

The charges against me are as follows:

"on 04 July 2005 at Canning Street, Edinburgh you DAVID KING did whilst

- 1) acting with a disorderly crowd
- 2) your face covered
- 3) conduct yourself in a disorderly manner
- 4) shout,
- 5) swear,
- 6) threaten to urinate and defecate on police officers,
- 7) place the lieges in a state of fear and alarm
- 8) commit a breach of the peace"

This is my response to these 8 accusations:

1) acting with a disorderly crowd

I went there as an individual. My intention was to follow the Carnival procession (Samba band & so on) for approximately ½ hour before going to a talk on Climate Change in Teviot Row. I had a camera & thought I might take some photos. I also had a pen & notebook. I was there to observe, to witness.

The Carnival procession started at W.Maitland Street & proceeded in an orderly & peaceful way. The police then blocked the way and detained everyone in Canning Street.

Therefore, any disorder was caused by the police.

I dispute that I was 'acting with' the crowd. I didn't know anyone there. I hardly even spoke to anyone. (The previous charges, now dropped, lists me with a bunch of foreigners I'd never even met.) If I'm not 'acting with' it, then the disorderly crowd is not my responsibility. I did not push against police lines as some did. I walked away from that as I'm a physical coward & abhor violence. I did not even sit on the ground as many did. I was wearing white trousers & didn't want to get them dirty!

I was there as an individual, on my own. (Most people were much younger than me.) Since I was a child, I've liked Carnivals. I'm also interested in the history & tradition of Carnival as a cultural phenomenon. I wanted to see this contemporary manifestation of an age-old tradition. I thought there might be some street theatre. I like listening to Samba bands, seeing the costumes, & I wanted to get some colourful photos & perhaps write it up afterwards.

I was horrified, outraged & indignant to witness the gross over-reaction of the riot police to the situation. It was NOT a riot. It would have passed quietly as a fairly orderly carnival procession, had the police not intervened & provoked a response.

For most of the 3½ hours that I was detained in the cordon, the people inside were quite passive, as I was.

Had I not been detained along with the rest of the people I would have gone on to the talk as planned. I asked several times (quietly & politely) to be allowed out of the cordon & was refused.

I resent the implication that I was part of a rowdy crowd. I acted as a individual.

Perhaps the word 'acting' is significant here, because the very few times I addressed the police publicly, it was a kind of street theatre. Certainly no worse than Speaker's Corner!

2) your face covered

At no point was my face covered. There is no photographic evidence that shows my face covered. I was wearing a bandana as a neckerchief only.

When a police officer issued an order for people to remove masks, I removed my neckerchief just to be on the safe side. Now, please note, there were quite a few people (from other European countries) whose faces WERE covered & they removed their masks at this point. Perhaps that's why the police assumed my face was covered.

Besides, it would only be illegal to wear a mask AFTER the order to remove them was given. But, as I say, I wore my bandana simply as a neckerchief. It was part of my street theatre costume, along with the samba whistle, which I couldn't have blown if I was wearing the bandana over my face!

In all photographic evidence of me, my bandana is worn as a neckerchief. For instance, I was videoed immediately after my arrest. No mask. The police jumped to the wrong conclusion.

By contrast, many of the riot police DID wear masks. I have photos of them. Their faces were covered.

3) conduct yourself in a disorderly manner

- I disagree. I'm an orderly person. As previously stated, I did NOT push police lines like some others. I walked away, preferring to keep a safe distance from physical disorder. I did NOT sit on the ground, like many did. I did not want to soil my white trousers. Besides, I feared that sitting on the ground might be an arrestable offence. I had no PHYSICAL contact with anyone for the entire duration.

What I DID do is this:

- I gave 5 interviews to journalists, who asked me, including one to live radio. Perfectly orderly thing to do.
- I took photos. Nothing disorderly about that.
- I made a phone-call to my partner on my mobile. What's disorderly about that?
- I ate some food, as it was lunchtime. I offered some dried apricots to a stranger, who gratefully accepted. Orderly behaviour.
- I drank water because I was thirsty. That's an orderly thing to do.

The truth is I was following a carnival procession in a perfectly orderly way, when the police blocked my way & detained me against my will in a cordon & refused to let me out. The disorderly behaviour did not come from me.

In that context, it was quite understandable that I remonstrated vocally a couple of times. The riot police were being extremely provocative. I was an innocent citizen, who had committed no crime, & I was being detained against my will for over 3½ hours. My behaviour was quite restrained considering. I didn't want to be arrested! My very brief vocal dissent lasted only a FEW SECONDS. I was not told to stop, as it was almost over before it had begun!

4) shout

The irony of this shouting charge is that I am one of society's marginalized poor whose voice isn't usually heard.

Condoleeza Rice, US Secretary of State, told teenage school students in Blackburn on 31 April 2006:

"People have a right to protest...Each individual all over the world has the god-given right to express themselves...That is what Democracy is all about."

She spoke with approval of "*people's voices being heard.*"

Hear, hear & so there!

I felt very strongly that I had every right to express my opinions in that situation. Are you saying I didn't?

A few times for a few seconds out of 3½ hours in the cordon I remonstrated verbally. I did so in Righteous Indignation & not in anger.

I used to work on the stage (including the Edinburgh Fringe for 8 years running, as a matter of interest!), so I can project my voice loudly. I wanted to be heard, as Condleeza Rice says is my right. I mean where does Freedom of Expression come into all this?

And there was an element of Street Theatre in this - the costumes, the samba band & so on. People routinely shout in demonstrations without arrest.

I simply used my VOICE. Is that illegal? If so, precisely how? Is it illegal to shout at the police? I want a clear statement of the law. And why were muslim demonstrators in London shouting 'bomb, bomb, bomb Denmark' not arrested?

Why was I not warned to stop shouting or face arrest like a protestor in London in April 2006? Why didn't Section 5 of the Public Order Act apply, if Section 14 of the same Act was used to justify the cordon? That would have been only fair.

I asserted myself verbally for a few seconds only. Then I was silent. At the time of my arrest I was standing peacefully waiting to be let out of the cordon.

5) swear

I used a very mild 'bloody' once & once only as shown in the video. Indeed the expletive is so mild that it would not shock a six year old. Who in this court has never used the expression bloody in their lives? It's so mild that the only objection to it could really be on stylistic grounds.

But I'd defend it even on those grounds too. The phrase I used ('bloody helicopters burning carbon') contains triple alliteration - Bloody, Burning, carBon. There's also an alliteration of Cs ('Copters & Carbon). It's quite a pleasing line:

'your bloody helicopters burning carbon'

'your regimented rows of riot police'

My verse has been published both nationally & internationally & I've performed it in the Edinburgh Festival & on BBC radio & so on.

Also, the wasteful use of fossil fuels leading to catastrophic climate chaos is a matter of serious & legitimate concern & I felt morally justified in drawing attention to it.

In shocking contrast to my one-time use of the very mild 'bloody', in one of the video clips shown, another person repeatedly shouted the F-word at me. I find that much more rude & offensive. He wasn't charged with swearing. Why not? Also, please note, I didn't rise to his provocation. I walked silently away.

To be charged because I used the word 'bloody' once is derisory. It's absurd. It's a waste of the court's time.

6) Threaten to urinate & defecate on police officers

I didn't.

At one point I quietly & politely asked a police officer to be let out of the pen, as I needed to go to the toilet. He refused my request, but told me that I could go in the office building. This proved to be false. The office doors

were locked & I was refused entry. That was wrong of the police.

I was NOT the young person who climbed onto the roof of the office building & mimed pulling down his trousers to defecate etc. Indeed I took a photo of him. Besides I'm afraid of heights.

So, as I was standing at street-level, how would it be physically possible for me to defecate ON a 6 foot plus policeman also standing? An absurd suggestion. It says more about the scatological imagination of whoever made the accusation.

7) Place the lieges in a state of fear & alarm

Which lieges precisely?

If the police were applying Section 5 of the Public Order Act & not just Section 14 (the cordon), the person 'likely to be caused harassment, alarm or distress' has to present & must be identified.

And again under that section of the Act, one can only be arrested for (quote) 'causing harassment, alarm or distress' if one has already been warned by the officer.

It would have been reasonable to assume that they were operating under the terms of the Act, as they had already invoked it as a justification for the cordon.

There are witnesses who are residents of Canning Street who said they weren't alarmed or put in fear. The 'crowd' that I was meant to be part of (see charges) would hardly be afraid of one of their own. So there was no-one else there to be alarmed apart from the police.

And let's be realistic: I am of diminutive stature, a mere 5' 6" in height & was unarmed. I was up against massed ranks of 6 foot something riot police in helmets, with shields, & batons. They are paid professionals trained to deal with public order situations. It stretches credulity to pretend that they were intimidated by me.

Besides, I didn't make PHYSICAL contact with anyone there at any point in

the proceedings. I am completely non-violent - I clearly stated that in the video (Clip 2). My few & very brief vocal comments couldn't realistically put anyone in a state of alarm & fear. It's sheer exaggeration (indeed the whole police response was characterized by over-reaction.)

8) commit a breach of the peace

The definition of a breach of the peace depends upon being able to prove the previous (point 7).

Breach of the peace as used in common law has a specific meaning. It applies where harm is done, or threatened to be done or likely to be done to a person or in his presence to his property.

It does NOT mean just making a noise.

So, WHO was harmed or threatened?

I didn't threaten anyone, either physically or verbally. I'm a small person.

Actually, I the one who felt harmed & threatened by the police. Justifiably so, because two large riot police grabbed me violently & arrested me, while I stood passively.

David King