

KEN COAXES

Ballot Boycott



Peter Hain is very largely right to emphasise the weakness of the Labour Party's

trade union connections at the grassroots. Partly this results from a little discussed constitutional reform which slid through the party conference back in 1965. Then, the old basis of affiliation was abolished. This had entitled all those members of an affiliated union who did not actually belong to opposing (or proscribed) bodies to play a full part in the internal life of the party from the level of its wards and branches up to that of the Annual Conference itself. After 1965 trade unionists who wished to be involved in the party's work had to seek double membership: they were obliged to become individual members as well as affiliated ones.

But the reform did not have the desired effect of increasing the numbers of trade unionists willing to become individual members. On the contrary, it contributed to the undesirable diminution of direct involvement by union branches at local levels. It also ensured that affiliation became a corporate status, and this turned the political levy into a kind of poll tax. In all probability, the Labour Party will find it necessary to reconsider this matter, and to redefine the status of affiliated bodies, whether they are unions, other mass organisations, or specialised societies, if these unanticipated results of the 1965 reform are to be rectified.

Mrs Thatcher's latest Trade Union Act is the culmination of a legislative campaign to weaken the labour movement. For the first time, it focuses directly on trade union political activities. It can be seen as an attempt to forestall the natural swing from industrial to political activity which is normally observed in times of slump. GDH Cole used to speak of a pendulum which swung between industrial and political forms of action. The 1984 Trade Union Act is an attempt to disconnect the pendulum, and thus reduce trade union action to impotence. Other events are strictly related to this co-ordinated govern-

ment strategy. The provocation of the miners' strike, the management of certain set-piece confrontations on the picket lines, the whole barrage of official propaganda, all make sense as part of a preparation for the enforcement of the ballots in the 1984 Act.

Where I think Peter Hain's recommendations are unwise is in his assumptions that ballots about the continuation of a political fund are different in principle from compulsory strike ballots or elections of officers. In fact, all these impositions represent major governmental interventions in the determination of union rules. These undermine the freedom of association, and thus jeopardise the very basis of political pluralism in Britain. This government intervention is manifestly calculated to restrict trade union freedoms and its effect will therefore be to weaken democracy, as people are alienated by its demagogic invocation. It was an earlier government intervention which established the 1913 law creating political funds. Nearly all unions opposed this law as an intrusion, and an unwarranted restriction of trade union rights, depriving unions of the freedom to spend their money as they wished. The requirement for a decennial ballot is an even greater intrusion.

That the Government has legislated to strengthen an old usurpation of authority is bad enough. That its intention in doing this is to cripple the opposition in parliament and the country at large makes it worse again. Even if all the funds were confirmed, the new law would still be an iniquity. The threat of reconstruction of a major political party is, in modern terms, a profound constitutional change. Such a change could never be justified unless it applied even-handedly to all parties in the field. Evidently it would be necessary to control company donations to the Conservative Party as stringently as it restricted trade union involvement with poli-

tical bodies. Indeed, the original Osborne judgement, out of which we got the 1913 Act, actually placed unions *and companies* on the same level, although no attempt to enforce this against companies has ever yet succeeded.

For this reason above all others, it seems right to resist the new law. If unions were to refuse to apply the prescribed ballots, of course, they could ultimately be prevented from giving money to the Labour Party. That party would then suffer loss of revenue, at least until the repeal of the Act. But repeal would be the more likely to the extent that the Government was led into this very insecure territory by the implementation of its own oppressive act. The Labour Party would be well advised to make it clear that nobody would be disaffiliated if they were barred from paying their subscriptions as a result of this unjust legislation. The moral ties between unions and the party could not be undermined, but would be strengthened in the ensuing argument. Legal intervention to stop David Basnett or Ron Todd from carrying through any part of their political duties would point up a fundamental injustice, and this would be very difficult to defend. Meantime, after careful study of the original Osborne judgement, a whole succession of actions should be taken against company payments to the Conservative Party. Whether these 'won' or 'lost', the whole pattern of bias in the 1984 Act would be openly revealed.

This key issue apart, Peter Hain is right. Never was it more necessary to campaign, and to explain, but also to involve trade union members in seeking to solve the major political issues. Today political action is the most relevant response for many trade unionists in many areas of their work. Such action may only partly devolve upon the Labour Party, but of course it is unimaginable that it can be effective if that party is undermined.

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