

## ‘Nineteen Eighty-Four is now a policing manual’

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*Harry Miller on being investigated by police for his trans-critical tweets.*

In January, Harry Miller was investigated by the police for retweeting a limerick on Twitter. The police said the limerick – and 30 other tweets – constituted transphobic hate speech.

Miller is one of the thousands of ordinary people who have found themselves on the sharp end of the law in recent years simply for expressing their views. Social-media posts, usually intended as jokes or political arguments, are increasingly being criminalised if they convey the ‘wrong’ opinions about certain topics. Posts on trans issues are considered particularly toxic and are zealously investigated by police. Miller, alongside barristers, police officers and other victims of police overreach, have started the [Fair Cop](#) campaign to defend free speech. *spiked* caught up with Miller to find out more.

***spiked:*** What happened when the police investigated you?

**Harry Miller:** It was January, I had just been shopping and I was sitting in the car park and I got a phone call from work saying that a copper had turned up at the office and wanted to speak to me. They gave me his number and I rang him. I had no idea what it was about. He said I was wanted for transphobic hate speech. Somebody from down south had complained. They said my workplace was probably a very ‘dangerous’ place because of me. I thought this was ridiculous. I asked the officer, ‘Have I committed any crime?’. He said, ‘No, you have not committed a crime’.

The police had 30 tweets of mine. I asked the officer, ‘What’s the worst one you’ve got? Which one comes closest to the edge of being dangerously criminal?’ He said, ‘Well, there is this limerick’. I replied to say that I hadn’t written any limericks. He said, ‘No, but you have retweeted a limerick’. He read it to me, and I was like, ‘You’ve got to be kidding me’. It wasn’t even a limerick. It was a lyric from a feminist song. He told me I had to stop doing this. I asked again if I had done anything wrong. And that is when he said the immortal line: ‘I need to check your thinking.’

I told him all about George Orwell. *Nineteen Eighty-Four* was supposed to be a dystopian novel, not a policing manual. He had never heard of George Orwell so that flew totally over

his head. Then he said to me, 'What you have to understand, Mr Miller, is that sometimes a female brain grows with the wrong body parts and that is what being trans is'. And I thought, just fucking roll that one back a second, will you? I asked if that was the official definition of trans? And he said, 'Yes, I've been on a course'.

I just laughed at him. I spent over 30 minutes on the phone to him while he lectured me on thoughtcrime, lady brains and penises, which I thought was quite amusing. When the news broke, everyone started sending limericks to Humberside police which really pissed on their chips.

The assistant chief constable went public to explain the decision to investigate me. He said that the police were 'in possession of more than 30 transphobic tweets and we've had to intervene to stop it escalating'. I was thinking, how can a non-crime escalate to a crime? They had already said that nothing I did was criminal. So what is the formula for escalation?

We put a complaint in and all the police did was double down. They said they had to intervene on these things because of Stephen Lawrence. I said I wasn't entirely sure how my tweets could possibly be linked to a stabbing of a black kid at a bus stop by a bunch of white racist thugs. They said, 'We are not saying you can't tweet. We are just saying we would rather you didn't.'

I then asked Humberside police to remove me from their hate-crime statistics. They said they couldn't because they were following the policing guidelines. Bizarrely, the College of Policing's guidelines say that 'a hate incident is any incident that a police officer or another member of the public considers to be motivated by hate'. It also says, 'no evidence of hate is required'. No evidence of hate is required? Well, that's absolute nonsense, how could that possibly be true? We have now been granted a judicial review at the High Court in November to challenge this.

***spiked:*** What's the aim of the judicial review?

**Miller:** There are two defendants. First is Humberside police. We've told them to remove my name from their hate-incident statistics. They can't have me down as a hate incident because there was no hate and there was no incident. Defendant number two is the College of Policing. We have told them they have to immediately withdraw their guidelines on hate incidents because they make no sense.

The problem is that there is a massive conflation between guidance and law. The College of Policing issue guidance that is based on Stonewall's definition of transphobia, which is not based in law. According to Stonewall and the police, transphobia covers anyone that refuses to believe in the trans ideology. That ideology doesn't just include men who think they are women — it includes non-binary, agender, bigender, genderfluid, gender-neutral, gender variant, intergender... the list goes on and on. So I have to believe in all of these because to say I don't believe in them is 'hate speech'. We are being coerced into believing this bollocks.

**spiked:** Are we in danger of criminalising everyday speech?

**Miller:** Absolutely. It took me from January until June to get a copy of the tweets the police were investigatng. One of them simply said, 'When did transgender day of remembrance become a thing?'. Just asking the question. Another one – and I have no idea who I'm saying this to because they've redacted it – was me retweeting something with a comment and all I've put is, 'Huh?'. 'Huh' is now hate speech. Seriously, 'huh' is hate speech. Another one is me saying, 'I'm switching channels between *Gillette Soccer Saturday* and Sarah Brightman on Sky Arts. Proof positive that I'm genderqueer.' I was taking the piss out of myself and that's considered hate speech. And not just hate speech. The police say that this was hate speech 'designed to cause upset and distress to the transgender community.' Are they fucking having a laugh?

My friend Margaret Nelson, who is in her 70s, is also part of the Fair Cop campaign. She wrote a blog that talked about the archaeological sexing of bones. She had a phone call from the police because sexing bones is transphobic. Seriously? She was investigated for the crime of misgendering by the West Yorkshire police. And then there's me, who retweeted a shit limerick and questioned 'transgender day'. So, there's a whole bunch of us who think this is ridiculous. Just because we don't believe in the gender fairy, that automatically puts us on the wrong side of the law.

The police, as far as we are concerned, should be upholding the law, that's it. What they shouldn't be doing is upholding a political ideology. We are saying this is not right and it needs to stop.

*Harry Miller was talking to Fraser Myers. You can support Harry's appeal [here](#).*