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## WHO BREAKS A BUTTERFLY ON A WHEEL?

MR. JAGGER has been sentenced to imprisonment for three months. He is appealing against conviction and sentence, and has been granted bail until the hearing of the appeal later in the year. In the meantime, the sentence of imprisonment is bound to be widely discussed by the public. And the circumstances are sufficiently unusual to warrant such discussion in the public interest.

MR. JAGGER was charged with being in possession of four tablets containing amphetamine sulphate and methyl amphetamine hydrochloride; these tablets had been bought, perfectly legally, in Italy, and brought back to this country. They are not a highly dangerous drug, or in proper dosage a dangerous drug at all. They are of the benzedrine type and the Italian manufacturers recommend them both as a stimulant and as a remedy for travel sickness.

In Britain it is an offence to possess these drugs without a doctor's prescription. MR. JAGGER's doctor says that he knew and had authorized their use, but he did not give a prescription for them as indeed they had already been purchased. His evidence was not challenged. This was therefore an offence of a technical character, which before this case drew the point to public attention any honest man might have been liable to commit. If after his visit to the POPE the ARCHIB SHOP of CANTERBURY had bought proprietary airsickness pills on Rome airport, and imported the unused tablets into Britain on his return, he would have risked committing precisely the same offence. No one who has ever travelled and bought proprietary drugs abroad can be sure that he has not broken the law.

JUDGE BLOCK directed the jury that the approval of a doctor was not a defence in law to the charge of possessing drugs without a prescription, and the jury convicted. MR. JAGGER was not charged with complicity in any other drug offence that occurred in the same house.

They were separate cases, and no evidence was produced to suggest that he knew that MR. FRASER had heroin tablets or that the vanishing MR. SNEIDERMAN had cannabis resin. It is indeed no offence to be in the same building or the same company as people possessing or even using drugs, nor could it reasonably be made an offence. The drugs which MR. JAGGER had in his possession must therefore be treated on their own, as a separate issue from the other drugs that other people may have had in their possession at the same time. It may be difficult for lay opinion to make this distinction clearly, but obviously justice cannot be done if one man is to be punished for a purely contingent association with someone else's offence.

We have, therefore, a conviction against MR. JAGGER purely on the ground that he possessed four Italian pep pills, quite legally bought but not legally imported without a prescription. Four is not a large number. This is not the quantity which a pusher of drugs would have on him, nor even the quantity one would expect in an addict. In any case MR. JAGGER's career is obviously one that does involve great personal strain and exhaustion; his doctor says that he approved the occasional use of these drugs, and it seems likely that similar drugs would have been prescribed if there was a need for them. Millions of similar drugs are prescribed in Britain every year, and for a variety of conditions.

One has to ask, therefore, how it is that this technical offence, divorced as it must be from other people's offences, was thought to deserve the penalty of imprisonment. In the courts at large it is most uncommon for imprisonment to be imposed on first offenders where the drugs are not major drugs of addiction and there is no question of drug traffic. The normal penalty is probation, and the purpose of probation is to encourage the offender to develop his career and to avoid the drug risks in the future. It is surprising therefore

that JUDGE BLOCK should have decided to sentence MR. JAGGER to imprisonment, and particularly surprising as MR. JAGGER's is about as mild a drug case as can ever have been brought before the Courts.

It would be wrong to speculate on the JUDGE'S reasons, which we do not know. It is, however, possible to consider the public reaction. There are many people who take a primitive view of the matter, what one might call a pre-legal view of the matter. They consider that MR. JAGGER has "got what was coming to him". They resent the anarchic quality of the Rolling Stones' performances, dislike their songs, dislike their influence on teenagers and broadly suspect them of decadence, a word used by MISS MONICA FURLONG in the *Daily Mail*.

As a sociological concern this may be reasonable enough, and at an emotional level it is very understandable, but it has nothing at all to do with the case. One has to ask a different question: has MR. JAGGER received the same treatment as he would have received if he had not been a famous figure, with all the criticism and resentment his celebrity has aroused? If a promising undergraduate had come back from a summer visit to Italy with four pep pills in his pocket would it have been thought right to ruin his career by sending him to prison for three months? Would it also have been thought necessary to display him handcuffed to the public?

There are cases in which a single figure becomes the focus for public concern about some aspect of public morality. The Stephen Ward case, with its dubious evidence and questionable verdict, was one of them, and that verdict killed STEPHEN WARD. There are elements of the same emotions in the reactions to this case. If we are going to make any case a symbol of the conflict between the sound traditional values of Britain and the new hedonism, then we must be sure that the sound traditional values include those of tolerance and equity. It should be the particular quality of British justice to ensure that MR. JAGGER is treated exactly the same as anyone else, no better and no worse. There must remain a suspicion in this case that MR. JAGGER received a more severe sentence than would have been thought proper for any purely anonymous young man.