

countries attended. A world conference will now be held in Helsinki with the full co-operation of the Finnish government in August.

The 'Declaration of York' will be one of the key documents in a struggle of all the peoples of the world, to which it has made a valuable contribution.

## THE LAW COMMISSION, CONSPIRACY AND SHREWSBURY

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**T**HE Law Commission's Report on Conspiracy and Criminal Law Reform (Report No 76) published in March this year, makes a number of welcome recommendations for the reform of the law of conspiracy. How far does this go to help workers involved in industrial disputes? How would these suggestions have altered the decisions in the Shrewsbury building workers' case?

The Law Commission recommends that the offence of conspiracy should continue to exist, but should be limited to agreements to commit criminal offences. The prosecution should have to prove that the defendant agreed with another person that a course of conduct should be pursued which would necessarily result, if completed, in the commission of a criminal offence, and further, that they both intended to bring about any consequence which is an element of that offence.

It should be a rule of practice, says the Report, that, where a conspiracy count is based upon an agreement to commit offences charged in the other counts of the indictment, the prosecution is required to justify the addition of a conspiracy count. Conspiracy to commit a summary (minor) offence would remain a crime but should only be prosecuted 'in cases where there is deliberate planning of offences on a widespread scale.'

The sentence for conspiracy would be limited to the sentence for the substantive offence in most cases. The maximum penalty for conspiracy to commit an offence under Section 7 of the Conspiracy and Protection of Property Act 1875 (for example, intimidation) would be three months imprisonment. The Law Commission believes that this is what parliament intended in 1875, but that the Act was so

badly drafted that courts have been able to give unlimited sentences for that type of conspiracy.

The Shrewsbury case arose out of the 1972 building strike when strike committees in some areas arranged mobile pickets who moved around the smaller sites persuading workers to strike. In the North Wales and Chester areas the police prepared a dossier on events for the Director of Public Prosecutions (DPP). There is no space here to discuss the evidence in the case, but 35 men were prosecuted for a wide variety of offences. Eleven men were acquitted at Mold Crown Court of charges of intimidation. Twenty-four were committed for trial to Shrewsbury Crown Court on a total of 208 counts. Six of these men were charged, amongst other things, with unlawful assembly, affray and conspiracy to intimidate. Most of the charges arose from events on September 6, 1973, when six coaches were hired to take 250 pickets to a number of sites at Shrewsbury and Telford. It was alleged that at each site 'there was a terrifying display by pickets of force and violence actually committed or threatened against buildings, plant and equipment.' (It is interesting to note that no arrests were made at the time.)

It was alleged that the six men were the organisers of the picketing, and had intended that the pickets should intimidate workers to stop work. After the ten-week trial, all six were convicted of unlawful assembly. In addition, Jones, Tomlinson and Warren were convicted of affray and conspiracy to intimidate. They received prison sentences of nine months, two years, and three years respectively on each count, the sentences running concurrently. The conviction of affray was subsequently quashed by the Court of Appeal. Appeals against conviction on the other counts and against sentence were dismissed.

Before the Shrewsbury case, it was widely assumed that personal violence, or at least some threat of personal violence, had to be proved before the offence of intimidation was committed. However, in 1973, Sir Peter Rawlinson, the Conservative Attorney-General, said: 'If pickets by sheer numbers seek to stop people from going about their lawful business, they are not protected by the Act. . . . Indeed it is very hard to see how the attendance of large numbers of pickets can possibly be justified in the name of lawful, peaceful persuasion.' His speech was circulated to police forces and it was pointed out to them that 'sheer numbers attending can of itself constitute intimidation.' Many lawyers disputed this interpretation, but the Court of Appeal refused to clarify the point in the Shrewsbury case, except to say that intimidation was not limited to violence or threats of it to the person.

Under the Law Commission's proposals, the prosecution would have to prove that the defendants intended a course of action which would necessarily amount to or involve the commission of an offence. If mass picketing is itself intimidation, then the organisers of a mass picket would still be liable to prosecution for conspiracy to intimidate merely by virtue of organising a mass picket. Thus the Law Commission's proposal is of little assistance while the definition of 'intimidation' is so dangerously wide.

The Law Commission would disallow a prosecution for conspiracy to commit a summary offence (including conspiracy) unless it had the consent of the DPP. (The present DPP is the same one who authorised the Shrewsbury prosecution; many of his decisions have been heavily criticised in recent years.) This would provide little protection. Nor would the requirement that the prosecutor has to justify a separate conspiracy charge. In the Shrewsbury case, the Court of Appeal said that 'the criminality disclosed by the evidence could not be represented by substantive charges alone.' It would also be up to the DPP to decide whether there was a 'deliberate planning of offences on a wide scale.' Given the record of the DPP, trade unionists and civil libertarians would be wise not to place too much trust in this provision as a safeguard.

Des Warren received a sentence of three years imprisonment for conspiracy to intimidate. The maximum sentence for intimidation itself is three months. The Law Commission proposals would have limited his sentence for conspiracy to three months. However, he also received three years for unlawful assembly and that sentence would not be affected. Unlawful assembly is very widely defined and can be proven by the same facts as prove intimidation.

It is very unlikely that the Law Commission's proposals would have stopped the Shrewsbury prosecution and sentences. Conspiracy will still exist, the same sort of prejudicial and hearsay evidence will still be admissible, and the law on intimidation and unlawful assembly remains the same. Trade unionists must not be misled by the general reforming nature of the Law Commission and should demand that reforms in the law go much further. They should also demand the restoration of effective picketing rights which the courts have whittled away, and should resist the new proposed trespass offences, especially the new offences of unlawful entry and possession of 'offensive weapons' on private property by a trespasser. Both of these would constitute grave threats to factory and work-place occupations. In some circumstances, 'offensive weapons' can include everyday objects such as eating utensils and tools, and also many objects

likely to be found at a work place. The police would have wide powers of entry and arrest if they thought the new offences were being committed.

The law can be used as an unsubtle tool of class interest. The organised working class must be aware of this and not be blinded by fine-sounding liberal phrases emanating from the Law Commission and the Law Officers' Department.

## THE NATIONAL UNION OF DYERS, BLEACHERS AND TEXTILE WORKERS

*sends fraternal May Day greetings  
to all trade unionists*

**F. DYSON**  
General Secretary

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## MAY DAY GREETINGS

The South Wales miners and their families send May Day greetings to all workers in the country.

*'We call upon the labour movement to demand that the government carry out policies as laid down in the Party manifesto.'*

**EMLYN WILLIAMS**  
President

**W. H. THOMAS**  
Vice-President

**G. REES**  
General Secretary

**NATIONAL UNION OF  
MINEWORKERS**

**(Scottish Area)**

5 Hillside Crescent

EDINBURGH, EH7 5DZ

*The Scottish Miners send May  
Day Greetings to all people  
struggling for peace and  
socialism*

**MICHAEL MCGAHEY, President**

**DAVID BOLTON, Vice-President**

**WILLIAM McLEAN**

*General Secretary*

**NATIONAL UNION  
OF MINEWORKERS**

**DERBYSHIRE AREA**

**JUBILEE ANNIVERSARY OF  
THE GENERAL STRIKE 1926**

Derbyshire miners pay tribute to all members living, retired or passed on, who along with fellow trade unionists contributed so much to the development and advance of mineworkers.

Their resolution and strength was the foundation of the National Union of Mineworkers as we know it today.

**ASTMS**

**Scottish Divisional Council**

*Sends Fraternal May Day Greetings to  
all Trade Unionists and calls on the  
Labour Government and the new Labour  
Prime Minister to stand firm on the  
Election Manifesto*

**Republic of Ireland Section  
of  
ASTMS**

*sends fraternal  
MAY DAY GREETINGS  
to all trade unionists*

**Noel Harris**

*National Secretary*

**The No 2  
DIVISIONAL COUNCIL  
of  
ASTMS**

*send greetings to all TUC  
associates and Colleagues  
everywhere for social justice,  
world-wide*

# THE GENERAL STRIKE SUMMARISED

Jim Cornelius

Full-Time Official

National Union of Public Employees

**I**T is good to see the labour movement using its own resources to celebrate, document and analyse the greatest upsurge of working class anti-capitalist solidarity this country has ever seen. A new compilation of essays\* combines the different experiences, researching, theoretical understanding, and writing abilities of the movement, particularly the Communist Party. By enclosing regional studies and personal reminiscences within two theoretical/factual essays at the beginning and an analysis of the consequences at the end, the layout is unusual and effective. It assists the person not used to ploughing through a long theoretical or historical work as well as the activist who reads spasmodically or between meetings.

The first essay by John Foster is a very good lead-in, showing the economic, social and political changes prior to 1926. It sets the scene and puts the strike in its historical context, 'as a specific product of the class forms evolved by the British working class over the previous century.'

The second essay by James Klugmann is vital reading and is so relevant to today. With its exposing of the role of the state it is the sort of essay that deserves a separate pamphlet. The part covering the run up to the strike and the nine days itself, brings out so well the role the TUC and particularly the right wing played. The section on the Communist Party gives useful information about the propaganda, organisation and effectiveness of the Party as well as showing its growth during and after the General Strike.

For me Klugmann's conclusions are the highlight of the book. Here are the lessons for the working class, the labour movement, the Communist Party and the social democrats: 'It is that the reformist outlook, quite irrespective of the personal sincerity or insincerity, morality or immorality of individual leaders, leads inexorably to conciliation and capitulation.'

The regional studies and personal reminiscences confirm that the General Strike in retrospect was not a failure, although it was viewed as such at the time and led to disillusionment. Trade union membership and affiliation to trades councils declined. There was, however,

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\* *The General Strike 1926*, edited by J. Skelley, Lawrence & Wishart, 412 pp, £6.