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1938

**The Strange Case**

of

**Major**

**VERNON**

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**THE NATIONAL COUNCIL FOR  
CIVIL LIBERTIES**

Morley House, 320 Regent St., London, W.1.







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STRANGE CASE  
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*Extract from The Civil Service Compendium  
(1936 Edition).*

### POLITICAL WORK

It should be made quite clear that Civil Servants are free to belong to any political party—Conservative, Liberal, Labour, or Communist. They are free to vote and to take part in the political life of the time. There is a general understanding that Civil Servants should observe “a certain reserve” in politics, and some Departmental regulations preclude them from serving on Committees at election times. But there is nothing to prevent them, provided they exercise reasonable discretion, from playing a considerable part in political work.

[The Compendium is a summary and explanation of the vast number of Acts of Parliament, Orders in Council, Treasury Circulars, etc., which govern the conditions of service of Civil Servants. It has acquired almost the authority of an official document because, since its first publication in 1921, it has been used as a standard work of reference throughout the Civil Service and has never been challenged.—EDITOR.]



## FOREWORD

In view of the peculiar importance of this case to civil servants the Council is particularly fortunate in being able to express the views of the head of the Civil Service Clerical Association, the largest organization of civil servants in this country. His foreword to the pamphlet is important as showing the serious view taken by the Secretary of that organization which is most closely concerned with the events narrated in the pamphlet.

RONALD KIDD

(Secretary of the National Council for Civil Liberties).

This pamphlet deals with the striking case of Major Vernon. The pamphlet is concerned with two issues, which together make the case of Major Vernon one of very grave importance to those of us who believe in civil liberty and who are opposed to the "Police State" in any form.

The first of these two issues relates to the altogether incredible proceedings at the trial of the Fascists who burgled Major Vernon's house. The second relates to the invocation of the Official Secrets Act against Major Vernon.

I share to the full the concern of the National Council for Civil Liberties with this case in its bearing upon the liberties of citizens in this country. I have, however, a further interest in it as the leader of a large body of Civil Servants. For the Vernon case has a profound significance, not only in relation to the general political liberties of the citizen, but in regard to the civil rights of State servants as such.

Until recently, the position of the Civil Servant was plain. There was no political or religious discrimination in the matter of recruitment. If he satisfied the age, health, and educational standards required for admission to a given grade, he secured appointment, whatever his religious or political convictions were. Thereafter, it is true, certain restrictions were placed on him. He could not fight a Parliamentary Election without first resigning his post. In the case of three or four Ministries whose relations with Local Government Authorities were very close, he was not allowed to stand for election to Municipal bodies. And, generally, he was required to exercise "a certain reserve" in his political activity. But he could be a member of any Party he liked, he could hold what political views he liked, and he could be politically active in any Party, subject to the "certain reserve" referred to.



Now, the point about the Vernon case, and about other incidents which have occurred in the public Press recently, is that what happened in this case, and in the others which I have mentioned in passing, is quite inconsistent with this general position. It is no good saying that Civil Servants are free to hold what political convictions they like and to express them through their Party affiliations, if, in fact, it becomes plain that anybody who holds views other than those approved of by the National Government, can be treated as Major Vernon has been treated. All the assurances in the world will not persuade Civil Servants that they are politically free while cases of this kind happen. The logical conclusion to be drawn from the proceedings at the trial of the burglars is that 40 per cent of the entire Civil Service—this being, at a guess, the proportion whose views are of the Left rather than of the Right—ought not to be regarded as fit and proper persons to hold office in the Public Service.

Now, we know where this sort of thing leads to. If, under Governments of the Right, Civil Servants with Left views can be treated as Major Vernon has been treated; and, if under Governments of the Left, Civil Servants of Conservative views are similarly treated, the ultimate upshot can only be one thing. That is the introduction of the "Spoils" system—under which appointments in the Public Service are treated as rewards for political activities and allegiances, to be cancelled when a Government of a different complexion comes into office.

It is precisely from this system that America—which in recent years has felt to the full the lack of a secure Civil Service—is trying to escape. It is to this that we shall drift in England unless such cases as Major Vernon's are put right and their repetition made quite impossible.

Both, therefore, as a citizen who is concerned with the general problem of the maintenance of civil liberties in Britain, and as a Civil Service representative concerned with the maintenance of the traditions of the Service in respect of political liberty, I invoke for this pamphlet the widest possible circulation. The higher the tide of reaction rises in Europe, and the more our liberties are sought to be filched from us, both by legal and illegal means, the more necessary it is that every such case as this should be fought with the utmost vigour and tenacity.

W. J. BROWN

(Secretary of the Civil Service Clerical Association).



# THE STRANGE CASE OF MAJOR VERNON

The Vernon Case deserves the careful attention of all British citizens who are not only anxious that our civil rights and liberties shall be preserved but also that those persons who are employed by or under the Crown shall be free from attack because of their political opinions.

The actual circumstances in which this case arose, the extraordinary procedure in the Court and the subsequent prosecution and dismissal of Major Vernon—all these matters deserve careful attention. This pamphlet has no more ambitious purpose than to place on record the facts of the case and to emphasize such questions as appear to be deserving of consideration.

## WHO IS MAJOR VERNON?

The gentleman concerned was 54 years of age before he achieved this notoriety. He was, before the war, engaged in electrical and mechanical engineering. By permission of the Authorities he left work of National Importance and joined the Royal Naval Air Force as Engineer Officer. He learned to fly and made important contributions to the development of flying boats. His War Service earned him promotion to the rank of Squadron Commander, R.N., and he was demobilized in 1919 with the rank of Major, R.A.F. He obtained private employment with an aircraft firm and then joined the Aircraft Inspection Department of the Air Ministry in 1924, and in 1925 was transferred to the Royal Aircraft Establishment at Farnborough as Technical Officer, Grade II, which rank he retained until his dismissal.

That is a short statement of Major Vernon's record—but it is not all, and it is proper to give some further details. Major Vernon had professed himself a Socialist since 1921 and was a supporter of the League of Nations and a member of the League of Nations Union.

Many of the staff at the Royal Aircraft Establishment at Farnborough were interested in political matters; they were naturally concerned with wars and rumours of wars; many of them had taken part in the last war and were suffering from the cynicism and disillusionment which followed. Disarmament and re-armament and all kindred matters inevitably were matters of vital interest to the staff. The fall of the Labour Government in 1931, the salary "cuts", the General Election, the abandonment of the Gold Standard—these were all matters of interest and discussion.

The result was that an informal Study Circle was set up, and a great variety of subjects bearing on the social and political problems of the day were debated: speakers of all sorts of opinions took part in the discussions on these topics, including visitors from important parties and societies who were invited to explain their views.



Naturally, existing institutions came in for criticism, and on the whole the conclusions reached were of a "Left" tendency.

The Farnborough Study Circle seems to have been frowned upon by the more Conservative elements in the neighbourhood, and there is reason to believe that it was unpopular with the R.A.E. authorities. Since Vernon acted as convenor for this Circle, he may have been considered, though without any adequate reason, as the person responsible for its activities.

The effect of these meetings on Vernon was to stimulate his interest in political matters, and he began to take part in the activities of local Labour Parties and Co-operative Societies. He joined the local Labour Party and for a time was a member of the Socialist League. His contact was almost entirely with civilians, and he rarely came in touch with the military except for Ford, about whom we shall hear later. He met members of the Labour Party, Communist Party and other persons who were on the Left in politics, but he took no open part in elections or public meetings.

In course of time the Study Circle became more markedly Socialist, and in 1936 it was hinted to Vernon that he was unpopular with the higher authorities at the R.A.E. As he knew his work was satisfactory, he was forced to the conclusion that someone had reported unfavourably on his political activities. He accordingly gave up most of his organizational work, and the meetings of the Study Circle were discontinued. He had always taken an interest in people in distress, and during the slump of 1929 to 1933 he had initiated the founding of Self-help Clubs for unemployed men in Farnham and in Alton. He now concentrated on study; he made many notes on current events; he prepared memoranda on such topics as "The Transition to Socialism"; he bought many books, pamphlets and periodicals.

Major Vernon's official duties necessitated frequent visits to aircraft works; he was officially concerned with the compilation of handbooks from information supplied to him, and he frequently had drawings and instructions concerning aeroplanes in his possession overnight.

Vernon's dwelling—called by various names in the course of the proceedings—was carefully designed by him. It was set among charming surroundings between a pond and a little wood and approached by a private road through a farm. It was secluded and somewhat inaccessible and one of the least likely places to attract burglars.

#### HOW THE TROUBLE STARTED

It was to this man, living this life in this quiet place, that adventure and notoriety came. He went away on leave to the Lake District, and on his return, on August 22nd, 1937, he was told that his hut or cottage had been broken into by persons who claimed to be Fascists. According to the local Press report of the appearance of these people at the Police Court, the four men had stated that the



object of their action was to expose Vernon and not to rob him, a claim which might have sounded a little more plausible if they had not removed—in addition to papers—cutlery, money, a watch, a telescope, a travelling-rug and other articles, the political significance of which could only be apparent to a Fascist who was also a burglar.

Soon after Vernon returned he appeared to give evidence at the Police Court of the fact that he was the owner of the articles, which were spread out in Court. The Solicitor for the defence opened one of the cases and took out a pamphlet with a red cover, entitled "The Communist Party", saying to the witness: "Is this the kind of literature you collect, Mr. Vernon?" He next picked up a publication of the Union of Democratic Control called "Foreign Affairs in Parliament", which Vernon identified as his; then a small card from which he read out the words: "In 1918 there were four Zepp raids", saying to the witness: "What are all these documents? What do you collect them for?" Vernon replied: "I am a student of affairs. I take in 'Foreign Affairs in Parliament', which is published all the time Parliament is sitting." "Do you write about these things you study?" was the next question. "Not much," was the reply. The last object produced was a small note-book. Mr. Raines opened it at an obviously pre-selected place and said: "Here is a reference to tanks"; but before Vernon could explain that it was fuel tanks and not the military variety which were referred to he passed on to other details of less consequence.

The Court was then told, through various witnesses, the story of the raid. Ford, one of the defendants, had been to Farnham on 16th August and, with the excuse that he wanted to leave a note, had visited the bungalow. He found that Vernon was on holiday. He had returned two days later with three companions in a car which belonged to one of them, had taken away the greater part of Vernon's portable possessions and had been caught by the police 20 miles away. Besides Vernon's goods there were found in the car an imitation revolver, a military style cap, a hammer, a big chisel, a wood chopper and an aluminium knuckle-duster. There was a Fascist flag on the wind-screen of the car. Perhaps if Ford's complete statement to the Police at Farnham were available much more light would be thrown on this subject. The suggestion, twice repeated by his defending Counsel at Kingston, that he was a "well-known Communist worker" and a "prominent Communist worker", must be discounted completely. The claim made by this ex-Irish Republican Army man and deserter from the British Army that he took the risks he did "in the interests of his country" is illuminating!

The chief points from Ford's story, as read out in Court, were that, as the result of some previous arrangement, he had met Vernon in 1934 and together they had planned to spread Communist propaganda among the troops in the Aldershot district. Vernon, it was alleged, provided the leaflets which Ford spread around in the camp, while



Ford also collected the names of soldiers sympathetic to the cause. He claimed to have repented of his actions because he "liked his comrades" and alleged that Vernon, who had given him money to do political work in the Army, now gave him money to desert.

Vernon's account is that Ford was one of several people in trouble whom he had attempted to help but one who had turned out badly. Ford came with a story of being bullied and beaten in the Army, of being spied on and made unendurably miserable for his political opinions. Vernon had recognized he was in a bad state of nerves, had refused requests for loans of money and had given him the best advice he could, which was to stay in the Army and make the best of it.

The questions to Vernon and the allegations of Ford naturally created a sensation in the district where Vernon was well known and respected. Ford's allegations seem to have little relevance to his entry into Vernon's hut and the removal of Vernon's property, but they were broadcast, and Vernon was given no adequate opportunity to deny them. The proceedings concluded with the committal of the prisoners for trial at the Surrey Quarter Sessions three weeks later.

In the meantime Vernon returned to his duties at the R.A.E. He at once explained to the head of his department that alarming but completely untrue stories had been spread around by one of the people who were being prosecuted for stealing his goods. He asked for an interview to be arranged with the head of the Establishment, the Chief Superintendent R.A.E., Mr. H. A. Hall.

It was on the afternoon of that day, September 3rd, that the interview took place. It was brief but illuminating. The Chief Superintendent said: "I am satisfied from documents found at your place that you have acted prejudicially to the Service, and you are therefore suspended. You will be given opportunity to answer the charges that will be made in accordance with the Service Regulations and the law of the land."

Vernon was astonished, for he had expected that any storm would be around his associations with Ford, in which matter he could clear himself completely. The reference to documents meant that his papers had been overhauled and his whole intellectual, social and political life was under review. To discover what the ground of offence was he asked if he might see the documents to which exception had been taken. The reply was: "No; they have been sent back."

From what has since become known it is evident that between August 19th and September 2nd—possibly even between August 19th and 22nd—the whole of Vernon's papers were minutely examined. It is certain that the R.A.E. authorities took part in this investigation. It is highly probable that the Military Intelligence Department was also involved, for Ford's statement about sedition among the troops could not be ignored; and, from the police statement that "Whitehall" was concerned, it seems probable that the Special Branch of Scotland Yard was also involved.



If Ford had been taken seriously, the authorities must have been sadly disappointed in failing to find a scrap of evidence pointing to sedition among the troops. If they were hoping for signs of Communist organization in the Civil Service, they were likewise completely let down. They did, however, find some papers relating to Vernon's daily work, which, strictly speaking, ought not to have been left in the bungalow when the owner was on holiday, and also a few pencil notes relating to aeroplanes on which they were able to proceed under the Official Secrets Act. They also found a selection of Left Wing and Socialist literature.

It is a sign of powerful prejudice against Vernon that he was not told the nature of the complaint against him or given a chance to make explanations at the beginning. Had this been done, it is probable that the whole matter would have concluded with, at most, a reprimand for lack of care in protecting official information.

### THE TRIAL AT KINGSTON

The next incident in the story is the trial of the four men on September 2nd at Surrey Quarter Sessions, held at Kingston before Mr. J. H. W. Pilcher (Chairman) and other magistrates. Vernon's solicitors, still under the impression that Ford's charges were the chief danger, had prepared a statement of denial and also collected a batch of testimonials to Vernon's character from people who had known him for years and who gave him the highest praise for devotion to the Civil Service and for public and philanthropic work.

It was hoped that the Government representative would endeavour to clear the character of a fellow Civil Servant from unjust accusations and secure a conviction against the raiders for theft. For this reason copies of the testimonials to character and a brief statement of denial of the charges had been supplied to the solicitor for the prosecution.

**Vernon being a witness for the prosecution, it would have been in order and indeed usual for Counsel for the prosecution to have discussed his evidence with him before the trial. Nothing of the kind was done.**

The trial itself was a repetition of the preliminary hearing at Farnham but with a remarkable shift of emphasis.

For the defence of the Fascists was Mr. Lawton, himself a Fascist and a prospective candidate for Parliament in the B.U.F. interest—strangely enough, in the constituency now represented by D. N. Pritt, K.C., M.P., who defended Vernon when he was on trial some weeks later.

Ford's charges of spreading sedition among the troops and assisting desertion fell into the background, either because it was known that they could not be supported or because a supposedly better ground of attack on Vernon had been found. The plan of the defence was to show the Magistrates and the jury "what kind of a man" Vernon was; the tacit assumption apparently being that if he could be shown



to be a Communist that would be sufficient to justify the raid and would enable the raiders to claim to have done a public service.

The trial is remarkable, and those interested in the frailty of British Justice in such matters would be wise to read the whole of the report of the proceedings. The following extract from the shorthand notes will, however, give some indication of this astonishing performance. The four defendants—Ford, Mann, Preen and Dawson—were charged with breaking and entering Major Vernon's house and stealing certain articles. They all pleaded not guilty. Major Vernon was called and gave evidence of ownership and of the fact that the articles were missing. That was really all that was revelant to the charge. But listen to—or read—what followed and what was allowed by the Chairman.

VERNON, CROSS-EXAMINED BY MR. LAWTON:

Q.: You hold a responsible Civil Service appointment?

A.: Yes.

Q.: You get paid by His Majesty's Government? A.: Yes.

Q.: You are loyal to that Government? A.: Yes.

Q.: If anybody visited your hut would they see any papers or books which might lead them to think you were not loyal?

A.: There are suspicious people about.

Q.: The affairs you take an interest in are what is known as Left Outlook, the outlook of the Socialistic and Communist parties?

A.: I am a Socialist.

Q.: Not a Communist. A.: No.

Q.: You are quite certain you do not indulge in active political work?

A.: I am a member of the Labour Party.

Q.: Merely a member who pays his subscriptions?

A.: And attends the meetings.

Q.: And helps to spread Socialist propaganda?

A.: I think I have some influence.

The Chairman. Q.: With whom? A.: With whoever I meet.

Mr. Lawton. Q.: Including soldiers of His Majesty's Army?

A.: No.

Q.: Now let us look at the things you keep in your hut. First there is a membership card of the Labour Party.

A.: Yes.

Q.: You are interested in a society called the Union of Democratic Control? A.: Yes.

Q.: Here is a receipt for £15. Does that represent your work on behalf of the Spanish people? A.: No.

Q.: Do you remember saying a minute ago you were not a Communist? A.: Yes.

Q.: Here is a letter (reads).

*Dear Wilfred,*

*If you have turned me into a very good voting Red I take*



*it you will be satisfied that the "Left Book" you lent me has fulfilled its purpose.*

[Explanation. The book was John Strachey's "Theory and Practice of Socialism." The writer had been a lifelong Conservative. By "voting Red" he means that he intends to vote for the Labour Party at the next election.]

Q.: Do you say you are not a Communist? A.: Yes.

Q.: Here is another. Do you think this is a document a loyal subject would have in his possession for one moment? It is headed "Royal Wedding. The Greeks had a word for it. Gold-digging ex-royalties have a break." Is this one of your treasured possessions?

A.: It is a curiosity.

Mr. Lawton next held up a copy of Feuchtwanger's book, "Moscow, 1937" and read out the title.

Q.: Do you read books on Rome, 1937? A.: Yes.

Q.: These are samples of your books, are they not? (Books handed to magistrates all L.B.C. editions.)

"An Atlas of European History."

"The Theory and Practice of Socialism."

"An Atlas of Current Affairs."

Q.: You are the Secretary of the Farnham Labour Party, are you not? A.: No. While the Party was in abeyance I had some of the correspondence, but I was not the Secretary.

Q.: Look at this document, will you? It is called "The Week". Is it Communist? A.: It is a news service.

Q.: There are scores of files and documents like that in your hut?

A.: No; they are all different.

Q.: You travel a great deal? A.: Yes.

Q.: Sometimes your travels take you to Russia? A.: Yes.

Q.: You have correspondence with people in Russia? A.: No.

Q.: Have a look and see what your correspondence with Russia consists of. (Handing papers to witness.)

A.: They are addresses of people I was going to call on in Russia.

At this stage there was a somewhat half-hearted suggestion that the whole of this cross-examination was irrelevant, and the Counsel for the defence said: "These men thought that they were doing a service to their country when they got information about this man's activities; they thought it proper that they should take his papers along to the authorities and show what sort of a man he was." One might have expected the Chairman to comment on this piece of impertinence, but Counsel was allowed to continue. Shortly afterwards the Chairman intervened, to say that he wanted to know if it was suggested that witness got Ford to desert, and after dealing with a number of minor details Mr. Lawton opened up that subject.

Q.: You have heard Ford's statement. Is it true?

A.: It is untrue.

Q.: Quite untrue?



A.: There are true sentences in it but not many.

Q.: Is it true that he was a Communist worker at that time?

A.: No.

Q.: Did you happen to know that at one time Ford was quite a prominent Communist worker in this country?

A.: No.

Q.: It was quite by accident you met Ford?

A.: I met him accidentally in a shop.

Q.: A shop which sold the *Daily Worker*? A.: Yes.

Q.: You still say you are not a Communist? A.: Yes. I am not a member of the Communist Party.

There followed a number of questions directed to suggest that Major Vernon was a Communist, and Counsel thought it both fitting and relevant to ask Major Vernon if Bela Kun were a Communist.

Mr. Best, the farmer on whose land the hut was situated and who had seen the men taking the stolen goods away, was examined by Mr. McClure. The most interesting exchange was:

Q.: Did you ask them what they were doing with the bundle?

A.: Yes.

Q.: What did they say?

A.: They said they were under instructions.

Cross-examined by Mr. Lawton, Mr. Best denied the suggestion that he had been told to take the numbers of all cars that came up the lane. He re-affirmed, however, that Ford had said he and his party were acting under instructions.

The next witness was Police Constable Tanner. Under examination by Mr. McClure he gave evidence of receiving a message by wireless in a police car on the Great West Road at 3.27 p.m. and stopping Preen's car with the four men and the stolen property at 4.5 p.m.

Q.: They behaved quite properly all the way through?

A.: Yes; quite.

Q.: Did they say anything?

A.: Preen said: "Let me go and telephone to the Intelligence Department."

Q.: You said he would have facility to do that at the Staines Police Station?

A.: Yes; he was given all the assistance at Staines Police Station.

Q.: Then I think you saw a movement about the back seat and found a chopper?

A.: Yes; the prisoner Mann, who was sitting in the back seat, moved his hand as though he was getting hold of something in the back seat. I put my hand over and found the chopper.

Q.: Did Preen say anything more?

A.: Yes; he said: "There is a revolver there. It is a dummy and not much good."

Q.: What did Ford say?

A.: He said: "I was in the Army, and I met Major Vernon who



got me to distribute Communist propaganda, and I am now ashamed of myself."

Detective-Sergeant Bishop next gave evidence of having found the hut in disorder after the robbery and having brought the four men to Farnham the same evening. It was not until they were brought up in Court next day that Ford made his statement.

Ford's statement, of which an outline has already been given, was then read out until a part marked in red was reached.

The Chairman: Do you want that marked part left out?

Mr. McClure: Yes.

The Chairman: What do you say, Mr. Lawton? Do you want it read?

A.: No.

Mr. McClure: I think the last part should be read.

The Clerk then read out: "I think I realize the seriousness of what I have been doing and the whole of the business arranged at Farnham yesterday. I take the whole blame and thought, if I could only get hold of his papers, I should be doing my country a big service."

For the defence all four prisoners went into the witness-box. Ford and Preen were examined at length; Mann and Dawson were only asked if they agreed to what the others had said. The chief interest in this part of the case is in the answers of Ford and Preen, for the light they throw on the origin of the raid and in the questions of Mr. McClure, which give some indication of the official attitude towards the prisoners and towards Vernon. Here are the most important passages:

#### FORD EXAMINED BY MR. LAWTON

Q.: In August did you meet Mr. Preen? A.: Yes.

Q.: Who suggested that you should go down to Farnham?

A.: I did.

Q.: Did you realize that your activities might result in your being in this Court?

A.: No; I was bringing the things to the Police in Whitehall.

Q.: After you had handed over the property to the Police did it concern you what happened to it?

A.: As regards gain, certainly not.

Q.: When you went to Farnham did you think that if a private citizen saw what he considered seditious literature he had a right to take it?

A.: Certainly.

Q.: Did you intend to take Mr. Vernon's documents?

A.: Yes, to secure the seditious Bolshevik literature if it was present there; that has since proved to have been there.

Q.: Were you conscious of taking the telescope?

A.: No; I just jumbled everything in quickly.



Q.: How long were you packing up the cases?  
A.: About twenty minutes.  
Q.: Where were you going to take the stuff?  
A.: To Whitehall: to the Police.  
Q.: Which Government Department were you going to see?  
A.: The Police Department. I am not sure, but I think it is called Scotland House.  
Q.: Did you believe that that was the Secret Service Department?  
A.: Yes.

#### FORD CROSS-EXAMINED BY MR. McCLURE

Q.: Do you take yourself seriously in this matter? A.: I do.  
Q.: Can you imagine anything so stupid as what you did?  
A.: Yes; carrying on Bolshevik propaganda.  
Q.: Why did you not go to the Police? I am not suggesting for a moment that this is a case of housebreaking as it is ordinarily understood in these courts. You knew even Scotland House and the difference between that and Scotland Yard?  
A.: I thought it better to do what I did in the way I did.  
Q.: Why should it be better? You went down with some people you collected from the Fascist Party in London?  
A.: That is not true; they were people who are local people and nothing whatever.  
Q.: How did you get hold of them? Where did they come from?  
A.: I am afraid I do not know the addresses of two of them. They were friends of Preen.  
Q.: You knew Preen and he said: "I know two pals and we will go and raid the hut." Is that what happened?  
A.: Yes, they never came from Fascist Headquarters.  
Q.: Whose instructions were you acting on?  
A.: My own authority.  
Q.: Whose instructions?  
A.: Nobody's instructions. I gave them to understand I had full authority for what they did.  
Q.: What authority had you got? A.: None.  
Q.: Did they all agree with you in this object?  
A.: I gave them to understand I had full authority.  
Q.: Have you got a party of your own or do you belong to any organization?  
A.: No, but I am waging a more or less private war on Bolshevism.  
Q.: Are you telling the jury that that telescope, forks and spoons and twelve knives, and a whole lot of clothing got packed by mistake?  
A.: I was so frightfully enthusiastic I just bundled these things into the cases.  
Q.: I thought you were going to say that part of the scheme was to make it appear that an ordinary burglar who liked forks and spoons



had raided the hut; that would have been a better explanation?

A.: Yes, but I am telling the truth.

Q.: It was in 1934 that you last saw Vernon? A.: Yes.

Q.: Has it taken you two and a half years to make up your mind to do this or did you think of it suddenly?

A.: I did not think of it suddenly.

Q.: When did you think of it first? (A pause.) A.: Perhaps a month.

Q.: Did you ask anybody's advice? A.: No.

#### PREEN EXAMINED BY MR. LAWTON

Q.: Why did you go down to Farnham?

A.: To make sure that Ford's statement was correct. I thought it my duty to see what I could do to help my country by exposing this man.

Q.: Did you think that if you saw documents you thought were seditious, you were entitled to take them along to the Police?

A.: I thought if I left the place and informed the Police it would have been too late, because there was nobody else who saw us there.

Q.: Did you ever intend to take these things for yourself or to make private gain out of it?

A.: I do not recollect it.

Q.: Were you not taking these things to Fascist Headquarters in London?

A.: Nothing to do with Fascist Headquarters.

Q.: I thought you were a Fascist?

A.: I was a Fascist.

Q.: You were?

A.: We would be expelled if we did it. They would not allow us to do it.

Q.: You were going to Police Headquarters, you say?

A.: Yes, I was just about to stop the car to 'phone up Whitehall to say that we were coming there.

Mann examined by Mr. Lawton admitted taking the telescope, thinking it was one of the incriminating articles.

Q.: Do you remember Mr. Best speaking to you?

A.: Yes, and I told Mr. Best we were going to Police Headquarters because none of us had said so.

#### THE FINAL CROSS-EXAMINATION

Q.: Have you been reading Bulldog Drummond?

A.: No, I happen to be a patriotic citizen.

Q.: Have you read "The Saint"? A.: Yes.

Q.: That is what you were doing, was it not? You were going to right some wrong that you thought you had a right to do, instead of notifying the authorities?

A.: Well, I shall never do it again.



Dawson (aged 18) when examined by Mr. Lawton said:

"I would like to point out that the idea of doing the job was to prove to this Court that there is among us unpatriotic Englishmen. I myself being a patriotic Englishman took up to do the job as I thought any other patriotic citizen in this country would have done in the same circumstances."

At the close of the evidence and after both Counsel had addressed the Jury, the learned Counsel for the prosecution for reasons best known to himself said: "I have told my friend there were discovered in this place certain documents the discovery of which was a matter of importance. I need not say anything more than that, but I think that it is right to say that there was a discovery made of some importance that has not been referred to here."

**Why Mr. McClure thought it necessary or proper to make this mysterious and sinister remark about documents which were not put before the Jury is as difficult to understand as why the Chairman allowed it to pass without comment.**

#### THE VERDICT

The Chairman in summing up said that in his view it was open to the Jury if they thought fit to find the defendants not guilty of stealing these alleged subversive documents, but guilty of stealing the clothing and other things found packed up with the documents.

The Jury found the prisoners guilty of "larceny in a dwelling-house" without distinguishing between the documents and the other goods, thus rejecting the excuse that the raiders did not intend to deprive Vernon of his papers permanently.

The verdict having been given, it remained for the Police records to be examined before sentence was pronounced, and here the Prosecution and the Police seemed remarkably lenient. Against Dawson was a conviction for illegally wearing Blackshirt uniform, for which he had been fined £5 a few weeks previously. Against Ford was the discrepancy between his evidence to the Court that he had no authority for the raid and his story to his companions that he had some authority; also his variegated political past and his confessed desertion and expulsion from the Army.

Prosecuting Counsel said: "Nothing at all is known against these young men except that Ford was a deserter from the R.A.M.C."

The Chairman: "That was some time ago."

Detective-Sergt. Bishop: "All four of them appear to have very good characters as far as we know."

The Chairman: "We are told that all four of you bear very good characters and at least two of you are in regular work. We are going to take the course of binding you over for twelve months."

\* \* \* \* \*

The facts of this case are not open to any dispute. These four



men took goods out of the custody of their owner. They sought to justify this on the ground that they were serving their country.

**It was either a plain and deliberate piece of theft or it was an impudent defiance of the law supported by a still more impudent defence. Why the Chairman thought it relevant to permit questions directed to show that Major Vernon was a Communist, why Major Vernon should have been allowed to be asked about his political studies and beliefs, are matters which are quite inexplicable on any ordinary legal principles.**

It will perhaps suffice to quote the comments of the *News Chronicle* upon the matter. In a leader that paper says that the case

“was so conducted at the Surrey Quarter Sessions that Mr. Vernon appeared to be in the dock and the thieves almost assumed the role of prosecutor. Mr. Vernon’s character was blackened and his prospects in life jeopardized by what appears from the reports to have been a flagrant violation of the laws of evidence.”

With the conclusion of the prosecution of these sturdy English gentlemen the first chapter of the Vernon case may be closed with the interesting speculation as to what would have been the fate of four Communists if they had broken into the house of the Chairman of the Quarter Sessions and justified their conduct on patriotic motives.

#### PROSECUTION UNDER OFFICIAL SECRETS ACT

Now that the trial was over, it might have been expected that the goods would be returned to the owner. In fact, the police promised to return them next day. Instead of doing so, however, they reported to Vernon that Preen was appealing against his sentence and the documents would, therefore, be held for another 21 days. Actually, it was not till after Vernon’s trial at Farnham on 23rd October that he recovered the bulk of his property, and another fortnight elapsed before he received the items exposed as exhibits in the Kingston trial.

At this time it was not known whether the Air Ministry intended to deal with Vernon’s suspension by internal Air Ministry inquiry or to proceed by the more ruthless method of prosecution. To prepare for contingencies, Vernon applied for permission to examine his papers. This could not be refused, and in the presence of the police at Farnham Police Station he was allowed to turn over his documents and make a rough list of what they were.

The authorities took the opportunity afforded by his presence at the Police Station to present the three summonses which were the subject of the final proceedings. These summonses named three documents which had been abstracted from the mass. Two of the summonses related to retaining information and one to not taking proper care of it. The documents mentioned were not the only papers there concerning aeroplanes, for there were note-books and drawings



relating to Vernon's daily work and used on his visits to contractors' works. The bulk of the papers, books, pamphlets, diaries, and manuscripts showed clearly that Vernon took a keen interest in home and foreign politics as well as in modern warfare. There were notes for educational lectures and a manuscript of a paper on the vulnerability of cities from the air. It is conceivable that the authorities might have taken exception to this, but since it had been prepared entirely from sources available to the general public, and care had been taken to exclude everything confidential or likely to be useful to an enemy power, perfectly satisfactory explanations could have been given.

In the same way the possession of the information on the three documents which were the subject of the charges could have been accounted for.

By taking the course they did, the Air Ministry destroyed all possibility of clearing the matter up by reasonable discussion.

Although the documents had been named, Vernon was still in doubt as to what they were, and accordingly applied through his solicitor for leave to see them. This was allowed, and a few days later under severe restrictions the papers were exposed for his inspection in the office of the Public Prosecutor.

It will be noted that by now Ford's original charges, and the suggestions that Vernon was secretly a Communist and the possessor of seditious documents, have passed completely out of the picture. All that remain are the charges under the Official Secrets Act.

For the position to be understood, it must be explained that it was one of Vernon's official duties to supervise the compilation of the handbooks which were needed to accompany every new type of aeroplane sent into service.

The expansion of the Air Force and the production of numerous new types made it necessary for him to plan his work far ahead, so that the essential explanations and instructions should be available to those who needed them as soon as the new aeroplanes arrived on their hands.

Advance information concerning new types was therefore useful to Vernon. Accordingly, when the clerk in his department produced for his inspection the official chart of forthcoming aeroplanes, he took down particulars of their engines and identification numbers and, in the case of one type for which he was preparing the handbook at that time, he also recorded some particulars of load, range, and speed. This information written on a small card was the document "G" referred to later. There was a great deal more information on the chart, but Vernon only copied out the facts which he actually needed.

The other two documents, "N" and "O", were in a different category; they were also pencil notes, one relating to the accuracy of the bomb-dropping in the exercises of 1934, and the other to the advantages and disadvantages of a special type of bomb sight. The



explanation of why Vernon had this information is perfectly clear.

Vernon had been at the top of his grade for six years; he was doing important work which was apparently well thought of. There appeared to be little prospect of promotion in his own department, and he had been promised two years before that the possibility of transfer to some other department would be favourably considered. He therefore applied for the vacancies which were notified from time to time in other departments in the grade above his own.

One of them was advertised thus:

#### OFFICIAL APPOINTMENTS

AIR MINISTRY  
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One Technical Officer for the development of bomb-sighting and navigation equipment. Candidates should possess an honours degree in physics or engineering or the equivalent. Some experience of aircraft and flying is desirable.

Besides Vernon's general interest in all phases of aircraft design and use there was a special incentive in the hope of being employed on original work connected with bomb-aiming, which was much more to his liking than the semi-journalistic work he was engaged on. That he should make notes and not prevent them getting stolen is against the rules, but why should he anticipate that a gang of Fascists would break into his house?

These, then, are the facts. If they were unknown to the Air Ministry, the Ministry never even asked for them. Apparently they neither knew their own organization nor troubled to make inquiries, but proceeded to instruct their Counsel to make the strongest case he could out of their incorrect surmises.

#### AT FARNHAM POLICE COURT

The case came before the Farnham magistrates on October 23rd. The Official Secrets Act is so worded that there was no possibility of escape from the charges of "retaining information" and "not taking proper care of information". Two of the charges covered very much the same ground. One of them was withdrawn and Vernon pleaded guilty to the other two. It only remained for the magistrates to decide the penalty after hearing the speeches by Mr. McClure and Mr. D. N. Pritt for the prosecution and the defence respectively. Neither side knew what the other would say and no evidence but the various documents was put forward.

Mr. McClure, after outlining the case, referred to the three documents on which the charges were based known as "G", "N", and "O".



He said that the first, "G" already referred to, contained the name of aeroplanes whose very existence had been at the time and still was of the utmost secrecy. The information must have been obtained on many different occasions from different sources. Of the second exhibit he said little, perhaps because it related to events of three years before. The third document marked "N", Mr. McClure said, was the most secret of all and had been taken from a document of which only one copy was allowed to be in the Aircraft Establishment.

Mr. McClure concluded by saying that even if Vernon had been justified in obtaining the information, he was entirely wrong in leaving it in his "wretched little bungalow" when he went on holiday.

In defence, Mr. Pritt pointed out that the information on the small card "G" was obtained quite legitimately by Vernon and was required in connection with his work.

The particulars relating to the air exercises in 1934 he could not believe were so very secret. Long accounts of the exercises had appeared in the newspaper Press at the time, and technical journals had published even more detailed information on the subject. He offered no excuse for the papers having been left so easily accessible to thieves.

The penalty imposed was a fine of £10 for not taking proper care of information and £40 for wrongfully retaining information.

#### DISMISSED

On the grounds of this conviction Vernon was dismissed from the Civil Service on November 13th.

In the interval the Secretary of Vernon's professional Society (the Institution of Professional Civil Servants) and the Secretary of the National Whitley Council had raised the question of the termination of Vernon's suspension. They were informed that reinstatement was impossible.

They also pressed for assurances that the political rights of Civil Servants were not being invaded and asked that those rights should be clearly defined. Some such assurances were necessary in view of the serious misgivings which were felt throughout the Civil Service as a result of this case. They received in reply only a repetition of the vague statements made in Parliament as a result of the Dockyard dismissals which aroused such a storm in 1936 and 1937.

Upon this aspect of the case it ought to be understood that the Official Secrets Acts are most drastic and far-reaching. They restrict the use of far more than "Secrets". Any information which a Civil Servant may obtain as a servant of the Crown may be the subject of a charge even although the information may otherwise be public property of not the slightest importance. There does not appear to be any satisfactory division between documents which are secret and those which are not, and consequently a Civil Servant who is a little



thoughtless or careless may find himself in a criminal court.

That Vernon was careless he would no doubt admit, but even this carelessness would never have come to light but for the criminal actions of Ford and his "patriotic" comrades. The latter were bound over by the Chairman, who might well have completed the comedy by shedding tears of regret, while Vernon was fined and discharged from the Service of which he had been a loyal and devoted member. The offence of which he was technically guilty was of not the slightest importance; it could have been met by a reprimand. Why was this course not adopted?

### UNSOLVED PROBLEMS

Let us quote the opinion of the Editor of *The Aeroplane*—a journal which is bitterly opposed to all Major Vernon's political views. In their issue of November 3rd, 1937, there is a long article on the case which ought to be read in full. Here are some extracts:

"However you look at the prosecution of Major Vernon the story is terribly thin. Nobody has ever explained why four amiable-looking young men led by a self-confessed ex-Irish gunman should have been moved to extract those documents from Major Vernon's wretched little bungalow. Nobody has ever even attempted to explain how they knew that such documents existed there and were worth extracting.

"That the inspiration should have come through the change of heart and reform of soul of an ex-gunman who resented Major Vernon's attempts—which are categorically denied by Major Vernon—to spread Communism in the Army, is just a little bit too thin even for the average reader of a daily newspaper.

"These young men denied any connection with the British Fascists or any political organization. And apparently they had no connection with the Royal Aircraft Establishment at Farnborough. We could have understood a bunch of anti-Reds in the R.A.E. who knew that Vernon had these documents in his possession forming a little conspiracy to put him in the cart in this particular way. But there seems no suggestion of any such thing. We should so much like to know what is behind it, and who instigated these young men to commit their praiseworthy theft."

"So far as the charges on which Major Vernon was convicted are concerned, there can hardly be a junior draughtsman or a member of a technical department in the Aircraft industry, or in any other armament business in this country, or in any ordinary civil technical business, who could not be prosecuted and convicted of theft on a precisely similar charge.

"I have never yet known a draughtsman who was worth his wages who did not keep a private file of facts and figures, calcula-



tions and specifications, all of which he had acquired in his employment.

"He may have contributed largely by his own calculations or his own drawings or his own research work to the creation of those facts and figures, but they are the property of his employers and he has no right to have them in his private house. . . .

"Consequently, when the Government wants to get rid of anybody, it can always get him on a charge which has nothing to do with the real reason for his expulsion or his imprisonment or whatever fate may await him."

Fortunately the matter was not allowed to rest. That indefatigable defender of the rights of Civil Servants, Mr. W. J. Brown, discussed the case in the January issue of *Red Tape*, the organ of the Civil Service Clerical Association, and in that article he said:

"I assert that the bases on which the prosecution of Major Vernon rested were wrong; that Major Vernon possessed no information which could not be accounted for on grounds entirely creditable to him, and that I am prepared to prove before any independent Tribunal—

"(a) That Major Vernon ought not to have been prosecuted; and

"(b) That he ought not to have been dismissed."

At a meeting of the National Joint Council for the Civil Service, Mr. Brown made the offer on the Vernon case which has just been set out. The meeting was "stormy and acrimonious" and Mr. Brown later pursued the matter by correspondence. The reply of the Civil Service Authorities is described by Mr. Brown as lawyer's quibbles, and he asserts that the Authorities assume that "it is still Major Vernon who is on trial; it is not. It is the Air Ministry."

That is how the matter stands. It is idle to make pretence about these matters. It is plainly and categorically stated by the Air Minister that Major Vernon was dismissed "without any reference to the political views held by Major Vernon". It is perhaps pardonable to say that this view is not accepted by large numbers of Major Vernon's fellow citizens. The conduct of the Court proceedings, the bouquets handed out to the prisoners, the launching of the trivial prosecution, followed by the dismissal of this loyal, capable, and public-spirited officer, are matters which have created the gravest disquietude amongst many people who are convinced that had Major Vernon been a supporter of the National Government, he would still have been in the Service.



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