

J. C. M.P. 22 June 1979

AG speaks on Elsie, MacLennan

By DAVE HADFIELD

The Attorney-General, Mr John Griffiths, last night hit back at allegations on the MacLennan affair made by an Urban Councillor, Mrs Elsie Elliott, at a press conference this week.

At the conference, Mrs Elliott accused Mr Griffiths of failing to act on important evidence about the circumstances leading to the police inspector's death in January.

But Mr Griffiths, in a long statement issued last night, said charges of a set-up attempt orchestrated by the police Special Investigations Unit had been investigated by interviewing the inspector named to him by Mrs Elliott and others.

The inspector had denied being told to set up MacLennan, Mr Griffiths said.

Mrs Elliott has responded by challenging the Attorney-General to bring forward the inspector to publicly — but anonymously — say whether or not he was told to set-up the young inspector on homosexuality charges.

An official police statement, also issued last night, revealed that allegations about the SIU's conduct are being investigated by the Complaints Against Police Office.

The statement hit out at "public comment and hounding" of officers concerned, calling it "grossly unfair and unjust."

The Attorney-General also resorted to strong words to describe the widespread public discussion, led by Mrs Elliott, which followed an inquest jury's open verdict decision on MacLennan in March.

"To mount a campaign of rumour and innuendo based on hearsay comment which cannot be substantiated is in my opinion a wicked thing to do," he said.

Mrs Elliott struck back by calling his statement "a shallow get-out."

"The longer he stalls the more he is going to have to explain in the long run," she said.

The full text of the Attorney-General's statement is as follows:

"I have read the statement by Mrs Elliott made at her recent press conference. I ad-

mire many things that Mrs Elliott has done. But she is not always right.

"The true facts about the matters of which Mrs Elliott spoke are as follows:

"1: Mrs Elliott came to see me on December 20, 1979, and made allegations to me about the conduct of some individual members of the SIU.

"2: But before then, those and similar allegations had already been made and were known to the Government.

Inspector's bid to speak out

The mystery inspector claimed by Mrs Elsie Elliott to have been told to engineer a set-up of Inspector John MacLennan is today seeking permission from his superiors to answer the Attorney-General's statement on the subject.

The inspector himself last night said that he would be asking through official channels to state whether or not the SIU put pressure on him to frame MacLennan.

He said that he was unable to make his statement until he had been given permission.

They had been drawn to the attention of the Deputy Commissioner of Police and were being dealt with.

"3: Accordingly, when I saw Mrs Elliott I knew the matter she spoke of was already known. However, I urged her that if she had any evidence of police misbehaviour she should complain to CAPO, but this she has never done. She said she feared for the job of the inspector she refers to in her statement (hereafter referred to as Inspector XYZ). She has since said that at that time she did not provide me with his name.

"4: It is true that on January 24, Mrs Elliott kindly came to see me at my request and after discussing other things she repeated her allegation about Inspector XYZ. In her press statement she says:

'As I had mentioned to both the Attorney-General and Mr Pelly (the officer in charge of investigating MacLennan's death) the incident in which John MacLennan was to be set up by the SIU, I imagine this senior inspector must also have been interviewed. I should now like to ask the Attorney-General whether my allegation was followed up. Or did he dismiss this serious allegation as mere "gossip and tittle-tattle" as stated in his press conference?'

"Mrs Elliott knows perfectly well the answer to this question, which contains the innuendo that I did nothing, and also that perhaps Inspector MacLennan was set up.

"So far as the latter allegation is concerned she wrote on January 29: 'XYZ was shocked and refused to set up the crime.' She said the same in her statement to Mr Pelly. So far as the innuendo that I failed to follow up her allegation as concerned, the facts are that on February 2 I wrote to Mrs Elliott as follows:

'Dear Mrs Elliott,
'You will remember coming to see me about the untimely death of John MacLennan. As I explained when we met, there is in fact to be an inquest into his death, and the coroner has now formally announced this.

'I am sure you know that a coroner is an independent judicial officer who will run his inquiry along such lines as he considers right and proper. He is in no way connected with the police force nor any

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other law enforcement body and is a member of the judiciary, not of the executive.

The coroner has asked me to provide him with a lawyer to act as coroner's officer and I have done so.

He will be the person who, subject to the directions of the coroner, will decide the lines along which inquiries will be made and what evidence ought to be given relevant to the matter being inquired into.

I have chosen a barrister who in my opinion has a strong independent outlook on life to be the coroner's officer.

As I explained when we met, it is not feasible for lawyers to conduct investigations save perhaps to interview an occasional witness. It is not our expertise to do this. That is a task which policemen are trained to do.

Accordingly it will be necessary for the majority of the investigations to be done on the directions of the coroner's officer by policemen.

I can assure you, however, that all statements given will go before the coroner's officer and he will have to decide whether or not further inquiries require to be made.

Indeed I have no doubt if he felt it wise or necessary to do so, he would himself re-interview any witnesses.

This leads me to Mr XYZ about whom you spoke in confidence to me. Since then his name has been openly brought to my attention by Mr. . . . and Mr. . . . so that I consider I am no longer bound by the terms of confidentiality I gave to you.

Following our meeting, through XYZ's lawyer Mr. . . . whose name was provided to me, I asked XYZ to come privately to discuss the matter with my own assistant. I had in mind that if he were prepared to repeat what you told me he had said to you, the matter could then be taken forward from there.

However, XYZ decided that he did not wish to be interviewed by my assistant and told him so via Mr. . . . (lawyer).

Instead he provided in the same way a written statement he had made which denies that he was asked to frame anybody.

Despite this I have told the coroner's officer that in my opinion he must see XYZ himself in the absence of any police and get to the bottom of this conflict between what XYZ apparently said to you and the written statement he has made.

The coroner's officer tells me that the coroner has directed him to do this and I have no doubt it will be done.

I have also provided the coroner's officer with the name of the Scottish lady which you gave to me and he will be getting in touch with her himself in due course.

I would be grateful if you would keep what I have told you in this letter confidential. I have written it because I want you to be assured that an independent inquiry is to take place into the death of John MacLennan and that a searching inquiry into the circumstances by the coroner's officer will precede the inquest.

I look forward one day to accepting your invitation to come to see your unit in action one Wednesday or Saturday, but I expect you will understand that just at the moment pressures of business prevent me doing so.

John Griffiths QC, Attorney-General.

"6: I asked Mrs Elliott to retain confidentiality as the inquest had not yet taken place. Inspector XYZ was in fact seen and gave statements which were seen by the coroner and ruled by him to be irrelevant to his inquiry.

"7: As has been stated by the Commissioner of Police, after the inquest and before the date of my press conference, I referred to the acting Commissioner of Police for investigation by CAPO various matters relating to the conduct of the SIU, including the alleged incident of Inspector XYZ.

"I wish to stress in the meantime that the officers concerned are entitled, in exactly the same way as any other citizen, to be considered innocent of any malpractice, unless and until the contrary is proved by evidence.

"8: In her statement to the coroner, Mrs Elliott makes unsubstantiated allegations of homosexuality based on gossip about a number of what, in her press statement, she describes as 'frighteningly high-ranking members of the police and judiciary.'

"Though I have asked her to do so, she has never once been able to substantiate these allegations nor produce to me any evidence to justify them. Her approach has been to say, as it were, that it must be true because they're all on her files.

"9: Under British law, criminal offences against people have to be proved by evidence. To mount a campaign of rumour and innuendo based on hearsay comment

which cannot be substantiated is in my opinion a wicked thing to do. I would ask people who re-tell such rumours to consider carefully whether that is a fair and decent thing to do.

"10: Mrs Elliott at her press conference asked: 'What is the Attorney-General doing about the serious allegations made in my own statement?'

"In so far as the question is not answered above, the answer is that if Mrs Elliott or anyone else produces actual evidence (not gossip and rumour) of criminal misconduct by anyone, be they ever so high or lowly, I will, as I have in the past, ensure that such matters are properly considered and dealt with.

"11: I wish to make two further matters clear.

"First, I note that Mrs Elliott has suggested I appear to 'have assumed the role of judge and jury in the case of MacLennan.'

"As I have explained on two previous occasions, I have a statutory duty and responsibility to consider and decide whether or not the inquest into Mr MacLennan should be re-opened. To avoid that decision would be a clear abrogation of my responsibilities. I gave my reasons at a press conference on May 23 but I made it clear if new evidence became available I would reconsider the matter.

"12: Secondly, so far as the decision to prosecute Mr MacLennan was concerned, I made it on what I regard as strong evidence against him. No doubt that evidence, had the case been tried, would have been tested in cross-examination if Mr MacLennan had decided to plead not guilty.

"I made the decision knowing of Mrs Elliott's second-hand allegations and of the fact, which she and he had both specifically stated, that Inspector XYZ had refused to do what was allegedly asked.

"It is to be noted that the evidence against Inspector MacLennan had come to light in the course of an entirely separate investigation.

"This investigation led to the conviction of another man (nothing to do with RHKPF) who pleaded guilty to homosexual offences."

After the statement was issued, Mrs Elliott swiftly issued her challenge to Mr Griffiths.

"I suggest he produces Inspector XYZ to deny it," she said, adopting Mr Griffiths' codename for the European inspector at the centre of the

controversy. "Ask him to come forward and make that statement.

"Ask him to say 'Mrs Elliott is lying'."

Mrs Elliott also explained why she had not taken her allegations of police misconduct to CAPO.

"I would hardly be likely to," she said.

"I've been there so many times that I've come to believe that it's a waste of time.

"Besides, I considered this to be a crime that should be reported to the Attorney-General."

Denying that she was conducting a campaign based on rumour and hearsay, Mrs Elliott said that she had never claimed anything publicly for which she lacked convincing evidence.

"Of course, some people are determined not to be convinced," she said.

"I'm disappointed that the Attorney-General insists on avoiding facing up to the truth."

In a further attack, Mrs Elliott accused Mr Griffiths of branding MacLennan as a homosexual and a suicide.

"Tell him to bring out his evidence," she said.

Mrs Elliott's campaign for a new inquiry into the MacLennan affair came in for criticism in a statement issued by the Police Public Relations Wing.

"The complaint mentioned by Mrs Elliott in her recent press conference relating to alleged misconduct by individual officers concerned with the MacLennan case was referred by the Attorney-General, prior to his press conference on Friday, May 23, to the acting Commissioner of Police for investigation by the Complaints Against Police Office," the statement reads.

"Investigation into this complaint is being undertaken by CAPO and the results of it will be considered by the Umelco-Police Group.

"The complaint has been made by an individual against others and until and unless it is proven, any public comment and hounding of these officers and their families is grossly unfair and unjust."

Mrs Elliott said she wished to make no comment on the police statement.

Also last night, an organisation calling itself the Citizens' Committee of Hong-kong telephoned the SCM Post to say that it had passed a message to the Commissioner of Police, Mr Roy Henry, concerning the matter.