

REMARKS WITH POLITICIANS:
DEATH PENALTY

MY PAPER CHASE

I eat, and on this occasion I was concentrating on not talking like an irreverent show business impresario. But the dean warmed to the proposal, the mayor of Durham City came in with enthusiasm, we persuaded Flora Robson to narrate, and we dragooned the cathedral choir and bell ringers, the Horden Colliery Band, and the Cornforth Men's Choir.

The son et lumière we staged was the single most exciting and uplifting experience of my time in Darlington, a magical marriage of North East enterprise and artistry to reflect the splendors of human faith and endeavor. You could hear the intake of breath among the crowds as the lighting revealed the hidden beauties of the interior of the cathedral and the pageant of nine hundred years unfolded: the translation of the remains of St. Cuthbert from Holy Island, the start of building on the rock, the battle at Neville's Cross, Charles I praying alone on his way to London, a murderer seeking sanctuary hammering on the great doors, the entry of miners' bands to dramatize the role of the common folk as well as that of the ambitious princes and clerics.

When it was over, we were able to give the cathedral the profit of around £70,000 at today's values. It was agreed that most of the money should go to pay for the installation of permanent floodlighting. In the years since, I've never been able to look on that glorious heritage of the cathedral shining in the night without a rush of exultation and gratitude.

I'd edited the *Northern Echo* for four years when I received a letter that would provoke the biggest of the paper's campaigns. It was March 1965, and I was on an express train from Darlington rattling down to London for a Westminster Press conference. I'd caught the train with seconds to spare, which was normal in those madcap days. I made it to my reserved seat

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only because Joan Thomas had pushed me out of the office and—as always—had phoned ahead to the station staff, so that when I ran onto the platform with the train about to leave, they had the right carriage door open. She never told me this at the time. I just knew there were sixty-one minutes in an hour and assumed everyone else did as well.

In my haste I grabbed sheaves of articles and correspondence reproachfully piling up in my “pending” tray. Among them was an article submitted for publication by a Darlington man I didn’t know. Herbert Wolfe had escaped the Nazi persecution of the Jews in 1933. He’d brought with him to England one shilling—from which he’d built a thriving chemical business—and a passion for justice. The story he told in his letter and article accelerated my racing heart, carrying me back to a cold night fifteen years before, in March 1950, when a young man called Timothy Evans sat in the condemned cell in Pentonville Prison waiting to be hanged. He was twenty-five, a bakery van driver and not very bright. He’d had no normal schooling and couldn’t read. He whiled away the time playing Chinese Patience and chatting about football and boxing. His companions said later he didn’t seem to realize his position.

“The one thing that sticks in my mind,” Evans would say to the warders in the cell with him, “is that I’m in for something I haven’t done.” He’d been found guilty at the Old Bailey of the murder of his baby daughter, Geraldine. He was charged with, but not tried for, the murder of his wife, Beryl, whose strangled body was found with the baby’s, bundled up and hidden in the washhouse at 10 Rillington Place, a small, squalid house in a seedy area of Notting Hill, London, where the Evanses had a poky apartment. The trial excited little attention. The chief prosecution witness was a bespectacled clerk called John Reginald Halliday Christie, who lived in the ground-floor apartment at 10 Rillington Place.

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All that Evans could say in his defense was that "Christie done it." He couldn't suggest a motive. The jury was out only forty minutes; the appeal was dismissed. Our neighbor in Failsworth, one Albert Pierrepont, the official executioner, was summoned from the pub he ran, called Help the Poor Struggler. It was just another of the several hundred hangings he'd carried out with great efficiency at fifteen pounds per. There was no crowd at Pentonville at 9:00 a.m. on March 9, 1950, when the uncomprehending Evans was executed for a murder he did not commit.

The cold facts that Wolfe summarized gave me an urgent feeling that I should pull the emergency cord that would stop the swaying high-speed train so I could shout to the world that here was a monstrous injustice we must lose no time in correcting. It pained me that I'd put off reading through the "pending" tray, for the sequel to Evans's execution was as horrifying in its way as the terrible crime.

What the judge and jury didn't know, what counsel didn't know, what Evans didn't know, was that the star witness for the Crown was already a psychopathic strangler. Even as Mr. Justice Lewis donned the black cap and pronounced sentence on Evans, the bodies of two of John Christie's victims, Ruth Fuerst and Muriel Eady, were lying buried, undetected, in the little back garden in Rillington Place.

Three years after the execution of Evans, there was a new tenant in Christie's old ground-floor flat. He started to put up a wall bracket, pulled off a piece of wallpaper to reveal a papered-over cupboard, and found himself looking at the bare back of a human body. There were two more corpses in the cupboard, another under the floor in the front room (Mrs. Christie), plus the two female skeletons in the garden—six in all. Three years after the trial of Timothy Evans, Christie stood in the same dock at the Old Bailey and confessed that he was a

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necrophiliac and that it was he, not Evans, who had strangled Beryl Evans for sexual gratification at the moment of death.

The Christie confession confronted the public and legal system with an appalling probability: British justice had hanged an innocent man—and had done so on the evidence of the man who'd framed him, a man of such sangfroid that when his garden fence had slipped, he'd propped it up with a human femur.

How could it have happened? It wasn't surprising that judge and jury at the time chose to believe Christie. He was fluent, he was ingratiating, he'd been in France in World War I and been gassed in his country's service, and from 1939 to 1943 he'd been a War Reserve policeman with two special commendations. What a nerve this illiterate wretch Evans had, trying to blame an upstanding ex-policeman! And hadn't he admitted the crime? But it was a bogus confession. Christie had offered to perform an abortion on Beryl Evans—one of his tricks to indulge his vice—and Evans felt guilty when Christie told him it "didn't work" and Beryl had died in the procedure.

We can still get a very good idea of the diabolical nature of Christie from the movie *10 Rillington Place*, where the wily, whispering serial killer (played by Richard Attenborough) is the cobra and the pathetic Timothy Evans (John Hurt) the mouse. "Playing Christie," Attenborough told me at the film's world premiere, "was the most disturbing, distressing role I've ever played."

In Parliament and the press, following Christie's conviction and confession in 1953, there was an insistent demand to reexamine the case. The minister in charge of internal affairs, Home Secretary Sir David Maxwell Fyfe, announced that he'd asked for an inquiry by a QC. The QC he chose was Scott Henderson, a selection that proved to be a landmark in hypocrisy. The home secretary gave Henderson only nine days to review

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the complexities, on the grounds that Christie's execution shouldn't be delayed. It was an absurd request, and Henderson complied by rushing out an absurd report in only seven days. He did not merely say Timothy Evans was guilty after all. "There is," he concluded, "no ground for thinking that there may have been a miscarriage of justice." Nobody else got a chance to interrogate Christie. On July 15 he was hanged on the same gallows where the man he'd framed had died.

The home secretary, a devout believer in the infallibility of trials for murder, declared it a "fantasy" to think there could have been a miscarriage of justice, but there were a number of people in Parliament and the press who remained disturbed, for good reason. Michael Eddowes, a London solicitor, published an investigation revealing that pressure had been brought to suppress the testimony of witnesses to Christie's lying and violent nature. Christie, "this perfectly innocent man," in the words of Mr. Christmas Humphreys, the QC prosecuting Evans, had in fact six entries on his police record, including six months in jail for maliciously wounding a woman he nearly killed. The authorities ignored Eddowes. The *Daily Mirror's* Peter Baker interviewed the Roman Catholic chaplain at Pentonville and concluded that Evans didn't confess to either murder before he died saying the rosary. The authorities were unmoved.

In her work for the great book series *Notable British Trials*, Ms. Tennyson Jesse, a crime reporter and editor (and a grand-niece of the poet Alfred, Lord Tennyson), again underlined the fallacies in the prosecution's case. The authorities dug in. Ludovic Kennedy, the celebrated writer, TV performer, and Liberal candidate for Parliament, was moved to spend five years writing a masterly demolition of the case. It produced a parliamentary debate in June 1961 in which the Conservative home secretary, Rab Butler, conceded that no jury of the day

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would convict Evans, but he made no attempt to explain the crime committed in the public's name or to exonerate the victim. There was nothing he could do, he murmured; it was all too long ago.

Among a number of speeches from the Labour opposition was one by Sir Frank Soskice, QC, which passionately demanded a new inquiry, a free pardon, and the handing over of Evans's body to his Catholic family (a mother and two sisters) for burial in consecrated ground. "I believe," he said, "that if ever there was a debt due to justice, and to the reputation of our own judicial system and to the public conscience of many millions of people in this country, that debt is one the Home Secretary should pay now." Three and a half years after that, Sir Frank himself became home secretary. He then had the power to do what he'd urged the government to do in 1961. He didn't, proclaiming, "I really do not think that an inquiry would serve any useful purpose."

Sir Frank was the fourth home secretary in eleven years to reject a reopening of the case, and MPs and editors had other things on their mind. Given the caliber of the people who'd already protested, the fate of Timothy Evans was a lost cause.

To Herbert Wolfe this was intolerable. The integrity of British justice was precious, and it had been polluted. He convinced the Liberal Party to pass a resolution demanding an inquiry; it made no impact. He wrote letters to the press; they were discarded. He chose the fifteenth anniversary of Timothy's death, March 9, 1965, to send me that short article. As soon as I returned to Darlington, I read all I could on the case and was overwhelmed by the magnitude of what we'd been led to believe.

If Timothy Evans and John Christie were both killers, we were being asked to accept that there were two stranglers of women in the same two-up, two-down house, operating

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independently and in ignorance of one another. Both men used the same method of strangulation, and both made confessions to the police using the same language. Both confessed to "using a piece of rope," and not just any piece of rope but one "off a chair." Both disposed of the strangling ligature; both concealed their victims' bodies; both temporarily used the same place of concealment; both wrapped their victims' bodies in blankets; both left them without shoes; both left them without underclothing.

Not only were these men independently strangling in the same way at the same time in the same house, but it was pure chance that Evans accused Christie, who, unknown to him, shared his own supposed murdering characteristics. Evidence to overwhelm this series of coincidences would need to be formidable. The likelihood of finding two people with the same fingerprints is four billion to one (twice the number of people in the world then). The Evans-Christie "coincidence" was like finding two people with the same fingerprints in the same house.

I published Wolfe's article on the editorial page, along with a full editorial setting out the reasons justifying a new inquiry. I knew it would take much more than this to break officialdom's wall of certitude. What could a provincial newspaper and one of its readers possibly accomplish after all these years when all the distinguished testimony had been to no avail?

Soon after my trauma on the train—and it was that insistent—I was back in London, sitting on a cold stone seat in the lobby of the House of Commons. The man I'd come to see had written the fatal words "Let the law take its course" on the death warrant for Timothy Evans. This was Lord Chuter Ede, Labour's home secretary at the time. He was the man with the least to gain from reopening the case, yet he had the humility and courage to say that he now believed he'd sent an innocent

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man to the gallows and society should make amends. I asked him if he'd visit the current home secretary with a group of MPs, and he agreed. This would be a unique event; no former home secretary had ever appealed to a successor for a pardon for a convicted person.

I put that news on the front page with a little white-on-black box (a logotype) I intended to use to flag every story about Timothy Evans: "Man on Our Conscience." I wrote personal letters to all our regional MPs. In an editorial the *Echo* asked: Why has Sir Frank changed his mind? If he's discovered some new element in the case, he should tell us. If not, how could he explain his volte-face? But Sir Frank would not be provoked. Chuter Ede had warned me how hard it would be to make any impact: "We are up against the full weight of official Whitehall."

I sent Wolfe's article and my editorials to every regional and national editor and broadcaster. Nobody picked up on either the case or the Soskice contradiction. The silence was broken only by the chief whip of the Liberal Party, Eric Lubbock. He put down a House of Commons motion for a new inquiry and invited signatures from members of all parties. A month later he had only nine signatories.

An editor asked me, "Why are you flogging a dead horse? Why give a dead man any space?" I sent him a quotation from Michael Stewart, MP (later foreign secretary): "The moment we say we cannot be bothered, we have other important things to do, we turn from our progress and start walking along the road that leads to Belsen." A radio interview I secured after a few weeks brought a stinging rebuke from Douglas Nicholson, the chairman of the Vaux Brewery in Sunderland. He wasn't clear, he said, whether my call for an inquiry was "a newspaper stunt," but it did seem to him and others he had spoken to that an inquiry would "waste the time of important people."

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It was a strange period for me. I don't have a thick skin; emotional, rather than phlegmatic, is the adjective that follows me around. But as the discouragements multiplied, I grew preternaturally calmer. It was a weird out-of-body experience, like the time in New York when I was mugged and regarded the mugger with a gun to my head with ridiculous detachment. I just went on publishing everything I could. Every time an MP signed Lubbock's motion, I put it on the front page with the Man on Our Conscience logo. Every day I selected one question after another about the conviction and put it under the logo. This got to be a bit much for Maurice Wedgewood and Frank Peters, who saw their precious front-page space taken up by Man on Our Conscience paragraphs. Peters asked, "Isn't it time to call it a day?"

I fell back on the famous editor Horace Greeley, who'd observed that the point when a newspaper begins to tire of a campaign is the point when readers are just beginning to notice it. But how to keep up the momentum and not bore everyone to tears? I assigned a bright reporter, Jim Walker, to examine how the authorities had reacted when confronted with other miscarriages of justice. Sir Arthur Conan Doyle, the creator of Sherlock Holmes, exposed the wrongful conviction of Oscar Slater, who nonetheless had to spend nineteen years in jail before the Home Office admitted the error. Then Doyle, after a Sherlockian investigation, campaigned for a pardon for the former solicitor George Edalji, erroneously convicted of mutilating animals. The authorities held out against a pardon but had to concede the establishment of the Court of Criminal Appeal.

Letters began to trickle in to the paper. Ludovic Kennedy came back from abroad, and we formed a Timothy Evans committee of all those who over the years had campaigned on Evans's behalf. On May 19 I collated all the editorials, news reports, features, and letters in a four-page *Northern Echo*

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pamphlet and mailed it to BBC radio and every MP, every editor, every television station. Gradually Lubbock gathered allies, and by four months into the campaign, 108 MPs had joined the call for an inquiry. I was now regularly interviewed about the case on radio and television. Supportive comments began to appear left and right—in the *Catholic Herald* and in the left-wing *Tribune* and from the scorching columnist Bernard Levin in the *Daily Mail*, though nowhere else in the national press. The going was made easier by the provincial newspapers. I urged all the editors to collaborate on a joint letter to the prime minister. They took up the *Northern Echo's* campaign without a trace of jealousy.

On July 22 Lubbock's motion had 113 signatures. With Chuter Ede, he led an all-party group to see Sir Frank Soskice, who agreed to think again. A month later he gave in. He overruled the advice of his civil service officials and returned to his original position, appointing Mr. Justice Brabin to conduct an inquiry in public in the Royal Courts of Justice.

I was there in the Queen's Bench Court No. 6 in the Strand Law Courts on Tuesday, November 23, 1965, with Herbert Wolfe and Ludo Kennedy when Brabin opened the inquiry. The court was packed with QCs, treasury officials, press, witnesses, police, and Evans's relatives. Day by day the inquiry revealed the missteps in the dreadful labyrinth to the execution; we reported them all, and Wolfe wrote a commentary for the *Echo*.

The judge took a million words or so of evidence and examined seventy-nine witnesses, and then on October 12, 1966, he presented the oddest judgment of all: Timothy Evans had probably not murdered his baby, for which he was hanged, but he probably had murdered his wife, for which he was not even tried. "This was certainly an arresting theory," remarked Ludo, "especially as there is virtually no evidence to support it."

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I wrote an examination of the flaws in the Brabin maneuver based on all the evidence that had been taken over a year, and the Timothy Evans committee joined in urging the new home secretary, Roy Jenkins, at last to do the decent thing. The testimonies at the inquiry, the judge's findings on the murder of the baby, and the years of advocacy were enough for Jenkins, a man who made all the Whitehall stonewallers look like straw men. Wolfe and I were in the House of Commons on October 18 when Jenkins rose to make a unique announcement. On his recommendation, the Queen had granted Timothy John Evans a free pardon, and the state returned his remains to his family for burial in consecrated ground.

Many people had worked for years to end the death penalty on religious and ethical grounds. The execution of Evans and the long refusal to face the shame of that brought the cause to a climax. Two weeks after the Brabin inquiry was announced, our ally and the stalwart abolition campaigner Sydney Silverman, MP, won a parliamentary motion for the suspension of the death penalty which that century had sent 799 men and 16 women to the gallows. On November 9, 1965, the House of Commons voted to suspend executions for five years. Four years later, on December 18, 1969, on a vote free of party dictates, the death penalty was abolished altogether.