

What does British Tory MP David Davis stand for?—Part 1

A glimpse into the real thinking of a “civil liberties” champion

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22 July 2008

This is the first of a two-part article examining the political history of Conservative MP David Davis, who resigned his parliamentary seat in protest at Labour's terror legislation enabling 42 days' detention without trial. Part two will be published tomorrow.

Veteran Labour “left” Tony Benn, Labour MP Bob Marshall-Andrews, Shami Chakrabarti of Liberty and a plethora of liberal journalists from the *Guardian* and the *Independent* all hailed David Davis for leading a campaign in defence of civil liberties after his resignation triggered a by-election in Haltemprice and Howden.

The Socialist Equality Party stood Chris Talbot against this attempt to corral hostility to the Labour government behind Davis, advocating an independent socialist perspective to defend democratic rights. On the day of the vote, we explained, “The end product of allowing Davis to be identified as the leader of a supposedly non-partisan movement in defence of civil liberties is to maintain the exclusion of the working class from political life. At the very point where the necessity of breaking with Labour is becoming clear to millions of people, and when the most thoughtful layers are looking for a political alternative, workers are urged to either remain loyal to Labour despite everything or to back the Tories.”

Just what it means to lend credence to Davis's pretensions to be a civil libertarian, and what the working class can expect from any government of which he is a part, is illustrated by his own writings.

Davis is hardly prolific when it comes to setting pen to paper. However, in the late 1980s, he did publish two pamphlets for the right-wing Centre for Policy Studies (CPS) that refute any and all claims he and his newfound allies might now make for him to be a guardian of democratic rights. They make clear that as far as working people were concerned, Davis's aim was to deprive them of any possibility of mounting an independent defence of jobs, wages and conditions.

In the name of “allowing management to manage,” he sought to both utilise and extend the draconian anti-union laws enacted by his party leader and political idol Margaret Thatcher in order to outlaw strikes and bust any unions that defied the Tories' sweeping privatisation programme and the “rationalisation” of industry and public services, at the expense of thousands of jobs.

As someone representing a constituency adjoining the seaport of Hull, Davis centred his attention initially on plans to deregulate Britain's docks.

In 1988, the then MP for Boothferry, largely merged into Haltemprice and Howden in 1996, published a pamphlet for the CPS, entitled, “Clear the Decks: Abolish the National Dock Labour Scheme.”

The National Dock Labour Scheme (NDLS) was first introduced by the Labour government in 1947, in response to the rank-and-file wildcat dock strike of 1945. The strike was opposed by the Transport and General Workers Union (TGWU), and the government used troops to keep the ports open. It ended after six weeks when the striking dockers accepted an assurance from the TGWU leaders that they would negotiate a “Dockers' Charter” with the government.

The NDLS promised an end to casual labour by giving dockers the legal right to minimum work, holidays, sick pay and pensions. It was administered by a National Dock Labour Board, made up of equal representation from unions and management, and also gave the unions a veto over dismissals and control over recruitment.

Registered dockers who were laid off by any of the 150 firms bound by the scheme had to be taken on by another firm or be paid compensation. By the time of Davis's pamphlet, employers at the 60 British ports were all covered by the scheme.

Davis wanted an end to this situation. Above all, he sought the destruction of dual union-management control, the guaranteed employment rights for Registered Dock Workers (RDW) and other protections. He denounced these measures as “restrictive practices.”

The preamble in his pamphlet declared, “This paper demonstrates how unjust and ludicrous existing legislation is. If Britain is to seize fully the economic opportunities which will be offered by the Single European Act after 1992, the Dock Labour Scheme must be abolished. Legislation must be brought forward to end the Scheme; and steps be taken by the Government to secure the profitable expansion of Britain's ports industry in order to meet the demands of a single European Market with 320 million consumers.”

Davis complains that a docker fired by an employer could not then be prevented from working elsewhere in the industry without the agreement of the Local Board. He cites as an extreme case one worker who was convicted of “smuggling” but continued to work on the docks. He lists various “abuses” such as “bobbing or welting”—setting too high a figure for workers needed for a particular job so some “bob-off” home—and “Ghosting”—enforcing a non-registered dockworker carrying out work on the docks to be monitored by an RDW.

All of this is used to portray the registered dockers as a group of corrupt time-wasters, who should be dealt with for the benefit of everyone else. What he actually wanted was to impose massive job cuts and greater levels of exploitation and thereby secure bigger profits for his corporate friends.

One passage is revealing in that it explains how Davis saw the attack on the dockers as a continuation of the destruction of Britain's mining

industry, after the defeat of the 1984-1985 miners' strike. He states, "Another difficulty which arises from the Scheme is that the port employers can be powerless to prevent political strikes."

He gives as his example a July 9 strike in 1984 at Immingham that escalated to a national strike, when the British Steel Corporation used non-registered dockers to unload iron ore. "In light of the miners strike," he writes, "it was important for British Steel that the work should continue."

The national strike was to continue until July 21. Davis was incensed, as this was a rare example of an industrial action breaking the spirit, if not the letter, of Tory anti-union laws prohibiting so-called secondary action: "This example shows how the TGWU is able to manipulate the Scheme for its own political purposes, in this case giving support to the miners."

Apart from this incident, the TGWU, like the rest of Britain's unions, never did challenge the anti-union laws and bring out their members in solidarity with the striking miners—who were isolated and defeated. In contrast, Davis was prepared to do whatever was necessary to defeat both the miners and the dockers, using the legal powers of sequestration against the TGWU to possibly bankrupt and break the union that earlier had been employed against the National Union of Mineworkers.

Davis anticipated that the TGWU would call a strike should the government determine to abolish the NDLS. He stressed that the combined effect of the anti-union laws and the propaganda campaign he played a part in would isolate the dockers, noting that if a strike were to involve non-scheme ports then it would be illegal:

"If the TGWU is to have immunity from civil actions for damages resulting from a dock strike, it would have to be recognised by the law as a 'trade dispute'...if the eventual decision went against the TGWU it would risk a large fine and the possible sequestration of all its assets if it persisted with a strike."

He continues, "The legislation, however, on trade unions and industrial disputes brought in by this Government, has laid down that a sympathy strike, by definition, cannot be 'in contemplation, or furtherance of a trade dispute.' Therefore if the non-Scheme workers were called out on strike in sympathy with the Scheme port RDWs, the employers in the non-Scheme ports would be able to obtain injunctions against the trade unions involved and damages for any losses incurred."

The National Dock Labour Scheme was finally abolished in 1989, the year after the publication of Davis's pamphlet.

The dockers came out on strike in July of that year, but this was defeated without the need to implement Davis's full agenda.

However, a speech delivered in Australia in 1990 by the former director of Britain's National Association of Port Employers, Nicholas Finney OBE, vividly describes the nature of the campaign waged against the dockers in which Davis played such a prominent role.

Finney describes how the port employers prepared for the abolishing of the Scheme:

"When the confrontation came, a number of important factors made a difference to the outcome..."

"We held two major conferences before we were sure the government was actually ready and these conferences were to try to persuade employers to plan in advance how they would go about setting new working patterns, how they would set about breaking down the demarcation lines, how they would go about setting new pay agreements, new manning levels, etc. Fundamentally and long before

the government repealed the scheme, we took the decision that the employers were going to abandon all national and port pay bargaining.

"The campaign was conducted through parliament by using every possible parliamentary device. Early day motions, adjournment debates, etc. We had three MPs who really acted as our voice in Parliament. They did all the hard work, they talked to the other MPs, they introduced briefing materials into the House of Commons, and we made sure that they were always well supplied with appropriate material.

"We talked to influential political bodies (like your own) such as the Institute of Economic Affairs, the Centre for Policy Studies, the No 10 Policy Unit, the Aims of Industry. We made sure that those people who really had influence in government were fully committed and would themselves talk to a wide range of people. It was too serious an issue to just leave to transport or employment ministers. We knew that it would be a Cabinet decision; we knew we had to get people like the Chancellor of the Exchequer and the Foreign Secretary on our side. So we used every political body which had influence. We also used the press and media. We constantly searched out and supplied the media with anti-docker stories, headlines such as 'welcome return even if the man's a thief' or 'ghosts who keep vanishing'; 'twenty things you never knew about fiddling dockers,' 'they can't be fired.' These headlines were all designed to make it easier for the dockers to be isolated. By the time government acted every national newspaper at one time or another had published an editorial calling for the government to end the dock labour scheme.

"We had a Times columnist write headlines like 'dock ages on the docks,' 'queer seaside customs,' 'legalised extortion racket,' 'time to end it,' 'block those dock rip offs.' We also encouraged radio and television to do documentary programmes on the docks scandal.

"We commissioned economic studies. One particularly important economic study (and perhaps it is worth thinking of using in the Australian scenario) was to try and prove that by getting rid of the dock labour scheme, you actually create many more jobs than you lose. Getting rid of the restrictions on the waterfront meant a whole new world in 'investment opportunity.' We sought two benefits from this approach. One, to make it much more difficult for the Labour Party and for the unions to argue against repeal, and secondly to make sure we could drive a wedge home to isolate dockers and describe them as a selfish, small group of workers who were actually stopping people from gaining jobs in unemployment black spots which frequently were in under-developed city dock areas which had been derelict for many years."

To be continued



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