

UK Court of Appeal sanctions mass disenfranchisement of Labour Party members

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The Court of Appeal (CoA) in London has handed down a politically motivated ruling supporting the Labour Party National Executive Committee (NEC) in excluding up to 150,000 members from voting in the upcoming leadership contest.

The ruling by Lord Justice Beatson, Lady Justice Macur and Lord Justice Sales overturns that handed down Monday in the High Court by Justice Hickinbottom that new members were entitled to a vote in the contest.

Hickinbottom's ruling was made after five Labour Party members protested the NEC's decision to exclude them and took legal action. The CoA ordered the five members to pay the Labour Party £30,000 in costs within 28 days. These include a person named only as FM, as he is under 18 years of age.

The NEC spent upwards of £200,000 of Labour's subscription income in an operation designed to disenfranchise a broad swath of party members. The CoA ruling is a political decision backing the attempted coup by the Blairite right-wing of the party against leader Jeremy Corbyn, who was elected just 11 months ago on a platform of opposing austerity, militarism and war.

The right-wing on Labour's NEC took the decision to impose a retrospective freeze date of January 12; meaning that those who joined after this date, up to July 12, would be prevented from voting. Given the wide support that Corbyn has among Labour members and supporters, the majority of those disenfranchised would be in favour of him remaining leader.

The plotters then stipulated that new members and supporters who wished to vote in the leadership election had to pay £25 (up from £3) during a two day window last month. In response, some 183,000 people paid up, generating income of £4.5 million, which the

right-wing hope will contain a greater number ready to support leadership challenger Owen Smith—though indications are that most support Corbyn. In addition, 187 Constituency Labour Parties have so far nominated Corbyn to be leader, compared to just 27 for Smith.

The NEC, which has carried out this attack on democracy, has already been repudiated by the party's membership. On Tuesday, it was announced that Corbyn's supporters won all six positions up for grabs in the latest elections to the 33-member NEC—giving him a clear majority on the body.

Announcing the ruling, Lord Beatson said the panel unanimously decided that Hickinbottom “erred in law”. He said, “On the correct interpretation of the party rules, the national executive committee has the power to set the criteria for members to be eligible to vote in the leadership election in the way that it did.”

The appeal was in fact brought by the NEC's Procedures Committee, which is charged with overseeing the leadership election process. Its Returning Officer is the party's general secretary and leading opponent of Corbyn, Iain McNichol. The five members sued McNichol as the representative of those who made the decision removing their right to vote.

The Procedures Committee challenge to Hickinbottom's ruling was pushed through by another coup plotter, Labour deputy leader and red-baiter Tom Watson. Another member of the Committee is Margaret Beckett—widely despised for her ongoing support for the Iraq War and its co-architect, the war criminal and former Labour leader Tony Blair. Another, Glenis Willmott MEP, is the chair of the European Parliamentary Labour Party. On June 29, Willmott signed a letter in the name of the majority of Labour's 20 MEPs demanding that Corbyn resign. This followed the mass resignations by right-wingers from

Corbyn's Shadow Cabinet and a vote of no-confidence in him by 172 MPs—the overwhelming majority.

A central aim of the Blairites in attempting to remove Corbyn is the reversal of the June 23 referendum vote for the UK to leave the UK. Willmott's letter stated, "We have very serious concerns in the light of Labour's defeat in the referendum campaign." She accused Corbyn, citing "an official Labour briefing document" that promoted "the Leave campaign" while Corbyn campaigned for a Remain vote. Owen Smith is pledged to hold a second referendum on EU membership.

In ruling for the NEC, the judiciary has now lined up behind a plot that has the backing of the UK and US intelligence services and is supported by the BBC, the *Guardian* and all sections of the media.

After ruling in favour of the five members and reluctantly granting the right to appeal, Hickenbottom warned, "I have taken the firm decision that the rules do not give the NEC the power to restrict the voting rights of members as it purported to do. I am not sure I am convinced that the contrary is arguable."

Rule changes introduced by former Labour leader Ed Miliband, in place for several years, state that a major benefit of membership is the ability to vote in leadership elections. This was made clear on Labour's web site to encourage people to sign up. Hickenbottom observed, "For the Party to refuse to allow the Claimants to vote in the current leadership election, because they have not been members since 12 January 2016, would be unlawful as in breach of contract."

In contrast, on three occasions, the CoA judgement cited favourably obscure clauses and the rule book's Appendices regarding the concern of the Labour apparatus with "entryism" and "packing of the party" with forces hostile to the party and its programme.

In his submission to the appeal, the NEC's barrister, Clive Sheldon QC, cited Appendix 2 of the party's rule book, 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."

Claiming there are "several problems" with Hickenbottom's "approach to the contract in the Rule Book", the CoA ruling says of a party with over 500,000 members, "*The first is that it proceeds from an*

assumption that members have the right to vote... The rules do not, however, provide that all members can vote." [emphasis added]

Following the verdict, WikiLeaks revealed that one of the CoA judges, Lord Justice Sales, has a clear conflict of interest as he was recruited as Junior Counsel to the Crown after Labour's victory in the 1997 general election by Tony Blair himself. Justice Sales used to be a practising barrister at law firm 11KBW, the former chambers of Blair. In 2005, Sales legally defended the Labour government's opposition to holding an inquiry into the Iraq war.

However, more is at stake here than personal connections. The judicial arm of the state has intervened to safeguard the Labour Party as a trusted political instrument of the state, and defend those who police it from any undue influence from its members.

This denial of the right to vote to a quarter of the party's membership is proof that the working class has been wholly disenfranchised and has no means whatsoever of defending its interests either through parliament or the Labour Party. Yet even this does not rouse Corbyn to action, despite his declared aim of transforming Labour into a political voice for working people. Corbyn, who took time on Friday evening to congratulate the British Olympic teams' cycling victory, made no pledge to fight this legal onslaught. What really motivates him is the defence of Labour's grip on the working class.

Instead, a spokesman for Corbyn stated blandly, "We think that this is the wrong decision—both legally and democratically," before making yet another appeal to the Blairites by pleading, "If we are to build a big, inclusive party to take on the Tories, we need to secure democracy in our party."



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