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— Des Warren



SHREWSBURY

Whose conspiracy?

THE NEED FOR AN INQUIRY

A pamphlet by
DES WARREN

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Introduction

This pamphlet was originally written and published by me in 1977 with the invaluable help of a small number of Communist Party activists. The first edition of 5,000 copies was not enough to meet demand and I have received many enquiries from trade unionists wishing to obtain copies. This new edition is unchanged except for the addition of this introduction.

I believe this re-publication is very timely. The Shrewsbury trials and jailings were Act One in the ruling class onslaught against trade union rights throughout the 1970s and now into the 1980s with Thatcher's Tory government giving huge pay rises to the judiciary, police, regular army and reservists, coinciding with proposals to outlaw secondary picketing, weaken the closed shop, cut social security to strikers' families, and other measures.

Deaths in police cells have risen alarmingly, SPG squads are used against pickets, the death of Blair Peach has been covered up, juries are being vetted — a step towards the no-jury Diplock courts in the north of Ireland where Republicans are incarcerated in H-Block and Armagh concentration camps. This police/military dictatorship in Ulster is a prototype for use against British workers.

Shrewsbury and its aftermath plays a key role because it not only exposes the conspiracy of the ruling class against our movement. It also shows how the leadership of our movement measures up to the heat of the class confrontation. Perhaps this is why Shrewsbury is such an embarrassment to sections of our movement who would like to forget all about it. Even some leaders on the left claim it is a 'dead issue'.

It is largely unknown that as a result of ill-treatment and maladministration of drugs by the prison authorities during my three year

sentence, I am a diagnosed sufferer from Parkinson's Disease. After consultations with specialists, my own doctor has recorded in writing that I am suffering from 'Parkinsonism caused by therapy given in prison'.

This has prevented me from campaigning in the movement with the vigour I would like. It is a condemnation of the movement's leadership — both right and left — that the lessons of Shrewsbury are being ignored. Unfortunately, I also have to condemn the leadership of my own party, the Communist Party which I have belonged to for 16 years and am still a member of.

I cannot be accused of rushing into print with these and other criticisms. I have remained silent on them ever since my release from Leicester Gaol in August 1976.

A few examples I have encountered: a solicitor acting on my behalf approached the TUC for permission to see their files on Shrewsbury to help me with the private prosecution I am bringing against the Home Office. The TUC refused, saying they have a 30-year ban on information involving relations with the government. And this from a body mandated by the movement to fight for a Freedom of Information Act!

The head office of my own union, UCAAT, has recently written to me rejecting a request for copies of certain documents about the union's position on Shrewsbury. However, most readers of this pamphlet will be aware that the backsliding and double-dealing of the TUC and various right wing leaderships is common day-to-day practice. Indeed it would come as a surprise if they were to act in any other manner, and I don't feel it necessary to go into detail here about their behaviour.

What is not so well known — and which I think it is necessary to examine — is the role of the CPGB leadership. I feel the Party at the moment is in a stranglehold of reformism.

Advocates of the 'British Road to Socialism' stick their heads in the sand. They do their best to ignore anything which is a contradiction of the 'British Road', and this includes Shrewsbury. This is a very dangerous game when the movement is under fierce Tory attack, and a game I'm not willing to play. I believe the interests of the working class can best be served by discussion of these issues. Here I list some examples involving Shrewsbury:

1. After my release from prison I was never de-briefed by the Party. Could it be this was because my experiences as a political prisoner

would have shown that while the CPGB is committed to a peaceful road to socialism, the state is equally committed to using whatever weapons at its disposal and is already using inhuman and degrading methods in this country and in the north of Ireland (see Strasbourg Human Rights Court verdict).

2. My request for medical examination by Party doctors was not taken up by King Street. Was this because such medical examination would have found that inhuman and degrading treatment was indeed employed by the state in an attempt to make me accept the guilt of Shrewsbury?

3. The Party compounded its actions when the Morning Star refused to publish an article by Jim Arnison giving details about drugs abuse against me by the prison authorities. Jim Arnison wrote to the Star protesting at the failure to print the article.

(It is significant that in the Morning Star's review of the past decade, on December 29th, 1979, the issue of Shrewsbury is dismissed in half a sentence. No mention is made of it being a political trial, nor even that we pleaded not guilty. Neither does the unprecedented building workers' strike of 1972 even rate an mention. This is also an abrupt about-turn from the analysis by CPGB national industrial organiser Bert Ramelson who in 1974 described the Shrewsbury trial as 'probably the most serious in its implications for the labour movement this century, and certainly since the jailing of the Communist leaders in preparation for the 1926 General Strike'.)

4. My requests for the Party to produce a pamphlet on Shrewsbury were rejected. Eventually, I was advised to write it myself. Later, I was told I had not been de-briefed because I had been considered too ill. Yet I was apparently not too ill to need examination by a Party doctor and not too ill to write an important pamphlet.

5. On completion of the pamphlet it took four months to persuade the Star to review it. At no time did the Party offer to help write, produce or distribute the pamphlet. Indeed I have evidence that steps were taken to discourage party members from reading it.

6. Two Morning Star journalists were contemplating writing a book on Shrewsbury and its lessons. It never transpired. Another party member — an author of some experience — did extensive research and wrote a detailed account of the Shrewsbury case. But was unable to find a publisher.

7. This left me the task of setting down the full facts of Shrewsbury in book form, and to find a publisher. It was during my research that

hidden details and intrigue emerged, giving a greater insight into what Shrewsbury was really all about. The purpose of the book I am writing is to expose the full facts so that the movement can judge.

8. The research has uncovered many questions which have been bothering me — including, why the CPGB's only advice to me while in prison was to co-operate with the prison regime, to wear prison uniform, etc, and submit applications for parole which would have meant recanting and accepting guilt from a political trial — apart from the fact that we were innocent of the charges against us — something I have never done because the Establishment would have used it to slander our movement and to underpin the deterrent effect which the Tories hoped the sentences would have.

*Des Warren
January 1980*

'Free the pickets' lobby of Parliament



Shrewsbury — whose conspiracy?

by Des Warren

THE arrest, prosecution, and jailing of six trade unionists at Shrewsbury in 1973 by a Tory government, acting on behalf of its big business political masters (the National Federation of Building Trade Employers in particular) must be seen as one of the capitalist class's most effective ever attacks on the British trade union and labour movement.

The subsequent failure of that movement to unite behind an organised campaign effective enough to free these innocent men and put right the injustice done to them and their organisations, may well prove to be one of the biggest mistakes ever made by our movement.

The purpose of this pamphlet is not to castigate the movement of which I am proud to be a member, but rather to appeal to it to do what it has done on many other issues, and learn from our mistakes, so that a similar dose of capitalist medicine is never repeated, and in order that, in learning from our mistakes we can further consolidate around the more important struggle to achieve socialism in Britain.

Even with the full backing of the capitalist economic, political and social lie machine, the state and the NFBTE failed to disguise sufficiently the true political nature of the Shrewsbury frame-up. The movement successfully made thousands of working people, their families and friends, aware of the truth surrounding these trials and sentences. Influential international opinion was brought to bear on the case; powerful legal bodies supported the pickets; the NCCL championed their cause; there was no shortage of moral support.

The trade union and labour movement had therefore at a relatively early stage been successful in exposing not only the general political aim and intent of the frame-up, which was to curb picketing rights, but also had de-gutted the broad tissue of lies surrounding some 230 spurious criminal charges. The movement did not therefore consent to the trials and jailings, and yet the fact remains, that it would or could not act to ensure our freedom.

Let me restate, lest we should forget, some of the most pertinent factors surrounding the frame-up.

FACT 1. I was an officially appointed picket, acting officially in an official dispute.

FACT 2. I was not involved in any violence, a fact later proven and upheld by appeal.

FACT 3. The Senior Police Officer in command (a Chief Superintendent) congratulated me on my conduct whilst on the picket and addressing meetings, and of all the police witnesses, not one was able to say that he had seen ANY picket commit a single illegal act.

FACT 4. Without prior warning or notice in the six months following the end of the strike, the police raided dozens of ordinary building workers' homes and lives and subjected them to intense questioning for periods of up to five hours at a time.

FACT 5. On February 14, 1973, six pickets, myself included, were charged with 'Conspiring to intimidate people to abstain from their lawful work'. The precise source of this charge remains undisclosed. Platts-Mills QC challenged the 'legality' of work which was being done by workers not paying income tax or insurance contributions for employers who were contravening the law (Factory Act).

FACT 6. When asked to rule on the legality of 'the lump', Justice Mais indicated that he didn't know what the 'lump' was — but it was legal!

FACT 7. If this 1875 Act had not been used, the maximum sentence on other charges (all later dropped) would have been three months.

FACT 8. I was imprisoned on December 19, 1973 and released on August 5, 1976. During the intervening period I was subjected to systematic attempts to break me spiritually, morally and physically.

FACT 9. After the sentencing, the foreman of the jury cried as he explained to my wife that the jury had been split eight to four for almost 24 hours, then two changed their minds on the basis that 'We were led to believe that if found guilty there would be fines but no jailings.' Who led the jury to believe this, thus clearly influencing their decision, remains a mystery.

Three separate statements have a single thread of intent consistent to all, not only to see 'justice' done capitalist style, but also to prevent

and/or deter the trade union movement from some very effective picketing (n.b. miners, dockers, building workers). These were:

(1) R. Carr (Home Secretary) on 11/10/72 in the House of Commons:

'There is nothing wrong with the law, the real trouble is enforcement.'

(2) Judge Mais summing up on the day the trial ended:

'Conspirators do not publish their agreement or design. The whole object of conspiracy is something secret, and so it is necessary to see whether the surrounding circumstances and facts as found by you are such that you can infer a conspiracy and that an accused was a party to that conspiracy.'

'Ask yourselves whether in fact what happened could have happened unless there had been organisation; unless there had been a plan, a common design. I must tell you that conspiracy, generally speaking, is a matter of inference.'

'It is seldom expressed in words, still less in writing, and it can be inferred from conduct by the words and by the acts of those concerned . . . Now it is not necessary that all the conspirators, or the accused here, should join the conspiracy at one and the same time.'

'It is not necessary that they should all join at the beginning, or that they all originated the idea. They needn't all know the smallest detail but there must be knowledge of the general scheme . . . It is the general scheme that matters . . .'

' . . . A man, as I say, who joins a conspiracy after its formation, who lends his aid to it knowingly, in furtherance of its objects, is just as guilty as the man who was there at the beginning. He can even join during the implementation of the conspiracy.'

(3) The Appeal Judge Widgery:

'These sentences must be seen as a deterrent.'

It is interesting to note that of the three biggest industrial disputes of 1972, miners, dockers, buildings, all three had charges made against sections of their membership, all three had displays of active solidarity around the courts at which their members appeared, 'Lonnagannet 13', 'Pentonville 5', 'Shrewsbury 24'. Two of these attacks were driven back; the third was successful. This must be altered; that is why it is crucial for the labour and trade union movement to *unite now behind a demand for a full inquiry into the events surrounding the Shrewsbury frame-up*.

Because if the arrests, prosecutions and jailings happened during a Tory regime the movement must face up to the fact that a Labour government and its Home Secretary appeared not only to have upheld but defended and sustained the frame-up.

Why, with the active support of the NEC of the Labour Party, the Tribune Group, including many appreciated visits from MPs, the vast majority of industrial and white collar unions, several massive lobbies of parliament, culminating in support at two Labour Party conferences and two Trade Union Congresses (1974-1975), did we remain in jail?

To reduce this weakness simply to lack of leadership is clearly nonsense, and is to miss the real point.

To date, the British trade union and labour movement has failed to educate the mass of workers to understanding the real and fundamentally restrictive nature of 'democracy' capitalist style. While it is generally accepted that there is a law for the poor and a law for the rich what has yet to be recognised by *the mass of the workers* is that the system which creates this situation does so in the name of democracy. The capitalist system is based upon the private ownership of energy sources, raw materials, and distribution; it exploits workers by demanding that they sell their labour power for the price of survival. It would be illogical to expect such a system to provide real democracy and not formal, empty democracy, even if it wanted to. These facts remain hidden from the mass of British workers. The idea that only a socialist system with the working people owning the means of production, distribution and exchange, and thereby facilitating their daily and active participation in all the central economic, political and social decision making processes, provides the only basis upon which real democracy can flower, has yet to take a firm grip in the minds of *the mass of British workers*.

Like Conspiracy law, capitalist democracy is a catch all, it tries to persuade acceptance of class privilege, but coerces if that fails; it is able as required to absorb or confront, concede or contain, to penetrate working class organisation or to smash it; it is at one moment ironfisted and intransigent, the next friendly and flexible; its primary aim is to maintain capitalism at any price and by any method. Until such time as a politically and organisationally unified working class, labour and trade union movement, recognises the real and limiting nature of capitalist democracy and in doing so understands the inadequacy of merely reforming the machinery of the state, capitalism will reign supreme. Socialism requires the capitalist system and its organ of dominance, the state, to be dismantled and replaced by a state of the working class reflecting its class composition, and staffed by people loyal to the intrinsically more democratic system of socialism.

My prison experiences have provided me with an insight into the real nature of capitalism and some of its institutions. It is two faced; I have experienced both. Its public or 'democratic' face and its private

or dictatorial face. The Shrewsbury frame up was no more, nor less, than a demonstration of the fact that capitalism if required, will unhesitatingly use ruthless methods of suppression to protect its future.

As part of the process of exposing the true nature of the beast, the labour and trade union movement can and must unite behind a demand for a *full public inquiry into the Shrewsbury frame-up now!*

In the summer of 1972 for the first time in the history of the building industry in Britain, the workers took part in a national strike to back up their demand for better wages and conditions. The three month strike took place in the period following successful industrial actions by the miners, the dockers and the railwaymen.

The big business backed Tory government, alarmed at the growing rank and file militancy in the trade union movement, instructed the police to investigate alleged picketing incidents that had taken place on September 6, 1972 in Shrewsbury, a particularly poorly TU organised part of the country.

The police investigation was fruitless. In fact, the police had been present throughout the alleged incidents under investigation and had seen nothing that had warranted an arrest at the time. They sent a report to the Director of Public Prosecutions stating that after questioning over 800 witnesses they could find no evidence on which to bring charges.

A political directive was sent back to the police to press charges of *conspiracy*. On February 14, 1973, over five months after committing the 'crime' of defeating the building employers, the first six of 24 pickets were arrested.

American lawyer Clarence Darrow described the conspiracy laws as: 'A worn out piece of tyranny, this dragnet for compassing the imprisonment and death of men who the ruling class does not like.'

During the trial I heard the prosecuting lawyer, Mr Maurice Drake, state it was not necessary for him to prove a meeting had taken place or that decisions had been taken. All that was needed was to show that certain things happened which had a common pattern with a common agreement.

It was not even necessary to prove that on the day itself, this common agreement had been reached as a result of any conversation. It can be done 'with a nod or a wink'.

The trial judge, Mr Justice Mais, told my defence council, Mr John Platts-Mills, QC: 'You know very well, Mr Platts-Mills, that for conspiracy, they never have to meet and they never have to know each other.'

Three of the six defendants were sent to prison, one for nine months, one for two years and myself for three years.

In all, 24 pickets were tried at three separate trials and at the second trial three more pickets were sent to prison for terms of six months each.

In October 1972 Mr Maurice Macmillan, Secretary of State for Employment in the Tory government, speaking at the Tory Party Conference in Blackpool, made the following statement in relation to picketing:

'I hope we might perhaps get a code of picketing practice, interpreting the law into practical guidance for members of unions and helping to exclude those people who take part in these troubles who have nothing to do with them, have nothing to do with the unions concerned, have no concern for the good of the work-people and are there only to make trouble.'

In July 1977, almost five years later, following a successful mass picket outside the Grunwick factory in north London, it was reported that Labour government ministers were:

'already working on proposals for reforming the picket laws. One major reform would limit picketing to people directly involved in a dispute. Other changes would include limiting numbers of pickets, restricting where they stand, and ensuring that they are clearly identified by armbands.'

The statement by Maurice Macmillan in 1972 on behalf of the Tories and the declared intention of right-wing Labour ministers in 1977 are an indication of the anti-working class bias of both. This bias becomes evident whenever the interests of the ruling class are under attack.

The Tory front benchers and the right-wing members of the Labour government certainly know each other and have opportunity to meet regularly. Not only this, but there is an unmistakable common pattern and common agreement between the declarations of the Labour government of today and the Tory government of 1972. This further evidence of the continuing conspiracy against the trade union movement makes it even more urgent to re-open the question of Shrewsbury.

It is my submission that the British trade union movement has a very much stronger case against both the previous Tory and the present Labour governments of conspiring against it, than was ever presented against the Shrewsbury pickets.

It is out of my three years prison sentence that the events recorded on Home Office file that I claim the most concrete proof of the conspiracy against the British trade union movement can be found.

To the British labour movement the word Shrewsbury is synonymous with the political conspiracy between building employers and the 1972 Tory government, using the police and the legal machinery, following the 1972 building workers' strike.

Despite frequent and persistent demands from the trade union and labour movement for an inquiry, the last Home Secretary, the present Under Secretary of State at the Home Office, and Home Office staff have managed to foil every attempt to expose this conspiracy.

The Labour government turned a deaf ear to every demand from the labour movement to release the Shrewsbury pickets and to initiate an inquiry.

Now, drawing on my experiences of two years and three months spent in ten different prisons, I wish to present evidence which shows the particular part played by the Labour government in the conspiracy against the trade union movement.

The main point I want to make is that Roy Jenkins, the Home Secretary while I was in prison, along with Dr Shirley Summerskill, the Under Secretary of State at the Home Office were engaged in a systematic cover-up of the illegal acts of Home Office employees over a lengthy period.

Whilst I was in prison I kept contact with a number of Labour MPs who listened to my complaints and raised questions about them in parliament. In answer to these questions, Roy Jenkins gave false and misleading oral and written replies, and Dr Shirley Summerskill gave a similarly misleading written reply. In these replies it was repeatedly claimed that my complaints had been 'fully investigated'. In this statement I show that this claim involved factual inaccuracies and may have led to the deception of Parliament.

Within weeks of my imprisonment in December 1973, once I had begun to acquaint myself with the general run of prison life, I began to take notice of the way—the rights of prisoners, human and statutory, were flagrantly violated by prison officers with apparent impunity.

The violation of prisoners' rights and the misuse and abuse of authority by those in control are common, day to day occurrences, and cover a wide range of malpractices—from the degradation of prisoners to criminal activities by prison staff. I will deal only with the more serious issues, including bribery and corruption, criminal neglect, incitement to intimidate, provocation and harassment.

In all I brought complaints against approximately eighteen members of prison staff—including a member of the National Parole Board who stated that mine was a 'political case'.

At Sudbury open prison I brought a complaint against a prison officer who had insinuated to other prisoners that I was in prison for committing an offence concerning women and children. This officer

must have known that prisoners despise such offenders and mete out their own brand of rough justice to them.

The governor conducted an inquiry only when I had made a declaration to the effect that I understood the relevance of the prison rules in this respect. Thus according to rule 47(12), if a complaint is found to be false or malicious, a prisoner lays himself open to be charged, and can result in the loss of up to a hundred and eighty days of remission on each charge (see Appendix A).

The implication of this rule is that unless a prisoner is fully able to substantiate a complaint, he or she is threatened with an additional sentence.

The officer and myself appeared before the governor, and the proceedings were recorded. I made an opening statement repeating my allegations and produced witnesses to corroborate it. The officer admitted that my allegation about his statement was correct, but that everyone had misunderstood him. What he had meant to say was that he did not agree with strikes, and that by picketing and depriving men from working I had caused women and children to suffer.

My complaint was upheld. The officer was reprimanded in my presence. And I received an apology from the governor.

The reason I mention this incident is that it was the only occasion when one of my complaints led to a full investigation which was carried out according to the demands of natural justice and which didn't end up in a Home Office cover-up. It was also an example of what happens to a prisoner who is able to substantiate a complaint against a prison officer. The officer is told off, and makes sure he is more careful in the future. He can count on his brother officers avenging him. I believe that it was largely as a result of bringing complaints against Home Office staff that I was put on report 36 times.

The next complaint I made was against an officer in Sudbury. To substantiate a trivial charge against me this officer told certain lies. This charge had resulted in a loss of remission. The procedure regarding my subsequent complaint was the same as before, with this difference: at the end of the inquiry I was told that I would be informed of the result at some later date. I was never informed of any result. My loss of remission remained. *I was not charged under rule 47(12).*

Shortly before Christmas 1974 I brought a charge of bribery and corruption against a prison officer at Sudbury who was in charge of a workshop where prisoners assembled bicycles. The parts were imported from Japan by Great Universal Stores, who sub-contracted their assembly to a Coventry firm, who in turn put the work out to Sudbury prison.

As a result of the malpractices of the sub-contractor and the officer

in charge of the prison workshop, I brought a charge of bribery and corruption against the latter. The governor cautioned me about the implications of an unsubstantiated complaint, and asked me to put my complaint in writing — which I did.

A few days later the governor sent for me, and informed me that he was not prepared to accept my complaint as a complaint but as 'information received ... for which I thank you very much'.

I refused to withdraw my complaint and pursued the matter with the Assistant Regional Director, but to no avail. It was not until some 15 months after I had lodged the original complaint that Doug Hoyle, MP for Nelson and Colne, managed to extract some sort of reply from the Home Office. In a letter to me dated March 8, 1976 Doug Hoyle told me: 'Indeed formal proceedings were taken against the person concerned. The only thing is that he does not appear to have suffered in any way for the action he took.' Bribery and corruption had been covered up by the Home Office. *I was not charged under rule 47(12).*

At Lincoln prison in September 1975 I brought a complaint of 'criminal neglect' against 'whoever was responsible' for passing the building work done — on the 'lump' — on a new workshop.

I had been told by prison officers that tons of good steel that had been scheduled for this job had been laid under rubble and then buried under concrete, in the ramp and elsewhere. The only plausible explanation for this way of using the steel is that it was being hidden. In conversation with prison officers and other convicts I was told that explicit instructions had been given to this effect, and that tons more had been sent to other prisons.

Being a steel fixer I knew that if steel has been left out of concrete its tensile strength is drastically reduced. This is especially relevant in this case in view of the use of the building as a machine workshop.

In my complaint I decided to restrict myself to this aspect of the construction, knowing that any adequate inquiry would lead to questions about the other defects which were either visible to the naked eye or which I had discovered for myself. The most serious of these other defects seems to be the low quality of the concrete itself.

I was told by a prisoner that the concrete for the floors had been watered down to make it flow more easily. He had been told to make special batches for the 'test cubes' — which were not watered down. The reason I did not include this point in my complaint was that the only way of establishing it conclusively was by tests under laboratory conditions. On this occasion as on all others I had to be careful to avoid the risk of countercharges under rule 47(12).

It is worth pointing out that this prison workshop, which had been scheduled to take 12 months at a cost of £250,000, actually cost approximately four times as much and took five years.

A four-day inquiry took place at which I was questioned for several hours by the Assistant Regional Director for the Midland Region, but I was not allowed to question my own witnesses, which included prison officers. I was told that one prison officer had stated: 'Warren has put into writing what we have all been saying for years. The job's a disgrace. Of course, there's neglect.'

At the end of the inquiry I was informed that my complaint was not upheld. At the same time I was told — quite out of the blue — that I was to have 28 days of lost remission restored (14 days on one previous charge, seven days on a second, and seven days on another arising out of my refusal to wear a certain kind of prison shoes). *I was not charged under rule 47(12)*. Criminal neglect had been covered up by the Home Office. But the matter did not end there.

It came up again in the House of Commons on June 24, 1976 when the Home Secretary made a false and misleading statement in reply to a question from Tom Litterick, MP for Selly Oak (see Appendix B for full text). Tom Litterick had asked about my dispute over prison shoes.

Mr Jenkins replied: 'I shall look into the matter and write to my Honourable Friend. The matter was fully investigated by the prison department, and Mr Warren had 28 days remission restored.' Not true, I only lost seven days remission for refusing to wear prison shoes. The matter which was 'fully investigated' and after which I had 28 days of lost remission restored was my allegation of criminal neglect in the building of the prison workshop. Mr Jenkins went on to say that this restoration of lost remission 'did not make as much difference as it might have done' because I 'had been charged with 33 offences against discipline, 31 of which were found proved.' And he then referred to the 'one case' as 'only a relatively small part of the matter'.

The point is not as trivial as it seems. Mr Jenkins was at pains to go into detail on the statistics of my 'offences', while at the same time failing to give a breakdown of the 28 days of restored remission which covered three separate offences. Such a breakdown would not have been consistent with the original oral statement. If this discrepancy was the result of confusion in Mr Jenkins' mind, the same can hardly be said of his written reply to Tom Litterick, dated July 16, 1976. In the latter Mr Jenkins claimed that the remission which I lost on account of having refused to wear slip-ons was restored on account of a difference in medical opinion. But no mention was made of either the circumstances under which the remission was restored or of the fact that three losses of remission were restored at the same time.

In this way Mr Jenkins effectively concealed from Parliament the fact that a four-day inquiry had taken place into my allegation that there had been criminal neglect in the building of a prison workshop.

In view of the fact that the written reply was sent nearly a month after the matter at issue had already been 'fully investigated', it is difficult to believe that Mr Jenkins was simply mistaken.

I here and now repeat my allegation that whoever was responsible for passing the building work done on the new workshop at Lincoln Prison was guilty of criminal neglect. I challenge the Home Office to allow officials from the Midland Region of my union, UCATT, to inspect the building, and particularly to take concrete test cores from each of the floors and to publish the results.

The Home Office should not be allowed to place at risk the lives of prisoners every working day at Lincoln Prison in order to cover up the criminal activity of someone in their department.

It was at Lincoln Prison that I received information which proved that I was categorised as a political prisoner by the Home Office.

A psychiatrist at the prison who was also a member of the National Parole Board, indicated his prejudice against me to other prisoners. In the course of a weekly discussion about 'current affairs', he told a group of prisoners that on September 19, 1975 the Parole Board met in London to discuss 'two cases of a political nature' (Millhinch, who had forged Harold Wilson's signature in a land deal, and myself).

He claimed that in 1974 eight cases of a political nature were considered by the Parole Board; four were granted parole, and four were turned down. Among those present on September 19, 1975 were Sir Louis Petch (Chairman), Mr Justice Beaumont, Dr Falla, and a titled woman whose name I cannot remember. Sir Louis Petch left early to appear on the Jimmy Young radio programme.

I put this information in a letter to Tom Litterick with the request that he pursue my demand for political status on the basis that if the Parole Board meet to consider cases of a political nature, as a member of the Board had stated, then surely these cases must fall within a political category. And the prisoners should be recognised as political prisoners.

The letter was confiscated by the Home Office, and they set up an 'independent inquiry' which was conducted by three local magistrates. I received the usual warning that if the allegations contained in my letter were found to be without foundation I may be charged under rule 47(12). I was not allowed to take part in the inquiry as regards questioning the psychiatrist or my witnesses. Several weeks later I was informed of the result: my allegations were *without foundation* but I was *not* to be charged under rule 47(12).

In January 1976, while I was still at Lincoln Prison, the Home Office made an abortive attempt to discredit me once and for all under rule 47(12). Had they succeeded this would have undermined the credibility of all my previous allegations.

Under severe provocation from a prison officer I had called a 'pig's bastard', I was placed on report and lost six days remission. Then I brought a countercharge of provocation with intent to intimidate. At the governor's inquiry the officer lied quite convincingly, and I was charged under rule 47(12).

On January 22, 1976 I appeared before three magistrates. I had requested legal representation in view of the seriousness of the charge and the penalty, if found guilty. My request was refused, and so I conducted my own defence. The proceedings lasted one and half hours, during which time I proved that the officer had lied at the governor's inquiry, and I also caught him out in a lie before the magistrates. But, more significantly, a prison officer, disgusted at the treatment I was receiving, gave evidence on my behalf.

The magistrates, after three or four minutes deliberation, dismissed the charge against me. In view of this verdict I petitioned the Home Office with the request that my complaint against the officer be proceeded with. The reply from the Home Office stated: 'It has been decided that no further action should be taken.'

It is little wonder that prisoners say: 'You can't beat the system.' Until a less biased way of hearing prisoners' complaints is devised we will continue to have prison riots like 'Parkhurst 1969' and 'Hull 1976'.

The most blatant Home Office cover-up concerned the activities of a certain senior officer at Lincoln Prison.

On January 12, 1976 I submitted a petition (shown in full in Appendix C) in which I drew attention to the deteriorating situation and made a concrete proposal to prevent it deteriorating any further. I also referred to the ill feeling that existed between certain prison officers. I later learned that even before I submitted this petition a prison officer had made a formal complaint to the governor about his own ill-treatment by other officers over his refusal to ill-treat me. Thus my own warning was backed up by a prison officer.

I knew my fears were justified when this particular senior officer tried to intimidate me by telling other prisoners that I was an informer. In the formal complaint which I then made about this I pointed out that 'this desperate and irresponsible behaviour ... could have resulted in anything from a heated exchange of words to a fatality' — if anyone had believed the senior officer's allegation. The situation arose like this.

A prison officer had reported to the governor a conversation he had had with a prisoner. The prisoner had told him that the senior officer

in question had bought his oil paintings for two ounces of illicit tobacco per painting, and that the officer had then given him advance warning of a cell search so that he could move the tobacco which he had accumulated.

After the officer's report an 'inquiry' took place, and the matter was covered up internally.

The senior officer was not content with having got away with introducing illicit tobacco into the prison and dishonestly handling government property. He told the prisoner concerned that I had 'grassed him up'. (This prisoner later received 14 days in the punishment block after being charged with making a false statement about the senior officer.) The officer then told seven other prisoners: 'Warren grassed Robbo up over the paintings he did for me.'

On February 12 I brought the complaint (mentioned above) against the senior officer for 'making a false and malicious allegation against me to other inmates with intent to intimidate me by inciting them to turn on me'. I identified nine witnesses, one prison officer and eight prisoners. My complaint ended with the following words: 'I am putting this complaint in a sealed envelope with the hope that Mr ... does not have access to it, so reducing his scope to lie his way out of it — as happened with my previous complaint against a prison officer — and also to prevent him "leaning on" any witnesses.'

Notwithstanding my attempt to ensure that witnesses would not be 'leaned on', the senior officer was allowed to go into the 'annex' — where seven of the eight prisoner witnesses were being held — and to discuss my allegations with them. The governor then interviewed two of these witnesses.

These two prisoners were especially vulnerable to pressure, being due for release in the immediate future. As a prisoner's sentence draws to an end he gets keyed up and starts counting off the days which remain. And the thought of losing remission is more daunting than it would have been maybe 12 months earlier. (A witness can be charged under rule 47(12) just the same as the prisoner responsible for initiating the complaint.)

The governor did not call the prison officer I had named as a witness. Nor did he call the other six prisoners. I was not allowed to take any part in the inquiry.

I was later informed by the governor that he had 'fully investigated' my allegations, but could find no foundation for them. *I was not charged under rule 47(12).*

I petitioned the Home Office, repeating my allegations against the senior officer, and adding a complaint about the governor's refusal to fully investigate my complaint. I then received the following reply — dated February 20, 1976 — to my petition, 'The Secretary of State has

carefully considered your petition, but he is not prepared to order any general inquiry into your treatment at Lincoln Prison. You will, however, be transferred to Leicester Prison in the near future. He hopes that you will be able to take the opportunity of the move to establish more satisfactory relationships with prison staff.'

As far as the senior officer was concerned, the Home Office not only covered up for him, but promoted him shortly afterwards.

One of the witnesses that the governor overlooked gave me a signed statement to be handed over to the Home Office after his release. I showed the statement to Tom Litterick on one of his visits. I handed it over to the Chief Officer at Leicester Prison a few weeks later, following the witness's release and my transfer. The statement was never acknowledged by the Home Office, and they refused to pursue the matter any further.

I then petitioned the Home Office for permission to consult with my solicitor with a view to bringing criminal proceedings against both the Home Secretary and the senior officer. I received the following reply from the Home Office on March 17, 1976. 'The Secretary of State has fully considered your petition. You may not be allowed to bring criminal proceedings against a prison officer or the Home Secretary or to consult a solicitor with a view to doing so.'

I have gone into this incident in some detail because Roy Jenkins and Shirley Summerskill later backed up the cover-up by the governor, and took *personal responsibility for refusing to let the inquiry go any further*.

On March 31, 1976 Shirley Summerskill wrote to Tom Litterick: 'The Home Secretary has now had an opportunity of examining all the evidence on which the governor's decision was reached, including statements made by senior officer . . ., by Mr Warren himself and by two prisoner witnesses. He has also studied in detail prison reports on the sequence of events which led to the original situation, and he is satisfied that there are no grounds on which his interference with the governor's decision could be justified.'

Three months later on June 26, 1976 Roy Jenkins made the following reply in the House of Commons: 'As far as the allegation against a particular prison officer is concerned, I have investigated it thoroughly and have written to my Honourable Friend and several other Honourable members.'

There is no question here of any confusion on the part of the then Home Secretary or the Under Secretary of State. Of my allegation about the prison officer, Roy Jenkins claimed he had 'investigated it thoroughly'. In the letter to Tom Litterick it is difficult to see what Shirley Summerskill can mean by 'the sequence of events which led to the original situation' if she is not referring to the original report — by a

prison officer — concerning the illegal activities of the senior officer. Yet Mr Jenkins decided that there would be no further inquiry into any of these questions — the mishandling of government property by a prison officer, the allegations made by this officer against me, and the governor's failure to take statements from a number of witnesses — including a prison officer — in his inquiry.

The last complaint I made about a prison officer was at Leicester. I brought a complaint of harassment against an officer who had hounded me for weeks. Leicester is regarded as a top security prison, but this particular officer was so concerned with giving me a hard time that he neglected his duty to the extent of leaving prisoners out of his sight and unattended with extending ladders and other 'escape' equipment.

I made a statement, and statements were taken from other witnesses including a prison officer, but I was not allowed to participate in the inquiry. I did not hear any more for almost three weeks — which was unusual because inquiries of this type were normally concluded the same day or thereabouts.

On August 3 all was made clear. I was taken into the deputy governor's office where, as it turned out, I was to 'negotiate' for the next hour. The following day I was to appear before a committee of Visiting Magistrates to request the restoration of my lost remission, or what was left of it. The deputy and assistant governor would sit in on the proceedings and make 'certain recommendations'. But they were faced with a problem, they said. They could not recommend my release before they had completed their investigations into my outstanding complaint. Of course there was a solution, they said. If I withdrew my complaint against the officer it would leave everything tidy, and they saw no reason why I should not be released on the 5th.

They did not need to paint a picture, and I had no reason to suppose that the Home Office would not cover up this complaint also.

So I withdrew my complaint on the 3rd, appeared before the Visiting Committee on the 4th and was released on the 5th!

Early this year a prisoner being taken under escort from Leicester Prison court was able to escape by attacking his guards with a boning knife which he had taken from the prison kitchen. After his escape he butchered four people to death. A 'full inquiry' followed. The verdict: 'faulty security'.

The obvious question must be asked: why should Roy Jenkins, the Home Secretary at the time, while publicly declaring his passion for law and order and repeatedly stating that he could not interfere with

the decisions of the courts, secretly conspire to cover up the illegal activities of his staff?

I believe the answer lies in the performance of the Labour government since taking office in 1974 and in the policies they adopted. If ever a government needed a deterrent to intimidate the trade union movement to refrain from taking action to maintain, let alone improve the standard of living of its members, then this government needed one.

The attraction of the 'Shrewsbury deterrent' to the Labour government was that they thought that they could benefit from its effect without getting tarred with the same brush as the original conspirators. But things did not work out that way, and despite the slanderous attacks made on the Shrewsbury pickets by right-wing trade union leaders and MPs, the campaign for our release grew.

To have acknowledged the validity of my complaints would have added weight to the campaign for my release, and my early release would have reduced the 'deterrent effect', as well as reinforcing the demand for an inquiry.

The questions that this statement raises have remained unanswered for too long.

'Shrewsbury' was the manifestation of a fascist mentality. It began with a conspiracy involving the last Tory government. This conspiracy was then perpetuated by the 1974 Labour government. It must be exposed.

At the 1976 Trade Union Congress in Brighton I heard Brother George Smith, General Secretary of my union UCATT, call for a parliamentary inquiry into the whole affair. I fully endorse this call.



The Wigan-to-London march organised by the Wigan Building Workers Action Committee

Appendix A

Offences against discipline

47. A prisoner shall be guilty of an offence against discipline if he —
 1. mutinies or incites another prisoner to mutiny;
 2. does gross personal violence to an officer;
 3. does gross personal violence to any person not being an officer;
 4. commits any assault;
 5. escapes from prison or from legal custody;
 6. absents himself without permission from any place where he is required to be, whether within or outside prison;
 7. has in his cell or room or in his possession any unauthorised article, or attempts to obtain such an article;
 8. delivers to or receives from any person any unauthorised article;
 9. sells or delivers to any other person, without permission, anything he is allowed to have only for his own use;
 10. takes improperly or is in unauthorised possession of any article belonging to another person or to a prison;
 11. wilfully damages or disfigures any part of the prison or any property not his own;
 12. *makes any false and malicious allegation against an officer*;
 13. treats with disrespect an officer or any person visiting a prison;
 14. uses any abusive, insolent, threatening or other improper language;
 15. is indecent in language, act or gesture;
 16. repeatedly makes groundless complaints;
 17. is idle, careless or negligent at work or, being required to work, refuses to do so;
 18. disobeys any lawful order or refuses or neglects to conform to any rule or regulation of the prison;
 19. attempts to do any of the foregoing things;
 20. in any way offends against good order and discipline;
- or
21. does not return to prison when he should have returned after being temporarily released from prison under Rule 6 of these Rules, or does not comply with any conditions upon which he was so released.

Disciplinary charges

48. 1. Where a prisoner is to be charged with an offence against discipline, the charge shall be laid as soon as possible.
2. A prisoner who is to be charged with an offence against discipline, may be kept apart from other prisoners pending adjudication.
3. Every charge shall be inquired into, in the first instance, by the governor.
4. Every charge shall be first inquired into not later, save in exceptional circumstances, than the next day, not being a Sunday or public holiday, after it is laid.

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Rights of prisoners charged

49. 1. Where a prisoner is charged with an offence against discipline, he shall be informed of the charge as soon as possible and, in any case, before the time when it is inquired into by the governor.
2. At any inquiry into a charge against a prisoner he shall be given a full opportunity of hearing what is alleged against him and of presenting his own case.
4. The Board so constituted shall inquire into the charge and, if they find the offence proved, shall make one or more of the following awards:
 - a. caution;
 - b. forfeitures for any period of any of the privileges under Rule 4 of these Rules;
 - c. exclusion from associated work for a period not exceeding 56 days;
 - d. stoppage of earnings for a period not exceeding 56 days;
 - e. cellular confinement for a period not exceeding 56 days;
 - f. *forfeiture of remission of a period not exceeding 180 days*;
 - g. forfeiture for any period, in the case of a prisoner otherwise entitled thereto, of any of the following:
 - (i) the right to be supplied with food and drink under Rule 21(1) of these Rules; and
 - (ii) the right under Rule 41(1) of these Rules to have the articles there mentioned;
 - h. forfeiture for any period, in the case of a prisoner otherwise entitled thereto who is guilty of escaping or attempting to escape, of the right to wear clothing of his own under Rule 20(1) of these Rules.
5. *The Secretary of State may require any charge to which this Rule applies to be referred to him, instead of to the Board of Visitors, and in that case an officer of the Secretary of State (not being an officer of a prison) shall inquire into the charge and, if he finds the offence proved, make one or more of the awards listed in paragraph (4) of this Rule.*

[My own emphasis, D.W.]

THE PRISON (AMENDMENT) RULES 1974 RELATING TO DISCIPLINARY AWARDS

One of the main effects of these amendments is to allow the governor to award 28 days forfeiture of remission rather than 14 days for an offence against discipline. These amendments were issued above the signature of Mr Roy Jenkins, and came into effect shortly before I returned to prison after losing my appeal.
D.W.

Governor's awards

50. Subject to Rules 51 and 52 of these Rules, the governor may make any one or more of the following awards for an offence against discipline —

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- a. caution;
- b. forfeiture for a period not exceeding 28 days of any of the privileges under Rule 4 of these Rules;
- c. exclusion from associated work for a period not exceeding 14 days;
- d. stoppage of earnings for a period not exceeding 28 days;
- e. cellular confinement for a period not exceeding three days;
- f. forfeiture of remission of a period not exceeding 28 days;
- g. forfeiture for any period, in the case of a prisoner otherwise entitled thereto, of any of the following:
 - (i) the right to be supplied with food and drink under Rule 21(1) of these Rules; and
 - (ii) the right under Rule 41(1) of these Rules to have the articles there mentioned;
- h. forfeiture for any period, in the case of a prisoner otherwise entitled thereto who is guilty of escaping or attempting to escape, of the right to wear clothing of his own under Rule 20(1) of these Rules.

Graver offences

51. 1. Where a prisoner is charged with any of the following offences against discipline:
 - a. escaping or attempting to escape from a prison or from legal custody,
 - b. assaulting an officer, or
 - c. doing gross personal violence to any person not being an officer, the governor shall, unless he dismisses the charge, forthwith inform the Secretary of State and shall, unless otherwise directed by him, refer the charge to the Board of Visitors.
2. *Where a prisoner is charged with any serious or repeated offence against discipline (not being an offence to which Rule 52 of these Rules applies) for which the awards the governor can make seem insufficient, the governor may, after investigation, refer the charge to the Board of Visitors.*

Appendix B

Mr Dennis Warren (Parliamentary Questions, June 24, 1976)

4. *Mr Litterick* asked the Secretary of State for the Home Department how much of the remission of sentence lost by Mr. Dennis Warren in the course of his dispute with the prison authorities over the wearing of prison regulation footwear has since been restored to him.
16. *Mrs Wise* asked the Secretary of State for the Home Department when he expects Dennis Warren to be released from prison.
24. *Mr Atkinson* asked the Secretary of State for the Home Department if he has yet received the latest special review of the Parole Board in regard to Mr Des Warren; and if he will make a statement.

Mr Roy Jenkins: Mr Warren, who has had one special parole review and is not eligible for a further routine review, is due for release on 3rd September this year. This prospective release date takes into account the restoration of 21 days' remission lost in July 1975. Mr Warren was originally punished for refusing to wear prison shoes, but in the light of later medical advice this award was withdrawn.

Mr Litterick: I am grateful for that reply. Will my right hon. Friend confirm that Mr Warren asked for a medical examination when his dispute with the prison authorities about the wearing of prison shoes first developed? Why was there such a lengthy delay in finally granting this man a medical examination for which he asked? Will my right hon. Friend tell the House what progress the Department has made in investigating a complaint by the prisoner against Prison Officer . . . , who has made certain mendacious and damaging allegations against him and which this prison officer has since repeated on being transferred to Leicester Prison, to which Mr Warren was also transferred?

Mr Jenkins: There was some delay in the medical investigation. I shall look into the matter and write to my right hon. Friend. *The matter was fully investigated by the Prison Department, and Mr Warren had 28 days' remission restored. Unfortunately, this did not make as big a difference as it might have done because he had been charged with 33 offences against discipline, 31 of which were found proved, with a resulting 17 awards of forfeiture of remission. That is why the one case was only a relatively small part of the matter. However, it shows that the Prison Department handled the matter with detachment. It restored the remission in that case. As far as the allegation against a particular prison officer is concerned, I have investigated it thoroughly and have written to my hon. Friend and several other hon. Members.*

Mrs Wise: Will my right hon. Friend accept that it is now crystal clear that he has successfully ignored the wishes of the trade union and labour movements in this matter and that we are, therefore, asking not for anything he might regard as a concession but only that Des Warren should not be treated worse than the average prisoner? Is my right hon. Friend aware that by the time he is released Des Warren will have served a considerably longer than average proportion of his sentence? *Can he explain why, if Mr Warren's accusations against members of the prison staff have been proved untrue, they did not result in the normal consequences for him?*

Mr Jenkins: It appeared that my hon. Friend was anxious to bring further charges against Mr Warren in the latter part of her question. I am anxious, and I should have thought that people who have followed this rather long saga would be anxious, to see a continuation of Mr Warren's recent good behaviour, which, if there is no further trouble, will lead to his release on 3rd September. It will be possible for him to apply to the governor and/or the Board of Visitors for restoration of more remission in early August. I have not endeavoured to ignore anybody's views. They have been sufficiently strongly expressed that the option to ignore them has not been open to me. *I have been consistently concerned to uphold the rule of law and to ensure that Mr Warren should be treated no less, but no more, favourably than a normal prisoner.* If my hon. Friend asks why he has lost more remission than the normal prisoner, the answer lies in the 31 charges which have been proved against him.

Mr Atkinson: None of us wishes to prolong this saga, but is not some further explanation necessary? Has not Mr Warren now served 780 days in prison, which represents 71 per cent of his original sentence, and on the basis of past averages is not this an unprecedented situation? Is it not the case that Mr. Warren was given a deterrent sentence of three year's imprisonment on a charge which would not now exist if the Law Commission's views were accepted? Is it not the case that a charge of conspiracy to intimidate would no longer be applicable, and should not my right hon. Friend now make a statement on the situation?

Mr Jenkins: The Law Commission's report, upon which the Government proposes to ask Parliament to legislate, makes clear that even if its recommendations had been implemented Mr Warren would still have been liable to the same sentence because of the additional charges brought against him. It is not relevant to compare the total sentence served by other prisoners unless one takes into account the number of offences with which Mr Warren has been charged. That number is far above average and has as much chance of being unprecedented as does the proportion of his sentence served by Mr Warren. Mr Warren's pattern of behaviour has changed substantially. I hope that this will continue, and I believe that it would be in the best interests of those who are very concerned about this case if they did not continue to believe that they could get Mr Warren out of prison by political pressure.

[My own emphasis D.W.]

Appendix C

Petition of January, 12, 1976

Following a P.O.A. meeting on Thursday January 8 at Lincoln Prison which was subsequently reported on Radio Nottingham, I request that an inquiry be held into the activities and attitudes shown towards me by certain prison officers and staff.

I submit that the local P.O.A.'s protest at visits to me by MPs plus their protest at my use of the procedure available to me under Prison Rules in order to raise complaints pose a threat to the statutory rights of inmates and are contrary to the principles embodied in the Declaration of Human Rights.

Over the past four months at Lincoln Prison I have been under severe pressure from hostile and, I believe, politically motivated prison officers who have carried out a persistent campaign of harassment, victimisation and intimidation against myself, and in some cases against inmates that I have had friendly contact with.

Since August 22, 1975, when not at work I have remained in my cell with the Governor's permission so as to reduce any areas of possible conflict, the only exception being at weekends when I watch a film. At all times I have been careful to avoid any attempts by prison officers to 'set me up' with other inmates. This has been attempted on two previous occasions but did not come off.

On Friday January 9th I was warned by an inmate in the presence of an officer to be very careful as a third attempt was imminent. I believe that the attempt made by a minority of P.O.A. members on January 8th to discredit me generally and the subsequent controversy that has ensued calls for clarification of the true situation that prevails.

While the P.O.A. meeting of January 8th revealed the hostility felt towards me by certain officers it is only the tip of the iceberg. The inmates and staff of a prison form a community where few secrets are kept and there are indications that ill feelings exist between the officers themselves because of the refusal of some of them to run with the pack and give me a hard time.

I therefore urge you to initiate an inquiry as soon as possible to prevent any further deterioration of the situation and avert the obvious consequences if events are allowed to continue unchecked.

Since the P.O.A. has involved Ms M. Jackson MP I also request that a full transcript of any inquiry made into this matter be made available to her.

Appendix D

For those not familiar with the life in British prisons – a few words of explanation.

There are two types of *prison issue shoes*, slip on and lace up. But lace ups are only issued on medical ground. I have a high instep and I have never been able to wear slip ons. However I considered it another instance of victimisation when forced to wear shoes which did not fit me. My stand was vindicated when the Senior Medical Officer at Lincoln ordered me a pair of lace ups on the day of my arrival after a medical examination. This was the first medical examination of my feet since the start of this particular dispute.

There are at least two ways in which it is made clear to prisoners that the *paintings* they do in prison are done on government property. Firstly, the prisoner is required to apply for the cash to pay for boards to paint on. Secondly the prisoner has to ask permission to pass out a painting. It is also worth noting that only the prisoner who did the painting is allowed to pass it out at all.

The *annex* is a small section of the prison having six to eight cells in it. The cells give on to a communal hall. The prisoners are allowed to remain in the common part during the day, where they dine together (instead of eating in their own cells), watch television, play cards or darts. They are locked up in their cells at around ten o'clock. On account of these privileges life in the annex is far more comfortable than elsewhere in the prison. The intention behind the setting up of this system is to give privileges to those prisoners who 'behave themselves'.

For foreign friends and comrades – a glossary of terms which may not appear in the dictionary.

A *test cube* is a sample of the concrete used in the job. It is made from a special mould, poured at the time when the job is being done. It is then sent off for special tests under laboratory conditions to ensure that the concrete is of the correct strength. A test core is a sample taken from the concrete after it has been cast and for the purpose of examination.

The *lump* is a method of payment in the building industry where workers are employed without insurance being paid by the employer. Safety regulations are waived. This results in a high rate of accidents and poor workmanship. The intention on the part of the employers is to undermine trade union organisation.

Appendix E TUC 1976



George Smith

Shrewsbury Pickets

Mr G.F. Smith (*Union of Construction, Allied Trades and Technicians*), speaking on paragraph 88 of the General Council's Report, said: All is not well on this matter even though Des Warren is up in the visitors' gallery. There is considerable anger remaining at the very unsatisfactory responses that we have had from a Labour government and a Labour Home Secretary. I think that the unions affiliated to the TUC by means of their political panel membership must make it clear indeed that we are very serious about the demand for a Parliamentary inquiry as to what happened and the manner in which the law was manipulated to allow trade unionists involved in a trade dispute to be charged under common law conspiracy.

I think that we have also got to take into account the general unease that exists about the police and the judiciary and the manner in which they appear to manipulate the law mainly for the purpose of obtaining savage sentences. Indeed, some of the earlier comparisons that were made seem to indicate that there is now a total loss of priorities and the law has really become an ass.

I hope that as a result of what has been reported to you by the General Council in that paragraph concerning the Shrewsbury pickets you will very actively support our demand for a Parliamentary inquiry, because there might be shown as a result of it some of the peculiar procedure that may be operated for the purpose of obtaining convictions rather than seeing that the law was properly applied. I think it is very difficult for any government to expect the wholehearted support of this movement if there is a belief that the rule of law is not going to apply properly to trade unionists. I hope we shall have the support of Congress for our demand for a Parliamentary inquiry.

Appendix F

Des Warren's speech from the dock

It has been said in this court that this trial had nothing to do with politics. Among the 10 million trade unionists in this country I doubt if you will find one who would agree with that statement.

It is a fact of life – entirely due to Acts of Parliament – every strike which takes place is regarded as a political act. It therefore follows that every action taken in furtherance of an industrial dispute also becomes a political act.

There are even those who describe as a challenge to the law of the land, the action of men who decide not to work beyond the agreed number of hours in the working week and who ban overtime.

This is something not of the making of the trade unions. Politically motivated interference by governments acting on behalf of and under political pressure from employers, now means that no trade unionist can enter freely into negotiations with employers.

They cannot withdraw their labour – the only thing they possess as a bargaining lever – without being accused of setting out to wreck the economy, of challenging the law.

The building employers, by their contempt of the laws governing safety regulations, are guilty of causing the deaths and maiming of workers – yet they are not dealt with by the courts.

Mr Bumble said: 'The law is an ass.' If he were here now he might draw the conclusion that the law is quite clearly the instrument of the state to be used in the interests of a tiny minority against the majority.

It is biased, it is class law, and nowhere has that been demonstrated more than in this trial. The very nature of the charges, the delving into ancient Acts of Parliament to dredge up 'conspiracy' shows this to be so.

Was there conspiracy? Yes, there was, but not by the pickets. The conspiracy began when the miners gave the government a good hiding last year and I hope they do the same again.

It developed when the government was forced to perform legal gymnastics to get five dockers out of prison after having only just put them there. The conspiracy was one between the Home Secretary, the employers and the police.

It was not done with a nod or a wink. It was conceived after pressure from Tory MPs who demanded changes in picketing laws.

There is a very good reason why no police witness said here that he had seen any evidence of conspiracy, unlawful assembly or affray. The question was hovering over the case from the first day: 'Why no arrests on September 6th?'

That would have led to even more important questions: 'When was the decision



Police outside the Shrewsbury Court



Demonstration outside the court

to proceed taken? Where did it come from? What instructions were issued to the police, and by whom?

There was your conspiracy.

I am innocent of the charges and I will appeal. But there will be a more important appeal made to the entire trade union movement from this moment on.

Nobody here must think they can walk away from this court and forget what has happened here. Villains or victims, we are all part of something much bigger than this trial.

The working class movement cannot allow this verdict to go unchallenged. It is yet one more step along the road to fascism and I would remind you:

The greatest heroes in Nazi Germany were those who challenged the law when it was used as a political weapon by a government acting for a minority of greedy, evil men.