

# UK Court of Appeal to rule on exclusion of Labour Party members from leadership ballot

Robert Stevens  
12 August 2016

On Thursday, the Court of Appeal in London heard the Labour Party National Executive Committee's (NEC's) appeal against a High Court ruling that new members were entitled to a vote in the upcoming leadership contest.

A ruling in the case will be handed down today.

The NEC ruled last month that only members who joined the party before January 12 would be allowed to participate in September's election. This was part of blatantly anti-democratic moves by the right wing, aimed at rigging the contest so as to oust nominally "left" leader Jeremy Corbyn from power. Up to 150,000 members—mostly believed to be Corbyn supporters—would have been excluded by the decision.

Five party members challenged the NEC decision. In his ruling Monday, Justice Hickinbottom upheld the five's claim that the NEC was not within its rights to arbitrarily impose such a restriction, which represented an unlawful breach of contract. The five members had "paid their dues" and had a right to vote.

The appeal against Hickinbottom's ruling was demanded by a handful of people on the NEC's "procedures committee" and forced through by Tom Watson, deputy leader of the party. Watson has played a critical role in the ongoing putsch aimed at removing Corbyn. He asked the Labour leader, elected just 10 months before with a massive majority, to resign in the coup's initial stages as right-wing Labourites were deserting the shadow cabinet in droves in an attempt to prevent him running a functioning opposition to the Conservative government.

The day after forcing through the appeal, at an estimated cost of nearly £250,000, Watson utilised the *Guardian*—the propagandists in chief of the coup against Corbyn—to launch a McCarthyite red-baiting operation in order to justify a bar on Labour members voting and to deepen the ongoing purge being mounted by the plotters.

Watson said of Corbyn's supporters that there are

"some old hands twisting young arms in this process, and I'm under no illusions about what's going on. They are caucusing and factionalising and putting pressure where they can, and that's how Trotsky entryists operate."

He added, "There are Trots that have come back to the party, and they certainly don't have the best interests of the Labour party at heart. They see the Labour party as a vehicle for revolutionary socialism, and they're not remotely interested in winning elections, and that's a problem."

Along with the attempt to deny up to 150,000 members the right to vote altogether, some 40,000 of the 183,000 applicants who joined in a two-day window in July, after being forced to pay £25 to do so, have already been barred from voting. They are accused of committing "crimes"—defined as previous support for a rival political party candidate, absence from the electoral register or because their payments supposedly bounced. Another 10,000 cases are currently before the NEC's "Oversights Panel", where they will be assessed as to whether they are in compliance with the party's "aims and values."

Another central factor in the decision to appeal the High Court ruling was Tuesday's announcement that Corbyn's supporters won every position up for grabs in the latest elections to the 33-member NEC. Pro-Corbyn candidates, backed by Momentum, the Labour leader's network of supporters, won all six places for representatives from the Constituency Labour Party. Prior to this, Corbyn already had a narrow majority on the NEC. The election again demonstrates the wide support Corbyn has among Labour's membership.

In sharp contrast, the Blairite group Progress and Labour First (another right-wing grouping to which Watson is allied) won no seats in the constituency section. The NEC result will not apply until October, however, after the leadership contest.

The NEC claimed its appeal of the High Court's

decision was in furtherance of democracy and “to defend the NEC’s right, as Labour’s governing body, to uphold the rule book, including the use of freeze dates.”

But as the submission of the NEC’s barrister, Clive Sheldon QC, demonstrated, nothing could be further from the truth. The crux of his argument was that members who have joined the Labour Party in their thousands to vote for Corbyn are against what the NEC defined as its “democratic process.”

Much was made of the undoubted dangers of court interference into the operation of political parties. But in this instance, the greatest danger to democratic rights comes from the NEC itself.

The court case revealed the fear felt by the Blairite clique who run Labour’s Parliamentary Labour Party (PLP) of the left-wing sentiment of the thousands who have signed up to support Corbyn. Sheldon cited Appendix 2 of the party’s constitution, which states, “The recruitment of large numbers of ‘paper members’, who have no wish to participate except at the behest of others in an attempt to manipulate party processes, undermines our democracy and is unacceptable to the party as a whole”.

The claim of manipulation is especially farcical, as the new one-member, one-vote rules and the role of registered supporters governing leadership elections were introduced by previous leader Ed Miliband. They were specifically designed to dilute the “block vote” of the trade unions, whose policies occasionally conflicted with the party’s right-wing. This spectacularly backfired, as more than 300,000 people have signed up since May 2015 with the vast majority joining in support of Corbyn’s stated opposition to austerity, militarism and war. Thousands have attended rallies at which he has spoken in major cities nationwide.

Sheldon told the court that the party feared the new rules allowed people to “join under false pretences” and the NEC was “concerned about people joining the party just to vote for the leadership election.”

Sheldon stated several times that the NEC was “the guardian of the constitution” and had “extremely wide powers” in presenting a justification for its decision to retroactively disenfranchise thousands of party members.

When the rulebook no longer suits the right-wing “guardians”, its provisions can be summarily discarded, with Sheldon submitting that the NEC is the “ultimate arbiter as to the meaning of the rules.” He added, “What we have done is consistent with the rules framework, but even if it were not, the NEC still has the power to go

against the rules framework.”

Regarding the imposition of the retroactive freeze date, Sheldon said, “That is entirely an operational matter which must be left to the NEC to determine because it knows the state of the party.”

A “quarter of the membership have joined in two weeks” and there could have been “manipulation of the democratic process” and “It cannot be unreasonable to try and avoid that, said Sheldon.

Ever since his election, Corbyn and his allies in the party leadership have facilitated every move against him in the name of ensuring “party unity” with the right wing. This culminated in the PLP coup, which began immediately after the June 23 referendum vote for the UK to leave the European Union.

The refusal of the Corbyn leadership to fight the right, who in contrast will stop at nothing to remove him from office, was never clearer than in the courtroom yesterday. David Goldstone QC, the barrister representing the five members, while contending that if the NEC’s decision stood, it would be “dangerous” and allow “scope for abuse”, denied the case was about “politics.”

There was only the possibility that “manipulation of the eligible electorate *might* take place by those with the power to determine the relevant procedures” in the “*future*.” Goldstone said in his summing-up argument, “There are obvious dangers with powers that allow for retrospective exclusion of existing members from the franchise.” He assured the court, and Labour’s right wing, “We’re not suggesting anything of the sort here.”



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