

Transcript of interview on

Recorder Booth's remarks

The *Today* programme, BBC Radio 4, 0650 21 June 2010

Presenter John Humphrys:

Senior figures in the judiciary have been accused of trying to cover up the findings of an enquiry into the comments by Cherie Blair [*sic*] - she herself is part-time judge, of course, and it's what she said after she'd ruled that a violent criminal should not be sent to jail that's caused the fuss. Clive Coleman is our legal affairs analyst, and what did she say, Clive?

Clive Coleman:

This is a sort of curious and not especially edifying set of events. This goes back to February, when Cherie Booth was sitting as a Recorder – as you say, a part-time judge – it was reported that she'd suspended the prison sentence of a man named Shams Miah for fracturing the jaw of another man after an argument in a bank queue, and she reportedly told him that - there's doesn't seem to be much dispute as the fact that she said it – “You are a religious man, and you know that this is not acceptable behaviour.”

Now that upset a number of people; in particular it upset the National Secular Society, which complained to the Office for Judicial Complaints. Now that's the body that assists the Lord Chief Justice and the Lord Chancellor in investigating the misconduct of judges, and disciplining them when appropriate; the basis of their complaint being that it would appear that a non-religious person would have been treated less favourably.

Now on the 10 June the Office for Judicial Complaints issued a very short statement saying that Recorder Booth's observations did not constitute judicial misconduct, that the Lord Chancellor and the Lord Chief Justice had considered the conclusions of the investigation and agree that no disciplinary action is necessary. Now that was short, there was no inaccuracy to it, but it didn't tell the whole story at all.

John Humphrys:

So what happens now?

Clive Coleman:

Well, the whole story ... What subsequently transpired was that in a letter from [*sic: sc. to*]the National Secular Society the Office for Judicial Complaints said that the Lord Chancellor and the Lord Chief Justice had agreed that Recorder Booth should receive informal advice from a senior judge about the comments that she'd made and that was very much at odds with the impression given in its public statement, and the letter went on to say that the Lord Chancellor and the Lord Chief Justice have [*sic*] expressed some concern about the impact of Recorder Booth's comments – er the impact that they may have had on the public perception of the judiciary, and the sentencing process, so there was a curious disparity there, and perhaps not surprisingly that infuriated the

National Secular Society. They were especially upset that they hadn't received the letter with the full story, if you like, until after the press release had gone out. Now they made it pretty clear that they wanted to release the contents of that letter, and when the Office for Judicial Complaints got wind of that, they wrote again to the NSS informing them that if they did release that information, that would be a breach of confidentiality and statutory duty.

Now the problem with that is that it's most certainly not the case, and the National Secular Society have accused the Office for Judicial Complaints of a cover-up, of playing a bit of hard ball, and we must remember that this is a public body, it is an associate office of the Ministry of Justice investigating the conduct of a group of public servants, our judges, are doing so [sic] in the public interest, and, you know there's a rather unsavoury flavour, [*JH apparently sounds assent*] the National Secular Society say, to all of this.

John Humphrys:

[*ends interview*]

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