

BIRT



John Birt
Chairman of the BBC

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THE STORY OF ONE MAN'S FIVE-YEAR FIGHT WITH THE BBC AND ITS BOSSES

December 10 was a momentous date for bit-part actor and TV scriptwriter Jon Paul Morgan. That was the day Court 54 of the Royal Courts of Justice on the Strand witnessed the closing scene of a remarkable drama. Leading roles were played by Morgan himself, GF Newman, one of the country's most provocative scriptwriters, Tony Garnett, producer of the cult serial *This Life* and such acclaimed films as *Kes* and *Cathy Come Home*, and the mighty BBC, headed by director-general John Birt. The plot revolved around a theme familiar to many young writers trying to make their mark in the world: plagiarism by older, more established authors.

For Morgan, 41, it was the culmination of a lonely, five-year battle funded by legal aid and designed to prove that Newman, backed by the Beeb, had cynically plundered one of his scripts. The BBC, in turn, spent hundreds of thousands of pounds of the licence-payers' money — some say up to £300,000 in all — to ensure that Morgan did not set a dangerous precedent in the ongoing battle between broadcasters and the struggling writers who regularly call foul on their productions.

It is a battle that the TV companies, with their expensive lawyers and seemingly limitless resources, usually win. One of the few cases of this kind in which the plaintiff emerged victorious in recent times concerned author Andrew Rose and Granada Television. Last November, a judge ruled that the series *In Suspicious Circumstances*, which consisted of reconstructions of historic crimes, had infringed Rose's copyright by drawing on a book he had written about a

When writer Jon Paul Morgan thought his work had been stolen, he took on dear old Auntie and found that, when the Beeb gets heavy, it gets very heavy. And at the heart of the corporation he discovered a tangle of lies. By Pete Sawyer and Jenny Nisbet

woman who murders her bisexual husband. Rose, a trained barrister himself, fought the case in a lower court.

Though Morgan was given legal aid, he chose to take his case to the High Court... and lost. Worse, the judge accepted that, while Morgan was a man who had spent the past five years investigating his courtroom opponents, his story simply didn't stand up. Indeed, the judge added that he "was not impressed by his manner when giving his evidence" — a polite way of saying that he didn't believe Morgan.

His case, nevertheless, remains an inspirational story of one man's battle against one of the mightiest institutions in the land. And the investigations he undertook in the course of his legal battle expose one of our most distinguished scriptwriters as a serial liar, fraudster and confidence trickster.

Morgan's odyssey began in 1992 when the BBC screened *Black and Blue*, a drama written by Newman about the murder of a black councillor investigating police racism and corruption on a London council estate. White Metropolitan police officers were seen dealing in drugs, killing other drug dealers and abusing, beating and, in one scene, incinerating their young black victims.

It was, arguably, Newman's most controversial drama and at the time it lit fires among the chattering classes. Max

Davidson, in a review for *The Telegraph*, deplored the portrayal of the police as racist thugs and commented: "It told us nothing about the police and everything about GF Newman, a topic of no interest to anybody." Davidson could not have been more wrong. For Morgan, Newman was to become a topic of intense, extreme interest. At that moment, Morgan was sitting at home seething at what he saw as plagiarism of his own screenplay, called *Shades of Anger*, about a right-wing plot to put the Home Secretary into 10 Downing Street by inciting riots on a black housing estate.

When Morgan called the BBC to ask why the two screenplays were so similar, he met with a wall of silence. Ruth Caleb, the producer, wouldn't come to the phone and her secretary told him to speak to the BBC's lawyers. When he did so, they said he should speak to the producer. It was a classic game of passing the buck, at which the Birtist BBC excels.

So, in 1993, Morgan created his own real-life drama, cast as a black victim of a famous, white, radical left-wing playwright who, curiously, had the backing of the Establishment. He sued Newman, Garnett and the BBC for breach of copyright and breach of confidence.

It was always going to be a case of David versus Goliath, only this time David was to lose. Morgan was in his thir-



Above: Jon Paul Morgan, writer, actor and plaintiff. Left: Gordon Newman, a man whose evidence 'must be scrutinised carefully'

ties, had played a few roles in a few films, but nothing major, directed a few plays, written a few screenplays, but was still hungering for the big break. Newman, on the other hand, was older, well established and had some 20 novels to his credit and an equal number of screenplays. And he had the backing of the BBC.

But the more Morgan looked into Newman's background, the more he realised something was amiss. Truth may be stranger than fiction, but in this instance where did truth end and fiction begin? Morgan made it his business to find out. Starting from the very day Newman claimed he was born, Morgan began to systematically pull apart the authorised version or, more accurately, versions of Newman's life.

Morgan found that the left-wing author, so discreet and dismissive about what he calls his "privileged" past, had entirely invented his socially elevated background. Newman originally claimed to have been born in Westminster and educated at Westminster School, then Oxford University where he gained a BA. This he later amended, claiming he had studied neurosurgery at Cambridge.

In fact, Morgan found that Newman began his education at Poverest Road Infants School, near his home in St Mary Cray, Orpington, Kent. This was followed by Chislehurst Road County Primary School and Chislehurst Secondary Modern, which he left when he was 16.

Even the precise date of Newman's

birth was hazy Morgan uncovered references to no less than five different dates, ranging between 1942 and 1947. Morgan eventually found two birth certificates belonging to Newman, one in the name of Gordon Frank Newman, and another in the name of Richard Frank Newman, dated May 22, 1944.

As far as his own children go, Newman is equally confused. "One son, one daughter," he stated simply in *The Authors' and Writers' Who's Who* of 1971. A year later he made medical history by amending the figure to "seven children". Newman also claims several marriages, which Morgan discovered never existed. Newman says his first wife was Angela Harding. She was followed by Janet Orga, who was replaced, in turn, by an un-named US neurosurgeon. He finally found happiness with Rebecca Hall.

In fact, Angela Harding was, and remains, a character in Newman's novel *Sir, You Bastard*; Janet Orga is a character in his novel, *Three Professional Ladies*. Rebecca Hall is a real person. Probably. But there's no evidence of Newman having ever married her.

It was as if Newman had shambled out of the pages of his books and screenplays, populating his real life with characters of his own invention. But Morgan was to discover that some of the characters in Newman's books were, in fact, uncomfortably close to the real Newman.

At the end of 1969, Newman's first novel, *Sir, You Bastard*, was accepted for publication while he was living in Dean Street, Soho. Morgan looked up the electoral roll for the period and found that another name came up at the same address — that of Donald F James.

Morgan found a reference to a flat in

Mount Street, Mayfair, in one of Newman's books, *The Abduction*. When he checked the Mount Street electoral roll, the name Don F James again appeared, registered from 1967 to 1970. The alias had been registered twice and Morgan uncovered a paper trail linking the Mount Street address to the Newman family home in Orpington and to Newman's address in Dean Street.

Newman admitted in court last month that Don F James was an alias that he had used at the time. So, officially at least, Newman had lived in Dean Street with his alter-ego. What this alter-ego symbolised became clearer upon further investigation. Morgan discovered that Newman was also arrested under the name Don F James in 1966 and charged with stealing petrol and obtaining credit by fraud. In April 1966 he was found not guilty. Then aged 21, he had told the court he was the "youngest film producer in the Western world".

The address that "Don James" gave in April 1966 was Lockesley Drive, St Mary Cray, near Orpington, where, funnily enough, Gordon Newman lived at the time. According to the electoral register, Newman was the only young man of the same age who was living there — and Don James is another name from Newman's novels. He appears in *The Abduction*. Newman even took a driving test in the name Don James.

Don James, aka GF Newman, the scourge of corruption in society, then set up and folded a whole series of companies which either never filed accounts or were wound up by creditors.

Morgan continued to scrutinise the local Orpington papers during the periods Newman lived there. On February 2,

1968, the *Orpington and Kentish Times* reported another appearance in court under the heading "£200 fine for cheque frauds". Morgan was intrigued to read the following: "Being 'let down' and meeting a crook led to the downfall of Gordon Frank Newman (23), an engineer, of Lockesley Drive, Orpington, a defending solicitor told the Marlborough Street, London, magistrate on Friday."

Newman pleaded guilty to obtaining cheque books from branches of Midland Bank by opening accounts with worthless cheques and giving false names and addresses. Newman, who asked for 24 further charges of false pretences or attempted false pretences to be considered, was fined a total of £200.

DS John Cannings, later promoted to Scotland Yard's criminal intelligence branch, told the court that Newman had "given information which might lead to the arrest" of the man who had given Newman the cheques.

The cheques were in the names AD Sneed and Robin Standing. Two years later, in 1970, Newman's first novel, *Sir, You Bastard*, which attacked police corruption in the Met, was published. The novel showed that Newman had attained a high level of insight into how the Met worked. He used Sneed as the name of a corrupt detective inspector in that novel,

convictions, would be bought up at trial. The lawyers duly sent him a copy of a letter they said they had sent to Newman. However, in court last month, lawyers for Newman and the BBC denied that they had received the letter and Morgan's own solicitors could find no record of it having ever been sent. In the end, the evidence relating to Newman's convictions in his early life was ruled as irrelevant by the Judge, Mr Justice Neuberger.

But in his judgement he noted that "Mr Newman is not merely a man whose profession is to make up stories... but also that he is a man who is perfectly capable of making up stories about what he has done, and indeed as to who he is, and that, accordingly, his evidence must be scrutinised carefully." However, he said that "there was a great deal of difference between inventing or dishonestly using an alias and plagiarising another person's script and lying about it under oath."

The judge was equally harsh on Morgan. Referring to a critical meeting during and after a party which Morgan said had taken place between himself and Newman, and at which he claimed that he had handed over a copy of *Shades of Anger*, the judge thought that "Morgan was not telling the truth, had either intentionally made up the existence of

phere of racial tension and drug culture which is said to be within the context of a larger criminal conspiracy.

In both scripts, the 27-year-old black undercover cop falls in love with an attractive mixed-race community worker. In both, a black councillor is murdered and a racially prejudiced policeman is covered in petrol and rescued by the undercover cop.

The judge thought that both expert witnesses were partisan, but in the end chose to believe the BBC's expert. In his judgement, handed down earlier this month, he acknowledged that there were "arguable grounds" for alleging an inference of copying. He added: "I have reached the conclusion that the similarities between the two scripts do raise a possibility, but no more than a possibility, that one of the scripts may have been written by someone who had seen the other script."

In dismissing Morgan's claim, he said: "It did not seem to me that the ideas in *Black and Blue* could have been, or were, copied from *Shades of Anger*." The judge added that this conclusion was "consistent" with his assessment of the oral evidence of Newman and Garnett.

As if to rub salt into Morgan's wounds, the BBC's lawyers asked for an order which, if awarded, in effect meant that, should Morgan ever strike it lucky in the future, the BBC can make him pay the costs of the case, which are estimated to be in the region of £500,000. Morgan is presently on legal aid.

Sitting in his flat, surrounded by untidy piles of dog-eared photocopies, newspaper cuttings and birth certificates, Morgan maintains to this day that he was wronged. To his credit, he has succeeded in unmasking GF Newman, a man whom the BBC backed to the hilt and whose evidence, much to Morgan's chagrin, the judge favoured over his own.

And to those young hopefuls, armed with their scripts, he has one piece of advice — make sure that a copy is lodged with a good lawyer. □

Morgan was astonished at the scale and the breadth of the lies Newman had told

and in subsequent novels and stageplays.

From 1971 to 1972 Morgan could find no trace of Newman in the electoral rolls for Dean Street. Newman claims to have been in Ireland during this period.

But a few years later, in 1975, another alter-ego surfaced, that of Frank Cockain, author of a novel called *The Inside Out Man*. Set in and around Dean Street, the novel is about a convict newly released from Wandsworth Prison who turns police informant. Frank Cockain is the name of Newman's grandfather, and in court last month Newman admitted that this was yet another of his aliases.

The names Don F James and GF Newman continued to appear on the electoral roll for Dean Street until 1976. In 1979, when questioned about his series *Law and Order*, Newman stated, completely untruthfully, that he had been a policeman for many years and that he had been imprisoned for corruption. On another occasion, when discussing his novel about prostitutes, *Three Professional Ladies*, Newman claimed that he himself had been a pimp.

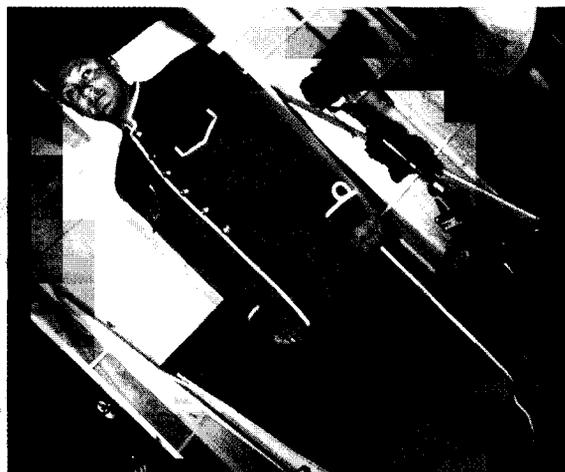
Morgan was astonished at the scale and the breadth of the lies Newman had told over the years and considered that these matters were directly relevant to his case against Newman, as they went to the heart of the question of Newman's integrity as a witness.

In September 1995 he asked his lawyers to write to Newman informing him that these matters, particularly the criminal

the meeting, or had deceived himself into believing it because he is genuinely convinced that the defendants copied *Shades of Anger*."

Expert witnesses brought along by both sides agreed that there were a number of similarities between *Shades of Anger* and *Black and Blue*. Central to both plots was an undercover black policeman, brought in from outside the area, to carry out an investigation on a predominantly black estate in an atmos-

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Jon Paul Morgan is at least acknowledged for his acting roles, here seen as a porter in *Incognito* (above) and a soldier in *Son of the Pink Panther*