

CHARGE AGAINST ABORIGINE DISMISSED

SYDNEY: In an important case at Newtown Court, Sydney, involving police attitudes to Aboriginal citizens, Mr. J. Scott, SM, last week dismissed a charge against Mr. Ken Brindle, of Caroline St., Redfern, of having used insulting words to Detective-Constable Armour on June 4 last.

MR. SCOTT made a number of criticisms of police evidence, and spoke of the possibility that the main witnesses on one side or the other were lying.

Mr. Brindle denied police charges that he had been intoxicated and had used insulting words.

He stated that he had been working and had not had a drink all day, had driven with workmates, immediately after finishing work at Bankstown, straight to Newtown police station, which he entered to inquire about an Aboriginal who had been arrested by railway police.

When told the Aboriginal had been shot, he commented that this seemed "pretty drastic action." Detective Armour, he stated, had said: "Look, don't think you can come here and paint those Aborigines lilywhite because I know the Abos around this area. They are a pack of no-hopers."

Mr. Brindle said he told Armour he had not come to the police station to get a biased opinion of Aborigines. Armour had then called

him a "cheeky black b—" and punched him on the jaw.

Detective Armour and other police officers at the station had denied this, had claimed Mr. Brindle was "well under the influence of alcohol", and had claimed Mr. Brindle had made himself out to be a member of the Aborigines' Welfare Board.

Evidence was given by Rev. J. Downing that Mr. Brindle had gone to him soon after the incident, that he was perfectly sober, and had lacerations on his jaw.

Rev. T. Noffs and Mrs. D. Graham gave evidence of Mr. Brindle's reliability of character and sobriety. Two of his workmates also gave evidence of his sobriety on the day, and of moves by the Newtown police to keep them away from Mr. Brindle. At this period, according to Mr. Brindle he was lodging a complaint about having been assaulted and wanted his workmates nearby as witnesses. The police officers denied that any such complaint had been lodged.

Mr. St. John for the defendant submitted that there were "inher-

ent improbabilities" in the police case. If Mr. Brindle's version were correct, then all the police officers at the station were in trouble and would be likely to produce a version of events that would keep them out of trouble.

The police case fell to pieces because of independent evidence of Mr. Downing. It should also be noted that while the other police officers stated Mr. Brindle had not lodged a complaint, Detective Armour had admitted that he had known such a complaint was made. There were other discrepancies in the police evidence.

The police prosecutor claimed that a detective would not assault a civilian in a place where he could be seen by other civilians.

Summing up, the magistrate said the issue was simple, but its determination was a difficult one.

He said that Mr. Downing was a witness of considerable value, and pointed to the fact that Detective Armour had said he knew a complaint had been lodged by Mr. Brindle, but other police officers had denied this.