

Rex Makin versus Free Press

I AM WRITING with regard to the article on page 5 of your April/May issue in which you refer to me defamatorily.

I do not know the reason why with your high standard of accuracy you have fallen on this occasion, particularly as you were on the telephone to me earlier on in the month asking for information concerning my client Mr Gerald Henderson whose case you report on page 9. I would have thought that in the same way you could have checked your facts with me before publishing what is clearly an incorrect report.

You say that I was no stranger to the oil business. Having regard to the heading of your article, "The

Oil Sheikhs of Liverpool", and your article last month, it is perfectly clear that by innuendo you are saying that I have some connection with petrol station developments and "bonanza". The fact is that at no time have I ever been a party to an application for a petrol station development. You also appear to be belabouring Messrs. Sefton and Crookes in the same way. Both you and Mrs Cumella appear to have acted under the mistaken belief that when Oakwalk Limited purchased the petrol station to which you refer a development application was necessary. In fact no application for planning permission was required. The petrol station was an existing one. Furthermore, when Oakwalk Limited became tenants of a petrol

company and garage in Ullet Road there had previously been a garage at that address.

Your statement that "In fact their stake in Sefton's garage amounted to £5,000," is again misleading, incorrect and defamatory, because it implies that at the trial I had not spoken the truth. A loan was made by my children's trust of £5,000. There was NO stake in the garage of £5,000 and the implications and innuendo in your report make it quite clear, you are alleging, that I did not speak the truth at the trial and committed perjury.

I am all for investigative journalism but your muck-raking is a different matter. A number of your readers have confirmed to me that your apparently designed effect of

defamation has succeeded and I shall therefore be glad to learn from you what proposals you have to make to redress the wrong you have done me. This letter is not for publication but an invitation to you to state your proposals.

I need hardly tell you that your distributors and newsagents can be proceeded against. You apparently shelter behind your anonymity of a group. Each member of your group is personally liable. Will you please let me know the names and addresses of the individuals who comprise your group at the time of publication.

Yours truly, — E. REX MAKIN,
18 Hackins Hey, Dale Street, Liverpool, L2 2JT.

The Free Press replied to Mr Makin as follows:

You appear to base your complaint on two grounds. Firstly, you seem to be saying that because your name has appeared in an article headed "The Oil Sheikhs of Liverpool" you have been linked with petrol station developments and thereby libelled.

We correctly said you were "no stranger to the oil business". And we went on to explain and support that statement by detailing your connections with Messrs Sefton and Crookes through Oakwalk Ltd. You do not suggest — how could you? — that these facts are inaccurate.

What you do is to go one step further and say that we have thereby linked you with planning applications for petrol stations. This reminded us of an exchange between Mr Justice Stirling and yourself when you appeared as a witness in the Cumella libel case in 1970. It went as follows:

Mr Justice Stirling: I am puzzled why you should think there was any implication about planning if she [Mrs Cumella] did not mention it.

Makin: There had been talk about planning permissions literally for months and years.

Mr Justice Stirling: So you jumped to the conclusion that that is what she was alleging?

Makin: Yes.

Mr Justice Stirling: It is rather a long jump, is it not?

We think, like Mr Justice Stirling, that your reference to our "mistaken belief" about planning permission is rather a long jump from the actual contents of our article.

There is no mention of any planning application by Oakwalk Ltd, or by Sefton, or Crookes, for a garage in Rice Lane, Ullet Road, or anywhere else. Neither did we suggest that you had been a party to any application for a petrol station.

Your second complaint is that we have libelled you by implying that you committed perjury at the 1970 trial. Let us make it perfectly clear, immediately, that we did not intend to imply anything of the sort. Further, we consider the innuendo you suggest is incapable of being supported by the facts as stated in our article.

You quote only one sentence in support of your argument. And yet our earlier references to the 1970 trial make it perfectly clear that we were using your own evidence as the source of information about the exact nature of your interest in Oakwalk Ltd:

"More about Makin's interest came out in 1970 when he appeared as a star witness..."

Again, your statement in court that "We only hold them as trustees, we have no personal interest" was printed without comment and nowhere contradicted.

Having a copy of your evidence at the Cumella trial we were, of course, perfectly aware that the £5,000 mentioned was a loan by your children's trust. We do not understand your objection to the use of the word "stake". In view of your observations at the trial that "My children may not bless me in years to come, but I must take the consequences," the word "stake" appears entirely appropriate.

Earlier in your letter you refer to a previous "Oil Sheikh" article about Councillor Roderick. You imply that the nature of that article supports your contention that you have been defamed.

We believe the opposite to be true. The relevant point to be made about that article is that it was factual and direct, and left little room for doubt about what we were saying about Roderick.

The Free Press does not engage in character assassination by innuendo and we reject your suggestion that our high standards of accuracy have fallen in our latest issue. We do not consider the article you complain of to be inaccurate, misleading or defamatory.

You ask for our proposals. It has always been our policy to allow anyone who has been named in the Free Press to reply through our columns. We are prepared to publish your letter (together with a short editorial statement in similar terms to this letter) in our next issue; alternatively, you could submit a different letter for publication.

Who controls the housing co-ops?

JOE GORTON's 'Offensive' on housing co-operatives made the point that the present situation is leading to the co-operative members having "responsibility without control". If this is the case, the members should examine the situation to see who has got control, and what they can do to rectify the situation. If the control rests in the hands of a minority of the members, it is a matter of organisation. The remedy is with the co-operative. If the control in fact remains with the officers or employees (such as NHS or CDS), then the possibility of the co-op being a "con" of the tenants is real, but, followed through, it is logical that the responsibility is also a "con", so the tenants will not have to carry the can in the end.

The present system may also give the impression that it is the institutional financiers who retain the control, i.e. the local authorities or the Housing Corporation who hold the mortgages. They constrain the power of the co-operatives in several ways particularly disposal of

the property, but who (other than Chrysler) can get massive amounts of public money without some form of constraint? Is it the legal framework and the bureaucracy which holds the effective control? With imaginative use there should be enough flexibility within the law as it stands to enable the co-operatives to effectively control their own situation. Bureaucracy, however, presents a different problem. The employees of the co-op should be in control of the paperwork and able to cope with the red tape and if not, the co-op should be in a position to take the usual remedial steps for inefficiency.

The most important point raised in the 'Offensive' is the acknowledgement of the potential of housing co-operatives and the awareness of the endless scope in possibilities and approaches to development, including that sponsored by "London based giants". — ADRIAN MORAN, CDS Co-operative Housing Society Ltd., North West Regional Office, c/o 49 Canning Street, Liverpool 8.

Co-operative roots

HAVING BEEN recently instrumental in setting up a new housing co-op (not a difficult feat) in an area dominated by unscrupulous landlords, I feel compelled to comment on recent articles about the subject.

While there is some truth in many of the criticisms it must be realised that much has been — and is being — done to put things right.

Neighbourhood Housing Services for example is being split into area offices run by one or two housing co-ops, and the staff, nearly all of whom are dedicated to co-operative principles, have initiated a move to have repairs and maintenance of properties handled by a separate builders co-operative.

It should also be pointed out that individual co-ops are autonomous and can employ the services of whoever they like.

The support of the Housing Minister for housing co-ops has been the result of years of struggle for recognition and is essential to the spread of the principles of co-operation in housing.

Although properties are to a certain

extent allocated to co-ops by the Housing Corporation, there is also considerable scope for co-ops to select properties according to the needs of the people in their area.

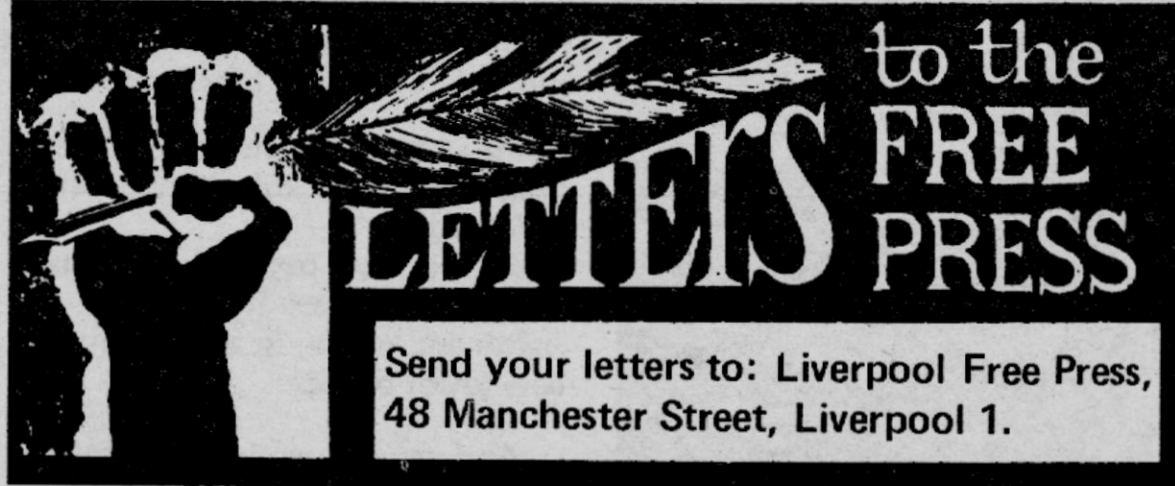
Anyone who can't clearly see the grass roots of the movement can't have looked very closely.

Anyone who believes that "nationalisation of ourselves" is furthered by housing co-ops is either suffering from acute paranoia, or else guilty of extreme sensationalism. — G. HALE, 15 Aigburth View, Liverpool 17.

Journalistic note

JUST A NOTE to say how much I enjoyed the 'Kirkby Co-operative' article — one of the best pieces of journalism I've read in the alternative press for years. I know how important feedback is, I'm sure you'd prefer it from Liverpool rather than Aberdeen!

Hope you somehow get over your financial crisis. Best wishes — IAN BAIRD, Aberdeen Peoples Press, 167 King Street, Aberdeen.



LETTERS to the FREE PRESS

Send your letters to: Liverpool Free Press, 48 Manchester Street, Liverpool 1.

Armed security men

AS YOU REPORT in April's Free Press, ('News from Everywhere') security men employed by the UK Atomic Energy Authority are now to have wide-ranging powers in guarding nuclear power stations and shipments of nuclear materials.

The Atomic Energy Authority (Special Constables) Act, which was passed by Parliament on February 27, allows them to carry firearms without permission of the local police. They would have authority to carry and use their weapons, provided that they are... "guarding nuclear matter, or pursuing persons he believes to have removed or attempted to remove, nuclear matter unlawfully."

The security men are a civil police force under exclusive control of the Atomic Energy Authority, who would decide who is suspect and to be pursued, (though conditions on the use of firearms

are set by Energy Secretary Tony Benn).

We are assured that the AEA Constabulary is a disciplined force, officered by people with police or service experience. But, if you have ever felt uneasy in the presence of security guards, give a thought to the men with guns. Not only is the current strength of the AEA force kept secret, "in the national interest", but the Department of Energy refuse to disclose details of the instructions given to security men about the use of firearms.

Some MPs questioned whether it was right for weapons to be carried by the AEA police at all times, and there were doubts about their ability to protect nuclear materials, but the measures were approved, regrettably. — KEN BARKER (member of Campaign Against Nuclear Energy), 29 Haigh Heights, Liverpool 3.

Holland's innocent, OK?

I WOULD be grateful for the opportunity to clear up some facts in connection with the mention of my name in your last issue.

I would very much like the people of Merseyside and those in the judicature of this city to know that:—

1. Yes, I am innocent. For nine years I have fought to have my name cleared and I will never stop until I succeed or I am dead. Meanwhile, I live in hell.

2. I did not know Mr Roderick and have never discussed any subject with him, political or otherwise.

3. I did not know Mr Makin nor had I ever used his services until he was brought to my home a short while after the police had delivered a summons to me on an evening in June 1967 by a Mr Sam Davies (the man with the black patch

over one eye).

4. I was an accountant, with public offices in the city. I formed hundreds of companies for people who wanted them. My only connection with petrol stations was that I formed three limited companies for Mr Sam Davies and his co-director to operate a petrol station. They were not my companies nor were they my petrol stations and I have sworn, witnessed affidavits to prove it.

5. The only Mr Davies I ever knew in my life was the said Sam Davies and in 1964/66 I had no knowledge of his political connections. If anyone had asked me for information about a petrol station I would have recommended that person to see Mr Sam Davies and to get his advice because I knew nothing about them. — BILL HOLLAND, "Hillside", Pinfold Hill, Lonan, Isle of Man.

Whisky and the professional man

WE CERTAINLY have never heard of nor read your paper before it was drawn to our attention by several of our loyal clients. No doubt you do know how much bad publicity can do to bring any professional practice into disrepute. Ours is no exception. We certainly do not know where you obtained your incorrect information from but we obviously do not operate from Herondale Road — we do happen to have a registered office.

We, for one, believe in the freedom of the press. We also believe in proper investigation being conducted before name(s) of people, firm(s) or Practice can be linked up with matters however trivial not to mention one that forms the headline. Any deviation from this is abuse of privilege. Unless, you apologise in your next issue and give such a prominent place on the front page we certainly take the matter up first with the Press Council and then seek redress.

We have today written to the Grant Department and the City Planning Officer. We wholeheartedly welcome the inquiry.

You have accused this Practice of handling Mr Turner's grant applications and indeed you gave a list of addresses. We can tell you for sure that we were only responsible for making (not handling) grant applications for three of the list of addresses you gave (52 Toft Street, 34 Langton Road, and 5 Wesley Place). Once

the applications were made for those three and the following: 60 Alton Road, Liverpool 6 (2 flats); 50 Lidderdale Road, Liverpool 15 (2 flats); 72 Canning Street, Liverpool 8 (3 flats); 12 Eversley Street, Liverpool 8 (3 flats); 32/34 Kensington, Liverpool 7 (4 flats); 11/15 Catherine Street, Liverpool 8 (10 flats); 5/7 Freehold Street, Liverpool 7 (5 flats); 12 Linnet Lane, Liverpool 17 (6 flats); 271 Litherland Road, Bootle (renovation); 54 Eastdale Road, Liverpool 15 (renovation); 56 Gainsborough Road, Liverpool 15 (renovation); 156 Adelaide Road, Kensington Fields (renovation); 48 Cambridge Road, Bootle (renovation); and 15 and 24 Toft Street, Liverpool 6 (renovations), Mr Turner thereafter decided to dispense with our services (which is quite within his rights) and we invoiced him with our bill for £2,956.60 less £460 he had already paid on account leaving a balance of £2,496.60. We were not responsible for any final account that Mr Turner might have submitted to the Grant Department. And we do not know if he submitted any. So, your allegation of this Practice handling all of Mr Turner's grant application is completely untrue and cannot be justified.

In about January this year we found that Mr Turner was not being honest with us and as a result of which we had no alternative but to serve him with a writ on the 9th day of February for the outstanding balance of £2,496.60. On the

20th day of February Bennet & Co, Solicitors of 37/41 Moorfields, Liverpool 2 entered appearance for Mr Turner. In the defence which was served on the 3rd day of March by the solicitors, Mr Turner admitted that only £460 had been paid to this practice. Following which we have since served his solicitors with a summons due to be heard on the 26th day of April.

As you can see, it is purely a legitimate business undertaking that we have with Mr Turner. There is nothing underhanded going on between this Practice and Mr Turner. We certainly are oblivious to Mr Turner's malpractices.

Iyanda 'the flamboyant character' happens to be the Principal of this Practice who was, for a few years, a local government officer with Liverpool Corporation until he resigned in December 1973. He endured checking plans for the few years. Obviously, he appreciates what it takes to be in such employment which he does not envy. Invariably, at the end of his first year in Practice (December 1974) he was away on holidays and consequently unable to show his full appreciation to his former colleagues. Last December, it was a different issue: On the 15th day of December 1975 he sent a bottle of whisky (not whiskies) to his former colleagues which was gladly accepted at the time. We find it extremely difficult to comprehend what you are

getting at by making an issue of what was done in good faith without any ulterior motives. After all, we have a number of clients who gave us Christmas presents in addition to paying us our fees; and we also know of certain of our clients who gave their solicitors, doctors, etc Christmas presents. So, what is in giving former colleagues an ordinary bottle of whisky at Christmas time most especially having left them for two solid years' without looking back?

As stated elsewhere above, this Practice served a writ on Mr Turner on 9 February 1976. Paradoxically, as an act of after thought, the Planning Department decided to return the whisky about the middle of February 1976. Which is rather strange. The Planning Department were not satisfied with hurting Mr Iyanda's feelings but stoop so low as to ridicule him and his Practice on the front page of a newspaper which is rather unbecoming of a government body. After all, the least they could have done would have been to auction that whisky and send the proceeds to a charity and inform him accordingly. They preferred to be extremely hypocritical! We will certainly be taking the matter up with the Chief Executive and Town Clerk. We remain, as always, —

IYANDA & SONS, Building Consultants. Residence: "Oke Badan Villa", 110 Herondale Road, Mossley Hill. Registered office: 15 Fenwick Street, Liverpool 2.