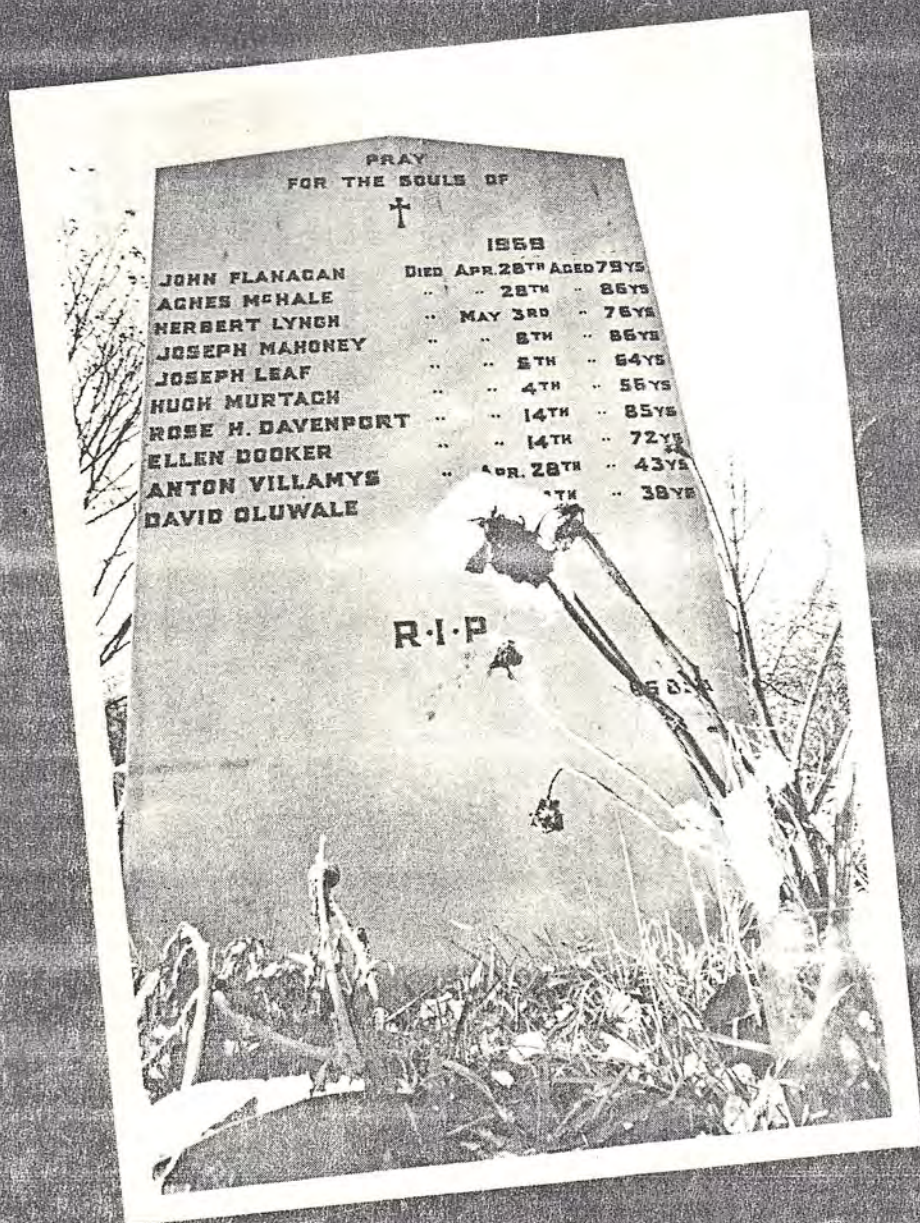


RACE TODAY

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The Death of One Lame Darkie



RHODESIAN SETTLEMENT OR SELL OUT?
IMMIGRATION AND THE MONDAY CLUB
REPORTS FROM AUSTRALIA, MALAYSIA,
NOTTINGHAM, PRESTON

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**Was David Oluwale's death due to one regrettable aberration?
Or does it point to a more widespread set of attitudes held by
society towards those it considers in some way deviant?**

MUCH OF the mistaken contemporary theory of race relations is dominated by the post-war immigration of blacks to Britain, signalled by the arrival of a number of West Indian ex-servicemen on the *Empire Windrush* in 1948.

During the course of the succeeding twenty years, the experiences of these men and those who came in their wake were to expose the racism of British society. For those who cared to see British pretensions of racial tolerance were steadily stripped away. The political and economic cooperation between

Britain and the white supremacists of Southern Africa was increasingly shown to be cemented by a shared cultural assumption of black inferiority.

In 1949, the cargo ship *Temple Star* brought to Hull a 19-year-old Nigerian stowaway who, by his anguished life and his humiliating death, was to demonstrate the extent to which racism dominates all the important institutions of social control in Britain. Educated at a Roman Catholic school in Lagos, David Oluwale travelled to Europe with the intention of studying to become an engineer. A Yorkshire magistrate welcomed him by imposing a prison sentence of twenty-eight days in Armley jail at Leeds. On his release, he eventually found work as a foundry labourer but was unable to secure admission to a technical college.

'Widey' Williams, a Nigerian who lived in Leeds during the 1950s, remembers him as a 'popular young guy, sharp dresser, excellent dancer. We Africans stuck together very close in those days. It was always hard to get a job or a place to live. So we had to help each other out a lot. We couldn't make it—and we couldn't go back home even if we could raise the fare. Most of us were between 19 and 23. Leeds was a very hostile place to blacks. We had three natural enemies: the Labour Exchange, the landlord and the police. A lot of us gave up—just bothered about clothes, dancing and girls. Not this David Oluwale, he was always trying. The police were the biggest problem, whatever we did we couldn't avoid them. Sometimes they would stop us two or three times between the city centre and Chapeltown—especially late at night. If we argued, they would run us in for obstruction or something—anything. Then they would charge us with something bigger, either drugs or assault—and that was it. Leeds was very hostile to us in the 50s.'

In 1953 David Oluwale was sentenced to two months' imprisonment for disorderly conduct, assaulting the police, and damage to a police uniform.

During the course of this short period Oluwale had somehow changed from an aspiring student, 'a popular young guy,' to a certifiable lunatic, 'noisy and aggressive, suffering from severe hallucinations.'

The prison authorities delivered him to the mental hospital at High Royds near Leeds, where he was to remain for eight years. In 1961 he was set free on to the streets, without a job or a home. He was regarded as unsuitable for admission to one of the local authority hostels for mental patients. The Leeds police found him accommodation—six months at Armley jail, this time for malicious wounding. In the subsequent four years he was arrested and sent to prison for 'disorderly conduct' (thirty days), 'being drunk and disorderly' (fourteen days), and in 1965 for 'assaulting the police.' Again the prison authorities handed him over to the mental hospital where he was confined for a further two years. Upon his release, he received fifty-six days for 'wandering abroad.' A few weeks after finishing this sentence, the magistrates, at the request of the police, sentenced him to jail for a further ninety days, because he had been found 'wandering abroad' again.

By this time, the police, the courts, the prison and the mental hospital had almost accomplished their transformation of David Oluwale.

In the daytime, sick and hungry, he shuffled about the streets of Leeds clutching a bundle of old newspapers that kept him warm during the bitter north country nights. At night, he slept fiftily in shop doorways, under railway bridges, anywhere that shielded him from the weather. Always his main pre-occupation was to keep out of sight of the police.

On the night of 18 April 1969 twenty years of suffering came to an end. David Oluwale's body was dragged from the river Aire. His death certificate prepared after an inquest on 14 May 1969, tersely records 'Found Drowned.' And that would have been the end of the matter, except for subsequent incidents which involved the Leeds City Police Force in a certain degree of unfavourable publicity, and were to force a young cadet to put his conscience before his police loyalty.

Eventually, a former police inspector, Geoffrey Ellerker, and a police sergeant, Mark Kitching, were brought to trial in November 1971, accused of Oluwale's manslaughter. Evidence presented by police constable Keith Seager revealed a deliberate campaign of harassment, brutality and torture, extending over many years, against the dead Nigerian. Seager told the Leeds Assizes, presided over by Mr. Justice Hinchcliffe, that he had

been anxious after the death of Mr. Oluwale because the force was 'rife with rumours.'

In August, 1968 he had seen Kitching and Ellerker beating Oluwale up in a shop doorway. As Oluwale attempted to escape Ellerker brought him down with a flying tackle, and the three policemen bundled him into Seager's patrol car. They drove him to the village of Bramhope, some six miles outside Leeds, leaving him to manage as best he could.

In August, the same team picked Oluwale up and drove him to Middleton Woods, where they left him 'down in the jungle,' as Ellerker said, 'where he belongs.'

On 3 September, Kitching found Oluwale sleeping in a doorway. He called Ellerker up on his personal radio. 'They told him to get up. He was on his hands and knees, and the sergeant and inspector kicked them away, causing him to fall down. The inspector started to beat him about the head and shoulders.' Kitching gave Oluwale 'a hefty kick up the backside.'

On 4 September, Kitching, Ellerker, and Seager picked up Oluwale and ran him into Millgarth police station. In the van 'Ellerker and Kitching started hitting Oluwale about his head and shoulders with their feet and hands.' They arrived at the station with Oluwale bleeding from the mouth. He appeared to be terrified. Oluwale was charged with assaulting the police and subsequently sent to prison. Only in one of these cases was any entry made in the duty book—and that, says Seager, was false. This entry was however produced in court the next day at Oluwale's trial.

Three hours before Oluwale is thought to have died, Kitching and Seager again discovered him sleeping in a doorway and called Ellerker up. Seager testified: 'I heard blows being struck. I saw Oluwale run out of the doorway covering his head with his arm. I saw Kitching and Ellerker come out. They were smiling. They seemed quite contented with themselves.' After the death had been discovered Kitching expressed the opinion (to Seager while on patrol) that 'a lot of them would be better off if they went for a swim, like David.'

Police constable Cyril Batty supported Seager's evidence, adding that on one occasion, when he was off duty, he saw Kitching urinating over Oluwale, who was lying on the ground in a shop doorway. Ellerker was standing on the side holding a torch. Sergeant Atkinson, and a woman constable, both gave evidence that on one of Oluwale's many arrests they had seen him screaming on the ground while Ellerker kicked hard at his private parts. From a series of police witnesses, it emerged that the City Police Force had christened David 'Uggie,' 'Ullie,' 'Allie,' and 'the Lame Darkie.'

They hounded him, harassed him, assaulted him, teased him cruelly, and made a torment of his life. It became well-known in the Millgarth police station that when "Uggie" was sighted, a message had to be passed to Kitching or Ellerker, so that they could deal with it,' said prosecutor Mr. John Cobb, QC.

Two civilian witnesses, Mr. Condon and Mr. Merrion, testified that they had seen two police officers chasing Oluwale along the river bank at Warehouse Hill during the night on which his death was alleged to have occurred (18 April).

During the five-week trial, Mr. Justice Hinchcliffe several times expressed a strong opinion. Throwing out the manslaughter charge, he told the jury that a discrepancy between the statements of the two civilian witnesses made their evidence less reliable. Witnesses swore they saw two police officers, one wearing a helmet and the other a flat cap, chasing a man near the river. But the Judge dismissed this by saying that 'the evidence that the men were police officers was not in his view satisfactory.' In fact, 'there was no evidence that anyone was guilty of any unlawful act' or even 'that Oluwale was ever at the scene of the crime.'

On the perjury charge, 'the prosecution had failed to prove that the police officers had made a statement other than what was material at the trial of Mr. Oluwale for assault,' in spite of Seager's confession that he had helped Ellerker to present a false duty book entry in securing the conviction of Oluwale for police assault. On the grievous bodily harm charge 'the prosecution had failed to prove that Oluwale had suffered any grievous bodily harm.'

'It is my duty, as a judge,' thundered the Judge, 'to ensure that no one shall run the risk of being convicted on suspicion, rumour, and gossip.' In his summing up, he identified the role of the police as the prevention of 'chaos.' 'They do their best to



enable people like you and me to sleep in our beds in safety.' And to make it clear who threatened that safety he spoke of the jury's 'feelings of nausea, of outrage at the shocking conduct of Oluwale.'

The police had earlier spoken of the dead man as 'a wild animal: a physical menace to the policemen who were charged with moving him on.' Mr. Justice Hinchcliffe concurred. Oluwale was, he said, 'a menace to society, a nuisance to the police, a frightening apparition to come across at night.' Even after the jury had convicted Ellerker of five charges of assault and Kitching of four charges of assault on the dead Nigerian, the Judge showed himself to be concerned about the reputation of the police force, despite the destruction of a human being. The most alarming feature of the whole case for him was that Ellerker and Kitching had 'brought disgrace on their wives and families and the police forces of this country. 'The verdict of the jury will add fuel to the fire of those who spend their time sneering at the police, and making brash criticisms of police officers.'

It would seem that the main conclusion the public were meant to draw from the conviction of Ellerker and Kitching on the lesser charges is that the Leeds police force is basically sound except for the odd black sheep who surface now and again and are then rapidly weeded out by the police themselves.

Five MPs, led by Sir Donald Kaberry, MP for Leeds North-East, urged the Home Secretary, Mr. Reginald Maudling, immediately after the trial, to set up an inquiry into the Leeds police. Mr. James Angus, Leeds Chief Constable, sprang to the defence of his force: 'I do not agree with a gaggle of politicians who are screaming for an inquiry. Let me assure you,' he said, 'that I am perfectly satisfied that the morale of the force has never been higher.' The Watch Committee of Leeds initially opposed any inquiry because they too were satisfied with their police force. Neither of these assurances did much to still public concern, especially in the black communities of this country.

The *Guardian* published the criminal record of the Leeds police force covering a period since the last inquiry in 1954 which was appointed on the strength of only five convictions in the courts, three dismissals from the force, and two forced resignations, in two years, in addition to evidence that officers of the force had been running a protection racket.

Over the last two years, the record of the Leeds police reads:

February 1969:
Sergeant, acting as Coroner's officer, given suspended sentence of two years' imprisonment for stealing from bodies awaiting inquests.

October 1969:

Constable fined £25 for theft from supermarket.

April 1970:

Constable sent to prison for nine months for burglary.

July 1970:

Constable fined £50 for stealing from handbag of police-woman.

August 1970:

Five officers on charges arising from theft of car accessories.

Sergeant sent to prison for three years, one constable for twenty-seven months, and another given a suspended sentence and fined £100. Two officers acquitted.

August 1970:

Constable sent to prison for nine months for indecent assault on two boys and one girl.

November 1970:

Inspector Ellerker and a sergeant sentenced to nine months' imprisonment for conspiracy to pervert justice. (This case involved the death of an elderly woman.)

It has been pointed out that the corrupt policemen were brought to trial by the efforts of their fellow officers.

Yet the large number of serious questions raised by the incident must include:

1. Why did it take so long to bring Kitching and Ellerker to trial?
2. How many policemen and women were involved in the harassment of David Oluwale, and why?
3. To what extent does the institutional and police treatment of David Oluwale reflect the attitude of those institutions towards all blacks?

If we look at some of the incidents reflecting and influencing public opinion both locally and nationally during 1968-69, it is difficult to avoid the conclusion that, far from being in any way aberrant, the destruction of David Oluwale represented the inevitable result of contact between a powerful institution and a powerless individual, where that individual is defined as threatening or superfluous.

The police and courts could not 'control' Oluwale since, in the early stages of their dealing with him, he would not accept the place that this society was willing to accord him. He was too ambitious.

By the time that the prison and mental hospital had done their best to 'rehabilitate' and to 'cure' him, he was under sentence of death because the value of his labour power was nil. David was dying of racism anyway. The fact that a number of policemen who had been given the power to do so chose to hasten his death says something important about the way police see their role in society. If the entire society defines a group as a threat, then the police forces have a vested interest in reducing that threat by a positive policy of attack.

Perhaps this line of thought was best expressed by Mr. Alec Muir, Chief Constable of Durham, who is reported in the *Guardian* of Thursday, 27 February 1969 as having 'calmly defended the logic of his personal view, that criminals should be quietly eliminated, rather than locked away.'

Ellerker, regarded by his superiors as an ambitious and efficient inspector, would have pressed home that attack with more than usual vigour. Kitching, the 'traditional British bobby,' appeared at times to be incensed by Oluwale's existence. Seager reported that Kitching 'went white, and lost control,' when they came upon David in a doorway.

Large numbers of people in Leeds must have shared his opinion, since three months after the incident the Burley Lodge Road area of the city was taken over for three nights by mobs of over a thousand, shouting 'lynch them, burn them.' One person died that weekend of 29 July and a number of Pakistani shops were burnt. Superintendent James Fryer agreed in a later trial that the area was 'a simmering volcano of racial disharmony.'

If Ellerker and Kitching did chase or throw David Oluwale into the river Aire, they would have been acting, as they saw it, in defence of a society which defines black people as a threat. They would have been acting on behalf of a society which has indicated time and time again that it would prefer blacks to disappear, either into the ghettos of a suppressed sub-proletariat or in some other way.

Perhaps the contribution of the Leeds police to the death of David Oluwale raises the terrible spectre of Farrukh Hashmi's 'fifth stage.'¹

¹ Five stages of prejudice: Anti-locution; Avoidance; Discrimination; Physical attack; Extermination. Dr. Farrukh Hashmi, *The Psychology of Racial Prejudice*, CRC.