

# DEFEND THE BIRMINGHAM 5



AN I.M.C. PAMPHLET WRITTEN BY PAUL DAVIDSON & PAT HICKEY.

3p

## WHAT HAPPENED

On 7th February, 1973, a group of five U.C.A.T.T. members walked into the offices of the S.O.S. Labour Bureau on the eighth floor of the Rotunda building, a prominent and prestige office block in the centre of Birmingham. Accompanying the five building workers were a television camera crew of three, and a photographer/reporter from the Birmingham "Evening Mail". One of the workers informed the manager that a "peaceful occupation" of the building was about to take place, and that its object was to draw attention to the industrial and social evils of lump labour. In the event, the occupation was short-lived. No one was harmed and no one was threatened. Predictably, the police arrived within minutes, and when they did, the building workers co-operated with them fully. Press photographs published the same evening showed the workers leaving the building under police escort, and all parties were seen to be smiling. No damage was done, no one was attacked. The action was part of a long campaign against the use of lump labour in the building industry. The size of the problem is illustrated in the following table, which shows how lump labour in the building industry has spread.

	<u>1961</u>	<u>1966</u>	<u>1973</u>
Total employed	1.4 million	1.7 million	1.2 mill.
Lump	168,000	213,000	400,000

In the aftermath of the national strike in the industry the employers launched a major offensive against the trade unions, with the intention of undoing the gains made during and before the strike. The strike itself had shown the ability of the militants to organise a major strike and overcome the differences created by the nature of the building industry, i.e. a large number of employers, numerous sites, the casual nature of employment etc. The lump has been a major stumbling block to organisers for years, and one of the primary aims of Charter - a rank-and-file organisation aimed at unionising the industry - was the elimination of this system of employment.

Charter had done a great deal to draw attention to the evils of the lump system, and its activities have resulted in many firms making agreements with the unions to ban the lump. The employers however, had an interest in keeping the lump, and the agreements were more honoured in the breach than in the observance. Even in cases where Charter had succeeded in getting local authorities to insert "no lump" clauses in contracts, the employers were using it under a variety of disguises. When tackled about this, they always pretended to be completely innocent. But on

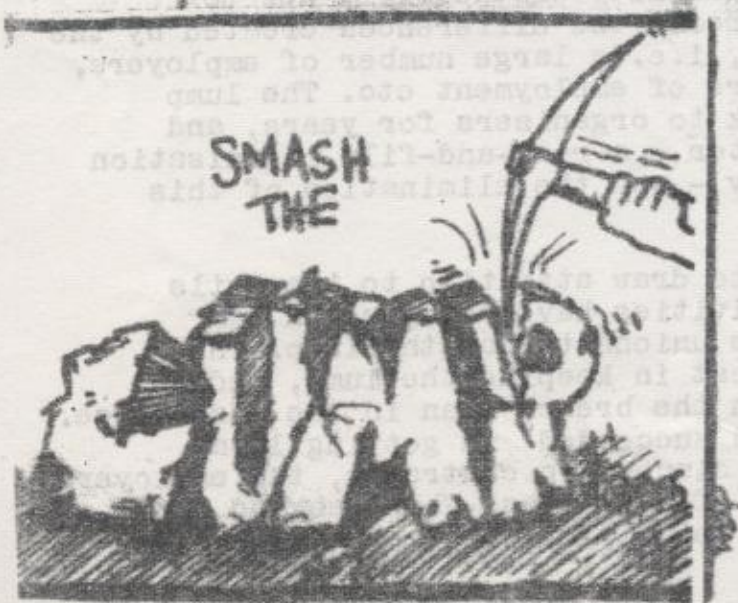
the sites the militants knew different; and agencies specialising in this type of labour flourished.

### LABOUR AGENCIES

With the growth of trade unions amongst the traditionally organised sections of the working-class, the employers have taken to recruiting the work-force through labour agencies instead of directly employing them. If we look into the way these agencies operate it becomes immediately obvious what new advantages it offers the employers, and what problems it creates for the working class.

The way these agencies operate is fairly simple. Instead of advertising for workers in the press etc., the employer goes to an agency, tells them he has a given number of vacancies, and will pay the agency so much an hour for each worker they employ. The agencies then do the advertising and recruiting for the employer, and carry out many of the functions the firm would normally have to do themselves; i.e. check the blacklist to ensure that militants do not get a job, grade workers, pay the workers wages out of the hourly rate paid to them by the employer, and stamp their cards.

As none of these agencies have agreements with the trade unions, and generally work in violation of the agreements drawn up by the trade unions and the main employers, the pay and conditions of the workers on their books differ greatly from those achieved by organised workers. Although the agencies will get the same rate from the employer for each worker they supply, they in fact grade workers in areas where grading never existed, and pay differing rates according to grade, thus creating a new division amongst the workers.



Most of the employers who recruit through labour agencies use more than one agency, and workers on the site, in the factory or office, find themselves working with someone whose wages appear to come from a different source, and a centralised struggle becomes more difficult. It is clearly imperative to ensure that all workers are directly employed, and

in the building industry, Charter has made this one of its principle aims. But employers frequently keep their arrangements with agencies secret, or in particular deny that they are making any use of them. Actions like the occupation of S.O.S. are, therefore, a necessary part of the struggle, the information which they place in the hands of militants expose the activities of employers, and show where this labour is used.

### COMPANY SECRETS

Before the occupation took place many building workers in Birmingham suspected that S.O.S. was supplying lump labour to firms which had agreements with the trade unions not to use it. These firms consistently denied that they were using lump. But militants knew that they were, and that they were using it to destroy trade unionism in the industry. The occupation was undertaken in order to show that the use of S.O.S. was widespread and to discover where it was being used. In this, the occupation was successful.

Many of the largest and most respectable building firms in the country, eg Wimpey, David Charles, Bryant and others were taking advantage of SOS's anti-union services. As Pete Carter, Chairman of Birmingham Shop Stewards Committee said: "Our action was intended to expose the operations of the SOS which operates in total isolation of the rules of the building industry. We proved that the building employers were using this agency in isolation of the agreement the trade unions have with the employers."

This information was extremely important to those who were trying to get the building industry organised. Trade unionists in general had to be made aware of the new methods of employing labour, and the extent to which these had grown. This part of the anti-lump campaign, the job of showing that the employers were lying, came up against one of the employers' most important weapons - the right to business secrecy. This right allows the bosses to carry out all kinds of activities while pretending to be as pure as the driven snow. Under the cover of secrecy they operate blacklists, provoke strikes, switch production from one place to another, fix prices, etc. Their right to secrecy is the right to conspire against the interests of society, and this right is protected by the law, the police, and the prisons.

The importance of secrecy to the capitalist can be illustrated by reference to Chile. The attempts of Popular Unity to improve the living standards of the masses and gain control of important sections of the economy ran into

the organised sabotage of production by the bosses. Chilean workers had to take control of companies, inspect the books, etc., and organise production to prevent the capitalists destroying the economic reforms of the government. The secret deals between ITT, the Chilean army, and the CIA are well known. In Britain the attempt by the post-war Labour government to nationalise steel was sabotaged by the steel barons' refusal to release essential information. Big companies constantly flout the government's so-called prices policy by manipulating the figures they release. Attempts to regulate the economy against the interests of big business always run into sabotage by the bosses. Any talk about a fair prices and incomes policy is blatant deception while the relation between the individual remains the secret of the capitalist. Attempts to limit the power of big business are mere farces as long as capitalists are free to hide their manipulations, plots, and frauds from producers and consumers.



Any government which is serious about controlling industry in the interests of society as a whole must make the abolition of business secrets a first step. Workers no less than employers have the right to know the secrets of the factory, the industry, and the economy as a whole. Consumers also have a right to this information. The bosses say price rises are necessary and are due to cost increases, world prices, etc. Maybe so. But while they continue to operate in secret most consumers will doubt the truth of these claims. Producers and consumers must have the right to examine the accounts of all the businesses. Any attempt to solve the economic problems of society by the curbing of the power of big business such as the plan to nationalise 25 major companies must be accompanied by the abolition of business secrecy. Any schemes for workers participation on Boards of Directors must include real power for workers representatives to inspect the books and veto any deals that are against the interest of workers.

The bosses are well aware of how important secrecy is to them. This is why they reacted by pressing very serious charges against those who challenged them.

## NEW PROBLEMS, NEW METHODS

The SOS occupation illustrates an old truth of working class politics; 'that methods of struggle suitable to a normal period of class relations becomes inappropriate during a period of crisis'. Of course, in a period of 'normal' class relations there are still struggles. Bosses do not give wage increases out of the goodness of their hearts. But in the fifties and sixties factory and site organisations were sufficient to defend an advance of living standards. There were strikes and lock outs, and some disputes were long drawn out and bitter, but in general the short localised strike was the method of struggle which a whole generation of working class accepted as normal. This is because the British economy was capable of allowing real increase in living standards.

But as this situation changed the employers beefed up their resistance to factory strikes. The working class found it necessary to go over to industry wide strikes. This also changed the situation. The employers, unable to defeat the working class, called in the state to centralise their part of the struggle. And this led to the direct intervention of the state into industrial relations. We then have the Industrial Relations Act, the N minus one policy, and wage freezes. The working class responded by stepping up their methods of struggle, the huge strike wave which freed the Pentonville Five, the mass pickets that won the miners strike and defeated the N minus one policy, the flying pickets in the building strike, are all examples of this.

When the conflict spills over the bounds of 'normal' industrial relations, the traditional rights of each side are no longer seen as the proper framework of struggle. The employers are trying to take away the right to strike by a variety of tactics - on the one hand using special legislation such as the IRAct and the pay laws, and on the other reinterpreting the criminal law to attack workers in struggle. The working class has had to challenge certain of the capitalists rights; in this case the right to conspire in secret. But other rights of the employers have also been challenged, for example, their right to create redundancies in the interests of profit have been challenged at Bryants, UCS, Fakenham, and elsewhere. At Chrysler strikers challenged the employers right to free movement of goods. All these are examples of situations in which workers have had to go over from bargaining about the price of their labour power to challenging the employers right to engage in activities which are against the interests

of the working class. These rights are basic to the capitalists ability to extract profits, they will protect them with the greatest determination. But the destruction of the workers right to struggle is of equal importance to him. So here again he will fight with ferocity. This is why the Birmingham militants are facing charges of conspiracy.



ted has more than one set of teeth'.....

CONSPIRACY LAWS

The charges were not an automatic result of occupying premises. The usual response to trespass is to seek redress through civil action for any damage resulting from the trespass. Normally the police will not attempt to press criminal charges in such cases; the civil law is considered sufficient protection. In this case, however, a decision was taken at the highest levels to use the criminal law. A circular sent out by U.C.A.T.T. to explain the situation to trade unionists makes this clear. It is worth quoting the union statement, "On April 20th the U.C.A.T.T. Regional Office was informed by a reliable source that summonses issued by the Director of Public Prosecution had been signed in Birmingham the previous day, and that our 5 members, together with the television camera crew, would face charges of conspiracy. Our informant also told us that the Birmingham City Police were not in favour of these proceedings, and that the Chief Constable of Birmingham was making these views known to the Home Office.

"As nothing further was heard for some weeks we believed either that our information was incorrect, or that the reported intervention by the City Police had been effective. Whatever the reason for the delay, the summonses were served on May 2nd, more than 3 months after the incident took place, 2 weeks after the signing of the summonses, and just one day after Birmingham Trades Council had mounted one of the Largest May Day demonstrations in the country. The charges are of 'conspiring to trespass', and 'unlawful assembly with intent to endanger public safety'. The charges are, in the words of N.C.C.L., "very severe", and could carry jail sentences. The M.R.C. of U.C.A.T.T. decided that it could not stand aside when established criminal laws were invoked and used in a new way to discipline and repress militant workers."

In an 'open letter to the labour movement', Ken Barlow, Midland Regional Secretary of U.C.A.T.T., pointed to the heart of the matter, "My Regional Council . . . is forced to the conclusion that the government having failed so miserably in its attempts to discipline and repress workers through its Industrial Relations Act, now needs to achieve the same ends by using old-established criminal law in a new way to attack militant trade unionists. The whole affair is seen not simply as an attack on small group of buildingworkers, but as a serious threat to the whole trade union movement."

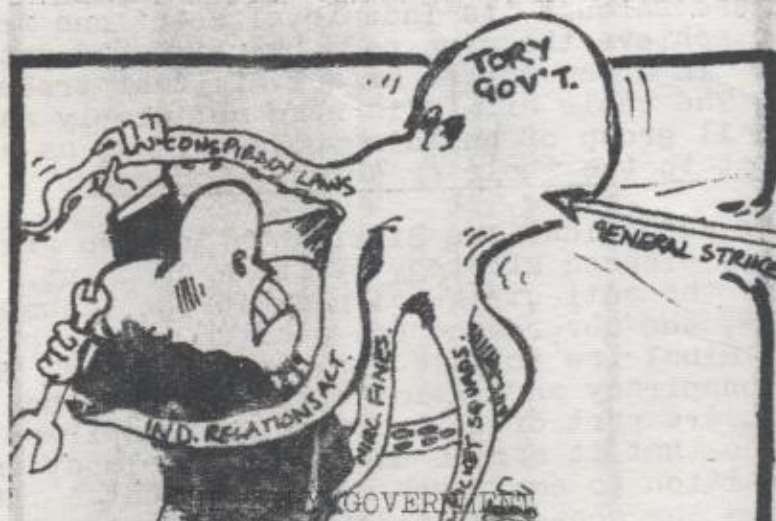
The charges against the Birmingham workers are part of a carefully planned strategy of the Government. Since the defeat of the anti-strike clauses in the Industrial Relations Act, the Government has started to use old-fashioned criminal law to attack trade unionists. The charges of conspiracy and intimidation against the Shrewsbury 24 are part of this attack. Conspiracy is so vague a charge that it can be used against almost any kind of opposition to employers and government. It can even transform the non-criminal offence of trespass into a criminal offence - the act of trespass is not criminal in itself, but planning to trespass is.

The Tories are relying on respect for the law to enable them to get away with these attacks. They learned that openly anti-union legislation led to massive resistance and to a humiliating defeat for the Government in the case of the 5 dockers. But the labour movement has got to learn that the law is not neutral, and that attacks carried out under the criminal law are just as viciously anti-working class as the Industrial Relations Act.



The criminal law is also being used to prevent effective picketing - without which a strike is ineffective. Pickets in various parts of Britain have been charged with a variety of criminal offences - intimidation, obstruction, breach of the peace, etc., etc. In one case a picket was charged under an act of 1361 with 'blemishing the peace'. Picket lines have been told that more than two pickets constitute intimidation.

The "conspiracy to trespass" and "unlawful assembly" charges have serious implications for the labour movement. They create a useful precedent for other occupations that might take place in the future; and they provide a suitable criminal offence to use against any attempt to inspect the books and documents of other employers. They are also intended to intimidate the labour movement, to frighten militants with the threat of prison sentences if they get out of line. Since this intimidation is used in the interests of the employing class it is perfectly legal.



The employer is like an octopus. The labour movement is being attacked by a whole range of methods; pay laws, price laws, fare increases, rent rises, reduced social services, etc., etc. The object of the attacks are to increase profits at the expense of working class living standards. The attacks on trade unionism are aimed at preventing the working class fighting back against declining living standards. The labour movement is like a man in the grip of an octopus - if one tentacle of the attack is lopped off there are many more to take its place. The only way to stop the attacks is to go for the brain centre.

The brain centre of the employers' offensive is the Tory Government. In the coming months the labour movement must tackle the head of the octopus by preparing a general strike to bring down the Tory Government. Part of the essential preparation for that must be to defend those under attack - the Shrewsbury 24, the Birmingham 5, and any other victims of the Government's anti-union policy.

### THE BIRMINGHAM FIVE

The Regional Committee of U.C.A.T.T. took up the defence of the Birmingham militants by forming a Defence Committee representing all sections of U.C.A.T.T. membership. The aims of the committee were to:-

1. Publish broadsheets and pamphlets outlining the progress of the case.
2. Raise money for support of the dependents.
3. Arrange demonstrations at suitable times (eg. on the occasion of court appearances, etc.)

The Committee received support from Trades Councils, including the Birmingham Trades Council, Labour Party organisations, and left groups. Money was raised and information distributed, and about 1,000 people demonstrated outside the court on the first day of the preliminary hearings. On this demonstration a wide section of the Birmingham Labour movement was represented: postmen, car workers, miners, as well as building workers. At the trial in July before magistrates, the 5 were committed to the Crown Court for trial. This is due to start in December.

Since July the Defence Committee has made a number of moves to broaden support: Shop Steward Committees, Trade Union Branches, Labour Party constituencies, and all major unions have been circulated. Trade Unionists must act now to mobilise workers by supporting the stoppage on the first day of the trial, raising money, and above all, by informing the majority of workers in preparation for an indefinite stoppage if these men are imprisoned.

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