

THE WOOTTON RETORT

Written by Steve Abrams
Monday, 02 June 1997 00:00

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The Decriminalisation of Cannabis in Britain by Stephen Abrams June 1997, revised August 1997

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Summary

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Up to the mid 1960s, the majority of cannabis offenders in Britain were imprisoned. The law did not distinguish between cannabis and heroin or between use and supply. The schedule of penalties encouraged imprisonment of first offenders.

In July 1967, the Times published a full paged advertisement in support of cannabis law reform. The advertisement described the existing law as "immoral" and "unworkable" but stopped short of proposing legalisation or "decriminalisation." The advertisement cited evidence that cannabis is "the least harmful pleasure-giving drug, probably much safer than alcohol or tobacco." It said that users of cannabis should not have to face the prospect of imprisonment and that the law should be amended to abolish absolute offences and to permit medical and research applications. The advertisement was sponsored by the Soma Research Association and was signed by sixty-five people, including Francis Crick, Graham Greene, nine doctors, members of Parliament and The Beatles.

The purpose of the advertisement was to influence the terms of reference of the so-called "Wootton Committee", the Sub-Committee on Hallucinogens of the Home Office Advisory Committee on Drug Dependence. The aim was to persuade the Sub-Committee to go beyond their brief to report on cannabis alone and to make proposals for law reform. One member of the Sub-Committee signed the advertisement, and another allowed his name to be used to solicit signatures.

In October 1968, the Advisory Committee submitted the "Wootton Report" on Cannabis to the Home Secretary, James Callaghan. The Report was published on his authority in January 1969.

[The "Wootton Report"](#)

endorsed the Times advertisement and gave cannabis something close to a clean bill of health. The Report concluded: "The long term consumption of cannabis in moderate doses has no harmful effects." With respect to law reform, the principal recommendation was a modest proposal that "possession of a small amount should not normally be punished by imprisonment." To this end, the Sub-Committee proposed that new drugs legislation should distinguish between hard and soft drugs and that in the case of possession of cannabis, the maximum penalty on summary conviction should be reduced from one year to four months. Offences with a maximum sentence of six months or less rarely incur prison sentences.

In 1970 James Callaghan introduced new legislation to implement the main proposals of the "Wootton Report". This legislation was reintroduced by the incoming conservative government and became law as the Misuse of Drugs Act 1971. The Act reduced the maximum penalty for possession by half, to six months. When the legislation gained the royal assent, the Lord Chancellor instructed magistrates to "reserve the sentence of imprisonment for suitably flagrant

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cases of large-scale trafficking."

In 1976 the maximum penalty on summary conviction was again reduced by half, to three months, one month less the maximum proposed in the "Wootton Report".

In 1979 the Advisory Council on the Misuse of Drugs (the statutory successor to the Advisory Committee) proposed further reforms whose effect would be to remove the remaining powers of the courts to sentence offenders to imprisonment. These proposals were reiterated in a second expert Report on Cannabis, in 1982. The response of the Thatcher government was to move in the direction of decriminalisation by introducing cautioning and compounding (small on the spot fines for smuggling).

By the beginning of the 1990s, the majority of cannabis offenders were cautioned and thus escaped without a criminal conviction. Cases which do reach the courts normally result in discharges or small fines. Sentencing guidelines prevent imprisonment of minor offenders.

When the Times finally came out for legalisation of cannabis, on the twenty-fifth anniversary of the Soma advertisement, the leading article said, "the law against cannabis is all but unenforced."

This straight-forward account of cannabis law reform in Britain has been consistently denied by the media, politicians and drugs experts, who maintain that the Times advertisement was a failed initiative for legalisation, that James Callaghan firmly rejected the "Wootton Report", and that the Misuse of Drugs Act increased the penalties for cannabis offences.

The Implementation of the "Wootton Report"

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On November 5th, 1981, the Advisory Council on the Misuse of Drugs submitted an expert report on The Effects of Cannabis Use to the Home Secretary, Leon Britin.([1](#)) This report was published in June 1982 The authors included the two leading critics of cannabis law reform, the late Professor William Paton of Oxford and Professor Griffith Edwards of the Maudsley Hospital. The report had to take into consideration its predecessor, the so-called "Wootton Report" on Cannabis, by the Advisory Committee on Drug Dependence, published in 1969.(

[2](#)
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The first paragraph of the Report of the Expert Group cites the principal recommendation for law reform in the "Wootton Report", the controversial proposal that "possession of a small quantity for personal use should not normally be regarded as a serious crime to be punished by imprisonment." The Expert Group go on to say that this recommendation was "rejected by the government of the day."

The "Wootton Report" made specific proposals to implement the recommendation that users of cannabis should not have to face the prospect of imprisonment. The Report suggested that comprehensive new legislation should distinguish between hard and soft drugs; and that the maximum sentence on summary conviction should be four months. Offences which carry a maximum sentence of six months or less rarely result in imprisonment and routinely incur small fines or conditional discharges. The Report noted that under section 39 of the Criminal Justice Act 1967 sentences of six months or less were normally suspended.

Under the Misuse of Drugs Act 1971, distinctions were drawn between drugs according to their dangers and between offences of use and supply, and the maximum penalty on summary conviction was reduced, in the case of simple possession, from one year to six months. When the Act received the Royal Assent in 1973, the Lord Chancellor (Hailsham) gave clear instructions on sentencing to magistrates. Cannabis users were to be treated with "becoming moderation" and the sentence of imprisonment was to be reserved for "suitably flagrant cases of large scale trafficking."([3](#))

Three years later, the penalty was again reduced by half, under the Criminal Justice Act, 1976. This act was put before Parliament by the Labour Home Secretary Roy Jenkins. By reducing the maximum penalty to three months – one month less than the maximum proposed in the "Wootton Report" - Jenkins was in fact completing a process he himself initiated as Home Secretary in the first Wilson government, when, in April, 1967, he set up the Sub-Committee on Hallucinogens in response to an appeal from the Vice Chancellor of Oxford.

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On December 15th, 1978, the Advisory Council sent a Report on The Classification of Controlled Drugs and of Penalties to the Home Secretary. This was published in June, 1979. ([4](#)) After carefully examining the statistical evidence – which is disguised in the usual form of reporting - the Council concluded that the law on cannabis was working as intended and that users and other minor offenders were not being sent to prison. Having kept the topic of cannabis under constant review and prepared two previous reports for private circulation, the Council proposed further reform of the law on cannabis to remove the status of possession of cannabis as an "arrestable offence" (one for which a warrant is not required) and to remove the remaining powers of the courts to deprive offenders of their liberty.

The Labour government was not sympathetic to this proposal. The reaction of the Prime Minister, James Callaghan, was to promote a very long article in The Times by Ronald Butt on the 17th of March. The gist of it was that we should all be grateful to the Prime Minister who, ten years ago, having succeeded Roy Jenkins as Home Secretary, put paid to the "permissive society" by decisively rejecting the outrageous proposals for liberalising the law on cannabis in the "Wootton Report".

The Misuse of Drugs Act, 1971, which brought into effect the main proposals of the "Wootton Report", was introduced by the Tory Home Secretary, Reginald Maudling. However, it was only a reworking of bipartisan legislation introduced by Callaghan in March, 1970, a few months before the general election.

It appears, therefore, that James Callaghan did not, after all, reject the proposals of the "Wootton Report", but was directly responsible for implementing them. In fact, Callaghan made a statement of his intention in a leak to the Sunday Mirror on February 1, 1970, a year after the publication of the Report. This article said that Callaghan had "changed his mind" on cannabis and decided that the penalties for possession had to be cut. The article did not mention the "Wootton Report" but it did suggest that the new penalty would be in line with the proposal made in a full paged advertisement in The Times in 1967 that the maximum penalty for simple possession of cannabis should be a relatively small fine of £25.

Ten years after the "Wootton Report", in 1979, in the run up to a general election, Callaghan was not about to give-in to his advisors, as he had done in 1970. However, the Council continued to press for reform of the law on cannabis. The extensive review of potential health hazards led by Paton and Edwards failed to demonstrate any proven health hazard resulting from the long term consumption of cannabis in moderate doses. The 1982 Report concludes,

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somewhat vaguely "... much of the research undertaken so far has failed to demonstrate positive and significant harmful effects in man attributable solely to the use of cannabis; nevertheless in a number of areas there is evidence to suggest that deleterious effects may result in certain circumstances...". (page 4)

The implications of this Report were considered by the Council at their meeting on October 15th, 1981. In his letter to the Secretary of State, submitting the Report of the Expert Group, the Chairman, Robert Bradlaw noted that the Review of the Classification of Controlled Drugs and of Penalties "recommended some changes, the effect of which, inter alia, would be to remove the penalty of imprisonment on summary conviction for unlawful possession of cannabis." He states: "The Council concluded there was nothing in the Report of the Expert Group which gave any grounds for reconsideration of its earlier conclusions; and that its recommendations for amendments to Schedules 2 and 4 of the Misuse of Drugs Act remained valid."

It is remarkable that a Report which starts off with a clumsy attempt to imply that the "Wootton Report" was never implemented, ends up by concluding, in effect, that the Wootton Committee did not go far enough. Recall the recommendation of the "Wootton Report" was that "possession of a small amount should not normally be regarded as a serious crime to be punished by imprisonment." By contrast, the effect of the proposals reiterated in the Report of the Expert Group would be to "remove the penalty of imprisonment on summary conviction for possession of cannabis." This is to delete the words "small amount" and "not normally" from the earlier proposal.

The Thatcher government was hardly minded to reform the law on cannabis. On the other hand, the consumption of cannabis had become widespread and widely tolerated. The discreet reform of the law had removed the only meaningful sanction to popular acceptance of cannabis - the threat of imprisonment. The limited resources of the police had to be concentrated on the trade, and, of course, the law provided much heavier penalties for trafficking offences.. Another relevant fact was that the very meaning of a criminal conviction had changed. There were so many arrests for cannabis that most local newspapers stopped recording them; and also a small fine or conditional discharge would in a few years be wiped off the record. 'Spent' convictions were deniable. The overall number of arrests continued to rise, but the proportion of users who managed to get themselves arrested declined. Most arrests for minor possession offences were incidental to searches of people suspected of trafficking or other serious crimes.

In silent recognition of these considerations, the response to the Advisory Committee's proposals was far reaching. It was a strong move in the direction of decriminalisation. Chief Constables were authorised to "caution" offenders. That is to say, offenders who admit their

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guilt are let off with a warning. They do not have to appear in court, and they do not stand convicted of any criminal offence. By the beginning of the 1990s, the great majority of minor cases of possession of cannabis were dealt with outside the courts through cautioning offenders. Also, another device, called "compounding" was introduced. This describes a system of small on the spot fines for smuggling small amounts. Smuggling is also sometimes dealt with by means of the caution.

Cases which do reach the courts are normally dealt with by absolute or conditional discharges, or by small fines. There are guidelines on sentencing which prevent minor offenders being sent to prison. There is no room for them in the prisons, and with a burgeoning prison population there will be even less room in future.

In the annus mirabilis of 1967, when the issue of cannabis law reform was first raised, the total amount of cannabis seized by police and customs was 296 kilos and 144 plants. By comparison, in recent years the average quantity of cannabis seized has been in excess of 1,000 kilos per week. On the assumption that the average user smokes cannabis two or three times a week, this amount alone is enough to support half a million regular users. Conventional wisdom is that seizures constitute no more than ten per cent of the total. It is quite possible that that up to ten per cent of the population have taken up the habit of smoking cannabis with some regularity and that twice that number may not be averse to an occasional token. The available evidence of surveys indicates that support for "decriminalisation" – whatever that means – or legalisation is running at about forty per cent of the electorate. This is, of course, short of a majority, but it is more support than the Tory party had at the general election. Also, an in-depth study of drug taking in four UK cities published in 1993 suggested that support for cannabis law reform was "surprisingly high, given that neither legalisation nor the problems faced by supply side control are issues which have as yet been addressed in the public domain." ([5](#)) This study was cited by the Tory Home Secretary, Michael Howard as proof of the opposite contention, that the issue of legalisation is too unpopular to receive consideration.

On July 24th, 1992, the twenty-fifth anniversary of the Soma advertisement, The Times finally came out in favour of the outright legalisation of cannabis. The leading article, by Simon Jenkins, noted that "the law is now all but unenforced." And in January 1994, twenty-five years after the publication of the "Wootton Report", the former head of the Metropolitan Police Flying Squad, John O'Connor, wrote in the Daily Express that "Cannabis has been a decriminalised drug for some time."

Hashish Fudge

In 1988 the issue of cannabis law reform resurfaced in the right wing press. This probably began in America as a reaction to the Federal Marijuana Statute which brought in long mandatory terms, including life imprisonment, for relatively trivial offences. Public figures such as Milton Friedman and the former Secretary of State, George Schultz associated themselves with this protest. In Britain the Economist, the Spectator, the Telegraph and the Independent came out in favour of the legalisation of cannabis. Soon, Judge Pickles found himself as second career as a cannabis activist. His was followed by several heavyweights who now include Judge Wolffe, the Master of the Rolls, Britain's senior judge. There is also widespread support for reform in the police. Prominent supporters include Keith Hellawell, the Chief Constable of Yorkshire, and Commander Grieve, head of the anti-terrorist squad. Also, Eddie Ellison, a former operational head of the Metropolitan Police Drugs Squad, has become one of the most effective critics of prohibition. It is often said – for example, by Simon Jenkins and the Revd. Kenneth Leech – that the police are now leading the campaign to legalise cannabis.

Perhaps the highpoint of the apparent attempt to prepare public opinion for legalisation was the Cannabis Weekend on Channel 4 television, which broadcasts nationally. There were fourteen programmes about cannabis in one day, including a Cheech and Chong movie; and the following day there was a two hour debate, for which Professor Grinspoon was flown in from Harvard. The debate was the subject of a phone-in which received about 150,000 calls. The phone-in vote was announced at the end of the debate – 91% in favour of legalisation!([6](#))

Of course, it is not all one way traffic. There have been a spate of articles and television programmes arguing that cannabis is an extremely dangerous drug, possibly more dangerous than heroin. Most of this material is a rehash of propaganda emanating from the U.S. anti-drugs establishment. If this oscillation were deliberate, the conflicting signals would count as an instance of Pavlov's method of inducing neurosis experimentally. It is in fact done in the name of "balance", as there is no longer a requirement for individual programmes to consider both sides of an issue.

The Soma advertisement from 1967 is a familiar icon in Britain. It has been reproduced hundreds of times in articles and television programmes. The signatories are not barred from high office and honours. Francis Crick has been awarded the Order of Merit, Jonathan Aitken was a minister in John Major's government, Paul McCartney has been knighted, and so on.

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Indeed, on the 25th anniversary of the Soma advertisement, in 1992, the Times gave a free page of advertising to Release, a charity funded by the Home Office with the warm support of the police. In the run up to the 1992 advertisement, the press were quite insistent that Release, which began life in 1968 as an "underground" organisation providing advice to young people arrested for minor drugs offences, had itself been responsible for the publication of the 1967 advertisement, or at least "inspired" it. ([7](#)) Most of the serious national newspapers gave at least one page of pre-publicity for the 1992 advertisement in The Times. This publicity was coördinated by the Home Office Press Branch. Unfortunately, this advertisement turned out to be something of an embarrassment. It verged on illiteracy and made a number of irresponsible assertions; for example, it cited an "expert" opinion that cannabis is less harmful than tea or coffee. The signatories consisted chiefly of minor figures in journalism and pop music seeking to enhance their "street credibility", retired academics who no longer had to worry about grants, drug dealers and lawyers plying for hire. ([8](#)) This establishment take-over was, in its way, a compliment to the organisers of the 1967 advertisement, but it also contradicts the adage that imitation is the sincerest form of flattery.

Though the Soma advertisement is well remembered, it is also wrongly remembered as a failed initiative for legalisation. Meanwhile, the "Wootton Report" has been quietly consigned to oblivion. The twentieth and twenty-fifth anniversaries of the Report were not even mentioned in the British media. Indeed, one newspaper which vigorously supports the legalisation of cannabis, the so-called "Independent", has never accepted the existence of the "Wootton Report". For example, on July 22nd 1992 the "Independent" had a page on the twenty-fifth anniversary of the Soma advertisement. The lead-in read: "On the 24th of July, 1967 sixty-five of the famous liberal great and good signed an advertisement in The Times calling for cannabis to be legalised and ... nothing happened." The page included a list of forty events following on after the publication of the advertisement, but pointedly ignored the existence of the "Wootton Report" and the reduction in penalties under the Misuse of Drugs Act.

When Lady Wootton died in 1988, at the age of 91, the work for which she was best known, the controversy which dominated the news in January 1969, was not considered worthy of mention in most obituaries. The Telegraph was the only newspaper that got it approximately right:

In 1967 her Report on soft drugs caused a considerable furore by its recommendation of more lenient sentences for offences involving cannabis, and was dismissed patronizingly by James Callaghan as "over-influenced by a lobby in favour of legalising pot." In 1970, however, Callaghan introduced legislation broadly in line with the Wootton proposals.

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When a long television interview with Lady Wootton was shown posthumously on BBC television, the subject of drugs was not raised, but a voice-over made the astonishing claim that "In the sixties she campaigned for the legalisation of cannabis."

Over time, the view has become entrenched that James Callaghan rejected the "Wootton Report" decisively and finally. The most remarkable statement of this position has come from Denis Thatcher's friend Lord Deedes, who was a member of the Advisory Committee on Drug Dependence. He wrote in the Telegraph, on December 15th, 1992:

The last public debate on the subject took place in 1969, when Baroness Wootton, then chairman of a Sub-Committee of the Government's advisory body, recommended a lightening of the penalties for possession of cannabis. As a member of the same body, I remember that I thought her arguments persuasive but politically unattainable. We discussed this amiably until Jim Callaghan, the Home Secretary, denounced her proposals in the House of Commons, and that was that.

A Modest Proposal

To understand the hostility of the establishment, it is necessary to look in a little more detail at the Report itself and its background. The 'modest proposal' for law reform, Swiftian though it may have been, was not, in itself, an insult to public opinion. However, the Sub-Committee made a serious tactical error by refusing to introduce a distinction between possession and trafficking offences and proposing that the maximum sentence for cases heard on indictment should be reduced from ten years to two years (with unlimited fines).([9](#)) This does not square with their main intention:

For the foreseeable future, however, our objective is clear: to bring about a situation in which it is extremely unlikely that anyone will go to prison for an offence involving only possession for personal use or for supply on a very limited scale. Par. 90

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Furthermore, the option of legalisation was rejected by the Sub-Committee when it was put to a vote. In an article in the Sunday Times on the 12th of January, 1969, Lady Wootton said: "Even those who wanted to legalise cannabis, even the people who signed the Times advertisement, admit that legalisation is not practical." ([10](#))

Fortunately, the debate was about the "pot smoker's charter", to quote a famous headline in the Daily Express. By defining separate offences of possession and trafficking and increasing the penalties for trafficking whilst decreasing the penalties for simple possession, the 1971 Act recognised that cannabis had become big business and that enforcement priorities would henceforth be directed to trafficking. The Act promoted the notion of decriminalisation. But the proposal by the Advisory Committee to reduce the penalties on indictment was daft, as it points to a free market dominated by thugs. The Soma advertisement avoided the issue of supply, but in evidence to the Sub-Committee, on December 5th, 1967, I argued that the trade in cannabis should be nationalised and that advertising should be prohibited. The idea was that the trade should be tolerated, not promoted.

The real significance of the "Wootton Report" lay not in its proposals for law reform but in its assessment of the dangers of cannabis. The Report undermined the rationale of the Dangerous Drugs Act by providing cannabis smoking with something close to a clean bill of health. It gave a green light to the consumption of cannabis. Paragraph 29 of the Report says:

Having reviewed all the material available to us we find ourselves in agreement with the conclusions reached by the Indian Hemp Drugs Commission Report appointed by the Government of India (1893-4) and the New York Mayor's Committee on Marihuana (1944) the "the long term consumption of cannabis in moderate doses has no harmful effects."

Paragraph 67 goes on to say:

The evidence before us shows that:

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An increasing number of people, mainly young, in all classes of society are experimenting with this drug, and substantial numbers use it regularly for social pleasure.

There is no evidence that this activity is causing violent crime or aggressive anti-social behaviour, or is producing in otherwise normal people conditions of dependence or psychosis, requiring medical treatment.

The experience of many other countries is that once it is established cannabis-smoking tends to spread. In some parts of Western society where interest in mood-altering drugs is growing, there are indications that it may become a functional equivalent of alcohol.

In spite of the threat of severe penalties and considerable effort at enforcement the use of cannabis in the United Kingdom does not appear to be diminishing. There is a body of opinion that criticises the present legislative treatment of cannabis on the ground that it exaggerates the dangers of the drug and needlessly interferes with civil liberty.

It is important to understand that the conclusions of the "Wootton Report" are still tenable. The 1982 Report of the Expert Group did not refer directly to the findings of the "Wootton Report", but the extracts cited above show the authors were mindful of this material and careful not to contradict it.

On the 11th of November 1995 The Lancet published a leading article which called for the legalisation of cannabis. The first sentence of this article was a close, if slightly incautious paraphrase of paragraph 29 of the "Wootton Report": "The smoking of cannabis, even long term, is not harmful to health." The final sentence adds: "Sooner or later politicians will have to stop running scared and address the evidence: cannabis per se is not a hazard to society but driving it further underground may well be."

Still, it is remarkable that even for the authors of this appeal, the "Wootton Report" remains unmentionable. The wonder is that James Callaghan ever authorised its publication. In fact, he seems to have been reluctant, but perhaps his hand was forced by threats of resignation from the Sub-Committee. These threats made headlines in the Evening News in November 1968, a few weeks after the Report was sent to the Home Secretary. This leak was beneficial to John Lennon who was tried the following day for a cannabis offence. He got off with a relatively small

fine of £150.

The Wootton Committee

The Soma advertisement drew its force from a impressive list of signatories, headed by Francis Crick, who won the Nobel prize for discovering the structure of DNA, and Graham Greene. The others included Professor Alasdair MacIntyre, John Piper, nine doctors, members of Parliament and the Beatles, then at the zenith of their influence. The advertisement described the existing law as "immoral in principle and unworkable in practice." It stopped short of advocating legalisation, and said nothing about the supply side. It did, however, call for the abolition of absolute offences, as well as for an end to imprisonment of minor offenders. The advertisement also called for a legal framework to permit research into all aspects of cannabis use, including its medical applications.

The advertisement was inserted with a specific purpose, to influence the terms of reference of the "Wootton Report". The hallucinogens Sub-Committee, chaired by Lady Wootton, was appointed to report on both cannabis and LSD. They began by restricting their discussion to the psychopharmacology of both drugs. It was hoped that the advertisement would help to persuade them to go beyond their brief to report on cannabis alone and to broaden the scope of their enquiry, to give proper consideration to the social aspects of cannabis use and to make specific recommendations for law reform. One of the signatories, the sociologist Michael Schofield, was a member of the Sub-Committee, and another member, Dr. Nicholas Malleon, the Director of Student Health in the University of London, permitted his name to be used in soliciting signatures. According to Schofield, they were the only members of the committee who were initially sympathetic to cannabis law reform. It follows that Lady Wootton required some convincing.([11](#))

There was no expectation that the members of the Sub-Committee could be persuaded of the relative harmlessness of cannabis. They would have to persuade themselves. The petition was founded on the belief that there was a consensus of informed medical opinion on cannabis and that the Sub-Committee would discover it.

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Following publication of the "Wootton Report", there were attacks on the competence of the Sub-Committee. Quintin Hogg was quoted in The Times, on January 9th, 1969: "A less suitable committee is impossible to imagine. Half the subcommittee are doctors and there is not a judge, or anybody practising at the criminal bar, among them."

The eleven members of the Sub-Committee were K. J. Barraclough, a stipendiary magistrate and Chairman of the Poisons Board; Dr. Thomas Bewley, a psychiatrist in charge of the addiction clinic at Tooting Bec Hospital, the Secretary and later President of the Society for the Study of Addiction; Peter Brodie, Assistant Commissioner of Scotland Yard in charge of the C.I.D., also Vice President of Interpol; Dr. P. H. Connell, a psychiatrist at the Maudsley Hospital; Dr. J. D. P. Graham, Professor of Pharmacology at the University of Wales; Dr. C. R. B. Joyce, Head of the Department of Pharmacology at London Hospital Medical College, later Director of Research at Ciba, Switzerland; Sir Aubrey Lewis, Emeritus Professor of Psychiatry at the Maudsley; Dr. Nicholas Malleon, a psychiatrist, Reader in Student Problems and Head of Student Health at London University, also the most experienced LSD therapist in Britain; H. W. Palmer of the Glaxo Pharmaceuticals Company; Timothy Raison, Editor of New Society, later Tory MP, Minister of State for Home Affairs; Michael Schofield, a sociologist who had conducted several studies for the Home Office; and Baroness Wootton, a distinguished social scientist, a serving magistrate, Governor of the BBC, veteran of several Royal Commissions.

On the day the "Wootton Report" was published, the Guardian Diary described the second paragraph, which it made a point of reproducing, as a "rare and specific tribute to a lobby." Another journalist later suggested that Lady Wootton drafted it "with the air of a nun who suddenly finds herself entered for the 'Miss World' contest":

Our first enquiries were proceeding - without publicity - into the pharmacological and medical aspects when other developments gave our study new and much increased significance. An advertisement in the Times on the 24th of July 1967 represented that the long asserted dangers of cannabis were exaggerated and that the related law was socially damaging, if not unworkable. This was followed by a wave of debate about these issues in Parliament, the Press and elsewhere, and reports of enquiries e.g. by the National Council for Civil Liberties. This publicity made more explicit the nature of some current "protest" about official policy on drugs; defined more clearly some of the main issues in our study; and led us to give greater attention to the legal aspects of the problem. Government spokesmen made it clear that any future development of policy on cannabis would have to take account of the Advisory Committee's report. Accordingly, we decided to give first priority to presenting our views on cannabis."

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Callaghan seized on this paragraph in his denunciation of the "Wootton Report", in the Parliamentary debate of January 27th :

I think it came as a surprise, if not a shock, to most people when that notorious advertisement appeared in the Times in 1967 to find that there is a lobby for legalising cannabis. The House should recognise that this lobby exists, and my reading of the Report is that the Wootton Sub-Committee was overinfluenced by this lobby. I had the same impression as the Rt. Hon. and learned gentleman (Quintin Hogg), that it was compromise at the end; that those who were in favour of legalising 'pot' were all the time pushing the other members back, so that eventually these remarkable conclusions emerged, that it would be wrong to legalise it but that the penalties should be reduced.

The existence of this lobby is something that the House and public opinion should take into account and be ready to combat, as I am. It is another aspect of the so-called permissive society, and I am glad that my decision has enabled the house to call a halt in the advancing tide of so-called permissiveness.

... it was wrong for the Committee to take one drug, look at it in isolation from the whole complex and background, and bring forward recommendations in the way they did.

Articles in the Evening Standard (February 3rd) and other newspapers said that the Chairman of the Advisory Council, Sir Edward Wayne and Lady Wootton were both contemplating resignation to mark their protest against the Home Secretary's insulting remarks in Parliament. On February 5th The Times published a joint letter from them, which said, in part:

We regard this statement as offensive to our distinguished colleagues and to ourselves, and particularly to the eminent medical men who signed our Report, and we particularly deprecate the implication of the emotive word 'lobby' in this context.

Callaghan's dismissal of the Report turned out to be a smokescreen. Despite his protestations, comprehensive new drugs legislation was drawn up embodying the main recommendations of the "Wootton Report". The legislation introduced a three tiered classification of drugs according

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to their dangers. The Home Office insisted on introducing a distinction between trafficking and possession offences. The maximum penalties for possession of cannabis were to be reduced by fifty per cent, to five years on indictment and six months on summary conviction. ([12](#)) Within a year the legislation was through the Home Affairs Committee. It was at this point, on the 1st of February, 1970, that the "absolutely outrageous press leak" appeared in the Sunday Mirror:

DRUG LAW SHOCK Jim Changes his Mind. Penalties for 'pot' smokers to be cut.

Home Secretary James Callaghan has had a dramatic change of mind on drugs. He has decided that people who smoke 'pot' should no longer be punished as severely as those using heroin. He has gone further by deciding that the penalties for possessing both hard and soft drugs should be cut.

... Mr. Callaghan only a year ago championed the cause of holding the line against drug permissiveness. ...Last year Mr. Callaghan denounced what he called "a notorious advertisement" in the Times - signed by many public figures including the Beatles - which urged that possessing cannabis should either be legalised, or at most punishable by a fine of not more than £25.

Crossman's diary entry for Thursday February 26th says that Callaghan had come back to the cabinet to say that "he now proposed not to have any reduction at all in any penalties on cannabis." Crossman notes that this was unusual. "One usually only brings things to Cabinet when there is disagreement at a Cabinet Committee." As the discussion continued "it became absolutely clear that the issue was whether to kowtow to public opinion or not." The Cabinet divided. "Every member of the cabinet who had been to university voted one way and everyone else voted the other way." Wilson voted with the antis. Having been outvoted by a clear majority, Callaghan published his Misuse of Drugs Bill on March 11th.

Oxford, The Rolling Stones and the Beatles

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The Sunday Mirror article had tacked onto the end of it a so-called "blob", a brief note to the effect that Mick Jagger and Marianne Faithful had been arrested and charged with possession of cannabis. This is a poignant addition which brings the story full circle. This tale marks the beginning of the process that led to the Soma advertisement and the "Wootton Report".

On Sunday February 5th, 1967, the mass circulation News of the World ran a page one article on "Pop Stars and Drugs" which used Jagger's name and photograph. That evening he appeared with Quintin Hogg on the Eamon Andrews chat show. Jagger told Hogg that he too had been to university, and seemed to get the better of him. Then, it seemed, he got above himself and announced, impulsively, that he would sue the News of the World for libel. The newspaper panicked and went to the Scotland Yard Drug Squad. The head of the Drug Squad, Chief Inspector Lynch later said privately that he refused to act. He said that he was not expected to stamp out cannabis, but to keep its use under control. If he arrested Mick Jagger every lad in the country would want to try some pot. He was, after all, head of the drug squad, not head of the Lynch mob.

As is well known, the News of the World had more success with the local police in West Wittering, where Keith Richards lived. In the subsequent trial, Jagger's counsel, Michael Havers (later Lord Havers, also Mrs. Thatcher's attorney general in the "Spycatcher" case) alleged that the newspaper used an agent provocateur. The arrests were made on February 12th, but the story did not break until the 19th. Only the Telegraph named those arrested: Keith Richards, charged with the absolute offence of permitting premises to be used for smoking cannabis, and Mick Jagger, charged with possession of a few tablets of amphetamine. George Harrison has said that the Beatles were at the party and the police waited until they left. The case was set down for hearing before Judge Block on June 27th.

The News of the World article was a response to a page one lead in the rival Sunday paper, the People, the previous week: "Drug Sensation in Oxford." This was sparked by a claim in an article on mine that as many as five hundred Oxford undergraduates smoked pot and that the University hadn't noticed. ([13](#)) This account of "The Oxford Scene" was reasonably sober; it was described as "sane and balanced" by the Times Literary Supplement and quoted by Professor Grinspoon in his book Marijuana Reconsidered. However, the Head of my college, Alan Bullock, had asked me to remove the estimate of the number of users. He said the press would "have a field day with it." That was exactly what was intended. It would be a challenge to the stereotype of the dope fiend and help to bring the subject of cannabis law reform into the open.

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Following publication of the People lead, an article in The Times said that my claim that "at least 500 undergraduates and a few dozen dons" smoke pot "has been rejected by police, proctors and dons." The Times quoted the view of the Senior Proctor, Dr. Robin Fletcher, that my figures were "grossly exaggerated." : "The article could create a very bad image of the University. It is unfortunate for a number of reasons." A similar article in The Telegraph quoted the view of "a senior member of the university who is concerned with investigations into student health problems" : "I would be surprised if the number of people using drugs habitually in the University is more than about twenty." This official was presumably D. C. M. Yardley, (recently Local Ombudsman) who was Dr. Fletcher's predecessor. The Telegraph stated that Dr. Yardley had led an investigation of undergraduate drug use the preceding year and concluded that no more than fifty students were involved. No more than thirty took drugs with any degree of regularity. In the Cherwell lead on February 1st, Dr. Yardley's view of the danger of cannabis is quoted: "The nervous system of regular pot smokers is shot to bits. They are mental wrecks." In The People he is quoted: "All but those with the strongest minds will end up seeking bigger and better 'kicks' from heroin and like drugs. Within the university and nationally, any move to bring about the acceptance of hemp must be fought."

The matter was resolved by the University Committee on Student Health, which included several heads of colleges. I was invited to give evidence to the Committee on February 15th. They accepted my claim that as many as five hundred undergraduates had used cannabis. I made the point that the problem was hardly confined to Oxford and asked the Committee to press the Home Secretary to institute a government inquiry into the status of cannabis and LSD. The Chairman of the Committee was Alan Bullock (now Lord Bullock, formerly Vice Chancellor of the University). He told me that my suggestion that the University should press for a Home Office inquiry had been accepted and invited me to assist him in drafting the letter to this effect, which was sent on to the then Vice Chancellor, Kenneth Turpin on February 28th.

The Report of the Committee on Student Health was published on April 3rd and reviewed in The Times the following day. The Times article says, "At the Health Committee's suggestion, the Vice Chancellor of Oxford University, Mr. K. C. Turpin, is to ask the Home Secretary for an urgent national enquiry into the dangers of drug taking." It said the university was concerned at the numbers which might be experimenting with cannabis. The following article by Nicholas Lloyd appeared in the Daily Mail:

The pot takers. 500 Oxford students use marijuana

About 500 Oxford undergraduates smoke marijuana,, says a committee of dons. The

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Committee was set up to report on the health of students at the university. In a letter to Kenneth Turpin, the Vice Chancellor, it says that an independent claim that about five per cent of the 10,000 students take drugs is probably correct.

But it maintains that the situation at Oxford is not exceptional and that a similar proportion of students at other universities take drugs. The committee, headed by Mr. Alan Bullock, Master of St. Catherine's College, says that drug taking is a national problem. It calls for a full investigation into the effects of different drugs and says that public policy could then be based on scientific fact instead of prejudice.

On Tuesday students at St. Catherine's College passed a motion by 24 votes to 4 in favour of making marijuana - known as 'pot' - legally available. ([14](#))

On the 7th of April, the Home secretary, Roy Jenkins, announced the appointment of an investigation led by Baroness Wootton. She was to head a "Sub-Committee on hallucinogens" of the Advisory Council on Drug Dependence, appointed in December 1966, enacting a recommendation of the Second Brain Report the previous year.

The founding of Soma was announced in the Oxford undergraduate paper Cherwell on February 1st. The plan to advertise in the Times was launched four months later, following the imprisonment on minor cannabis charges of John Hopkins ("Hoppy"), a member of the editorial board of the underground newspaper International Times (IT), on June 1st. At a meeting of his friends the following day, I said that I had come to London two weeks earlier to organize Soma and that I hoped to challenge the law on cannabis by placing an advertisement signed by eminent people in the Times. (Barry) Miles, another member of the three man board, said he thought he knew where the money might be found. ([15](#)) Miles was the proprietor of the Indica bookstore, where IT was edited. His partner, Peter Asher, was half of the pop duo "Peter and Gordon". Peter Asher's sister, Jane, was Paul McCartney's girlfriend. McCartney had several times contributed small sums to keep IT going. By the end of the day he had offered to guarantee the cost of the advertisement, which was £1800.

"Sgt. Pepper" had been released the preceding day. The Beatles were in trouble. Earlier in the year the single "Strawberry Fields"/"Penny Lane" suggested that they had become enthusiastic proponents of LSD. "Sgt Pepper" reinforced this impression. McCartney had also given an ill-advised interview to Life magazine. The Beatles had, it seemed, pissed on their clean but image as explicitly as the Rolling Stones had pissed on a garage forecourt in 1965.

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The establishment was ready to send the Rolling Stones to prison. Now it looked as if the Beatles would be next. Something had to be done to get them off the hook. Nobody wanted them arrested, but it was difficult to see an alternative. However, the effect of the advertisement would be to change the issue from LSD to pot, and to associate the Beatles with leading figures in the arts and sciences in a legitimate protest from 'within the system.' It is not in any way surprising that McCartney was willing to back the advertisement or that Rees-Mogg was willing to publish it.

Matters came to a head at the end of the month. After a sensational trial, Richards and Jagger were found guilty on June 29th. Richards, who was a first offender, was sentenced to a year in prison for the absolute offence of permitting cannabis to be smoked in his home, with or without his knowledge. No forensic evidence was produced. Jagger was sentenced to three months for possession of four amphetamine tablets known as "black bombers", normally available to him on prescription. Richards and Jagger were released on bail the following day.

The scandal raised by this case ensured that The Times would accept the advertisement and that the Beatles would come up with the money to pay for it.

On Saturday the 1st of June The Times published Rees-Mogg's famous leader, "Who breaks a butterfly on a wheel?" An article published in the Times twenty-five years later by Jonathon Green, a self-called "expert", asserts that this leader "inspired" the publication of the Soma advertisement. ([16](#)) But by the beginning of June the project had been underway for a month, the Times had signified its willingness to publish, and the text had been passed to Mike McKinnerny, who contributed a distinctive layout. In any case, Rees-Mogg's leader did not address the issue squarely. The editor of the Times was moved by the spectacle of Jagger in handcuffs, but he ignored the monstrous verdict against Keith Richards. The article did not mention cannabis at all. Butterflies do not light on weeds.

The official history of The Times asserts that the issue with the butterfly leader was handed to Jagger in prison by a warder with the advice that he could now expect to be released on bail. In fact, Jagger and Richards had been released the previous day. Rees-Mogg might even be accused of climbing onto a bandwagon of protest, motivated in no small part by the opportunity the case afforded to challenge the sub-judice rules which restrict press comment on ongoing cases.

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The advertisement was scheduled for publication on July 17th. However, the Times started to get cold feet. The advertising manager, R. Grant Davidson, put back publication for a week to check the signatures. On the eve of publication, he demanded payment in advance. The Beatles were in France, filming the "Magical Mystery Tour." I rang the only person I knew in the Beatles organisation, Peter Brown. He immediately sent round his personal cheque for £1800 in a taxi. My understanding is that he was reimbursed out of a Beatles advertising account.

The advertisement finally appeared on Monday the 24th of July. It was mentioned in Parliament the same day and on the Friday, July 28th, it was the subject of an Adjournment Debate in the House of Commons, proposed by Paul Channon. The Minister of State, Alice Bacon said that the issues raised in the advertisement would be considered by the Wootton Sub-Committee, and she committed the Government to taking their Report into consideration in framing new legislation.

On Monday, the 31st of July, a week following publication of the advertisement, the conviction of Keith Richards was quashed on appeal. Jagger's conviction was upheld, but the sentence was reduced to a conditional discharge.

Notes

1. Report of the Expert Group on the Effects of Cannabis Use. Home Office Advisory Council on the Misuse of Drugs, Home Office, 1982; ISBN-0-86252 031 2; 62 pages.

2. Cannabis: Report by the Advisory Committee on Drug Dependence. Home Office, HMSO, 1968; SBN 11 340080 2; 79 pages. Distributed, anuary, 1969.

The Report was prepared by the Sub-Committee on Hallucinogens, whose Chairman was Baroness Wootton of Abinger

3. The Times, 12 October 1973

4.. Report on A Review of the Classification of Controlled Drugs and of Penalties. Advisory Council on the Misuse of Drugs, Home Office, 1982

5.. Drug usage and drugs prevention: the views and habits of the general public. M. Leitner et al. Home Office Drug Prevention Initiative, 1993; p. 181.

6.. A pamphlet was published in connection with this adventure: Pot Night, Channel 4 Television, 1995; ISBN 1 85144 129 8; 36 pages. The pamphlet, its cover printed on hemp paper, includes gems such as this: "By 1968, the 'Legalise Pot' campaign had become such a cause celebre that the Conservative government of the time appointed a Home Office select committee chaired by Baroness Wootton, to look at the 'cannabis question'. By the time Baroness Wootton presented her finished Report (published in January, 1969) a Labour government, led by Jim Callaghan was in power ..." (my italics), p. 9. This is from an article by Sean O'Hagen, who writes for the Times and the Guardian.

7.. Release came into existence in the summer of 1967, with some assistance from the organisers of the Soma advertisement. However, there is no mention of Release that summer in the 'top people's paper, as the Times styled itself, or even in the pot people's paper, International Times. It is also worth pointing out that none of the fashionable lawyers later associated with Release signed the Soma advertisement. In fact, not one member of the legal profession was prepared to lend their name to this initiative. Also, the claims made by Release that their witnesses had a decisive impact on the Sub-Committee are palpably untrue. The names and affiliations of the witnesses are listed in Appendix 4 of the Report. A rhapsodic article by Nicola Murray in the Times on the day the Release advertisement appeared claims that following the publication of the Soma advertisement Miss Coon, the founder of Release, appeared with Lady Wootton on the popular programme "Any Questions" and apparently gave such a good account of herself that she was invited to give evidence and bring along her underground friends. In fact, Miss Coon did not appear on "Any Questions". She did appear with Lady Wootton on a different programe in 1968, after the Wootton hearings were concluded. This appearance was heralded by an article in the Times Diary. Apparently someone noticed that Release had missed the boat. Release was provided with an invented pedigree when it became official in 1972. The claim to have inspired the Soma advertisement was first made in the Fifth Anniversary Policy Statement and in the text of a projected advertisement on the fifth anniversary of the original. The claim that Release gave evidence to the "Wootton" Sub-Committee was first made in a study funded by the Rowntree Trust: Release: a progress report 1972 by Jeremy d'Agapeyeff (section XII). The issue of cannabis law reform was handed to Release in the expectation that they would use it for fund raising and turn it into a children's crusade.

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8. No one who signed this advertisement was permitted to see the text beforehand. On the other hand, it may be that no one asked to see it. Sixteen of the signatories to the Soma advertisement signed again in the expectation that it would be all right on the night. Francis Crick was not invited to sign. Everyone who was invited to sign was sent a copy of the 1967 advertisement. These copies were doctored by the ISDD, who removed the line near the top which reads, "This advertisement is sponsored by Soma.(Acquisition number 15019) The ISDD version was also used in the Channel 4 "Pot Night". These copies have been distributed to the media since July, 1969. Sir Harry Greenfield, the Chairman of the ISDD, was apparently infuriated by the fact that a month earlier I had revealed, in an article in Richard Branson's magazine Student, that he was Vice President of British-American tobacco.

9. One member of the Sub-Committee, P. E. Brodie, an Assistant Commissioner of Scotland Yard, expressed the reservation that the maximum penalty should only be reduced by half, to five years. (p. 35).

10. The 1969 Prospectus of the Soma Research Association bears this out: "A Soma delegation gave oral evidence to the Sub-Committee. We took the view that prohibition appeared to be an ineffective and socially damaging method of controlling the misuse of cannabis. However, we argued that realistic decisions about the long-term control and possible legalisation of cannabis could not be made on the basis of existing knowledge. Additional research was required, but could not be undertaken because the law prohibited research in which cannabis was smoked."

Soma was incorporated as the Soma Research Association, Ltd. The Council consisted of Francis Crick; Francis Huxley; Dr. R. D. Laing; The Revd. Kenneth Leech; Dr. Anthony Storr; Professor Norman Zinberg and the present author. The Secretary of Soma was Donald Aitken. Other staff included Derek Blackburn, psychologist; Adam Parker-Rhodes, pharmacologist and Dick Pountain, chemist. Ian Dunbar was Medical Director of Soma and Sam Hutt was Medical Correspondent. In addition to its information program, Soma was engaged in research with THC and had a medical program, for which the Home Office made available extract and tincture of cannabis.. (In 1967 the Home Office authorised the import of 254 kilos of high grade cannabis from India.. The Dangerous Drugs Act did not permit the medical use of raw cannabis (marijuana and hashish) but purified forms of cannabis, percolated in alcohol, could still be prescribed up to 1973.)

11. However, he may not be a reliable witness. Schofield says (p.76) that the sub-committee

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was appointed in April 1967 to review the evidence on cannabis. In fact, paragraph one of the Report states that the sub-committee was appointed "to examine the question of misuse of cannabis and lysergic acid diethylamide (LSD) in the United Kingdom and problems arising." The second paragraph, cited above, states that the publication of the Soma advertisement and the ensuing debate gave their study "new and much increased significance" and led them to report on cannabis alone, rather than in conjunction with LSD. This paragraph prompted Callaghan's assertion that the Report had been "overinfluenced" by the "lobby" responsible for "that notorious advertisement." Callaghan would also have taken into account the fact that one member of the sub-committee; e.g. Schofield, signed the advertisement and thus compromised his impartiality. In any case, Callaghan was quite explicit in stating, in the parliamentary debate, that "it was wrong for the Committee to take one drug, look at it in isolation from the whole complex and background, and bring forward recommendations in the way they did." Schofield avoids mentioning the second paragraph of the report and Callaghan's assertion that the sub-committee went beyond its brief. He also avoids mentioning that he signed the advertisement. He does not mention Soma, though he refers to various underground organizations such as Release and the Bit Information Service and to the underground press.

If the advertisement did not influence the terms of reference of the "Wootton Report", if the sub-committee would have reported as they did in any case, then it becomes possible to argue, as was done in an unsigned article in the ISDD magazine *Drugs in Society*. (no.3, vol.1, December, 1971) that the activities of Soma "undermined the political credibility of the Wootton Report" by giving the subject of cannabis an unwonted notoriety.

In general, Schofield was something of an embarrassment. He was among the least well informed members of the sub-committee, but he boasted, "I personally have read over two thousand books, articles, papers in learned journals before starting to write this book." (p.12) Schofield was also a member of the sub-committee on Search and Arrest, chaired by William Deedes. His behaviour there was so obstreperous that he was locked out of the meetings for as time.

Schofield was also guilty of intellectual theft. For example, in 1969 I demolished the claim of Professor Paton to have proved by an inductive probability argument that ten per cent of cannabis smokers go on to become heroin addicts. This article, in the second issue of *Student*, is cited by Professor Grinspoon in *Marihuana Revisited*.(pp. 248-9) Schofield uses my argument (pp.105-7) without attribution.

12. This concession should be considered in connection with Quintin Hogg's attack on the "Wootton" Report in the Parliamentary debate. He said: "Any reduction in the maximum

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sentences for cannabis will be taken to mean that we are on our way to legalising this particular drug." The fifty per cent reduction in the maximum sentence for possession under the 1971 Act led to his remarkable instruction (as Lord Hailsham, Lord Chancellor) to magistrates, that cannabis users were to be treated with "becoming moderation" and should not be sent to prison.

13. Stephen Abrams – "The Oxford Scene and the Law", *The Book of Grass*, ed. George Andrews and Simon Vinkenoog, Peter Owen, London, 1967.

14. In October the Oxford Union passed a motion calling for the legalisation of cannabis. Dr. Laing and I argued the case in favour. We were opposed by Ann Mallaheiu and Professor Paton..

15. The third member of the board was Michael Henshaw, an accountant, who became the accountant of Soma and played an important role in the organisation of the advertisement.

16. Green claims his account is more authoritative than mine because he was one of the signatories to the advertisement. He is quoted in the "Independent" to the effect that his name was left off by mistake "the second time they published it." (22 July 1992) The advertisement only appeared once, and Green was a boy of nineteen who was not remotely connected with the project. Apparently he points to the fact that the line following Graham Greene, where he thinks his name deserves to be, is corrupt, consisting only of the letters dsh, apparently an honour accorded to Graham Greene carried over. However, dsh is the artistic signature of the late Dom Sylvester Houedard, a monk of Gloucester Abbey and a well known concrete poet. I didn't use my own name for the simple reason that it would not have contributed to the force of the advertisement. Anyone who knew who I was would have said, "he would, wouldn't he." Also it gave me an excuse to leave off the names of various people who wanted their names on the list because they thought it would do them some good.

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