

# INTRODUCTION TO ARANTZ

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Occasionally a case arises which acts as a prism through which we can acutely observe the spectrum of social phenomena which determine the administration of criminal justice. These phenomena are formal and informal, institutional and non-institutional, state and non-state, legal and illegal, and more. Through the prism of a Dreyfuss, Sacco-Vanzetti or Serpico<sup>1</sup> - and on the civil side (in formalistic terms) a Palsgraf<sup>2</sup> - it is possible to separate out and then re-constitute the elements of social reality which are constantly, and necessarily, hidden from us by the limited truth of (legitimizing) appearance. <sup>3</sup> Thus through the prismatic case we see each element momentarily discrete, bathed in its separate colour spiking outward in apparent isolation; yet in the foreground all are joined, constituting the whole phenomena we wish to understand.

For some time I have been researching the case of former Detective Sergeant Philip Arantz. It is a very powerful prismatic case for New South Wales, and has a claim to universality, at least in contemporary Australia. Not only is it a case which highlights many disturbing aspects of the administration of criminal justice, it does so in a particularly populist fashion. If the reader in N.S.W. were to put down this journal, venture out into the nearest street and ask passers-by "What do you think about the Arantz case - the one where the cop was sacked for releasing crime figures some years ago", my own experience suggests that more often than not a positive response would be forthcoming. That is, the case is known widely, in general terms, thirteen years after the event. I refer to its populist nature because it is a case which evokes universally, in my experience, an admiration for a man who stood up against "the system". Arantz is, in a sense, a folk hero. It is ironic that a policeman should have achieved that status in a country with almost no folk hero other than Ned Kelly. Interestingly both were victims of the "forces of law and order" though in each case the larger socio-political dimension is crucial.

In the article which follows Arantz provides an insider's account of police methods of constructing crime data. But his document is much more than that: it is a description of a police organization in transition,<sup>4</sup> and of a bureaucratic administration attempting to mitigate the effects of the impact of new technology, in this case a centralized computer system for compiling crime statistics. Thus Arantz reveals the organizational stress that developed within the N.S.W. police as the traditional, de-centralized, and deliberately misleading system of compiling crime data was being superseded. And he indicates the bureaucratic response of the Commissioner of Police as well as the political response of the Premier (who was the responsible Minister) to the revelation that crime figures were higher, and clear up rates lower, than the public had been led to believe.<sup>5</sup> Typically, the response was - hide the truth from the people.

While Arantz' document is invaluable, indeed unique in criminological literature, it only supplies the background to his case. For having released accurate data on crime in N.S.W. to the press,<sup>6</sup> the Detective Sergeant was dealt with savagely. He was suspended from duty, forced into a psychiatric hospital under observation for three days, publicly vilified in Parliament and the media by the Police Commissioner, and Premier, and then discharged from the police with no benefits after 27 years of service. The grounds for the discharge: misconduct in releasing the figures, and disobedience in failing to answer questions concerning his actions. That disposition was subsequently upheld by the Crown Employees Appeal Board which seems to have taken a very sanguine view of the case for the state.<sup>7</sup> The Appeal Board refused to accept that Arantz' motives were honest, that he could be said to have acted in the interests of the community and the police, and that he refused to co-operate further only after 1) having admitted that he had released the figures and 2) having been bitterly attacked in public by the Premier and Police Commissioner. In fact Arantz asked for an inquiry and committed himself to full disclosure if one was set up.

Other aspects of the case will sound extremely familiar to readers who have had the misfortune to become "known to the police" in this state.<sup>8</sup> Arantz has always maintained that he did not make certain statements attributed to him by the police doctor who provided the medical authorization for his committal to a psychiatric hospital.<sup>9</sup> Those statements provided the basis for viewing Arantz as a potential killer - his target the Police Commissioner.<sup>10</sup> Arantz was dealt with in this way, it seems, because he was unwilling to accept what was, in effect, a bribe : to take a medical discharge, receive a pension and therefore recant.<sup>11</sup> For years there has existed a "Medical Express" whereby the N.S.W. police have been able to get rid of embarrassing members of the force.<sup>12</sup>

Other aspects of the case are disturbing. First, the initial interview Arantz had with his immediate supervisor, concerning the release of "confidential" data, was secretly tape recorded by the police, a fact which only emerged during the process of discovery in preparation for the Appeal some months later.<sup>13</sup> Second, subsequent to his discharge, the state engaged upon a process of harassment. While the evidence of this is limited, what there is makes the case, for the Premier at the time is on public record as saying that any computer company employing Arantz would get no business from the government.<sup>14</sup> It is believed that other steps were taken to ensure that Arantz was extra-judicially victimized.

Since May 1972 when the Appeal Tribunal appeared to have buried the case, Phil Arantz has refused to become invisible. Every few years his struggle to obtain justice re-surfaces. Politicians of both main parties have from the beginning used the case as a political stick with which to hit their opponents. But no government has bitten the bullet and rehabilitated Arantz. Why, when the man has been so unjustly dealt with and when there is so much public sympathy for him, has no government been prepared to right the obvious wrong? The answer to that question is suggested by the facts of the case indicated above, but only if seen as a part of a greater mosaic.

The extra dimension is the wholesale corruption of public life in N.S.W.<sup>15</sup> It has become clear within the past few years that there is a web of corruption, in Sydney especially, which must go close to equalling that of other great cities known for comprehensive corruption in public life.<sup>16</sup> Such corruption requires a network of very high or strategically placed state personnel - ministers, other politicians, civil servants, judicial figures, professionals in advisory positions (e.g. social work/probation/parole as well as law and medicine) prison officials and police. And, of course, there are the two other sectors - the private sector of corrupt business people, lawyers, etc, who help to articulate the state sector to the criminal professionals engaged wholly or largely in illegal activity.

What no state government has been willing to do is to risk sundering the tightly drawn seams of that corrupt network. Thus while it was willing to retire a corrupt Deputy Police Commissioner on a handsome pension,<sup>17</sup> the present Labor government has turned its back on Arantz.<sup>18</sup> The comparison is not silent - it speaks to us, and the public generally.<sup>19</sup> It is for that reason that the case has taken on a new life. Like other famous, tragic injustices of the past, it is a case that will not die.

Perhaps 1984 is an appropriate year to highlight the Arantz case. It reminds us of the dangers we each face when confronted with the state and its shadowy allies.

#### FOOTNOTES

1. See e.g. P. Maas, Serpico, (London : Fontana, 1974).
2. See J.T. Noonan, "The Passengers of Palsgraf" in his Persons and Masks of the Law (New York : Farrar, Straus and Giroux, 1976) chap. 4.
3. See generally, on essence and appearance, N. Geras "Marx and the Critique of Political Economy" in R. Blackburn (ed) Ideology in Social Science (London : Fontana, 1972).

4. There was in Sydney in the late sixties a re-organization of crime structures, focus of activity and relations with police, political parties. See generally A.W. McCoy, Drug Traffic : Narcotics and Organized Crime in Australia (Sydney : Harper and Row, 1980), esp. chapt. 3, 4.
5. For general background, see S. Gardiner, The Commissioner Allar Story (Dee Why West : Tempo Books, 1973) esp. chapt. 20. (I am told the principal subject of this book secured an injunction against its publication because of alleged defamation. However, some copies were never successfully recalled. The author lost a considerable sum of money on the venture).
6. See the Sydney Morning Herald, 26 and 27 November 1971 (p 1 in each edition).
7. See now the critical analysis of Mr. Justice Perrignon's judgment in the Crown Employee's Appeal Board, by (retired) Mr. Justice F. Gallagher, "Observations" (unpublished, Newport Beach, October 1983). Copies available from the writer.
8. See generally J. Basten et al The Criminal Injustice System (Sydney : ALWG/LSB, 1982) esp. chaps. 4, 5, 7.
9. See the medical officer's testimony to the Appeal Board, "Doctor feared Arantz 'might use gun'", S.M.H. 15.4.72. The police medical officer involved subsequently brought a defamation action against the Sydney Morning Herald for its coverage of his role in the hospitalization. The action was settled after several days' court hearing.
10. Arantz was found to be quite "sane", and not in need of psychiatric care, treatment or further observation. See S.M.H. 9.12.71 (p.1). See also S.M.H. 14.4.72 (pp. 1 & 2).
11. See B. Sweeney and G. Souter, "Detective Rejected Deal" S.M.H. 9.12.71 (p.1). See also S.M.H. 14.4.72 (pp. 1 & 2).
12. See B. Sweeney "Arantz and De Groot - A Connection?" (1983) 8 Legal Services Bulletin 264. Sweeney has been involved in the Arantz case from the beginning. A former S.M.H. police roundsman, he is researching the "Medical Express", particularly the Psychiatric Special.
13. See report of this incident in S.M. 25.4.72 (p.1). See also "Policemar tells of "water-bottle" tape" Daily Telegraph 25.4.72.
14. See report of this in The Australia 26.8.82.
15. See e.g. M. Wilkinson, "Big Shots Bugged" The National Times, 25.11.8 D. Halpin, "Top businessman on drug inquiry tapes" Sun Herald 16.10.83; N. Mercer, "Police say: rot starts at the top" S.M.H. 5.12.83. See also more generally, McCoy, op cit; B. Bottom, The Godfather in Austral (Sydney) : Reed Books, 1979) and on aspects of the Victorian scene, see B. Latch with B. Hitchings, Mr. X : Police Informer (Melbourne Dingo Books, 1975).
16. McCoy, op cit, comments "No city in the world could rival Sydney's tolerance for organized crime" (p. 199); he also notes that in the 1970's "Organized crime emerged as the largest single industry in the state of New South Wales" (p. 188).
17. See the findings of Mr Justice Perrignon's inquiry, S.M.H. 22.4.82. On the deal whereby Deputy Commissioner Allen retired with a substantial pension (and Government payment of his legal costs) see S.M.H. 24, 28, 30 April 1982. The Deputy Commissioner was certainly familiar with police methods and to protect himself secretly tape recorded his interrogation by the Commissioner, see S.M.H. 4.3.82.
18. See S.M.H. 21.9.83 where the Police Minister is quoted as saying in Parliament that the Crown Law Authorities had found there was no miscarriage of justice, nor any industrial unfairness. See reports of his earlier unsuccessful attempt to be rehabilitated by the Wran Government, and the then Police Minister Mr Crabtree, S.M.H. 24 and 25 August 1982. (Some of Mr. Crabtree's extra-parliamentary activities as Police Minister are summed up in The Launderer, vol. 1. No. 4.).
19. The Allen case triggered off a ground-swell of support for Arantz which has developed momentum since 1982. The media saw the connections see S.M.H. 14.5.82 (p. 1), "The Allen Affair" (editorial) 23.4.82, and editorials dealing directly with Arantz the "whistle-blower" and "honest cop" 24.8.82, 2.9.83, 12.11.83 and 9.12.83.