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Stephen Glover Daily Mail

The judge, his briefs and the idiocy that now pervades this country

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On the whole I do not make a habit of speaking up for judges. They are invariably well-off and, let's face it, quite often rather pleased with themselves.

But I shall make an exception in the case of Sir Stephen Richards, a very senior and eminent judge, who was yesterday cleared of exposing himself twice on packed commuter trains last October.

If we accept, as we surely must, that Sir Stephen was wholly innocent of the charge, it is not difficult to imagine the terrible experience he has endured.

Think, if you are a man, of how you would feel if you were falsely accused of "flashing" on a train.

One might be driven half mad. And although Sir Stephen spoke of "resuming a normal life and getting back to my full judicial duties", he must know that he can never completely do this.

I am afraid his life will never be quite the same again.

Most of us will forget about the case very quickly, yet it seems in several ways to bespeak a kind of idiocy that is endemic in our society.



Lord Justice Richards with wife Lucy

This really is a tale for our times which illustrates the failings of the police, as well as the shortcomings of our justice system.

Let me say, though, that I was shocked that a 56-year-old judge should have been wearing black Calvin Klein underpants - a garment one might just about excuse in a 25-year-old male model anxious to emphasise his manhood - and even more shocked that he should have displayed these underpants in court in order to prove that they were not "flasher friendly".

Might it not have been more dignified to rest his case on his honour and integrity?

But these are matters of taste. The important point, as the presiding judge Timothy Workman said at the end of the case, was that it was the word of an unnamed City worker in her 20s against that of Sir Stephen.

Is it not extraordinary, given that there was not a single piece of evidence to substantiate her story, that charges should have been brought?

In effect, the British Transport Police preferred to take the word of a young woman against that of a senior judge. According to Judge Workman, they did not even bother to investigate the case promptly or thoroughly. They were ready to ruin a man's reputation without doing their homework.

Here we have someone without a blemish to his name. It is not as though he was known as "Flasher Richards" in his chambers.

Along comes a young woman who claims that he exposed himself to her on two occasions on a crowded train, though no one else had caught a glimpse of the genitals in question. Incidentally, I was struck by Sir Stephen's claim that he had had to stand in his morning train from Wimbledon to Waterloo for as long as he could remember. What a strange country we live in.

Given that his accuser had no evidence whatsoever and that there was a complete absence of any corroborating testimony, I would have asked myself, were I a policeman, whether she might have imagined the whole thing, or whether it might have been a case of mistaken identity. On the second alleged occasion, she took a photograph of a man on the platform at Waterloo, but the figure could not be identified as Sir Stephen.

But PC Plod of the British Transport Police took a different view.

The word of an off-duty judge evidently means very little to him, which may be a strange reflection on the values of our society.

Yet I suspect that there is more to it than that.

There are some allegations which are treated with exaggerated respect by the modern constabulary, and others which are immediately booted into the long grass.

Any suggestion of homophobia has Plod reaching for his handcuffs.

Not long ago the author Lynette Burrows was warned by the Metropolitan Police after she had suggested on a BBC radio programme that gays do not make ideal parents.

In my home town of Oxford, a student was quite recently thrown into jail for the night after asking a mounted policeman: "Do you know that your horse is gay?"

Mild ethnic slurs, for example against the Welsh (whom incidentally I love), also set off alarm bells.

By contrast, the police may become suddenly timid and noninterventionist if any impropriety is alleged involving the quaint customs of an ethnic minority.

Earlier this week we learnt how the police - presumably reluctant to interfere in Muslim matters - had failed to intervene to protect a young Muslim Kurdish lady called Banaz Mahmud.

She had told them, rightly as it turned out, that her father and her uncle were planning to kill her for falling in love with the wrong man.

If only the police had taken one tenth of the time and trouble over Banaz Mahmud as they did in bringing a threadbare case against Sir Stephen Richards!

But he, poor chap, was easy game, being white, middle-class and a judge.

According to feminist orthodoxy, which seems to have been liberally imbibed down at the British Transport nick, Sir Stephen was a sexual predator, an uncivilised beast lurking beneath a thin veneer of respectability. Send him down!

There is another troubling aspect to this case - which is that we do not know the identity of Sir Stephen's accuser.

Women are granted anonymity in cases of alleged rape because it is assumed that they will be more prepared to come forward.

One can see the argument, though there have been disturbing cases of men being falsely, even maliciously, accused of rape by women whose identity is never revealed.

But whatever justification there may be for anonymity in instances of rape or other sexual assaults, there is surely none in cases of flashing.

The trauma suffered by a woman who is flashed at is hardly to be compared to that of a rape victim, though I am sure it is not pleasant, and I am told (not by extreme feminists) that flashing is surprisingly common.

His accuser should have been required to identify herself. She might, of course, have been happy to do so.

Judge Workman commended her for "clear, dignified and truthful evidence", which suggests to me that she was mistaken rather than over-imaginative.

But the fact remains that, even though Sir Stephen has been cleared, the charge against him is bound to linger in some minds, and some people will always say there is no smoke without fire.

Legislators should consider whether anonymity should continue to apply in such cases.

It cannot be right that someone should be able to make an accusation of this magnitude without having to run the risk of public censure if it turns out to be wrong or, worse still (though I am sure it does not apply in this instance), malicious.

But what really worries me is that this case should ever have been brought.

Presumably British Transport Police have some real crimes to investigate, but perhaps they are too intractable. How much easier to go against a middle-class, middle-aged judge.

We won't respect his office, or take his word. We won't even bother to prepare a proper case. What a depressing vignette this is of modern Britain.

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