

The killing of Joy Gardner: A Workers Inquiry is needed

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The International Communist Party calls on all workers and youth to support the Workers Inquiry it has initiated into the death of Jamaican mother, Joy Gardner, during an immigration raid at her home on Wednesday July 28, 1993.

The trial of three police officers charged with her manslaughter, which ended with their acquittal on Wednesday, June 14 this year, has shown that the same capitalist state responsible for her death will not, and cannot, establish the truth.

For justice to be done, the working class must intervene on its own independent agenda. Workers and youth, black and white, must take responsibility for clearing the name of Joy and her family and exposing the facts of this case.

This is the purpose of the Workers Inquiry. It will reveal the truth about how Joy Gardner died and who is responsible. It will carefully gather all the evidence and take testimony from those who knew Joy and all those who face similar attacks.

For the first time ever, working people will be able to hear the truth about a death at the hands of the police. They will gain an insight into the workings of the capitalist state and its role. For the first time ever, workers will be able to examine the conditions facing immigrant workers, particularly the state repression directed against them. They will be able to investigate the relationship between this and the situation facing working people as a whole.

Above all, the Workers Inquiry will deal a powerful blow against attempts to divide workers and youth along racial and national lines. It will strike at the heart of the right-wing course being taken by the ruling class, epitomised in its anti-immigrant and racist legislation. This will contribute to changing the political atmosphere and show the political strength of the working class, when it is organised as a united and conscious force. In this way it will provide the working class as a whole with the means to end all forms of state repression.

What are the facts?

On Wednesday, July 28, 1993, at 7.40 a.m., two van loads of police arrived outside Joy's first floor flat in Crouch End, north London to deport her and her five-year-old son, Graeme, to Jamaica that day. Twenty minutes later, the 40-year-old mother of two was dead.

Six officers—two local policemen, one immigration official and three members of Scotland Yard's secretive Alien Deportation Group, SO1(3)—cut through the security chain and forced their way into her home. One officer, PC Whitby, shouted "deck her" and, in full view of her child, Joy was forced, face down, to the floor, breaking both a chair and her watch. She was then turned on her back and leather restraint belts were wrapped around her ankles, waist and thighs and her wrists handcuffed.

Finally, some 13 feet—two reels—of adhesive tape was wound around her mouth as a gag. Joy was left lying face down in this position, as police officers began to bundle up some of her possessions. She rapidly lost consciousness. Within five minutes, police checked her pulse and found none.

At 8.46 a.m. she was admitted to Whittington Hospital, Hornsey. Throughout the next three days Joy remained brain dead, her "life" only maintained through a ventilator. On Sunday, August 1, when it was clear that there was no hope of improvement, her life support was ended. She was finally buried five months later on Friday, December 17, 1993.

The three police officers involved in her attempted deportation were not charged until more than one year later, on November 23, 1994. Finally, some 23 months after her life was ended, they were cleared of all charges and returned to duty.

A woman's life has been ended in the most brutal way; a son has lost his mother; nobody is to be held responsible.

How and why did this happen? What is the broader significance? Only to the extent that the fundamental causes become clear, will the means of preventing this from ever happening again also become clear.

The trial has proved the necessity for an independent Workers Inquiry. The acquittal of PCs Whitby and Burrell and Detective Sergeant Evans is simply the end product of a cover-up that began the moment Joy was admitted to hospital almost two years ago. Throughout, all the mechanisms of the capitalist state have been employed to exonerate those implicated and conceal the truth.

No action has been taken against either the immigration department or the Home Office responsible for deportations. Even the three police officers involved were initially just suspended on full pay while a police inquiry was put into motion! Then the results of this fake investigation were held up for more than seven months. Metropolitan Police Commissioner Paul Condon stated that he had "always known that there would be a very small number of the most difficult deportations where the exercise of force would be necessary" and that the three Scotland Yard detectives would not be "sacrificed to political correctness."

The media played an essential role in the whitewash. From the very start, they conducted a systematic character assassination of the dead woman. Right-wing Tory MP, Teresa Gorman, stated on BBC radio that Gardner was a scrounger who had cost taxpayers thousands of pounds. Joy was vilified as a "dangerous" and "violent" person. This slanderous campaign was aimed at shifting the question on to whether such force "was reasonable in the circumstances," not whether it should ever have happened at all. Its purpose was both to stifle any outcry and create a political atmosphere conducive to the state, should the case be forced to trial. Any person or organisation that even criticised the police or immigration department was denounced as a political provocateur, intent on causing trouble. Even before any investigation had begun, Joy Gardner had been found guilty of causing her own death! One of the first tasks of a Workers Inquiry must be to expose this tissue of lies.

Who was Joy Gardner?

Joy's family have lived in Britain for more than 30 years. Her mother, Myrna, arrived in London from Jamaica on New Year's Day, 1961. She was one of the thousands of West Indians who came to Britain for work. They had been encouraged to enter by the British government, which was trawling its former colonial possessions for a plentiful supply of cheap labour. Like many other young women in similar circumstances, Myrna had to leave Joy—then seven years old—behind with her grandmother.

Joy entered Britain legally on a six-months visitor pass in 1987, to join her mother. Her son, Graeme, was born in Britain in 1987. She married a British subject and applied for permission to stay. In 1990 this application was rejected, and a deportation order was served. The Home Office stated that although her son was born in Britain, he would not be entitled to citizenship and would be included in the deportation. Joy sought to challenge the order. In the meantime, she attended college, studying to be a journalist. Neither Joy nor her solicitor were informed in advance that her challenge had failed, and the deportation would be enforced.

Her terror at being confronted, without warning, by six officers intent on immediately bundling her and her son out of the country can only be imagined. But the use of special deportation snatch squads is not unusual. Although it was the first time that a gag was applied in a person's home, Home Office figures show that this method was used in at least six previous deportation cases in the preceding two years. The Alien Deportation Group (ADG), just one of the squads involved in deportation, had used body-belts and handcuffs in 27 cases during the previous 12 months. In 102 of 139 cases, handcuffs were applied.

Death during restraint is not unusual. On the same day that officers raided Joy's home, an inquest into the death of asylum seeker Oliver Lumumba, from Zaire, was being heard. Lumumba, like many other asylum seekers, had been held in jail awaiting expulsion. The inquest found that he was "unlawfully killed" whilst being forcibly restrained and stripped by seven prison officers. No one has ever been charged for his death.

Joy's death was not an "unfortunate accident." It was the inevitable result of the anti-immigration policy of the British ruling class that depends upon the use of—now legally sanctioned—state violence.

What are the causes?

Joy was a victim of the capitalist profit system which is creating a social catastrophe across the globe. She left the poverty of Jamaica to try and find a better life for herself and her son. Millions more leave in similar circumstances and worse. Of a world population of 5.6 billion, 1.1 billion are in absolute poverty—defined as living on just over 75p a day. In addition, huge numbers of people are turned into refugees through civil war or political persecution. According to the United Nations more than 43 million people, 10,000 every day, have been driven from their homes and become refugees since 1992.

Faced with the colossal scale of human misery and suffering which its system has created, the ruling class is adopting increasingly brutal and repressive measures. Just two days before Joy died, the Immigration and Asylum Bill, 1993 became law. This legislation effectively ended the right to appeal against refusal of entry into Britain. It was passed by Parliament in record time with a margin of just 50 votes. Since then the number of

refugees held in camps or prisons has risen by 250 percent. Some 5,000 people were deported in 1993 and in the 15 months following the passage of the Asylum Act, 75 percent of all applications were rejected.

In every country the most vicious measures are being introduced. The policy of the European Union was summed up by French Prime Minister Eduard Balladur as "zero immigration." John Major has called for Fortress Europe to have a "strong perimeter fence." In March this year, the Schengen Treaty became effective in Europe. While apparently lifting border controls between seven of the 15 European Union countries, it creates an inner ring of fortifications against immigrant workers. To police this, a continent-wide electronic surveillance network has been established which already contains data on two million people. Britain only opposes this treaty because it is not restrictive enough!

The ADG functioned as a secretive group, with virtually unlimited powers. The dangers posed by the existence of such bodies and these developments to the democratic rights of all working people are only too obvious.

Why is the state being strengthened?

In his summing up, the trial judge stated that the case did not have a "political, nor even a racial" dimension. This is a lie.

Capitalism has proved itself incapable of providing increasing numbers of workers and youth with secure and well-paid jobs or training. Basic services such as health and education are being gutted. The source of these attacks lies in the economic crisis of the profit system. Today the profits of the bankers and transnational corporations are made only by destroying the social conditions of the working class. Unable to provide a future for millions of working people, the ruling class are turning to the methods of state terror and repression to preserve their rule.

Black and immigrant workers make up the most oppressed section of the working class. It is for this reason that state repression is directed initially against them. But this is just the precursor of state violence against the entire working class.

In the two years since Joy's death, laws normally associated with military dictatorships have been passed. The Prevention of Terrorism Act, supposedly passed to combat terrorism in Ireland, was made permanent. In November 1994, the Criminal Justice Act became law. This effectively criminalised all gatherings not sanctioned by the state; made it a punishable offence to disobey the instructions of a senior police officer and removed the right to silence. It sanctioned the opening of "child jails" for those aged 10 and up and enabled the police to mount indiscriminate stop and search operations modelled on the old notorious SUS laws. This, combined with the introduction of new police batons, led to 30-year-old Brian Douglas being beaten to death by police in south London earlier this year.

New measures being proposed against immigrants will see teachers, doctors and civil servants turned into a "second tier" of the Home Office Immigration Department. They will have to report on anyone they believe is not in the country legally.

Vicious immigration laws are only the most open expression of the nationalist agenda of the British ruling class, denouncing "foreigners" as enemies, rivals and a threat to "the nation." This propaganda serves several purposes. It is used to divide the working class and tie it to the trade and, ultimately, military war preparations of the ruling class. By scapegoating black and immigrant workers for the social crisis, it aims at mobilising backward forces as "shock troops" against all those deemed to be the "enemies of society"—immigrants, workers, the unemployed, the poor and capitalism's political opponents. One month before Joy's death,

Tory MP Winston Churchill made the first of his racist tirades against immigrants “flooding Britain’s cities” and sympathising with the “native English” as an “ethnic minority in their own land.” Three months later the fascist British National Party (BNP) won their first council seat in London’s east end.

Who is responsible?

The Labour Party and the trade unions have a double responsibility for this situation. Firstly, their refusal to defend workers’ hard-won gains and their servile defence of the capitalist nation-state has created the social and political climate for these attacks. Secondly, they are at the forefront of demanding Britain be defended against “foreign rivals,” whilst spreading the poisonous lie that workers in other countries are responsible for unemployment, factory closures, etc. Not once have they ever defended the democratic rights of immigrant workers. On the contrary, Labour introduced the racist Immigration Act of 1968 and sanctioned those introduced by the Tories.

A critical role in enabling the whitewash to proceed this far has been played by Labour “left” MP for Tottenham, Bernie Grant and middle-class radical groups such as the Socialist Workers Party.

Just two hours after Joy was admitted to hospital, the Metropolitan Police were on the phone to Grant for help. They were terrified that Joy’s death would ignite an explosion of anger similar to that which shook the north London area in 1985 when another West Indian mother, Cynthia Jarrett, was killed during a police raid on her home. The police hoped to use Grant’s reputation for making “radical” sounding noises to defuse this anger and give them the time to bring the situation under control. They were right. While Grant made critical statements about Joy’s death, he was participating in meetings with Commissioner Condon, for which he earned the name “the man the Met can do business with.”

Grant has no problems combining this with his position as a Labour MP, his image as “defender of the black community” and his espousal of racial politics. His politics accepts the permanence of the capitalist profit system and the racial divisions it creates. He is therefore incapable of opposing the state forces which defend it.

Similarly, the Socialist Workers Party made demagogic speeches—“No Justice. No Peace”—whilst diverting workers and youth down the bankrupt channel of protest politics. They spread the lie that “justice” could be achieved by appeals to the very capitalist state responsible for repression. Finally, they sought to drag outraged youth behind the TUC and its various protest marches against the BNP, diverting attention away from both the state’s attacks on immigrant workers and the TUC’s responsibility for allowing this to take place.

All these organisations and individuals portray state violence as a racial, not a class question. This divides the working class and prevents it from establishing an independent class perspective—a socialist solution to state repression. It disarms the entire working class as to the real significance of the attacks on immigrant workers. The end result of this can be seen, not only in that there is no justice for Joy Gardner, but in the ongoing intensification of repressive legislation and technique.

Why a Workers Inquiry?

A “public inquiry” organised by the Home Secretary or any other representative of the capitalist state cannot win justice for Joy Gardner.

Every state-organised inquiry has not only covered up the truth but prepared even sharper state repression. The Royal Commission on Justice, for example, was set into motion in 1993 following the exposure of a whole number of frame-ups: the Guildford Four, Birmingham Six and Broadwater Farm Three. This supposedly “independent” investigation recommended the removal of the right to trial by jury and the establishing of a central DNA bank! The May Report in 1994, again supposedly established to investigate the frame-up of the Guildford Four, exonerated the legal system that had imprisoned them for nearly 15 years. A trial of some of the police officers involved ended with their acquittal.

No judge, police officer or state official can establish the truth, nor can any capitalist politician, including Labour politicians. They are all part of the system which killed Joy Gardner and terrorises many more immigrant workers every day. They all support immigration laws and defend deportations. Workers must reject all illusions that the capitalist state and its political apparatus are an instrument for achieving justice.

Only to the extent that workers do this—break with the old organisations—and rely instead on their own independent, class strength, can a way forward be found.

The convening of a Workers Inquiry is a vital step in this direction. We call on all those with evidence to contact the Committee for a Workers Inquiry and prepare to testify at the inquiry itself. We urge all those with professional knowledge of medicine, police operations, the legal system, the circumstances facing immigrant workers or social conditions to come forward and make statements.

A State Murder Exposed: The truth about the killing of Joy Gardner can be purchased here for £10, including postage (in the UK).



To contact the WSWs and the Socialist Equality Party visit:

wsws.org/contact