short gasp when she reached the middle of it.

'That's terrible,' she said when she had finished. 'This man's implying that you were in some way a part of a fraud.'

Bill Chadwick had risen and was pacing the kitchen.

'He's not implying it,' he said, his anger taking over from his shock, 'he's bloody well saying it. The conclusion is inescapable. Damn it, I was a victim of those people, not a knowing partner. I sold their products in good faith. Their collapse cost me as much as anyone else.'

'Could this do you harm, darling?' asked his wife, her face creased with worry.

'Harm? It could bloody ruin me. And it's just not true. I've never even met the man who wrote this. What's his name?'

'Gaylord Brent,' said his wife, reading the byline from the article.

'But I've never even met him. He never bothered to contact me to check. He just can't say those things about me.'

He used the same expression when closeted with his solicitor on Monday afternoon. The lawyer had expressed the inevitable distaste for what he had read and listened with sympathy to Chadwick's explanation of what had really happened in the matter of his association with the now-liquidated merchandising company.

'On the basis of what you say there seems no doubt that a prima facie libel of you has been uttered in this article.

'Then they'll damn well have to retract it and apologize,' said Chadwick hotly.

'In principle, yes,' said the lawyer. 'I think as a first step it would be advisable for me to write to the editor on your behalf, explaining that it is our view you have been libelled by the editor's employee and seeking redress in the form of a retraction and an apology, in a suitably prominent position, of course.'

This was what was eventually done. For two weeks there was no reply from the editor of the *Sunday Courier*. For two weeks Chadwick had to endure the stares of his small staff and avoid other business associates where he could. Two contracts he had hoped to obtain slid away from him.

The letter from the *Sunday Courier* eventually came to the solicitor. It was signed by a secretary on behalf of the editor and its tone was politely dismissive.

The editor, so it said, had considered the solicitor's letter on behalf of Mr Chadwick carefully, and was prepared to consider publication of a letter from Mr Chadwick in the correspondence

column, subject of course to the editor's overriding right to edit the letter.

'In other words, cut it to ribbons,' said Chadwick as he sat facing his solicitor again. 'It's a brush-off, isn't it?'

The solicitor thought this over. He decided to be frank. He had known his client for a number of years.

'Yes,' he said, 'it is. I have only had dealings with a national newspaper once before on this kind of matter, but that sort of letter is a pretty standard response. They hate to publish a retraction, let alone an apology.'

'So what can I do?' asked Chadwick.

The lawyer made a move. 'There is the Press Council, of course,' he said. 'You could complain to them.'

'What would they do?'

'Not much. They tend to entertain allegations against newspapers only where it can be shown that distress was caused unnecessarily due to carelessness by the paper in its publication or by blatant inaccuracy on the part of the paper's reporter. They also tend to avoid claims of a clear libel, leaving that to the courts. In any case, they can only issue a rebuke, nothing more.'

'The Council cannot insist on a retraction and an apology?'

'No.'

'What does that leave?'

The solicitor sighed. 'I'm afraid that only leaves litigation. A suit in the High Court for libel, claiming damages. Of course, if a writ were actually issued, the paper might decide it did not wish to proceed, and publish the apology you asked for.'

'It might?'

'It might. But it might not.'

'But surely they'd have to. It's an open-and-shut case.'

'Let me be very frank with you,' said the solicitor. 'In libel there is no such thing as an open-and-shut case. For one thing, there is in effect no law of libel. Or rather, it comes under common law, a great mass of legal precedents established over centuries. These precedents may be open to differing interpretations, and your case, or any case, will be different from its predecessors in some slight shade or detail.'

'Secondly, one is arguing about a state of awareness on your part, a state of mind, of what was in a man's mind at a given time, the existence of knowledge and therefore of intent, as against ignorance and thence of innocence of intent. Do you follow me?'

'Yes, I think so,' said Chadwick. 'But surely, I don't have to prove my innocence?'

'In effect, yes,' said the solicitor. 'You see, you would be the plaintiff; the paper, the editor and Mr Gaylord Brent, the defendants. You would have to prove that you were innocent of any awareness of the unreliability of the now-liquidated company when you were associated with them; only then would it be shown you had been libelled by the suggestion that you were implicated.'

'Are you advising me not to sue?' asked Chadwick. 'Are you seriously suggesting I should accept being treated to a bunch of lies from a man who never bothered to check his facts before publishing; that I should even accept ruin in my business, and not complain?'

'Mr Chadwick, let me be frank with you. It is sometimes suggested of us lawyers that we encourage our clients to sue right, left and centre, because such action obviously enables us to earn large fees. Actually, the reverse is usually the case. It is usually the litigant's friends, wife, colleagues and so forth who urge him to go ahead and sue. They, of course, do not have to bear the costs. For the outsider a good court case is all bread and circuses. We in the legal profession are only too well aware of the costs of litigation.'

Chadwick thought over the question of the cost of justice, something he had seldom considered before.

'How high could they run?' he asked quietly.

'They could ruin you,' said the solicitor.

'I thought in this country all men had equal recourse to the law,' said Chadwick.

'In theory yes. In practice it is often quite different,' said the lawyer. 'Are you a rich man, Mr Chadwick?'

'No. I run a small business. In these days that means I have to run on a knife edge of liquidity. I have worked hard all my life, and I get by. I own my own house, my own car, my clothes. A self-

employed person's pension scheme, a life-assurance policy, a few thousand of savings. I'm just an ordinary man, obscure.'

'That's my point,' said the solicitor. 'Nowadays only the rich can sue the rich, and never more so than in the field of libel, where a man may win his case but have to pay his own costs. After a long case, not to mention an appeal, these may be ten times the awarded damages.'

'Big newspapers, like big publishing houses and others, all carry heavy insurance policies for libel damages awarded against them. They can employ the blue-chip lawyers of the West End, the costliest of Queen's Counsel. So, when faced with - if you will excuse me - a little man, they tend to face him down. With a little dexterity a case can be delayed from coming to court for up to five years, during which the legal costs to both sides mount and mount. The preparation of the case alone can cost thousands and thousands. If it gets to court, the costs rocket as the barristers take a fee and a daily "refresher". Then the barrister will have a junior tagging along as well.'

'How high could the costs go?' asked Chadwick.

'For a lengthy case, with years of preparation, even excluding a possible appeal, several tens of thousands of pounds,' said the lawyer. 'Even that's not the end of it.'

'What else should I know?' asked Chadwick.

'If you won, got damages and costs awarded against the defendants, that is, the newspaper, you would get the damages clear. But if the judge made no orders as to costs, which they only tend to do in the worst of cases, you would have to carry your own costs. If you lost, the judge could even award the defendants' costs against you, in addition to your own. Even if you won, the newspaper could take the case to appeal. For that you could double the costs involved. Even if you won the appeal, without an order as to costs, you would be ruined.'

'Then there is the mud-slinging. After two years people have forgotten the original article in the paper anyway. The court case repeats it all again, with a mass of further material and allegations. Although you would be suing, the paper's counsel would have the task of destroying your reputation as an honest businessman, in the interests of his clients. Sling enough mud, and some will stick. There have been men, too numerous to

mention, who have won their cases and emerged with very smeared reputations. In court all allegations can be printed publicly and do not have to be substantiated.'

'What about legal aid?' asked Chadwick. Like most people he had heard of it, but never investigated it.

'Probably not what you think,' said the solicitor. 'To get it you have to show you have no assets. That doesn't apply to you. In any case, legal aid is not available for cases of defamation.'

'So it looks like ruin either way,' said Chadwick.

'I'm sorry, truly sorry. I could encourage you to begin a lengthy and costly lawsuit, but I honestly feel the best favour I can do for you is to point out the hazards and pitfalls as they really are. There are many people who hotly entered into litigation and lived to regret it bitterly. Some never even recovered from the strain and the financial worry of it all. '

Chadwick rose. 'You have been very honest and I thank you.' he said.

From his office desk later that day he rang the *Sunday Courier* and asked to speak to the editor. A secretary came on the line. In answer to her query he gave his name.

'What is it you want to speak to Mr Buxton about?' she asked.

'I would like an appointment to see him personally,' said Chadwick.

There was a pause on the line and he heard an internal telephone being used. She came back on the line.

'In what connection did you wish to see Mr Buxton?' she asked.

Chadwick explained briefly that he wanted to see the editor to explain his side of the suggestion that had been made about him in Gaylord Brent's article of two weeks earlier.

'I'm afraid Mr Buxton is not able to see people in his office,' said the secretary. 'Perhaps if you'd be kind enough to write a letter, it will be given consideration.'

She put the phone down. The following morning Chadwick took the underground into Central London and presented himself at the front desk of Courier House.

In front of a large uniformed commissionaire he filled out a form, stating his name, address, the person he wished to see and the nature of his business. It was taken away and he sat and waited.

After half an hour the lift doors opened to emit an elegant and slim young man shrouded in an aura of aftershave. He raised an eyebrow at the commissionaire, who nodded towards Bill Chadwick. The young man came over. Chadwick rose.

'I'm Adrian St Clair,' said the young man, pronouncing it Sinclair, 'Mr Buxton's personal assistant. Can I help you?'

Chadwick explained about the article under the by-line of Gaylord Brent and said that he wished to explain to Mr Buxton personally that what had been said about him was not only untrue but threatened him with ruin in his business. St Clair was regretful but unimpressed.

'Yes, of course, one sees your concern, Mr Chadwick. But I'm afraid a personal interview with Mr Buxton is simply not possible. A very busy man, don't you see. I...ah...understand a solicitor representing you has already communicated with the editor.'

'A letter was written,' said Chadwick. 'The reply was from a secretary. It said a letter to the correspondence column *might* be considered. Now I am asking for him at least to hear my side of it.'

St Clair smiled briefly. 'I have already explained that this is impossible.' He said. 'The letter on behalf of the editor is as far as we are prepared to go.'

'Could I see Mr Gaylord Brent himself, then?' asked Chadwick.

'I don't think that would be very helpful,' said St Clair. 'Of course, if you or your solicitor wished to write again, I am sure the letter would be considered by our legal branch in the usual way. Other than that, I'm afraid I cannot help you.'

The commissionaire showed Chadwick out through the swing doors.

He had a sandwich lunch in a coffee bar just off Fleet Street and spent the time it took to eat it lost in thought. In the early afternoon he was seated in one of those reference libraries to be found in Central London which specialize in contemporary archives and newspaper cuttings. His perusal of the file of recent libel cases showed him his solicitor had not been exaggerating.

One case appalled him. A middle-aged man had been badly libelled in a book by a fashionable author. He had sued and won, being awarded £30,000 damages and costs against the publisher. But the publisher had appealed, and the Appeal Court had quashed the damages, making each party pay their own costs. Facing utter financial ruin after four years of litigation, the plaintiff had taken the case to the Lords. Their Lordships had reversed the Appeal Court decision, re-awarding him his damages, but making no order as to costs. He had won his £30,000 damages, but after five years had a legal bill of £45,000. The publishers, with a similar legal bill, had lost £75,000, but were insured for the great bulk of that sum. The plaintiff had won, but was ruined for life. Photographs showed him in the first year of litigation as a sprightly man of sixty. Five years later he was a broken wreck, made haggard by the endless strain and the mounting debts. He had died bankrupt, his reputation restored.

Bill Chadwick determined no such thing was going to happen to him, and took himself to the Westminster Public Library. There he retired to the reading room with a copy of Halsbury's *Laws of England*.

As his solicitor had said, there was no statute law on libel in the same way there was a Road Traffic Act, but there was the Law of Libel Amendment Act of 1888, which gave the generally accepted definition of a libel or defamation as:

A defamatory statement is a statement which tends to lower a person in the estimation of right-thinking members of society generally, or cause him to be shunned or avoided, or to expose him to hatred, contempt or ridicule, or to convey an imputation on him disparaging or injurious to him in his office, profession, calling, trade or business.

Well that last part applies to me at least, thought Chadwick.

Something his solicitor had said in his homily about the courts nagged at his mind. 'In court all allegations can be printed publicly and do not have to be substantiated.' Surely not?

But the lawyer was right. The same Act of 1888 made that clear. Anything said during the sitting of the court can be reported and published without reporter or editor, printer or publisher fearing a

suit of libel, provided only that the report be 'fair, contemporaneous and accurate'.

That, thought Chadwick, must be to protect the judges, magistrates, witnesses, police officers, counsel and even the defendant from fearing to state what they believe to be true, regardless of the outcome of the case.

This exemption from any reaction by any person, however insulted, slandered, defamed or libelled, providing only that the allegation was made in the body of the court during the sitting of the court, and the exemption for anyone accurately reporting, printing and publishing what was said, was called 'absolute privilege'.

On the underground back to the outer suburbs, the germ of an idea began to grow in Bill Chadwick's mind.

Gaylord Brent, when Chadwick finally traced him after four days of searching, lived in a trendy little street in Hampstead, and it was there that Chadwick presented himself the following Sunday morning. He estimated that no Sunday-paper journalist would be at work on a Sunday, and took pot luck on the Brent family not being away in the country for the weekend. He mounted the steps and rang the bell.

After two minutes the door was answered by a pleasant-looking woman in her mid-thirties.

'Is Mr Brent in?' asked Chadwick, and added without pause, 'It's about his article in the *Courier*.'

It was no lie, but enough to persuade Mrs Brent that the caller was from the office in Fleet Street. She smiled, turned, called 'Gaylord' down the hallway and turned back to Chadwick.

'He'll be here in a minute,' she said, and withdrew towards the sounds of small children somewhere in the house, leaving the door open. Chadwick waited.

A minute later Gaylord Brent himself appeared at the door in pastel linen slacks and pink shirt, an elegant man in his mid-forties.

'Yes?' he inquired.

'Mr Gaylord Brent?' asked Chadwick.

'Yes.'

Chadwick opened the cutting he carried in his hand and held it out.

'It's about this article you wrote in the *Sunday Courier*.'

Gaylord Brent studied the cutting for several seconds without touching it. His expression was of perplexity touched with petulance.

'This is about four weeks old,' he said. 'What about it?'

'I'm sorry to disturb you on a Sunday morning,' said Chadwick, 'but it's a risk it seems we must all take. You see, in this article you libelled me, and did so rather badly. It has hurt me considerably in my business and social life.'

The perplexity remained on Brent's face, but shifted to give way to an increased level of irritation.

'Who on earth *are* you?' he demanded.

'Oh, my apologies. The name is William Chadwick.'

Enlightenment came at last to Gaylord Brent on hearing the name, and the irritation took over completely.

'Now look here,' he said, 'you can't just come round to my house to complain. There are proper channels. You'll have to ask your lawyer to write...'

'I did,' said Chadwick, 'but it did no good at all. I also tried to see the editor, but he wouldn't receive me. So I have come to you.'

'This is outrageous,' protested Gaylord Brent, making to close the door.

'You see, I have something for you,' said Chadwick mildly. Brent's hand on the door jamb paused.

'What?' he asked.

'This,' said Chadwick.

On the word, he raised his right hand, fist closed, and dotted Gaylord Brent firmly but not viciously on the tip of his nose. It was not the sort of blow to break the bone, or even damage the septum cartilage, but it caused Gaylord Brent to retreat a pace, emit a loud 'Ooooooh' and clap his hand to his nose. Water welled into his eyes and he began to sniff back the first trickle of blood. He stared at Chadwick for a second as if confronting a madman, then slammed the door. Chadwick heard steps running down the hallway.

He found his police constable at the corner of Heath Street, a young man enjoying the peace of the crisp morning, but otherwise somewhat bored.

'Officer,' said Chadwick as he came up to him, 'you had better come with me. An assault has been committed on a local resident.'

The young policeman perked up. 'Assault, sir?' he asked. 'Whereabouts?'

'Only two streets away,' said Chadwick. 'Please follow me.'

Without waiting to be asked more questions he beckoned the policeman with his forefinger, turned and set off at a brisk walk back the way he had come. Behind him he heard the policeman talking into his lapel radio and the thud of official boots.

The officer of the law caught up with Chadwick at the corner of the street in which the Brent family lived. To forestall more questions, Chadwick kept up his brisk pace, telling the policeman, 'Here it is, officer, at Number Thirty-Two.'

The door, when they reached it, was still closed. Chadwick gestured to it.

'In there,' he said.

After a pause and with a suspicious glance at Chadwick, the constable mounted the steps and rang the bell. Chadwick joined him on the top step. The door opened, carefully. Mrs Brent appeared. Her eyes widened at the sight of Chadwick. Before the policeman could say anything Chadwick chipped in.

'Mrs Brent? I wonder if this officer could have a word with your husband?'

Mrs Brent nodded and fled back into the house. From inside, both callers heard a whispered conversation. The words 'police' and 'that man' were discernible. After a minute Gaylord Brent appeared at the door. With his left hand he clutched a cold, wet dishcloth to his nose. Behind it he sniffed repeatedly.

'Yed?' he said.

'This is Mr Gaylord Brent,' said Chadwick.

'Are you Mr Gaylord Brent?' asked the officer.

'Yed,' replied Gaylord Brent.

'A few minutes ago,' said Chadwick, 'Mr Brent was deliberately punched on the nose.'

'Is that true?' the policeman asked Brent.

'Yed,' Brent nodded, glaring over his dishcloth at Chadwick.

'I see,' said the officer, who plainly did not. 'And who did this?'

'I did,' said Chadwick at his side.

The policeman turned in disbelief. 'I beg your pardon?' he asked.

'I did. I hit him on the nose. That's a common assault, isn't it?'

'Is that true?' the policeman asked Brent.

The face behind the dishcloth nodded.

'May I ask why?' inquired the policeman of Chadwick.

'As to that,' said Chadwick, 'I'm only prepared to explain it all in a statement at the police station.'

The policeman looked nonplussed. At last he said, 'Very well, sir, then I must ask you to accompany me to the station.'

There was a panda car on Heath Street by this time, summoned by the constable five minutes earlier. He had a brief conversation with the two uniformed policemen inside, and he and Chadwick both climbed into the rear. The car brought them to the local police station inside two minutes. Chadwick was led up to the duty sergeant. He stood silent while the young constable explained to the sergeant what had happened. The sergeant, a middle-aged veteran of world-weary patience, contemplated Chadwick with some interest.

'Who is this man you hit?' he asked at length.

'Mr Gaylord Brent,' said Chadwick.

'Don't like him, do you?' asked the sergeant.

'Not much,' said Chadwick.

'Why come up to this officer and tell him you've done it?' asked the sergeant.

Chadwick shrugged. 'It's the law, isn't it?' An offence in law has been committed; the police should be informed.'

'Nice thought,' conceded the sergeant. He turned to the constable. 'Much damage done to Mr Brent?'

'Didn't look like it,' said the young man. 'More like a gentle thump on the hooter.'

The sergeant sighed. 'Address,' he said. The constable gave it to him. 'Wait here,' said the sergeant.

He withdrew to a back room. Gaylord Brent had an unlisted number, but the sergeant obtained it from Directory Inquiries. Then he rang it. After a while he came back.

'Mr Gaylord Brent doesn't seem very eager to press charges,' he said.

'That's not the point,' said Chadwick. 'It's not up to Mr Brent to press charges. This is not America. The fact is, an offence of assault has plainly been committed, against the law of the land, and it is up to the police to decide whether to press charges.'

The sergeant eyed him with distaste.

'Know a bit about the law, do you, sir? He asked.

'I've read some,' said Chadwick.

'Haven't they all?' sighed the sergeant. 'Well now, the police might decide not to press the case.'

'If that is so, I shall have no option but to inform you that if you do not, I'll go back there and do it again,' said Chadwick.

The sergeant slowly drew a pad of charge forms towards him.

'That does it,' he said. 'Name?'

Bill Chadwick gave his name and address and was taken to the charge room. He declined to make a statement, other than to say he wished to explain his action to the magistrate in due course. This was typed out and he signed it. He was formally charged and bailed by the sergeant on his own recognisance of £100 to appear before the North London magistrates the following morning. Then he was allowed to go.

The next day he appeared on remand. The hearing took two minutes. He declined to enter a plea, knowing that such refusal would have to be interpreted by the court as meaning that in due course he might plead not guilty. He was remanded for two weeks and bail was renewed for the sum of £100. As it was only a remand hearing, Mr Gaylord Brent was not present in court. The remand was on a charge of common assault and did not make more than one inch in the local newspaper. No one in the district where Bill Chadwick lived ever read that paper, so no one noticed.

In the week before the case came up a number of anonymous phone calls were received by the news editors of the main daily, evening and Sunday newspapers in Fleet Street and its environs.

In each case the caller tipped off the news editor that star *Courier* investigator Gaylord Brent would be appearing in connection with an assault case at the North London magistrates' court on the following Monday, in the matter of *The Police versus Chadwick*, and that it might pay dividends for the editor to send his own staffer rather than rely solely on the Press Association court reporting service.

Most of the editors checked the court list for that court on that day, confirmed the name of Chadwick did indeed appear in the list, and assigned a staffer. No one knew what was afoot, but hoped for the best. As in the trade union movement, the theory of camaraderie in Fleet Street stops well short of practical solidarity.

Bill Chadwick surrendered to his bail on the dot of 10 a.m. and was asked to wait until his case was called. It came at a quarter past eleven. When he entered the dock a quick glance at the press benches confirmed they were full to overflowing. He had noticed that Gaylord Brent, summoned as a witness, was sitting outside the courtroom on one of the benches in the main hall. In British law, no witness may enter the court until he is called to give evidence. Only after giving evidence may he take a seat in the rear of the court and listen to the rest of the case. That caused Chadwick a moment of perplexity. He solved the dilemma by pleading not guilty.

He declined the stipendiary magistrate's suggestion that the case be again adjourned until he had professional counsel, and explained he wished to conduct his own defence. The magistrate shrugged but agreed.

The prosecuting officer outlined the facts of the case, or as many as were known, and caused a few raised eyebrows when he mentioned that it was Chadwick himself who had approached PC Clarke in Hampstead that morning with news of the assault. Without further ado he then called PC Clarke.

The young officer took the oath and gave evidence of arrest. Chadwick was asked if he wished to cross-examine. He declined. PC Clarke was dismissed and took a seat in the rear. Gaylord

Brent was called. He mounted the witness box and took the oath. Chadwick rose in the dock.

'Your worship,' he said to the magistrate in a clear voice, 'I have been thinking it over, and I wish to change my plea. To one of guilty.'

The magistrate stared at him. The prosecuting officer, who had risen to examine, sat down. In the witness box Gaylord Brent stood silent.

'I see,' said the magistrate. 'You are sure, Mr Chadwick?'

'Yes, sir. Absolutely sure.'

'Mr Cargill, have you any objection? The magistrate asked counsel for the Crown.

'No objection, your worship,' said Supt. Cargill. 'I must assume the defendant no longer disputes the facts of the case as I have outlined them.'

'No dispute at all,' said Chadwick from the dock. 'They are exactly as they happened.'

The magistrate turned to Gaylord Brent. 'I am sorry you have been troubled, Mr Brent,' he said, 'but it appears you will not now be needed as a witness. You may either leave or take a seat in the rear of the court.'

Gaylord Brent nodded and left the box. He exchanged a further nod with the press benches and took a seat at the back, next to the police constable who had already given his evidence. The magistrate addressed Chadwick.

'Mr Chadwick, you have changed your plea to guilty. That means of course that you admit the assault on Mr Brent. Do you wish to call any witnesses on your behalf?'

'No, your worship.'

'You may call character witnesses if you wish, or give evidence yourself in mitigation.'

'I wish to call no witnesses, sir,' said Chadwick. 'As to mitigation, I wish to make a statement from the dock.'

'This is your privilege and right,' said the magistrate.

Chadwick, by now standing to address the bench, produced a folded cutting from his pocket.

'Your worship, six weeks ago Mr Gaylord Brent published this article in the newspaper for which he works, the *Sunday Courier*. I should be grateful if your worship would glance through it.'

An usher rose from the well, took the cutting and approached the bench.

'Is this germane to the case before the court?' asked the magistrate.

'I assure you, sir, it is. Very much so.'

'Very well,' said the magistrate. He took the proffered cutting from the usher and read it quickly. When he had finished, he put it down and said, 'I see.'

'In that article,' said Chadwick, 'Gaylord Brent perpetrated upon me a vicious and immensely damaging libel. You will observe, sir, that the article deals with a company merchandising a product and then going into liquidation, leaving a number of members of the public in forfeit of their deposits. I unfortunately was one of those businessmen who were also taken in by that company, which I, like many others, believed to be a sound company with a reliable product. The fact is, I also lost money by my mistake, but mistake it was. In this article, out of the blue, I was baselessly accused of some ill-defined complicity in the affair, and accused moreover by a slovenly, lazy and incompetent hack who cannot even be bothered to do his homework properly.'

There was a gasp from the court, then a pause. After the pause the pencils in the press box flew frantically across pads of lined paper.

The prosecuting officer rose. 'Is this really necessary for mitigation, your worship?' he asked plaintively.

Chadwick cut in. 'I assure your worship that I merely seek to explain the background to the case. I simply feel that your worship may be better able to judge the misdemeanour if he understands the reason for it.'

The magistrate contemplated Chadwick for a while.

'Defendant has a point,' he conceded. 'Proceed.'

'Thank you, sir,' said Chadwick. 'Now, had this so-called investigative journalist bothered to contact me before writing this piece of garbage, I could have produced all my files, my accounts and my bank statements to prove to him beyond a doubt that I

had been as misled as the purchasers. And had lost substantial sums into the bargain. But he could not even be bothered to contact me, although I am in the phone book and the commercial directory. It seems that behind his veneer of pretentiousness this fearless investigator is more prone to listen to bar gossip than check out his facts...'

Gaylord Brent, puce with outrage, rose from the back of the court. 'Now look here...' he shouted.

'*Silence*,' roared the usher, also on his feet. '*Silence in court.*'

'I understand your sense of anger, Mr Chadwick,' said the magistrate gravely, 'but I am wondering what this has to do with mitigation.'

'Your worship,' said Chadwick humbly. 'I appeal only to your sense of justice. When a man who has led a peaceable and law-abiding life suddenly strikes another human being, surely it is pertinent to understand his motives for such an uncharacteristic act. This, I submit, must affect the judgement of the man whose duty it is to pass sentence?'

'Very well,' said the magistrate, 'explain your motives. But please moderate your language.'

'Indeed I shall,' said Chadwick. 'After the appearance of this farrago of lies masquerading as serious journalism, my business was badly affected. It was evident that some of my associates, unaware that Mr Gaylord Brent's alleged exposés emerge less from slogging investigation than from the bottom of a whisky bottle, were even prepared to believe the libel.'

At the back of the court Gaylord Brent was beside himself. He nudged the policeman next to him.

'He can't get away with this, can he?' he hissed.

'Shush,' said the policeman.

Brent rose. 'Your worship,' he called out, 'I would just like to say...'

'*Silence*,' shouted the usher.

'If there are any more disturbances from the body of the court, I shall cause those responsible for them to be removed,' said the magistrate.

'So you see, sir,' proceeded Chadwick, 'I began to brood. I wondered by what right an ill-informed clown too idle to check out his allegations could hide behind the ramparts of legal and financial resources afforded by a major newspaper and from that vantage point ruin a small man he had never even bothered to meet; a man who worked hard all his life and as honestly as he could.'

'There are other recourses for an alleged libel,' observed the magistrate.

'There are indeed, sir,' said Chadwick, 'but as a man of the law you must be aware that few nowadays can afford the immense burden of trying to take on the might of a national newspaper. So I tried to see the editor to explain, with facts and documents, that his employee had been utterly wrong and had not even made an attempt to be accurate. He refused to see me, then or ever. So I went to see Gaylord Brent personally. As they wouldn't let me see him in the office I went to his home.'

'To hit him on the nose?' said the magistrate. 'You may have been seriously libelled, but violence can never be the answer.'

'Gracious, no, sir,' said Chadwick in surprise. 'Not to hit him at all. To reason with him. To ask him to examine the evidence, which I believed would show him that what he had written was simply untrue.'

'Ah,' said the magistrate with interest. 'Motive at last. You went to his house to appeal to him?'

'That indeed I did, sir,' said Chadwick. He was as aware as prosecuting counsel that, as he had not taken the oath and was speaking from the dock, he could not be cross-examined.

'And why did you not reason with him?' asked the magistrate.

Chadwick's shoulders slumped. 'I tried,' he said. 'But he just treated me with the same dismissive contempt that I had received at the newspaper offices. He knew I was too small a man, a man of no account; that I could not take on the mighty *Courier*.'

'Then what happened?' asked the magistrate.

'I confess something inside me snapped,' said Chadwick. 'I did the unforgivable. I dotted him one on the nose. For just one second in all my life I lost control.'

With that he sat down. The magistrate gazed across the court from his bench.

You, my friend, he thought privately, lost control like the Concorde flies on elastic bands. He could not, however, help recalling an incident years earlier when he had been savaged in the press over a judgement he had given in another court; his anger then had been compounded by the knowledge that he had later been proved to be right.

Out loud he said, 'This is a very serious case. The court must accept that you felt you had been wronged, and even that you did not proceed from your home to Hampstead that morning with violence in mind. Nevertheless, you hit Mr Brent, on his own doorstep. As a society, we simply cannot have private citizens feeling able to go around dotting the country's leading journalists on their noses. Fined one hundred pounds with fifty pounds costs.'

Bill Chadwick wrote out his cheque as the press benches emptied and the scribes pelted for telephones and taxis. As he came down the steps of the court building he felt himself seized by the arm.

He turned to find himself facing Gaylord Brent, pale with anger and trembling with shock.

'You bastard,' said the journalist. 'You can't bloody well get away with what you said in there.'

'I can, actually,' said Chadwick. 'Speaking from the dock, yes, I can. It's called absolute privilege.'

'But I'm not all those things you called me,' said Brent. 'You can't call another man things like that.'

'Why not?' said Chadwick mildly. 'You did.'

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