

UK: Shrewsbury pickets convictions quashed after nearly 50 years

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Building workers known as the “Shrewsbury 24” have had all convictions against them quashed in the UK’s Court of Appeal.

Originally sentenced in three trials held in the 1970s on a variety of charges following mass picketing, including unlawful assembly, conspiracy to intimidate and affray, the Shrewsbury 24 maintained their innocence from the start.

After earlier hearing submissions from lawyers representing 14 of the pickets and from the Crown, the Vice-President of the Court of Appeal (Criminal Division) Lord Justice Fulford ruled Tuesday that the verdicts in the three trials were unsafe and could not be upheld.

This exoneration took half a century due to the determination of Britain’s ruling elite to defend a legal travesty and a crime against the working class. It came too late for six of the 14 appellants, who died before hearing the verdict. Des Warren, the picket given the harshest sentence—three years imprisonment—died prematurely in 2004, following years of debilitating illness due to the drugs he was administered in jail.

Speaking after the appeal verdict was announced, picket and now actor Ricky Tomlinson, sentenced to two years imprisonment alongside Warren, said “It is only right that these convictions are overturned,” adding, “my thoughts today are with my friend and comrade Des Warren”.

Arthur Murray, convicted of unlawful assembly and affray and sentenced to six months, said, “We were innocent all along, yet it has taken us nearly fifty years to clear our names”. Murray said the prosecution of the Shrewsbury pickets was “a political witch-hunt” and that “serious questions needed to be asked about the role of the building industry bosses in our convictions and the highest offices of government who all had a hand in our trial and conviction”.

Terry Renshaw, one of 24 men arrested, said, “We never thought we would see this day when this miscarriage of justice was overturned. The police and the prosecuting authorities used every trick in the book to secure guilty verdicts even if it meant trampling over our rights and manipulating the evidence”.

The 30-page ruling by Lord Justice Fulford, together with Mr Justice Andrew Baker and Justice Goose, provides a devastating indictment of the police responsible for bringing the charges against the Shrewsbury 24.

On September 6, 1972, building workers had deployed “flying pickets” to nine construction sites in the Shrewsbury and Telford area to win support for the national strike seeking a substantial pay rise and an end to the iniquitous system of casual employment dubbed as “The Lump”.

At one, Kingswood, the pickets were threatened with a shotgun by the site foreman.

However, as the court ruling notes, “Police officers accompanied the pickets to many of the sites, but no arrests were made at the time... available extracts from the police radio communications do not suggest there were any significant concerns over public order as events unfolded.”

Five days later, September 11, Philip Smith, the Regional Director of the National Federation of Building Trades Employers (NFBTE), wrote to the West Mercia Police complaining of their failure to act against the pickets. He referred to them as “terrorists” and alleged that a “mob” had been able to “carry out violence on this scale with apparent impunity”.

The national strike was ended on September 16, with building workers winning a significant pay increase from the NFBTE.

Determined to make an example of the most militant workers, such as Warren and Tomlinson, responsible for the especially effective tactic of the flying picket, the employers constructed an “Intimidation Dossier”, which they sent to the Chief Constable of West Mercia Police and the Conservative Party Home Secretary Robert Carr.

On December 18, 1972, the West Mercia Constabulary produced a report, “Disorderly conduct by pickets at building sites in Shropshire on Wednesday 6th September 1972.” The document was sent to the Director of Public Prosecutions. It alleged that the police had been unprepared for the “massive disorder” on the part of the flying pickets. (Lord Justice Fulwood notes that the report only “first became available for the purposes of the present proceedings in March 2017”, following a Freedom of Information request.)

The police then began to interview many of the pickets and others about the events of September 6. In November, 31 men were arrested, but then released without charge. In February 1973, 24 of the pickets were either rearrested and charged or summonsed with offences arising from the picketing.

The court ruling by Lord Justice Fulford provides a clear account of how the police had constructed the case against the Shrewsbury 24 and then manipulated evidence that could have helped their defence at the time. This involved returning to potential witnesses, in some cases months after their initial statement had been taken and showing them photographs the police had obtained from local press coverage of the day’s events. Lord Justice Fulwood noted that the photographs were shown to all the witnesses and cited the West Mercia report above, “with a view to identifying persons involved in disorderly picketing”.

Witnesses were then invited to make a new statement, while their original statement was destroyed.

A crucial piece of evidence of the police frame-up cited in the Appeal Court was uncovered by Eileen Turnbull, the researcher for the Shrewsbury 24 Campaign. This was a document found in the

National Archive, a note of a September 17, 1973 meeting at the house of Maurice Drake Q.C., the counsel for the Crown, with officers from the West Mercia Police:

“So that Counsel would be aware it was mentioned that not all original hand written statements were still in existence, some having been destroyed after a fresh statement had been obtained. In most cases the first statement was taken before photographs were available for witnesses and before the Officers taking the statements knew what we were trying to prove.”

When it came to the trials, the witness statements provided to the defence were the “final” versions, with no mention of any previous iterations.

Lord Justice Fulwood made short shrift of the argument of the Crown lawyer in the appeal hearing, who claimed that since the statements provided in the evidence bundles would have included all the information from the previous versions, the defence was not prejudiced in any way. Lord Justice Fulwood wrote that he saw “no basis for concluding that the content of a destroyed witness statement would necessarily have been preserved in its replacement. Indeed, we would suggest that the opposite may—indeed, was likely—to have been the case, given the destroyed statements in all probability had a different focus than their later iterations, since they were taken before photographs were available and before the officers taking the statements knew what the Crown were seeking to prove.”

He noted that one of the “vital means of demonstrating that an eyewitness is unreliable” was through a “careful examination of the opportunities the individual had for observation; their powers of perception and memory; mistakes they have made in recalling and recording what occurred; inconsistencies in their evidence; and omissions or inconsistencies revealed in, or by, previous statements.”

Since the case against the appellants was “essentially based on the testimony of eyewitnesses”, the defence lacked a key piece of evidence in planning its cross-examination of witnesses to establish the verity of their account—knowledge of their previous statements.

It was this that led the appeal court to conclude the original verdicts were unsafe and could not be upheld.

The justices dismissed the second grounds of appeal, that the ITV broadcast of news documentary “Red under the Bed”, transmitted just as the prosecution in the first trial closed its case, would have prejudiced the jury against the defendants.

Describing the programme as an “avowedly anti-communist exercise in journalism”, which had presented a picture of a “new and alarming phenomenon: ‘violent picketing and intimidation’,” and even included the allegation that union leaders turned a blind eye to threats of murder, Lord Justice Fulwood said he was confident jurors who had seen it would not have been prejudiced against the appellants, “Given the political climate of the early 1970s and the clear issues in the case”.

Speaking for the establishment, the Lord Justice dismissed the defence’s case, saying that the involvement of the government in preparing the programme, via a secret dossier given to the programme-makers prepared by the murky “Information Research Department,” was “irrelevant” and had not prejudiced proceedings.

The quashing of all the convictions of the Shrewsbury 24 is to be welcomed. It confirms the serious injustice done to a militant section of workers. However, the Labour Party and the trade unions can take no credit for this whatsoever.

The Labour government entered office in March 1974, with Prime Minister Harold Wilson and Home Secretary Roy Jenkins refusing to

overturn the sentences of Warren and Tomlinson.

After remaining silent throughout the appeal process, only after the verdict was announced did Labour leader Sir Kier Starmer open his mouth, calling the result a “huge victory”.

Speaking for the union bureaucracy, Unite General Secretary Len McCluskey said he saluted “the heroic men and their families and their enormous courage in taking on the apparatus of the state,” something anathema to any trade union leader.

Were Des Warren alive to celebrate this victory, he would have other words to describe the filthy role played by the Labour and trade union bureaucracy, aided by the Communist Party in the fate suffered by him and his fellow pickets. In his autobiography, *The Key to My Cell*, he wrote:

“I feel bitterness, anger and loathing when I think of some of our trade union ‘leaders’ bemoaning the nation’s ills and how the workers must endure a cut in their living standards in order to save the country from disaster—even my kids would recognise that as a load of crap. Their phoney dealing with the government (which is holding me prisoner) is to batten down the working class and force them to accept capitalist answers to capitalism’s problems. Leaders? As far as I can see the only time some of them take a lead is when they go to the front of the queue when honours are dished out.”

The Workers Revolutionary Party (WRP), then the British section of the International Committee of the Fourth International, and its youth section the Young Socialists conducted a vigorous campaign to defend the Shrewsbury pickets. Party members were instrumental in establishing the Wigan Building Workers Action Committee, which organised a march from Wigan to London demanding “Free the Shrewsbury 2”—Des Warren and Ricky Tomlinson. By the time the march reached London, its size had swelled to over 10,000, attracting support from many sections of workers as well as young people.

It was this principled stand which convinced Des Warren to resign from the Communist Party and join the Trotskyist movement.



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