February 14 1984

Dear Alan,

Apologies for the delay in notifying you of the membership of the Control Commission.

On looking through the minutes, I find that the April conference decided to re-elect the outgoing Control Commission. Two of the members of that Commission are no longer in the WSL, so that leaves the membership of the Commission as:

Ann D
Sue A
Godfrey Webster
Bill McKeith.

When the Commission met previously, Godfrey acted as its convenor.

You will recall our EC decisions. The EC has a right to be informed of the complaints before the Control Commission is convened, on two counts:

a) The right of the defendant to prior notice of the charges;

b) The duty of the EC members to take issues first to the EC, as per section 12:iii of the Constitution.

Fraternally,

Martin

63 Bartlemas Road
Oxford
19.2.84

To the Control Commission.

Dear G.

I understand that you are the convenor of the Control Commission.(On the basis that I beleave you convened it last time).

I want to make an approach to the Control Commission in order to raise what I consider to be a series of breaches of democratic norms and constitutional rights within the organisation which I beleave are designed to make conditions intollerable for the minority.

Specifically what I want to raise is the following:

1. The attempt of the majority to prevent me approaching the Control Commission whithout raising my complaints with the EC (ie the majority) first.(I have enclosed an exchange of correspondance about this).

2 The statement made very formally to us in an EC meeting by Sean that in future the "norm" in the WSL would be that only the majority viewpoint will apear in SX. (Example given - the conditions WF were in in IS)

(I raise this because it represents an absolutely major change in the internal situation. For 2½ years the norm has been full access to the publications from the different views in the organisation - with a few disputes within that. Leaving aside the rights and wrongs of such a change, it has never been proposed or even hinted at at conference or at the NC. How can an individual or individuals take such a decision?)

3 The authority of the NC to vote not to have the annual conference at the constitutional time despite

despite the objections of a minority.

4 The decision of M. to impose fines on members in an unconstitutional way.

5 The decision of the EC to lapse members for paper depts conference registration and pool fares.

(I beleave lapsing to be something which specifically aplies to membership dues. The only other circumstances where the constitution provides for lapsing is "Where members have become inactive without adequate cause, and there is no dispute on this fact, they may be lapsed from membership". It is serious because none of the protective procedures provided for in the constitution are involved in a lapsing. I am not of course arguing that there should not be action on paper depts - but it should be under disciplinary action which involves all the constitutional safegards).

The comments I have made on the various complaints are not an exhaustive argument of course. I have put them in in order to give you some idea of what I am talking about. Hopefully I will be able to enlarge on this when the Control Commission asks me to do so.

Fraternally A

NB I beleave Tony R wishes to be associated with these complaints - but he is sick at the moment and not contactable.

18.2.84

To the EC.

The letter from M of February 14th spells out the decision of the EC in respect of the conditions under which I am allowed to approach the Control Commission.

I have to say that I find the decision unacceptable and that I am unable to comply with it for the following reasons:

a) The right to approach the Control Commission is a basic unqualified democratic right. The Control Commission itself will decide if the aproach or the complaint is valid and how it should be dealt with.

b) Prior notice of charges does not come into it at this stage. An approach to the Control Commission is different to the disciplinary procedure which is covered by section 14 of the Constitution. The Control Commission is covered by section 15 and it's terms of reference are to "independantly investigate disputes.....which are refered to it by any of the parties of the dispute". There are no conditions laid down for it's operations and no qualifications laid down on the rights of members of leading committees to approach it. Section 12:iii covers "political difference" which is different matter.

c) In the case of complaints by individuals against leading committees it would be contrary to the concept and principle of the Control Commission to force the individual to go first to those who he or she may feel are responsible in the first place.

It is therefore my intention (and I beleave the intention of others) to go direct to the Control Commission and first to raise with them this particular point.

Smith.

Oxford
6.3.84.

To the Control Commission.

Dear C

For your help and mine it would be good idea if I put in writing the main points I made to the Control Commission last Sunday.

1) I object to pressure being put on me to take my complaints to the EC before going to the Control Commission. Resort to the Control Commission is a basic democratic right open to all members of the organisation. It is true that members of leading bodies are obligated to take political differences to the highest body they are on first, but what is involved here are complaints of abuse of authority by the leading committees themselves. On such matters as that it is obvious that members must have the right to go straight to the Control Commission, it is then up to the Control Commission to conduct things to allow those accused of anything to have the right to be notified of the allegations and the right to answer them. I also object to the decision taken by the EC majority on Sunday March 4th that the Control Commission should not meet and that if it did it's decisions would be disregarded.

2) I object to the statement made by Carolan at the EC on February 5th that in the future only the views of the majority on all matters would be carried in SX. This he said was the norm in Trotskyist groups and it would now be the norm in the WSL. He cited the example of his own position when in IS, where he said they were lucky to get the occasional article in SW. In this I object both to the decision and the way it is done. I think it is politically wrong in a group like ours to publicly suppress the views of nearly half of the organisation.(Who are the "majority"? Presumably they are the people who loyally support Carolan. If that is the case they may not be a majority at all! That must be the way it is defined since there is no one else in the movement who is going to have their views printed if they conflict with Carolan on a significant political issue). On the way it was done I think it is incredible that on such a major issue as the access of the membership to the party press (by far the biggest undertaking of the group, and by far the most influential factor inside and outside the group) can be changed by a verbal statement (which can be juggled later if necessary) by an individual. We have have had three conferences and numerous NC meetings with no such proposal being made. It was not even put to the vote at the EC. The bit that was minuted can be read in several ways and does not reflect the clear statements made in the meeting. (As I told you we were also told in the meeting in the same way that we must knuckle under or be thrown out - the exact way that will be done Carolan said is not the issue "but take this as a warning it will happen").

3) The annual conference. I object to the decision of the NC not to have the annual conference one year from the last as required by the constitution. Although the last conference was in three stages I think the overwhelming argument is that the April session was the definitive one since it was there that the main documents were voted on and the leadership elected. I don't think it is right for one section of the movement to decide that a conference is not a good

thing to have at the present time for political reasons. That may be their opinion, but if a minority want a conference at the time called for by the constitution it becomes a democratic right. (I believe the conference is politicly necessary as well of course on the grounds stated in the call for the conference - I don't believe the acute problems the organisation now has can be sorted out by a period of practical work, even if we could define what practical work, the basic problem is that there are deep political differences in the organisation which can only be contained if there is a democratic structure. But this is not an argument which should be had at the Control Commission).

4) The imposition of fines on members. I object to fines being imposed on members outside of the procedures laid down by the constitution. The facts are these. On January 30th seven members of my branch received letters from Kinnell telling them that they had already been fined for failing to fill in an assessment form last August. (A letter from Jones on this is attached). The letters were sent to the comrades individual addresses and had a very negative effect. Bill for example is a pensioner and cannot be on anything but the minimum rate. He is an absolutely loyal member who pays his £3 every single week without fail. He received no warning of this and has never had a letter from the organisation at his home address before. He was very distressed and was at my door within 30 minutes of receiving it. Another comrade who like Bill has the kind of working class family situation which Carolan and Kinnell are incapable of comprehending, has been faced with a serious personal crisis as a result of the letter - which was opened by a politically hostile partner who was not aware that he was paying money to the organisation.

To go back, however, to the constitutional points which are the ones which concern the Control Commission of course. When these fines were raised on the EC we were told that the decision to impose the fines had been taken by the OC - which of course has no constitutional authority in the movement at all and could not impose a fine even if they carried out the required procedure. In this case, however, none of the procedures which give safeguards to members, were observed.

5) Lapsing. I accept that it is logical to lapse members for failure to pay their dues - although the constitution does not say that. I think, however, that it is completely out of order to lapse members for paper money, one year old conference levies, NC pool fares, and failure to pay by standing orders. Yet all these things are now being used to lapse members - copies of letters from Kinnell are enclosed which confirm this. I will quote one example of many, Bill: "Your dues arrears are as follows: December balance £1.20; January £2 (Minimum) Conference registration fee, April conference £4. Total £7.20, just over 14 weeks. You are therefore liable to be lapsed from membership unless you pay these arrears. Money should be sent to the address above, by February 14th at latest. If we do not receive the money, the lapsing will take effect then". As you can see from the other letters all money is now being classed as dues arrears and added

up in weeks. Yet the constitution is absolutely clear on this. The only thing a member can be lapsed for under the constitution is falling out of activity - and only then if this is undisputed. There is no provision for lapsing for any of these other things.

Why is this so important? Not simply because it flouts the constitution but because it removes the safegaurds that members have under the discipline procedure - which is what should be used if there is a justifiable problem on any of these things. With lapsing you are simply lapsed and that is the end of it. When I asked Kinnell how a member would get back in if suddenly lapsed he said it would be a matter of renegotiating membership, which I took to mean the Majority would have to agree.

6) Collective lapsing. If lapsing for the things outlined above are outragious, collective lapsing is far more so. Under this if a branch has a dept which may have derived from particular members or from members who have resigned leaving a dept behind them - which is normally the case - the whole branch is responsible and can be lapsed for it. This is being done with my own branch and with Hackney. In the case of Hackney the entire dept derives from members who have left the movement. Every one of the existing members is fully paid up on everything, yet the whole branch is threatened with lapsing if the money is not paid. I must ask how can a member of this movement be lapsed if he or she is fully paid up. It is an incredible situation which we have only seen before in the WRP.

I think all the things I have raised here are matters which are appropriate to the Control Commission. Finally can I say that I do not defend the record of my branch on finance, and I am sure there are a lot of other in the WSL who would say the same. But for the last three months everything has been paid up in full and over £100 paid off back depts and I have taken over as treasurer to ensure that it stays that way. All of the pressure however has come since this turn was made, which is why it is hard to conclude that the pressure is not political rather than a genuine administrative drive, particularly since the finances of the movement have been an admistrative catastrophy ever since fusion.

Fraternally A

Report of the Control Commission

To the National Committee 10.3.84

This report was prepared in great haste to allow today's NC to consider Smith and Cunliffe's complaints and our recommendations in relation to them without undue delay .We therfore request that space is found on today's agenda for this report.

Control Commission

Excerpt from constitution

15.CONTROL COMMISSION

The conference shall elect a Control Commission annually. It shall independently investigate disputes of fact relating to disciplinary cases,disputes between comrades or complaints against leading committees or functionaries which are refered to it by any of the parties of the dispute, the NC or NC. It has the power to subpoena witnesses and have access to all information and documents relevant to the matter. It shall consist of three full members who are not on the NC. Any member of the Control Commission who is involved in a dispute which is refered to it shall be excluded from the Control Commission for the investigation of that dispute. The Control Commission shall report to the NC.

SMITH'S CHARGE No.1
That the EC majority attempted to prevent him raisng matters with the CC without raising them on the EC first.

In the main I have dealt with the CC's view of this above, in the section headed "objections to the time of the CC meeting".We think cdes. have the right to go to the CC at any time.His other charges have in any case been discussed on leading bodies already.

We consider this complaint of Smith's to be justified.

SMITH'S CHARGE No.2
That Carolan stated at an EC that in future the norm will be that only the majority view will appear in SX.

This charge is denied by the EC majority. They say that the only statement made was that cde. Smith's articles would be considered for the paper in the same way as any other cdes. i.e. without any special privileges.

Smith raised as evidence the question of his four page article on the industrial situation which was refused. Kinnell says that the EP merely wished the article to be cut and rephrased without altering the political line. However cde.Carolan's polemics against the article in the EC minutes dated 5.2 must cast doubt on the truth of this statement.

Cde Smith stressed that he was not demanding the right to oppose voted WSL positions in the paper,merely to express an opinion on non-voted questions.

Cde Kinnell says there is still a policy of open access to the paper,but that it would be within the competence of the EP to change this. This is undoubtedly true, but the CC would like to stress to the NC that this would be a fundamental change in established practice and conference policy, and would have very far reaching consequences both for the WSL and SXX.

If the NC confirms the policy of open access, we see no need to pusue further the question of what was actually said at the EC.

SMITH'S CHARGE No.3
That the NC decision on postponing the conference to Autumn 84 was unconstitutional.

Since last year's conference was in three parts, arguments could be made for any date from April to September as being 12 months from the last conference.

Cde Smith argued that the date of the election of the leading committees and voting on main documents was the crucial question, but a majority of the CC considered that there is no constitutional grounds for this.

In any case it is almost normal practice in bolshevik organisations for annual conference to be extended beyond twelve months.Smith argued that the existence of a substantial minority opposed to the autumn date altered the situation, but Kinnell pointed out that the NC minority opposed to the postponement of the post-fusion conference was much larger (21 to 14).

We feel that the NC was the correct body to make the decision on the date. A majority of the CC did not consider that anyone's rights were infringed by the decision.

We therefore reject this charge.

SMITHS CHARGE No.4
That the decision to fine people for not filling in dues forms was unconstitutional.

Although Smith has not personally been fined, we accepted that as a leading member of a branch many of whose members have been fined, he was entitled to raise the matter.

Smith claimed that the decision to [illegible]fines was personally made by Kinnell and later retrospectively ratified by the NC.Members(he mentioned Jones) had received without warning letters indicating that they were already being fined.

Kinnell said the decision was taken by an OSC meeting, and that repeated warnings were sent to the edes involved, although sometimes via branch officers and not direct.

A dispute also exists over the status of the OSC. is it constitutionally the same as the OC which existed as a parity organisation after fusion. Smith says no,that it is an informal committee,Kinnell says it has the same function and powers delegated to it by the NC.We would like to see evidence that minutes of the OSC are produced for ratification by the NC.

However the important question seems to us how the decision has been carried out. Since the fine is clearly a disciplinary measure (Clause 14(1) of the constitution),the OSC or NC should ensure that each individual concerned has been informed in advance that a disciplinary measure against him/her will be considered at a specified meeting. He/she then has the right to appear or communicate with the centre.

SMITH'S CHARGE No.5

[illegible] members are being unconstitutionally lapsed for paper debts,NC pooled fare,or conference levy

Smith presented to the CC various letters received by members of his branch telling them that they would be lapsed unless immediate payment was madeof money for confernce levies,or in one case NC pooled fare. He also said four branches,Oxford Factory and Hackney among them,had been threatened with collective lapsing if they did not clear paper debts by certain dates. In the case of his branch these debts went back to the time of fusion,and in the case of Hackney were not accrued by existing members of the branch.

Smith said he did not object to disciplinary measures for recovering money, but felt that lapsing was not a valid method becuse it did not give individuals the same rights as other disciplinary measures. He also considered that the drive to recover debts was being carried out in a selective and factional way. Minority dominated branches were being deluged with threats of lapsing.

Kinnell said the decision to treat paper debts and conference levies as dues debts had been taken by the NC. Many warning letters had been sent to the individuals and branches concerned. Noone has actually yet been lapsed and there is no question of collective lapsing. The drive on debts was being carried out in an even handed way and if some branches suffered worse,than others it was because their debt record was worse.

The CC noted that there is no provision in the constitution for lapsing for debts of any kind,even dues.Lapsing was only possible for inactivity, and since financial contributions are only one out of six conditions of membership, debts could not be equated with inactivity.

It seems therefore that the NC has been technically in breech of the constitution in allowing this practice. However the important difference is in the opportunity to protest in advance of the action.In lapsing there appears to be only the right of appeal to the NC after the event. For other disciplinary measures there is the right to be informed in advance of the time and place at which disciplinary action will be considered,with right of appeal afterwards. If this procedure was adopted for debts also, the CC does not see that there could be cause for considering that anyone's rights under the constitution had been reduced,whether the penalty was lapsing,fines, suspension, or expulsion. In particular it would seem to us important to ensure that individuals have received notification of intended action rather than relying on branch officers to inform.

The CC wishes to investigate further whether or not the debt collection is being carried out in a factional way.

CUNLIFFE'S CHARGE No.1
That the threat to remove him from the EC at the next NC if he does not return to work on the paper is an abuse of his rights.

Cunliffe said that since full-time workers worked long hours for poverty wages, there had to be a certain volunteer element. That it was unreasonable to expect individuals to sacrifice so much, unless they were convinced that the work was being carried out in a politically constructive way. With the defeat of his demand for greater editorial control by the movement he was no longer prepared to make this sacrifice although he was prepared to write extensively for the paper on a part-time basis, and to help in laying out.

Kinnell said that the NC had to instruct people if they thought it was essential for the movement for them to work in a particular way. If there were personal reasons such as health or family which made the situation intolerable the NC and EC would of course be sympathetic, but in Cunliffe's case this was not the position. [illegible] for poverty wages, Cunliffe earned more than the other [illegible] had a duty to uphold the NC decision by disciplinary action if necessary.

As far as the constitution is concerned, the CC notes that the leading bodies of the organisatin have overwhelming power over members lives. In practice it is unusual for members who are clearly unwilling to be forced to take up full-time positions. We note in [illegible] minutes dated 12.2 that Cde. Smith was "invited" to work on the [illegible].

To define the limits which should exist for the NC to disrupt members lives is a difficult task, but we would respectfully point out to the NC that they might be better advised to plan how to use resources offered to the best effect, rather than demanding what is not offered.

The exclusion from the EC has not yet occured, and the NC obviously has the power to make such a decision, but any retaliation for Cunliffe's withdrawal obviously assumes the original NC instrucion was justified. We consider it is to have been agaist the established norms of the movement, and recommend to the NC that they think again.

CUNLIFFE'S CHARGE No.2
That the decision of the EC to debar him from writing for the paper on an occasional basis was an infringement of his rights of access to the paper.

Cunliffe said that the action was a dangerous precedent for gagging people politically in retaliation for internal disputes. He had hoped to soften the blow of his resignation by this work, some of which had already been commissioned by the EB.

Kinnell said that the EC could not allow Cunliffe to establish a new relationship with the paper as an occasionl writer which was in defiance of an NC decision.

Thee CC notes that the EC certainly had the power to make this decision. It is a curious form of action in that it worsens the situation on the paper which is the cause of the problem. However its [illegible] or otherwise depends on the justice of the original NC decision.

CUNLIFFE'S CHARGE No.3
That the decision to raise fines for not filling in dues forms was unconstitutional.

The CC did not feel that Cunliffe was sufficiently involved personally to raise this matter. However it is identical to Smith's charge 4

SUMMARY RECOMMENDATIONS TO THE NC

a) That the NC accepts our definition above of the CC's role in complaints against leading bodies.

b) That the NC reaffirms clearly the policy of open access to the paper

c) The CC will carry out further investigation into the impartiality of debt collection. Meanwhile we recommend that fines and lapsing be carried out under disciplinary procedures ensuring that cdes have prior notice of time and place of meetings which will consider action against them.

d) That the NC reconsider the instruction to Cunliffe which appears to be against the established norms of the movement.

Mason 9.3.84
(Agreed by Arnall and McKeith)

7.

Workers Socialist League

BM Box 5277
London WC1V 6XX

26.2.84

Dear A.

I am writing in reply to your letter of 18.2.84, received 23.2.84.

You write that you intend not to comply with the EC decision about procedure. This is out of order.

1. The EC decision has nothing to do with compromising your "right to approach the Control Commission", any more than defendants' rights in bourgeois law compromise the right to prosecute.

2. The Control Commission must at the very least observe elementary bourgeois democratic norms. These include the right of a defendant to prior notice of charges.

3. Clause 12:iii requires that EC members bring 'political differences' first to the EC. The purpose is to ensure responsible behaviour towards leading committees and structured debate. That makes it more vital that 'organisational'-type disputes be taken first to the EC than for the more abstract ideological questions.

The Control Commission is not intended as a parallel EC, but as a court of appeal when all recourse to the leading committees has failed (or is inappropriate). Any dispute you have with the EC must therefore be taken through the EC and NC before going to the CC. Otherwise you are abusing the CC.

4. Section 14 of the Constitution provides that any member of the CC involved in a dispute referred to it should be excluded from the CC for the hearing of that dispute. It appears that the disputes you wish to take to the CC are between the faction and the EC majority. It would flow that Bill McK. must be exoluded from the CC for this hearing.

At least the complaints must be known in order to decide this.

5. It is true that not much is spelled out in the constitution about the procedures of the Control Commission. But if a question of interpretation then arises, the EC's interpretation has to overrule your individual interpretation. Of course you have the right to challenge it at the NC. Until then, however, you remain subject to the discipline of the EC.

fraternally,
Kinnell.

28-2-84.

Dear S

I think you're obviously right that the question of section 12(1)(c) is one between the EC and Mr. Smith, rather than for the CC.

I would however ask for a later date for the CC than March 4, to allow time for an EC meeting to consider those charges which are against the EC. (The next scheduled EC is March 4).

Charges 3 and 5 relate to the NC (the decision referred to in charge 5 was made by the July 1983 NC), and in justice it seems to me that the NC should have a chance to consider its response and appoint a representative. The next NC is March 10.

What about a CC on March 11?

Fraternally,

Kinnell.

PS. Will close out copies of the constitution as soon as I've finished the paper.

27.2.84

Dear Mr

I enclose a copy of a letter from Smith which makes certain accusations against the E.C.

I am not certain at this stage how many of them are within the scope of the control commission, but as far as raising them with the EC is concerned I would think that anyone has the right to raise matters with the control commission at any time. If in doing so they have contravened section 12(c)(i), that is a matter for the relevant committee to raise as a disciplinary question.

I am hoping to arrange a meeting of the control commission on Sunday March 4th in Birmingham which seems most centrally placed for the parties involved. Obviously we would wish to interview a representative of the C C about the allegations made.

Please ring me about the above arrangement

Fraternally

Mason

P.S. I would be grateful if you would send me four copies of the constitution for use by the control commission.

RECEIPT OF COMPLAINTS

On February 20th I received a letter from cde.Smith listing five charges which he wished to bring before the C.C. Three were charges against the E.C., one against the N.C., and one against cde. Kinnell.

In view of the factional situation the C.C. members thought it important to clear the air quickly, and to be able to present a report to the March 10th. N.C. I therefore arranged a meeting of the C.C for March 4th and sent the E.C. copies of the charges received inviting them to send a representative.

On March 1st I received a further three charges from Cunliffe, ~~one~~ two against an E.C. decision, ~~one against an N.C. decision~~, and one against Kinnell. A copy of this letter had been sent to the E.C.

For similar reasons to above the C.C. agreed to investigate these charges also at our meeting on March 4th.

OBJECTIONS TO THE TIME OF THE CC MEETING

The main objection to the CC meeting being on March 4th. came from Kinnell, who put forward two arguments:

a) that members of the EC or NC should first take their complaints to these bodies, and only as a last resort appeal to the CC. To do otherwise would breach clause 12(iii) of the constitiution.

b) that the EC and NC should have the chance to meet first to consider the charges and to appoint representatives.

Kinnell therefore proposed a CC meeting on March 11th.

The CC did not accept argument a) because a breach of clause 12(iii) would be a matter for dispute between the leading committee and comrade concerned It cannot in any way restrict the right of any member to go to the CC at any time. In any case clause 12(iii) concerns the case of comrades taking political differences to the general membership before arguing them out on the leading committees. The case of comrades referring organisational decisions of leading committees which they believe infringe their rights to a small specially elected commission is totally different.

In relation to argument b) we were influenced by the knowledge that the earliest meeting we could all attend after March 4th. would have been march 25th. and we would not then report to the NC before the end of April. We felt that the EC comrades were in sufficient daily contact to agree on a representative to explain their past decisions and provide documentation.The case of the NC is differnet, and we reserved our judgement until our meeting as to whether or not we should delay a report on matters concerning the NC to allow them time to submit evidence. However we note that in the EC minutes dated 12.2 the EC agrees to campaign for the NC position on the annual conference. If they can argue the case for branches they can presumably do it for the CC.

OBJECTIONS TO THE COMPETENCE OF THE CC

Kinnell also gave us considerable advice both previous to the meeting and in his submission to the meeting about the function of the CC and its competence to investigate and report on the charges.

He laid particular stress on trying to interpret the puctuation of the constitution in such a way as to limit the power of the CC to ivestigate only the facts of a dispute. We do not accept his reading of the constitution and I am yet to meet an ordinary member of the organisation who does. It seems quite clear to us that we are charged to investigate whether or not we think members rights have been infringed by a leading committee. Questions of fact are central, but so also are the constitution and its interpretation, and the established norms and practices in this and other bolshevik organisations.

We accept that our role is purely advisory. We report to the NC and can instruct nothing. However we are independent and have to make our own judgements. We are elected by conference and therefore responsible to the whole membership.

OBJECTIONS TO THE COMPOSITION OF THE CC

A further objection was made by Carolan on the day of the hearing. This was that McKeith should be excluded from the CC hearing because as a faction member he was biased. If this argument were accepted the other members of the CC should also be excluded as supporters of the majority, and therefore also biased. This is not what the exclusion clause in article 14 of the constitution was meant for. It is meant to exclude those who are personally parties to a dispute. We consider that the CC was properly balanced to hear the charges.

One further point on Carolan'S intervention. Although aware for several days that the CC was going to meet, he made no attempt to contact me to express his view. While I was talking to Kinell on the telephone he suddenly intervened from another extension making it clear that he had been eavesdropping on my conversation with Kinnell without my knowledge. I wish to state my disgust at this sort of behaviour by a leading member of our organisation.

MEETING ON MARCH 4th

There are now four memebers of the commission Ann Duggan, Sue Arnall, Bill McKeith, and myself. Having received the documentation Ann Duggan phoned me to say she would not be attendingas she considered the dispute to be between neurotic, power mad men and she felt nothing could be done to help the situation. She further said she would be resigning from the commission. I attempted to persuade her of the importance of the meeting but to no avail.

Cdes. Smith and Cunliffe attended to present their charges. Cde Kinnell agreed to attend to represent the EC but in the event missed the train. We therefore tape-recordrd evidence from him over the phone.

PROCEDURE OF THE MEETING

The CC first discussed in private its competence to meet and to deal with the charges presented. We then interviewed separately cdes. Smith and Cunliffe. We allowed them to explain their charges and show documentation, and we questioned them.We then discussed in private their submissions. Lastly we heard cde.Kinnell's statement. Unfotunately we did not have time to requestion any of the cdes. although I have spoken to cdes Kinnell and Smith over the phone since.

cc. Executive Committee.

37, Birchfield Close,
Blackbird Leys,
Oxford.

28 February 1984.

Dear Godfrey,

I am writing to you as convenor of the Control Commission to request the Commission to consider three examples of what I consider to be improper harassment and organisational abuse by the Majority of the Executive Committee. Two of the cases affect me personally, one strikes me as setting an extremely dangerous precedent if allowed to stand unchallenged.

Specifically, I ask the protection of the Control Commission against:

(1) The EC threat (February 5) to remove me from the Executive Committee at the next NC if I do not comply with the NC's instruction to return to work on the paper, under political conditions which (as I have explained at length to the EC, NC and in IB78) I find completely unacceptable.

My own view is that the Disciplinary procedures of the Constitution were not drafted with a view to giving the leadership power to forcibly conscript the labour of individuals at sub-poverty wages. I feel that many NC members could only vote for such a proposal if they were secure in the knowledge that they were not to be similarly drafted to work under intolerable conditions: it is therefore an individual victimisation outside any normal rules of functioning an organisation. The fact that it is highly selective and factionally motivated is shown by comparison of my case with the compassionate treatment of two Majority supporters who have for their own reasons resigned from key League positions (Fraser as Women's Organiser; Collins from the EC).

In addition, any disciplinary move against me for failing to comply with the NC instruction should, if fair, be accompanied by comparable disciplinary action against the EC Majority for its failure to implement the decision of the same NC to institute a regularly-functioning EB session of the EC. In practice, none of the "EB" meetings have been seriously prepared or given adequate time; two have been held in the absence of the editor; one cancelled; and at least two held so late at night as to restrict attendance to London (Majority) comrades. The Editorial announcement of a major shake-up of the content and appearance of the paper took place without any discussion on the EC. Yet there is no proposals to discipline the EC Majority.

(2) The specificedecision of the EC (Feb 5) to debar me from writing any articles for the paper for the period up to the NC of March 10. This was proposed without warning after I had fulfilled agreed writing commitments in the preceding three weeks; and it was supplemented by the refusal to publish articles on Central America and Southern Africa which had been commissioned at "EB" sessions of the Executive Committee.

This is the only instance since fusion of a member being formally prevented from making any contribution to the paper. Yet at the same time the Majority have conducted a campaign of vilification against me, alleging that my resignation as editor is responsible for virtually every organisational problem since the New Year.

(3) The unilateral decision by Kinnell as Treasurer to levy summary "fines" upon certain comrades who had failed to complete dues forms by a certain date.

This flies in the face of the procedure for disciplinary action as specified in the Constitution. Worse, it was decided not by either of the constituted leading committees of the organisation (EC,NC), but, it is claimed, (without evidence) by the informal Organising Sub Committee.

A related complaint is against the retrospective and blanket rubber-stamping of this unilateral decision by the EC Majority, in defiance of the Constitution, on February 5 1984. I enclose a copy of the EC minutes.

Yours fraternally,

John Cunliffe.

To the Control Commission

4.3.84

Dear comrades,

In relation to the charges from cds Smith and Cunliffe I first want to make some general points – some procedural, some political.

1. I would protest very strongly against the CC taking any decisions today. In my view it would have been better if it had delayed its hearings until the EC could discuss the charges. I agreed under some protest to cooperate on a preliminary hearing today in deference to the Control Commission's wish to see some progress rapidly. But decisions surely only come after the defence is heard properly.

The mix-up over trains which led to me not getting to Birmingham today is perhaps largely my fault, but it is nevertheless a fact.

There have been inadequate opportunities to prepare a defence as well as to present it. The defendant to most charges is the EC. The EC is small enough to consult among most of its members informally, and I have done so to a certain extent. But given Smith's refusal to inform us of the charges directly, there has certainly been no chance for the EC to meet to discuss its defence. Given the pressure of work at the centre, there has not even been time for any real preparation by me as an individual representing the EC.

2. The charges against the EC should first be taken to the NC. Section 12:iii of the Constitution requires members of the leading committees to raise disputes first in those committees.

True, the term used is 'political differences'. But the point of the section is to ensure orderly and structured operation. This actually makes it more important for organisational-type disputes to be taken through the leading committees properly than for more abstract ideological disputes.

Maybe there could be cases where a prior investigation by the CC would be appropriate before a dispute in the EC went to the NC. Not here. Here, the resort to the CC amounts to an attempt to use the CC as a sort of parallel EC.

3. The role of the CC is defined in the Constitution as to "independently investigate disputes of fact relating to disciplinary cases, disputes between comrades, or complaints against leading committees or functionaries... The Control Commission shall report to the NC".

I.e. the Commission's function is to investigate disputes of fact. It is a fact-finding body.

'Fact' need not be interpreted narrowly, and undoubtedly the CC's job will sometimes include expressing an opinion on whether this or that person has been treated unjustly. But two things the CC is not. It is not a court of appeal for the disciplinary procedure. The Constitution defines the chain of appeal in disciplinary cases as going from the branch or EC to the NC and from there to the Conference. And it is not a body which rules on the interpretation of the Constitution.

There might be a case for a court of appeal, or for a constitutional court. But, be that as it may, our constitution does not allow for either of these bodies. The point is reinforced, perhaps, by the clause: "The Control Commission shall report to the NC". If the CC were a court of appeal, then it would either come after the NC (perhaps replacing the appeal to conference), or replace the NC's disciplinary functions. If it were a constitutional court, it would simply hand down rulings. In fact its function is to report to the NC: "We investigated the facts. We found that so-and-so did, or didn't do such-and-such as they are alleged to have done", etc.

4. The charges should be seen in context. They come out of a continuing factional conflict in the leading committees. The view of the majority is that the faction leaders are being irresponsible and disruptive. The view of the faction is that the majority is bureaucratically infringing on their rights. This conflict has emerged over many issues. What Smith and Cunliffe have now done is to take a selected few issues from that conflict – presumably the ones on which they think they have the best case – and, as stated above, appeal to the CC as a sort of parallel EC, or parallel NC.

It is an attempt to use the CC as a lever in the factional conflict.

One could say that even so judgments can be made on the specific issues without prejudging the general conflict. But it is not so simple.

It is very difficult to unscramble the specific issues from the general conflict. From the faction's side, these specific issues are not incidentals to that general conflict, they are the heart and soul of it. In terms of immediate emotive issues, these are what the faction is about. Willy nilly, the CC is drawn into making a judgment on the faction – and on the basis of a selected few of the issues which define the situation.

In general terms, a better solution to this sort of factional conflict is to set up some sort of parity commission between the two 'sides' to investigate incidents. Such a parity commission obviously is not going to be able to say which 'side' is right, but it may at least be able to resolve some minor issues, and to tabulate irresoluble ones in a neutral way. That would be better than the CC, designed for another purpose, trying to be an umpire.

But even a parity commission has problems in this case because, as noted above, these charges and complaints here are not incidentals, as they would be in a normal faction struggle, but the heart and soul of the matter.

The central basis on which the faction was launched was the assertion that Smith, Jones and their group were going to be bureaucratically suppressed (see faction declaration in IB 59). The parity commission presumes people on each side who are acknowledged to be partisan on disputed political issues but will not necessarily have a factional 'line' on particular organisational disputes. Now there may well be comrades who solidarise with the majority politically but feel there may be something to the faction's organisational complaints. It is inconceivable that anyone could be a member of the faction and not support its organisational complaints. As stated above, those complaints are central to the faction – and indeed, the faction said that the complaints were going to be central before they were even formulated.

5. We do not have here a set of issues which can be resolved with the result of clearing the air. If the CC decides against Smith and Cunliffe, that will heighten their agitation about ill-treatment. If it decides in their favour, then they will seek to use the CC as a parallel EC again next time they are dissatisfied with what the EC does (and since they do not even propose to change the EC composition, it is a certainty that they will continue to be dissatisfied with what the EC does). Either way the conflict increases, and personally it seems to me that Smith, Cunliffe and their group are now set on a course of self-escalating conflict which, if continued, can lead them nowhere else but a split. There just is not any way that the CC can 'clear the air' here.

6. The charges against the NC – charges 3 and 5 – cannot in any case be heard until the NC has been notified and had a chance to prepare a reply and appoint representatives.

I would also – for the above reasons – urge the CC to declare that the other matters should first be taken to the NC before the CC will pronounce on them.

Once all the matters have gone to the NC, I think the CC has no choice but to consider them, however politically inappropriate it may be. That consideration, however, should in some cases lead to the conclusion that the issues are outside the CC's competence. Without prejudice to my general point about procedure, I will argue this below, and also give my reply to the charges that could be within the CC's competence.

7. If and when the CC does come to consider some of the charges, I would ask it to keep one thing in mind. Its job, if it has a legitimate job to do on a particular charge, is not to judge whether the EC or NC was politically right on this or that issue, but whether this or that factual allegation against the EC or NC is true. The CC's job is not to politically review EC and NC decisions, to make judgments on whether they were wrong, politically outrageous, ill-judged, or whatever.

SMITH CHARGE 1. This, I think, is within the CC's competence but unfounded.

It is normal for the right to approach any 'court' to go together with requirements about the procedure for that approach.

The Constitution is not explicit about procedures for approaching the Control Commission. What the EC asked for in this respect was:

(a) Normal defendant's rights – i.e. prior notice of charges – since we understood that some of the charges would be against the EC.

(b) For the comrades to take the issues through the full procedures on the leading committees before approaching the CC. To do otherwise would be to abuse the CC.

When Smith refused to accept those conditions, we then had no power to stop him going to the CC. We do however appeal to the CC to uphold our rights and the proper procedures. In addition the EC now has a bone to pick with Smith and Cunliffe over their behaviour in relation to Section 12:iii of the constitution.

SMITH CHARGE 2: No case to answer.

a) The statement was never made. The only similar statements that Carolan can recall are one at an NC that, so far as he (Carolan) had any say in the matter, in future Smith would get privileges in relation to the paper only to the extent that he fulfilled duties in relation to the organisation; and one possibly on the same occasion, possibly on a different one, that – again, so far as he (Carolan) had any say in the matter, material from Smith and his group would no longer get preferential treatment on the paper. I.e. it would be liable to sub-editing, cutting, rejection on journalistic grounds, etc. the same as anyone else's.

b) The CC could arguably set about investigating whether this statement was made or what statements were made by seeking witnesses and so on. I think that would be beside the point. Even if the statement were made (and even if one considers the statement ill-judged, wrong, or whatever), it is not a case for the CC. All sorts of individual statements have been made in the factional disputes.

c) Smith does not seem to allege that it has actually happened that

only the majority viewpoint has appeared in the paper. In any case, it hasn't happened.

The only case I know of in which political exclusion from the paper is even alleged is an article by Smith. He was asked to cut it down from four full pages of the paper to two, and to reword the way some points were presented. He was not asked to change the political line.

d) It is worth taking some note of the fact that Smith himself says, "For 2½ years the norm has been full access to the publications from the different views...", since I seem to recall him alleging that his group has not had access.

But it is true that we have had a liberal norm, though Smith has frequently argued for tightening it up. Personally, I am in favour of a liberal norm. I think it would be ill-judged for the EC or the NC to change that. It would, however, be entirely within their rights.

SMITH CHARGE 3: Outside the CC's competence.

The Constitution simply says, "The National Conference will be convened annually". Whether we measure "annually" from the last conference in August or from the election of the NC in April is a matter for interpretation. The NC has a right and indeed a duty to interpret. The CC has no role laid down in the Constitution to interpret the Constitution.

Two further minor points on this.

Smith himself previously agreed to the August/September 1984 decision for the next conference (see IB76). If it was unconstitutional, how come he did not recognise that then?

Also, past practice gives the NC considerable latitude. For example, the NC on February 21 1982 voted by a majority of only 21 to 14 to have the 1982 conference later than the summer, i.e. exactly after the fusion conference. The minority then was thus very much bigger than the minority of three or four for an April conference at the January 1984 NC. If minority rights are being trampled on now, they were being trampled on much worse in February 1982. Mind you, Smith was in the majority in February 1982...

SMITH CHARGE 4.

a) The facts of the matter are as follows. [But see also further note in postscript 7.3.84, below]. A new dues scale was introduced from September 1, by an NC decision. Everyone was asked, at the August conference and/or by circular soon afterwards, to fill in a new assessment form.

Those who did not fill in a form were reminded repeatedly. This applied to many branches. Oxford Factory seems to be Smith's and Cunliffe's special concern. They were reminded by

letter on September 19, October 18, and December 13. In addition there would have been phone calls, and circulars carried regular reminders.

In early December comrade Christel, who was responsible for this paper work, asked me what should be done about the fact that many comrades had still not returned forms, despite the reminders and despite three months passing. In some cases (not, as far as I know, any of the Oxford Factory members), the non-return of forms was an important financial matter, because dues for individuals had increased by £10 or £20 a month with the change of scales, and by continuing to pay at the old rate they were building up substantial arrears.

After discussion with comrade Christel, I suggested that we add force to the next reminder by saying that there would be a fine if the forms were not returned by a given date. As far as I can remember I then formalised this with the OSC. I can't document this because the OSC minutes are not sufficiently detailed, but I think it would have been the OSC meeting of December 2 or December 9. In any case the EC has since endorsed the decision.

In the second half of December Christel sent out letters to all the branches (or sometimes, where we had addresses, individuals) from whom forms had not been returned, repeating the request for forms, and saying that there would be a fine if the forms were not returned by a given date (December 30 or January 14, depending on when the letter went out).

In fact we allowed more time than that, and it was on January 30 that we sent out letters with yet another reminder, this time telling non-returners that they had already begun running up a fine.

None of the several non-faction members who thus suffered fines have complained about it, and some of them have already paid up.

b) One point of clarification: the OSC is not, despite what Cunliffe says, an 'informal' body. It was appointed by the NC. As I understand it is just a different name for what is called the OC in the Constitution.

In any case matters like enforcing dues payments are clearly within its purview.

c) Now the CC could investigate this matter by asking:

Is my memory right, and did the OSC actually discuss it?

Did the branches and members actually get the warnings that I have said they got?

Do they have an effective right to get a hearing if they think that they have wrongly fined?

I think such an approach would vindicate me. But it would be a wrong approach.

The issue here is not how we deal with members who commit positive actions which are possible subjects for disciplinary action. The issue how we deal with members who have (and there is no doubt about it) failed, through negligence or whatever, to carry out basic obligations).

I don't think that there is any dispute that the people in question were in fact non-returners, and I hope there is no dispute that non-return was a neglect of basic obligations.

All sorts of trade unions and clubs etc. would be quite mechanical here. If the form had not been returned by a fixed time, that would be it. You would automatically lapse from membership, and that would be that.

We tried to be more flexible on this matter of the forms – as we do generally.

For example, comrades will recall our procedures, where we demanded a particular level of being paid-up as a condition for voting. That procedure had no formal constitutional backing. There weren't any formal hearings, written notices of disciplinary action, and so forth. But we adopted the procedure as a reasonable way to get some sort of financial standards without going so far as mass lapsings (according to a rigid rule).

Similarly, at one of the conference we had fines for comrades turning up later to the sessions. No written notice, formal hearing, etc. there.

We have imposed levies – effectively, fines – on comrades absent without good reason from certain events: again, without any elaborate procedures.

This whole business seems to me to fall into the same category. Even if the OSC had not discussed it, I think I have the right, as Treasurer, and the duty, to work out such systems for dealing with the 'fringes' of the organisation's 'law'. Just as, the other way round, but much more

frequently, I often give comrades exemptions from this or that payment due. There is certainly no case for saying that anyone was hard done by. All that anyone had to do to avoid a fine was to fill in the form. If they were forgetful, the fine is not a big one: for almost all the Oxford Factory comrades, for example, it is £1 for a month's delay. To regard this as a constitutional atrocity makes sense only if you want to argue for letter-of-the-law operation – in which case exemptions and waivers agreed individually, from which Oxford Factory branch has frequently benefited, should also be outlawed – or if you feel no responsibility at all for the finances of the organisation.

d) The facts that might be in dispute are not important. It comes down to interpretation of the Constitution, which is not the job of the CC.

e) Bluntly, I think that the truth here is that cds Smith and Cunliffe do feel no responsibility at all for the finances of the organisation, and are making a purely disruptive spoiling tactic.

SMITH'S CHARGE 5. In the first place, the charge is wrongly formulated.

The decision complained about was a decision of the National Committee in July 1983 – a decision, I might point out, that was made with only three comrades voting against.

I can see no constitutional reason why dues payments are more of a subject for lapsing than paper payments. In fact, in the Constitution, under the requirements of membership, the requirement to sell the paper regularly comes above the requirement to pay regular dues. There is no presumption at all that paying dues is more fundamental than selling the paper and, obviously, paying for the paper.

The argument that convinced the NC is that somebody who went 12 weeks in arrears on paying their paper money – unless there were special circumstances, and the system allows for that – was obviously not fulfilling their basic obligations, in exactly the same way as somebody who falls 12 weeks in arrears on their dues.

There is no case for supposing that this could be used to get rid of people suddenly, in an underhand way, without proper procedures.

The people who are getting this far in arrears on their money firstly must be well aware of it, because they know they are not paying the money; secondly are constantly reminded of it by the paper accounts which we send out every week. In the actual fact we have been extremely liberal in interpreting the NC decision. The original deadline set by the NC was October 31. We have extended deadlines successively since then. Although a number of comrades are well over 12 weeks in arrears, we have not taken any action against anybody under this. Even if we did, there are plenty of provisions in the constitution to protect anybody against unjust action. Clause 14:vi of the Constitution says: "Members who allege invalid lapsing may appeal to the NC". So there are plenty of safeguards here, and I think that the decision was well within the rights of the National Committee.

The final point I would make on this is that although this decision was taken last July, the complaint is made against it only at the point where we are pressing hard for the money. That is, that the comrades were quite willing to accept that it was constitutional as long as they did not have the requirement of actually paying the money.

I'll move onto the charges from comrade Cunliffe.

CHARGE 1: I think this is way outside the competence of the CC. The National Committee elects the EC, and there is no other body that has the right to veto or vet its elections. The CC is no more in a position to do that than it is to meet after the Conference and change the NC that the Conference has elected.

The argument for the EC's proposal to the NC is that the EC is responsible for carrying out the NC's decisions, among other responsibilities. It does not make sense for somebody to be on the EC who is in standing, flagrant breach of a major NC decision. That is making nonsense of the functions of the EC.

Now it is possible to think that the original NC decision was wrong, or that the judgment

about how the EC should function is wrong. I don't think there can be any question that the EC is within its rights.

On the other points made by cd Cunliffe. He says that the EC is out of order as regards the functioning of the EB. If he thinks that is so, and he has evidence for that, he should bring it as a formal charge, and it can be considered. I don't think it can be sustained, but even if it could, two wrongs don't make a right.

Secondly, he makes a comparison with the cases of comrade Fraser and comrade Collins. This comparison is no comparison at all.

Comrade Fraser resigned from her position as women's organiser in a situation where she was under great personal stress and explicitly for that reason. At the point when cd Cunliffe withdrew from the paper, we made the point that if he felt that it was a matter of personal stress, that he was fed up and so on, we could be understanding about it. Whether he should still be on the EC, as opposed to the NC, in those circumstances, is another question, but certainly we would have had a much more tolerant, understanding attitude. The fact is that he didn't proceed that way. He proceeded by giving a political ultimatum to the organisation and then using his walkout from the paper as a lever for factional agitation. That makes his position completely different.

I would also point out that since resigning as women's organiser cd Fraser has done a good deal of work in that area – has been willing to cooperate there, though not feeling able to take the full responsibility. When we put to cd Cunliffe that if he felt unable to take the full responsibility for the paper he could at least do practical work on it, he refused.

The case of cd Collins has even less to do with it. Cd Collins proposed that another comrade replace her on the EC. It wasn't a case of walking out from a practical job. Indeed, at the time when she resigned from the EC she agreed to take on a practical job as women's editor of the paper to make up for that.

Comrade Cunliffe also talks in derisive terms about our statements that his withdrawal from the paper was disruptive. If the CC wishes to investigate the facts about that, a great deal of facts can be produced to show that his walkout has been highly disruptive for the work of the organisation.

I'd like to add a personal comment on this charge. I find the comment about giving the leadership power to 'forcibly conscript' the labour of individuals 'at sub-poverty wages', to work under 'intolerable conditions', quite disgusting and hypocritical.

The comrades of the CC may not be aware that since the fusion we have had a two-tier wages system for full-timers, under which cd Cunliffe was paid at a take-home rate of something over £54 a week, whereas most of the rest of us were paid, theoretically, at a rate of £31. I say theoretically, because most of the time we didn't even get that. For example, over the last few months before I went off the payroll altogether I was receiving an average of about £23 a week in actual money. Thus cd Cunliffe's 'sub-poverty wages' were over twice those of some of the people he was working with. Moreover, he talks about 'intolerable conditions': it is perfectly true that the physical conditions at the centre are bad. He had to work in them 2½ days a week, others of us have to work in them 7 days a week.

And coupled with this is cd Cunliffe's attitude on the question of dues, where he associates himself with cd Smith's complaint about the fines imposed on people who don't return their dues assessments. I would like to know how he squares the complaint about the low level of wages with his lackadaisical attitude to getting in essential financial obligations of the members.

CUNLIFFE'S CHARGE NO.2: The situation after the January NC was that cd Cunliffe was in specific violation of a specific decision of the NC instructing him to carry out certain work. One might think that that decision of the NC was ill-judged, but I don't think that there is any question that it was a decision within the NC's competence, explicitly so in terms of the Constitution.

The EC, having observed that this was a consolidated position, having given cd Cunliffe time to consider, time to have second thoughts, then took a decision that he should not, until the NC had dealt with this, be allowed to form a new relationship with the paper. Comrades may understand

what that means if they think, perhaps, of a comrade in their branch who is instructed by the branch to undertake certain responsibilities in a specific area of work – important responsibilities, in an important area of work – and then specifically refuses, but chooses to dabble in that area of work to the extent that they feel is convenient or congenial to them. I think the branch in that situation might well take the attitude that that comrade should operate in that area of work as the branch decided, or not at all. Again, it is certainly within the competence of the branch to decide that. Similarly, what the EC decided was within the competence of the EC.

How cd Cunliffe could possibly have a case in constitutional right I don't know. There is no clause in the constitution which says what constitutional rights people have to take part in an area of work within which they are specifically violating a decision of the NC. There is no constitutional clause which says that having specifically violated and refused to observe decisions of the NC about your work in a particular area, you can then do this, that or the other in that area.

The EC could, within its competence, have decided to take disciplinary action of some sort – other than the censure which it did decide – against cd Cunliffe. It decided not to. It merely decided to keep the lines clear until the NC. At the very least it was within the EC's competence.

Finally, Cunliffe's charge 3 is, I think, identical with Smith's charge no.4, and is covered by what I've said on that.

In conclusion, I would ask the CC first to consider what I said about the proper procedures in this matter and about the proper competence of the CC.

KINNELL

POSTSCRIPT, 7.3.84

1. DOCUMENTATION ON THE FINES FOR NON-RETURN OF DUES ASSESSMENTS

On looking through the files (for something else) today, I discovered some documentation on the the fines for non-return of forms.

a) Memo to me from Christel, 27.10.83. "There are 88 comrades still to return forms; 4 new comrades still to do so... I would suggest that... we should give notice that a fine will be imposed if the form... is not returned by [November] 20th – say 50% of the dues payable at new rates..."

b) Reply from me to Christel, undated, probably 27.10.83. "Will ask OSC about the Nov. 20 deadline. Seems reasonable to me. Ditto fine..."

c) OSC minutes 28.10.83. "Dues: Nov.20 deadline for assessments – penalty at 50% of dues rate for each week of delay".

d) Branch circular no.48, 2.11.83, circulated to all members in IB 76. "ALL comrades MUST return new dues assessments... Any comrade who had not sent in an assessment by NOVEMBER 20 will be FINED, to the extent of 50% of their dues for the period of the delay..."

In fact we weren't able to get the individual "final demands" out until December, and we fixed a later final deadline. In the account in my letter of 4.3.84 my memory telescoped events.

If I'm guilty of an arbitrary action, it is of being too soft by putting back the deadline.

2. ANOTHER POINT ON 'CONTEXT'

The charges concerning finance also need to be taken in the context of the financial state of the organisation.

I can understand that comrades may be inclined to err on the side of liberalism on issues like dues assessments and paper money. The prime reason why we have tried to tighten up is not any sort of vindictiveness, but the state of the organisation's finances. I could give detailed evidence to the CC on this.

For the CC to make a judgment based on liberal inclinations plus looking at the forms and

paper debts questions in isolation from the overall financial issues would, I submit, be very irresponsible in terms of putting our finances into shape.

3. NOTICE OF FINES

I understand from comrade Mason that a major issue over fines is that Oxford Factory comrades fined allegedly had no previous warning.

I have established above that notice was given in a letter to the branch and in an IB of which enough copies were sent to the branch to reach each member.

Now I can't guarantee that the contents of the letter, or the IBs, were actually passed on. But if they weren't, it seems to me that the branch organisers should be blamed – not me.

4. LAPSINGS AS 'SUDDEN DEATH'

I understand from cd Mason that cd Smith argued against lapsings for paper arrears on the grounds that this left members few safeguards: they would have no rights to a hearing, and could only appeal after being lapsed. This is partly dealt with in the letter of 4.3.84. Two further points.

a) The constitution gives members a right to a hearing before any disciplinary action, including lapsing. It also specifically requires a week's written notice for lapsings.

b) In practice, whenever we have lapsed members for dues arrears we have sent them repeated warnings, culminating in notice of the EC meeting when the decision will be made. We have adopted the same general approach on paper arrears.

Indeed, the present outcry is witness to this. NO-ONE has been lapsed yet – we have only sent warnings that we will BEGIN LAPSING PROCEEDINGS IF certain payments are not made. We have not lopped anyone's head off – we have only pointed to a sword which is still in its scabbard and said we may have to use it. And the whole process, far from being 'sudden', has been extremely protracted. The dispute is over payments which the comrades in question were obliged, by NC decision, to make by October 31 1983.

5. LAPSING WHOLE BRANCHES?

I understand from comrade Mason that cd Smith complained that I have been moving to lapse whole branches.

This is a misunderstanding. We can only lapse individuals.

However, paper accounts are kept on a branch, not individual, basis (though recently we have been keeping better track of the arrears status of individuals within branches). Therefore we have to START the process within branches.

We went for branches where the TOTAL branch paper debt was over 12 weeks – and where therefore at least some of the members must be over 12 weeks in individual arrears.

If we can't resolve these branches' situations, and we have to move to lapsings, then we'll have to do it individual-by-individual on the basis of trying to establish individual arrears within branch totals.

6. SMITH'S ARTICLE

I understand from comrade Mason that under Smith's charge 2 the CC is looking not so much at the alleged statement from Carolan but at a separate allegation by Smith (not mentioned in the charge) about an article being excluded unjustly.

I wish to protest. I think the allegation about the article can be answered (Carolan has written a statement about this for the EC minutes, which could be supplied to the CC). But the point is that in a legal-type procedure it is impermissible to change the charges halfway! It makes the job of the defence impossible.

It would be different if, for example, the CC had been invoked with the brief of investigating the facts about access of minorities to the public press of the organisation. But it wasn't. It was invoked to investigate specific charges.