

Framed Shrewsbury pickets seek justice at Court of Appeal after 47 years

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Nearly half a century after their conviction for “intimidation” on a picket line, a group of former construction workers are seeking to have their sentences quashed.

On February 3 and 4, the Court of Appeal in London heard a case against wrongful conviction brought by surviving members of the “Shrewsbury 24”—militant workers active in the 1972 builders’ strike.

All 24 had participated in picketing activities on September 6, 1972 at building sites in the Shrewsbury area. The “flying pickets” travelled from site to site to speak to the workers, many of whom were not in a union, to seek support for the strike.

Six received jail terms. The two considered to be the “ringleaders”—Des Warren and Ricky Tomlinson—were given the heaviest prison sentences, of three years and two years, respectively. Others received shorter custodial or suspended sentences or fines.

The three court cases were show trials, using “conspiracy” charges to seek harsher convictions. None of the defendants was found guilty of committing any acts of violence.

All those involved were blacklisted and struggled to find work in construction afterwards.

Des Warren, who suffered years of debilitating illness because of drugs he was administered in jail, died in 2004.

The campaign has been denied justice for so long that six of the pickets have died—Des Warren, Kenneth O’Shea, Alfred James, Samuel Warburton, Graham Roberts and John Seaburg.

In the Appeal Court, lawyers representing 14 of the Shrewsbury pickets argued that the “higher echelons of the state” had been involved in their client’s unfair convictions 47 years ago. This included “covert agencies” such as MI5 and the so-called Information Research Department (IRD), whose remit included creating anti-communist and anti-union material that could be funnelled to sympathetic journalists.

According to Barrister Piers Marquis, representing Ricky Tomlinson and Arthur Murray, “At least three branches of government, the IRD, as part of the Foreign and Commonwealth Office, the Department of Employment and the Security Service” were involved in assembling a dossier on “left-wing trade unionists. At that time Des Warren was a member of the Communist Party, which enjoyed significant influence in many trade unions.

The information in the secret dossier was then supplied to the makers of an ITV programme—*Red Under the Bed*—aired on the day the prosecution completed its case against the first six pickets and repeated on the day the judge gave his summation, which Marquis argued unfairly influenced jurors in favour of conviction.

Danny Friedman QC, representing 12 of the men, told the court a senior member of the Foreign Office, which had overall responsibility for the covert IPD, was informed by the unit’s head it had “a discreet but considerable hand in the programme”. The information manufactured by the IPD had also come from the Security Service (MI5), which had been “consulted”, Friedman said.

“A covert executive agency played a part in deliberately propagandising against the core subject matter of the proceedings,” and it was “clear now that the higher echelons of the state bore responsibility for deliberate covert involvement in the production of the programme. In all the circumstances, the approach taken to broadcasting this programme has rendered the convictions unsafe,” the QC told the court.

Friedman said the appellants had been “manifestly prejudiced” by the destruction of original witness statements from the police. This fact was withheld from the defence at the time of the trials, meaning the pickets’ defence was “manifestly prejudiced by not being able to seek to investigate these matters before the jury”, Friedman said.

The court heard that the original statements had been taken “before [police] officers knew what they were trying to prove,” according to a note of a meeting between investigating officers and the prosecution.

According to Paul Heron, a solicitor acting for Tomlinson and Murray, the arguments presented in court painted “a damning picture of the secret state and its manoeuvres against the national builders’ strike and more particularly the Shrewsbury 24.”

He said the evidence showed “that the state was active in criminalising those picketing for better pay, health and safety.”

“Such disturbing findings must be echoed and condemned throughout our country so that similar state efforts may not be deployed again in these times of austerity and hardship when struggles emerge.”

1972 saw a massive rise in militant working-class struggles. The year began with a strike by miners demanding a pay rise, which brought them into direct confrontation with the Conservative government of Edward Heath. The strike lasted 50 days, and saw power cuts and blackouts, with the government declaring a state of emergency on February 9. The miners eventually secured a 27 percent pay increase.

Miners had shut down power stations and coal depots by deploying mass “flying pickets”, in the case of the Saltley Gate coke depot involving 15,000 when striking miners were joined by striking engineers, far outnumbering the 500 police officers on duty.

On July 21, five dock-workers shop stewards were arrested on warrants issued by the National Industrial Relations Court—introduced by the Tory government—for unofficially striking and picketing the Chobham Farm container depot. The jailing of the five at Pentonville led to massive protests and strikes at other docks, with the Trades Union Congress (TUC) calling a one-day general strike for July 31.

Fearing such a strike could provide a focus for wider grievances, the government instructed the Official Solicitor, a little-known civil servant, to order the release of the “Pentonville Five”, as they were known following their incarceration in the eponymous jail.

On July 28, 42,000 dockers began an official strike to defend jobs, particularly against the threats posed by containerisation. A week later, the government declared its second state of emergency. The strike was ended by the Transport and General Workers Union on August 17.

Building workers were seeking improved pay and conditions, and above

all an end to the hated casual employment system known as the “lump.” This greatly benefited the employers, who received generous tax breaks to promote the scheme, which meant building workers were not directly employed by the construction companies but were essentially self-employed sub-contractors, without employment rights.

In May, the unions representing the many different construction trades within the National Joint Council for the building industry had submitted a claim for a basic weekly wage of £30 and a 35-hour week. This was rejected by the employers and a national strike was called in May, which closed down larger sites in the main cities.

When an all-out strike was called in August, militant workers such as Warren and Tomlinson began organising flying pickets at smaller building sites, which proved highly effective. The employers were forced to grant substantial increases in basic pay, though there was no reduction in the working week.

The case contains important lessons for today.

The legal persecution of the Shrewsbury 24 certainly involved a conspiracy on the part of the employers, the Tory government and the state, but the ruling class was aided and abetted by the Labour Party, the trade union leaders and the Communist Party.

The construction industry employers compiled an “Intimidation Dossier” that it sent to the then Tory Home Secretary Robert Carr with the intention that the law be changed to illegalise the use of “flying pickets”, which had proved so effective in both the miners’ and builders’ strikes.

In a *Financial Times* article, the paper wrote that the document was “flawed” and unable to substantiate the allegations of violence and intimidation it raised. “The publication reads more like a politically motivated pamphlet than a serious study,” the article concluded.

However, despite picketing having been carried out numerous building sites up and down the country, the massive police investigation ordered by the home secretary was focussed solely on the McAlpine site in Shrewsbury on September 6, 1972. (Company chief, Robert McAlpine was highly connected politically, becoming Conservative Party treasurer in 1974.)

Not a single picket was arrested that day in Shrewsbury, despite the presence of the police at the site, as evidenced in many photographs.

Following the police dragnet on the orders of the home secretary, in February 1973, 24 of the Shrewsbury pickets were arrested and charged with a total of 210 offences.

The decision to make an example of the pickets was political, as demonstrated by the decision to use the Conspiracy and Protection of Property Act 1875, under which all those arrested were charged. However, six of the pickets were singled out and charged under the common law offence of conspiracy (to intimidate), which enables far harsher sentences.

The plot against the Shrewsbury pickets reached into the very highest offices of state. A secret official memo dated November 21, 1973 from the IRD, headed “Red under the Bed,” brags that it had “a discreet but considerable hand in this programme” and had been in “close contact” with the programme maker, arch anti-communist, and former Labour MP Woodrow Wyatt. The memo has the annotation, “Well done. A good effort.”

When the memo was later presented to Prime Minister Edward Heath, with the recommendation from his private secretary that he “may like to glance through this transcript of Woodrow Wyatt’s ‘Red under the Bed,’ Heath wrote in the margin, “We want as much as possible of this.”

Most damning in the fate of the Shrewsbury pickets is their treatment at the hands of the Labour government of Harold Wilson, which entered office in March 1974 following a second miners’ strike. Heath had fought the election under the question, “Who runs the country—the government or the unions?”

With Des Warren and Ricky Tomlinson still in jail, Wilson and Home Secretary Roy Jenkins refused to overturn their sentences.

The trade union leaders were equally complicit in the two remaining in jail. In his memoir, Des Warren was to write, “the TUC leaders had the key to my cell in their pocket all the time and refused to use it”.

The Stalinist Communist Party (CP), of which Warren remained a member during his incarceration, played a particularly filthy role.

He and Tomlinson had, correctly, regarded themselves as “political prisoners”, and refused to wear prison clothes. They also undertook a series of protests and other forms of non-cooperation to highlight their demand for political status as part of the campaign for their release.

Communist Party industrial organiser Bert Ramelson played an instrumental role in persuading Tomlinson and then Warren to end the protest by manipulating their concern for one another’s fate. Warren blamed a doctor, who was a CP member, for persuading him to take medication, known as the “liquid cosh”, that kept him docile in prison and contributed to his ill-health later in life. The CP refused to publish a pamphlet written by Warren in 1977, *Shrewsbury: Who’s Conspiracy?*

Fifty years later, the hypocrisy of the Labour and trade union leaders and the Stalinists knows no bounds.

Unite General Secretary Len McCluskey tweeted about his pride in supporting Des Warren and the Shrewsbury 24. Meanwhile, the union over which he presides has overseen countless betrayals of workers’ struggles and allows its members to daily face the risk of death from coronavirus in non-essential workplaces.

Unsurprisingly, in its coverage of the appeal case, the *Morning Star* said nothing of the abandonment of Des Warren by the Communist Party some 50 years ago.

The Shrewsbury 24 campaign has the backing of Labour members through Constituency Parties that are affiliated to it, but not the support of the parliamentary party. Labour, under Sir Keir Starmer, have made no official statement supporting the attempts by the remaining Shrewsbury pickets to have their convictions quashed.

Labour, in opposition, pledged in its 2015, 2017 and 2019 election manifestos to release all papers on the Shrewsbury 24 trials, but under conditions in which most Labour MPs refused to back the demand.

In 2015, Labour was led by Ed Miliband, while its 2017 and 2019 manifestoes were published under nominal “left” leader Jeremy Corbyn. Corbyn has authored several Early Day Motions in Parliament on the Shrewsbury 24 campaign. In 2009, just 45 Labour MPs backed the EDM of more than 350 elected in 2005. Two Labour MPs who backed it later withdrew their support. By 2012, another EDM authored by Corbyn had the support of just 51 Labour MPs of 258. A non-binding backbench debate held in the House of Commons in January 2014 voted by 120 to 3 to release the papers relating to the case, at a time when Labour had nearly 260 MPs.



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