

Britain: opposition to Iraq war led to Labour vote-rigging in 2004 elections

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On April 4, Richard Mawrey QC, acting as an election commissioner, issued a judgement in a civil hearing quashing the result of two local authority elections in Birmingham held June 10 last year.

Mawrey's 192-page judgement stated that the polls in the Aston and Bordesley Green electoral wards were corrupted by "massive, systematic and organised" vote-rigging by Labour members, with the aim of offsetting a collapse in the party's vote due to the Iraq war.

The case was the first of its kind to be held in Britain for more than a century. It arose after Election Petitions were brought under the Representation of the People Act 1983 and 2000, challenging the result of two elections in the June 2004 poll.

Mawrey's decision was announced just one day before Prime Minister Tony Blair called a general election for May 5. On February 22, the QC had accused Labour of attempting to delay the vote-rigging hearings until after the general election by withdrawing their legal support from the accused party candidates.

The first Election Petition was brought by the People's Justice Party (PJP) against three Labour Party representatives of the Bordesley Green ward, Shafaq Ahmed, Shah Jahan and Ayaz Khan. The second Petition was raised by Liberal Democrat supporters against three Labour Party representatives in the Aston ward—Mohammed Islam, Muhammed Afzal and Mohammed Kazi.

Mawrey ruled that no fewer than 1,500 votes, and possibly more than 2,000 votes, were cast fraudulently in the Bordesley Green ward of Birmingham. The six Labour councillors were found guilty of electoral fraud and illegal practices and were ordered to pay court costs of around £500,000. They are also banned from standing for election and from voting for the next five years.

Following the hearing, the councillors were suspended by the Labour Party, pending an investigation. All six deny vote rigging. The councillors may face criminal charges if police decide to investigate.

The system of postal voting in the UK, "is wide open to fraud and any would-be political fraudster knows that it's wide open to fraud," Mawrey stated.

During the course of the hearing, the QC heard evidence that the vote rigging was organised on a large scale and included the fraudulent use of postal ballots, death threats and other forms of intimidation.

In a submission to the court, one barrister identified 15 different types of fraud carried out in the elections in Aston and Bordesley Green.

The main type involved the theft of ballot papers and the act of personation, whereby a person takes names from the electoral roll and applies for voting papers to be sent to another address. These are then fraudulently completed and returned to the election office.

A few days before the poll was due to be held, police discovered six Labour Party activists, including two candidates, in a warehouse with 275 postal votes for the Aston ward laid out on a table. The Labour members claimed they were the votes of illiterate local voters. Mawrey described the warehouse as a "vote-rigging factory."

The Liberal Democrats and People's Justice Party also alleged the following:

- * Labour supporters stood on main roads attempting to bribe local people into handing over their postal ballots.

- * Children were sent to steal election papers from letter-boxes.

- * A pillar box was set alight in the Washwood Heath ward, apparently to destroy postal votes.

- * Householders were intimidated into handing over their election forms.

- * A postman was offered £500 for a sack of ballot papers. He was then allegedly threatened with death if he refused.

- * A Labour candidate, Shah Jahan, was reportedly seen collecting a black bag from a postman and on another occasion collecting a bundle of postal ballot papers from a postman.

- * As part of the rigging operation, hundreds of voting forms were sent to a "safe house" to be filled in. Many of the original votes, later deemed valid, had been changed with correcting fluid.

Efforts to defraud the election continued until the votes were to be counted. On voting day, the council said that it ran out of ballot boxes. As a result, some votes were taken to the Aston count in plastic bags. Just prior to the count itself, a bag full of 300 postal ballot votes in envelopes was delivered to the counting station. After brief negotiations, these were accepted as valid votes.

The hearing was informed that this bag of ballot papers had all been folded in the same way, and all recorded votes for Labour candidates. The judge ruled that these votes "should have been rejected and were improperly admitted into the poll."

In his executive summary to the court, Mawrey said that "by polling day, it was clear that there had been widespread 'theft' of postal votes. Large numbers of genuine voters turned up at polling stations to vote, only to learn to their surprise that they had been put on the postal voters' list and sent a postal vote (which, of course they had never seen). These voters were disenfranchised."

The judgment also criticised Birmingham's returning officer and chief executive Lin Homer, and the police for their role during the elections. The judge said that Homer "threw the rule book out of the window" in dealing with the large numbers of postal vote application forms received. And despite West Midlands police receiving more than 50 complaints regarding possible fraud during the election, no charges were laid.

Mawrey said, "The police attitude was well summed up by the use of the code name for these complaints—Operation Gripe. In essence, the police did nothing to prevent the fraud."

There have been numerous allegations of ballot rigging and fraud over a number of years in the Birmingham area. In 2002, the West Midlands fraud squad reported that in the city's previous three national and local elections, there had been at least 100 cases of personation fraud reported by voters as well as instances of postal ballot fraud. Earlier that year, Birmingham City Council admitted that fraudulent postal voting probably took place during local elections held in May.

Investigations into election fraud are underway in other parts of the country. Criminal inquiries are currently taking place in Reading, Cheshire, Derbyshire, Lancashire, Greater Manchester and West Yorkshire. These investigations centre on various allegations of theft of ballot papers, forged votes and personation.

The most significant aspect of Mawrey's judgement is his condemnation of the Birmingham Labour Party's attempt to silence opposition to its support for the illegal and criminal war in Iraq through its subversion of the election.

The June 10, 2004, elections were held at a time of increasing public hostility to the occupation of Iraq. The web of lies used by Blair and President George W. Bush to justify the war, such as the fraudulent claim that Iraq threatened the world with "weapons of mass destruction," had largely unravelled.

Opposition to the war was manifested in a national rout for the Labour Party in the local elections. The party lost more than 460 local councillors and control of seven councils, including Newcastle upon Tyne, Trafford, Doncaster and Leeds.

Labour's share of the national vote was just 26 percent—behind both the opposition Conservative Party and the Liberal Democrats. It was the first time that a ruling party had ever finished behind two other parties in the national share of the local election vote.

Labour lost many seats in its formerly safe industrial heartlands and in many areas with a large number of Muslim voters. Under these conditions, the fact that Labour was able to win seats in Birmingham, England's second-largest city and one with many areas with a high preponderance of Muslims, was a striking anomaly. In the Aston and Bordesley Green wards, the Labour councillors "won" their seats by virtue of a massive swing to the party. In contrast to national trends, turnout in Bordesley Green had risen by more than 100 percent and in Aston by 350 percent.

Mawrey also found evidence of fraud in other marginal wards. In Washwood Heath, 329 postal vote applications had been recorded in 2002 and 478 in 2003. In 2004, 5,583 applications were made for postal voting—an increase of 1,068 percent.

Postal applications in Birmingham rose from 28,000 in 2003 to 70,000 one year later. The judge stated that between one third and half of all Labour votes in some areas may have been fraudulent.

Mawrey concluded, "The pattern certainly seems to be there. Marginal, particularly Asian, wards were the target of postal vote fraud. The conclusion appears inescapable that Bordesley Green and Aston were not isolated incidents but were part of a Birmingham-wide campaign by the Labour Party to try, by the use of bogus postal votes, to counter the adverse effect of the Iraq war on its electoral fortunes."

Mawrey exonerated the national Labour Party from any wrongdoing and stated that he knew of no evidence showing they knew of or approved of such election fraud.

While this may be the case, the activities of Labour candidates and supporters in Birmingham, some with several decades of membership, reveal the increasingly anti-democratic nature of the party and the very narrow base of its support.

Unable to win any popular support for its programme of war abroad and attacks on the social conditions of workers and youth in Britain, Labour Party officials in Birmingham prevented thousands of people from voicing their opposition to such a perspective.

In 2000, the Labour government passed legislation changing the rules on voting by postal ballot. Previously, voters on the electoral register were required to provide a reason, such as illness or lack of mobility, to obtain the right to vote by post. The new legislation allows anybody the right to vote by post, without having to state a reason. Under the guise of allowing more people to vote and widening the franchise, the change has in fact led to widespread disenfranchisement such as that in the Birmingham local election.

On August 26, 2004, the Electoral Commission, a government advisory body, published a report calling for the system of all-postal voting to be ended. This recommendation has been rejected, and following negotiations, a code on postal voting was instead established in agreement with the parliamentary parties.

Under its provisions, parties are able to produce and distribute their own version of the postal ballot form to apply to vote by post. There is also no requirement for the completed form to go straight back to the electoral registration officer—it can instead be returned via an intermediate address. Party workers can also be present while the voter fills out the actual ballot paper. The party worker may then take the ballot paper away for delivery. It is clear that such a lax system leaves open many possibilities for fraud.

The media's response to the latest vote rigging scandal has been low-key. There have, however, been a limited number of comments on the potentially explosive consequences of a disputed general election. Up to 7 million people have applied for a postal vote for the coming general election.

On April 5, the *Times* published an article, "This election could be stolen: prepare for voting fraud on a massive scale," by columnist Camilla Cavendish. "If the general election were to be decided by a court rather than by the ballot box, that would be an astonishing indictment of British democracy, a hanging chad epic [referring to the 2000 US presidential election crisis in Florida]," she warned. "So it's odd that ministers are still refusing to talk about it."

The government has sought to play down the significance of the vote rigging in Birmingham. Blair has made a few perfunctory and blasé comments on the issue, defending the existing postal voting system.

Such contempt for basic democratic norms is indicative of his government. The government's Department for Constitutional Affairs told the *Times*, "There are no proposals to change the rules governing election procedures for the next election, including those for postal voting. The systems already in place to deal with the allegations of electoral fraud are clearly working."

Mawrey directly criticised this statement in his judgement. "Anybody who has sat through the case I have just tried and listened to evidence of electoral fraud that would disgrace a banana republic would find this statement surprising," he declared.



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